



# ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE ICTY

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PRESS RELEASE

## **THE ADC-ICTY REQUESTS THE IMMEDIATE RELEASE ICC STAFF MEMBERS**

THE HAGUE - The Association of Defence Counsel practicing before the International Criminal Tribunal for the Former Yugoslavia (ADC-ICTY) is an independent professional association which represents all defence counsel practicing before the ICTY. The ADC-ICTY works to promote and protect the interests of defence counsel and ensure the proper function of defence is respected in proceedings before international courts and tribunals.

Four International Criminal Court (ICC) staff members are reported to have been detained after they traveled to Libya on 6 June for an authorized visit with Saif Al-Islam Gaddafi, a former senior official in the Libyan government who is wanted by the ICC for crimes against humanity allegedly committed in Libya.

It is completely unacceptable that these staff members have been detained while conducting a visit which was ordered by the ICC Pre-Trial Chamber on 27 April 2012.

As international civil servants, the ICC Staff members are afforded functional immunity while carrying out their duties for the ICC. This is provided for in Article 18 of the Agreement on the Privileges and Immunities of the ICC. Security Council Resolution 1970, which referred the situation in Libya to the ICC, stipulates that the Libyan authorities shall cooperate with the ICC. Therefore the Libyan government has the duty to fulfill their obligations and not to hinder the ICC in its official missions.

The Libyan government had agreed to the visit by the delegation and therefore accepted to adhere to the international norms protecting such persons.

Ms. Melinda Taylor, counsel representing the Office of Public Counsel for Defence is one of those detained. At the present time, the Office of Public Counsel for Defence has been appointed to represent the interests of Saif Al-Islam. The Libyan authorities have alleged that Ms. Taylor was acting contrary to the agreed terms of the visit.

The ADC-ICTY believes strongly in the right for counsel to have privileged access and communication with their client. This is paramount to ensure that the rights of the accused to fair trial are upheld and that the proper function of defence is respected.

The ADC-ICTY respectfully calls for the immediate safe release of all ICC staff members who are currently detained in Libya. The ADC-ICTY also requests that the UN Security Council intervenes in this matter as it is the body which referred the situation in Libya to the ICC in 2011.

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