



### Discours – débat général ASP, 6 décembre 2022

Monsieur le vice- Président de l'Assemblée des États Parties,  
Excellences,  
Représentants des organisations internationales et non-gouvernementales,

C'est un honneur pour moi de m'adresser à vous aujourd'hui, comme la nouvelle présidente de l'Association du Barreau près la CPI. J'ai été élue il y a aujourd'hui une semaine, après une campagne basée sur trois aspects fondamentaux :

D'abord, augmenter le nombre de membres de l'ABCPI, pour nous donner davantage de poids et de crédibilité dans la représentation de nos intérêts et de ceux de nos clients devant la Cour. Ensuite, améliorer la transparence et la communication aux membres. Et en troisième lieu, la poursuite de la réforme de l'aide juridictionnelle et l'amélioration des conditions de travail du personnel d'appui aux Conseils.

I obtained a strong mandate from ICCBA membership to pursue these overarching goals. But at this very moment, it is appropriate to focus on only one of these issues: the working conditions and resources of external counsel and their teams, and the long-awaited legal aid reform, because you can do something about it **at this session**.

You have no doubt heard about them, seen them outside in the cold. This week, support staff in external defence and victims' teams are undertaking a strike, as a last resort measure, after attempting to be heard for over seven years, in the Registry and the ASP. They are external teams in more than one way: not only are they refused the status of ICC Staff, but this week, they have also been banned from this event, in an unprecedented attempt to distance and silence them.

Your Excellencies, the time is now. Until the ICC embraces the external teams representing the Defence and the Victims, its justice ideal will not be achieved. The chronic underfunding of the legal aid system is endangering, in very real terms, the right to a fair trial and the

principle of equality of arms, which is a principle upon which is based the Legal Aid Policy. I urge you to see ‘external’ teams, in particular the Defence as essential actors in the justice process, keeping in mind that parties and participants to the judicial proceedings are entitled adequate resources to competently and efficiently represent their clients before the ICC.

Their current working conditions imperil their ability to effectively represent their clients. The cost of living has increased dramatically in the Netherlands, while pay has been frozen for nine years, which means a decrease in real terms. Today, for the same work, external team members get paid at least 30 per cent less than their prosecution counterparts who get pay rises in line with the cost of living. This is not consistent with the spirit of the 2013 legal aid policy passed by this ASP, which meant to pay external team members fees equivalent to their prosecution colleagues.

And this affects more vulnerable junior team members the most, and in particular women. Unlike their prosecution, chambers, and registry colleagues, external defence and victims team members have no proper working contracts, no annual leave or sick leave, no parental leave, no pension, no health insurance, and no protection from harassment, abuse, exploitation, or arbitrary dismissal. The legal aid policy also stops the Court from having geographically diverse defence and victims teams because relocation support is limited and, if team members get here, they have no social protections, discriminating against those not from the EU.

The ICC budget is a complex matter, but you still have options to improve their working conditions at this session. Legal aid for external defence and victims represents under 4% of the total 2023 budget proposed for the Court and the interim changes required can be realized within the existing resources. The ICCBA urges a State to propose the resolution which will finally facilitate implementation of IER Recommendation 328 in that it:

- First, commits the Assembly to adopting a legal aid policy at its twenty-second session that will ensure adequate social and labour protections to external team members, and
- More importantly requests the Court to take interim measures, within existing resources, to ameliorate the conditions of members of defence and victims’ teams.

Excellencies, the time is now. I stand before you respectfully, but firmly, alongside my colleagues, to demand an immediate and meaningful focus on this long-standing problem. External teams are proud to contribute to the mission of the Court – please allow them the resources they need to do so.

Thank You.