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COMMITTEE OF THE WHOLE  
Working Group on International Cooperation  
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ROLLING TEXT OF ARTICLE 91, PARAGRAPH 4

4. (a) When circumstances so require, in the case of a request which can be executed without any compulsory measures, such as the interview of or taking evidence from a person on a voluntary basis or the examination, as appropriate, of a place or site which is usually accessible to the public, 1/ the Prosecutor 2/ may, upon his or her request and following consultations with the authorities of the requested State, conduct any such interview or examination or take such evidence, consistent with the Statute, having due regard to the protection of victims and witnesses; and the Prosecutor may do so without the presence of the authorities of the requested State if it is essential for the request to be executed.

(b) Where the requested State identifies problems in the execution pursuant to this paragraph it shall, without delay, consult with the Court to resolve the matter. 3/

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1/ This should be interpreted in the context of article 90, paragraph 1 (g). A view was expressed that this extends to exhumation and examination of grave sites only.

2/ "Prosecutor" includes the Prosecutor and all acting on his or her behalf or under his or her authority.

3/ A view was expressed that the execution of the request should pend until the matter is resolved.

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