



Original: **French**

No.: **ICC-01/04-01/06**

Date: **9 January 2009**

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Thomas Lubanga Dyilo***

Public Document

**Registrar's Decision on the Indigence of Victims a/0155/07, a/056/07, a/0404/08,
a/0405/08, a/0406/08, a/0407/08 and a/0409/08**

Source: The Registrar

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

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Registrar

Silvana Arbia

Deputy Registrar

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Victims Participation and Reparations Section

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THE REGISTRAR of the International Criminal Court,

PURSUANT TO article 43(6) of the *Rome Statute*;

PURSUANT TO rules 16(1)(b), 16(1)(c) and 90(5) of the *Rules of Procedure and Evidence*;

PURSUANT TO regulations 83 to 85 of the *Regulations of the Court*;

PURSUANT TO regulations 113 and 131 to 136 of the *Regulations of the Registry*;

NOTING the decisions of Trial Chamber I dated 15 and 18 December 2008¹ granting Applicants a/0155/07, a/0156/07, a/0404/08, a/0405/08, a/0406/08, a/0407/08 and a/0409/08 the status of victims authorised to participate in the proceedings of *The Prosecutor v. Thomas Lubanga Dyilo*;

NOTING the application for legal assistance paid by the Court filed by Applicants a/0155/07, a/0156/07, a/0404/08, a/0405/08, a/0406/08, a/0407/08 and a/0409/08 on 8 January 2009;

ISSUES THE FOLLOWING DECISION

CONSIDERING that Trial Chamber I granted the status of victim to Applicants a/0155/07, a/0156/07, a/0404/08, a/0405/08, a/0406/08, a/0407/08 and a/0409/08 on 15 and 18 December 2008;²

CONSIDERING that the level of information provided by the applicants varies and that there is reason to assess their circumstances separately;

¹ ICC-01/04-01/06-1556, ICC-01/04-01/06-1562.

² ICC-01/05-01/08-320.

For Applicants a/0155/07, a/0156/07 and a/0407/07

CONSIDERING that Applicants a/0155/07, a/0156/07 and a/0407/07 have not submitted the standard form by which applicants for legal assistance paid by the Court provide information concerning their moveable and immoveable assets, their occupation and the number of their dependants;

CONSIDERING, however, that a preliminary assessment of the information contained in their applications for participation in the proceedings under regulation 84(1) of the *Regulations of the Court* suggests, *prima facie*, that these applicants do not have sufficient means to pay for all or part of their legal representation before the Court;

CONSIDERING, furthermore, that in order to facilitate the investigation into their indigence, these applicants have freely authorised the Registrar or her representative to make all the necessary enquiries with, *inter alia*, financial institutions and land registries and, where applicable, to have access to their bank accounts, and undertake to inform her of any change in their financial situation;

CONSIDERING that the available information on the applicants as well as their specific authorisations to facilitate and cooperate effectively in the investigation to be carried out by the relevant services of the Registry into their financial situation allow their application to be granted at this point;

For Applicants a/0404/08, a/0405/08, a/0406/08, and a/0409/08

CONSIDERING that Applicants a/0404/08, a/0405/08, a/0406/08, and a/0409/08 have not submitted the standard form by which applicants for legal assistance paid by the Court provide information concerning their moveable and immoveable assets, their occupation and the number of their dependants;

CONSIDERING further that they have not provided statements freely authorising the Registrar or her representative to make all necessary enquiries with, *inter alia*, financial institutions and land registries and, where applicable, to have access to their back accounts in order to facilitate the investigation into their indigence, and undertaking to inform her of any change in their financial situation;

CONSIDERING that, even though a preliminary assessment of the information contained in their initial applications to participate in the proceedings under regulation 84(1) of the *Regulations of the Court* might suggest, *prima facie*, that these applicants may not have sufficient means to pay for all or part of their legal representation before the Court, the lack of specific authorisations from them for the purpose of facilitating and cooperating effectively in the investigation which will be conducted by the relevant services of the Registry into their financial situation does not currently permit granting their application;

FOR THESE REASONS

DECIDES, at this point, to provisionally consider Applicants a/0155/07, a/0156/07 and a/0407/07 wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into the Applicants' property and assets;

DECIDES, at this point, not to consider Applicants a/0404/08, a/0405/08, a/0406/08 and a/0409/08 indigent;

DECIDES that the legal assistance to be granted to Applicants a/0155/07, a/0156/07 and a/0407/07 will be determined on a case-by-case basis in accordance with the modalities of the Applicants' participation as stated by Trial Chamber I;

INVITES Applicants a/0155/07, a/0156/07 and a/0407/07 to file an application for legal assistance each time it is required to take the necessary steps to preserve their interests in the proceedings;

INFORMS the applicants that they may request a review of this decision by the Presidency within fifteen days of the date of its notification, pursuant to regulation 85(4) of the *Regulations of the Court*;

NOTIFIES this decision to Mr Hervé Diakiese in his capacity as Legal Representative of the applicants.

[signed]

Silvana Arbia,
Registrar

Dated this 9 January 2009,

At The Hague, The Netherlands