

# INTERNATIONAL CRIMINAL COURT ACT 2001

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## EXPLANATORY NOTES

### THE ACT

8. The Act is in six Parts, with ten Schedules.
- Part 1 (The International Criminal Court) defines certain terms in the Act.
  - Part 2 (Arrest and Delivery of Persons) enables the arrest and surrender of suspects at the request of the ICC.
  - Part 3 (Other Forms of Assistance) provides for various forms of co-operation with ICC investigations.
  - Part 4 (Enforcement of Sentences and Orders) makes provision for persons convicted by the ICC to serve their sentences in prisons in the UK. It also enables the enforcement of fines, forfeitures and reparations ordered by the ICC.
  - Part 5 (Offences under Domestic Law) incorporates into domestic law the offences of genocide, crimes against humanity and war crimes, and offences against the administration of justice of the ICC.
  - Part 6 (General Provisions), *inter alia*, sets out the territorial extent of the Act, its application to the Crown, and extends certain provisions in the Act to the International Criminal Tribunals.
  - Schedule 1 (Supplementary Provisions relating to the ICC) provides for secondary legislation to confer legal capacity, privileges and immunities on the ICC and persons connected with it; to enable the ICC to sit in the UK; to give effect to the ICC's Rules of Procedure and Evidence; and to protect the pension benefits of UK judges serving on the ICC.
  - Schedule 2 (Delivery up of Persons subject to Criminal Proceedings etc) deals with the situation where the ICC has made a request for the surrender of a person subject to ongoing domestic proceedings, or of a prisoner.
  - Schedule 3 (Rights of Persons during Investigation: Article 55) reproduces the Article of the ICC Statute on that matter.
  - Schedule 4 (Taking of Fingerprints or Non-intimate Samples) enables the taking of evidence in response to an ICC request for assistance in identifying a person.
  - Schedule 5 (Investigation of Proceeds of ICC crime) enables co-operation with ICC investigations into the proceeds of crimes.
  - Schedule 6 (Freezing Orders in respect of Property liable to Forfeiture) enables property to be frozen at the request of the ICC for the purpose of eventual forfeiture.
  - Schedule 7 (Domestic provisions not applicable to ICC prisoners) disapplies certain provisions of domestic law with respect to ICC prisoners serving their sentences here.

*These notes refer to the International Criminal Court Act  
2001 (c.17) which received Royal Assent on 11 May 2001*

- Schedule 8 (Genocide, Crimes against Humanity and War Crimes: Articles 6 to 9) reproduces the Articles of the Statute which define those crimes.
- Schedule 9 (Offences against the ICC: Article 70) reproduces the Article which defines offences against the administration of justice of the ICC.
- Schedule 10 (Repeals) lists the provisions repealed by this Act.