



International Criminal Court Act 2001

2001 CHAPTER 17

PART 5

OFFENCES UNDER DOMESTIC LAW

Introduction

50 Meaning of “genocide”, “crime against humanity” and “war crime”

(1) In this Part—

- “genocide” means an act of genocide as defined in article 6,
- “crime against humanity” means a crime against humanity as defined in article 7, and
- “war crime” means a war crime as defined in article 8.2.

(2) In interpreting and applying the provisions of those articles the court shall take into account—

- (a) any relevant Elements of Crimes adopted in accordance with article 9, and
- (b) until such time as Elements of Crimes are adopted under that article, any relevant Elements of Crimes contained in the report of the Preparatory Commission for the International Criminal Court adopted on 30th June 2000.

(3) The Secretary of State shall set out in regulations the text of the Elements of Crimes referred to in subsection (2), as amended from time to time.

The regulations shall be made by statutory instrument which shall be laid before Parliament after being made.

(4) The articles referred to in subsection (1) shall for the purposes of this Part be construed subject to and in accordance with any relevant reservation or declaration made by the United Kingdom when ratifying any treaty or agreement relevant to the interpretation of those articles.

Her Majesty may by Order in Council—

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- (a) certify that such a reservation or declaration has been made and the terms in which it was made;
 - (b) if any such reservation or declaration is withdrawn (in whole or part), certify that fact and revoke or amend any Order in Council containing the terms of that reservation or declaration.
- (5) In interpreting and applying the provisions of the articles referred to in subsection (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.

- (6) The relevant provisions of the articles of the ICC Statute referred to this section are set out in Schedule 8 to this Act.

No account shall be taken for the purposes of this Part of any provision of those articles omitted from the text set out in that Schedule.

Commencement Information

- II** S. 50 wholly in force at 1.9.2001; s. 50 not in force at Royal Assent see s. 82; s. 50(3)(4) in force for specified purposes at 13.6.2001 and otherwise 1.9.2001 by S.I. 2001/2161, arts. 2, 3 (as amended (25.6.2001) by S.I. 2001/2304, art. 2); s. 50(1)(2)(5)(6) in force at 1.9.2001 by S.I. 2001/2161, art. 2

England and Wales

51 Genocide, crimes against humanity and war crimes

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

52 Conduct ancillary to genocide, etc. committed outside jurisdiction

- (1) It is an offence against the law of England and Wales 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 England or Wales would constitute—
- (a) an offence under section 51 (genocide, crime against humanity or war crime), or
 - (b) an offence under this section,
- but which, being committed (or intended to be committed) outside England and Wales, 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 England or Wales.
- (4) This section applies where the conduct in question consists of or includes an act committed—

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- (a) in England or Wales, or
- (b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.

53 Trial and punishment of main offences

- (1) The following provisions apply in relation to—
 - (a) offences under section 51 (genocide, crimes against humanity and war crimes),
 - (b) offences under section 52 (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.
- (4) If the offence is not committed in England or Wales—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed, in any place in England or Wales.
- (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 England or Wales, constitute murder.
- (6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.

54 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 England and Wales.
- (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 section 1(1) of the Perjury Act 1911 (c. 6);
 - (b) in relation to article 70.1(c) (interference with witness or evidence), an offence against section 51 of the Criminal Justice and Public Order Act 1994 (c. 33) or at common law;

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

- (c) in relation to article 70.1(b) or (d) 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 England or Wales, or
 - (b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.
- (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.
- (6) If an offence under this section, or an offence ancillary to such an offence, is not committed in England or Wales—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed, in any place in England or Wales.
- (7) The relevant provisions of article 70.1 are set out in Schedule 9 to this Act.

55 Meaning of “ancillary offence”

- (1) References in this Part to an ancillary offence under the law of England and Wales 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 section 1 of the Criminal Attempts Act 1981 (c. 47); and
 - (b) the reference to conspiracy is to conduct amounting to an offence of conspiracy under section 1 of the Criminal Law Act 1977 (c. 45).
- (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 1967 (c. 58); 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.

Status: Point in time view as at 01/09/2001.

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

56 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 England and Wales.
- (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).

57 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 51 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 51 involving conduct constituting the substantive offence in question, and
 - (ii) an offence under section 52 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 (Amendment) Act 1976 (c. 82) and the Sexual Offences (Amendment) Act 1992 (c.34) (protection of victims of sexual offences);
Chapters 1 to 3 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (protection of witnesses and complainants); and
the Sexual Offences (Protected Material) Act 1997 (c. 39) (restrictions on access by defendants and others to material disclosed in connection with proceedings for offences).
- (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 England and Wales.

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

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- (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.

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

- (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).

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- (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.

Modifications etc. (not altering text)

- C1** S. 62(1)(b) modified (prosp.) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1)(2), 94, [Sch. 6 para. 42](#) (with [Sch. 13 para. 5](#))

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—

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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.

Supplementary provisions

65 Responsibility of commanders and other superiors

- (1) This section applies in relation to—
 - (a) offences under this Part, and
 - (b) offences ancillary to such offences.
- (2) A military commander, or a person effectively acting as a military commander, is responsible for offences committed by forces under his effective command and control, or (as the case may be) his effective authority and control, as a result of his failure to exercise control properly over such forces where—
 - (a) he either knew, or owing to the circumstances at the time, should have known that the forces were committing or about to commit such offences, and
 - (b) he failed to take all necessary and reasonable measures within his power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.
- (3) With respect to superior and subordinate relationships not described in subsection (2), a superior is responsible for offences committed by subordinates under his effective authority and control, as a result of his failure to exercise control properly over such subordinates where—
 - (a) he either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such offences,
 - (b) the offences concerned activities that were within his effective responsibility and control, and
 - (c) he failed to take all necessary and reasonable measures within his power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.
- (4) A person responsible under this section for an offence is regarded as aiding, abetting, counselling or procuring the commission of the offence.
- (5) In interpreting and applying the provisions of this section (which corresponds to article 28) the court shall take into account any relevant judgment or decision of the ICC.

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

Account may also be taken of any other relevant international jurisprudence.

- (6) Nothing in this section shall be read as restricting or excluding—
- (a) any liability of the commander or superior apart from this section, or
 - (b) the liability of persons other than the commander or superior.

66 Mental element

- (1) References in this Part to a person committing—
- (a) genocide,
 - (b) a crime against humanity,
 - (c) a war crime, or
 - (d) any of the acts mentioned in article 70.1 (offences against the administration of justice in relation to the ICC),

shall be construed in accordance with this section.

- (2) Unless otherwise provided by—
- (a) the articles mentioned in the definition in section 50(1) of the crimes specified in subsection (1)(a) to (c) above, or any relevant Elements of Crimes (see section 50(2)),
 - (b) section 54(1) or 61(1) or article 70.1 (offences in relation to the ICC), or
 - (c) section 65 (responsibility of commanders and other superiors),

a person is regarded as committing such an act or crime only if the material elements are committed with intent and knowledge.

- (3) For this purpose—
- (a) a person has intent—
 - (i) in relation to conduct, where he means to engage in the conduct, and
 - (ii) in relation to a consequence, where he means to cause the consequence or is aware that it will occur in the ordinary course of events; and
 - (b) “knowledge” means awareness that a circumstance exists or a consequence will occur in the ordinary course of events.

- (4) In interpreting and applying the provisions of this section (which corresponds to article 30) 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.

67 Meaning of “UK national”, “UK resident” and “person subject to UK service jurisdiction”

- (1) In this Part a “United Kingdom national” means an individual who is—
- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas Citizen,
 - (b) a person who under the British Nationality Act 1981 (c. 61) is a British subject, or
 - (c) a British protected person within the meaning of that Act.

- (2) In this Part a “United Kingdom resident” means a person who is resident in the United Kingdom.

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- (3) In this Part a “person subject to UK service jurisdiction” means—
- (a) a person subject to military law, air force law or the Naval Discipline Act 1957 (c. 53);
 - (b) any such person as is mentioned in section 208A or 209(1) or (2) of the Army Act 1955 (c. 18) or the Air Force Act 1955 (c. 19) (application of Act to passengers in HM ships and aircraft and to certain civilians); or
 - (c) any such person as is mentioned in section 117 or 118 of the Naval Discipline Act 1957 (application of Act to passengers in HM ships and to certain civilians).

68 Proceedings against persons becoming resident within the jurisdiction

- (1) This section applies in relation to a person who commits acts outside the United Kingdom at a time when he is not a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction and who subsequently becomes resident in the United Kingdom.
- (2) Proceedings may be brought against such a person in England and Wales or Northern Ireland for a substantive offence under this Part if—
 - (a) he is resident in the United Kingdom at the time the proceedings are brought, and
 - (b) the acts in respect of which the proceedings are brought would have constituted that offence if they had been committed in that part of the United Kingdom.
- (3) Proceedings may be brought against such a person in England and Wales or Northern Ireland for an offence ancillary to a substantive offence under this Part (or what would be such a substantive offence if committed in that part of the United Kingdom) if—
 - (a) he is resident in the United Kingdom at the time the proceedings are brought, and
 - (b) the acts in respect of which the proceedings are brought would have constituted that offence if they had been committed in that part of the United Kingdom.
- (4) In this section a “substantive offence” means an offence other than an ancillary offence.
- (5) Nothing in this section shall be read as restricting the operation of any other provision of this Part.

69 References to acts to include omissions, etc

In this Part “act”, except where the context otherwise requires, includes an omission, and references to conduct have a corresponding meaning.

Consequential provisions

70 Offences under section 1 of the Geneva Conventions Act 1957

- (1) In section 1 of the Geneva Conventions Act 1957 (c. 52) (punishment of grave breaches of the conventions)—

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- (a) in subsection (1), omit the words from “and on conviction on indictment” to the end; and
 - (b) omit subsections (3) to (5).
- (2) After that section insert—

“1A Trial and punishment of offences under s.1

- (1) The following provisions apply in relation to offences under section 1 of this Act.
 - (2) The offence is triable only on indictment.
 - (3) Proceedings for an offence shall not be instituted—
 - (a) in England and Wales, except by or with the consent of the Attorney General;
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
 - (4) If the offence is not committed in the United Kingdom—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed,
 in any place in the United Kingdom.
 - (5) A person convicted of an offence involving murder shall be dealt with as for an offence of murder.

In this subsection “murder” means the killing of a person in such circumstances as would constitute murder if committed in the part of the United Kingdom in which the proceedings are brought.
 - (6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.”.
- (3) The above amendments do not apply in relation to offences committed before the commencement of this section.

Modifications etc. (not altering text)

C2 S. 70 extended (with modifications) (IoM) (1.4.2004) by [S.I. 2004/714](#), **art. 2(d)**, [Sch.](#)

71 Extradition: Orders in Council under the 1870 Act

- (1) This section applies in relation to extradition under Schedule 1 to the Extradition Act 1989 (c. 33) (extradition where an Order in Council under section 2 of the Extradition Act 1870 (c.52) is in force in relation to the foreign state).
- (2) The offences to which such an Order in Council can apply include any Part 5 offence.
- (3) “Part 5 offence” means—
 - (a) an offence under section 51 or 58 (genocide, crimes against humanity and war crimes),

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- (b) an offence under section 52 or 59 (conduct ancillary to genocide etc. committed outside the jurisdiction), or
 - (c) an ancillary offence in relation to any such offence.
- (4) For the purposes of Schedule 1 to the 1989 Act, conduct, wherever committed, which constitutes—
- (a) a Part 5 offence, and
 - (b) an offence against the law of any state in relation to which that Schedule has effect,
- shall be deemed to be an offence committed within the jurisdiction of that state.
- (5) If any conduct would constitute a Part 5 offence if committed in the United Kingdom then, notwithstanding that it does not constitute such an offence—
- (a) a person whose surrender is sought in respect of that conduct may be surrendered by the United Kingdom in pursuance of an Order in Council to which subsection (2) applies, and
 - (b) subsection (4) applies to the conduct as if it constituted a Part 5 offence.
- (6) References in this section to an offence under any provision of this Part, or to an offence ancillary to such an offence, include any corresponding offence under the law of Scotland.

72 Extradition: exception to dual criminality rule under the 1989 Act

- (1) Section 2 of the Extradition Act 1989 (meaning of “extradition crime”) is amended as follows.
- (2) In subsection (1)(b) (extra-territorial offences), after sub-paragraph (ii) add—
- “, or
- (iii) the condition specified in subsection (3A) below.”.
- (3) After subsection (3) insert—
- “(3A) The condition mentioned in subsection (1)(b)(iii) above is that the conduct constituting the offence constitutes or, if committed in the United Kingdom would constitute—
- (a) an offence under section 51 or 58 of the International Criminal Court Act 2001 (genocide, crimes against humanity and war crimes),
 - (b) an offence under section 52 or 59 of that Act (conduct ancillary to genocide etc. committed outside the jurisdiction), or
 - (c) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to any such offence.”.

(4) After subsection (4) add—

“(5) References in this section to an offence under any provision of the International Criminal Court Act 2001, or to an offence ancillary to such an offence, include any corresponding offence under the law of Scotland.”.

73 Extradition: offences not regarded as of political character etc

- (1) For section 23 of the Extradition Act 1989 (c. 33) (genocide, etc.) substitute—

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

“23 Genocide, crimes against humanity and war crimes

- (1) This section applies to—
 - (a) any offence that if committed in the United Kingdom would be punishable as—
 - (i) an offence under section 51 or 58 of the International Criminal Court Act 2001 (genocide, crimes against humanity and war crimes),
 - (ii) an offence under section 52 or 59 of that Act (conduct ancillary to genocide, etc. committed outside the jurisdiction), or
 - (iii) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to any such offence as is mentioned in subparagraph (i) or (ii); and
 - (b) any offence punishable in the United Kingdom under section 1 of the Geneva Conventions Act 1957 (grave breach of scheduled conventions).
 - (2) For the purposes of this Act—
 - (a) an offence to which this section applies shall not be regarded as an offence of a political character, and
 - (b) no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.
 - (3) It is not an objection to proceedings against a person in respect of an offence to which this section applies that under the law in force at the time when and in the place where he is alleged to have committed the act of which he is accused, or of which he was convicted, he could not have been punished for it.
 - (4) References in this section to an offence under any provision of the International Criminal Court Act 2001, or to an offence ancillary to such an offence, include any corresponding offence under the law of Scotland.”.
- (2) In the Backing of Warrants (Republic of Ireland) Act 1965 (c. 45), after section 6C insert—

“6D Genocide, crimes against humanity and war crimes

- (1) This section applies to—
 - (a) any offence that if committed in the United Kingdom would be punishable as—
 - (i) an offence under section 51 or 58 of the International Criminal Court Act 2001 (genocide, crimes against humanity and war crimes),
 - (ii) an offence under section 52 or 59 of that Act (conduct ancillary to genocide, etc. committed outside the jurisdiction), or
 - (iii) an ancillary offence, as defined in section 55 or 62 of that Act, in relation to any such offence as is mentioned in subparagraph (i) or (ii); and

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5. (See end of Document for details)

- (b) any offence punishable in the United Kingdom under section 1 of the Geneva Conventions Act 1957 (grave breach of scheduled conventions).
- (2) For the purposes of this Act—
 - (a) an offence to which this section applies shall not be regarded as an offence of a political character, and
 - (b) no proceedings in respect of such an offence shall be regarded as a criminal matter of a political character.
- (3) It is not an objection to proceedings against a person in respect of an offence to which this section applies that under the law in force at the time when and in the place where he is alleged to have committed the act of which he is accused, or of which he was convicted, he could not have been punished for it.
- (4) References in this section to an offence under any provision of the International Criminal Court Act 2001, or to an offence ancillary to such an offence, include any corresponding offence under the law of Scotland.”

74 Consequential amendments of armed forces legislation

- (1) In section 70(3) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70(3) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) and section 42(1)(b) of the Naval Discipline Act 1957 (c. 53) (sentence on conviction by court-martial of offence where corresponding civil offence is murder), after “murder” insert “, or an offence for which a person convicted by a civil court is to be dealt with as for an offence of murder,”.
- (2) In section 70(4) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70(4) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) and section 48(2) of the Naval Discipline Act 1957 (c. 53) (civil offences not triable by court-martial if committed in the United Kingdom)—
 - (a) after “rape” insert “ or an offence under section 1 of the Geneva Conventions Act 1957 ”; and
 - (b) after “the Nuclear Explosions (Prohibition and Inspections) Act 1998” insert “ or an offence under section 51 or 52 of the International Criminal Court Act 2001 ”.
- (3) In section 70(5) of the Army Act 1955, section 70(5) of the Air Force Act 1955 and section 48(2) of the Naval Discipline Act 1957 (where offences involving killing are taken to have been committed), after “or manslaughter” insert “, or an offence under section 1 of the Geneva Conventions Act 1957 or section 51 of the International Criminal Court Act 2001 consisting of the killing of a person,”.

Status:

Point in time view as at 01/09/2001.

Changes to legislation:

There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 5.