

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04**

Date: **17 December 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

Decision

on 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”

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

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda

The Office of Public Counsel for the Defence
Mr Xavier-Jean Keita

Legal Representatives of the Victims
Mr Joseph Keta

The Office of Public Counsel for Victims
Ms Paolina Massidda

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar
Mr Didier Preira

Victims Participation and Reparations Section
Ms Fiona McKay

The Presidency of the International Criminal Court;

Having before it the application of Mr Joseph Keta (“applicant”) of 14 April 2008 entitled, “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” (“Application”);¹

Noting the Decision of the Registrar of 26 March 2008, which deemed the victims represented by the applicant to be provisionally indigent, pending the outcome of an investigation into their property and assets;²

Noting the Decision of the Registrar of 28 March 2008, granting, in part, the victims’ application for legal assistance and indicating that such legal assistance was subject to the receipt of (i) a statement signed by the victims certifying on their honour the correctness of the information provided, irrevocably authorising the Registrar to take any action without having to consult them and undertaking to inform the Registrar of any change in their financial status and (ii) additional information concerning the victims’ current financial situation (“Decision of 28 March 2008”);³

Considering that by his Application the applicant requests the Presidency to set aside the requirements contained in the Decision of 28 March 2008, and apply a presumption of indigence in favour of victims;⁴

Considering the observations of the Registrar submitted on the Application on 6 May 2008⁵ and noting the submissions of the Registrar of 29 July 2008 and annexes thereto;⁶

Considering that the Registrar is currently assessing the scheme on the determination of indigence of, and the payment of legal assistance to, victims and is due to submit a report to the Assembly of States Parties on the issue in November 2009;⁷

¹ ICC-01/04-494-tENG.

² Registrar’s Decision on the Indigence 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, ICC-01/04-490-tENG, page 5.

³ Corrigendum to the “Registrar’s Decision 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”, ICC-01/04-497-Anx1-tENG.

⁴ Application, paragraphs 8, 43 and 44.

⁵ Registrar’s Observations under regulations 24bis and 34(b) of the Regulations of the Court in respect of the Request for Review of the Registrar’s Decision 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, dated 28 March 2008, ICC-01/04-497-tENG.

⁶ ICC-01/04-530-tENG and annexes. Filed pursuant to the order of the Presidency of 18 July 2008, ICC-01/04-523.

⁷ See Resolution ICC-ASP/7/Res3 of the Assembly of States Parties, paragraph 16, contained in ICC-ASP/7/20.

Renders the following

DECISION

The Application is dismissed.

The reasons for the decision will be given shortly.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, positioned above a horizontal line.

Judge René Blattmann, Second Vice-President
On behalf of Judge Philippe Kirsch, President

Dated this 17 December 2008
At The Hague, The Netherlands