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**Report on the Constitution and Activities of the
International Criminal Court Bar Association (“ICCBA”)**

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Executive Summary

The quality of justice before the ICC depends on the ability of Counsel for Victims and the Defence and Support Staff to perform their respective roles effectively and independently. The overriding goal of the ICCBA is to strengthen the capacity of independent Counsel to perform this role and ensure that the views and concerns of Victims' and Defence Counsel and Support Staff are represented at the Court. The ICCBA continues to have an open dialogue with the Registrar and relevant Registry officials to discuss the views and concerns of Victims and Defence Counsel and Support Staff and seek improvements in their general conditions of work before the Court. The ICCBA has organized a variety of substantive and skills-based trainings for Counsel and Support Staff, and has made these trainings available through its website (www.iccba-abcpi.org), to provide easier access to expert training to its globally-based membership. Externally, the ICCBA is building a worldwide network of Counsel interested in the ICC, reaching out beyond the limits of current membership to the Rome Statute, raising awareness of the ICC system in non-States Parties and supporting the Court's goal of reaching universality. Important components of this initiative include the appointment of regional and thematic focal points who can explain the role and work of the ICC and the ICCBA and expand the affiliation agreements which the ICCBA has signed with various national and regional bar associations and other relevant entities. The ICCBA is an indispensable and reliable partner of the Assembly and the Court in achieving transparent criminal justice by enhancing the quality of representation of Victims, Defendants and other persons before the Court. The ICCBA remains the only independent representative body of counsel recognized by the Assembly pursuant to the ICC Rules of Procedure and Evidence¹ and welcomes this recognition. The ICCBA will continue to work with the Assembly to strengthen the Court and the Rome Statute system.

¹ Operative paragraph 80 of resolution ICC-ASP/18/Res.6 entitled "Strengthening the International Criminal Court and the Assembly of States Parties", adopted by the Assembly of States Parties on 6 December 2019.

I. Background

1. Operative paragraph 87 of resolution ICC-ASP/22/Res.3 entitled “Strengthening the International Criminal Court and the Assembly of States Parties”, adopted by the Assembly of States Parties (“the Assembly”) on 13 December 2023, invited the International Criminal Court Bar Association (“ICCBA”) to report to the Assembly, through the Bureau, on its constitution and activities in advance of the nineteenth Session. The present “Report on the Activities of the ICCBA” aims at providing the Assembly with information in response to this invitation.

II. ICCBA Constitution and Objectives

2. The ICCBA operates in accordance with its Constitution.

3. The ICCBA Constitution was adopted on 30 June 2016 in The Hague by Counsel registered on the List established by the International Criminal Court (“ICC”, “the Court”) pursuant to rule 22 of the ICC Rules of Procedure and Evidence (“RPE”) (“List of Counsel”). The ICCBA Constitution establishes the ICCBA as an independent representative body of Counsel pursuant to rule 20(3) of the RPE. Its establishment in 2016 and its recognition by the Assembly in 2019, marked the fulfillment of a long-standing goal to establish a much-needed representative association of legal practitioners focused on matters relevant to the work of List Counsel and Support Staff before the ICC.

4. The objectives of the ICCBA are set out in Article 2 of its Constitution. These include supporting the functions, efficiency and independence of Counsel practicing before the ICC (para. 1); the promotion of the highest professional standards and ethics of Counsel (para. 2) as well as their proficiency and competence in the field of advocacy, procedural and substantive criminal law and information technology systems relevant to their functions before the ICC (para. 3); the independent representation of the interests of Counsel and Support Staff (para. 7); the promotion of the rights of victims, defendants and other clients and Counsel before the Court (para. 8); the promotion of equality of arms (para. 11); and representation of interests and concerns of its members before the Assembly (para. 12).

5. The ICCBA serves as a collective voice for independent Counsel and Support Staff who represent victims, defendants and other actors (e.g. witnesses, States) before the ICC, provides a range of support and services to its membership, and acts as a forum for discussion on all matters pertaining to the ICC. As an independent body deeply and directly involved in ICC activities, it also aims to contribute to raising awareness on issues which may affect the functioning of the Court, in order to enhance the quality of justice at the ICC required under the provisions of the Rome Statute and other recognized texts pursuant to Article 2(5) of its Constitution. As the ICCBA’s constituency extends to members of the legal profession in all countries, be they States Parties or not, the ICCBA seeks to develop and solidify its relationships with international, regional and national bars and other relevant organizations in order to promote and strengthen the Rome Statute system as well as discuss issues of mutual concern, including in countries and regions where the Court itself may have difficulties accessing.

6. The ICCBA is independent of the Court and is registered as a non-profit foundation (“*Vereniging*”) under the laws of The Netherlands.

7. The ICCBA is funded exclusively by membership fees. Its activities and outreach are the product of its members’ voluntary contribution of their time and energy.

III. Summary of ICCBA Activities and Achievements 2024

8. The ICCBA has made significant progress in legal aid reform. At the twenty-second session of the Assembly of States Parties (ASP) in early December, States Parties adopted a Reformed Legal Aid Policy (RLAP), which introduces new provisions for social benefits for external team members and increased remuneration for many team members. Additionally, the Omnibus Resolution mandated continued discussions on legal aid and taxation throughout 2024. A new Joint Committee on Legal Aid (JCLA), comprising three representatives from the Registry and two from the ICCBA, was established under the RLAP. The JCLA has been actively working throughout the year on proposals for amendments to the RLAP, some of which are expected to be adopted at the twenty-third session of the ASP. The ICCBA President has also engaged with many States Parties individually, advocating for improvements in the legal aid system. Regarding taxation, the ICCBA has continued its lobbying efforts, and discussions with the Host State have indicated that it remains a multilateral issue involving all States Parties. The Hague Working Group is expected to report on the issue during the twenty-third session of the ASP. Moreover, an independent opinion commissioned by the ICCBA clarified that defence and victims' counsel, along with their teams, should not be taxed by the Host State.

9. The ICCBA has co-organized various events and training sessions throughout the year. In February, a seminar was held in collaboration with the UIA on "Bridges between International Criminal Justice and Other Areas of Law." In May, the ICCBA partnered with organizations including the International Federation for Human Rights (FIDH), Women's Initiatives for Gender Justice, REDRESS, Victim Advocates International (VAI), and the Coalition for the International Criminal Court (CICC) to host an event on Victims' Rights in the Early Stages of Proceedings at the ICC. In collaboration with UNOSAT, the Asser Institute, and IUSTICOM, the ICCBA also organized an online training and webinar series titled "Satellite Imagery as Evidence in International Criminal Justice." Other online training sessions covered topics such as safety and security in conflict zones, disability in International Humanitarian Law, digital evidence, environmental crimes in international criminal law, artificial intelligence in global justice, and refugee law and its interactions with international criminal law. The ICCBA also held a webinar on mindfulness and well-being for ICC legal team members and held an information session for Francophone lawyers to learn about the ICCBA and the ICC.

10. In April, the ICCBA requested leave to appear as *amicus curiae* in the proceedings concerning the appointment of counsel for Joseph Kony. The request was granted, and the ICCBA Executive Council filed a legal brief in late April. The ICCBA President was a member of the panel tasked with selecting the Counsel to represent Mr. Kony's interests.

11. Throughout the year, regular meetings took place between the ICCBA Presidency and the Court's Principals to address ongoing issues. The ICCBA appreciates the Principals' willingness to engage in these discussions, which have proven essential in addressing concerns faced by Counsel and Support Staff. These discussions have focused on services for legal representatives for victims, legal aid, taxation issues, and the ICCBA's training initiatives. The ICCBA is also in talks with the Registrar to formalize an official relationship agreement, aimed at strengthening the role of the ICCBA in relation to the Court. The ICCBA hopes the agreement will be finalized shortly and will continue to work closely with the Court on resolving outstanding issues, especially with the Registry.

12. The ICCBA has expanded its outreach efforts, engaging with a diverse range of stakeholders and audiences. The ICCBA has five regional focal points and two thematic focal points—one for Sexual and Gender-Based Violence and the other for Diversity and Gender. These focal points play an essential role in extending the ICCBA's global reach and disseminating information about both the ICCBA and the ICC. Additionally, the President and Executive Council members have participated in various outreach activities, meeting with representatives of affected communities and the legal profession.

13. The ICCBA has been invited to represent Counsel and their support staff at several official events. Notably, the ICCBA President addressed the Opening of the Judicial Year and attended the swearing-in ceremony of new ICC judges.

14. The ICCBA signed six new affiliation agreements during 2024, collaborating with the Australian Bar Association, Bar of Bucharest, Bar Council of Serbia, Barreau de Rennes,

Ordine Degli Avvocati di Velletri, and the University of Bucharest. These agreements, initiated by ICCBA Focal Points, emphasize cooperation, knowledge-sharing, and mutual assistance. The ICCBA has now concluded twenty-two affiliation agreements in total and is in discussions with several other organizations, expecting further agreements to be finalized soon.

15. In accordance with its Constitution, the ICCBA has established several *ad hoc* Working Groups, comprised of members with expertise in specific areas. These Working Groups include those focusing on Artificial Intelligence, Detention Issues, Duty of Care, the Code of Conduct, Early Stages of Proceedings for Victims, Ecocide, and Gender Parity, Equality and Welfare.

16. The ICCBA extends its gratitude to all elected officials, members of the Working Groups, focal points, and the entire membership for their hard work and dedication. As a unique global organization with highly skilled and experienced members, their continued involvement is essential to the Association's lasting success.

17. The ICCBA also expresses its sincere appreciation to the States Parties for their positive engagement and looks forward to continued constructive cooperation in the future.
