

Annex V

Summary of the statement of the focal point on the establishment of an international criminal bar, issued at the 5th meeting of the Assembly, on 12 September 2003

1. The focal point indicated that, since his appointment as the Bureau focal point on issues related to an international criminal bar, he had contacted all missions to the United Nations in New York on three occasions: October 2002, February and April 2003. In those communications, delegations were invited to participate in the ongoing consultations relating to the creation of the International Criminal Bar (ICB). Some responses were received, although more would have been welcomed. All responses received were positive and encouraging. In addition, constructive comments were also received from the NGO Coalition, which had itself since joined the International Criminal Bar and chose to be represented on its Council.
2. In the absence of a high number of comments, the focal point, on his own initiative, approached a number of the most interested delegations, and subsequently received a series of substantive comments on the issue. This discussion continued during the second session of the Assembly, where a number of informal consultations were held on matters related to the agenda item “establishment of an international criminal bar” and related issues. Furthermore, the Registrar of the Court made a presentation on his approach to matters related to the defence (see annex IV to the present report) at the 3rd meeting of the Assembly, on 10 September 2003. The presentation was followed by a question and answer session. In addition, two information briefings were held by representatives of interested organizations.
3. The focal point reported that, in his view, it had become clear that some delegations had concerns regarding the International Criminal Bar, particularly relating to questions of representativeness and transparency. Furthermore, while several texts of a draft resolution were circulated, notably by France and Spain (on behalf of several interested Governments), respectively, no agreement was reached.
4. It was, however, generally understood that, regardless of whether or not the Assembly took any action on the item, the Registrar would still be duty bound, under the Rules of Procedure and Evidence of the Court, to continue consultations with relevant organizations on his responsibilities relating to the rights of the defence. The focal point encouraged the Registrar to include in his report to the next session of the Assembly a detailed overview of his efforts in relation to the defence, including the legal representation of victims, as well as an explanation of the consultation process followed.
5. The focal point further reported that some delegations had raised the possibility of amending the scope of the agenda item with a view to expanding it to include all matters related to the defence, including the legal representation of victims, or that an additional agenda item be added to that effect. He recommended that the suggestion be considered.