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of an International Criminal Court**

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

PROPOSED REFORMULATION OF ARTICLE 86,  
PARAGRAPHS 4 AND 6, SUBMITTED BY THE  
DELEGATION OF THE CENTRAL AFRICAN REPUBLIC

Article 86, paragraph 4 [6]

States Parties' failure to cooperate

Where a State Party fails to comply with a request by the Court contrary to the provisions of the Statute, thereby preventing the Court from performing its duties under this Statute, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties so that necessary measures may be taken to enable the Court to exercise its jurisdiction.

Article 86, paragraph 6 [4]

Cooperation by non-States Parties

(a) The Court may invite any State not party to this Statute to provide assistance under this part on the basis of comity.

(b) Where a State not party to this Statute which has entered into an agreement or an ad hoc arrangement with the Court fails to cooperate with requests under paragraph (a), thereby preventing the Court from performing its duties under this Statute, the Court may make a finding to that effect and refer the matter to the United Nations General Assembly so that necessary measures may be taken to enable the Court to exercise its jurisdiction.

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(c) (new) Where a State not party to this Statute which has not entered into an agreement or an ad hoc arrangement with the Court fails to cooperate with requests under paragraph (a), thereby preventing the Court from performing its duties under this Statute, the Court may make a finding to that effect and refer the matter to the United Nations General Assembly or, where the Security Council referred the matter to the Court, to the Security Council so that necessary measures may be taken to enable the Court to exercise its jurisdiction.

N.B. Paragraph 5 of the original version (Cooperation of intergovernmental organizations) now becomes paragraph 6.

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