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Establishment of an International
Criminal Court**

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COMMITTEE OF THE WHOLE

PROPOSALS SUBMITTED BY MEXICO

Article 12 bis*

Article 15. Issues of admissibility

Article 102. Assembly of States Parties

Article 108. Settlement of disputes

Article 12 bis*

1. When the Prosecutor, upon receipt of the information referred to in article 12, concludes that there is sufficient basis to initiate an investigation, shall notify its decision to the interested States.
2. Before deciding to proceed with the investigation, the Prosecutor shall hear and take into account the views of the interested States.
3. If the Prosecutor decides to proceed with the investigation, he or she shall proceed in accordance with paragraph 1 of article 13 of this Statute. When making its determination, the Pre-Trial Chamber shall take into account in the first place the views referred to in paragraph 2 above.
4. The application of the present article is without prejudice to the right of the interested States to challenge the admissibility of a case in accordance with the procedure provided for in this Statute.

* The placement of this article may be decided at a later stage.

Article 15. Issues of admissibility

1. Paragraph 2 (b)

For the concept of "undue delay", substitute the concept of "unjustified delay".

2. Paragraph 2 (c)

To the concepts of "independently or impartially" add the phrase "in accordance with the norms of due process recognized by international law".

3. Paragraph 3

In the second line, for the word "partial" substitute the word "substantial", so that the phrase will now read "due to a total or substantial collapse or unavailability of its national judicial system ..."

Article 102. Assembly of States Parties

Add a new paragraph 2 (d bis), as follows:

"(d bis) Consider any request by a State Party to examine a controversy between that State and the Court including, if necessary, an application for an advisory opinion of the International Court of Justice;"

Article 108. Settlement of disputes

Any dispute between two or more States Parties relating to the interpretation or application of this Statute which is not resolved through negotiations within three months, shall be settled by one of the means of settlement of disputes chosen by the parties to the controversy, and if this is not possible also within three months, it will be sent to the International Court of Justice for consideration in accordance with this Statute.
