

# **INTERNATIONAL CRIMINAL COURT BAR ASSOCIATION (ICCBA)**



**ANNUAL REPORT  
2024 - 2025**

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## ASSOCIATION INFORMATION

<b>Executive Council</b>	Philippe Larochelle, <i>President</i> Anand Shah, <i>Vice-President for Victims</i> Anta Guisse, <i>Vice-President for Defence</i> Audrey Mateo <i>Vice President for Support Staff</i> Natalie von Wistinghausen, <i>Secretary</i> Haneen Ghali, <i>Treasurer</i> Haydee Dijkstal Kate Gibson Megan Hirst
<b>Executive Director</b>	Dominic Kennedy
<b>Internal Auditors</b>	Emile Aoun Marie O’Leary
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## **INTRODUCTION BY THE PRESIDENT – SUMMARY OF ACTIVITIES OF THE ICCBA**

20 September 2025

I am delighted to present this Annual Report on behalf of the Executive Council of the ICCBA. This report provides an overview of the activities of the ICCBA during the 2024-2025 term. The Executive Council has met monthly and communicated regularly via email correspondence. The ICCBA continues to work on matters benefiting its membership, and I would like to provide you with the following overview of the current work and activities of the ICCBA.

### **Legal Aid and Taxation**

The ICCBA has continued its sustained engagement on legal aid reform and the taxation of defence and victims' team members throughout the year. The Association actively participated in Hague Working Group facilitation meetings, held bilateral discussions with over 70 States Parties, and provided extensive advocacy on the exemption of external team members from taxation under the Agreement on Privileges and Immunities of the ICC (APIC). The Joint Committee on Legal Aid (JCLA), met to discuss proposals including a fifth step in the salary scales, increases to remuneration, reimbursement of taxation, amendments to appointment letters, and measures to improve flexibility during reduced activity phases. Despite strong advocacy, States Parties decided not to recommend the implementation of the proposed 3% increase to the legal aid budget but the Registry has recommended the inclusion of a fifth step in the salary scale. In recognition of the importance of this work, Marie-Hélène Proulx was appointed as the ICCBA Focal Point on Legal Aid and Taxation to strengthen the Association's coordination and outreach and we are grateful for her dedication.

### **23rd Session of the Assembly of States Parties**

The 23rd Session of the ASP was held in The Hague in December, where the ICCBA President addressed the Assembly to highlight concerns about the sustainability of legal aid, the taxation of external team members, and the importance of ensuring that counsel and their teams are supported in delivering high-quality representation. The ICCBA organised a well-attended side event on proceedings in absentia, featuring representatives from States Parties, the Court, and defence counsel, and held multiple bilateral meetings with delegations to advocate for improvements to the legal aid system and a resolution to the taxation issue.

### **Representation of the Legal Profession During Events**

The ICCBA continued to represent counsel and their teams at key ICC events. The President delivered remarks at the Opening of the Judicial Year in January and participated in the NGO Roundtable at the ICC in June. ICCBA representatives regularly attended meetings with the ICC Presidency and Registrar to raise concerns affecting the defence and victims' teams and to provide feedback on proposed reforms. ICCBA members also participated as speakers at a wide range of conferences and bar association events, reinforcing the ICCBA's role as the collective voice of the profession.

This year also saw the ICCBA host and participate in numerous events. In October, the Association hosted the launch of the English edition of the *Manual on Restorative Transitional Justice* in partnership with the United States Institute for Peace and the Special Jurisdiction for Peace of Colombia. Other key activities included a panel discussion on the role of defence and victims' teams during a Hague Working Group meeting and side events during the ASP. The President also travelled internationally, with outreach visits to bar associations, including in Japan and South Korea to explore affiliation agreements and raise awareness of the ICCBA's work. These initiatives reflect the ICCBA's commitment to promoting dialogue and collaboration between criminal law practitioners worldwide.

### **Appointment of New Working Groups**

The Executive Council established a new Working Group on Gender Diversity and Sexual and Gender-Based Violence, adding to the ICCBA's existing working groups on Artificial Intelligence, Detention Issues, Duty of Care, Ecocide, and Legal Aid and Taxation. These working groups have been active in organising webinars, drafting reports, and providing recommendations for reforms on their respective topics, ensuring that the ICCBA remains a thought leader on issues affecting international criminal justice practitioners.

### **Appointment of Regional Focal Points**

The ICCBA appointed new Regional Focal Points. Dr. Justry Lumumba Nyaberi was appointed for African States, Joel Ruiz Butuyan for Asia-Pacific States, Ilya Novikov for Eastern European States, Alfredo Romero for Latin American and Caribbean States, and Regina Weiss for Western European and Other States. These focal points have played a key role in supporting outreach and engagement with counsel and bar associations worldwide.

### **Affiliation Agreements**

The ICCBA strengthened its network of partnerships this year by signing new affiliation agreements with the Paris Bar, the Naples Bar and the European Circuit building on its long-standing relationships with national and regional bar associations. Further discussions are underway with other bar associations around the world to expand collaboration and advocacy efforts.

### **US Sanctions**

The ICCBA has strongly condemned the expansion of sanctions imposed on ICC judges and staff. Public statements were issued to reaffirm the independence of the Court and the legal profession. The ICCBA leadership also held meetings with the Registrar to ensure that Defence and Victims' teams were kept informed of potential consequences for external counsel and their staff. The Association will continue to closely monitor developments and provide updates to members as needed.

### **Training**

Training and professional development remained a priority for the ICCBA throughout the year. Highlights included webinars on advocacy skills, proving international crimes, and addressing discrimination and harassment at the ICC. The Training Committee also organised a comprehensive session on Rule 74 Counsel, practical exercises on digital evidence, and

outreach events with universities and bar associations to promote careers in international criminal law. The Training Committee also held a three day course for lawyers in Indonesia on the ICC and advocacy before the Court. The ICCBA continued its close partnership with the Counsel Support Section, contributing to the annual Counsel Seminar and other professional development opportunities.

### **Social Events**

The ICCBA held several social gatherings in The Hague, including a successful year-end event following the ASP session. These gatherings provided a valuable opportunity for members to connect informally. The Executive Council continues to explore ways to engage members located outside The Hague through hybrid events and online networking opportunities.

The Executive Council would like to express its sincere appreciation to all ICCBA members, committee members, working group participants, and regional focal points for their hard work and dedication over the past year. The ICCBA remains a unique and diverse organisation representing counsel and their teams before the ICC. Through continued collaboration, advocacy, and outreach, the Association will continue to champion the independence of the legal profession, strengthen support for defence and victims' teams, and ensure the ICCBA's position as a vital partner in the international justice system. I look forward to continuing to work with all members over the next year.

Best wishes,

Philippe Larochelle  
President  
ICCBA

## **I. AIMS AND OBJECTIVES**

The objectives of the ICCBA are:

1. To support the functions, efficiency and independence of Counsel practising before the ICC;
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”);
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.



<p><b>DEFENCE COMMITTEE</b> <b>Committee Members</b></p> <p>Iain Edwards (Chair) Hassan Alhattab Elisabetta Galeazzi Justry Lumumba Nyaberi Nkomu Mabaso Idenyemih Stela Omiyi Ana Tuiketei</p> <p><b>Annual Report</b> See Annex A</p>	<p><b>VICTIMS COMMITTEE</b> <b>Committee Members</b></p> <p>Haydee Dijkstal (Chair) Yaré Fall Megan Hirst Jessica Lescs Kimberley Motley Anand Shah Regina Weiss</p> <p><b>Annual Report</b> See Annex B</p>
<p><b>COUNSEL SUPPORT STAFF COMMITTEE</b> <b>Committee Members</b></p> <p>Florent Pages-Granier (Chair) Sabrine Bayssat Eva Kalb Abbas Poorhashemi Hélène Raïs Kelsey Ryan Barbara Szmatala</p> <p><b>Annual Report</b> See Annex C</p>	<p><b>PROFESSIONAL STANDARDS ADVISORY COMMITTEE</b> <b>Committee Members</b></p> <p>Yaré Fall Elisabetta Galeazzi Dragan Ivetic Juan Carlos Manríquez Victor Tsilonis (resigned August)</p> <p><b>Annual Report</b> See Annex D</p>
<p><b>LEGAL ADVISORY COMMITTEE</b> <b>Committee Members</b></p> <p>Giovanni Chiarini Astrid Odete Escobedo Barrondo Juan Carlos Manríquez Audrey Mateo James Onalaja</p> <p><b>Annual Report</b> See Annex E</p>	<p><b>TRAINING COMMITTEE</b> <b>Committee Members</b></p> <p>Mylène Dimitri (Chair) Jason Antley Mélima Beaulieu-Lussier Dignité Bwiza James Onalaja</p> <p><b>Annual Report</b> See Annex F</p>

<p><b>AMICUS COMMITTEE</b> <b>Committee Members</b></p> <p>Aurélie Berthet (Chair) Jean-Claude Antonetti (resigned in March) Dignité Bwiza Giovanni Chiarini Ahmed Zuhair Bajalan</p> <p><b>Annual Report</b> See Annex G</p>	<p><b>ARTIFICIAL INTELLIGENCE WORKING GROUP</b></p> <p>Hélène Raïs (Chair) Marina Aksenova Jason Antley Maya Avci Charles Chua Haneen Ghali Toks Hussain</p> <p><b>Annual Report</b> See Annex H</p>
<p><b>CODE OF CONDUCT WORKING GROUP</b></p> <p>Anand Shah (Chair) Iain Edwards Michael Herz Marie O'Leary</p> <p><b>Annual Report</b> See Annex I</p>	<p><b>DETENTION ISSUES WORKING GROUP</b></p> <p>Iain Edwards Despoina Eleftheriou Philippe Larochelle Barbara Szmatala</p> <p><b>Annual Report</b> See Annex J</p>
<p><b>DUTY OF CARE WORKING GROUP</b></p> <p>Abigail Bridgman Haydee Dijkstal Fiona McKay Evelyne Ombeni Caroline Walter</p> <p><b>Annual Report</b> See Annex K</p>	<p><b>ECOCIDE WORKING GROUP</b></p> <p>Regina Weiss (Chair) Drazen Plavec Juan Carlos Manriquez Kimberley Motley Javier Ruiz</p> <p><b>Annual Report</b> See Annex L</p>

## **II. FINANCIAL UPDATE**

### **A. Accounts Receivable**

The ICCBA has been successful in collecting Membership Dues. From 28 September 2024 to 22 September 2025 a total of € 34,840.68 has been received in membership fees.

The ICCBA has a total membership of 330 and the following in each membership category:

- 185 Full Members
- 77 Associate Members
- 68 Affiliate Members

### **B. Balance Sheet**

The ICCBA currently has assets in the bank account amounting to €25,320.06.

*See attached Annex M.*

### **C. Profit and Loss**

A full account of the income and expenditure for the year from 28 September 2024 to 22 September 2025, please see Annex N.

### **D. Proposed Budget 2025-2026**

Annex O contains two budget proposals for 2025-2026 based on an estimation of income and predicted expenditure.

**Defence Committee Annual Report 2024-2025**

No Report Provided

## Victims Committee Annual Report 2024-2025

### ICCBA Victims Committee 2024-2025 term

#### Committee Report for the ICCBA General Assembly 2025

During the 2024-2025 term, the Victims Committee (VC) included the following members:

Anand Shah  
Haydee Dijkstal (Chair)  
Jessica Lescs  
Kimberley Motley  
Megan Hirst  
Regina Weiss  
Yare Fall

The Committee met several times during the term. It addressed the following issues and worked on the following projects:

1. **List and contact information of active LRV's and Victims' teams:** The VC continued its ongoing work to connect with active LRVs as well as victim team members and to create an ICCBA internal contact list to assist with facilitating communications and coordination between professionals working with victims. The VC reactivated another round of contacts to all ICCBA members seeking to connect with those actively working with victims. The survey asked questions about the constitution of teams actively working before the ICC on victim cases, in which situation or case the work was being conducted, the stage of proceedings, and an email address for a contact point. The ongoing list will continue to be confidentially held by the ICCBA, and it is hoped that the next VC continues to monitor and include any colleagues who are new to this work or who haven't been included on the list.
2. **LRV and Victims Legal Team members dialogue, communication and support:** A primary goal for the VC during the 2024-2025 term was to continue efforts for communication between VC and LRVs / Victims teams, while fostering greater collaboration, support and community between victim's counsel and teams.
  - One identified project for approaching this was the 'Victims Committee Office Hours' project that was initiated during the 2023-2024 term. The goal of the office hours was to provide a confidential and safe space to connect with other professionals actively working on victims cases, particularly before the ICC. During the 2024-2025 term, an office hours session was held on 12 December 2024. While the launch of the 'Office Hours' project received initial interest and attendance, the VC noticed that attendance at the scheduled time progressively decreased. The VC therefore engaged in conversations about the best method for cultivating and providing a space for LRVs to connect and exchange ideas which would promote maximum engagement and be more useful for those attending and planning the sessions.

3. **Trainings and events:** The VC's workplan had the goal of organising and conducting trainings or lectures during the term.

- **Planning for training series:** The VC originally contemplated stand-alone webinars or trainings on various topics concerning the representation of victims or wellness for professionals working in this space. The VC further discussed that consistent questions the members received from both ICCBA members and contacts working with victims outside the ICCBA membership concerning basic principles for victim representation and advocacy before the ICC. Ultimately the VC spent time discussing and planning a training series to focus on these topics. The VC agreed that the training series should first involve the following:

- 1) **Basic Principles session:** a webinar which covers basic principles to victim participation and representation, including an introduction to the legal framework of the ICC for victim participation and discussion on initial steps to victim representation, including forms, contact and communication with various parts of the ICC, such as the VPRS, OTP, OPCV, Court Management etc. In order to be more inclusive, it was discussed that the webinar would be in English and presented by two speakers/ trainers (at least one being a VC member), and that a second session would be repeated for another date in French.
- 2) **Advanced advocacy session:** a follow up webinar to the basic principle sessions, which would explore more advanced topics on victim representation at the Court, such as written and oral advocacy during proceedings, how to work with large numbers of victims, engaging with the Prosecution, etc. Like the first session, it was envisioned that this session would involve speakers/ trainers, and would be given twice on separate dates – in English and French.

Although the VC was not able to move this training series forward, it is recommended that the next VC consider taking this plan forward.

**Recommendations:**

1. Continue the ongoing initiative to grow the list of active LRVs and victims team members in order to maintain a confidential updated list – through additional and periodic surveys to the ICCBA membership - which will assist with facilitating an outlet and safe space for LRVs and teams to connect and seek support.
2. Consider the continuation of the 'Victims Committee Office Hours' project to provide space for LRVs and team members to connect and seek support, but consider how this project might best promote engagement and participation.
3. Continue to facilitate trainings and learning events which address issues that the LRVs and victim teams currently confront, and in doing so, consider continuing and planning the training series on basic principles for victim representation and advanced advocacy.

## **COUNSEL SUPPORT STAFF COMMITTEE**

### **Annual Report 2024-2025**

ICCBA Annual Report  
Counsel Support Staff Committee  
2024-2025

#### **I. INTRODUCTION**

With the present report, the Chair of the Counsel Support Staff Committee ('CSSC') of the International Criminal Court Bar Association ('ICCBA') presents the Committee's work during its mandate.

#### **II. WORK PLAN**

In October 2024, the CSSC submitted its work plan which outlined the following tasks :

- 1) Update of the "welcome package" published two years ago by the CSSC committee;
- 2) Contribute to the implementation of LAP reform ;
- 3) Prepare training for Support Staff ;
- 4) Outreach to the Support Staff for determination of issues that need to be addressed;
- 5) Clarify the role of the ICC Ombudsman for Support Staff ;
- 6) Assist the President and Executive Council ('EC') regarding any action concerning Support Staff labor rights.

#### **III. REPORT ON CSSC ACTIVITY**

##### **a. On the issue of taxes**

The CSSC received information of several Support Staff on pressing issues as regard their situation regarding taxes, as well as the lack of information on the current advancement of the discussions with the Host State and other State Parties on the issue of taxes.

The CSSC wrote to the Registry and organized a meeting with the Director of the Division of Judicial Services where Support Staff were able to discuss specific issues and obtain updates on the discussions regarding the taxation of remuneration.

The CSSC shared that information with all Support Staff and followed-up with the Registry regarding various commitments made during this meeting.

##### **b. On the issue of US Sanctions**

External Support Staff, like all individuals working at the ICC, expressed their concern following the issuance of sanctions on the Court by the United States of America.

Faced with the compartmentalization of information, with external Support Staff being excluded of information meetings held for staff, the CSSC intervened directly with the Registrar during one of such meetings to ask for more openness on this issue.

In addition to the work being conducted on its side by the ICCBA EC, this led to the organization of a specific information meeting for External Parties, including Support Staff.

c. On the disciplinary proceedings in 2025

Several members of the CSSC followed the disciplinary hearings of one Defence Counsel held in 2025, accused, and subsequently convicted (appeal pending), of harassment at work.

The CSSC informed various Support Staff who were unable to follow those proceedings of its development.

The CSSC also wrote to the Public Affairs Unit of the Court in order for the “Règlement de Procédure du Comité Consultatif de Discipline” to be publicly accessible to all interested parties. Further to exchanges with the Public Affairs Unit, the document is now accessible at the following link : <https://www.icc-cpi.int/publications/administrative-issuances/rules-procedure-disciplinary-advisory-board>

d. Updating of the “Welcome Package”

The CSSC undertook some work on the updating of the Welcome Package and will endeavor to provide, by the end of its mandate, to CSS a revised version that can be provided to all new Support Staff upon their designation in a Victims or Defence team.

e. “House Keeping”

The CSSC organized a small collect of funds on the Defence floor of the ICC for “house keeping” purposes.

One member of the CSSC subsequently bought for the Defence floor various basic items for the communal kitchen.

f. Priorities of Support Staff for the future

The CSSC prepared a questionnaire designed to identify the specific needs of Support Staff of the Court, in particular as regard to the topic of trainings.

The questionnaire will be sent to the Support Staff by the end of the mandate of the present CSSC. Answers will be provided to the next CSSC for appraisal.



**PROFESSIONAL STANDARDS ADVISORY COMMITTEE REPORT 2024-2025**

**Legal Advisory Committee  
Annual Report 2024-2025**

**Legal Advisory Committee Draft Annual Report 2024/25 Term**

***Committee Members:***

*Giovanni Chiarini*

*Astrid Escobedo*

*Juan Carlos Marinquez*

*Audrey Mateo*

*James Onalaja (Chair)*

**[English]**

The Legal Advisory Committee (LAC) hereby submits to the ICCBA Executive Council and the full ICCBA membership, the following annual report for the LAC's 2024 – 25 term.

1. The LAC held two meetings remotely during its term of office, and further remained in regular contact by electronic means on a variety of issues impacting the ICC, ICCBA and the LAC.
2. The LAC instigated a dialogue with the newly Elected Representative for Counsel with the Advisory Committee for Legal Text (ACLT) to reinforce the LAC availability and willingness to assist with the review of any proposed amendments to the legal texts and proposing recommendations. There were no proposals forth coming from the ACLT during this LAC term.
3. The LAC met to consider, and through its chair and membership, further maintained contact with other committees, particularly the Counsel Support Staff Committee to explore any necessity or opportunity for proposing amendments to

the legal texts, in light of recent allegations of harassment and bullying within the court and the disciplinary investigations and Board decisions re the same.

4. The LAC particularly noted the unsatisfactory nature of the inability to locate copies of the decisions of the relevant disciplinary boards in a timely fashion, in order to fully understand the relevant criticism and issues and thus inform any consideration of a need to amend the current legal text, and the lack of any detail in the appeal board decision re the factual findings. The LAC observed the need for timely publication of fact-finding decision post the exhaustion of appeal avenues.
5. From the limited information available to the LAC, it was observed that even where the current codes of conduct for defence and prosecution counsel respectively could be said to have been capable of regulating the behaviour of counsel in the instant cases, consideration will need to be given to whether these codes can be said to have been inadequate in a wider context, especially in the regulation of all other case team members.
6. The LAC observed that with respect to regulating behaviour of members of the defence teams not covered by the current code, it appears that there was an intention that they be covered by the ICC Administrative Instruction (AI) on addressing discrimination, harassment and abuse of authority as per para 3.2 which envisages that “non-staff personnel who are alleged to have engaged in prohibited conduct may also be subject to action consistent with the terms and conditions of the contract governing their relationship with the court”. Members observed that this raises the question: to what extent are the current contracts of the defence team members made subject to the terms of the Administrative Instruction, and to what extent are these enforceable? The LAC membership agreed that this will need to be understood prior to any proposal of amendments/updates to the relevant ICC legal texts.

7. The LAC observed that the duty of care and code of conduct working groups are understood to be currently and respectively working on proposing updates to the code of conduct of counsel and the general duty of care for members of defence teams. It was agreed that the LAC will wait to receive the report(s) of the duty of care et al working groups and seek thereafter to provide input on the proposals, in order to prevent duplication of work.
8. The LAC further considered whether the current disciplinary procedures rules and arrangements at the ICC risks creating a situation of double jeopardy where disciplinary proceedings are brought against ICC counsel both in their domestic jurisdictions and also at the ICC for the same alleged conduct, with a risk that each set of proceedings may reach different conclusions depending on the applicable rules in the relevant jurisdiction. The LAC discussed whether there ought to be a proposal to amend the disciplinary procedural rules to introduce complementarity and prevent ICC disciplinary procedures against counsel when domestic professional disciplinary bodies have issued proceedings re the same alleged conduct.
9. Whilst there was no consensus on this issue within the LAC, it was noted in the alternative that in light of the fact that different domestic jurisdictions have different rules and codes of conduct which may themselves be different to the ICC rules, and counsel can be admitted to the bar/lists of counsels within different jurisdictions, it is arguable that it should be a matter for each jurisdiction's disciplinary bodies to consider and determine whether a specific conduct by the said counsel amounts to a breach under their rules and to take appropriate measures which will only be applicable in the relevant jurisdiction.

Dated 12<sup>th</sup> September '25

**Training Committee  
Annual Report 2024-2025**

***Please find setout below the details of the activities and training organised by the Training Committee during the 2024-25 term.***

***1. Indonesian Bar and Dispute Board Presentation (Webinar on the ICC)***

Date: 13 June 2025

Format: Online webinar

Participants: Over 50 members of the Indonesian Bar and representatives of the Indonesia Dispute Board Education Foundation

Speakers: Mylène Dimitri and Jason W. Antley

Content: Overview of the mandate, structure, and functioning of the ICC.

Substance:

- Warrant of arrest procedure and state cooperation.
- Responsibilities during the trial, pre-trial, and arrest warrant phases.
- Conduct of cross-examination.
- Presentation of evidence compared to national systems.
- Importance of investigation strategies in case-building.

Impact: Well-attended, with strong participant engagement and active Q&A.

***2. Indonesian Bar Training***

Date: 22-24 August 2025

Format: Interactive online training

Participants: More than 25 lawyers and academics from Indonesia and Cambodia from Indonesia Dispute Board Education Foundation participated.

Speakers: Janson W. Antley, Mélissa Beaulieu Lussier, James Onalaja

Content: Structural and legal overview of ICL and ICC, including key courts and cases; ICC RPE; role of defence counsel and victim counsel; investigations; conducting trial advocacy including direct examination and cross examination of witnesses, with practical exercises and feedback.

Note: This training builds on the June webinar, providing further practical engagement with ICC procedure.

***3. Rule 74 Training***

Dates: 3–4 April 2025 (to accommodate members from different time zones)

Format: Four bilingual sessions (French and English in both morning and afternoon)

Content: Protection of witnesses and the application of Rule 74 of the Rules of Procedure and Evidence.

Speakers:

- French sessions: Anta Guissé and Cyril Laucci, with a presentation by Dignité Bwiza.

- English sessions: Mylène Dimitri and Sarah Bafadehl, with a presentation by Melissa Beaulieu.

Substance:

- Presentations on Rule 74 and its practical application.
- Moot case exercises simulating Rule 74 scenarios.
- Live feedback by ICC counsel on advocacy, compliance, and witness handling.

Impact: Participants gained practical understanding of self-incrimination issues and witness examination under Rule 74.

#### ***4. Advocacy Skills Training***

Date: 25 June 2025

Format: Bilingual (separate sessions for French and English groups)

Content: Oral advocacy skills, focusing on examination-in-chief and cross-examination.

Speakers:

- French session: Vincent Courcelle Labrousse.
- English session: Eugene O’Sullivan.

French Session:

- Duration: 1h55 (75 minutes in practice).
- Topics: Building on prior experience as an attorney; learning new skills unique to ICL; challenges in international courts (administration, language, courtroom settings); building defence teams, identifying experts and witnesses.
- Additional: Recommended two cross-examination books for civil law practitioners.
- Q&A: Three written questions (prior statements, public statements, assignment of counsel).

English Session:

- Topics: Orientation in court; importance of legal tradition; interpretation; role of personality and professional experience; client interaction; building defence teams; developing a case theory.
- Q&A: Five oral questions (cross-examination, judges, interpretation, gaining experience, breaking into ICL) and three written questions (prior statements, public statements, assignment of counsel).

Impact: Both sessions offered practical and strategic insights, equipping participants with tools for advocacy before international courts.

#### ***5. Book Talk – Professor Yvonne McDermott on Evidence***

Planned Date: 27 November 2024

Format: Online lecture and discussion

Speakers: Professor Yvonne McDermott, with honored participation of Judge Joanna Korner.

Content: Latest book on evidence in international criminal proceedings.

Discussion Points:

1. Categorization of evidence, including challenges in organizing social media evidence.
2. Criteria for assessing oral witness credibility versus social media evidence.
3. Risks of overwhelming trial records with large amounts of social media/open-source evidence, and strategies for managing overload.
4. Impact of social media evidence on traditional evidentiary approaches.

Impact: Bridged academia and practice, offering insights into evolving evidentiary challenges.

## Amicus Committee Annual Report 2024-2025

**International Criminal Court Bar Association (ICCBA)**

**Amicus Curiae Committee**

**Annual Report – 2024-2025 Term**

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**Committee Members:**

- Jean-Claude Antonetti (until his resignation)
- Aurélie Berthet, Chair
- Dignité Bwiza
- Giovanni Chiarini
- Ahmed Zuhair Bajalan

**To the attention of the ICCBA Executive Council**

**For information and presentation to the ICCBA General Assembly**

Subject: Activity Report of the Amicus Curiae Committee for the 2024-2025 Term

Mr President, Distinguished Members of the Executive Council, Esteemed Colleagues,

In my capacity as Chair of the ICCBA Amicus Curiae Committee, and on behalf of its members, I hereby submit the present Activity Report for the 2024-2025 term. This document provides an account of the work undertaken, the challenges encountered, and the perspectives for the Committee's future development, in line with our mandate and the expectations of the International Criminal Court (ICC).

**1. General framework and initial objectives**

The Amicus Curiae Committee, pursuant to Section XVI of the ICCBA Statutes and Articles 103 of the Rules of Procedure and Evidence, 68(3) and 75(3) of the Rome Statute, is mandated to provide specialised legal expertise to the ICC. Our role is to submit or coordinate the preparation of amicus curiae briefs, in order to assist the Court on complex legal issues or questions of law requiring in-depth analysis.

At the outset of its mandate, the Committee set itself an ambitious work programme, as outlined in our Letter of Intent dated 21 October 2024. Our priorities were:

- To strengthen the Committee's legal contribution to the ICC, by proactively identifying cases in which our intervention could prove decisive;
- To conduct a strategic reflection on the role, legitimacy, and effectiveness of the Committee, with a view to adapting our work to the evolving landscape of international criminal law;
- To standardise and professionalise the drafting of amicus curiae briefs, through the development of a harmonised format in line with international standards;
- To collaborate closely with other ICCBA bodies and with the ICC, so as to align our activities with the Court's needs.



## 2. Activities and achievements

### 2.1.Introspection and legal analysis

From its establishment, the Committee initiated a process of introspection aimed at assessing our ability to meet the expectations of both the ICC and the ICCBA. This reflection focused on:

- The impartiality and expertise required for our interventions;
- The relevance of our role in the current international legal landscape;
- The strengths and weaknesses of our institution, including comparative analysis of *amicus curiae* practices in other international jurisdictions.

This analysis has allowed us to identify areas for improvement, particularly in terms of internal coordination and dialogue with the Court, but further work is required to complete this exercise.

### 2.2.Organisational difficulties and practical constraints

It must unfortunately be noted that the Committee faced major logistical challenges during the 2024-2025 term:

- The inability to convene full plenary meetings in person, with most of our exchanges taking place electronically or in informal meetings between certain members;
- The resignation of an active member, whose professional obligations no longer allowed him to reconcile his duties with his commitment to the Committee. This departure affected the continuity of our work and limited our ability to carry certain initiatives forward.

These constraints undeniably restricted the scope of our activities, but they did not diminish our determination to pursue our mission.

### 2.3.Request for leave to file submissions under Rule 103

The Committee received only one request for leave to file submissions under Rule 103, in late July 2025. This request was handled with the required diligence and rigour, demonstrating the Committee's capacity to meet expectations. However, the limited number of requests remains insufficient to properly assess the Committee's impact. The persistently low level of solicitations raises concerns regarding the visibility of the Committee and the optimal use of its expertise.

## 3. Critical Assessment and Recommendations

### 3.1.Assessment of the 2024-2025 Term

The 2024-2025 term was characterised by:

- Limited activity but a significant strategic reflection, opening perspectives for the Committee's evolution and reinforcement;
- Sustained internal dialogue despite logistical constraints, and active preparation for future work;
- A reaffirmation of the need to strengthen cooperation with the ICC and with other ICCBA bodies.

### 3.2. Recommendations for the 2025-2026 Term

In light of this assessment, the Committee makes the following recommendations:

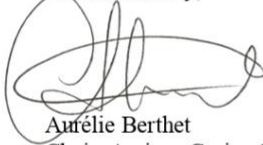
- To strengthen the holding of plenary meetings, either in person or by videoconference, in order to ensure improved coordination and collective decision-making;
- To develop partnerships with academic institutions and non-governmental organisations, in order to identify emerging legal issues and broaden our expert network;
- To establish training programmes for Committee members, focusing on amicus curiae brief-writing techniques and current trends in international criminal law;
- To explore the possibility of allocating a specific operational budget to the Committee, thereby providing the necessary resources to fulfil its mandate (research tools, administrative support, organisation of workshops, etc.);
- To continue reflecting on the very essence of the Committee, in order to better respond to the needs of the ICC.

### 4. Conclusion

The 2024-2025 term was marked by organisational challenges and limited activity, but also by a valuable reflection on the future of the Amicus Curiae Committee. We remain fully committed to strengthening our contribution to international criminal justice and to establishing the Committee as a key actor in the analysis of complex legal issues.

We thank the Executive Council for its support and look forward to discussing the next steps arising from this report.

Yours faithfully,



Aurélie Berthet  
Chair, Amicus Curiae Committee  
International Criminal Court Bar Association (ICCBA)

## Artificial Intelligence Working Group Report Annual Report 2024-2025

# Annual Report to the ICCBA General Assembly – 26.09.2025

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[Working Group on Artificial Intelligence (the “WG-AI”)]

### 1. Introduction

During the reporting period, the WG-AI has maintained its commitment to addressing emerging challenges at the intersection of technology and international criminal law (ICL). While the scope of our activities was limited, the initiatives undertaken engaged with matters of considerable legal and policy significance, namely cyber-enabled crimes under the Rome Statute and the implications of artificial intelligence (AI) in both civilian and military contexts.

### 2. Activities Undertaken

#### 2.1 Position Paper on Cyber-Enabled Crimes and the Rome Statute

The WG-AI presented a Position Paper examining the *Draft Policy on Cyber-Enabled Crimes*, particularly its inclusion of AI-facilitated conduct within the Rome Statute framework. The paper included recommendations designed to ensure conceptual clarity and prosecutorial feasibility with respect to emerging technologies.

#### 2.2 Survey on AI and International Criminal Law

The WG-AI is launching a survey designed to identify the challenges posed by AI within the day-to-day work of practitioners in the field of ICL. The survey seeks to capture practical concerns and experiences that may inform both legal interpretation and institutional preparedness.

#### 2.3 Preparatory Work for Webinar on AI in Military Operations

Preparations are underway for a webinar entitled “Artificial Intelligence in Military Operations: Liability under International Criminal Law”. The webinar will provide a forum for expert discussion on accountability mechanisms in cases involving AI-enabled targeting and decision-making processes. Among the featured speakers will be the authors of the recent SIPRI report on *Bias in Military Artificial Intelligence and Compliance with International Humanitarian Law*<sup>1</sup>.

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<sup>1</sup> <https://www.sipri.org/publications/2025/other-publications/bias-military-artificial-intelligence-and-compliance-international-humanitarian-law#:~:text=Drawing%20from%20insights%20gained%20during%20an%20expert%20workshop,AI%E2%80%99%20refers%20to%20and%20what%20its%20causes%20are.>

### 3. Recommendations from the Position Paper

The WG-AI's recommendations on cyber-enabled crimes and AI in ICL are summarised as follows:

- A. Establish a clear conceptual distinction between AI-related offences and cybercrime.
- B. Develop a framework addressing attribution, mental element and modes of liability, particularly in relation to semi-autonomous and opaque AI systems.
- C. Ensure evidentiary safeguards to assess the reliability of AI-generated or manipulated evidence.
- D. Define the role and scope of state-sponsored actors and hacktivist groups within the ICL framework.
- E. Provide training for Defence counsel and Victims' representatives on AI and cyber-related matters.
- F. Recognise AI-facilitated crimes as potential standalone offences.
- G. Introduce a protocol or advisory body to evaluate partnerships involving AI technologies.
- H. Clarify the exercise of proprio motu investigative powers in cases involving AI.
- I. Incorporate an intersectional harm analysis recognising the heightened vulnerabilities of marginalised groups.

### 4. Reflections from External Research

In the context of our forthcoming webinar, attention is drawn to the recent study by the Stockholm International Peace Research Institute (SIPRI), *Bias in Military Artificial Intelligence and Compliance with International Humanitarian Law*. This work, presented by experts who will join our webinar, highlights the legal and humanitarian implications of bias in AI-enabled military systems, notably in relation to the principles of distinction, proportionality and precaution under IHL.

The study was first introduced to the WG-AI during a previous webinar, and we look forward to continuing the dialogue in the upcoming session.

### 5. Outlook

In the forthcoming year, the WG-AI will continue to prioritise research and dialogue on the implications of AI and cyber technologies for international criminal accountability. The next steps on our agenda include:

- Gathering and analysing the results of the survey in order to prepare a detailed report for submission to the Executive Council, with a view to shaping the ICCBA's future initiatives.
- Setting a date and programme for the webinar on Artificial Intelligence in Military Operations.

Through these efforts, the WG-AI seeks to contribute meaningfully to international discussions on technological developments and their impact on accountability under the Rome Statute.

## Code of Conduct Working Group Report Annual Report 2024-2025

**Members:** Iain Edwards; Michael Herz; Marie O'Leary; Anand Shah; Victor Tsilonis

**Mandate:**

The Working Group on the Code of Conduct is mandated by the ICCBA Executive Council to examine and consult on the ICC legal framework governing protection from Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority (“prohibited conduct”), in relation to members of external Defence and Victims teams acting before the ICC. The Working Group is further tasked with developing proposals, for the consideration of the Executive Council, on the amendment of the Code of Professional Conduct for counsel (“Code of Conduct”), the 2022 ICC Administrative Instruction addressing prohibited conduct, and other components of the relevant ICC legal framework in this subject area.

**The activities of the Working Group during the 2024-2025 term:**

- The Working Group continued discussing and seeking to refine detailed proposals for amendment of the Code of Conduct developed by previous iterations of the Working Group, as well as considering wider possible amendments to the ICC legal framework in this subject area.
- On 9 July 2025, members of the Working Group participated in a two-hour information session organised by the ICCBA at the ICC for external counsel and members of their teams focused on the ICC’s legal framework in the area of prohibited conduct. A member of the Working Group gave a one-hour presentation detailing the content and evolution of the ICC’s applicable legal framework in this area, as well as shortcomings and gaps in the legal framework *vis-à-vis* members of external teams. Presentations and interventions were also made by representatives of the Office of Public Counsel for Defence, the Registry’s Counsel Support Section, and the ICC’s Ombudsperson.

**Recommendations:**

- The Working Group offers the following recommendations to the next Executive Council and to the ICCBA’s membership for the 2025-2026 ICCBA term, in respect of a plan of action for the ICCBA on this important subject:
  - Continue developing and refining proposals for amendment of the ICC’s relevant legal framework, for submission to the Registry, and, where required, the States Parties, during the 2026 calendar year, to establish a more comprehensive, equitable, and effective system governing the conduct of external team members in relation to prohibited conduct, and protecting team members from such conduct.
  - Continue informing legal team members, and publicizing, the ICC’s relevant legal framework in relation to prohibited conduct, including available avenues to address such conduct.
  - Liaise and work with the Registry, ICC Ombudsperson, ICC Focal point on Gender, OPCD, and other relevant actors at the ICC, to provide training to, and greater support for, external legal team members in the context of preventing and addressing prohibited conduct.

## **Detention Working Group Report Annual Report 2024-2025**

### **Report of the ICCBA Working Group on Detention Matters**

#### **1. Introduction**

The ICCBA Working Group on Detention Matters ('Working Group') presents its report for the year 2024-2025.

The Working Group's principal aim for the year was to prepare a digest of complaints made on behalf of detainees to the Chief Custody Officer ('CCO'), the Registry, and the Presidency, and responses to and decisions about those complaints. However, confidentiality restrictions have significantly limited access to case-specific details. The Detention Centre ('DC') and the Registry consistently refuse to make such complaints public, citing security and privacy concerns. Similarly, there has been a reluctance on the part of detainees to share the details of their complaints with the Working Group.

Despite these limitations, the exercise remains valuable. Even without access to individual case files, Defence teams have highlighted broad and recurring challenges that reveal structural themes. This report seeks to consolidate those themes, raise awareness within the Association, and propose avenues for constructive engagement with the Registry.

#### **2. General Trends and Challenges**

##### *Monitoring of Detention Conditions*

Currently, monitoring of detention conditions largely falls to individual Defence teams, who may file complaints when concerns arise. Because such complaints remain confidential, information cannot circulate among Defence teams, preventing broader awareness of systemic issues and lessons learned.

##### *Access to Healthcare, Family Contact, and Communication Rights*

Despite this broader obstacle, it has become known that several Defence teams have raised concerns about detainees' access to healthcare, family visits, and communication rights. While there are patterns across cases, the issue of confidentiality prevents Defence counsel from invoking experiences from other cases when filing complaints, unless the matter has been publicly adjudicated by the Presidency. This prevents the identification of a body of precedent and weakens the ability of Defence teams to advocate for improvements.

#### *Relationship with the Detention Centre*

Defence teams frequently encounter difficulties in engaging with the DC on behalf of detainees. Medical staff, for example, have on occasion complained that Defence counsel interfere with the patient–doctor relationship, even where detainees expressly requested Defence intervention because they felt their concerns were not being heard. This creates friction and undermines the detainees’ right to have their Defence teams advocate effectively on their behalf.

#### *Clarity and Consistency in Rules*

There is a lack of transparency and predictability in the application of the DC’s Rules. Decisions are sometimes taken without any clear regulatory basis, and on occasion, rules appear to have been created or clarified retroactively after Defence inquiry. This practice erodes confidence in the fairness and consistency of detention management.

### **3. Recommendations and Way Forward**

The ICCBA Working Group recommends the creation of a mechanism that allows Defence teams to access anonymized summaries of detention-related complaints and their outcomes. Such a system would preserve confidentiality while enabling the identification of trends and ensuring greater consistency in addressing recurrent issues. Moreover, the Working Group should continue to engage with Defence teams and encourage them to seek their clients’ consent to share details of their complaints wherever possible.



## **Duty of Care Working Group Report Annual Report 2024-2025**

The Duty of Care Working Group is honoured to give this short report to the ICCBA members on the work done so far and our plans for next steps.

### **Background:**

The working group was formed in May 2024 and it is composed of 5 members: Haydee Dijkstal, Abigail Bridgman, Fiona McKay, Evelyne Komerwa Ombeni and Caroline Walter.

### **Mandate:**

The group has a mandate to identify gaps in the current court framework with regard to the support offered to defence and victims representatives, particularly during field missions, and identify what duty of care might be owed by the Court to counsel in these contexts. We are aware that most of these concerns and challenges are raised in confidential filings, and some have not even been brought to the attention of the court (Registry/Chambers).

### **Methodology:**

The working group decided to consult with ICCBA members to understand fully all the issues you all have faced or anticipate. To that end, we formulated a questionnaire that was sent out to members in July 2025, asking for responses by 5 September.

Given the low response rate so far – likely due to the holiday period – we have decided to extend the period for input for another month until 17 October. We highly encourage you to participate so the working group's proposals can be based on members' experience. The group will also conduct desk research and conduct legal analysis on what the norms are in other institutions.

### **Output:**

The group will prepare and present a proposal for a written agreement for the ICCBA to engage in discussions with the registrar. This protocol could also include terms of reference and other considerations that ICCBA members can agree to and be bound to.

### **Next steps:**

1. Analyse the results of the survey questionnaire to identify the breadth of issues
2. Convene webinars to hear first hand from members, discuss emerging issues, preoccupations, and draft recommendations with their attendant tradeoffs.
3. Draft and finalise report for a written agreement
4. Develop a framework/guidance for ICCBA members faced with challenges during field missions.

Please do not hesitate to reach out directly to any of us on the working group with initial suggestions and comments. Thank you for your attention and we look forward to working with you all.

## **Ecocide Working Group Report Annual Report 2024-2025**

The Ecocide Working Group met regularly online in the September 2024 to September 2025 time-period, with EWG-only meetings held on 29 October 2024, 17 November 2024, 7 January 2025, 6 February 2025, 10 April 2025 and 28 August 2025.

The EWG met for its second consecutive annual in-person symposium and workshop at the seat of the court in The Hague on 17, 18 and 19 June 2025, with the meetings facilitated once again with the invaluable assistance of ICCBA Executive Director Dominic Kennedy. The EWG discussed the content of the forthcoming paper for the ICCBA General Assembly which will identify key issues to assist the Presidency and Executive with discussions and policy positions relating to the inclusion of Ecocide as a fifth crime in the Rome Statute.

Guest speakers included Jojo Mehta, founder of Stop Ecocide Now International, Professor Alex Whiting of Harvard University and Philippe Sands KC.

EWG Chair Regina Weiss met with Jojo Mehta in London on 25 June 2025 to discuss future collaboration between Stop Ecocide Now and the EWG. The EWG also hosted several guest speakers to brief the group on various ecocide-related topics throughout the year.

On 26 November 2024, Dr Matthew Gillett, University of Essex, addressed the EWG on the state of play and future considerations of ecocide and key issues to guide EWG. Key points included the momentum in States implementing domestic legislation criminalising ecocide, the debate surrounding the actus reus of the current definition of ecocide, the legality of the current definition of ecocide, corporate responsibility and acts which constitute ecocide in non-conflict zones.

On 14 January 2025, Catherine Savard addressed the EWG about her PhD work at Oxford University regarding the mens rea of ecocide including the rationale behind the definition adopted by the Independent Panel of Experts being the 'knowledge that there is a substantial likelihood' of severe and widespread or long-term damage to the environment, which was predicated on the principle of dolus eventualis and recklessness. Ms Savard also provided her views on derogating from Article 30 of the Rome Statute by applying negligence, recklessness and wilful blindness.

On 21 February 2025, the EWG provided written submissions in response to public consultation

## Statement of Financial Position

ICCBA-ABCPi

As of September 22, 2025

DISTRIBUTION ACCOUNT	TOTAL
<b>Assets</b>	
Current Assets	
Accounts Receivable	
ABN-AMRO Current Account	25.320,06
<b>Total for Current Assets</b>	<b>€ 25.320,06</b>
Long-term assets	
<b>Total for Assets</b>	<b>€ 25.320,06</b>

## Statement of Activity

ICCBA-ABCPi

September 28, 2024-September 22, 2025

DISTRIBUTION ACCOUNT	TOTAL
Income	
Membership Dues / Cotisations	34.840,68
Training Income	€ 2.561,43
Advocacy Training	749,67
<b>Total for Training Income</b>	<b>€ 3.311,10</b>
Unapplied Cash Payment Income	
<b>Total for Income</b>	<b>€ 38.151,78</b>
Cost of Sales	
<b>Gross Profit</b>	<b>€ 38.151,78</b>
Other Income	
Expenses	
Accounting Software	269,20
Advertising/Promotional	0
Business Cards	50,45
<b>Total for Advertising/Promotional</b>	<b>€ 50,45</b>
Bank charges	511,36
Consultancy Services	38.400,00
Events	0
APIC Meeting Side Event	931,25
ASP	1.226,61
General Assembly	352,61
<b>Total for Events</b>	<b>€ 2.510,47</b>
Hospitality	79,94
Journey Video Series	150,00
Office expenses	22,27
Zoom Subscription	232,87
<b>Total for Expenses</b>	<b>€ 42.226,56</b>
Other Expenses	
<b>Net earnings</b>	<b>-€ 4.074,78</b>

## Current Budget

Provisional Budget 1 October 2025 - 30 September 2026							
Revenue				Expenditure			
Membership fees				Consultancy			
	Members	Fee					
Full Members	190	€165	€31.350		Executive Director		€28.800
				Organization costs			
Associate Members	65	€100	€6.500		Accountancy Software		€300
					Advertising Costs		€100
Affiliate Members	70	€55	€3.850		Banking Costs		€400
					Email System		€300
					Legal and Professional Fees		€3.000
					Office Costs		€400
					Video Telecommunications		€250
					Website		€600
				Events			
					General Assembly		€800
					ASP		€3.000
<b>Total</b>			<b>€41.700</b>	<b>Total</b>			<b>€37.950</b>

## Increased Budget

Revenue				Expenditure			
Membership fees				Consultancy			
	Members	Fee					
Full Members	190	€295	€56.050		Executive Director		€63.000
				Organization costs			
Associate Members	65	€180	€11.700		Accountancy Software		€300
					Advertising Costs		€100
Affiliate Members	70	€100	€7.000		Banking Costs		€400
					Email System		€300
					Legal and Professional Fees		€3.000
					Office Costs		€400
					Video Telecommunications		€250
					Website		€600
				Events			
					General Assembly		€800
					ASP		€3.000
<b>Total</b>			<b>€74.750</b>	<b>Total</b>			<b>€72.150</b>

Category	Old Fee (€)	New Fee (€)	Increase (€)	% Increase
Full	165	295	130	78.79%
Associate	100	180	80	80.00%