
STATUTORY INSTRUMENTS

1996 No. 1296

**The United Nations (International
Tribunal) (Rwanda) Order 1996**

PART I

**ARREST AND DELIVERY OF PERSONS
TO THE INTERNATIONAL TRIBUNAL**

Transfer of prisoner to give evidence or to assist in investigations

10.—(1) This article applies where the Secretary of State receives a request from the International Tribunal for the transfer of a prisoner into the custody of the International Tribunal for the purpose of giving evidence or assisting an investigation or for both purposes.

(2) If the prisoner consents to the transfer, the Secretary of State shall issue a warrant (“a transfer warrant”) requiring the prisoner to be delivered up, in accordance with arrangements made by the Secretary of State with the Registrar, into the custody of the International Tribunal.

(3) The consent of a prisoner for the purposes of paragraph (2) may be given either—

(a) by the prisoner himself, or

(b) in circumstances in which it appears to the Secretary of State inappropriate, by reason of the prisoner’s physical or mental condition or his youth, for him to act for himself, by a person appearing to the Secretary of State to be an appropriate person to act on his behalf,

but a consent once given shall not be capable of being withdrawn after the issue of the transfer warrant.

(4) If the prisoner, or the person acting on his behalf, refuses consent to the transfer, the prisoner shall, as soon as is practicable, be brought before a competent court.

(5) If the competent court is satisfied that the prisoner is the person named or described in the request of the International Tribunal, the court shall order him to be delivered up, in accordance with arrangements made by the Secretary of State with the Registrar, into the custody of the International Tribunal.

(6) If an order is made under paragraph (5) the prisoner shall be remanded until it has been executed; and if no such order is made the prisoner shall be transferred in custody to the place where he is liable to be detained under the sentence to which he is subject.

(7) This article applies to a person in custody awaiting trial or sentence and a person committed to prison for default in paying a fine as it applies to a prisoner and a reference in this article to a sentence shall be construed accordingly.