

29 February 2000  
English  
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**Preparatory Commission for the International  
Criminal Court**

**Working Group on Rules of Procedure and Evidence  
concerning part 8 of the Statute**

New York

13-31 March 2000

12-30 June 2000

27 November-8 December 2000

**Proposal submitted by Colombia concerning rules of  
procedure and evidence related to part 8 of the Rome  
Statute of the International Criminal Court, on appeal  
and revision**

**Comments by the delegation of Colombia on the discussion  
paper proposed by the Coordinator on rules of procedure  
and evidence related to part 8 of the Statute, as incorporated  
in document PCNICC/1999/L.5/Rev.1/Add.1**

**Appeal**

**Rule 8.2**

**Notice of appeal**

The title should be changed since it does not reflect the content of the rule; what is regulated here is not notice but time limits, the body with which the appeal must be filed and the consequences of failure to file in accordance with the provisions of the rule. We therefore propose that the title should be: “**Time limits and conditions for the filing of appeals**”.

**Rule 8.4**

**Discontinuance of the appeal**

(First comment not applicable to the English text.)

It is also necessary to specify the time up to which a party may discontinue an appeal. We therefore propose that paragraph (a) should read:

“Any party who has filed a notice of appeal may file with the Registrar a written notice of discontinuance of appeal at any time until a judgement has been delivered.”

**Rule 8.6**

**Notice of appeal against decisions under article 81 (3) (c) (ii) and article 82 (1) (a), (b) or (c)**

We consider that the time limit mentioned in paragraph (a) should be “five (5) days from the date upon which the decision is notified” and that the reference to the party filing the appeal should be deleted.

**Rule 8.7**

**Leave to appeal under article 82 (1) (d) and article 82 (2)**

We consider that, owing to the justification required in the application, the time limit mentioned in paragraph (a) should be ten (10) days.

**Rule 8.8**

**Procedure for appeals under article 81 (3) (c) (ii) and article 82 (1) and (2)**

We consider that the time limit mentioned in paragraph (c) should be ten (10) days.

In paragraph (e), we consider that the words “as expeditiously as possible” should be amended to refer to a reasonable and precise period related to the convening of the hearing. Thus, the text might read:

“Within (X) days of the notice of appeal being filed under article 81 (3) (c) (ii) and article 82 (1) and (2), a hearing shall be convened”.

**Rule 8.9**

**Discontinuance of the appeal**

We reiterate our comments on rule 8.4. (First comment not applicable to the English text.) The time up to which a party may discontinue an appeal (i.e., until a judgement has been delivered) should be specified.

**Rule 8.10**

**Judgement on appeals under article 81 (3) (c) (ii), article 82 (1) or article 82 (2)**

We propose the addition of a new paragraph:

“(c) The judgement delivered in accordance with article 83, paragraph 4, shall be final.”

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