



Original: **French**

No.: **ICC-02/05-02/09**

Date: **20 October 2009**

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. BAHAR IDRIS ABU GARDA***

Public Document

Decision of the Registrar on the Indigence of Victims

**a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0563/09, a/0564/09, a/0565/09,
a/0566/09, a/0567/09, a/0568/09, a/0569/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09,
a/0574/09, a/0575/09, a/0576/09, a/0577/09, a/0578/09**

Represented by Mr Franck Adaka

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 Louis Moreno Ocampo

Mr Essa Faal

Counsel for the Defence

Mr Karim A. A. Khan

Legal Representatives of the Victims

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Mr Franck Adaka

Legal Representatives of the Applicants

**The Office of Public Counsel for
Victims**

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

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

**Victims Participation and Reparations
Section**

Fiona McKay

THE REGISTRAR of the International Criminal Court,

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

PURSUANT TO rules 16(1)(b) and (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 decision of Pre-Trial Chamber I dated 8 October 2009¹ granting applicants a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0563/09, a/0564/09, a/0565/09, a/0566/09, a/0567/09, a/0568/09, a/0569/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09, a/0574/09, a/0575/09, a/0576/09, a/0577/09 and a/0578/09 the status of victims authorised to participate in the proceedings in *The Prosecutor v. Bahar Idriss Abu Garda*;

NOTING the application for legal assistance submitted by Mr Franck Adaka on 16 October 2009 to ensure the legal representation of applicants a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0563/09, a/0564/09, a/0565/09, a/0566/09, a/0567/09, a/0568/09, a/0569/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09, a/0574/09, a/0575/09, a/0576/09, a/0577/09 and a/0578/09 at the Confirmation of Charges hearing of Mr Abu Garda;

ISSUES THE PRESENT DECISION

¹ ICC-02/05-02/09-147.

CONSIDERING that Pre-Trial Chamber I granted victim status to applicants a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0563/09, a/0564/09, a/0565/09, a/0566/09, a/0567/09, a/0568/09, a/0569/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09, a/0574/09, a/0575/09, a/0576/09, a/0577/09 and a/0578/09 on 8 October 2009;²

CONSIDERING the information provided by applicants a/0563/09, a/0567/09 and a/0569/09 concerning their moveable and immoveable assets and their profession;

CONSIDERING that a preliminary examination of this information, in accordance with the provisions of regulation 84(1) of the Regulations of the Court, suggests, *prima facie*, that applicants a/0563/09, a/0567/09 and a/0569/09 do not have sufficient means to assume all or part of the costs of their legal representation before the Court;

CONSIDERING that, in order to facilitate the investigation into their indigence, applicants a/0563/09, a/0567/09 and a/0569/09 have freely given consent to the Registrar, or her representative, to take all the necessary measures with financial institutions and land registries and, if so required, to access their bank accounts and have undertaken to inform her of any change in their financial situation;

CONSIDERING that applicants a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0564/09, a/0565/09, a/0566/09, a/0568/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09, a/0574/09, a/0575/09, a/0576/09, a/0577/09 and a/0578/09 have not given consent to the Registrar, or her representative, to take all the necessary measures with financial institutions and land registries or, if so required, to access their bank accounts and have not undertaken to inform her of any change in their financial situation;

CONSIDERING, furthermore, that applicants a/0564/09, a/0565/09 and a/0566/09 are minors and that applicant a/0563/09 is acting on their behalf;

² ICC-02/05-02/09-147.

FOR THESE REASONS

DECIDES provisionally to consider applicants a/0563/09, a/0567/09 and a/0569/09 and the minors on whose behalf applicant a/0563/09 is acting, applicants a/0564/09, a/0565/09 and a/0566/09, wholly indigent under regulation 85(1) of the Regulations of the Court, pending the outcome of the investigation into the property and assets of applicants a/0563/09, a/0567/09 and a/0569/09;

DECIDES that the scope of the legal assistance which will be granted to the applicants who have been provisionally considered indigent will be determined on a case by case basis according to the modalities of their participation, as specified by Pre-Trial Chamber I;

DECIDES that in the present circumstances, applicants a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0568/09, a/0570/09, a/0571/09, a/0572/09, a/0573/09, a/0574/09, a/0575/09, a/0576/09, a/0577/09 and a/0578/09 are not considered indigent, until such time as they have presented an undertaking to facilitate the investigation into their property and assets;

INVITES the applicants who have been provisionally considered indigent to file an application for legal assistance whenever necessary in order to take any action required to protect their interests in the proceedings;

INFORMS the applicants concerned by the present decision that they may apply to the Presidency to review it within fifteen days from the date of notification of the decision, in accordance with the provisions of regulation 85(3) of the Regulations of the Court;

NOTIFIES this decision to Mr Franck Adaka in his capacity as the Legal Representative of the applicants.

[signed]

Silvana Arbia

Registrar

Dated this 20 October 2009,

At The Hague, The Netherlands

DIRECTORATE OF ARMY
LEGAL SERVICES
NO. 4 AGUATA CLOSE
GARKI 2
ABUJA – FCT
NIGERIA
16 OCTOBER 2009

Dear Sir/Madam,

**APPLICATION FOR LEGAL AID FOR LEGAL REPRESENTATION OF
VICTIMS IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU
GARDA**
APPLICANTS NO

Please refer to the decision of Pre-Trial Chamber I dated 8 October 2009. In that decision, the Court decided that Applicants No. who I represent should be recognised as victims for the purpose of their participation in the pre-trial stage of the above case.

Pursuant to Rule 91(2) of the Rules of Procedure and Evidence of the International Criminal Court, I wish to attend and participate in the Confirmation of Charges hearings, which are slated to commence on 19 Oct 2009. However, my clients are mostly low rank personnel of the Nigerian Army. They depend on their monthly emoluments from the Nigerian Army to support their families and they have no other source of income. Therefore, they do not have the financial means to fund my travel to the sit of the court to attend and participate in proceedings.

I view of the above, I hereby apply to be considered for legal aid to enable me fund my travel to The Hague and my upkeep during the period of the proceedings.

Your kind consideration will be appreciated.

Yours Sincerely
[signed]
Frank Adaka