



## **Preparatory Commission for the International Criminal Court**

26 June 2000

Original: English

---

### **Preparatory Commission for the International Criminal Court Working Group on Rules of Procedure and Evidence concerning Part 6 of the Statute**

New York

13-31 March 2000

12-30 June 2000

27 November-8 December 2000

### **Discussion paper proposed by the Coordinator regarding rules of procedure and evidence related to Part 6 of the Rome Statute, concerning the trial**

*Add the following two rules:*

#### **Rule 6.7 *ante***

##### **Compellability of witnesses**

1. A witness who appears before the Court is compellable by the Court to provide testimony, unless otherwise provided for in the Statute and the Rules, in particular rules 6.4, 6.9 and 6.9*bis*.
2. Rule 6.41 applies to a witness appearing before the Court who is compellable to provide testimony under sub-rule 1.

#### **Rule 6.9 *bis***

##### **Incrimination by family members**

1. A witness appearing before the Court who is a spouse, child or parent of an accused person shall not be required by a Chamber to make any statement that might tend to incriminate that accused person. However, the witness may choose to make such statement.
2. In evaluating the testimony of a witness, a Chamber may take into account that the witness, referred to in sub-rule 1, objected to reply to a question which was intended to contradict a previous statement made by the witness, or the witness was selective in choosing which questions to answer.