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## **Preparatory Commission for the International Criminal Court**

Working Group on the Rules of Procedure and Evidence  
New York  
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### **Proposal by France concerning the Rules of Procedure and Evidence**

#### **Recapitulation of the general outline proposed by France<sup>1</sup>**

##### **Section 6. Revision**

91. Form of the application for judicial review of the facts and notification thereof to all parties to the initial proceedings.
92. Arguments of the applicant and of the other parties.
93. Presentation of additional evidence.
94. Pre-trial judge.
95. Hearing on the relevance of the revision.
96. Decision on the relevance of the revision.
97. Procedure following authorization of the revision.

##### **Proposals**

1. Australia submitted proposals on revision.<sup>2</sup> In order to facilitate the negotiations, France does not intend to submit detailed proposals on this subject, but rather to comment on the Australian delegation's proposals.

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<sup>1</sup> See document PCNICC/1999/DP.2.

<sup>2</sup> PCNICC/1999/DP.1, chap. 13, sect. 1.

**Rule 144 proposed by Australia**

This proposal does not make it possible to give the Appeals Chamber the power really to deal with the application for revision. Moreover, an application for revision concerns not only the Prosecutor and the convicted person, or his relatives; it also concerns all who have participated in the proceeding that has given rise to the decision which is the subject of the application for revision. Sub-rules (a) and (b) should therefore be amended as follows:

“(a) The application for revision provided for in article 84, paragraph 1, of the Statute shall be submitted in writing to the Registrar of the Court. It shall set out the grounds on which revision is sought and be accompanied by supporting documentation.

The Registrar shall send notification of the application for revision to all who have participated in the proceeding that has led to the decision which is the subject of the application. Those who receive notification of the application shall be entitled to make written submissions to the Appeals Chamber.

(b) At a date which it shall fix freely and shall communicate to the applicant and to all who have received notification of the application for revision in accordance with sub-rule (a), the Appeals Chamber shall hold a hearing before taking a determination as to the merits of the application.

In order to prepare for this hearing, and in conducting the hearing, the Appeals Chamber shall have the same powers as those granted to the Trial Chamber in Part 6 of the Statute and in rules 10 to 20.”

Sub-rule (c) is acceptable to France, but a paragraph should be added to it concerning notification of the determination:

“(c) Notification of the determination shall be sent to the applicant and to all who have received notification of the application for revision in accordance with sub-rule (a).”

**Rule 145 proposed by Australia**

Sub-rule (a) is acceptable to France.

Sub-rule (b) should be amended to reflect the French proposals made in respect of rule 144:

“(b) The applicant, and all who have received notification of the application for revision in accordance with sub-rule 144 (a), shall have standing to make written or oral submissions during the hearing referred to in sub-rule (a).”

France is not in favour of sub-rule (c). It would be going too far to allow the Court to take such an important determination without written briefs being filed.

France is, however, in favour of sub-rule (a).

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