



UNITED
NATIONS



**United Nations Diplomatic Conference
of Plenipotentiaries on the Establishment
of an International Criminal Court**

Distr.
LIMITED

A/CONF.183/C.1/WGE/L.8
2 July 1998

Original: ENGLISH

Rome, Italy
15 June-17 July 1998

COMMITTEE OF THE WHOLE
Working Group on Enforcement

WORKING PAPER ON ARTICLE 94

Role of States in enforcement [and supervision]
of sentences of imprisonment

1. pending
2. In exercising its discretion to make a designation under paragraph 1, the [Court] [Presidency] may take into account any of the following:
 - (a) The principle that States Parties should share the responsibility for enforcing sentences of imprisonment;
 - (b) The application of widely accepted international conventional standards governing the treatment of prisoners;
 - (c) The views of the sentenced person regarding any concerns as to personal security or rehabilitation;
 - (d bis) The nationality of the sentenced person;
 - (e) Such other factors regarding the circumstances of the crime or the person sentenced, or regarding a State's ability to enforce a sentence in accordance with this Part, as may be appropriate in designating the State of enforcement.
3. If no State is designated under paragraph 1, the sentence of imprisonment shall be served in a prison facility made available by the host State, in conformity with and under the conditions as set out in the Host State Agreement as referred to in article 3, paragraph 2.

GE.98-71002 (E)
ROM.98-1459