


Twenty-second session

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Draft Legal aid policy of the International Criminal Court

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A. General Provisions

1. The Draft Legal Aid Policy of the International Criminal Court (“Court’s Legal Aid Policy” or “Policy”) is submitted pursuant to resolution ICC-ASP/21/Res.2, annex I, paragraph 8 (a).
2. The purpose of the Court’s Legal Aid Policy is to establish a framework that provides for the allocation of sufficient resources to defence and victims’ teams representing the interests of their indigent clients, and to ensure the effective and efficient representation in proceedings before the International Criminal Court (“ICC” or “Court”).
3. The Court’s Legal Aid Policy is complemented by and shall be applied in consistency with the explanatory Guidelines on Interpretation of the Legal Aid Policy of the International Criminal Court (“Guidelines”), to be issued by the Registrar.

I. Definitions

4. In the context of the Court’s Legal Aid Policy, unless otherwise specified, the terms herein shall be given their meaning under the Court’s statutory framework. Additionally, the terms listed here shall be given the meaning as specified:

(a) “Associate counsel” means any person who meets the criteria set forth in rule 22(1) of the Rules of Procedure and Evidence (“Rules”) and has been appointed from the list of counsel or associate counsel by the counsel of the case to assist in the representation of the client.

(b) “Counsel” as generic term, unless otherwise specified herein, means both lead counsel for the defendant appointed from the Court’s list of counsel in accordance with Regulations 67 to 71 of the Regulations of the Court (“RoC”), and Legal Representatives of victims appointed by a Chamber from the list of counsel to represent a victim or group of victims pursuant to rule 90 of the Rules.

(c) “Duty counsel” means counsel appointed from the list of counsel or from the Office of Public Counsel for the defence (“OPCD”) or Legal Representative of victims from the Office of Public Counsel for victims (“OPCV”), in accordance with Regulation 73 of the RoC to represent the interests of a person before the Court, where a person requires legal assistance and has not yet secured that assistance, or when his or her counsel is unavailable and has consented to the appointment of duty counsel, as well as in situations of urgency where the person’s own counsel is unavailable or when it is necessary to appoint duty counsel in the interests of justice. In cases where duty counsel is appointed from the OPCD or OPCV, his or her appointment and exercise of functions shall be in line with the applicable provisions, including Regulation 77 of the RoC for the OPCD, and Regulation 81 of the RoC for the OPCV.

(d) “Persons assisting counsel” means persons selected by Counsel in accordance with the minimum requirements set out in annex III to the Court’s Legal Aid Policy who have been appointed to assist a Counsel for the defendant or a Legal Representative of victims in the representation of indigent clients.

(e) “Team members” as a generic term means all persons assigned to a defence or victims’ team, including counsel, associate counsel, persons assisting counsel, as well as language assistants and IT assistants forming part of the team composition.

II. Legal Basis

5. Pursuant to article 43(1) of the Rome Statute, the Registry is the organ responsible for the non-judicial aspects of the administration and servicing of the Court, including the management and oversight of the legal assistance scheme of the Court.
6. In exercising this function, the Registrar shall be guided, *inter alia*, by:
 - the legal grounds for entitlement for persons about to be questioned by the Prosecutor or by national authorities under Part 9 of the Statute, suspects and accused persons respectively pursuant to articles 55(2)(c) and 67(1)(d) of the Rome Statute;

- providing the defence and Legal Representatives of victims with facilities as may be necessary for the direct performance of their duty, according to rules 16(1)(b) and 20(1)(e) of the Rules;
- the rights of affected victims to have their views and concerns presented by Legal Representatives of victims, where the Court considers it appropriate, pursuant to article 68(3) of the Rome Statute, rule 90 of the Rules, and Regulation 113 of the Regulations of the Registry (“RoR”);
- the criteria and procedures for assignment of legal assistance pursuant to rules 20(3) and 21(1) of the Rules;
- the provisions on the determination of means and application and management of the legal aid system pursuant to Regulations 83 to 85 of the RoC and Regulations 130 to 139 of the RoR.

III. Scope and Applicability of the Court’s Legal Aid System

1) Defence Teams

7. For defence teams, the application of the Court’s legal aid system is triggered upon the determination of indigence or partial indigence of the suspect or accused by the Registrar, pursuant to paragraphs 24 to 27 and annex I of this Policy.

8. Where a person entitled to legal representation claims to have insufficient means to pay for legal assistance, but the final decision on the indigence assessment of the applicant is still pending, legal aid resources may be paid provisionally in accordance with Regulation 132(3) of the RoR, subject to the Registrar’s discretion, until the finalization of the indigence assessment. Should the assessment result in a finding of non-indigence, in line with rule 21(5) of the Rules, the suspect or accused may be obliged by the relevant Chamber to contribute to the recovery of the costs of the advanced resources within a reasonable period of time. No advancement of legal aid resources shall be made if the assessment is delayed due to the intentional submission of false or incomplete information by the applicant. In cases in which the assets of a non-indigent applicant have been frozen as a result of the proceedings at the Court, the freezing affects the applicant’s power to dispose freely over these assets, and the applicant therefore temporarily lacks sufficient means to pay for legal assistance, legal aid resources shall be advanced until the unfreezing of such assets. Upon the unfreezing of assets, repayment of advanced resources may be ordered by the relevant Chamber.

9. Unless deemed necessary by the Chamber or the Registrar, the scope of the Court’s legal aid system is limited to the stages of the proceedings, phases and cases identified in this Policy and its annexes.

10. Legal aid resources under the Court’s Legal Aid Policy shall not be provided or shall cease to be provided to a defence team upon a finding by the Registrar of non-indigence of the suspect or accused at any stage of the proceedings.

2) Victims’ Teams

11. For victims’ teams, the application of the Court’s legal aid system is triggered upon the appointment of a Legal Representative of victims.

12. Unless otherwise deemed necessary by the Chamber or the Registrar, the scope of the Court’s legal aid system is limited to the stages of the proceedings, phases and cases identified in this Policy and its annexes.

13. Legal aid resources under the Court’s Legal Aid Policy shall not be provided or shall cease to be provided to a victims’ team upon a finding by the Registrar of non-indigence of the represented victim or group of victims at any stage of the proceedings. Upon the determination of non-indigence, in line with rule 21(5) of the Rules, the respective victim or group of victims may be obliged by the relevant Chamber to contribute to the recovery of the costs of the advanced resources within a reasonable period of time.

IV. Entry into Force and Implementation

14. The Court's Legal Aid Policy and the annexes thereto shall enter into force on 1 January 2024 and supersede the Registry's single policy document on the Court's legal aid system (ICC-ASP/12/3) and any interim measures taken by the Registry to that date.

15. The Court's Legal Aid Policy shall apply immediately to new teams appointed to represent an indigent person before the Court as of 1 January 2024 as well as to teams which as of 1 January 2024 are operating in ongoing cases before the Court. For the latter, transitional measures may be taken at the discretion of the Registrar to ensure stability of operating teams and to prevent any negative impact of the transition to the new legal aid system on ongoing judicial proceedings, as well as to take into account any pending reimbursement or compensation for taxes or professional charges for previous years as applicable under the previous legal aid system (ICC-ASP/12/3).

V. Review and Amendments

1) Joint Committee on Legal Aid

16. The Joint Committee on Legal Aid is an advisory group to the Registrar for the assessment and evaluation of the functioning of the Court's Legal Aid Policy, and the focal point for any complaints on the scope or application of the legal aid system as defined in this Policy. The Joint Committee exercises its functions in accordance with the principles and provisions of the Court's Legal Aid Policy and the annexes thereto as well as the Court's statutory framework. The responsibilities of the Joint Committee on Legal Aid are laid down in paragraphs 19 to 22 and 138 of this Policy.

17. The Joint Committee on Legal Aid is composed of three representatives of the Registry and two representatives of the International Criminal Court Bar Association ("ICCBA"). The composition of the Joint Committee on Legal Aid shall take into account expertise on the functioning of the legal aid system, gender and geographical representation, representation of defence and victims' teams, an equal representation of counsel and persons assisting counsel, and other relevant Registry strategic goals.

18. The work of the Joint Committee on Legal Aid shall be exercised in accordance with its terms of reference, which shall be agreed on in its constituting meeting.

2) Review and Amendment Procedure

19. Without prejudice to the duties and responsibilities of the Registrar or the Assembly of States Parties ("ASP"), the Joint Committee on Legal Aid may assess and evaluate the functioning of the Court's Legal Aid Policy and its Guidelines.

20. Without prejudice to the duties and responsibilities of the ASP, the Joint Committee on Legal Aid can propose to the Registrar amendments to the Court's Legal Aid Policy or its Guidelines. The Joint Committee on Legal Aid may consult Court internal focal points, relevant civil society organisations, States Parties or other stakeholders. The Joint Committee on Legal Aid agrees on amendment proposals by consensus. Any amendment proposal shall be submitted to the Registrar for his consideration. Upon approval of an amendment proposal to the Court's Legal Aid Policy by the Registrar, such proposal shall be submitted by the Registrar to the Committee on Budget and Finance ("CBF") and the ASP for approval.

21. Without prejudice to the rights of the suspects, accused or victims in any ongoing proceedings, or the rights of members of defence or victims' teams, amendments to the Guidelines shall enter into force on the date of issuance of a public notification of the amendment by the Registrar. Amendments to the Court's Legal Aid Policy shall enter into force as specified by the ASP thereby taking into account the relevant budgetary cycles.

22. No amendment shall apply retroactively.

VI. Applicable Principles Governing the Legal Aid System

23. The principles listed below govern the application of the Court's Legal Aid Policy and related decisions of the Registrar and apply to the consideration and management of legal

aid. Principle 1 shall be applicable to the allocation of resources to indigent suspects or accused only and principle 2 only to the allocation of resources to indigent victims. Principles 3 to 7 are applicable to the management of legal aid afforded to indigent suspects or accused as well as to victims participating in proceedings before the Court.

Principle 1 – Equality of Arms: The legal aid system must contribute to maintaining a balance between the access to resources and means of the suspect or accused and of the prosecution.

Principle 2 – Effective and Efficient Representation: The legal aid system must, within the scope determined by the Chamber, and without prejudice to the rights of the suspects and accused, contribute to permit an effective and efficient representation of the views and concerns of the victims whose personal interests are affected.

Principle 3 – Objectivity: The legal aid system allocates resources on the basis of the requirements of the case, particularly the complexity of the work and the stage of the proceedings, and not on the basis of subjective requirements.

Principle 4 – Transparency and Independence: The legal aid system is structured and operated in such a way that it complies with the requirements of budgetary oversight and auditing in the management of public funds without interfering with the confidentiality of the work undertaken or the autonomy and independence of counsel and other team members.

Principle 5 – Continuity and Flexibility: The legal aid system provides for mechanisms that ensure continuity of team composition while providing sufficient flexibility to adapt to situations as they arise in order to preclude any paralysis prejudicial to the interests of the due administration of justice.

Principle 6 – Economy: In conformity with the legal texts of the Court, specifically Regulations 83(1) and 83(2) of the RoC, the legal aid system covers only costs that are reasonably necessary for an effective and efficient defence and the assistance and representation of victims as determined by the Registrar in consultation with the Chamber, where appropriate.

Principle 7 – Optimal Working Conditions: The legal aid system is operated in a way that ensures optimal working conditions for members of defence and victims' teams in conformity with applicable treaties and the principles and rules of international law referring to labor law standards.

B. Application for Legal Aid Resources

24. The Court's publicly funded legal aid system covers the costs of legal representation of indigent persons – those who lack sufficient means, in part or in whole, to assume such costs – and ensures that indigent persons receive adequate resources to cover all costs reasonably necessary as determined by the Registrar for an effective and efficient legal representation as stipulated in Regulation 83 of the RoC.

25. A suspect or an accused requesting legal aid resources from the Court ("applicant") shall submit to the Registrar the completed financial information form in annex I, as well as any further information required by the Registrar for an assessment of the applicant's indigence. In providing the required information, an applicant may receive logistic and administrative support by the Counsel Support Section ("CSS"), or alternatively, any privately obtained Counsel or Counsel acting *pro bono*. The Registrar shall treat the information provided by the applicant as confidential and not share with any other entity or organ other than with the sections within the Registry requiring the information for the proper discharge of their function.

26. An applicant for legal aid who fails to provide the required documentation as specified in paragraph 25 and annex I, or intentionally provides false information, will not be eligible to receive legal aid resources from the Court.

27. A victim is considered indigent unless subject to a determination of non-indigence by the Registrar. An indigence assessment by the Registrar may be initiated *proprio motu* at any time, where the Registrar has reason to believe that a victim has sufficient means, in part or

in whole, to assume the costs of legal representation. Where one or more non-indigent victims are part of a group of victims represented by Legal Representatives of victims, the contribution of the non-indigent victim or victims is determined on the basis of the ability to meet their relevant proportion of the costs for the representation of the group.

C. Allocation of Legal Aid Resources

I. Indicators: Complexity of the Work and Stage of the Proceedings

28. The legal aid resources attributed to an indigent person (suspect, accused, victim or group of victims) shall be determined on the basis of the work required by a defence or victims' team for an efficient and effective representation of the indigent person. Indicators for the determination of such work are a) the stage of the proceedings, as determined pursuant to paragraphs 29 to 42; b) the complexity of the work to be performed by a team, determined on the basis of the applicable parameters in paragraphs 50 to 51 and 53; and c) the applicable principles governing the legal aid system as per paragraph 23.

1) Stages of the Proceedings

a) Defence Teams

29. For the purpose of the Court's Legal Aid Policy, the stages of the proceedings for the representation of an indigent suspect or accused are, to the extent applicable, divided into the initial proceedings, the pre-trial stage, trial stage, appeals stage, the reparations phase, as well as any phases of reduced activity.

30. The initial proceedings refer to the phase between the arrest or voluntary surrender of the suspect and his or her first appearance before the Pre-Trial Chamber.

31. The pre-trial stage starts after the first appearance of the suspect before the Pre-Trial Chamber and ends with the decision on the confirmation of charges.

32. The trial stage, where applicable, starts after the notification of the decision on the confirmation of charges and ends with the closing statements.

33. Where the accused intends to appeal the trial judgment, the appeals stage starts with the notice of appeal pursuant to article 81(1)(b) of the Rome Statute. Where the accused does not intend to appeal the trial judgment, the appeals stage starts with the Prosecution's notice of appeal pursuant to article 81(1)(a) of the Rome Statute. The appeals stage ends with the appeals judgment.

34. The reparations phase, where applicable, is divided into two phases: the litigation phase and the implementation phase. Notwithstanding any required litigation on reparations during any other stage of the proceedings, for the purpose of providing resources in accordance with paragraph 61 of this Policy, the litigation phase of the reparations phase starts with the final decision on conviction, *i.e.* either with the announcement of the trial judgment pursuant to article 74 of the Rome Statute, or, where the trial judgment is appealed, after the announcement of the appeals judgment, *i.e.* when no other resources are allocated to a defence team under the Court's Legal Aid Policy. The litigation phase, where applicable, ends with the announcement of the final reparations order by the relevant Chamber, unless otherwise decided by the Chamber within the scope of the resources available under this Policy. The implementation phase of the reparations phase starts upon the end of the litigation phase.

35. Non-exhaustive examples of periods where activities are reduced include the period between closing statements rendered at trial and the decision of the accused whether or not to appeal the trial judgment pursuant to article 74 of the Rome Statute; any stay of the proceedings, suspension or termination of the proceedings, or other protracted delays in the proceedings that still require the continued work of the team, but are followed by a reduced work load.

b) Victims' Teams

36. For the purpose of the Court's Legal Aid Policy, the stages of the proceedings for the representation of indigent victims are, to the extent applicable, divided into the early stages of the proceedings, the initial proceedings, pre-trial stage, trial stage, reparations phase as well as phases of reduced activities.

37. The early stages of the proceedings refer to the phase between the initiation of an investigation into a situation pursuant to article 53 of the Rome Statute, and either the arrest or voluntary surrender of one or more suspects, or the formal closure of the investigation by the Office of the Prosecutor (“OTP”).

38. For victims’ teams, the initial proceedings refer to the phase between the arrest or surrender of the suspect and his or her first appearance before the Pre-Trial Chamber, and end with the assignment of permanent Legal Representatives of victims for the case.

39. The pre-trial stage starts with the appointment of a Legal Representative of victims, if any, after the first appearance of the suspect and ends with the decision on the confirmation of charges.

40. The trial stage, where applicable, starts after the notification of the decision on the confirmation of charges and ends with the closing statements.

41. The reparations phase, where applicable, is divided into two phases: the litigation phase and the implementation phase. Notwithstanding any required litigation on reparations during any other stage of the proceedings, for the purpose of the allocation of legal aid resources to victims’ teams as per paragraph 69 of this Policy, where the trial stage results in a conviction of the accused, the litigation phase of the reparations starts with the announcement of the trial judgment pursuant to article 74 of the Rome Statute. Where the trial stage results in an acquittal of the accused, the litigation phase starts with any notice of appeal pursuant to article 81 of the Rome Statute. The litigation phase, where applicable, ends with either the final acquittal of the accused or with the announcement of the final reparations order by the relevant Chamber unless otherwise decided by the Chamber within the scope of the resources under this Policy. The implementation phase of the reparations phase starts after the end of the litigation phase.

42. Non-exhaustive examples of periods where activities are reduced include the period between the closing statements rendered at trial and the trial judgment pursuant to article 74 of the Rome Statute; any stay of the proceedings, suspension or termination of the proceedings, or other protracted delays in the proceedings that still require the continued work of the team, but are followed by a reduced work load.

2) **Complexity Level of the Work to be Performed by a Team**

43. The complexity level of the work to be performed by a defence or victims’ team is assessed prior to the beginning of each stage of the proceedings, when Counsel shall submit a work plan to the Registry, which, alongside further litigation with Counsel where required, shall form the basis of the Registry’s assessment on the complexity level of the work to be performed. In this context, the Registry may consult the Chamber to receive any additional information required to assess the complexity level of the case.

44. The assessment of the complexity level of the work for defence and victims’ teams is conducted independently from each other. As a consequence, the complexity levels of a defence and victims’ team operating in the same proceedings may vary depending on the applicable parameters set out below.

45. The work plan shall include information on the parameters listed below in paragraphs 50 and 51 for defence teams, and paragraph 53 for victims’ teams; the required number and qualification of team members to complete the estimated work throughout the specific stage of the proceedings as well as the time during which their assistance would be required; the distribution of the work among team members; an estimated investigative or mission plan for the respective stage; and the areas of fact or law where advice is sought from external experts.

46. A re-assessment of the complexity level may be requested by Counsel at any point during a stage or may be initiated by the Registrar *proprio motu* if the parameters of the case for the assessment of allocated legal aid resources change in a manner justifying an increase or decrease of legal aid resources.

47. On the basis of the provisions in paragraphs 48 to 54 of this Policy, the Registry makes a determination as to the complexity level of the work to be performed by a defence or victims’ team, differentiating between:

- Complexity level 1,
- Complexity level 2 and
- Complexity level 3.

48. The Registrar shall provide a reasoned decision as to why a complexity level is considered to be applicable to a team, thereby making reference to the applicable parameters and provisions as listed below in paragraphs 49 to 52, or 53 to 54.

a) Defence Teams

49. In determining the complexity level of the work for the allocation of legal aid resources to an indigent suspect or accused, the parameters as listed in paragraphs 50 and 51 are taken into account.

50. For the pre-trial and trial stage, the parameters include, where applicable:

- (i) Existence of a plea-bargaining;
- (ii) Number and nature of charges and complexity of legal and factual arguments deriving from them, including any novel legal issue arising from the case;
- (iii) Number and nature of the modes of liability proposed by the Prosecutor and/or confirmed by the Pre-Trial Chamber in the Confirmation of Charges Decision;
- (iv) Number of accused joined in one case;
- (v) Number and nature of the evidence disclosed, particularly where the evidence assessment requires the involvement of experts;
- (vi) Accused's alleged position within a political or military hierarchy;
- (vii) Number and type of witnesses called by the Prosecution, the Defence and/or Legal Representatives of victims;
- (viii) Number of victims participating in the proceedings;
- (ix) Geographical and temporal scope of the case, particularly whether interviewing witnesses requires missions to multiple sites;
- (x) Security situation in the country or countries where investigations are to be conducted;
- (xi) Scope of any specific request or order by the relevant Chamber;
- (xii) Relevant connection to ongoing or closed cases before the Court.

51. Availability and possibility of the OPCD to intervene and provide assistance. In addition to the parameters considered under paragraph 50, the following parameters are taken into consideration for the appeals stage:

- (i) Length and complexity of judgment subject to appeal;
- (ii) Number and nature of the evidence admitted;
- (iii) Number and nature of grounds for appeal;
- (iv) Necessity to conduct further in situ investigations.

52. The list of parameters under paragraphs 50 and 51 is non-exhaustive. Additional parameters may be considered based on the circumstances of the case, and subject to a reasoned request made by Counsel for the defendant.

b) Victims' Teams

53. In determining the complexity level of the work for the allocation of legal aid resources to an indigent victim or a group of victims, the following parameters are taken into consideration:

- (i) Number of victims represented;
- (ii) Nature of the charges, particularly where the allegations involve sexual or gender-based crimes or crimes against children;
- (iii) Geographical and temporal scope of the case, including the locations of victims, particularly whether the representation of the victim or group of victims requires missions to multiple sites;
- (iv) Security situation, environmental factors, telecommunications and transport infrastructure situation in the country or countries where victims are located or where missions are planned to;
- (v) Relevant connection to ongoing or closed cases before the Court;
- (vi) The scope of the specific request or order of the relevant Chamber;
- (vii) The number of witnesses called by the Legal Representatives of victims to present the views and concerns of the represented victims;
- (viii) Availability and possibility of the OPCV to intervene and provide assistance.

54. The list of parameters in paragraph 53 is non-exhaustive. Additional parameters may be considered based on the circumstances of the case, and subject to a reasoned request made by the Legal Representative of victims.

II. Legal Aid Resources: Cases of Alleged Crimes under Article 5 of the Rome Statute

55. For cases of alleged crimes under article 5 of the Rome Statute, the Court's legal aid system provides resources to Counsel on the basis of the concept of a team composition, and three different programmes.

1) Defence Teams**a) Initial Proceedings**

56. Unless the suspect has privately retained Counsel for the purpose of the initial proceedings or Counsel is acting *pro bono*, the OPCD shall be appointed as Counsel for the first appearance before the Court.

57. Where a conflict of interests arises with the result that the OPCD cannot act as Counsel during the initial proceedings, a lump-sum is provided for the appointment of a duty Counsel for the purpose of representation during the initial proceedings. Such appointment of duty Counsel may only result in the appointment as permanent Counsel for the case where the suspect or accused has taken a fully informed decision in this regard, thereby taking into account all options concerning the choice of his legal representation and under consideration of the fully accessible list of counsel.

58. The initial appearance phase ends with the assignment of a permanent Counsel, whereby the assignment shall be considered final after a maximum period of 60 days further to the submission by the suspect of an application for legal assistance paid by the Court pursuant to Rule 85 of the RoC.

b) Team composition during Pre-trial, Trial and Appeals Stage

59. The composition of defence teams based on the complexity level of the work to be performed and the stage of the proceedings attributed under the Court's legal aid system is set out in table 1.

60. Upon a justified request in light of the specific needs of the case, Counsel can request the Registry to replace an allocated position under table 1 with a position at a lower remuneration level. A position can only be replaced with a position at a higher remuneration level on an exceptional basis, and upon prior approval by the Registrar, thereby taking into account the availability of budgetary resources.

Table 1

Defence teams	Initial proceedings	Pre-trial stage	Trial stage	Appeals stage	Reparations phase <i>Litigation phase</i>	Reparations phase <i>Implementation phase</i>
Complexity level 1	OPCD or Duty Counsel	Counsel Assistant to Counsel Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel Associate Counsel Legal Assistant Legal Assistant Case-Manager Case-Manager Case-Manager (50%) Language Assistant (50%) IT Assistant (50%)	Counsel Assistant to Counsel Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel (50%) Legal Assistant (100 %) Case Manager (50%)	Maximum Lump-sum of € 60,000
Complexity level 2	OPCD or Duty Counsel	Counsel Assistant to Counsel Legal Assistant Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel Associate Counsel Assistant to Counsel Legal Assistant Legal Assistant Legal Assistant Case-Manager Case-Manager Case-Manager (50%) Language Assistant (50%) IT Assistant (50%)	Counsel Assistant to Counsel Legal Assistant Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel (50%) Legal Assistant (100 %) Case Manager (50%)	Maximum Lump-sum of € 60,000
Complexity level 3	OPCD or Duty Counsel	Counsel Assistant to Counsel Legal Assistant Legal Assistant Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel Associate Counsel Associate Counsel Assistant to Counsel Legal Assistant Legal Assistant Legal Assistant Legal Assistant Case-Manager Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel Associate Counsel Assistant to Counsel Legal Assistant Legal Assistant Case-Manager Case-Manager Language Assistant (50%) IT Assistant (50%)	Counsel (50%) Legal Assistant (100%) Case Manager (50%)	Maximum Lump-sum of € 60,000

61. For the litigation phase of the reparations, as defined in paragraph 34 of the Court's Legal Aid Policy, the allocation of resources is under the assumption that assigned team members work on matters related to litigation, *i.e.* the legal submissions to the Chamber or parties or participants in the proceedings.

62. For the activities during the implementation phase of the reparations, as defined in paragraph 34 of the Court's Legal Aid Policy, in prior consultation with the TFV, up to a total maximum amount of € 60,000 may be provided to a Counsel for the defendant for the duration of the phase. The lump-sum is administered by the Registry. Payment of resources within the scope of this maximum lump-sum is only upon reasoned request and limited to the requested service.

2) Victims' Teams

a) Early Stages of the Proceedings

63. During the early stages of the proceedings, as defined in paragraph 37, where approved by the Chamber *proprio motu* or upon recommendation by the Registrar, one or more Legal Representatives of victims may receive a limited lump-sum for the representation of victims.

64. Activities that may be funded at the early stages of the proceedings may *inter alia* include:

- (i) Communication with victims and victims' communities to facilitate victims' participation, as well as the completion and collection of application forms;
- (ii) Providing of legal advice to victims and victims' communities;
- (iii) Coordination or cooperation with field assistants and non-governmental organisations for the purpose of facilitating communication and victim participation;
- (iv) Reports to the Victims Participation and Reparations Section ("VPRS") of the Registry;
- (v) Presenting victims' views and concerns to the Court in judicial proceedings occurring at the early stages of the proceedings;
- (vi) Coordination with the OTP, the Registry, or the Trust Fund for Victims ("TFV") on matters affecting victims' interests;
- (vii) Assisting represented victims when they are interviewed by the OTP or when they are involved in proceedings pursuant to article 56 of the Rome Statute.

65. For activities during this phase, a total maximum amount of € 30,000 may be provided to Legal Representatives of victims for the duration of the phase. The lump-sum is administered by the Registry. Payment of resources within the scope of this maximum lump-sum is only upon reasoned request and limited to the requested activities.

b) Initial Proceedings

66. Unless otherwise specified by the Chamber or required by the circumstances of the case or the needs of the victim or group of victims, where no permanent Legal Representatives of victims have been appointed, the OPCV shall, where required, represent the victim or group of victims during the initial proceedings. Where representation by Counsel other than the OPCV is required, a lump-sum shall be provided for the appointment of a duty Counsel for victims for the purpose of the initial proceedings only.

c) Team Composition during Pre-trial Stage, Trial Stage and Reparations Phase

67. The composition of victims' teams based on the complexity level of the case and the stage of the proceedings attributed under the Court's legal aid system is set out in table 2.

68. Upon a justified request in light of the specific needs of the case, Counsel can request the Registry to replace an allocated position under table 2 with a position at a lower remuneration level. A position can only be replaced with a position at a higher remuneration level on an exceptional basis, and upon prior approval by the Registrar, thereby taking into account the availability of budgetary resources.

Table 2

Victims' teams	Early stages of the proceedings	Pre-trial stage	Trial stage	Reparations phase <i>Litigation phase</i>	Reparations phase <i>Implementation phase</i>
Complexity level 1	Maximum Lump-sum of € 30,000	Legal Representative Case-Manager Field Assistant	Legal Representative Legal Assistant Case-Manager Field Assistant	Legal Representative Legal Assistant Case-Manager Field Assistant	Maximum Lump-sum of € 60,000
Complexity level 2	Maximum Lump-sum of € 30,000	Legal Representative Legal Assistant Case-Manager Field Assistant	Legal Representative Legal Assistant Case-Manager Case-Manager (50%) Field Assistant	Legal Representative Legal Assistant Case-Manager Case-Manager Field Assistant	Maximum Lump-sum of € 60,000
Complexity level 3	Maximum Lump-sum of € 30,000	Legal Representative Legal Assistant Case-Manager Case-Manager Field Assistant	Legal Representative Legal Assistant Legal Assistant Case-Manager Case-Manager (50%) Field Assistant	Legal Representative Legal Assistant Legal Assistant Case-Manager Case-Manager Field Assistant	Maximum Lump-sum of € 60,000

69. For the litigation phase of the reparations, as defined in paragraph 41 of the Court's Legal Aid Policy, the allocation of resources is under the assumption that assigned team members work on matters related to litigation, *i.e.* the legal submissions to the Chamber or parties or participants in the proceedings, and the communication with victims and victims' communities.

70. In addition to the allocation of resources during the litigation phase of the reparations as per paragraph 69 and table 2 of the Court's Legal Aid Policy, resources may be provided to one team of Legal Representatives of victims during the implementation phase of the reparations for the purpose of any assistance to the TFV in the application of the Reparations Order by the Chamber.

71. The resources shall be limited to a maximum amount of up to € 60,000 for the duration of the phase. The lump-sum is administered by the Registry. Payment of resources within the scope of this maximum lump-sum is only upon reasoned request and limited to the requested service.

72. Where more than one Legal Representative of victims is appointed to represent a victim or a group of victims in one team, resources are provided on the basis of one legal team only, as per table 2.

3) Reduced activities

73. In instances of reduced activity in the proceedings, Counsel operates with a reduced team necessary to maintain the work during these phases. Unless otherwise deemed necessary by the Registrar in consultation with Counsel, the team composition shall be reduced by 50 % in correspondence with the stage of the proceedings and complexity level of the work

applicable prior to the reduced activity phase. Counsel shall, based on the circumstances of the case, have the flexibility to keep all positions under part-time commitments (up to 50%) or maintain half of the team members under full-time commitments for the duration of the reduced activity period.

4) **Additional means**

74. Pursuant to Regulation 83(3) of the RoC, a person receiving legal assistance paid by the Court may personally or through his or her Counsel apply to the Registrar for additional means which may be granted depending on the circumstances of the case.

75. Additional means are not granted automatically but have to be requested through a substantiated request for additional means to the Registrar.

76. Additional means are only granted on an exceptional basis and for a very limited time, and only in the case of unforeseen circumstances outside the control of defence or victims' teams, and subject to the exhaustion of the re-assessment system of complexity levels as per paragraph 46. The burden to prove that circumstances were unforeseen lies with the team requesting additional means.

5) **Programmes**

77. Legal aid resources required for conducting investigations or missions, the appointment of language assistants and experts other than that provided in the team composition as per table 1, as well as for travel and accommodation are structured in different programmes as per paragraphs 83 to 96.

78. The resources within a programme are allocated on the basis of lump-sum payments administered by the Registry. The amount of the lump-sum is indicating the maximum resources that could be allocated per programme per year. The payment of resources within the scope of the maximum lump-sum is only upon reasoned request and limited to the requested service.

79. The lump-sum for programme 1 varies per stage of the proceedings and per complexity level of the work. Should the stage of the proceedings or complexity level change within one calendar year, the yearly lump-sum will be determined proportionally to the applicable duration.

80. Upon submission of a reasoned request, Counsel shall receive the resources for the requested services for the duration of the time period the service is requested for. Resources requested for a certain time-period may be provided in monthly instalments, where no other method of payment is required given the nature or duration of the requested service.

81. Where the resources are provided on the basis of a reimbursement of costs, Counsel shall provide the relevant documentation, including proof of the actual costs incurred.

82. Unused resources under programmes 1 and 2 allocated for one year may not be carried over to the following year.

a) **Programme 1: Investigation and Analysis or Mission**

i) **Defence teams: Investigation and Analysis Resources**

83. Investigation and analysis resources cover all costs associated with investigation or analysis activities of the defence team. Such costs may include, *inter alia*, the fees of the professional investigators or resource persons assigned to the team to conduct investigative work in the field, travel expenses to or in the field of any team member, the daily subsistence allowance of any team member¹ in connection with in situ investigation work as applicable, as well as costs incurred through witness interviews in the field.

¹ The applicable rate for the daily subsistence allowance shall be determined by the Registry, thereby taking into account the living costs in the country where the investigations are conducted, including the accommodation chosen, and any other relevant factors.

84. The amount of the lump-sum for programme 1 is determined in accordance with table 3, taking into account the parameters for the determination of the complexity level under paragraphs 50 and 51.

Table 3

Defence teams	Pre-trial stage	Trial stage	Appeals stage
Complexity level 1	€ 25,000 per year	€ 55,000 per year	€ 25,000 per year
Complexity level 2	€ 35,000 per year	€ 70,000 per year	€ 35,000 per year
Complexity level 3	€ 45,000 per year	€ 90,000 per year	€ 45,000 per year

85. Additional investigation resources can only be granted on an exceptional basis and for a very limited time, and only in the case of unforeseen circumstances outside the control of the defence, and subject to the exhaustion of the re-assessment system of complexity levels as per paragraph 46. The burden to prove that circumstances were unforeseen lies with the team requesting additional resources.

ii) Victims' Teams: Mission Resources

86. Mission resources cover all costs associated for the purpose of facilitating communication with victims in the field. Such costs include the fees of non-permanently selected field assistants assigned to the team to conduct field missions, travel expenses in the field of any team member, and the daily subsistence allowance of any team member in connection with in situ work as applicable.²

87. The amount of the lump-sum for programme 1 is determined in accordance with table 4, taking into account the parameters for the determination of the complexity level under paragraph 53.

Table 4

Victims' teams	Pre-trial stage	Trial stage	Reparations phase
Complexity level 1	€ 10,000 per year	€ 30,000 per year	€ 20,000 per year
Complexity level 2	€ 20,000 per year	€ 40,000 per year	€ 30,000 per year
Complexity level 3	€ 30,000 per year	€ 50,000 per year	€ 40,000 per year

88. Additional mission resources can only be granted on an exceptional basis and for a very limited time, and only in the case of unforeseen circumstances outside the control of the victims' team, and subject to the exhaustion of the re-assessment system of complexity levels as per paragraph 46. The burden to prove that circumstances were unforeseen lies with the team requesting additional resources.

b) Programme 2: Experts, Language and Miscellaneous Expenses

89. While it is Counsel's responsibility to assure that team members assigned to a team as well as investigators, resource persons and field assistants possess the required expertise and language requirements for the case, programme 2 provides defence and victims' teams with a yearly lump-sum for resources to cover costs for experts, translation and other miscellaneous expenses other than that assumed by the Court. Miscellaneous costs shall not cover the purchasing of equipment or software, unless priorly approved by the Registry and only under the condition that they are purchased by the Court. The resources under programme 2 may also be used when soliciting preliminary expert advice or opinions. Programme 2 also

² The applicable rate for the daily subsistence allowance shall be determined by the Registry, thereby taking into account the living costs in the country where the investigations are conducted, including the accommodation chosen, and any other relevant factors.

covers the costs for experts requested by defence or victims' teams to provide their expertise in direct relation to ongoing proceedings, or to give testimony as approved by the Chamber.

90. The amount of the lump-sum for programme 2 for defence and victims' teams is € 10,000 per year irrespective of the stage of the proceedings and complexity level, as reflected in table 5.

91. If required by the circumstances of the case under consideration of the parameters for the determination of the complexity level under paragraphs 50 to 51 or paragraph 53, additional resources may be requested up to a maximum of € 20,000 per year.

Table 5

	Pre-trial stage	Trial stage	Appeals stage (defence teams) Reparations phase (victims' teams)
Complexity levels 1 – 3	€ 10,000 per year with possibility to request additional resources on a justified basis up to a maximum of € 20,000 per year.		

c) Programme 3: Transportation and Accommodation Expenses, and Compensation for Moving Costs

i) Transportation and Accommodation Expenses

92. Programme 3 covers the reimbursement of travel expenses incurred by counsel and associate counsel to and from The Hague or an area within commuting distance from the Court's premises in The Hague.³ The reimbursement is strictly limited to those costs incurred by counsel and/or associate counsel for accommodation in The Hague on official business and deemed reasonably necessary by the Registry, as well as transportation in the most direct and economic way, excluding any application of daily subsistence allowance, terminal expenses, or any other payments in relation to the travel.

93. The costs for transportation and accommodation will be covered up to a maximum ceiling of € 800 per month for counsel and for associate counsel respectively, and upon providing proof that such costs have actually been incurred. Should the transportation costs from and to The Hague or an area within commuting distance from the Court's premises in The Hague exceed 50% of the monthly maximum lump-sum, costs may be covered up to € 1,200 per month. If required by the circumstances of the case, unused resources could be carried over to the following months within one calendar year but may not exceed € 9,600 in total per year or, in exceptional circumstances as defined in this paragraph, € 14,400 per year.

94. Counsel and associate counsel are not reimbursed for the costs of their stay in The Hague if residing in The Hague or an area within commuting distance from the Court's premises in The Hague, or if the costs for transportation and accommodation for official business trips are already assumed by any other judicial institution or entity. While the Registry conducts its own due diligence in this regard, the onus rests on counsel or associate counsel to inform the Registry on any funding by a third source, or possession of a residence in The Hague.

ii) Compensation for Moving Costs

95. Any newly appointed team member may receive reimbursement for the transportation costs incurred for moving to The Hague or an area within commuting distance from the Court's premises in The Hague for the purpose of his or her work in a defence or victims' team practicing before the Court unless the team member is already residing at such location at the time of his or her assignment to a team. The reimbursement of the transportation costs shall only be provided once to a team member and only upon providing proof that such costs have actually been incurred. In addition, upon providing relevant proof of the moving to The Hague or an area within commuting distance under the conditions of this paragraph, any team

³ For the purpose of this provision, the term 'commuting distance' means a distance between the location of the team member's residence and the Court's premises in The Hague that allows the team member to be physically present at the Court to perform the work as indicated in the letter of appointment, where required.

member is eligible to receive compensation for the costs of moving to an extent of one month of remuneration in accordance with the applicable scale as per annex II, table 8, column 1.

96. Counsel and associate counsel may also be eligible to receive compensation for moving costs under the conditions and within the scope as set out in paragraph 95. Should counsel or associate counsel make a request for the compensation of moving costs, from the point of moving to The Hague or a location within commuting distance, they shall not receive reimbursement for transportation and accommodation costs pursuant to paragraphs 92 to 94 of this Policy.

III. Legal Aid Resources in Other Proceedings

1) Offences Against the Administration of Justice Pursuant to Article 70 of the Rome Statute

97. For proceedings taking place under article 70 of the Rome Statute, legal aid resources for defence and victims' teams are allocated as for cases related to article 5 of the Rome Statute, specified in paragraphs 55 to 96, with the exception that they may not exceed resources allocated to the respective defence or victims' team as per complexity level 1 of the applicable stage of the proceedings, unless additional means are approved by the Registrar in exceptional circumstances in line with the requirements in paragraphs 74 to 76.

2) Proceedings After the Closing of the Main Case

98. For proceedings arising after the closing of the main case, *i.e.* the final acquittal or conviction of an accused, which are necessary to ensure the fairness of the proceedings, such as proceedings under article 85 of the Rome Statute, counsel for the defendant may submit to the Registrar a reasoned request for a reduced team. The Registrar may grant, on an exceptional and justified basis, limited legal aid resources, whereby payment follows upon proof of the actual time worked.

99. Any resources granted for such proceedings shall generally not exceed the duration of twelve months.

3) Proceedings before National Jurisdictions

100. Legal aid resources are not provided for the purpose of proceedings brought before national jurisdictions, including proceedings on the basis of article 59 of the Rome Statute.

D. Review and Appeal of Legal Aid Decisions

101. A person receiving legal aid by the Court may submit a request to the Registrar for review of a decision on the scope of legal aid resources provided to a team.

102. The Registrar's final decision on legal aid resources taken pursuant to Regulation 83 of the RoC may be reviewed by the relevant Chamber on application by the person receiving legal aid pursuant to Regulation 83(4) of the RoC.

103. The standard of judicial review of the Registrar's decisions concerns the propriety of the outcome of the decision and of the procedure by which it was reached. Without prejudice to the decision making of the Chamber, the judicial review procedure shall take into account the scope of the resources allocated under the Court's Legal Aid Policy. The review involves an assessment of (a) whether the Registrar has acted without jurisdiction; (b) whether the Registrar's decision is affected by a material error of law or fact; (c) whether the Registrar abused his or her discretion, for example, by failing to act with procedural fairness, acting in a disproportionate manner, making a decision based on irrelevant factors or failing to take into account relevant factors; or (d) whether the Registrar's decision is manifestly unreasonable by reaching a conclusion which no reasonable person who has properly applied the legal basis and circumstances of the case to the issue could have reached.

E. Qualifications

104. To preserve the highest standards of representation in the interest of the suspect or accused, and without prejudice to their right to freely choose Counsel according to article 67(1)(d) of the Rome Statute and rule 21(2) of the Rules, and in the interest of the victim or group of victims, and without prejudice to their right to freely choose a Legal Representative of victims according to rule 90(1) of the Rules, a team member, including counsel or associate counsel, shall not work simultaneously on two or more cases before the Court requiring his or her simultaneous full-time commitment. As such, insofar simultaneous mandates for cases before the Court are concerned, they shall be limited to no more than two cases, whereby the total monthly remuneration for the other case may not exceed 50% of the monthly full-time remuneration of one case. A team member working to the extent of a full-time basis in a practising defence or victims' team before the Court under the legal aid system should also not work on a case before any other international or hybrid tribunal requiring their full-time commitment as well insofar this could risk the providing of the highest standard of representation.

I. Counsel and Legal Representatives of Victims

105. The qualifications of counsel and associate counsel for the suspect or accused and Legal Representatives of victims shall comply with those set out in rule 22(1) of the Rules.⁴

106. Counsel and associate counsel are required to participate in comprehensive and continuous trainings provided by the Registry in line with Regulations 140 and 141 of the RoR or other relevant professional training, on a regular basis, and at least every two years, in order to improve their legal knowledge and skills, as well as to ensure the highest standards of efficiency, competence and integrity. To remain on the lists of counsel or associate counsel, proof of fulfilment of these requirements must be provided every five years. Without prejudice to the rights of the represented person, failure to provide the required proof will result in the suspension of the inclusion in the respective list until the providing of such proof.

107. Prior to their appointment, counsel and Legal Representatives of victims shall sign a declaration confirming that no conflicts of interests arise from, for example, ongoing or previous mandates, previous employments, or close personal relationship.

II. Persons Assisting Counsel

108. Any person assigned to a team by Counsel, shall be provided with letters of appointment.

109. To be assigned to a team under the Court's Legal Aid Policy, candidates must meet the minimum qualifications as laid down in annex III to this Policy. The assessment of qualifications is conducted by Counsel. Upon the selection of an eligible candidate, Counsel shall him- or herself or through the candidate submit the required information on their qualifications to the Registry. The relevant entity within the Registry shall ensure that the formal requirements for the assignment of a person to a team in accordance with annex III are met.

110. Counsel cannot choose to assign a person to a team which is in a first- or second-degree kinship with Counsel or associate counsel.

111. A person assisting counsel may not be assigned to a team for a period shorter than three months and must be informed at least one month in advance prior to any discontinuance of the appointment period by Counsel and the Registry, unless a person is appointed on an exceptional basis through resources provided by additional means as per paragraphs 74 to 76.

⁴ Pending the adjustment of the required qualifications under rule 22(1) of the Rules, it is recommended that in addition to the requirements set out therein, counsel and Legal Representatives of victims possess an established competence in international and domestic criminal law and procedure through at least ten years of relevant experience including relevant courtroom experience. It is further recommended that counsel and Legal Representatives fill the requirements to practice law in a domestic legal system. It is strongly recommended, where possible, to be a member of a national bar association or an equivalent national institution. Associate counsel should have at least eight years of relevant experience in international or domestic criminal law.

112. If after the confirmation of charges hearing the charges are not confirmed, the appointment of a team member may, subject to the needs of the case and the work to be performed, be continued for a duration of three months only in the case of any residual or administrative matters arising from the case.

III. Investigators, Resource Persons and Field Assistants

113. Professional investigators shall comply with the requirements set out in Regulation 137 of the RoR.

114. Resource persons shall assist a defence team in the conducting of investigations in the field. Unless exceptional circumstances exist, resource persons shall be locally selected and possess the necessary local knowledge and language skills for this purpose.

115. Field assistants shall assist Legal Representatives of victims in facilitating the communication of the views and preoccupations of victims in the field and sharing views and concerns of victims before the Chamber. Field assistants should, where possible, be locally selected and possess a background in outreach or victim support and familiarity with the work of the Court and be able to communicate with victims in a language they understand.

F. Conditions of the Appointment

116. Upon their assignment to a team, team members agree to the conditions as set out in this section.

I. Scope of the Working Commitment and Responsibilities

117. The letter of appointment of a team member shall define the scope of his or her working commitment. This shall include:

- a) the services to be performed through the providing of tangible and measurable outputs, objectives, deliverables and targets of the work assignment, as well as specific activities, where applicable;
- b) the expected appointment period; and
- c) whether a team member provides his or her services to the defence or victims' team part-time (at 50 % or 25 %) or full-time (at 100%).

118. Counsel shall have the responsibility to ensure that team members perform their services in compliance with the conditions set out in the letter of appointment and the Court's Legal Aid Policy. Any deviation from the scope of the working commitment as set out in the letter of appointment or the Court's Legal Aid Policy to the disadvantage of a team member may result in the initiation of disciplinary measures against counsel or associate counsel, as appropriate, per paragraph 144.

II. Compensation Scheme for Leave of a Team Member

119. A team member shall be eligible to receive compensation for the taking of leave as specified in this section and under the condition for persons assisting counsel that the request for compensation has been submitted to Counsel prior to the leave. The scope of the compensation shall be determined in accordance with the relevant applicable rate based on the team member's remuneration.

120. **Annual leave:** A team member working up to a full-time commitment for a defence or victims' team shall be eligible to receive compensation for the taking of annual leave to the extent of two and a half working days for each calendar month of service. Team members working part-time shall be eligible to receive compensation for the taking of annual leave proportionate to their commitment. The providing of compensation for annual leave is under the condition that the days of leave are authorized by the Counsel of a team, and that the Registry is informed. Annual leave may be accumulated within a limited period of two years, provided that not more than 30 days of such leave are carried forward beyond 1 January of any year. Any unused leave days cannot be compensated.

121. **Certified medical leave:** A team member being assigned to a team for a period less than one year shall be eligible to receive compensation for the taking of certified medical leave due to illness or injury to the extent of up to two working days for each calendar month of service. Upon appointment of a team member for at least one year, or upon completion of at least one year of continuous service, a team member may be compensated for certified medical leave up to 60 working days. The providing of compensation for certified medical leave shall be under the following cumulative conditions:

- a) Upon appointment, the team member must provide the Registry with proof of a valid medical insurance and proof of undergoing a health assessment;
- b) The team member must inform Counsel and the Registry of the absence and where possible, the expected duration of absence; and
- c) The team member must submit a medical certificate stating that he or she is not able to perform his or her duties and the duration of the incapacity at the earliest possible, and no later than within fifteen days upon return to work.

122. **Parental and adoption leave:** A team member shall be eligible to receive compensation for consecutive parental and adoption leave up to 16 weeks, whereby the birth-giving parent may be eligible to receive an additional 10 weeks of combined prenatal and postnatal leave. The providing of compensation for a team member during such leave to the extent of his or her remuneration prior to taking leave shall be under the following cumulative conditions:

- a) The team member must have been working in a defence or victims' team prior to taking parental or adoption leave for at least six months;
- b) The team member must take parental or adoption leave for a consecutive period; and
- c) Upon return from parental or adoption leave, the team member must continue to provide his or her services for a period of at least three months to the defence or victims' team for which he or she was working prior to such leave.

123. **Extraordinary leave:** A team member shall be eligible to receive compensation for the taking of extraordinary leave in cases of death of a first- or second-degree relative. Any such leave shall be limited to a maximum of 4 working days per year. The team member must inform Counsel of the absence prior to its occurrence.

124. Counsel may request resources for a temporary replacement of any team member that is on parental, adoption or certified medical leave for a period of at least three months. The appointment of the temporary replacement must be limited to the period of absence of the team member and may not exceed 26 weeks. Resources for the appointment of a replacement may only be granted under the following cumulative conditions:

- a) the continued remuneration of the team member on parental, adoption or certified medical leave in accordance with the remuneration applicable prior to the leave; and
- b) the continuance of the appointment of the team member upon return from said leave.

125. Counsel may not end the appointment period of a team member while the team member is taking certified medical leave, parental or adoption leave, or extraordinary leave as indicated in this section or on the grounds that the team member is on any such leave.

III. Access to Mechanisms Against Discrimination and Harassment

126. The Court's framework against discrimination, harassment, including sexual harassment, and abuse of authority shall be applicable to team members.

G. Remuneration and Related Allowances

I. Remuneration System

127. The remuneration of team members and field assistants forming part of the team composition as per table 1 and 2 is specified in annex II to the Court's Legal Aid Policy.

128. The remuneration of team members shall, unless otherwise specified in the Court's Legal Aid Policy or its annexes, be paid by the Registry upon receiving a confirmation of the satisfactory providing of the services as stated in the letter of appointment.

129. The amount a team member is remunerated per month of service provided to a defence or victims' team shall be determined based on the number of years of relevant experience collected for a specific position at the time of the assignment to a team, in line with the indicated years of relevant experience per table 6 and annex II.

130. Upon continued satisfactory performance of the obligations under his or her letter of appointment, a team member may advance to a higher step-level as per the criteria set out in table 6. If a team member reaches step 4 of a specific position, the remuneration allocated for such level of experience as per table 6 and annex II shall be the maximum remuneration a team member can be allocated when providing his or her services on a full-time basis.

131. When a team member changes to a different position with a higher remuneration scale, he or she shall be placed at a step which results in an increase in the remuneration compared to the one received at the position with a lower remuneration scale.

Table 6

Position	Step 1	Step 2	Step 3	Step 4 (ceiling)
Counsel/ Legal Representative of Victims	Fulfilling the minimum criteria for appointment	Minimum of 13 years of experience	Minimum of 16 years of experience	Minimum of 19 years of experience
Associate Counsel	Fulfilling the minimum criteria for appointment	Minimum of 11 years of experience	Minimum of 14 years of experience	Minimum of 17 years of experience
Assistant to Counsel	Fulfilling the minimum criteria for appointment	Minimum of 8 years of experience	Minimum of 11 years of experience	Minimum of 14 years of experience
Legal Assistant	Fulfilling the minimum criteria for appointment	Minimum of 5 years of experience	Minimum of 8 years of experience	Minimum of 11 years of experience
Case Manager	Fulfilling the minimum criteria for appointment	Minimum of 3 years of experience	Minimum of 6 years of experience	Minimum of 9 years of experience
IT/Language Assistant	Fulfilling the minimum criteria for appointment	Minimum of 8 years of experience	Minimum of 11 years of experience	Minimum of 14 years of experience

132. In instances of reduced activity in the proceedings, the remuneration of team members is continued to be paid in line with the defined scope of their commitment during such period of reduced activity (full-time or part-time) in line with paragraph 73.

II. Monthly Living Cost Lump-sum

133. Team members shall be provided with a monthly living cost lump-sum, which shall be separate from the remuneration for their services provided as part of a defence or victims' team practicing before the Court.

134. The monthly living cost lump-sum shall assist team members with the payment of costs incurred for the expenses that are the result of the exercise of their activities as part of a defence or victims' team practicing before the Court.⁵

135. The monthly living cost lump-sum shall be limited to the percentage of the monthly remuneration of a team member as defined in annex II, paragraph 3.

III. Compensation for Taxes

136. Upon submission of proof once that income taxes have been paid on the remuneration or monthly living cost lump-sum received under the terms of this Policy, and on the basis of yearly proof of submission of a tax declaration to the same fiscal authority on the remuneration or the monthly lump-sum received under this Policy later on, team members shall be provided with an additional percentage of their remuneration as compensation for the income taxes paid as specified in annex II, paragraph 4. This compensation shall be separate from the remuneration for their services provided as part of a defence or victims' team practicing before the Court and the monthly living cost lump-sum.

137. This additional compensation shall assist team members with the payment of costs incurred for the taxation rate on the remuneration or monthly living cost lump-sum that are paid as a direct result of the exercise of their activities as part of a defence or victims' team practicing before the Court.

IV. Adjustments to Remuneration, Monthly Living Cost Lump-sum or Compensation for Taxes

138. The Joint Committee on Legal Aid may propose subsequent adjustments to the remuneration of team members, investigators, field assistants, resource persons and duty counsel, as well as to the monthly living cost lump-sum applicable to team members. The Committee on Legal Aid agrees on adjustment proposals by consensus. Any such proposal shall be submitted to the Registrar for his or her consideration. Should the Registrar agree with the proposal, he or she shall, subject to his or her consideration, propose it, in consultation with the Committee on Budget and Finance, to the ASP.

H. Oversight

139. In accordance with Regulation 130 of the RoR, stipulating that the Registrar shall manage the legal assistance paid by the Court, the Registry section managing the legal aid resources shall be responsible for the administrative oversight of the resources.

140. Counsel shall have the responsibility for the work conducted by their team members. This responsibility is limited to the work performed in relation to the case Counsel is leading.

I. Obligations under Legal Aid Policy

141. Any team member providing its legal services to a defence or victims' team practicing before the Court under the conditions of the Court's Legal Aid Policy shall respect and abide by the provisions in the Court's Legal Aid Policy applicable to them.

⁵ A non-exhaustive list of such costs may relate to: insurances mandatory for the appointment in a defence or victims' team practicing before the Court, including health and liability insurances; professional training other than that provided by the Court; professional charges for the costs of maintaining a membership in a bar association; or increased living and accommodation costs at the location where services are provided (such as increased renting costs, electricity/gas, water, food, internet).

142. Appointed counsel and associate counsel shall, in addition, respect and abide by the provisions in the Code of Professional Conduct for counsel (“Code”).

143. In particular, counsel and associate counsel shall:

- sign an undertaking that no conflicts of interests arise by their appointment as counsel or associate counsel for the case;
- refrain from misusing administrative assistance provided by the Court for other purposes than the intended;
- verify the accuracy of any information submitted to the Registrar, including that within the work plan for the determination of the complexity level of the case, and any request for additional means;
- sign an undertaking pursuant to article 22 of the Code not to accept any form of remuneration from any source other than the Court’s legal aid system or transfer or lend all or part of the fees received for representation of a client or any other assets or monies to a client, his or her relatives, acquaintances, or any other third person or organization in relation to which the client has a personal interest;
- report any change of the financial situation of their client to the Registrar, if affecting the finding of indigence;
- report to the Registrar any false or misleading information given by themselves or any team member, or persons assigned to a team under programmes 1, 2 or 3 of this Policy.

II. Breach of Obligations and Disciplinary Measures

144. A breach of obligations shall result in the initiation of disciplinary measures against counsel or associate counsel pursuant to the provisions in chapter 4 of the Code.

145. Any sanctions imposed on counsel or associate counsel as per article 42 of the Code shall not have an adversary impact on the person(s) represented by them or any team member.

Annex I

Determination of Indigence

I. Calculation of Financial Means of the Applicant

1. Within 30 days of submission of a duly completed financial information form as below, and any further information required by the Registry, an estimation of the value of assets, excluding those deemed necessary for the normal living expenses of the applicant and his or her dependants, will be made to determine the applicant's disposable means.
2. The assets of the applicant shall include all means of all kinds in respect of which the applicant has direct or indirect enjoyment or power freely to dispose, including, but not limited to:
 - (a) Direct income, bank accounts, real estate or personal property, pensions, stocks, bonds or other assets held;
 - (b) Motor vehicles that are the property of the applicant, unless the Registrar deems that it is not reasonable to do so considering all the circumstances of the case, including such factors as the necessity for the applicant or his dependants to have the use of a motor vehicle and the value thereof, whereby the value of the latter considered as disposable means will be estimated according to any available official scale, or with the help of a certified expert.
 - (c) The applicant's main residence, if applicable, whereby the Estimated Monthly Value of the residence will be calculated by taking its total value (net of any mortgage or other charge on the property) as estimated at the date of calculation and dividing by 60.
3. For the assets included in paragraph 2 (a) and (b), a monthly value will be determined by dividing the assessed total value by 60, which is the depreciation period calculated for the assets.
4. Excluded from the applicant's disposable means are:
 - (a) The applicant's furnishing contained in the principal family home, and belonging to the property of the applicant, except for luxury items of extraordinary value, including but not limited to art and antique collections, of which the value will be estimated by certified experts, and the monthly value determined as per paragraph 3 of this Annex;
 - (b) Family or social benefits to which the applicant may be entitled;
 - (c) Assets owned by dependants, unless paragraphs 1 and 2 of this Annex are applicable, or the dependant's assets constitute a financial unit with the applicant. Assets owned by dependants will, however, be taken into account to determine the existence and extent of the obligations of the applicant to such dependants, as specified in section II of this annex.
5. In respect of loans obtained prior to the start of proceedings before the Court, repayments will be considered as monthly expenses under Regulation 84(2) of the RoC, provided that the applicant demonstrates that the loans are reasonable and necessary.
6. Where a loan has been obtained after the start of proceedings before the Court:
 - (a) the loan will be considered as income for the period of the loan, up to a maximum of 60 months (for example, a loan of € 60,000 repayable over 12 months will be assessed as equivalent to income of € 5,000 per month and a loan of € 600,000 repayable over 120 months will be assessed as equivalent to income of € 10,000 per month); and
 - (b) interest payments will not be allowed as monthly expenses unless the applicant can demonstrate that the loan was genuinely reasonable and necessary and could not be obtained with a lower interest rate (for example, a loan to cover urgent medical treatment or funeral expenses).

II. Obligations of Applicant Regarding Dependants

7. The obligations of the applicant to dependants will be calculated on a monthly basis. The needs of persons dependent on the applicant are based on the reasonable living expenses (“RLE”) incurred by the dependant, which are determined on the basis of any documentation such as invoices and bills provided by the applicant.

8. Where an applicant fails without good reason to produce evidence of living expenses claimed, such expenses will not be included in the calculation. Where an applicant can provide a justified reason for not being able to provide the required proof of living expenses, the Registry has regard to official statistics relating to living expenses in the State of residence of each dependant, in order to assess RLE.

9. In respect of the residence in which any dependant lives, if its value is higher than the total RLE for all dependants living there and the residence is the property of any of the dependants, the monthly value may be deducted from the RLE of that dependant and, if applicable, any other dependant living in the same residence up to a maximum of 100 % of the RLE for all the dependants living in that residence.

III. Amount of monthly disposal means (“MDM”)

10. The MDM is calculated by subtracting the obligations of the person claiming indigence from the assets calculated. It will be used to determine indigence for the purpose of according legal aid to be paid by the Court.

IV. Determination of Legal Aid Costs Paid by the Court

11. Where the MDM is higher than the monthly cost of defence for the most demanding phase of the proceedings *i.e.* trial stage, when the maximum extent of the defence team is in place, the person is not considered indigent, and his or her application is rejected.

12. Where the MDM is $\leq \text{€ } 0$, the applicant is considered fully indigent, *i.e.* the Court covers all costs that are reasonably necessary for his or her representation before the Court in conformity with Regulation 83 of the RoC, and subject to the provisions of the Court’s Legal Aid Policy.

13. Where the applicant’s MDM lies between $\text{€ } 0$ and the amount of the monthly costs of the defence for the most demanding phase of the proceedings (trial stage), the applicant will be considered as *partially indigent*. In such instance, the amount of legal assistance to be granted is assessed for each phase in respect of which the allocation of funds by the Registry changes, *i.e.* pre-trial, trial and appeals phase. In addition, during the first 12 months of the procedure, one twelfth of the sum allocated for investigations will be included in the costs incurred by the defence. Where the MDM is sufficient to meet the cost of representation during any of these phases, as calculated in the system established above, indigence will not be recognized for the phase or phases concerned. Where the MDM is insufficient to cover these costs, the applicant pays the MDM to the defence team on a monthly basis and the Court will cover the remaining costs.

FINANCIAL INFORMATION FORM

Preliminary note:

Please fill in all information requested from you, taking into account the following instructions:

- Only submit complete financial information forms. Financial information forms are only considered complete, if answers and requested information are provided to all questions, unless specified otherwise. Indefinite answers such as “not applicable”, (n/a), or “-“ to any question are not permitted. Questions that require a specific number, may be answered with “none”, where applicable.
- Provide as detailed information as possible. If there is not sufficient space provided in the form, please continue on a separate sheet, thereby clearly indicating to which section/question you provide your answer to.
- Read the clarifications marked with a * at the beginning of the section, where applicable.
- Follow the instructions in green, where applicable.

I. PART I: GENERAL DETAILS OF APPLICANT, PARTNER(S) AND DEPENDANT(S)

Section 1. Your general details

Family name	
First name	
Middle name	
Other names (include maiden name & aliases)	
Date of birth	
Place of birth	
Nationality (ies) at birth	
Present nationality	
Passport or travel document number	
National ID card number, if any	
Sex	Male <input type="checkbox"/> Female <input type="checkbox"/> Prefer not to state <input type="checkbox"/>
Languages	Native language(s): Other languages:
Please indicate your current location	Address (including country and telephone number):
Do you have a partner or spouse who normally lives with you?	No <input type="checkbox"/> Go to section 3 Yes <input type="checkbox"/> Go to section 2

Section 2. Your spouse or partner’s details

* If you have more than one spouse or partner, please provide the relevant information on a separate sheet.

Name of spouse/partner	
Date of birth	
Address	
Telephone number	
E-mail address	
Profession/occupation	
Title of his/her post	
Gross salary per calendar month (please state currency)	
Net salary per calendar month (please state currency)	
Name of his/her employer	
Name of his/her supervisor	
E-mail address of employer	
Postal address of employer	
Phone number of employer	

Section 3. Children or Dependants

Do you have any children or other people who are dependent on you (including any to whom you pay maintenance)? If yes, go to Section 4.	No <input type="checkbox"/> Go to section 5 Yes <input type="checkbox"/> Go to section 4
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Section 4. Information on Dependants

* If you answered the question in Section 3 with YES, please provide the following information on each dependant.

Name	Relationship to you	Date of birth	Address/Telephone/Email	Occupation/ Profession
1.				
2.				
3.				
4.				
5.				
6.				
7.				

Section 5. Refugee Status

Do you have, or are you applying for, refugee status?	No <input type="checkbox"/> Go to section 6 Yes <input type="checkbox"/> Answer the questions below (Section 5)
If so, please provide the following information:	
1. When did you last leave your country of origin?	
2. Which country has granted you refugee status?	
3. When were you granted refugee status?	
4. What country issued your last passport or travel document?	

<p>5. Please provide any other relevant details associated with your status as refugee, including, if you are in the process of seeking refugee status in any country, the name of the country, your reasons for applying and stage of the process?</p>	
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II. PART II: STATEMENT OF ASSETS

* Please note, that answers are required to all questions. Please attach extra sheets if necessary.

Section 6. Your address at the time of your arrest or surrender

* Please provide on an extra sheet the same information on other addresses for the last five years prior to your arrest, if different from the one below.

1. Complete address, including full post code	
2. Period you lived there	
3. Did you own this property?	No <input type="checkbox"/> Go to question 7 of this section Yes <input type="checkbox"/> Go to question 4 of this section
4. Estimated value	
5. Have you sold this property?	No <input type="checkbox"/> Go to question 10 of this section Yes <input type="checkbox"/> Go to question 6 of this section
6. Give details of the date on which you sold the property and the amount you sold it for (please also send us copies of the contracts for sale and any other land registry documents involved)	
7. Did you rent the property?	No <input type="checkbox"/> Go to question 10 of this section Yes <input type="checkbox"/> Go to question 8 of this section

<p>8. How much was the rent per calendar month?</p> <p>Please provide proof of tenancy and proof of rent paid (tenancy agreement and rent book or receipts)</p>	
<p>9. What were the name and address of your landlord?</p>	
<p>10. How many rooms were in the property?</p>	
<p>11. How much were the monthly electricity and water bills?</p> <p>Please provide the last 3 bills and confirm who paid them and by which method they were paid.</p>	
<p>12. If you are paying a salary for domestic staff how much is it per calendar month?</p>	
<p>13. Specify any other household-related expenses you have to pay, including maintenance to any ex-partner, giving the amount per calendar month.</p> <p>Please provide the last 3 bills/receipts for each expense and confirm who paid them and by what method they were paid.</p>	

Section 7a. Your last employment before your arrest or surrender

<p>Occupation</p>	
<p>Title of post</p>	
<p>Period post was held</p>	<p>From (month/year) To (month/year)</p> <p>.....</p>
<p>Gross salary per month</p>	<p>In (state currency)</p>

Net salary per month Please provide the last 12 months pay slips or other proof of salary	In (state currency)
Name of your employer	
Name of supervisor	
E-mail address of employer	
Postal address of employer	
Phone number of employer	
Reasons for leaving	
Other information	

Section 7b. Previous employment

Occupation	
Title of post	
Period post was held	From (month/year) To (month/year)
Gross salary per month	In (state currency)
Net salary per month	In (state currency)
Name of your employer	
Name of supervisor	
E-mail address of employer / supervisor (if any)	
Postal address	
Telephone number (If any)	
Reasons for leaving	
Other information	

Section 7c. Previous employment

Occupation	
Title of post	
Period post was held	From (month/year) To (month/year)
Gross salary per month	In (state currency)
Net salary per month	In (state currency)
Name of your employer	
Name of supervisor	
E-mail address of employer / supervisor (if any)	
Postal address	
Telephone number (If any)	
Reasons for leaving	

Section 8. Person(s) and/or institution(s) responsible for the management of your assets

Name & address of person/institution	Telephone or E-mail address	Period
		From (mth/yr)..... To (mth/yr).....
		From (mth/yr)..... To (mth/yr).....
		From (mth/yr)..... To (mth/yr).....
		From (mth/yr)..... To (mth/yr).....
		From (mth/yr)..... To (mth/yr).....

Section 9. Bank accounts

Have you or any of your dependants held any bank accounts in the past 5 years?	No <input type="checkbox"/> Go to section 10 Yes <input type="checkbox"/> (give details of each account below)	
Name & full postal address of bank	Telephone or E-mail address of bank	Number of each account you hold & the available funds. <i>Please provide the most recent 12 months statements</i>

Section 10. Other income paid to you or your dependants

* Please answer all questions. If the answer is YES to any question, please provide details of each income on an extra sheet.

Do you, your spouse or dependants possess any of the assets listed below?			
Type	You	Spouse(s)	Dependants
Rent or other income derived from land	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Bonds, stocks or shares	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Pension benefits	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Insurance claims	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Interest on bank accounts, loans or investments	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Income from companies	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Any other income	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 11. Assets owned by you or your dependants

* Please answer all questions. If the answer is YES to any question, please provide details of each income on an extra sheet.

Do you, your spouse or dependants possess or control any of the assets listed below?			
Type	You	Your partner(s) or spouse(s)	Your dependants
Houses	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Land	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Commercial Buildings	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cars	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Trucks	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other Vehicles	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Any company, society, foundation, organisation or charity	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Any other assets (including furniture, jewellery, household or electronic appliances and	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

any debts owed to you)			
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Section 12. Inheritance

<p>Are you in the process of receiving any inheritance?</p>	<p>No <input type="checkbox"/> Go to section 13</p> <p>Yes <input type="checkbox"/> Provide details below and provide estimated value</p>
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Section 13. Provide the names and addresses of any persons, other than your family members and persons living in your household, who can attest the information provided in this declaration

	Name	Full address
1		
2		
3		

DECLARATION

I am aware that my statement is subject to verification by the Registrar and that any omission or false statement may in the Registrar's discretion result in either withdrawal of assignment of Counsel or my being deemed liable to pay all or part of the costs allocated to my legal team for my representation at a proceeding before the Court.

I hereby authorise the Registrar of the International Criminal Court or his or her representative to have full access to ***my household, previous employment history, bank accounts***, and any other relevant financial information for the purpose of assessing whether I am eligible for payment of legal assistance by the Court;

Through my signature I authorise the Registrar of the International Criminal Court or his or her representative, without further recourse to me, to make any inquiries with financial institutions and land registries or similar institutions to evaluate any property, real or personal, legally or beneficially owned by me, whether now or anytime in the future, with a view to determining my contribution to the cost of my legal representation under the Court's legal assistance programme.

I have been informed that this authorisation is irrevocable. It is given freely from undue influence, duress, force or coercion.

I hereby acknowledge that a refusal to assist the Registrar in this matter in an expeditious fashion and any misrepresentation or material omission may result in the delay of the decision concerning the granting of payment of legal assistance by the Court, for which the Court shall bear no responsibility. Likewise, I acknowledge that such refusal, misrepresentation or material omission could result in the review of the provisional decision to grant payment of legal assistance by the Court.

I understand and accept that in the event the Registrar undertakes to pay for the costs of my legal representation, that the Registrar may, pursuant to Regulation 84 (1) of the Regulation of the Court, require a financial contribution from myself whether now or at any time in the future should it come to the attention of the Registrar that I possess, or have acquired, the means to make such a contribution.

I hereby declare that, in the case of being granted a partial payment of legal assistance, according to Regulation 84 (1) of the Regulations of the Court, I will provide the legal team with the portion of their payment as decided by the Registrar.

I am hereby informed that I am required to promptly inform the Registrar of the International Criminal Court of any changes concerning my financial situation and to refund the total amount of legal assistance paid by the Court resulting from the non-communication of such changes.

I hereby certify on my honour that all the information provided in this form and any annexes to it is complete and accurate.

I hereby declare that, in case any information provided in this form or any annexes is inaccurate, I will reimburse the Court any funds unduly paid.

(Signature)

(Date)

All information given in this form and any annexes may be used for the purpose of establishing whether the person requesting financial assistance by the Court is an eligible candidate. This information may be communicated to the Chamber dealing with the case at any time pursuant to Rule 21 sub-rule 5 of the Rules of Procedure and Evidence.

Annex II

Remuneration Scheme

I. Remuneration of Team Members

1. The remuneration of team members is calculated on the basis of the applicable step level of a team member as per paragraphs 127 to 131 and table 6 of the Court's Legal Aid Policy, as well as column 1 of table 8 below.
2. Unless otherwise specified in table 8, the monthly remuneration as per column 1 is under the presumption that team members are working on a full-time basis. Should a team member be providing his or her services up to a part-time basis (at 50% or 25%), the remuneration shall be adjusted in accordance with such work-commitment. Any deviation of the amount scheduled to the disadvantage of any team member is impermissible.
3. The monthly living cost lump-sum as defined in paragraphs 133 to 135 of the Court's Legal Aid Policy amounts to 20% of the monthly remuneration applicable to a team member based on his or her position and respective step and is reflected in column 2 of table 8 below.
4. Under the conditions as set out in paragraphs 136 and 137 of the Policy, an additional compensation for taxes can be provided up to 10% of the applicable remuneration as per column 1 of table 8.
5. Although separate payments, the total monthly lump-sum including monthly remuneration, monthly living cost lump-sum and additional compensation for income taxes paid is reflected in column 4 of table 8.

Table 8

Position and Step	Column 1 Monthly Remuneration in € for providing services full-time	Column 2 Monthly Living Cost Lump-sum amounting to 20% of the Remuneration in €	Column 3 Total Monthly Lump-sum in € for full-time services	Column 4 Total Monthly Lump-sum in € incl. 10 % compensation for taxes for full-time services
Counsel/Legal Representative Step 1	9,543	1,908.60	11,451.60	12,405.90
Counsel/Legal Representative Step 2	9,843	1,968.60	11,811.60	12,795.90
Counsel/Legal Representative Step 3	10,193	2,038.60	12,231.60	13,250.90
Counsel/Legal Representative Step 4	10,543	2, 108.60	12,651.60	13,705.90
Associate Counsel Step 1	8,151	1,630.20	9,781.20	10,596.30
Associate Counsel Step 2	8,251	1,690.20	10,141.20	10,986.30
Associate Counsel Step 3	8,801	1, 760.20	10,561.20	11,441.30
Associate Counsel Step 4	9,151	1,830.20	10,981.20	11,896.30

Assistant to Counsel Step 1	6,642	1,328.40	7,970.40	8,634.60
Assistant to Counsel Step 2	6,842	1,368.40	8,210.40	8,894.60
Assistant to Counsel Step 3	7,092	1,418.40	8,510.40	9,219.60
Assistant to Counsel Step 4	7,342	1,468.40	8,810.40	9,544.60
Legal Assistant Step 1	5,378	1,075.60	6,453.60	6,991.40
Legal Assistant Step 2	5,578	1,115.60	6,693.60	7,251.40
Legal Assistant Step 3	5,828	1,165.60	6,993.60	7,576.40
Legal Assistant Step 4	6,078	1,215.60	7,293.60	7,901.40
Case Manager Step 1	4,371	874.20	5,245.20	5,682.30
Case Manager Step 2	4,571	914.20	5,485.20	5,942.30
Case Manager Step 3	4,821	964.20	5,785.20	6,267.30
Case Manager Step 4	5,071	1,014.20	6,085.20	6,592.30
IT/Language Assistant Step 1 (at 50%)	2,640	528	3,168	3,432
IT/Language Assistant Step 2 (at 50%)	2,840	568	3,408	3,692
IT/Language Assistant Step 3 (at 50%)	3,090	618	3,708	4,017
IT/Language Assistant Step 4 (at 50%)	3,340	668	4,008	4,342

II. Remuneration of Duty Counsel

6. The remuneration of duty counsel does not fall within the remuneration scheme as per paragraphs 127 to 138 of the Court's Legal Aid Policy and paragraphs 1 to 5 of this annex. Duty counsel other than the OPCD or OPCV for the representation of an indigent client at the initial proceedings as per paragraphs 56 to 58 and 66 of the Court's Legal Aid Policy or for any other instance where the appointment of a duty counsel is required shall be remunerated on the basis of a lump-sum as set out in paragraphs 7 to 10 of this annex.

7. The remuneration of duty counsel shall be on an hourly or daily basis. The hourly rate for duty counsel is € 86.53, the daily rate is € 649. The lump-sum is administered by the Registry. Payment of the lump-sum is only upon reasoned request and limited to the actual hours worked by duty counsel.

8. The total maximum lump-sum for the entirety of the initial proceedings may not exceed € 5,000.

9. In any other instances, the remuneration of duty counsel shall be on an hourly or daily basis as set out in paragraph 7 of annex II, up to a monthly ceiling equal to the monthly remuneration of counsel at step 1 as per table 8, column 1.

10. Duty counsel is not eligible to receive a monthly living cost lump-sum or additional compensation for income taxes paid.

III. Remuneration of Professional Investigators, Resource Persons and Field Assistants

11. The assignment of professional investigators, resource persons and field assistants to the team is subject to the available resources of a team under programme 1 or, where applicable, programme 2.

12. Field assistants that form part of the permanent team composition of a victims' team as per table 2 of the Court's Legal Aid Policy shall be remunerated at a monthly rate of € 2,393.

13. Counsel shall provide professional investigators, resource persons and field assistants assigned to a team under the resources under programmes 1 or 2 with a fair and reasonable remuneration. The remuneration should take into account the responsibilities of the recruited person, the risks associated with these responsibilities, and the local living costs.

Annex III

Minimum Qualifications for Team Members

I. Counsel and Associate Counsel

- Counsel and Associate Counsel shall be appointed from the list of counsel or list of associate counsel maintained by the Court. As such, upon appointment, they shall fulfil the requirements to be included in the respective list. These requirements should be in consistency with the minimum requirements listed in the following.

1) Counsel and Legal Representative of Victims

- The minimum level of education required for appointment at the position of Counsel or Legal Representative of Victims is an advanced university degree in law from a recognized university, preferably with specialization in criminal or international criminal law.
- Pursuant to Regulation 67 of the RoC, a minimum of ten years of relevant experience in international or criminal law and procedure, as well as the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings, is required.
- Demonstrated experience is highly desirable in:
 - a) complex and large-scale criminal cases or cases involving international crimes;
 - b) directing case preparation in serious criminal cases;
 - c) courtroom experience
- A Counsel or Legal Representative of victims shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.
- It is further highly recommended that Counsel and Legal Representative of victims shall fulfil the requirements to practice law in a domestic legal system, including to be a member of a national bar association or an equivalent national or international institution.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of the other is considered a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian, Spanish) or relevant languages in a situation or case before the Court would be considered an asset.

2) Associate Counsel

- The minimum level of education required for appointment at the position of Associate Counsel is an advanced university degree in law from a recognized university, preferably with specialization in criminal, international, humanitarian or international criminal law. A first level university degree in combination with two additional years of qualifying experience is accepted *in lieu* of an advanced university degree.
- Pursuant to Regulation 67 of the RoC, a minimum of eight years (ten years with a first level university degree) of relevant experience in international or domestic criminal law is required.
- The position requires preparation and drafting of (complex) legal documents.
- Courtroom experience is a strong asset.
- An Associate Counsel shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.
- Thorough theoretical and practical knowledge of the law governing the Court: public international law and international criminal law, including the case law of the Court and other international criminal tribunals is considered an asset.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of the other is considered as a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian, Spanish) or relevant languages in a situation or case before the Court would be considered an asset.

- Professors of law with relevant experience may apply to the position.

II. Persons Assisting Counsel

1) Assistant to Counsel

- Assistants to Counsel shall be appointed from the applicable list maintained by the Court. As such, upon appointment, they shall fulfil the requirements to be included in the respective list. These requirements should be in consistency with the minimum requirements listed in the following.
- The minimum level of education required for appointment at the position of Assistant to Counsel is an advanced university degree in law from a recognized university, preferably with specialization in criminal, international, humanitarian or international criminal law. A first level university degree in combination with two additional years of qualifying experience is accepted *in lieu* of an advanced university degree.
- A minimum of five years (seven years with a first level university degree) of relevant professional experience in international or domestic criminal law is required.
- The position requires preparation and drafting of (complex) legal documents including legal submissions, correspondence, memoranda, legal opinions and briefs, as well as strongly developed research, legal and organization skills.
- Thorough theoretical and practical knowledge of the law governing the Court: public international law and international criminal law, including the case law of the Court and other international criminal tribunals is an asset.
- Courtroom experience in criminal or international criminal law is an asset.
- Demonstrated ability to work on a litigation team, preferably with members from different criminal justice systems, is highly desirable.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of the other is considered a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian, Spanish) or relevant languages in a situation or case before the Court would be considered an asset.

2) Legal Assistant

- The minimum level of education required for appointment at the position of Legal Assistant is an advanced university degree in law from a recognized university, preferably with specialization in criminal, international, humanitarian or international criminal law. A first level university degree in combination with two additional years of qualifying experience is accepted *in lieu* of an advanced university degree.
- A minimum of two years of relevant working experience (four years with a first level university degree) including experience in preparing legal cases is required.
- As such, the position requires preparation and drafting of (complex) legal documents including legal submissions, correspondence, memoranda, legal opinions and briefs, as well as strongly developed research, legal and organization skills.
- Thorough theoretical and practical knowledge of the law governing the Court (public international law and international criminal law), including the case law of the Court and other international criminal tribunals is considered an asset.
- Demonstrated ability to work on a litigation team, preferably with members from different criminal justice systems, is highly desirable.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of the other is considered a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian, Spanish) or relevant languages in a situation or case before the Court would be considered an asset.

3) Case Manager

- The minimum level of education required for appointment at the position of Case Manager is an advanced university degree in law from a recognized university (preferably with specialization in criminal, international, humanitarian or international criminal law), arts, social sciences or a related field. A first level university degree in combination with two additional years of relevant work experience is accepted *in lieu* of an advanced university degree.
- A minimum of two years (or zero years with an advanced level university degree) of relevant practical experience working in litigation support, case management and/or legal secretarial support and related areas, is required.
- Experience with the management of electronic and physical evidence presentation and filing systems is desirable.
- Advanced practical experience with Ringtail or CaseMap, as well as transcription software such as Transcend, data warehousing systems or other advanced content management systems is desirable.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of the other is considered a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian, Spanish) or relevant languages in a situation or case before the Court would be considered an asset.

4) IT Assistant

- The minimum level of education required for appointment at the position of IT Assistant is a diploma of secondary education.
- A minimum of 5 years of relevant practical work experience in the areas of information management, evidence management or information management support to investigations, in electronic record management or a related area is required. An advanced or first-level university degree may be considered as a substitute for two years' working experience only to determine eligibility.
- Demonstrated experience is highly desirable in:
 - a) Processing of evidence;
 - b) Providing support and conducting complex searches in Databases;
 - c) Maintaining the electronic central file system;
 - d) Participating in the preparation of disclosure files and the transfer of evidence to other parties.
- Proficiency in one of the working languages of the Court, English or French, is required. Working knowledge of a relevant situation language is considered an asset.

5) Language Assistant

- The minimum level of education required for appointment at the position of Language Assistant is a diploma of secondary education.
- Mother-tongue proficiency in the situation-related language is essential. Knowledge of other situation-related languages may be considered an asset.
- Proficiency in one of the working languages of the Court, English or French, is required.
- A minimum of five years' experience in the situation-related language or a similar experience is required. An advanced or a first-level university degree may be considered as a substitute for two years' working experience only to determine eligibility.
- A firm understanding of the subject matters dealt with by the Court, namely legal, military, medical, forensic, human rights, and administrative matters is highly desirable.
- A sound knowledge of relevant computer software is desirable.

- The ability to work effectively and constructively as part of a multidisciplinary and multicultural team is considered an asset.
 - The ability to keep strict standards of confidentiality is necessary.
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