

---

STATUTORY INSTRUMENTS

---

**1996 No. 716**

**UNITED NATIONS**

**The United Nations (International Tribunal) (Former Yugoslavia) Order 1996**

<i>Made</i>	- - - -	<i>13th March 1996</i>
<i>Laid before Parliament</i>		<i>14th March 1996</i>
<i>Coming into force</i>		<i>15th March 1996</i>

**THE UNITED NATIONS (INTERNATIONAL TRIBUNAL) (FORMER YUGOSLAVIA) ORDER 1996**

1. Citation, commencement and extent
2. Interpretation
3. Purpose of this Order

PART I

ARREST AND DELIVERY OF PERSONS TO THE INTERNATIONAL TRIBUNAL

4. Endorsement of warrants of arrest
5. Provisional warrants of arrest
6. Proceedings before competent court after arrest
7. Statement of case by competent court
8. Statement of case in Scotland
9. Securing attendance of person as witness or to assist in investigations
10. Transfer of prisoner to give evidence or to assist in investigations
11. Review of orders of competent court
12. Remand and bail
13. Discharge of persons not delivered up

PART II

DISCONTINUANCE OF PROCEEDINGS IN NATIONAL COURTS

14. Discontinuance of relevant proceedings

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### PART III

#### OTHER FORMS OF ASSISTANCE TO THE INTERNATIONAL TRIBUNAL

15. Transmission of information and records
16. Search etc. for material relevant to International Tribunal investigation
17. Search, etc for material relevant to International Tribunal investigation:  
Scotland
18. United Kingdom evidence for International Tribunal use
19. Service of process
20. Enforcement of orders for the preservation or restitution of property
21. Proceedings to determine the ownership of property
22. Immunities and privileges

### PART IV

#### SUPPLEMENTARY PROVISIONS

23. Warrants of arrest
24. Proceedings before a competent court under article 6, 9 or 10
25. Legal custody
26. Custodial sentences under United Kingdom law
27. Evidence  
Signature

---

#### SCHEDULE — STATUTE OF THE INTERNATIONAL TRIBUNAL

##### Article 1

###### *Competence of the International Tribunal*

##### Article 2

###### *Grave breaches of the Geneva Conventions of 1949*

##### Article 3

###### *Violations of the laws or customs of war*

##### Article 4

###### *Genocide*

1. The International Tribunal shall have the power to prosecute persons...
2. Genocide means any of the following acts committed with intent...
3. The following acts shall be punishable: (a) genocide;

## Article 5

### *Crimes against humanity*

## Article 6

### *Personal jurisdiction*

## Article 7

### *Individual criminal responsibility*

1. A person who planned, instigated, ordered, committed or otherwise aided...
2. The official position of any accused person, whether as Head...
3. The fact that any of the acts referred to in...
4. The fact that an accused person acted pursuant to an...

## Article 8

### *Territorial and temporal jurisdiction*

## Article 9

### *Concurrent jurisdiction*

1. The International Tribunal and national courts shall have concurrent jurisdiction...
2. The International Tribunal shall have primacy over national courts. At...

## Article 10

### *Non-bis-in-idem*

1. No person shall be tried before a national court for...
2. A person who has been tried by a national court...
3. In considering the penalty to be imposed on a person...

## Article 11

### *Organization of the International Tribunal*

## Article 12

### *Composition of the Chambers*

## Article 13

### *Qualifications and election of judges*

1. The judges shall be persons of high moral character, impartiality...
2. The judges of the International Tribunal shall be elected by...
3. In the event of a vacancy in the Chambers, after...
4. The judges shall be elected for a term of four...

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Article 14

### *Officers and members of the Chambers*

1. The judges of the International Tribunal shall elect a President....
2. The President of the International Tribunal shall be a member...
3. After consultation with the judges of the International Tribunal, the...
4. The judges of each Trial Chamber shall elect a Presiding...

## Article 15

### *Rules of procedure and evidence*

## Article 16

### *The Prosecutor*

1. The Prosecutor shall be responsible for the investigation and prosecution...
2. The Prosecutor shall act independently as a separate organ of...
3. The Office of the Prosecutor shall be composed of a...
4. The Prosecutor shall be appointed by the Security Council on...
5. The staff of the Office of the Prosecutor shall be...

## Article 17

### *The Registry*

1. The Registry shall be responsible for the administration and servicing...
2. The Registry shall consist of a Registrar and such other...
3. The Registrar shall be appointed by the Secretary-General after consultation...
4. The staff of the Registry shall be appointed by the...

## Article 18

### *Investigation and preparation of indictment*

1. The Prosecutor shall initiate investigations ex-officio or on the basis...
2. The Prosecutor shall have the power to question suspects, victims...
3. If questioned, the suspect shall be entitled to be assisted...
4. Upon a determination that a prima facie case exists, the...

## Article 19

### *Review of the indictment*

1. The judge of the Trial Chamber to whom the indictment...
2. Upon confirmation of an indictment, the judge may, at the...

## Article 20

### *Commencement and conduct of trial proceedings*

1. The Trial Chambers shall ensure that a trial is fair...
2. A person against whom an indictment has been confirmed shall...
3. The Trial Chamber shall read the indictment, satisfy itself that...

4. The hearings shall be public unless the Trial Chamber decides...

#### Article 21

##### *Rights of the accused*

1. All persons shall be equal before the International Tribunal.
2. In the determination of charges against him, the accused shall...
3. The accused shall be presumed innocent until proved guilty according...
4. In the determination of any charge against the accused pursuant...

#### Article 22

##### *Protection of victims and witnesses*

#### Article 23

##### *Judgement*

1. The Trial Chambers shall pronounce judgements and impose sentences and...
2. The judgement shall be rendered by a majority of the...

#### Article 24

##### *Penalties*

1. The penalty imposed by the Trial Chamber shall be limited...
2. In imposing the sentences, the Trial Chambers shall take into...
3. In addition to imprisonment, the Trial Chambers may order the...

#### Article 25

##### *Appellate proceedings*

1. The Appeals Chamber shall hear appeals from persons convicted by...
2. The Appeals Chamber may affirm, reverse or revise the decisions...

#### Article 26

##### *Review of proceedings*

#### Article 27

##### *Enforcement of sentences*

#### Article 28

##### *Pardon or commutation of sentences*

#### Article 29

##### *Cooperation and judicial assistance*

1. States shall cooperate with the International Tribunal in the investigation...

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2. States shall comply without undue delay with any request for...

#### Article 30

##### *The status, privileges and immunities of the International Tribunal*

1. The Convention on the Privileges and Immunities of the United...
2. The judges, the Prosecutor and the Registrar shall enjoy the...
3. The staff of the Prosecutor and of the Registrar shall...
4. Other persons, including the accused, required at the seat of...

#### Article 31

##### *Seat of the International Tribunal*

#### Article 32

##### *Expenses of the International Tribunal*

#### Article 33

##### *Working languages*

#### Article 34

##### *Annual report*

Explanatory Note