

NEWS RELEASE

INTERNATIONAL BAR ASSOCIATION the global voice of the legal profession

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IBA says States Parties must lead the way in strengthening and sustaining the ICC

In a report issued today, the **International Bar Association** (IBA) urges States Parties to the Rome Statute to take the lead in supporting and reinforcing the International Criminal Court (ICC) and the Rome Statute system. The IBA notes that while the ICC must continue striving to fulfil its mandate, States can and should do more to support the Court in order to realise the Rome Statute's vision of ending impunity for egregious crimes.

The report from the IBA/ICC Monitoring and Outreach Programme, *Sustaining the International Criminal Court: Issues for consideration at the 2010 Review Conference and beyond*, examines some of the challenges facing the ICC as preparations advance for the 2010 Review Conference in Kampala, Uganda. The IBA views the 2010 Review Conference as an important opportunity for States Parties to reiterate their unwavering commitment to the Court. The report highlights a number of components critical to sustaining the Court and ensuring its long-term success: robust governance and internal coordination; the cooperation of States Parties; and effective and efficient judicial proceedings.

Mark Ellis, IBA Executive Director, said: *'The signing of the Rome Statute was a landmark in the pursuit of international justice. The ICC has made great progress and is now a fully functioning institution; however, there remain a number of significant internal and external hurdles for the Court to overcome. The 2010 Review Conference offers a*

unique opportunity for States Parties to reaffirm their commitment to the ICC, and provide leadership in achieving the objectives of the Rome Statute.'

The IBA report makes a number of findings and recommendations concerning the challenges at the Court, the role of States Parties and the Review Conference including:

- There is an overlap in the respective management roles of the Assembly of States Parties and the Presidency of the Court. An effective mechanism needs to be devised for addressing disputed administrative or governance issues and care must be taken to ensure that policy decisions of the Assembly do not undermine judicial independence.
- Lack of internal coordination remains a challenge for the Court; there is a need for consistent dialogue between different organs of the ICC and genuine commitment to the 'One Court' principle, in order to ensure efficiency at the Court.
- The Assembly of States Parties must urgently address the reluctance of certain States to fully cooperate with the Court, particularly on matters relating to the defence. The IBA supports the establishment of a Working Group on Cooperation that is mandated to address specific challenges related to cooperation between the Court and States.
- While the Court must continue to strive for effective and efficient judicial proceedings, States Parties must also ensure that the Court is given the necessary resources to carry out its mandate.
- The success of the 2010 Review Conference will largely depend on effective advanced preparation as well as strong political support from States Parties. States should therefore set a realistic agenda of issues to be discussed at the Review Conference, allowing sufficient time for both specific amendments and a stocktaking of the Court's performance. There should also be a mechanism for following up on the issues raised during the Conference.

Click here to download the report *Sustaining the International Criminal Court: Issues for consideration at the 2010 Review Conference and beyond* from the IBA website at:

<http://www.ibanet.org/Document/Default.aspx?DocumentUid=3c77c783-4ee1-4eb8-bd28-8b0b80c6a1f2>

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Notes to the Editor

The Assembly of States Parties is the management oversight and legislative body of the International Criminal Court (ICC). It is established by the Rome Statute and composed of representatives of the States – currently 110 – that have ratified and acceded to the Rome Statute. Each State Party has one vote. States which have signed the Rome Statute may attend the meetings of the Assembly as observers.

The Assembly of States Parties decides by consensus or by vote. Issues before the Assembly of States Parties include the adoption of ICC normative texts and of the budget, as well as the election of the judges and of the Prosecutor and the Deputy Prosecutor. The Assembly has no competence to settle any disputes concerning the Court's judicial functions which are to be resolved by a decision of the Court itself.

The Presidency is composed of three judges of the Court, elected to the Presidency by their fellow judges, for a term of three years. The Presidency is responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor. However, the Presidency will coordinate and seek the concurrence of the Prosecutor on all matters of mutual concern.

Article 123 of the Rome Statute provides that seven years after the Statute enters into force, the Secretary General of the United Nations shall convene the first Review Conference to consider any amendments to the Statute. The review may include, but is not limited to, crimes contained in Article 5 of the Statute regarding crimes within the ICC's jurisdiction. The Review Conference is scheduled to be held between 31 May and 11 June in Kampala, Uganda.

Background to the IBA's ICC Monitoring and Outreach Programme

In October 2005, the IBA started its ICC Monitoring and Outreach Programme funded by the MacArthur Foundation.

The monitoring component follows and reports on the work and proceedings of the ICC, focusing in particular on issues affecting the fair trial rights of the accused; the implementation of the 1998 Rome Statute, the Rules of Procedure and Evidence, and related ICC documents, in the context of relevant international standards.

The outreach component of the programme works in partnership with bar associations, lawyers and civil society organisations disseminating information and promoting debate on the ICC in different jurisdictions across the globe. The IBA facilitates a proactive role for bar associations and lawyers in the implementation of the Rome Statute in key countries.

The programme produces an e-Magazine for lawyers as well as periodic reports detailing the key findings and recommendations which are made available to the Court, IBA members, civil society and the public at large. The IBA has a dedicated section on its website which contains full information on the ICC Monitoring and Outreach Programme, including programme descriptions, agendas and reports. Further information can be found at:

www.ibanet.org/humanrights/ICC_Monitoring_and_Outreach_Project.cfm

About the International Bar Association the global voice of the legal profession

The **International Bar Association** (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Its membership includes over 30,000 lawyers and nearly 200 bar associations and law societies spanning every continent. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London; regional offices are located in São Paulo, Brazil and Dubai, United Arab Emirates.

Grouped into two divisions – the **Legal Practice Division** and the **Public and Professional Interest Division** – the IBA offers its members access to leading experts and up-to-date information across all areas of legal practice and professional interest. Through a network of specialised committees, the IBA enables an exchange of information and opinions regarding laws, practices and professional responsibilities pertaining to the practice of law globally. High-quality publications and world-class conferences further provide unrivalled professional development and networking opportunities for legal practitioners and professional associates.

The IBA's **Bar Issues Commission** provides a forum for IBA member bar associations and law societies to discuss any matter relating to law at an international level.

The IBA's **Human Rights Institute** works to promote, protect and enforce human rights under a just Rule of Law, and to preserve the independence of the judiciary and the legal profession worldwide.

In partnership with the **Open Society Initiative for Southern Africa**, the IBA created the **Southern Africa Litigation Centre**, based in Johannesburg, South Africa, to promote human rights and the Rule of Law in Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe.

The IBA was instrumental in establishing the **International Legal Assistance Consortium** in Stockholm, Sweden. This global consortium of non-governmental organisations provides technical legal assistance to post-conflict countries.

Through a grant-funded project, the IBA also maintains an office in The Hague which manages the IBA's **International Criminal Court (ICC) Monitoring and Outreach Programme**. This office follows the work and proceedings of the ICC, focusing primarily on the fair trial rights of the accused and the manner in which the Rome Statute and other legal documents of the Court are implemented as well as promoting greater understanding of the work of the Court among the IBA membership network worldwide. It works in partnership with bar associations, lawyers and civil society organisations disseminating information and promoting debate on the ICC in different jurisdictions across the globe. The programme also produces a dynamic news magazine about the ICC called **Equality of Arms Review** or EQ which is available on the IBA website.

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