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COMMITTEE OF THE WHOLE  
Working Group on Procedural Matters

WORKING PAPER ON ARTICLE 70

Offences against the integrity of the Court

1. The Court shall have jurisdiction over the following offences against its integrity, when committed intentionally:
  - (a) Giving false testimony when under an obligation pursuant to article 69, paragraph 1, to tell the truth;
  - (b) Presenting evidence that the party knows is false or forged;
  - (c) Corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence;
  - (d) Impeding, intimidating or corruptly influencing an official of the Court for the purpose of forcing or persuading the official not to perform, or to perform improperly, his or her duties;
  - (e) Retaliating against an official of the Court on account of duties performed by that or another official;
  - (f) Soliciting or accepting a bribe as an official of the Court in conjunction with his or her official duties.

GE.98-71970 (E)

ROM.98-3104

2. The principles and procedures governing the Court's exercise of jurisdiction over offences under this article shall be as set forth in the Rules of Procedure and Evidence.<sup>1</sup> The conditions for providing international cooperation to the Court with respect to its proceedings under this article shall be governed by the domestic laws of the requested State.

3. In the event of conviction, the Court may impose a term of imprisonment not exceeding five years, or a fine, or both.

4. (a) Each State Party shall extend its criminal laws penalizing offences against the integrity of its own investigative or judicial process to acts against the integrity of the Court committed on its territory, or by one of its nationals.

(b) Upon request by the Court, the State Party shall submit the case to its competent authorities for the purpose of prosecution. Those authorities shall treat such cases with diligence and devote sufficient resources to enable them to be conducted effectively.

Article 70 bis:

Sanctions for misconduct before the Court

1. The Court may sanction misconduct of persons present before it, including disruption of its proceedings or deliberate refusal to comply with its directions, by administrative measures, other than imprisonment, such as temporary or permanent removal, a fine, or other similar measure as set forth in the Rules of Procedure and Evidence.

2. The procedures governing the imposition of the measures set forth in paragraph 1 shall be set forth in the Rules of Procedure and Evidence.

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<sup>1</sup>The Rules of Procedure and Evidence will need to include provisions governing such issues as general principles of criminal law, procedures for investigating, prosecuting, and enforcing sentences with respect to, such crimes.