

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/04-01/15

Date: 20 May 2016

TRIAL CHAMBER IX

Before: Judge Bertram SCHMITT, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public Document

Observations on the Request for a determination concerning legal aid

Source: The Registrar

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox
Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

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Section**

Isabelle Guibal

Other

Background

1. On 13 May 2016, Mr Joseph Akwenyu Manoba and Mr Francisco Cox, the legal representatives of victims ("LRV"), submitted their "Request for a determination concerning legal aid" ("Request"), by which they request the Single Judge to direct the Registry:¹

"(i) that legal aid is available for lawyers appointed under rule 90(1) or rule 90(2); and

(ii) that accordingly any application for legal aid submitted by the Legal representatives must be decided on its merits by the Registry under the Regulations of the Court, the Regulations of the Registry and any applicable policy documents."

2. On 14 May 2016, Trial Chamber IX requested the Registry's observations on the Request.²

Observations

3. Section 4 of Chapter 4 of the Regulations of the Court ("RoC"), in conjunction with Section 3 of Chapter 4 of the Regulations of the Registry ("RoR"), sets out the legal framework in relation to legal assistance paid by the Court. Accordingly, the Registrar has primary responsibility to determine (i) whether legal assistance should be paid by the Court, pursuant to regulation 85 of the RoC; and, if so, (ii) the scope of such legal assistance, pursuant to regulation 83 of the RoC. Whilst the former decision is subject to review by the Presidency, the latter is subject to review by the relevant Chamber.
4. Under regulation 131(1) of the RoR, it is for the Registry to receive an application for legal assistance from persons entitled to such assistance. The Registrar then determines, in the first instance, whether legal assistance should be paid by the Court.

¹ ICC-02/04-01/15-434, para. 48.

² Email communication from Trial Chamber IX to the Registry on 14 May 2016 at 15:52.

5. The Registry has previously been unable to make any determination on the legal assistance to be paid by the Court in view of the decision of the Single Judge of Pre-Trial Chamber II, which stated at paragraph 18:³

“Therefore, the victims that have chosen to appoint Joseph Akwenyu Manoba and Francisco Cox as their legal representatives, even if they lack means to pay, do not qualify for financial assistance by the Court”.

6. Now that the charges have been confirmed and the case is before Trial Chamber IX, subject to the Chamber’s decision in relation to legal representation of victims under Rule 90 of the Rules of Procedure and Evidence, the Registry would be in a position to proceed, as a matter of urgency, in accordance with the aforementioned legal framework relating to legal assistance.



 Marc Dubuisson, Director of Judicial Services
 on behalf of
 Herman von Hebel, Registrar

Dated this 20 May 2016,

At The Hague, The Netherlands

³ Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights, ICC-02/04-01/15-350 dated 27 November 2015, para. 18.