
STATUTORY INSTRUMENTS

2018 No. 187

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

PART 1

INTRODUCTION

Citation, commencement and extent

1.—(1) This Order may be cited as the United Nations (International Residual Mechanism for Criminal Tribunals) Order 2018 and comes into force on 8th March 2018.

(2) This Order extends to the United Kingdom.

(3) So far as this Order relates to proceedings in a service court the relevant provisions extend to any place at which those proceedings are held.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“access order” means an order made under article 18(5)(b);

“appropriate judicial officer” means—

(a) the Senior District Judge (Chief Magistrate);

(b) a District Judge (Magistrates’ Courts) designated by the Senior District Judge (Chief Magistrate) for the purposes of this Order; or

(c) the Sheriff of Lothian and Borders;

“competent court” means a court consisting of an appropriate judicial officer;

“delivery order” means an order for delivery up made under article 6, 9(5) or 10(6);

“endorsed warrant” means a warrant of arrest endorsed under article 4(3);

“the Mechanism” means—

(a) the International Residual Mechanism for Criminal Tribunals established by resolution 1966 adopted by the United Nations Security Council on 22 December 2010(1);

(b) any of the organs of the Mechanism referred to in article 4 of the Statute;

“Mechanism crime” means a crime in respect of which the Mechanism has competence under article 1 of the Statute;

“national court” means a court in the United Kingdom or a service court;

“the President of the Mechanism” means the President appointed under the Statute by the Secretary-General of the United Nations;

“prisoner” means—

(1) S/RES/1966 (2010).

(a) a person serving a sentence in a prison or other institution to which the Prison Act 1952(2), the Prisons (Scotland) Act 1989(3) or the Prison Act (Northern Ireland) 1953(4) applies; or

(b) a person serving a sentence of detention or imprisonment imposed by a service court;

“production order” means an order made under article 18(5)(a);

“the Prosecutor” means the Prosecutor responsible under the Statute for the investigation and prosecution of persons in accordance with the Statute and the Rules;

“the Registrar” means the Registrar appointed under the Statute by the Secretary-General of the United Nations;

“the Rules” means the Rules of Procedure and Evidence of the Mechanism(5) adopted under article 13 of the Statute;

“service court” means a court martial constituted under the Armed Forces Act 2006(6), whether the court is held within the United Kingdom or elsewhere;

“sheriff” includes “summary sheriff”;

“the Statute” means the Statute of the Mechanism annexed to resolution 1966 adopted by the United Nations Security Council on 22 December 2010, the text of which is set out in the Schedule to this Order;

“transfer order” means an order issued by the Mechanism under rule 38 of the Rules for the transfer of a person to the Mechanism; and

“transfer warrant” means a warrant issued under article 10(2) or (9).

(2) A reference in this Order to a part of the United Kingdom is a reference to England and Wales, to Scotland or to Northern Ireland.

(3) A reference in this Order to arrangements made by the Secretary of State with the Registrar or with another state is a reference to arrangements of a general nature or to arrangements relating to a particular case or group of cases.

Purpose of this Order

3.—(1) This Order has effect for the purpose of enabling the United Kingdom to co-operate with the Mechanism in the investigation and prosecution of persons accused of committing Mechanism crimes and the punishment of persons convicted of such crimes.

(2) Without prejudice to the generality of paragraph (1), this Order has effect—

(a) to provide for the arrest and delivery to the Mechanism of persons accused or convicted of a Mechanism crime and for the arrest in cases of urgency of persons suspected of having committed a Mechanism crime;

(b) to secure the attendance before the Mechanism of persons as witnesses or to assist in investigations;

(c) to give effect to requests by the Mechanism for the discontinuance of certain proceedings in courts constituted under any enactment or rule of law applying in England and Wales, Scotland and Northern Ireland;

(2) 1952 c. 52. There are amendments, but none relevant to this Order.

(3) 1989 c. 45, as amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), section 22. There have been other amendments, but none are relevant.

(4) 1953 c. 18 (N.I.), as amended by S.I. 2010/976, articles 1(2) and 6(1).

(5) http://www.unmict.org/sites/default/files/documents/120608_rules_en.pdf.

(6) 2006 c. 52. There are amendments, but none are relevant to this Order.

- (d) to provide the Mechanism with other forms of assistance in the investigation and prosecution of Mechanism crimes;
 - (e) to enforce orders of the Mechanism for the preservation or restitution of property and to give effect to requests to determine the ownership of property; and
 - (f) to make provision for the immunities and privileges of the Mechanism and persons connected with it.
- (3) Nothing in this Order prevents the provision of assistance to the Mechanism otherwise than under this Order.