

15 March 2000

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**Preparatory Commission for the International
Criminal Court**

**Working Group on Rules of Procedure and Evidence
concerning Part 4 of the Statute**

New York

13-31 March 2000

12-30 June 2000

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**Proposal submitted by Italy concerning the rules of procedure and
evidence relating to part 4 of the Statute, on the composition and
administration of the Court^{*}**

“Rules relating to the organization of the Court

“C. Rules relating to victims and witnesses

“5. Rights of defence and legal assistance

“1. In administering and servicing the Court, the Registrar shall promote the rights of the defence in accordance with article 43.1.

“2. To ensure the effective advice and legal counsel of persons appearing before the Court and entitled to legal assistance according to article 67.1. and the regulations of the Court, the Registrar shall appoint qualified staff to the Registry. Such staff shall possess, in the discretion of the Registrar, the qualifications required in their respective States to be a lawyer or have extensive experience in a relevant professional legal capacity.

“3. States Parties and defence associations may nominate persons to be appointed by the Registrar as qualified staff for the purpose of legal assistance before the Court.

“4. In the implementation of its defensive mandate, the appointed staff shall act independently and will refer only to their clients for all relevant matters.

^{*} The present proposal is intended to replace the current text of provision 5, “Responsibilities of the Registrar related to the rights of the defence”, under section C of the rules relating to the organization of the Court in part 4 of the Statute as contained in document PCNICC/1999/L.5/Rev.1/Add.1.

“5. The Registrar shall give adequate support to defence associations, their representatives and defence counsels, providing such facilities within the building of the Court as may be necessary for the direct performance of the duty of the defence.

“6. The Registrar shall facilitate the dissemination of information and case law of the Court, *inter alia*, by entering into agreements with national defence associations so as to allow the specialization and training of lawyers in the law of the Statute and its implementation.

“7. An independent body of defence counsels or defence associations, the establishment of which may be facilitated by the Assembly of States Parties, shall be consulted by the Court on defence relevant issues and, where appropriate, according to the regulations of the Court.”
