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on the Establishment of an
International Criminal Court**

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WORKING PAPER ON ARTICLE 61

Article 61

Confirmation of the charges before trial

1. Subject to the provisions of paragraph 1 bis, within a reasonable time after the person's surrender of 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 accused, as well as his or her counsel.

1 bis. When:

(a) The person has waived his right to be present; or

(b) The person has fled or cannot be found and all reasonable steps have been made to inform the person of the proposed charges and that a hearing to confirm those charges will be held,
the Pre-Trial Chamber shall hold a hearing in the absence of the accused to confirm the charges on which the Prosecutor intends to seek trial. In this case, the accused may be represented by a counsel of his or her own choosing or appointed by the Court.

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