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COMMITTEE OF THE WHOLE
Working Group on Enforcement

COORDINATOR'S INFORMAL DRAFT FOR DISCUSSION

Article 100

Review by the Court concerning reduction of sentence

1. The State of enforcement shall not release the person before the expiry of sentence pronounced by the Court.
2. The Court alone shall have the right to decide any reduction of sentence.
3. In every case, the Court shall, on its own motion or on application of the sentenced person, review whether, under the circumstances, to reduce the sentence imposed when the person has served two thirds of the sentence, or twenty-five years in the case of life imprisonment. The Court shall not conduct such a review before that time.
4. In its review under paragraph 3, the Court may reduce the sentence if it finds that one or more of the following factors is present:
 - (a) The early and continuing willingness of the person to cooperate with the Court in its investigations and prosecutions;

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(b) The voluntary assistance of the person in enabling the enforcement of the judgements and orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders of fine, forfeiture or reparation which may be used to the benefit of victims; or

(c) Other factors which establish a clear and significant change of circumstances sufficient to justify the reduction in sentence, which factors shall be specified in the Rules of Procedure and Evidence.

5. If the Court determines in its initial review under paragraph 3 that it is not appropriate to reduce the sentence, it shall thereafter review the question of reduction of sentence at such intervals and applying such criteria as shall be elaborated in the Rules of Procedure and Evidence.
