
STATUTORY INSTRUMENTS

2018 No. 187

The United Nations (International Residual
Mechanism for Criminal Tribunals) Order 2018

PART 2

ARREST AND DELIVERY OF PERSONS TO THE MECHANISM

Provisional warrants of arrest

- 5.—(1) Where the Secretary of State—
- (a) receives a request from the Mechanism for the arrest of a person (“P”) who is suspected or accused of having committed a Mechanism crime; and
 - (b) the request is not accompanied by a warrant but is made on the grounds of urgency,
- the Secretary of State must transmit the request to a constable and direct the constable to apply for a warrant for the arrest of P.
- (2) An appropriate judicial officer may issue a warrant (“a provisional warrant”) for the arrest of P on an application by a constable stating on oath that the constable has reason to believe—
- (a) that a request has been made on grounds of urgency by the Mechanism for the arrest of P who is suspected or accused of having committed a Mechanism crime;
 - (b) that P is in or on the way to the United Kingdom; and
 - (c) that the purpose of the arrest is to enable P to be brought before the Mechanism.
- (3) If a provisional warrant is issued, the appropriate judicial officer must notify the Secretary of State.
- (4) In the application of paragraphs (1), (2) and (3) to Scotland, the following modifications have effect—
- (a) the request by the Mechanism must be transmitted to a procurator fiscal who shall apply for a warrant;
 - (b) an application for a warrant must be made by the procurator fiscal and must be supported by information as respects the matters specified in paragraph (2).
- (5) A person (“Q”) arrested under a provisional warrant must be brought before a competent court as soon as practicable, and—
- (a) if an endorsed warrant in respect of Q is produced to the court, the court must proceed as if P had been arrested under that warrant, and article 6 applies accordingly;
 - (b) if a transfer order is produced to the court, the court must deal with Q in accordance with article 6(4) to (9); and
 - (c) if no such warrant or order is produced, the court may, pending the production of such a warrant or order, remand Q for not more than 18 days at a time, provided that the total period of remands does not exceed 40 days in all.

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(6) If at any time an endorsed warrant relating to a person (“R”) remanded under article 5(c) is produced to the court which remanded R, the court must determine the period of remand and R must thereafter be treated as if arrested at that time under the endorsed warrant.

(7) If an endorsed warrant or transfer order relating to a person (“S”) remanded under article 5(c) is not produced to the court which remanded S within the period of S’s remand (including any extension of that period), S must be discharged by the court.