

Remuneration Policy for Persons Assisting Indigent Self-Represented Accused before the Mechanism for International Criminal Tribunals

Adopted on 25 May 2016

PREAMBLE

The Registrar of the Mechanism for International Criminal Tribunals;

CONSIDERING Article 19 of the Statute of the MICT, as adopted by the Security Council under Resolution 1966 (2010) of 22 December 2010;

CONSIDERING the Rules of Procedure and Evidence of the MICT, as adopted on 8 June 2012 pursuant to Article 13 of the Statute;

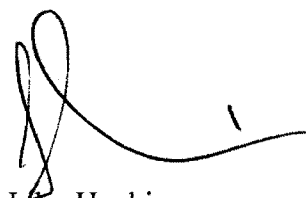
CONSIDERING the principles, policies and procedures governing the remuneration policies at the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia, and their jurisprudence;

CONSIDERING the purpose of this Policy is to facilitate the participation of an indigent self-represented accused in proceedings against him or her that take place pursuant to Article 1(2) and 1(3) of the Statute;

CONSIDERING that this Policy does not create any rights or entitlements beyond those enshrined in Article 19 of the Statute;

CONSIDERING that to the extent that procedural matters are not expressly regulated by this Policy, the Directive on the Assignment of Defence Counsel issued on 14 November 2012 and any other applicable Registry policy will apply as appropriate,

HEREBY ADOPTS this Policy.



John Hocking
Registrar

Dated this 25th day of May 2016
At The Hague
The Netherlands.

TABLE OF CONTENTS

A. DEFINITIONS	3
B. BASIC ELIGIBILITY REQUIREMENT	5
C. REMUNERATED PERSONS	5
D. ASSESSMENT OF THE COMPLEXITY OF A CASE	5
E. ALLOCATION OF RESOURCES	6
<i>Pre-Trial</i>	6
<i>Trial</i>	7
<i>Appeal</i>	7
<i>Experts</i>	9
<i>Office Space</i>	9
<i>Adjustment of Allotment</i>	9
<i>Invoicing</i>	10
F. QUALIFICATION REQUIREMENTS	11
<i>Legal Associate</i>	11
<i>Legal Assistant</i>	11
<i>Case Manager</i>	12
<i>Investigator</i>	12
<i>Language Assistant</i>	12
<i>Expert</i>	12
G. ASSIGNMENT OF DEFENCE TEAM MEMBERS AND EXPERTS	12
H. FINAL PROVISIONS	13
ANNEX	14

A. DEFINITIONS

For the purpose of this Policy, the following definitions shall apply:

- Accused:** A person indicted by the ICTR, the ICTY, or the MICT, in accordance with Article 1 of the Statute.
- Appeal:** A proceeding before the MICT pursuant to Article 23 of the Statute.
- Branch:** The relevant branch of the MICT in Arusha or in The Hague.
- Chamber:** The Trial or Appeals Chamber of the MICT, or a Single Judge, in accordance with Article 12 of the Statute.
- Code of Conduct:** The Code of Professional Conduct for Defence Counsel Appearing before the MICT, issued by the Registrar on 14 November 2012.
- Counsel:** A person assigned to represent an indigent or partly indigent Accused pursuant to Rules 43 and 44 of the Rules and Article 16(B) or 16(C) of the Directive.
- CPI:** Consumer Price Index for the Netherlands as determined by the International Civil Service Commission.
- Defence Team:** Person(s) assigned or approved by the Registry to assist the Accused, including legal associates, legal assistants, case managers, investigators and language assistants, as applicable.
- Directive:** The Directive on the Assignment of Defence Counsel, issued by the Registrar on 14 November 2012, in accordance with Rule 43 of the Rules and as subsequently amended.
- Guidelines:** Guidelines on the Submission of Invoices and the Activities which may be remunerated by Assistants to Self-Represented Accused, issued by the Registry on 25 May 2016 and as subsequently amended.
- ICTR:** The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for Genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, established by Security Council Resolution 955 of 8 November 1994.
- ICTY:** The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed

in the Territory of the former Yugoslavia since 1991, established by Security Council resolution 827 of 25 May 1993.

- MICT:** The International Residual Mechanism for Criminal Tribunals, as established by Security Council resolution 1966 of 22 December 2010.
- Notice of Appeal:** The filing made by a party pursuant to Rule 133 of the Rules.
- Policy:** The present Remuneration Policy for Persons Assisting Indigent Self-Represented Accused before the MICT.
- President:** The President of the MICT appointed pursuant to Article 11 of the Statute.
- Pre-Trial:** The phase of proceedings taking place before a Chamber, from the time of the initial appearance of the Accused until the first day of trial.
- Prosecutor:** The Prosecutor of the MICT appointed pursuant to Article 14(4) of the Statute.
- Registrar:** The Registrar of the MICT appointed pursuant to Article 15 of the Statute.
- Registry:** The organ of the MICT responsible for the administration and servicing of the MICT pursuant to Article 15 of the Statute, and, for purposes of this Policy, Registry staff specifically tasked with administering legal aid.
- Rules:** The Rules of Procedure and Evidence adopted by the MICT pursuant to Article 13 of the Statute, on 8 June 2012, and as subsequently amended.
- Statute:** The Statute of the MICT annexed to Security Council resolution 1966 of 22 December 2010, and as subsequently amended.
- Trial:** The trial stage begins with the first day of trial and ends with the presentation of closing arguments.

In this Policy, the masculine shall include the feminine and *vice versa*.

B. BASIC ELIGIBILITY REQUIREMENT

1. Only a self-represented Accused who is found to be indigent or partially indigent is eligible for remuneration of his Defence Team and appointed experts by the MICT. Therefore, the provisions in the Directive regarding the determination of the financial status of an applicant for MICT-paid defence counsel also apply to self-represented Accused. The basic requirements for indigency determination and funding are set forth in Articles 7 to 10 of the Directive.
2. For the purpose of this Policy, the MICT shall recognise the determination of indigency of an Accused made by the ICTR or the ICTY, unless new information is obtained which establishes that the Accused has sufficient means to remunerate his Defence Team. Where the ICTR or the ICTY has made no determination on indigency, the MICT will assess the financial means of the Accused in accordance with the Directive.
3. For the purpose of this Policy, the Registry shall determine remuneration on an individual level, irrespective of whether any remuneration is allocated to any co-Accused.

C. REMUNERATED PERSONS

4. Only persons assigned by the Registry to the Defence Team of a self-represented Accused may be remunerated by the MICT. The Registry will remunerate assigned persons who discharge the following functions, subject to the qualification requirements for Defence Team members as outlined in Section F below, the maximum number of remunerated Defence Team members and the allocation of remunerable hours as outlined in Section E below:
 - legal associate;
 - legal assistant;
 - case manager;
 - investigator; and
 - language assistant.

The Accused may determine the composition of his Defence Team, provided that at least one person carries out the functions of a case manager during the pre-trial and trial stages.

5. The Registry may also assign Defence expert(s) to a self-represented Accused to the extent permitted under Articles 24(B)(iii) and 24(B)(iv) of the Directive, and in accordance with paragraph 38(vi) below. Defence experts are remunerated pursuant to paragraph 28 and are not considered when calculating the number of Defence Team members for remuneration purposes.
6. Defence Team members and experts assigned by the Registry are remunerated at the hourly rates for support staff and experts published by the Registry.

D. ASSESSMENT OF THE COMPLEXITY OF A CASE

7. The resources available to the Accused depend upon the level of complexity of the case. The Registry determines the level of complexity for each stage of the proceedings, after reviewing a written submission by the Accused and consulting with the Chamber seised of the case. The Registry may also consult the Office of the Prosecutor if necessary or where requested to do so by the Accused.

8. The Registry may rank a case differently during the pre-trial, trial and appeal stages, since the ranking reflects the complexity of legal and factual issues raised during a particular stage, rather than those arising in the case in general.
9. The determination of the level of complexity for the pre-trial and trial stages is based on the following factors:
 - the position of the Accused, including within the political/military hierarchy;
 - the number and nature of counts in the indictment;
 - whether the case raises any novel issues;
 - whether the case involves multiple sites (geographical scope of case);
 - the complexity of legal and factual arguments involved;
 - the number and type of witnesses and documents involved; and
 - any other factor deemed relevant for the Registry's decision.
10. The determination of the level of complexity for the appeal stage is based on the following factors:
 - the position of the Accused, including within the political/military hierarchy;
 - the number and nature of the grounds of appeal;
 - whether the Office of the Prosecutor or any co-Accused has filed an appeal, to the extent their appeal affects the Accused;
 - whether the appeal raises any novel legal issues that have not been addressed by jurisprudence, and the nature of such novel legal issues;
 - the complexity of the legal and factual issues involved;
 - the length of the Trial Judgement;
 - the number and type of documents, exhibits and witnesses relevant to the appeal;
 - the sentence imposed by the Trial Chamber; and
 - any other factor deemed relevant for the Registry's decision.
11. On the basis of the above factors, the Registry will rank the case at Level One (difficult), Level Two (very difficult) or Level Three (extremely difficult).

E. ALLOCATION OF RESOURCES

i. Pre-trial

12. The pre-trial stage begins with the initial appearance of the Accused and ends with the commencement of trial. The following maximum allotments apply:
 - (a) Level One: A maximum of 150 hours per month per Defence Team member for up to two team members, up to a maximum of 3,000 hours for the entire pre-trial stage;
 - (b) Level Two: A maximum of 150 hours per month per Defence Team member for up to three team members, up to a maximum of 4,500 hours for the entire pre-trial stage;
 - (c) Level Three: A maximum of 150 hours per month per Defence Team member for up to five team members, up to a maximum of 6,000 hours for the entire pre-trial stage.

13. In addition, the Registry will remunerate all pre-trial hearing hours for one Defence Team member, if the Accused has obtained leave from the Chamber for that person to have rights of audience before the Chamber on the Accused's behalf. Hearing hours for any other Defence Team members are included in maximum allocations under paragraph 12, which depend on the complexity of the case.

ii. Trial

14. The trial stage begins with the first day of trial and ends with the presentation of closing arguments. The following maximum allotments apply:

(a) Level One: A maximum of 150 hours per month per Defence Team member for up to two team members, up to a maximum of 300 hours per month for the duration of the trial stage;

(b) Level Two: A maximum of 150 hours per month per Defence Team member for up to three team members, up to a maximum of 450 hours per month for the duration of the trial stage;

(c) Level Three: A maximum of 150 hours per month per Defence Team member for up to five team members, up to a maximum of 750 hours per month for the duration of the trial stage.

15. Hearing hours for all Defence Team members, including any member to whom the Chamber has granted the right of audience, are included in maximum allocations under paragraph 14.

16. Should there be compelling factual or legal circumstances following the close of the Defence Phase which lead to a substantial amount of work necessary to be performed during the period between the closing arguments and the pronouncement of the trial judgement, the Accused may submit a reasoned request for remuneration for the Registry's consideration. The request must be in writing and include a description of the work to be performed, the estimated time needed for each task and explain why this work could not have been performed before the close of the Defence Phase. The Registry may request further information and documentation from the Accused if required for a meaningful review of the request. The Registry may seek the Trial Chamber's input as to the work required. The Registry may allocate a maximum of 50 hours per month for this purpose.

iii. Appeal

17. The appeal stage consists of three phases: Phase One – Notice of Appeal, Phase Two – Appeal Briefs and Phase Three – Appeal Hearing.

18. In the event that a maximum allotment is allocated for a specific phase to the Defence Team as a whole, the division of the total amount of hours between the Defence Team members shall be approved in advance by the Accused.

Phase One (Notice of Appeal)

19. Phase One begins on the day following the rendering of the written Trial Judgement and ends on the day on which a Notice of Appeal is filed by the Accused pursuant to Rule 133 of the Rules. If a convicted person does not file a Notice of Appeal, Phase One ends with the expiration of the deadline for the filing of a Notice of Appeal.

20. Phase One applies only to Defence Teams of convicted persons. For this phase, the allotment does not depend on the level of complexity of the case. The following maximum allotments apply:
- a. if the Accused does not file a Notice of Appeal, a total maximum of 50 hours for up to two Defence Team members, to cover work such as reviewing the Trial Judgement to analyse possible grounds of appeal or cross-appeal, and advising the Accused; or
 - b. if the Accused files a Notice of Appeal, a total maximum of 300 hours for up to two Defence Team members, to cover all work related to the preparation and filing of the Notice of Appeal.

Phase Two (Appeal Briefs)

21. Phase Two begins the day after the conclusion of Phase One and ends with the filing of the last brief pursuant to Rules 138, 139 or 140 of the Rules, or any sur-reply, as may be permitted by the Chamber, or the expiration of the time limit for filing such briefs.
22. Phase Two applies to Defence Teams of convicted persons and to Defence Teams of acquitted persons responding to a Prosecution appeal. For this phase, the allotment depends upon the complexity of the Appeal.
23. Pending the Registry's determination of the level of complexity as set forth above, the Registry will rank each case provisionally at Level One to ensure the continuous funding of the Appeal. The Registry may decide to provisionally rank the Appeal at Level Two, should the Accused so request either in the complexity submission or earlier, and evidence before the Registry *prima facie* indicates that the Appeal is likely to warrant a higher complexity determination than Level One. Should the Appeal be subsequently ranked at a complexity level higher or lower than the provisional ranking, the Registry shall adjust the allotment for Phase Two accordingly.
24. After the Registry has determined the level of complexity for the Phase Two, the following maximum allotments apply:
- (a) Level One: A maximum of 100 hours per month per Defence Team member for up to two team members, up to a maximum of 600 hours for the entire duration of Phase Two;
 - (b) Level Two: A maximum of 100 hours per month per Defence Team member for up to three team members, up to a maximum of 750 hours for the entire duration of Phase Two;
 - (c) Level Three: A maximum of 100 hours per month per Defence Team member for up to four team members, up to a maximum of 1,050 hours for the entire duration of Phase Two.

Phase Three (Appeal Hearing)

25. Phase Three begins the day after the completion of Phase Two and ends with the pronouncement of the Appeal Judgement. For this phase the allotment does not depend upon a complexity determination.
26. The allotment for Phase Three is a total maximum of 150 hours for up to three Defence Team members. This allotment covers any and all work to be performed during the phase, including but not limited to assisting the Accused to prepare for the Appeal Hearing (Rule 141 of the Rules), consultations with the Accused, the filing of any motions and responses to motions as may be necessary, communications with Counsel for co-Accused, if any, as well as with the Office of the Prosecutor and Chambers.
27. In addition, the Registry will remunerate all Appeal Hearing hours for one Defence Team member, if the Accused has obtained leave from the Chamber for that person to have rights of audience before the Chamber on the Accused's behalf. Hearing hours for any other Defence Team members are included in maximum allocations under paragraph 26.

iv. Experts

28. The Registry may allot a maximum of 150 remunerable hours for experts for the pre-trial stage and a maximum of 150 remunerable hours for experts for the trial stage of the proceedings. Upon a written request, an Accused may be allowed to carry forward unused expert hours from the pre-trial stage to the trial stage of the proceedings. The Registry may increase the maximum allotment of hours for experts for a particular stage if the Accused demonstrates exceptional circumstances warranting the need for additional hours.

v. Office space

29. The Registry will provide office space for the Defence Team during the trial stage, and where reasonable and necessary, at designated times during the pre-trial and appeal stages, as determined by the Registry.

vi. Adjustment of allotment

30. The Registry may adjust the maximum monthly hours per Defence Team member upon a reasoned request by the Accused which demonstrates the need for one or more team members to work in excess of the individual monthly maximum during any given month. Notwithstanding the distribution of monthly hours among team members, an adjustment under this paragraph does not affect the total maximum allotment per month or overall for the stage.
31. The Registry may increase the total maximum allotment of hours per month or overall for the pre-trial, trial or appeal phase, while maintaining the level of complexity, upon a reasoned request by the Accused. The request must demonstrate the occurrence of unforeseeable circumstances beyond the control of the Accused and his Defence Team which substantially impact upon the preparation reasonably required. In deciding upon such a request, the Registry may consult with the relevant Chamber on the nature of the circumstances and their impact on the preparation of the Accused's case. The exhaustion of resources, in itself, does not constitute a basis for an increase in the allotment of hours.

32. The Registry may increase the maximum number of remunerated Defence Team members, while maintaining the level of complexity and, in certain circumstances, the total maximum allotment of hours per month or overall for the stage, upon a reasoned request by the Accused which demonstrates circumstances requiring such an increase. Circumstances include an increase in the total maximum allotment of hours per month or overall for the pre-trial, trial or appeal phase, or the need for a team member to perform additional functions, such as translation or investigation.
33. Any adjustment or increase of the allotment under paragraphs 30 - 32 must be requested and approved before the work is performed. If authorisation is not obtained before the work is performed, the Registry may refuse payment in whole or in part. The Registry may make an exception if the Accused demonstrates exigent circumstances where forgoing work pending an adjustment or increase of the allotment would negatively impact the preparation of the Accused's case.
34. After consulting with the relevant Chamber, the Registry may consider *proprio motu* whether a decrease of the allotment is necessary. The Registry will consult with the Accused for his views prior to finalising any decision under this paragraph.

vii. Invoicing

35. Each assigned Defence Team member shall submit detailed hourly invoices to the Registry on a monthly basis. Defence experts shall submit their invoice upon completion of their assignment. In any event, all invoices must be submitted within 60 days from the last day of the month during which the work was performed, in accordance with the Guidelines. The Accused is required to certify that the work described in the invoices was carried out on his instruction and is directly related to the preparation of the case by countersigning the invoice.
36. In the review of the monthly invoices, the Registry shall verify that:
- (a) the invoices include a detailed description of work, the time spent per separate activity per day, the hours of the day in which the activity was performed, and all further information requested in the Guidelines;
 - (b) the work of each Defence Team member is sufficiently described to establish that it was directly related to the case; and
 - (c) the work reported by the Defence Team was actually performed.
37. If the Registry is satisfied that the work performed was reasonable and necessary for the facilitation of the Accused's participation in the proceedings, and that the hours invoiced are in accordance with what has been allocated pursuant to this Policy, it will authorise payment directly into the private bank account of the respective Defence Team member or expert.

F. QUALIFICATION REQUIREMENTS

38. In order to be qualified for assignment to a Defence Team of a self-represented accused, candidates must possess the following minimum qualifications:¹

i. Legal associate

To be qualified for assignment as a legal associate, the candidate must demonstrate that he:

- is admitted to the practice of law in a State, or is a university professor of law, or has an advanced university degree in law;
- possesses at least three years of relevant professional experience in criminal proceedings;
- has not been found guilty in any criminal proceedings;
- has not been found guilty in relevant disciplinary proceedings against him where he is admitted to the practice of law or before a disciplinary body of any other national or international tribunal;
- has not engaged in conduct whether in pursuit of his profession or otherwise that is dishonest or otherwise discreditable to a legal associate, prejudicial to the administration of justice, or likely to diminish public confidence in the MICT or the administration of justice, or otherwise bring the MICT into disrepute;
- has not provided false or misleading information in relation to his qualifications and fitness to practice where applicable or failed to provide relevant information;
- has written and oral proficiency in one of the two working languages of the MICT, unless the Registry deems it in the interests of justice to waive this requirement. One of the factors the Registry will consider in deciding to waive the language requirement is whether another a legal associate with written and oral proficiency in one of the working languages of the MICT has been assigned; and
- undertakes to comply with the standards of professional conduct and ethics as specified in the Code of Conduct, including without limitation the requirement that a legal associate must advise the Registry if there is a change in any of the above information.

ii. Legal assistant

A legal assistant should hold an advanced university degree in law or in a related field (e.g. criminology). He should further possess at least one year of relevant professional legal experience.

¹ The annex outlines the typical tasks of Defence Team members.

iii. Case manager

A case manager should hold at least a high school diploma or equivalent, be computer literate and proficient in all applications relevant to the work of the MICT, and possess sufficient clerical experience and skills, including the ability to manage a large number of documents. Proficiency in one of the working languages of the MICT is required.

iv. Investigator

An investigator must hold a relevant university degree or a diploma in criminal investigation from a national police or law enforcement academy, or must have undergone relevant training courses in related fields and possess at least five years' professional investigative experience. He should have demonstrated ability to analyse and administrate voluminous sets of records and should have experience preparing witnesses and documents for official proceedings.

v. Language assistant

A language assistant should hold at least a high school diploma or equivalent. He must demonstrate oral and written proficiency in one of the working languages of the MICT and in the language of the Accused. Where an Accused has been found by the relevant Chamber to understand one of the working languages of the MICT, a language assistant may be assigned on a *pro bono* basis only.

vi. Expert

An expert assigned to assist an Accused should hold an advanced university degree in the field for which his expertise is sought by the Accused. He should have demonstrated expertise in the field through the publication of articles or the provision of expert reports in other cases.

39. Family members of the Accused are not eligible for assignment as Defence Team members or experts.

G. ASSIGNMENT OF DEFENCE TEAM MEMBERS AND EXPERTS

40. An Accused wishing to have a candidate assigned to his Defence Team must submit a written request to the Registry, indicating the capacity in which the candidate is to be assigned. To assist the Registry in evaluating the request, and in light of the absence of a lead counsel performing a supervisory function, the Accused or the candidate must submit:

- the candidate's detailed and up-to-date *curriculum vitae*;
- a letter expressing the candidate's willingness and availability to be assigned in the requested capacity;
- a copy of the candidate's passport or other travel document;
- a certificate issued by the relevant authority of the State(s) in which the candidate resides or similar evidence showing that the candidate has not been found guilty in criminal proceedings;

- where applicable, a current certificate of good standing with a professional body indicating whether the candidate has a disciplinary record; and
 - any other documentation proving that the candidate fulfils the basic qualification requirements for the position as outlined above.
41. An Accused who wishes to have an expert assigned must submit a reasoned request, outlining the purpose of the assignment, the scope of the required expertise, the manner in which the expertise is expected to further the Accused's case, and an estimate of the number of hours needed to provide such expertise. To assist the Registry in evaluating the request, the Accused or the proposed expert must provide the proposed expert's detailed and up-to-date *curriculum vitae* and any additional information demonstrating that the proposed expert possesses the required expertise. If the Registry approves the request, it will allot a maximum number of hours for the expert's assignment.
42. The Registry reserves the right to deny the assignment of a candidate or proposed expert who does not meet the basic qualification requirements, or where there is an indication that the assignment would be prejudicial to the administration of justice, or would be likely to diminish public confidence in the MICT, or otherwise bring the MICT into disrepute.

H. FINAL PROVISIONS

43. Where a Chamber is to be consulted or otherwise asked to provide information pursuant to this Policy, the relevant Chamber may decline to provide its views or information concerning the case, may request that any such consultation by the Registry be copied to Defence Team, or may take any further steps deemed appropriate. If the relevant Chamber declines to provide its views or information concerning the case to the Registry, all applicable timelines in this Policy shall run from the Registry's receipt of the Chamber's indication to that effect.
44. The Registry may at any time during the pre-trial, trial or appeal proceedings request information and perform checks on the work performed by any and all members of the Defence Team. For this purpose, the Accused must retain all Defence files for at least five years after the end of the proceedings or may make a request to the Registry that this responsibility be delegated to a legal associate assigned to the Accused's Defence Team. The Registry will grant such a request if reasonable and if the legal associate signs an undertaking agreeing to retain the records and to be bound by the Code of Conduct with respect to such retention.
45. Any disputes arising from the application of this Policy shall be settled in accordance with Article 32 of the Directive.

ANNEX

Typical tasks performed by Defence Team members and Experts

This Policy has set out certain minimum qualifications required of Defence Team members to be assigned and remunerated by the MICT. These minimum qualifications help ensure that legal assistance to a self-represented Accused is provided by qualified individuals in furtherance of the proper administration of justice. These minimum qualifications also help to safeguard the integrity of the expenditure of public funds. Next to the qualification requirements set out in the Policy, this Annex offers some guidance in relation to the typical tasks performed by Defence Team members.

Typical tasks are outlined as follows:

i. Legal associate

A legal associate facilitates the Accused's participation in proceedings through coordinating work and related legal consultation. However, the provision of legal consultation by a legal associate is not to be equated with the comprehensive work of counsel, which is to be undertaken by the Accused. Typical tasks of a legal associate include conducting legal research and drafting memoranda, selecting, analysing and classifying documents as requested by the Accused and attending working sessions with the Accused at the United Nations Detention Facility ("UNDF") or the United Nations Detention Unit ("UNDU"). The legal associate may also assist the Accused in the preparation of evidence and the interviewing of witnesses on the Accused's instructions. Legal associates have no right of audience before the relevant Chamber unless the Chamber decides otherwise.

ii. Legal assistant

A legal assistant assists the Accused and legal associate, if any, in the preparation of the case. Typical tasks of a legal assistant include conducting legal research, reviewing of case law, assisting in the drafting of filings, motions and briefs, and the review, analysis and summary of disclosure material. The legal assistant may also assist the Accused in the reviewing, analysing and summarising of transcripts and witness statements.

iii. Case manager

A case manager assists with the overall administration of the defence case file. In particular, he liaises on behalf of the Accused with various organs of the MICT and third parties as necessary to ensure the smooth running of the case, which includes the coordination of tasks performed by different Defence Team members as requested by the Accused. He maintains the defence filing system by recording and classifying evidence and disclosure material. In addition, the case manager submits defence documents for translation to the MICT's language services section and receives translations upon their completion, scans and uploads defence exhibits in the case of Hague Branch proceedings, and in Arusha Branch proceedings, insofar as possible, or otherwise ensures that all the relevant documents are available for trial, and organises and provides assistance to the Accused in all logistical matters related to the Accused's access to case-related material. If a language assistant has not been assigned, the case manager may also act as a language assistant for the Accused as necessary.

iv. Investigator

An investigator conducts appropriate intelligence and evidence gathering related duties, interviews (prospective) defence witnesses, registers information and evidence and performs analysis of the gathered information to assist the Accused in the preparation of the Accused's case.

v. Language assistant

A language assistant assists the Accused with interpretation and translation of case-related material, except those related to the translation of documents to be tendered as evidence. Such documents shall be translated by the MICT.

vi. Expert

An expert is first and foremost assigned for the preparation of a specific expert report and may also assist the Accused by providing advice with regard to evidence presented by Prosecution experts.