



UNITED
NATIONS



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

Distr.
LIMITED

A/CONF.183/C.1/L.51
6 July 1998

Rome, Italy
15 June-17 July 1998

ENGLISH
Original: SPANISH

COMMITTEE OF THE WHOLE

PROPOSAL SUBMITTED BY URUGUAY ¹/

[Article 13

Information submitted to the Prosecutor

The following wording is suggested:

1. As in existing text.
2. Before deciding on the Prosecutor's request to proceed with an investigation, the Pre-Trial Chamber shall hear the State or States concerned with a view to taking their opinions into account, and must expressly pronounce on the opinions voiced by the said State or States.
3. If the Pre-Trial Chamber, upon examination of the request, the accompanying material and the opinions voiced by the State or States concerned, considers that there is a reasonable basis to proceed ... (continue with existing text to end of para. 2).
4. For the purposes of the decision referred to in paragraph 3 above, the membership of the Pre-Trial Chamber shall rotate so that successive requests to proceed with an investigation shall be ruled upon by Chambers with different members chosen by lot.
5. The State or States concerned may appeal against the decision to proceed with an investigation as provided in articles 81 and thereafter, the appeal not having suspensive effect unless the Appeals Chamber so rules at the request of the State or States concerned.
6. As in existing text.]

¹/ This is an attempt to move towards a compromise solution, establishing additional safeguards for the States concerned.

GE.98-71289 (E)
ROM.98-1837