

STATEMENT

WE, THE UNDERSIGNED,

Highly interested in ensuring the fairness and integrity of proceedings before the International Criminal Court (ICC);

Deeply concerned by the drastic reduction in the ICC legal aid budget approved by the Assembly of State Parties in December 2011;

Wish to draw your attention to the following:

- In late December 2011, a limited number of us were invited by the ICC Registrar to provide comments on a discussion paper prepared by her office. This paper proposes a series of severe cuts in the allocation of resources to Defence and Victims' counsel pursuant to the ICC legal aid regime. While the Registrar's invitation was only received by most in early January, our comments were nonetheless requested to be submitted by 31 January;
- Responding to the Registrar's invitation, she has been provided with a number of detailed observations, unanimously opposing the proposed reductions, which would directly impede the ability of Defence and Victims' counsel to fulfill their statutory and ethical obligations;
- The proposed measures would also have serious repercussions on the fairness, integrity and overall credibility of proceedings before the Court;
- On 7 February last, we attended a meeting with the ICC Registrar. The invitation for this meeting was sent out late in the afternoon of Friday, 3 February 2012, which made it impossible for many important stakeholders to attend;
- We were then informed that time was of the essence and that the Registrar's report would be submitted on 15 February in any event, without consideration of the submissions made to her and despite our unanimous request to the Registrar not to do so at this time but to ask for additional time. Such time is essential for the purpose of organizing a proper consultation process, including the creation of a working group composed of experienced counsel, relevant NGOs and other important stakeholders to assist the Registrar in addressing all aspects of the legal aid regime;
- The proposals in the Registrar's discussion paper represent a serious set back for indigent accused, victims and their respective counsel who appear before the Court. They provide for the allocation of resources below that made available to counsel and their assistants practicing before all other international courts or tribunals and constitute an abrogation of the principal of equality of arms that has hitherto been the basis for the assessment of fair remuneration.
- Defence counsel, Legal Representative for victims and/or members of their respective teams were *not* consulted regarding the preparation of the Registrar's proposals and the 7 February meeting cannot be considered in any way as being a reasonable or appropriate consultation;

CONSEQUENTLY,

- We take this opportunity to draw the attention of all interested stakeholders to the necessity for a complete revision and overhaul of the ICC legal aid regime, including the implementation of an appropriate consultation process to achieve this aim;
- Pursuant to Rules 20 sub-rule 3 and 21 sub-rule 1, the Registrar has a duty to do so;
- The future of the ICC and the integrity of the proceedings before the ICC depend on it.

**SIGNED AND/OR AGREED TO IN THE HAGUE, THE NETHERLANDS,
ON THIS 14TH DAY OF FEBRUARY 2012**

THE FOLLOWING ORGANIZATIONS AND INDIVIDUALS

HAVE SIGNED AND/OR AGREED TO THE ABOVE STATEMENT:

NAME OF ORGANIZATION OR INTERESTED COUNSEL / STAKEHOLDER	POSITION
The Hague Bar Council (The Netherlands)	
Le Barreau de Paris	
National Association of Criminal Defense Lawyers NACDL –United States of America	
Ordre National des Avocats de la République Démocratique du Congo	
Le Barreau du Québec (Canada)	
International Criminal Bar (ICB) / Barreau pénal international (BPI);	

International Criminal Defence Attorney's Association (ICDAA) / Association internationale des avocats de la Défense (AIAD)	
Avocats sans Frontières	
Union Internationale des Avocats	
ICC - Office of Public Counsel for the Defence	
Swedish Bar Association	
International Committee of the Bar Council of England and Wales	
Portuguese Bar Association	
Criminal Bar Association (England and Wales)	
Association of Defence Counsel Practicing before the International Criminal Tribunal for the former Yugoslavia (ADC-ICTY)	
Le Barreau de Bruges, Belgique	
Le Barreau de Gand, Belgique	
Le Barreau de Genève	

L'Ordre des Avocats de Genève	
La Voie de la Justice – Association composée d'avocats européens et africains	
Me Vincent Spira	Avocat, Bâtonnier de l'Ordre des avocats de Genève
Me Paul-Albert Iweins	Avocat, ancien Bâtonnier de Paris, Président d'honneur du Conseil National des Barreaux
Me Déogratias Nzemba	Avocat, Ordre des Avocats du Burundi
Me Emmanuel Daoud	Représentant légal des victimes – Situation en République Démocratique du Congo
Me Fidel Nsita	Représentant légal des victimes dans l'Affaire Katanga-Ngudjolo
Me Raymond Brown	Représentant légal des victimes dans l'Affaire du Darfour et dans l'Affaire El Béchir
Me Wanda Akin	Représentant légal des victimes dans l'Affaire du Darfour et dans l'Affaire El Béchir
Karim A.A. Khan QC	Lead Counsel for Defence Team of Ambassador Francis Kirimi Muthaura / Lead Counsel for Abdullah Banda and Saleh Jerbo
Nicolas Koumjian	Co - Lead Counsel Banda and Jerbo Defence
Aidan Ellis	Legal Assistant Banda and Jerbo Defence
Leigh Lawrie	Legal Assistant Banda and Jerbo Defence

Anna Katulu	Legal Assistant Banda and Jerbo Defence
Anand Shah	Case Manager Banda and Jerbo Defence
Chantal Aimee Doerries	International Committee of the Bar Council of England and Wales
Max Hill	Chairman – Criminal Bar Association, UK
Me Catherine Mabille	Conseil principal – Équipe de la défense de Thomas Lubanga
Me Jean-Marie Biju Duval	Co-Conseil – Équipe de la défense de Thomas Lubanga
Marc Desalliers	Juriste assistant - Équipe de la défense de Thomas Lubanga
Caroline Buteau	Juriste assistant - Équipe de la défense de Thomas Lubanga
Me Jean Flamme	Barreau pénal international (BPI)
Me Elise Groulx <i>Ad.E.</i>	Présidente – Association internationale des avocats de la défense
Mariana Pena	Case manager – Victims’ Legal Representative – Kenya Case I
Me Jean-Philippe Kot	Avocats sans Frontières
Me Stéphane Bourgon <i>Ad.E.</i>	Vice-président, Association internationale des avocats de la défense (AIAD)/Vice President Association of Defence Counsel practicing before the ICTY (ADC-

	ICTY)/ Barreau pénal international
Morris A. Anyah	Counsel – Victims’ Legal Representative – Kenya Case II
David Hooper Q.C.	Lead Counsel – Germain Katanga, Democratic Republic of Congo / William Ruto, Kenya
Kigen Katwa	Counsel – Joshua Sang, Kenya
Andreas O’Shea	Counsel - Germain Katanga, Democratic Republic of Congo
Kioko Kilukumi	Counsel - William Samoei Ruto, Kenya
Thomas Obhof	Case Manager / Legal Consultant – Kenya Case II
Steven Kay Q.C.	Lead Counsel – Kenya Case II
Gillian Higgins	Co-Counsel – Kenya Case II
Sophie Menegon	Case Manager – Germain Katanga Defence team (DRC)
Diane Turner Q.C.	Barrister and Solicitor, Vancouver, Canada
Jo Cooper	Solicitor Advocate England and Wales - ICDA
Sureta Chana	Counsel – Victims’ Legal Representative – Kenya Case I
Axel C. Filges	President of the German Federal Bar
Shyamala Alagendra	Co-Counsel – Muthaura Defence

Essa Faal	Co-Lead Counsel – Muthaura Defence
Toby M. Cadman	Counsel – Bar of England and Wales
Gregor Guy Smith	Counsel – ADC-ICTY
Me Vincent Courcelle-Labrousse	Avocat, Barreau de Paris
Arthur Vercken	Counsel- Callixte Mbarushimana - République Démocratique du Congo
Philippe Larochelle	Legal Assistant, Callixte Mbarushimana- République Démocratique du Congo
Yael Vias Gvirsman	Legal Assistant, Callixte Mbarushimana - République Démocratique du Congo
Daniel Ntawumenyumunsi	Case Manager, Callixte Mbarushimana- République Démocratique du Congo
Me Jean-Pierre Kilenda Kakengi Basila	Lead Counsel, Defence Team of Mathieu Ngudjolo
Professeur Jean-Pierre Fofé Djofia Malewa	Co-counsel, Defence Team of Mathieu Ngudjolo
Me Andrea Valdivia	Legal Assistant, Defence Team of Mathieu Ngudjolo
Godefroid Bokolombe	Legal Assistant, Defence Team of Mathieu Ngudjolo

Me Nathalie Leblanc	Case Manager, Defence Team of Mathieu Ngudjolo
Colleen Rohan	Vice President – ADC-ICTY
Caroline Buisman	Assistant Counsel – Defence team of Germain Katanga - RDC
John Philpot	Counsel for Mohamed Hussein Ali - Kenya Case I
Daniel N. Arshack	Criminal Defense Attorney, New York USA
Me Florence Achache	Avocat à la Cour, Barreau de Paris, ancien membre du Conseil de l'Ordre
David Young	Counsel, Bar of England and Wales – Lead Counsel Pv. Assad Sabra et al. Special Tribunal for Lebanon
Me Maroufa Diabira	Avocat à la Cour, ancien Bâtonnier de l'Ordre National des Avocats de Mauritanie
Me Alya Cherif Chammari	Avocate, Barreau de Tunisie
Att. Rosette Bar Haim	Attorney, Jerusalem Bar
Me Richard Sedillot	Avocat à la Cour - Expert près le Conseil de l'Europe
Steven Kelliher	Barrister and Solicitor – Vancouver, Canada
Christopher Black	Barrister, Toronto, Canada – Lead Counsel General Ndindiliyimana ICTR Arusha