



International Criminal Court Act 2001

2001 CHAPTER 17

PART 5

OFFENCES UNDER DOMESTIC LAW

Northern Ireland

58 Genocide, crimes against humanity and war crimes

- (1) It is an offence against the law of Northern Ireland for a person to commit genocide, a crime against humanity or a war crime.
- (2) This section applies to acts committed—
 - (a) in Northern Ireland, or
 - (b) outside the United Kingdom by a United Kingdom national or a United Kingdom resident.

59 Conduct ancillary to genocide, etc. committed outside jurisdiction

- (1) It is an offence against the law of Northern Ireland for a person to engage in conduct ancillary to an act to which this section applies.
- (2) This section applies to an act that if committed in Northern Ireland would constitute—
 - (a) an offence under section 58 (genocide, crime against humanity or war crime), or
 - (b) an offence under this section,but which, being committed (or intended to be committed) outside Northern Ireland, does not constitute such an offence.
- (3) The reference in subsection (1) to conduct ancillary to such an act is to conduct that would constitute an ancillary offence in relation to that act if the act were committed in Northern Ireland.

- (4) This section applies where the conduct in question consists of or includes an act committed—
- (a) in Northern Ireland, or
 - (b) outside the United Kingdom by a United Kingdom national or a United Kingdom resident.

60 Trial and punishment of main offences

- (1) The following provisions apply in relation to—
- (a) offences under section 58 (genocide, crimes against humanity and war crimes),
 - (b) offences under section 59 (conduct ancillary to genocide, etc. committed outside jurisdiction), and
 - (c) offences ancillary to an offence within paragraph (a) or (b) above.
- (2) The offence is triable only on indictment.
- (3) Proceedings for an offence shall not be instituted except by or with the consent of the Attorney General for Northern Ireland.
- (4) If the offence is not committed in Northern Ireland—
- (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed, in any place in Northern Ireland.
- (5) A person convicted of—
- (a) an offence involving murder, or
 - (b) an offence ancillary to an offence involving murder,
- shall be dealt with as for an offence of murder or, as the case may be, the corresponding ancillary offence in relation to murder.
- In this subsection “murder” means the killing of a person in such circumstances as would, if committed in Northern Ireland, constitute murder.
- (6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.

61 Offences in relation to the ICC

- (1) A person intentionally committing any of the acts mentioned in article 70.1 (offences against the administration of justice in relation to the ICC) may be dealt with as for the corresponding domestic offence committed in relation to a superior court in Northern Ireland.
- (2) In interpreting and applying the provisions of article 70.1 the court shall take into account any relevant judgment or decision of the ICC.
- Account may also be taken of any other relevant international jurisprudence.
- (3) The corresponding domestic offences are—
- (a) in relation to article 70.1(a) (giving false testimony when under an obligation to tell the truth), an offence against Article 3(1) of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) ;

- (b) in relation to article 70.1(b) to (f) (other offences), an offence at common law.
- (4) This section and, so far as may be necessary for the purposes of this section, the enactments and rules of law relating to the corresponding domestic offences apply to acts committed—
 - (a) in Northern Ireland, or
 - (b) outside the United Kingdom by a United Kingdom national or a United Kingdom resident.
- (5) Proceedings for an offence under this section, or for an offence ancillary to such an offence, shall not be instituted except by or with the consent of the Attorney General for Northern Ireland.
- (6) If an offence under this section, or an offence ancillary to such an offence, is not committed in Northern Ireland—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed, in any place in Northern Ireland.
- (7) The relevant provisions of article 70.1 are set out in Schedule 9 to this Act.

62 Meaning of “ancillary offence”

- (1) References in this Part to an ancillary offence under the law of Northern Ireland are to—
 - (a) aiding, abetting, counselling or procuring the commission of an offence,
 - (b) inciting a person to commit an offence,
 - (c) attempting or conspiring to commit an offence, or
 - (d) assisting an offender or concealing the commission of an offence.
- (2) In subsection (1)(a) the reference to aiding, abetting, counselling or procuring is to conduct that in relation to an indictable offence would be punishable under section 8 of the Accessories and Abettors Act 1861 (c. 94).
- (3) In subsection (1)(b) the reference to incitement is to conduct amounting to an offence of incitement at common law.
- (4) In subsection (1)(c)—
 - (a) the reference to an attempt is to conduct amounting to an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13)); and
 - (b) the reference to conspiracy is to conduct amounting to an offence of conspiracy under Article 9 of that Order.
- (5) In subsection (1)(d)—
 - (a) the reference to assisting an offender is to conduct that in relation to an arrestable offence would amount to an offence under section 4(1) of the Criminal Law Act (Northern Ireland) 1967 (c. 18 (N.I.)); and
 - (b) the reference to concealing an offence is to conduct that in relation to an arrestable offence would amount to an offence under section 5(1) of that Act.

63 Saving for general principles of liability, etc

- (1) In determining whether an offence under this Part has been committed the court shall apply the principles of the law of Northern Ireland.
- (2) Nothing in this Part shall be read as restricting the operation of any enactment or rule of law relating to—
 - (a) the extra-territorial application of offences (including offences under this Part), or
 - (b) offences ancillary to offences under this Part (wherever committed).

64 Protection of victims and witnesses

- (1) The enactments specified below (which make provision for the protection of victims and witnesses of certain offences) have effect—
 - (a) as if any reference in those provisions to a specific substantive offence included an offence under section 58 involving conduct constituting that offence; and
 - (b) as if any reference in those provisions to a specific ancillary offence included—
 - (i) that ancillary offence in relation to an offence under section 58 involving conduct constituting the substantive offence in question, and
 - (ii) an offence under section 59 involving conduct constituting that ancillary offence in relation to an act to which that section applies involving conduct constituting the substantive offence in question.
- (2) The enactments are—

the Sexual Offences (Northern Ireland) Order 1978 (S.I. 1978/460 (N.I. 15)) and the [Sexual Offences \(Amendment\) Act 1992 \(c. 34\)](#) (protection of victims of sexual offences); and

Parts 1 to 4 of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)) (protection of witnesses and complainants).

Until the commencement of the amendments to the Sexual Offences (Amendment) Act 1992 (c. 34) made by Schedule 2 to the Youth Justice and Criminal Evidence Act 1999, the reference above to the 1992 Act shall be read as a reference to Part 3 of the Criminal Justice (Northern Ireland) Order 1994.

- (3) In subsection (1) above—
 - (a) “substantive offence” means an offence other than an ancillary offence; and
 - (b) the reference to conduct constituting an offence is to conduct that would constitute that offence if committed in Northern Ireland.