
STATUTORY INSTRUMENTS

1996 No. 1296

The United Nations (International Tribunal) (Rwanda) Order 1996

PART III

OTHER FORMS OF ASSISTANCE TO THE INTERNATIONAL TRIBUNAL

Search etc. for material relevant to International Tribunal investigation

16.—(1) Part II of the Police and Criminal Evidence Act 1984⁽¹⁾ (powers of entry, search and seizure) shall have effect as if—

- (a) references to serious arrestable offences in section 8 of and Schedule 1 to that Act included any conduct which constitutes an International Tribunal crime and which would constitute a serious arrestable offence if it had occurred in any part of the United Kingdom, and
- (b) references to an enactment or an enactment contained in an Act included references to this Order.

(2) If, on an application made by a constable, a justice of the peace is satisfied—

- (a) that proceedings have been instituted for the indictment of a person by the International Tribunal or that a person has been arrested in the course of an investigation by the International Tribunal, and
- (b) that the conduct constituting the International Tribunal crime which is the subject of the proceedings or investigation would constitute an arrestable offence within the meaning of the said Act of 1984 if it had occurred in any part of the United Kingdom, and
- (c) that there are reasonable grounds for suspecting that there is on premises in the United Kingdom occupied or controlled by that person evidence relating to the International Tribunal crime other than items subject to legal privilege within the meaning of that Act,

he may issue a warrant authorising a constable to enter and search those premises and to seize any such evidence found there.

(3) The power to search conferred by paragraph (2) is only a power to search to the extent that it is reasonably required for the purpose of discovering such evidence as is there mentioned.

(4) No application for a warrant or order shall be made by virtue of paragraph (1) or (2) except in pursuance of a direction given by the Secretary of State in response to a request received from the International Tribunal, and any evidence seized by a constable by virtue of this article shall be furnished by him to the Secretary of State for transmission to the International Tribunal.

(5) If in order to comply with the request it is necessary for any such evidence to be accompanied by any certificate, affidavit or other verifying document the constable shall also furnish for transmission such document of that nature as may be specified in the direction given by the Secretary of State.

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(6) Where the evidence consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted as may be necessary in order to comply with the request.

(7) In the application of this article to Northern Ireland—

- (a) for any reference to the Police and Criminal Evidence Act 1984 there shall be substituted a reference to the Police and Criminal Evidence (Northern Ireland) Order 1989⁽²⁾, and
- (b) for any reference to Part II and section 8 of and Schedule 1 to that Act there shall be substituted a reference to Part III and article 10 of and Schedule 1 to that Order.

(2) S.I. 1989/1341 (N.I. 12).