



**UNITED
NATIONS**



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

Distr.
LIMITED

A/CONF.183/C.1/WGIC/L.13/Rev.2
13 July 1998

Original: ENGLISH

Rome, Italy
15 June-17 July 1998

COMMITTEE OF THE WHOLE
Working Group on International Cooperation
and Judicial Assistance

ROLLING TEXT OF ARTICLE 91, PARAGRAPH 4

4. When circumstances so require, in the case of a request which can be executed without any compulsory measures, including specifically the interview of or taking evidence from a person on a voluntary basis, including doing so without the presence of the authorities of the requested State if it is essential for the request to be executed, and the examination without modification of a public site or other public place, the Prosecutor may execute such request directly on the territory of a State as follows:

(a) When the State requested is a State on the territory of which the crime which is alleged to have been committed, and there has been a determination of admissibility pursuant to Articles [16 or 17], the Prosecutor may directly execute such request following such consultations with the requested State as he or she deems appropriate;

(b) In other cases, the Prosecutor may directly execute such request following consultations with the requested State and subject to any reasonable conditions or concerns raised by that State. Where the requested State Party identifies problems with the execution of a request pursuant to this subparagraph it shall, without delay, consult with the Court to resolve the matter.

GE.98-72027 (E)

ROM.98-3287