



International Criminal Court Act 2001

CHAPTER 17

INTERNATIONAL CRIMINAL COURT ACT 2001

PART 1

THE INTERNATIONAL CRIMINAL COURT

- 1 The ICC and the ICC Statute

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings on request

- 2 Request for arrest and surrender
- 3 Request for provisional arrest
- 4 Dealing with person arrested under provisional warrant
- 5 Proceedings for delivery order
- 6 Supplementary provisions as to proceedings before competent court
- 7 Consent to surrender

Proceedings where court refuses delivery order

- 8 Procedure where court refuses order
- 9 Appeal against refusal of delivery order: England and Wales
- 10 Appeal against refusal of delivery order: Scotland

Proceedings where court makes delivery order

- 11 Procedure where court makes order
- 12 Right to review of delivery order
- 13 Waiver of right to review

Warrants, custody, bail and related matters

- 14 Effect of warrant of arrest
- 15 Effect of delivery order
- 16 Bail and custody: general
- 17 Bail and custody (England and Wales): supplementary
- 18 Bail and custody: consultation with the ICC, &c
- 19 Discharge of person not delivered up
- 20 Discharge of person no longer required to be surrendered

Request for transit and unscheduled landing

- 21 Request for transit
- 22 Unscheduled landing

Supplementary provisions

- 23 Provisions as to state or diplomatic immunity
- 24 Delivery up of persons subject to criminal proceedings, &c
- 25 Documents having effect as warrants, &c
- 26 Meaning of “appropriate judicial officer” and “competent court”

PART 3

OTHER FORMS OF ASSISTANCE

Introduction

- 27 Provision of assistance

Forms of assistance

- 28 Questioning
- 29 Taking or production of evidence
- 30 Taking or production of evidence: further provisions
- 31 Service of process
- 32 Transfer of prisoner to give evidence or assist in investigation
- 33 Entry, search and seizure
- 34 Taking of fingerprints or non-intimate sample
- 35 Orders for exhumation
- 36 Provision of records and documents
- 37 Investigation of proceeds of ICC crime
- 38 Freezing orders in respect of property liable to forfeiture

National security

- 39 Production or disclosure prejudicial to national security

Supplementary provisions

- 40 Verification of material
- 41 Transmission of material to the ICC

PART 4

ENFORCEMENT OF SENTENCES AND ORDERS

Sentences of imprisonment

- 42 Detention in the United Kingdom in pursuance of ICC sentence
- 43 Temporary return or transfer of custody to another state
- 44 Transfer to another part of the United Kingdom: transfer of ICC sentence
- 45 Transfer to another part of the United Kingdom: transfer for temporary purposes
- 46 Domestic sentence current at end of term of ICC sentence
- 47 Custody of prisoner in transit, &c
- 48 Interpretation of ss. 42 to 47

Other orders

- 49 Power to make provision for enforcement of other orders

PART 5

OFFENCES UNDER DOMESTIC LAW

Introduction

- 50 Meaning of “genocide”, “crime against humanity” and “war crime”

England and Wales

- 51 Genocide, crimes against humanity and war crimes
- 52 Conduct ancillary to genocide, etc. committed outside jurisdiction
- 53 Trial and punishment of main offences
- 54 Offences in relation to the ICC
- 55 Meaning of “ancillary offence”
- 56 Saving for general principles of liability, etc
- 57 Protection of victims and witnesses

Northern Ireland

- 58 Genocide, crimes against humanity and war crimes
- 59 Conduct ancillary to genocide, etc. committed outside jurisdiction
- 60 Trial and punishment of main offences
- 61 Offences in relation to the ICC
- 62 Meaning of “ancillary offence”
- 63 Saving for general principles of liability, etc
- 64 Protection of victims and witnesses

Supplementary provisions

- 65 Responsibility of commanders and other superiors
- 66 Mental element
- 67 Meaning of “UK national”, “UK resident” and “person subject to UK service jurisdiction”
- 68 Proceedings against persons becoming resident within the jurisdiction
- 69 References to acts to include omissions, etc

Consequential provisions

- 70 Offences under section 1 of the Geneva Conventions Act 1957
- 71 Extradition: Orders in Council under the 1870 Act

- 72 Extradition: exception to dual criminality rule under the 1989 Act
- 73 Extradition: offences not regarded as of political character etc
- 74 Consequential amendments of armed forces legislation

PART 6

GENERAL PROVISIONS

Interpretation

- 75 Meaning of “national court” and “service court”
- 76 Meaning of “British aircraft”, “British hovercraft” and “British ship”

Application and extent

- 77 Application of provisions in relation to other International Tribunals
- 78 Crown application
- 79 Extent
- 80 Power to make provision in relation to Scotland

Final provisions

- 81 Index of defined expressions
- 82 Commencement
- 83 Repeals
- 84 Short title

SCHEDULES

SCHEDULE 1 — Supplementary provisions relating to the ICC

- 1 Legal capacity, privileges and immunities
- 2 Power to provide for sittings of the ICC in the UK
- 3 Power to give effect to Rules of Procedure and Evidence etc.
- 4 Parliamentary approval of draft Orders
- 5 Proof of orders, etc. of the ICC
- 6 Evidence about ICC proceedings and orders
- 7 Pension provision for UK judges of ICC

SCHEDULE 2 — Delivery up of persons subject to criminal proceedings, &c.

Part 1 — CRIMINAL PROCEEDINGS

- 1 Meaning of “criminal proceedings”
- 2 Criminal proceedings in England and Wales or Northern Ireland
- 3 Criminal proceedings in Scotland
- 4 Proceedings before service court
- 5 Effect on custodial sentences
- 6 Power to suspend or revoke other orders

Part 2 — EXTRADITION PROCEEDINGS

- 7 Meaning of “extradition proceedings”
- 8 Extradition proceedings in England and Wales or Northern Ireland
- 9 Extradition proceedings in Scotland
- 10 Power to suspend or revoke warrant or order

Part 3 — OTHER DELIVERY PROCEEDINGS

- 11 Meaning of “other delivery proceedings”
- 12 Delivery proceedings in England and Wales

- 13 Delivery proceedings in Scotland
- 14 Power to suspend or revoke previous delivery order

SCHEDULE 3 — Rights of persons during investigation: article 55

Article 55 — **RIGHTS OF PERSONS DURING AN INVESTIGATION**

- 1 In respect of an investigation under this Statute, a person:...
- 2 Where there are grounds to believe that a person has...

SCHEDULE 4 — Taking of fingerprints or non-intimate samples

- 1 Nomination of court to supervise taking of evidence
- 2 Order to provide evidence
- 3 Requirement to attend and provide evidence
- 4 Consent to taking of evidence
- 5 Taking of evidence without consent
- 6 Record of certain matters to be made
- 7 Checking of fingerprints or samples
- 8 Destruction of fingerprints and samples

SCHEDULE 5 — Investigation of proceeds of ICC crime

Part 1 — PRODUCTION OR ACCESS ORDERS

- 1 Application for order
- 2 Grounds for making order
- 3 Production or access orders: standard orders
- 4 Production or access orders: special orders
- 5 Effect of order: general
- 6 Effect of order: supplementary
- 7 Order in relation to material in possession of government department

Part 2 — SEARCH WARRANTS

- 8 Application for warrant
- 9 Effect of warrant
- 10 Grounds for issue of warrant

Part 3 — SUPPLEMENTARY PROVISIONS

- 11 In this Schedule— “constable” includes a person commissioned by the...

SCHEDULE 6 — Freezing orders in respect of property liable to forfeiture

- 1 Application for freezing order
- 2 Grounds for making order
- 3 Effect of order
- 4 Variation or discharge of order
- 5 Power to appoint receiver
- 6 Seizure to prevent removal from jurisdiction
- 7 Registered land: England and Wales
- 8 Registered land: Northern Ireland
- 9 Bankruptcy: England and Wales
- 10 Bankruptcy: Northern Ireland
- 11 Winding up: England and Wales
- 12 Winding up: Northern Ireland
- 13 Protection of insolvency practitioners
- 14 Interpretation

SCHEDULE 7 — Domestic provisions not applicable to ICC prisoners

- 1 Introduction
- 2 Provisions affecting length of sentence

3 Provisions relating to early release or release on licence

SCHEDULE 8 — Genocide, crimes against humanity and war crimes: articles 6 to 9

Article 6 — **GENOCIDE**

Article 7 — **CRIMES AGAINST HUMANITY**

- 1 For the purpose of this Statute, “crime against humanity” means...
- 2 For the purpose of paragraph 1: (a) “Attack directed against...
- 3 For the purpose of this Statute, it is understood that...

Article 8 — **WAR CRIMES**

- 2 For the purpose of this Statute, “war crimes” means:

Article 9 — **ELEMENTS OF CRIMES**

- 1 Elements of Crimes shall assist the Court in the interpretation...
- 2 Amendments to the Elements of Crimes may be proposed by:...
- 3 The Elements of Crimes and amendments thereto shall be consistent...

SCHEDULE 9 — Offences against the ICC: article 70

Article 70 — **OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE**

- 1 The Court shall have jurisdiction over the following offences against...
- 4 (a) Each State Party shall extend its criminal laws penalizing...

SCHEDULE 10 — Repeals