

**CONSTITUTION**

**International Criminal Court Bar Association**

**PREAMBLE**

List Counsel of the International Criminal Court,

**ASSEMBLED** in (Place) on (Date);

**CONSIDERING** the creation of the International Criminal Court (“ICC”) as a permanent court characterized by its specific scope of jurisdiction;

**CONSIDERING** that the ICC has a statutory mandate to guarantee the effective respect of internationally recognized human rights;

**CONVINCED** of the need for Counsel practicing before the ICC and their Support Staff to have an independent association to uphold professional standards of conduct and ethics, reinforce the independence of the legal profession, and ensure the effective representation of their general and collective interests;

**EMPHASIZING** that justice shall never be achieved without due process of law;

**RECOGNIZING** that due process of law cannot be achieved without effective legal representation of Counsel;

**MINDFUL** of the ICC’s obligation of ensuring fair proceedings;

**EMPHASIZING** the essential role played by Counsel in ensuring fair proceedings and respect for the rights of persons appearing before the ICC;

**RECALLING** the 1990 UN Basic Principles on the Role of Lawyers, particularly Articles 24 and 25 concerning the freedom of lawyers to form professional associations;

**RECOGNIZING** that an association must be independent from all States and tribunals, and would be supplementary and without prejudice to independent offices or organs for Defence and Victims established under the legal frameworks of the various international,

hybrid or internationalized criminal courts and tribunals and providing legal and logistical advice and assistance to Counsel and representing the general interests of Counsel;

**RECOGNIZING** that such an association at the ICC will not interfere with the functioning of national Bars;

**RECOGNIZING** the need for such an association to be created to represent the interests of those appearing before the ICC;

**EMPHASIZING** the ICC's recognition for the need for an independent representative body of counsel before the ICC;

**RECOGNIZING** that such an association promotes the fairness of the proceedings thus enabling the ICC to accomplish its mandate pursuant to the Rome Statute;

**RECALLING** that the Counsel form an integral part of the proceedings before the ICC;

**EMPHASIZING** that when there exists an organized association it enables Counsel to participate in decisions at the ICC, enabling its members to effectively interact with civil society and judicial institutions;

**ACKNOWLEDGING** the benefit of mandatory membership to an association for all Counsel admitted to the ICC List of Counsel which is maintained by the ICC Registrar in accordance with Rule 21(2) of the ICC Rules of Procedure and Evidence;

**CONSIDERING** the general principles of criminal law stated in Articles 22, 23, 24 of the Rome Statute and Rule 20 of the Rules of Procedure and Evidence that the Registrar shall organize the Registry in a manner that promotes the rights of the Defence, consistent with the due process rights contained in the Rome Statute;

**CONSIDERING** further Article 68 of the Rome Statute and Rules 90, 91, 92 and 93 of the Rules of Procedure and Evidence relating to participation of victims in court proceedings in person or through their Counsel;

**RECALLING** that the Registrar acknowledges that the formal recognition of an independent self-governing Association of Counsel is a key element of the support structure to Counsel;

**RECALLING** that the establishment of an independent representative body of counsel may be facilitated by the Assembly of States Parties in accordance with Rule 20(3) of the Rules of Procedure and Evidence;

**RECALLING** the resolution ICC-ASP/13/Res.5 adopted by the Assembly of States Parties at its 13<sup>th</sup> plenary meeting on 17 December 2014 which notes the important work of independent representative bodies of counsel or legal associations, including any international legal association relevant to Rule 20(3) of the Rules of Procedure and Evidence; and the resolution ICC-ASP/14/Res.4 adopted by the Assembly of States Parties at its 14<sup>th</sup> plenary meeting on 26 November 2015 which acknowledges the efforts for of the legal profession, in consultation with the Court, for the establishment of an independent representative body of counsel;

**HAVE ADOPTED** the following Constitution:

## **PART I:**

### **GENERAL PROVISIONS**

#### **Article 1: Name, Seat and Language**

1. The name of the Association shall be the International Criminal Court Bar Association.
2. The short name of the Association is “ICCBA”.
3. The seat of the ICCBA is established at The Hague in The Netherlands.
4. The languages of the ICCBA shall be English and French.

#### **Article 2: Objectives**

##### **The objectives of the ICCBA are:**

1. To support the functions, efficiency and independence of Counsel practicing before the ICC;

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2. To promote and uphold the highest professional standards and ethics of Counsel, relevant to their duties, responsibilities and obligations pursuant to the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct for Counsel, and all related directives and regulations;
3. To promote and facilitate the proficiency and competence of Counsel in the field of advocacy, procedural and substantive international criminal law and information technology systems relevant to their function before the ICC;
4. To facilitate Counsel in having the necessary support, assistance and information from the Organs and Offices of the ICC to enable them to provide effective legal representation;
5. To enhance the quality of justice at the ICC required under the provisions of the Rome Statute and other recognized texts;
6. To assist in resolving legal issues impacting Counsel;
7. To ensure independent representation of the interests of Counsel and their Support Staff;
8. To advocate for the enhancement of the rights of clients and Counsel before the ICC;
9. To establish channels of communication and hold consultations with the Registrar on matters related to Counsel and their staff in the performance of their duties before the ICC.
10. To consult with the Registrar on any developments or amendments which are proposed to the Code of Professional Conduct;
11. To promote equality of arms between the parties before the ICC;
12. To represent the interests, concerns of Members and the aims of the ICCBA before the Assembly of States Parties (“ASP”);

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13. To assist in resolving incidents between its Members and between Counsel and the Organs and Offices of the ICC, as appropriate;
14. To liaise with the national Bars of ICCBA members as required;
15. To engage with counsel at other international, internationalized or hybrid courts or tribunals, or with a bar or association of counsel which has been established at such a court or tribunal on professional matters of mutual benefit and concerns;
16. To provide any other reasonable and necessary services as a Bar might provide to its members.

### **PART II:**

#### **MEMBERSHIP**

##### **Article 3: Qualifications**

1. The membership of the ICCBA is comprised of Full, Associate and Affiliate Members.
2. All persons who are on the ICC List of Counsel practicing as independent counsel are eligible to be Full Members.
3. All persons who are assigned as Counsel on a case at the ICC and who directly represent individuals at the ICC are eligible to be Full Members.
4. All persons who are either: (a) on the ICC List of Assistants to Counsel, or; (b) otherwise assigned as support staff on a case at the ICC and have five years of relevant experience of international criminal law; are eligible to be Associate Members.
5. All persons who support the objectives of the ICCBA and have demonstrable experience of international criminal law, are eligible to be Affiliate Members, including but not limited to:

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- a. Persons assigned to ICC Defence or Victims teams but who do not fulfil the experience requirement to be a Full or Associate Member;
- b. Counsel, or their support staff, assigned before other international, internationalized or hybrid courts or tribunals;
- c. Professors of law.

### **PART III:**

#### **THE ORGANS**

##### **Article 4: The Organs**

1. The ICCBA is composed of the following organs:
  - a. General Assembly;
  - b. Executive Council;
  - c. Executive Committee;
  - d. Professional Standards Advisory Committee;
  - e. Defence Committee;
  - f. Victims Committee;
  - g. Counsel Support Staff Committee;
  - h. Legal Advisory Committee;
  - i. Membership Committee;
  - j. Training Committee;
  - k. Amicus Committee; and

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1. Any other standing Committee created by resolution of the General Assembly.
2. Any *ad hoc* or permanent Committee may be established as provided by this Constitution.
3. The General Assembly is the supreme organ of the ICCBA.
4. The Executive Council accepts the responsibility of ensuring the effective functioning of the ICCBA.
5. Any Committee may consult with any other Committees established by the present Constitution or Members on matters relevant to its work.

### **PART IV:**

#### **GENERAL ASSEMBLY**

##### **Article 5: General Assembly**

1. The General Assembly consists of all Members of the ICCBA.
2. The General Assembly exercises all authority conferred by this Constitution, except for those powers vested in the Executive Council by the laws of The Netherlands and by this Constitution.
3. The General Assembly shall hold an Annual Meeting. The following topics must be discussed at the Annual Meeting:
  - a. The annual report of the Executive Council;
  - b. The annual report of the Professional Standards Advisory Committee;
  - c. The annual report of the Defence Committee;
  - d. The annual report of the Victims Committee;

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- e. The annual report of the Counsel Support Staff Committee;
  - f. The annual report of the Legal Advisory Committee;
  - g. The annual report of the Membership Committee;
  - h. The annual report of the Training Committee;
  - i. The annual report of the Amicus Committee;
  - j. The annual report on the activities of any *ad hoc* committees or council created by the Executive Council;
  - k. The election of Members to the Executive Council, Professional Standards Advisory Committee, Defence Committee, Victims Committee, Counsel Support Staff Committee, Legal Advisory Committee, Membership Committee, Training Committee and Amicus Committee.
  - l. The report of the Treasurer on the current financial situation of the ICCBA as well as on the expected financial results of the current year;
  - m. The proposed plan of activities for the upcoming financial year;
  - n. The proposed budget for the upcoming financial year; and
  - o. Any other proposals by the Executive Council or by any Member.
4. The convening of the General Assembly Meeting shall be noticed in writing, not less than 30 days from the date of the meeting. The convocation shall include an agenda with the list of topics to be discussed. All Members may submit additional topics to be included in the agenda by communicating in writing, by facsimile transmission or by electronic mail to the Executive Council at least five days prior to the date of the meeting.
5. All Members in Good Standing may attend meetings of the General Assembly.



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6. The General Assembly may adopt regulations that are not contrary to the laws of The Netherlands, the Rome Statute, the Rules of Procedure and Evidence, Regulations of the Court, Regulations of the Registry, the Code of Professional Conduct for Counsel, Practice Directives, other governing legal texts or Orders of the ICC or this Constitution.
7. The General Assembly has the competence to take all decisions, including the amendment of this Constitution, on behalf of the ICCBA.
8. The General Assembly shall vote on the program of actions proposed by the Executive Council, and vote on the budget proposal for the upcoming financial year.
9. The General Assembly shall hold elections.
10. The General Assembly shall appoint two Internal Auditors.
11. A Special General Assembly Meeting may also be held at the request of one-tenth of the Full Members or at the request of the Executive Council. A request for a Special General Assembly Meeting shall be made in writing. The Executive Council shall convene a Special General Assembly Meeting within 30 days from receipt of a valid request.

### **Article 6: Chair and Minutes**

1. The President of the Executive Council shall preside over General Assembly Meetings. In the event of his/her absence, one of the Vice Presidents of the Executive Council shall preside. Where a Chair cannot be designated in this manner, the Executive Council shall designate the Chair.
2. The Executive Director shall keep minutes of the proceedings of all General Assembly Meetings. In the absence of the Executive Director, the President of the Executive Council shall assign one of the Vice Presidents of the Executive

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Council to keep minutes. The minutes are confirmed by the Chair and distributed to all Members.

### **Article 7: Voting duty and rights**

1. All Members in Good Standing may attend General Assembly Meetings, though only Full and Associate Members shall have the right to vote. Votes by Full Members shall be counted as one and a half the amount of Associate Members.
2. Members who have paid the annual Membership fee are considered to be in Good Standing.
3. If a Member is unable to attend the meeting to vote in person, he or she may vote electronically, or by proxy.
4. A Full Member may represent up to five Full Members by proxy.
5. An Associate Member may represent up to three Associate Members by proxy.
6. Abstentions shall not be counted as a vote.
7. The vote of the General Assembly shall be valid only if the following quorum is respected: the quorum of the General Assembly shall exist when *at least* one fifth of the Full Members are in attendance, in person or by electronic means.
8. A decision taken by the General Assembly is valid if *an absolute majority* of Members participating are in its favor. The same quorum is required for Special Assembly Meetings.

### **Article 8: Procedure for Elections and Resolutions**

1. Resolutions of the General Assembly and elections of Members to one of the organs of the ICCBA are adopted by absolute majority, unless specified otherwise in this Constitution.

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2. In addition to the subjects in the agenda circulated to the Members prior to the opening session of the General Assembly Meeting, a Member may submit proposals for resolutions relevant to the objectives of the ICCBA. Proposed resolutions must be submitted in writing to the Executive Council not less than two days before the opening of the General Assembly Meeting. A resolution submitted after this deadline may only be considered by the General Assembly if the Executive Council grants a waiver of the time limitation.
3. A copy of proposed resolutions is provided to all Members before the General Assembly Meeting. Copies of proposed resolutions received less than two days before the opening may be distributed at the General Assembly Meeting.
4. The Executive Council shall report its recommendations on each resolution to the General Assembly. The Members shall be given a reasonable opportunity to be heard on submitted proposed resolutions.
5. All matters shall be voted on by a show of hands and through electronic means except for the election of the Members of the Organs of the ICCBA.
6. The adoption of a resolution by the General Assembly is pronounced by the Chair of the General Assembly. This pronouncement is determinative.
7. The election of the Members of the Organs of the ICCBA is done by secret ballot.
8. The General Assembly first proceeds with the appointment of a Member to preside over the elections (Election Chair). The Election Chair may not be nominated for a position.
9. The Election Chair may be assisted by ICCBA staff, including the Executive Director, to examine and count the ballots.
10. The Election Chair, assisted by the Executive Director, examines the votes and confirms the quorum for the elections.

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11. Election to any position requires an absolute majority of the votes.
12. The Election Chair holds as many ballots as are necessary, proceeding in the following order until Members have been elected to each position:
  - a. President (one seat);
  - b. Executive Council (fourteen seats);
  - c. Professional Standards Advisory Committee (five seats);
  - d. Defence Committee (seven seats);
  - e. Victims Committee (seven seats);
  - f. Counsel Support Staff Committee (five seats);
  - g. Legal Advisory Committee (five seats);
  - h. Membership Committee (five seats);
  - i. Training Committee (five seats); and
  - j. Amicus Committee (five seats).
13. The Executive Council shall draft a procedure on elections to be approved by the General Assembly by a simple majority vote.

### **PART V:**

#### **EXECUTIVE COUNCIL**

##### **Article 9: Composition**

1. The Executive Council is composed of the President, Vice President for Defence and Vice President for Victims and twelve Members who shall all be Full Members.

2. The Members of the Executive Council are elected by the General Assembly from a list of nominees. A Full Member is officially nominated to run for election when supported by five Members. The list of nominees shall be submitted to all Members no later than five days before the election. In exceptional circumstances, nominations can be made during the General Assembly prior to the election.
3. The Members of the Executive Council are elected for a term of one year and are eligible to be re-elected for two additional consecutive terms.
4. The membership of the Executive Council is based on principles of equity with consideration given to the type of legal representation (Victims/Defence), geographic representation, gender and the various domestic legal systems (*e.g.*, Common and Civil law) and the different languages existing before the ICC. To the extent practicable, a minimum of one seat is respectively reserved to Counsel native to the following areas:
  - a. Asia-Pacific States;
  - b. Central and Eastern European States;
  - c. Latin America and Caribbean States;
  - d. North American States;
  - e. North African States;
  - f. Sub-Saharan African States; and
  - g. Western European States.
5. At least eight seats on the Executive Council shall be reserved for Counsel engaged in cases before the ICC or who have been engaged in a case during the three years preceding the elections.

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6. In order for the ICCBA to be fully representative of its members, the President and one of the Vice Presidents should represent the linguistic and legal diversity of List Counsel. Should the President elected by the General Assembly be Anglophone, at least one of the Vice Presidents should be Francophone, and vice versa.
7. Should the President elected by the General Assembly be from a common law tradition, at least one of the Vice Presidents should be from a civil law tradition, and vice versa.

### **Article 10: Duties**

1. The Executive Council is responsible to the General Assembly, for the day-to-day operations and management of the ICCBA, subject to the limitations set out in this Constitution.
2. The day-to-day operations and management include *inter alia*:
  - a. Assisting Counsel with issues related to legal aid and logistical support;
  - b. Preparing the agenda of the General Assembly Meetings;
  - c. Submitting for approval to the General Assembly the ICCBA's Program;
  - d. Implementing any approved programs by the General Assembly;
  - e. Executing the decisions of the General Assembly;
  - f. Preparing the annual budget;
  - g. Monitoring all matters related to the annual budget; and
  - h. Reporting to the General Assembly for its approval of an annual report of activities and an audited financial report.

3. Where an urgent question submitted to the Executive Council requires immediate attention, the Executive Council may proceed to a vote.
4. When the Executive Council deems it necessary, it has the power to decide on its own initiative to create special *ad hoc* committees or appoint special representatives and to define their powers for the purposes of assisting in the accomplishments of its duties, especially in matters related to the ASP. *Ad hoc* committees, or special representatives shall work pursuant to the directives of the Executive Council and shall report on their activities to the General Assembly.
5. The Executive Council shall consult with other Committees on matters relating to policy and issues affecting Counsel that are relevant to those Committees.
6. The Executive Council may adopt internal directives or procedures as necessary for its functions and day-to-day operations and management of the ICCBA. Such directives or procedures must be consistent with the laws of The Netherlands, the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct for Counsel, the Regulations of the Court, Practice Directives, other governing legal texts or Orders of the ICC and this Constitution.
7. The Executive Council shall secure the services of a full-time employee to act as Executive Director. The Executive Director reports to the President and is responsible to the Executive Council. The terms and conditions of service of the Executive Director are determined by the Executive Council subject to the adoption of the budget by the General Assembly. The Executive Council may also secure the service of one or more full or part-time employees as necessary, subject to the same conditions.
8. The express consent of eight members of the Executive Council is required to bind legally the ICCBA towards third parties.

9. The Executive Council is authorized to enter into agreement to purchase, alienate or encumber registered goods or services not exceeding 10,000 euros.

**Article 11: Meetings**

1. The Executive Council shall meet in ordinary sessions on a regular basis, upon the invitation of the Executive Committee, and all its decisions shall be taken by an absolute majority vote.
2. The Members of the Executive Council shall to the extent practicable communicate and vote using modern electronic technologies.
3. The Executive Director or one of the Vice Presidents is assigned by the President to take minutes of Executive Council meetings. The minutes are confirmed by the President after consultation with the attending Members and distributed to Members.

**Article 12: Termination of Membership**

1. Membership in the Executive Council ends if:
  - a. The Member ceases to be a Full Member of the ICCBA;
  - b. The Member resigns from the Executive Council; or
  - c. The Member is dismissed by the General Assembly.
2. The Executive Council may, after giving the Member an opportunity to be heard, suspend a Member of the Executive Council for a period not exceeding 45 days by unanimous vote of the 14 other Members of the Executive Council. The object of such suspension must be to refer the matter to the General Assembly for consideration. If no action has been taken by the General Assembly after 45 days, the suspension shall be deemed to have lapsed.



3. A Member of the Executive Council may request to temporarily withdraw from the Executive Council for a period not exceeding 45 days. If at this time he/she has not requested to be reinstated as a Member of the Executive Council, the Member will be deemed to have resigned.
4. Without prejudice to paragraphs 2 and 3, if the membership of the Executive Council falls below 15 Members, the Executive Council remains lawfully constituted. The Executive Council shall however convene a meeting of the General Assembly to proceed with the election of a new Member or Members of the Executive Council within a maximum of 45 days.

## **PART VI:**

### **ORGANS OF THE EXECUTIVE COUNCIL OF THE ICCBA**

#### **Article 13: The Executive Committee of the Executive Council**

1. The Executive Council includes a committee named Executive Committee, composed of five Members:
  - a. President of the ICCBA;
  - b. Vice President for Defence;
  - c. Vice President for Victims;
  - d. Treasurer; and
  - e. Secretary.

#### **Article 14: The President and the Vice Presidents of the Executive Council**

1. The President shall head the ICCBA and shall represent it at any occasion.
2. The President shall act on a day-to-day basis with the ICC, to help resolve issues between Counsel and the ICC.

3. The President shall preside over the meetings of the General Assembly, the Executive Council and the Committee.
4. During General Assembly Meetings, the President shall be assisted by a Parliamentarian, appointed in accordance with Article 38 of this Constitution.
5. The President shall countersign all checks for ICCBA expenses over 300 euros.
6. In the event of an unexpected vacancy of the position of President, one of the Vice Presidents selected by the Executive Council shall assume all duties of the Presidency, until the next election of the General Assembly.
7. In the event of a vacancy of any other position of the Executive Committee, the Executive Council may appoint a replacement for the remaining period of the mandate, upon the qualified majority of votes of the Executive Council.

## **PART VII:**

### **THE EXECUTIVE DIRECTOR**

#### **Article 15: Duties**

1. In accordance with Article 10(7) of this Constitution, the Executive Council shall secure the services of an Executive Director.
2. The Executive Director is responsible for the administration of the ICCBA, and shall assist in monitoring the implementation of the strategies and activities undertaken by the Executive Council.
3. The Executive Director is responsible for keeping all ICCBA records and reports, including all correspondence.
4. The Executive Director is in charge of the external communications between the ICCBA and external organizations.
5. The Executive Director shall be in charge of the preparatory phase of the drafting of documents, including convocations, publications and reports of the ICCBA.

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6. The Executive Director shall ensure the effective administration of the ICCBA including office management, personnel management and the day-to-day accounting.
7. The Executive Director, in consultation with the Executive Council, is responsible for organizing and preparing the General Assembly, the Executive Council meetings and the work of internal committees.
8. The Executive Director shall assist in organizing training activities for Counsel and support staff.
9. The Executive Director shall authorize expenses not exceeding 300 euros.

### **PART VIII:**

#### **FINANCE, FEES AND AUDIT OF THE ICCBA**

##### **Article 16: Finance**

1. ICCBA funds shall come from membership fees of the Members.
2. The funds may also come from contributions from donations, sales of publications, savings, investments, and any other resources, which have been authorized by the General Assembly and are in conformity with the objectives of the ICCBA.
3. All the ICCBA's funds shall be deposited in a bank account, opened on behalf of the ICCBA over the signature of the Treasurer or the Executive Director, and with the counter-signature of the President.
4. The financial year runs from 1 January until 31 December.
5. On behalf of the Executive Council, the Treasurer, with the assistance of the Executive Director, is responsible for keeping detailed and complete financial records and accounts of the ICCBA. The full financial records are disclosed to the

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Members on an annual basis and made public in accordance with the laws of The Netherlands.

6. The Treasurer is responsible for preparing the end of year financial report, including a statement of revenues and expenditures as well as a balance sheet, no later than 31 January of the new financial year.
7. The end of year financial report is approved by the Executive Council for submission to the Internal Auditors. The end of year financial report is presented to the General Assembly in the Annual Meeting along with the report of the Internal Auditors including a recommendation that it be adopted or if necessary that further measures be implemented before its adoption.

### **Article 17: Compulsory Contributions of the ICCBA**

1. All Members must pay an annual fee approved by the General Assembly on the recommendation of the Executive Council, commensurate with their rights and obligations as Members of the ICCBA.
2. The annual fee runs each calendar year from 1 January until 31 December (inclusive).
3. The annual fee must be paid in one installment, either within 45 days of the beginning of the membership year or, for new members, within 45 days of approval of membership, on the basis of the number of months remaining in the current membership year.
4. All Members assigned as Counsel to a case before the ICC may be required to pay an additional monthly fee during the pre-trial, trial, and appeals phases and during contempt proceedings. The monthly fee for each phase is determined by the General Assembly on the recommendation of the Executive Council.

**Article 18: Audit of the ICCBA**

1. Two Full Members are appointed by the Executive Counsel with consultation and approval of the General Assembly to act as Internal Auditors. Internal Auditors are selected on the basis of their knowledge of accounting, and experience in accounting and financial management. They are appointed for a term of one year and may be re-appointed for a maximum of two additional consecutive terms. Internal Auditors may not be Members of any organs of the ICCBA.
2. The ICCBA bank accounts shall be annually audited by the Internal Auditors.
3. The Internal Auditors are responsible for providing accurate account keeping.
4. The Internal Auditors verify the financial records and accounting practices of the Executive Committee, both during and at the end of the financial year.
5. The Internal Auditors may, at any time, request access to all the financial records.
6. The Internal Auditors' recommendations are included in a report which is to be submitted to the General Assembly.
7. The Executive Council shall keep the financial records referred to in paragraphs 3, 4 and 5 for a period of seven years.

**PART IX:**

**Professional Standards Advisory Committee**

**Article 19: Composition**

The Professional Standards Advisory Committee is comprised of five Full Members elected by the General Assembly for a term of one year, who shall all be members of the ICC List of Counsel. Members may be re-elected for a maximum of two additional consecutive terms. One of the five Committee Members shall be designated as chair by the other Members. The Chair of the Committee reports to

the Executive Council. At least two Members must be engaged in cases before the ICC or must have been engaged in a case during the three years preceding the elections.

**Article 20: Duties**

1. The ICCBA shall adopt the Code of Conduct for Counsel of the ICC (“Code”) to regulate the ethical duties and the professional conduct of Counsel and staff.
2. The ICCBA shall adopt the disciplinary procedures of the ICC for applying and enforcing the Code.
3. The ICCBA may adopt provisions for suspension or termination of membership from the ICCBA, or other sanctions related to membership or participation in the ICCBA, in addition to the sanctions imposed by the disciplinary bodies of the ICC.
4. Counsel and staff may request advisory opinions from the Professional Standards Advisory Committee on the ICC’s Code of Professional Conduct for Counsel, the ethical and conduct code of the ICCBA, and all related directives and regulations and the interpretation of the rules, regulations and codes governing the conduct of Counsel at the ICC or of this Constitution. Any advisory opinions, if not confidential, shall be distributed to the Members.
5. The Professional Standards Advisory Committee may perform any other duties which may be requested by the ICC or the ASP. Any additional duties, and terms thereof, must be approved by a Resolution of the General Assembly.

**PART X:**

**DEFENCE COMMITTEE**

**Article 21: Composition**

The Defence Committee is comprised of seven Full Members elected by the General Assembly for a term of one year. Members may be re-elected for a

maximum of two additional consecutive terms. One of the seven Defence Committee Members shall be designated as chair by the other Members. The Chair of the Defence Committee reports to the Executive Council. At least three Members must be engaged in cases before the ICC or must have been engaged in a case during the three years preceding the elections.

**Article 22: Duties**

The Defence Committee shall take into consideration the interests of suspects and accused and, through a commentary, provide proposals to the Legal Advisory Committee and advise the Executive Council and the General Assembly on all matters affecting the Defence.

**PART XI:**

**VICTIMS COMMITTEE**

**Article 23: Composition**

The Victims Committee is comprised of seven Full Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the seven Victims Committee Members shall be designated as chair by the other Members. The Chair of the Victims Committee reports to the Executive Council. At least three Members must be engaged in cases before the ICC or must have been engaged in a case during the three years preceding the elections.

**Article 24: Duties**

The Victims Committee shall take into consideration the interests of victims and, through a commentary, provide proposals to the Legal Advisory Committee and advise the Executive Council and the General Assembly on all matters affecting Counsel for Victims.

**PART XII:**

**COUNSEL SUPPORT STAFF COMMITTEE**

**Article 25: Composition**

The Counsel Support Staff Committee is comprised of seven Associate or Affiliate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the seven Counsel Support Staff Committee Members shall be designated as chair by the other Members. The Chair of the Counsel Support Staff Committee reports to the Executive Council. At least three Members must be engaged in a case before the ICC or must have been engaged in a case during the three years preceding the elections. As an exception to Article 7(1), Affiliate Members shall have the right to vote for the Members of this Committee. Votes by Associate Members shall be counted as one and a half the amount of Affiliate Members for the purposes of this Committee.

**Article 26: Duties**

The Counsel Support Staff Committee shall take into consideration the interests of support staff and, through a commentary, provide proposals to the Executive Council and report to the General Assembly on all matters affecting the support staff.

**PART XIII:**

**LEGAL ADVISORY COMMITTEE**

**Article 27: Composition**

The Legal Advisory Committee is comprised of three Full Members and two Associate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms.



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One of the five Legal Advisory Committee Members, who shall be on the ICC List of Counsel, shall be designated as chair by the other Members. The Chair of the Legal Advisory Committee reports to the Executive Committee.

### **Article 28: Duties**

1. The Legal Advisory Committee is responsible for:
  - a. Considering proposed amendments to the ICC Rules of Procedure and Evidence and other recognized legal texts;
  - b. Representing the interests of all Members of the ICCBA;
  - c. Proposing and drafting amendments to the ICC Rules of Procedure and Evidence and other recognized legal texts which are in the interest of Members of the ICCBA and/or their clients, as appropriate; and
  - d. Liaising with the elected representative of Counsel within the Advisory Committee on Legal Texts (“ACLT”).
2. The Legal Advisory Committee, after review and consultation with the Executive Committee, may present to the ACLT proposals or observations on possible amendments to the legal texts of the Court.

## **PART XIV**

### **MEMBERSHIP COMMITTEE**

#### **Article 29: Composition**

The Membership Committee is comprised of five Full Members who shall all be on the ICC List of Counsel. Members of the Membership Committee are elected by the General Assembly by majority vote. Membership Committee Members are elected for a term of one year and may be re-elected for a maximum of two

additional consecutive terms. Members of the Executive Council are not eligible to serve on the Membership Committee.

**Article 30: Duties**

1. The Membership Committee reviews and approves or denies membership applications. An applicant is admitted if three Members of the Membership Committee support the application and the applicant meets all necessary criteria.
2. The Membership Committee may adopt internal procedures to govern the procedure for admission.
3. The Membership Committee may perform any other duties which may be requested by the ICC or the ASP, including, but not limited to, the screening of applications for membership to the ICC List of Counsel. Any additional duties, and terms thereof, must be approved by a Resolution of the General Assembly.

**Article 31: Admission**

A person whose membership application as a Member is denied is promptly notified of such a decision in writing. The decision of the Membership Committee may be appealed before the Executive Council within 30 days of receipt of the notice.

**Article 32: Suspension of Membership**

1. A Member may be suspended from the ICCBA pursuant to the Rules of Procedure of the ICCBA (“RoP”).
2. Suspended Members cease to enjoy all voting rights and cease to be active participants in any office they may hold or Committees they may be Members of until such time as the suspension is lifted.
3. The suspension may result from a request by a Member or a national professional body having authority over the Member in question. The suspension may be

justified on the basis of health reasons, conduct, or the practice of a professional activity which is incompatible with the duties, responsibilities, and obligations of Counsel pursuant to the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct for Counsel and all related directives and regulations including failure to pay annual membership fees.

4. The suspension of a membership will be effective the next business day following the Member's receipt of notice.
5. The Member may appeal the suspension by filing an appeal to the Executive Council in accordance with the provisions of the RoP. Insofar as the appeal does not stay the decision to suspend ("has no *suspensive effect*"), the Member shall not enjoy the rights granted by the ICCBA unless the decision is overturned, in accordance with the provisions of the RoP.

### **Article 33: Termination of Membership**

1. Membership ceases upon:
  - a. The Member's death;
  - b. The Member's resignation, which becomes effective upon receipt by the ICCBA of the Member's written resignation, subject to provisions in the RoP; and
  - c. The Member being struck from the ICC List of Counsel.
2. The termination of a membership will be effective the next business day following the reception of the written notice by the Member.
3. The Member may appeal the striking-off decision on by filing an appeal with the General Assembly, in accordance with the provisions of the RoP. Insofar as the appeal does not stay the decision to strike ("has no *suspensive effect*"), the

Member shall not enjoy the rights granted by the ICCBA unless the decision is overturned, in accordance with the provisions of the RoP.

4. Payment of back dues shall be a condition for lifting any suspension or reinstatement following termination.

**PART XV:**

**TRAINING COMMITTEE**

**Article 34: Composition**

The Training Committee is comprised of three Full Members and two Associate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the five Training Committee Members, who shall be on the ICC List of Counsel, shall be designated as chair by the other Members. The Chair of the Training Committee reports to the Executive Council.

**Article 35: Duties**

The Training Committee is responsible for:

- a. Design and implementation of advocacy training, and training in procedural and substantive international criminal law and information technology systems for all Members, whether assigned to a case or not.
- b. Assisting the Executive Council in obtaining the funding to make such training possible.

**PART XVI:**

**AMICUS COMMITTEE**

**Article 36: Composition**

1. The Amicus Committee is comprised of three Full Members and two Associate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the five Amicus Committee Members, who shall be on the ICC List of Counsel, shall be designated as chair by the other Members. The Chair shall have at least five years of experience on the List of Counsel, or shall have served on an amicus committee in his or her national bar or at another international court or tribunal.
2. The Chair of the Amicus Committee reports to the Executive Council.

**Article 37: Duties**

1. The Amicus Committee is responsible for the following tasks:
  - a. Considering and responding to requests for Amicus curiae briefs by the ICC President and Chambers.
  - b. Considering and responding to requests for Amicus curiae briefs submitted to the Executive Council.
  - c. If an issue is presented on which the clients of Members of the ICCBA have significantly differing interests (such as those of Counsel for the Defence and Victims) the Amicus Committee may decide to divide itself to work independently with each group.

**PART XVII:**

**FINAL PROVISIONS**

**Article 38: Rules of Procedure of the ICCBA**

1. The RoP shall be drawn up by the Executive Council and submitted for approval to the General Assembly.
2. The RoP shall contain the operating rules, and any other elements not set forth by this Constitution.
3. The General Assembly shall select a Full Member to serve as the Parliamentarian for a term of two years. The Parliamentarian's role is to raise with the General Assembly and Executive Council any matters that are inconsistent with the letter and spirit of this Constitution or applicable rules and procedures.

**Article 39: Amendment and Interpretation of the Constitution**

1. This Constitution may be amended when two-thirds of Full Members participating in a General Assembly Meeting are in favor. All amendment proposals shall be submitted to all the Members by the Executive Council at least 30 days prior to the start of the General Assembly Meeting.
2. The General Assembly delegates to the Executive Council the power to settle, by a qualified majority of the votes, all disputes or questions relating to the interpretation and application of this Constitution, pursuant to the provisions of the RoP.

**Article 40: Affiliation with other Associations**

The ICCBA may establish procedures by which other associations may be affiliated with the ICCBA.

**Article 41: Independent Advisory Board of Oversight**

1. The ICCBA may consider establishing an Independent Advisory Board of Oversight for the purpose of reviewing the annual report and providing a general assessment of performance and recommendations for improvement.
2. The Independent Advisory Board of Oversight shall have no powers to review the progress or outcome of individual complaints and shall not respond to individual parties about complaints.

**Article 42: Dissolution of the ICCBA**

1. The ICCBA may be dissolved by a resolution of the General Assembly, under the conditions established by the RoP.
2. The financial balance after the dissolution and liquidation of the assets shall be allocated according to the General Assembly's decisions.