

16 August 1996

UNITED NATIONS
Department of Public Information
Press Release

L/2799

PROCEDURES FOR GUILTY PLEAS, CLOSED COURT SESSIONS, AMONG
TOPICS DISCUSSED IN PREPARATORY COMMITTEE ON INTERNATIONAL
CRIMINAL COURT

The draft statute of the proposed international criminal court should forge a compromise regarding the hearing of guilty pleas, the Preparatory Committee on the establishment of the court was told this morning. The expedience of accepting guilty pleas and abbreviating court proceedings was balanced in discussions against the need to ensure that pleas were not entered under duress or entered with a view to concealing other facts under consideration.

Representatives also discussed the possibility of closed sessions of the court for the purpose of protecting confidential or sensitive information, as well as the rights of accused persons.

Noting that the use of a guilty plea pertained only to common law, the representative of Argentina proposed a system in which suspects could acknowledge the truth of evidence presented against them, after which the trial chamber could decide whether to make an accelerated determination of guilt or innocence, or to proceed with a full trial. Mexico said that defendants should not be condemned based solely upon a confession. The admission of guilt was "only one means" of deciding the outcome of a trial, the representative of Austria said.

Several other delegations supported the idea of abbreviated procedures following guilty pleas. The United Kingdom said that while the cost of a trial "when guilt was no longer an issue" was not the only consideration, the time and resources of the proposed court could be better focused on cases in which guilt was still to be determined. France expressed opposition to any notion of abbreviated trials in response to pleas. The United States said that a compromise in the form of an abbreviated proceeding might be appropriate, but the court must be certain that pleas were entered voluntarily.

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The Russian Federation favoured the deletion of draft articles providing for guilty pleas. He recalled a "sad precedent" in his country, in which "a confession of guilt was the only proof of guilt". China said that pleas by accused persons should be treated like any other piece of evidence; judges should still be obliged to determine the facts of a situation.

Referring to the possibility of holding closed sessions for certain procedures, Austria said that the statute should add "specific grounds" for such sessions. The representative of Venezuela said that the principle of the public nature of the trial should be included in the statute.

Regarding the rights of accused persons, Australia said that accused persons should be able to appear in their own defence, defend themselves with counsel or have counsel provided if they could not afford it.

Singapore said that a list of prosecution witnesses should be presented to the defence at an early stage, with additional prosecution witnesses allowed only with the permission of the court. The prosecution should be informed of any "alibi evidence" that defendants intend to use so it can examine the veracity of those claims.

The right of the defence to cross-examine witnesses was cited by several delegations, including the United States and Canada. The representative of Canada, referring to the presentation of exculpatory evidence prior to the conclusion of the trial, said that inculpatory evidence should also be disclosed to the accused.

Mexico suggested that the right of the accused to be informed promptly and in detail of the nature and cause of the charge be specified by a time-frame of 24 to 48 hours. France said that the draft lacked one fundamental guarantee, which was the right to legal counsel without surveillance during the phase of judgement.

New Zealand noted that the draft statute should honour the terms of international law relating to the rights of accused persons, including relevant United Nations conventions and guidelines.

When it meets again at 10 a.m., Monday, 19 August, the Preparatory Committee will continue its discussion of the draft statute of the international criminal court.