



Original: **French**

No.: **ICC-01/04**
Date: **29 July 2008**

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

With confidential annexes available only to the Legal Representative

Execution of Presidency Order ICC-01/04-523 of 18 July 2008

Source: The Registrar

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Joseph Keta

Mr Jean Louis Gilissen

**The Office of Public Counsel for
Victims**

Paolina Massidda

Registrar

Silvana Arbia

Division of Victims and Counsel

Didier Preira

Victims Participation and Reparations

Section

Fiona Mckay

THE REGISTRAR of the International Criminal Court (“the Court”);

NOTING the “Request for Review of the Registrar’s Decision of 28 March 2008 on the Application for Legal Assistance Paid by the Court Filed by Mr Keta on behalf of Victims a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06 under Regulation 85(3) of the Regulations of the Court” filed on 28 March 2008¹ (“the Request”);

NOTING the Registrar’s Observations under regulation 24 *bis* of the *Regulations of the Court* in respect of the Request filed on 6 May 2008² (“the Observations”);

NOTING the order of the Presidency of the Court (“the Presidency”) dated 18 July 2008³ requesting the Registry to (i) confirm or refute the interpretation of the Registrar’s observations dated 6 May 2008⁴ and (ii) to provide it with a copy of specific letters in the correspondence between Mr Joseph Keta and the Registry;

SUBMITS the following:

I. The Presidency’s interpretation of the Registrar’s observations

1. In her Observations, the Registrar requested the Presidency “[t]o affirm that the Registrar’s decisions on the applicants’ indigence and legal assistance are subject to the submission of [...] additional information concerning the applicants’ current financial situation”;

¹ ICC-01/04-494-tENG.

² ICC-01/04-497-tENG.

³ ICC-01/04-523.

⁴ ICC-01/04-497-tENG p. 17.

2. The Presidency understands the concept of “additional information” to refer to information which was absent in the applicants’ application for indigence and legal assistance⁵ in the letters of 31 January 2008, 22 February 2008 and 7 March 2008;⁶
3. The Presidency requested the Registrar, in accordance with regulation 28(1) of the *Regulations of the Court*, to confirm or refute this interpretation;
4. The Registrar confirms the Presidency’s interpretation as meaning that the Registry is requesting additional information which is missing in the letters of 31 January 2008, 22 February 2008 and 7 March 2008 submitted by the Legal Representative;
5. Indeed, the only document which attempts to provide personalised information about each victim is annexed to the letter of 31 January 2008 (see Annex 2). By way of example, that document (i) provides vague information about the address of each of the victims, (ii) mentions a number of dependants of some of the victims,⁷ without stating either their names or their relationship to the victims, (iii) mentions pillaged or destroyed property of some of the victims, without stating the nature thereof,⁸ and does not provide any information about the victims’ profession or occupation, civil status or number of dependants;⁹
6. The Registrar submits that the missing additional information concerns information requested in the *Financial Information Form* and that it must be provided individually by each person requesting legal assistance, whether directly or via a Legal Representative, in order to enable the Registry to investigate the alleged indigence of the victims with due diligence;

⁵ ICC-01/04-523, p. 18.

⁶ ICC-01/04-523, footnote 6.

⁷ Victims a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0150/06, a/0199/06 and a/0228/06.

⁸ Victims a/0016/06, a/0031/06, a/0042/06, a/0044/06, a/0142/06, a/0150/06, a/0188/06, and a/0199/06.

⁹ Victims a/0034/06 and a/0148/06.

II. Transmission of correspondence between Mr Joseph Keta and the Registry

7. In accordance with the aforementioned order, the Registry hereby attaches the letter dated 7 January 2008 entitled "*Processus, étendue et fonctionnement de l'aide judiciaire devant la Cour*" ["Process, scope and functioning of legal assistance before the Court"] signed by Fiona McKay,¹⁰ the letter dated 31 January 2008 entitled "*Déclaration d'indigence et demande d'aide judiciaire aux frais de la Cour Pénale Internationale*" ["Statement of indigence and application for legal assistance paid by the International Criminal Court"] signed by Mr Joseph Keta and the document attached thereto,¹¹ the letter dated 22 February 2008 entitled "*Demande d'aide judiciaire aux frais de la Cour Pénale Internationale des victimes a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06: Présentation du plan d'action*" ["Application for legal assistance paid by the International Criminal Court for Victims a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06: Presentation of action plan"] signed by Mr Joseph Keta,¹² the letter dated 3 March 2008 entitled "*Re. Informations supplémentaires relatives à la demande d'aide judiciaire*" ["Re. Additional information on the application for legal assistance"] signed by Fiona McKay,¹³ and the letter dated 7 March 2008 entitled "*Informations supplémentaires relatives à ma demande d'aide judiciaire du 22 février 2008*" ["Additional information on my application for legal assistance of 22 February 2008"] signed by Joseph Keta.¹⁴

¹⁰ Annex 1.

¹¹ Annex 2.

¹² Annex 3.

¹³ Annex 4.

¹⁴ Annex 5.

[signed]

Silvana Arbia,
Registrar

Dated this 29 July 2007

At The Hague, The Netherlands