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Criminal Court**

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COMMITTEE OF THE WHOLE  
Working Group on Procedural Matters

PROPOSAL SUBMITTED BY MALAWI FOR ARTICLE 63

Trial in presence of the accused

1. The accused shall have the right to be present at the trial, unless the Trial Chamber, having heard such submissions and evidence as it deems necessary, concludes that the absence of the accused is deliberate.
2. Where the Trial Chamber decides to proceed in the absence of the accused, it shall, after taking all reasonable steps to inform the accused of the charge, request the Pre-Trial Chamber to convene for purposes of recording evidence; in which case, as appropriate, the provisions of article 61 shall apply.
3. If the accused is subsequently tried under the present Statute, the record of evidence shall, subject to article 69 and the Rules of Procedure and Evidence, be admissible.

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