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**Report to the Assembly of States Parties on options for ensuring
adequate defence counsel for accused persons (ICC-ASP/3/16)
Update to Annex 2: Payment details of the ICC legal aid scheme***

1. The present document supplements the report to the Assembly of States Parties on options for ensuring adequate defence counsel for accused persons (document ICC-ASP/3/16).
2. The updated annex reflects modifications to the proposed legal aid system entailed by changes in the salary scales used in the United Nations common system, and reviews several points that have been the subject of discussions with the legal profession.
3. It must be emphasized that the philosophy of the system has not changed: the principles that inspired the proposal presented in 2004 still apply, and the only real innovation is the incorporation of a legal adviser who will assist counsel in the presentation before the Chamber from the first status conference before the Trial Chamber instead of the initially foreseen incorporation at the beginning of the trial. Other aspects, such as the equivalence between fees and salaries and the subsequent amount of compensation of charges, have simply been recalculated.
4. If agreed, the change will be reflected in the monthly sum allocated for each team.

I. PRE-TRIAL PHASE

A. Investigation to initial appearance

5. In the event of aid for the purposes, inter alia, of questioning and intervention before the Pre-Trial Chamber, the payment shall be on a pro rata basis, with as a proposal the sum of €700 + compensation of professional charges up to a maximum of 40% of the fees (€280) per day in conjunction with a monthly ceiling of €8,864 (*corresponding to the salary of a (UN/ICC) P-5 level official – senior legal officer/senior prosecutor*) + compensation of professional charges up to a maximum of 40% of the salary (€3,546).

* Previously issued as ICC-ASP/4/CBF.1/8 and Corr.1.

B. Initial appearance to first status conference before the Trial Chamber

6. The proposed payment is €16,318 + compensation of professional charges up to a maximum of 40% of the salary of members of the Professional category (€3,546) = €19,864 per month for the whole team.

7. The breakdown of payment for each category of staff member within the defence team is as follows:

- Counsel: €8,864 (*corresponding to the salary of a (UN/ICC) P-5 level official – senior legal officer/senior prosecutor*) + compensation of professional charges up to a maximum of 40% of the salary (€3,546).
- Assistant: €3,454 (*corresponding to a (UN/ICC) G-5 level official – legal/administrative/language assistant*).
- Flat-rate amount available: €4,000.

II. TRIAL PHASE

A. From the first status conference before the Trial Chamber to the closing arguments

8. In a departure from the proposal submitted in 2004, it was agreed, after intensive consultations with the legal profession, that the legal adviser who will assist counsel in the presentation before the Chamber should join the team before the opening of the trial to give him or her the time necessary to get acquainted with the case and to cooperate in designing the defence strategy during the trial.

9. The proposed payment is €28,207 + compensation of professional charges up to a maximum of 40% of the salary (€8,302) = €36,509 per month for the whole team.

10. The breakdown of the payment for each category of staff member within the defence team is as follows:

- Counsel: €8,864 (*corresponding to the salary of a (UN/ICC) P-5 level official – senior legal officer/senior prosecutor*) + compensation of professional charges up to a maximum of 40% of the salary (€3,546).
- Legal adviser: €7,184 (*corresponding to the salary of a (UN/ICC) P-4 level official – legal officer/prosecutor*) + compensation of professional charges up to a maximum of 40% of the salary (€2,874).
- Legal adviser: €4,705 (*corresponding to the salary of a (UN/ICC) P-2 level official – associate legal officer*) + compensation of professional charges up to a maximum of 40% of the salary (€1,882).
- Assistant: €3,454 (*corresponding to a (UN/ICC) G-5 level official – legal/administrative/language assistant*).
- Flat-rate amount available: €4,000.

B. Closing arguments to delivery of decisions

11. In the event of intervention at this stage, payment should be on a pro rata basis, with as a proposal the sum of €700 + compensation of professional charges up to a maximum of 40% of the salary (€280) per day.

III. APPEALS PHASE

12. The proposed payment is €21,023 + compensation of professional charges up to a maximum of 40% of the salary (€5,428) = €26,451 per month for the whole team.

13. The breakdown of the payment for each category of staff member within the defence team is as follows:

- Counsel: €8,864 (*corresponding to the salary of a (UN/ICC) P-5 level official – senior legal officer/senior prosecutor*) + compensation of professional charges up to a maximum of 40% of the salary (€3,546).
- Legal adviser: €4,705 (*corresponding to the salary of a (UN/ICC) P-2 level official – associate legal officer*) + compensation of professional charges up to a maximum of 40% of the salary (€1,882).
- Assistant: €3,454 (*corresponding to a (UN/ICC) G-5 level official – legal/administrative/language assistant*).
- Flat-rate amount available: €4,000.

IV. INVESTIGATIONS

14. The proposed payment is €55,315 for 90 days of investigation.

15. The breakdown of the payment is as follows:

- Professional investigator for 90 days of investigation: €21,555 = €7,185 per month (*corresponding to the salary of a (UN/ICC) P-4 level official – team leader of Prosecutor's investigation team*).
- Daily subsistence allowance (DSA): €23,760 (corresponding to 90 days of missions).
- Travel: €10,000.