

CONSTITUTION

Bar of Independent International Counsel

PREAMBLE

List Counsel of the International Criminal Court,

ASSEMBLED in (place) on (Date);

RECALLING the resolution ICC-ISP/12/Res.1 adopted by the Assembly of States Parties at its 12th plenary meeting on 27 November 2013 which authorizes the Registrar to reorganize the Registry's organizational structure with the goal of eliminating duplication, increasing effectiveness and efficiency, as well as creating synergies;

RECALLING that the Registrar recognizes that the formal recognition of an independent self-governing Association of Counsel is a key element of reform of the support structure to Counsel;

CONSIDERING the creation of the International Criminal Court ("ICC") as a permanent court characterized by its specific scope of jurisdiction;

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 Registry in a manner that promotes the rights of the Defence, 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 Legal Representation of Victims 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;

RECOGNIZING the need for Counsel practicing before the ICC and other international, hybrid or internationalized criminal courts and tribunals to have an independent Bar of Counsel to uphold professional standards of conduct, reinforce the independence of the legal profession, and ensure the proper and legitimate representation of the general and collective interests of Counsel *vis-à-vis* the Assembly of States Parties, various Tribunal Organs and other stakeholders;

FURTHER RECOGNIZING that such a Bar must be independent from all states and Tribunals, and would be supplementary and without prejudice to Independent Offices for Defence and Legal Representation of Victims established under the legal frameworks of the various international, hybrid or internationalized criminal courts and tribunals and providing legal and logistical advice and assistance to Counsel and representing the general interests of Counsel;

FURTHER RECOGNIZING that such a Bar may be appropriate at other international, hybrid or internationalized criminal courts and tribunals;

HAVE ADOPTED the following Constitution.

PART I:

GENERAL PROVISIONS

Article 1: Name and Seat

1. The name of the Bar shall be Bar of Independent International Counsel/**Barreau des Avocats Indépendants Internationaux.**
2. The short name of the Bar is “BIIC”/“**BAII**”.
3. The seat of the BIIC is established at The Hague in The Netherlands.

Article 2: Objectives

The objectives of the BIIC are:

1. To support the functions, efficiency and independence of List Counsel practicing before the ICC;
2. To uphold professional standards and ethics of List Counsel, and oversee their performance and professional conduct, insofar 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 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 Counsel authorized to practice before the Court enjoy the necessary support, assistance and information from the Registry to give them the ability, means and authority to protect all procedural and substantive rights of their clients before the ICC;
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 List Counsel;
7. To ensure, in an independent manner, the representation of the interests of all Counsel, including their assistants and interns;

8. To advocate for the enhancement of the rights of List Counsel and their clients before the ICC, including in matters involving the Registry;
9. To guarantee symmetry in the proceedings between the ICC Prosecutor and List Counsel in their respective institutional roles of Defence Counsel and Legal Representative of Victims, or as Counsel for witnesses or in similar roles;
10. 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 rights of the victims to participate in proceedings and obtain reparation, under the provisions of the Rome Statute and other legal instruments governing the ICC;
11. To represent Counsel's interests before the Assembly of States Parties and international institutions;
12. To assist in resolving incidents between Counsel;
13. To assist in resolving incidents between Counsel, the Registry, and ICC Chambers as requested;
14. To represent the interests of the profession at the ICC by serving as an interlocutor for its Members before Organs of the ICC and the Assembly of States Parties ("ASP") and national or local Bar Associations in matters concerning its Members for all matters relating to the Defence or the Legal Representation of Victims, and by request and agreement, to represent the interests of Counsel practicing before other international, hybrid or internationalized criminal courts and tribunals as set forth in article 2, section 16 and other sections below;
15. By agreement, to perform any other functions consistent with the principles herein which may be assigned by the Assembly of States Parties, the Registrar or any other appropriate Organ or body of the Court, including but not limited to disciplinary enforcement pursuant to the Code of Professional Conduct of Counsel or qualification of Counsel to practice before the Court. Such function may not be performed until assigned by the appropriate authority of the Court pursuant to the appropriate legal texts of the Court and agreement by the BIIC; and
16. By agreement to represent similar interests of Counsel and their clients and to perform similar functions at other international, hybrid, and internationalized criminal courts and tribunals with both the body of Counsel at any such court or

tribunal and the legally responsible organ or body of such court or tribunal, pursuant to the appropriate legal texts of such courts or tribunals.

PART II:

MEMBERSHIP

Article 3: Qualifications

1. The membership of the BIIC 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 adheres to the high standards of the profession, supports the objectives of the BIIC, 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.
4. Membership in the BIIC shall be mandatory for all Counsel authorized to practice before the ICC.
5. If agreement to represent interests and perform functions at another international, hybrid or internationalized court or tribunal is reached, Membership shall be extended as provided for in that agreement.

PART III:

THE ORGANS

Article 4: The Organs

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

PART IV:

GENERAL ASSEMBLY

Article 5: General Assembly

1. The General Assembly consists of all Members of the BIIC.
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 Membership Committee;
 - c. The annual report of the Defence Committee;
 - d. The annual report of the Victims Committee;
 - e. The annual report of the Rules Committee;
 - f. The annual report of the Training Committee;
 - g. The annual report of the Amicus Committee;
 - h. The annual report of the Disciplinary Council;
 - i. The annual report on the activities of any *ad hoc* committees or council created by the Executive Committee;
 - j. The election of Members to the Executive Committee, Membership Committee, Defence Committee, Victims Committee, Rules Committee, Training Committee, Amicus Committee and Disciplinary Council;
 - k. The report of the Treasurer on the current financial situation of the BIIC as well as on the expected financial results of the current year;
 - l. The appointment of two Internal Auditors;
 - m. The proposed plan of activities for the upcoming financial year;
 - n. The proposed budget for the upcoming financial year; and
 - o. 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 ___ (recommended 30) days from receipt of a valid request.
6. The convening of the General Assembly Meeting shall be noticed in writing, not less than ___ (recommended 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, Regulations of the Court, Practice Directives, other governing legal texts or 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 BIIC.
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 6: Chair and Minutes

1. The President 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 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 BIIC website.

Article 7: 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* _____ (recommended one-tenth) of the Full Members the BIIC are in attendance, in person or by electronic means such as Skype. In addition, a decision is considered valid if *at least one-half + one* of these Full Members in attendance or represented by proxy vote in its favor. The same quorum is required for Special Assembly Meetings.

Article 8: 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 BIIC. Proposed resolutions must be submitted in writing to the Executive Committee not less than _____ days (recommended two) 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 ___ days (recommended two) 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 submitted proposed resolutions.
5. All matters shall be voted on by a show of hands and through electronic means except for the election of officers (President, Vice Presidents, Treasurer, and Members of the Executive Committee, Membership Committee, Defence Committee, Victims Committee, Rules Committee, Training Committee, Amicus Committee and Disciplinary Council).
6. The adoption of a resolution by the General Assembly is pronounced by the Chair of the General Assembly. 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 BIIC 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, Vice President for Defence, Vice President for Legal Representation of Victims, Executive Committee ___ (recommended five), Membership Committee ___ (recommended five), Defence Committee ___ (recommended three), Victims Committee ___ (recommended three), Rules Committee ___ (recommended seven), Training Committee ___ (recommended five), Amicus Committee ___ (recommended five) and Disciplinary Council ___ (recommended seven). The Executive Committee shall draft a procedure to be approved by the General Assembly by a simple majority vote.

PART V:

EXECUTIVE COMMITTEE

Article 9: Composition

1. The Executive Committee is composed of the President and ___ (recommended 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 ___ (recommended 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 ___ (recommended one) year and are eligible to be re-elected for ___ (recommended 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 Counsel 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 ___ (recommended two) seats on the Executive Committee shall be reserved for Counsel engaged in cases before the ICC.

Article 10: Duties

1. The Executive Committee is responsible to the General Assembly for the day-to-day operations and management of the BIIC, 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 BIIC'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 matters related 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 the Executive Committee requires immediate attention, the Executive Committee may proceed to a vote by electronic means.
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 shall consult with other Committees on matters relating to policy and issues affecting List Counsel that are relevant to those Committees.

6. The Executive Committee may adopt internal directives or procedures as necessary for its functions and day-to-day operations and management of the BIIC. Such directives or procedures must be consistent with the laws of The Netherlands, the Rome Statute, the Rules of Procedure and Evidence, the Regulations of the Court, Practice Directives, other governing legal texts or Orders of the ICC and this Constitution.
7. The Executive Committee shall secure the services of a full time employee to act as Executive Director. The Executive Director reports to the President 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.
8. The express consent of _____ (recommended ten) members of the Executive Committee is required to legally bind the BIIC towards third parties.
9. The Executive Committee is authorized to enter into agreement to purchase, alienate or encumber registered goods or services not exceeding 3500 euros.

Article 11: 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 to take minutes of Executive Committee meetings. The minutes are confirmed by the President after consultation with the attending Members and posted on the Members-only section of the BIIC website.

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

Article 12: Termination of Membership

1. Membership in the Executive Committee ends if:
 - a. The Member ceases to be a Full Member of the BIIC;
 - 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 ___ days (recommended 90). If the suspension is not followed within ___ months (recommended three) 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 ___ days (recommended 45) 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 ___ days (recommended 45), 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 ___ days (recommended 45). 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 ___ (recommended fifteen) 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 ___ days (recommended 45).

PART VI:

ORGANS OF THE EXECUTIVE COMMITTEE OF THE BIIC

Article 13: The Board of the Executive Committee

1. The Executive Committee includes a Board composed of ___ (recommended five) Members:
 - a. President of the BIIC;
 - b. A Vice President for Defence;
 - c. A Vice President for Legal Representation for Victims; and
 - d. Treasurer.

Article 14: The President and the Vice Presidents of the Executive Committee

1. The President shall head the BIIC and shall represent it at any occasion.
2. The President shall act on a day-to-day basis with the ICC, including the Registry, to help resolve issues between Counsel and the ICC.
3. The President shall preside over the meetings of the General Assembly, the Executive Committee, and the Board.
4. During General Assembly meetings, the President shall be assisted by a Parliamentarian.
5. The President shall countersign all checks for any and all of the BIIC's expenses.
6. In the event of an unexpected vacancy of the position of President, one of the Vice-Presidents selected by the Executive Committee 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 15: Duties

1. The Executive Director shall be responsible for the administration of the BIIC, 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 BIIC'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 BIIC 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 BIIC.
5. The Executive Director shall ensure the effective administration of the BIIC 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 BIIC

Article 16: Finance

1. The BIIC's Funds shall come from annual fees of the Members, contributions from the ICC, donations, sales of publications, savings, investments, and any other resources, which have been authorized by the General Assembly and are in conformity with the objectives of the BIIC.
2. All the BIIC's funds shall be deposited in a bank account, opened on behalf of the BIIC over the signature of the Treasurer or the Executive Director, and with the counter-signature of the President.
3. The financial year runs from 1 January until 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 BIIC. 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 presented to the General Assembly in the Annual Meeting 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 17: Compulsory Contributions of the BIIC

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 ___ days (recommended 45) of the beginning of the membership year or, for new members, within ___ days (recommended 45) of approval of membership, on the basis of the number of months remaining in the current membership year.
4. Full Members assigned as Counsel or as Legal Representative of Victims 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.

Article 18: Audit of the BIIC

1. The BIIC'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 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 ___ years (recommended seven).
5. ___ (recommended 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, and experience in accounting and financial management. They are appointed for a term of one year and may be re-appointed for a maximum of (recommended two) additional consecutive terms. Internal Auditors may not be Members of the Executive Committee, Membership Committee, Defence Committee, Victims Committee, Rules Committee, Training Committee, Amicus Committee or Disciplinary Council.

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:

MEMBERSHIP COMMITTEE

Article 19: Composition

1. The Membership Committee is comprised of ___ (recommended 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 ___ (recommended one) year and may be re-elected for a second and third consecutive term. Members of the Executive Committee are not eligible to serve on the Membership Committee.

Article 20: Duties

1. 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.
2. The Membership Committee may adopt internal procedures to govern the procedure for admission.

Article 21: Admission

1. 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 BIIC as an Associate Member. The decision of the Membership Committee may be appealed before the Executive Committee within ___ (recommended 30) days of receipt of the notice.

Article 22: Suspension of Membership

1. A Member may be suspended from the BIIC 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 electronic 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 BIIC unless the decision is overturned, in accordance with the provision of the Rules of Procedure.

Article 23: Termination of Membership

1. Membership ceases upon:
 - a. The Member's death;
 - b. The Member's resignation, which becomes effective upon receipt by the BIIC of the Member's written resignation, subject to provisions in the Rules of Procedure; and
 - c. The Member being struck from 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 BIIC 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 X:

DEFENCE COMMITTEE

Article 24: Composition

1. The Defence Committee is comprised of ___ (recommended three) Full Members elected by the General Assembly for a term of ___ (recommended two) years. Members may be re-elected for a maximum of one additional consecutive term. One of the ___ (recommended three) Defence Committee Members shall be designated as chair by the other Members. The Chair of the Defence Committee reports to the Executive Committee.

Article 25: Duties

1. The Defence Committee shall take into consideration the interests of suspects and accused and, through a reasoned commentary, provide reasonable proposals to the Rules Committee and advise the Executive Committee and the General Assembly on all matters affecting the Defence.

PART XI:

VICTIMS COMMITTEE

Article 26: Composition

1. The Victims Committee is comprised of ___ (recommended three) Full Members elected by the General Assembly for a term of ___ (recommended two) years. Members may be re-elected for a maximum of one additional consecutive term. One of the ___ (recommended three) Victims Committee Members shall be designated as chair by the other Members. The Chair of the Victims Committee reports to the Executive Committee.

Article 27: Duties

1. The Victims Committee shall take into consideration the interests of victims and through a reasoned commentary, provide reasonable proposals to the Rules Committee and advise the Executive Committee and the General Assembly on all matters affecting the Legal Representation of Victims.

PART XII:

RULES COMMITTEE

Article 28: Composition

1. The Rules Committee is comprised of ___ (recommended seven) Full Members elected by the General Assembly for a term of ___ (recommended two) years. Members may be re-elected for ___ (recommended two) additional consecutive terms. One of the ___ (recommended seven) 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 BIIC; and
 - c. Proposing and drafting amendments to the ICC Rules of Procedure and Evidence which are in the interest of members of the BIIC and/or their clients.
2. The Rules Committee, after review and consultation with the Executive Committee, shall forward all proposals from the Defence and Victims Committees to the Advisory Committee on Legal Texts (ACLT) and, when appropriate, directly to the Judges' Plenary.

PART XIII:

TRAINING COMMITTEE

Article 30: Composition

1. The Training Committee is comprised of ___ (recommended five) Full Members elected by the General Assembly for a term of ___ (recommended two) year. Members may be re-elected for additional (recommended two) terms. One of the (recommended 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:
 - a. Design 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 XIV:

AMICUS COMMITTEE

Article 32: Composition

1. The Amicus Committee is comprised of ___ (recommended five) Full Members elected by the General Assembly for a term of ___ (recommended 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 ___ (recommended five) 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: Duties

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.
 - c. If an issue is presented on which the clients of Members of the BIIC have significantly differing interests (such as those of Defence Counsel and Representatives of Victims) the Amicus Committee may decide to divide itself to work independently with each group.

PART XV:

DISCIPLINARY COUNCIL

Article 34: Composition

1. The Disciplinary Council is comprised of ___ (recommended 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 consecutive term. Disciplinary Council Members may not be a Member of the Membership Committee, the Rules Committee, the Training Committee, the Amicus Committee, the Defence Committee, or the Victims Committee. One of the ___ (recommended seven) Disciplinary Council Members shall be designated as Chair by the other Members. The Chair shall have at least ___ (recommended five) 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. The Disciplinary Council shall also take into consideration the codes of practice governing the legal profession in the Members' home jurisdictions and any other relevant codes of conduct.
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 35: Duties

1. The Disciplinary Council is an independent organ of the BIIC, 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 BIIC Rules of Professional Responsibility and Standards, as well as disciplinary procedures, for adoption by the General Assembly.

Article 36: 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 37: Adjudicating complaints

2. Complaints of 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.
3. Complaints must be submitted in writing, identifying the alleged misconduct.
4. 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.
5. 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.
6. 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.
7. Upon consent, the Disciplinary Council shall provide the respondent Member with the opportunity to be heard in relation to the complaint.
8. 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.
9. 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 about his/her conduct;
 - c. Refer the complaint to the ICC; or

- d. Terminate membership of the respondent Member in accordance with Article 6(1).
10. The Disciplinary Council shall inform the respondent Member and the complainant of its decision within ___ days (recommended 21) of receipt of the complaint. It shall also inform the Executive Committee of its decision.
11. Following a decision pursuant to paragraph 9(b) and 9(d), the respondent Member may appeal the decision before the Executive Committee. The appeal must be filed in writing within ____ (recommended seven) days of receipt of the Disciplinary Council decision.
12. All information acquired and decisions are confidential.

Article 38: 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 XV of this Constitution.
2. Any advisory opinions are distributed to the Members.

PART XVI:

FINAL PROVISIONS

Article 39: Rules of Procedure of the BIIC

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 any 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 ___ (recommended two) years. The Parliamentarian's role is to raise with the General Assembly and Executive Committee any matters that are inconsistent with the letter and spirit of this Constitution or applicable rules and procedures.

Article 40: Amendment and Interpretation of the Constitution

1. This Constitution may be amended by a two-thirds majority vote of Full Members who are present in person, or attending via electronic audio or audiovisual means or through proxies at the Regular Session of the General Assembly and who are entitled to vote.
2. All amendment proposals shall be submitted to all the Members by the Executive Committee *at least* _ (recommended 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 41: Affiliation with other Associations

1. The BIIC may establish procedures by which other bar associations may be affiliated with the BIIC, provided that their mission, goals, and structure mirror those of the BIIC.

Article 42: Advisory / Independent Board of Oversight

1. The BIIC may consider establishing and Advisory Board or an Independent Board of Oversight (recommended: Dutch Bar Association, International Bar Association and Amnesty International).
 - a. The Advisory Board or Independent Board of Oversight shall review the CIIC's annual report and may provide a general assessment of performance recommendations for improvement;
2. The Independent Board of Oversight shall have no powers to review the progress or outcome of individual complaints and shall not respond to individual parties about complaints.

Article 43: Dissolution of the BIIC

1. The BIIC 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.