



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

Arusha International Conference Centre

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**NEW LUMP SUM SYSTEM FOR THE REMUNERATION  
OF DEFENCE TEAMS AT ICTR**

## **OBJECTIVES:**

**TO ADAPT** the remuneration scheme for Counsel, Legal Assistants and Investigators to the needs of the Tribunal's completion strategy;

**TO ADDRESS** the real needs of the Defence, at the appropriate time;

**TO ESTIMATE**, with greater precision, the cost of defending accused persons before the International Criminal Tribunal for Rwanda, and thus align budgetary projections with the actual budget;

**TO MONITOR**, with the introduction of a systematic procedure for verification and adjustment, the use of funds allocated to Defence teams;

**TO SIMPLIFY** the existing Lump Sum Scheme, render it more attractive, and streamline the administrative work of Defence teams and the Registry.

## I. INTRODUCTION

1. The Legal Aid System currently used in ICTR comprises two different formulas: on the one hand, the Hourly Rate System, and, on the other hand, a Lump Sum System adopted in 2005.
2. Both formulas have produced mixed results and have given rise to recurrent disputes between the Registry and the Defence teams. The Hourly Rate System represents a heavy financial burden on the Tribunal and requires the Registry to make permanent and detailed verifications of claims filed monthly by various Counsels.
3. The Defence believes that the Lump Sum Scheme, in its current form, is complicated and not attractive. Furthermore, it still requires Counsel to prepare detailed and tedious bills.
4. Neither formula leads to an appropriate assessment of whether expenditure generated by various Defence teams is justified or reasonable. Further, neither of the two methods takes into account the completion strategy or the experience acquired by ICTR, such that the remuneration of various Defence Counsel at present departs dangerously from the concrete realities and objectives pursued by the Chambers.
5. The Registrar of ICTR has therefore decided to put in place a new Lump Sum System based on a practical and realistic approach to the tasks which the Tribunal must still undertake in order to complete its mandate.
6. The new Lump Sum System is meant to be contractual, comprehensive and progressive.
  - a. Contractual: Defence teams will be invited to join in negotiating and determining the Lump Sum allocations. Moreover, it would be appropriate to talk about several allotments and not just one, because the resources should vary depending on the stages of the proceedings.
  - b. Comprehensive: The experience acquired by ICTR over the 12 years of its existence could be put to good use in making a more accurate evaluation of the cost of proceedings at the trial and appeal stages. Furthermore, the nature of cases still pending – which are almost all single-accused cases – and the deadlines arising from the completion strategy, all contribute to enabling the Registry to have a better vision in budgetary matters.
  - c. Progressive: The new system views the work performed by the Defence as a continuing process, not as an aggregate of individual tasks. Counsel shall be encouraged to complete the preliminary stages more quickly and to resolutely engage in the trial itself.
7. One essential element of the new Lump Sum System is based on the idea that the total cost of proceedings, from the point of view of the expenses incurred by the Defence, can

henceforth be estimated well in advance. With hindsight, it can be seen that the number of witnesses or court documents presented before various Chambers hardly varies from one Defence team to another, provided this evaluation is based on cases that are comparable in terms of duration and complexity.

8. In this regard, ICTY has adopted an interesting formula by classifying the cases tried by the Tribunal under three levels of complexity, and by allocating different resources, depending on the presumed difficulty of the cases. However, the completion strategy of ICTR requires all parties to complete their work quickly, regardless of the nature of the trial in which they are involved. Furthermore, all ongoing or future cases are single-accused cases, with the exception of three cases which are currently nearing their final stage: *Butare*, *Military II*, and *Karemera*.

9. Under these conditions, there are no plans to adopt the graduated approach used by ICTY, but rather to make a comprehensive evaluation of the cost of proceedings by relying on:

- ICTR jurisprudence and practice in similar cases;
- The indications provided by the parties regarding the number of witnesses and experts, as well as the duration of proceedings;
- The indications provided by the Chambers during status conferences or during hearings proper;
- The judicial calendar; and
- The ICTR completion strategy.

10. In order to make an appropriate evaluation of what the team will need in the course of the entire proceedings, it has been decided to adopt a formula on the basis of which the resources made available to various Defence Counsel can be adjusted to fluctuations – which are sometimes considerable – in their workloads. In fact, these fluctuations generally, if not systematically, vary according to the different stages of proceedings before ICTR.

11. As an example, the workload of a team that has finished its investigations and is awaiting the commencement of trial is not considerable. However, when the Prosecutor, under Rule 66(A)(ii), discloses to the Defence copies of the statements of all his witnesses, a period of intensive work begins, and lasts 60 days.

12. It therefore seems appropriate to identify the essential stages of proceedings in order to limit the allocation of resources during slack periods and, in a similar manner, come to the support of Defence teams when they are most in need.

13. The new Lump Sum Scheme is meant to be a strategic and proactive judicial management tool: it meets the actual needs of the Defence at the right time.

14. Nevertheless, the introduction of a new Lump Sum Scheme at this stage of the Tribunal's work does not entail a drastic overhaul of the former scheme. The advantages of the former Lump Sum Scheme have therefore been maintained, in particular:

- The monthly verification of bills submitted by Defence teams;
- The composition of Defence teams;
- The plan of activities;
- The rate of remuneration of each member of the team; and
- The reimbursement of expenses and work schedules.

15. Some new elements, however, have been introduced or significantly modified, namely:

- Prior assessment of Defence needs;
- Factoring in the ICTR completion strategy;
- Elimination of codes for billable activities;
- The division of proceedings into phases and segments; and
- The introduction of a schedule.

## **II. BASIC PRINCIPLES**

16. The experience acquired by ICTR in the course of its mandate enables it to envisage a comprehensive and reasonable approach to allocating available resources and to discard the current system, which is based on an exhaustive list of billable activities.

17. In order to ensure a better evaluation of costs on the basis of the progress made in a case, it will be broken up into several phases which reflect such progress: preliminary phase, pre-trial phase, trial and appeal. Special attention shall be paid to the pre-trial phase, the duration and cost of which should be monitored more closely. This phase shall comprise the following segments: investigation, legal work, counter-evidence (Rule 66(A)(ii)) and working meetings.

18. The composition of Defence teams should vary depending on the progress made in the proceedings and the phases of the trial, and should favour a rapid preparation of the case, without undue delays.

19. Each phase of the proceedings – and if need be, each segment – shall be allotted an overall number of billable hours, and shall be identical for all the teams, considering the relatively similar nature of the cases still pending before ICTR. This allotment shall be the maximum amount of time that may be billed during each stage and the Defence Counsel and Detention Management Section shall, every month, verify its use. Any unused hours at the end of each stage will not be carried forward to the next stage, barring exceptions.

20. Defence teams shall receive monthly payments, on presentation of statements of the hours used during the month considered. Such statements may, however, be simplified, since the verification will mainly be carried out beforehand. The hours used shall be deducted from the fixed overall number of hours and Counsel may be informed each month of their available balance of hours.

21. As in the past, the monthly maximum number of hours will be set at 175 hours. The rate of remuneration for each member of the team – depending on his role and qualification, as well as the seniority of Lead Counsel – shall remain unchanged.

22. The total cost of the trial, as concerns the Defence, could thus be anticipated; so could the cost of each stage of the proceedings. Furthermore, the input of Defence Counsel shall be sought during regular discussions, in particular at the beginning of each stage, during which work plans and a schedule shall be submitted. The schedule is an essential element of the Lump Sum Scheme in that it is an important forecasting tool and a means of adapting the work of the Defence to that of the Chambers. The schedule should therefore give utmost consideration to the indications provided by the Chambers, particularly during status conferences and should also defer to the judicial calendar. Finally, the plan of activities and schedule will make it possible to ensure that Defence teams do not exhaust the resources allocated to them well before the end of each phase of the trial.

### III. THE VARIOUS STAGES OF PROCEEDINGS

23. It is important to identify the various stages of proceedings in order to appropriately adjust the allocation of resources on the basis of the foreseeable needs of Defence teams. The phases described below have been modified slightly – in relation to the previous Lump Sum remuneration scheme – in order to take into account the actual workload, rather than the administrative division of the trial process.

24. To each phase of the trial process corresponds the allocation of an overall number of hours, representing a maximum amount of time, the details of which are set out in Part V of this document.

- a. **Phase One – Preliminary stage:** This phase runs from the time of the assignment of Lead Counsel by the Registry up to the completion of his initial travel to Arusha. This short phase does not require the allocation of large amounts of

resources. In fact, Counsel is encouraged to arrive at the seat of the Tribunal as soon as possible to meet his client, as well as the representatives of the Registry and the Chambers, so as to obtain all information relating to the trial proceedings. However, Counsel must in the meantime read the indictment and the supporting documents, and may have to respond to one or several preliminary motions filed by the Prosecutor, or even file such motions himself.

The expected duration of Phase One is two weeks.

- b. Phase Two – Pre-Trial Stage:** This phase runs from the end of Phase One up to the commencement of the trial. Being a more active phase, it entails multiple tasks which are nevertheless underpinned by a common denominator: the preparation of the trial. Counsel shall be encouraged to accelerate his preparation, since his team will have at its disposal substantial resources, though for a limited duration. For the purposes of a better evaluation, Phase Two shall be made up of several segments to which the available resources shall be appropriately apportioned:
- i. Legal work segment: This segment comprises all the tasks that are directly related to the preparation of the case, such as the filing and analysis of motions, analysis of the case law, perusal of evidence and documents produced by the Office of the Prosecutor, drafting of legal briefs. It does not encompass:
    - Investigations, including site visits, search for and identification of defence witnesses as well as their preparation, drafting of statements and work related to the defence of alibi. These activities shall be part of a separate segment;
    - Coordination meetings between the members of the Defence team or with the client, which are also dealt with under a separate segment;
    - The study of the law applicable before ICTR or reading of materials and research concerning the general history of Rwanda, all of which Counsel selected from a list of specialists in international criminal law are presumed to be familiar with.
  - ii. Investigations segment: This segment relates to all tasks that are generally necessary for the presentation of witnesses, documents, experts, or even a defence of alibi before ICTR. During this stage investigators are of particular importance, whereas the Lead Counsel gives directives but does not carry out investigations himself, although it is his duty to meet potential witnesses, at least once, in order to select those he needs and obtain their statements.

- iii. Counter-evidence segment (Rule 66(A)(ii)): This segment covers the very special period of time running from the disclosure of materials by the Prosecutor, pursuant to Rule 66(A)(ii) of the RPE, up to the commencement of the trial. Lack of due diligence on the part of Counsel at this stage of the proceedings – just like the lack of reaction on the part of the Defence Counsel and Detention Management Section – systematically results in the postponement of the trial, because this period only lasts 60 days. Yet, the Defence must simultaneously analyze the totality of the evidence disclosed by the Prosecutor, look for witnesses to counter such evidence, and prepare for the initial hearings. The new Lump Sum Scheme anticipates this workload and allocates adequate resources to Counsel during this short period of time.
  - iv. Segment for work-related meetings: This segment is intended to provide reasonable resources to facilitate the holding of necessary meetings, in particular coordination meetings, between Counsel, their legal assistants and investigators, either in Arusha or at the location where the majority of the members of the Defence team resides.
- c. **Phase Three – The trial**: Without it being necessary to describe this phase in greater detail, it covers all the tasks undertaken by the Defence from the commencement of the trial until the day of the presentation of closing arguments. However, it is necessary to make a distinction between the various periods of which it is composed and for which remuneration will vary:
- The period during which hearings take place;
  - The period(s) of adjournment of the trial; and
  - The period for the drafting of the final trial brief and closing arguments.
- d. **Phase Four – The appeal**: The appeal period is the easiest to evaluate, in terms of duration and resources, because the time limits are clearly set out by the Rules of Procedure and Evidence, and the work during this period is almost exclusively concentrated on drafting briefs. Therefore, the evaluation will essentially consider the number of hours necessary and reasonable for writing briefs and submissions whose number of pages, moreover, is known in advance thanks to the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the Tribunal.



#### IV. COMPOSITION OF DEFENCE TEAMS

25. The composition of each Defence team must fall in line with the requirements of the completion strategy and facilitate rapid and steady progress towards the trial process. It should be ensured not only that the Registry does not bear the cost of a bloated Defence team at an inopportune moment, but also that the Defence does not delay the trial by pleading insufficient material and human resources.

26. Given the various stages of proceedings, Defence teams must henceforth be composed as follows:

| <b>Trial Stage</b>           | <b>Composition of the Team</b>  |
|------------------------------|---|
| <b>Phase 1 - Preliminary</b> | Lead Counsel  |
| <b>Phase 2 – Pre-Trial</b>   | Lead Counsel, Co-Counsel, three Legal Assistants and/or Investigators |
| <b>Phase 3 - Trial</b>       | Lead Counsel, Co-Counsel, three Legal Assistants and/or Investigators |
| <b>Phase 4 – Appeal</b>      | Lead Counsel, Co-Counsel, two Legal Assistants                        |

27. Regarding Phase Two – the pre-trial phase – resources shall be allocated bearing in mind the various segments and the specific contribution of each member of the team:

- Legal work segment: Lead Counsel, Co-Counsel, one or two Legal Assistants;
- Investigations segment: Lead Counsel and Co-Counsel (but only for tasks pertaining to supervision, coordination and the provision of guidelines), one or two investigators;
- Counter-evidence segment (Rule 66(A)(ii)): the whole team; and
- Segment for work-related meetings: the whole team.

## V. ALLOCATION OF RESOURCES

28. Funds available for the Legal Aid Programme shall be allocated on the basis of the different phases of the proceedings and the composition of the team. However, such allocation shall be predicated on accurately evaluating the needs of the Defence teams and the Chambers for the purpose of ensuring a rapid transition between the different stages of the proceedings and a fair trial.

29. The allocation of resources is also based on a rigorous assessment, carried out by the Registry, of the real needs of the Defence as observed over the past 12 years of judicial activities at ICTR. This includes the number of witnesses contacted and called, the volume of written documents filed, the duration of investigations and the number of experts. However, it will not dwell on the duration of trials which are henceforth the subject of a specific evaluation based on the completion strategy of the Tribunal, as reflected in various Reports submitted to the Security Council.

30. Available resources are presented in the form of billable hours. The total number of such hours should represent an accurate assessment of Defence needs during the entire trial.

31. By analyzing the data collected by the Registry, it is possible to evaluate of the cost of legal work performed by the Defence before the commencement of trial. In this regard, 90 days have been allotted to a preparatory phase. Four members of the team will have an allotment of 350 hours each, representing a total of **1,400 hours**, during this period.

32. Similarly, as regards investigations, considering the fact that witnesses come from far away, the duration of interviews and the drafting of witness statements, it is reasonable to estimate eight working hours per witness, representing 800 hours shared between the two investigators, besides 200 hours to be shared between the Lead Counsel and the Co-Counsel for coordination and supervision duties.

33. The total number of billable hours under the investigation segment, therefore, stands at **1,000 hours** for the team as a whole.

34. The counter-evidence segment takes into account a 60-day period devoted to intensive work directly related to preparations for the trial by the entire team. The Defence shall be entitled to remuneration for 8 hours per working day, that is **1,750 hours** for the entire team.

35. Working sessions shall amount to three meetings of three days, that is **360 hours** for the entire team.

36. Lastly, an allotment of **50 hours** shall be earmarked for the Lead Counsel for the preliminary phase, to cover the perusal of the indictment and all supporting documents, as well as a trip to Arusha.

37. **Allotted hours:** On the basis of the new system of remuneration, the overall time allotted for the preparation period of the entire trial is estimated at a maximum of **4,560 hours** that may be billed.

38. In a nutshell, the overall time allotment for the preparatory phase of the trial can be broken down as follows:

**Overall Time Allotment – Preparations for the Trial**

| Segment                 | Composition of the Team                         | Maximum number of hours/members | Maximum number of hours in all |
|-------------------------|---|---------------------------------|--------------------------------|
| <b>Preliminary work</b> | Lead Counsel                                    | 50                              | 50                             |
| <b>Legal work</b>       | Lead Counsel, Co-counsel, one or two Assistants | 350                             | 1400                           |
| <b>Investigations</b>   | Lead Counsel and Co-Counsel                     | 100                             | 1000                           |
|                         | One or two Investigators                        | 400                             |                                |
| <b>Counter-evidence</b> | Entire team                                     | 350                             | 1750                           |
| <b>Meetings</b>         | Entire team                                     | 72                              | 360                            |
| <b>Total</b>            |   |                                 | 4560                           |

39. **Regarding the trial period,** it is necessary to distinguish between periods when a Chamber is sitting to hear a case and periods when hearing is adjourned. A trial shall be deemed to be adjourned – for the purposes of implementing this time allotment – when no hearing is held in the case concerned for more than two consecutive working days.

40. **Regarding periods of hearings,** it is necessary to distinguish between the presentation of evidence by the Prosecutor and the presentation of evidence by the Defence.

41. During the Prosecution case, the Defence team shall be made up of the Lead Counsel, the Co-Counsel, an Assistant and an Investigator. These four persons shall be remunerated on the basis of eight hours per working day, according to the rate applicable to each of them, besides the DSA. The fifth person shall be remunerated only if there are allotted hours that were not used during the preparation phase of the trial, within the limits of the allotted hours, on the authorization of the Registrar and in the light of a detailed programme.

42. During the presentation of the Defence case, the team shall be made up of all its members who shall be remunerated on the basis of eight hours per working day, according to the rate applicable to each of them, besides the DSA.

43. **Periods during which hearings are adjourned** will be broken down into three categories:

- Category A: previously scheduled adjournment indicated on the judicial calendar;
- Category B: adjournment to enable the parties to perform specific tasks, such as the writing of closing briefs, preparation of closing arguments or recall of witnesses;
- Category C: unexpected adjournment and/or whose duration is not immediately foreseeable, on account of the unavailability of one of the parties, or any other exceptional event.

44. During Category A adjournment periods, the Defence shall be remunerated on the basis of a pre-established programme describing the work it intends to devote itself to during the adjournment. The team concerned could use part of the unspent hours relating to Phase Two (preparation for the trial) or request supplementary hours, on presentation of a detailed programme and an attendant schedule.

45. During Category B adjournment periods, the Defence shall continue to be remunerated in conformity with the allotment for Phase Three, that is as if hearings were ongoing, but for a duration strictly limited to the actual accomplishment of the task to be undertaken. Such duration shall be fixed, either by the Chamber itself (setting of time limits), or by an agreement between DCDMS and the Defence team, taking into consideration a reasonable and necessary duration for carrying out the task. In any case, a detailed programme shall be established for this purpose.

46. During Category C adjournment periods, the Defence shall be remunerated on the basis of 50% of the allotment for Phase Three in the first week of the adjournment, and 25% of the allotment in the second week. Beyond two weeks, the allotment shall be suspended and members of the team may claim remuneration only if they provide justification for necessary and reasonable work, on the basis of a detailed programme and a schedule which shall be submitted to the Registry and accepted by it.

47. A Defence team shall not, under any circumstances, be paid when an adjournment is occasioned by the personal convenience of a Counsel.

48. **Appeal:** Just as during trial proceedings, it is appropriate to identify the main phases of appeal proceedings and to determine an additional allotment of hours that may be billed at each of these phases.

49. The appointment of a Co-Counsel shall remain subject to the approval of the Registrar, who will make a decision thereon after assessing the complexity and foreseeable duration of the case. Where a Co-Counsel is appointed, he shall be allotted the same number of hours as the Lead Counsel.

50. An investigator shall be appointed only in exceptional circumstances, and if the Appeals Chamber delivers a decision requiring the presentation of additional evidence.

51. Remuneration for Defence teams at the appeal stage may be made according to the phases of the proceedings, by allotting a number of hours that may be billed for each phase.

52. The following shall be the phases of appeal proceedings:

- Phase 1: Assessment of the judgement. This phase, which concerns the Lead Counsel alone, runs from the date of delivery of the trial judgement to the filing of the notice of appeal.
- Phase 2: Briefs. This phase runs from the date of filing of the notice of appeal to the date of filing of the final brief.
- Phase 3: Oral Arguments. This phase covers the preparation of oral arguments and final adjustments.

53. Allotted hours shall be apportioned as follows:

**Time Allotment – Appeal**

| Phase                 | Composition of the Team                        | Maximum number of hours/members | Maximum number of hours in all |
|-----------------------|--|---------------------------------|--------------------------------|
| <b>Assessment</b>     | Lead Counsel                                   | 60                              | 60                             |
| <b>Briefs</b>         | Lead Counsel, Co-Counsel, two Legal Assistants | 1000                            | 4000                           |
| <b>Oral Arguments</b> | Lead Counsel and Co-Counsel                    | 100                             | 200                            |
|                       | One Legal Assistant                            | 50                              | 50                             |
| <b>Total</b>          |  |                                 | 4310                           |

## **VI. REMUNERATION RATE**

54. The remuneration rate for each Defence team member shall remain unchanged. The applicable rates are therefore as follows:

- a. Lead Counsel:
  - Less than 15 years of experience: US\$90 per hour
  - From 15 to 20 years of experience: US\$100 per hour
  - Over 20 years of experience: US\$110 per hour.
- b. Co-Counsel: US\$80 per hour.
- c. Assistants and Investigators: US\$25 per hour.

## **VII. CARRYING FORWARD AND TRANSFERING HOURS**

55. Hours that are not used during the pre-trial phase may be carried forward to the trial phase; however, this may be done only during periods of trial adjournment, pursuant to paragraphs 41 and 44 above.

56. Within each phase, the transfer of hours not used by one member of a team to another member shall be authorized, on condition that this does not entail any additional costs. The hours transferred shall still be remunerated at the lowest rate.

## **VIII. PLANS OF ACTIVITIES, SCHEDULES AND WORK PROGRAMMES**

57. A plan of activities and a schedule shall be submitted to the Registry at the beginning of each phase of the proceedings. The plan must detail all activities – including trips – that the Defence may deem necessary to efficiently and economically represent their client at each stage of the proceeding. The plan shall also enable the Registry to check whether the tasks envisaged are consistent with the resources allocated to the Defence. The schedule shall enable the Registry to evaluate the implementation of these activities in time, to verify if the Defence is alive to the time limits set by the Chambers and if resources are not being too rapidly used.

58. This information shall be for internal use within the Registry and shall be considered confidential. The Registry shall undertake a monthly review of the plan of activities and schedule

and compare them with the statement of hours provided by the team members. Payments shall be authorized only if monthly statements are consistent, to a reasonable extent, with the information previously provided by the Defence.

59. The plan of activities and schedule shall also enable the Registry, and especially the Finance Section, to determine the total amount to be allocated to each team, thereby creating an efficient and computerized tool for projections and checks.

60. As is the practice, the Defence shall file work programmes before undertaking any trip for which costs have to be reimbursed by the Registry. Such programmes shall mention the purpose of the trip envisaged, its relevance to the defence of the interests of the client and the pseudonyms of witnesses to be contacted. The Registry shall authorize the trip beforehand, and to this end may refer to the plans of activities, trial schedules and resources still available to the Defence team.

61. A work trip shall be any trip involving at least one member of the team for purposes of investigation, coordination meetings or consultation with the client. Not more than six work trips shall be authorized during the trial phase, excluding trips to participate in hearings. Three trips will be authorised during the appeal phase. The Registry may authorize one or several additional trips, if it is satisfied that it is necessary and reasonable, and if the envisaged trip is not such as would delay the trial.

## **IX. BILLING**

62. Each member of the team led by the Lead Counsel shall submit a monthly statement of hours spent on the defence of the client. However, such a statement may be less detailed than in the past, because of the prior evaluation undertaken by the Registry and the existence of plans of activities. Therefore, it will no longer be necessary to refer to a restrictive list of codes in order to identify each task accomplished by Counsel.

63. Defence Counsel, Legal Assistants and Investigators may describe briefly the type of work done by indicating, during the trial preparation, the appropriate segment under which the work falls. It should be recalled that each statement shall not exceed 175 hours.

64. The Rule 66(A)(ii) “counter-evidence” Segment does not necessarily entail an uninterrupted period of 60 days. It could be relied upon whenever the Prosecutor discloses evidence to the Defence.

65. The Registry shall acknowledge receipt of the statement of hours and verify the relevance of the fees charged by the Defence team, the necessity and reasonableness of the task accomplished and its compatibility with the plan of activities. Members of the same team shall be encouraged to file their statements of hours at the same time, so as to facilitate verification by the Registry.

66. While acknowledging receipt, the Registry shall communicate to those concerned, the number of hours still available for each phase and, where necessary, for each segment. If the controller deems that the unused hours are no longer consistent with the remaining work to be done as outlined in the plan of activities and schedule, he shall notify Lead Counsel and obtain explanations from him before making any adjustments.

67. The Registrar may, in any case, make adjustments, on the basis of his verification and supervisory prerogatives.

## **X. PROVISIONAL MEASURES**

68. The new Lump Sum System shall be the only method for remunerating Defence teams at ICTR, at all stages of proceedings.

69. Teams currently using the Hourly Rate System or the former Lump Sum Scheme shall, nevertheless, still be subject to these two schemes up until the end of the trial phase in which they are currently involved. Once the next phase starts, they shall automatically be subject to the new Lump Sum System.

70. There shall be systematic consultations with the Defence teams concerned in order to facilitate the implementation of this new system.

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