

THE LUMP SUM SYSTEM OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

PART A: GENERAL PRINCIPLES

1. INTRODUCTION

- 1.1. The present document is an addendum to the [Manual for Practitioners](#) issued by the Registrar of the International Criminal Tribunal for Rwanda (“ICTR” or “Tribunal”). It governs the implementation of the Lump Sum System for the remuneration of Defence Counsel.
- 1.2. The Lump Sum System is a flat-fee method for the settlement of defence costs and is based on the principles, practices and processes laid down in the Tribunal’s [Rules of Procedure and Evidence](#) (the “Rules”) and the [Directive on the Assignment of Defence Counsel](#) (the “Directive”). It is intended as a replacement for the Hourly Rate System for the payment of Defence Counsel’s fees.
- 1.3. The Lump Sum System requires Defence Counsel to provide a schedule of planned activities based on their Defence strategy. Such schedules should be produced as early as possible in the criminal defence process and are subject to review and negotiation in collaboration with the Registrar at appropriate stages throughout the proceedings. The system is designed to streamline the billing process for Defence Team Members and results in greater accuracy in accounting and a more efficient use of resources.

2. THE PRINCIPLES UNDERPINNING THE SYSTEM

- 2.1. The Lump Sum System encourages Defence Counsel to operate within the framework of an agreed budget and reduces the possibility of legal costs being rejected after they have already been incurred. The budgeting process follows prescribed and acknowledged activities and steps provided in the Rules. These steps and activities are contained in the [Coding and Maximum Allocated Hours for Activities](#), and facilitate the establishment of a Defence plan of action on which the budget for the entire case can be based.
- 2.2. Budgeting requires Defence Counsel to project proposed activities over a period of time. The payment of Defence costs, therefore, is related not to the duration of proceedings but to actual projected activities.
- 2.3. Under the Lump Sum System, legal costs follow the agreed activities and steps in the four stages of the proceedings, namely, Pre-Trial, Trial, Sentencing and Appeal. After consultation with the Registry, Counsel identifies and agrees upon the activities and steps in the process and prescribes the possible maximum time for each activity in each of the stages of procedure.
- 2.4. The main purpose of the Lump Sum System is to support all stages of the judicial process by providing faster and more efficient settlement of Defence costs. Defence Counsel is remunerated for all steps and activities agreed between the Tribunal and the Counsel engaged under the legal aid system. The system presets the activities of the defence team and hence the cost thereof.
- 2.5. The system isolates an activity pursued by Defence Counsel and remunerates Counsel according to the maximum number of hours earmarked for that activity.

3. THE SCOPE OF REMUNERATION TO DEFENCE OUNSEL

3.1 Under the Lump Sum System remuneration is related to four distinct activities performed by Defence Counsel in any given stage of procedure:

(i) Preparation,

(ii) Waiting time

(iii) Attendance (to the Prosecutor, Accused, witness, Trial Chamber or Registrar) and

(iv) General Care and Conduct

3.2 The Lump Sum System seeks to remunerate Defence Counsel for a wide range of reasonable and necessary activities normally performed in advocacy. These include, but are not limited to, making telephone calls, drafting official correspondence, preparing submissions, reading court documents, meeting with the accused person, interviewing witnesses, conducting legal research, and a host of other activities. This system allows for more accurate accounting by the Registry and Counsel through the allocation of a specific amount of time to each activity. The four activities listed above can be described as follows:

3.2.1 Preparation:

This includes all preparatory work in relation to an aspect of procedure such as perusing documents, performing research, conducting enquiries, drafting routine correspondence and having discussions relating to the aspect of procedure.

3.2.2 Attendance:

Where necessary, and where agreed, the Counsel has to be remunerated for time spent attending to a person or the Tribunal. Counsel is likely to attend matters

such as hearings before the Chamber, meetings with the Prosecutor, the Registrar or their representatives, interviews with potential witnesses and meetings with the accused person. The actual time spent becomes the basis of remuneration. In some cases, to ensure economy and discipline, the maximum time for the attendance of a particular activity needs to be fixed.

3.2.3 Waiting Time:

This is the amount of time a Defence Counsel spends waiting before undertaking any of the activities listed above. To ensure consistency and proper use of resources, the waiting time for most appointments is fixed in advance, unless agreed otherwise.

3.2.4 Care and Conduct:

Care and conduct cover the overall organizational and managerial aspects such as seeking advice, meeting with colleagues, co-ordinating various activities, etc.

WITNESS STATEMENTS, DEFENCE WITNESSES, SITE VISITS, EXHIBITS

3.1. Apart from procedural aspects, Defence witnesses, witness statements, exhibits and site visits are treated as separate items so that Counsel can be remunerated directly and specifically for preparation, waiting time, attendance and general care and conduct. This applies to all the four stages of procedure.

3.2. The time allocated for these items covers the different stages at which the material might be used. For example, a Defence Counsel may read a Prosecution witness statement for purposes of:

- (a) Objecting to the Tribunal's jurisdiction or the form of the indictment,
- (b) General investigation

(c) Understanding the whole case as the pre-trial phase closes and

(d) Refreshing Counsel's memory when the Prosecution witness is about to testify.

3.3. In relation to these items, the Lump Sum System envisages the conduct of negotiations and the establishment of time lines, so that the amount of time that will be remunerated is well known in advance. Even if Counsel spends more time on these activities, the remunerable time is fixed.

4. THE MAXIMUM TIME ALLOCATIONS

4.1. The maximum times are based on data garnered from actual Defence claims under the Hourly Rate System. It should be noted that these only relate to preparation. Care and conduct are added to ensure that Counsel has the freedom to treat the activity with maximum professionalism and dedication. Some items, such as motions, are paid without the need for justification; others, such as reading documents, are subject to negotiation. During the negotiations every effort will be made to ensure that each activity and item is properly identified and coded in order to ensure proper treatment throughout the proceedings.

4.2. **Trial**: It is expected that by the close of the pre-trial stage, the Defence Counsel will be ready for Trial after having carefully examined the Prosecution case and Prosecution disclosures and having thoroughly framed his defence strategy.

4.3. The Lump Sum System requires that at the close of the pre-trial stage, Counsel must have prepared a Defence Brief. The Brief will also serve as the basis on which Co-Counsel can prepare for Trial.

4.4. Barring the discovery of new material, Defence Counsel should have acquired a good knowledge of the case material in pre-trial. It is not expected during trial

that the work on that material will be as intense except, of course, as to the exigency of trial.

4.5. The system, therefore, presents a different approach, depending on whether Defence Team Members are attending trial at the Tribunal or another designated place, to remunerating Defence Team Members during trial. Counsel will be paid for eight hours per day on weekdays [including when a week day falls on a public holiday] but not on weekend days. The difference between the eight hours allowed and the time actually spent in the Trial Chamber will be available to Counsel for whatever activities are necessary for the continuation of a Trial. If, during the course of a trial session, proceedings are adjourned for a short while, Defence Counsel will be allowed to use up the eight hours by performing trial-related activities such as conducting research or working with the accused person at the Detention Facility. Under the Lump Sum System Counsel should bill for the full eight hours on each weekday when in Arusha for trial or on an approved mission.

4.6. When Defence Team Members are not attending trial proceedings or are on an approved mission, they may each claim a maximum of five hours per working day. At the start of each phase of the proceedings, however, the Lead Counsel is required to provide a schedule of activities for that phase. This will serve as a road map for the Defence Team's planned activities and should be the subject of negotiations with the Registry.

5. COMPOSITION OF THE DEFENCE TEAMS IN THE COURSE OF PROCEEDINGS

The table below indicates the composition of a typical Defence Team during the four stages of proceedings.

Stage of proceedings	Composition of team
Pre-Trial	Lead Counsel, Co-Counsel (limited to 250 hours), three Legal Assistants and/or Investigators
Trial	Lead Counsel, Co-Counsel, three Legal Assistants and/or Investigators
Sentencing	Lead Counsel, Co-Counsel, two Defence support team members
Appeal	Lead Counsel, Co-Counsel (limited to 350 hours), two Legal Assistants

6. OVERVIEW

6.1. The Lump Sum System can be introduced at any stage of the proceedings and will fully address the uncertainties arising from the Hourly Rate System. It requires clear work plans and projected activities. Working with the attached Coding Table¹ and within the guidelines of the Maximum Allocated Hours for Activities, the Defence Counsel will indicate which activities he intends to perform and when. The Registrar will then engage the Counsel in negotiations over the proposal in order to determine what will be allowed. The result agreed upon can be the basis for the Lump Sum agreement for the Defence Team involved.

6.2. The codes contained in the attached Coding Table relate to the individual steps in the procedure. Each code refers to a specific activity and duplication is

¹ See Appendix I.

eliminated. This process also becomes a method of ensuring that Counsel adequately prepares the case and speeds up of the trial subject to Chamber limitations.

6.3. An added advantage of this approach is that it drastically reduces the amount of time Defence Team Members spend worrying over billable hours or preparing their monthly bills and leaves them with more time to handle the actual defence of their client. As an illustration, code 1084 on the Coding Table allows the Defence a total of 15 hours to prepare a preliminary motion challenging the Tribunal's jurisdiction or the form of the indictment, pursuant to Rule 72 (A) of the Rules. It is up to the Lead Counsel and the other members of his team to repartition the hours among themselves. There will be no need to make separate claims for research, summarizing, drafting, or redrafting, as these are all captured by the designation of code 1084.

6.4. There are bound to be some activities for which accurate budgeting may not be possible. It is difficult, for example, to know how many motions a Defence Counsel will file in the course of proceedings. The Lump Sum System takes such situations into consideration and makes allowance for them through a flexible billing scheme. Furthermore, because the Lump Sum System is the product of negotiation and mutual agreement between the Defence Counsel and the Registrar, it reduces the conflicts arising over billing disputes and eliminates the need for appeals to the President of the Tribunal.

PART B: THE SYSTEM

7. SUMMARY OF THE LUMP SUM SYSTEM.

7.1.1. **Pre-Trial:** During the entire pre-trial stage the Lead Counsel, Legal Assistants and Investigators can each bill for a maximum of 2,000 hours of work. Co-Counsel, who is often assigned primarily to assist with the trial proceedings, is limited to 250 hours during the pre-trial stage.

7.1.1.1. **Trial:** When Defence Team Members are authorised by the Registrar to attend court proceedings in Arusha or another place designated for trial proceedings, the following conditions will apply:

(i) During the Prosecution case, Lead Counsel, Co-Counsel and one Legal Assistant will be remunerated to a maximum of eight hours per working day² and admissible Daily Subsistence Allowance under the United Nations financial rules and regulations;

(ii) The other Defence Team Member(s), not attending court proceedings or not away on authorised mission will be limited to remuneration based on a maximum of five hours per working day and admissible Daily Subsistence Allowance.

(iii) For those involved in single-accused cases, during the presentation of the Defence case the Lead Counsel, Co-Counsel and two support staff will be remunerated for up to eight hours per working day while the fifth Defence Team Member will be paid for five hours. For those involved in joint cases, the fourth Defence Team Member will be paid for up to eight hours only during the presentation of their own Defence witnesses.

² Working days include the working days falling on a public holiday.

7.1.1.2. When Defence Team Members are, not on an authorised mission or attending court proceedings in Arusha or another place designated for trial proceedings, each of them can claim a maximum of five hours per working day.

7.1.2. In the event of a guilty plea by their client, the Defence Team Members will be entitled to a maximum of 200 hours each to prepare for the sentencing hearing.

7.1.3. **Appeals:** During the appeals process the Lead Counsel and two support staff will be entitled to a maximum of 1700 hours each. Co-Counsel is assigned only on a showing of good cause and is limited to 350 hours throughout this phase.

7.2. THE CODING AND MAXIMUM ALLOCATED HOURS FOR ACTIVITIES.

7.2.1. The Lump Sum System is based on the activities Counsel performs through the four stages of the proceedings, as prescribed in the Rules..The Coding Table identifies these activities and indicates the maximum billable hours for each activity through the four stages of the proceedings. The actual number of hours allowed will be fixed on the basis of negotiations between Counsel and Registrar.

7.2.2. The Coding is flexible in that it allows for the addition of previously omitted or newly developed items; the removal of obsolete or irrelevant items; and the readjustment of the maximum allocated hours.

7.2.3. The maximum times indicated on the Coding Table are based on empirical data compiled by the Registrar using various individual Defence Counsel claims. They are also based on a comparison with the lump sum systems in use in different international tribunals. They are applicable to all Defence Team

Members and include the time spent preparing, researching and conducting each individual activity identified in the Rules.

8. HOURLY REMUNERATION FOR DEFENCE TEAM MEMBERS

8.1. The hourly remuneration rates applicable to individual Defence Team Members are based mainly on the functions performed. In the case of the Lead Counsel, who bears the primary responsibility for the defence of the accused person, the number of years of experience is also taken into consideration. Thus a Lead Counsel with less than 10 years of experience as a lawyer will be remunerated at the rate of \$US 80.00 per hour; one with more than 10 years but less than 15 years of experience will receive \$US 90.00 per hour; someone with more than 15 but less than 20 years of experience will be paid \$US 100.00 per hour; and one with more than 20 years of experience as a lawyer will receive \$US 110.00 per hour. The Co-Counsel is always remunerated at the rate of \$US 80.00 per hour, regardless of the number of years of experience. Legal Assistants and Investigators are also remunerated at a flat rate of \$US 25.00 per hour.

Defence Team Member	Hourly Rate in US dollars
Lead Counsel (according to experience)	80.00; 90.00; 100.00; 110.00
Co-Counsel	80.00
Legal Assistants and Investigators	25.00

9. TRAVEL COSTS, DAILY SUBSISTENCE ALLOWANCE AND INVESTIGATION COSTS

9.1. Defence Team Members will be reimbursed for the cost of travelling between their place of residence and the seat of the Tribunal to attend court proceedings or the venue of an authorised mission. They will also be paid the applicable Daily Subsistence Allowance (DSA) and reimbursed for other reasonable costs

associated with the defence of their client. It is possible through the preparation of detailed work plans to identify the proposed trips at the outset and to make budgetary provisions for them.

10. OFFICE ACCOMMODATION: The Registrar will continue to provide office accommodation to Defence Counsel at the Tribunal's premises in Arusha.

11. PAYMENTS AFTER COMPLETION OF A STAGE OF PROCEDURE: Pursuant to Article 23 of the Directive, at the conclusion of each stage of procedure will be paid a fixed sum of money as determined by the Registrar.

12. UNDERTAKING: The Lead Counsel of each Defence Team seeking to be included in the Lump Sum System is required to sign an undertaking with the Registrar by which he agrees to comply with the terms and conditions set out in the present document.

13. TRANSITION

13.1. It is expected that within a month of being assigned to represent an accused person and after receiving all necessary information from the Prosecution, a Defence Counsel will be able to engage in discussions with the Registrar regarding the terms of remuneration. In cases where Counsel is assigned after the trial has commenced, account will be taken of the work that has already been performed in an effort to eliminate duplication and improve budgeting. Similarly, previously performed work will be taken into consideration during negotiations regarding cases on appeal.

13.2.

THE FIRST SCHEDULE

CODING AND MAXIMUM ALLOCATED HOURS FOR ACTIVITIES UNDER THE RULES OF PROCEDURE AND EVIDENCE

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1000	PRETRIAL						
1001	Arrest of a suspect – attending the questioning of a suspect (article 17 (1), Statutes for the International Tribunal for Rwanda)		Not applicable	½	Actual time	To be worked out	To be worked out
1002	Filing letters of attorney – attending the Registrar	44 (1)	2	½	2	2	6
	<i>First appearance</i>						
1003	Indictment – attending the taking of plea (article 19 (3) Statutes for the International Tribunal for Rwanda	62	10	½	Actual time	To be worked out	To be worked out
1004	Plea bargaining – attending to Prosecutor	62	5	½	5	5	15
1005	Plea bargaining – attending to accused	62	5	½	5	5	15
1006	Plea bargaining – attending Trial chamber,	62	5	½	Actual time	To be worked out	To be worked out
1007	Questioning the accused after initial appearance – attending the Prosecutor	63	Not applicable	½	Actual time	To be worked out	To be worked out
1008	Applying for Provisional Release – the motion	65 (B)	10	Not applicable	Not applicable	5	15
1009	Applying for a Provisional release – attending the accused,	65 (B)	2	½	2	2	6
1010	Applying for a Provisional release – the Prosecutor’s response	65 (B)	10	Not applicable	Not applicable	5	15
1011	Applying for a Provisional Release – the Defence response to the Prosecutor’s reply	65 (b)	10	Not applicable	Not applicable	5	15
1012	Applying for a Provisional release – attending to Trial chamber,	65 (B)	5	½	Actual time	To be worked out	To be worked out
1013	Prosecutor’s appeal against a Provisional release - considering the Prosecutor’s motion or notice	65 (D)	5	Not applicable	Not applicable	2	7
1014	Prosecutor’s appeal against a Provisional release - , attending to the accused	65 (D)	2	½	2	2	6
1015	Prosecutor’s appeal against a Provisional release - Defence reply	65 (D)	5	½	5	5	15
1016	Prosecutor’s appeal against a Provisional Order, Prosecutor’s response to the Defence Reply	65 (D)	5	½	5	5	15
1017	Prosecutor’s appeal - Provisional release – appeal – hearing before the Appeals Chamber,	65 (D)	2	½	Actual time	To be worked out	To be worked out

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1018	Defence appeal against refusal of a Provisional release - the Defence motion or notice	65 (D)	5	Not applicable	Not applicable	2	7
1019	Defence appeal against refusal of a Provisional release - attending to the accused	65 (D)	2	½	2	2	6
1020	Defence appeal against refusal of a Provisional release - the Prosecutor's reply	65 (D)	5	Not applicable	Not applicable	2	7
1021	Defence Appeal – Provisional Order – Defence Response to Prosecutor's Reply	65 (D)	5	Not applicable	Not applicable	2	7
1022	Defence appeal - Provisional release – appeal – hearing before the Trial Chamber,	65 (D)	2	½	Actual time	To be worked out	To be worked out
1023	Provisional release – stay – the Prosecutor's motion	65 (E)	2	Not applicable	Not applicable	2	4
1024	Provisional release – stay – attending the accused	65 (E)	1	½	1	1	3
1025	Provisional release – stay – Defence reply	65 (E)	2	Not applicable	Not applicable	2	4
1026	Provisional Release – stay – Prosecutor's response to the Defence Reply	65 (E)	2	Not applicable	Not applicable	2	4
1027	Stay of provisional release order - attending Trial Chamber	65 (E)	1	½	1	1	3
1028	Status conference - attendance to the accused	65 bis	10	½	10	10	30
1029	Status conference - attendance to the Prosecutor	65 bis	3	½	3	3	9
1030	Status conference - attendance to the Judge or Trial Chamber	65 bis	5	½	Actual time	To be worked out	To be worked out
1031	Disclosure by the Prosecution – supporting material accompanying the indictment and the accused's prior statements – attending the Prosecutor	66 (A) (i)	Not applicable	½	Actual time	To be worked out	To be worked out
1032	Prosecutor's disclosure of supporting material and the accused's prior statements - attending to the accused	66 (A) (i)	10	½	3	5	18
1033	Disclosure of witness statements the Prosecutor intends to call - attending to the Prosecutor	66 (A) (ii)	3	½	3	3	9
1034	Disclosure of witness statements the Prosecutor intends to call - attending to the accused	66 (A) (ii)	5	½	5	5	15
1035	Defence Request for inspection of books - documents, photographs and tangible objects the Prosecutor wants to use, - attending the Prosecutor	66 (B)	2	Not applicable	Not applicable	2	4
1036	Prosecutor's reply to defence request for inspection of books, documents, photographs and tangible objects the Prosecutor wants to use - attending the Prosecutor	66 (B)	2	Not applicable	Not applicable	2	4
1037	Inspection of books, documents, photographs and tangible objects the Prosecutor wants to use - attending the Accused	66 (B)	1	½	1	1	3

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1038	Inspection of books, documents, photographs and tangible objects the Prosecutor wants to use, - attending the Prosecutor	66 (B)	1	½	1	1	3
1039	Prosecutor's relief from disclosure - the motion	66 (C)	5	Not applicable	Not applicable	2	7
1040	Prosecutor's relief from disclosure – attending to the accused	66 (C)	1	½	1	1	3
1041	Prosecutor's relief from disclosure - Defence reply	66 (C)	5	Not applicable	Not applicable	2	7
1042	Prosecutor's relief from disclosure – Prosecutor's Response to The Defence Reply	66 (C)	5	Not applicable	Not applicable	2	7
1043	Prosecutor's relief from disclosure - attending to the Trial chamber	66 (C)	2	½	Actual time	To be worked out	To be worked out
1044	Notification of the defence of alibi or special defences to the Prosecutor – the notification	67 (A) (ii)	5	Not applicable	Not applicable	2	7
1045	Notification of the defence of alibi or special defences to the Prosecutor – attending the accused	67 (A) (ii)	2	½	2	2	6
1046	Prosecutor's notification of witnesses for proving the case and rebutting special defences, attending to the notice	67 (A) (i)	2	Not applicable	Not applicable	2	4
1047	Prosecutor's notification of witnesses for proving the case and rebutting special defences, attending to the accused	67 (A) (i)	1	½	1	1	3
1048	Prosecutor's request for inspection of books, documents, photographs and tangible objects – attending to the request	67 (C)	2	Not applicable	Not applicable	2	4
1049	Prosecutor's request for inspection of books, documents, photographs and tangible objects – attending to the accused	67 (C)	1	½	1	2	4
1050	Prosecutor's inspection of books, documents, photographs and tangible objects – attending to the Prosecutor	67 (C)	1	½	Actual time	To be worked out	To be worked out
1051	The Prosecutor's notification of additional evidence, material or information to the Defence and the Trial Court – attending to the notice	67 (D)	2	Not applicable	Not applicable	2	4
1052	The Prosecutor's notification of additional evidence, material or information to the Defence and the Trial Court – attending to the accused	67 (D)	1	½	1	2	4
1053	Defence notification of additional evidence, material or information to the Prosecutor and the Trial Court – the notice	67 (D)	2	Not applicable	Not applicable	2	4

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1054	The Defence notification of additional evidence, material or information to the Prosecutor and the Trial Court – attending to the accused	67 (D)	1	½	1	2	4
Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1055	Disclosure of exculpatory evidence – attending to the Notice	68	2	Not applicable	Not applicable	2	4
1056	Disclosure of exculpatory evidence – attending to the accused	68	1	½	1	2	4
1057	Prosecutor’s application for protection of a witness or victim – attending to the Prosecutor	69 (A)	4	Not applicable	Not applicable	2	6
1058	Prosecutor’s application for protection of a witness or victim – attending to the Trial Chamber	69 (A)	2	½	Actual time	To be worked out	To be worked out
1059	Defence’s application for protection of a witness or victim – attending to the Prosecutor	69 (A)	4	Not applicable	Not applicable	2	6
1060	Defence application for protection of a witness or victim – attending to the Trial Chamber	69 (A)	2	½	Actual time	To be worked out	To be worked out
1061	Prosecutor’s application for time for disclosure of identity of defence witnesses - the application	69 (C)	2	Not applicable	Not applicable	1	3
1062	Prosecutor’s application for time for disclosure of the identity of defence witnesses – attending to the accused	69 (C)	1	½	1	2	4
1063	Prosecutor’s application for time for disclosure of identity of defence witnesses - the defence reply	69 (C)	2	Not applicable	Not applicable	1	3
1064	Prosecutor’s application for time for disclosure of identity of defence witnesses – the Prosecutor’s Response to the Defence Reply	69 (C)	2	Not applicable	Not applicable	1	3
1065	Prosecutor’s application for disclosure of identity of defence witnesses - attending to the Trial Chamber	69 (C)	2	½	Actual time	To be worked out	To be worked out
1066	Defence application for time for disclosure of identity of Prosecution witnesses - the application	69 (C)	2	Not applicable	Not applicable	1	3
1067	Defence application for time for disclosure of identity of Prosecution witnesses – attending the accused	69 (C)	1	½	1	2	4
1068	Defence application for time for disclosure of identity of Prosecution witnesses, the Prosecutor’s reply	69 (C)	2	Not applicable	Not applicable	1	3

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1069	Defence application for time for disclosure of identity of Prosecution witnesses – Defence Response to the Prosecutor’s reply	69 (C)	1	½	1	2	4
1070	Defence application for time for disclosure of identity of Prosecution witnesses - attending to the Trial Chamber	69 (C)	2	½	Actual time	To be worked out	To be worked out
1071	Prosecutor’s application for depositions – attending to the motion	71 (B)	4	Not applicable	Not applicable	2	6
1072	Prosecutor’s application for depositions – attending to the accused	71 (B)	1	½	1	2	4
1073	Prosecutor’s application for depositions – Defence reply	71 (B)	4	Not applicable	Not applicable	2	6
1074	Prosecutor’s application for depositions – Prosecutor’s Response to the Defence Reply	71 (B)	1	½	1	1	3
1075	Prosecutor’s application for depositions – attending to the Trial Chamber	71 (B)	2	½	Actual time	To be worked out	To be worked out
1076	Prosecutor’s application for depositions – notice of hearing –	71 (C)	1	Not applicable	Not applicable	1	2
1077	Prosecutor’s application for depositions – taking of depositions -	71 (C)	3	½	Actual time	To be worked out	To be worked out
1078	Defences application for depositions – motion	71 (B)	4	Not applicable	Not applicable	2	6
1079	Defence application for depositions – Prosecutor’s reply	71 (B)	4	Not applicable	Not applicable	2	6
1080	Defence application for depositions – Defence Response to the Prosecutor’s reply	71 (B)	1	½	1	1	3
1081	Defence application for depositions – attending to Trial Chamber	71 (B)	2	½	Actual time	To be worked out	To be worked out
1082	Defence application for depositions – preparing notice of hearing	71 (C)	1	Not applicable	Not applicable	1	2
1083	Defence application for depositions – attending taking of depositions	71 (C)	3	½	Actual time	To be worked out	To be worked out
1084	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – motion	72 (A)	10	Not applicable	Not applicable	5	15
1085	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – attending the accused	72 (A)	3	½	2	2	7

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1086	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s reply	72 (A)	10	Not applicable	Not applicable	5	15
1087	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Defence Response to Prosecutor’s reply	72 (A)	10	Not applicable	Not applicable	5	15
1088	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – attending the Trial Chamber	72 (A)	3	½	Actual time	To be worked out	To be worked out
1089	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal against challenge of jurisdiction - the Defence appeal	72 (B) (i)	5	Not applicable	Not applicable	2	7
1090	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal - attending the accused	72 (B)(i)	2	½	2	2	6
1091	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal against challenge of jurisdiction – the Prosecutor’s reply	72 (B) (i)	5	Not applicable	Not applicable	2	7
1092	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal against challenge of jurisdiction – Defence Response to the Prosecutor’s reply	72 (B) (i)	5	Not applicable	Not applicable	2	7
1093	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – appeal – challenge of jurisdiction -attending the Appeals Chamber	72 (B) (i)	2	½	Actual time	To be worked out	To be worked out
1094	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – on matters other than jurisdiction –applying for certification	72 (B) (ii)	2	Not applicable	Not applicable	4	6
1095	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – on matters other than jurisdiction –applying for certification, Prosecutor’s response	72 (B) (ii)	2	Not applicable	Not applicable	4	6
1096	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – on matters other than jurisdiction –applying for certification - attending the Trial Chamber	72 (B) (ii)	1	½	Actual time	To be worked out	To be worked out

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1097	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal against challenge of jurisdiction - the Prosecutor’s appeal	72 (B) (i)	5	Not applicable	Not applicable	2	7
1098	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal against challenge of jurisdiction -attending to the accused person	72 (B) (i)	2	½	2	2	6
1199	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal against challenge of jurisdiction - the Defence reply	72 (B) (i)	5	Not applicable	Not applicable	2	7
1100	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal against challenge of jurisdiction – the Prosecutor’s Response to the Defence reply	72 (B) (i)	5	Not applicable	Not applicable	2	7
1101	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – challenge of jurisdiction -attending the Trial Chamber	72 (B) (i)	2	½	Actual time	To be worked out	To be worked out
1102	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – on matters other than jurisdiction – applying for certification – the Prosecutor’s application	72 (B) (ii)	2	Not applicable	Not applicable	4	6
1103	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – on matters other than jurisdiction – applying for certification – the Defence reply	72 (B) (ii)	2	Not applicable	Not applicable	4	6
1104	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – on matters other than jurisdiction – applying for certification –the Prosecutor’s Response to the Defence reply	72 (B) (ii)	2	Not applicable	Not applicable	4	6
1105	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – appeal against an order other than jurisdiction – applying for certification - attending to Trial Chamber	72 (B) (ii)	1	½	Actual time	To be worked out	To be worked out

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1106	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – defence application for extension of time for waiver for non-compliance with time	72 (G)	2	Not applicable	Not applicable	1	3
1107	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – defence application for extension of time for waiver for non-compliance with time – Prosecutor’s reply	72 (G)	2	Not applicable	Not applicable	1	3
1108	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – defence application for extension of time for waiver for non-compliance with time – Defence Response to the Prosecutor’s reply	72 (G)	2	Not applicable	Not applicable	1	3
1109	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – defence appeal – defence application for waiver for non-compliance with time to apply – attending the Trial Chamber	72 (G)	1	½	Actual time	To be worked out	To be worked out
1110	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – Prosecutor’s application for extension of time for waiver for non-compliance with time	72 (G)	2	Not applicable	Not applicable	1	3
1111	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – Prosecutor’s application for extension of time for waiver for non-compliance with time – Defence reply	72 (G)	2	Not applicable	Not applicable	1	3
1112	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – Prosecutor’s application for extension of time for waiver for non-compliance with time – Prosecutor’s Response to the Defence reply	72 (G)	2	Not applicable	Not applicable	1	3

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1113	Preliminary motions – by defence to challenge jurisdiction, defects in the indictment, joinder of parties or offences or applications for severed trials – Prosecutor’s appeal – Prosecutor’s application for waiver for non-compliance with time to apply – attending the Trial Chamber	72 (G)	1	½	Actual time	To be worked out	To be worked out
1114	Motions – Prosecutor’s Motion and brief	73 (A)	6	Not applicable	Not applicable	3	9
1115	Motions – Prosecutor’s Motion and brief – attending to the accused	73 (A)	2	½	2	1	5
1116	Motions – Prosecutor’s Motion and brief – defence reply and brief	73 (A)	6	Not applicable	Not applicable	3	9
1117	Motions – Prosecutor’s Motion and brief – Prosecutor’s Response to the defence reply and brief	73 (A)	6	Not applicable	Not applicable	3	9
1118	Motions – Prosecutor’s Motion and brief – attending to Trial Chamber	73 (A)	2	½	Actual time	To be worked out	To be worked out
1119	Motions – Prosecutor’s motion - Prosecutor’s appeal – Prosecutor’s application for certification	73 (B)	2	Not applicable	Not applicable	4	6
1120	Motions – Prosecutor’s motion - Prosecutor’s appeal – Prosecutor’s application for certification – defence reply	73 (B)	2	Not applicable	Not applicable	4	6
1121	Motions – Prosecutor’s motion - Prosecutor’s appeal – Prosecutor’s application for certification – Prosecutor’s Response to the defence reply	73 (B)	2	Not applicable	Not applicable	4	6
1122	Motions – Prosecutor’s motion - Prosecutor’s appeal – Prosecutor’s application for certification – attending the Trial Chamber	73 (B)	1	½	Actual time	To be worked out	To be worked out
1123	Motions – Prosecutor’s motion – Prosecutor’s appeal – the appeal	73 (B)	4	Not applicable	Not applicable	2	6
1124	Motions – Prosecutor’s motion – Prosecutor’s appeal – the appeal – attending the accused	73 (B)	2	½	2	2	6
1125	Motions – Prosecutor’s motion – Prosecutor’s appeal – the Defence reply	73 (B)	4	Not applicable	Not applicable	2	6
1126	Motions – Prosecutor’s motion – Prosecutor’s appeal – the Prosecutor’s Response the Defence reply	73 (B)	4	Not applicable	Not applicable	2	6
1127	Motions – Prosecutor’s motion – Prosecutor’s appeal – attending the Trial Chamber	73 (B)	2	½	Actual time	To be worked out	To be worked out
1128	Motions – Prosecutor’s motion – defence appeal – application for certification	73 (B)	2	Not applicable	Not applicable	4	6
1129	Motions – Prosecutor’s motion – Defence appeal – application for certification – the Prosecutor’s reply	73 (B)	2	Not applicable	Not applicable	4	6

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1130	Motions – Prosecutor’s motion – Defence appeal – application for certification – the Defence Response to the Prosecutor’s reply	73 (B)	2	Not applicable	Not applicable	4	6
1131	Motions – Prosecutor’s appeal – Defence application for certification – attending Trial Chamber	73 (B)	1	½	Actual time	To be worked out	To be worked out
1132	Motions – Prosecutor’s motion – defence appeal – the appeal	73 (B)	4	Not applicable	Not applicable	2	6
1133	Motions – Prosecutor’s motion – defence appeal – the appeal – attending to the accused	73 (B)	2	½	2	2	6
1134	Motions – Prosecutor’s motion – defence appeal – the Prosecutor’s reply	73 (B)	4	Not applicable	Not applicable	2	6
1135	Motions – Prosecutor’s motion – defence appeal - the Defence Response to the Prosecutor’s reply	73 (B)	4	Not applicable	Not applicable	2	6
1136	Motions – Prosecutor’s Motion – defence appeal - attending to the Appeals Chamber	73 (B)	2	½	Actual time	To be worked out	To be worked out
1137	Motions – Defence Motion and brief	73 (A)	6	Not applicable	Not applicable	3	9
1138	Motions – Defence Motion and brief – attending to the accused	73 (A)	2	½	2	1	3
1139	Motions – Defence Motion and brief - the Prosecutor’s reply	73 (A)	6	Not applicable	Not applicable	6	12
1140	Motions – Defence Motion and brief - the Defence Response to the Prosecutor’s reply -	73 (A)	6	Not applicable	Not applicable	6	12
1141	Motions – Defence Motion and brief -attending to the Trial Chamber	73 (A)	2	½	Actual time	To be worked out	To be worked out
1142	Motions – Defence motion – Defence appeal – application for certification	73 (B)	2	Not applicable	Not applicable	4	6
1143	Motions – Defence motion – Defence appeal – application for certification – the Prosecutor’s reply	73 (B)	2	Not applicable	Not applicable	4	6
1144	Motions – Defence motion – Defence appeal – application for certification – the Defence Response to the Prosecutor’s reply	73 (B)	2	Not applicable	Not applicable	4	6
1145	Motions – Defence motion – Defence appeal – application for certification – attending the Trial Chamber	73 (B)	1	½	Actual time	To be worked out	To be worked out
1146	Motions – Defence motion – Defence appeal – the appeal	73 (B)	4	Not applicable	Not applicable	2	6

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1147	Motion – Defence motion – Defence Appeal – Prosecutor’s Reply	73 (B)	4	Not applicable	Not applicable	2	6
1148	Motion – Defence motion – Defence Appeal – attending to the accused	73 (B)	2	½	2	2	6
1149	Motion – Defence motion – Defence Appeal – Defence Response to the Prosecutor’s Reply	73 (B)	4	Not applicable	Not applicable	2	6
1150	Motion – Defence motion – Defence Appeal – Attending Appeals Chamber	73 (B)	4	Not applicable	Not applicable	2	6
1151	Motions – Defence motion – Prosecutor’s appeal – application for certification	73 (B)	2	Not applicable	Not applicable	4	6
1152	Motions – Defence motion – Prosecutor’s appeal – application for certification – the Defence reply	73 (B)	2	Not applicable	Not applicable	4	6
1153	Motions – Defence motion – Prosecutor’s appeal – application for certification – the Prosecutor’s Response the Defence reply	73 (B)	2	Not applicable	Not applicable	4	6
1154	Motions – Defence motion – Prosecutor’s appeal – application for certification – attending the Trial Chamber	73 (B)	1	½	1	1	3
1155	Motions – Defence motion – Prosecutor’s appeal – the appeal	73 (B)	4	Not applicable	Not applicable	4	8
1156	Motions – Defence motion – Prosecutor’s appeal – attending the accused	73 (B)	2	½	2	4	8
1157	Motions – Defence motion – Prosecutor’s appeal – the defence reply	73 (B)	4	Not applicable	Not applicable	4	8
1158	Motions – Defence motion – Prosecutor’s appeal – the Prosecutor’s Response the Defence reply	73 (B)	4	Not applicable	Not applicable	4	8
1159	Motions – Defence motion – Prosecutor’s appeal – attending the Trial Chamber	73 (A)	2	½	Actual time	To be worked out	To be worked out
1160	Motions – Prosecutor’s application for additional motions	73 (D)	6	Not applicable	Not applicable	3	9
1161	Motions – Prosecutor’s application for additional motions – attending to the accused	73 (D)	2	½	2	2	6
1162	Motions – Prosecutor’s application for additional motions – Defence Reply	73 (E)	6	Not applicable	Not applicable	6	12
1163	Motions – Prosecutor’s application for additional motions – the Prosecutor’s Response the Defence reply	73 (E)	6	Not applicable	Not applicable	6	12
1164	Motions – Prosecutor’s application for additional motions – Attending Trial Chambers	73 (E)	2	½	Actual time	To be worked out	To be worked out
1165	Motions – Defence application for additional motions	73 (D)	6	Not applicable	Not applicable	3	9
1166	Motions – Defence application for additional motions – Prosecutor’s reply	73 (E)	6	Not applicable	Not applicable	3	9

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1167	Motions – Defence application for additional motions – attending to the accused	73 (D)	2	½	2	2	6
1168	Motions – Defence application for additional motions – the Prosecutor’s Response the Defence reply	73 (B)	4	Not applicable	Not applicable	4	8
1169	Motions – Defence application for additional motions – Attending Trial Chambers	73 (E)	2	½	Actual time	To be worked out	To be worked out
1170	STATEMENTS/DOCUMENTS Disclosed by the prosecution (Itemize all Prosecution and Defence written and recorded statements indicating number of pages or duration of recording)(use pseudonyms where appropriate)(indicate where privileged)		3	Not applicable	Not applicable	1	4
1171	VIDEO WATCHING AND AUDIOS		Actual time	½	Actual time	To be worked out	To be worked out
1172	JUDICIAL TRANSCRIPTS DISCLOSED BY THE PROSECUTION		Transcripts will be read at 25 % of actual time of the day, not the number of pages	Not applicable	Not applicable	Actual time	To be worked out
1173	DEFENCE WITNESSES (List all potential defence witnesses and supply pseudonyms where appropriate)		1+2		3	3	9
1174	EXHIBITS List all exhibits (indicate where privileged and indicate number of pages)						
1175	Pretrial conference – attending to the Accused,	73 bis (A)	5	½	5	5	15
1176	Pretrial conference – attending to the Prosecutor’s statements and material,	73 bis (A)	10	Not applicable	Not applicable	5	15
1177	Pretrial conference – attending to defence statements and material,	73 bis (A)	10	Not applicable	Not applicable	5	15
1178	Pretrial conference – attending to exhibits	73 bis (A)	5	Not applicable	Not applicable	2	7
1179	Pretrial Conference –attending to the Trial Chamber	73 bis (A)	5	½	Actual time	To be worked out	To be worked out
1180	Pretrial conference – carrying orders of the Pretrial conference	73 bis (A)	10	Not applicable	Not applicable	5	15
1181	Prosecutor’s application for Measures for the Protection of Victims and witnesses – attending to the motion	75 (A)	4	Not applicable	Not applicable	2	6
1182	Prosecutor’s application for Measures for the Protection of Victims and witnesses – attending to the Trial Chamber	75 (A)	2	½	Actual time	To be worked out	To be worked out

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
1183	Defence application for Measures for the Protection of Victims and witnesses	75 (A)	4	Not applicable	Not applicable	2	6
1184	Defence application for Measures for the Protection of Victims and witnesses – attending to the trial Chamber	75 (A)	2	½	Actual time	To be worked out	To be worked out

2000	TRIAL						
2001	When in Arusha for Trial or Judicial proceedings (Prosecutor's Case)		8 full hours for every week day.				
2002	When not in Arusha and when Arusha but not for Trial or Judicial Proceedings (Prosecutor's Case)		5 full hours for every week day				
2003	Pre-defence conference - attending to defence statements (List the number and particulars)	73 ter	10	Not applicable	Not applicable	5	15
2004	Pre-defence conference - attending to defence witnesses (Indicate number and pseudonyms)	73 ter	10	Not applicable	Not applicable	5	15
2005	Pre-defence conference - Attending to exhibits (List all)	73 ter	5	Not applicable	Not applicable	2	7
2006	Pre-defence conference – Attending to the Accused	73 ter	10	Not applicable	Not applicable	5	15
2007	Pre-defence conference – Attending to the Trial Chamber	73 ter	5	½	Actual time	To be worked out	To be worked out
2008	Pre-defence conference - Carrying out orders	73 ter	10	Not applicable	Not applicable	5	15
2009	When in Arusha for Trial or Judicial proceedings (Defence Case)		8 full hours for every week day.				
2010	When not in Arusha and when Arusha but not for Trial or Judicial Proceedings (Defence Case)		5 full hours for every week day				
2011	Judgment		Not applicable	½	Actual time	To be worked out	To be worked out
3000	SENTENCING HEARING						
3001	Attending to witnesses for influencing sentence	62	30	Not applicable	Not applicable	15	45
3002	Attending to accused	62	10	Not applicable	Not applicable	5	15
3003	Attending to Trial Chamber	88	5	½	Actual time	To be worked out	To be worked out

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
3004	Sentence order		Not applicable	½	Actual time	To be worked out	To be worked out
3005	Attending the accused	88	2	½	3	2	7
4000	APPEAL						
	<i>Appeals</i>						
4001	Appeal by the Prosecutor – Notice of appeal –	108	40	Not applicable	Not applicable	20	60
4002	Appeal by the Prosecutor Notice of Appeal – attending to the accused	108	10	½	10	10	30
4003	Appeal by the Prosecutor – Notice of appeal – varying the grounds of appeal	108	5	Not applicable	Not applicable	2	7
4004	Appeal by the Prosecutor – Notice of appeal – varying the grounds of appeal – attending to the accused	108	2	½	2	2	6
4005	Appeal by the Prosecutor – Notice of appeal – varying the grounds of appeal - attending to the judge of the appeal chamber	108	1	½	Actual time	To be worked out	To be worked out
4006	Appeal by the Prosecutor – pre-appeal procedure – attending to the Prosecutor	108 bis (A)	5	½	5	5	15
4007	Appeal by the Prosecutor – pre-appeal procedure – attending to the Accused	108 bis (A)	5	½	5	2	6
4008	Appeal by the Prosecutor – pre-appeal procedure – attending to the pre-appeal judge	108 bis (A)	2	½	Actual time	To be worked out	To be worked out
4009	Appeal by the Prosecutor – pre-appeal procedure – Motions in the course of proceedings - objections or requests – attending to the Prosecutor –	108 bis (E)	5	Not applicable	Not applicable	2	7
4010	Appeal by the Prosecutor – pre-appeal procedure – Motions in the course of proceedings - Prosecutor raising objections or requests – attending to the accused	108 bis (E)	2	½	2	2	6
4011	Appeal by the Prosecutor – pre-appeal procedure – Motions in the course of proceedings - Prosecutor raising objections or requests – attending to the Appeals Chamber	108 bis (E)	2	½	Actual time	To be worked out	To be worked out
4012	Appeal by the defence – Notice of appeal – the appeal	108	40	Not applicable	Not applicable	20	60
4013	Appeal by the defence – Notice of appeal – attending to the accused	108	10	½	10	10	30
4014	Appeal by the defence – varying the grounds of appeal	108	5	Not applicable	Not applicable	2	7
4015	Appeal by the defence – varying the grounds of appeal , attending to the accused	108	2	½	2	2	6

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
4016	Appeal by the defence – varying the grounds of appeal , attending to the accused	108	1	½	Actual time	To be worked out	To be worked out
4017	Appeal by the Defence – pre-appeal procedure – attending to the Accused	108 bis (A)	5	½	5	5	15
4018	Appeal by the Defence – pre-appeal procedure – attending to the Prosecutor	108 bis (A)	5	½	5	5	15
4019	Appeal by the Defence – pre-appeal procedure – attending to the pre-appeal judge	108 bis (A)	2	½	Actual time	To be worked out	To be worked out
4020	Appeal by the Defence – pre-appeal procedure – Defence motions in the course of proceedings - raising objections or requests	108 bis (E)	5	Not applicable	Not applicable	2	7
4021	Appeal by the Defence – pre-appeal procedure – Defence motions in the course of proceedings - raising objections or requests – attending to the accused	108 bis (E)	2	½	2	2	6
4022	Appeal by the Defence – pre-appeal procedure – Motions in the course of proceedings - Defence raising objections or requests – attending to the Appeals Chamber	108 bis (E)	2	½	Actual time	To be worked out	To be worked out
4023	Prosecutor’s appeal – Appellant’s brief	111	50	Not applicable	Not applicable	25	75
4024	Prosecutor’s appeal – Appellant’s brief – attending to the accused	111	20	½	20	20	60
4025	Prosecutor’s appeal – Respondent’s brief	112	50	Not applicable	Not applicable	25	75
4026	Prosecutor’s appeal – Respondent’s brief – attending to the accused	112	20	½	20	15	45
4027	Prosecutor’s appeal – Appellant’s Brief in reply	113	30	Not applicable	Not applicable	15	45
4028	Prosecutor’s appeal – Appellant’s Brief in reply – attending to the accused	113	10	½	10	10	30
4029	Prosecutor’s appeal – Prosecutor’s motion for additional evidence	115	6	Not applicable	Not applicable	3	9
4030	Prosecutor’s appeal – Prosecutor’s motion for additional evidence – attending to the accused	115	2	½	2	2	6
4031	Prosecutor’s appeal – Prosecutor’s motion for additional evidence – defence reply	115	6	Not applicable	Not applicable	3	9
4032	Prosecutor’s appeal – Prosecutor’s motion for additional evidence – Prosecutor’s rebuttal evidence	115	6	Not applicable	Not applicable	3	9
4033	Prosecutor’s appeal – Prosecutor’s motion for additional evidence – Prosecutor’s rebuttal evidence – attending to the accused	115	2	½	2	2	6
4034	Prosecutor’s appeal – Defence motion for additional evidence	115	6	Not applicable	Not applicable	3	9
4035	Prosecutor’s appeal – Defence motion for additional evidence – attending to the accused	115	2	½	2	2	6

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
4036	Prosecutor's appeal – Defence motion for additional evidence – Prosecutor's reply	115	6	Not applicable	Not applicable	3	9
4037	Prosecutor's appeal – Defence motion for additional evidence – Prosecutor's rebuttal evidence	115	6	Not applicable	Not applicable	3	9
4038	Prosecutor's appeal – Defence motion for additional evidence – Prosecutor's rebuttal evidence – attending to the accused	115	2	½	2	2	6
4039	Defence's appeal – Appellant's brief	111	50	Not applicable	Not applicable	25	75
4040	Defence's appeal – Appellant's brief – attending to the accused	111	20	½	20	20	60
4041	Defence's appeal – Respondent's brief	112	50	Not applicable	Not applicable	25	75
4042	Defence's appeal – Respondent's brief – attending the accused	112	20	½	20	20	60
4043	Defence's appeal – Appellant's Brief in reply	113	30	Not applicable	Not applicable	15	45
4044	Defence's appeal – Appellant's Brief in reply	113	10	½	10	10	30
4045	Defence appeal – Defence motion for additional evidence	115	6	Not applicable	Not applicable	3	9
4046	Defence appeal – Defence motion for additional evidence – attending to the accused	115	2	½	2	2	6
4047	Defence appeal – Defence motion for additional evidence – Prosecutor's reply	115	6	Not applicable	Not applicable	3	9
4048	Defence appeal – Defence motion for additional evidence – Prosecutor's reply – attending the accused	115	6	Not applicable	Not applicable	3	9
4049	Defence appeal – Defence motion for additional evidence – Defence rebuttal evidence	115	2	½	2	2	6
4050	Defence appeal – Prosecutor's motion for additional evidence	115	6	Not applicable	Not applicable	3	9
4051	Defence appeal – Prosecutor's motion for additional evidence – attending to the accused	115	2	½	2	2	6
4052	Defence – Prosecutor's motion for additional evidence – Defence's reply	115	6	Not applicable	Not applicable	3	9
4053	Defence – Prosecutor's motion for additional evidence – Defence's reply – attending the accused	115	6	Not applicable	Not applicable	3	9
4054	Prosecutor's appeal – Prosecutor's motion for additional evidence – Defence's rebuttal evidence	115	2	½	2	2	6
4055	Prosecutor's application for extension of time	116	2	Not applicable	Not applicable	1	3
4056	Prosecutor's application for extension of time – Defence reply	116	2	Not applicable	Not applicable	1	3

Code	Stage of Proceedings	Rule of Rules of Procedure and Evidence	Preparation	Waiting	attendance	Care and conduct	Total
4057	Prosecutor's application for extension of time – attending the Appeals Chamber	116	2	½	Actual time	To be worked out	To be worked out
4058	Defence application for extension of time	116	2	Not applicable	Not applicable	2	6
4059	Defence application for extension of time – Prosecutor's reply	116	2	Not applicable	Not applicable	2	6
4060	Defence application for extension of time – attending the Appeals Chamber	116	2	½	Actual time	To be worked out	To be worked out
4061	Prosecutor's appeal – Appellant's Appeal Book	117 <i>bis</i>	20	Not applicable	Not applicable	20	40
4062	Prosecutor's appeal – Respondent's Appeal Book	117 <i>bis</i>	20	Not applicable	Not applicable	20	40
4063	Defence Appeal – Appellant's Appeal Book	117 <i>bis</i>	20	Not applicable	Not applicable	20	40
4064	Defence Appeal – Appeals Book	117 <i>bis</i>	20	Not applicable	Not applicable	20	40



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre

UNITED NATIONS
NATIONS UNIES

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THE SECOND SCHEDULE

**AN UNDERTAKING UNDER THE LUMP SUM SYSTEM OF
THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

1. This is an undertaking with the Registrar of the International Criminal Tribunal for Rwanda [the Registrar] by..., Lead Counsel who has primary responsibility for the Defence³, covering the remuneration for the Defence Team of Accused, covering **ALL STAGES OF PROCEEDURE⁴ starting from the first day of the Pre-Trial Stage and ending when the Judgment on Appeal is delivered.**
2. The Registrar, depending on the total hours and the Stage of Procedure, agrees to pay and reimburse Lead Counsel for the fees and expenses of legal representation of the Accused necessarily and reasonably incurred⁵ by Members of the Defence Team.
3. Work already undertaken prior to signing this agreement and paid for by the Registrar to the Lead Counsel at any Stage of Procedure will be taken into account.
4. Remuneration for Defence Team Members for all Stages of Procedure will be as follows:
 - a. **Lead Counsel:** ninety (90) /one hundred (100) / one hundred and ten 110 United States Dollars per hour⁶.
 - b. **Co-Counsel:** eighty (80) United States Dollars per hour.
 - c. **Support Staff(s)⁷:** twenty-five (25) United States Dollars per hour.
5. The composition of Defence Team Members during the four Stages of Procedure shall be as follows:

Stage of proceedings	Composition of team
PreTrial	Lead Counsel, Co-Counsel (limited to 250 hours), three Legal Assistants and/or Investigators
Trial	Lead Counsel, Co-Counsel, three Legal Assistants and/or Investigators
Sentencing	Lead Counsel, Co-Counsel, two Defence support team members
Appeal	Lead Counsel, Co-Counsel (limited to 350 hours), two Legal Assistants

³ See Article 15(E) of the [Directive on the Assignment of Defence Counsel](#)

⁴ See the Definition in the [Directive on the Assignment of Defence Counsel](#) and paragraph 4 of the [Manual for Practitioners](#)

⁵ See Article 17, 22, 27 and 28 of the [Directive on the Assignment of Defence Counsel](#)

⁶ Hourly Rate depending on the experience of the Lead Counsel: from 10 to 14 years of experience inclusive: US\$90 per hour; from 15 to 19 years of experience inclusive: US\$100 per hour, for more than 20 years of experience and above: US\$110 per hour, see paragraph 8 [Manual for Practitioners](#).

⁷ See Paragraph 3 of the Manual for Practitioners "...either two Legal Assistants and one Investigator or two Investigators and one Legal Assistant."

6. The Composition of the Defence Team during a Trial hearing at the seat of the Tribunal here in Arusha Tanzania or any other place authorised by the Trial Chamber shall be as follows:

Stage of proceedings	Composition of team
Prosecution Case	Lead Counsel, Co-Counsel and one Support Staff
Defence Case	Lead Counsel, Co-Counsel, one support staff and, at the Registrar’s discretion when Defence Team is presenting its case an extra Support Staff

7. Except for the Trial Stage of Proceedings all actions and steps agreed and the hours allocated shall be contained in a SCHEDULE in the [THIRD SCHEDULE](#).

Pre-Trial Stage⁸

8. In PreTrial Lead Counsel may make a SCHEDULE covering three months of initial work. Durations of subsequent Schedules, if attenuated, shall be determined by agreement.
9. The **SCHEDULE** is specific to this case and provides detailed activities planned by Lead Counsel to be performed by the respective Defence Team Members during the period of the **SCHEDULE**.
10. All activities planned to be undertaken shall be described in the **SCHEDULE** by reference to the relevant [Coding and Maximum allocated hours for Activities under the Rules of Procedure and Evidence](#)⁹.
11. The duration of the **SCHEDULE** and total number of hours allocated by activity in the **SCHEDULE** will remain as agreed in the **SCHEDULE**.
12. Lead Counsel and Support Staff are limited to a maximum of two thousand (2000) remunerable hours each for the whole of the Pre-Trial Stage. Co-Counsel if appointed, is limited to three hundred (300) remunerable hours for the whole Pre-
13. Trial Stage of Procedure, starting from sixty (60) days before the set and notified by the Trial Chamber for commencement of the Trial Stage of Procedure.
14. Work already undertaken during the Pre-Trial Stage of Procedure and paid for by the Registrar to Lead Counsel prior to signing this agreement will be taken into account.
15. Where there are changes to Lead Counsel or Co-Counsel, Article 26 of the [Directive on the Assignment of Defence Counsel](#) will apply.¹⁰
16. Lead Counsel shall, in accordance with the [Directive on the Assignment of Defence Counsel](#)¹¹, submit the statements of fees through the **Pro-Forma** document¹² in the **THIRD SCHEDULE**.

⁸ The Pre-Trial stage will begin with the initial appearance of the Accused and will end the first day of the Trial Procedure.

⁹ [Coding and Maximum allocated hours for Activities under the Rules of Procedure and Evidence](#)

¹⁰ “When, during engagement, an assigned Counsel is replaced in the same capacity by another assigned Counsel for whatever reason, the remuneration shall be paid to each of them *pro rata temporis*.”

17. The *Pro-Forma* document shall list each activity subject to claim by reference to the relevant Code as provided in paragraph 10 [*supra*].

*Trial Stage*¹³

18.

a. **When Defence Team Members in paragraph 6 are authorised by the Registrar to attend Chamber Proceedings in Arusha or in any other place as ordered by the Trial Chamber, then¹⁴:**

- (i) During the Prosecution case, Lead Counsel, Co-Counsel and one Legal Assistant will be remunerated to a maximum of Eight (8) hours per working day¹⁵ and admissible Daily Subsistence Allowance under the United Nations Rules;
- (ii) The other Defence Team Member(s), not attending court proceedings will be limited to remuneration based upon a maximum of five hours per working day and admissible Daily Subsistence Allowance under the United Nations Rules.

b. **When Defence Team Members are not attending Chamber Proceedings as in 15(a) above:**

Each Defence Team Member will claim a maximum of five hours per working day. Defence Team Members shall provide a Schedule as under paragraphs 7 and 10 and paragraph 13 relating to *Pro-Forma* document shall apply *mutatis mutandis*.

19. The Registrar will allow a maximum of 200 hours to Lead Counsel, Co-counsel and a Legal Assistant for purposes of making preparations for Closing Arguments at the end of the Trial Stage of Procedure.

*Appeal Stage*¹⁶

20. Lead Counsel agrees to submit an initial **SCHEDULE** covering work to be done in the first three months and subsequent **SCHEDULES**, as explained in paragraphs 8 to 10 [*supra*]. The Registrar and Lead Counsel will enter into an agreement concerning the content of each **SCHEDULE**.

21. During the Appeal Stage of Procedure, Lead Counsel and one Legal Assistant shall be limited to a maximum of 1000 remunerable hours each¹⁷.

22. Co-Counsel, if appointed, shall be limited to 350 remunerable hours for the entire appeal Stage of Procedure.

¹¹ See Article 14 of the [Directive on the Assignment of Defence Counsel](#).

¹² See attached document "Statement of Fees"

¹³ The Trial stage will begin the first day of the Trial Procedure and will end when the Trial Judgment is delivered by the Trial Chamber.

¹⁴ See Rule 4 of the [Rules of Procedure and Evidence](#)

¹⁵ Working days include the working days falling on a public holiday

¹⁶ The Appeal stage will begin the day the Trial Judgment is delivered by the Trial Chamber and will end the date the Judgment on Appeal is delivered by the Appeals Chamber.

¹⁷ It is anticipated that a simple single Accused case should not exceed eight hundred (800) remunerable hours per Defence Team Member, but could include additional hours in exceptional circumstances.

23. A maximum of three missions to Arusha in connection with justifiable meetings with the Appellant will be authorised for Lead Counsel and Co-Counsel, provided that such meetings shall not affect the maximum remunerable hours for this Stage of Procedure.
24. Work already undertaken and paid by the Registrar to the Lead Counsel, at the Appeal Stage of Procedure, prior to the signing this agreement, will be taken into account.

General Information

25. Lead Counsel agrees to undertake all the steps and activities that have been agreed with the Registrar in all the **SCHEDULES** for all Stages of Procedure in this case.
26. Lead Counsel further undertakes to timely inform the Registrar of any substantial changes affecting the work set out in the agreed **SCHEDULES**. In this event, the Registrar and Lead Counsel will agree to modify and adapt the agreed **SCHEDULE** in order to make it reflect the new situation of the case.
27. All Defence Team Members shall be bound by the Statute of the International Criminal Tribunal for Rwanda, the Rules of Procedure and Evidence, the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Tribunal or Otherwise Detained on the Authority of the Tribunal, the Directive on the Assignment of Defence Counsel, the Code of Professional Conduct for Defence Counsel, the Manual for Practitioners, the Letter of Assignment/Appointment and the requisite United Nations Rules and Regulations where applicable.
28. After a period to be agreed between the Registrar and Lead Counsel in advance, Lead Counsel will produce a certification of the work performed by the Defence Team on the approved ***Pro-forma*** and the Registrar undertakes to reimburse the Lead Counsel without undue delay¹⁸.

¹⁸ Lead Counsel is expected to make his/her claim(s) with moderation and timeously and the Registrar is expected to make payment at least 30 days from the date of presentation of the Pro-forma document. See Articles 17, 22, 27 and 28 of the [Directive on the Assignment of Defence Counsel](#), Article 11 of the [Code of Professional Ethics for Defence Counsel](#) and the [Manual for Practitioners](#).



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

UNITED NATIONS
NATIONS UNIES

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 27 2504207-11 2504367-72 or 1 212 963 2850 Fax: 255 27 2504000/2504373 or 1 212 963 2848/49

<p>STATEMENT OF FEES MONTH, YEAR: _____</p>

CASE: ICTR _____
ACCUSED: _____
STAGE: _____

DEFENSE TEAM MEMBERS¹⁹: **Lead Counsel:** _____
Co-Counsel: _____
Investigator I: _____
Legal Assistant I: _____

Lead Counsel:

CODES/GENERAL ACTIVITIES	HOURS REQUESTED	HOURS GRANTED	COMMENTS

Co-Counsel:

CODES/GENERAL ACTIVITIES	HOURS REQUESTED	HOURS GRANTED	COMMENTS

Investigator I:

CODES/GENERAL ACTIVITIES	HOURS REQUESTED	HOURS GRANTED	COMMENTS

Legal Assistant I:

CODES/GENERAL ACTIVITIES	HOURS REQUESTED	HOURS GRANTED	COMMENTS

¹⁹ A Defense Team is composed of a maximum of 4 members including the Lead Counsel. The Co-Counsel is assigned not less than 2 months before the start of the Trial.

THIRD SCHEDULE

(Please right click on the mouse to open the link)