



18th Assembly of States Parties to the Rome Statute
General Debate
Statement by Peter Haynes QC, President of the
International Criminal Court Bar Association

Your Excellency, the President of the Assembly of States Parties,
Your Excellences,
Distinguished attendees,

The International Criminal Court Bar Association (“ICCBA”) was founded three and a half years ago. I am its fourth President. Perhaps a little unfortunately I am the fourth man to hold the office and the third lawyer from the United Kingdom, statistics which belie the diversity and gender balance of our membership. It would be fitting in the not-too-distant future for my successor in title to be female, francophone, or a person of colour, or even all three, but for the time being, it is my privilege and honour to address you on behalf of the association.

The membership of the Association numbers about 340 and it represents those who are on the list of counsel at the ICC, and those who act in junior roles as support staff. The association is not, like its counterpart at the ad hoc tribunals, the ADC, an association of Defence counsel alone, but rather one which represents both those who represent accused persons and those who represent victims. Its membership, moreover, embraces those who are employed directly by the court itself within the offices of OPCV and OPCD.

Its development over the past three and a half years has seen it increasingly recognised within the court as a body which ought properly to be engaged in operational issues. Indeed it is currently playing a full role in cooperation with the Registry, the Facilitator, the CBF, the Chambers and the Office of the Prosecutor in matters including the draft amendments to the court’s legal aid policy, protocols and practice directions concerning procedures relating to pleas of guilty, initiatives to improve the processes by which evidence is presented to the chambers of the court, and mechanisms to ensure that those who work here are protected from harassment or abuse.

These matters are amplified in the report of the ICCBA to the ASP which I commend to you. I will not trouble you with unnecessary repetition of its contents.

At this moment in time, it seems to the Executive Council of the Association that it is appropriate that the reality of its position within the court's framework is formally acknowledged, and, to that end we have placed resolution before the ASP for consideration this week. That resolution invites the States Parties to recognize the ICCBA under Rule 20(3) of the RPE as an independent representative body of counsel and a legal association.

That would be a significant step in establishing the ICCBA as the bar association of the ICC. In the long term, that has to be of benefit to the Court as well as those who practice before it. Bar associations are integral parts of both domestic and international judicial systems have long been a proven model for a number of reasons:

- (1) So that the bar, through being self-regulated, is independent of political interference;
- (2) To ensure that everybody who practices before the Court plays by the rules – not just that people do not cheat, but that they are insured, pay their subscriptions, and observe currently accepted standards of behaviour;
- (3) To ensure that those who represent those who appear before the ICC, whether defendants or victims, are up to the job – that they have appropriate qualifications, appropriate training and continuing professional development
- (4) So that practitioners might exchange ideas and experiences both within the membership of the bar but also with opponents, the judiciary and the Court's administrators – no substitute for experience.
- (5) So that those who fall outside the central structure of the court have a voice – in legislative changes, legal aid funding, basic lawyers rights. On the other side of the fence, a bar presents as a focal point for the court to seek the views of the independent professionals who use it and presents a genuine interface for collective bargaining.
- (6) Lastly, but not least, a bar offers a pastoral element to its membership. Indeed, even a social one. For all the merits of a training course, the drinks reception at the end of them is often just as important to people who are a long way from their homes and families.

Therefore, I urge the States Parties to look favourably on the draft resolution for recognition of the ICCBA. It would be a small step in the right direction for the Court, and a timely one, given the imminence of the issues of legal aid and local taxation.

Those issues have, of course, dominated the first 5 months of my Presidency and will doubtless be on the table for the foreseeable future. The ICCBA is grateful to the Facilitator, Her Excellency the Ambassador for Canada, for her careful analysis of the draft legal aid policy and the situation of junior support staff in defence and victims' legal teams. The Association looks forward to further cooperation with her successor, the Registry and the CBF in the coming months.

The ICCBA continues to reach out and forge associations with bars around the world. This year, affiliation agreements have been signed with the International Union of Lawyers, the Belgian and Kuwaiti bars. A similar agreement with the French bar is in train. A training programme is planned in Ukraine early in the New Year, and as President, I have been invited to represent the association at PALU and the African Bar Conference.

The training committee will again provide programmes in-house for its membership as well as those who work in international criminal law in the various institutions here in The Hague – our programmes are for some reason especially popular with those who work for the OTP!

The Association's working group on Gender Parity, Equality and Welfare has worked hard together with the Staff Union at the ICC to establish protocols and procedures for victims of harassment to have appropriate avenues to raise their concerns. It has also established that the President of the ICCBA will henceforth be acknowledged as an International Gender Champion.

The ICCBA is entirely supportive of the strategic aims of the ICC and it stands ready to prove itself a valid and valuable partner in delivering them.

