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STATUTORY INSTRUMENTS

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**2009 No. 699**

**INTERNATIONAL TRIBUNALS**

**The International Criminal Court (Darfur) Order 2009**

*Made - - - - 18th March 2009*  
*Coming into force - - 18th March 2009*  
*Laid before Parliament 19th March 2009*  
*Laid before the Scottish Parliament 29th September 2011*

At the Court at Buckingham Palace, the 18th day of March 2009

Present,

The Queen's Most Excellent Majesty in Council

In consequence of the referral of the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1593 (2005), it is expedient to make the provision set out in this Order.

Her Majesty, by and with the advice of Her Council, in exercise of the powers conferred by section 1 of the United Nations Act 1946(1), as extended by section 23(5) of the International Criminal Court Act 2001(2), makes the following Order in Council—

1. This Order may be cited as the International Criminal Court (Darfur) Order 2009.

2.—(1) Any state or diplomatic immunity attaching to a person does not prevent proceedings under Part 2 of the International Criminal Court Act 2001 in relation to that person.

(2) Paragraph (1) applies to proceedings in relation to a person alleged to have committed an ICC crime, or to have been convicted by the ICC, as a result of the referral of the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1593 (2005).

(3) The Secretary of State may in any particular case, after consultation with the ICC and the State concerned, direct that proceedings (or further proceedings) under Part 2 of the International

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(1) 1946 c.45  
(2) 2001 c.17

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Criminal Court Act 2001 which, but for paragraph (1), would be prevented by state or diplomatic immunity attaching to a person shall not be taken against that person.

(4) In this Article, “the ICC” and “ICC crime” have the same meaning as in section 1(1) of the International Criminal Court Act 2001, and “state or diplomatic immunity” has the same meaning as in section 23(6) of that Act.

*Judith Simpson*  
Clerk of the Privy Council

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes provision so that proceedings under Part 2 of the International Criminal Court Act may be taken against a person who would otherwise enjoy state or diplomatic immunity. It only applies where the person is charged or convicted by the ICC as a result of the referral of the situation in Darfur by the United Nations Security Council.