

8 December 1999

Original: English

Preparatory Commission for the International Criminal Court
Working Group on Rules of Procedures and Evidence
concerning Part 7 of the Statute
New York
16-26 February 1999
26 July-13 August 1999
29 November-17 December 1999

**Discussion paper submitted by the Coordinator concerning
Part 7 of the Rome Statute of the International Criminal Court,
on penalties**

Rule relating to article 77, para. 2 (b)

Rule 7.3

(a) In accordance with article 76, paragraphs 2 and 3 and rules 6.1 (d) and 6.21, at any hearing to consider an order of forfeiture, a Chamber of the Court shall hear evidence as to the identification and location of specific proceeds, property or assets which have been derived directly or indirectly from the crime.

(b) If before or during the hearing, a Chamber of the Court becomes aware of any bona fide third party who appears to have an interest in relevant proceeds, property or assets, it may give notice to that third party.

(c) The Prosecutor, the convicted person and any bona fide third party with an interest in the relevant proceeds, property or assets may submit evidence relevant to the issue.

(d) After considering any evidence submitted, a Chamber of the Court may issue an order of forfeiture in relation to specific proceeds, property or assets if it is satisfied that these have been derived directly or indirectly from the crime.