



ICCBA Professional Standards Advisory Committee

ICCBA Annual Report

2017-2018

ANNUAL REPORT
OF THE PROFESSIONAL STANDARDS ADVISORY COMMITTEE
2017-2018

1. Introduction

This Annual Report is submitted to the General Assembly of the International Criminal Court Bar Association (ICCBA) in accordance with the provisions of article 5-3-c of the ICCBA Constitution. It sets out the activities of the Professional Standards Advisory (PSA) Committee for the period from 1 July 2017 to 29 June 2018.

2. The PSA Committee is composed of the following members:

- Dr. Antonios ABOU KASM (Chair)
- Me Mohamed AOUINI
- Me Edinnah ARATI
- Me Marie O’LEARY
- Me Andreas O’SHEA

3. Mandate of the PSA Committee

The main role of the Professional Standards Advisory Committee is to provide advice and guidance to the ICCBA members on the Code of Conduct for Counsel and to offer advisory opinions when requested.

4. Working sessions

The PSA Committee has met just once due the unavailability of the members because of professional engagements and personal reasons and circumstances. The PSA Committee met on 15 September 2017 in the ICC premises in the presence of two members in person and two attended via Teleconference. Later on, the members have been in touch by phone and email. Two members only of the Committee reside in The Hague for professional

reasons, for that reason, the holding of meetings at the seat of the International Criminal Court (ICC) was complicated.

5. Work plan for the year 2017-2018

Following the request of the ICCBA Executive Council, the PSA Committee submitted on August 24th 2017, a proposed Work plan outlining the main objectives that the Committee members have set for the period from July 1st 2017 until June 29th 2018. This Work plan was a continuation of the efforts deployed by the members of the PSA Committee during the previous year.

On 15 September 2017, the PSA Committee received the Executive Council's comments on the proposed Work plan. The Executive Council confirmed that it agreed with the objectives set by the Committee. It was agreed that the Committee would work on the following points:

- The creation of a data base of in abstracto advisory opinions and to be made clear on the website.
- The creation of a section to be accessible on the website with certain hypothetical questions and scenarios and certain responses.
- The creation of a database/section on the ICCBA website (in the “members only “ area) of all publicly available advisory opinions and publicly available decisions of the disciplinary bodies of the ICC and other ICTs.

6. Summaries of the main achievements and activities of the Committee

A- Legal opinions and commentaries

- a- Commentaries on a document following a request from the Executive Council:

Following the request of the Executive Council, the Professional Standards Advisory Committee, and after taking note of Decision SDO-2017-18-DB of the Disciplinary Board of the International Criminal Court dated 6 September 2017 and concerning a Counsel on the ICC List of Counsel (who is not an ICCBA member), issued and endorsed jointly with the Executive Council on March 10th 2018 a Declaration on Obligations under the Code of

Conduct for counsel and Proposed Amendments thereto (related to acts of harassment and sexual harassment).

b- Commentaries on a document following a request from the Victims Committee

Following the Victims Committee's request, the PSA Committee submitted a list of observations on June 20th 2018, related to the VC's document on "Ethical Problems Arising in the Context of Victim's Representation".

B- Outreach

- The PSA Committee has communicated to the ICCBA Secretariat the Biographies of its members in two languages in order to be published on the ICCBA website.
- On February 27th 2018, the Chair of the PSA Committee has recorded at the ICC premises, an Introductory Video published on the ICCBA website on the Committee role in two languages.
- The participation of the Chair of the PSA Committee in the drafting and the launching of the Common Code of ethics for Counsel pleading before International Criminal Courts (Nuremberg code), launched in November 8th 2017 by the Defence international meetings in Nuremberg (Germany).

7. Recommendations

On the basis of all the above, the PSA Committee wishes to make the following recommendations:

- a- The ICCBA Secretariat should help logistically the PSA Committee in order to:
- create a dedicated ICCBA email address to which (non-urgent) requests for advisory opinions can be sent;
 - create a database of in abstracto advisory opinions;
 - create a dedicated searchable section of the ICCBA website containing all publicly available advisory opinions to be created;

- establish an emergency ethics hotline which counsel or staff could call in the event of an urgent professional conduct query.
- b- The PSA Committee should be consulted and invited, if appropriate, to participate in Outreach activities concerning ethical issues related to a particular Counsel pleading before the Court.
- c- The Executive Council should organize meetings between the PSA Committee and Counsel in order to explain to them the role of the Committee and to encourage them to contact the PSA Committee for help in the framework of its mandate.
- d- The PSA Committee should be invited to Outreach activities that take place at the premises of the Court, including visits and events organized by the Court to various audiences, including journalists, judges, students, senior officials, academics and others, in order to explain its role;
- e- The PSA Committee should be invited to participate in the official court ceremonies that include all the organs.
- f- It is crucial that the new elected Executive Council adopt a Circular to ensure the effective and the active participation of the elected members in the ICCBA Committees' works and meetings.

Respectfully Submitted on June 21st 2018.

Dr. Antonios ABOU KASM

Chair of the PSA Committee
On behalf of the PSA Committee