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Preparatory Commission for the International Criminal Court
Working Group on Rules of Procedures and Evidence
concerning Parts IX and X of the Statute
New York
16-26 February 1999
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**Discussion paper submitted by the Coordinator concerning
Part 10 (Enforcement)**

Rules relating to articles 105 to 111 of the Statute

Corrigendum

Replace the existing text under article 110 with the following

Article 110

Review by the Court concerning reduction of sentence

Rule 10.34

(a) For the application of article 110, paragraph 3, the Presidency shall conduct a hearing with the sentenced person and his or her counsel, with interpretation as may be required. The Presidency shall invite the Prosecutor, the State of enforcement of any penalty under article 77 or any reparation order pursuant to article 75, and the victims or their legal representatives, to participate in the hearing. Under exceptional circumstances, this hearing may be conducted by way of a video conference or in the State of enforcement by a judge delegated by the Presidency.

(b) The Presidency shall communicate the reasons for its decision to all those who participated in the proceedings as soon as possible.

Rule 10.35

(a) For the application of article 110, paragraph 5, the Presidency shall review the question of reduction of sentence every three years, unless it establishes a shorter interval in its decision taken pursuant to article 110, paragraph 3. In case of a significant change in circumstances, the Presidency may permit the sentenced person to apply for a review within the three-year period or such shorter period as may have been set by the Presidency.

(b) For any review under article 110, paragraph 5, the Presidency shall invite written representations from the sentenced person or his or her counsel, the Prosecutor, victims or their legal representatives and the State of enforcement of any penalty under article 77 and any reparation order pursuant to article 75. The Presidency may also decide to hold a hearing.

Rule 10.36

In reviewing the question of reduction of sentence pursuant to article 110, paragraphs 3 and 5, the Presidency shall take into account the criteria listed in article 110, paragraph 4 (a), (b) and the following criteria:

(a) The conduct of the sentenced person while in detention, which shows a genuine dissociation from his or her crime;

(b) The prospect of the resocialization and successful resettlement of the sentenced person;

(c) The prospect that, given the time that has elapsed and the normalization of social and political life in the territory in which the crime occurred, early release of the sentenced person would not give rise to significant social concerns or jeopardize reconciliation;

(d) Any significant action taken by the sentenced person for the benefit of the victims as well as any impact on the victims and their families as a result of the early release;

(e) Individual circumstances of the sentenced person, including a worsening state of physical or mental health or advanced age.
