



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

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Bar Human Rights Committee of England and Wales

PRESS RELEASE

The Bar Human Rights Committee (BHRC) voices its concern at the on-going detention of four ICC staff members in Zintan, Libya. It joins the President of the International Criminal Court, Judge Sang-Hyun Song, in requesting their immediate release.

The BHRC notes that the four ICC staff members, under the 2002 *Agreement on the Privileges and Immunities of the International Criminal Court*, have immunity which protects against arrest, detention and prosecution, when on an official ICC mission. Ms. Melinda Taylor and Ms. Assaf, along with the 2 other staff members who have remained in Zintan in solidarity, are protected by these privileges and immunities while on Libyan soil, and should not have been detained while in the execution of their duties.

The BHRC further notes that the United Nations Security Council Resolution 1970, which referred the Libya Situation to the ICC, states "the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court". We join in President Song's "*call to the Libyan authorities immediately to take all necessary measures to ensure their safety and security and to liberate them*".

The BHRC is particularly concerned that this mission was, as the statement of the Court indicates, "*in part... a privileged visit by the Office of Public Counsel for the Defence, currently appointed to represent Mr Gaddafi in the case brought against him. The delegation also included members of the ICC Registry with the view of discussing with Mr. Gaddafi the option to appoint counsel of his own choosing.*" The

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BHRC underlines the critical importance of the role of defence counsel, including the right of any accused person to confidential contact with his/her lawyers.

The role of defence counsel is to ensure the rights of the accused are respected, and that the trial process is fair. Privileges and immunities protect the ability of those staff to ensure due process to the system of international criminal law. The continuing detention of ICC staff - and in these particular circumstances, the detention of Ms. Taylor who is charged with ensuring the defence of an accused – is an attack on the procedural rights which must be adhered to if a fair trial is to be ensured.

The Bar Human Rights Committee urges all concerned in Libya to recognize the privileges and immunities of all four members of staff of the International Criminal Court, and to arrange for their safe and immediate release.



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Chair of the Bar Human Rights Committee

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