

Draft Report/Update to the ICCBA General Assembly - September 27, 2024

The Duty of Care Working Group is honored to give this short report to the ICCBA members on the work done so far and what you can expect in the near future.

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. The members have held three online meetings - one with the ICCBA leadership to streamline the mandate, and agree on methodology and core outputs.

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. 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 will consult extensively with ICCBA members to understand fully all the issues you all have faced or anticipate and we highly encourage you to participate. This consultation will be in the form of surveys and webinars in the coming months. 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. Circulate a survey questionnaire to members 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.