



International Criminal Court Act 2001

2001 CHAPTER 17

PART 5

OFFENCES UNDER DOMESTIC LAW

Supplementary provisions

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

Changes to legislation: *There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 66. (See end of Document for details)*

- (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.

Changes to legislation:

There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 66.