

INTERNATIONAL CRIMINAL COURT ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: General Provisions

Section 77: Application of provisions to other International Tribunals

116. The effect of *subsections (1) and (2)* is that State or diplomatic immunity will not prevent the arrest and surrender of a person indicted by either of the International Criminal Tribunals for the former Yugoslavia and Rwanda.
117. The effect of *subsection (3)* is that the UK can accept prisoners from either of the two Tribunals to serve their sentences in domestic prisons. This would be subject to the UK reaching an enforcement of sentences agreement with that Tribunal.
118. Should the Security Council establish any future Tribunals along the lines of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the relevant Security Council resolution will be given effect to by an Order in Council under the United Nations Act 1946. *Subsection (4)* provides that such an Order in Council may include provisions to allow for the arrest and surrender of persons with State or diplomatic immunity and to enable convicted persons to serve their sentences in domestic prisons.