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**Preparatory Commission for the International Criminal Court  
Working Group on Rules of Procedures and Evidence related to Part 4  
of the Statute**

New York

16-26 February 1999

26 July-13 August 1999

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**Coordinator's discussion paper**

**Part 4. Organization and composition of the Court**

**Rules relating to a single judge, publication of decisions of the Court,  
working languages of the Court, translation and interpretation services  
and procedure applicable to the publication of documents of the Court**

**Article 39**

**Single judge**

1. Whenever the Pre-Trial Chamber decides to designate a single judge in accordance with article 39, paragraph 2 (b) (iii), it shall do so on the basis of objective pre-established criteria. The designated judge shall adopt the appropriate decisions on those questions on which decision by the full Chamber is not expressly provided for in the Statute or these Rules.
2. The Pre-Trial Chamber, on its own motion or, if appropriate, at the request of a party, may decide that the functions of the single judge be deferred to the full Chamber.

**Article 50**

**Publication of decisions of the Court**

1. For the purposes of article 50, paragraph 1, the following decisions shall be considered as resolving fundamental issues:
  - (a) All decisions of the Appeals Division;
  - (b) All decisions of the Court on its jurisdiction or in the admissibility of a case pursuant to articles 17, 18, 19 and 20;

- (c) All decisions of a Trial Chamber on guilt, sentencing and reparations to victims pursuant to articles 74, 75 and 76;
- (d) All decisions of a Pre-Trial Chamber pursuant to article 57, paragraph 3 (d);
- (e) ...<sup>1</sup>

2. The Presidency may decide to publish other decisions in all the official languages of the Court when such decisions concern major issues relating to the interpretation or the implementation of the Statute or concern a major issue of general interest.

#### **Working languages of the Court<sup>2</sup>**

1. For the purposes of article 50, paragraph 2, the Presidency shall authorize that an official language of the Court be used as working language when:

- (a) That language is understood and spoken by the majority of those involved in a case before the Court and any of the participants in the proceedings<sup>3</sup> so requests; or
- (b) The Prosecutor and the Defence so request.

2. The Presidency may authorize that an official language of the Court be used as a working language if it considers that it would facilitate the efficiency of the proceedings.

#### **Translation and interpretation services**

The Court shall arrange for the translation and interpretation services necessary to ensure the implementation of its obligations under the Statute and these Rules.

#### **Procedure applicable to the publication of documents of the Court**

The Court shall ensure that any document subject to publication in accordance with the Statute and these Rules shall respect the duty to protect the confidentiality of the proceedings and the security of victims and witnesses.

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<sup>1</sup> The contents of the present list may be the object of further negotiations.

<sup>2</sup> In order to facilitate the application of this Rule, it may be necessary to include a rule in the Regulations of the Court stating that the Court should make all possible efforts to ensure that at least one of the judges of the Chamber in which the case is heard knows the official language used as a working language in a given case.

<sup>3</sup> A suggestion was made to the effect that this phrase might be too broadly drafted.