

ANNEX A

Relevant Provisions from the Code of Professional Conduct for Counsel

Article 6

Independence of counsel

1. Counsel shall act honourably, independently and freely.
2. Counsel shall not:
 - (a) Permit his or her independence, integrity or freedom to be compromised by external pressure; or
 - (b) Do anything which may lead to any reasonable inference that his or her independence has been compromised.

Article 7

Professional conduct of counsel

1. Counsel shall be respectful and courteous in his or her relations with the Chamber, [...] the Registrar and the members of the Registry, [...], opposing counsel, accused persons, victims, witnesses and any other person involved in the proceedings.
2. Counsel shall maintain a high level of competence in the law applicable before the Court. He or she shall participate in training initiatives required to maintain such competence.
3. Counsel shall comply at all times with the Statute, the Rules of Procedure and Evidence, the Regulations of the Court and such rulings as to conduct and procedure as may be made by the Court, including the enforcement of this Code.
4. Counsel shall supervise the work of his or her assistants and other staff, including investigators, clerks and researchers, to ensure that they comply with this Code.

Article 23

Communications with the Chambers and judges

- Unless the judge or the Chamber dealing with a case permits counsel to do so in exceptional circumstances, counsel shall not:
- (a) Make contact with a judge or Chamber relative to the merits of a particular case other than within the proper context of the proceedings; or
 - (b) Transmit evidence, notes or documents to a judge or Chamber except through the Registry.

Article 24

Duties towards the Court

1. Counsel shall take all necessary steps to ensure that his or her actions or those of counsel's assistants or staff are not prejudicial to the ongoing proceedings and do not bring the Court into disrepute.
2. Counsel is personally responsible for the conduct and presentation of the [Prosecution's] case and shall exercise personal judgement on the substance and purpose of statements made and questions asked.
3. Counsel shall not deceive or knowingly mislead the Court. He or she shall take all steps necessary to correct an erroneous statement

made by him or her or by assistants or staff as soon as possible after becoming aware that the statement was erroneous.

4. Counsel shall not submit any request or document with the sole aim of harming one or more of the participants in the proceedings.
5. Counsel shall [conduct the Prosecution's case] expeditiously with the purpose of avoiding unnecessary expense or delay in the conduct of the proceedings.

Article 25

Evidence

1. Counsel shall at all times maintain the integrity of evidence, whether in written, oral or any other form, which is submitted to the Court. He or she shall not introduce evidence which he or she knows to be incorrect.

[...]

Article 27

Relations with other counsel

1. In dealing with other counsel and their clients, counsel shall act fairly, in good faith and courteously.

[...]

3. When counsel does not expect particular correspondence between counsel to be confidential, he or she shall state clearly at the outset that such correspondence is not confidential.

Article 29

Relations with witnesses and victims

1. Counsel shall refrain from intimidating, harassing or humiliating witnesses or victims or from subjecting them to disproportionate or unnecessary pressure within or outside the courtroom.
2. Counsel shall have particular consideration for victims of torture or of physical, psychological or sexual violence, or children, the elderly or the disabled.