



Original: French

**No.: ICC-01/04-01/07
Date: 23 November 2007**

PRE-TRIAL CHAMBER I

**Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner**

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public Document

**Decision of the Registrar on the applications for legal assistance paid by the Court
filed by Mr Germain Katanga**

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

Duty Counsel for Mr Katanga
Mr Jean Pierre Fofé

THE REGISTRAR of the International Criminal Court;

PURSUANT to article 67(1)(d) of the *Rome Statute*;

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

NOTING the applications of 6 and 14 November 2007 (“the applications”) submitted by Mr Germain Katanga (“the applicant”) seeking legal assistance paid by the Court for his legal representation before the Court;

CONSIDERING that any decision by the Registrar on an applicant’s application for legal assistance paid by the Court must be based, *inter alia*, on all the information in the applications as submitted to the Registry;

CONSIDERING that the first application filed with the Registry was drafted in a language other than one of the working or official languages of the Court, meaning that for the application to be considered it had first to be translated, which delayed consideration of the application;

CONSIDERING the information provided by the applicant in respect of his movable, immovable, and other assets;

CONSIDERING that a preliminary assessment of this information pursuant to regulation 84(1) of the *Regulations of the Court* suggests, *a priori*, that the applicant does not have the means to pay all or any of the costs of his legal representation before the Court;

CONSIDERING that in order to facilitate the investigation into his indigence, the applicant has freely given his consent for the Registrar and others to make all necessary enquiries from, *inter alia*, financial institutions and land registries and, if required, to have access to his bank accounts;

CONSIDERING that on 22 October 2007, the applicant appeared for the first time before Pre-Trial Chamber I in the context of his initial proceedings before the Court, and that he was represented at this hearing by a duty counsel of his choosing;

CONSIDERING that to date the applicant has been represented by a duty counsel, Mr Jean Pierre Fofé, who is on the list of counsel authorised to act before the Court, and was appointed as duty counsel pursuant to the Registrar's decision of 13 November 2007;

CONSIDERING that it is in the interests of the applicant to be represented in further proceedings before the Court by a counsel of his choosing;

CONSIDERING that the circumstances set out above justify the Registrar's making a provisional decision with regard to the applications for legal assistance paid by the Court filed by Mr Germain Katanga, and that furthermore it would be in the interests of justice and the rights of the Defence for the said decision to be made at this stage;

DECIDES:

In light of the circumstances and of the information submitted by the applicant, that Mr Germain Katanga is provisionally considered wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*, pending the outcome of the investigation into his indigence;

The cost of the applicant's defence before the Court shall be provisionally borne by the Court, in accordance with the legal assistance scheme paid by the Court;

This decision shall be reviewed upon completion of the investigation into the applicant's assets under regulation 85(2) of the *Regulations of the Court*;

Informs the applicant that he may seek review of this decision by the Presidency of the Court within 15 days of its notification;

Notifies this decision to Mr Germain Katanga and Mr Jean Pierre Fofé, Duty Counsel.

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

[signed]
The Registrar
Bruno Cathala

Dated this 23 November 2007

At The Hague