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

**Working Group on Rules of Procedure and Evidence  
concerning parts 9 and 10 of the Statute**

New York

16-26 February 1999

26 July-13 August 1999

29 November-17 December 1999

**Proposal submitted by Spain on the Rules of Procedure and  
Evidence concerning part 9 of the Rome Statute of the  
International Criminal Tribunal, on international cooperation  
and judicial assistance**

**Rules in relation to paragraph 3 of article 92 of the Statute  
(Provisional arrest)**

**A. Duration of provisional arrest in the requested State**

1. For purposes of the provisions of the first sentence of paragraph 3 of article 92 of the Statute, the time limit for receipt by the requested State of the request for surrender and the documents supporting the request shall be 40 days from the date of the provisional arrest.

2. If, because of special difficulties related to the case, the Court deems it unlikely that it can comply within the time limit, it may ask the requested State, through the diplomatic channel or through the channel designated by the State pursuant to article 87, subparagraph 1 (a), of the Statute, for an extension of the time limit, not to exceed 20 days.

**B. Simplified form of surrender**

1. Once the arrested person is in the custody of the competent judicial authority of the requested State, that person shall immediately be summoned to appear, within the time limit specified by national law, assisted by counsel of the person's choosing or assigned to him or her.

2. On appearing, the person shall be given the documentation sent by the Court and informed, in a manner clearly comprehensible to him or her, of the possibility of voluntarily consenting to surrender and also the possibility of waiving the benefit of the rule of speciality set forth in article 101 of the Statute. The person shall be given 10 days in which to announce his or her decision.
3. The consent expressed by the arrested person may be in relation to all or only some of the facts related in the request for surrender, in which case the requested State shall proceed to surrender the person to the Court with respect to those facts. Following the surrender of the person in accordance with paragraph 2 of article 101 of the Statute, the Court may request an extension with respect to the remaining facts.
4. Once formally expressed, the consent of the arrested person shall be irrevocable.

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