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COMMITTEE OF THE WHOLE
Working Group on Procedural Matters

PROPOSAL SUBMITTED BY POLAND

Proposal to clarify the relationship between: Article 57, paragraph 3

Functions of the Pre-Trial Chamber in relation with investigation
and
Article 69, paragraph 6

Evidence

1. Delete article 57, paragraph 3.
2. Add the following sentence at the end of the current paragraph 6 of article 69:

"The Court may refuse to admit evidence obtained as a result or consequence of a breach of or non-compliance with an [order] [recommendation][order and recommendation] of the Pre-Trial Chamber."^{1/}

^{1/} Other consequences of such a breach or non-compliance, affecting the probative value of evidence, may be attached by the Court under its general discretionary powers vis-à-vis assessing and evaluating evidence and, therefore, need not be articulated separately.

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