Regulations
of the Office of the Prosecutor

ICC-BD/05-01-09

Date of entry into force: 23th April 2009
Official Journal Publication

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Published by the International Criminal Court
ISBN No. 92-9227-142-3
ICC-PIDS-LT-08-001/11_Eng

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Printed by PrintPartners Ipskamp, Enschede

Cover design: Corps ontwerpers

International Criminal Court | Po Box 19519 | 2500 CM | The Hague | The Netherlands | **www.icc-cpi.int**

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Chapter 1 General provisions

Regulation 1
Adoption of these Regulations

1. These Regulations have been adopted pursuant to article 42, paragraph 2, and rule 9 and shall govern the operations of the Office of the Prosecutor in relation to its management and administration.

2. These Regulations shall be read subject to the Statute, the Rules, and the Regulations of the Court and in conjunction with the Regulations of the Registry and the Staff Rules and Regulations.

3. These Regulations have been adopted in English and French. Translations in the official languages of the Court are equally authentic.

Regulation 2
Use of terms

In these Regulations:

- 'article' refers to an article of the Statute;
- 'Chamber' refers to a Chamber of the Court;
- 'Court' refers to the International Criminal Court;
- 'information on crimes' refers to information on crimes within the jurisdiction of the Court pursuant to article 15;
- 'declaration' refers to a declaration by a State which is not a Party to the Statute pursuant to article 12, paragraph 3;
- 'joint team' refers to the interdivisional team formed to carry out investigations;
- 'Office' refers to the Office of the Prosecutor;
- 'Presidency' refers to the Presidency of the Court;
- 'Prosecutor' refers to the Prosecutor of the Court;
- 'referral' refers to a request from a State Party under article 14 or from the Security Council under article 13 paragraph (b) to the Prosecutor to investigate a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed;
- 'Registry' refers to the Registry of the Court;
- 'Regulations' refers to the Regulations of the Office of the Prosecutor;
- 'regulation' refers to a regulation of the Regulations of the Office of the Prosecutor;
- 'Rules' refers to the Rules of Procedure and Evidence;
- 'State Party' refers to a State Party to the Rome Statute;
- 'Statute' refers to the Rome Statute of the Court;
- 'trial team' refers to the interdivisional team formed upon confirmation of the charges to carry out prosecutions.

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Regulation 3
Amendments to these Regulations

1. These Regulations and any amendments hereto shall enter into force on the day of their adoption by decision of the Prosecutor.

2. Any proposal for amendments to these Regulations shall be presented in writing to the Prosecutor by a Head of Division or Support Section, and shall be accompanied by explanatory material.

3. Amendments to these Regulations shall not be applied retroactively to the detriment of a person to whom article 55, paragraph 2, or article 58 applies, the accused, convicted or acquitted person.

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Chapter 2 Administration of the Office

Section 1 General provisions

Regulation 4
Executive Committee

1. The Executive Committee (ExCom) shall be composed of the Prosecutor and the Heads of the three Divisions of the Office.

2. ExCom shall provide advice to the Prosecutor, be responsible for the development and adoption of the strategies, policies and budget of the Office, provide strategic guidance on all the activities of the Office and coordinate them.

Regulation 5
Divisions and Sections

The Office shall be comprised of three Divisions and two Support Sections: the Jurisdiction, Complementarity and Cooperation Division, the Investigation Division, the Prosecution Division, the Services Section and the Legal Advisory Section.

Regulation 6
Expert advice on sexual and gender violence, violence against children and other issues

In accordance with article 42, paragraph 9:

(a) expertise related to sexual and gender violence and violence against children shall be provided by the Gender and Children Unit of the Office; and

(b) a Special Gender Advisor and advisors on other matters shall provide additional expertise to the Prosecutor and ExCom.

Section 2 Divisions

Regulation 7
Jurisdiction, Complementarity and Cooperation Division

The Jurisdiction, Complementarity and Cooperation Division shall be responsible for:

(a) the preliminary examination and evaluation of information pursuant to articles 15 and 53, paragraph 1 and rules 48 and 104 and the preparation of reports and recommendations to assist the Prosecutor in determining whether there is a reasonable basis to proceed with an investigation;

(b) the provision of analysis and legal advice to ExCom on issues of jurisdiction and admissibility at all stages of investigations and proceedings;

(c) the provision of legal advice to ExCom on cooperation, the coordination and transmission of requests for cooperation made by the Office under Part 9 of the Statute, the negotiation of agreements and arrangements pursuant to article 54, paragraph 3; and

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(d) the coordination of cooperation and information-sharing networks.

Regulation 8
Investigation Division

The Investigation Division shall be responsible for:

(a) the preparation of the necessary security plans and protection policies for each case to ensure the safety and well-being of victims, witnesses, Office staff, and persons at risk on account of their interaction with the Court, in adherence with good practices and in cooperation and coordination with the Registry, when required, on matters relating to protection and support;

(b) the provision of investigative expertise and support;

(c) the preparation and coordination of field deployment of Office staff; and

(d) the provision of factual crime analysis and the analysis of information and evidence, in support of preliminary examinations and evaluations, investigations and prosecutions.

Regulation 9
Prosecution Division

The Prosecution Division shall be responsible for:

(a) the provision of legal advice on issues likely to arise during investigations and which may impact on future litigation;

(b) the preparation of litigation strategies within the context of the trial team for the consideration and approval of ExCom and their subsequent implementation before the Chambers of the Court;

(c) the conduct of prosecutions including litigation before the Chambers of the Court; and

(d) coordination and cooperation with the Registry, when required, on trial related issues.

Section 3 Support Sections and Gender and Children Unit

Regulation 10
Services Section

The Services Section shall be responsible for:

(a) the Office's budget preparation;

(b) the provision of advice on spending control;

(c) the provision of field interpretation services during investigations and all translations produced within the Office;

(d) the process of registration and storage of evidence and information; and

(e) the development, introduction and maintenance of specific information management tools and practices required by the Office.

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Regulation 11
Legal Advisory Section

The Legal Advisory Section shall be responsible for:

(a) the provision of legal advice upon request to the Prosecutor, ExCom and the Heads of Division;

(b) the development, introduction and maintenance of legal research tools;

(c) the provision, upon request of the Prosecutor, of specific legal training to Office staff; and

(d) the development of the Office's legal academic network.

Regulation 12
Gender and Children Unit

The Gender and Children Unit shall be comprised of staff with legal and other expertise on sexual and gender violence and violence against children in accordance with article 42, paragraph 9. The Unit shall be responsible for providing advice to the Prosecutor, ExCom and the Divisions in all areas related to sexual and gender violence and violence against children, and shall contribute to preliminary examinations and evaluations, investigations and prosecutions in those areas.

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Chapter 3 Operation of the Office

Section 1 General provisions

Regulation 13
Independence of the Office of the Prosecutor

In all operational activities of the Office, at headquarters and in the field, the Prosecutor shall ensure that the Office and its members maintain their full independence and do not seek or act on instructions from any external source.

Regulation 14
Prosecutorial Strategy

1. The Office shall make public its Prosecutorial Strategy and shall contribute to the Court's Strategic Plan.

2. As appropriate, the Office shall make public policy papers that reflect the key principles and criteria of the Prosecutorial Strategy.

Regulation 15
Public information and outreach

1. The Office shall disseminate information on its activities to, and respond to enquiries from States, international organisations, victims, non-governmental organisations and the general public, with a particular focus on the communities affected by the work of the Office, as appropriate in coordination with the Registry. In doing so, the Office shall at all times ensure compliance with its statutory obligations and the decisions of the Chambers regarding confidentiality, and the safety and well-being of victims, witnesses, Office staff and other persons at risk on account of their interaction with the Court.

2. The Office shall contribute to the Court's outreach strategies and activities.

Regulation 16
Views of victims

The Office shall, in coordination with the Victims Participation and Reparations Section of the Registry, as appropriate, seek and receive the views of the victims at all stages of its work in order to be mindful of and to take into account their interests.

Regulation 17
Professional conduct

The Office shall ensure compliance with the Staff Rules and Regulations and Administrative Instructions of the Court in order to ensure that its staff members uphold the highest standards of efficiency, competence and integrity.

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Regulation 18
Training

The Office shall provide comprehensive and ongoing training on a regular basis for its entire staff in order to ensure the highest standards of efficiency, competence and integrity as well as to contribute to their career development.

Regulation 19
Duty roster of officers

The Office, Divisions and Support Sections shall establish a duty roster of officers responsible for dealing with urgent matters arising outside of working hours.

Regulation 20
Institutional arrangements with the Registry

For those areas where the Office primarily relies on the Registry's services and other areas which fall within the mandate of the Registry, the Office shall seek to establish institutional arrangements with the Registry. Such arrangements shall provide the framework for cohesive operations, taking into account the independence of the Office and the neutrality of the Registry.

Section 2 Handling of information and evidence

Regulation 21
Confidentiality of correspondence

All correspondence from the Office shall be sent in a manner that is in compliance with the relevant Administrative Instructions on confidentiality, and prevents any danger to the safety, well-being and privacy of those who provided the information or others who are at risk on account of such information, or to the integrity of investigations or proceedings.

Regulation 22
Chain of custody

1. The Office shall ensure an uninterrupted chain of custody of documents and all other types of evidence. All evidence shall constantly be in the possession of the collector or the individual authorised to have possession of the item. The maintenance of the chain of custody shall be recorded and managed in accordance with regulation 23.

2. Upon arrival at the seat of the Court, all physical evidence shall be handed over without delay for processing in accordance with regulation 23.

Regulation 23
Information and evidence management

1. In order to maintain the integrity of evidence collected and continuously to assemble information that reflects the relevance and actual use of evidence, the Office shall maintain an evidence database.

2. The Office shall ensure the proper registration and storage of all information and evidence collected during all stages of the proceedings. A unique Evidence Registration Number shall be attached to each individual item or page. Registration shall take place at the earliest possible time after collection and shall record all the

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relevant circumstances of the collection and the chain of custody as practicable.

3. Documents or information provided under article 54, paragraph 3 (e) shall be labelled as such upon registration and electronically tagged in the evidence database.

4. Whenever possible, evidence shall be stored in an electronic format. Without prejudice to regulation 16 paragraph 2 of the Regulations of the Registry, originals shall be stored in the vault of the Office after digitisation. All electronic storage shall to the extent possible be compatible with the technical standards as defined by the Registry pursuant to regulation 26 of the Regulations of the Court and regulations 10, 26 and 52 of the Regulations of the Registry, and relevant decisions by the Chamber.

5. All evidence registered shall be subject to review by the collectors or their delegate. Review shall be undertaken taking into account the framework presented in the case hypothesis.

6. Electronically stored evidence shall receive additional metadata as soon as possible.

Regulation 24
Analysis of information and evidence

In the analysis of information and evidence regarding alleged crimes, the Office shall develop and apply a consistent and objective method for the evaluation of sources, information and evidence. In this context, the Office shall take into account *inter alia* the credibility and reliability of sources, information and evidence, and shall examine information and evidence from multiple sources as a means of bias control.

Section 3 Preliminary examination and evaluation of information

Subsection 1 General provisions

Regulation 25
Initiation of preliminary examination

1. The preliminary examination and evaluation of a situation by the Office may be initiated on the basis of:

   (a) any information on crimes, including information sent by individuals or groups, States, intergovernmental or non-governmental organisations;

   (b) a referral from a State Party or the Security Council; or

   (c) a declaration pursuant to article 12, paragraph 3 by a State which is not a Party to the Statute.

2. When a situation has been referred to the Prosecutor, he or she shall provide notice and other information to the Presidency in accordance with regulation 45 of the Regulations of the Court.

Regulation 26
Registration

The Office shall register and secure all information on crimes, referrals and declarations, as well as any relevant supporting documents.

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Subsection 2 Preliminary examination of information

Regulation 27
Conduct of preliminary examination

In the examination of information on crimes pursuant to article 15, paragraphs 1 and 2, the Office shall make a preliminary distinction between:

(a) information relating to matters which manifestly fall outside the jurisdiction of the Court;

(b) information which appears to relate to a situation already under examination or investigation or forming the basis of a prosecution, which shall be considered in the context of the ongoing activity; and

(c) information relating to matters which do not manifestly fall outside the jurisdiction of the Court and are not related to situations already under analysis or investigation or forming the basis of a prosecution, and which therefore warrant further examination in accordance with rule 48.

Regulation 28
Publicity of activities under article 15

1. The Office shall send an acknowledgement in respect of all information received on crimes to those who provided the information. The Office may decide to make public such acknowledgement, subject to the Prosecutor's duty to protect the confidentiality of such information pursuant to rule 46 and regulation 21.

2. The Prosecutor may decide to make public the Office's activities in relation to the preliminary examination of information on crimes under article 15, paragraph 1 and 2, or a decision under article 15, paragraph 6 that there is no reasonable basis to proceed with an investigation. In doing so, the Office shall be guided *inter alia* by considerations for the safety, well-being, and privacy of those who provided the information or others who are at risk on account of such information in accordance with rule 49, sub-rule 1.

3. When the Prosecutor intends to submit a request under article 15, paragraph 3, to the Pre-Trial Chamber, he or she shall provide notice and other information to the Presidency in accordance with regulation 45 of the Regulations of the Court.

Subsection 3 Determination of a reasonable basis to proceed

Regulation 29
Initiation of an investigation or prosecution

1. In acting under article 15, paragraph 3, or article 53, paragraph 1, the Office shall produce an internal report analysing the seriousness of the information and considering the factors set out in article 53, paragraph 1 (a) to (c), namely issues of jurisdiction, admissibility (including gravity), as well as the interests of justice, pursuant to rules 48 and 104. The report shall be accompanied by a recommendation on whether there is a reasonable basis to initiate an investigation.

2. In order to assess the gravity of the crimes allegedly committed in the situation the Office shall consider various factors including their scale, nature, manner of commission, and impact.

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3. Based on the report, the Prosecutor shall determine whether there is a reasonable basis to proceed with an investigation.

4. The evaluation shall continue for as long as the situation remains under investigation.

5. In acting under article 53, paragraph 2, the Office shall apply *mutatis mutandis* sub-regulations 1 to 4.

Regulation 30
Notification in relation to article 13, paragraph (b)

When a situation has been referred to the Prosecutor pursuant to article 13, paragraph (b), and the Prosecutor has determined that there would be a reasonable basis to initiate an investigation, the Office shall notify the Security Council through the Secretary-General of the United Nations.

Regulation 31
Decision not to proceed in the interests of justice

In acting pursuant to article 53, paragraphs 1 (c) and 2 (c), the Prosecutor shall base his or her decision on an internal report on the interests of justice submitted to ExCom for consideration and approval. If the decision not to proceed is based solely on article 53, paragraph 1 (c) or 2 (c), the Prosecutor shall promptly inform the Pre-Trial Chamber in accordance with rule 105, paragraphs 4 and 5, and rule 106.

Section 4 Investigations

Subsection 1 General provisions

Regulation 32
Joint teams

1. A joint team shall be formed upon a decision to proceed with an investigation in a situation, for the purpose of conducting the investigation.

2. Each joint team shall be composed of staff from the three Divisions in order to ensure a coordinated approach throughout the investigation.

3. The composition and size of each joint team shall depend on the needs and stage of the investigation.

4. Each joint team shall regularly report its progress and activities to ExCom in order to receive strategic guidance.

5. Upon confirmation of the charges, an interdivisional trial team is formed to carry out prosecutions. This Regulation applies *mutatis mutandis* to the trial team.

Regulation 33
Selection of cases within a situation

The Office shall review the information analysed during preliminary examination and evaluation and shall collect the necessary information and evidence in order to identify the most serious crimes committed within the situation. In selecting potential cases within the situation, the Office shall consider the factors set out in article 53, paragraph 1 (a) to (c) in order to assess issues of jurisdiction, admissibility (including gravity), as well as the interests of justice.

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Regulation 34
Identification of case hypothesis

1. The joint team shall review the information and evidence collected and shall determine a provisional case hypothesis (or hypotheses) identifying the incidents to be investigated and the person or persons who appear to be the most responsible. The provisional case hypothesis (or hypotheses) shall include a tentative indication of possible charges, forms of individual criminal responsibility and potentially exonerating circumstances.

2. In each provisional case hypothesis, the joint team shall aim to select incidents reflective of the most serious crimes and the main types of victimisation - including sexual and gender violence and violence against children - and which are the most representative of the scale and impact of the crimes.

3. The joint team shall submit the provisional case hypothesis (or hypotheses) to ExCom for approval.

Regulation 35
Planning of investigative activities

1. Following strategic guidance from ExCom, the joint team shall develop an evidence collection plan and a cooperation plan. All plans shall be submitted to ExCom for approval.

2. In support of investigations, the Office shall prepare additional plans related to administration, security and communication, in consultation with the Registry as appropriate.

3. In planning investigative activities, the joint team shall endeavour, in particular through consultation with the Gender and Children Unit, to ensure the well-being of victims and witnesses and to avoid their re-traumatisation.

4. The case hypothesis and all plans shall be reviewed and adjusted on a continuous basis taking into consideration the evidence collected.

5. The case hypothesis and all plans shall be considered internal documents for the purpose of rule 81, sub-rule 1.

Subsection 2 Questioning of persons

Regulation 36
Selection of persons to be questioned

1. In selecting persons to be questioned in connection with an investigation, the Office shall assess *inter alia* the person's reliability and shall give due consideration to his or her safety and well-being, including all aspects relevant to the risks of re-traumatisation.

2. Prior to contacting a person to be questioned in connection with an investigation, the Office shall collect as much information as possible on the level of risk involved for that person as well as for others who may be at risk on account of such questioning, including those who facilitated contact between the Office and the person to be questioned. Based upon its determination of the level of risk, the Office may consider alternatives to questioning as well as the possibility of additional security measures, in consultation with the Victims and Witnesses Unit (VWU) as appropriate.

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3. The physical and psychological well-being of persons who are questioned by the Office and are considered vulnerable (in particular children, persons with disabilities and victims of gender and sexual crimes) shall be assessed by a psychology, psycho-social or other expert during a face-to-face interview prior to questioning. This assessment shall determine whether the person's condition at that particular time allows him or her to be questioned without risk of re-traumatisation.

Regulation 37
Information to victims

Victims questioned by the Office shall be informed of the procedures for participation and access to reparations under the Statute, and of the existence and role of the Victims Participation and Reparations Section of the Registry. They shall also be informed of the fact that the Office shall forward their personal data to the Victims Participation and Reparations Section, subject to the need to protect their safety, well-being and privacy, as well as the integrity of investigations and proceedings.

Regulation 38
Questioning of persons under the age of eighteen

When a person is under the age of eighteen, the Office shall obtain consent from his or her parents, guardians or other relevant adult before questioning. In considering whether to question such a person, the Office shall take into account his or her best interests in accordance with article 68.

Regulation 39
Conditions of questioning

1. The Office shall strive to provide a safe and agreeable environment to conduct questioning and to keep the number of persons present to a minimum.

2. The Office shall consider, based on the circumstances, any request from the person questioned to allow a family member, counsellor, victim assistance worker or other accompanying person, as appropriate, to be present during the questioning. The role of the accompanying person shall be limited to giving mental support to the witness. The accompanying person shall not be allowed to participate in or otherwise interfere with the questioning. The accompanying person shall be informed of his or her function prior to the interview. The presence of the accompanying person at the interview shall be noted in the record.

Regulation 40
Conduct of questioning

Prior to or, as appropriate, in the course of the questioning, the person questioned shall be informed of:

(a) the identity of each person present during the questioning and his or her role;

(b) the nature and mandate of the Court and the role of the Office;

(c) the rights identified in article 55, paragraph 1, and rule 111;

(d) the voluntary nature of the questioning and the person's option to conclude it at any time;

(e) the nature and scope of the investigation in the context of which the person is being questioned, as appropriate, and why he or she has been approached;

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(f) the procedures which may follow, including those related to protection and disclosure and the possibility of being requested to appear before the Court;

(g) the protective measures that may be applied during and after the investigation and/or proceedings when the assessment of the circumstances so require; and

(h) the possibility, subject to the provisions of article 68, of the Court's transmitting a copy of his or her statement to a State pursuant to a request made by that State under article 93, paragraph 10, and the protective measures available.

Regulation 41
Questioning of persons to whom article 55, paragraph 2 applies

1. Prior to questioning, all persons to whom article 55, paragraph 2 applies shall be informed of their rights under article 55, of the possibility to obtain assistance from the Registry pursuant to rule 20, paragraph 1 (c), and of the procedure for the recording of the questioning established by rule 112. The record shall reflect this notification.

2. If during the questioning of a person, grounds are raised upon which to believe that the person may have committed a crime within the jurisdiction of the Court, he or she shall immediately be informed of that fact and the procedure described in sub-regulation 1 shall apply.

Regulation 42
Interpretation

Interpretation during questioning shall be provided by interpreters competent in a language the person questioned fully understands and speaks and in the working language(s) used by the person conducting the questioning.

Regulation 43
Compensation for expenses

1. No inducement whatsoever shall be offered to a person in exchange for questioning or a statement.

2. The Office shall establish mechanisms to ensure that, without prejudice to the expenses payable by the Registrar pursuant to regulations 84, 85 and 86 of the Regulations of the Registry, persons are compensated for expenses incurred and earnings lost as a result of their cooperation, for the duration of such questioning or provision of a statement.

Subsection 3 Victims and witnesses

Regulation 44
Area-Specific Threat and Risk Assessment

The Office shall develop, in consultation with VWU, an Area-Specific Threat and Risk Assessment for each area of operation related to a situation under investigation.

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Regulation 45
Security of witnesses

In order to protect the safety and well-being of witnesses pursuant to article 68, paragraph 1, the Office shall:

(a) create a database containing relevant information on persons who have provided evidence and information to the Office;

(b) ensure that only expressly authorised staff have access to the database containing relevant information on persons who have provided evidence and information to the Office;

(c) ensure discreet and secure contact with witnesses in adherence to good practices and the Code of Conduct for Investigators;

(d) collect security information;

(e) update regularly the general and individual security risk assessments; and

(f) implement or, where relevant, participate in the implementation of other preventive measures taken on the basis of the security risk assessment in accordance with the Statute, the Rules, these Regulations, relevant Court decisions and good practices.

Regulation 46
Record of protective measures

The Office shall maintain a full and accurate record of all protective measures sought and obtained by the Office for each witness and, to the extent possible, of all other protective measures implemented. The Office shall ensure that the measures remain adequate and necessary given the circumstances of each case.

Regulation 47
Institutional arrangements with VWU

The Office shall establish institutional arrangements with the VWU with regard to protective measures, 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 in accordance with the Statute, Rules, these Regulations and relevant Court decisions.

Regulation 48
Summaries under article 68, paragraph 5

1. Before requesting a Chamber to authorise a summary of evidence in proceedings prior to trial pursuant to article 68, paragraph 5, the Office shall consider whether the security of the witnesses or members of their families could be adequately preserved by other protective measures, including redactions.

2. The Office shall ensure that the summary contains a concise and objective representation of the evidence or testimony pertaining to the case.

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Regulation 49
Tracing of assets

For the purposes of article 57, paragraph 3 (e), article 77, paragraph 2 (b) and article 93, paragraph 1 (k), the Office shall pay particular attention in its investigations to the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes, in particular for the ultimate benefit of victims.

Section 5 Proceedings before the Chambers

Regulation 50
Confidential hearings and filings

1. Prior to making a sealed, confidential or *ex parte* filing, or requesting that any part of the proceedings be held in closed session or *ex parte*, the Office shall consider the extent to which confidentiality or any other protective measures are necessary and whether any less restrictive alternatives may suffice.

2. When making a sealed, confidential or *ex parte* filing, the Office shall state clearly the legal and factual basis for the adopted level of confidentiality or restriction upon distribution.

3. When requesting the Chamber to conduct any part of the proceedings in closed session or *ex parte*, or to authorise special measures pursuant to rule 88 or other specific procedures to facilitate the presentation of evidence, the Office shall clearly state the legal and factual basis for the request, with a view to providing the Chamber with sufficient information to make a reasoned decision.

Regulation 51
Relations with the defence

The Office shall constructively engage with the defence, in order to promote the efficient conduct of proceedings. In particular, the Office shall:

(a) endeavour to identify, in consultation with the defence, issues in dispute or not in dispute, and agreed facts pursuant to rule 69;

(b) consult with the defence in order to facilitate the identification of potentially exonerating information pursuant to article 67, paragraph 2;

(c) seek agreement with the defence regarding the conduct of proceedings and the submission of evidence, as appropriate, pursuant to rule 140; and

(d) consider the joint instruction of experts by the Prosecution and defence, or an agreement relating to the instruction of expert witnesses by the Court under regulation 44 of the Regulations of the Court.

Regulation 52
Relations with legal representatives of victims

The Office shall constructively engage with the legal representatives of victims in order to promote the efficient conduct of proceedings.

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Regulation 53
Application for a warrant of arrest or a summons to appear

1. In preparing an application for a warrant of arrest or summons to appear in a potential case, pursuant to article 58, the Office shall clearly identify the crime(s) and mode(s) of liability alleged, based on solid factual and evidentiary foundations.

2. The Office shall give early notice to the Pre-Trial Chamber of its intention to file an application pursuant to article 58.

Regulation 54
Protective measures for the purpose of forfeiture

1. The Office shall, in particular during the preparation of an application pursuant to article 58, consider requesting measures for the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes, pursuant to article 57, paragraph 3 (e) and article 93, paragraph 1 (k).

2. For this purpose, the Office shall consider, *inter alia*:

   (a) The availability of specific information regarding the existence of proceeds, property, assets or instrumentalities of crimes to be identified, traced or frozen within a given jurisdiction; and

   (b) Any relevant information regarding persons enjoying the power of disposal with regard to such proceeds, property, assets or instrumentalities of crimes.

Regulation 55
Disclosure procedures

1. The Office shall establish standardised internal procedures to ensure prompt, reliable and efficient disclosure in accordance with technical protocols and standards as defined for the Office. Those protocols shall be compatible with applicable technical standards as promulgated by the Court.

2. Such procedures shall ensure that all relevant disclosure and inspection obligations are fulfilled on an ongoing basis until the conclusion of the proceedings, and that a full and accurate record of the disclosure process and any preparatory steps is maintained.

3. The Office shall identify at the earliest possible occasion documents or information provided under article 54, paragraph 3(e) that may have incriminatory or exculpatory value in order to enable the timely processing of requests for the lifting of restrictions on disclosure.

Regulation 56
Redactions

Whenever the Office seeks authorisation from a Chamber to redact material, the Office shall clearly state the legal and factual basis for any proposed redaction, providing the Chamber with sufficient information to make a reasoned decision. In doing so, the Office shall keep a full and accurate record of all such redactions sought and obtained by the Office, including the extent of the redaction, the factual and legal basis for the redaction, and to whom the redaction applies.

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Regulation 57
Provisional detention and applications for release

1. The Office shall carefully consider and promptly respond to any request to a Chamber for release of a person, whether at the time of the initial appearance or thereafter, including giving due consideration to whether the requirements of article 58, paragraph 1 are still met, and whether any of the conditions set out in rule 119 may be appropriate.

2. The Office shall keep under review the necessity of the provisional detention of a person, taking into consideration rule 118, sub-rule 2.

Regulation 58
Document containing the charges

1. The document containing the charges to be presented pursuant to article 61, paragraph 3 (a) shall be based on the Office's application under article 58, taking into consideration the decision on that application and any subsequent amendments thereto.

2. Pursuant to regulation 52 of the Regulations of the Court, the Office shall ensure that the document containing the charges clearly states the mode or modes of liability, pursuant to articles 25 and/or 28, which the Prosecutor alleges renders the person individually responsible and liable for punishment for each crime charged.

Regulation 59
Selection of evidence for confirmation hearing

1. The Office shall include in its list of evidence pursuant to rule 121, sub-rule 3 sufficient, relevant and credible evidence establishing substantial grounds to believe that the person committed the crimes charged pursuant to article 61, paragraph 5, bearing in mind the right of the defence to challenge the evidence presented by the Office pursuant to article 61, paragraph 6 (b).

2. The Office shall consider relying on documentary or summary evidence at the confirmation hearing pursuant to article 61, paragraph 5, in particular when this may assist in the efficient presentation of material, and taking into account the rights of the defence and the interests of victims and witnesses.

3. The Office shall ensure that any summary evidence presented during the confirmation hearing pursuant to article 61, paragraph 5 is self-sufficient and contains a concise and objective representation of the evidence or testimony, to the extent that it is relevant to the case.

Regulation 60
Withdrawal and amendment of charges

If at any stage in the proceedings, the Office considers that the evidence available, including both incriminating and exonerating evidence, does not support an element of the charges pleaded or supports a different charge, or that any charge pleaded otherwise cannot be pursued, in particular due to the individual circumstances of the accused, then the Office shall promptly seek to either:

(a) amend or withdraw the charges pursuant to article 61, paragraphs 4 and 9; or

(b) submit the matter for consideration to the Trial Chamber in the light of its powers under regulation 55 of the Regulations of the Court.

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Section 6 Trials

Subsection 1 General provisions

Regulation 61
Testimony of witnesses

1. The Office shall conduct a physical and psychological assessment of any witness deemed vulnerable prior to any determination whether to call that witness to testify.

2. The Office shall take particular care in any determination of whether and how, to use the testimony of a witness at trial, including giving due consideration to applying for protective or special measures pursuant to rules 87 and 88, the giving of evidence by audio or video-link pursuant to rule 67, or the use of prior recorded testimony pursuant to rule 68.

3. If the Office anticipates that it may wish to present the evidence of a witness by audio or video-link, pursuant to rule 67, then it shall inform the Registry, in accordance with regulation 45 of the Regulations of the Registry, and shall make an application to the Chamber in sufficient time before the proposed date of the testimony of that witness. Where appropriate, the Office shall also consult with the VWU to ensure that protective measures are put in place.

4. The Office shall continue to assess the security situation of victims and witnesses throughout the proceedings and afterwards, as appropriate.

5. The Office shall consult with VWU as provided for in article 43, paragraph 6 and these Regulations, and shall request, as appropriate, VWU to provide support and assistance in relation to any witness which it intends to call to testify.

Regulation 62
Assessment of admission of guilt

1. The Office shall make its own assessment of any admission of guilt by an accused, pursuant to article 64, paragraph 8 (a), and article 65. The Office shall consider whether the admission of guilt is informed and voluntary, pursuant to article 65, paragraphs 1 (a) and (b), and whether it is supported by the facts pleaded, pursuant to article 65, paragraph 1 (c) (i). The Office shall bring to the attention of the Trial Chamber any credible information or evidence indicating that the admission of guilt was not informed, voluntary or supported by the facts pleaded.

2. The Office shall also consider what evidence and materials, if any, to present pursuant to article 65, paragraphs 1 (c) (ii) and (iii) in order to provide or supplement the facts that support the admission of guilt.

Regulation 63
Submissions relating to sentence

Before the completion of the trial, the Office shall consider whether to request a further hearing on sentencing pursuant to article 76, paragraph 2, taking into account the evidence presented and the submissions made by participants during the trial and the interests of victims.

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Regulation 64
Mitigating and aggravating factors

The Office shall present all relevant mitigating and aggravating factors, pursuant to rule 145, in an impartial manner.

Regulation 65
Forfeiture of proceeds, property and assets

In making submissions regarding sentencing, the Office shall give specific consideration to whether any order for forfeiture pursuant to article 77, paragraph 2 (b) is appropriate in the circumstances, taking into account *inter alia* the interests of victims and any application or order for reparations under article 75.

Subsection 2 Appeals

Regulation 66
Presentation of the record before the Appeals Chamber

The Office shall ensure that all submissions made before the Appeals Chamber are supported by the record of the relevant Pre-Trial or Trial Chamber, or by other evidence properly introduced before the Appeals Chamber in that filing or proceedings, and shall ensure a fair and accurate presentation of the record of the proceedings.

Regulation 67
Applications for suspensive effect

Prior to filing any appeal under article 82, the Office shall consider whether to request that the appeal have suspensive effect pursuant to article 82, paragraph 3.

Regulation 68
Interlocutory appeals

Prior to lodging an appeal pursuant to article 82, paragraph 1 (a) to (c) or 82, paragraph 2, or seeking leave to appeal pursuant to article 82 paragraph 1 (d), the Office shall consider, consistent with its mandate, whether there is an identifiable and appealable error in the decision; whether the criteria prescribed for seeking leave to appeal are met, where applicable; and whether appealing the decision at this stage is in the interests of the Office in the proceedings.

Regulation 69
Responses to applications for leave to appeal and appeals

When deciding whether to respond to an application for leave to appeal or an appeal, the Office shall identify, consistent with its mandate:

(a) the issue or issues in respect to which leave to appeal is sought; and

(b) any issue or issues which the Office considers to meet the criteria of article 82, paragraph 1 (d).

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Regulation 70
Appeal or revision by the Office on behalf of a convicted person

Prior to filing an appeal on behalf of a convicted person pursuant to article 81, paragraph 1 (b) or an application for revision on behalf of a convicted person pursuant to article 84, paragraph 1, the Office shall seek to consult with the convicted person, or with his or her legal representative where applicable.

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