



Rev. 2

Rules of Procedure of the Advisory Committee on Legal Texts

Adopted on 26 February 2009

As amended on 14 December 2010 and 4 March 2011

1. Adoption of these Rules

1.1 These Rules have been adopted pursuant to regulation 4 (7) of the Regulations of the Court.

1.2 These Rules have been adopted in English and French.

2. Use of terms

2.1 In these Rules:

- “ACLT” refers to the Advisory Committee on Legal Texts;
- “ACLT Reports” refers to the reports submitted by the ACLT as described in regulations 4 (4) and 4 (5) of the Regulations of the Court;
- “Chairperson” refers to the chairperson of the ACLT as described in regulation 4 (2) of the Regulations of the Court;
- “Court” refers to the International Criminal Court;
- “member” refers to a member of the ACLT as described in regulation 4 (1) of the Regulations of the Court;
- “rule” refers to a rule of these Rules;
- “Rules” refers to these Rules of Procedure.



2.2 In these Rules the singular shall include the plural and vice versa.

3. Amendments to these Rules

3.1 Amendments to these Rules may be proposed by any member. A proposal for amendment shall consist of a suggested textual change, accompanied by an explanatory note, and shall be submitted to the Chairperson who shall forward it to the members together with a work plan as described in rule 12.2.

3.2 Amendments to these Rules shall be adopted by the members in both English and French in accordance with rule 10.

4. Publicity of these Rules

These Rules and any amendments made thereto in accordance with rule 3 shall be public.

5. Election of the chairperson

5.1 The Judge in the ACLT having precedence in accordance with regulation 10 of the Regulations of the Court shall coordinate the election of the Chairperson.

5.2 The Chairperson shall be elected by the members by consensus, or by vote if a member so requests, in which case a decision on the election shall be taken in accordance with rule 10.2. Voting shall be by secret ballot if a member so requests.

5.3 The newly-elected Chairperson shall notify the Presidency of his or her election and shall request the Presidency to take the necessary steps to publicise it.



6. Substitute members

The members may each nominate a substitute. That substitute must fulfil the criteria for eligibility as a member of the ACLT from that member's constituency and may represent the relevant member at ACLT meetings. Substitute members shall not be entitled to vote.

7. Meetings

- 7.1 Subject to regulation 4 (2) of the Regulations of the Court, ACLT meetings shall be convened by the Chairperson at intervals which he or she deems appropriate or at a member's request and when the Chairperson deems necessary. In convening ACLT meetings, the Chairperson shall take into account the dates envisaged for plenary sessions as referred to in rule 4 of the Rules of Procedure and Evidence.
- 7.2 As far as possible, a written agenda for ACLT meetings shall be circulated by the Chairperson fourteen days in advance of the meeting coupled with an invitation to the members to add additional items.
- 7.3 Subject to rule 7.4, ACLT meetings shall be attended by all members or, in the event that a member is unable to attend, his or her substitute as described in rule 6.
- 7.4 Arrangements may be made for members to attend meetings by telephone conference or video-link, as decided by the Chairperson.
- 7.5 Minutes of ACLT meetings shall be drafted by the Chairperson and submitted for approval by the members in accordance with rule 10. Minutes shall ordinarily be approved during a meeting in which case approval and matters arising shall feature as the first item on the agenda for the next meeting.



7.6 The ACLT may decide to make an audio-recording of meetings, require the production of transcripts or record meetings using other feasible technology approved by the members.

8. Confidentiality

8.1 Unless otherwise decided by the ACLT, ACLT Reports shall be public. In case the ACLT decides that an ACLT Report or parts thereof shall be confidential, the ACLT may issue a public summary or public redacted version thereof.

8.2 The ACLT shall decide, on a case-by-case basis, whether and to what extent to make public, information concerning proposals, referrals or suggestions as referred to in rule 11, in addition to their explanatory material.

(i) If a proposal, referral or suggestion has been classified as confidential by the sender in accordance with rule 11.1, before lifting the confidentiality, the ACLT shall obtain the consent of that sender.

(ii) If a proposal, referral or suggestion is to remain confidential, the ACLT shall decide whether, and to what extent, the proposal, referral or suggestion, or information as to its content, may be circulated by the members for the purposes of consultation.

8.3 Unless otherwise decided by the ACLT, and subject to sub-rules 1 and 2 and rules 4 and 16, documents received by and work produced by the ACLT shall be confidential. Agendas, minutes and records of meetings produced in accordance with rule 7, sub-rules 2, 5 and 6, ACLT work plans produced in accordance with rule 12, and any oral or written internal communication between the members, shall be confidential.



9. ACLT Records

- 9.1 ACLT Records, as defined in sub-rule 2, shall be maintained by the Chairperson who, upon the expiry of his or her term, shall transfer them to his or her successor. ACLT Records shall be made available to newly-elected members.
- 9.2 ACLT Records include:
- (i) Final agendas and approved minutes or records of meetings as referred to in rule 7;
 - (ii) Final memoranda, emails and documents circulated among the members;
 - (iii) Proposals, referrals and suggestions as referred to in rule 11, in addition to documents that may accompany such proposals, referrals or suggestions;
 - (iv) ACLT Reports;
 - (v) Annual reports as referred to in rule 16;
 - (vi) These Rules and any amendments made thereto.

10. Decisions of the ACLT

- 10.1 Decisions of the ACLT shall be taken by the members. Subject to rule 7.5, decisions shall be taken either at meetings or through a written procedure, as decided by the Chairperson. If a member is unable to attend a meeting, he or she may communicate his or her vote through his or her substitute as described in rule 6.
- 10.2 The ACLT shall attempt to achieve unanimity in their decisions. In the event that unanimity cannot be reached, the members shall each cast one vote. Decisions shall be taken by a two-thirds majority of the members.



11. Procedure for submission of proposals, referrals or suggestions to the ACLT

11.1 The following items:

- (i) Proposals for amendments to the Rules of Procedure and Evidence and the Elements of Crimes by the Judges and the Prosecutor, as described in regulation 5 of the Regulations of the Court;**
- (ii) Referrals from the Presidency, as described in regulations 4 (4), 23 (2) and 107 (1) of the Regulations of the Court;**
- (iii) Proposals for amendments to the Regulations of the Court, as described in regulation 6 of the Regulations of the Court;**
- (iv) Suggestions for amendments to the Rules of Procedure and Evidence and the Elements of Crimes, accompanied by explanatory material and presented in writing in at least one of the working languages of the Court;**

shall be marked by the sender with the requested level of confidentiality and urgency and shall either be sent by email to the ACLT email address, ACLT@icc-cpi.int, the inbox of which shall be accessible to the Chairperson and persons designated by him or her, or by post to:

“The Advisory Committee on Legal Texts
International Criminal Court
PO Box 19519
2500 CM, The Hague
The Netherlands”.

- 11.2 Upon receipt of a proposal, referral or suggestion, as described in rule 11.1, the Chairperson shall send an acknowledgement of receipt to the sender.**



12. The ACLT work plan

- 12.1 The Chairperson shall circulate proposals, referrals or suggestions received in accordance with rule 11 to the members at intervals determined to be appropriate by him or her and may, if he or she considers it appropriate, provide a summary thereof. The Chairperson shall also indicate whether, in his or her view, a matter is urgent.
- 12.2 The Chairperson shall prepare a work plan detailing how the ACLT shall consider and report on proposals and referrals and how it shall consider suggestions. This process may include one or more rounds of written comments and one or more meetings, unless the Chairperson concludes that a matter can be finalised by way of a written procedure.

13. ACLT Reports

- 13.1 The ACLT shall, in accordance with regulation 4 (4) of the Regulations of the Court, report on all proposals or referrals that are received in accordance with rule 11.
- 13.2 ACLT Reports shall be drawn up by the Chairperson and those designated by him or her to assist. They shall be circulated to the members for comments and approval prior to submission thereof in accordance with regulation 4 (4) or (5) of the Regulations of the Court. Final approval may take place either at a meeting or by way of a written procedure, as decided by the Chairperson.
- 13.3 ACLT Reports shall contain a summary of the discussions within the ACLT and, if applicable, its recommendations agreed to in accordance with rule 13.4. Where relevant and necessary, the views expressed by individual members shall either be included in the report itself or in an annex thereto and in both cases shall be confidential, unless otherwise decided by the ACLT and after



having obtained the consent of the member in question. Further details of the ACLT discussions may be provided to the plenary session on request.

- 13.4 Recommendations as referred to in regulations 4 (4) and 107 of the Regulations of the Court shall be agreed to in accordance with rule 10. When there is no unanimity, ACLT Reports shall contain the different views expressed, such views being presented anonymously, unless otherwise decided by the ACLT in accordance with rule 13.3. When a vote on a recommendation results in a tie, the ACLT shall recommend that the plenary session may consider all views presented in the report.

14. Response

Subject to the need for confidentiality, the Chairperson shall inform the sender of a proposal or suggestion, as referred to in rule 11, of the outcome of its consideration by the plenary session and/or, if appropriate, the outcome of its consideration by the ACLT. The content of such information shall be decided on a case-by-case basis.

15. Views of interested groups or persons or the advice of experts as referred to in regulation 4 (3) of the Regulations of the Court

- 15.1 For the purposes of regulation 4 (3) of the Regulations of the Court, members may provide suggestions to the Chairperson of particular interested groups or persons who could be invited to present their views and experts whose advice could be sought.
- 15.2 Views and advice as described in regulation 4 (3) of the Regulations of the Court may be sought orally and/or in writing and subject to directions by the Chairperson.



16. Annual Report

- 16.1 The ACLT shall produce an annual report in English and French summarising its activities for the previous year.**
- 16.2 The ACLT annual report shall be public.**