



Original: **French**

No.: **ICC-01/04-01/06**  
Date: **22 December 2008**

**TRIAL CHAMBER I**

**Before:** Judge Adrian Fulford, Presiding Judge  
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 Victim a/0007/08**

**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 Luis Moreno Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**

Ms Catherine Mabilie  
Mr Jean-Marie Biju-Duval

**Legal Representatives of the Victims**

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

**Legal Representatives of the Applicants**

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**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 16(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** Trial Chamber I's decision of 15 December 2008 entitled *Decision on the applications by victims to participate in the proceedings*<sup>1</sup> granting Applicant a/007/08 (hereinafter "the Applicant") the procedural status of victim at the pre-trial stage of the case of *The Prosecutor v. Thomas Lubanga Dyilo*;

**ISSUES THE FOLLOWING DECISION**

**CONSIDERING** that Trial Chamber I granted the Applicant victim status on 15 December 2008;<sup>2</sup>

**CONSIDERING** the information provided by the Applicant concerning the Applicant's personal property and occupation;

**CONSIDERING** that a preliminary assessment of this information pursuant to regulation 84(1) of the *Regulations of the Court* suggests, *prima facie*, 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 or her representative to make all necessary enquiries from financial institutions and land registries and, if required,

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<sup>1</sup> ICC-01/04-01/06-1556.

<sup>2</sup> ICC-01/04-01/06-1556.

to have access to his bank accounts, and has undertaken to inform the Registrar of any change in his financial situation;

**FOR THESE REASONS,**

**DECIDES** provisionally to 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 legal assistance to be granted to the Applicant shall be determined on a case-by-case basis taking into account the modalities for the participation of the Applicant as specified by Trial Chamber I;

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

**INFORMS** Victim a/0007/08 that the victim 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 Walley and Mr Mulenda in their capacity as Legal Representatives of Victim a/0007/08.

[signed]  
**Silvana Arbia**  
**Registrar**

Dated this 22 December 2008

At The Hague, The Netherlands