



Rules and Procedures of the Disciplinary Board and the Disciplinary Appeals Board

Table of Contents

Chapter I: General provisions

Article 1	Scope
Article 2	Use of terms
Article 3	Jurisdiction and independence of the Disciplinary Board and the Disciplinary Appeals Board
Article 4	Situations Not Covered
Article 5	Election of the members of the Disciplinary Board and the Disciplinary Appeals Board
Article 6	Composition

Chapter II: Procedure before the Disciplinary Board

Article 7	Referral to the Disciplinary Board
Article 8	First meeting of the Disciplinary Board in a matter
Article 9	Transmission of the Commissioner's report to counsel
Article 10	Setting the date for the disciplinary hearing
Article 11	Summons to appear at a disciplinary hearing
Article 12	Filing of submissions, observations and other documents
Article 13	Time limits
Article 14	Non-compliance with these Rules
Article 15	Conduct of the disciplinary hearing
Article 16	Decision rendered following the disciplinary hearing
Article 17	Notification
Article 18	Review of a decision rendered in the absence of counsel

Chapter III: Procedure before the Disciplinary Appeals Board

Article 19	Appeals against decisions of the Disciplinary Board
------------	---

Chapter IV: Reinstatement Procedures

Article 20 Application for Reinstatement

Chapter V: Secretariats of the Disciplinary Board and the Disciplinary Appeals Board

Article 21 Secretariat of the Disciplinary Board

Article 22 Secretariat of the Disciplinary Appeals Board

Chapter VI: Adoption and Amendment of the Rules and Procedures of the Disciplinary Board and Disciplinary Appeals Board

Article 23 Adoption and amendment

Rules and Procedures of the Disciplinary Board and the Disciplinary Appeals Board

Chapter I: General provisions

Article 1

Scope

These Rules apply to all disciplinary procedures before the Disciplinary Board and the Disciplinary Appeals Board under the Code of Professional Conduct for Counsel.

Article 2

Use of terms

1. Unless otherwise indicated, the terms used in these Rules have the meaning they are given in the Rome Statute, the Rules of Procedure and Evidence, the Regulations of the Court, the Regulations of the Registry and the Code of Professional Conduct for Counsel.
2. In these Rules:
 - "Court" refers to the International Criminal Court;
 - "Code" refers to the Code of Professional Conduct for Counsel;
 - "Disciplinary Board" refers to the Disciplinary Board as provided for in the Code;
 - "Disciplinary Appeals Board" refers to the Disciplinary Appeals Board as provided for in the Code;
 - "Counsel" refers to counsel within the meaning of article 1 of the Code;
 - "Rules" refers to the Rules and Procedures of the Disciplinary Board and the Disciplinary Appeals Board;
 - "Commissioner" refers to the commissioner appointed under article 33 of the Code;

- “Secretariat” refers to the secretariat services rendered by the staff member appointed under article 36(12) and 44(12) of the Code;
- “Report” refers to the report of the Commissioner, pursuant to article 39 of the Code, as to his or her investigation into a complaint of alleged misconduct by counsel;

Where there is incompatibility between the present Rules and the Code, the provisions of the Code shall prevail. Expressions that are not otherwise defined by the Rules have the meaning they are given in the Code.

Article 3

Jurisdiction and independence of the Disciplinary Board and the Disciplinary Appeals Board

1. The Disciplinary Board and the Disciplinary Appeals Board sitting as disciplinary boards shall hear cases of misconduct within the meaning of articles 31 and 32 of the Code.
2. The Disciplinary Board and the Disciplinary Appeals Board shall perform their functions in an independent and impartial manner.

Article 4

Situations Not Covered

Where the situation is not foreseen by the Rules, or where they do not provide a solution to an issue raised, the Disciplinary Board and the Disciplinary Appeals Board shall take necessary interim or any other appropriate measure to ensure that it is dealt with effectively, expeditiously and in a manner that is neither contrary to nor inconsistent with the rights of counsel subject to the disciplinary procedure. Where necessary, the Disciplinary Board and the Disciplinary Appeals Board shall decide to propose an amendment to the Rules pursuant to article 23.

Article 5

Election of the members of the Disciplinary Board and the Disciplinary Appeals Board

Members of the Disciplinary Board and the Disciplinary Appeals Board shall be elected in accordance with regulations 147 and 148 of the Regulations of the Registry.

Article 6

Composition

The composition of the Disciplinary Board and of the Disciplinary Appeals Board shall be determined in accordance with articles 36 and 44 of the Code.

Chapter II: Procedure before the Disciplinary Board

Article 7

Referral to the Disciplinary Board

1. The Commissioner appointed pursuant to regulation 149 of the Regulations of the Registry and article 33 of the Code shall refer a matter to the Disciplinary Board by submitting his or her report pursuant to the article 39 of the Code and any accompanying documents.
2. The report together with all accompanying documents shall be filed for registration with the Secretariat of the Disciplinary Board. The Secretariat shall forward the file to all permanent members of the Disciplinary Board without delay. The Chairperson shall, where possible and on a rotating basis, appoint a Presiding member from the permanent members of the Board.
3. The Presiding member of each case shall be responsible for the drafting of texts, resolutions, and other documents as required by the Disciplinary Board.
4. The members of the Disciplinary Board shall treat all information contained in the documents mentioned in paragraph 2 of this article with due regard for confidentiality.
5. The Secretariat will deliver together the report and any accompanying documents to the Presiding member, previously established under a rotation system.
6. All communications shall be confidential and authenticated. Electronic correspondence shall bear an electronic signature.

Article 8

First meeting of the Disciplinary Board in a matter

1. Following the registration of the report and the accompanying documents referred to in paragraph 1 of article 7 of these Rules and where applicable, the procedure set out in paragraph 4 of article 39 of the Code, the Presiding member shall, after consultation with the other members, without any unreasonable delay, call a first meeting to determine, *inter alia*:
 - (a) whether or not to hold a hearing where the alleged misconduct is the basis of a disciplinary procedure initiated before the competent national authority pursuant to article 38 of the Code;
 - (b) whether, in any event, a disciplinary proceeding should be initiated or continued against counsel; and

- (c) the processes to be followed, such processes to be in a manner that is neither contrary to the norms of due process nor inconsistent with the need to protect witnesses, victims and any other protected person involved in the procedure before the Board
2. The Chairperson of the Disciplinary Board may, however, for the purposes referred to in paragraph 1 of this article, use other appropriate means of communication, notably to obtain the opinion of the other sitting members, where such a process is useful in facilitating the proper functioning of the Board.
3. If a member of the Disciplinary Board has a personal relationship with the counsel subject to discipline which is incompatible with that member's duties in those proceedings, has worked on the case from which the proceedings arose, or is otherwise in a conflict of interest, the member shall recuse himself or herself from the matter. The replacement of the member shall be in accordance with the provisions of paragraph 10 of article 36 of the Code.

Article 9

Transmission of the Commissioner's report to counsel

1. When directed by the Presiding member, the Secretariat shall inform counsel who is subject to the disciplinary procedure that the matter is before the Disciplinary Board and shall provide to counsel a copy of the report and accompanying documents, as the case may be. Following this procedure, it will be deemed that counsel has been notified in accordance with article 11 of these Rules, without prejudice to his or her rights under article 40 of the Code.
2. Unless the Disciplinary Board decides otherwise, counsel shall be provided with a copy of the report and the accompanying documents in accordance with article 17 of these Rules.
3. The report and accompanying documents shall be transmitted in a manner that ensures the confidentiality of the information contained therein and is consistent with the protection of witnesses and victims, as well as any person protected by order of the Disciplinary Board due to the risks or dangers they could face as a result of their involvement in the procedure before the Board.
4. Where providing a report or an accompanying document in its original form could violate confidentiality or expose witnesses, victims, persons from whom a document was obtained or any other person involved in the disciplinary process to any danger, the Presiding member shall take any measure that is reasonably necessary to protect the integrity of the procedure or the rights of participants in the procedure in a manner that is consistent with paragraph 3 of article 40 of the Code.

5. The Presiding member shall take any appropriate measure to ensure that counsel against whom the complaint is made or his or her representative has in fact received the documents referred to in paragraph 1 as well as the citation or summons to appear provided for in article 11 of these Rules. He or she may also take any measure that is reasonably necessary to ensure the proper conduct of the disciplinary hearing.
6. In appropriate circumstances, counsel against whom the complaint is made or his or her representative may be asked to confirm to the Secretariat of the Disciplinary Board that he or she has in fact received the above-mentioned documents, and such confirmation may be given by any medium capable of delivering a written record.
7. Proof that the report and any accompanying documents have been transmitted to counsel may be established by any manner.

Article 10

Setting the date for the disciplinary hearing

1. The date for the disciplinary hearing shall be set by the Presiding member, after consulting the Commissioner and counsel subject to the hearing or his or her legal representative, with due consideration for the rights of counsel subject to the disciplinary procedure.
2. The hearing shall take place no less than 40 days following notification of the citation or summons to appear. The date of the hearing may be rescheduled if good cause is established by counsel or the Commissioner, by means of a written application.
3. Where the disciplinary hearing is rescheduled, counsel subject to the disciplinary procedure or his or her representative and the Commissioner shall be notified of the new date in accordance with the notification procedure set out in these Rules. However, the Presiding member may, in order to deal with the matter effectively and expeditiously, inform the parties of the date orally at that day's sitting.

Article 11

Summons to appear at a disciplinary hearing

1. Unless otherwise provided, all motions, petitions or applications before the Disciplinary Board shall be in writing.
2. Where the Disciplinary Board concludes that the procedure instituted against a counsel should go forward, the Secretariat will give notice to counsel, or his or her representative, and the Commissioner of the written decision. Such notice shall be transmitted in accordance with the procedure set out in article 17 of these Rules.

- (a) The above-mentioned notification constitutes a citation or summons to appear before the Disciplinary Board;
 - (b) The citation or summons to appear shall contain the following information:
 - the number and the reference of the matter;
 - the date, time and place for the disciplinary hearing;
 - a concise statement of the facts that gave rise to the disciplinary procedure;
 - references to the provisions indicating the obligations that counsel is alleged to have contravened;
 - the rights of counsel under article 40 of the Code;
 - the names and particulars of the members of the Disciplinary Board dealing with the matter;
 - the link to the Code on the Court's website;
 - the time set, if any, for filing written submissions, observations or explanations in the matter;
 - the electronic and postal addresses of the Secretariat of the Disciplinary Board.
3. Where it is deemed necessary for the effective and expeditious conduct of the procedure, the Disciplinary Board may decide to include in the citation or summons to appear any other relevant information that is not inconsistent with the rights of counsel subject to the disciplinary procedure or with the purpose of the citation or summons to appear.

Article 12

Filing of submissions, observations and other documents

1. Submissions, observations and other relevant documents in response to the documents described in article 9 of these Rules shall be filed with the Secretariat of the Disciplinary Board for registration within **30 days** following notification of the citation or summons to appear. However, the Disciplinary Board may accept a substantiated request to file any document pertaining to the matter at some other date set by the Disciplinary Board. In setting such date, consideration shall be given, *inter alia*, to the complexity of the matter, the nature of the document in question, or the status of the procedure before the Disciplinary Board. Where the Disciplinary Board sets a new time for filing a document, the

Chairperson shall take any measure that is reasonably necessary to inform counsel or his or her representative of the new date in a timely manner.

2. If, for good cause, counsel cannot file documents within the 30 day period provided for in paragraph 1, counsel may, by filing a written application before the Disciplinary Board, request an extension of time.
3. The documents referred to in paragraph 1 above may be filed by hand, by post or by electronic means if, in the latter case, an electronic signature is inserted. Documents filed electronically or by post shall be received as the case may be, at the electronic or postal address of the Secretariat of the Disciplinary Board, between 9 a.m. and 4 p.m., The Hague time. Documents in their electronic version are authoritative.
4. Documents shall be drafted in English or French. The Disciplinary Board may, upon request, decide that a document be submitted in any of the other official languages of the Court. In reviewing the request, consideration shall be given to the significance of the documents in establishing the truth and the relevance of the items on a case-by-case basis. Unless otherwise directed by the Disciplinary Board, such documents shall be accompanied by a certified true translation in English or in French.
5. Unless otherwise decided by the Disciplinary Board, each document referred to in paragraph 1 above shall set out, to the extent possible:
 - (a) the identity of the person filing it;
 - (b) the number and the reference of the matter;
 - (c) all relevant legal and factual issues, including details of the provisions or other applicable law relied upon.
6. The above referred to documents are limited to 30 pages, including titles, footnotes and quoted material. However, following a motion, the Board may allow for an increase in the number of pages where the particular circumstances of the matter so require and the ends of justice would be served.
7. The Secretariat of the Disciplinary Board shall provide, as soon as possible, to all members hearing the matter, and the Commissioner, a copy of any document registered in the matter. The Chairperson of the Disciplinary Board or a person he or she designates for that purpose will supervise the transmission of the document.

Article 13

Time limits

1. Computation of time for the purposes of any procedure before the Disciplinary Board is as follows:
 - (a) days shall be understood as calendar days; where the last day of a time limit falls upon a Saturday, a Sunday or an official holiday of the Court, the next working day of the Court shall be considered the last day;
 - (b) days shall be understood as full days, the day of notification or of the filing of a document are not taken into consideration in calculating the time available to file a document.
2. Applications to vary time limits shall be made orally or in writing to the Disciplinary Board at least 15 days prior to the expiring date setting out the grounds on which the variation is sought. The Disciplinary Board shall vary the time limits where good cause is shown. Where a time limit has expired, an extension of time may be granted if the applicant demonstrates that he or she was unable to file the application within the time limit for reasons beyond his or her control. The Disciplinary Board shall establish a new date not beyond 30 days from the initial one.

Article 14

Non-compliance with these Rules

1. In the event a participant fails to comply with the provisions of these Rules or with any measure taken by the Disciplinary Board under the Rules, the Disciplinary Board may render any decision or take any measure that is necessary in the interests of the proper administration of justice.
2. The above provision is without prejudice to the inherent powers of the Disciplinary Board.

Article 15

Conduct of the disciplinary hearing

1. The disciplinary hearing shall be public, unless the Disciplinary Board decides otherwise, under paragraphs 6 and 7 of article 39 of the Code. The Presiding member of the Disciplinary Board shall ensure due process throughout the procedure.
2. When the Disciplinary Board decides to hold a hearing *in camera*, the Presiding member shall provide reasons for the decision. The Presiding member may state the reasons at the opening of the hearing or the reasons may be stated in the citation or summons to appear referred to in article 11 of these Rules. The Disciplinary Board may decide to disclose all or part of the record of any hearing held *in camera*, except where there are valid reasons to withhold disclosure.

3. Where the interest of justice so requires, the Disciplinary Board may order the joinder:
 - (a) of several actions brought against the same counsel; or
 - (b) of actions brought against several counsel, if they are based on the same or related acts or omissions.

When determining the appropriateness of an order for joinder, the Board shall consider the following: the interests of justice in avoiding contradictory decisions regarding connected acts or omissions and the rights of all counsel affected by an order for joinder. The order for joinder shall be reasoned and given in writing.

4. The Commissioner shall be present at the hearing. Where he or she intends to make written submissions for the hearing, they shall be transmitted to the Disciplinary Board and to counsel subject to the procedure before the hearing unless otherwise directed by the Presiding member considering in all cases the rights of counsel and due process.
5. Counsel subject to the disciplinary procedure shall appear in person and may be represented by counsel of choice.
6. The Presiding member shall note the identity of the counsel subject to the disciplinary procedure. Where the counsel subject to the disciplinary procedure is not present at the hearing, the Presiding member may, after consulting the other members of the Disciplinary Board at the hearing and giving due consideration to the seriousness of the reasons for counsel not appearing, decide: to hear the matter in the absence of counsel, hear it in the presence of counsel's representative or adjourn the matter to a future date.
7. At any time during the hearing, the Disciplinary Board may, after hearing the Commissioner and counsel appearing on his or her own behalf or his or her representative, decide to:
 - adjourn the matter to a future date, *inter alia*, to hear witnesses;
 - to request further written or oral information from any person or organ of the Court, that may be able to assist it in establishing the truth.
8. The hearing shall comprise of the following in the chronological order:
 - reading of the citation or summons to appear;
 - hearing the witnesses of the Commissioner and any other person whose testimony the Disciplinary Board considers useful;

- counsel subject to the disciplinary procedures may reply to the oral and written evidence brought forth against him or her, may present witnesses and may testify in his or her defence;
 - the pleadings.
9. The Presiding member shall give counsel subject to the disciplinary procedure or his or her representative the opportunity to speak last. The Board may however, authorize the reopening of the hearing at any time during the Board's deliberations if a new decisive fact or element is raised in the matter and if the Disciplinary Board is notified in a timely manner. The Presiding member orders the reopening of the hearing after consultation with the other Board members hearing the matter.
 10. Where the Disciplinary Board decides to reopen the hearing, it shall notify the parties of the date of the next sitting, orally during that day's sitting or in writing thereafter, setting out, *inter alia*, the number and the reference of the matter, the date, time and place for the hearing, the prescribed time limit, if any, for filing written submissions, observations, explanations or any other relevant document. At any reopened hearing, counsel subject to the disciplinary procedure or his or her representative shall be given the opportunity to speak last.
 11. Deliberations shall be secret.
 12. For the validity of the hearing, all members of the Disciplinary Board shall be present throughout the meeting.

Article 16

Decision rendered following the disciplinary hearing

1. Misconduct must be proven to the Board with clear and convincing evidence. The Board may conclude the procedure finding no misconduct on the basis of the evidence submitted to it or finding that counsel subject to disciplinary procedure committed the alleged misconduct.
2. Following its deliberations, the Disciplinary Board shall decide by majority vote pursuant to paragraph 9 of article 36 of the Code.
3. The decision shall set out the name of each member of the Disciplinary Board who participated in the deliberations and shall be dated and bear the signatures of all members who made the decision.
4. The decision shall be public. It shall be reasoned and issued in writing.

5. The decision shall be registered with the Secretariat of the Disciplinary Board and notified to counsel subject to the disciplinary procedure, to the Registrar and to the Commissioner.
6. When the decision is final, it shall be published in the Official Journal of the Court and transmitted to the national authority.
7. Decisions made by the Disciplinary Board following the hearing shall be subject to the conditions set out in articles 41 and 42 of the Code.

Article 17

Notification

1. Subject to any decision by the Disciplinary Board, any document registered by its Secretariat or any decision of the Disciplinary Board shall be notified to the participants affected by the disciplinary procedure, unless the author of a document can establish good cause to deny notification. All participants shall provide to the Secretariat of the Board an electronic, facsimile or postal address for notification of documents.
2. Unless otherwise determined by the Disciplinary Board, a participant shall be deemed to have been notified or informed of a document or a decision or to have had such document or decision communicated to him or her on the day the document or decision is effectively sent from the Court by the Secretariat.
3. A participant who does not receive a document or a decision may raise the issue and, where appropriate, may request a variation of the time limit under these Rules. The Secretariat of the Disciplinary Board shall preserve and, when required, produce evidence of the fact that the document or decision was effectively sent.

Article 18

Review of a decision rendered in the absence of counsel

1. Counsel subject to the disciplinary procedure may apply to set aside the decision of the Disciplinary Board rendered in his or her absence pursuant to paragraph 6 of article 15 of these Rules. The application to set aside shall be inadmissible, unless it is submitted through the Secretariat, to the Disciplinary Board within **thirty days** from the date on which counsel subject to the proceedings received notification of the impugned decision.
2. For the purposes of the preceding provision, the applicant shall be recalled before the Disciplinary Board in accordance with these Rules.

3. Where the matter is reopened because of an application to set aside the decision, the Disciplinary Board shall again decide the matter, even in the absence of the applicant.
4. A ruling following an application to set aside a decision is deemed to have been rendered in an adversarial context.

Chapter III: Procedure before the Disciplinary Appeals Board

Article 19

Appeals against decisions of the Disciplinary Board

1. Appeals against decisions of the Disciplinary Board shall be filed in accordance with article 43 of the Code and article 12 of these Rules.
2. The Secretariat of the Disciplinary Board shall inform the Presidency of the appeal. The Presidency will thereafter appoint three judges to sit in the Disciplinary Appeals Board in accordance with article 44(4) of the Code.
3. By order of the Chairperson of the Disciplinary Appeals Board, the Secretariat of the Appeals Board shall notify the appeal against the decision of the Disciplinary Board to counsel, his or her representative or the Commissioner, as the case may be, in the manner prescribed in article 17.
4. In accordance with paragraph 4 of article 43 of the Code, proceedings before the Disciplinary Appeals Board shall be conducted according to the procedure followed before the Disciplinary Board and in accordance with the provisions of Chapter II of these Rules.
5. In the event a participant fails to comply with the provisions of these Rules, or with any measure taken by the Disciplinary Appeals Board under the Rules, the Disciplinary Appeals Board may render any decision or take any measure that is necessary in the interests of the proper administration of justice.
6. The above provisions are without prejudice to the inherent powers of the Disciplinary Appeals Board.

Chapter IV: Reinstatement Procedures

Article 20

Application for Reinstatement

1. Any counsel who has been banned from practising before the Court and struck off the list of counsel may, in accordance with these Rules, apply to the Disciplinary Board for the lifting of such ban and the restoration of his/her name to the list of counsel.

2. On hearing the application, the Disciplinary Board, if satisfied that the applicant is now a fit and proper person to practice in the Court, may order that the ban on the applicant from practising in the Court be lifted and that the applicant's name be restored to the list of counsel.
3. The Disciplinary Board may, in its discretion, refuse to consider the application until any order for costs to be paid by the applicant, previously made by the Disciplinary Board under article 42.3 of the Code, has been fully complied with.
4. The application shall be in writing, stating in full the grounds of the application, and be accompanied by a sworn statement (affidavit) by the applicant and by sworn statement(s) (affidavits) of any other person(s) supporting the application.
5. The application and every accompanying document shall be filed for registration with the Secretariat of the Disciplinary Board. The Secretariat shall forward the application and accompanying documents to all permanent members of the Disciplinary Board and to the Commissioner without delay.
6. The hearing of the application shall be conducted, so far as appropriate, in accordance with the provisions of Chapter II of these Rules.

Chapter V: Secretariats of the Disciplinary Board and the Disciplinary Appeals Board

Article 21

Secretariat of the Disciplinary Board

1. The Secretariat of the Disciplinary Board shall render, *inter alia*, the following services:
 - (a) receive reports and any other document pertaining to the matter submitted to the Disciplinary Board and forward them to the members of the Board in accordance with these Rules;
 - (b) register all documents pertaining to the matter before the Disciplinary Board;
 - (c) notify to the parties all relevant documents in the matter and, where applicable, the decisions of the Disciplinary Board;
 - (d) transmit the record of the case subject to appeal to the Secretariat of the Disciplinary Appeals Board.

2. The Secretariat shall be responsible for all other administrative duties required for the proper conduct of the affairs of the Disciplinary Board.

Article 22

Secretariat of the Disciplinary Appeals Board

1. The Secretariat of the Disciplinary Appeals Board shall render, *inter alia*, the following services:
 - (a) register the records on appeal and any other document pertaining to the appeal and transmit them to the members of the Disciplinary Appeals Board;
 - (b) notify the parties of all relevant documents in the matter and, where applicable, the decisions of the Disciplinary Appeals Board.
2. The Secretariat shall be responsible for all other administrative duties required for the proper conduct of the affairs of the Disciplinary Appeals Board.

Chapter VI: Adoption and Amendment of the Rules and Procedures of the Disciplinary Board and Disciplinary Appeals Board

Article 23

Adoption and amendment

1. These Rules shall be adopted provisionally by the unanimous vote of all members of the Disciplinary Board and the Disciplinary Appeals Board, including alternate members. If no agreement is reached, these Rules shall be adopted provisionally by a **majority** vote of the members and alternate members present and voting. Voting procedures shall be determined by the Chairpersons of the Disciplinary Board and the Disciplinary Appeals Board, if necessary, after consultation with the members and alternate members of both boards. The Rules are adopted provisionally in order to allow for input from the appropriate organs of the Court, individual counsel and independent organizations representing associations of lawyers, barristers, solicitors and counsels. Input must be provided within 4 months of the provisional Adoption of the Rules to be followed by a second vote in keeping with the provisions of this article.
2. Each permanent or alternate member of the Disciplinary Board or member of the Disciplinary Appeals Board may submit proposals to amend these Rules on his or her own initiative or at the request of the Chairperson of the Disciplinary Board or the Disciplinary Appeals Board, as the case may be.

3. The Chairpersons of the Disciplinary Board and the Disciplinary Appeals Board may invite former members and alternate members of the Boards, individual counsel and independent organisations representing associations of lawyers, barristers, solicitors and counsel and any other body whose input is considered helpful, to submit proposals to amend these Rules. The proposals shall be filed with the Secretariat of the Board which requested the proposal. Proposals submitted to the Secretariats of either the Disciplinary Board or Disciplinary Appeals Board pursuant to this paragraph shall be transmitted for discussion to the Chairpersons of both Boards through their respective Secretariats.
4. Any proposal to amend these Rules shall be accompanied by explanatory material written in, at least, one of the working languages of the Court.
5. Proposals to amend these Rules shall be examined by the members and alternate members of the Disciplinary Board and the Disciplinary Appeals Board at a meeting chaired by the Chairperson of the Disciplinary Appeals Board or by a member designated by him or her for that purpose. The Chairpersons of the Disciplinary Board and the Disciplinary Appeals Board or their designated representatives may invite any person with established credentials relating to the discipline of counsel to make observations, if it is deemed relevant in examining the proposals. They may also seek expert advice for the same purpose.
6. Amendments to these Rules shall be adopted in accordance with paragraph 1 of this article.