#### STATUTORY INSTRUMENTS

## 2018 No. 187

### UNITED NATIONS

# The United Nations (International Residual Mechanism for Criminal Tribunals) Order 2018

Made - - - - 8th February 2018
Laid before Parliament
Laid before the Scottish
Parliament - - 15th February 2018
Coming into force 8th March 2018

# THE UNITED NATIONS (INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS) ORDER 2018

#### PART 1

#### INTRODUCTION

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

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- 17. Search etc. for material relevant to Mechanism investigation: Scotland
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# SCHEDULE 1 — STATUTE OF THE INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS (IRMCT)

- 1. Article 1: Competence of the Mechanism
- 2. The Mechanism shall have the power to prosecute, in accordance...
- 3. The Mechanism shall have the power to prosecute, in accordance...
- 4. The Mechanism shall have the power to prosecute, in accordance...
- 5. The Mechanism shall not have the power to issue any...
  - Article 2: Functions of the Mechanism
  - Article 3: Structure and Seats of the Mechanism
  - Article 4: Organisation of the Mechanism
- 1. Article 5: Concurrent jurisdiction
- 2. The Mechanism shall have primacy over national courts in accordance...
- 1. Article 6: Referral of Cases to National Jurisdictions
- 2. After an indictment has been confirmed and prior to the...
- 3. In determining whether to refer a case involving a person...
- 4. The Trial Chamber may order such referral proprio motu or...

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- 5. The Mechanism shall monitor cases referred to national courts by...
- 6. After an order referring a case has been issued by...
- 1. Article 7: Non bis in idem
- 2. A person covered by Article 1 of this Statute who...
- 3. In considering the penalty to be imposed on a person...
- 1. Article 8: Roster of judges
- 2. A person who for the purposes of membership of the...
- 3. The judges of the Mechanism shall only be present at...
- 4. The judges of the Mechanism shall not receive any remuneration...
- 1. Article 9: Qualification of judges
- 2. In the composition of the Trial and Appeals Chambers, due...
- 1. Article 10: Election of judges
- 2. In the event of a vacancy in the roster, after...
- 3. The judges of the Mechanism shall be elected for a...
- 4. If there are no judges remaining on the roster or...
- 1. Article 11: The President
- 2. The President shall be present at either seat of the...
- 1. Article 12: Assignment of judges and Composition of the Chambers
- 2. The President may designate a duty judge from the roster...
- 3. The President of the Mechanism shall be a member of...
- 4. In the event of an application for review in accordance...
- 5. The President may appoint, from among the judges of the...
- 1. Article 13: Rules of Procedure and Evidence
- 2. Amendments of the Rules of Procedure and Evidence may be...
- 3. The Rules of Procedure and Evidence and any amendments thereto...
- 4. The Rules of Procedure and Evidence and amendments thereto shall...
- 1. Article 14: The Prosecutor
- 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 Office of the Prosecutor shall retain a small number...
- 1. Article 15: The Registry
- 2. The Registry shall consist of a Registrar, an officer in...
- 3. The Registrar shall be appointed by the Secretary-Generalfor a four-year...
- 4. The Registry shall retain a small number of staff commensurate...
- 1. Article 16: Investigation and Preparation of Indictment
- 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...
- 1. Article 17: Review of the Indictment
- 2. Upon confirmation of an indictment, the judge may, at the...
- 1. Article 18: Commencement and Conduct of Trial Proceedings
- 2. A person against whom an indictment has been confirmed shall,...
- 3. The Single Judge or judge of the Trial Chamber designated...
- 4. The hearings shall be public unless the Single Judge or...
- 1. Article 19: Rights of the Accused
- 2. In the determination of charges against him or her, the...
- 3. The accused shall be presumed innocent until proved guilty according...
- 4. In the determination of any charge against the accused pursuant... Article 20: Protection of Victims and Witnesses
- 1. Article 21: Judgments
- 2. All judgments shall be delivered in public and shall be...
- 1. Article 22: Penalties

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- 2. In determining the terms of imprisonment, the Single Judge or...
- 3. In imposing the sentences, the Single Judge or Trial Chamber...
- 4. In addition to imprisonment, the Single Judge or Trial Chamber...
- 1. Article 23: Appellate proceedings
- 2. The Appeals Chamber may affirm, reverse or revise the decisions... Article 24: Review Proceedings
- 1. Article 25: Enforcement of sentences
- 2. The Mechanism shall have the power to supervise the enforcement... Article 26: Pardon or Commutation of Sentences
- 1. Article 27: Management of the Archives
- 2. The Mechanism shall be responsible for the management, including preservation...
- 3. In managing access to these archives, the Mechanism shall...
- 1. Article 28: Cooperation and Judicial Assistance
- 2. States shall comply without undue delay with any request for...
- 3. The Mechanism shall respond to requests for assistance from national...
- 1. Article 29: The Status, Privileges and Immunities of the Mechanism
- 2. The President, the Prosecutor and the Registrar shall enjoy the...
- 3. The staff of the Prosecutor and of the Registrar shall...
- 4. Defence counsel, when holding a certificate that he or she...
- 5. Other persons, including the accused, required at the seats of...
  - Article 30: Expenses of the Mechanism
  - Article 31: Working languages
- 1. Article 32: Reports
- 2. The President and Prosecutor shall submit six-monthly reports to the...

**Explanatory Note**