EXPLANATORY NOTES

INTERNATIONAL CRIMINAL COURT ACT 2001

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BACKGROUND

THE ACT

COMMENTARY ON SECTIONS

PART 1: THE INTERNATIONAL CRIMINAL COURT

Section 1: The ICC and the ICC Statute

PART 2: ARREST AND DELIVERY OF PERSONS

Section 2: Request for arrest and surrender

Section 3: Request for provisional arrest

Section 4: Dealing with person arrested under provisional warrant

Section 5: Proceedings for delivery order

Section 6: Supplementary provisions as to proceedings before competent court

Section 7: Consent to surrender

Section 8: Procedure where court refuses order

Sections 9 and 10: Appeal against refusal of delivery order

Section 11-12: Proceedings where court makes delivery order

Section 13: Waiver of right to review

Section 14: Effect of warrant of arrest

Section 15: Effect of delivery order

Sections 16 to 18: Bail and custody

Sections 19 and 20: Discharge of persons

Section 21: Request for transit

Section 22: Unscheduled landing by person in transit

These notes refer to the International Criminal Court Act 2001 (c.17)

- Section 23: Provisions as to State or diplomatic immunity
- Section 24: Delivery up of persons subject to criminal proceedings etc.
- Section 25: Documents having effect as warrants etc.
- Section 26: Meaning of "appropriate judicial officer" and "competent court"

PART 3: OTHER FORMS OF ASSISTANCE

- Section 27: Provision of assistance
- Section 28: Questioning of person being investigated or prosecuted
- Section 29: Taking or production of evidence
- Section 30: Taking or production of evidence: further provisions
- Section 31: Service of process
- Section 32: Transfer of prisoner to give evidence or assist in investigation
- Section 33: Powers of entry, search and seizure
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- Section 42: Detention in the United Kingdom in pursuance of ICC sentence
- Section 43: Temporary return or transfer of custody to another state
- Sections 44 and 45: Transfer to another part of the UK
- Section 46: Domestic sentence current at end of term of ICC sentence
- Section 47: Custody of prisoner in transit etc.
- Section 49: Power to make provision for enforcement of other orders

PART 5: OFFENCES UNDER DOMESTIC LAW

- Section 50: Meaning of "genocide", "crime against humanity" and "war crime"
- Section 51: Genocide, crimes against humanity and war crimes
- Section 52: Conduct ancillary to genocide, etc. committed outside jurisdiction
- Section 53: Trial and punishment of main offences

These notes refer to the International Criminal Court Act 2001 (c.17)

- Section 54: Offences in relation to the ICC
- Section 55: Meaning of "ancillary offences"
- Section 56: Saving for general principles of liability
- Section 57: Protection of victims and witnesses
- Sections 58 to 64: Northern Ireland
- Section 65: Responsibility of commanders and other superiors
- Section 66: Mental Element
- Section 67: Meaning of "United Kingdom national", "UK resident" and "person subject to UK service jurisdiction"
- Section 68: Proceedings against persons becoming resident within the jurisdiction
- Section 70: Offences under section 1 of the Geneva Conventions Act 1957
- Section 71: Extradition: Orders in Council under the 1870 Act
- Section 72: Extradition: exception to dual criminality rule under the 1989 Act
- Section 73: Extradition: offences not regarded as of political character etc.
- Section 74: Consequential amendments of armed forces legislation

PART 6: GENERAL PROVISIONS

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- Section 78: Crown application
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- Schedule 1: Supplementary Provisions Relating to the Icc
 - Paragraph 1: Legal capacity, privileges and immunities
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- Schedule 2: Delivery Up of Persons Subject to Criminal Proceedings Etc.

PART 1: CRIMINAL PROCEEDINGS

- Paragraphs 2 to 4: Criminal proceedings
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Schedule 5: Investigation of Proceeds of Icc Crime

PART 1: PRODUCTION OR ACCESS ORDERS

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Schedule 6: Freezing Orders in Respect of Property Liable to Forfeiture

Schedule 7: Domestic Provisions Not Applicable to Icc Prisoners

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Paragraph 2: Provisions affecting length of sentence

Paragraph 3: Provisions relating to early release or release on licence

Schedule 8: Genocide, Crimes Against Humanity and War Crimes: Articles 6 to 9

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COMMENCEMENT

HANSARD REFERENCES