

**United Nations Diplomatic Conference of Plenipotentiaries
on the Establishment of an International Criminal Court**

Rome, Italy
15 June - 17 July 1998

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21st meeting of the Committee of the Whole

Extract from Volume II of the *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (Summary records of the plenary meetings and of the meetings of the Committee of the Whole)*

51. **Mr. Politi** (Italy) supported the removal of the brackets in paragraph 26. Referring to paragraph 24 and footnote 1 to the draft resolution, he reiterated his view that the Statute stood by itself and any secondary instrument, such as the Rules of Procedure and Evidence, should not affect the opening for signature or entry into force of the Statute.

52. On paragraph 1 of the draft resolution, he considered that the Preparatory Commission should be convened as soon as possible and that the number of signatures necessary to make paragraph 1 operative should not be very high. He supported the deletion of paragraph 4 (f). Finally, he agreed with the Coordinator regarding the deletion of the text in brackets in paragraph 5.

53. **Mr. Kawamura** (Japan), referring to paragraph 1 of the draft resolution, said that, as the Preparatory Commission's task was to propose practical arrangements for the establishment of the Court, it should be set up as soon as possible.

54. It might be appropriate to mention who was to draft the Rules of Procedure and Evidence, perhaps the United Nations Secretariat. He would support the deletion of paragraph 4 (d)

because the staff regulations would be prepared by the Registrar as prescribed in article 45, paragraph 3. Lastly, paragraph 4 (f) should be deleted for the reason given by other speakers.

55. **Mr. González Gálvez** (Mexico) had serious misgivings about the contents of the brackets in paragraph 4 (a) of the draft resolution. It should be made clear that preparation of a text on elements of offences would take place at a later stage.

56. **Mr. Momtaz** (Islamic Republic of Iran) shared the views expressed by the representative of Turkey on the wording of paragraph 21 of the draft final act. In paragraph 23, he agreed that "Convention" should be replaced by "Statute". He was against deleting paragraph 4 (f) of the draft resolution, since article 49 of the draft Statute was not sufficiently explicit on privileges and immunities. He did not think it a good idea for the first meeting of the Preparatory Commission to be convened by the Assembly of States Parties. A reference should also be made to the working languages of the Commission.

The meeting rose at 12.40 p.m.

21st meeting

Tuesday, 30 June 1998, at 3.15 p.m.

Chairman: Mr. Kirsch (Canada)

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Agenda item 11 (continued)

Consideration of the question concerning the finalization and adoption of a convention on the establishment of an international criminal court in accordance with General Assembly resolutions 51/207 of 17 December 1996 and 52/160 of 15 December 1997 (A/CONF.183/2/Add.1 and Corr.1 and A/CONF.183/C.1/WGPM/L.2/Add.1 and Corr.1)

DRAFT STATUTE

PART 5. INVESTIGATION AND PROSECUTION (continued)

PART 6. THE TRIAL

Report of the Working Group on Procedural Matters (continued) (A/CONF.183/C.1/WGPM/L.2/Add.1 and Corr.1)

1. **The Chairman** invited the Chairman of the Working Group on Procedural Matters to introduce the addendum to the report of the Working Group contained in document A/CONF.183/C.1/WGPM/L.2/Add.1 and Corr.1, dealing with some articles of parts 5 and 6.

2. **Ms. Fernández de Gurmendi** (Argentina), Chairman of the Working Group on Procedural Matters, said that, since the submission of its last report (A/CONF.183/C.1/WGPM/L.2 and Corr.1 and 2), the Working Group had held seven additional meetings on outstanding issues. The Working Group was now transmitting to the Committee of the Whole the following provisions of part 5 for consideration: article 54, paragraph 4; article 54 ter, paragraph 3 (d); article 58, paragraph 6; and article 61, paragraph 6 bis. It was also transmitting the following provisions of part 6: article 62, paragraph 1; article 65; and article 69, paragraphs 2 to 4, 4 bis, 5, 6 and 8. The other articles would be transmitted later. The Working Group would continue to discuss the issues pending in part 6 and would soon begin its examination of part 8.

3. **The Chairman** asked whether he could take it that the Committee of the Whole agreed to refer the articles contained in the report of the Working Group to the Drafting Committee.

4. *It was so decided.*

The meeting rose at 3.20 p.m.