

19 August 1996

Press Release  
L/2800

---

PREPARATORY COMMITTEE ON ESTABLISHMENT OF INTERNATIONAL  
CRIMINAL COURT DISCUSSES NEED FOR SPECIAL VICTIM AND WITNESS  
PROTECTION UNIT

---

The proposed international criminal court should establish a special unit concerned with the protection of victims and witnesses, several delegations said this morning, as the Preparatory Committee for the establishment of the court discussed the protection of the accused persons, victims and witnesses.

Several delegations indicated that the provisions of the court's draft statute on protection were insufficient. Australia said that the obligation of the court should be further elaborated.

The representatives of Egypt and the United States suggested that the protection unit should be similar to the special unit established by the International Criminal Tribunal for the Former Yugoslavia. Slovenia indicated that the court should establish special services to attend the needs of victims of sexual assault, those suffering from mental disorders or victims who were minors. Finland said that consideration should be given to the employment of court officers of both sexes.

Portugal stressed that victims and witnesses before the court should bear no financial burden regarding their participation in the work of the court. France said that States party to the court should be obliged to provide for those protections, consistent with their national legislation.

Witnesses should be entitled to refrain from testifying against family members, according to the representative of Germany. Many legal systems allowed such provisions for medical doctors, attorneys or priests. China said that the court statute should provide separate protection for accused persons, on the one hand, and for victims and witnesses on the other.

Several delegations mentioned the right of compensation for victims, including the possibility of establishing a compensation fund which would be

controlled by the proposed court. Argentina said that the court should be

---

International Criminal Court - 2 - Press Release L/2800 35th Meeting (AM) 19 August 1996

able to determine specific amounts of reparations to be paid by convicted criminals; victims should be authorized to provide evidence to demonstrate their claims for compensation or restitution. Also this morning, the Preparatory Committee also began its discussion of draft statute provisions pertaining to the use of evidence.

France said that States party to the court should be able to use their perjury laws to cover evidence presented to the court by their nationals. Several delegations, however, said that the court itself should deal with perjury. Finland said that under the principle of complementarity, the court would prosecute only when States were unable or unwilling to do so; that implied that it would not prosecute perjury either.

Japan expressed doubts regarding the extension of national laws governing perjury to the international criminal court, as perjury laws would vary from State to State. Canada said that if the State of nationality of a witness was not a party to the court, there might be practical problems in acting on an accusation of perjury.

The proposed court should have the power to preserve the integrity of proceedings and sanction perjury, the representative of the United States said. Singapore stated that the court should be given flexibility for elaborating or even promulgating evidential rules in situations not dealt with in the statute. Ireland also mentioned the notion of flexibility for the court but warned that the gravity of the charges against the accused should not be lost from sight.

Several delegations called for further elaborations of statute provisions governing the exclusion of evidence. Israel said that proscriptions against the use of evidence obtained by a "serious violation" of the statute were too vague. The court should be empowered to exclude evidence gathered by any unlawful means.

Egypt said that many points regarding the use of evidence should be contained in the rules or procedure, rather than in the court statute. Netherlands said a new draft article should provide a list of evidentiary sources admissible in the court. The Philippines noted that the person giving testimony should be made fully aware of the sanctions for committing perjury.

When it meets again at 3 p.m. this afternoon, the Preparatory Committee on the Establishment of an International Criminal Court will continue its discussion of the draft statute.

\* \* \* \* \*