

# IBA panel discusses evidence in international criminal trials at ASP15

Tuesday 15 November 2016



The developments and challenges in giving evidence at international criminal trials are topics to be debated in **The Hague** on **22 November 2016** at an event arranged by the **International Bar Association's International Criminal Court and International Criminal Law Programme** (IBA ICC & ICL Programme) with the support of the **Embassy of Switzerland in the Netherlands**. An interactive discussion between a panel of international law experts and the assembled audience will take place during the **15th Session of the Assembly of States Parties** (ASP) to the International Criminal Court (ICC) – the annual gathering of delegates from the 124 States that are parties to the ICC and representatives from the ICC, civil society organisations, academia and other stakeholders. **Ambassador Jürg Lindenmann**, Deputy Director of the Directorate of International Law at the Swiss Federal Department of Foreign Affairs (FDFA) in Switzerland, is to provide introductory remarks.

**Aurelie Roche-Mair**, Director of the IBA ICC & ICL Programme, commented: *'The ICC is a central part of the international justice system, and as States gather to discuss how the ICC can function as an efficient, effective and sustainable institution, we want to highlight some of the advancements and challenges for its trials. Undoubtedly, digital evidence, witness availability and the pressure to deal with high volumes of complex material all present new, as well as ongoing, challenges for both ICC investigations and trials alike. We have arranged the panel discussion to enable experts from other international criminal tribunals to come together with ICC counterparts to share experiences, best practises and lessons around managing evidence in ways that ensure trials not only remain efficient, but also uphold international standards of fairness and due process. The annual session of the ASP provides a rich environment for such discussion and reflection.'*

Forming the basis of the panel discussion, to be chaired by Ms Roche-Mair, is the latest report in the IBA's ICL *Perspectives* series, **'Evidence Matters in ICC Trials'**. In this report, the IBA examines the context of evidence in ICC trials, including the relationship between evidence and the efficiency of proceedings, and the role of States Parties. In addition to these topics, the panel will also discuss:

- The potential of digital and technologically-derived evidence to provide information relevant to ICC proceedings, and the limitations of using such evidence in an international criminal trial;
- Judges' roles in managing and ruling on evidence matters, including considerations of legal precedent, efficiency and fairness of proceedings; and
- Counsels' perspectives on the impact of new forms of evidence, and on key developments in jurisprudence and procedural law relating to evidence.

The panel will comprise (in alphabetical order):

- **Wendy Betts**, Director of the eyeWitness to Atrocities initiative;
- **Judge Chile Eboe-Osuji**, Trial Division at the ICC;

- **Michelle Jarvis**, Deputy to the Prosecutor, International Criminal Tribunal for the former Yugoslavia; and
- **Geoff Roberts**, Defence Counsel at the Special Tribunal for Lebanon.

The IBA ICC & ICL Programme actively participates in the annual ASP session and highlights issues relating to fairness and equality of arms. The IBA's priorities and recommendations for the 2016 ASP will be published on the IBA website on Monday 21 November 2016 at the following link [tinyurl.com/hxcdwc5](http://tinyurl.com/hxcdwc5).

**ENDS**

#### **Editors' Notes**

1. Media accreditation is required to attend the event and must in be place before 23 November. To arrange, please click the below link:[asp.icc-cpi.int/en\\_menus/asp/press%20releases/Pages/MA207.aspx](http://asp.icc-cpi.int/en_menus/asp/press%20releases/Pages/MA207.aspx)
2. **About the ICC & ICL Programme:**  
The IBA commenced the ICC programme in 2005. The Programme monitors issues relating to fairness and equality of arms at the ICC and other Hague-based war crimes tribunals, and encourages the legal community to engage with the work of these Courts. The IBA's work includes thematic legal analysis of proceedings, and ad hoc evaluations of legal, administrative and institutional issues which could potentially affect the rights of defendants, the impartiality of proceedings and the development of international justice. The Programme also acts as the interface between the Courts and the global legal community. As such, special focus is placed on monitoring emerging issues of particular relevance to lawyers and collaborating with key partners on specific activities to increase engagement of the legal community on ICC and ICL issues.  
Programme information is disseminated through regular reports, expert discussions, workshops and other events and expert legal analysis on issues relevant to our mandate. Based at the Peace Palace in The Hague, the IBA's ICC & ICL programme consults and interacts with Courts' officials, civil society organisations, academics and international lawyers.
3. The **International Bar Association** (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Through its global membership of individual lawyers, law firms, bar associations and law societies, it influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London. Regional offices are located in: São Paulo, Brazil; Seoul, South Korea; and Washington, DC, US; while the International Bar Association's **International Criminal Court and International Criminal Law Programme** (ICC & ICL) is managed from an office in The Hague, the Netherlands.

The International Bar Association's **Human Rights Institute** (IBAHRI) works to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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