

Distr.  
LIMITED

A/CN.4/L.488/Add.4/Corr.1  
14 July 1993

ENGLISH ONLY

INTERNATIONAL LAW COMMISSION  
Forty-fifth session  
3 May - 23 July 1993

Report of the Working Group on the Draft Statute  
for an International Criminal Court

Corrigendum

Article 55, Commentary, paragraph (4)

The third sentence of paragraph (4) should read as follows: "However, others were of the opinion that the limited structure of the Tribunal may not be conducive to reserving a number of judges to sit in an appeals chamber, since this would severely limit the number of judges available for the trial chambers."

Article 62

1. The title of article 62 should be amended to read:

"Surrender of an accused person to the Tribunal".

2. Paragraph 1

The beginning of the first sentence should read as follows: "As soon as practicable after affirming the indictment under ...".

3. Commentary, paragraph (1), first sentence

Change "... the request of the Prosecutor for the arrest or transfer of the accused ..." to "... the request of the Prosecutor for the arrest or surrender of the accused ...".

4. Commentary, paragraph (2)

Paragraph 2 should read as follows:

"(2). The term "surrender" was considered to be broad enough to cover situations in which the accused is to be arrested and delivered to the Tribunal for trial, as well as situations in which the person is already in custody and is to be "transferred" to the Tribunal for trial. With respect to the latter situation, the person may have already been arrested and be awaiting trial for criminal charges under national law or may have already been convicted for such a crime and be serving a term of imprisonment. With respect to the latter situation, the trial of such a person would be subject to the principle non bis in idem which may apply in accordance with article 44."

5. Commentary, paragraph (3), first sentence, (a)

Change "... immediate steps to arrest and transfer the accused ..." to "... immediate steps to arrest and surrender the accused ...".

6. Commentary, paragraph (3), first sentence, (b)

Change "... accepted the Court's jurisdiction must transfer or ..." to "... accepted the Court's jurisdiction must surrender or ...".

7. Commentary, paragraph (5)

The beginning of the second sentence should read as follows:

"Paragraph 6 provides that a State party may delay complying with a request ...".

8. Title of PART 7 should be changed as follows:

"PART 7. ENFORCEMENT OF SENTENCES".

-----