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COMMITTEE OF THE WHOLE

PROPOSAL FOR ARTICLE 10 SUBMITTED BY SPAIN

Role of the Security Council

A. Word the provision in paragraph 7 (at present between square brackets) as follows:

"1. Where the Security Council is actively dealing with a dispute or a situation affecting international peace and security and a matter related directly to that dispute or situation is referred to the Court, the Council, acting under Chapter VII of the Charter, may call on the Court to desist from commencing or continuing the corresponding proceedings for a specified period not exceeding 12 months.

2. Upon the expiry of the initial period for which the Security Council has called for the proceedings before the Court to be suspended, the Council may similarly call for an extension of the suspension for a further period not exceeding 12 months, in order to enable it to continue its action for the maintenance of international peace and security.

3. Both in the case of the initial request and in that of any subsequent request by the Security Council, the Court [the Pre-Trial Chamber], having heard the Prosecutor and any interested State Party, shall decide to suspend the proceedings and concurrently shall take all necessary measures for the preservation of the evidence and any other precautionary measures in the interests of justice.

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4. If the Court [the Pre-Trial Chamber] decides to suspend the proceedings for a specified period in order to accede to the request of the Security Council, and the Council, during that period, does not take measures under Chapter VII of the Charter in connection with the dispute or situation in question, the Court may, at the end of the period, continue its consideration of the case."

B. Place this provision in a separate article.

N.B.: This proposal also applies to the provision in article 10, paragraph 2, of the "Further option for articles 6, 7, 10 and 11" reproduced on pages 38 and 39 of the Spanish text of the draft Statute (likewise on pages 38 and 39 of the English text).
