

# INTERNATIONAL CRIMINAL COURT ACT 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: the International Criminal Court**

9. **Part 1** has UK-wide extent.

#### **Section 1: The ICC and the ICC Statute**

10. This section defines certain terms used in the Act. The term “ICC crime” refers to genocide, war crimes, crimes against humanity and offences against the administration of justice of the ICC as defined in the Rome Statute. It does not include the crime of aggression. This is because, under Article 5 of the Statute, the ICC will exercise its jurisdiction over the crime of aggression only when agreement has been reached on a definition of that crime and the conditions under which jurisdiction will be exercised. Agreement has yet to be reached and would in any case require an amendment of the ICC Statute. The earliest such an amendment could be adopted is seven years after the entry into force of the Statute (see Articles 121 and 123). Any amendment to the crimes within the jurisdiction of the ICC, if accepted by the UK, would need to be given effect by amendment to this legislation.
11. *Subsection (2)* provides that references in the Act to “Articles” means Articles of the ICC Statute, unless otherwise indicated. The same convention is used in this Commentary.
12. *Subsection (3)* introduces Schedule 1 which, *inter alia*, makes provision for secondary legislation to be made to confer legal capacity, privileges and immunities on the ICC and persons associated with the ICC; to enable the ICC to sit in the UK; to give effect, as necessary, to the ICC’s Rules of Procedure and Evidence; and to secure the pension benefits of UK judges serving on the ICC. (Notes on Schedule 1 can be found at paragraphs 123-131 below.)