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PREPARATORY COMMITTEE ON THE  
ESTABLISHMENT OF AN INTERNATIONAL  
CRIMINAL COURT  
11-21 February 1997

CHAIRMAN'S TEXT

Article B e.<sup>1</sup>

Irrelevance of official position

1. This Statute shall be applied to all persons without any discrimination whatsoever: official capacity, either as Head of State or Government, or as a member of a Government or parliament, or as an elected representative, or as a government official, shall in no case exempt a person from his criminal responsibility under this Statute, nor shall it [per se] constitute a ground for reduction of the sentence.

2. Any immunities or special procedural rules attached to the official capacity of a person, whether under national or international law, may not be relied upon to prevent the Court from exercising its jurisdiction in relation to that person.\*

\* Further discussion of paragraph 2 would be required in connection with procedure as well as international judicial cooperation.

<sup>1</sup> The letter designation of this article corresponds to that found in part 3 bis (General principles of criminal law) of vol. II of the report of the Preparatory Committee (Official Records of the General Assembly, Fifty-first Session, Supplement No. 22 (A/51/22), vol. II).

