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**Preparatory Commission for the International  
Criminal Court**

**Working Group on Rules of Procedure and Evidence  
concerning Part 2 of the Statute**

New York

13-31 March 2000

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**Discussion paper proposed by the Coordinator regarding  
Part 6 of the Rome Statute, concerning the trial**

**Rule 6.31**

**Rules relating to reparations to victims<sup>1</sup>**

**Rule A. Procedure upon request**

(a) A victim's request for reparations under article 75 shall be made in writing and filed with the Registrar. It shall contain the following particulars:

- (i) The identity and address of the claimant;
- (ii) A description of the injury, loss or harm;
- (iii) The location and date of the incident and, to the extent possible, the identity of the person or persons the victim believes to be responsible for the injury, loss or harm;
- (iv) Where restitution of assets, property or other tangible items is sought, a description of them;
- (v) Claims for compensation;
- (vi) Claims for rehabilitation and other forms of remedy;
- (vii) To the extent possible any relevant supporting documentation, including names and addresses of witnesses.

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<sup>1</sup> Delegations agree that the Court, when making an order for reparations, will not require the standard of proof set forth in article 66, paragraph 3.

(b) At commencement of the trial and subject to any protective measures, the Court shall ask the Registrar to provide notification of the request to the person or persons named in the request or found to be responsible and, to the extent possible, to any interested persons or any interested States.

Those notified shall file with the Registry any representation made under article 75, paragraph 3.

#### **Rule B. Procedure on the motion of the Court**

(a) In cases where the Court intends to proceed on its own motion pursuant to article 75, paragraph 1, it shall ask the Registrar to provide notification of its intention to the person or persons against whom the Court is considering making a determination, and to the extent possible, to victims, to interested persons and to interested States.

Those notified shall file with the Registry any representation made under article 75, paragraph 3.

(b) If, as a result of notification under paragraph (a):

(i) A victim makes a request for reparations, that request will be determined as if it had been brought under rule A;

(ii) A victim requests that the Court does not make an order for reparations, the Court shall not proceed to make an individual order in respect of that victim.

#### **Rule C. Publication of reparations proceedings**

(a) Without prejudice to any other rules on notification of proceedings, the Registrar shall, insofar as practicable, notify the victims or their legal representatives and the person or persons concerned. The Registrar shall also, having regard to any information provided by the Prosecutor, take all the necessary measures to give adequate publicity of the reparations proceedings before the Court, to the extent possible, to other victims, to interested persons and interested States.

(b) In taking the measures described in paragraph (a), the Court may seek in accordance with Part 9 the cooperation of relevant States Parties, and seek the assistance of intergovernmental organizations in order to give publicity as widely as possible and by all possible means, to the reparations proceedings before the Court.

#### **Rule D. Assessment of reparations**

(a) Taking into account the scope and extent of any damage, loss or injury, the Court may award reparations on an individualized basis or, where it deems it appropriate, on a collective basis or both.

(b) At the request of victims or their legal representatives, or at the request of the convicted person, or on its own motion, the Court may appoint appropriate experts to assist it in determining the scope, extent of any damage, loss and injury to, or in respect of victims and to suggest various options concerning the appropriate types and modalities of reparations. The Court shall invite, as appropriate, victims or their legal representatives, the convicted person as well as interested persons and interested States to make observations on the reports of the experts.

(c) In all cases the Court shall respect the rights of victims and the convicted person.

#### **Rule E. Trust Fund**

(a) Individual awards for reparations shall be made directly against a convicted person.

(b) The Court may order that an award for reparations against a convicted person be deposited with the Trust Fund where at the time of making the order it is impossible or impracticable to make individual awards directly to each victim. The award for reparations thus deposited in the Trust Fund shall be separated from other resources of the Trust Fund and shall be forwarded to each victim as soon as possible.

(c) The Court may order that an award for reparations against a convicted person be made through the Trust Fund where the number of the victims and the scope, forms and modalities of reparations makes a collective award more appropriate.

(d) Following consultations with interested States and the Trust Fund, the Court may order that an award for reparations be made through the Trust Fund to an intergovernmental, international or national organization approved by the Trust Fund.

(e) Other resources of the Trust Fund may be used for the benefit of victims subject to the provisions of article 79.

#### **Rule F. Procedure under articles 57, paragraph 3 (e), and 75, paragraph 4**

(a) The Pre-Trial Chamber, pursuant to article 57, paragraph 3 (e), or the Trial Chamber pursuant to article 75, paragraph 4, may, on its own motion or on the application of the Prosecutor or at the request of the victims or their legal representatives who have made a request for reparations or who have given a written undertaking to do so, determine whether measures should be requested.

(b) Notice is not required unless the Court determines, in the particular circumstances of the case, that notification could not jeopardize the effectiveness of the measures requested. In the latter case, the Registrar shall provide notification of the proceedings to the person against whom a request is made and so far as is possible to any interested persons or interested States.

If an order is made without prior notification, the relevant Chamber shall request the Registrar, as soon as is consistent with the effectiveness of the measures requested, to notify those against whom a request is made and, to the extent possible, to any interested persons or any interested States and invite them to make observations as to whether the order should be revoked or otherwise modified.

(c) The Court may make orders as to the timing and conduct of any proceedings necessary to determine these issues.

**Rule X. Communications other than in writing**

Where a person is unable, due to a disability or illiteracy, to make in writing a request, application, observation or other communication to the Court, the person may make such request, application, observation or communication in audio, video or other electronic form.

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