

30 November 2000
English
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**Preparatory Commission for the
International Criminal Court**
**Working Group on a Relationship Agreement between the
United Nations and the International Criminal Court**
New York
27 November-8 December 2000

Proposal submitted by Spain

Comments on document PCNICC/2000/WGICC-UN/L.1

Article 2

Paragraph 1

Modify to read:

“The United Nations recognizes the International Criminal Court as an **independent, permanent judicial** institution which, in accordance with article 4 of the Rome Statute, has international legal personality and such legal capacity as may be necessary for the exercise of its functions **and the attainment of its purposes.**”

Article 9

Modify to read:

“1. Subject to the applicable provisions **of the Rules of Procedure and Evidence and** the rules of the Court, the United Nations shall be invited to attend public meetings of the Court and its Chambers, **including hearings, in particular those** related to cases of interest to the **Organization.**

“2. The Court may attend **meetings** and participate in the work of the General Assembly of the United Nations in the capacity of observer. **It may also be invited to attend and participate, in the capacity of observer, in the work of the remaining bodies of the United Nations,** whenever matters of interest to the Court are under discussion.

“3. **Whenever the applicable rules and established practice so permit, the General Assembly shall invite the Court to participate, in the capacity of observer, in meetings or conferences organized under the auspices of**

the United Nations, whenever matters of interest to the Court are under discussion.

“4. Whenever the Security Council considers matters related to the activities of the Court, at the invitation of the Council, **the President of the Court or the Prosecutor** may be invited to attend its meeting to give assistance with regard to matters within their competence.

“5. **Subject to the rules governing its operation, the Assembly of States Parties shall invite the United Nations to send observers to its meetings and also to meetings and conferences organized under its auspices, whenever matters of interest to the Organization are under discussion.**

“6. **Written statements submitted by the Court to the United Nations for circulation shall be circulated to all members of the bodies concerned, in accordance with their respective rules of procedure.**

“7. **Written statements submitted by the United Nations to the Assembly of States Parties for circulation shall be circulated to all members of the Assembly in accordance with its rules. Subject to the rules governing the activities of the judicial bodies of the Court, written statements submitted by the United Nations for circulation shall be circulated by the Secretariat of the Court to the judges and to the Office of the Prosecutor.**

Article 12

Modify to read:

“The Court shall keep the United Nations regularly informed of any activities which may require its attention. To that end, the Assembly of States Parties shall, after consultations with the President of the Court and the Prosecutor, draft and submit an annual report to the United Nations, through the Secretary-General, who shall transmit it to the General Assembly, the Security Council and other competent bodies.

Article 12 (bis). Agenda items

Insert the following new article:

“1. **The United Nations may propose items for consideration by the Assembly of States Parties. In such cases, the Secretary-General shall notify the President of the Bureau of the Assembly accordingly, providing any relevant information. The President shall include the item in the provisional agenda of the following session of the Assembly or of its Bureau.**

“2. **The Court may propose items for consideration by the United Nations. In such cases, the Court shall notify the Secretary-General of its proposal and provide any relevant information. The Secretary-General shall submit the proposed item to the General Assembly or the Security Council, and also to any other United Nations body, as appropriate.”**

Article 13

Modify to read:

“The United Nations shall take the necessary steps to allow the Assembly of States Parties to request an advisory opinion of the International Court of Justice on any legal matter which may arise within the scope of its activities, with the exception of any matter which concerns the competence of the International Criminal Court or mutual relations between the Court and the United Nations.”

Article 14

Paragraph 2

Add new subparagraph (d):

“(d) Cooperate with a view to reaching an agreement which makes it possible to extend the competence of the Administrative Tribunal of the United Nations to matters relating to the personnel of the Court.”
