



Cour
Pénale
Internationale

International
Criminal
Court



The Office of Public Counsel for the Defence

The Office of Public Counsel for the Defence (OPCD) was established in 2006 to promote, represent and research the rights of the defence and persons entitled to legal assistance, as well as raising the profile of defence issues. Established pursuant to Regulation 77 of the Regulations of the Court (RoC), the Office is independent in terms of its substantive functions, but falls within the remit of the Registry solely for administrative purposes.

Regulation 77 of the Regulations of the Court sets forth the full mandate of the Office of Public Counsel for the Defence to act when a conflict of interest does not arise, which can be summarised in four main functions:

REPRESENTING & PROTECTING | RoC 77(4)(a)

Representing and providing assistance to protect the rights of defence during the initial stages of proceedings.

SUPPORTING & ASSISTING | RoC 77(4)(b)

Providing general legal support and assistance to Defence teams.

APPEARING | RoC 77(4)(c)

Acting as an *Amicus* on Defence issues.

ACTING ON APPOINTMENT | RoC 77(4)(d) – (f)

Advancing submissions on behalf and/or representing individuals, not otherwise represented, on specific assignment, short or full case.

OF DEFENCE FOR DEFENCE

- Mandated by Regulation of the Court 77
- An Independent Office
- Creating institutional Defence
- Acting for and with the Defence teams
- Contributing to equality of arms
- Bound by the Code of Professional Conduct



OfficeofPublicCounsel@icc-cpi.int



NOTABLE LITIGATION BY THE OPCD

PROSECUTOR V. JOSEPH KONY (ICC-02/04-01/05)

Submissions pertaining to safeguarding defendants' rights in relation to *in absentia* Confirmation of charges proceedings.

Read more: [ICC-02/04-01/05-458](#) and [ICC-02/04-01/05-497](#).

SITUATION IN THE STATE OF PALESTINE (ICC-01/18)

Submissions on the preservation of predetermination of territorial jurisdiction litigation at the Situation stage.

Read more: [ICC-01/18-90](#).

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN (ICC-02/17)

Submissions regarding the interests of justice assessment pursuant to Article 53-1-c as encompassing fair trial rights.

Read more: [ICC-02/17-110](#).

THE PROSECUTOR V. GICHERU & BETT (ICC-01/09-01/20)

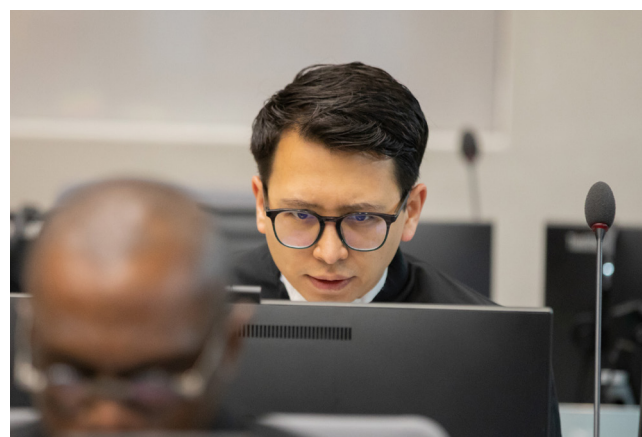
Submissions on the inapplicability of Rule 165 RPE.

Read more: [ICC-01/09-01/20-47](#).

SITUATIONS IN GEORGIA (ICC-01/15), CAR I (ICC-01/05) AND CAR II (ICC-01/14)

Request for safeguards to be put in place to protect defendants' rights within TFV assistance activities.

Read more: [ICC-01/15-37](#); [ICC-01/05-103](#); [ICC-01/14-130](#).



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International Criminal Court: Oude Waalsdorperweg 10, 2597 AK The Hague, The Netherlands.

Postal address: PO Box 19519; 2500 CM, The Hague, The Netherlands. Tel. + 31 (0)70 515 8515; Fax. +31 (0)70 515 8555.

www.icc-cpi.int