

Public Redacted Version of

ANNEX 4 TO
Motion for Judicial Review of Legal Aid Decision
under Regulation 83(4) of the Regulations of the Court



To : Mr Osvaldo Zavala Giler, Registrar, International Criminal Court

CC: [REDACTED] acting Chief, Counsel Support Section

From: Dr Cyril Laucci, Lead Counsel for the Defence of Mr Ali Muhammad Ali Abd-Al-Rahman

Re: Request for Reconsideration of Decision denying Review of Preliminary Assessment of Complexity Level under the new Legal Aid Policy

The Hague, 7th March 2024

Dear Mr. Registrar,

I write to seek your urgent review of the decision issued on 23 February 2024 ("the Review Decision") by the Counsel Support Section ("CSS"), denying the Defence's request for review of the preliminary assessment ("Preliminary Assessment") of complexity level under the new Legal Aid Policy ("LAP") submitted on 31st January 2024 ("the Request"). For the sake of efficiency and in light of the urgency of your review of that decision to avoid significant delays in trial proceedings in the case ICC-02/05-01/20 *The Prosecutor v. Ali Muhamad Ali Abdel-Rahman (a.k.a. "Ali Kushayb")* ("the Case"), I limit the present application to seeking your reconsideration of the Preliminary Assessment under the transitional measures and keep the other aspect of final determination of the complexity level of the case under the LAP for later determination, at the end of the trial. This aspect of the Review Decision is addressed in its paragraphs 11 to 16. The other discussion under the new parameters that forms the subject-matter of paragraphs 17 to 25 of the Review Decision will be addressed to CSS in due course, if necessary, at the end of the trial phase, when the final determination on the complexity level of the case is due under the LAP. The fact that the aspects of that other discussion are not discussed here shall not be interpreted as an admission of any of the assertions made at paragraphs 17 to 25 of the Review Decision.

URGENCY OF THE RECONSIDERATION OF THE REVIEW DECISION

At the outset, I must insist on the urgency of your reconsideration of the Review Decision. One of its most concrete consequences is the reducing of the position of Language Assistant within the Defence team from 100% to 50%, which is going to impede our capacity to complete our investigations and will delay significantly the appearance of new Defence witnesses at trial. Our language assistant, [REDACTED] is due to deploy [REDACTED] by early April 2024 to meet with witnesses in [REDACTED] assist in the taking of witness statements, and assist in their remote testimony from [REDACTED]. A mission request for him is submitted this week. Should he remain at 50% as he is now, he could only be deployed for half a month, approximately two weeks. This period of time will not be sufficient for the completion of his mission. He would have to return after two weeks and the Defence currently lacks Arabic-speaking resources to replace him there. The two other Arabic-speaking members of the team (i) have different profile and skills, (ii) are not qualified interpreters, (iii) have not been in contact with the

Defence witnesses and thus have no established relationship with them, and (iv) are needed at headquarters for the performance of their own tasks as Legal Assistant or Case Manager. Even if we manage to find a replacement by reducing our working capacity in headquarters, that rotation will inevitably cause significant additional costs – travel, accommodation – and delay our activities. We have put Trial Chamber I on notice of the delays that this situation, if not promptly resolved, is likely to cause to the completion of the Defence case (ICC-02/05-01/20-1088-Conf, par. 6). To avoid these delays and the significant additional costs caused to the whole Court, your urgent review of the Review Decision is sought prior to the deployment of our Language Assistant [REDACTED]

THE REVIEW DECISION RELIES ON TWO FUNDAMENTAL ERRORS OF FACT

The Review Decision denies our Request for a variation of the Preliminary Assessment of complexity level on the grounds that (i) the preliminary assessment has kept the resources of the Defence team to nine positions (paras. 12-13 of the Review Decision) and (ii) that the position of one former Assistant Evidence Reviewer, [REDACTED] under the previous Legal Aid Policy had not been replaced for nine months and that this position no longer existed within the Defence team at the time of the transition to the LAP (para. 14 of the Review Decision). These two justifications for denying our Request are fundamentally flawed in fact.

(i) The position of [REDACTED] did not remain vacant for nine months and was granted until the end of the Defence case

Starting by the latter, it is untrue that the position of [REDACTED] was not replaced for nine months with the result that it remained unfilled at the time of the transition. Both propositions are factually flawed: (a) the position of [REDACTED] did not remain vacant for nine months, (b) the position was kept vacant for a few months in order to give her a chance to return and (c) the vacancy of her position cannot have resulted in a reduction in the composition of the Defence team, as it had been granted until the end of the Defence case.

(a) The position of [REDACTED] did not remain vacant for nine months

[REDACTED] was one of the first Assistant Evidence Reviewers recruited to the Defence team in August 2021, immediately after the confirmation of charges. She remained within the Defence team until March 2023, when she joined the *Mokom* Defence team. Upon her departure from the team, the position that she occupied was immediately used to hire [REDACTED] as Legal Adviser in charge of investigations. Our initial application for review may have lacked completeness by omitting that aspect, that was fully known to CSS. It was envisaged that [REDACTED] would spend all, or almost all, of his time on the ground in Sudan to identify, meet with and take statements from Defence witnesses. His recruitment was completed on 19 March 2023. Unfortunately, the non-international armed conflict that started on 15 April 2023 and has been ongoing since prevented the deployment of [REDACTED] to Sudan. As a consequence of this situation, he separated from the team at the end of July 2023 to avoid unnecessary expenditures. The decision to separate [REDACTED] was taken primarily by considerations of cost-efficiency and savings. This is proof of the Defence's probity and parsimony, two qualities that, in the Defence's considered view, should be encouraged by the Registry, not taken advantage of to reduce its

entitlement to legal aid resources. In any case, it is simply incorrect to assert, as was done at paragraph 14 of the Review Decision, that [REDACTED]'s position remained vacant for nine months. The maximum period of time for which that position remained vacant was from August to December 2023, i.e. five months.

(b) The position was kept vacant to allow [REDACTED] to return to the Defence team

When the decision was taken to separate [REDACTED] from the Defence team by the end of July 2023, the informal information that the Defence team had about the progress of the *Mokom* case suggested that there was a real likelihood that the charges would not be confirmed. In that event, [REDACTED] would become available again to resume her appointment within the Defence team. Because of her experience and deep knowledge of the Case, the Defence team determined that it was more judicious to keep her position vacant until the outcome of the confirmation of charges in the *Mokom* case would be known, rather than appointing a person with no knowledge of the case to replace her. It transpired that this was absolutely the right choice. As anticipated, the charges in the *Mokom* case were not confirmed ; in fact, they were withdrawn by the Office of the Prosecutor in October 2023. [REDACTED] has remained employed within the *Mokom* Defence team in order to complete the proceedings in that case. Since January 2024, she is back as a Case Manager at 50% in the Defence team and intends to resume her functions full-time by April 2024. [REDACTED]'s resumption of her functions within the Defence team as 100% Legal Assistant as soon as possible is becoming critical while the case entering the phase of the drafting of the Defence Final Brief. As the second most experienced former Assistant Evidence Reviewer, her acquaintance with the particulars of the Case is an invaluable asset that fully justified our decision to keep her position vacant from August to December 2023. We require her to be on the team on a full-time basis specifically to take advantage of her deep familiarity with the Case in drafting the Final Brief and assist with final oral submissions. But this is rendered impossible as a consequence of the transition to the LAP and Preliminary Assessment, whereas the Defence had taken all steps to secure that possibility and had made savings from August to December 2023 for that purpose. But for the transition to the LAP, [REDACTED] would have resumed her previous position at 100% in April. The transition and Preliminary Assessment are highly detrimental to the efforts made by the Defence since August 2023 in view of the resumption of her service.

(c) [REDACTED]'s position was granted until the end of the Defence Case

The 5-month vacancy of [REDACTED]'s position, from August until December 2023, cannot have resulted in the losing of the entitlement to this non-core position within the Defence team. The Review Decision erred in fact by determining so. This is because the additional resources granted to the Defence team under the former legal aid policy were found reasonable and necessary and were granted unconditionally until the end of the presentation of the Defence case. The same decision goes on by mentioning the flexibility principle implying that the allocated resources can be used as the Defence sees it fit. This was communicated by email from the CSS of 3 July 2023, 14.27 (Annexed to the present Request for Reconsideration, emphasis in the original). After having been assured that these additional resources would remain available until the end of the presentation of the Defence case, it is unreasonable for the Registry to decide that one of these additional resources no longer exists as a result of its temporary and

fully justified vacancy. At the very least, the Defence should have been put on notice in a timely manner that not filling the vacancy, even on a temporary basis, would result in the loss of entitlement to the position. In the absence of such notice and having received on 3 July 2023 the insurance of the opposite, the Defence has acted to its detriment in not filling the vacancy immediately. We would have requested ██████████ to resume her functions immediately after the withdrawal of charges in the *Mokom* case in October 2023 in order to keep her position. The Defence team did not request her to return and allowed her to carry on completing residual functions within the *Mokom* team. After having decided that her position would remain in the Defence team until the end of the Defence case, the Registry cannot consider that ██████████'s position disappeared. By virtue of the decision of 3 July 2023, ██████████'s position, though temporarily vacant for good reasons, still existed in the composition of the Defence team at the time of the transition to the LAP.

(ii) The Preliminary Assessment has resulted in a reduction of the Defence team from 10 positions to 9

At the time of the transition in December 2023, the Defence team thus had 10 positions: (1) Lead Counsel (Mr. Cyril Laucci), (2) Associate Counsel (Mr. Iain Edwards), (3) Legal Assistant (██████████), (4) Case Manager (██████████); (5) Associate Evidence Reviewer (██████████); (6) Associate Evidence Reviewer (██████████); (7) Associate Evidence Reviewer (██████████) replaced by ██████████ in January 2024); (8) Associate Evidence Reviewer (██████████); (9) Associate Evidence Reviewer (██████████ temporarily vacant); and (10) Language Assistant 100% (██████████).

As a result of the transition and Preliminary Assessment of the Case at Complexity Level 2 under the LAP, these 10 positions were reduced to 9 in January 2024: (1) Lead Counsel (Mr. Cyril Laucci), (2) Associate Counsel (Mr. Iain Edwards), (3) Assistant to Counsel, labelled Legal Adviser (██████████), (4) Legal Assistant (██████████); (5) Legal Assistant (██████████); (6) Legal Assistant (██████████); (7) Case Manager (██████████); (8) Case Manager (██████████); and (9) Case Manager 50% (██████████) and Language Assistant 50% (██████████).

The transitional measures thus resulted in a reduction from 10 to 9 positions within the Defence team. This 10% reduction is irreconcilable with the goal of maintaining the operating stability of defence teams and preventing any negative impact of the transition to the new legal aid system on ongoing judicial proceedings as stated at paragraph 9 of the Review Decision. The Review Decision thus fails to meet its own stated objective of avoiding any negative impact of the transition on the work of the Defence team and on the legal proceedings.

Had CSS based its Preliminary Assessment on the actual composition of the Defence team in December 2023, i.e. 10 positions, the outcome would have been a classification of the Case at Complexity Level 3, instead of 2, which is the only outcome consistent with its actual complexity level. Preliminary Assessment at Complexity Level 3 would have given the possibility of carrying on employing the Defence team's Language Assistant at 100%, by relying on a third Case Manager position provided at 50% at this level, and employing ██████████ as a fourth Legal Assistant at 100%, instead of her current 50% Case Manager.

As stated in the Request, the Defence team has no intention of recruiting the second Associate Counsel provided for at Complexity Level 3 under the LAP at this late stage, i.e. so close to the completion of the trial.

The impact of the Preliminary Assessment as Complexity Level 2, instead of Level 3, on the activities of the Defence is unmanageable.

First, it deprives the Defence team of 50% of its Language Assistant, whereas this position is crucial to communicate with the Accused, the resource person and with Defence witnesses, the majority of whom are Arabophone. As mentioned above, the immediate impact of that reduction is that it will limit the full-time deployment of the Defence Language Assistant [REDACTED] to no more than two weeks per month for the purpose of meeting the Defence witnesses, collecting their written statements and organizing their video-conference appearance at trial. This will not only increase the travel and accommodation costs of the Defence team, which will be compelled to organize a rotation of its members, it will also delay its activities and the appearance of the Defence witnesses at trial. The Defence recalls that the Honourable Appeals Chamber has found in this Case that *“the fact that a suspect and his counsel do not speak the same language and cannot communicate without assistance clearly has the potential to impact on the rights enshrined in article 67(1)(b) and (d) of the Statute. Therefore, a solution must be found that allows communication to take place”* (ICC-02/05-01/20-199 OA, par. 32). On the basis of that ruling, the Defence team had hired its Language Assistant under the former legal aid scheme by devoting a 100% FTE to that position. As a result of the transition to the LAP, which unilaterally provided that the Language Assistant position would be hired at 50% only without consulting the Defence team and without taking into account either the specificities of the *Abd-Al-Rahman* Case, or the above ruling of the Appeals Chamber, the Defence Language Assistant position is reduced from 100% FTE under the former legal aid scheme to a 50% position under the new LAP. This has a direct, concrete and immediate impact on the activities of the Defence and the completion of the Defence case.

Second, it prevents the Defence team from re-hiring [REDACTED] as 100% Legal Assistant and, if confirmed, will deprive the Defence from fully relying on her specific and exceptional knowledge of the Case and evidence at the stage of the drafting of the Defence Final Brief.

CONCLUSION

Your urgent reconsideration of the Review Decision is sought. The Review Decision should be amended because it is based on the two abovementioned errors of fact. As a result of your reconsideration, we respectfully ask that:

- the Preliminary Assessment shall be reviewed from level 2 to level 3 and the corresponding resources provided under paragraph 60, Table 1 of the LAP should be added to the composition of the Defence team with retroactive effect as of 1st January 2024;
- The Defence Language Assistant, [REDACTED] shall be employed at 100% and shall be compensated for the loss of 50% of his salary for the months of January, February and, where applicable, March 2024; and

- [REDACTED] shall shift from Case Manager to Legal Assistant and shall be compensated for the calculation of her salary as 50% Case Manager, instead of 50% Legal Assistant, for the same period.

This Provisional Assessment shall remain in force until the completion of the current trial phase, when the definitive Complexity Level for the Case will be assessed.

Yours Sincerely,



Dr Cyril Laucci,
Lead Counsel for the Defence of Mr Ali Muhammad Ali Abd-Al-Rahman

From: [REDACTED]
Sent: 03 July 2023 14:27
To: Laucci, Cyril
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire

[REDACTED]

Dear Counsel,

We write to you following your request for extension of the 02 FTEs additional resources, initially granted until 30 June and 31 August 2023 respectively.

Please note that the Registry has assessed your request, taking into consideration *inter alia* the Registry's single policy document on the Court's legal aid system ("LAP") and the demonstrated continuation of the defence's workload with *inter alia* deadlines set by the Trial Chamber and the ongoing preparation for the Defence presentation of evidence in particular.

Based on the above, the requested extension of the 02 FTEs additional resources for evidence analysis is considered reasonable and necessary in light of the current proceedings in the case of Prosecutor v. Mr Abd-Al Rahman. The requested extensions are confirmed until the end of the Defence presentation of evidence. If after that date, the workload of this position related to analysis and review of evidence still exists, you may request further extension of these resources, based on concrete justifications.

As per the flexibility principle you can distribute the resources as he sees fit

Please do not hesitate to contact us should you require further or additional information.

I would be grateful if you could acknowledge receipt of this message.

Kind regards,

From: Laucci, Cyril [REDACTED]
Sent: 22 June 2023 16:14
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Demande de ressource supplémentaire

[REDACTED]

Dear [REDACTED]

Thanks for your kind reminder on this important matter.

Yes, indeed, the Defence team is in the preparation of its case and all our current resources – including those mentioned in your email – are fully committed to this collective effort. This include the analysis and preparation of EVD for the Defence case, contact with potential witnesses, preparation of important filings like the Defence Trial Brief and future Defence Final Brief. We cannot afford losing any resource at this stage as this would compromise our capacity to cope with TC1's current and future deadlines.

Like for the other additional FTE, I hereby request its extension until the end of the presentation of the Defence case. The same applies to the other resource ending on 31 August 2023. Please extend these two resources until the end of the Prosecution case.

I look forward to your confirmation of these two extensions.

Best regards,

Cyril Laucci, Lead Counsel.

From: [REDACTED]
Sent: 22 June 2023 16:08
To: Laucci, Cyril [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: Re: Demande de ressource supplémentaire

Dear Counsel,

On behalf of [REDACTED] we kindly draw your attention to the upcoming expiry of the 1 FTE additional resources, which was (on 18 June 2022) extended until 30 June 2023 (see below email), as well as the current end date of the appointment of [REDACTED] as Assistant Evidence Reviewer (30 June 2023) whose remuneration is linked to this 1 FTE additional resources.

If you consider that the workload of this position related to analysis and review of evidence still exists, you are kindly invited to submit a request for further extension of these resources, based on concrete justifications.

We take this opportunity to also draw your attention to a decision dated 15 August 2022, granting an additional 1 FTE additional resources, which is valid until 31 August 2023.
The same applies with regard to extension of these resources.

Kind regards.

[REDACTED]

From: [REDACTED]
Sent: 28 June 2022 12:31
To: Laucci, Cyril [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: Demande de ressource supplémentaire

Dear Counsel,

We write to you following your request for extension of the 1 FTE additional resources, initially granted for the duration of 6 months (Dec 2020-June 2021), then extended for one year until 30 June 2022, in order to continue the appointments of [REDACTED] and [REDACTED] as Assistant Evidence Reviewers (total 1 FTE).

Please note that the Registry has assessed your request, taking into consideration inter alia the Registry's single policy document on the Court's legal aid system ("LAP") and the demonstrated continuation of the defence's workload, in particular the ongoing disclosure of evidence, which requires continuous analysis and review by your team.

Based on the above, the requested extension of the 1 FTE additional resources for evidence analysis is considered reasonable and necessary in light of the current proceedings in the case of Prosecutor v. Mr Abd-Al Rahman. The requested extension of this 1 FTE is granted until 30 June 2023.

If after that date, the workload of this position related to analysis and review of evidence still exists, you may request further extension of these resources, based on concrete justifications.

As per your instruction, these funds are to be used for the continuation of the appointments of [REDACTED] and [REDACTED] as Assistant Evidence Reviewers.

Please do not hesitate to contact us should you require further or additional information.

I would be grateful if you could acknowledge receipt of this message.

Kind regards,

[REDACTED]

From: Laucci, Cyril [REDACTED]
Sent: 23 June 2022 18:48
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire

Dear [REDACTED]
 This request for extension of [REDACTED]s and [REDACTED]s appointment has not been responded yet. According to what you announced, their appointment currently comes to an end in one week from today.
 I would appreciate receiving confirmation of their extension before tomorrow COB.
 Best regards,
 Cyril Laucci.

From: Laucci, Cyril
Sent: 13 June 2022 14:45
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire
Importance: High

Dear [REDACTED]
 Thanks for this information.
 I thought I had already provided sufficient input in my email of last Thursday regarding the other FTE on which [REDACTED] and [REDACTED] are sitting. As I said, we are at the height of the trial, with 131 witnesses on OTP's list. The whole team, including [REDACTED] and [REDACTED] are working full-time to assist Counsel in the preparation of witnesses appearance (average of 26 witnesses by EVD reviewer) and attending court session, in addition to carrying on their initial work of EVD analysis in relation to the volume of disclosure by the OTP. The cycle of Bar Table motions has not even started and this is expected to be another major challenge bearing on the pool of assistant EVD reviewers. To discontinue any of their positions at this stage or before the end of the trial would place the Defence team in a position where it could clearly no longer fulfil its task.
 As far as I understand, the Defence team of Mr Abd-Al-Rahman is one of the teams – if not the team – that is least resource-intensive in its work and has remained at all times within – actually significantly below – the parameters of the Legal Aid Policy. Requiring us to justify again the limited resources we have requested so far is by no means the kind of encouragement we deserve for the economy we are making.
 I therefore kindly request you to extend [REDACTED]s and [REDACTED]s positions until the end of the trial.
 Best regards,
 Cyril

From: [REDACTED]
Sent: 13 June 2022 14:31
To: Laucci, Cyril [REDACTED]
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire

Dear Counsel,

With regard to your request for extension of the additional resources to continue the appointment of [REDACTED] as Assistant Evidence Reviewer (0.5 FTE), please note that the Registry has assessed your request, taking into consideration *inter alia* the Registry's single policy document on the Court's legal aid system ("LAP") and the demonstrated continuation of the defence's workload, in particular the ongoing disclosure of evidence, which requires continuous analysis and review by your team.

Based on the above, the requested extension of the 0.5 FTE additional resources for evidence analysis is considered reasonable and necessary in light of the current proceedings in the case of Prosecutor v. Mr Abd-Al Rahman. The requested extension of this 0.5 FTE is granted until 30 June 2023. If after that date, the workload of this position related to analysis and review of evidence still exists, you may request further extension of these resources, based on concrete justifications.

As per your instruction, these funds are to be used for the continuation of the appointment of [REDACTED] as Assistant Evidence Reviewer.

We kindly recall that for the other 1 FTE, which expires on 30 June 2022, we are awaiting to receive from you further justifications for the extension.

Please do not hesitate to contact us should you require further or additional information.

I would be grateful if you could acknowledge receipt of this message.

Kind regards,

[REDACTED]

From: Laucci, Cyril [REDACTED]

Sent: 24 May 2022 16:07

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Demande de ressource supplémentaire

Dear [REDACTED]

In relation to [REDACTED]'s appointment, I refer to my request for one additional FTE submitted on 3 November 2021 below.

CSS decided to proceed through the Defence team's savings, instead of mobilizing this additional FTE, which was fine. But now that we reach the end of the savings, there is a need to allocate this additional budget in order to allow us to continue employing [REDACTED] in our team.

Her presence is absolutely necessary in order to assist in the review of EVD and preparation of witnesses' appearance at trial. OTP's 131 witnesses have been distributed among the pool of 5 Assistant EVD Reviewers, who are additionally in charge of reviewing documentary EVD. The cycle of OTP's Bar Table motions is about to start and the Defence team already had to analyse and state its position on a first batch of more than 120 EVD items. This is just a start. The Defence will not be able to cover that additional burden and, at the same time, continue the timely preparation of witnesses' appearance – with numerous last-minute changes in OTP's schedule due to, *inter alia*, interpretation requirements and witnesses' availability if its current pool of Associate EVD Reviewers is reduced by one member. We are currently at the most work and resource-intensive phase of trial. Reducing the number of members in the Defence team would be directly and immediately prejudicial to its capacity to represent and assist Mr Abd-Al-Rahman at trial.

I thus kindly request the Counsel Support Section to grant with immediate effect the allocation of one additional FTE under the Legal Aid Scheme and extend [REDACTED]'s appointment on this basis.

Best regards,

Cyril Laucci,

Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman.

From: [REDACTED]
Sent: 29 November 2021 10:20
To: Laucci, Cyril [REDACTED] <[REDACTED]@icc-02/05-01/20-1135-Anx4-Red.org>
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire

Dear Counsel,

Thank you for your email.

We can inform you that we have finalised our internal Registry assessment in relation to your request for additional resources.

Following the above, it appears that you have, after verification, at this stage, the unspent amount of [REDACTED] in your standard team composition fees budget. This amount would cover about 7 months of 0.5 FTE for the purpose of the requested third appointment of evidence reviewer within your team.

Should the workload remain after the above-mentioned period, we invite you to submit a new request for additional resources which we will then assess.

As per the flexibility principle, you can distribute the funds as you see fit.

Please do not hesitate to contact us should you require further or additional information.

I would be grateful for your acknowledgement of receipt of this decision.

Kind regards,
[REDACTED]

From: Laucci, Cyril [REDACTED]
Sent: 03 November 2021 14:46
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Demande de ressource supplémentaire
Importance: High

Cher [REDACTED]
Au cours du processus de recrutement qui vient de se conclure par la sélection de [REDACTED] et de [REDACTED] l'équipe de Défense a identifié une troisième excellente candidate que nous souhaiterions également employer aux mêmes conditions.

Sur la base de notre calcul ci-dessous en date du 16 septembre 2021, la Défense devrait encore disposer d'au moins un-demi (0,5965) FTE à ce jour. Ce chiffre a nécessairement augmenté du fait des dernières divulgations reçues. Je vous prie donc d'octroyer à l'équipe de Défense un demi-FTE supplémentaire en tant que ressource additionnelle, afin que nous puissions également procéder dans les meilleurs délais au recrutement de cette 3ème candidate aux mêmes conditions que [REDACTED] sans perdre le bénéfice du dernier processus de recrutement.

Bien à vous,
Cyril Laucci,
Conseil Principal de Mr Ali Muhammad Ali Abd-Al-Rahman.

From: Laucci, Cyril
Sent: 16 September 2021 15:38
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]

Subject: Demande de ressource supplémentaire

Importance: High

Cher [REDACTED]

Je vous prie de bien vouloir instruire la présente demande aux fins de l'octroi d'une ressource additionnelles à l'équipe de Mr Ali Muhammad Ali Abd-Al-Rahman pour :

- 1 FTE Assistant Evidence Reviewer en charge d'assister la Défense avec l'analyse et la revue des documents, la recherche juridique et la gestion du dossier. Niveau requis : Master ou tout autre diplôme équivalent en droit. Expérience en droit pénal international. Une expérience dans les procédures devant la CPI est un avantage. La parfaite maîtrise d'une langue de travail de la Cour (Anglais et/ou Français) est requise. La maîtrise de la seconde langue de travail et/ou de l'Arabe sera considérée un avantage. Cette demande est faite pour 1 FTE complet, mais nous déciderons une fois octroyé de scinder – ou non – ce FTE en deux 1/2FTE, ainsi que cela a été fait pour les postes occupés par [REDACTED] et [REDACTED] et de recruter 1 ou 2 personnes sous ce poste.

En vertu du paragraphe 69 du document d'orientation unique sur le système d'aide judiciaire de la Cour (ICC-ASP/12/3), je vous prie de noter que :

- Le Bureau du Procureur a présenté 31 charges à l'encontre de Mr Ali Muhammad Ali Abd-Al-Rahman, lui donnant ainsi droit à 0,775 FTE supplémentaires en vertu du sous-paragraphe a ;
- Le Bureau du Procureur nous a transmis à ce jour 84 645 pages de documents, lui donnant ainsi droit à 2,821 FTE supplémentaires en vertu du sous-paragraphe d ;
- Soit un total de 3,5965 FTE supplémentaires autorisées, dont 2 FTE utilisés à ce jour ([REDACTED] = 1FTE ; [REDACTED] et [REDACTED] = 1 FTE).

La demande de 1 FTE est donc parfaitement couverte par les critères du par. 69 du document d'orientation unique sur le système d'aide judiciaire de la Cour (ICC-ASP/12/3).

Je vous remercie donc de m'octroyer du FTE supplémentaire demandé en tant que ressource additionnelle, afin que nous puissions procéder au recrutement dans les meilleurs délais.

Vous remerciant par avance pour votre prompt action,

Bien à vous,

Cyril Laucci,

Conseil Principal de Mr Ali Muhammad Ali Abd-Al-Rahman

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