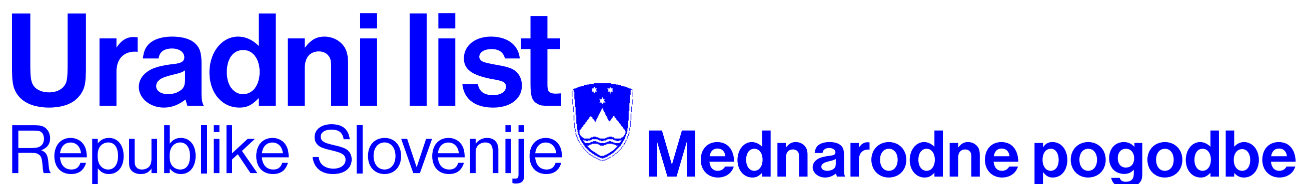

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84. Zakon o ratifikaciji Rimskega statuta Mednarodnega kazenskega sodišča (MRSMKS)

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI RIMSKEGA STATUTA MEDNARODNEGA KAZENSKEGA SODIŠČA (MRSMKS)

Razglašam Zakon o ratifikaciji Rimskega statuta Mednarodnega kazenskega sodišča (MRSMKS), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-149/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI RIMSKEGA STATUTA MEDNARODNEGA KAZENSKEGA SODIŠČA (MRSMKS)

1. člen

Ratificira se Rimski statut Mednarodnega kazenskega sodišča, sestavljen v Rimu 17. julija 1998.

2. člen

Statut se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

PREAMBLE

The States Parties to this Statute,

Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Recognizing that such grave crimes threaten the peace, security and well-being of the world,

Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

RIMSKI STATUT MEDNARODNEGA KAZENSKEGA SODIŠČA

PREAMBULA

Države pogodbenice tega statuta

se zavedajo, da vsa ljudstva združujejo skupne vezi, da njihove kulture sestavljajo skupno dediščino, in jih skrbi, da se lahko ta krhki mozaik vsak trenutek sesuje,

ne pozabljajo, da so bili v tem stoletju milijoni otrok, žensk in moških žrtve nepredstavljivih krutosti, ki globoko pretresajo vest človeštva,

ob spoznanju, da taka težka hudodelstva ogrožajo mir, varnost in blaginjo sveta,

potrjujejo, da najtežja hudodelstva, ki zadevajo mednarodno skupnost kot celoto, ne smejo ostati nekaznovana in da je treba zagotoviti njihov učinkovit pregon s sprejemanjem ukrepov na državni ravni ter z okrepitvijo mednarodnega sodelovanja,

so odločene, da končajo nekaznovanje storilcev takšnih hudodelstev ter tako prispevajo k njihovemu preprečevanju,

Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,

Reaffirming the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,

Emphasizing in this connection that nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State,

Determined to these ends and for the sake of present and future generations, to establish an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole,

Emphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions,

Resolved to guarantee lasting respect for and the enforcement of international justice,

Have agreed as follows

opozarjajo, da je dolžnost vsake države, da izvaja svojo kazensko jurisdikcijo zoper tiste, ki so odgovorni za mednarodna hudodelstva,

ponovno potrjujejo cilje in načela Ustanovne listine Združenih narodov in še posebej, da se bodo vse države vzdržale grožnje s silo ali uporabe sile proti ozemeljski celovitosti ali politični neodvisnosti katere koli države, ali na kakršen koli drug način, ki ni v skladu s cilji Združenih narodov,

poudarjajo s tem v zvezi, da se nič v tem statutu ne sme razumeti, kot da pooblašča katero koli državo pogodbenico, da poseže v oborožen spopad ali v notranje zadeve katere koli države,

so odločene, da v ta namen in v dobro sedanjih in prihodnjih generacij ustanovijo neodvisno stalno Mednarodno kazensko sodišče, povezano s sistemom Združenih narodov in pristojno za najtežja hudodelstva, ki prizadevajo mednarodno skupnost kot celoto,

poudarjajo, da Mednarodno kazensko sodišče, ustanovljeno s tem statutom, dopolnjuje kazenske jurisdikcije držav,

so odločene, da zagotovijo trajno spoštovanje in uveljavljanje mednarodne pravičnosti, in

so se zato sporazumele:

PART 1. ESTABLISHMENT OF THE COURT

Article 1
The Court

An International Criminal Court ("the Court") is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute.

Article 2
Relationship of the Court with the United Nations

The Court shall be brought into relationship with the United Nations through an agreement to be approved by the Assembly of States Parties to this Statute and thereafter concluded by the President of the Court on its behalf.

Article 3
Seat of the Court

1. The seat of the Court shall be established at The Hague in the Netherlands ("the host State").
2. The Court shall enter into a headquarters agreement with the host State, to be approved by the Assembly of States Parties and thereafter concluded by the President of the Court on its behalf.
3. The Court may sit elsewhere, whenever it considers it desirable, as provided in this Statute.

Article 4
Legal status and powers of the Court

1. The Court shall have international legal personality. It shall also have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

1. DEL
USTANOVITEV SODIŠČA

1. člen
Sodišče

S tem statutom je ustanovljeno Mednarodno kazensko sodišče (Sodišče). Sodišče je trajna institucija in je pooblaščeno, da izvaja svojo jurisdikcijo nad storilci najtežjih mednarodnih hudodelstev, kot so opisana v tem statutu, in dopolnjuje kazenske jurisdikcije držav. Pristojnost in delovanje Sodišča urejajo določbe tega statuta.

2. člen
Razmerje med Sodiščem in Združenimi narodi

Razmerje med Sodiščem in Združenimi narodi ureja sporazum, ki ga potrdi skupščina držav pogodbenic tega statuta in nato v njenem imenu sklene predsednik Sodišča.

3. člen
Sedež Sodišča

1. Sedež Sodišča je v Haagu na Nizozemskem ("država gostiteljica").
2. Sodišče sklene z državo gostiteljico sporazum o sedežu, ki ga potrdi skupščina držav pogodbenic in nato v njenem imenu sklene predsednik Sodišča.
3. Sodišče lahko zaseda drugje, kot je določeno v tem statutu, če meni, da je to zaželeno.

4. člen
Pravni položaj in pooblastila Sodišča

1. Sodišče je mednarodna pravna oseba. Ima tudi tako pravno sposobnost, kot je potrebna za izvajanje njegovih nalog in izpolnjevanje njegovih namenov.

2. The Court may exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State.

2. Sodišče lahko opravlja svoje naloge in izvaja pooblastila, kot je določeno v tem statutu, na ozemlju katere koli države pogodbenice in po posebnem dogovoru na ozemlju katere koli druge države.

PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW

2. DEL PRISTOJNOST, DOPUSTNOST IN UPORABNO PRAVO

Article 5

Crimes within the jurisdiction of the Court

1. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

(a) The crime of genocide;
(b) Crimes against humanity;
(c) War crimes;
(d) The crime of aggression.

2. The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.

5. člen

Kazniva dejanja v pristojnosti Sodišča

1. Pristojnost Sodišča je omejena na najtežja hudodelstva, ki zadevajo mednarodno skupnost kot celoto. V skladu s tem statutom je Sodišče pristojno za naslednja hudodelstva:

(a) genocid,
(b) hudodelstva zoper človečnost,
(c) vojna hudodelstva,
(d) agresijo.

2. Sodišče izvaja jurisdikcijo za agresijo po sprejetju določbe v skladu z 121. in 123. členom, ki opredeli to kaznivo dejanje in določa pogoje, ob katerih Sodišče izvaja jurisdikcijo za to kaznivo dejanje. Taka določba mora biti skladna z ustreznimi določbami Ustanovne listine Združenih narodov.

Article 6

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

6. člen

Genocid

V tem statutu pomeni "genocid" katero koli od naslednjih dejanj, storjenih z namenom v celoti ali delno uničiti neko narodnostno, etnično, rasno ali versko skupino:

(a) pobijanje pripadnikov take skupine,
(b) povzročanje hudih telesnih ali duševnih poškodb pripadnikom take skupine,
(c) naklepno izpostavljanje takšne skupine življenjskim razmeram, ki naj privedejo do njenega popolnega ali delnega fizičnega uničenja,
(d) uvajanje ukrepov, ki preprečujejo rojstva v skupini,
(e) prisilno preseljevanje otrok ene skupine v drugo skupino.

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

7. člen

Hudodelstva zoper človečnost

1. V tem statutu "hudodelstvo zoper človečnost" pomeni katero koli od naslednjih dejanj, ki so sestavni del velikega ali sistematičnega napada na civilno prebivalstvo ob vednosti storilca, da gre za tak napad:

(a) umor,
(b) iztrebljanje,
(c) zasužnjevanje,
(d) deportacija ali prisilna preselitev prebivalstva,
(e) zapor ali drug strog odvzem prostosti ob kršitvi temeljnih pravil mednarodnega prava,
(f) mučenje,
(g) posilstvo, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, prisilna sterilizacija ali katera koli druga oblika primerljivo hudega spolnega nasilja,

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

(a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

(h) preganjanje kakšne prepoznavne skupine ali skupnosti zaradi političnih, rasnih, narodnih, etničnih, kulturnih, verskih razlogov, razlogov, povezanih s spolom, kot je določeno v tretjem odstavku, ali drugih razlogov, ki so po mednarodnem pravu na splošno priznani kot nedopustni, če je takšno preganjanje povezano z drugim dejanjem, navedenim v tem odstavku, ali katerim koli drugim kaznivim dejanjem iz pristojnosti Sodišča;

(i) prisilno izginotje oseb,

(j) apartheid,

(k) druga podobna nečlovečna dejanja, ki naklepno povzročajo veliko trpljenje ali hude telesne poškodbe ali okvare duševnega ali telesnega zdravja.

2. Pojmi iz prvega odstavka pomenijo:

(a) "napad na civilno prebivalstvo" je ravnanje, ki vključuje večkratno izvršitev dejanj iz prvega odstavka, zoper civilno prebivalstvo pri izvajanju ali v podporo politiki kakšne države ali organizacije, ki imata takšne cilje;

(b) "iztrebljanje" je naklepno ustvarjanje takšnih življenjskih razmer, med drugim kratenje dostopa do hrane in zdravil, ki naj privedejo do delnega uničenja prebivalstva;

(c) "zasužnjevanje" pomeni izvajanje posameznega ali vseh upravičenj, ki izhajajo iz lastninske pravice nad osebo in vključujejo tudi izvajanje takšnih upravičenj pri trgovanju z ljudmi, zlasti z ženskami in otroki;

(d) "deportacija" ali "prisilna preselitev prebivalstva" pomeni prisilno odstranitev oseb z izgonom ali drugimi prisilnimi dejanji z območja, na katerem zakonito prebivajo, brez razlogov, dovoljenih po mednarodnem pravu;

(e) "mučenje" pomeni naklepno povzročitev hude bolečine, telesnega ali duševnega trpljenja osebi, ki jo je obtoženec pridržal ali je pod njegovim nadzorom; mučenje pa ne vključuje bolečine ali trpljenja, ki je izključno posledica izvrševanja zakonitih sankcij ali je z njimi povezano;

(f) "prisilna nosečnost" pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na etnično sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava. Ta opredelitev se nikakor ne sme razlagati tako, kot da vpliva na notranjo zakonodajo v zvezi z nosečnostjo;

(g) "preganjanje" pomeni naklepno in hudo kratenje temeljnih pravic v nasprotju z mednarodnim pravom zaradi prepoznavne lastnosti skupine ali skupnosti;

(h) "apartheid" pomeni nečlovečna dejanja, podobna tistim iz prvega odstavka, storjena v okviru institucionaliziranega režima sistematičnega zatiranja in nadvlade ene rasne skupine nad kakšno drugo rasno skupino ali skupinami z namenom, da se ohrani tak režim;

(i) "prisilno izginotje oseb" pomeni prijetje, pridržanje ali ugrabitev oseb po nalogu države ali politične organizacije ali z njenim pooblastilom, podporo ali privolitvijo, ki potem takega odvzema prostosti ne prizna ali noče dati podatkov o usodi teh oseb ali o tem, kje so z namenom odvzeti tem osebam pravno varstvo za daljši čas.

3. V tem statutu se izraz "spol" nanaša na oba spola, moškega in ženskega, kakor ga razumejo v dani državi. Izraz "spol" nima nobenega drugega pomena.

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

(iii) Wilfully causing great suffering, or serious injury to body or health;

(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;

(vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking of hostages.

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

8. člen

Vojna hudodelstva

1. Sodišče je pristojno za vojna hudodelstva, še posebej če so storjena kot sestavni del načrta ali politike ali kot del obsežnega izvrševanja takih hudodelstev.

2. V tem statutu "vojna hudodelstva" pomenijo:

(a) hude kršitve Ženevskih konvencij z dne 12. avgusta 1949, in sicer katero koli naslednje dejanje zoper osebe ali premoženje, ki jih varujejo določbe ustrezne Ženevske konvencije:

(i) naklepno pobijanje;

(ii) mučenje ali nečlovečno ravnanje, vključno z biološkimi poskusi;

(iii) naklepno povzročanje velikega trpljenja ali hudih telesnih poškodb ali okvar zdravja;

(iv) obsežno uničevanje in prilaščanje premoženja, ki ju vojaške potrebe ne upravičujejo in sta izvedeni protipravno in samovoljno;

(v) prisiljenje vojnega ujetnika ali druge zaščitene osebe, da služi v sovražnikovih oboroženih silah;

(vi) naklepen odvzem pravice vojnemu ujetniku ali drugi zaščiteni osebi do poštenega in pravilnega sojenja;

(vii) protipravna deportacija ali premestitev ali protipravno pridržanje;

(viii) jemanje talcev.

(b) Druge hude kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, in sicer katero koli naslednje dejanje:

(i) naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki neposredno ne sodelujejo pri sovražnostih;

(ii) naklepni napadi na civilne objekte, to je na objekte, ki niso vojaški cilji;

(iii) naklepni napadi na osebje, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov, dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;

(iv) naklepna sprožitev napada z vednostjo, da bo tak napad povzročil tudi smrt in telesne poškodbe civilnih oseb ali poškodbe civilnih objektov, ali obsežno, dolgoročno in hudo škodo za naravno okolje, ki bi bila očitno čezmerna v primerjavi s skupnimi pričakovanimi, konkretnimi in neposrednimi vojaškimi prednostmi;

(v) napad ali bombardiranje nebranjenih mest, vasi, bivališč ali zgradb, ki niso vojaški cilji, s kakršnimi koli sredstvi;

(vi) umor ali ranitev borca, ki se je vdal na milost in nemilost, potem ko je odložil orožje ali nima več sredstev za obrambo;

(vii) zloraba bele zastave ali zastave ali vojaških oznak in uniforme sovražnika ali Združenih narodov ter razpoznavnih znakov po Ženevskih konvencijah, katere posledica je smrt ali huda poškodba osebe;

(viii) neposredna ali posredna premestitev dela civilnega prebivalstva okupacijske sile na zasedeno ozemlje ali deportacija ali preselitev vsega ali dela prebivalstva zasedenega ozemlja znotraj tega ozemlja ali iz tega ozemlja;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;

(xii) Declaring that no quarter will be given;

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

(xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

(xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;

(xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

(xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;

(ix) naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, zgodovinske spomenike, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti objekti niso vojaški cilji;

(x) izpostavljanje oseb, ki jih ima nasprotna stran pod svojo oblastjo, telesnemu pohabljenju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso opravičljivi kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v interesu teh oseb in ki povzročijo smrt ali resno ogrozijo zdravje take osebe ali oseb;

(xi) zahrbten umor ali ranitev posameznikov, ki pripadajo sovražni državi ali vojski;

(xii) izjava, da ne bo nikomur prizaneseno;

(xiii) uničenje ali zaseg sovražnikovega premoženja, razen če takega uničenja ali zasega neizogibno ne zahtevajo vojne nujnosti;

(xiv) izjava, da so pravice in tožbe državljanov sovražne strani na sodišču odpravljene, začasno ustavljene ali nedopustne;

(xv) prisiljevanje državljanov sovražne strani, da sodelujejo v vojnih operacijah proti svoji lastni državi, tudi če so bili pred začetkom vojne pripadniki njenih oboroženih sil;

(xvi) plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;

(xvii) uporaba strupa ali zastrupljenega orožja;

(xviii) uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;

(xix) uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan;

(xx) uporaba takega orožja, izstrelkov ter sredstev in načinov vojskovanja, ki povzročijo odvečne poškodbe ali nepotrebno trpljenje ali že po svoji naravi učinkujejo brez razločevanja in s tem kršijo mednarodno pravo oboroženih spopadov, če so tako orožje, izstrelki ter sredstva in načini vojskovanja v celoti prepovedani in so vključeni v prilogo k temu statutu, sprejeto s spremembo statuta v skladu z ustreznimi določbami 121. in 123. člena;

(xxi) napadi na osebno dostojanstvo, še posebej poniževalno in zaničevalno ravnanje;

(xxii) posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, kot je opredeljena v pododstavku (f) drugega odstavka 7. člena, prisilna sterilizacija ali katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev Ženevskih konvencij;

(xxiii) izraba navzočnosti civilne ali kakšne druge zaščitene osebe za odvrnitev vojaških operacij od določenih točk, območij ali vojaških enot;

(xxiv) naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po Ženevskih konvencijah v skladu z mednarodnim pravom;

(xxv) naklepno stradanje civilnih oseb kot način vojskovanja, tako da se jim odvzamejo stvari, nujne za njihovo preživetje, vključno z naklepnim preprečevanjem dobav pomoči, kot so predvidene po Ženevskih konvencijah;

(xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

(vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

(ix) Killing or wounding treacherously a combatant adversary;

(xxvi) nabor ali vključevanje otrok, mlajših od petnajst let, v državne oborožene sile ali njihovo izrabljanje za aktivno sodelovanje pri sovražnostih.

(c) V nemednarodnem oboroženem spopadu, ob hudi kršitvi 3. člena, skupnega štirim Ženevskim konvencijam z dne 12. avgusta 1949, in sicer katero koli od naslednjih dejanj, storjenih zoper osebe, ki pri sovražnostih ne sodelujejo aktivno, vključno s pripadniki oboroženih sil, ki so odložili svoje orožje, in tistimi, ki ne morejo sodelovati v boju zaradi bolezni, ran, pridržanja ali drugega vzroka:

(i) napadi na življenje in telo, še posebej umori vseh vrst, pohabljenje, okrutno ravnanje in mučenje;

(ii) napadi na osebno dostojanstvo, še posebej zaničevalno in poniževalno ravnanje;

(iii) jemanje talcev;

(iv) izrekanje obsodb in izvrševanje smrtnih kazni brez predhodne sodbe pravilno ustanovljenega sodišča, ki zagotavlja vsa pravna jamstva, ki so splošno priznana kot nujna.

(d) Pododstavek (c) drugega odstavka se uporablja za nemednarodne oborožene spopade, in se torej ne uporablja za primere notranjih nemirov in napetosti, kot so neredi, posamična in občasna dejanja nasilja ali druga podobna dejanja.

(e) Druge hude kršitve zakonov in običajev, ki se po veljavnem mednarodnem pravu uporabljajo v nemednarodnih oboroženih spopadih, in sicer katero koli naslednje dejanje:

(i) naklepni napadi na civilno prebivalstvo na splošno ali posamezne civilne osebe, ki ne sodelujejo neposredno pri sovražnostih;

(ii) naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporabljajo razpoznavne znake po Ženevskih konvencijah v skladu z mednarodnim pravom;

(iii) naklepni napadi na osebje, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov, dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;

(iv) naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, zgodovinske spomenike, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti niso vojaški cilji;

(v) plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;

(vi) posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, kot je opredeljena v pododstavku (f) drugega odstavka 7. člena, prisilna sterilizacija ter katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev 3. člena, skupnega štirim Ženevskim konvencijam;

(vii) nabor ali vključevanje otrok, mlajših od petnajst let, v oborožene sile ali skupine ali njihovo izrabljanje za aktivno sodelovanje pri sovražnostih.

(viii) ukaz o izselitvi civilnega prebivalstva zaradi razlogov, ki so povezani s spopadom, razen če tega ne zahteva varnost vpletenih civilnih oseb ali nujni vojaški razlogi;

(ix) zahrbten umor ali ranitev borca nasprotne strani;

(x) Declaring that no quarter will be given;

(xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;

(f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

Article 9

Elements of Crimes

1. Elements of Crimes shall assist the Court in the interpretation and application of articles 6, 7 and 8. They shall be adopted by a two-thirds majority of the members of the Assembly of States Parties.

2. Amendments to the Elements of Crimes may be proposed by:

(a) Any State Party;

(b) The judges acting by an absolute majority;

(c) The Prosecutor.

Such amendments shall be adopted by a two-thirds majority of the members of the Assembly of States Parties.

3. The Elements of Crimes and amendments thereto shall be consistent with this Statute.

Article 10

Nothing in this Part shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law for purposes other than this Statute.

Article 11

Jurisdiction ratione temporis

1. The Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute.

2. If a State becomes a Party to this Statute after its entry into force, the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of this Statute for that State, unless that State has made a declaration under article 12, paragraph 3.

Article 12

Preconditions to the exercise of jurisdiction

1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.

2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:

(x) izjava, da ne bo nikomur prizaneseno;

(xi) izpostavljanje oseb, ki jih ima druga stran v spopadu pod svojo oblastjo, telesnemu pohabljenju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso opravičljivi kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v njihovem interesu in povzročijo smrt ali resno ogrozijo zdravje take osebe ali oseb;

(xii) uničenje ali zaseg nasprotnikovega premoženja, razen če takega uničenja ali zasega neizogibno ne zahtevajo nujnosti spopada.

(f) Pododstavek (e) drugega odstavka se uporablja za nemednarodne oborožene spopade, in se torej ne uporablja za primere notranjih nemirov in napetosti, kot so neredi, posamična in občasna dejanja nasilja ali druga podobna dejanja. Uporablja se za oborožene spopade, do katerih pride na ozemlju neke države, če gre za daljši čas trajajoč oborožen spopad med vladnimi silami ter organiziranimi oboroženimi skupinami ali med takimi skupinami.

3. Določbe pododstavkov (c) in (e) drugega odstavka v ničemer ne vplivajo na odgovornost vlade, da vzdržuje ali ponovno vzpostavi javni red v državi ali da z vsemi legitimnimi sredstvi brani enotnost in ozemeljsko celovitost države.

9. člen

Znaki kaznivih dejanj

1. Znaki kaznivih dejanj so v pomoč Sodišču pri razlagi in uporabi 6., 7. in 8. člena. Sprejme jih Skupščina držav pogodbenic z dvetretjinsko večino članic.

2. Spremembe znakov kaznivih dejanj lahko predlaga:

(a) katera koli država pogodbenica,

(b) sodniki z absolutno večino,

(c) tožilec.

Take spremembe sprejme Skupščina držav pogodbenic z dvetretjinsko večino članic.

3. Znaki kaznivih dejanj in njihove spremembe morajo biti skladne s tem statutom.

10. člen

Nobena določba tega dela statuta se ne sme razlagati tako, kot da omejuje ali vpliva na obstoječa ali nastajajoča pravila mednarodnega prava, ki imajo drugačne namene, kot so nameni tega statuta.

11. člen

Jurisdikcija ratione temporis

1. Sodišče ima jurisdikcijo samo za hudodelstva, ki so bila izvršena po začetku veljavnosti tega statuta.

2. Če država postane pogodbenica tega statuta po začetku njegove veljavnosti, lahko ima Sodišče jurisdikcijo samo za kazniva dejanja, storjena po začetku veljavnosti tega statuta za to državo, razen če je ta država dala izjavo po tretjem odstavku 12. člena.

12. člen

Pogoji za izvajanje jurisdikcije

1. S tem ko država postane pogodbenica tega statuta, sprejme pristojnost Sodišča za kazniva dejanja, navedena v 5. členu.

2. V primeru pododstavka (a) ali (c) 13. člena lahko Sodišče izvaja svojo pristojnost, če je ena ali več navedenih držav pogodbenica tega statuta ali je sprejela pristojnost Sodišča v skladu s tretjim odstavkom:

(a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft;

(b) The State of which the person accused of the crime is a national.

3. If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

(a) država, na ozemlju katere je prišlo do takega ravnanja, ali če je bilo kaznivo dejanje storjeno na plovilu ali v zrakoplovu, država registracije tega plovila ali zrakoplova;

(b) država, katere državljan je oseba, obtožena kaznivega dejanja.

3. Če je po drugem odstavku potrebno, da država, ki ni pogodbenica tega statuta, sprejme pristojnost Sodišča za določeno kaznivo dejanje, lahko to stori z izjavo, ki jo vloži pri tajniku sodišča. Država, ki sprejme pristojnost, sodeluje s Sodiščem brez kakršnega koli odlašanja ali izjeme v skladu z 9. delom.

Article 13

Exercise of jurisdiction

The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if:

(a) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14;

(b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or

(c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

13. člen

Izvajanje pristojnosti

Sodišče lahko izvaja svojo pristojnost za kaznivo dejanje, navedeno v 5. členu, v skladu z določbami tega statuta, če:

(a) država pogodbenica v skladu s 14. členom seznani tožilca s situacijo, v kateri naj bi bilo storjeno eno ali več takih kaznivih dejanj;

(b) Varnostni svet v skladu s VII. poglavjem Ustanovne listine Združenih narodov seznani tožilca s situacijo, v kateri naj bi bilo storjeno eno ali več takih kaznivih dejanj, ali

(c) je tožilec začel preiskavo glede takega kaznivega dejanja v skladu s 15. členom.

Article 14

Referral of a situation by a State Party

1. A State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes.

2. As far as possible, a referral shall specify the relevant circumstances and be accompanied by such supporting documentation as is available to the State referring the situation.

14. člen

Situacija, ki jo naznani država pogodbenica

1. Država pogodbenica lahko tožilca seznani s situacijo, v kateri naj bi bilo storjeno eno ali več kaznivih dejanj v pristojnosti Sodišča, ter zahteva od tožilca, da preišče situacijo, da bi ugotovil, ali bi bilo treba eno ali več določenih oseb obdolžiti za izvršitev takih kaznivih dejanj.

2. Če je mogoče, država pogodbenica, ki naznani situacijo, v naznanitvi natančno navede za zadevo pomembne okoliščine in priloži dokazno dokumentacijo, ki je na voljo.

Article 15

Prosecutor

1. The Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court.

2. The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court.

3. If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, he or she shall submit to the Pre-Trial Chamber a request for authorization of an investigation, together with any supporting material collected. Victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence.

4. If the Pre-Trial Chamber, upon examination of the request and the supporting material, considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, it shall authorize the commencement of the investigation, without prejudice to subsequent determinations by the Court with regard to the jurisdiction and admissibility of a case.

15. člen

Tožilec

1. Tožilec lahko začne preiskave proprio motu na podlagi obvestil o kaznivih dejanjih v pristojnosti Sodišča.

2. Tožilec analizira tehtnost prejetih obvestil. V ta namen lahko zaprosi za dodatna obvestila države, organe Združenih narodov, medvladne ali nevladne organizacije ali druge zanesljive vire, za katere meni, da so primerni, ter lahko prejme pisno ali ustno pričanje na sedežu Sodišča.

3. Če tožilec ugotovi, da obstaja utemeljena podlaga za nadaljevanje preiskave, od predobravnavnega senata zahteva odobritev preiskave in predloži zbrano dokazno gradivo. V skladu s Pravili o postopku in dokazih lahko žrtve dajo izjave predobravnavnemu senatu.

4. Če predobravnavni senat po proučitvi zahteve in dokaznega gradiva meni, da obstaja utemeljena podlaga za nadaljevanje preiskave in da bi zadeva lahko spadala v pristojnost Sodišča, odobri začetek preiskave, ne da bi to vplivalo na poznejše odločitve Sodišča v zvezi s pristojnostjo in dopustnostjo zadeve.

5. The refusal of the Pre-Trial Chamber to authorize the investigation shall not preclude the presentation of a subsequent request by the Prosecutor based on new facts or evidence regarding the same situation.

6. If, after the preliminary examination referred to in paragraphs 1 and 2, the Prosecutor concludes that the information provided does not constitute a reasonable basis for an investigation, he or she shall inform those who provided the information. This shall not preclude the Prosecutor from considering further information submitted to him or her regarding the same situation in the light of new facts or evidence.

5. Če predobravnavni senat zavrne zahtevo za odobritev preiskave, to tožilcu ne preprečuje, da bi glede iste situacije ponovno vložil zahtevo na podlagi novih dejstev ali dokazov.

6. Če po predhodni proučitvi, navedeni v prvem in drugem odstavku, tožilec ugotovi, da dana obvestila niso utemeljena podlaga za preiskavo, obvesti tiste, ki so jih dali. To ne preprečuje tožilcu, da bi z vidika novih dejstev ali dokazov proučil poznejša obvestila glede iste situacije.

Article 16

Deferral of investigation or prosecution

No investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions.

16. člen

Odložitev preiskave ali pregona

Če Varnostni svet z resolucijo, sprejeto po VII. poglavju Ustanovne listine Združenih narodov, tako zahteva, Sodišče po tem statutu dvanajst mesecev po tej zahtevi ne sme začeti ali nadaljevati s preiskavo ali s pregonom; tako zahtevo lahko Svet obnovi pod enakimi pogoji.

Article 17

Issues of admissibility

1. Having regard to paragraph 10 of the Preamble and article 1, the Court shall determine that a case is inadmissible where:

(a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;

(b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;

(c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;

(d) The case is not of sufficient gravity to justify further action by the Court.

2. In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by international law, whether one or more of the following exist, as applicable:

(a) The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court referred to in article 5;

(b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice;

(c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice.

3. In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings.

17. člen

Dopustnost

1. Ob upoštevanju desetega odstavka preambule in 1. člena Sodišče odloči, da je zadeva nedopustna, če:

(a) zadevo preiskuje ali preganja država, ki ima za ta primer jurisdikcijo, razen če ta država noče ali dejansko ne more izvesti preiskave ali pregona;

(b) je zadevo preiskovala država, ki ima zanjo jurisdikcijo, in se je ta država odločila, da ne bo preganjala določene osebe, razen če odločitev ni posledica nepripravljenosti ali nezmožnosti države, da bi jo dejansko preganjala;

(c) so določeni osebi že sodili za ravnanje, na katero se obtožba nanaša, sojenje tega Sodišča pa ni dovoljeno po tretjem odstavku 20. člena;

(d) teža kaznivega dejanja ne opravičuje nadaljnjega ukrepanja Sodišča.

2. Da bi lahko ugotovilo nepripravljenost v določenem primeru, Sodišče ob upoštevanju načel poštenega postopka, ki ga priznava mednarodno pravo, prouči, ali:

(a) so bili postopki izvedeni ali se izvajajo ali pa je bila sprejeta državna odločitev za zavarovanje določene osebe pred kazensko odgovornostjo za kazniva dejanja v pristojnosti Sodišča, navedena v 5. členu;

(b) je prišlo do neupravičenega odlašanja v postopkih, ki je v danih okoliščinah neskladno z namenom postaviti določeno osebo pred sodišče;

(c) postopki niso bili izvedeni ali se ne izvajajo neodvisno ali nepristransko in so se izvajali ali se izvajajo na način, ki je v danih okoliščinah neskladen z namenom postaviti določeno osebo pred sodišče.

3. Da bi ugotovilo nezmožnost države v določeni zadevi, Sodišče prouči, ali država zaradi popolnega ali znatnega razpada ali odsotnosti svojega notranjega pravosodnega sistema ne more dobiti obtoženca ali potrebnih dokazov in pričevanj ali drugače ne more izvesti postopka.

Article 18

Preliminary rulings regarding admissibility

1. When a situation has been referred to the Court pursuant to article 13 (a) and the Prosecutor has determined that there would be a reasonable basis to commence an investigation, or the Prosecutor initiates an investigation pursuant to articles 13 (c) and 15, the Prosecutor shall notify all States Parties and those States which, taking into account the information available, would normally exercise jurisdiction over the crimes concerned. The Prosecutor may notify such States on a confidential basis and, where the Prosecutor believes it necessary to protect persons, prevent destruction of evidence or prevent the absconding of persons, may limit the scope of the information provided to States.

2. Within one month of receipt of that notification, a State may inform the Court that it is investigating or has investigated its nationals or others within its jurisdiction with respect to criminal acts which may constitute crimes referred to in article 5 and which relate to the information provided in the notification to States. At the request of that State, the Prosecutor shall defer to the State's investigation of those persons unless the Pre-Trial Chamber, on the application of the Prosecutor, decides to authorize the investigation.

3. The Prosecutor's deferral to a State's investigation shall be open to review by the Prosecutor six months after the date of deferral or at any time when there has been a significant change of circumstances based on the State's unwillingness or inability genuinely to carry out the investigation.

4. The State concerned or the Prosecutor may appeal to the Appeals Chamber against a ruling of the Pre-Trial Chamber, in accordance with article 82. The appeal may be heard on an expedited basis.

5. When the Prosecutor has deferred an investigation in accordance with paragraph 2, the Prosecutor may request that the State concerned periodically inform the Prosecutor of the progress of its investigations and any subsequent prosecutions. States Parties shall respond to such requests without undue delay.

6. Pending a ruling by the Pre-Trial Chamber, or at any time when the Prosecutor has deferred an investigation under this article, the Prosecutor may, on an exceptional basis, seek authority from the Pre-Trial Chamber to pursue necessary investigative steps for the purpose of preserving evidence where there is a unique opportunity to obtain important evidence or there is a significant risk that such evidence may not be subsequently available.

7. A State which has challenged a ruling of the Pre-Trial Chamber under this article may challenge the admissibility of a case under article 19 on the grounds of additional significant facts or significant change of circumstances.

Article 19

Challenges to the jurisdiction of the Court or the admissibility of a case

1. The Court shall satisfy itself that it has jurisdiction in any case brought before it. The Court may, on its own motion, determine the admissibility of a case in accordance with article 17.

2. Challenges to the admissibility of a case on the grounds referred to in article 17 or challenges to the jurisdiction of the Court may be made by:

(a) An accused or a person for whom a warrant of arrest or a summons to appear has been issued under article 58;

(b) A State which has jurisdiction over a case, on the ground that it is investigating or prosecuting the case or has investigated or prosecuted; or

18. člen

Predhodne odločitve glede dopustnosti

1. Kadar je sodišče seznanjeno s situacijo v skladu s pododstavkom (a) 13. člena in je tožilec ugotovil, da lahko obstaja utemeljena podlaga za začetek preiskave, ali tožilec začne preiskavo v skladu s pododstavkom (c) 13. člena in 15. členom, tožilec o tem uradno obvesti vse države pogodbenice in vse tiste države, ki bi ob upoštevanju informacij, ki so na voljo, praviloma imele jurisdikcijo za določena kazniva dejanja. Tožilec lahko take države zaupno uradno obvesti in lahko omeji obseg informacij, ki jih da državam, če meni, da je to potrebno za zavarovanje oseb, preprečitev uničenja dokazov ali preprečitev pobega oseb.

2. V enem mesecu od prejema takega uradnega obvestila lahko država obvesti Sodišče, da izvaja ali je izvedla preiskavo proti svojim državljanom ali drugim pod svojo jurisdikcijo v zvezi s kaznivimi dejanji, ki so lahko kazniva dejanja iz 5. člena in se nanašajo na informacije iz uradnega obvestila državam. Na zahtevo te države tožilec prepusti preiskavo proti takim osebam tej državi, razen če predobravnavni senat na zahtevo tožilca odobri preiskavo.

3. Tožilec lahko šest mesecev po dnevu prepustitve preiskave določeni državi ali kadar koli, če pride do pomembne spremembe okoliščin na podlagi nepripravljenosti ali nezmožnosti države, da bi dejansko izvedla preiskavo, prepustitev ponovno pretehta.

4. Določena država ali tožilec se lahko pritožita zoper odločitev predobravnavnega senata pritožbenemu senatu v skladu z 82. členom. Pritožba se lahko obravnava po hitrem postopku.

5. Če je tožilec prepustil preiskavo v skladu z drugim odstavkom, lahko zahteva, da ga določena država redno obvešča o poteku preiskav ter o vseh poznejših pregonih. Države pogodbenice morajo na take zahteve odgovoriti brez nepotrebnega odlašanja.

6. Do odločitve predobravnavnega senata ali kadar koli, če je tožilec prepustil preiskavo po tem členu, lahko tožilec izjemoma zaprosi predobravnavni senat za dovoljenje za izvedbo potrebnih preiskovalnih dejanj za zavarovanje dokazov, če je to enkratna možnost za pridobitev pomembnih dokazov ali če obstaja utemeljena nevarnost, da pozneje taki dokazi ne bodo na voljo.

7. Država, ki je spodbijala odločitev predobravnavnega senata po tem členu, lahko po 19. členu spodbija dopustnost zadeve na podlagi dodatnih pomembnih dejstev ali pomembne spremembe okoliščin.

19. člen

Spodbijanje pristojnosti Sodišča ali dopustnostni zadeve

1. Sodišče se prepriča o svoji pristojnosti pri vsaki zadevi, ki mu je bila predložena. Sodišče lahko na lastno pobudo odloči o dopustnosti zadeve v skladu s 17. členom.

2. Dopustnost zadeve na podlagi razlogov iz 17. člena ali pristojnost Sodišča lahko spodbija:

(a) obtoženec ali oseba, za katero je bil izdan nalog za prijetje ali poziv, da se zglasi na Sodišču po 58. členu;

(b) država, ki ima jurisdikcijo za zadevo, ker jo preiskuje ali izvaja kazenski pregon za zadevo ali jo je preiskovala ali preganjala, ali

(c) A State from which acceptance of jurisdiction is required under article 12.

3. The Prosecutor may seek a ruling from the Court regarding a question of jurisdiction or admissibility. In proceedings with respect to jurisdiction or admissibility, those who have referred the situation under article 13, as well as victims, may also submit observations to the Court.

4. The admissibility of a case or the jurisdiction of the Court may be challenged only once by any person or State referred to in paragraph 2. The challenge shall take place prior to or at the commencement of the trial. In exceptional circumstances, the Court may grant leave for a challenge to be brought more than once or at a time later than the commencement of the trial. Challenges to the admissibility of a case, at the commencement of a trial, or subsequently with the leave of the Court, may be based only on article 17, paragraph 1 (c).

5. A State referred to in paragraph 2 (b) and (c) shall make a challenge at the earliest opportunity.

6. Prior to the confirmation of the charges, challenges to the admissibility of a case or challenges to the jurisdiction of the Court shall be referred to the Pre-Trial Chamber. After confirmation of the charges, they shall be referred to the Trial Chamber. Decisions with respect to jurisdiction or admissibility may be appealed to the Appeals Chamber in accordance with article 82.

7. If a challenge is made by a State referred to in paragraph 2 (b) or (c), the Prosecutor shall suspend the investigation until such time as the Court makes a determination in accordance with article 17.

8. Pending a ruling by the Court, the Prosecutor may seek authority from the Court:

(a) To pursue necessary investigative steps of the kind referred to in article 18, paragraph 6;

(b) To take a statement or testimony from a witness or complete the collection and examination of evidence which had begun prior to the making of the challenge; and

(c) In cooperation with the relevant States, to prevent the absconding of persons in respect of whom the Prosecutor has already requested a warrant of arrest under article 58.

9. The making of a challenge shall not affect the validity of any act performed by the Prosecutor or any order or warrant issued by the Court prior to the making of the challenge.

10. If the Court has decided that a case is inadmissible under article 17, the Prosecutor may submit a request for a review of the decision when he or she is fully satisfied that new facts have arisen which negate the basis on which the case had previously been found inadmissible under article 17.

11. If the Prosecutor, having regard to the matters referred to in article 17, defers an investigation, the Prosecutor may request that the relevant State make available to the Prosecutor information on the proceedings. That information shall, at the request of the State concerned, be confidential. If the Prosecutor thereafter decides to proceed with an investigation, he or she shall notify the State to which deferral of the proceedings has taken place.

Article 20

Ne bis in idem

1. Except as provided in this Statute, no person shall be tried before the Court with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court.

(c) država, katere sprejetje pristojnosti je potrebno po 12. členu.

3. Tožilec lahko zaprosi za odločitev Sodišča v zvezi z vprašanjem o pristojnosti ali dopustnosti. V postopkih v zvezi s pristojnostjo ali dopustnostjo lahko dajo pripombe Sodišču tudi tisti, ki so tožilca seznanili s situacijo po 13. členu, ter žrtve.

4. Dopustnost zadeve ali pristojnost Sodišča lahko katera koli oseba ali država, navedena v drugem odstavku, spodbija samo enkrat. Spodbijanje se uveljavlja pred sojenjem ali ob njegovem začetku. V izjemnih okoliščinah lahko Sodišče dovoli, da se spodbija več kot enkrat ali po začetku sojenja. Spodbijanje dopustnosti zadeve ob začetku sojenja ali pozneje z dovoljenjem Sodišča lahko temelji le na pododstavku (c) prvega odstavka 17. člena.

5. Država, navedena v podostavkih (b) in (c) drugega odstavka, spodbija pristojnost ali dopustnost, takoj ko je to mogoče.

6. Pred potrditvijo obtožnice se dopustnost zadeve ali pristojnost Sodišča spodbijata pri predobravnavnem senatu. Po potrditvi obtožnice se spodbijata pri obravnavnem senatu. Zoper odločbe o pristojnosti ali sprejemljivosti je možna pritožba pritožbenemu senatu v skladu z 82. členom.

7. Če spodbija država, navedena v pododstavkih (b) ali (c) drugega odstavka, tožilec prekine preiskavo, dokler Sodišče ne sprejme odločitve v skladu s 17. členom.

8. Pred odločitvijo Sodišča lahko tožilec zaprosi Sodišče za dovoljenje, da:

(a) opravi potrebna preiskovalna dejanja, navedena v šestem odstavku 18. člena,

(b) sprejme izjavo ali izpovedbo priče ali konča zbiranje in preverjanje dokazov, ki se je začelo pred spodbijanjem, in

(c) v sodelovanju z ustreznimi državami prepreči pobeg oseb, za katere je tožilec že zahteval izdajo naloga za prijetje po 58. členu.

9. Spodbijanje ne vpliva na veljavnost katerega koli dejanja tožilca, opravljenega pred spodbijanjem ali na veljavnost katere koli odredbe ali naloga Sodišča, izdanega pred spodbijanjem.

10. Če se je Sodišče odločilo, da je zadeva nedopustna po 17. členu, lahko tožilec zahteva ponovno odločanje o tem, če je popolnoma prepričan, da so se pojavila nova dejstva, ki zanikajo podlago, po kateri je bila zadeva predhodno spoznana kot nedopustna po 17. členu.

11. Če tožilec zaradi razlogov, navedenih v 17. členu, prepusti preiskavo določeni državi, lahko od nje zahteva, da mu da na voljo informacije o postopkih. Na zahtevo te države so te informacije zaupne. Če se tožilec nato odloči, da bo nadaljeval preiskavo, o tem uradno obvesti to državo.

20. člen

Ne bis in idem

1. Razen če v tem statutu ni določeno drugače, se nobeni osebi ne sodi pred Sodiščem v zvezi z ravnanjem, ki je bilo podlaga kaznivih dejanj, za katere je to osebo Sodišče že obsodilo ali oprostilo.

2. No person shall be tried by another court for a crime referred to in article 5 for which that person has already been convicted or acquitted by the Court.

3. No person who has been tried by another court for conduct also proscribed under article 6, 7 or 8 shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:

(a) Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or

(b) Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice.

Article 21

Applicable law

1. The Court shall apply:

(a) In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;

(b) In the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict;

(c) Failing that, general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with this Statute and with international law and internationally recognized norms and standards.

2. The Court may apply principles and rules of law as interpreted in its previous decisions.

3. The application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights, and be without any adverse distinction founded on grounds such as gender as defined in article 7, paragraph 3, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.

PART 3. GENERAL PRINCIPLES OF CRIMINAL LAW

Article 22

Nullum crimen sine lege

1. A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.

2. The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.

3. This article shall not affect the characterization of any conduct as criminal under international law independently of this Statute.

Article 23

Nulla poena sine lege

A person convicted by the Court may be punished only in accordance with this Statute.

2. Nobeni osebi se ne sodi pred drugim sodiščem za kaznivo dejanje, navedeno v 5. členu, za katero je Sodišče to osebo že obsodilo ali oprostilo.

3. Nobeni osebi, ki ji je sodilo drugo sodišče za ravnanje, ki je prepovedano tudi po 6., 7. ali 8. členu, ne sodi Sodišče v zvezi z istim ravnanjem, razen če:

(a) so bili postopki na drugem sodišču namenjeni varovanju določene osebe pred kazensko odgovornostjo za kazniva dejanja v pristojnosti Sodišča ali

(b) postopki na drugem sodišču niso bili kako drugače izvedeni neodvisno ali nepristransko v skladu z normami poštenega postopka, ki jih priznava mednarodno pravo, in so bili izvedeni na način, ki je bil glede na okoliščine neskladen z namenom pripeljati določeno osebo pred sodišče.

21. člen

Uporabno pravo

1. Sodišče uporablja:

(a) predvsem ta statut, Znake kaznivih dejanj ter svoja Pravila o postopku in dokazih,

(b) pa tudi, če je primerno, uporabne mednarodne pogodbe ter načela in pravila mednarodnega prava, vključno z veljavnimi načeli in pravili mednarodnega prava oboroženih spopadov,

(c) če to ne zadošča, splošna pravna načela, ki jih Sodišče izvede iz notranjih zakonodaj pravnih sistemov sveta, vključno, kadar je to primerno, z notranjim pravom držav, ki bi praviloma izvajale jurisdikcijo za kaznivo dejanje, če ta načela niso neskladna s tem statutom, ter z veljavnim mednarodnim pravom in mednarodno priznanimi normami in standardi.

2. Sodišče lahko uporablja pravna načela in pravila v skladu z razlago v svojih prejšnjih odločitvah.

3. Uporaba in razlaga prava v skladu s tem členom morata biti skladni z mednarodno priznanimi človekovimi pravicami ter brez kakršnega koli razlikovanja na podlagi spola, kot je opredeljen v tretjem odstavku 7. člena, starosti, rase, barve, jezika, vere ali prepričanja, političnega ali drugega mnenja, narodnosti, etničnega ali socialnega izvora, gmotnega stanja, rojstva ali drugega stanja.

3. DEL
SPLOŠNA NAČELA KAZENSKEGA PRAVA

22. člen

Nullum crimen sine lege

1. Oseba ni kazensko odgovorna po tem statutu, razen če določeno ravnanje, ko je storjeno, predstavlja kaznivo dejanje v pristojnosti Sodišča.

2. Znake kaznivega dejanja je treba razlagati ozko in jih ne širiti z analogijo. V dvomu jih je treba razlagati v korist osebe, proti kateri poteka preiskava, ki se preganja ali obsodi.

3. Ta člen ne vpliva na opredelitev kakršnega koli ravnanja kot kaznivega po mednarodnem pravu neodvisno od tega statuta.

23. člen

Nulla poena sine lege

Oseba, ki jo obsodi Sodišče, se lahko kaznuje le v skladu s tem statutom.

Article 24

Non-retroactivity ratione personae

1. No person shall be criminally responsible under this Statute for conduct prior to the entry into force of the Statute.

2. In the event of a change in the law applicable to a given case prior to a final judgement, the law more favourable to the person being investigated, prosecuted or convicted shall apply.

24. člen

Prepoved veljavnosti za nazaj ratione personae

1. Nihče ni kazensko odgovoren po tem statutu za ravnanje, izvršeno pred začetkom veljavnosti statuta.

2. Če je bilo pravo, ki se uporablja v dani zadevi, spremenjeno pred pravnomočno sodbo, se uporabi pravo, ki je ugodnejše za osebo, proti kateri teče preiskava, ki se preganja ali obsodi.

Article 25

Individual criminal responsibility

1. The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime;

(e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;

(f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

25. člen

Osebna kazenska odgovornost

1. Sodišče je v skladu s tem statutom pristojno za fizične osebe.

2. Oseba, ki stori kaznivo dejanje, ki je v pristojnosti Sodišča, je v skladu s tem statutom zanj osebno odgovorna in se lahko kaznuje.

3. V skladu s tem statutom je kazensko odgovoren in se lahko kaznuje za kaznivo dejanje, ki je v pristojnosti Sodišča, kdor:

(a) stori tako kaznivo dejanje sam, skupaj z drugo osebo ali po drugi osebi, ne glede na to, ali je ta druga oseba kazensko odgovorna,

(b) ukaže izvršitev takega kaznivega dejanja, ki je dokončano ali poskušano, k njej spodbuja ali nanjo napeljuje,

(c) z namenom, da olajša izvršitev takega kaznivega dejanja, pri njej pomaga, jo podpira ali drugače pripomore k njej ali k njenemu poskusu, vključno s tem, da preskrbi sredstva za njegovo izvršitev;

(d) kakor koli drugače prispeva k izvršitvi takega kaznivega dejanja ali njenemu poskusu s strani skupine oseb, ki deluje s skupnim namenom. Tako prispevanje je naklepno in je:

(i) izvršeno z namenom pospešiti kaznivo delovanje ali kazniv namen skupine, če se tako delovanje ali namen nanaša na izvšitev kaznivega dejanja v pristojnosti Sodišča, ali

(ii) poteka ob vedenju za naklep skupine, da stori kaznivo dejanje;

(e) kadar gre za genocid, neposredno in javno ščuva druge h genocidu;

(f) poskuša izvršiti tako kaznivo dejanje z ravnanjem, ki pomeni bistven korak na poti k izvršitvi dejanja, pa ga ne dokonča zaradi okoliščin, ki so neodvisne od njegove volje. Kdor pa opusti prizadevanja za izvršitev kaznivega dejanja ali drugače prepreči njegovo dokončanje, se ne kaznuje po tem statutu za poskus storitve tega kaznivega dejanja, če je povsem in prostovoljno opustil kazniv namen.

4. Nobena določba tega statuta, ki se nanaša na individualno kazensko odgovornost, ne vpliva na odgovornost držav po mednarodnem pravu.

Article 26

Exclusion of jurisdiction over persons under eighteen

The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.

26. člen

Izključitev sodne pristojnosti za osebe, mlajše od osemnajst let

Sodišče ni pristojno za nobeno osebo, ki je bila ob domnevni izvršitvi kaznivega dejanja mlajša od osemnajst let.

Article 27

Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

Article 28

Responsibility of commanders and other superiors

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

(a) A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

(i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

(ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

(b) With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

(ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and

(iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

Article 29

Non-applicability of statute of limitations

The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations.

Article 30

Mental element

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.

27. člen

Nebistvenost uradnega položaja

1. Ta statut se uporablja enako za vse osebe brez vsakršnih razlik, ki temeljijo na uradnem položaju. Še zlasti uradni položaj šefa države ali vlade, člana vlade ali parlamenta, izvoljenega predstavnika ali vladnega uradnika v nobenem primeru osebe ne oprosti kazenske odgovornosti po tem statutu, niti sam po sebi ni razlog za omilitev kazni.

2. Imunitete ali posebna pravila postopka, povezana z uradnim položajem osebe, bodisi po notranjem ali mednarodnem pravu ne ovirajo Sodišča pri izvajanju jurisdikcije nad tako osebo.

28. člen

Odgovornost poveljnikov in drugih nadrejenih

Poleg drugih razlogov za kazensko odgovornost po tem statutu za kazniva dejanja, ki so v pristojnosti Sodišča:

(a) je vojaški poveljnik ali oseba, ki dejansko nastopa kot vojaški poveljnik, kazensko odgovorna za kazniva dejanja v pristojnosti Sodišča, ki so jih storile enote, pod njenim dejanskim poveljstvom in nadzorom oziroma pod njeno dejansko oblastjo in nadzorom kot posledico dejstva, da ni pravilno izvajal ali izvajala nadzora nad takimi enotami, če:

(i) je vojaški poveljnik ali oseba bodisi vedela ali bi zaradi takratnih okoliščin morala vedeti, da so njegove enote izvršile ali nameravale storiti taka kazniva dejanja, in

(ii) vojaški poveljnik ali oseba ni izvedla vseh potrebnih in primernih ukrepov v okviru svojih pooblastil za preprečitev ali ustavitev storitve ali za predložitev zadeve pristojnim organom v preiskavo in pregon;

(b) glede odnosov med nadrejenimi in podrejenimi, ki niso opisani v prvem odstavku, je nadrejeni kazensko odgovoren za kazniva dejanja v pristojnosti Sodišča, ki so jih storili podrejeni pod njegovo dejansko oblastjo in nadzorom, ker ni pravilno nadziral podrejenih, če:

(i) je nadrejeni vedel ali zavestno ni upošteval informacije, ki je jasno kazala na to, da so podrejeni izvrševali ali nameravali izvršiti taka kazniva dejanja,

(ii) so se kazniva dejanja nanašala na dejavnosti, za katere je bil nadrejeni dejansko odgovoren ali so bile pod njegovim nadzorom, in

(iii) nadrejeni ni izvedel vseh potrebnih in primernih ukrepov v okviru svojih pooblastil za preprečitev ali ustavitev storitve ali za predložitev zadeve pristojnim organom v preiskavo in pregon.

29. člen

Nezastarljivost

Kazniva dejanja v pristojnosti Sodišča ne zastarajo.

30. člen

Psihični element

1. Če ni drugače določeno, je oseba kazensko odgovorna in se kaznuje za kaznivo dejanje iz pristojnosti Sodišča, samo če so objektivni znaki dejanja uresničeni naklepno in z vednostjo.

2. For the purposes of this article, a person has intent where:

(a) In relation to conduct, that person means to engage in the conduct;

(b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.

3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. "Know" and "knowingly" shall be construed accordingly.

Article 31

Grounds for excluding criminal responsibility

1. In addition to other grounds for excluding criminal responsibility provided for in this Statute, a person shall not be criminally responsible if, at the time of that person's conduct:

(a) The person suffers from a mental disease or defect that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law;

(b) The person is in a state of intoxication that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law, unless the person has become voluntarily intoxicated under such circumstances that the person knew, or disregarded the risk, that, as a result of the intoxication, he or she was likely to engage in conduct constituting a crime within the jurisdiction of the Court;

(c) The person acts reasonably to defend himself or herself or another person or, in the case of war crimes, property which is essential for the survival of the person or another person or property which is essential for accomplishing a military mission, against an imminent and unlawful use of force in a manner proportionate to the degree of danger to the person or the other person or property protected. The fact that the person was involved in a defensive operation conducted by forces shall not in itself constitute a ground for excluding criminal responsibility under this subparagraph;

(d) The conduct which is alleged to constitute a crime within the jurisdiction of the Court has been caused by duress resulting from a threat of imminent death or of continuing or imminent serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Such a threat may either be:

(i) Made by other persons; or

(ii) Constituted by other circumstances beyond that person's control.

2. The Court shall determine the applicability of the grounds for excluding criminal responsibility provided for in this Statute to the case before it.

3. At trial, the Court may consider a ground for excluding criminal responsibility other than those referred to in paragraph 1 where such a ground is derived from applicable law as set forth in article 21. The procedures relating to the consideration of such a ground shall be provided for in the Rules of Procedure and Evidence.

Article 32

Mistake of fact or mistake of law

1. A mistake of fact shall be a ground for excluding criminal responsibility only if it negates the mental element required by the crime.

2. V tem členu velja, da oseba ravna naklepno:

(a) glede ravnanja, če dejanje hoče storiti,

(b) glede posledice, če posledico hoče povzročiti ali se zaveda, da bo do nje prišlo ob običajnem poteku dogodkov.

3. V tem členu "vednost" pomeni zavest, da okoliščina obstaja ali da bo ob običajnem poteku dogodkov prišlo do posledice. "Vedeti" in "vede" je treba razlagati temu ustrezno.

31. člen

Razlogi za izključitev kazenske odgovornosti

1. Poleg drugih razlogov za izključitev kazenske odgovornosti, predvidenih v tem statutu, oseba ni kazensko odgovorna, če:

(a) je zaradi duševne bolezni ali motnje v času izvršitve nesposobna razumeti protipravnost ali hudodelsko naravo svojega ravnanja ali ni sposobna obvladovati svojega ravnanja v skladu z zahtevami prava;

(b) je v času izvršitve v stanju omamljenosti, ki onemogoča njeno sposobnost razumeti protipravnost ali hudodelsko naravo svojega ravnanja ali sposobnost obvladovati svoje ravnanje v skladu z zahtevami prava, razen če se je sama prostovoljno spravila v stanje omamljenosti v takih okoliščinah, da je vedela za tveganje ali je vzela v račun tveganje, da zaradi omamljenosti obstaja možnost za ravnanje, ki je kaznivo dejanje iz pristojnosti Sodišča;

(c) ravna primerno za obrambo sebe ali koga drugega ali premoženja, kadar gre za vojna hudodelstva, ki je nujno za njeno preživetje ali preživetje koga drugega, ali premoženja, ki je nujno za izvedbo vojaške naloge, pred neposredno pretečo in protipravno uporabo sile na način, ki je sorazmeren s stopnjo nevarnosti zanjo ali za drugo osebo ali za varovano premoženje. Dejstvo, da je oseba sodelovala v obrambni operaciji, ki so jo vodile oborožene sile, samo po sebi ni razlog za izključitev kazenske odgovornosti po tem pododstavku;

(d) je prisiljena v ravnanje, ki bi lahko bilo kaznivo dejanje iz pristojnosti Sodišča zaradi prisile, ki je posledica neposredne grožnje s smrtjo ali neposredne grožnje s hudo telesno poškodbo te osebe ali koga drugega, odvračanje take nevarnosti pa je bilo nujno in razumno, če v njenem naklepu ni bila povzročitev hujše škode od tiste, ki se ji je skušala izogniti.Taka grožnja je lahko bodisi:

(i) grožnja druge osebe ali

(ii) posledica drugih okoliščin, na katere ta oseba ne more vplivati.

2. Sodišče ugotovi, ali je razloge za izključitev kazenske odgovornosti, predvidene v tem statutu, mogoče uporabljati v zadevi, ki jo obravnava.

3. Pri sojenju lahko Sodišče upošteva tudi kak drug razlog za izključitev kazenske odgovornosti, kot so tisti, navedeni v prvem odstavku, če tak razlog izvira iz uporabnega prava, kot je določeno v 21. členu. Postopki, ki se nanašajo na upoštevanje takega razloga, so predvideni v Pravilih o postopku in dokazih.

32. člen

Dejanska ali pravna zmota

1. Dejanska zmota je razlog za izključitev kazenske odgovornosti le, če zanika psihični element kaznivega dejanja.

2. A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the Court shall not be a ground for excluding criminal responsibility. A mistake of law may, however, be a ground for excluding criminal responsibility if it negates the mental element required by such a crime, or as provided for in article 33.

Article 33

Superior orders and prescription of law

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:

(a) The person was under a legal obligation to obey orders of the Government or the superior in question;

(b) The person did not know that the order was unlawful; and

(c) The order was not manifestly unlawful.

2. For the purposes of this article, orders to commit genocide or crimes against humanity are manifestly unlawful.

PART 4.
COMPOSITION AND ADMINISTRATION OF THE COURT

Article 34

Organs of the Court

The Court shall be composed of the following organs:

(a) The Presidency;

(b) An Appeals Division, a Trial Division and a Pre-Trial Division;

(c) The Office of the Prosecutor;

(d) The Registry.

Article 35

Service of judges

1. All judges shall be elected as full-time members of the Court and shall be available to serve on that basis from the commencement of their terms of office.

2. The judges composing the Presidency shall serve on a full-time basis as soon as they are elected.

3. The Presidency may, on the basis of the workload of the Court and in consultation with its members, decide from time to time to what extent the remaining judges shall be required to serve on a full-time basis. Any such arrangement shall be without prejudice to the provisions of article 40.

4. The financial arrangements for judges not required to serve on a full-time basis shall be made in accordance with article 49.

Article 36

Qualifications, nomination and election of judges

1. Subject to the provisions of paragraph 2, there shall be 18 judges of the Court.

2. (a) The Presidency, acting on behalf of the Court, may propose an increase in the number of judges specified in paragraph 1, indicating the reasons why this is considered necessary and appropriate. The Registrar shall promptly circulate any such proposal to all States Parties.

(b) Any such proposal shall then be considered at a meeting of the Assembly of States Parties to be convened in accordance with article 112. The proposal shall be considered adopted if approved at the meeting by a vote of two thirds of the members of the Assembly of States Parties and shall enter into force at such time as decided by the Assembly of States Parties.

2. Pravna zmota o tem, ali je določena vrsta ravnanja kaznivo dejanje v pristojnosti Sodišča, ni razlog za izključitev kazenske odgovornosti. Pravna zmota pa je lahko razlog za izključitev kazenske odgovornosti, če zanika psihični element, ki ga tako kaznivo dejanje zahteva, ali kot je določeno v 33. členu.

33. člen

Ukazi nadrejenih in zakonski predpis

1. Dejstvo, da je oseba storila kaznivo dejanje v pristojnosti Sodišča po ukazu vlade ali nadrejene vojaške ali civilne osebe, ne izključuje njene kazenske odgovornosti, razen če:

(a) je bila oseba zakonsko obvezana, da spoštuje ukaze vlade ali nadrejenega;

(b) oseba ni vedela, da je bil ukaz protipraven, in

(c) ukaz ni bil očitno protipraven.

2. V tem členu so ukazi za storitev genocida ali hudodelstev zoper človečnost očitno protipravni.

4. DEL
SESTAVA IN DELOVANJE SODIŠČA

34. člen

Organi Sodišča

Sodišče sestavljajo:

(a) predsedstvo,

(b) pritožbeni oddelek, obravnavni oddelek in predobravnavni oddelek,

(c) tožilstvo,

(d) tajništvo sodišča.

35. člen

Sodniška služba

1. Vsi sodniki so izvoljeni kot redno zaposleni člani Sodišča in so tako na voljo od začetka svojega mandata.

2. Sodniki, ki sestavljajo predsedstvo, delajo polni delovni čas takoj po izvolitvi.

3. Predsedstvo lahko na podlagi delovnih obremenitev Sodišča ter ob posvetu s svojimi člani občasno odloči, v kolikšni meri morajo tudi preostali sodniki delati polni delovni čas. Noben tak dogovor ne vpliva na določbe 40. člena.

4. Finančni dogovori za sodnike, ki jim ni treba delati polni delovni čas, se sklenejo v skladu z 49. členom.

36. člen

Usposobljenost, imenovanje in volitve sodnikov

1. Sodišče sestavlja 18 sodnikov, razen v primeru, ki je določen v drugem odstavku.

2. (a) Predsedstvo lahko v imenu Sodišča predlaga povečanje števila sodnikov, določenega v prvem odstavku, z navedbo razlogov, zakaj je to potrebno in primerno. Tajnik sodišča takoj razpošlje vsak tak predlog vsem državam pogodbenicam.

(b) Tak predlog nato obravnava Skupščina držav pogodbenic, ki se skliče v skladu s 112. členom. Šteje se, da je predlog sprejet, če je na zasedanju potrjen z dvema tretjinama glasov članic Skupščine držav pogodbenic, in začne veljati na dan, ki ga določi Skupščina držav pogodbenic.

(c) (i) Once a proposal for an increase in the number of judges has been adopted under subparagraph (b), the election of the additional judges shall take place at the next session of the Assembly of States Parties in accordance with paragraphs 3 to 8, and article 37, paragraph 2;

(ii) Once a proposal for an increase in the number of judges has been adopted and brought into effect under subparagraphs (b) and (c) (i), it shall be open to the Presidency at any time thereafter, if the workload of the Court justifies it, to propose a reduction in the number of judges, provided that the number of judges shall not be reduced below that specified in paragraph 1. The proposal shall be dealt with in accordance with the procedure laid down in subparagraphs (a) and (b). In the event that the proposal is adopted, the number of judges shall be progressively decreased as the terms of office of serving judges expire, until the necessary number has been reached.

3. (a) The judges shall be chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices.

(b) Every candidate for election to the Court shall:

(i) Have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings; or

(ii) Have established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court;

(c) Every candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

4. (a) Nominations of candidates for election to the Court may be made by any State Party to this Statute, and shall be made either:

(i) By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or

(ii) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.

Nominations shall be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements of paragraph 3.

(b) Each State Party may put forward one candidate for any given election who need not necessarily be a national of that State Party but shall in any case be a national of a State Party.

(c) The Assembly of States Parties may decide to establish, if appropriate, an Advisory Committee on nominations. In that event, the Committee's composition and mandate shall be established by the Assembly of States Parties.

5. For the purposes of the election, there shall be two lists of candidates:

List A containing the names of candidates with the qualifications specified in paragraph 3 (b) (i); and

List B containing the names of candidates with the qualifications specified in paragraph 3 (b) (ii).

(c) (i) Ko je predlog za povečanje števila sodnikov sprejet v skladu s pododstavkom (b), se dodatni sodniki izvolijo na naslednjem zasedanju Skupščine držav pogodbenic v skladu s tretjim do osmim odstavkom tega ter drugim odstavkom 37. člena.

(ii) Ko je predlog za povečanje števila sodnikov sprejet in začne veljati v skladu s pododstavkoma (b) in (c) (i), lahko predsedstvo, če to upravičuje delovna obremenitev Sodišča, kadar koli kasneje predlaga zmanjšanje števila sodnikov, pod pogojem, da se število sodnikov ne sme zmanjšati pod število, navedeno v prvem odstavku. Predlog se obravnava v skladu s postopkom, določenim v pododstavkih (a) in (b). Če je predlog sprejet, se število sodnikov postopno zmanjšuje, ko potečejo mandati sodnikov, ki opravljajo sodniško službo, dokler ni doseženo potrebno število.

3. (a) Sodniki se izberejo izmed oseb visokega moralnega ugleda, nepristranskosti in neoporečnosti, ki imajo usposobljenost, zahtevano v njihovi državi za imenovanje na najvišje sodniške funkcije.

(b) Vsak kandidat za izvolitev v Sodišče mora:

(i) biti strokovno uveljavljen na področju kazenskega materialnega in procesnega prava in imeti potrebne ustrezne izkušnje s kazenskimi postopki kot sodnik, tožilec, odvetnik ali na drugem podobnem položaju ali

(ii) biti strokovno uveljavljen na ustreznih področjih mednarodnega prava, kot je mednarodno humanitarno pravo in pravo človekovih pravic, in imeti obsežne poklicne izkušnje na pravnem področju, ki se nanašajo na sodno delo sodišča.

(c) Vsak kandidat za izvolitev v Sodišče mora odlično znati in tekoče govoriti vsaj enega od delovnih jezikov sodišča.

4. (a) Vsaka država pogodbenica tega statuta lahko imenuje kandidate za izvolitev za sodnika, in sicer:

(i) po postopku za imenovanje kandidatov za najvišje sodne funkcije v tej državi ali

(ii) po postopku za imenovanje kandidatov za Meddržavno sodišče, predvidenem v njegovem statutu.

K imenovanjem je priložena izjava, ki podrobno navaja, kako kandidat izpolnjuje zahteve iz tretjega odstavka.

(b) Vsaka država pogodbenica lahko predlaga enega kandidata za vsake volitve, za katerega pa ni nujno, da je njen državljan, v vsakem primeru pa mora biti državljan države pogodbenice.

(c) Skupščina držav pogodbenic se lahko odloči, da ustanovi Svetovalni odbor za imenovanja, če je to primerno. V tem primeru določi sestavo in mandat tega odbora.

5. Za volitve se sestavita dva seznama kandidatov:

seznam A z imeni kandidatov z usposobljenostjo, določeno v pododstavku (b) (i) tretjega odstavka, in

seznam B z imeni kandidatov z usposobljenostjo, določeno v pododstavku (b) (ii) tretjega odstavka.

A candidate with sufficient qualifications for both lists may choose on which list to appear. At the first election to the Court, at least nine judges shall be elected from list A and at least five judges from list B. Subsequent elections shall be so organized as to maintain the equivalent proportion on the Court of judges qualified on the two lists.

6. (a) The judges shall be elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose under article 112. Subject to paragraph 7, the persons elected to the Court shall be the 18 candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting.

(b) In the event that a sufficient number of judges is not elected on the first ballot, successive ballots shall be held in accordance with the procedures laid down in subparagraph (a) until the remaining places have been filled.

7. No two judges may be nationals of the same State. A person who, for the purposes of membership of the Court, could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

8. (a) The States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for:

(i) The representation of the principal legal systems of the world;

(ii) Equitable geographical representation; and

(iii) A fair representation of female and male judges.

(b) States Parties shall also take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.

9. (a) Subject to subparagraph (b), judges shall hold office for a term of nine years and, subject to subparagraph (c) and to article 37, paragraph 2, shall not be eligible for re-election.

(b) At the first election, one third of the judges elected shall be selected by lot to serve for a term of three years; one third of the judges elected shall be selected by lot to serve for a term of six years; and the remainder shall serve for a term of nine years.

(c) A judge who is selected to serve for a term of three years under subparagraph (b) shall be eligible for re-election for a full term.

10. Notwithstanding paragraph 9, a judge assigned to a Trial or Appeals Chamber in accordance with article 39 shall continue in office to complete any trial or appeal the hearing of which has already commenced before that Chamber.

Article 37

Judicial vacancies

1. In the event of a vacancy, an election shall be held in accordance with article 36 to fill the vacancy.

2. A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is three years or less, shall be eligible for re-election for a full term under article 36.

Article 38

The Presidency

1. The President and the First and Second Vice-Presidents shall be elected by an absolute majority of the judges. They shall each serve for a term of three years or until the end of their respective terms of office as judges, whichever expires earlier. They shall be eligible for re-election once.

Kandidat z zadostno usposobljenostjo za oba seznama lahko izbere, na katerem seznamu bo kandidiral. Na prvih volitvah v Sodišče se izvoli najmanj devet sodnikov iz seznama A in najmanj pet sodnikov iz seznama B. Naslednje volitve se organizirajo tako, da se na Sodišču ohrani enako razmerje sodnikov, primernih po obeh seznamih.

6. (a) Sodniki se izvolijo s tajnim glasovanjem na zasedanju Skupščine držav pogodbenic, ki se v ta namen skliče v skladu s 112. členom. Ob upoštevanju sedmega odstavka je v Sodišče izvoljenih 18 kandidatov, ki dobijo največ glasov in dvetretjinsko večino držav pogodbenic, ki so navzoče in glasujejo.

(b) Če na prvem glasovanju ni izvoljeno dovolj sodnikov, potekajo nadaljnja glasovanja v skladu s postopki, določenimi v pododstavku (a), dokler niso zapolnjena še preostala mesta.

7. V sodišču ne sme biti več kot en sodnik državljan iste države. Oseba v Sodišču, ki bi se lahko štela za državljana več kot ene države, se šteje za državljana države, v kateri ta oseba običajno uresničuje državljanske in politične pravice.

8. (a) Države pogodbenice ob izbiri sodnikov upoštevajo potrebo po:

(i) zastopanosti glavnih pravnih sistemov sveta,

(ii) pravični geografski zastopanosti in

(iii) pošteni zastopanosti sodnikov ženskega in moškega spola.

(b) Države pogodbenice upoštevajo tudi potrebo po vključitvi sodnikov s pravnimi izkušnjami na posebnih področjih, med drugim tudi na področju nasilja nad ženskami ali otroki.

9. (a) Ob upoštevanju pododstavka (b) traja mandat sodnikov devet let in ob upoštevanju pododstavka (c) in drugega odstavka 37. člena ne morejo biti ponovno izvoljeni.

(b) Na prvih volitvah je ena tretjina izvoljenih sodnikov izbrana z žrebom za mandat treh let; ena tretjina izvoljenih sodnikov se izbere z žrebom za mandat šestih let, preostali pa za mandat devetih let.

(c) Sodnik, ki je izbran za triletni mandat v skladu s pododstavkom (b), se lahko ponovno izvoli za celoten mandat.

10. Ne glede na deveti odstavek obdrži sodnik, ki je v skladu z 39. členom dodeljen obravnavnemu ali pritožbenemu senatu, svojo funkcijo, dokler ne dokonča sojenja ali pritožbenega postopka, ki se je pred tem senatom že začel.

37. člen

Prosta mesta za sodnike

1. Če je prosto mesto, se volitve za njegovo zapolnitev izvedejo v skladu s 36. členom.

2. Sodnik, izvoljen na izpraznjeno mesto, na njem ostane do konca predhodnikovega mandata in se lahko, če to obdobje traja tri leta ali manj, v skladu s 36. členom ponovno izvoli za celoten mandat.

38. člen

Predsedstvo

1. Predsednik ter prvi in drugi podpredsednik se izvolijo z absolutno večino sodnikov. Vsak ostane na tej funkciji tri leta ali do konca svojega mandata kot sodnik, če jim ta prej poteče. Ponovno se lahko izvolijo le še enkrat.

2. The First Vice-President shall act in place of the President in the event that the President is unavailable or disqualified. The Second Vice-President shall act in place of the President in the event that both the President and the First Vice-President are unavailable or disqualified.

3. The President, together with the First and Second Vice-Presidents, shall constitute the Presidency, which shall be responsible for:

(a) The proper administration of the Court, with the exception of the Office of the Prosecutor; and

(b) The other functions conferred upon it in accordance with this Statute.

4. In discharging its responsibility under paragraph 3 (a), the Presidency shall coordinate with and seek the concurrence of the Prosecutor on all matters of mutual concern.

Article 39

Chambers

1. As soon as possible after the election of the judges, the Court shall organize itself into the divisions specified in article 34, paragraph (b). The Appeals Division shall be composed of the President and four other judges, the Trial Division of not less than six judges and the Pre-Trial Division of not less than six judges. The assignment of judges to divisions shall be based on the nature of the functions to be performed by each division and the qualifications and experience of the judges elected to the Court, in such a way that each division shall contain an appropriate combination of expertise in criminal law and procedure and in international law. The Trial and Pre-Trial Divisions shall be composed predominantly of judges with criminal trial experience.

2. (a) The judicial functions of the Court shall be carried out in each division by Chambers.

(b) (i) The Appeals Chamber shall be composed of all the judges of the Appeals Division;

(ii) The functions of the Trial Chamber shall be carried out by three judges of the Trial Division;

(iii) The functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge of that division in accordance with this Statute and the Rules of Procedure and Evidence;

(c) Nothing in this paragraph shall preclude the simultaneous constitution of more than one Trial Chamber or Pre-Trial Chamber when the efficient management of the Court's workload so requires.

3. (a) Judges assigned to the Trial and Pre-Trial Divisions shall serve in those divisions for a period of three years, and thereafter until the completion of any case the hearing of which has already commenced in the division concerned.

(b) Judges assigned to the Appeals Division shall serve in that division for their entire term of office.

4. Judges assigned to the Appeals Division shall serve only in that division. Nothing in this article shall, however, preclude the temporary attachment of judges from the Trial Division to the Pre-Trial Division or vice versa, if the Presidency considers that the efficient management of the Court's workload so requires, provided that under no circumstances shall a judge who has participated in the pre-trial phase of a case be eligible to sit on the Trial Chamber hearing that case.

2. Prvi podpredsednik nadomešča predsednika, če ta ni dosegljiv ali je izločen. Drugi podpredsednik nadomešča predsednika, če predsednik in prvi podpredsednik nista dosegljiva ali sta izločena.

3. Predsednik ter prvi in drugi podpredsednik sestavljajo predsedstvo, ki je odgovorno za:

(a) pravilno delovanje Sodišča, razen tožilstva, in

(b) druge naloge, ki so mu naložene po tem statutu.

4. Pri opravljanju svojih dolžnosti po pododstavku (a) tretjega odstavka, se predsedstvo usklajuje s tožilcem in si prizadeva dobiti njegovo soglasje o vseh vprašanjih skupnega pomena.

39. člen

Senati

1. Takoj ko je to mogoče po izvolitvi sodnikov, se Sodišče organizira v oddelke, določene v pododstavku (b) 34. člena. Pritožbeni oddelek sestavljajo predsednik in štirje drugi sodniki. Obravnavni oddelek sestavlja najmanj šest sodnikov in predobravnavni oddelek najmanj šest sodnikov. Dodelitev sodnikov v oddelke temelji na naravi nalog, ki jih opravlja vsak oddelek, ter na usposobljenosti in izkušnjah sodnikov, izvoljenih v Sodišče, na tak način, da je v vsakem oddelku ustrezna kombinacija strokovnih izkušenj iz kazenskega materialnega in procesnega prava ter mednarodnega prava. Obravnavni in predobravnavni oddelek sta sestavljena pretežno iz sodnikov z izkušnjami s kazenskimi postopki.

2. (a) Sodne naloge Sodišča v vsakem oddelku opravljajo senati.

(b) (i) Pritožbeni senat sestavljajo vsi sodniki pritožbenega oddelka.

(ii) Naloge obravnavnega senata opravljajo trije sodniki obravnavnega oddelka.

(iii) Naloge predobravnavnega senata opravljajo trije sodniki predobravnavnega oddelka ali en sam sodnik tega oddelka v skladu s tem statutom ter Pravili o postopku in dokazih.

(c) Določbe tega odstavka ne preprečuje sočasne ustanovitve več kot enega obravnavnega ali predobravnavnega senata, če je to potrebno za uspešno opravljanje dela Sodišča.

3. (a) Sodniki, ki so dodeljeni obravnavnemu in predobravnavnemu oddelku, delajo v teh oddelkih tri leta in po tem še, dokler ne dokončajo zadev, ki jih je ustrezni oddelek že začel obravnavati.

(b) Sodniki, ki so dodeljeni pritožbenemu oddelku, v tem oddelku delajo ves svoj mandat.

4. Sodniki, dodeljeni pritožbenemu oddelku, delajo le v njem. Vendar pa nič v tem členu ne preprečuje začasne premestitve sodnikov iz obravnavnega oddelka v predobravnavni oddelek ali obratno, če predsedstvo meni, da je to potrebno za uspešno opravljanje dela Sodišča, pod pogojem, da sodnik, ki je v isti zadevi sodeloval v predobravnavnem senatu, ne sme v isti zadevi sodelovati v obravnavnem senatu.

Article 40

Independence of the judges

1. The judges shall be independent in the performance of their functions.

2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.

3. Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature.

4. Any question regarding the application of paragraphs 2 and 3 shall be decided by an absolute majority of the judges. Where any such question concerns an individual judge, that judge shall not take part in the decision.

Article 41

Excusing and disqualification of judges

1. The Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute, in accordance with the Rules of Procedure and Evidence.

2. (a) A judge shall not participate in any case in which his or her impartiality might reasonably be doubted on any ground. A judge shall be disqualified from a case in accordance with this paragraph if, inter alia, that judge has previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted. A judge shall also be disqualified on such other grounds as may be provided for in the Rules of Procedure and Evidence.

(b) The Prosecutor or the person being investigated or prosecuted may request the disqualification of a judge under this paragraph.

(c) Any question as to the disqualification of a judge shall be decided by an absolute majority of the judges. The challenged judge shall be entitled to present his or her comments on the matter, but shall not take part in the decision.

Article 42

The Office of the Prosecutor

1. The Office of the Prosecutor shall act independently as a separate organ of the Court. It shall be responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court. A member of the Office shall not seek or act on instructions from any external source.

2. The Office shall be headed by the Prosecutor. The Prosecutor shall have full authority over the management and administration of the Office, including the staff, facilities and other resources thereof. The Prosecutor shall be assisted by one or more Deputy Prosecutors, who shall be entitled to carry out any of the acts required of the Prosecutor under this Statute. The Prosecutor and the Deputy Prosecutors shall be of different nationalities. They shall serve on a full-time basis.

3. The Prosecutor and the Deputy Prosecutors shall be persons of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases. They shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

40. člen

Neodvisnost sodnikov

1. Sodniki so pri opravljanju svojih nalog neodvisni.

2. Sodniki se ne smejo ukvarjati z nobeno dejavnostjo, ki bi lahko posegala v njihove sodniške naloge ali vplivala na zaupanje v njihovo neodvisnost.

3. Sodniki, za katere se zahteva, da na sedežu Sodišča delajo polni delovni čas, ne smejo opravljati nobene druge poklicne dejavnosti.

4. O vsakem vprašanju glede uporabe drugega in tretjega odstavka odloča absolutna večina sodnikov. Če katero koli tako vprašanje zadeva posameznega sodnika, sodnik pri odločanju ne sme sodelovati.

41. člen

Oprostitev in izločitev sodnikov

1. Predsedstvo lahko sodnika na njegovo zahtevo oprosti opravljanja naloge po tem statutu v skladu s Pravili o postopku in dokazih.

2. (a) Sodnik ne sme sodelovati v nobeni zadevi, v kateri bi lahko iz kakršnega koli razloga obstajal upravičen dvom o njegovi nepristranskosti. Sodnik je izločen iz zadeve v skladu s tem odstavkom, če je bil med drugim prej v kakršni koli funkciji vključen v to zadevo pred Sodiščem ali v s tem povezano kazensko zadevo na državni ravni, ki je vključevala osebo, proti kateri teče preiskava ali pregon. Sodnik je izločen tudi iz kakih drugih razlogov, ki jih lahko predvidevajo Pravila o postopku in dokazih.

(b) Tožilec ali oseba, proti kateri teče preiskava ali pregon, lahko zahteva izločitev sodnika po tem odstavku.

(c) O vprašanju, povezanem z izločitvijo sodnika, odloča absolutna večina sodnikov. Sodnik, katerega izločitev se zahteva, ima o tem pravico predstaviti svoje mnenje, ne sme pa sodelovati pri odločanju.

42. člen

Tožilstvo

1. Tožilstvo deluje neodvisno kot samostojen organ Sodišča. Odgovorno je za sprejemanje prijav ali kakršnih koli utemeljenih obvestil o kaznivih dejanjih v pristojnosti Sodišča, za njihovo preverjanje in za vodenje preiskav in pregonov pred Sodiščem. Član tožilstva ne sme iskati navodil nobenih zunanjih virov, niti se po njih ravnati.

2. Tožilstvo vodi tožilec. Tožilec ima vso pristojnost za vodenje in upravljanje tožilstva, vključno z osebjem, objekti in drugimi sredstvi. Tožilcu pomaga en ali več namestnikov tožilca, ki imajo pravico opravljati katero koli delo, ki se po tem statutu zahteva od tožilca. Tožilec in namestniki tožilca morajo imeti različno državljanstvo. Delajo polni delovni čas.

3. Tožilec in njegovi namestniki so osebe velikega moralnega ugleda, biti morajo visoko strokovno usposobljeni in imeti veliko praktičnih izkušenj s pregonom ali sojenjem v kazenskih zadevah. Odlično morajo znati in tekoče govoriti vsaj enega od delovnih jezikov sodišča.

4. The Prosecutor shall be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties. The Deputy Prosecutors shall be elected in the same way from a list of candidates provided by the Prosecutor. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled. Unless a shorter term is decided upon at the time of their election, the Prosecutor and the Deputy Prosecutors shall hold office for a term of nine years and shall not be eligible for re-election.

5. Neither the Prosecutor nor a Deputy Prosecutor shall engage in any activity which is likely to interfere with his or her prosecutorial functions or to affect confidence in his or her independence. They shall not engage in any other occupation of a professional nature.

6. The Presidency may excuse the Prosecutor or a Deputy Prosecutor, at his or her request, from acting in a particular case.

7. Neither the Prosecutor nor a Deputy Prosecutor shall participate in any matter in which their impartiality might reasonably be doubted on any ground. They shall be disqualified from a case in accordance with this paragraph if, inter alia, they have previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted.

8. Any question as to the disqualification of the Prosecutor or a Deputy Prosecutor shall be decided by the Appeals Chamber.

(a) The person being investigated or prosecuted may at any time request the disqualification of the Prosecutor or a Deputy Prosecutor on the grounds set out in this article;

(b) The Prosecutor or the Deputy Prosecutor, as appropriate, shall be entitled to present his or her comments on the matter;

9. The Prosecutor shall appoint advisers with legal expertise on specific issues, including, but not limited to, sexual and gender violence and violence against children.

Article 43

The Registry

1. The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42.

2. The Registry shall be headed by the Registrar, who shall be the principal administrative officer of the Court. The Registrar shall exercise his or her functions under the authority of the President of the Court.

3. The Registrar and the Deputy Registrar shall be persons of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court.

4. The judges shall elect the Registrar by an absolute majority by secret ballot, taking into account any recommendation by the Assembly of States Parties. If the need arises and upon the recommendation of the Registrar, the judges shall elect, in the same manner, a Deputy Registrar.

5. The Registrar shall hold office for a term of five years, shall be eligible for re-election once and shall serve on a full-time basis. The Deputy Registrar shall hold office for a term of five years or such shorter term as may be decided upon by an absolute majority of the judges, and may be elected on the basis that the Deputy Registrar shall be called upon to serve as required.

4. Tožilec se izvoli s tajnim glasovanjem z absolutno večino članic Skupščine držav pogodbenic. Namestniki tožilca so izvoljeni na enak način s seznama kandidatov, ki ga pripravi tožilec. Tožilec imenuje tri kandidate za vsak položaj namestnika tožilca, ki ga je treba zapolniti. Če ob njegovi izvolitvi ni določen krajši mandat, imajo tožilec in njegovi namestniki devetletni mandat in ne morejo biti ponovno izvoljeni.

5. Niti tožilec niti njegovi namestniki se ne smejo ukvarjati z nobeno dejavnostjo, ki bi lahko posegala v njihove naloge tožilca ali bi lahko vplivala na zaupanje v njihovo neodvisnost. Ne smejo opravljati nobene druge poklicne dejavnosti.

6. Predsedstvo lahko tožilca ali njegovega namestnika na njegovo zahtevo oprosti delovanja v določeni zadevi.

7. Tožilec ali njegov namestnik ne sme sodelovati v zadevi, v kateri bi lahko zaradi katerega koli razloga obstajal upravičen dvom o njegovi nepristranskosti. Iz zadeve so v skladu s tem odstavkom izločeni, če so bili med drugim v tej zadevi pred Sodiščem prej udeleženi v kateri koli funkciji ali v s tem povezani kazenski zadevi na državni ravni, ki vključuje osebo, proti kateri teče preiskava ali pregon.

8. O vprašanju, povezanem z izločitvijo tožilca ali njegovega namestnika, odloča pritožbeni senat.

(a) Oseba, proti kateri teče preiskava ali pregon, lahko kadar koli zahteva izločitev tožilca ali njegovega namestnika zaradi razlogov, navedenih v tem členu.

(b) Tožilec oziroma njegov namestnik ima o tem pravico predstaviti svoje mnenje.

9. Tožilec imenuje svetovalce s pravnimi strokovnimi izkušnjami na posebnih področjih, med drugim tudi na področju spolnega in seksističnega nasilja ter nasilja nad otroki.

43. člen

Tajništvo Sodišča

1. Tajništvo Sodišča je odgovorno za nesodne vidike delovanja Sodišča in opravljanja storitev zanj, kar pa ne posega v naloge in pooblastila tožilca iz 42. člena.

2. Tajništvo Sodišča vodi tajnik, ki je glavni upravni uradnik Sodišča. Tajnik Sodišča opravlja svoje naloge pod vodstvom predsednika Sodišča.

3. Tajnik Sodišča in njegov namestnik morata biti osebi velikega moralnega ugleda, visoko strokovno usposobljeni ter odlično znati in tekoče govoriti vsaj enega od delovnih jezikov sodišča.

4. Sodniki izvolijo tajnika Sodišča s tajnim glasovanjem z absolutno večino ob upoštevanju priporočil Skupščine držav pogodbenic. Po potrebi in na priporočilo tajnika Sodišča sodniki na enak način izvolijo namestnika tajnika Sodišča.

5. Tajnik Sodišča ima petletni mandat, je lahko enkrat ponovno izvoljen in opravlja delo polni delovni čas. Mandat namestnika tajnika Sodišča traja pet let ali tako krajše obdobje, kot ga lahko določijo sodniki z absolutno večino; ob izvolitvi se lahko tudi določi, da naloge opravlja po potrebi.

6. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses. The Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence.

6. Tajnik Sodišča ustanovi Enoto za pomoč žrtvam in pričam. Ob posvetovanju s tožilstvom ta enota zagotavlja varstvene ukrepe in ureditev zavarovanja, svetovanje in drugo ustrezno pomoč pričam, žrtvam, ki pridejo na Sodišče, in drugim, ki so v nevarnosti zaradi pričanj teh prič. Enota vključuje osebje z znanjem in izkušnjami o travmah, vključno s travmami, povezanimi s kaznivimi dejanji spolnega nasilja.

Article 44

Staff

1. The Prosecutor and the Registrar shall appoint such qualified staff as may be required to their respective offices. In the case of the Prosecutor, this shall include the appointment of investigators.

2. In the employment of staff, the Prosecutor and the Registrar shall ensure the highest standards of efficiency, competency and integrity, and shall have regard, mutatis mutandis, to the criteria set forth in article 36, paragraph 8.

3. The Registrar, with the agreement of the Presidency and the Prosecutor, shall propose Staff Regulations which include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed. The Staff Regulations shall be approved by the Assembly of States Parties.

4. The Court may, in exceptional circumstances, employ the expertise of gratis personnel offered by States Parties, intergovernmental organizations or non-governmental organizations to assist with the work of any of the organs of the Court. The Prosecutor may accept any such offer on behalf of the Office of the Prosecutor. Such gratis personnel shall be employed in accordance with guidelines to be established by the Assembly of States Parties.

44. člen

Osebje

1. Tožilec in tajnik Sodišča imenujeta usposobljeno osebje, kot je potrebno za njuna urada. Pri tožilcu je v to vključeno tudi imenovanje preiskovalcev.

2. Pri zaposlovanju osebja tožilec in tajnik Sodišča zagotovita najvišje standarde učinkovitosti, sposobnosti in neoporečnosti in smiselno upoštevata merila, navedena v osmem odstavku 36. člena.

3. Tajnik Sodišča s soglasjem predsedstva in tožilca predlaga pravilnik za zaposlene, ki vključuje določila in pogoje, po katerih se osebje Sodišča imenuje, nagrajuje in odpušča. Pravilnik za zaposlene odobri Skupščina držav pogodbenic.

4. V izjemnih okoliščinah lahko Sodišče uporabi strokovno znanje neplačanega osebja, ki ga ponudijo države pogodbenice, medvladne ali nevladne organizacije za pomoč pri delu katerega koli organa Sodišča. Tožilec lahko v imenu tožilstva sprejme vsako tako ponudbo. Tako neplačano osebje se vključi v delo v skladu s smernicami, ki jih določi Skupščina držav pogodbenic.

Article 45

Solemn undertaking

Before taking up their respective duties under this Statute, the judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar shall each make a solemn undertaking in open court to exercise his or her respective functions impartially and conscientiously.

45. člen

Slovesna zaobljuba

Preden začnejo opravljati svoje naloge po tem statutu, se sodniki, tožilec, namestniki tožilca, tajnik sodišča in namestnik tajnika sodišča na javnem zasedanju slovesno zaobljubijo, da bodo svoje naloge opravljali nepristransko in vestno.

Article 46

Removal from office

1. A judge, the Prosecutor, a Deputy Prosecutor, the Registrar or the Deputy Registrar shall be removed from office if a decision to this effect is made in accordance with paragraph 2, in cases where that person:

(a) Is found to have committed serious misconduct or a serious breach of his or her duties under this Statute, as provided for in the Rules of Procedure and Evidence; or

(b) Is unable to exercise the functions required by this Statute.

2. A decision as to the removal from office of a judge, the Prosecutor or a Deputy Prosecutor under paragraph 1 shall be made by the Assembly of States Parties, by secret ballot:

(a) In the case of a judge, by a two-thirds majority of the States Parties upon a recommendation adopted by a two-thirds majority of the other judges;

(b) In the case of the Prosecutor, by an absolute majority of the States Parties;

(c) In the case of a Deputy Prosecutor, by an absolute majority of the States Parties upon the recommendation of the Prosecutor.

46. člen

Odstavitev s funkcije

1. Sodnik, tožilec, namestnik tožilca, tajnik Sdišča ali namestnik tajnika je odstavljen s funkcije s sklepom iz drugega odstavka, kadar:

(a) se za to osebo ugotovi, da je zelo neprimerno ali nevestno ravnala ali hudo kršila svoje dolžnosti po tem statutu, kot določajo Pravila o postopku in dokazih, ali

(b) ta oseba ni zmožna opravljati nalog, ki jih ta statut zahteva.

2. Sklep o odstavitvi sodnika, tožilca ali namestnika tožilca s funkcije v skladu s prvim odstavkom sprejme Skupščina držav pogodbenic s tajnim glasovanjem:

(a) za sodnika z dvetretjinsko večino držav pogodbenic na priporočilo, ki ga sprejme dvetretjinska večina drugih sodnikov,

(b) za tožilca z absolutno večino držav pogodbenic,

(c) za namestnika tožilca z absolutno večino držav pogodbenic na priporočilo tožilca.

3. A decision as to the removal from office of the Registrar or Deputy Registrar shall be made by an absolute majority of the judges.

4. A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar whose conduct or ability to exercise the functions of the office as required by this Statute is challenged under this article shall have full opportunity to present and receive evidence and to make submissions in accordance with the Rules of Procedure and Evidence. The person in question shall not otherwise participate in the consideration of the matter.

3. Sklep o odstavitvi tajnika Sodišča ali njegovega namestnika s funkcije se sprejme z absolutno večino sodnikov.

4. Sodnik, tožilec, namestnik tožilca, tajnik sodišča ali njegov namestnik, katerega ravnanje ali sposobnost za opravljanje njegovih nalog, kot zahteva ta statut, se spodbija v skladu s tem členom, ima vse možnosti za predložitev in sprejemanje dokazov in za uveljavljanje svojih stališč v skladu s Pravili postopka in dokazovanja. Ta oseba sicer ne sodeluje pri obravnavi zadeve.

Article 47

Disciplinary measures

A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar who has committed misconduct of a less serious nature than that set out in article 46, paragraph 1, shall be subject to disciplinary measures, in accordance with the Rules of Procedure and Evidence.

47. člen

Disciplinski ukrepi

Za sodnika, tožilca, namestnika tožilca, tajnika sodišča ali namestnika tajnika sodišča, ki je pri svojem ravnanju storil manjši prekršek od navedenega v prvem odstavku 46. člena, se uporabijo disciplinski ukrepi v skladu s Pravili o postopku in dokazih.

Article 48

Privileges and immunities

1. The Court shall enjoy in the territory of each State Party such privileges and immunities as are necessary for the fulfilment of its purposes.

2. The judges, the Prosecutor, the Deputy Prosecutors and the Registrar shall, when engaged on or with respect to the business of the Court, enjoy the same privileges and immunities as are accorded to heads of diplomatic missions and shall, after the expiry of their terms of office, continue to be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity.

3. The Deputy Registrar, the staff of the Office of the Prosecutor and the staff of the Registry shall enjoy the privileges and immunities and facilities necessary for the performance of their functions, in accordance with the agreement on the privileges and immunities of the Court.

4. Counsel, experts, witnesses or any other person required to be present at the seat of the Court shall be accorded such treatment as is necessary for the proper functioning of the Court, in accordance with the agreement on the privileges and immunities of the Court.

5. The privileges and immunities of:

(a) A judge or the Prosecutor may be waived by an absolute majority of the judges;

(b) The Registrar may be waived by the Presidency;

(c) The Deputy Prosecutors and staff of the Office of the Prosecutor may be waived by the Prosecutor;

(d) The Deputy Registrar and staff of the Registry may be waived by the Registrar.

48. člen

Privilegiji in imunitete

1. Sodišče na ozemlju vsake države pogodbenice uživa vse privilegije in imunitete, potrebne za izpolnjevanje njegovih ciljev.

2. Sodniki, tožilec, namestniki tožilca in tajnik sodišča uživajo, kadar sodelujejo pri delu Sodišča ali v zvezi z delom Sodišča, iste privilegije in imunitete, kot se priznavajo vodjem diplomatskih predstavništev, in se jim po preteku njihovega mandata še naprej priznava imuniteta pred vsakršnim sodnim postopkom glede izgovorjenih ali zapisanih besed ter dejanj, ki so jih storili pri opravljanju svoje funkcije.

3. Namestnik tožilca, osebje tožilstva in tajništva sodišča uživajo privilegije, imunitete in ugodnosti, potrebne za opravljanje njihovih nalog v skladu z dogovorom o privilegijih in imunitetah Sodišča.

4. Zagovornik, izvedenci, priče ali katera koli druga oseba, katere navzočnost je potrebna na sedežu Sodišča, bo deležna take obravnave, kot je potrebna za pravilno delovanje Sodišča v skladu z dogovorom o privilegijih in imunitetah Sodišča.

5. Privilegije in imunitete lahko odvzamejo:

(a) sodniku ali tožilcu sodniki z absolutno večino,

(b) tajniku Sodišča predsedstvo,

(c) namestnikom tožilca in osebju tožilstva tožilec,

(d) namestniku tajnika in osebju tajništva Sodišča tajnik Sodišča.

Article 49

Salaries, allowances and expenses

The judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar shall receive such salaries, allowances and expenses as may be decided upon by the Assembly of States Parties. These salaries and allowances shall not be reduced during their terms of office.

49. člen

Plače, dnevnice in povrnitev stroškov

Sodniki, tožilec, namestniki tožilca, tajnik sodišča in njegov namestnik prejemajo take plače, dnevnice in povrnitev stroškov, kot jih določi Skupščina držav pogodbenic. Plače in dnevnice se jim med njihovim mandatom ne smejo znižati.

Article 50

Official and working languages

1. The official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish. The judgements of the Court, as well as other decisions resolving fundamental issues before the Court, shall be published in the official languages. The Presidency shall, in accordance with the criteria established by the Rules of Procedure and Evidence, determine which decisions may be considered as resolving fundamental issues for the purposes of this paragraph.

2. The working languages of the Court shall be English and French. The Rules of Procedure and Evidence shall determine the cases in which other official languages may be used as working languages.

3. At the request of any party to a proceeding or a State allowed to intervene in a proceeding, the Court shall authorize a language other than English or French to be used by such a party or State, provided that the Court considers such authorization to be adequately justified.

Article 51

Rules of Procedure and Evidence

1. The Rules of Procedure and Evidence shall enter into force upon adoption by a two-thirds majority of the members of the Assembly of States Parties.

2. Amendments to the Rules of Procedure and Evidence may be proposed by:

(a) Any State Party;

(b) The judges acting by an absolute majority; or

(c) The Prosecutor.

Such amendments shall enter into force upon adoption by a two-thirds majority of the members of the Assembly of States Parties.

3. After the adoption of the Rules of Procedure and Evidence, in urgent cases where the Rules do not provide for a specific situation before the Court, the judges may, by a two-thirds majority, draw up provisional Rules to be applied until adopted, amended or rejected at the next ordinary or special session of the Assembly of States Parties.

4. The Rules of Procedure and Evidence, amendments thereto and any provisional Rule shall be consistent with this Statute. Amendments to the Rules of Procedure and Evidence as well as provisional Rules shall not be applied retroactively to the detriment of the person who is being investigated or prosecuted or who has been convicted.

5. In the event of conflict between the Statute and the Rules of Procedure and Evidence, the Statute shall prevail.

Article 52

Regulations of the Court

1. The judges shall, in accordance with this Statute and the Rules of Procedure and Evidence, adopt, by an absolute majority, the Regulations of the Court necessary for its routine functioning.

2. The Prosecutor and the Registrar shall be consulted in the elaboration of the Regulations and any amendments thereto.

3. The Regulations and any amendments thereto shall take effect upon adoption unless otherwise decided by the judges. Immediately upon adoption, they shall be circulated to States Parties for comments. If within six months there are no objections from a majority of States Parties, they shall remain in force.

50. člen

Uradni in delovni jeziki

1. Uradni jeziki Sodišča so angleščina, arabščina, francoščina, kitajščina, ruščina in španščina. Sodbe Sodišča in druge odločbe, ki urejajo temeljna vprašanja, predložena Sodišču, so objavljene v uradnih jezikih. Predsedstvo v skladu z merili, določenimi v Pravilih o postopku in dokazih, določi, za katere odločbe se lahko šteje, da urejajo temeljna vprašanja za namene tega odstavka.

2. Delovna jezika Sodišča sta angleščina in francoščina. Pravila o postopku in dokazih določijo, v katerih primerih se lahko drugi uradni jeziki uporabljajo kot delovni jeziki.

3. Na zahtevo katere koli stranke v postopku ali države, ki lahko poseže v postopek, Sodišče odobri jezik, ki ni angleščina ali francoščina, ki ga bo ta stranka ali država uporabljala, če Sodišče meni, da je taka zahteva ustrezno utemeljena.

51. člen

Pravila o postopku in dokazih

1. Pravila o postopku in dokazih začnejo veljati po tem, ko jih sprejmejo članice Skupščine držav pogodbenic z dvetretjinsko večino.

2. Spremembe Pravil o postopku in dokazih lahko predlagajo:

(a) država pogodbenica,

(b) sodniki z absolutno večino ali

(c) tožilec.

Take spremembe začnejo veljati, ko jih sprejmejo članice Skupščine držav pogodbenic z dvetretjinsko večino.

3. Po sprejetju Pravil o postopku in dokazih lahko sodniki v nujnih primerih, če ta pravila ne urejajo ravnanja Sodišča v kakih posebnih okoliščinah, z dvetretjinsko večino sestavijo začasna pravila, ki se uporabljajo, dokler niso sprejeta, spremenjena ali zavrnjena na naslednjem rednem ali posebnem zasedanju Skupščine držav pogodbenic.

4. Pravila o postopku in dokazih, njihove spremembe in vsako začasno pravilo morajo biti skladni s tem statutom. Spremembe Pravil o postopku in dokazih ter začasna pravila se ne uporabljajo za nazaj na škodo osebe, proti kateri poteka preiskava ali pregon.

5. Če so si statut in Pravila o postopku in dokazih v nasprotju, velja statut.

52. člen

Pravilniki Sodišča

1. Na podlagi tega statuta in Pravil o postopku in dokazih sprejmejo sodniki z absolutno večino pravilnike Sodišča, potrebne za njegovo redno delo.

2. Pri pripravi pravilnikov in njihovih sprememb se posvetuje s tožilcem in tajnikom sodišča.

3. Pravilniki in njihove spremembe začnejo veljati, ko so sprejete, razen če sodniki odločijo drugače. Takoj po sprejetju se razpošljejo državam pogodbenicam, da dajo pripombe. Če v šestih mesecih večina držav pogodbenic ne ugovarja, ostanejo veljavni.

PART 5. INVESTIGATION AND PROSECUTION

Article 53
Initiation of an investigation

1. The Prosecutor shall, having evaluated the information made available to him or her, initiate an investigation unless he or she determines that there is no reasonable basis to proceed under this Statute. In deciding whether to initiate an investigation, the Prosecutor shall consider whether:

(a) The information available to the Prosecutor provides a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed;

(b) The case is or would be admissible under article 17; and

(c) Taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice.

If the Prosecutor determines that there is no reasonable basis to proceed and his or her determination is based solely on subparagraph (c) above, he or she shall inform the Pre-Trial Chamber.

2. If, upon investigation, the Prosecutor concludes that there is not a sufficient basis for a prosecution because:

(a) There is not a sufficient legal or factual basis to seek a warrant or summons under article 58;

(b) The case is inadmissible under article 17; or

(c) A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime, the interests of victims and the age or infirmity of the alleged perpetrator, and his or her role in the alleged crime;

the Prosecutor shall inform the Pre-Trial Chamber and the State making a referral under article 14 or the Security Council in a case under article 13, paragraph (b), of his or her conclusion and the reasons for the conclusion.

3. (a) At the request of the State making a referral under article 14 or the Security Council under article 13, paragraph (b), the Pre-Trial Chamber may review a decision of the Prosecutor under paragraph 1 or 2 not to proceed and may request the Prosecutor to reconsider that decision.

(b) In addition, the Pre-Trial Chamber may, on its own initiative, review a decision of the Prosecutor not to proceed if it is based solely on paragraph 1 (c) or 2 (c). In such a case, the decision of the Prosecutor shall be effective only if confirmed by the Pre-Trial Chamber.

4. The Prosecutor may, at any time, reconsider a decision whether to initiate an investigation or prosecution based on new facts or information.

Article 54
Duties and powers of the Prosecutor with respect to investigations

1. The Prosecutor shall:

(a) In order to establish the truth, extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility under this Statute, and, in doing so, investigate incriminating and exonerating circumstances equally;

5. DEL
PREISKAVA IN PREGON

53. člen
Začetek preiskave

1. Potem ko tožilec prouči razpoložljive informacije, začne preiskavo, razen če presodi, da ni utemeljene podlage za začetek postopka v skladu s tem statutom. Pri odločanju o začetku preiskave tožilec upošteva, ali:

(a) so informacije, ki jih ima tožilec na razpolago, utemeljena podlaga za domnevo, da je bilo kaznivo dejanje v pristojnosti Sodišča storjeno ali da se izvršuje,

(b) bi bila zadeva dopustna po 17. členu in

(c) ob upoštevanju teže kaznivega dejanja in interesov žrtev vendarle obstajajo tehtni razlogi za domnevo, da preiskava ne bi bila v interesu pravičnosti.

Če tožilec odloči, da ni utemeljene podlage za začetek postopka in njegova odločitev temelji izključno na pododstavku (c), o tem obvesti predobravnavni senat.

2. Če tožilec po preiskavi sklene, da ni zadostne podlage za pregon, ker:

(a) ni zadostne pravne ali dejanske podlage, da bi zahteval izdajo naloga ali sodnega poziva v skladu z 58. členom,

(b) zadeva ni dopustna po 17. členu ali

(c) pregon ni v interesu pravičnosti, ob upoštevanju vseh okoliščin vključno s težo kaznivega dejanja, interesi žrtev in starostjo ali onemoglostjo domnevnega storilca kaznivega dejanja ter njegove vloge pri domnevnem kaznivem dejanju,

tožilec obvesti o svojem sklepu in razlogih zanj predobravnavni senat in državo, ki je v skladu s 14. členom situacijo naznanila, ali Varnostni svet v primeru pododstavka (b) 13. člena.

3. (a) Na zahtevo države, ki naznani situacijo v skladu s 14. členom, ali Varnostnega sveta v skladu s pododstavkom (b) 13. člena lahko predobravnavni senat preizkusi odločitev tožilca, sprejeto na podlagi prvega ali drugega odstavka, da ne začne oziroma ne nadaljuje postopka, in lahko zahteva od tožilca, da ponovno prouči svojo odločitev.

(b) Predobravnavni senat lahko tudi na lastno pobudo preizkusi odločitev tožilca, da ne začne oziroma ne nadaljuje postopka, če ta temelji zgolj na pododstavku (c) prvega ali pododstavku (c) drugega odstavka. V takem primeru ostane odločitev tožilca v veljavi le, če jo potrdi predobravnavni senat.

4. Tožilec lahko kadar koli ponovno prouči odločitev o začetku preiskave ali pregona na podlagi novih dejstev ali informacij.

54. člen
Naloge in pooblastila tožilca v preiskavi

1. Tožilec:

(a) da bi ugotovil resnico, razširi preiskavo na vsa dejstva in dokaze, ki so pomembni za presojo, ali po tem statutu obstaja kazenska odgovornost in pri tem enako razišče obremenilne in razbremenilne okoliščine;

(b) Take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of victims and witnesses, including age, gender as defined in article 7, paragraph 3, and health, and take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children; and

(c) Fully respect the rights of persons arising under this Statute.

2. The Prosecutor may conduct investigations on the territory of a State:

(a) In accordance with the provisions of Part 9; or

(b) As authorized by the Pre-Trial Chamber under article 57, paragraph 3 (d).

3. The Prosecutor may:

(a) Collect and examine evidence;

(b) Request the presence of and question persons being investigated, victims and witnesses;

(c) Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with its respective competence and/or mandate;

(d) Enter into such arrangements or agreements, not inconsistent with this Statute, as may be necessary to facilitate the cooperation of a State, intergovernmental organization or person;

(e) Agree not to disclose, at any stage of the proceedings, documents or information that the Prosecutor obtains on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents; and

(f) Take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence.

Article 55

Rights of persons during an investigation

1. In respect of an investigation under this Statute, a person:

(a) Shall not be compelled to incriminate himself or herself or to confess guilt;

(b) Shall not be subjected to any form of coercion, duress or threat, to torture or to any other form of cruel, inhuman or degrading treatment or punishment;

(c) Shall, if questioned in a language other than a language the person fully understands and speaks, have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness; and

(d) Shall not be subjected to arbitrary arrest or detention, and shall not be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established in this Statute.

2. Where there are grounds to believe that a person has committed a crime within the jurisdiction of the Court and that person is about to be questioned either by the Prosecutor, or by national authorities pursuant to a request made under Part 9, that person shall also have the following rights of which he or she shall be informed prior to being questioned:

(a) To be informed, prior to being questioned, that there are grounds to believe that he or she has committed a crime within the jurisdiction of the Court;

(b) To remain silent, without such silence being a consideration in the determination of guilt or innocence;

(b) ustrezno ukrepa, da zagotovi učinkovito preiskavo in pregon kaznivih dejanj v pristojnosti Sodišča in pri tem spoštuje interese in osebne okoliščine žrtev in prič, vključno s starostjo, spolom, kot je to določeno v tretjem odstavku 7. člena, in zdravstvenim stanjem, ter upošteva naravo kaznivega dejanja, zlasti kadar to vključuje spolno nasilje, seksistično nasilje ali nasilje nad otroki in

(c) v celoti spoštuje pravice oseb, ki izvirajo iz tega statuta.

2. Tožilec lahko preiskuje na ozemlju države:

(a) v skladu z določbami 9. dela ali

(b) v skladu s pooblastilom predobravnavnega senata, danim po pododstavku (d) tretjega odstavka 57. člena.

3. Tožilec lahko:

(a) zbira in proučuje dokaze,

(b) zahteva navzočnost oseb, proti katerim teče preiskava, žrtev in prič ter jih zasliši,

(c) zaprosi za sodelovanje katere koli države ali medvladne organizacije ali medvladnega dogovora v skladu z njihovo pristojnostjo in/ali pooblastilom;

(d) sklene take dogovore ali sporazume, ki niso v neskladju s tem statutom in bi bili potrebni za lažje sodelovanje države, medvladne organizacije ali osebe;

(e) zagotavlja, da na kateri koli stopnji postopka ne bo razkril dokumentov ali informacij, ki jih zaupno pridobil izključno zaradi pridobivanja novih dokazov, razen če se tisti, ki je informacije priskrbel, strinjajo z njihovim razkritjem, in

(f) izvede potrebne ukrepe ali zahteva, da se izvedejo potrebni ukrepi za zagotovitev zaupnosti informacij, varstva oseb ali zavarovanja dokazov.

55. člen

Pravice oseb med preiskavo

1. Med preiskavo po tem statutu oseba:

(a) ne sme biti prisiljena, da sama sebe obtoži ali prizna krivdo;

(b) ne sme biti izpostavljena nobeni obliki prisile, pritiska ali grožnje, mučenju ali kakršni koli drugi obliki krutega, nečlovečnega ali poniževalnega ravnanja ali kaznovanja in

(c) če je zaslišana v jeziku, ki ga popolnoma ne razume in ne govori, mora dobiti brezplačno pomoč sposobnega tolmača in take prevode, kot so potrebni za izpolnjevanje zahtev poštenosti;

(d) ne sme biti izpostavljena samovoljnemu prijetju ali pridržanju in se ji ne sme odvzeti prostost, razen iz takih razlogov in v skladu s takimi postopki, kot jih določa statut.

2. Če obstajajo razlogi za domnevo, da je oseba storila kaznivo dejanje v pristojnosti Sodišča in da to osebo nameravajo zaslišati bodisi tožilec ali državni organi v skladu z zaprosilom po 9. delu tega statuta, ima ta oseba tudi naslednje pravice, o katerih mora biti obveščena pred zaslišanjem:

(a) da je pred zaslišanjem obveščena, da obstajajo razlogi za domnevo, da je storila kaznivo dejanje v pristojnosti Sodišča;

(b) da molči, ne da bi tak molk vplival na odločitev o krivdi ali nedolžnosti,

(c) To have legal assistance of the person's choosing, or, if the person does not have legal assistance, to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by the person in any such case if the person does not have sufficient means to pay for it; and

(d) To be questioned in the presence of counsel unless the person has voluntarily waived his or her right to counsel.

Article 56

Role of the Pre-Trial Chamber in relation to a unique investigative opportunity

1. (a) Where the Prosecutor considers an investigation to present a unique opportunity to take testimony or a statement from a witness or to examine, collect or test evidence, which may not be available subsequently for the purposes of a trial, the Prosecutor shall so inform the Pre-Trial Chamber.

(b) In that case, the Pre-Trial Chamber may, upon request of the Prosecutor, take such measures as may be necessary to ensure the efficiency and integrity of the proceedings and, in particular, to protect the rights of the defence.

(c) Unless the Pre-Trial Chamber orders otherwise, the Prosecutor shall provide the relevant information to the person who has been arrested or appeared in response to a summons in connection with the investigation referred to in subparagraph (a), in order that he or she may be heard on the matter.

2. The measures referred to in paragraph 1 (b) may include:

(a) Making recommendations or orders regarding procedures to be followed;

(b) Directing that a record be made of the proceedings;

(c) Appointing an expert to assist;

(d) Authorizing counsel for a person who has been arrested, or appeared before the Court in response to a summons, to participate, or where there has not yet been such an arrest or appearance or counsel has not been designated, appointing another counsel to attend and represent the interests of the defence;

(e) Naming one of its members or, if necessary, another available judge of the Pre-Trial or Trial Division to observe and make recommendations or orders regarding the collection and preservation of evidence and the questioning of persons;

(f) Taking such other action as may be necessary to collect or preserve evidence.

3. (a) Where the Prosecutor has not sought measures pursuant to this article but the Pre-Trial Chamber considers that such measures are required to preserve evidence that it deems would be essential for the defence at trial, it shall consult with the Prosecutor as to whether there is good reason for the Prosecutor's failure to request the measures. If upon consultation, the Pre-Trial Chamber concludes that the Prosecutor's failure to request such measures is unjustified, the Pre-Trial Chamber may take such measures on its own initiative.

(b) A decision of the Pre-Trial Chamber to act on its own initiative under this paragraph may be appealed by the Prosecutor. The appeal shall be heard on an expedited basis.

4. The admissibility of evidence preserved or collected for trial pursuant to this article, or the record thereof, shall be governed at trial by article 69, and given such weight as determined by the Trial Chamber.

(c) da ima pravno pomoč zagovornika po lastni izbiri, če pa ga nima, ji je treba pravno pomoč zagovornika dodeliti v vsakem primeru, ko to zahtevajo interesi pravičnosti, in to brezplačno, če ta nima dovolj sredstev, da bi ga plačala,

(d) da je zaslišana v navzočnosti pravnega svetovalca, razen če se je oseba prostovoljno odrekla svoji pravici do njega.

56. člen

Vloga predobravnavnega senata v zvezi z zavarovanjem dokazov

1. (a) Če tožilec meni, da je preiskava edina možnost, da od priče dobi izjavo ali pričanje ali da prouči, zbere ali preveri dokaze, ki pozneje za obravnavo morda ne bi bili več na voljo, tožilec o tem obvesti predobravnavni senat.

(b) V tem primeru lahko predobravnavni senat na zahtevo tožilca ukrene vse potrebno, da zagotovi učinkovitost in verodostojnost postopka, še zlasti, da zavaruje pravice obrambe.

(c) Razen če predobravnavni senat ne odredi drugače, priskrbi tožilec ustrezne informacije osebi, ki je bila prijeta ali je prišla na Sodišče na podlagi sodnega poziva v zvezi s preiskavo, omenjeno v pododstavku (a), da bi o tej zadevi povedala svoje mnenje.

2. Ukrepi iz pododstavka (b) prvega odstavka so lahko:

(a) dati priporočila ali odredbe glede postopkov, ki jih je treba upoštevati,

(b) odrediti, da se piše zapisnik o postopku,

(c) imenovanovati izvedenca,

(d) pooblastiti zagovornika za sodelovanje v postopku za osebo, ki je bila prijeta ali je prišla na Sodišče na podlagi sodnega poziva, če pa takega prijetja ali prihoda na sodišče še ni bilo ali zagovornik še ni bil določen, imenovati drugega zagovornika za zastopanje interesov obrambe;

(e) imenovati enega od članov ali po potrebi drugega razpoložljivega sodnika predobravnavnega ali obravnavnega oddelka, da spremlja zbiranje in zavarovanje dokazov in zaslišanje oseb in v zvezi s tem daje priporočila ali odredbe,

(f) ukreniti vse potrebno, da se zberejo ali zavarujejo dokazi.

3. (a) Če tožilec ni zahteval ukrepov v skladu s tem členom in predobravnavni senat meni, da so taki ukrepi potrebni za zavarovanje dokazov, za katere sodi, da bi bili bistveni za obrambo pri sojenju, se posvetuje s tožilcem, ali obstaja utemeljen razlog za to, da tožilec ni zahteval ukrepov. Če predobravnavni senat po posvetu ugotovi, da tožilec neupravičeno ni zahteval takih ukrepov, lahko sprejme take ukrepe na lastno pobudo.

(b) Na odločitev predobravnavnega senata, da v skladu s tem odstavkom ravna na lastno pobudo, se tožilec lahko pritoži. Pritožba se obravnava po hitrem postopku.

4. Dopustnost dokazov, zavarovanih ali zbranih za sojenje v skladu s tem členom, ali zapisnika o njih ureja 69. člen in dobijo tako težo, kot jo določi obravnavni senat.

Article 57

Functions and powers of the Pre-Trial Chamber

1. Unless otherwise provided in this Statute, the Pre-Trial Chamber shall exercise its functions in accordance with the provisions of this article.

2. (a) Orders or rulings of the Pre-Trial Chamber issued under articles 15, 18, 19, 54, paragraph 2, 61, paragraph 7, and 72 must be concurred in by a majority of its judges.

(b) In all other cases, a single judge of the Pre-Trial Chamber may exercise the functions provided for in this Statute, unless otherwise provided for in the Rules of Procedure and Evidence or by a majority of the Pre-Trial Chamber.

3. In addition to its other functions under this Statute, the Pre-Trial Chamber may:

(a) At the request of the Prosecutor, issue such orders and warrants as may be required for the purposes of an investigation;

(b) Upon the request of a person who has been arrested or has appeared pursuant to a summons under article 58, issue such orders, including measures such as those described in article 56, or seek such cooperation pursuant to Part 9 as may be necessary to assist the person in the preparation of his or her defence;

(c) Where necessary, provide for the protection and privacy of victims and witnesses, the preservation of evidence, the protection of persons who have been arrested or appeared in response to a summons, and the protection of national security information;

(d) Authorize the Prosecutor to take specific investigative steps within the territory of a State Party without having secured the cooperation of that State under Part 9 if, whenever possible having regard to the views of the State concerned, the Pre-Trial Chamber has determined in that case that the State is clearly unable to execute a request for cooperation due to the unavailability of any authority or any component of its judicial system competent to execute the request for cooperation under Part 9.

(e) Where a warrant of arrest or a summons has been issued under article 58, and having due regard to the strength of the evidence and the rights of the parties concerned, as provided for in this Statute and the Rules of Procedure and Evidence, seek the cooperation of States pursuant to article 93, paragraph 1 (k), to take protective measures for the purpose of forfeiture, in particular for the ultimate benefit of victims.

57. člen

Naloge in pooblastila predobravnavnega senata

1. Če v tem statutu ni drugače določeno, opravlja predobravnavni senat svoje naloge v skladu z določbami tega člena.

2. (a) Z odredbami ali odločitvami predobravnavnega senata, izdanimi v skladu s 15., 18. in 19. členom, drugim odstavkom 54. člena, sedmim odstavkom 61. člena in 72. členom, se mora strinjati večina njegovih sodnikov.

(b) V vseh drugih primerih lahko en sam sodnik predobravnavnega senata opravlja naloge, predvidene v tem statutu, razen če Pravila o postopku in dokazih ali večina predobravnavnega senata ne določi drugače.

3. Poleg drugih nalog po tem statutu lahko predobravnavni senat:

(a) na zahtevo tožilca izda take odredbe in naloge, kot so morda potrebni za namene preiskave,

(b) na zahtevo osebe, ki je bila prijeta ali je prišla na Sodišče na podlagi sodnega poziva po 58. členu, izda odredbe, potrebne za pomoč osebi pri pripravi njene obrambe, vključno z ukrepi iz 56. člena, ali si za to prizadeva pridobiti sodelovanje v skladu z 9. delom,

(c) če je potrebno, poskrbi za varstvo in zasebnost žrtev in prič, zavarovanje dokazov, varstvo oseb, ki so bile prijete ali so prišle na Sodišče na podlagi sodnega poziva, ter varstvo informacij državne varnosti;

(d) pooblasti tožilca, da izvede posebne preiskovalne ukrepe na ozemlju države pogodbenice brez zagotovitve sodelovanja te države v skladu z 9. delom, če je predobravnavni senat po možnosti ob upoštevanju mnenj prizadete države v tem primeru ugotovil, da država očitno ni sposobna ugoditi zahtevi za sodelovanje zaradi nedosegljivosti svojih organov ali dela svojega sodnega sistema, ki je v skladu z 9. delom pristojen ugoditi zahtevi za sodelovanje;

(e) če je bil nalog za prijetje ali sodni poziv izdan v skladu z 58. členom in ob upoštevanju moči dokazov ter pravic zadevnih strank, kot je določeno v tem statutu in Pravilih o postopku in dokazih, zaprosi za sodelovanje držav v skladu s pododstavkom (k) prvega odstavka 93. člena, da sprejme potrebne varstvene ukrepe za odvzem premoženja, zlasti v končno korist žrtev.

Article 58

Issuance by the Pre-Trial Chamber of a warrant of arrest or a summons to appear

1. At any time after the initiation of an investigation, the Pre-Trial Chamber shall, on the application of the Prosecutor, issue a warrant of arrest of a person if, having examined the application and the evidence or other information submitted by the Prosecutor, it is satisfied that:

(a) There are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court; and

(b) The arrest of the person appears necessary:

(i) To ensure the person's appearance at trial,

(ii) To ensure that the person does not obstruct or endanger the investigation or the court proceedings, or

(iii) Where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.

58. člen

Nalog za prijetje ali sodni poziv, ki ga izda predobravnavni senat

1. Predobravnavni senat kadar koli po začetku preiskave na zahtevo tožilca izda nalog za prijetje osebe, če se je, potem ko je proučil zahtevo in dokaze ali druge informacije, ki jih je predložil tožilec, prepričal, da:

(a) obstajajo utemeljeni razlogi za domnevo, da je oseba storila kaznivo dejanje, za katero je pristojno Sodišče, in

(b) se zdi prijetje osebe potrebno:

(i) za zagotovitev navzočnosti osebe na sojenju,

(ii) za zagotovitev, da oseba ne ovira ali ogroža preiskave ali sodnega postopka, ali

(iii) kadar je to primerno, da se osebi prepreči nadaljevanje tega ali s tem povezanega kaznivega dejanja, ki je v pristojnosti Sodišča in izhaja iz enakih okoliščin.

2. The application of the Prosecutor shall contain:

(a) The name of the person and any other relevant identifying information;

(b) A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed;

(c) A concise statement of the facts which are alleged to constitute those crimes;

(d) A summary of the evidence and any other information which establish reasonable grounds to believe that the person committed those crimes; and

(e) The reason why the Prosecutor believes that the arrest of the person is necessary.

3. The warrant of arrest shall contain:

(a) The name of the person and any other relevant identifying information;

(b) A specific reference to the crimes within the jurisdiction of the Court for which the person's arrest is sought; and

(c) A concise statement of the facts which are alleged to constitute those crimes.

4. The warrant of arrest shall remain in effect until otherwise ordered by the Court.

5. On the basis of the warrant of arrest, the Court may request the provisional arrest or the arrest and surrender of the person under Part 9.

6. The Prosecutor may request the Pre-Trial Chamber to amend the warrant of arrest by modifying or adding to the crimes specified therein. The Pre-Trial Chamber shall so amend the warrant if it is satisfied that there are reasonable grounds to believe that the person committed the modified or additional crimes.

7. As an alternative to seeking a warrant of arrest, the Prosecutor may submit an application requesting that the Pre-Trial Chamber issue a summons for the person to appear. If the Pre-Trial Chamber is satisfied that there are reasonable grounds to believe that the person committed the crime alleged and that a summons is sufficient to ensure the person's appearance, it shall issue the summons, with or without conditions restricting liberty (other than detention) if provided for by national law, for the person to appear. The summons shall contain:

(a) The name of the person and any other relevant identifying information;

(b) The specified date on which the person is to appear;

(c) A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed; and

(d) A concise statement of the facts which are alleged to constitute the crime.

The summons shall be served on the person.

Article 59

Arrest proceedings in the custodial State

1. A State Party which has received a request for provisional arrest or for arrest and surrender shall immediately take steps to arrest the person in question in accordance with its laws and the provisions of Part 9.

2. A person arrested shall be brought promptly before the competent judicial authority in the custodial State which shall determine, in accordance with the law of that State, that:

(a) The warrant applies to that person;

(b) The person has been arrested in accordance with the proper process; and

(c) The person's rights have been respected.

2. Zahteva tožilca vsebuje:

(a) ime osebe in vse druge pomembne podatke za ugotavljanje istovetnosti,

(b) natančno sklicevanje na kazniva dejanja v pristojnosti Sodišča, ki jih je oseba domnevno storila,

(c) kratko in jedrnato navedbo dejstev, ki domnevno sestavljajo ta kazniva dejanja;

(d) povzetek dokazov in vse druge informacije, ki so utemeljena podlaga za domnevo, da je oseba storila ta kazniva dejanja, in

(e) razlog, zaradi katerega tožilec meni, da je prijetje osebe potrebno.

3. Nalog za prijetje vsebuje:

(a) ime osebe in vse druge pomembne podatke za ugotavljanje istovetnosti,

(b) natančno sklicevanje na kazniva dejanja v pristojnosti Sodišča, za katera se zahteva prijetje oseb, in

(c) kratko in jedrnato navedbo dejstev, ki domnevno sestavljajo ta kazniva dejanja.

4. Nalog za prijetje ostane veljaven, dokler Sodišče ne odredi drugače.

5. Na podlagi naloga za prijetje lahko Sodišče zahteva začasen odvzem prostosti ali prijetje osebe in njeno predajo v skladu z 9. delom.

6. Tožilec lahko zahteva od predobravnavnega senata, da spremeni nalog za prijetje tako, da spremeni ali doda kazniva dejanja, podrobno navedena v njem. Predobravnavni senat spremeni nalog, če se je prepričal, da obstajajo utemeljeni razlogi za domnevo, da je oseba storila spremenjena ali dodatna kazniva dejanja.

7. Namesto zahteve za izdajo naloga za prijetje lahko tožilec vloži zahtevo, naj predobravnavni senat izda sodni poziv, da se oseba zglasi na Sodišču. Če je predobravnavni senat prepričan, da obstajajo utemeljeni razlogi za domnevo, da je oseba storila domnevno kaznivo dejanje in da poziv zadostuje, da se zagotovi prihod osebe na sodišče, izda sodni poziv osebi s pogoji, ki omejujejo prostost (ki pa niso pripor), ali brez njih, če to predvideva notranje pravo. Poziv vsebuje:

(a) ime osebe in vse druge pomembne podatke za ugotavljanje istovetnosti,

(b) določen dan, ko mora oseba priti na Sodišče,

(c) natančno sklicevanje na kazniva dejanja v pristojnosti Sodišča, za katera se domneva, da jih je oseba storila, in

(d) kratko in jedrnato navedbo dejstev, ki domnevno sestavljajo kaznivo dejanje.

Sodni poziv je treba vročiti osebno.

59. člen

Postopek za prijetje v državi pridržanja

1. Država pogodbenica, ki je prejela zahtevo za začasen odvzem prostosti ali za prijetje in predajo, nemudoma ukrepa za prijetje take osebe v skladu s svojimi zakoni ter določbami 9. dela.

2. Prijeto osebo je treba takoj privesti pred pristojni sodni organ v državi pridržanja, ki v skladu z zakonodajo te države ugotovi, da:

(a) se nalog nanaša na to osebo,

(b) je bila oseba prijeta v skladu z ustreznim postopkom in

(c) so bile pravice osebe spoštovane.

3. The person arrested shall have the right to apply to the competent authority in the custodial State for interim release pending surrender.

4. In reaching a decision on any such application, the competent authority in the custodial State shall consider whether, given the gravity of the alleged crimes, there are urgent and exceptional circumstances to justify interim release and whether necessary safeguards exist to ensure that the custodial State can fulfil its duty to surrender the person to the Court. It shall not be open to the competent authority of the custodial State to consider whether the warrant of arrest was properly issued in accordance with article 58, paragraph 1 (a) and (b).

5. The Pre-Trial Chamber shall be notified of any request for interim release and shall make recommendations to the competent authority in the custodial State. The competent authority in the custodial State shall give full consideration to such recommendations, including any recommendations on measures to prevent the escape of the person, before rendering its decision.

6. If the person is granted interim release, the Pre-Trial Chamber may request periodic reports on the status of the interim release.

7. Once ordered to be surrendered by the custodial State, the person shall be delivered to the Court as soon as possible.

Article 60

Initial proceedings before the Court

1. Upon the surrender of the person to the Court, or the person's appearance before the Court voluntarily or pursuant to a summons, the Pre-Trial Chamber shall satisfy itself that the person has been informed of the crimes which he or she is alleged to have committed, and of his or her rights under this Statute, including the right to apply for interim release pending trial.

2. A person subject to a warrant of arrest may apply for interim release pending trial. If the Pre-Trial Chamber is satisfied that the conditions set forth in article 58, paragraph 1, are met, the person shall continue to be detained. If it is not so satisfied, the Pre-Trial Chamber shall release the person, with or without conditions.

3. The Pre-Trial Chamber shall periodically review its ruling on the release or detention of the person, and may do so at any time on the request of the Prosecutor or the person. Upon such review, it may modify its ruling as to detention, release or conditions of release, if it is satisfied that changed circumstances so require.

4. The Pre-Trial Chamber shall ensure that a person is not detained for an unreasonable period prior to trial due to inexcusable delay by the Prosecutor. If such delay occurs, the Court shall consider releasing the person, with or without conditions.

5. If necessary, the Pre-Trial Chamber may issue a warrant of arrest to secure the presence of a person who has been released.

Article 61

Confirmation of the charges before trial

1. Subject to the provisions of paragraph 2, within a reasonable time after the person's surrender or voluntary appearance before the Court, the Pre-Trial Chamber shall hold a hearing to confirm the charges on which the Prosecutor intends to seek trial. The hearing shall be held in the presence of the Prosecutor and the person charged, as well as his or her counsel.

3. Prijeta oseba ima pravico, da pri pristojnem organu v državi pridržanja zaprosi za začasno izpustitev do predaje.

4. Pri sprejemanju odločitve glede vsake take prošnje pristojni organ v državi pridržanja prouči, ali glede na težo domnevnega kaznivega dejanja obstjajo nujne in izjemne okoliščine, ki upravičujejo začasno izpustitev, in ali obstajajo potrebna jamstva za zagotovitev, da lahko država pridržanja izpolni svojo dolžnost, da preda osebo Sodišču. Pristojni organ države pridržanja ne more presojati, ali je bil nalog za prijetje pravilno izdan v skladu s pododstavkoma (a) in (b) prvega odstavka 58. člena.

5. Predobravnavni senat je treba uradno obvestiti o vsaki zahtevi za začasno izpustitev in ta da priporočila pristojnemu organu v državi pridržanja. Preden pristojni organ v državi pridržanja odloča, v celoti prouči taka priporočila, vključno s priporočili za ukrepe za preprečitev pobega osebe.

6. Če se osebi odobri začasna izpustitev, lahko predobravnavni senat zahteva redna poročila o stanju začasne izpustitve.

7. Ko je odrejeno, da mora država pridržanja to osebo predati Sodišču, to stori takoj, ko je to mogoče.

60. člen

Predhodni postopki pred Sodiščem

1. Po predaji osebe Sodišču ali njenem prostovoljnem prihodu na Sodišče ali po njenem odzivu na sodni poziv se predobravnavni senat prepriča, da je bila oseba obveščena o kaznivih dejanjih, ki jih je domnevno storila, in o svojih pravicah v skladu s tem statutom, vključno s pravico do prošnje za začasno izpustitev do sojenja.

2. Oseba, za katero velja nalog za prijetje, lahko zaprosi za začasno izpustitev do sojenja. Če se predobravnavni senat prepriča, da so pogoji, določeni v prvem odstavku 58. člena izpolnjeni, oseba še naprej ostane v priporu. V nasprotnem primeru predobravnavni senat izpusti osebo z določitvijo pogojev ali brez njih.

3. Predobravnavni senat redno preizkuša svoje odločitve glede izpustitve ali pripora osebe in to lahko stori kadar koli na zahtevo tožilca ali te osebe. Po takem preizkusu lahko spremeni svojo odločitev o priporu, izpustitvi ali pogojih za izpustitev, če se prepriča, da to zahtevajo spremenjene okoliščine.

4. Predobravnavni senat zagotovi, da zaradi neopravičljive zamude tožilca oseba ne ostane v priporu nerazumno dolgo pred sojenjem. Če pride do take zamude, Sodišče prouči možnost za izpustitev osebe z določitvijo pogojev ali brez njih.

5. Predobravnavni senat lahko po potrebi izda nalog za prijetje, da zagotovi navzočnost osebe, ki je bila izpuščena.

61. člen

Potrditev obtožnice pred sojenjem

1. Ob upoštevanju določb drugega odstavka se pred predobravnavnim senatom v razumnem roku po predaji osebe ali njenem prostovoljnem prihodu na Sodišče opravi zaslišanje za potrditev obtožnice, na podlagi katere namerava tožilec zahtevati sojenje. Na zaslišanju morajo biti navzoči tožilec, obtoženec in njegov zagovornik.

2. The Pre-Trial Chamber may, upon request of the Prosecutor or on its own motion, hold a hearing in the absence of the person charged to confirm the charges on which the Prosecutor intends to seek trial when the person has:

(a) Waived his or her right to be present; or

(b) Fled or cannot be found and all reasonable steps have been taken to secure his or her appearance before the Court and to inform the person of the charges and that a hearing to confirm those charges will be held.

In that case, the person shall be represented by counsel where the Pre-Trial Chamber determines that it is in the interests of justice.

3. Within a reasonable time before the hearing, the person shall:

(a) Be provided with a copy of the document containing the charges on which the Prosecutor intends to bring the person to trial; and

(b) Be informed of the evidence on which the Prosecutor intends to rely at the hearing.

The Pre-Trial Chamber may issue orders regarding the disclosure of information for the purposes of the hearing.

4. Before the hearing, the Prosecutor may continue the investigation and may amend or withdraw any charges. The person shall be given reasonable notice before the hearing of any amendment to or withdrawal of charges. In case of a withdrawal of charges, the Prosecutor shall notify the Pre-Trial Chamber of the reasons for the withdrawal.

5. At the hearing, the Prosecutor shall support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged. The Prosecutor may rely on documentary or summary evidence and need not call the witnesses expected to testify at the trial.

6. At the hearing, the person may:

(a) Object to the charges;

(b) Challenge the evidence presented by the Prosecutor; and

(c) Present evidence.

7. The Pre-Trial Chamber shall, on the basis of the hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged. Based on its determination, the Pre-Trial Chamber shall:

(a) Confirm those charges in relation to which it has determined that there is sufficient evidence, and commit the person to a Trial Chamber for trial on the charges as confirmed;

(b) Decline to confirm those charges in relation to which it has determined that there is insufficient evidence;

(c) Adjourn the hearing and request the Prosecutor to consider:

(i) Providing further evidence or conducting further investigation with respect to a particular charge; or

(ii) Amending a charge because the evidence submitted appears to establish a different crime within the jurisdiction of the Court.

8. Where the Pre-Trial Chamber declines to confirm a charge, the Prosecutor shall not be precluded from subsequently requesting its confirmation if the request is supported by additional evidence.

9. After the charges are confirmed and before the trial has begun, the Prosecutor may, with the permission of the Pre-Trial Chamber and after notice to the accused, amend the charges. If the Prosecutor seeks to add additional charges or to substitute more serious charges, a hearing under this article to confirm those charges must be held. After commencement of the trial, the Prosecutor may, with the permission of the Trial Chamber, withdraw the charges.

2. Predobravnavni senat lahko na zahtevo tožilca ali na lastno pobudo opravi zaslišanje za potrditev obtožnice, na podlagi katere namerava tožilec zahtevati sojenje v odsotnosti obtoženca, če:

(a) se je oseba odrekla pravici do navzočnosti ali

(b) je oseba na begu ali je ni moč najti in je bilo storjeno vse ustrezno, da se zagotovi njena navzočnost na Sodišču in da se oseba obvesti o obtožbah in o tem, da bo potekalo zaslišanje za potrditev te obtožnice.

V tem primeru osebo zastopa zagovornik, če predobravnavni senat odloči, da je to v interesu pravičnosti.

3. V razumnem roku pred zaslišanjem se:

(a) osebi priskrbi izvod dokumenta, ki vsebuje obtožbe, na podlagi katerih namerava tožilec obtožiti osebo pred sodiščem, in

(b) osebo obvesti o dokazih, na katere se namerava tožilec opirati na zaslišanju.

Predobravnavni senat lahko za zaslišanje izda odredbe v zvezi z razkritjem informacij.

4. Pred zaslišanjem lahko tožilec nadaljuje s preiskavo in lahko spremeni ali umakne vsako od obtožb. Osebo je treba pred zaslišanjem v razumnem roku uradno obvestiti o kakršni koli spremembi ali umiku obtožbe. Če umakne obtožbo, tožilec uradno obvesti predobravnavni senat o razlogih za umik.

5. Na zaslišanju tožilec podpre vsako obtožbo z zadostnimi dokazi, ki so tehtni razlogi za prepričanje, da je oseba storila kaznivo dejanje, za katero je obtožena. Tožilec se lahko sklicuje na dokumentirane dokaze ali povzetke dokazov in mu ni treba vabiti prič, za katere se pričakuje, da bodo pričale na sojenju.

6. Na zaslišanju lahko oseba:

(a) ugovarja obtožbam,

(b) spodbija dokaze, ki jih je predložil tožilec, in

(c) predloži dokaze.

7. Predobravnavni senat na podlagi zaslišanja presodi, ali obstajajo zadostni dokazi, ki so tehtni razlogi za prepričanje, da je oseba storila kazniva dejanja, za katera je obtožena. Na podlagi svoje odločitve predobravnavni senat:

(a) potrdi obtožbe, glede katerih je ugotovil, da obstajajo zadostni dokazi, in preda osebo obravnavnemu senatu v sojenje na podlagi potrjenih obtožb,

(b) zavrne potrditev obtožb, za katere je ugotovil, da ni zadostnih dokazov,

(c) preloži zaslišanje in od tožilca zahteva, naj prouči možnost, da:

(i) zagotovi dodatne dokaze ali izvede dodatna preiskovalna dejanja za posamezne obtožbe ali

(ii) spremeni obtožbo, ker predloženi dokazi kažejo na drugačno kaznivo dejanje v pristojnosti Sodišča.

8. Če predobravnavni senat zavrne potrditev obtožbe, lahko tožilec pozneje zahteva potrditev, če je zahteva podprta z dodatnimi dokazi.

9. Potem ko so obtožbe potrjene in preden se začne sojenje, lahko tožilec z dovoljenjem predobravnavnega senata in po uradnem obvestilu obtožencu spremeni obtožnico. Če hoče tožilec obtožnico razširiti z obtožbami ali nadomestiti obtožbe s hujšimi, mora v skladu s tem členom potekati zaslišanje za potrditev teh obtožb. Po začetku sojenja lahko tožilec z dovoljenjem obravnavnega senata umakne obtožbe.

10. Any warrant previously issued shall cease to have effect with respect to any charges which have not been confirmed by the Pre-Trial Chamber or which have been withdrawn by the Prosecutor.

11. Once the charges have been confirmed in accordance with this article, the Presidency shall constitute a Trial Chamber which, subject to paragraph 9 and to article 64, paragraph 4, shall be responsible for the conduct of subsequent proceedings and may exercise any function of the Pre-Trial Chamber that is relevant and capable of application in those proceedings.

10. Vsak prej izdan nalog preneha veljati za vse obtožbe, ki jih predobravnavni senat ni potrdil ali jih je tožilec umaknil.

11. Ko so obtožbe potrjene v skladu s tem členom, predsedstvo sestavi obravnavni senat, ki je v skladu z devetim odstavkom in četrtim odstavkom 64. člena odgovoren za vodenje nadaljnjega postopka in lahko opravlja vse naloge predobravnavnega senata, ki se nanj nanašajo in so zanj primerne.

PART 6. THE TRIAL

6. DEL GLAVNA OBRAVNAVA

Article 62
Place of trial

Unless otherwise decided, the place of the trial shall be the seat of the Court.

62. člen
Kraj glavne obravnave

Če ni odločeno drugače, poteka glavna obravnava na sedežu Sodišča.

Article 63
Trial in the presence of the accused

1. The accused shall be present during the trial.

2. If the accused, being present before the Court, continues to disrupt the trial, the Trial Chamber may remove the accused and shall make provision for him or her to observe the trial and instruct counsel from outside the courtroom, through the use of communications technology, if required. Such measures shall be taken only in exceptional circumstances after other reasonable alternatives have proved inadequate, and only for such duration as is strictly required.

63. člen
Glavna obravnava v navzočnosti obtoženca

1. Obtoženec mora biti navzoč na sojenju.

2. Če obtoženec, ki je navzoč na Sodišču, nenehno moti glavno obravnavo, ga lahko obravnavni senat odstrani in poskrbi, da spremlja obravnavo in daje navodila zagovorniku izpred sodne dvorane s pomočjo komunikacijskih tehničnih sredstev, če je to potrebno. Tak ukrep se sprejme samo v izjemnih okoliščinah, potem ko se izkaže, da so vse druge razumne možnosti neustrezne, in samo, dokler je nujno potrebno.

Article 64
Functions and powers of the Trial Chamber

1. The functions and powers of the Trial Chamber set out in this article shall be exercised in accordance with this Statute and the Rules of Procedure and Evidence.

2. The Trial Chamber shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

3. Upon assignment of a case for trial in accordance with this Statute, the Trial Chamber assigned to deal with the case shall:

(a) Confer with the parties and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of the proceedings;

(b) Determine the language or languages to be used at trial; and

(c) Subject to any other relevant provisions of this Statute, provide for disclosure of documents or information not previously disclosed, sufficiently in advance of the commencement of the trial to enable adequate preparation for trial.

4. The Trial Chamber may, if necessary for its effective and fair functioning, refer preliminary issues to the Pre-Trial Chamber or, if necessary, to another available judge of the Pre-Trial Division.

5. Upon notice to the parties, the Trial Chamber may, as appropriate, direct that there be joinder or severance in respect of charges against more than one accused.

6. In performing its functions prior to trial or during the course of a trial, the Trial Chamber may, as necessary:

64. člen
Naloge in pooblastila obravnavnega senata

1. Naloge in pooblastila obravnavnega senata, določene v tem členu, se izvajajo v skladu s tem statutom in Pravili o postopku in dokazih.

2. Obravnavni senat skrbi za pravično in hitro obravnavo ob polnem spoštovanju pravic obtoženca in dolžnem upoštevanju varstva žrtev in prič.

3. Po predaji zadeve v sojenje v skladu s tem statutom se obravnavni senat, ki je določen za obravnavo zadeve:

(a) posvetuje s strankami in sprejme postopke, ki omogočajo pravično in hitro vodenje postopka;

(b) določi jezik ali jezike, ki se uporabljajo na obravnavi, in

(c) ob upoštevanju katerih koli drugih ustreznih določb tega statuta poskrbi za razkritje dokumentov ali informacij, ki še niso bile razkrite, dovolj zgodaj pred začetkom obravnave, da se omogoči ustrezna priprava na obravnavo.

4. Obravnavni senat lahko, če je to potrebno za njegovo učinkovito in pravično delovanje, prenese predhodna vprašanja predobravnavnemu senatu ali po potrebi drugemu sodniku predobravnavnega oddelka, ki je na voljo.

5. Po uradnem obvestilu strank lahko obravnavni senat odredi združitev oziroma razdružitev obtožnic proti več kot enemu obtožencu.

6. Obravnavni senat lahko pri opravljanju svojih nalog pred ali med glavno obravnavo po potrebi:

(a) Exercise any functions of the Pre-Trial Chamber referred to in article 61, paragraph 11;

(b) Require the attendance and testimony of witnesses and production of documents and other evidence by obtaining, if necessary, the assistance of States as provided in this Statute;

(c) Provide for the protection of confidential information;

(d) Order the production of evidence in addition to that already collected prior to the trial or presented during the trial by the parties;

(e) Provide for the protection of the accused, witnesses and victims; and

(f) Rule on any other relevant matters.

7. The trial shall be held in public. The Trial Chamber may, however, determine that special circumstances require that certain proceedings be in closed session for the purposes set forth in article 68, or to protect confidential or sensitive information to be given in evidence.

8. (a) At the commencement of the trial, the Trial Chamber shall have read to the accused the charges previously confirmed by the Pre-Trial Chamber. The Trial Chamber shall satisfy itself that the accused understands the nature of the charges. It shall afford him or her the opportunity to make an admission of guilt in accordance with article 65 or to plead not guilty.

(b) At the trial, the presiding judge may give directions for the conduct of proceedings, including to ensure that they are conducted in a fair and impartial manner. Subject to any directions of the presiding judge, the parties may submit evidence in accordance with the provisions of this Statute.

9. The Trial Chamber shall have, inter alia, the power on application of a party or on its own motion to:

(a) Rule on the admissibility or relevance of evidence; and

(b) Take all necessary steps to maintain order in the course of a hearing.

10. The Trial Chamber shall ensure that a complete record of the trial, which accurately reflects the proceedings, is made and that it is maintained and preserved by the Registrar.

Article 65

Proceedings on an admission of guilt

1. Where the accused makes an admission of guilt pursuant to article 64, paragraph 8 (a), the Trial Chamber shall determine whether:

(a) The accused understands the nature and consequences of the admission of guilt;

(b) The admission is voluntarily made by the accused after sufficient consultation with defence counsel; and

(c) The admission of guilt is supported by the facts of the case that are contained in:

(i) The charges brought by the Prosecutor and admitted by the accused;

(ii) Any materials presented by the Prosecutor which supplement the charges and which the accused accepts; and

(iii) Any other evidence, such as the testimony of witnesses, presented by the Prosecutor or the accused.

2. Where the Trial Chamber is satisfied that the matters referred to in paragraph 1 are established, it shall consider the admission of guilt, together with any additional evidence presented, as establishing all the essential facts that are required to prove the crime to which the admission of guilt relates, and may convict the accused of that crime.

(a) opravlja vse naloge predobravnavnega senata, omenjene v enajstem odstavku 61. člena,

(b) zahteva navzočnost in pričanje prič in predložitev dokumentov in drugih dokazov in pri tem po potrebi pridobi pomoč držav, kot določa ta statut,

(c) poskrbi za varstvo zaupnih informacij,

(d) odredi predložitev dodatnih dokazov k tistim, ki so bili zbrani pred glavno obravnavo ali jih med glavno obravnavo predložijo stranke,

(e) poskrbi za varstvo obtoženca, prič in žrtev in

(f) odloča o katerih koli drugih pomembnih zadevah.

7. Glavna obravnava je javna. Obravnavni senat pa lahko odloči, da določeni postopki potekajo na zaprtih sejah v skladu z 68. členom, če tako zahtevajo posebne okoliščine ali zaradi varovanja zaupnih ali občutljivih informacij, ki jih je treba predložiti v dokaz.

8. (a) Na začetku glavne obravnave obravnavni senat odredi, da se obtožencu prebere obtožnica, ki jo je predobravnavni senat predhodno potrdil. Obravnavni senat se prepriča, da obtoženec razume naravo obtožb. Da mu priložnost, da prizna krivdo v skladu s 65. členom ali izjavi, da ni kriv.

(b) Predsedujoči sodnik lahko na glavni obravnavi da navodila za vodenje postopka, vključno s takimi, ki zagotovijo, da se postopek vodi pošteno in nepristransko. V skladu z navodili predsedujočega sodnika lahko stranke predložijo dokaze v skladu z določbami tega statuta.

9. Obravnavni senat je med drugim pristojen, da na prošnjo stranke ali na lastno pobudo:

(a) odloči, ali so dokazi dopustni ali pomembni za zadevo, in

(b) ukrene vse potrebno za vzdrževanje reda med obravnavo.

10. Obravnavni senat zagotovi, da se piše popoln zapisnik glavne obravnave, ki natančno odraža potek postopka, in da zanj skrbi in ga hrani tajnik sodišča.

65. člen

Postopek ob priznanju krivde

1. Če obtoženec prizna krivdo po pododstavku (a) osmega odstavka 64. člena, obravnavni senat ugotovi, ali:

(a) obtoženec razume naravo in posledice priznanja krivde,

(b) je priznanje dano prostovoljno po zadostnem posvetovanju z zagovornikom in

(c) je priznanje krivde podprto z dejstvi, vsebovanimi:

(i) v obtožbah tožilca, ki jih obtoženec prizna;

(ii) v gradivu, ki ga predloži tožilec in dopolnjuje obtožbe in ga obtoženec sprejme, in

(iii) v vseh drugih dokazih, kot je na primer pričanje prič, ki jih predložita tožilec ali obtoženec.

2. Če je obravnavni senat prepričan, da so pogoji iz prvega odstavka izpolnjeni, se šteje priznanje krivde skupaj z vsemi dodatnimi predloženimi dokazi kot potrditev vseh pomembnih dejstev, ki so potrebna za to, da je dokazano kaznivo dejanje, na katero se priznanje krivde nanaša, in lahko obsodi obtoženca za to kaznivo dejanje.

3. Where the Trial Chamber is not satisfied that the matters referred to in paragraph 1 are established, it shall consider the admission of guilt as not having been made, in which case it shall order that the trial be continued under the ordinary trial procedures provided by this Statute and may remit the case to another Trial Chamber.

4. Where the Trial Chamber is of the opinion that a more complete presentation of the facts of the case is required in the interests of justice, in particular the interests of the victims, the Trial Chamber may:

(a) Request the Prosecutor to present additional evidence, including the testimony of witnesses; or

(b) Order that the trial be continued under the ordinary trial procedures provided by this Statute, in which case it shall consider the admission of guilt as not having been made and may remit the case to another Trial Chamber.

5. Any discussions between the Prosecutor and the defence regarding modification of the charges, the admission of guilt or the penalty to be imposed shall not be binding on the Court.

3. Če obravnavni senat ni prepričan, da so pogoji iz prvega odstavka izpolnjeni, šteje, da krivda ni bila priznana, in v tem primeru odredi, da se glavna obravnava nadaljuje po rednih postopkih obravnave, določenih s tem statutom, in lahko zadevo preda drugemu obravnavnemu senatu.

4. Če obravnavni senat meni, da se v interesu pravičnosti, predvsem v interesu žrtev, zahteva popolnejša predstavitev dejstev, lahko:

(a) zahteva, da tožilec predloži dodatne dokaze, vključno s pričanjem prič, ali

(b) odredi, da se obravnava nadaljuje po rednih postopkih obravnave, določenih s tem statutom, in v tem primeru se šteje, da obtoženi ni priznal krivde in lahko zadevo preda drugemu obravnavnemu senatu.

5. Dogovarjanja med tožilcem in obrambo o spremembi obtožnice, priznanju krivde ali predvideni kazni za Sodišče niso zavezujoča.

Article 66

Presumption of innocence

1. Everyone shall be presumed innocent until proved guilty before the Court in accordance with the applicable law.

2. The onus is on the Prosecutor to prove the guilt of the accused.

3. In order to convict the accused, the Court must be convinced of the guilt of the accused beyond reasonable doubt.

66. člen

Domneva nedolžnosti

1. Vsakdo velja za nedolžnega, dokler mu ni v skladu z uporabnim pravom dokazana krivda pred Sodiščem.

2. Breme dokazovanja krivde obtožencu nosi tožilec.

3. Da bi lahko obsodili obtoženca, se mora Sodišče prepričati o njegovi krivdi onstran razumnega dvoma.

Article 67

Rights of the accused

1. In the determination of any charge, the accused shall be entitled to a public hearing, having regard to the provisions of this Statute, to a fair hearing conducted impartially, and to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail of the nature, cause and content of the charge, in a language which the accused fully understands and speaks;

(b) To have adequate time and facilities for the preparation of the defence and to communicate freely with counsel of the accused's choosing in confidence;

(c) To be tried without undue delay;

(d) Subject to article 63, paragraph 2, to be present at the trial, to conduct the defence in person or through legal assistance of the accused's choosing, to be informed, if the accused does not have legal assistance, of this right and to have legal assistance assigned by the Court in any case where the interests of justice so require, and without payment if the accused lacks sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her. The accused shall also be entitled to raise defences and to present other evidence admissible under this Statute;

(f) To have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness, if any of the proceedings of or documents presented to the Court are not in a language which the accused fully understands and speaks;

(g) Not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;

67. člen

Pravice obtoženca

1. Pri odločanju o obtožbi je obtoženec upravičen, da so mu ob upoštevanju določb tega statuta enakopravno zagotovljeni javna, pravična in nepristranska obravnava ter naslednja minimalna jamstva:

(a) da je takoj in podrobno obveščen o naravi, podlagi in vsebini obtožbe v jeziku, ki ga obtoženec popolnoma razume in govori,

(b) da ima dovolj časa in možnosti za pripravo obrambe in da se lahko prosto in zaupno pogovarja z zagovornikom, ki si ga sam izbere;

(c) da se mu sodi brez nepotrebnega odlašanja,

(d) da je v skladu z drugim odstavkom 63. člena navzoč na glavni obravnavi, da vodi obrambo osebno ali z zagovornikom, ki si ga sam izbere, da je, če nima zagovornika, o tej pravici obveščen in da mu Sodišče zagotovi pravno pomoč v vsakem primeru, ko to zahtevajo interesi pravičnosti, in to brezplačno, če obtoženec nima dovolj sredstev, da bi to plačal;

(e) da zasliši ali da zaslišati obremenilne priče in da sta mu pod enakimi pogoji zagotovljena navzočnost in zaslišanje razbremenilnih in obremenilnih prič. Obtožencu je zagotovljena tudi pravica, da se brani in da predloži druge dokaze, ki jih dopušča ta statut;

(f) da ima brezplačno pomoč sposobnega tolmača in take prevode, ki izpolnjujejo zahteve za pravičnost, če so kakršni koli postopki ali dokumenti predloženi Sodišču v jeziku, ki ga obtoženec popolnoma ne razume in ne govori;

(g) da ni prisiljen pričati ali priznati krivde in da lahko molči, ne da bi molk vplival na ugotavljanje krivde ali nedolžnosti,

(h) To make an unsworn oral or written statement in his or her defence; and

(i) Not to have imposed on him or her any reversal of the burden of proof or any onus of rebuttal.

2. In addition to any other disclosure provided for in this Statute, the Prosecutor shall, as soon as practicable, disclose to the defence evidence in the Prosecutor's possession or control which he or she believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence. In case of doubt as to the application of this paragraph, the Court shall decide.

(h) da da nezapriseženo ustno ali pisno izjavo v svojo obrambo in

(i) da se mu ne naloži nobeno obrnjeno dokazno breme ali breme nasprotnega dokazovanja.

2. Poleg katerega koli drugega razkritja, predvidenega po tem statutu, tožilec, takoj ko je mogoče, razkrije obrambi dokaze, ki jih ima ali nadzira in za katere meni, da kažejo ali morda kažejo na nedolžnost obtoženca ali da omilijo krivdo obtoženca ali lahko vplivajo na verodostojnost dokazov tožilstva. Ob dvomu o uporabi tega odstavka odloča Sodišče.

Article 68

Protection of the victims and witnesses and their participation in the proceedings

1. The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. In so doing, the Court shall have regard to all relevant factors, including age, gender as defined in article 7, paragraph 3, and health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The Prosecutor shall take such measures particularly during the investigation and prosecution of such crimes. These measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

2. As an exception to the principle of public hearings provided for in article 67, the Chambers of the Court may, to protect victims and witnesses or an accused, conduct any part of the proceedings in camera or allow the presentation of evidence by electronic or other special means. In particular, such measures shall be implemented in the case of a victim of sexual violence or a child who is a victim or a witness, unless otherwise ordered by the Court, having regard to all the circumstances, particularly the views of the victim or witness.

3. Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.

4. The Victims and Witnesses Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counselling and assistance as referred to in article 43, paragraph 6.

5. Where the disclosure of evidence or information pursuant to this Statute may lead to the grave endangerment of the security of a witness or his or her family, the Prosecutor may, for the purposes of any proceedings conducted prior to the commencement of the trial, withhold such evidence or information and instead submit a summary thereof. Such measures shall be exercised in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

6. A State may make an application for necessary measures to be taken in respect of the protection of its servants or agents and the protection of confidential or sensitive information.

68. člen

Varstvo žrtev in prič in njihovo sodelovanje v postopku

1. Sodišče sprejme ustrezne ukrepe, da zagotovi varnost, dobro telesno in psihično počutje, dostojanstvo in zasebnost žrtev in prič. Pri tem Sodišče upošteva vse ustrezne dejavnike, vključno s starostjo, spolom, kot je določen v tretjem odstavku 7. člena, in zdravjem ter naravo kaznivega dejanja, zlasti če kaznivo dejanje med drugim vključuje spolno ali seksistično nasilje ali nasilje nad otroki. Tožilec sprejme te ukrepe zlasti med preiskavo in pregonom takih kaznivih dejanj. Ti ukrepi ne smejo posegati v pravice obtoženca in v pravično in pošteno sojenje ali biti v neskladju z njimi.

2. Kot izjema od načela javnosti obravnave, predvidene v 67. členu, lahko senati Sodišča, da zavarujejo žrtve in priče ali obtoženca, vodijo kateri koli del postopka brez navzočnosti javnosti ali dovolijo predložitev dokazov z elektronskimi ali drugimi posebnimi sredstvi. Taki ukrepi se izvajajo zlasti v primeru žrtve spolnega nasilja ali otroka, ki je žrtev ali priča, razen če Sodišče odredi drugače ob upoštevanju vseh okoliščin, zlasti stališč žrtve ali priče.

3. Če so prizadeti osebni interesi žrtev, Sodišče dovoli, da se njihova stališča in pomisleki predstavijo in obravnavajo v fazah postopka, za katere Sodišče meni, da so ustrezni, in na način, ki ne posega v pravice obtoženca ali v pošteno in nepristransko sojenje in ni v neskladju z njimi. Taka stališča in pomisleki lahko v skladu s Pravili o postopku in dokazih predstavijo pravni zastopniki žrtev, če Sodišče meni, da je to ustrezno.

4. Enota za pomoč žrtvam in pričam lahko svetuje tožilcu in Sodišču ustrezne varnostne ukrepe, ureditve zavarovanja, svetovanje in pomoč, navedene v šestem odstavku 43. člena.

5. Če lahko razkritje dokazov ali informacij v skladu s tem statutom vodi do hudega ogrožanja varnosti priče ali njene družine, lahko tožilec za kakršne koli postopke, ki se vodijo pred začetkom glavne obravnave, zadrži take dokaze ali informacije in namesto tega predloži njihov povzetek. Taki ukrepi se izvajajo tako, da ne posegajo v pravice obtoženca in v pošteno in nepristransko sojenje ali niso v neskladju z njimi.

6. Država lahko vloži prošnjo za potrebne ukrepe, ki jih je treba sprejeti za varstvo njenih uradnikov ali zastopnikov in varstvo zaupnih ali občutljivih informacij.

Article 69

Evidence

1. Before testifying, each witness shall, in accordance with the Rules of Procedure and Evidence, give an undertaking as to the truthfulness of the evidence to be given by that witness.

2. The testimony of a witness at trial shall be given in person, except to the extent provided by the measures set forth in article 68 or in the Rules of Procedure and Evidence. The Court may also permit the giving of viva voce (oral) or recorded testimony of a witness by means of video or audio technology, as well as the introduction of documents or written transcripts, subject to this Statute and in accordance with the Rules of Procedure and Evidence. These measures shall not be prejudicial to or inconsistent with the rights of the accused.

3. The parties may submit evidence relevant to the case, in accordance with article 64. The Court shall have the authority to request the submission of all evidence that it considers necessary for the determination of the truth.

4. The Court may rule on the relevance or admissibility of any evidence, taking into account, inter alia, the probative value of the evidence and any prejudice that such evidence may cause to a fair trial or to a fair evaluation of the testimony of a witness, in accordance with the Rules of Procedure and Evidence.

5. The Court shall respect and observe privileges on confidentiality as provided for in the Rules of Procedure and Evidence.

6. The Court shall not require proof of facts of common knowledge but may take judicial notice of them.

7. Evidence obtained by means of a violation of this Statute or internationally recognized human rights shall not be admissible if:

(a) The violation casts substantial doubt on the reliability of the evidence; or

(b) The admission of the evidence would be antithetical to and would seriously damage the integrity of the proceedings.

8. When deciding on the relevance or admissibility of evidence collected by a State, the Court shall not rule on the application of the State's national law.

Article 70

Offences against the administration of justice

1. The Court shall have jurisdiction over the following offences against its administration of justice when committed intentionally:

(a) Giving false testimony when under an obligation pursuant to article 69, paragraph 1, to tell the truth;

(b) Presenting evidence that the party knows is false or forged;

(c) Corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence;

(d) Impeding, intimidating or corruptly influencing an official of the Court for the purpose of forcing or persuading the official not to perform, or to perform improperly, his or her duties;

(e) Retaliating against an official of the Court on account of duties performed by that or another official;

(f) Soliciting or accepting a bribe as an official of the Court in connection with his or her official duties.

69. člen

Dokazi

1. Pred pričanjem se vsaka priča v skladu s Pravili o postopku in dokazih zaveže, da bo govorila resnico v zvezi z dokazi, ki jih bo dala.

2. Priče pričajo na glavni obravnavi osebno, razen v primerih iz 68. člena ali kot je predvideno v Pravilih o postopku in dokazih. Sodišče lahko tudi dovoli ustno (viva voce) ali posneto pričanje priče s pomočjo video- ali avdiosredstev kot tudi predložitev dokumentov ali prepisov ob upoštevanju tega statuta in v skladu s Pravili o postopku in dokazih. Ti ukrepi ne smejo posegati v pravice obtoženca ali biti v neskladju z njimi.

3. Stranki lahko v skladu s 64. členom predložita dokaze, ki so pomembni za zadevo. Sodišče ima pravico zahtevati predložitev vseh dokazov, za katere meni, da so potrebni za ugotovitev resnice.

4. Sodišče lahko v skladu s Pravili o postopku in dokazih odloči o ustreznosti in dopustnosti dokazov ob upoštevanju med drugim dokazne vrednosti dokazov in kakršnega koli vpliva, ki bi ga taki dokazi lahko imeli na pošteno sojenje ali na pošteno presojo pričanja prič.

5. Sodišče spoštuje in upošteva privilegije glede zaupnosti, kot je predvideno v Pravilih o postopku in dokazih.

6. Sodišče ne sme zahtevati dokazov o splošno znanih dejstvih, lahko pa take dokaze upošteva.

7. Dokazi, pridobljeni s kršitvijo tega statuta ali mednarodno priznanih človekovih pravic, niso dopustni, če:

(a) kršitev ustvarja tehten dvom o zanesljivosti dokazov ali

(b) bi sprejetje dokazov nasprotovalo verodostojnosti postopka ali bi jo resno ogrozilo.

8. Ko sodišče odloča o ustreznosti ali dopustnosti dokazov, ki jih zbere država, ne odloča o uporabi njenega notranjega prava.

70. člen

Kazniva dejanja zoper pravosodje

1. Sodišče je pristojno za naslednja kazniva dejanja zoper svoje pravosodje, če so bila storjena naklepno:

(a) lažno pričanje, kadar je oseba pod zavezo iz prvega odstavka 69. člena, da bo govorila resnico,

(b) predložitev dokazov, za katere stranka ve, da so lažni ali ponarejeni,

(c) vplivanje na pričo s podkupovanjem, oviranje navzočnosti ali motenje priče ali njenega pričanja, maščevanje priči, ker je pričala, ali uničenje, nedovoljeno spreminjanje dokazov ali motenje zbiranja dokazov,

(d) oviranje, ustrahovanje uradne osebe Sodišča ali vplivanje nanjo s podkupovanjem z namenom prisiliti ali prepričati jo, da ne bi opravljala svojih dolžnosti ali da bi jih opravljala neustrezno,

(e) maščevanje uradni osebi Sodišča zaradi nalog, ki jih je opravila sama ali druga uradna oseba,

(f) spodbujanje k dajanju ali sprejemanje podkupnine uradne osebe Sodišča v zvezi z njenimi uradnimi dolžnostmi.

2. The principles and procedures governing the Court's exercise of jurisdiction over offences under this article shall be those provided for in the Rules of Procedure and Evidence. The conditions for providing international cooperation to the Court with respect to its proceedings under this article shall be governed by the domestic laws of the requested State.

3. In the event of conviction, the Court may impose a term of imprisonment not exceeding five years, or a fine in accordance with the Rules of Procedure and Evidence, or both.

4. (a) Each State Party shall extend its criminal laws penalizing offences against the integrity of its own investigative or judicial process to offences against the administration of justice referred to in this article, committed on its territory, or by one of its nationals;

(b) Upon request by the Court, whenever it deems it proper, the State Party shall submit the case to its competent authorities for the purpose of prosecution. Those authorities shall treat such cases with diligence and devote sufficient resources to enable them to be conducted effectively.

Article 71

Sanctions for misconduct before the Court

1. The Court may sanction persons present before it who commit misconduct, including disruption of its proceedings or deliberate refusal to comply with its directions, by administrative measures other than imprisonment, such as temporary or permanent removal from the courtroom, a fine or other similar measures provided for in the Rules of Procedure and Evidence.

2. The procedures governing the imposition of the measures set forth in paragraph 1 shall be those provided for in the Rules of Procedure and Evidence.

Article 72

Protection of national security information

1. This article applies in any case where the disclosure of the information or documents of a State would, in the opinion of that State, prejudice its national security interests. Such cases include those falling within the scope of article 56, paragraphs 2 and 3, article 61, paragraph 3, article 64, paragraph 3, article 67, paragraph 2, article 68, paragraph 6, article 87, paragraph 6 and article 93, as well as cases arising at any other stage of the proceedings where such disclosure may be at issue.

2. This article shall also apply when a person who has been requested to give information or evidence has refused to do so or has referred the matter to the State on the ground that disclosure would prejudice the national security interests of a State and the State concerned confirms that it is of the opinion that disclosure would prejudice its national security interests.

3. Nothing in this article shall prejudice the requirements of confidentiality applicable under article 54, paragraph 3 (e) and (f), or the application of article 73.

4. If a State learns that information or documents of the State are being, or are likely to be, disclosed at any stage of the proceedings, and it is of the opinion that disclosure would prejudice its national security interests, that State shall have the right to intervene in order to obtain resolution of the issue in accordance with this article.

5. If, in the opinion of a State, disclosure of information would prejudice its national security interests, all reasonable steps will be taken by the State, acting in conjunction with the Prosecutor, the defence or the Pre-Trial Chamber or Trial Chamber, as the case may be, to seek to resolve the matter by cooperative means. Such steps may include:

(a) Modification or clarification of the request;

2. Načela in postopki za izvajanje pristojnosti Sodišča za kazniva dejanja po tem členu so določeni v Pravilih o postopku in dokazih. Pogoje za zagotavljanje mednarodnega sodelovanja s Sodiščem za njegove postopke po tem členu ureja notranje pravo zaprošene države.

3. Če pride do obsodbe, lahko Sodišče izreče kazen zapora, ki ni daljša od petih let, ali denarno kazen v skladu s Pravili o postopku in dokazih ali oboje.

4. (a) Država pogodbenica razširi svojo kazensko zakonodajo tako, da uvrsti vanjo poleg dejanj zoper verodostojnost njenega preiskovalnega ali sodnega postopka tudi kazniva dejanja zoper pravosodje, navedena v tem členu, če so storjena na njenem ozemlju ali je storilec njen državljan.

(b) Kadar Sodišče meni, da je to primerno, predloži država pogodbenica zadevo na njegovo zahtevo v pregon svojim pristojnim organom. Ti organi vestno obravnavajo take zadeve in jim namenijo dovolj sredstev, da lahko učinkovito vodijo postopek.

71. člen

Sankcije za neprimerno vedenje na Sodišču

1. Sodišče lahko kaznuje osebe, ki se pred Sodiščem vedejo neprimerno, vključno s tistimi, ki motijo postopek ali namerno odklonijo upoštevanje navodil, z upravnimi ukrepi, razen z zaporno kaznijo, kot so začasna ali stalna odstranitev iz sodne dvorane, denarna kazen ali z drugimi podobnimi ukrepi, predvidenimi v Pravilih o postopku in dokazih.

2. Postopki, ki urejajo izrek ukrepov iz prvega odstavka, so predvideni v Pravilih o postopku in dokazih.

72. člen

Varstvo informacij državne varnosti

1. Ta člen se uporabi vedno, kadar bi razkritje informacij ali dokumentov države po njenem mnenju škodovalo interesom njene državne varnosti. Taki primeri vključujejo tiste, ki spadajo v drugi in tretji odstavek 56. člena, tretji odstavek 61. člena, tretji odstavek 64. člena, drugi odstavek 67. člena, šesti odstavek 68. člena, šesti odstavek 87. člena in 93. člen, kot tudi primeri v kateri koli drugi fazi postopka, če gre za tako razkritje.

2. Ta člen se uporablja tudi, kadar oseba, od katere se zahteva, naj da informacije ali dokaze, to odkloni ali je zadevo predala državi, ker bi razkritje škodovalo interesom državne varnosti, in če država potrdi, da meni, da bi razkritje takih informacij ali dokazov resno škodovalo interesom njene državne varnosti.

3. Nič v tem členu ne vpliva na zahteve po zaupnosti, ki se uporabljajo v skladu s pododstavkom (e) in (f) tretjega odstavka 54. člena, ali na uporabo 73. člena.

4. Če država izve, da se dokumenti ali informacije države razkrivajo ali bi lahko bili razkriti v kateri koli fazi postopka, in meni, da bi razkritje škodovalo interesom njene državne varnosti, ima ta država pravico poseči v zadevo, da se najde rešitev v skladu s tem členom.

5. Če bi po mnenju države razkritje informacij škodilo interesom njene državne varnosti, bo država sprejela vse ustrezne ukrepe skupaj s tožilcem, obrambo ali predobravnavnim senatom, odvisno od primera, da bi skušala zadevo rešiti s sodelovanjem. Taki ukrepi lahko vključujejo:

(a) spremembo ali razjasnitev zahteve,

(b) A determination by the Court regarding the relevance of the information or evidence sought, or a determination as to whether the evidence, though relevant, could be or has been obtained from a source other than the requested State;

(c) Obtaining the information or evidence from a different source or in a different form; or

(d) Agreement on conditions under which the assistance could be provided including, among other things, providing summaries or redactions, limitations on disclosure, use of in camera or ex parte proceedings, or other protective measures permissible under the Statute and the Rules of Procedure and Evidence.

6. Once all reasonable steps have been taken to resolve the matter through cooperative means, and if the State considers that there are no means or conditions under which the information or documents could be provided or disclosed without prejudice to its national security interests, it shall so notify the Prosecutor or the Court of the specific reasons for its decision, unless a specific description of the reasons would itself necessarily result in such prejudice to the State's national security interests.

7. Thereafter, if the Court determines that the evidence is relevant and necessary for the establishment of the guilt or innocence of the accused, the Court may undertake the following actions:

(a) Where disclosure of the information or document is sought pursuant to a request for cooperation under Part 9 or the circumstances described in paragraph 2, and the State has invoked the ground for refusal referred to in article 93, paragraph 4:

(i) The Court may, before making any conclusion referred to in subparagraph 7 (a) (ii), request further consultations for the purpose of considering the State's representations, which may include, as appropriate, hearings in camera and ex parte;

(ii) If the Court concludes that, by invoking the ground for refusal under article 93, paragraph 4, in the circumstances of the case, the requested State is not acting in accordance with its obligations under this Statute, the Court may refer the matter in accordance with article 87, paragraph 7, specifying the reasons for its conclusion; and

(iii) The Court may make such inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances; or

(b) In all other circumstances:

(i) Order disclosure; or

(ii) To the extent it does not order disclosure, make such inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances.

Article 73

Third-party information or documents

If a State Party is requested by the Court to provide a document or information in its custody, possession or control, which was disclosed to it in confidence by a State, intergovernmental organization or international organization, it shall seek the consent of the originator to disclose that document or information. If the originator is a State Party, it shall either consent to disclosure of the information or document or undertake to resolve the issue of disclosure with the Court, subject to the provisions of article 72. If the originator is not a State Party and refuses to consent to disclosure, the requested State shall inform the Court that it is unable to provide the document or information because of a pre-existing obligation of confidentiality to the originator.

(b) odločitev Sodišča glede pomembnosti iskanih informacij ali dokazov ali odločitev, ali bi se dokazi, četudi so za zadevo pomembni, lahko pridobili ali so bili pridobljeni iz drugega vira in ne od zaprošene države,

(c) pridobitev informacij ali dokazov iz drugega vira ali v drugačni obliki ali

(d) dogovor o pogojih, pod katerimi bi se lahko zagotovila pomoč, med drugim z zagotavljanjem povzetkov ali popravkov, omejitev v zvezi z razkritjem, z uporabo postopkov in camera ali ex parte ali drugih varnostnih ukrepov, ki so dovoljeni po tem statutu in po Pravilih o postopku in dokazih.

6. Ko so sprejeti vsi primerni ukrepi za rešitev zadeve s sodelovanjem in če država meni, da na noben način ali pod nobenimi pogoji ne more preskrbeti ali razkriti informacij ali dokumentov, ne da bi to škodovalo interesom njene državne varnosti, uradno obvesti tožilca ali Sodišče o posebnih razlogih za svojo odločitev, razen če bi podroben opis razlogov sam po sebi nujno škodoval interesom državne varnosti.

7. Če Sodišče potem ugotovi, da so dokazi pomembni in potrebni za ugotovitev krivde ali nedolžnosti obtoženca, lahko sprejme naslednje ukrepe:

(a) Če se razkritje informacij ali dokumentov skuša doseči v skladu z zahtevo za sodelovanje po 9. delu ali v zvezi z okoliščinami, opisanimi v drugem odstavku, in se država sklicuje na vzrok za zavrnitev po četrtem odstavku 93. člena:

(i) lahko Sodišče, preden sprejme kakršen koli sklep, omenjen v pododstavku (a) (ii) sedmega odstavka, zahteva nadaljnja posvetovanja za proučitev navedb države, ki lahko vključujejo zaslišanja in camera oziroma ex parte,

(ii) če Sodišče sklene, da zaprošena država v danih okoliščinah z navedbo vzroka za zavrnitev po četrtem odstavku 93. člena ne ravna v skladu s svojimi obveznostmi po statutu, lahko Sodišče predloži zadevo v skladu s sedmim odstavkom 87. člena, pri čemer podrobno navede razloge za svoj sklep, in

(iii) Sodišče lahko na sojenju obtožencu glede na okoliščine zadeve sprejme sklep o tem, ali določeno dejstvo obstaja ali ne;

(b) v vseh drugih okoliščinah:

(i) odredi razkritje ali

(ii) v obsegu, v katerem ne odredi razkritja, sprejme glede na okoliščine zadeve sklep o tem, ali določeno dejstvo obstaja ali ne.

73. člen

Informacije ali dokumenti tretje strani

Če Sodišče od države pogodbenice zahteva, da priskrbi dokument ali informacijo, ki jo hrani, poseduje ali ima pod nadzorom, ki mu jo je zaupno razkrila neka država, medvladna ali mednarodna organizacija, bo ta za razkritje tega dokumenta ali informacije zaprosila za soglasje prvotni vir. Če je prvotni vir država pogodbenica, da soglasje za razkritje informacije ali dokumenta ali reši vprašanje razkritja s Sodiščem ob upoštevanju določb 72. člena. Če prvotni vir ni država pogodbenica in ne da soglasja za razkritje, zaprošena država obvesti Sodišče, da ne more priskrbeti dokumenta ali informacije zaradi prejšnje obljube zaupnosti prvotnemu viru.

Article 74

Requirements for the decision

1. All the judges of the Trial Chamber shall be present at each stage of the trial and throughout their deliberations. The Presidency may, on a case-by-case basis, designate, as available, one or more alternate judges to be present at each stage of the trial and to replace a member of the Trial Chamber if that member is unable to continue attending.

2. The Trial Chamber's decision shall be based on its evaluation of the evidence and the entire proceedings. The decision shall not exceed the facts and circumstances described in the charges and any amendments to the charges. The Court may base its decision only on evidence submitted and discussed before it at the trial.

3. The judges shall attempt to achieve unanimity in their decision, failing which the decision shall be taken by a majority of the judges.

4. The deliberations of the Trial Chamber shall remain secret.

5. The decision shall be in writing and shall contain a full and reasoned statement of the Trial Chamber's findings on the evidence and conclusions. The Trial Chamber shall issue one decision. When there is no unanimity, the Trial Chamber's decision shall contain the views of the majority and the minority. The decision or a summary thereof shall be delivered in open court.

74. člen

Pogoji za veljavno odločitev Sodišča

1. Vsi sodniki obravnavnega senata so navzoči na vsaki fazi sojenja in ves čas razprav. Predsedstvo lahko glede na razpoložljivost sodnikov za vsak primer posebej določi enega ali več nadomestnih sodnikov, ki bodo navzoči na vsaki fazi sojenja in bodo nadomestili člana obravnavnega senata, če ta član ne more biti več navzoč.

2. Sodba obravnavnega senata temelji na presoji dokazov in celotnega postopka. Sodba ne presega dejstev in okoliščin, opisanih v obtožnici in njenih spremembah. Sodba Sodišča lahko temelji le na dokazih, ki so mu bili predloženi in jih je obravnavalo na glavni obravnavi.

3. Sodniki poskušajo doseči soglasno odločitev, če to ni mogoče, jo sprejmejo z večino sodnikov.

4. Posvetovanja obravnavnega senata ostanejo tajna.

5. Sodba je pisna in vsebuje popolno in utemeljeno navedbo ugotovitev obravnavnega senata o dokazih in sklepih. Obravnavni senat izda eno sodbo. Če sodba obravnavnega senata ni sprejeta soglasno, vsebuje mnenje večine in manjšine. Sodba ali njen povzetek se izreče na javnem zasedanju.

Article 75

Reparations to victims

1. The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting.

2. The Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.

Where appropriate, the Court may order that the award for reparations be made through the Trust Fund provided for in article 79.

3. Before making an order under this article, the Court may invite and shall take account of representations from or on behalf of the convicted person, victims, other interested persons or interested States.

4. In exercising its power under this article, the Court may, after a person is convicted of a crime within the jurisdiction of the Court, determine whether, in order to give effect to an order which it may make under this article, it is necessary to seek measures under article 93, paragraph 1.

5. A State Party shall give effect to a decision under this article as if the provisions of article 109 were applicable to this article.

6. Nothing in this article shall be interpreted as prejudicing the rights of victims under national or international law.

75. člen

Povrnitev škode žrtvam

1. Sodišče določi načela za povrnitev škode žrtvam ali zanje, vključno z vrnitvijo v prejšnje stanje, nadomestilom in rehabilitacijo. Na tej podlagi lahko Sodišče na zahtevo ali v izjemnih okoliščinah na lastno pobudo v svoji odločbi določi obseg in višino škode, izgube in poškodbe, povzročene žrtvam, in navede načela, po katerih ravna.

2. Sodišče lahko naloži neposredno obsojencu povrnitev škode žrtvam ali zanje, kar vključuje vrnitev v prejšnje stanje, nadomestilo in rehabilitacijo.

Sodišče lahko, če je to primerno, odredi povrnitev škode s posredovanjem skrbniškega sklada, predvidenega v 79. členu.

3. Pred izdajo odredbe po tem členu lahko Sodišče povabi obsojenca, žrtve, druge zainteresirane osebe ali zainteresirane države in upošteva njihove navedbe ali navedbe v njihovem imenu.

4. Pri izvajanju pooblastil po tem členu lahko Sodišče, potem ko je oseba obsojena za kaznivo dejanje v pristojnosti Sodišča, ugotovi, ali je treba uveljaviti ukrepe po prvem odstavku 93. člena, da bi odredba, ki jo lahko izda po tem členu, začela učinkovati.

5. Država pogodbenica uveljavi odločitev po tem členu, kot da bi za ta člen veljale določbe 109. člena.

6. Nobena določba tega člena se ne sme razlagati, kot da posega v pravice žrtev po notranjem ali mednarodnem pravu.

Article 76

Sentencing

1. In the event of a conviction, the Trial Chamber shall consider the appropriate sentence to be imposed and shall take into account the evidence presented and submissions made during the trial that are relevant to the sentence.

76. člen

Izrekanje kazni

1. V primeru obsodbe obravnavni senat odmeri ustrezno kazen ob upoštevanju med sojenjem predloženih dokazov in danih stališč, pomembnih za izrek kazni.

2. Except where article 65 applies and before the completion of the trial, the Trial Chamber may on its own motion and shall, at the request of the Prosecutor or the accused, hold a further hearing to hear any additional evidence or submissions relevant to the sentence, in accordance with the Rules of Procedure and Evidence.

3. Where paragraph 2 applies, any representations under article 75 shall be heard during the further hearing referred to in paragraph 2 and, if necessary, during any additional hearing.

4. The sentence shall be pronounced in public and, wherever possible, in the presence of the accused.

2. Razen v primeru iz 65. člena in pred koncem sojenja obravnavni senat v skladu s Pravili o postopku in dokazih na svojo pobudo lahko opravi, na zahtevo tožilca ali obtoženca pa mora opraviti nadaljnje zaslišanje, da pridobi dodatne dokaze ali stališča, pomembna za izrek kazni.

3. V zadevah iz drugega odstavka se navedbe po 75. členu obravnavajo na nadaljnjem zaslišanju iz drugega odstavka, in če je potrebno, še na katerem koli dodatnem zaslišanju.

4. Kazen se izreče javno, in če je mogoče, v navzočnosti obtoženca.

PART 7. PENALTIES

Article 77
Applicable penalties

1. Subject to article 110, the Court may impose one of the following penalties on a person convicted of a crime referred to in article 5 of this Statute:

(a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or

(b) A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.

2. In addition to imprisonment, the Court may order:

(a) A fine under the criteria provided for in the Rules of Procedure and Evidence;

(b) A forfeiture of proceeds, property and assets derived directly or indirectly from that crime, without prejudice to the rights of bona fide third parties.

Article 78
Determination of the sentence

1. In determining the sentence, the Court shall, in accordance with the Rules of Procedure and Evidence, take into account such factors as the gravity of the crime and the individual circumstances of the convicted person.

2. In imposing a sentence of imprisonment, the Court shall deduct the time, if any, previously spent in detention in accordance with an order of the Court. The Court may deduct any time otherwise spent in detention in connection with conduct underlying the crime.

3. When a person has been convicted of more than one crime, the Court shall pronounce a sentence for each crime and a joint sentence specifying the total period of imprisonment. This period shall be no less than the highest individual sentence pronounced and shall not exceed 30 years imprisonment or a sentence of life imprisonment in conformity with article 77, paragraph 1 (b).

Article 79
Trust Fund

1. A Trust Fund shall be established by decision of the Assembly of States Parties for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.

2. The Court may order money and other property collected through fines or forfeiture to be transferred, by order of the Court, to the Trust Fund.

3. The Trust Fund shall be managed according to criteria to be determined by the Assembly of States Parties.

7. DEL
KAZNI

77. člen
Vrste kazni

1. Ob upoštevanju 110. člena lahko Sodišče izreče osebi, obsojeni za kaznivo dejanje po 5. členu tega statuta, eno od teh kazni:

(a) zapor za določeno število let, ki ne sme biti daljši od 30 let, ali

(b) dosmrtni zapor, če je upravičen zaradi izjemne teže kaznivega dejanja in osebnih okoliščin obsojenca.

2. Poleg zapora lahko Sodišče odredi:

(a) denarno kazen v skladu z merili, predvidenimi v Pravilih o postopku in dokazih,

(b) odvzem premoženjske koristi, premoženja in sredstev, ki izvirajo neposredno ali posredno iz tega kaznivega dejanja, brez poseganja v pravice tretjih dobrovernih oseb.

78. člen
Odmera kazni

1. Sodišče pri odmeri kazni v skladu s Pravili o postopku in dokazih upošteva dejavnike, kot so teža kaznivega dejanja in osebne okoliščine obsojenca.

2. Sodišče pri izrekanju kazni zapora odšteje čas, ki ga je obsojenec predhodno preživel v priporu v skladu z odredbo Sodišča. Sodišče lahko odšteje tudi čas, za katerega je bila obsojencu odvzeta prostost kako drugače v zvezi z ravnanjem, ki je podlaga tega kaznivega dejanja.

3. Če je bila oseba obsojena za več kaznivih dejanj, Sodišče izreče kazen za vsako kaznivo dejanje in enotno kazen, ki določa skupno obdobje zapora. To obdobje ne sme biti krajše od najvišje posamezne izrečene kazni in ne daljše od 30 let ali pa je enotna kazen dosmrtni zapor v skladu s pododstavkom (b) prvega odstavka 77. člena.

79. člen
Skrbniški sklad

1. Skupščina držav pogodbenic s sklepom ustanovi skrbniški sklad v korist žrtev kaznivih dejanj, ki so v pristojnosti Sodišča in njihovih družin.

2. Sodišče lahko odredi, da se denar in drugo premoženje, ki ga zbere z denarnimi kaznimi ali odvzemom premoženja, z odredbo Sodišča prenese na skrbniški sklad.

3. Skupščina držav pogodbenic določi merila za upravljanje skrbniškega sklada.

Article 80

Non-prejudice to national application of penalties and national laws

Nothing in this Part affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this Part.

80. člen

Neposeganje v izrekanje kazni in notranje pravo držav

Nobena določba v tem delu statuta ne vpliva na izrekanje kazni, predpisanih po notranjem pravu držav, ali na uporabo njihovih zakonov, ki ne predvidevajo kazni, predpisane v tem delu.

PART 8. APPEAL AND REVISION

8. DEL
PRITOŽBA IN REVIZIJA

Article 81

Appeal against decision of acquittal or conviction or against sentence

1. A decision under article 74 may be appealed in accordance with the Rules of Procedure and Evidence as follows:

(a) The Prosecutor may make an appeal on any of the following grounds:

(i) Procedural error,
(ii) Error of fact, or
(iii) Error of law;

(b) The convicted person, or the Prosecutor on that person's behalf, may make an appeal on any of the following grounds:

(i) Procedural error,
(ii) Error of fact,
(iii) Error of law, or
(iv) Any other ground that affects the fairness or reliability of the proceedings or decision.

2. (a) A sentence may be appealed, in accordance with the Rules of Procedure and Evidence, by the Prosecutor or the convicted person on the ground of disproportion between the crime and the sentence;

(b) If on an appeal against sentence the Court considers that there are grounds on which the conviction might be set aside, wholly or in part, it may invite the Prosecutor and the convicted person to submit grounds under article 81, paragraph 1 (a) or (b), and may render a decision on conviction in accordance with article 83;

(c) The same procedure applies when the Court, on an appeal against conviction only, considers that there are grounds to reduce the sentence under paragraph 2 (a).

3. (a) Unless the Trial Chamber orders otherwise, a convicted person shall remain in custody pending an appeal;

(b) When a convicted person's time in custody exceeds the sentence of imprisonment imposed, that person shall be released, except that if the Prosecutor is also appealing, the release may be subject to the conditions under subparagraph (c) below;

(c) In case of an acquittal, the accused shall be released immediately, subject to the following:

(i) Under exceptional circumstances, and having regard, inter alia, to the concrete risk of flight, the seriousness of the offence charged and the probability of success on appeal, the Trial Chamber, at the request of the Prosecutor, may maintain the detention of the person pending appeal;

(ii) A decision by the Trial Chamber under subparagraph (c) (i) may be appealed in accordance with the Rules of Procedure and Evidence.

4. Subject to the provisions of paragraph 3 (a) and (b), execution of the decision or sentence shall be suspended during the period allowed for appeal and for the duration of the appeal proceedings.

81. člen

Pritožba zoper oprostilno ali obsodilno sodbo ali zoper kazen

1. Zoper sodbo po 74. členu je dopustna pritožba v skladu s Pravili o postopku in dokazih:

(a) Tožilec se lahko pritoži iz teh razlogov:

(i) kršitev določb o postopku,
(ii) zmotna ugotovitev dejstev ali
(iii) kršitev uporabnega prava.

(b) Obsojenec ali tožilec v njegovem imenu se lahko pritoži iz teh razlogov:

(i) kršitev določb o postopku,
(ii) zmotna ugotovitev dejstev,
(iii) kršitev uporabnega prava ali
(iv) iz drugega razloga, ki vpliva na poštenost ali pravilnost postopka ali odločitve.

2. (a) Tožilec ali obsojenec se lahko v skladu s Pravili o postopku in dokazih pritoži zoper kazen zaradi nesorazmerja med kaznivim dejanjem in kaznijo.

(b) Če v zvezi s pritožbo zoper kazen Sodišče meni, da obstajajo razlogi, zaradi katerih bi se obsodba lahko v celoti ali delno razveljavila, lahko pozove tožilca in obsojenca, da predložita razloge po pododstavku (a) ali (b) prvega odstavka 81. člena, in lahko odloči o obsodbi v skladu s 83. členom.

(c) Enak postopek se uporablja, če Sodišče v zvezi s pritožbo samo zoper obsodbo meni, da obstajajo razlogi za znižanje kazni po pododstavku (a) drugega odstavka.

3. (a) Razen če obravnavni senat ne odredi drugače, obsojenec do konca pritožbenega postopka ostane v priporu;

(b) Če je čas, ki ga obsojenec preživi v priporu, daljši od izrečene kazni zapora, je izpuščen, če pa se pritoži tudi tožilec, lahko za izpustitev osebe na prostost veljajo pogoji iz pododstavka (c):

(c) Pri oprostilni sodbi se obtoženec izpusti takoj ob upoštevanju:

(i) v izjemnih okoliščinah in med drugim ob upoštevanju dejanske nevarnosti pobega, teže kaznivega dejanja, za katero je obdolžen, in verjetnosti uspeha pritožbe, lahko obravnavni senat na tožilčevo zahtevo zadrži osebo v priporu do konca pritožbenega postopka;

(ii) na odločbo obravnavnega senata po pododstavku (c) (i) je možna pritožba v skladu s Pravili o postopku in dokazih.

4. Ob upoštevanju določb pododstavkov (a) in (b) tretjega odstavka se izvršitev sodbe ali kazni zadrži za obdobje, dovoljeno za pritožbo, dokler traja pritožbeni postopek.

Article 82

Appeal against other decisions

1. Either party may appeal any of the following decisions in accordance with the Rules of Procedure and Evidence:

(a) A decision with respect to jurisdiction or admissibility;

(b) A decision granting or denying release of the person being investigated or prosecuted;

(c) A decision of the Pre-Trial Chamber to act on its own initiative under article 56, paragraph 3;

(d) A decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.

2. A decision of the Pre-Trial Chamber under article 57, paragraph 3 (d), may be appealed against by the State concerned or by the Prosecutor, with the leave of the Pre-Trial Chamber. The appeal shall be heard on an expedited basis.

3. An appeal shall not of itself have suspensive effect unless the Appeals Chamber so orders, upon request, in accordance with the Rules of Procedure and Evidence.

4. A legal representative of the victims, the convicted person or a bona fide owner of property adversely affected by an order under article 75 may appeal against the order for reparations, as provided in the Rules of Procedure and Evidence.

82. člen

Pritožba zoper druge odločitve

1. Stranki se lahko v skladu s Pravilih o postopku in dokazih pritožita zoper:

(a) odločitev o pristojnosti ali dopustnosti,

(b) odločitev, ki dovoljuje ali zavrača izpustitev osebe, proti kateri poteka preiskava ali pregon,

(c) odločitev predobravnavnega senata, da deluje na svojo lastno pobudo po tretjem odstavku 56. člena,

(d) odločitev, ki vključuje vprašanje, ki bi bistveno vplivalo na pravično in hitro vodenje postopka ali na izid sojenja, in bi, če bi ga pritožbeni senat takoj rešil, po mnenju predobravnavnega ali obravnavnega senata lahko bistveno pospešila postopek.

2. Določena država ali tožilec se lahko na odločitev predobravnavnega senata po pododstavku (d) tretjega odstavka 57. člena pritožita z dovoljenjem predobravnavnega senata. Pritožba se obravnava po hitrem postopku.

3. Pritožba sama po sebi nima odložilnega učinka, razen če to na zahtevo odredi pritožbeni senat v skladu s Pravili o postopku in dokazih.

4. Pravni zastopnik žrtev, obsojenec ali dobroverni lastnik premoženja, ki ga prizadene odredba po 73. členu, se lahko pritoži zoper odredbo o povrnitvi škode, kot je predvideno v Pravilih o postopku in dokazih.

Article 83

Proceedings on appeal

1. For the purposes of proceedings under article 81 and this article, the Appeals Chamber shall have all the powers of the Trial Chamber.

2. If the Appeals Chamber finds that the proceedings appealed from were unfair in a way that affected the reliability of the decision or sentence, or that the decision or sentence appealed from was materially affected by error of fact or law or procedural error, it may:

(a) Reverse or amend the decision or sentence; or

(b) Order a new trial before a different Trial Chamber.

For these purposes, the Appeals Chamber may remand a factual issue to the original Trial Chamber for it to determine the issue and to report back accordingly, or may itself call evidence to determine the issue. When the decision or sentence has been appealed only by the person convicted, or the Prosecutor on that person's behalf, it cannot be amended to his or her detriment.

3. If in an appeal against sentence the Appeals Chamber finds that the sentence is disproportionate to the crime, it may vary the sentence in accordance with Part 7.

4. The judgement of the Appeals Chamber shall be taken by a majority of the judges and shall be delivered in open court. The judgement shall state the reasons on which it is based. When there is no unanimity, the judgement of the Appeals Chamber shall contain the views of the majority and the minority, but a judge may deliver a separate or dissenting opinion on a question of law.

5. The Appeals Chamber may deliver its judgement in the absence of the person acquitted or convicted.

83. člen

Pritožbeni postopek

1. Za postopek po 81. členu in po tem členu ima pritožbeni senat vsa pooblastila obravnavnega senata.

2. Če pritožbeni senat ugotovi, da je bil postopek, zoper katerega je bila vložena pritožba, nepravičen, tako da je vplival na pravilnost sodbe ali kazni, ali da je na sodbo ali kazen, zoper katero je bila vložena pritožba, bistveno vplivala zmotna ugotovitev dejstev ali kršitev uporabnega prava ali kršitev določb o postopku, lahko:

(a) razveljavi ali spremeni sodbo ali kazen ali

(b) odredi novo sojenje pred drugim obravnavnim senatom.

Za te namene lahko pritožbeni senat vrne dejansko vprašanje v obravnavo prvotnemu obravnavnemu senatu, da ga ta prouči in mu o tem ustrezno poroča, ali pa lahko sam pridobi dokaze, da prouči to vprašanje. Če se zoper sodbo ali kazen pritoži le obsojenec ali tožilec v njegovem imenu, se ta ne more spremeniti v njegovo škodo.

3. Če v pritožbenem postopku zoper kazen pritožbeni senat ugotovi, da je kazen nesorazmerna s kaznivim dejanjem, lahko kazen spremeni v skladu s 7. delom.

4. Pritožbeni senat sprejme sodbo z večino sodnikov in jo izreče na javnem zasedanju. Sodba mora biti obrazložena. Če sodba pritožbenega senata ni sprejeta soglasno, vsebuje mnenje večine in manjšine sodnikov, sodnik pa lahko o pravnem vprašanju da ločeno pritrdilno ali ločeno odklonilno mnenje.

5. Pritožbeni senat lahko izreče sodbo v odsotnosti osebe, ki je oproščena ali obsojena.

Article 84
Revision of conviction or sentence

1. The convicted person or, after death, spouses, children, parents or one person alive at the time of the accused's death who has been given express written instructions from the accused to bring such a claim, or the Prosecutor on the person's behalf, may apply to the Appeals Chamber to revise the final judgement of conviction or sentence on the grounds that:

(a) New evidence has been discovered that:

(i) Was not available at the time of trial, and such unavailability was not wholly or partially attributable to the party making application; and

(ii) Is sufficiently important that had it been proved at trial it would have been likely to have resulted in a different verdict;

(b) It has been newly discovered that decisive evidence, taken into account at trial and upon which the conviction depends, was false, forged or falsified;

(c) One or more of the judges who participated in conviction or confirmation of the charges has committed, in that case, an act of serious misconduct or serious breach of duty of sufficient gravity to justify the removal of that judge or those judges from office under article 46.

2. The Appeals Chamber shall reject the application if it considers it to be unfounded. If it determines that the application is meritorious, it may, as appropriate:

(a) Reconvene the original Trial Chamber;

(b) Constitute a new Trial Chamber; or

(c) Retain jurisdiction over the matter,

with a view to, after hearing the parties in the manner set forth in the Rules of Procedure and Evidence, arriving at a determination on whether the judgement should be revised.

84. člen
Revizija obsodbe ali kazni

1. Obsojenec ali po njegovi smrti zakonci, otroci, starši ali oseba, ki je bila živa v času obtoženčeve smrti in je od njega dobila izrecna pisna navodila, da vloži tak zahtevek, ali tožilec v imenu obsojenca lahko vloži pri pritožbenem senatu zahtevo za revizijo pravnomočne obsodilne sodbe ali kazni, zato ker:

(a) je bil odkrit nov dokaz, ki

(i) ni bil na voljo med sojenjem in tega ne gre v celoti ali delno pripisati stranki, ki vlaga zahtevo, in

(ii) je dovolj pomemben, da bi, če bi bil upoštevan na sojenju, po vsej verjetnosti povzročil drugačno sodbo.

(b) je bilo pozneje ugotovljeno, da je bil odločilni dokaz, ki je bil upoštevan na sojenju in od katerega je odvisna obsodba, lažen, ponarejen ali predrugačen;

(c) je en ali več sodnikov, ki so sodelovali pri obsodbi ali pri potrditvi obtožnice, v tem primeru zelo neprimerno ali nevestno ravnal ali hudo kršil svoje dolžnosti do take mere, da se ta sodnik ali sodniki upravičeno odstavijo s funkcije po 46. členu.

2. Pritožbeni senat zavrne zahtevo, če jo šteje za neutemeljeno. Če ugotovi, da je zahteva vsebinsko utemeljena, lahko, če je ustrezno:

(a) ponovno skliče prvotni obravnavni senat,

(b) sestavi nov obravnavni senat ali

(c) obdrži zadevo v svoji pristojnosti

z namenom, da po zaslišanju strank na način, določen v Pravilih o postopku in dokazih, odloči, ali bi bilo treba sodbo revidirati.

Article 85
Compensation to an arrested or convicted person

1. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

2. When a person has by a final decision been convicted of a criminal offence, and when subsequently his or her conviction has been reversed on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him or her.

3. In exceptional circumstances, where the Court finds conclusive facts showing that there has been a grave and manifest miscarriage of justice, it may in its discretion award compensation, according to the criteria provided in the Rules of Procedure and Evidence, to a person who has been released from detention following a final decision of acquittal or a termination of the proceedings for that reason.

85. člen
Nadomestilo škode osebi, ki ji je bila odvzeta prostost ali je bila obsojena

1. Oseba, ki je bila žrtev nezakonitega prijetja ali pridržanja, ima izvršljivo pravico do nadomestila.

2. Če je bila oseba s pravnomočno sodbo obsojena za kaznivo dejanje in je bila obsodba pozneje spremenjena zaradi novega ali novo odkritega dejstva, ki prepričljivo kaže na sodno zmoto, se osebi, ki je utrpela kazen kot posledico take obsodbe, povrne škoda v skladu z zakonom, razen če se dokaže, da gre nerazkritje nepoznanega dejstva v celoti ali delno pripisati tej osebi.

3. V izjemnih okoliščinah, če Sodišče odkrije prepričljiva dejstva, ki kažejo na hudo in očitno sodno zmoto, lahko po lastni presoji osebi, ki so jo izpustili iz pripora na podlagi pravnomočne oprostilne sodbe ali prenehanja postopka iz tega razloga, dodeli nadomestilo v skladu z merili, predvidenimi v Pravilih o postopku in dokazih.

PART 9. INTERNATIONAL COOPERATION AND JUDICIAL ASSISTANCE

9. DEL
MEDNARODNO SODELOVANJE IN PRAVNA POMOČ

Article 86
General obligation to cooperate

States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

86. člen
Splošna obveznost sodelovanja

Države pogodbenice morajo v skladu z določbami tega statuta v polni meri sodelovati s Sodiščem pri preiskavi in pregonu kaznivih dejanj v pristojnosti Sodišča.

Article 87

Requests for cooperation: general provisions

1. (a) The Court shall have the authority to make requests to States Parties for cooperation. The requests shall be transmitted through the diplomatic channel or any other appropriate channel as may be designated by each State Party upon ratification, acceptance, approval or accession.

Subsequent changes to the designation shall be made by each State Party in accordance with the Rules of Procedure and Evidence.

(b) When appropriate, without prejudice to the provisions of subparagraph (a), requests may also be transmitted through the International Criminal Police Organization or any appropriate regional organization.

2. Requests for cooperation and any documents supporting the request shall either be in or be accompanied by a translation into an official language of the requested State or one of the working languages of the Court, in accordance with the choice made by that State upon ratification, acceptance, approval or accession.

Subsequent changes to this choice shall be made in accordance with the Rules of Procedure and Evidence.

3. The requested State shall keep confidential a request for cooperation and any documents supporting the request, except to the extent that the disclosure is necessary for execution of the request.

4. In relation to any request for assistance presented under this Part, the Court may take such measures, including measures related to the protection of information, as may be necessary to ensure the safety or physical or psychological well-being of any victims, potential witnesses and their families. The Court may request that any information that is made available under this Part shall be provided and handled in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families.

5. (a) The Court may invite any State not party to this Statute to provide assistance under this Part on the basis of an ad hoc arrangement, an agreement with such State or any other appropriate basis.

(b) Where a State not party to this Statute, which has entered into an ad hoc arrangement or an agreement with the Court, fails to cooperate with requests pursuant to any such arrangement or agreement, the Court may so inform the Assembly of States Parties or, where the Security Council referred the matter to the Court, the Security Council.

6. The Court may ask any intergovernmental organization to provide information or documents. The Court may also ask for other forms of cooperation and assistance which may be agreed upon with such an organization and which are in accordance with its competence or mandate.

7. Where a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute, thereby preventing the Court from exercising its functions and powers under this Statute, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council.

Article 88

Availability of procedures under national law

States Parties shall ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under this Part.

87. člen

Zahteve za sodelovanje: splošne določbe

1. (a) Sodišče je pooblaščeno zahtevati sodelovanje držav pogodbenic. Zahteve pošilja po diplomatski poti ali na drug ustrezen način, kot ga lahko določi vsaka država pogodbenica ob ratifikaciji, sprejetju, odobritvi ali pristopu.

Država pogodbenica pozneje spremeni način pošiljanja v skladu s Pravili o postopku in dokazih.

(b) Če je ustrezno, se smejo ne glede na določbe pododstavka (a) zahteve poslati tudi prek Mednarodne organizacije kriminalistične policije ali kakšne druge ustrezne regionalne organizacije.

2. Zahteve za sodelovanje in vsi priloženi dokumenti morajo biti v uradnem jeziku zaprošene države ali v enem od delovnih jezikov Sodišča ali pa jim mora biti priložen prevod v enega od teh jezikov v skladu z izbiro te države ob ratifikaciji, sprejetju, odobritvi ali pristopu.

Poznejše spremembe te izbire morajo biti v skladu s Pravili o postopku in dokazih.

3. Zaprošena država ohrani zaupnost zahteve za sodelovanje in vseh zahtevi priloženih dokumentov, razen v obsegu, v katerem je razkritje nujno potrebno za nujno izpolnitev zahteve.

4. V zvezi z zahtevo za pomoč, predloženo po 9. delu, sme Sodišče sprejeti ukrepe, vključno z ukrepi varovanja informacij, kot so potrebni za zagotovitev varnosti ali dobrega telesnega ali duševnega počutja žrtev, morebitnih prič in njihovih družin. Sodišče lahko zahteva, da se vsaka informacija, ki je dana na voljo v skladu s tem delom, predloži in obravnava na način, ki zavaruje varnost in dobro telesno ali duševno počutje žrtev, morebitnih prič in njihovih družin.

5. (a) Sodišče sme povabiti državo, ki ni pogodbenica tega statuta, da zagotovi pomoč iz tega dela na podlagi dogovora ad hoc, sporazuma s to državo ali na drugi ustrezni podlagi.

(b) Če država, ki ni pogodbenica tega statuta in sklene dogovor ad hoc ali sporazum s Sodiščem, pa ne sodeluje v skladu z zahtevami iz takega dogovora ali sporazuma, sme Sodišče o tem obvestiti Skupščino držav pogodbenic ali Varnostni svet, če je ta predložil zadevo Sodišču.

6. Sodišče sme za informacije ali dokumente prositi katero koli medvladno organizacijo. Sodišče lahko prosi tudi za druge oblike sodelovanja in pomoči, o katerih se dogovori s tako organizacijo in ki so v skladu z njeno pristojnostjo ali nalogami in pooblastili.

7. Če država pogodbenica v nasprotju z določbami tega statuta ne ravna v skladu z zahtevo Sodišča za sodelovanje ter s tem prepreči Sodišču opravljanje njegovih nalog in pooblastil po tem statutu, sme Sodišče to ugotoviti in zadevo predložiti Skupščini držav pogodbenic ali Varnostnemu svetu, če je ta predložil zadevo Sodišču.

88. člen

Zagotovitev postopkov v notranjem pravu

Države pogodbenice zagotovijo, da so v njihovem notranjem pravu na voljo postopki za vse oblike sodelovanja, navedene v tem delu.

Article 89

Surrender of persons to the Court

1. The Court may transmit a request for the arrest and surrender of a person, together with the material supporting the request outlined in article 91, to any State on the territory of which that person may be found and shall request the cooperation of that State in the arrest and surrender of such a person. States Parties shall, in accordance with the provisions of this Part and the procedure under their national law, comply with requests for arrest and surrender.

2. Where the person sought for surrender brings a challenge before a national court on the basis of the principle of ne bis in idem as provided in article 20, the requested State shall immediately consult with the Court to determine if there has been a relevant ruling on admissibility. If the case is admissible, the requested State shall proceed with the execution of the request. If an admissibility ruling is pending, the requested State may postpone the execution of the request for surrender of the person until the Court makes a determination on admissibility.

3. (a) A State Party shall authorize, in accordance with its national procedural law, transportation through its territory of a person being surrendered to the Court by another State, except where transit through that State would impede or delay the surrender.

(b) A request by the Court for transit shall be transmitted in accordance with article 87. The request for transit shall contain:

(i) A description of the person being transported;

(ii) A brief statement of the facts of the case and their legal characterization; and

(iii) The warrant for arrest and surrender;

(c) A person being transported shall be detained in custody during the period of transit;

(d) No authorization is required if the person is transported by air and no landing is scheduled on the territory of the transit State;

(e) If an unscheduled landing occurs on the territory of the transit State, that State may require a request for transit from the Court as provided for in subparagraph (b). The transit State shall detain the person being transported until the request for transit is received and the transit is effected, provided that detention for purposes of this subparagraph may not be extended beyond 96 hours from the unscheduled landing unless the request is received within that time.

4. If the person sought is being proceeded against or is serving a sentence in the requested State for a crime different from that for which surrender to the Court is sought, the requested State, after making its decision to grant the request, shall consult with the Court.

Article 90

Competing requests

1. A State Party which receives a request from the Court for the surrender of a person under article 89 shall, if it also receives a request from any other State for the extradition of the same person for the same conduct which forms the basis of the crime for which the Court seeks the person's surrender, notify the Court and the requesting State of that fact.

2. Where the requesting State is a State Party, the requested State shall give priority to the request from the Court if:

(a) The Court has, pursuant to article 18 or 19, made a determination that the case in respect of which surrender is sought is admissible and that determination takes into account the investigation or prosecution conducted by the requesting State in respect of its request for extradition; or

89. člen

Predaja oseb Sodišču

1. Sodišče lahko pošlje zahtevo za prijetje in predajo osebe skupaj s priloženim gradivom iz 91. člena vsaki državi, na ozemlju katere je ta oseba, in državo zaprosi za sodelovanje pri prijetju in predaji take osebe. Države pogodbenice ravnajo skladno z zahtevami za prijetje in predajo skladno z določbami tega dela in postopkom po svojem notranjem pravu.

2. Če se oseba, za katero se zahteva predaja, pritoži na domačem sodišču na podlagi načela ne bis in idem, kot je določeno v 20. členu, se zaprošena država takoj posvetuje s Sodiščem, da ugotovi, ali je bila sprejeta ustrezna odločitev o dopustnosti. Če je zadeva dopustna, zaprošena država nadaljuje z izpolnitvijo zahteve. Če odločanje o dopustnosti še ni končano, lahko zaprošena država zadrži izpolnitev zahteve za predajo osebe, dokler Sodišče ne odloči o dopustnosti.

3. (a) Država pogodbenica v skladu s svojim notranjim procesnim pravom dovoli prevoz osebe, ki jo predaja Sodišču druga država, čez svoje ozemlje, razen kadar bi tranzit skozi to državo oviral ali zavlačeval predajo.

(b) Zahteva Sodišča za tranzit se predloži v skladu s 87. členom. Zahteva vsebuje:

(i) opis osebe, ki se prevaža,

(ii) kratko navedbo dejstev zadeve in njihovo pravno označitev in

(iii) nalog za prijetje in predajo.

(c) Oseba, ki se prevaža, mora biti med tranzitom pod nadzorom.

(d) Dovoljenje ni potrebno, če se uporablja prevoz z letalom in pristanek na ozemlju države tranzita ni predviden.

(e) Ob nepredvidenem pristanku na ozemlju države tranzita lahko ta država od Sodišča zaprosi za zahtevo za tranzit iz pododstavka (b). Država tranzita pridrži osebo, ki se prevaža, dokler ne prejme zahteve za tranzit in se tranzit ne izvede pod pogojem, da pridržanje za te namene ne sme trajati več kot 96 ur po nepredvidenem pristanku, razen če zahteve ne prejme v tem času.

4. Če v zaprošeni državi proti iskani osebi poteka postopek ali ta oseba prestaja kazen za drugo kaznivo dejanje, kot je tisto, za katero Sodišče zahteva predajo, se zaprošena država po odločitvi, da ugodi zahtevi, posvetuje s Sodiščem.

90. člen

Hkratne zahteve

1. Država pogodbenica, ki prejme zahtevo Sodišča za predajo osebe po 89. členu in če prejme tudi zahtevo druge države za izročitev iste osebe za isto ravnanje, ki je podlaga kaznivega dejanja, za katero Sodišče zahteva predajo osebe, o tem uradno obvesti Sodišče in državo prosilko.

2. Kadar je država prosilka država pogodbenica, da zaprošena država prednost zahtevi Sodišča, če:

(a) je Sodišče v skladu z 18. in 19. členom odločilo, da je zadeva, v zvezi s katero se zahteva predaja, dopustna, ta odločitev pa upošteva preiskavo ali pregon, ki ga je opravila država prosilka v zvezi s svojo zahtevo za izročitev, ali

(b) The Court makes the determination described in subparagraph (a) pursuant to the requested State's notification under paragraph 1.

3. Where a determination under paragraph 2 (a) has not been made, the requested State may, at its discretion, pending the determination of the Court under paragraph 2 (b), proceed to deal with the request for extradition from the requesting State but shall not extradite the person until the Court has determined that the case is inadmissible. The Court's determination shall be made on an expedited basis.

4. If the requesting State is a State not Party to this Statute the requested State, if it is not under an international obligation to extradite the person to the requesting State, shall give priority to the request for surrender from the Court, if the Court has determined that the case is admissible.

5. Where a case under paragraph 4 has not been determined to be admissible by the Court, the requested State may, at its discretion, proceed to deal with the request for extradition from the requesting State.

6. In cases where paragraph 4 applies except that the requested State is under an existing international obligation to extradite the person to the requesting State not Party to this Statute, the requested State shall determine whether to surrender the person to the Court or extradite the person to the requesting State. In making its decision, the requested State shall consider all the relevant factors, including but not limited to:

(a) The respective dates of the requests;

(b) The interests of the requesting State including, where relevant, whether the crime was committed in its territory and the nationality of the victims and of the person sought; and

(c) The possibility of subsequent surrender between the Court and the requesting State.

7. Where a State Party which receives a request from the Court for the surrender of a person also receives a request from any State for the extradition of the same person for conduct other than that which constitutes the crime for which the Court seeks the person's surrender:

(a) The requested State shall, if it is not under an existing international obligation to extradite the person to the requesting State, give priority to the request from the Court;

(b) The requested State shall, if it is under an existing international obligation to extradite the person to the requesting State, determine whether to surrender the person to the Court or to extradite the person to the requesting State. In making its decision, the requested State shall consider all the relevant factors, including but not limited to those set out in paragraph 6, but shall give special consideration to the relative nature and gravity of the conduct in question.

8. Where pursuant to a notification under this article, the Court has determined a case to be inadmissible, and subsequently extradition to the requesting State is refused, the requested State shall notify the Court of this decision.

Article 91

Contents of request for arrest and surrender

1. A request for arrest and surrender shall be made in writing. In urgent cases, a request may be made by any medium capable of delivering a written record, provided that the request shall be confirmed through the channel provided for in article 87, paragraph 1 (a).

2. In the case of a request for the arrest and surrender of a person for whom a warrant of arrest has been issued by the Pre-Trial Chamber under article 58, the request shall contain or be supported by:

(b) Sodišče odloči, kot je opisano v pododstavku (a), na podlagi uradnega obvestila zaprošene države po prvem odstavku.

3. Kadar Sodišče ni odločilo po pododstavku (a) drugega odstavka, lahko zaprošena država po lastni presoji, dokler Sodišče ne odloči po pododstavku (b) drugega odstavka, nadaljuje z obravnavo zahteve države prosilke za izročitev, vendar osebe ne sme izročiti, dokler Sodišče ne odloči, da zadeva ni dopustna. Sodišče odloča po hitrem postopku.

4. Če država prosilka ni pogodbenica tega statuta, da zaprošena država, če izročitev osebe državi prosilki ni njena mednarodna obveznost, prednost zahtevi Sodišča za predajo, če je Sodišče odločilo, da je zadeva dopustna.

5. Če za zadevo iz četrtega odstavka Sodišče ni odločilo, da je dopustna, lahko zaprošena država po lastni presoji nadaljuje z obravnavo zahteve za izročitev, ki jo je predložila država prosilka.

6. Kadar se uporablja četrti odstavek, zaprošena država pa ima obstoječo mednarodno obveznost, da izroči osebo državi prosilki, ki ni pogodbenica tega statuta, zaprošena država odloči, ali bo predala osebo Sodišču ali jo izročila državi prosilki. Pri odločanju zaprošena država upošteva vse za zadevo pomembne dejavnike, med njimi:

(a) datume posameznih zahtev,

(b) interese države prosilke, med drugim, če je pomembno, tudi to, ali je bilo kaznivo dejanje storjeno na njenem ozemlju ter katero državljanstvo imajo žrtve in oseba za katero se zahteva izročitev oziroma predaja, in

(c) možnostjo poznejše predaje med Sodiščem in državo prosilko.

7. Kadar država pogodbenica, ki prejme zahtevo Sodišča za predajo osebe, prejme tudi zahtevo katere koli države za izročitev iste osebe zaradi ravnanja, ki ni kaznivo dejanje, za katero Sodišče zahteva predajo osebe:

(a) zaprošena država da prednost zahtevi Sodišča, če nima obstoječe mednarodne obveznosti, da izroči osebo državi prosilki,

(b) če ima zaprošena država obstoječo mednarodno obveznost, da izroči osebo državi prosilki, odloči, ali bo predala osebo Sodišču ali jo izročila državi prosilki. Pri tem upošteva vse za zadevo pomembne dejavnike, med drugim tiste, ki so določeni v šestem odstavku, še posebej pa upošteva naravo in težo obravnavanega ravnanja.

8. Kadar je na podlagi uradnega obvestila po tem členu Sodišče odločilo, da je zadeva nedopustna, pozneje pa se zavrne tudi izročitev državi prosilki, zaprošena država o tej odločitvi uradno obvesti Sodišče.

91. člen

Vsebina zahteve za prijetje in predajo

1. Zahteva za prijetje in predajo je pisna. V nujnih primerih se lahko zahteva pošlje s kakršnim koli sredstvom, ki omogoča pisni zapis, pod pogojem, da se zahteva potrdi na način, določen v pododstavku (a) prvega odstavka 87. člena.

2. Kadar se zahtevata prijetje in predaja osebe, za katero je nalog za prijetje izdal predobravnavni senat po 58. členu, zahteva vsebuje ali ima priložene:

(a) Information describing the person sought, sufficient to identify the person, and information as to that person's probable location;

(b) A copy of the warrant of arrest; and

(c) Such documents, statements or information as may be necessary to meet the requirements for the surrender process in the requested State, except that those requirements should not be more burdensome than those applicable to requests for extradition pursuant to treaties or arrangements between the requested State and other States and should, if possible, be less burdensome, taking into account the distinct nature of the Court.

3. In the case of a request for the arrest and surrender of a person already convicted, the request shall contain or be supported by:

(a) A copy of any warrant of arrest for that person;

(b) A copy of the judgement of conviction;

(c) Information to demonstrate that the person sought is the one referred to in the judgement of conviction; and

(d) If the person sought has been sentenced, a copy of the sentence imposed and, in the case of a sentence for imprisonment, a statement of any time already served and the time remaining to be served.

4. Upon the request of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that may apply under paragraph 2 (c). During the consultations, the State Party shall advise the Court of the specific requirements of its national law.

Article 92

Provisional arrest

1. In urgent cases, the Court may request the provisional arrest of the person sought, pending presentation of the request for surrender and the documents supporting the request as specified in article 91.

2. The request for provisional arrest shall be made by any medium capable of delivering a written record and shall contain:

(a) Information describing the person sought, sufficient to identify the person, and information as to that person's probable location;

(b) A concise statement of the crimes for which the person's arrest is sought and of the facts which are alleged to constitute those crimes, including, where possible, the date and location of the crime;

(c) A statement of the existence of a warrant of arrest or a judgement of conviction against the person sought; and

(d) A statement that a request for surrender of the person sought will follow.

3. A person who is provisionally arrested may be released from custody if the requested State has not received the request for surrender and the documents supporting the request as specified in article 91 within the time limits specified in the Rules of Procedure and Evidence. However, the person may consent to surrender before the expiration of this period if permitted by the law of the requested State. In such a case, the requested State shall proceed to surrender the person to the Court as soon as possible.

4. The fact that the person sought has been released from custody pursuant to paragraph 3 shall not prejudice the subsequent arrest and surrender of that person if the request for surrender and the documents supporting the request are delivered at a later date.

(a) podatke z opisom iskane osebe, ki zadoščajo za ugotovitev njene istovetnosti, in podatke o tem, kje ta oseba domnevno je,

(b) kopijo naloga za prijetje in

(c) take dokumente, izjave ali podatke, kot so potrebni za zadostitev postopkovnim zahtevam za predajo v zaprošeni državi, pri čemer te zahteve ne smejo biti večje od zahtev, ki veljajo za izročitev po mednarodnih pogodbah ali dogovorih med zaprošeno državo in drugimi državami, in so, če je to mogoče, manjše, ob upoštevanju posebne narave Sodišča.

3. Kadar se zahteva prijetje ali predaja že obsojene osebe, zahteva vsebuje ali ima priložene:

(a) kopijo katerega koli naloga za prijetje te osebe,

(b) kopijo obsodilne sodbe,

(c) podatke, iz katerih je razvidno, da je oseba, za katero se zahteva predaja, tista, na katero se nanaša obsodilna sodba, in

(d) kopijo izreka kazni, če je bila oseba, za katero se zahteva predaja, že kaznovana, pri kazni zapora pa izjavo o dolžini že prestane kazni in dolžini preostale kazni.

4. Na zahtevo Sodišča se država pogodbenica posvetuje s Sodiščem na splošno ali glede posebnih vprašanj v zvezi s katerimi koli predpisi po njenem notranjem pravu, ki se lahko uporabljajo po pododstavku (c) drugega odstavka. Med posvetovanji država pogodbenica seznani Sodišče s posebnimi zahtevami svojega notranjega prava.

92. člen

Začasen odvzem prostosti

1. V nujnih primerih lahko Sodišče zahteva začasen odvzem prostosti osebi, za katero se zahteva predaja, in sicer dokler niso predloženi zahteva za predajo in spremljevalni dokumenti k zahtevi, kot so določeni v 91. členu.

2. Zahteva za začasen odvzem prostosti se pošlje s kakršnim koli sredstvom, ki omogoča pisni zapis, in vsebuje:

(a) podatke z opisom iskane osebe, ki zadoščajo za ugotovitev njene istovetnosti, in podatke o tem, kje ta oseba domnevno je,

(b) kratko in jedrnato navedbo kaznivih dejanj, zaradi katerih se prijetje osebe zahteva, ter o dejstvih, ki domnevno sestavljajo kazniva dejanja, vključno z datumom in krajem kaznivega dejanja, če je to mogoče;

(c) izjavo, da obstaja nalog za odvzem prostosti ali obsodilna sodba za iskano osebo, za katero se zahteva predaja, in

(d) izjavo, da bo zahteva za predajo osebe sledila.

3. Oseba, ki ji je začasno odvzeta prostost, se lahko izpusti, če zaprošena država ni prejela zahteve za predajo in spremljevalnih dokumentov iz 91. člena v roku, določenem v Pravilih o postopku in dokazih. Vendar pa lahko oseba da soglasje za predajo pred potekom tega roka, če zakonodaja zaprošene države to dopušča. V takem primeru zaprošena država osebo preda Sodišču v najkrajšem možnem času.

4. Izpustitev iskane osebe v skladu s tretjim odstavkom ne preprečuje poznejšega prijetja in predaje te osebe, če se zahteva za predajo in spremljevalni dokumenti pošljejo pozneje.

Article 93

Other forms of cooperation

1. States Parties shall, in accordance with the provisions of this Part and under procedures of national law, comply with requests by the Court to provide the following assistance in relation to investigations or prosecutions:

(a) The identification and whereabouts of persons or the location of items;

(b) The taking of evidence, including testimony under oath, and the production of evidence, including expert opinions and reports necessary to the Court;

(c) The questioning of any person being investigated or prosecuted;

(d) The service of documents, including judicial documents;

(e) Facilitating the voluntary appearance of persons as witnesses or experts before the Court;

(f) The temporary transfer of persons as provided in paragraph 7;

(g) The examination of places or sites, including the exhumation and examination of grave sites;

(h) The execution of searches and seizures;

(i) The provision of records and documents, including official records and documents;

(j) The protection of victims and witnesses and the preservation of evidence;

(k) The identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes for the purpose of eventual forfeiture, without prejudice to the rights of bona fide third parties; and

(l) Any other type of assistance which is not prohibited by the law of the requested State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court.

2. The Court shall have the authority to provide an assurance to a witness or an expert appearing before the Court that he or she will not be prosecuted, detained or subjected to any restriction of personal freedom by the Court in respect of any act or omission that preceded the departure of that person from the requested State.

3. Where execution of a particular measure of assistance detailed in a request presented under paragraph 1, is prohibited in the requested State on the basis of an existing fundamental legal principle of general application, the requested State shall promptly consult with the Court to try to resolve the matter. In the consultations, consideration should be given to whether the assistance can be rendered in another manner or subject to conditions. If after consultations the matter cannot be resolved, the Court shall modify the request as necessary.

4. In accordance with article 72, a State Party may deny a request for assistance, in whole or in part, only if the request concerns the production of any documents or disclosure of evidence which relates to its national security.

5. Before denying a request for assistance under paragraph 1 (l), the requested State shall consider whether the assistance can be provided subject to specified conditions, or whether the assistance can be provided at a later date or in an alternative manner, provided that if the Court or the Prosecutor accepts the assistance subject to conditions, the Court or the Prosecutor shall abide by them.

6. If a request for assistance is denied, the requested State Party shall promptly inform the Court or the Prosecutor of the reasons for such denial.

7. (a) The Court may request the temporary transfer of a person in custody for purposes of identification or for obtaining testimony or other assistance. The person may be transferred if the following conditions are fulfilled:

93. člen

Druge oblike sodelovanja

1. V skladu z določbami tega dela in po postopkih notranjega prava države pogodbenice izpolnijo zahteve Sodišča za pomoč pri preiskavah in pregonih, in sicer:

(a) ugotovitev istovetnosti osebe in ugotovitev kraja, kjer so osebe ali predmeti,

(b) pridobivanje dokazov, vključno s pričevanjem pod prisego, in predložitev dokazov, vključno z izvedenskimi mnenji in poročili, ki jih potrebuje Sodišče;

(c) zaslišanje osebe, proti kateri teče preiskava ali pregon,

(d) vročitev dokumentov, vključno s sodnimi,

(e) omogočanje prostovoljnega prihoda oseb kot prič ali izvedencev na Sodišču,

(f) začasna premestitev oseb, kot je predvideno v sedmem odstavku,

(g) preiskovanje krajev ali prostorov, vključno z izkopom trupel in preiskovanjem grobišč,

(h) hišne ali osebne preiskave in zaseg predmetov,

(i) zagotovitev spisov in dokumentov, vključno z uradnimi,

(j) varstvo žrtev in prič ter zavarovanje dokazov,

(k) prepoznavanje, izsleditev in zamrznitev ali zaseg premoženjske koristi, premoženja in sredstev ter predmetov kaznivih dejanj zaradi morebitnega odvzema brez poseganja v pravice dobrovernih tretjih oseb,

(l) kakršna koli druga vrsta pomoči, ki ni prepovedana z zakonodajo zaprošene države, da se olajšata preiskava in pregon kaznivih dejanj v pristojnosti Sodišča.

2. Sodišče lahko zagotovi osebi, ki nastopi pred Sodiščem kot priča ali izvedenec, da je ne bo preganjalo, pridržalo ali ji drugače omejevalo osebne svobode za katero koli dejanje ali opustitev dejanja storjeno, pred odhodom te osebe iz zaprošene države.

3. Kadar je izvajanje določenega ukrepa pomoči, opisanega v zahtevi iz prvega odstavka, v zaprošeni državi prepovedano na podlagi obstoječega temeljnega pravnega načela, ki se splošno uporablja, se zaprošena država nemudoma posvetuje s Sodiščem, da poskusi rešiti zadevo. Med posvetovanjem je treba pretehtati, ali se lahko pomoč da na drug način ali pod določenimi pogoji. Če zadeve po posvetovanjih ni moč rešiti, Sodišče spremeni zahtevo, kot je potrebno.

4. V skladu z 72. členom lahko država pogodbenica v celoti ali deloma odkloni zahtevo za pomoč, samo če se ta nanaša na predložitev dokumentov ali razkritje dokazov, ki se nanašajo na njeno državno varnost.

5. Pred odklonitvijo zahteve za pomoč po pododstavku (l) prvega odstavka zaprošena država prouči, ali se pomoč lahko zagotovi pod določenimi pogoji ali če se pomoč lahko zagotovi pozneje ali na drug način, pod pogojem, da Sodišče ali tožilec, če sprejme pomoč pod določenimi pogoji, te pogoje tudi upošteva.

6. Če se zahteva za pomoč odkloni, zaprošena država pogodbenica nemudoma sporoči Sodišču ali tožilcu razloge za tako odklonitev.

7. (a) Sodišče lahko zahteva začasno premestitev osebe, ki je v priporu, da se ugotovi njena istovetnost ali da se pridobi pričanje ali druga pomoč. Oseba se lahko premesti, če sta izpolnjena dva pogoja:

(i) The person freely gives his or her informed consent to the transfer; and

(ii) The requested State agrees to the transfer, subject to such conditions as that State and the Court may agree.

(b) The person being transferred shall remain in custody. When the purposes of the transfer have been fulfilled, the Court shall return the person without delay to the requested State.

8. (a) The Court shall ensure the confidentiality of documents and information, except as required for the investigation and proceedings described in the request.

(b) The requested State may, when necessary, transmit documents or information to the Prosecutor on a confidential basis. The Prosecutor may then use them solely for the purpose of generating new evidence.

(c) The requested State may, on its own motion or at the request of the Prosecutor, subsequently consent to the disclosure of such documents or information. They may then be used as evidence pursuant to the provisions of Parts 5 and 6 and in accordance with the Rules of Procedure and Evidence.

9. (a) (i) In the event that a State Party receives competing requests, other than for surrender or extradition, from the Court and from another State pursuant to an international obligation, the State Party shall endeavour, in consultation with the Court and the other State, to meet both requests, if necessary by postponing or attaching conditions to one or the other request.

(ii) Failing that, competing requests shall be resolved in accordance with the principles established in article 90.

(b) Where, however, the request from the Court concerns information, property or persons which are subject to the control of a third State or an international organization by virtue of an international agreement, the requested States shall so inform the Court and the Court shall direct its request to the third State or international organization.

10. (a) The Court may, upon request, cooperate with and provide assistance to a State Party conducting an investigation into or trial in respect of conduct which constitutes a crime within the jurisdiction of the Court or which constitutes a serious crime under the national law of the requesting State.

(b) (i) The assistance provided under subparagraph (a) shall include, inter alia:

a. The transmission of statements, documents or other types of evidence obtained in the course of an investigation or a trial conducted by the Court; and

b. The questioning of any person detained by order of the Court;

(ii) In the case of assistance under subparagraph (b) (i) a:

a. If the documents or other types of evidence have been obtained with the assistance of a State, such transmission shall require the consent of that State;

b. If the statements, documents or other types of evidence have been provided by a witness or expert, such transmission shall be subject to the provisions of article 68.

(c) The Court may, under the conditions set out in this paragraph, grant a request for assistance under this paragraph from a State which is not a Party to this Statute.

(i) oseba, pravilno poučena, svobodno in zavestno soglaša s premestitvijo in

(ii) zaprošena država soglaša s premestitvijo pod pogoji, o katerih se lahko dogovorita država in Sodišče.

(b) Oseba, ki se premešča, ostane v priporu. Ko je namen premestitve dosežen, Sodišče brez odlašanja vrne osebo zaprošeni državi.

8. (a) Sodišče zagotovi zaupnost dokumentov in podatkov, razen za potrebe preiskave in postopkov, opisanih v zahtevi.

(b) Zaprošena država lahko po potrebi tožilcu zaupno pošlje dokumente ali informacije. V tem primeru jih lahko tožilec uporabi samo za pridobitev novih dokazov.

(c) Zaprošena država lahko na lastno pobudo ali na zahtevo tožilca kasneje pristane na razkritje takih dokumentov ali podatkov. Ti se lahko nato uporabijo kot dokazi na podlagi določb 5. in 6. dela tega statuta in v skladu s Pravili o postopku in dokazih.

9. (a) (i) Če država pogodbenica od Sodišča in druge države v skladu z mednarodno obveznostjo prejme hkratne zahteve, ki ne pomenijo zahteve za predajo ali izročitev, si država pogodbenica ob posvetovanju s Sodiščem in drugo državo prizadeva izpolniti obe zahtevi po potrebi z odložitvijo ali z dodajanjem pogojev eni ali drugi zahtevi.

(ii) Če to ne uspe, se hkratni zahtevi rešita skladno z načeli, določenimi v 90. členu.

(b) Kadar pa se zahteva Sodišča nanaša na podatke, premoženje ali osebe, ki so po mednarodnem sporazumu pod nadzorom tretje države ali mednarodne organizacije, zaprošena država o tem obvesti Sodišče, to pa naslovi svojo zahtevo na tretjo državo ali mednarodno organizacijo.

10. (a) Sodišče lahko na zaprosilo sodeluje z državo pogodbenico in zagotovi pomoč, kadar ta vodi preiskavo ali sodi v zvezi z ravnanjem, ki je po statutu kaznivo dejanje v pristojnosti Sodišča ali je hudo kaznivo dejanje po notranjem pravu države prosilke.

(b) (i) Pomoč iz pododstavka (a) med drugim vključuje:

a. pošiljanje izjav, dokumentov ali drugih vrst dokazov, pridobljenih med preiskavo ali sojenjem, ki ga je izvedlo Sodišče, in

b. zaslišanje katere koli osebe, pridržane po odredbi Sodišča.

(ii) V primeru pomoči iz točke (i) a. pododstavka (b):

a. če so bili dokumenti ali druge vrste dokazov pridobljeni s pomočjo države, je za pošiljanje potrebno soglasje te države;

b. če je izjave, dokumente ali druge vrste dokazov zagotovila priča ali izvedenec, veljajo za tako pošiljanje določbe 68. člena.

(c) Sodišče lahko pod pogoji iz tega odstavka ugodi zaprosilu države, ki ni pogodbenica statuta za pomoč po tem odstavku.

Article 94

Postponement of execution of a request in respect of ongoing investigation or prosecution

1. If the immediate execution of a request would interfere with an ongoing investigation or prosecution of a case different from that to which the request relates, the requested State may postpone the execution of the request for a period of time agreed upon with the Court. However, the postponement shall be no longer than is necessary to complete the relevant investigation or prosecution in the requested State. Before making a decision to postpone, the requested State should consider whether the assistance may be immediately provided subject to certain conditions.

2. If a decision to postpone is taken pursuant to paragraph 1, the Prosecutor may, however, seek measures to preserve evidence, pursuant to article 93, paragraph 1 (j).

94. člen

Odložitev izpolnitve zahteve zaradi tekoče preiskave ali pregona

1. Če bi takojšnja izpolnitev zahteve ovirala tekočo preiskavo ali pregon za zadevo, ki ni tista, na katero se nanaša zahteva, lahko zaprošena država odloži izpolnitev zahteve za časovno obdobje, za katero se dogovori s Sodiščem. Odložitev ne sme biti daljša, kot je potrebno za dokončanje ustrezne preiskave ali pregona v zaprošeni državi. Pred sprejetjem odločitve za odložitev naj zaprošena država prouči, ali se lahko pomoč pod določenimi pogoji zagotovi takoj.

2. Če se odločitev za odložitev sprejme v skladu s prvim odstavkom, lahko tožilec zaprosi za ukrepe za zavarovanje dokazov v skladu s pododstavkom (j) prvega odstavka 93. člena.

Article 95

Postponement of execution of a request in respect of an admissibility challenge

Where there is an admissibility challenge under consideration by the Court pursuant to article 18 or 19, the requested State may postpone the execution of a request under this Part pending a determination by the Court, unless the Court has specifically ordered that the Prosecutor may pursue the collection of such evidence pursuant to article 18 or 19.

95. člen

Odložitev izpolnitve zahteve zaradi spodbijanja dopustnosti

Kadar Sodišče obravnava spodbijanje dopustnosti v skladu z 18. ali 19. členom, lahko zaprošena država odloži izpolnitev zahteve po tem delu do odločitve Sodišča, razen če Sodišče ni izrecno odredilo, da lahko tožilec nadaljuje z zbiranjem takih dokazov v skladu z 18. ali 19. členom.

Article 96

Contents of request for other forms of assistance under article 93

1. A request for other forms of assistance referred to in article 93 shall be made in writing. In urgent cases, a request may be made by any medium capable of delivering a written record, provided that the request shall be confirmed through the channel provided for in article 87, paragraph 1 (a).

2. The request shall, as applicable, contain or be supported by the following:

(a) A concise statement of the purpose of the request and the assistance sought, including the legal basis and the grounds for the request;

(b) As much detailed information as possible about the location or identification of any person or place that must be found or identified in order for the assistance sought to be provided;

(c) A concise statement of the essential facts underlying the request;

(d) The reasons for and details of any procedure or requirement to be followed;

(e) Such information as may be required under the law of the requested State in order to execute the request; and

(f) Any other information relevant in order for the assistance sought to be provided.

3. Upon the request of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that may apply under paragraph 2 (e). During the consultations, the State Party shall advise the Court of the specific requirements of its national law.

4. The provisions of this article shall, where applicable, also apply in respect of a request for assistance made to the Court.

96. člen

Vsebina zahteve za druge oblike pomoči po 93. členu

1. Zahteva za druge oblike pomoči, navedene v 93. členu, je pisna. V nujnih primerih se lahko zahteva pošlje s kakršnim koli sredstvom, ki omogoča pisni zapis, pod pogojem, da se zahteva potrdi tako, kot je določeno v pododstavku (a) prvega odstavka 87. člena.

2. Zahteva vsebuje oziroma so ji priloženi:

(a) kratka in jedrnata izjava o namenu zahteve in iskani pomoči, vključno s pravno podlago in razlogi za zahtevo,

(b) čim podrobnejši podatki o tem, kje oseba je, ali o njeni istovetnosti ali o kraju, ki ga je treba najti ali ugotoviti, da bi zagotovili iskano pomoč,

(c) kratka in jedrnata izjava o bistvenih dejstvih, ki so podlaga za zahtevo,

(d) razlogi in podrobnosti v zvezi s postopkom ali pogoji, ki jih je treba upoštevati,

(e) take informacije, kot so morda potrebne po pravu zaprošene države za izpolnitev zahteve, in

(f) druge ustrezne informacije za zagotovitev iskane pomoči.

3. Na zahtevo Sodišča se država pogodbenica z njim posvetuje na splošno ali glede posebnih vprašanj v zvezi s katerimi koli zahtevami po njenem notranjem pravu, ki se utegnejo uporabljati po pododstavku (e) drugega odstavka. Med posvetovanji država pogodbenica seznani Sodišče s posebnimi zahtevami svojega notranjega prava.

4. Kadar je to ustrezno, se določbe tega člena uporabljajo tudi glede zaprosil Sodišču za pomoč.

Article 97

Consultations

Where a State Party receives a request under this Part in relation to which it identifies problems which may impede or prevent the execution of the request, that State shall consult with the Court without delay in order to resolve the matter. Such problems may include, inter alia:

(a) Insufficient information to execute the request;

(b) In the case of a request for surrender, the fact that despite best efforts, the person sought cannot be located or that the investigation conducted has determined that the person in the requested State is clearly not the person named in the warrant; or

(c) The fact that execution of the request in its current form would require the requested State to breach a pre-existing treaty obligation undertaken with respect to another State.

97. člen

Posvetovanja

Kadar država pogodbenica prejme zahtevo po tem delu, v zvezi z njo pa odkrije težave, ki utegnejo ovirati ali preprečiti izpolnitev zahteve, se ta država brez odlašanja posvetuje s Sodiščem, da bi rešila zadevo. Take težave so med drugim:

(a) nezadostni podatki za izpolnitev zahteve,

(b) pri zahtevi za predajo dejstvo, da kljub največjim prizadevanjem ni moč ugotoviti, kje je oseba, za katero se zahteva predaja, ali pa je opravljena preiskava pokazala, da oseba v zaprošeni državi zagotovo ni tista, ki je imenovana v nalogu, ali

(c) dejstvo, da bi izpolnitev zahteve v tej obliki zahtevala od zaprošene države kršitev pred tem obstoječe pogodbene obveznosti do druge države.

Article 98

Cooperation with respect to waiver of immunity and consent to surrender

1. The Court may not proceed with a request for surrender or assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, unless the Court can first obtain the cooperation of that third State for the waiver of the immunity.

2. The Court may not proceed with a request for surrender which would require the requested State to act inconsistently with its obligations under international agreements pursuant to which the consent of a sending State is required to surrender a person of that State to the Court, unless the Court can first obtain the cooperation of the sending State for the giving of consent for the surrender.

98. člen

Sodelovanje pri odreku imuniteti in soglasju za predajo

1. Sodišče ne sme nadaljevati z zahtevo za predajo ali zahtevo za pomoč, ki bi od zaprošene države zahtevala, da ravna neskladno s svojimi obveznostmi po mednarodnem pravu glede imunitete države ali diplomatske imunitete osebe ali premoženja tretje države, razen če lahko Sodišče najprej zagotovi sodelovanje te tretje države za odrek imuniteti.

2. Sodišče ne sme vztrajati pri zahtevi za predajo, ki bi od zaprošene države zahtevala, da ravna neskladno s svojimi obveznostmi po mednarodnih sporazumih, po katerih je potrebno soglasje države pošiljateljice za predajo osebe iz te države Sodišču, razen če lahko Sodišče najprej zagotovi sodelovanje države pošiljateljice pri soglasju za predajo.

Article 99

Execution of requests under articles 93 and 96

1. Requests for assistance shall be executed in accordance with the relevant procedure under the law of the requested State and, unless prohibited by such law, in the manner specified in the request, including following any procedure outlined therein or permitting persons specified in the request to be present at and assist in the execution process.

2. In the case of an urgent request, the documents or evidence produced in response shall, at the request of the Court, be sent urgently.

3. Replies from the requested State shall be transmitted in their original language and form.

4. Without prejudice to other articles in this Part, where it is necessary for the successful execution of a request which can be executed without any compulsory measures, including specifically the interview of or taking evidence from a person on a voluntary basis, including doing so without the presence of the authorities of the requested State Party if it is essential for the request to be executed, and the examination without modification of a public site or other public place, the Prosecutor may execute such request directly on the territory of a State as follows:

(a) When the State Party requested is a State on the territory of which the crime is alleged to have been committed, and there has been a determination of admissibility pursuant to article 18 or 19, the Prosecutor may directly execute such request following all possible consultations with the requested State Party;

99. člen

Izpolnitev zahtev po 93. in 96. členu

1. Zahteve za pomoč se izpolnijo v skladu z ustreznim postopkom po pravu zaprošene države, in če po tem pravu to ni prepovedano, na način, ki je v zahtevi določen, vključno z upoštevanjem v zahtevi navedenih postopkov, ali z dovoljenjem osebam, ki so v zahtevi navedene, da so navzoče in sodelujejo v postopku izvrševanja.

2. Pri nujni zahtevi se na zahtevo Sodišča dokumenti ali dokazi, pridobljeni v odgovor, pošljejo takoj.

3. Odgovori zaprošene države se pošljejo v izvirnem jeziku in obliki.

4. Ne glede na druge člene v tem delu sme tožilec izpolniti zahtevo neposredno na ozemlju neke države, če je to potrebno za uspešno izpolnitev zahteve in če je to možno izvesti brez prisilnih ukrepov, predvsem z razgovorom z osebo in pridobitvijo dokazov od nje na prostovoljni podlagi, in to tudi brez navzočnosti organov oblasti zaprošene države pogodbenice, če je to bistveno za izpolnitev zahteve, sme pa opraviti tudi ogled javnega kraja ali drugega javnega prostora, ne da bi ga spreminjal, in sicer lahko tako ravna:

(a) če je zaprošena država pogodbenica država, na ozemlju katere je bilo domnevno storjeno kaznivo dejanje in je bila ugotovljena dopustnost po 18. ali 19. členu, lahko tožilec neposredno izpolni tako zahtevo po vseh možnih posvetovanjih z zaprošeno državo pogodbenico;

(b) In other cases, the Prosecutor may execute such request following consultations with the requested State Party and subject to any reasonable conditions or concerns raised by that State Party. Where the requested State Party identifies problems with the execution of a request pursuant to this subparagraph it shall, without delay, consult with the Court to resolve the matter.

5. Provisions allowing a person heard or examined by the Court under article 72 to invoke restrictions designed to prevent disclosure of confidential information connected with national security shall also apply to the execution of requests for assistance under this article.

Article 100

Costs

1. The ordinary costs for execution of requests in the territory of the requested State shall be borne by that State, except for the following, which shall be borne by the Court:

(a) Costs associated with the travel and security of witnesses and experts or the transfer under article 93 of persons in custody;

(b) Costs of translation, interpretation and transcription;

(c) Travel and subsistence costs of the judges, the Prosecutor, the Deputy Prosecutors, the Registrar, the Deputy Registrar and staff of any organ of the Court;

(d) Costs of any expert opinion or report requested by the Court;

(e) Costs associated with the transport of a person being surrendered to the Court by a custodial State; and

(f) Following consultations, any extraordinary costs that may result from the execution of a request.

2. The provisions of paragraph 1 shall, as appropriate, apply to requests from States Parties to the Court. In that case, the Court shall bear the ordinary costs of execution.

Article 101

Rule of speciality

1. A person surrendered to the Court under this Statute shall not be proceeded against, punished or detained for any conduct committed prior to surrender, other than the conduct or course of conduct which forms the basis of the crimes for which that person has been surrendered.

2. The Court may request a waiver of the requirements of paragraph 1 from the State which surrendered the person to the Court and, if necessary, the Court shall provide additional information in accordance with article 91. States Parties shall have the authority to provide a waiver to the Court and should endeavour to do so.

Article 102

Use of terms

For the purposes of this Statute:

(a) "surrender" means the delivering up of a person by a State to the Court, pursuant to this Statute.

(b) "extradition" means the delivering up of a person by one State to another as provided by treaty, convention or national legislation.

(b) v drugih primerih lahko tožilec izpolni tako zahtevo po posvetovanjih z zaprošeno državo pogodbenico in ob upoštevanju vseh razumnih pogojev ali pomislekov, ki jih ima ta država pogodbenica. Če država pogodbenica ugotovi težave pri izpolnitvi zahteve po tem pododstavku, se brez odlašanja posvetuje s Sodiščem, da reši zadevo.

5. Določbe, ki dovoljujejo osebi, ki jo Sodišče zasliši ali preiskuje v skladu z 72. členom, da se sklicuje na omejitve, namenjene preprečitvi razkritja zaupnih podatkov v zvezi z obrambo ali varnostjo države, se uporabljajo tudi za izpolnjevanje zahtev za pomoč po tem členu.

100. člen

Stroški

1. Običajne stroške za izpolnitev zahtev na ozemlju zaprošene države krije ta država, razen naslednjih, ki jih krije Sodišče:

(a) stroški, povezani s potovanjem in varnostjo prič in izvedencev ali s premestitvijo oseb, ki jim je bila odvzeta prostost po 93. členu,

(b) stroški prevajanja, tolmačenja in prepisovanja,

(c) potni stroški in dnevnice sodnikov, tožilca, namestnikov tožilca, tajnika sodišča, namestnika tajnika sodišča in osebja katerega koli organa Sodišča,

(d) stroški izvedenskih mnenj ali poročil, ki jih zahteva Sodišče,

(e) stroški, povezani s prevozom osebe, ki jo Sodišču predaja država pridržanja,

(f) po posvetovanjih tudi izredni stroški, ki bi lahko nastali zaradi izpolnjevanja zahteve.

2. Določbe prvega odstavka se lahko ustrezno uporabljajo za zaprosila držav pogodbenic Sodišču. V tem primeru Sodišče krije običajne stroške izpolnitve.

101. člen

Pravilo specialnosti

1. Proti osebi, predani Sodišču v skladu s tem statutom, se ne sme uvesti postopek, oseba se ne sme kaznovati ali pripreti zaradi ravnanja pred predajo, razen za ravnanje, ki je podlaga kaznivih dejanj, zaradi katerih je bila ta oseba predana.

2. Sodišče lahko zahteva od države, ki mu je osebo predala, da se odreče zahtevam iz prvega odstavka, in po potrebi Sodišče zagotovi dodatne podatke v skladu z 91. členom. Države pogodbenice so pristojne, da se v korist Sodišča odrečejo svojim zahtevam in bi si morale za to prizadevati.

102. člen

Uporaba izrazov

V tem statutu:

(a) "predaja" pomeni, da država preda osebo po tem statutu Sodišču,

(b) "izročitev" pomeni, da ena država preda osebo drugi državi, kot je določeno v mednarodni pogodbi, konvenciji ali notranji zakonodaji.

PART 10. ENFORCEMENT

Article 103
Role of States in enforcement of sentences of imprisonment

1. (a) A sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons.

(b) At the time of declaring its willingness to accept sentenced persons, a State may attach conditions to its acceptance as agreed by the Court and in accordance with this Part.

(c) A State designated in a particular case shall promptly inform the Court whether it accepts the Court's designation.

2. (a) The State of enforcement shall notify the Court of any circumstances, including the exercise of any conditions agreed under paragraph 1, which could materially affect the terms or extent of the imprisonment. The Court shall be given at least 45 days' notice of any such known or foreseeable circumstances. During this period, the State of enforcement shall take no action that might prejudice its obligations under article 110.

(b) Where the Court cannot agree to the circumstances referred to in subparagraph (a), it shall notify the State of enforcement and proceed in accordance with article 104, paragraph 1.

3. In exercising its discretion to make a designation under paragraph 1, the Court shall take into account the following:

(a) The principle that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable distribution, as provided in the Rules of Procedure and Evidence;

(b) The application of widely accepted international treaty standards governing the treatment of prisoners;

(c) The views of the sentenced person;

(d) The nationality of the sentenced person;

(e) Such other factors regarding the circumstances of the crime or the person sentenced, or the effective enforcement of the sentence, as may be appropriate in designating the State of enforcement.

4. If no State is designated under paragraph 1, the sentence of imprisonment shall be served in a prison facility made available by the host State, in accordance with the conditions set out in the headquarters agreement referred to in article 3, paragraph 2. In such a case, the costs arising out of the enforcement of a sentence of imprisonment shall be borne by the Court.

Article 104
Change in designation of State of enforcement

1. The Court may, at any time, decide to transfer a sentenced person to a prison of another State.

2. A sentenced person may, at any time, apply to the Court to be transferred from the State of enforcement.

Article 105
Enforcement of the sentence

1. Subject to conditions which a State may have specified in accordance with article 103, paragraph 1 (b), the sentence of imprisonment shall be binding on the States Parties, which shall in no case modify it.

10. DEL
IZVRŠEVANJE

103. člen
Vloga držav pri izvrševanju kazni zapora

1. (a) Kazen zapora se prestaja v državi, ki jo določi Sodišče s seznama držav, ki so Sodišču izrazile svojo pripravljenost, da sprejmejo obsojence.

(b) Ko država izrazi svojo pripravljenost, da sprejme obsojence, lahko za to postavi pogoje, ki jih potrdi Sodišče in so v skladu s tem delom statuta.

(c) Država, ki je v posameznem primeru določena, takoj obvesti Sodišče, ali sprejme njegovo odločitev.

2. (a) Država izvrševanja uradno obvesti Sodišče o katerih koli okoliščinah, vključno z izpolnjevanjem vseh pogojev, dogovorjenih v skladu s prvim odstavkom, ki bi lahko pomembno vplivali na pogoje ali obseg kazni zapora. Sodišče je treba o vseh takih znanih ali predvidljivih okoliščinah uradno obvestiti vsaj 45 dni vnaprej. V tem času država izvrševanja ne ukrene ničesar, kar bi lahko vplivalo na njene obveznosti po 110. členu.

(b) Če se Sodišče ne more strinjati z okoliščinami, navedenimi v pododstavku (a), uradno obvesti državo izvrševanja in nadaljuje s postopkom v skladu s prvim odstavkom 104. člena.

3. Ob presojanju o določitvi v skladu s prvim odstavkom Sodišče upošteva:

(a) načelo, da bi morale biti države pogodbenice enako odgovorne za izvrševanje kazni zapora v skladu z načeli pravične porazdelitve, kot je to določeno v Pravilih o postopku in dokazih;

(b) uporabo splošno sprejetih mednarodnih pogodbenih standardov o ravnanju z zaporniki;

(c) stališča obsojenca in

(d) državljanstvo obsojenca;

(e) druge dejavnike, ki se nanašajo na okoliščine kaznivega dejanja ali na obsojenca ali učinkovito izvrševanje kazni, ki so primerni za določitev države izvrševanja.

4. Če po prvem odstavku ni določena nobena država, se kazen zapora prestaja v zaporu, ki ga da na voljo država gostiteljica v skladu s pogoji, določenimi v sporazumu o sedežu, navedenem v drugem odstavku 3. člena. V takem primeru Sodišče krije stroške, ki nastanejo pri izvrševanju kazni zapora.

104. člen
Sprememba določitve države izvrševanja

1. Sodišče lahko kadar koli odloči, da se obsojenec premesti v zapor druge države.

2. Obsojenec lahko kadar koli zaprosi Sodišče za premestitev iz države izvrševanja.

105. člen
Izvrševanje kazni

1. Ob upoštevanju pogojev, ki jih je država morda že določila v skladu s pododstavkom (b) prvega odstavka 103. člena, je kazen zapora zavezujoča za države pogodbenice, ki je nikakor ne smejo spreminjati.

2. The Court alone shall have the right to decide any application for appeal and revision. The State of enforcement shall not impede the making of any such application by a sentenced person.

Article 106

Supervision of enforcement of sentences and conditions of imprisonment

1. The enforcement of a sentence of imprisonment shall be subject to the supervision of the Court and shall be consistent with widely accepted international treaty standards governing treatment of prisoners.

2. The conditions of imprisonment shall be governed by the law of the State of enforcement and shall be consistent with widely accepted international treaty standards governing treatment of prisoners; in no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in the State of enforcement.

3. Communications between a sentenced person and the Court shall be unimpeded and confidential.

Article 107

Transfer of the person upon completion of sentence

1. Following completion of the sentence, a person who is not a national of the State of enforcement may, in accordance with the law of the State of enforcement, be transferred to a State which is obliged to receive him or her, or to another State which agrees to receive him or her, taking into account any wishes of the person to be transferred to that State, unless the State of enforcement authorizes the person to remain in its territory.

2. If no State bears the costs arising out of transferring the person to another State pursuant to paragraph 1, such costs shall be borne by the Court.

3. Subject to the provisions of article 108, the State of enforcement may also, in accordance with its national law, extradite or otherwise surrender the person to a State which has requested the extradition or surrender of the person for purposes of trial or enforcement of a sentence.

Article 108

Limitation on the prosecution or punishment of other offences

1. A sentenced person in the custody of the State of enforcement shall not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's delivery to the State of enforcement, unless such prosecution, punishment or extradition has been approved by the Court at the request of the State of enforcement.

2. The Court shall decide the matter after having heard the views of the sentenced person.

3. Paragraph 1 shall cease to apply if the sentenced person remains voluntarily for more than 30 days in the territory of the State of enforcement after having served the full sentence imposed by the Court, or returns to the territory of that State after having left it.

Article 109

Enforcement of fines and forfeiture measures

1. States Parties shall give effect to fines or forfeitures ordered by the Court under Part 7, without prejudice to the rights of bona fide third parties, and in accordance with the procedure of their national law.

2. Samo Sodišče ima pravico, da odloča o kakršni koli pritožbi ali zahtevi za revizijo. Država izvrševanja ne sme ovirati obsojenca pri vložitvi take vloge.

106. člen

Nadziranje izvrševanja kazni in pogojev kazni zapora

1. Sodišče nadzira izvrševanje kazni zapora, ki mora biti v skladu s splošno sprejetimi mednarodnimi pogodbenimi standardi o ravnanju z zaporniki.

2. Pogoje kazni zapora ureja pravo države izvrševanja in so v skladu s splošno sprejetimi mednarodnimi pogodbenimi standardi o ravnanju z zaporniki; ti pogoji nikakor ne smejo biti bolj ali manj ugodni kot tisti, ki so na voljo zapornikom, obsojenim za podobna kazniva dejanja v državi izvrševanja.

3. Komuniciranje med obsojencem in Sodiščem je neovirano in zaupno.

107. člen

Premestitev osebe po prestani kazni

1. Po prestani kazni je lahko oseba, ki ni državljanka države izvrševanja, v skladu s pravom te države premeščena v državo, ki jo mora sprejeti, ali v drugo državo, ki s tem soglaša, pri tem pa je treba upoštevati želje osebe, ki naj bo premeščena v to državo, razen če država izvrševanja tej osebi dovoli, da ostane na njenem ozemlju.

2. Če nobena država ne krije stroškov, ki nastanejo ob premestitvi osebe v drugo državo v skladu s prvim odstavkom, take stroške krije Sodišče.

3. Ob upoštevanju določb 108. člena lahko država izvrševanja v skladu s svojim notranjim pravom tudi izroči ali drugače preda osebo državi, ki je izročitev ali predajo osebe zahtevala za sojenje ali izvršitev sodbe.

108. člen

Omejitev pregona ali kaznovanja za druga kazniva dejanja

1. Obsojenci v varstvu države izvrševanja se ne smejo preganjati ali kaznovati ali izročiti tretji državi za kakršno koli ravnanje, storjeno pred njegovo premestitvijo v državo izvrševanja, razen če je tak pregon, kaznovanje ali izročitev odobrilo Sodišče na zahtevo države izvrševanja.

2. Sodišče odloča o zadevi po zaslišanju obsojenca.

3. Prvi odstavek se preneha uporabljati, če obsojenec prostovoljno ostane na ozemlju države izvrševanja več kot 30 dni, potem ko je v celoti prestal kazen, ki mu jo je naložilo Sodišče, ali če se vrne na ozemlje te države, potem ko ga je zapustil.

109. člen

Izvrševanje denarnih kazni in ukrepov odvzema

1. Države pogodbenice izvršijo denarne kazni ali odvzeme, ki jih v skladu s 7. delom odredi Sodišče, brez vpliva na pravice dobrovernih tretjih oseb ter v skladu s postopkom svojega notranjega prava.

2. If a State Party is unable to give effect to an order for forfeiture, it shall take measures to recover the value of the proceeds, property or assets ordered by the Court to be forfeited, without prejudice to the rights of bona fide third parties.

3. Property, or the proceeds of the sale of real property or, where appropriate, the sale of other property, which is obtained by a State Party as a result of its enforcement of a judgement of the Court shall be transferred to the Court.

Article 110

Review by the Court concerning reduction of sentence

1. The State of enforcement shall not release the person before expiry of the sentence pronounced by the Court.

2. The Court alone shall have the right to decide any reduction of sentence, and shall rule on the matter after having heard the person.

3. When the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court shall review the sentence to determine whether it should be reduced. Such a review shall not be conducted before that time.

4. In its review under paragraph 3, the Court may reduce the sentence if it finds that one or more of the following factors are present:

(a) The early and continuing willingness of the person to cooperate with the Court in its investigations and prosecutions;

(b) The voluntary assistance of the person in enabling the enforcement of the judgements and orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders of fine, forfeiture or reparation which may be used for the benefit of victims; or

(c) Other factors establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence, as provided in the Rules of Procedure and Evidence.

5. If the Court determines in its initial review under paragraph 3 that it is not appropriate to reduce the sentence, it shall thereafter review the question of reduction of sentence at such intervals and applying such criteria as provided for in the Rules of Procedure and Evidence.

Article 111

Escape

If a convicted person escapes from custody and flees the State of enforcement, that State may, after consultation with the Court, request the person's surrender from the State in which the person is located pursuant to existing bilateral or multilateral arrangements, or may request that the Court seek the person's surrender, in accordance with Part 9. It may direct that the person be delivered to the State in which he or she was serving the sentence or to another State designated by the Court.

PART 11. ASSEMBLY OF STATES PARTIES

Article 112

Assembly of States Parties

1. An Assembly of States Parties to this Statute is hereby established. Each State Party shall have one representative in the Assembly who may be accompanied by alternates and advisers. Other States which have signed this Statute or the Final Act may be observers in the Assembly.

2. Če država pogodbenica ne more izvršiti naloga za odvzem, sprejme ukrepe za povrnitev vrednosti premoženjske koristi, premoženja ali sredstev, za katere je Sodišče odredilo odvzem, ne da bi to vplivalo na pravice dobrovernih tretjih oseb.

3. Premoženje ali premoženjska korist od prodaje nepremičnin oziroma od prodaje drugega premoženja, ki ga pridobi država pogodbenica zaradi izvršitve sodbe Sodišča, se prenese na Sodišče.

110. člen

Odločanje Sodišča o omilitvi kazni

1. Država izvrševanja ne sme izpustiti zapornika pred iztekom kazni, ki jo je izreklo Sodišče.

2. Samo Sodišče ima pravico odločati o omilitvi kazni; o tem odloči po zaslišanju obsojenca.

3. Ko obsojenec prestane dve tretjini kazni ali 25 let pri kazni dosmrtnega zapora, Sodišče preveri kazen, da bi odločilo, ali naj se omili. Tako preverjanje pred tem ni mogoče.

4. Pri preverjanju po tretjem odstavku lahko Sodišče omili kazen, če ugotovi enega ali več naslednjih dejavnikov:

(a) zgodnjo in nenehno pripravljenost osebe, da sodeluje s Sodiščem pri njegovih preiskavah in pregonih;

(b) prostovoljno pomoč osebe pri omogočanju izvrševanja sodb in odredb Sodišča v drugih primerih, zlasti pa pomoč pri ugotavljanju, kje so sredstva, za katere veljajo odredbe o denarni kazni, odvzemu ali odškodnini, ki bi lahko bila uporabljena v korist žrtev, ali

(c) druge dejavnike, ki kažejo na jasno in pomembno spremembo okoliščin, zadostno, da upraviči omilitev kazni, kot je določeno v Pravilih o postopku in dokazih.

5. Če Sodišče pri prvem začetnem preverjanju po tretjem odstavku ugotovi, da omilitev kazni ni primerna, kasneje preverja omilitev kazni v takih presledkih in ob uporabi takih meril, kot so predvidena v Pravilih o postopku in dokazih.

111. člen

Pobeg

Če obsojenec pobegne iz zapora ter zbeži iz države izvrševanja, lahko ta država po posvetovanju s Sodiščem zahteva od države, v kateri je oseba, da jo preda v skladu z veljavnimi dvostranskimi ali mnogostranskimi dogovori, ali pa zaprosi Sodišče, da zahteva predajo osebe v skladu z 9. delom. Sodišče lahko odredi, da se oseba vrne državi, v kateri je prestajala kazen, ali pošlje drugi državi, ki jo določi Sodišče.

11. DEL
SKUPŠČINA DRŽAV POGODBENIC

112. člen

Skupščina držav pogodbenic

1. S tem je ustanovljena Skupščina držav pogodbenic tega statuta. Vsaka država pogodbenica ima v Skupščini enega predstavnika, ki ga lahko spremljajo namestniki in svetovalci. Druge države, ki so podpisale statut ali sklepno listino, so lahko opazovalke v Skupščini.

2. The Assembly shall:

(a) Consider and adopt, as appropriate, recommendations of the Preparatory Commission;

(b) Provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;

(c) Consider the reports and activities of the Bureau established under paragraph 3 and take appropriate action in regard thereto;

(d) Consider and decide the budget for the Court;

(e) Decide whether to alter, in accordance with article 36, the number of judges;

(f) Consider pursuant to article 87, paragraphs 5 and 7, any question relating to non-cooperation;

(g) Perform any other function consistent with this Statute or the Rules of Procedure and Evidence.

3. (a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms.

(b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.

(c) The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Assembly in the discharge of its responsibilities.

4. The Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.

5. The President of the Court, the Prosecutor and the Registrar or their representatives may participate, as appropriate, in meetings of the Assembly and of the Bureau.

6. The Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in this Statute, special sessions shall be convened by the Bureau on its own initiative or at the request of one third of the States Parties.

7. Each State Party shall have one vote. Every effort shall be made to reach decisions by consensus in the Assembly and in the Bureau. If consensus cannot be reached, except as otherwise provided in the Statute:

(a) Decisions on matters of substance must be approved by a two-thirds majority of those present and voting provided that an absolute majority of States Parties constitutes the quorum for voting;

(b) Decisions on matters of procedure shall be taken by a simple majority of States Parties present and voting.

8. A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

9. The Assembly shall adopt its own rules of procedure.

10. The official and working languages of the Assembly shall be those of the General Assembly of the United Nations.

2. Skupščina:

(a) obravnava oziroma sprejme priporočila pripravljalne komisije,

(b) zagotovi predsedstvu, tožilcu in tajniku Sodišča upravljavski nadzor v zvezi z delovanjem Sodišča,

(c) obravnava poročila in dejavnosti urada, ustanovljenega v skladu s tretjim odstavkom, in v zvezi s tem ustrezno ukrepa,

(d) obravnava in odloča o proračunu Sodišča,

(e) odloči, ali se v skladu s 36. členom spremeni število sodnikov,

(f) v skladu s petim in sedmim odstavkom 87. člena prouči vsako vprašanje, ki se nanaša na nesodelovanje,

(g) opravlja vsako drugo nalogo v skladu s tem statutom ali Pravili o postopku in dokazih.

3. (a) Skupščina ima urad, ki ga sestavljajo predsednik, dva podpredsednika in 18 članov, ki jih izvoli Skupščina za tri leta.

(b) Urad je predstavniško telo in upošteva zlasti pravične geografske porazdelitve in ustrezne zastopanosti glavnih pravnih sistemov sveta.

(c) Urad se sestaja tako pogosto, kot je potrebno, vendar vsaj enkrat letno. Pomaga Skupščini pri opravljanju njenih dolžnosti.

4. Skupščina lahko po potrebi ustanovi pomožna telesa, vključno z neodvisnim nadzornim mehanizmom za pregled, oceno in preiskavo Sodišča, da bi povečala njegovo učinkovitost in gospodarnost.

5. Predsednik Sodišča, tožilec in tajnik sodišča ali njihovi predstavniki lahko po potrebi, sodelujejo na sestankih Skupščine in urada.

6. Skupščina se sestaja na sedežu Sodišča ali na sedežu Združenih narodov enkrat letno in ima posebna zasedanja, kadar okoliščine to zahtevajo. Če ni drugače določeno v tem statutu, skliče urad posebna zasedanja na lastno pobudo ali na zahtevo ene tretjine držav pogodbenic.

7. Vsaka država pogodbenica ima en glas. V Skupščini in uradu se stori vse, da se odloča s konsenzom. Če konsenza ni mogoče doseči in ni drugače določeno v statutu:

(a) je treba odločitve o vsebinskih zadevah sprejemati z dvetretjinsko večino tistih, ki so navzoči in glasujejo, pod pogojem, da absolutna večina držav pogodbenic zadošča za sklepčnost pri glasovanju;

(b) se odločitve o zadevah postopka sprejemajo z navadno večino držav pogodbenic, ki so navzoče in glasujejo.

8. Država pogodbenica, ki je v zaostanku s plačilom svojih finančnih prispevkov za kritje stroškov Sodišča, v Skupščini in uradu nima pravice glasovanja, če je znesek njenih zaostalih dolgov enak ali presega znesek prispevkov, ki jih dolguje za prejšnji polni dve leti. Skupščina kljub temu lahko dovoli taki državi pogodbenici, da glasuje v Sskupščini in uradu, če je prepričana, da je do neplačila prišlo zaradi okoliščin, na katere država pogodbenica ne more vplivati.

9. Skupščina sprejme svoj poslovnik.

10. Uradni in delovni jeziki Skupščine so jeziki Generalne skupščine Združenih narodov.

PART 12. FINANCING

Article 113

Financial Regulations

Except as otherwise specifically provided, all financial matters related to the Court and the meetings of the Assembly of States Parties, including its Bureau and subsidiary bodies, shall be governed by this Statute and the Financial Regulations and Rules adopted by the Assembly of States Parties.

Article 114

Payment of expenses

Expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, shall be paid from the funds of the Court.

Article 115

Funds of the Court and of the Assembly of States Parties

The expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, as provided for in the budget decided by the Assembly of States Parties, shall be provided by the following sources:

(a) Assessed contributions made by States Parties;

(b) Funds provided by the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council.

Article 116

Voluntary contributions

Without prejudice to article 115, the Court may receive and utilize, as additional funds, voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties.

Article 117

Assessment of contributions

The contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale is based.

Article 118

Annual audit

The records, books and accounts of the Court, including its annual financial statements, shall be audited annually by an independent auditor.

12. DEL
FINANCIRANJE

113. člen

Finančni predpisi

Če ni drugače posebej določeno, vse finančne zadeve, ki se nanašajo na Sodišče in zasedanja Skupščine držav pogodbenic, vključno z njenim uradom in pomožnimi telesi, urejajo ta statut in finančni predpisi ter poslovnik, ki ga sprejme Skupščina držav pogodbenic.

114. člen

Plačevanje stroškov

Stroški Sodišča in Skupščine držav pogodbenic, vključno z njenim uradom in pomožnimi telesi, se plačujejo iz sredstev Sodišča.

115. člen

Sredstva Sodišča in Skupščine držav pogodbenic

Stroški Sodišča in Skupščine držav pogodbenic, vključno z njenim uradom in pomožnimi telesi, kot predvideva proračun, o katerem odloča Skupščina držav pogodbenic, se krijejo iz teh virov:

(a) odmerjenih prispevkov držav pogodbenic;

(b) sredstev, ki jih zagotovijo Združeni narodi s soglasjem Generalne skupščine, zlasti za stroške, nastale zaradi naznanitev Varnostnega sveta.

116. člen

Prostovoljni prispevki

Ne glede na 115. člen lahko Sodišče kot dodatna sredstva prejme in uporabi prostovoljne prispevke vlad, mednarodnih organizacij, posameznikov, podjetij in drugih subjektov v skladu z ustreznimi merili, ki jih sprejme Skupščina držav pogodbenic.

117. člen

Odmera prispevkov

Prispevki držav pogodbenic se odmerijo v skladu z dogovorjeno lestvico deležev financiranja, ki temelji na lestvici, ki so jo sprejeli Združeni narodi za svoj redni proračun, in je prilagojena po načelih, na katerih ta lestvica temelji.

118. člen

Letna revizija

Dokumentacijo, knjige in račune Sodišča, vključno z letnimi računovodskimi izkazi, letno revidira neodvisni revizor.

PART 13. FINAL CLAUSES

Article 119

Settlement of disputes

1. Any dispute concerning the judicial functions of the Court shall be settled by the decision of the Court.

2. Any other dispute between two or more States Parties relating to the interpretation or application of this Statute which is not settled through negotiations within three months of their commencement shall be referred to the Assembly of States Parties. The Assembly may itself seek to settle the dispute or may make recommendations on further means of settlement of the dispute, including referral to the International Court of Justice in conformity with the Statute of that Court.

Article 120

Reservations

No reservations may be made to this Statute.

Article 121

Amendments

1. After the expiry of seven years from the entry into force of this Statute, any State Party may propose amendments thereto. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations, who shall promptly circulate it to all States Parties.

2. No sooner than three months from the date of notification, the Assembly of States Parties, at its next meeting, shall, by a majority of those present and voting, decide whether to take up the proposal. The Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants.

3. The adoption of an amendment at a meeting of the Assembly of States Parties or at a Review Conference on which consensus cannot be reached shall require a two-thirds majority of States Parties.

4. Except as provided in paragraph 5, an amendment shall enter into force for all States Parties one year after instruments of ratification or acceptance have been deposited with the Secretary-General of the United Nations by seven-eighths of them.

5. Any amendment to articles 5, 6, 7 and 8 of this Statute shall enter into force for those States Parties which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance. In respect of a State Party which has not accepted the amendment, the Court shall not exercise its jurisdiction regarding a crime covered by the amendment when committed by that State Party's nationals or on its territory.

6. If an amendment has been accepted by seven-eighths of States Parties in accordance with paragraph 4, any State Party which has not accepted the amendment may withdraw from this Statute with immediate effect, notwithstanding article 127, paragraph 1, but subject to article 127, paragraph 2, by giving notice no later than one year after the entry into force of such amendment.

7. The Secretary-General of the United Nations shall circulate to all States Parties any amendment adopted at a meeting of the Assembly of States Parties or at a Review Conference.

13. DEL
KONČNE DOLOČBE

119. člen

Reševanje sporov

1. Vsak spor glede sodnih nalog Sodišča se rešuje z odločitvijo Sodišča.

2. Kateri koli drug spor med dvema ali več državami pogodbenicami v zvezi z razlago ali uporabo tega statuta, ki se ne reši s pogajanji v treh mesecih od njihovega začetka, se predloži Skupščini držav pogodbenic. Skupščina lahko sama poskuša rešiti spor ali da priporočila o nadaljnjih sredstvih za reševanje spora, vključno z napotitvijo na Meddržavno sodišče v skladu z njegovim statutom.

120. člen

Pridržki

K temu statutu niso dovoljeni nobeni pridržki.

121. člen

Spremembe

1. Vsaka država pogodbenica lahko po sedmih let od začetka veljavnosti tega statuta predlaga njegove spremembe. Besedilo katere koli predlagane spremembe se pošlje generalnemu sekretarju Združenih narodov, ki ga takoj razpošlje vsem državam pogodbenicam.

2. Najmanj tri mesece od dneva uradnega obvestila naslednja Skupščina držav pogodbenic z večino glasov tistih, ki so navzoči in glasujejo, odloči, ali bo predlog obravnavala. Skupščina lahko predlog obravnava sama ali skliče revizijsko konferenco, če zadeva to upravičuje.

3. Za sprejetje spremembe na zasedanju Skupščine držav pogodbenic ali na revizijski konferenci, na kateri ni mogoče doseči konsenza, je potrebna dvetretjinska večina držav pogodbenic.

4. Razen kot je določeno v petem odstavku, začne sprememba za vse države pogodbenice veljati eno leto po tem, ko je sedem osmin teh držav deponiralo listine o ratifikaciji ali sprejetju pri generalnem sekretarju Združenih narodov.

5. Vsaka sprememba 5., 6., 7., in 8. člena tega statuta začne veljati za tiste države pogodbenice, ki so sprejele spremembo, eno leto po deponiranju listin o njihovi ratifikaciji ali sprejetju. Za državo pogodbenico, ki ni sprejela spremembe, Sodišče ne izvaja svoje jurisdikcije za kaznivo dejanje, ki ga zajema sprememba, če ga storijo državljani te države pogodbenice ali če je storjeno na njenem ozemlju.

6. Če je spremembo sprejelo sedem osmin držav pogodbenic v skladu s četrtim odstavkom, lahko država pogodbenica, ki ni sprejela spremembe, s takojšnjo veljavnostjo odpove statut ne glede na prvi odstavek 127. člena, vendar skladno z drugim odstavkom 127. člena, z obvestilom najpozneje eno leto po začetku veljavnosti take spremembe.

7. Generalni sekretar Združenih narodov razpošlje vsem državam pogodbenicam vsako spremembo, sprejeto na zasedanju Skupščine držav pogodbenic ali na revizijski konferenci.

Article 122

Amendments to provisions of an institutional nature

1. Amendments to provisions of this Statute which are of an exclusively institutional nature, namely, article 35, article 36, paragraphs 8 and 9, article 37, article 38, article 39, paragraphs 1 (first two sentences), 2 and 4, article 42, paragraphs 4 to 9, article 43, paragraphs 2 and 3, and articles 44, 46, 47 and 49, may be proposed at any time, notwithstanding article 121, paragraph 1, by any State Party. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations or such other person designated by the Assembly of States Parties who shall promptly circulate it to all States Parties and to others participating in the Assembly.

2. Amendments under this article on which consensus cannot be reached shall be adopted by the Assembly of States Parties or by a Review Conference, by a two-thirds majority of States Parties. Such amendments shall enter into force for all States Parties six months after their adoption by the Assembly or, as the case may be, by the Conference.

Article 123

Review of the Statute

1. Seven years after the entry into force of this Statute the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to this Statute. Such review may include, but is not limited to, the list of crimes contained in article 5. The Conference shall be open to those participating in the Assembly of States Parties and on the same conditions.

2. At any time thereafter, at the request of a State Party and for the purposes set out in paragraph 1, the Secretary-General of the United Nations shall, upon approval by a majority of States Parties, convene a Review Conference.

3. The provisions of article 121, paragraphs 3 to 7, shall apply to the adoption and entry into force of any amendment to the Statute considered at a Review Conference.

Article 124

Transitional Provision

Notwithstanding article 12, paragraphs 1 and 2, a State, on becoming a party to this Statute, may declare that, for a period of seven years after the entry into force of this Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory. A declaration under this article may be withdrawn at any time. The provisions of this article shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1.

Article 125

Signature, ratification, acceptance, approval or accession

1. This Statute shall be open for signature by all States in Rome, at the headquarters of the Food and Agriculture Organization of the United Nations, on 17 July 1998. Thereafter, it shall remain open for signature in Rome at the Ministry of Foreign Affairs of Italy until 17 October 1998. After that date, the Statute shall remain open for signature in New York, at United Nations Headquarters, until 31 December 2000.

2. This Statute is subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

122. člen

Spremembe institucionalnih določb

1. Spremembe določb statuta, ki so izključno institucionalne, namreč 35. člen, osmi in deveti odstavek 36. člena, 37. in 38. člen, prva dva stavka prvega, drugi in četrti odstavek 39. člena, četrti do deveti odstavek 42. člena, drugi in tretji odstavek 43. člena in 44., 46., 47. in 49. člen, lahko kadar koli ne glede na prvi odstavek 121. člena predlaga katera koli država pogodbenica. Besedilo vsake predlagane spremembe se predloži generalnemu sekretarju Združenih narodov ali drugi osebi, ki jo določi Supščina držav pogodbenic, ta pa ga takoj razpošlje vsem državam pogodbenicam in drugim, ki sodelujejo v Skupščini.

2. Spremembe po tem členu, za katere ni mogoče doseči konsenza, sprejme Skupščina držav pogodbenic ali revizijska konferenca z dvetretjinsko večino držav pogodbenic. Take spremembe začnejo veljati za vse države pogodbenice šest mesecev po tem, ko jih je sprejela skupščina oziroma konferenca.

123. člen

Revizija statuta

1. Sedem let po začetku veljavnosti tega statuta skliče generalni sekretar Združenih narodov revizijsko konferenco za obravnavo sprememb tega statuta. Taka revizija lahko vključuje seznam kaznivih dejanj iz 5. člena. Na konferenci lahko sodelujejo tisti, ki sodelujejo v Skupščini držav pogodbenic, in to pod enakimi pogoji.

2. Kadar koli pozneje generalni sekretar Združenih narodov na zahtevo države pogodbenice in za namene, določene v prvem odstavku, skliče revizijsko konferenco, če se s tem strinja večina držav pogodbenic.

3. Določbe tretjega do sedmega odstavka 121. člena veljajo tudi pri sprejemanju in začetku veljavnosti katere koli spremembe statuta, ki se obravnava na revizijski konferenci.

124. člen

Prehodna določba

Ne glede na prvi in drugi odstavek 12. člena lahko država, ko postane pogodbenica tega statuta, izjavi, da za obdobje sedmih let po začetku veljavnosti statuta za posamezno državo ne sprejme pristojnosti Sodišča glede kategorije kaznivih dejanj, navedenih v 8. členu, kadar se za kaznivo dejanje domneva, da so ga storili njeni državljani ali da je bilo storjeno na njenem ozemlju. Izjava po tem členu se lahko kadar koli umakne. Določbe tega člena se pregledajo na revizijski konferenci, sklicani v skladu s prvim odstavkom 123. člena.

125. člen

Podpis, ratifikacija, sprejetje, odobritev ali pristop

1. Statut je na voljo za podpis vsem državam 17. julija 1998 v Rimu na sedežu Organizacije združenih narodov za prehrano in kmetijstvo. Potem bo na voljo za podpis v Rimu na Ministrstvu za zunanje zadeve Italije do 17. oktobra 1998. Po tem datumu statut ostane na voljo za podpis do 31. decembra 2000 na sedežu Združenih narodov v New Yorku.

2. Statut morajo države podpisnice ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Združenih narodov.

3. This Statute shall be open to accession by all States. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 126

Entry into force

1. This Statute shall enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to this Statute after the deposit of the 60th instrument of ratification, acceptance, approval or accession, the Statute shall enter into force on the first day of the month after the 60th day following the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 127

Withdrawal

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, withdraw from this Statute. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Statute while it was a Party to the Statute, including any financial obligations which may have accrued. Its withdrawal shall not affect any cooperation with the Court in connection with criminal investigations and proceedings in relation to which the withdrawing State had a duty to cooperate and which were commenced prior to the date on which the withdrawal became effective, nor shall it prejudice in any way the continued consideration of any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective.

Article 128

Authentic texts

The original of this Statute, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Statute.

DONE at Rome, this 17th day of July 1998.

3. Statut je na voljo za pristop vsem državam. Listine o pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

126. člen

Začetek veljavnosti

1. Statut začne veljati prvi dan meseca po šestdesetem dnevu od datuma deponiranja 60. listine o ratifikaciji, sprejetju, odobritvi ali pristopu pri generalnem sekretarju Združenih narodov.

2. Za vsako državo, ki statut ratificira, sprejme, odobri ali k njemu pristopi po deponiranju 60. listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne statut veljati prvi dan meseca po šestdesetem dnevu po deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu te države.

127. člen

Odpoved

1. Država pogodbenica lahko ta statut odpove z notifikacijo generalnemu sekretarju Združenih narodov. Odpoved začne veljati eno leto po datumu prejema notifikacije, razen če ni v njej določen poznejši datum.

2. Država zaradi odpovedi ni oproščena finančnih obveznosti, ki izhajajo iz tega statuta, medtem ko je bila njegova pogodbenica, vključno z vsemi morebitnimi že nastalimi finančnimi obveznostmi. Njena odpoved ne vpliva na sodelovanje s Sodiščem v zvezi s kazenskimi preiskavami in postopki, za katere je imela država, ki je statut odpovedala, dolžnost, da sodeluje, in so se začeli pred dnevom, ko je začela veljati odpoved, niti na noben način ne sme vplivati na nadaljevanje obravnave katere koli zadeve, ki jo je Sodišče obravnavalo že pred dnem, ko je začela odpoved veljati.

128. člen

Verodostojna besedila

Izvirnik tega statuta, katerega angleško, arabsko, francosko, kitajsko, rusko in špansko besedilo je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov, ki pošlje vsem državam njegove overjene izvode.

DA BI TO POTRDILI, so podpisani, ki so jih njihove vlade za to pravilno pooblastile, podpisali ta statut.

SESTAVLJENO v Rimu 17. julija 1998.

3. člen

Republika Slovenija bo ob deponiranju listine o ratifikaciji Rimskega statuta Mednarodnega kazenskega sodišča podala izjavo v zvezi z določbo prvega odstavka 87. člena statuta, da je v Republiki Sloveniji organ, na katerega se naslavljajo prošnje za sodelovanje, Ministrstvo za pravosodje.

4. člen

Za izvajanje statuta skrbijo Ministrstvo za pravosodje, Ministrstvo za notranje zadeve in Ministrstvo za zunanje zadeve.

5. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 700-01/01-67/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

Zakonik začne veljati 1. januarja 2002

OBLIGACIJSKI ZAKONIK

z uvodnimi pojasnili prof. dr. Marka Ilešiča,
tabelarnim pregledom in stvarnim kazalom

Izšla je druga izdaja Obligacijskega zakonika. V uvodnih pojasnilih prof. dr. Marko Ilešič posebej opozarja na vse nove rešitve, ki jih prinaša zakonik v primerjavi z Zakonom o obligacijskih razmerjih. Vsem pravnikom in drugim, ki morajo dobro poznati določbe OZ, bo pri vsakdanjem iskanju odgovorov na pravna vprašanja dragocen tudi vsebinski in tabelarni pregled več kot 1000 zakonskih členov. Pri vsakem posebej je označeno, kako je bil posamezen obligacijskopravni institut urejen doslej.
Stvarno kazalo presega golo računalniško razvrščanje besed, saj so med gesli tudi mnogi latinski izrazi, ki jih pravniki uporabljajo v svoji govorici.
Pri naročilu več kot 30 knjig priznavamo 10-odstotni popust.

Cena: broširana izdaja 6480 SIT z DDV
10564
vezana izdaja 7344 SIT z DDV
10565

N A R O Č I L N I C A

Uradni list Republike Slovenije, Slovenska 9, 1000 Ljubljana

http.www.uradni-list.si

Naročite po faksu: **01/425 14 18**

S tem nepreklicno naročam

- **OBLIGACIJSKI ZAKONIK z uvodnimi pojasnili in stvarnim kazalom**

– 10564 broširana izdaja 6480 SIT z DDV Štev. izvodov

– 10565 vezana izdaja 7344 SIT z DDV Štev. izvodov

Naročeno knjigo mi pošljite na naslov

Davčna številka naročnika

Davčni zavezanec ☐ DA ☐ NE

Firma – ime naročnika

Sektor – oddelek

Ulica in številka

Kraj

Datum

Podpis pooblaščene osebe

VSEBINA

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