



Original: **French**

No.: **ICC-01/04-01/06**
Date: **19 January 2009**

TRIAL CHAMBER I

Before: Judge Adrian Fulford, President
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/0056/07, a/0058/07, a/0060/07,
a/0063/07, a/0188/07, a/0221/06, a/0224/06, a/0227/06, a/0229/06, a/0230/06, a/0236/06,
a/0237/06, a/0238/06, a/0239/06, a/0240/06**

Source: The Registrar

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

The Office of the Prosecutor

Louis Moreno Ocampo
Fatou Bensouda

Counsel for the Defence

Catherine Mabilie
Jean-Marie Biju Duval

Legal Representatives of the Victims

Hervé Diakiese
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Jean Louis Gilissen
Mr Jean Chrysostome Mulamba Nsokoloni
Mr Paul Kabongo Tshibangu
Mr Hervé Diakiese

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

**Victims Participation and Reparations
Section**

Fiona McKay

THE REGISTRAR of the International Criminal Court,

NOTING article 43(6) of the *Rome Statute*;

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

NOTING regulations 83 to 85 of the *Regulations of the Court*;

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

NOTING the decisions of Trial Chamber I dated 15 December 2008¹ granting applicants a/0056/07, a/0058/07, a/0060/07, a/0063/07, a/0188/07, a/0221/06, a/0224/06, a/0227/06, a/0229/06, a/0230/06, a/0236/06, a/0237/06, a/0238/06, a/0239/06, a/0240/06 (hereinafter “the Applicants”) the status of victim authorized to participate in the proceedings in the case of *The Prosecutor v. Thomas Lubanga Dyilo*;

NOTING the application for legal assistance paid by the Court filed on 23 December 2008 by the Applicants (hereinafter “the Application”);

ISSUES THE FOLLOWING DECISION:

CONSIDERING that Trial Chamber I granted the Applicants victim status on 15 December 2008;²

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

² ICC-01/04-01/06-320.

CONSIDERING the information provided by the Applicants pertaining to their moveable assets and their professional situation;

CONSIDERING that a preliminary assessment of the said information under regulation 84(1) of the *Regulations of the Court* suggests, *prima facie*, that the Applicants do not have sufficient means to pay for all or any of the costs of their legal representation before the Court;

CONSIDERING that to facilitate the investigation into his or her indigence, the Applicants have freely authorized the Registrar or her representative to make all necessary enquiries from, *inter alia*, financial institutions and land registries and, if required, to have access to their bank accounts, and have undertaken to inform her of any change in their financial situation;

FOR THESE REASONS:

DECIDES to provisionally consider the Applicants wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into their property and assets;

DECIDES that legal assistance to be granted to the Applicants shall be determined on a case-by-case basis in accordance with the modalities for the participation of the Applicants as specified by Trial Chamber I;

INVITES the Applicants to file an application for legal assistance whenever necessary to take any action required to preserve their interests in the proceedings;

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

NOTIFIES this decision to Mr Joseph Keta in his capacity as Legal Representative of the Applicants.

[signed]

**Silvana Arbia,
Registrar**

Dated this 19 January 2009

At The Hague, the Netherlands