

**Cour
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**International
Criminal
Court**

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Date: 18 February 2025

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács, Judge
Judge Chang-ho Chung, Judge
Judge Beti Hohler, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF THE PROSECUTOR v.
ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA

Public Document

Public redacted version of "Registry's Observations on the 'Urgent Request for Review of 'Registrar decision on the 'Request for review of CSS Decision of 14 January 2025' submitted by the Yekatom Defence on 16 January 2025", (ICC-01/14-01/18-2756-Conf-Exp)", 7 February 2025, ICC-01/14-01/18-2758-Conf-Exp

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Registrar

Mr. Zavala Giler, Osvaldo

☒ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Pursuant to Trial Chamber V's ("Chamber") email of 4 February 2025,¹ the Registry hereby submits its observations in relation to the "Urgent Request for Review of 'Registrar decision on the 'Request for review of CSS Decision of 14 January 2025' submitted by the Yekatom Defence on 16 January 2025'" ² ("Request").

II. Procedural history

2. On 15 December 2023, Counsel Support Section ("CSS") informed the Defence for Mr Yekatom ("Defence") that the "complexity level 3 at the trial stage" is applicable to the Defence.³
3. On 18 July 2024, the Chamber issued the "Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings" ("18 July 2024 Decision") scheduling the closing statements between 9 and 12 December 2024 and the hearing under article 76(2) of the Rome Statute ("Statute") for 8 to 10 January 2025.⁴
4. On 9 December 2024, the CSS gave the Defence notice of the commencement of the reduced activity phase as of 11 January 2025 ("Reduced Activity Notice").⁵ In this communication, referring to paragraph 73 of the Legal Aid Policy of the Court⁶ ("LAP"), the CSS requested the Defence to indicate the team composition during the said period (i.e. 11 January 2025 until the judgment pursuant to article 74 of the Statute) at the latest by 31 December 2024. This was to enable

¹ Email from Trial Chamber V to Registry on 4 February 2025 at 12.41.

² Yekatom Defence, "Urgent Request for Review of 'Registrar decision on the 'Request for review of CSS Decision of 14 January 2025' submitted by the Yekatom Defence on 16 January 2025'", 3 February 2025, ICC-01/14-01/18-2756-Conf-Exp ("Request"). Yekatom Defence, "Public Redacted Version of 'Urgent Request for Review of 'Registrar decision on the 'Request for review of CSS Decision of 14 January 2025' submitted by the Yekatom Defence on 16 January 2025', 3 February 2025, ICC-01/14-01/18-2756-Conf-Exp", 7 February 2025, ICC-01/14-01/18-2756-Red.

³ Email from Registry to the Defence on 15 December 2023 at 16.13.

⁴ Trial Chamber V, "Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings", 18 July 2024, ICC-01/14-01/18-2600, paras. 10-11.

⁵ Email from Registry to the Defence on 9 December 2024 at 10.07.

⁶ Legal aid policy of the International Criminal Court, 22 November 2023, [ICC-ASP/22/9](#) ("LAP").

both Registry and the Defence to properly prepare for this transition and timely take all relevant actions thereto.⁷

5. On 17 December 2024, the CSS sent an email to Counsel for Mr Yekatom indicating as follows:

“[w]ith regard to your informal enquiry at our office earlier today on the possible options under par. 73 of the LAP for the upcoming phase of reduced activity, and to have a clear understanding of your questions, could you kindly send us an email with your questions/proposals?”⁸

6. On 30 December 2024, Counsel for Mr Yekatom replied to the CSS’s email of 17 December 2024 as follows:

“[m]y only question is regarding the composition of the Yekatom team in terms of positions if I decide to maintain half of the team members under full-time commitments for the duration of the reduced activity period.”⁹

7. On 31 December 2024, the CSS replied to the Defence indicating as follows:

“[s]hould you wish to retain half of the team at 100%, we would require a confirmation that you have informed the affected team members one month in advance prior to the discontinuance of their appointment as required under paragraph 111 of the LAP.”¹⁰

8. On the same day, Counsel for Mr Yekatom emailed the CSS indicating that “[she wishes] to maintain half of the team members under full-time commitments for the duration of the reduced activity period.”¹¹

9. On 2 January 2025, the CSS requested “the names of team members who will be leaving the team as well as the confirmation that [Counsel has] informed them one month in advance prior to the discontinuance of their appointment in accordance with paragraph 111 of the LAP”.¹²

10. On the same day, Counsel for Mr Yekatom submitted the list of members that would remain part of the Defence during the reduced activity period.¹³ Counsel

⁷ Email from Registry to the Defence on 9 December 2024 at 10.07.

⁸ Email from Registry to the Defence on 17 December 2024 at 14.51.

⁹ Email from the Defence to Registry on 30 December 2024 at 20.55.

¹⁰ Email from Registry to the Defence on 31 December 2024 at 10.35.

¹¹ Email from the Defence to Registry on 31 December 2024 at 15.52.

¹² Email from Registry to the Defence on 2 January 2025 at 09.51.

¹³ Email from the Defence to Registry on 2 January 2025 at 8.52: “Mylène Dimitri, Lead Counsel (100%); Anta Guissé, Associate Counsel (50%); Sarah Bafadhel, Associate Counsel (50%); [REDACTED], (Assistant to Counsel (100%); [REDACTED], Legal Assistant (100%); [REDACTED], Legal Assistant

for Mr Yekatom also informed the CSS that “the team was informed of the above decision on 31 December.”¹⁴

11. On 8 January 2025, the CSS informed the Defence as follows:

Considering that your proposed team composition does not correspond with the conditions under paragraph 73 of the LAP, we kindly invite you to send us a revised team composition, taking into account a maximum of 5 positions at full time and 0.75 position for part-time, equivalent to 50% of the trial phase composition.¹⁵

12. On 10 January 2025, the Defence submitted an updated list of team members for the reduced activity period: Mylène Dimitri, Lead Counsel (100%); Anta Guissé, Associate Counsel (50%); Sarah Bafadhel, Associate Counsel (50%) ; [REDACTED], Assistant to Counsel (75%); [REDACTED], Legal Assistant (75%); [REDACTED], Legal Assistant (75%); [REDACTED], Case manager (75%); [REDACTED], Case manager (50%); [REDACTED], Linguistic assistant (25%).¹⁶

13. On 14 January 2025, the CSS informed the Defence as follows:

[...] in relation to periods of reduced activity, it is clearly stipulated in the LAP, when choosing the 1st option under paragraph 73 of the LAP, that part-time commitments can only be “up to 50%” during periods of reduced activity. When choosing the 2nd option (“maintain half of the team under full-time commitments), this would, in your case, result in five positions under full-time commitment and only one position at 75%.

Considering that your request to maintain several positions at 75% does not correspond with one of the two options provided by par. 73 of the LAP, we can, at this stage, not accept your proposed team composition for the current period of reduced activity.¹⁷

14. On the same day, the Defence requested the CSS to “reconsider [the] position or in the alternative, deem the proposed composition as a ‘necessary measure’ in accordance with paragraph 73, line 2 given the specific circumstances of these proceedings.”¹⁸

15. On 15 January 2025, the CSS clarified to the Defence as follows:

(100%); [REDACTED], Case manager (100%); [REDACTED], Case manager/IT assisatnt (100%); [REDACTED], Linguistic assistant (50%)”.

¹⁴ *Ibid.*

¹⁵ Email from Registry to the Defence on 8 January 2025 at 11.01.

¹⁶ Email from the Defence to CSS on 10 January 2025 at 16.18.

¹⁷ Email from CSS to the Defence on 14 January 2025 at 13.48.

¹⁸ Email from the Defence to CSS on 14 January 2025 at 16.06.

[paragraph 73 of the LAP] explicitly sets the maximum for the part-time commitments at “up to 50%”. Consequently, there is, in the Registry’s view, no leeway to assign 75% commitments whilst keeping the overall amount of resources used by a team at 50%. As such, there is no possibility to use part time commitments above and beyond 50% for each specific position if the part-time option is chosen. Also, a combination of both options is equally not possible.¹⁹

16. On 16 January 2025, the Defence submitted the “Request for review of CSS Decision of 14 January 2025” to the Registrar.²⁰

17. On 17 January 2025, Counsel for Mr Yekatom requested the Registry to respond to a series of questions setting a deadline for Monday, 20 January 2025.²¹ She also informed the Registry that “[she intends] to file an urgent request before Trial Chamber V to obtain a strict timeline for the Registrar to issue a decision on my request for review.”²²

18. On 20 January 2025, the Defence “[requested] the Trial Chamber to establish a strict procedural calendar for the Registrar to issue a decision on the Defense’s Request for Review of the CSS decision dated 14 January 2025, which was submitted on 16 January 2025, by 22 January 2025 at the latest” (“20 January 2025 Request”).²³

19. On 21 January 2025, the Single Judge rejected the 20 January 2025 Request. The Single Judge indicated that

“pursuant to Regulation 83 of the Regulations of the Court, the administration of legal aid is the primary responsibility of the Registrar” and “[c]onsidering that the Registrar has not yet issued a decision on the described dispute regarding fees, the Single Judge does not consider it appropriate for the Chamber to intervene as requested.”²⁴

20. On 30 January 2025, the Registrar issued his “Decision on the “Request for review of CSS Decision of 14 January 2025” (“Impugned Decision”).²⁵

21. On 3 February 2025, the Defence filed the Request with the Chamber.

¹⁹ Email from CSS to the Defence on 15 January 2025 at 15.51.

²⁰ Email from the Defence to the Registry on 16 January 2025 at 19.03.

²¹ Email from the Defence to the Registry on 17 January 2025 at 17.11.

²² Email from the Defence to the Registry on 17 January 2025 at 17.11.

²³ Email from the Defence to Trial Chamber V on 20 January 2025 at 17.21.

²⁴ Email from Trial Chamber V to the Defence on 21 January 2025 at 12.24.

²⁵ Annex A to the Request.

22. On 4 February 2025, the Chamber “[invited] the Registry to submit observations, if any, by 7 February 2025.”²⁶

III. Classification

23. In accordance with regulation 23*bis* (2) of the Regulations of the Court, the present observations are classified as confidential, *ex parte*, as they refer to a submission which has the same classification. The Registry is ready to prepare the public redacted version of the present submissions if deemed necessary by the Chamber.

IV. Applicable law

24. Regulation 83(4) of the Regulations of the Court (“RoC”) provides that “[d]ecisions by the Registrar on the scope of legal assistance paid by the Court as defined in this regulation may be reviewed by the relevant Chamber on application by the person receiving legal assistance.”

25. Regulation 130(1) of the Regulations of the Registry (“RoR”) provides that “[t]he Registrar shall manage the legal assistance paid by the Court with due respect to confidentiality and the professional independence of counsel.”

26. Regulation 133 of the RoR provides that

“[r]emuneration of persons acting within the scheme of legal assistance paid by the Court shall accord with the relevant documents adopted or approved by the Assembly of States Parties.”

27. Regulation 135 of the RoR reads as follows:

1. The Registrar shall take a decision on any dispute concerning the calculation and payment of fees or the reimbursement of expenses at the earliest possible juncture and notify counsel accordingly.
2. Within 15 calendar days of notification, counsel may request the Chamber to review any decision taken under sub-regulation 1.

28. Paragraph 9 of the LAP provides that

“[u]nless deemed necessary by the Chamber or the Registrar, the scope of the Court’s legal aid system is limited to the stages of the proceedings, phases and cases identified in this Policy and its annexes.”

²⁶ Email from Trial Chamber V to Registry on 4 February 2025 at 12.41.

29. Paragraph 73 of the LAP reads as follows:

In instances of reduced activity in the proceedings, Counsel operates with a reduced team necessary to maintain the work during these phases. Unless otherwise deemed necessary by the Registrar in consultation with Counsel, the team composition shall be reduced by 50% in correspondence with the stage of the proceedings and complexity level of the work applicable prior to the reduced activity phase. Counsel shall, based on the circumstances of the case, have the flexibility to keep all positions under part-time commitments (up to 50%) or maintain half of the team members under full-time commitments for the duration of the reduced activity period.

30. Paragraph 101 of the LAP provides that “[a] person receiving legal aid by the Court may submit a request to the Registrar for review of a decision on the scope of legal aid resources provided to a team.”

31. Paragraph 102 of the LAP provides that

[t]he Registrar’s final decision on legal aid resources taken pursuant to Regulation 83 of the RoC may be reviewed by the relevant Chamber on application by the person receiving legal aid pursuant to Regulation 83(4) of the RoC.

32. Paragraph 103 of the LAP provides as follows:

[...] Without prejudice to the decision making of the Chamber, the judicial review procedure shall take into account the scope of the resources allocated under the Court’s Legal Aid Policy. The review involves an assessment of (a) whether the Registrar has acted without jurisdiction; (b) whether the Registrar’s decision is affected by a material error of law or fact; (c) whether the Registrar abused his or her discretion, for example, by failing to act with procedural fairness, acting in a disproportionate manner, making a decision based on irrelevant factors or failing to take into account relevant factors; or (d) whether the Registrar’s decision is manifestly unreasonable by reaching a conclusion which no reasonable person who has properly applied the legal basis and circumstances of the case to the issue could have reached [...].

V. Observations

33. The present Observations addresses first a preliminary issue on the inadmissibility of the Request and then considers its merits bearing in mind the standard of review yet to be applied by the Chamber.

A. Preliminary remark: The Request is inadmissible

34. As per paras. 101 and 102 of the LAP referring to regulation 83(4) of the RoC, the review of the Impugned Decision is possible when such decision concerns the “scope of legal aid resources provided to a team”.

35. The Defence bases the Request on provisions of article 67 of the Statute, regulation 83 of the RoC and paragraphs 101 to 103 of the LAP.²⁷ The Registry notes that the Defence in its Request does not challenge the scope of the legal assistance provided in this case under regulation 83(4) of the RoC, nor “the calculation and payment of fees or the reimbursement of expenses” under regulation 135(2) of the RoR. Indeed, the Defence accepts the reduction of legal aid resources during the phase of reduced activities. Rather, the Defence disputes the Registry’s application of paragraph 73 of the LAP²⁸ and argues that Counsel should be permitted to adopt a mixed approach instead of selecting between the two predefined options.
36. However, the present challenge – albeit based on regulation 83 of the RoC - has no bearing on the scope of the legal assistance. This is because the Registry’s application of paragraph 73 of the LAP does not alter the scope of legal assistance in this case, which is reduced “by 50% in correspondence with the stage of the proceedings and complexity level of the work applicable prior to the reduced activity phase”. Even with a team composition proposed by the Defence,²⁹ the total financial envelope allocated for the reduced activity phase remains the same (i.e. 50% of the team composition during the trial phase) regardless of the option chosen under paragraph 73 of the LAP.
37. The Registrar has a wide margin of discretion in the administration of the legal assistance paid by the Court. This has also been acknowledged by the Single Judge in this case.³⁰ The Registrar applies the LAP with full respect to its governing principles taking into account the interests of legal teams to ensure effective legal representation before the Court.
38. In view of the foregoing, as the Request falls outside of the scope of judicial review of the Registrar’s decisions on legal assistance paid by the Court, it should be dismissed *in limine*.

²⁷ Requet, paras. 29 to 31.

²⁸ Request, paras. 6 and 36.

²⁹ Request, paras 35 and 36.

³⁰ Email from Trial Chamber V to the Defence on 21 January 2025 at 12.24.

39. In the alternative, should the Chamber decide that the Request is admissible, the Registry provides the following observations on the merits of the Request.

B. Merits

1. The Registry's interpretation of paragraph 73 of the LAP is correct

40. The Defence "seeks review of the Impugned Decision's erroneous interpretation and overly rigid application of paragraph 73 of the [LAP] related to the reduced activity phase."³¹ In the Defence's view the provision of paragraph 73 of the LAP should be interpreted in such a way that allows Counsel "to retain 9 team members by combining 100%, 75%, and 50% contracts in a more flexible and efficient structure."³²

41. The Registry recalls that paragraph 73 of the LAP provides that

"[c]ounsel shall, based on the circumstances of the case, have the flexibility to keep all positions under part-time commitments (up to 50%) or maintain half of the team members under full-time commitments for the duration of the reduced activity period."

42. The structure of the sentence commands that Counsel has only two options: either keeping all members on part-time, or half of the team members at full-time. Neither the spirit nor the letter of this provision suggest the possibility to allow for a mixed approach, i.e. a combination of two options. Furthermore, the Registry's interpretation is also consistent with the principle *expressio unius est exclusio alterius*, whereby the explicit mention of two distinct options in the text of paragraph 73 of the LAP implies that no other arrangement was intended. The Registry also informed the Defence of this specific position.³³ Since no such flexibility is expressly provided, the Registry is of the view that Counsel is bound to one of the two options.

43. The Registry submits that by prescribing a structured approach during reduced activity phases, limiting the choice only to one of two options, paragraph 73 of the LAP prevents Counsel from making discretionary determinations

³¹ Request, para. 2.

³² Request, para. 4.

³³ Email from Registry to the Defence on 15 January 2025 at 15.51.

regarding remuneration of team members without clear and objective criteria for their conditions of work. This approach then ensures preventing situations where said team members would be expected to work full-time while being compensated at a lower rate as determined at Counsel's discretion.

44. Furthermore, the clear structure of paragraph 73 of the LAP reflects the intentional effort of States Parties to provide legal teams with stable working conditions and guarantees (i.e. that team members benefit from the social protections and entitlements), ensuring that reduced activity phases do not compromise their financial security and employment stability.
45. The Registry's interpretation of paragraph 73 of the LAP is therefore in line with principles of legal certainty and equal treatment and aims to ensure that all legal teams follow the same legal standard, thereby upholding fairness and objectivity.
46. In addition, if each Counsel were permitted to develop an individualised formula for team reductions, the administrative burden on the Registry would increase significantly, undermining the efficiency that paragraph 73 of the LAP seeks to ensure.
47. The Defence further contends that "[the Registry's] rigid interpretation would either force the loss of core team members or require the retention of individuals whose trial-phase assignments cannot be efficiently transposed to the appeal."³⁴ The Registrar reiterates that the resources allocated during the reduced activity period are not intended to replicate the (anticipated) team necessary for the appellate phase, but rather to ensure that essential legal work can continue. The LAP provides that resources for the appeals phase are determined based on the complexity of the appeal, considering factors including, but not limited to, i) length and complexity of judgment subject to appeal; ii) number and nature of the evidence admitted; iii) number and nature of grounds for appeal; and iv) necessity to conduct further in situ investigations.³⁵ The assessment on the scope

³⁴ Request, para. 5.

³⁵ LAP, para. 51.

of resources that will become available during the appeals phase will only be undertaken when the context to the appeal, if any, is known.

48. The Defence claims that both options under paragraph 73 of the LAP, if strictly followed by Counsel, are inadequate to protect Mr Yekatom's rights under article 67 of the Statute during the reduced activity phase.³⁶ In this regard, the Registry notes that during the reduced activity phase, given that no hearings are scheduled and no judicial deadlines are set, the intensity of work for the legal teams is significantly lower compared to active trial proceedings. The Registry is of the view that both options expressly provided in paragraph 73 of the LAP allow for continued legal representation, without unnecessarily complicating the Registry's oversight, requiring case-by-case assessments of each variation. The argument that the Registry's interpretation of paragraph 73 of the LAP may result in the withdrawal or reduced intervention of an Associate Counsel does not demonstrate that Mr Yekatom's rights under article 67 of the Statute are violated. The presence of an Associate Counsel is not an absolute requirement for effective legal representation. Counsel remains responsible for the defence strategy and has the discretion to delegate responsibilities among the remaining team members. Therefore, considering that the sufficiency of legal aid resources is undisputed, the Registry is of the view that there is no impact on Mr Yekatom's rights under article 67 of the Statute.
49. Lastly, the LAP provides a structured, objective framework for resources allocated to the legal teams during the reduced activity phases. The LAP is the result of consultations, including with counsel and their support staff who had an opportunity at the time of the drafting and adoption of the text to consider the balancing exercise that needs to be made in this regard (i.e. reduced activity versus rights of the accused). And still, the LAP was adopted as such in due consideration of this balancing exercise.

³⁶ Request, paras. 53, 56, 60 and 63.

2. Consultations with the Defence are within the discretion of the Registrar

50. The Defence submits that “[...] the Registrar’s refusal to consult with Counsel, despite the clear language of the LAP requiring such consultation, constitutes an abuse of discretion.”³⁷
51. In this regard, the Registry notes that paragraph 73 of the LAP clearly states that “[u]nless otherwise deemed necessary by the Registrar in consultation with Counsel”. This follows that consultation is not an automatic requirement but rather a procedural step exercised only when deemed appropriate by the Registrar. The scope of any consultation under paragraph 73 of the LAP is limited to discussions on the implementation of one of the two structured options and does not extend to modifying the provisions of the LAP or introducing alternative approaches. Accordingly, the Registrar acted within the limits of his discretion and did not abuse it in deciding not to engage in consultation with the Defence, as there was no obligation to do so under the LAP.
52. In view of the above, the Registrar, in issuing the Impugned Decision, has acted within his jurisdiction and there is no discernable errors of law or fact in the said decision. In addition, the Registrar did not abuse his discretion and the Impugned Decision is reasonable.

C. Observations on alleged misrepresentations made in the Request

53. In the Request, the Defence submits that “Counsel proactively sought clarification well before the reduced activity phase began” and “personally visited the CSS office on 17 December and discussed the interpretation of paragraph 73 with the Legal Officer/Advisor in charge.”³⁸ The Defence also

³⁷ Request, paras. 7, 64, 70 and 72.

³⁸ Request, para. 82.

states that “[d]espite these proactive efforts, CSS never responded to Counsel’s inquiries that day nor at any point in time after the CSS meeting.”³⁹

54. In this regard, the Registry clarifies that the request to submit the query in writing is not unreasonable and is in line with principles of administrative efficiency and procedural fairness. Without a clear formulation of a question, the Registry could not assess whether the request involved a general question on the interpretation of paragraph 73 of the LAP, or a request for an exceptional deviation from the text of this provision. In fact, following the request from the CSS on 17 December 2024, the query that was submitted to the Registry on 30 December 2024⁴⁰ fails to clearly articulate the nature of the clarification sought, making it challenging for the Registry to provide a structured response.
55. The Defence further submits that “several members of the team who had checked out and were no longer part of the team received payments for a period after the reduced activity, i.e. for a period where they were no longer working for the Defence team.”⁴¹ Indeed, on 2 January 2025, when informing the Registry of the team composition for the duration of the reduced activity phase, Counsel for Mr Yekatom indicated that “the team was informed of the above decision on 31 December [2024].”⁴² This communication cannot be considered as a check-out process, whereby each person no longer part of the team is normally required to complete a check-out form and submit it to the CSS. The Registry has no record that the members of the Defence referred to in the Request had in fact completed the check-out process. Pending the resolution of the matter and the judicial adjudication of the Request, the Registry wishes to clarify that further verifications would be required before deciding on any further follow-up actions in this regard. This would include considerations of the specific circumstances whereby the Registry was urged to process payments of fees to

³⁹ Request, para. 85.

⁴⁰ Email from the Defence to Registry on 30 December 2024 at 20.55: “[m]y only question is regarding the composition of the Yekatom team in terms of positions if I decide to maintain half of the team members under full-time commitments for the duration of the reduced activity period.”

⁴¹ Request, para. 23.

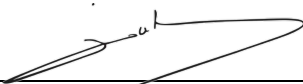
⁴² Email from the Defence to Registry on 2 January at 8.52. See Annex D to the Request.

all legal teams for three months, members that did not effectively check-out from the team received 50% of their monthly remuneration.

56. Lastly, the Defence asserts that “the Impugned Decision was issued to Counsel by CSS itself” and that “this constitutes a clear procedural irregularity”.⁴³ In this regard, the Registry recalls that the reconsideration of the CSS decision is administrative in nature and observes that the Defence’s submission is not substantiated. The CSS is notably responsible for centralising and coordinating all administrative assistance (financial and logistical) provided to legal teams by the Court and serves as the Registry’s designated channel of communication with the legal teams. This may include the sending of any relevant correspondences or decisions “on behalf of the Registrar”.⁴⁴ Accordingly, the CSS’s involvement in the administrative reconsideration process was therefore in accordance with its mandate and reasonable.

VI. Conclusion

57. In view of the above, the Request should be dismissed *in limine* as lacking legal basis. In the alternative, it should be dismissed as unjustified for the reasons explained above in paragraphs 40 to 52.



Marc Dubuisson, Director of Judicial Services
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 18th February 2025

At The Hague, the Netherlands

⁴³ Request, para. 92.

⁴⁴ Email from CSS to the Defence on 30 January 2025 at 18.43.