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**Registry's bi-annual report on legal aid
(July – December 2015)****Executive summary*

This bi-annual report covers the activities relating to monitoring and assessment of the implementation performance of the revised legal aid system, as adopted by the Decision of the Bureau of 22 March 2012;¹ and three aspects of the proposals contained in the "Supplementary report of the Registry on four aspects of the Court's legal aid system".² It follows on from the previous reports submitted pursuant to resolution ICC-ASP/11/Res.1.³

A comparison of payments actually made under the revised legal aid system against payments that would have been made under the legal aid system that was in force before the revision shows that savings achieved for the period 1 July 2015 to 31 December 2015 amount to €24,476.86.

* Previously issued as CBF/26/2.

¹ ICC-ASP/11/2/Add.1.

² ICC-ASP/11/43.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Eleventh session, The Hague, 4-22 November 2012* (ICC-ASP-11/20), vol. I, part III.A, ICC-ASP/11/Res.1, section H., para. 4.

1. The International Criminal Court (“the Court”) is requested to provide a report pursuant to resolution ICC-ASP/11/Res.1,⁴ and ICC-ASP/13/5,⁵ which invites the Court to monitor and assess the implementation specifically of: (a) of the revised legal aid system as adopted by the Decision of the Bureau of 22 March 2012; and (b) three aspects of the proposals contained in the “Supplementary report of the Registry on four aspects of the Court’s legal aid system”. The Court was also asked to by the Committee on Budget and Finance (“the Committee”) to report on the outcome of the reassessment of the legal aid system within the terms established in ICC-ASP/12/Res.8, Annex I, para 6(3).⁶ As the conditions for the reassessment – completion of a full judicial cycle, understood by the Assembly to mean the issuance of a final decision in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and in the case of *The Prosecutor v. Mathieu Ngudjolo Chui*, respectively, including, as appropriate, a final decision on reparations – have not yet been fulfilled, it has not been possible to include the information in this report. Once the conditions have been fulfilled, the Court will proceed with the reassessment as requested by the Committee.⁷

2. This report covers the period from 1 July to 31 December 2015 and reflects the savings generated during this period.

3. The savings resulting from changes to the legal aid system include the difference in payments made under the revised legal aid system and the payments that would have been made under the legal aid system that was in force before the revision. Where fees were still paid under the old legal aid system, no savings were generated and have therefore not been reflected in this report.

4. During the period covered by this report, Appendix I, Part C was implemented 29 times in relation to appointments of duty counsel.

5. Savings in the proceedings in case ICC-01/09-01/13 were calculated using the method applied in the preparation of the previous report on legal aid.⁸ This method assumes that the legal aid in this case had been calculated in accordance with the same parameters applied to proceedings brought under article 5 of the Rome Statute during the pre-trial phase.

6. The Registry hereby informs the Bureau and the Committee that its oversight and evaluation activities involving the Court’s legal aid system, as amended by the Bureau in its Decision of 22 March 2012, together with implementation of the proposals included in the Supplementary Report, allowed savings of €24,476.86 to be achieved between 1 July and 31 December 2015. A breakdown is provided in the table below.

Savings generated over the period 1 July to 31 December 2015

<i>Aspects of the legal aid system</i>	<i>Savings (euros)</i>
Teams appointed after 1 April 2012	193,129.06
Changes in teams	21,960.69
Individual instances of representation	14,149.55
Appointment of duty counsel	11,275.99
Deferred implementation of the revised remuneration scheme	34,884.21
Gradual implementation of the revised remuneration scheme	22,131.38
Compensation for professional charges	22,051.28
Multiple mandates	46,258.58
Legal aid in article 70 proceedings	158,636.12
Total	524,476.86

⁴ *Ibid.*

⁵ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), vol. II, part B.1, para. 74.

⁶ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.1, para. 101.

⁷ *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res8, Annex I, para 6(3).

⁸ ICC-ASP-13/2.

7. The Registry recalls that the savings achieved as a result of changes to legal aid for the period 1 April 2012 to 30 June 2015 stood at €2,683,779.03. Overall savings for the period 1 April 2012 to 31 December 2015 stand at €3,208,255.89.

8. The Registry will continue to monitor and assess the implementation of the legal aid system in the light of experience and lessons learnt from the proceedings before the Court, to ensure not only that funds actually contribute to effective and efficient legal representation for the recipients of the system, but also that the legal aid financed by public funds is carefully managed.

9. The Registry reiterates, as set out in its previous reports, the need to strengthen the capabilities of the Counsel Support Section which is facing an increased workload as a result of the implementation, monitoring and assessment of changes to the legal aid scheme.
