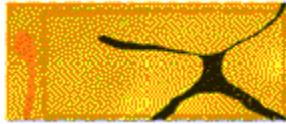


THE UNITED KINGDOM INTERNATIONAL CRIMINAL COURT ACT 2001

(SUMMARY)

INTERNATIONAL HUMANITARIAN LAW NATIONAL IMPLEMENTATION



IMPLEMENTING LAWS AND REGULATIONS : INTRODUCTION

United Kingdom of Great Britain and Northern Ireland (the)


Title: International Criminal Court Act 2001
Adopted on: 11.05.2001
Entry into force: 01.09.2001

Sections 7(3); 13(3); 49; 50(3); 50(4), 79(3); and 80(3) came into force on 13 June 2001.

Source: International Criminal Court Act 2001, Chapter 17.


(Long title: "An Act to give effect to the Statute of the International Criminal Court; to provide for offences under the law of England and Wales and Northern Ireland corresponding to offences within the jurisdiction of that Court; and for connected purposes".)


▼ Summary:

This Act implements into the law of England, Wales and Northern Ireland the Rome Statute of the International Criminal Court, 1998. There is a separate act passed by the Scottish parliament – the International Criminal Court (Scotland) Act 2001  – which must be read in conjunction with the act passed by the British parliament.

Part 2 of the Act deals with the procedure to be followed when there is a request by the International Criminal Court (ICC) for the arrest and surrender of a person alleged to have committed a crime under the ICC Statute. Proceedings may then be commenced for his delivery to the ICC. Such proceedings may be brought within the United Kingdom even if the person concerned claiming State or diplomatic immunity, if the State concerned is party to the Rome Statute. The Act also permits other forms of assistance to be given within the United Kingdom to the ICC, such as the questioning of a person being investigated or prosecuted by the ICC, the entry of premises, search of property and seizure of material, and the detention of a person after

conviction by the ICC.

The Act implements Article 5 (a, b and c) of the Rome Statute by establishing the genocide – a crime against humanity and a war crime – as a crime against the law of England, Wales and Northern Ireland. This includes committing an offence as a secondary party (such as by aiding and abetting or inciting an offence). Genocide had been made a crime under the law of the United Kingdom by the Genocide Act 1969 , which is now replaced by the aforementioned act. There is extra-territorial jurisdiction only if the offence is committed by a United Kingdom national or resident, or a member of the British armed forces abroad.

Section 65 implements Article 28  of the Rome Statute, which deals with the responsibility of commanders and other superiors.

The Elements of Crimes were incorporated into British law by the International Criminal Court Act 2001 (Elements of Crimes) Regulations 2001. The instrument follows the form of Articles 6, 7 and 8 of the 1998 Rome Statute and sets out the details of each of the crimes. It implements into British law the Finalized draft text of the Elements of Crimes by the Preparatory Commission for the International Criminal Court (PCNICC/2000/1/Add.2).