

CONSTITUTION

Bar of List Counsel of the International Criminal Court

PREAMBLE

List Counsel of the International Criminal Court

ASSEMBLED in (place) on (Date);

CONSIDERING the resolution of the General Assembly of the ICC's List of Counsel who attended the Tenth Seminar of Counsel of the ICC & Training Program held in The Hague (The Netherlands) on 17, 18 and 19 October 2012;

CONSIDERING the creation of the International Criminal Court ("ICC") as a permanent court characterized by its specific scope of jurisdiction, aiming at a universal ratification by states to achieve impunity and reparation for victims as a Court of last resort to judge the most responsible leaders of crimes of international concern;

CONSIDERING that the ICC has a statutory mandate to guarantee to everyone approaching it the effective respect of the human rights incorporated in Article 21(3);

MINDFUL of the obligation and necessity of ensuring fair trials before the ICC;

RECALLING the 1990 UN Basic Principles on the Role of Lawyers, particularly Articles 24 and 25 concerning the freedom of lawyers to form professional associations;

CONSIDERING the general principles of criminal law stated in Articles 22, 23, 24 of the Rome Statute and Rule 20 of the Rules of Procedure and Evidence that the Registrar shall organize the organization of the Registry in a manner that promotes the rights of the Defence in a manner consistent with the due process rights contained in the Rome Statute;

CONSIDERING further Article 68 of the Rome Statute and Rules 90, 91, 92 and 93 of the Rules of Procedure and Evidence relating to participation of victims in court proceedings in person or through their legal representatives;

CONVINCED of the importance of the essential role played by List Counsel in ensuring fair trials and respect for the rights of persons accused and victims in accordance with internationally recognized standards and human rights principles;

RECALLING that the Defence and Victims Representatives form an integral part of the proceedings before the ICC and indeed form a Third Pillar of the institution of the ICC;

EMPHASIZING that justice shall never be achieved without due process of law, nor can it be realized without the recognition of the importance of the role of List Counsel and the need for equality amongst all pillars of international justice;

RECOGNIZING that a Bar of List Counsel is essential in promoting the fairness of the proceedings and is essential to the ICC accomplishing its mission pursuant to the Rome Statute; and

HAVE ADOPTED the following Constitution.

PART I:

GENERAL PROVISIONS

Article 1: Name and Seat

1. The name of the Bar shall be Bar of List Counsel of the International Criminal Court / Barreau de la Liste des Conseils de la Cour Pénale Internationale.
2. The short name of the Bar is “BLC-ICC”/“BLC-CPI”.
3. The seat of the BLC-ICC is established at The Hague in The Netherlands.

Article 2: Objectives

The objectives of the BLC-ICC are:

1. To support the functions, efficiency and independence of List Counsel practicing before the ICC;
2. To uphold professional standards and ethics of the List Counsel, and oversee their performance and professional conduct, in so far as it is relevant to their duties, responsibilities and obligations pursuant to the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct, and all related directives and regulations;
3. To promote and ensure the proficiency and competence of the List Counsel in the field of advocacy, substantive international criminal law and information technology systems relevant to the representation of persons accused and victims before the ICC.
4. To ensure that List Counsel enjoy the necessary support, assistance and information from the Registry to give them ability, means and authority to protect all procedural and substantive rights of their clients before the ICC, including suspects, witnesses, persons accused of crime and victims;
5. To enhance the quality of justice dispensed by the ICC functioning under the provisions of the Rome Statute and other recognized texts;
6. To assist in resolving legal issues impacting the List Counsel;
7. To advocate for the enhancement of the rights of List Counsel before the ICC, including in matters involving the Registry;
8. To guarantee symmetry in the proceedings between the ICC Prosecutor and the List Counsel in their respective institutional role of Defence Counsel and Legal Representative of Victims;
9. To exchange views with the Assembly of States Parties and the ICC’s organs, including the Presidency, the Chambers, and the Registry, in relation to the right of the accused to a fair and equitable trial and the right of the victims to participate in proceedings and obtain reparation, under the provisions of the Rome Statute and other fundamental instruments governing the ICC;

10. To represent the Counsel's interests before the Assembly of States Parties and international institutions;
11. To assist in resolving incidents and disputes between Counsel; and
12. To oversee incident disputes and hearings between Counsel and Judges.

PART II:

MEMBERSHIP

Article 3: Qualifications

1. The membership of the BLC-ICC is comprised of Full Members and Associate Members.
2. All persons who are on the ICC List of Counsel are Full Members.
3. Any person who supports the objectives of the BLC-ICC and has prior experience in International Criminal Law, International Humanitarian Law or Human Rights is eligible to be an Associate Member, upon recommendation by the Membership Committee and subject to the approval of the Executive Committee.

Article 4: Fees

1. The membership year runs from 1 January until 31 December inclusive.
2. All Members must pay an annual membership fee. The annual membership fee is determined by the General Assembly on the recommendation of the Executive Committee. In addition, Full Members assigned as Counsel to a case before the ICC pay an additional monthly fee during the pre-trial, trial, and appeals phases and during contempt proceedings. The monthly fee for each phase is determined by the General Assembly on the recommendation of the Executive Committee.
3. The Membership Committee shall be authorized to recommend annual membership fees to the General Assembly as well as to authorize exceptions and alterations to the membership fees based on criteria it shall adopt and make public to the list.

Article 5: Suspension of Membership

1. A Member may be suspended from the BLC-ICC pursuant to the Rules of Procedure.
2. Suspended members cease to enjoy all voting rights and cease to be active participants in any office they may hold or committees they may be members of until such time as the suspension is lifted.
3. The suspension may result from a request by a Member or a national professional body having authority over the Member in question. The suspension may be justified on the basis of health reasons, conduct, or the practice of a professional activity which is incompatible with the duties, responsibilities, and obligations of List Counsel pursuant to the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct and all related directives and regulations including failure to pay annual membership fees.
4. The suspension of a membership will be effective the next business day following the Member's receipt of a written notice.
5. The Member may appeal the suspension by filing an appeal in accordance with the provision of the Rules of Procedure. Insofar as the appeal does not stay the decision to suspend ("has no *suspensive effect*"), the Member shall not enjoy the rights granted by

the BLC-ICC unless the decision is overturned, in accordance to the provision of the Rules of Procedure.

Article 6: Termination of Membership

1. Membership ceases upon:
 - a. The Member's death;
 - b. The Member's resignation, which becomes effective upon receipt by the BLC-ICC of the Member's written resignation, subject to provisions in the Rules of Procedure; and
 - c. The Member being stricken from the List of Counsel by the ICC.
2. The termination of a membership will be effective the next business day following the reception of the written notice by the Member.
3. The Member may appeal the striking off resolution by filing an appeal in accordance with the provisions of the Rules of Procedure. Insofar as the appeal does not stay the decision to strike ("has no *suspensive effect*"), the Member shall not enjoy the rights granted by the BLC-ICC unless the decision is overturned, in accordance with the provisions of the Rules of Procedure.
4. Payment of back dues shall be a condition of lifting of any suspension or reinstatement following termination under Art. 6(1)(b) & (c).

PART III:

THE ORGANS

Article 7: The Organs

1. The BLC-ICC is composed of the following bodies:
 - a. General Assembly;
 - b. Executive Committee;
 - c. Disciplinary Council;
 - d. Membership Committee;
 - e. Rules Committee;
 - f. Training Committee;
 - g. Amicus Committee; and
 - h. Any *ad hoc* Committee or Council that may be established as provided by this Constitution.
2. The General Assembly is the supreme/sovereign organ of the BLC-ICC.
3. The Executive Committee accepts the responsibility of ensuring the effective functioning of the BLC-ICC.

PART IV:

GENERAL ASSEMBLY

Article 8: General Assembly

1. The General Assembly consists of all Members of the BLC-ICC.

2. The General Assembly exercises all authority conferred by this Constitution, except for those powers vested in the Executive Committee by the laws of The Netherlands and by this Constitution-
3. The General Assembly shall hold an Annual Meeting. The following topics must be discussed at the Annual Meeting:
 - a. The annual report of the Executive Committee;
 - b. The annual report of the Disciplinary Council;
 - c. The annual report of the Membership Committee;
 - d. The annual report of the Rules Committee;
 - e. The annual report of the Training Committee;
 - f. The annual report of the Amicus Committee;
 - g. The annual report on the activities of any *ad hoc* committees or council created by the Executive Committee;
 - h. The election of Members to the Executive Committee, Disciplinary Council, Rules Committee, Training Committee and Amicus Committee;
 - i. The report of the Treasurer on the current financial situation of the BLC-ICC as well as on the expected financial results of the current year;
 - j. The appointment of two Internal Auditors;
 - k. The proposed plan of activities for the upcoming financial year;
 - l. The proposed budget for the upcoming financial year; and
 - m. Any other proposals by the Executive Committee or by any Member.
4. Additional General Assembly Meetings may be convened by the Executive Committee as necessary.
5. A Special General Assembly Meeting may also be held at the request of one-tenth of the Full Members. A request for a Special General Assembly Meeting shall be made in writing. The Executive Committee shall convene a Special General Assembly Meeting within 30 days from receipt of a valid request.
6. The convening of the General Assembly Meeting shall be in writing, not less than 45 days from the date of the meeting. The convocation shall include an agenda with the list of topics to be discussed. All Members may submit additional topics to be included in the agenda by communicating in writing, by facsimile transmission or by electronic mail to the Executive Committee at least five days prior to the date of the meeting.
7. All Members in Good Standing may attend meetings of the General Assembly.
8. The General Assembly may adopt regulations that are not contrary to the laws of The Netherlands, the Rome Statute, the Rules of Procedure and Evidence, Practice Directives, the Orders of the ICC or this Constitution.
9. The General Assembly has the competence to take all decisions, including the amendment of this Constitution, on behalf of the BLC-ICC.
10. The General Assembly shall vote on the program of actions proposed by the Executive Committee, and vote on the budget proposal for the upcoming financial year.
11. The General Assembly shall hold elections.
12. The General Assembly shall appoint Internal Auditors as provided by this Constitution.

Article 9: Chair and Minutes

1. The President/Bâtonnier of the Executive Committee shall preside over General Assembly Meetings. In the event of his/her absence, one of the Vice Presidents of the

Executive Committee shall preside. Where a Chair cannot be designated in this manner, the General Assembly shall designate the Chair.

2. The Executive Director shall keep minutes of the proceedings of all General Assembly meetings. In the absence of the Executive Director, the President/Bâtonnier shall assign one of the Vice Presidents to keep minutes. The minutes are confirmed by the Chair and posted on the Members-only, section of the BLC-ICC website.

Article 10: Voting duty and rights

1. All active Members may attend General Assembly meetings, though only Full Members shall have the right to vote.
2. The term “active Members” includes all Members who have paid the annual Membership fee and are in Good Standing.
3. If a Full Member is unable to attend the meeting to vote in person, he or she may vote electronically, or by proxy. The proxy must be in writing.
4. A Full Member may represent up to five Full Members by proxy.
5. Abstentions shall not be counted as a vote.
6. The vote of the General Assembly shall be valid only if the following *quorum* is respected: the *quorum* of the General Assembly shall exist when *at least one-fifth* of the Full Members the BLC-ICC are in attendance, in person or by electronic means such as skype. In addition, a decision is considered valid if *at least one-half +1* of these Full Members in attendance or represented by proxy vote in its favor. The same quorum is required for Special Assembly Meetings.

Article 11: Procedure for Elections and Resolutions

1. Resolutions of the General Assembly and elections of Full Members to one of the Committees and the Disciplinary Council are adopted by absolute majority, unless specified otherwise in this Constitution.
2. In addition to the subjects in the agenda circulated to the Members prior to the opening session of the General Assembly Meeting, a Member may submit proposals for resolutions relevant to the objectives of the BLC-ICC. Proposed resolutions must be submitted in writing to the Executive Committee not less than two days before the opening of the General Assembly Meeting. A resolution submitted after this deadline may only be considered by the General Assembly if the Executive Committee grants a waiver of the time limitation.
3. A copy of proposed resolutions is provided to all Members before the General Assembly Meeting. Copies of proposed resolutions received less than two days before the opening may be distributed at the General Assembly Meeting.
4. The Executive Committee shall report its recommendations on each resolution to the General Assembly. The Members shall be given a reasonable opportunity to be heard on proposed resolutions submitted.
5. All matters shall be voted by a show of hands and through electronic means except for the election of officers (President/Bâtonnier, Vice Presidents, Treasurer, and Members of the Disciplinary Council, Rules Committee and Training Committee) and Executive Committee Members.
6. The adoption of a resolution by the General Assembly is pronounced by the Chair. This pronouncement is determinative.
7. The election of the officers and Executive Committee Members is done by secret ballot.

8. The General Assembly first proceeds with the appointment of a Member to preside over the elections (Election Chair). The Election Chair may not be nominated for a position.
9. The Election Chair may be assisted by BLC-ICC staff, including the Executive Director, to examine and count the ballots.
10. The Election Chair, assisted by the Executive Director, examines the votes and confirms the *quorum* for the elections.
11. Election to any position requires an absolute majority of the votes.
12. The Election Chair holds as many ballots as are necessary, proceeding in the following order until Members have been elected to each position: President/Bâtonnier, Vice President for Defence, Vice President for Legal Representation of Victims, Executive Committee (5), Disciplinary Council (7), Rules Committee (5), Training Committee (5) and the Amicus Committee (5). The Executive Committee shall draft a procedure to be approved by the General Assembly by a simple majority vote.

PART V:

EXECUTIVE COMMITTEE

Article 12: Composition

1. The Executive Committee is composed of the President/Bâtonnier and fourteen Members.
2. The Members of the Executive Committee are elected by the General Assembly from a list of nominees. A Full Member is officially nominated to run for election when nominated/supported by five Members. The list of nominees shall be submitted to all Members no later than five days before the election. In exceptional circumstances, nominations can be made during the General Assembly prior to the election.
3. The Members of the Executive Committee are elected for a term of one year and are eligible to be re-elected for two additional consecutive terms.
4. The membership of the Executive Committee is based on principles of equity with consideration given to the type of legal representation (Legal Representation for Victims / Defence), geographic representation, gender considerations, and the various domestic legal systems (e.g., Common and Civil law) and the different languages existing before the Court. A minimum of one seat is respectively reserved to Counsels native to the following areas:
 - a. Eastern European States;
 - b. Asia-Pacific States;
 - c. Latin America and Caribbean States;
 - d. North American States;
 - e. African States; and
 - f. Western European and other States.
5. At least 5 seats on the Executive Committee shall be reserved for women.
6. At least 2 seats on the Executive Committee shall be reserved for Counsel engaged in cases before the ICC.

Article 13: Duties

1. The Executive Committee is responsible to the General Assembly for the day-to-day operations and management of the BLC-ICC, subject to the limitations set out in this Constitution.
2. The day-to-day operations and management include *inter alia*:
 - a. Preparing the agenda of the General Assembly meetings;
 - b. Submitting for approval to the General Assembly the BLC-ICC's Program;
 - c. Implementing any approved programs by the General Assembly;
 - d. Executing the decisions of the General Assembly;
 - e. Preparing the annual budget;
 - f. Monitoring all related matters to the annual budget; and
 - g. Reporting to the General Assembly for its approval of an annual report of activities and an audited financial report.
3. Where an urgent question submitted to Executive Committee requires immediate attention, the Executive Committee may proceed to a vote by correspondence.
4. When the Executive Committee deems it necessary, it has the power to decide on its own initiative to create special *ad hoc* committees or councils for the purposes of assisting in the accomplishments of its duties and to define their powers. In addition, the Executive Committee may recommend to the General Assembly the creation of *ad hoc* committees or councils. *Ad hoc* committees or councils shall work pursuant to the directives of the Executive Committee and shall report on their activities to the General Assembly.
5. The Executive Committee may adopt internal directives or procedures as necessary for its functions and day-to-day operations and management of the BLC-ICC. Such directives or procedures must be consistent with the laws of The Netherlands, the Rome Statute, the Rules of Procedure and Evidence, Practice Directives, Orders of the ICC and this Constitution.
6. The Executive Committee shall secure the services of a full time employee to act as Executive Director. The Executive Director reports to the President/Bâtonnier and is responsible to the Executive Committee. The terms and conditions of services of the Executive Director are determined by the Executive Committee subject to the adoption of the budget by the General Assembly. The Executive Committee may also secure the service of one or more full or part-time employees as necessary subject to the same conditions.
7. The express consent of 10 members of the Executive Committee is required to legally bind the BLC-ICC towards third parties.
8. The Executive Committee is authorized to enter into agreement to purchase, alienate or encumber registered goods or services not to exceed 3500 euros.

Article 14: Meetings

1. The Executive Committee shall meet in ordinary sessions on a regular basis, upon the invitation of the Board, and all its decisions shall be taken by an absolute majority vote.
2. The Members of the Executive Committee shall to the extent practicable communicate and vote using modern electronic technologies.
3. The Executive Director or one of the Vice Presidents is assigned by the President/Bâtonnier to take minutes of Executive Committee meetings. The minutes are confirmed by the President/Bâtonnier after consultation with the attending Members and posted on the Members-only section of the BLC-ICC website.

4. When necessary, the Executive Committee may meet in extraordinary session on the convocation of the President/Bâtonnier or at the request of more than half of its Members.

Article 15: Termination of Membership

1. Membership in the Executive Committee ends if:
 - a. The Member ceases to be a Full Member of the BLC-ICC;
 - b. The Member resigns from the Executive Committee; or
 - c. The Member is dismissed by the General Assembly.
2. The General Assembly may, on the recommendation of the Executive Committee or *proprio motu*, dismiss a Member of the Executive Committee for cause by an absolute majority of the votes cast, including a minimum of one-quarter of Full Members. The General Assembly may also suspend the Member of the Executive Committee for a period not exceeding 90 days. If the suspension is not followed within three months by a resolution to dismiss the Member, the suspension shall be deemed to have lapsed.
3. The Executive Committee may, after giving the Member an opportunity to be heard, suspend a Member of the Executive Committee for a period not exceeding 45 days by unanimous vote of the 14 other Members of the Executive Committee. The object of such suspension must be to refer the matter to the General Assembly for consideration. If no action has been taken by the General Assembly after 45 days, the suspension shall be deemed to have lapsed.
4. A Member of the Executive Committee may request to temporarily withdraw from the Executive Committee for a period not exceeding 45 days. If at this time he/she has not requested to be reinstated as a Member of the Executive Committee, the Member will be deemed to have resigned.
5. Without prejudice to paragraphs 2, 3 and 4, if the membership of the Executive Committee falls below 15 Members, the Executive Committee remains lawfully constituted. The Executive Committee shall however convene a meeting of the General Assembly to proceed with the election of a new Member or Members of the Executive Committee within a maximum of 45 days.

PART VI:

ORGANS OF THE EXECUTIVE COMMITTEE OF THE BLC-ICC

Article 16: The Board of the Executive Committee

1. The Executive Committee includes a Board composed of five Members:
 - a. The President/Bâtonnier of the BLC-ICC;
 - b. A Vice President for Defence;
 - c. A Vice President for Legal Representation for Victims; and
 - d. Treasurer.

Article 17: The President/Bâtonnier and the Vice Presidents of the Executive Committee

1. The President/Bâtonnier shall head the BLC-ICC and shall represent it at any occasion.
2. The President/Bâtonnier shall act on a day-to-day basis with the ICC, including the Registry, to help the working out of issues between Counsel and the ICC.

3. The President/Bâtonnier shall preside over the meetings of the General Assembly, the Executive Committee, and the Board.
4. During General Assembly meetings, the President/Bâtonnier shall be assisted by a Parliamentarian.
5. The President/Bâtonnier shall countersign all checks for any and all of the BLC-ICC's expenses.
6. In the event of an unexpected vacancy of the position of President/Bâtonnier, one of the Vice-Presidents shall assume all duties of the Presidency, until the next election of the General Assembly.
7. In the event of a vacancy of any other position of the Board, the Executive Committee may appoint a replacement for the remaining period of the mandate, upon the qualified majority of votes in the Executive Committee.

PART VII:

THE EXECUTIVE DIRECTOR

Article 18: Duties

1. The Executive Director shall be responsible for the administration of the BLC-ICC, and shall assist in monitoring the implementation of the strategies and activities undertaken by the Executive Committee.
2. The Executive Director is responsible for keeping all BLC-ICC's records and reports, including any and all correspondence exchanged between the Executive Committee and the ICC.
3. The Executive Director is in charge of the external communications between the BLC-ICC and third organizations.
4. The Executive Director is in charge of the preparatory phase of the drafting of documents, including convocations, publications and reports of the BLC-ICC.
5. The Executive Director shall ensure the effective administration of the BLC-ICC including office management, personnel management, day-to-day accounting and the website.
6. The Executive Director is responsible for organizing and preparing the General Assembly, the Executive Committee meetings and the work of internal committees.
7. The Executive Director shall assist in organizing collective and individual training activities for List Counsel.

PART VIII:

FINANCE, FEES AND AUDIT OF THE BLC-ICC

Article 19: Finance

1. The BLC-ICC's Funds shall come from annual fees of the Members, contributions from the ICC, donations, sales of publications, savings, investments, and all other resources, which have been authorized by the General Assembly and are in conformity with the objectives of the BLC-ICC.
2. All the BLC-ICC's funds shall be deposited in a bank account, opened on behalf of the BLC-ICC over the signature of the Treasurer or the Executive Director, and with the counter-signature of the President/Bâtonnier.

3. The financial year runs from 1 January up to 31 December.
4. On behalf of the Executive Committee, the Treasurer, with the assistance of the Executive Director, is responsible for keeping detailed and complete financial records and accounts of the BLC-ICC. The full financial records are disclosed to the Members on an annual basis and made public in accordance with the laws of the Netherlands.
5. The Treasurer is responsible for preparing the end of year financial report, including a statement of revenues and expenditures as well as a balance sheet, no later than 30 January of the new financial year.
6. The end of year financial report is approved by the Executive Committee for submission to the Internal Auditors. The end of year financial report is communicated to all Members by 28 February of the new financial year along with the report of the Internal Auditors including a recommendation that it be adopted or if necessary that further measures be implemented before its adoption.

Article 20: Compulsory Contributions of the BLC-ICC

1. All Full and Associate Members must pay an annual fee approved by the General Assembly on the recommendation of the Executive Committee.
2. The annual fee runs each calendar year from 1 January until 31 December (inclusive).
3. The annual fee must be paid in one installment, either within 45 days of the beginning of the membership year or, for new members, within 45 days of approval of membership, on the basis of the number of months remaining in the current membership year.

Article 21: Audit of the BLC-ICC

1. The BLC-ICC's bank accounts shall be annually audited by an *ad hoc* Audit Committee, which is composed of five Members, among whom an external auditor shall be elected by the General Assembly during its regular annual session.
2. The *ad hoc* Audit Committee is responsible for providing an accurate account-keeping. The *ad hoc* Audit Committee examines on a quarterly basis the financial records and accounting practices of the Executive Committee.
3. The *ad hoc* Audit Committee's recommendations are included in its report for its submission to the General Assembly.
4. The Executive Committee shall keep the financial records referred to in paragraphs 2 and 3 for a period of seven years.
5. Three full Members are appointed by the General Assembly to act as Internal Auditors. Internal Auditors are elected on the basis of their knowledge of accounting, experience in accounting and financial management. They are appointed for a term of one year and may be re-appointed for a maximum of two additional terms. Internal Auditors may not be Members of the Disciplinary Council, Membership Committee, Rules Committee, Training Committee or Amicus Committee.
6. The Internal Auditors verify the financial records and accounting practices of the Executive Committee, both during and at the end of the financial year. The Internal Auditors may at any time, request access to all the financial records.

PART IX:

DISCIPLINARY COUNCIL

Article 22: Composition

1. The Disciplinary Council is comprised of seven Full Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of one additional term. Disciplinary Council Members may not be a Member of the Membership Committee, the Rules Committee, the Training Committee or the Amicus Committee. One of the seven Disciplinary Council Members shall be designated as Chair by the other Members. The Chair shall have at least 5 years of experience on the List of Counsel or shall have served on a disciplinary body in his or her national bar or at another international court or tribunal.
2. All Disciplinary Council decisions shall be taken by majority vote.
3. Disciplinary Council decisions shall be governed by the Rome Statute, the Rules of Procedure and Evidence, the Code of Professional Conduct for Counsel, all related directives and regulations and this Constitution. It shall also take into consideration the codes of practice governing the legal profession in the Members' home jurisdictions.
4. The Disciplinary Council shall determine its own procedure, which must be approved by the Executive Committee. The Executive Committee shall ensure that all Members are duly informed of this procedure.

Article 23: Duties

1. The Disciplinary Council is an independent organ of the BLC-ICC, responsible to the General Assembly for the following tasks:
 - a. To monitor the conduct of Members in the representation of a suspect, accused or victim;
 - b. To Adjudicate on complaints received against Members for alleged misconducts;
 - c. To provide advisory opinions on matters relating to the ICC Code of Professional Conduct for Counsel, all related directives and regulations and the interpretation of this Constitution; and
 - d. To draft the BLC-ICC Rules of Professional Responsibility and Standards, as well as disciplinary procedures, for adoption by the General Assembly.

Article 24: Monitoring

1. Where the Disciplinary Council receives reliable information which gives it reason to believe that a Full Member has allegedly engaged in conduct contrary to, or in violation of the Rome Statute, the Rules of Procedure and Evidence, the ICC Code of Professional Conduct for Counsel, any related directives and regulations and this Constitution, it may decide to wait until a complaint is filed or inform the Member of the alleged misconduct with a view to allowing the Member to review his/her conduct. This information will be treated confidentially and will not be communicated to any other person.

Article 25: Adjudicating complaints

1. Complaints on alleged misconduct of Full Members may be filed before the Disciplinary Council by:
 - a. Any Full Member;

- b. Persons accused by the ICC;
 - c. Victims; and
 - d. Staff Members of the ICC who consider that their rights or interests are affected by the alleged professional or ethical misconduct.
2. Complaints must be submitted in writing, identifying the alleged misconduct.
3. Upon receiving a complaint, the Disciplinary Council shall, on the basis of the complaint, decide whether there are sufficient grounds to proceed on the complaint.
4. In the event the Disciplinary Council decides not to proceed on the complaint, it shall inform the complainant of the reasons it will not proceed and of the possibility and procedure for the complainant to address the matter with the Disciplinary Panel of the ICC.
5. In the event the Disciplinary Council decides to proceed on the basis of the complaint, it shall inform the respondent Member of the complaint and request his/her consent for the matter to be adjudicated by the Disciplinary Council without prejudice to the jurisdiction of the ICC. Should the respondent not consent, the Disciplinary Council shall refer the complaint to the ICC.
6. Upon consent, the Disciplinary Council shall provide the respondent Member with the opportunity to be heard in relation to the complaint.
7. The Disciplinary Council shall review the substance of the complaint, the submissions of the complainant and of the respondent Member in light of the applicable regulations. When necessary, the Disciplinary Council may seek to obtain further information from third parties on a confidential basis.
8. Having reviewed all available information, the Disciplinary Council may:
 - a. Mediate between the parties to the complaint;
 - b. Issue a formal warning to the respondent Member for his/her conduct;
 - c. Refer the complaint to the ICC; or
 - d. Terminate membership of the Member at stake in accordance with Article 6(1).
9. The Disciplinary Council shall inform the respondent Member and the complainant of its decision within 21 days of receipt of the complaint. It shall also inform the Executive Committee of its decision.
10. Following a decision pursuant to paragraph 8(b) and 8(d), the respondent Member may appeal the decision before the Executive Committee. The appeal must be filed in writing within 7 days of receipt of the Disciplinary Council decision.
11. All information acquired and decisions are confidential.

Article 26: Advisory Opinions

1. Members may request the Disciplinary Council to provide advisory opinions on the Code of Professional Conduct, all related directives and regulations and the interpretation of Part IX of this Constitution.
2. Any advisory opinions are distributed to the Members.

PART X:

MEMBERSHIP COMMITTEE

Article 27: Membership Committee and Admission

1. The Membership Committee is comprised of five Full Members. Members of the Membership Committee are elected by the General Assembly by majority vote.

Membership Committee Members are elected for a term of one year and may be re-elected for a second and third term. Members of the Executive Committee are not eligible to serve on the Membership Committee.

2. The Membership Committee reviews and approves or denies membership applications. An applicant is admitted if three Members of the Membership Committee support the application and the applicant meets all necessary criteria.
3. The Membership Committee may adopt internal procedures to govern the procedure for admission.
4. A person whose membership application as a Full Member is denied is promptly notified of such a decision in writing and invited to join the BLC-ICC as an Associate Member. The decision of the Membership Committee may be appealed before the Executive Committee within 30 days of receipt of the notice.

PART XI:

RULES COMMITTEE

Article 28: Composition

1. The Rules Committee is comprised of five Full Members elected by the General Assembly for a term of one year. Members may be re-elected for additional terms. One of the five Rules Committee Members shall be designated as Chair by the other Members. The Chair of the Rules Committee reports to the Executive Committee.

Article 29: Duties

1. The Rules Committee is responsible for:
 - a. Considering proposed amendments to the ICC Rules of Procedure and Evidence;
 - b. Representing the interests of all members of the BLC-ICC; and
 - c. Proposing and drafting amendments to the ICC Rules of Procedure and Evidence which are in the interest of members of the BLC-ICC and/or their clients.
2. All proposals must take into consideration the interests of suspects, accused and victims, and where such interests are conflicting, the Rules Committee shall, through a reasoned commentary, provide all available optional proposals without advocating for any particular position.

PART XII:

TRAINING COMMITTEE

Article 30: Composition

1. The Training Committee is comprised of five Full Members elected by the General Assembly for a term of one year. Members may be re-elected for additional terms. One of the five Training Committee Members shall be designated as chair by the other Members. The chair of the Training Committee reports to the Executive Committee.

Article 31: Duties

1. The Training Committee is responsible for the following functions/tasks:
 - a. Designing and Implementation of advocacy training and training of substantive international criminal law for all Members, whether assigned to a case or not.
 - b. Assisting the Executive Committee in obtaining the funding to make such training possible.

PART XIII:

AMICUS COMMITTEE

Article 32: Composition

1. The Amicus Committee is comprised of five Full Members elected by the General Assembly for a term of one year. Members may be re-elected for additional terms. One of the five Amicus Committee Members shall be designated as Chair by the other Members. The Chair shall have at least 5 years of experience on the List of Counsel, or shall have served on an amicus committee in his or her national bar or at another international court or tribunal.
2. The Chair of the Amicus Committee reports to the Executive Committee.

Article 33: Functions

1. The Amicus Committee is responsible for:
 - a. Considering and responding to requests for amicus curiae briefs by the ICC President and Chambers.
 - b. Considering and responding to requests for amicus curiae briefs by any of the committees or Full Members, and to act *proprio motu* in this regard.

PART XIV:

FINAL PROVISIONS

Article 34: Rules of Procedure of the BLC-ICC

1. Rules of Procedure shall be drawn up by the Executive Committee and submitted for approval to the General Assembly.
2. The Rules of Procedure shall contain the operating rules, and all the other elements not set forth by this Constitution.
3. The General Assembly shall select a Full Member to serve as the Parliamentarian for a term of two years. The Parliamentarian's role is to raise with the General Assembly and Executive Committee any matters that are inconsistent the letter and spirit of this Constitution or applicable rules and procedures.

Article 35: Amendment and Interpretation of the Constitution

1. This Constitution may be amended by a two-thirds majority vote of Full Members who are present at the Regular Session of the General Assembly and who are entitled to vote.

2. All amendment proposals should be submitted to all the Members by the Executive Committee *at least two months prior* to the start of the General Assembly Meeting.
3. The General Assembly delegates to the Executive Committee the power to settle, by a qualified majority of the votes, all disputes or questions relating to the interpretation and application of this Constitution, pursuant to the provisions of the Rules of Procedure.

Article 36: Dissolution of the BLC-ICC

1. The BLC-ICC may be dissolved in consultation with the Registry by a resolution of the General Assembly, under the conditions established by the Rules of Procedure.
2. The financial balance after the dissolution and liquidation of the assets shall be allocated according to the General Assembly's decisions.