

## ANNEX C: Scope of Services and Maximum Amounts for Legal Aid Fee

### **SECTION 1: SCOPE OF SERVICES IN ACCORDANCE WITH REGULATIONS 13(1)(c) AND 17 of the Legal Aid Regulations (LAR)**

The scope of services for Assigned Counsel shall be determined as follows<sup>1</sup>:

<b>SECTION 1</b>	Pre-Indictment Stage	Pre-Trial Stage	Trial Stage	2 <sup>nd</sup> Instance Appellate Stage	3 <sup>rd</sup> Instance Appellate Stage
Pending determination of Complexity Level	Part-Time/ Hourly rate <sup>2</sup>	Full-Time at Complexity Level 1	Full-Time at Complexity Level of Pre-Trial Stage	Full-Time at Complexity Level of Trial Stage	Full-time at Complexity Level 1
After determination of Complexity Level	Part-Time/ Hourly rate <sup>3</sup>	Full-Time at determined Complexity Level	Full-Time at determined Complexity Level	Full-Time at determined Complexity Level	Full-time at determined Complexity Level
Pursuant to determination of the Registrar in line with Regulations 17 and 18	n/a			Part-Time	Part-Time

### **SECTION 2(1): MAXIMUM AMOUNTS FOR CALCULATION OF REMUNERATION PURSUANT TO REGULATIONS 13(1)(d) and 14(a) LAR**

Based on the scope of services (Full-Time, Part-Time), the maximum<sup>4</sup> amounts pursuant to Regulations 13(1)(d) and 14(a) LAR shall be:

<b>SECTION 2(1)</b>	Pre-Indictment Stage		Pre-Trial Stage	Trial Stage	2 <sup>nd</sup> Instance Appellate Stage		3 <sup>rd</sup> Instance Appellate Stage	
	Part-Time / Month	Hourly rate	Full-Time / Month	Full-Time / Month	Full-Time / Month	Part-Time / Total <sup>5</sup>	Full-Time / Month	Part-Time / Total
Remuneration for Complexity Level 1			EUR 26.830	EUR 26.830	EUR 26.830		EUR 26.830	
Remuneration for Complexity Level 2	EUR 4.800	EUR 100	EUR 31.470	EUR 31.470	EUR 31.470	EUR 41.760	EUR 31.470	EUR 41.760
Remuneration for Complexity Level 3			EUR 40.750	EUR 40.750	EUR 40.750		EUR 40.750	

<sup>1</sup> During the Pre-Trial or Trial Stage, Full-Time services can be converted to Part-Time services in case of reduced workload (i.e., after a judicial decision on a stay of proceedings) as set out in Regulation 17(5).

<sup>2</sup> An hourly rate is the rule; the Part-Time rate is only applied when the Registrar so determines in line with Regulations 17 and 18 LAR.

<sup>3</sup> See footnote 1.

<sup>4</sup> Concerning Part-Time services for which Section 2(1) is applicable, see Regulation 17.

<sup>5</sup> "Total" means the total amount for the entire remaining period (i.e., from the start of Part-Time services until delivery of judgment), which forms the basis for a calculation of the Legal Aid Fee for that period.

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The amounts indicated above as remuneration are maximum amounts for the calculation of the total remuneration referred to in Regulation 14(a) LAR. The transfer of the Legal Aid Fee, including the remuneration, is regulated by Regulation 19 LAR.

By reference to the Complexity Level, the expected Team composition is as follows:

- **Complexity Level 1** at the Pre-Trial Stage, Trial Stage and the Appellate Stages: 1 Counsel, 1 Co-Counsel, 1 Legal Associate and 1 Support Team Member;
- **Complexity Level 2** at the Pre-Trial Stage, Trial Stage and the Appellate Stages: 1 Counsel, 1 Co-Counsel, 2 Legal Associates and 1 Support Team Member;
- **Complexity Level 3** at the Pre-Trial stage, Trial Stage and the Appellate Stages: 1 Counsel, 1 Co-Counsel, 4 Legal Associates and 1 Support Team Member.

### **SECTION 2(2): MAXIMUM AMOUNTS FOR CALCULATION OF REMUNERATION PURSUANT TO REGULATIONS 13(1)(e) and 14(a) LAR**

Based on the scope of services (Full-Time, Part-Time), the maximum<sup>6</sup> amounts pursuant to Regulations 13(1)(e) and 14(a) LAR shall be:

SECTION 2(2)	Pre-Indictment Stage	Pre-Trial Stage	Trial Stage	2 <sup>nd</sup> Instance Appellate Stage		3 <sup>rd</sup> Instance Appellate Stage	
	Hourly Rate <sup>7</sup>	Full-Time / Month	Full-Time / Month	Full-Time / Month	Hourly Rate <sup>8</sup>	Full-Time / Month	Hourly Rate <sup>9</sup>
Remuneration for Complexity Level 1	EUR 100	EUR 6,875	EUR 6,875	EUR 6,875	EUR 100	EUR 6,875	EUR 100
Remuneration for Complexity Level 2		EUR 12,675	EUR 12,675	EUR 12,675		EUR 12,675	
Remuneration for Complexity Level 3		EUR 14,850	EUR 14,850	EUR 14,850		EUR 14,850	

### **SECTION 3(1): ALLOTMENT OF COSTS PURSUANT TO REGULATION 14(b) LAR**

The following sums are allotted to Assigned Counsel for costs arising at the different Stages of Proceedings:

Amounts allotted to Assigned Counsel per month to support the representation of the case:

- Translation and interpretation costs: EUR 1.150 per month;

<sup>6</sup> Concerning Part-Time services for which Section 2(2) is applicable, see Regulation 17 and footnote 7.

<sup>7</sup> The Legal Aid Fee at this Stage of Proceedings is based on an hourly rate for Assigned Counsel. In any case, when a Legal Aid Fee is based on an hourly rate, it shall not exceed half of the Legal Aid Fee for Full-Time Services at the applicable Complexity Level.

<sup>8</sup> See footnote 7.

<sup>9</sup> See footnote 7.

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- Miscellaneous costs as determined necessary by the Head of Defence Office: EUR 500 per month.

Amount allotted to Assigned Counsel for contracting external investigators/consultants (including field assistance):

- EUR 40.000 in total for all Stages.

Amounts allotted for Assigned Counsel to support investigations/consultants (e.g., travel):

- o EUR 10.000 in total for the Pre-Trial Stage;
- o EUR 20.000 in total for the Trial Stage;
- o EUR 5.000 in total for the 2<sup>nd</sup> Instance Appellate Stage;
- o EUR 5.000 in total for the 3<sup>rd</sup> Instance Appellate Stage.

Allotments may be carried over to the next month or Stage of Proceedings if not spent. Allotted sums will only be disbursed upon presentation of documentation, in particular invoices, substantiating that Assigned Counsel actually incurred and paid for these costs.

### **SECTION 3(2): ALLOTMENT OF COSTS PURSUANT TO REGULATION 14(b) LAR**

The following sums are allotted to Assigned Counsel for costs arising at the different Stages of Proceedings:

Amounts allotted to Assigned Counsel per month to support the representation of the case:

- Translation and interpretation costs: EUR 1.150 per month;
- Miscellaneous costs as determined necessary by the Head of Defence Office: EUR 500 per month.

Amount allotted to Assigned Counsel for contracting external investigators/consultants (including field assistance):

- EUR 10.250 in total for all Stages.

Amounts allotted for Assigned Counsel to support investigations/consultants (e.g., travel):

- o EUR 2.562 in total for the Pre-Trial Stage;
- o EUR 5.125 in total for the Trial Stage;
- o EUR 1.281 in total for the 2<sup>nd</sup> Instance Appellate Stage;
- o EUR 1.281 in total for the 3<sup>rd</sup> Instance Appellate Stage.

Allotments may be carried over to the next month or Stage of Proceedings if not spent. Allotted sums will only be disbursed upon presentation of documentation, in particular invoices, substantiating that Assigned Counsel actually incurred and paid for these costs.

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### **SECTION 4: HOURLY RATE AND REIMBURSEMENT OF COSTS OF DUTY COUNSEL AND ASSIGNED COUNSEL IN ACCORDANCE WITH REGULATIONS 17(4), 21(2) and 37(3) LAR**

The hourly rate of Duty Counsel and Counsel assigned to a suspect or to Any Other Person is EUR 100, invoiced for not more than 8 hours per day (more hours per day would be subject to a reasonableness assessment). All invoices are subject to verification by the Head of the relevant Registry Unit. Regarding duty trips, the travel costs only shall be reimbursed upon approval of the Head of the relevant Registry Unit provided that Counsel meets the requirements established by the Head of the relevant Registry Unit. For travel time (from point of departure to arrival), half the hourly rate is remunerated (invoiced for a maximum of 8 hours per day). For the Team, if any, of Duty Counsel, the hourly rate may be increased as follows: for Co-Counsel – by EUR 85; for one Legal Associate – by EUR 45; for one Support Team Member – by EUR 28.