

INTERNAL DIRECTIVE FOR THE WORK OF ICCBA COMMITTEES

Section 1 – Scope

1. The Constitution of the International Criminal Bar Association (“ICCBA”) establishes several bodies and committees. The purpose of the present internal directive (“Directive”) is to provide guidelines in relation to the way these committees should interact with each other, the ICCBA Executive Council, the ICCBA General Assembly, ICCBA members, the International Criminal Court (“ICC”) and other third parties.
2. The Directive does not govern the internal functioning of each Committee, which each Committee is responsible to determine, in compliance with the ICCBA Constitution, the ICCBA Rules of Procedure adopted by the ICCBA General Assembly and the Directive.
3. The Directive also does not govern the submission by each Committee of its annual report to the General Assembly, pursuant to article 5 of the ICCBA Constitution.

Section 2 – Languages

1. Pursuant to article 1(4) of the ICCBA Constitution, the languages of the ICCBA shall be English and French. Each Committee is free to work and to address its reports and other deliverables in English and/or French, depending on its membership.
2. Where necessary and insofar as possible, the Executive Council may support the translation of final deliverables, such as annual reports or proposed amendments to ICC legal texts. The chairperson of each committee can address requests for translation into the other working language of the ICCBA to the Executive Council, which will determine whether and how such requests can be facilitated.
3. In so far as their membership and resources allow, committees are invited to provide deliverables in both working languages.

Section 3 – Interactions between ICCBA Committees

1. ICCBA committees may interact directly with each other as required for the efficient performance of their duties, e.g. the submission of proposals by the Defence or Victims Committees to the Legal Advisory Committee, pursuant to article 22 and 24 of the ICCBA Constitution.
2. Every time a deliverable is prepared in consultation between different committees, the committee submitting the final product to the Executive Council shall inform it of this consultation.

Section 4 – Interactions with the Executive Council

1. The chairpersons of each committee should report on a quarterly basis to the ICCBA President, through the Executive Council's Secretary, on the activities of their committee. Unless agreed otherwise, such reports should be submitted by the last day of each quarter.
2. Subject to the exceptions provided under sub-section 4(5) below, each committee shall address its final deliverables or correspondence to the Executive Council, through its Secretary, prior to any communication of such deliverables or correspondence to ICCBA members, to the ICC, to the Assembly of States Parties ("ASP") or to any other third parties.
3. For the purpose of this Directive, "deliverables" include but are not limited to outlines for trainings, reports, notes or memos on specific topics falling under the mandate of each committee as defined by the ICCBA Constitution, draft amendments or observations on draft amendments to ICC or ICCBA legal texts and any other work product on any medium which it is intended to disseminate to the ICCBA membership and/or public.
4. Sub-section 4(2) applies to deliverables prepared upon a specific request by the ICC, the Assembly of States Parties ("ASP"), Counsel or staff, like those referred to in articles 20(5) and 30(3) of the ICCBA Constitution.
5. Sub-section 4(2) above does not apply to:
 - a. Committees' annual reports submitted to the General Assembly pursuant to article 5 of the ICCBA Constitution;
 - b. Confidential advisory opinions delivered by the Professional Standards Advisory Committee pursuant to article 20(4) of the ICCBA Constitution;
 - c. Commentaries addressed by the Defence Committee or the Victims Committee to the Legal Advisory Committee pursuant to articles 22 and 24 of the ICCBA Constitution. The proposals prepared by the Legal Advisory Committee on the basis of such commentaries are addressed to the Executive Council pursuant to sub-section 4(2);
 - d. Acts performed by the Legal Advisory Committee in the representation of individual ICCBA members pursuant to article 28(1)(b) of the ICCBA Constitution. When the Legal Advisory Committee represents the interests of all or a group of ICCBA members, sub-section 4(2) applies; and
 - e. Decisions issued by the Membership Committees on individual cases pursuant to articles 31 to 33 of the ICCBA Constitution.

Section 5 – Interactions with ICCBA Members

1. ICCBA committees may interact directly with individual ICCBA members as required by the efficient performance of their duties including without limitation for consultation purposes.
2. ICCBA committees shall not address communications to all or a group of ICCBA members without the prior written authorization of the Executive Council in accordance with sub-section 4(2) above or of the President. Any such communication shall be copied to the President and the Secretary.

Section 6 – Interactions with the ICC, the ASP and other third parties

1. Subject to sub-sections 6(2) and (3) below, ICCBA committees shall not address communications to the ICC, the ASP or other third Parties (States, NGOs, International Organisations, Bar Associations, etc.) without the prior written authorization of the Executive Council in accordance with sub-section 4(2) above. Any such communication shall be copied to the President and the Secretary.
2. The ICCBA President may establish direct channels of communication between the ICC, the ASP or other parties and one ICCBA committee for the purpose of working-level interaction in connection with one specific project or topic. In this case, the Chairperson of the relevant committee, or any delegated member of this committee, may interact directly with the specific interlocutor designated by the other third party. Such channel of communication automatically disappears upon completion of the relevant task or project. The ICCBA President might also withdraw the authorization to communicate directly with the third party at any time. Direct communications with third parties authorized under this sub-section may not bind the ICCBA. Authorised chairpersons or their delegate shall be clear at all times with their interlocutors that they have no authority to enter into binding arrangements on behalf of the ICCBA or to represent the official views of the ICCBA.
3. The present section does not apply to interaction with the Offices of the Public Counsels.

Section 7 – Final Provisions

1. The Directive is adopted by the Executive Council of the ICCBA in accordance with article 9(6) of the ICCBA Constitution on 5 October 2016 and applies immediately.
2. Articles 20(3), 32 and 33 of the ICCBA Constitution apply in case of non-compliance with the present Internal Directive.
3. Pursuant to article 38(2) of the ICCBA Constitution, the present Internal Directive shall form part of the ICCBA Rules of Procedure once adopted by the ICCBA General Assembly.