

Mr Mustafa Mohammed Abdul Jalil
Chairman of the Libyan Interim National Council

Brussels, 11 June 2012

Re: Call for immediate release of the four ICC staff members detained in Libya

Dear Mr Chairman,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from the EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE is deeply concerned about recent news that four staff members of the International Criminal Court (ICC) have been detained in Libya since Thursday 7 June while on an official ICC mission; according to our information, these four are Melinda Taylor, lawyer, Esteban Peralta Losilla, chief of the Counsel Support Section, Alexander Khodakov, external relations and cooperation senior adviser and Helene Assaf, translator and interpreter.

The CCBE understands that the ICC delegation travelled to Libya in part as a privileged visit by the Office of Public Counsel for the Defence, currently appointed to represent Saif Al-Islam Gaddafi in the case brought against him. The delegation also included members of the ICC Registry.

As stressed by the ICC President, Judge Sang-Hyun Song, these four international civil servants have immunity when on an official ICC mission.

The CCBE emphasises the vital role of defence counsel in all criminal justice systems, including the role of the Office of Public Counsel for the Defence of the ICC, and the CCBE would like to underline the right of any accused person to communicate with his/her lawyer in full confidentiality.

Article 8 of the United Nation Basic Principles on the Role of Lawyers, regarding Special safeguards in criminal justice matters, states that:

“All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.”

Article 67 of the Rome Statute guarantees the right of the accused to communicate freely with his/her counsel.

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to release the four ICC members currently detained in Libya, and to arrange for their safe return to The Hague.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Prunbauer-Glaser', with a long vertical stroke extending downwards from the end of the signature.

Marcella Prunbauer-Glaser
CCBE President