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STATUTORY INSTRUMENTS

2011 No. 1696

INTERNATIONAL TRIBUNALS

The International Criminal Court (Libya) Order 2011

<i>Made</i>	<i>13th July 2011</i>
<i>Coming into force</i>	<i>13th July 2011</i>
<i>Laid before Parliament</i>	<i>18th July 2011</i>
<i>Laid before the Scottish Parliament</i>	<i>5th August 2011</i>

At the Court at Buckingham Palace, the 13th day of July 2011

Present,

The Queen's Most Excellent Majesty in Council

In consequence of the referral of the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1970 (2011), it is expedient to make the provision set out in this Order.

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

1. This Order may be cited as the International Criminal Court (Libya) Order 2011.
- 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 the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1970 (2011).
(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 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.

(a) 1946 c. 45.
(b) 2001 c. 17.

(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

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 Libya by the United Nations Security Council.

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£4.00

E1110 8/2011 111110T 19585

