



Original: **French**

No.: **ICC-01/04-01/07**

Date: **9 June 2008**

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO  
IN THE CASE OF  
*THE PROSECUTOR v. GERMAIN KATANGA  
AND  
MATHIEU NGUDJOLO CHUI***

**Public Document**

**Registrar's Decision on the Indigence of Victim a/0333/07**

**Source: Division of Victims and Counsel**

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

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo  
Mr Eric Macdonald

**Counsel for the Defence of Germain**

**Katanga**  
Mr David Hooper  
Ms Caroline Buisman

**Counsel for the Defence of Mathieu**

**Ngudjolo Chui**  
Mr Jean-Pierre Kilenda Kakengi Basila  
Ms Aurélie G. Roche

**Legal Representatives of the Victims**

Mr Joseph Keta

**Victims Participation and Reparations  
Section**

Fiona McKay

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**Registrar**

Ms Silvana Arbia

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**Division of Victims and Counsel**

Didier Preira

**THE REGISTRAR of the International Criminal Court,**

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

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

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

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

**NOTING** Pre-Trial Chamber I's *Decision on the Applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08*<sup>1</sup> of 2 April 2008 granting Applicant a/0333/07 the procedural status of victim at the pre-trial stage of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* and at the stage of the investigation into the situation in the DRC;

**NOTING** the letters from Mr Joseph Keta (the Legal Representative) dated 4 April 2008 entitled "*Déclaration d'indigence et demande d'aide judiciaire aux frais de la Cour pénale internationale*"<sup>2</sup> and 7 April 2008 entitled "*Addendum à mon courrier intitulé 'Déclaration d'indigence et demande d'aide judiciaire aux frais de la Cour pénale internationale'*";<sup>3</sup>

**NOTING** the Registry's letter dated 9 April 2008<sup>4</sup> informing the Legal Representative that the Registry was awaiting the statement signed by Victim a/0333/07 on his honour before taking into consideration any possible mission by the Legal Representative;

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<sup>1</sup> ICC-01/04-01/07-357.

<sup>2</sup> VPRS-LA-2008-014(in).

<sup>3</sup> VPRS-LA-2008-016(in).

<sup>4</sup> VPRS-LA-2008-016(out).

**NOTING** the letter dated 30 April 2008<sup>5</sup> entitled *“Itinéraires de missions relatifs au dossier a/0333/007 dans l’affaire Katanga/Ngudjolo”* in which the Legal Representative sought approval for the itinerary for two missions pertaining to Victim a/0333/07;

**NOTING** the Registry’s letter dated 8 May 2008<sup>6</sup> stating that the Registry was awaiting the statement signed by Victim a/0333/07 (the Applicant) on his honour before issuing a decision on this victim’s possible indigence and subsequently approving or not approving a mission pertaining to this victim;

**NOTING** the e-mail dated 21 May 2008<sup>7</sup> transmitting an “[TRANSLATION] application for legal assistance and statement on [his] honour” signed by the Applicant;

#### **ISSUES THIS DECISION:**

**CONSIDERING** that Pre-Trial Chamber I granted the Applicant victim status on 2 April 2008;<sup>8</sup>

**CONSIDERING** that since the Applicant is a minor, it can reasonably be assumed that he does not have the means to pay all or any of the costs associated with his legal representation;<sup>9</sup>

**CONSIDERING**, moreover, that the Legal Representative informed the Registry that the Applicant was currently unemployed, that as part of his demobilization as a child soldier, he worked for one month at the end of 2007 under a scheme implemented by a non-governmental organization and that, furthermore, he did not have a house or home of his own and that members of his family were supporting him;<sup>10</sup>

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<sup>5</sup> VPRS-LA-2008-023 (in).

<sup>6</sup> VPRS-LA-2008-024(out).

<sup>7</sup> VPRS-A-200-044(in).

<sup>8</sup> ICC-01/04-01/07-357.

<sup>9</sup> See also *“Décision du Greffier sur la demande d’aide judiciaire aux rais de la Cour déposée par la victime a/0105/06”* dated 3 November 2008 (ICC-01/04-01/006-650).

<sup>10</sup> VPRS-LA-2008-014(in).

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

**CONSIDERING** that to facilitate the investigation into his indigence, the Applicant has 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 his bank account;

**FOR THESE REASONS,**

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

**DECIDES** that the extent of the legal assistance to be granted to Victim a/0333/07 shall be determined on a case-by-case basis in accordance with the modalities for the participation of the Applicant as specified by the competent Chamber;

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

**INFORMS** the Applicant that he 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 Applicant.

[signed]

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Silvana Arbia,  
Registrar

Dated this 9 June 2008

At The Hague, The Netherlands