

Subsidiary Legislation made under s.3(5A), read with s.3(5B).

International Criminal Court (Darfur) Order 2009

LN.2009/064

Commencement **12.11.2009**

Whereas in consequence of the referral of the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1593 (2005), it is expedient to make the provision set out in the Order;

Hence, in exercise of the powers conferred on him by subsection (5A), read with subsection (5B), of section 3 of the International Criminal Court Act 2007, the Minister has made the following Order:

Title and commencement.

1. This Order may be cited as the International Criminal Court (Darfur) Order 2009 and comes into operation on the day of publication.

Provision for person charged or convicted by the ICC as a result of the referral of the situation in Darfur by the United Nations Security Council.

2.(1) Any state or diplomatic immunity attaching to a person does not prevent proceedings under Part III of the International Criminal Court Act 2007 in relation to that person.

(2) Paragraph (1) applies to proceedings in relation to a person alleged to have committed an ICC crime, or to have been convicted by the ICC, as a result of the referral of the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court by the United Nations Security Council by Resolution 1593 (2005).

(3) The Government may, in any particular case, after consultation with the ICC and the State concerned, direct that proceedings (or further proceedings) under Part III of the International Criminal Court Act 2007 which, but for paragraph (1), would be prevented by state or diplomatic immunity attaching to a person shall not be taken against that person.

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(4) In this Order, “the ICC” and “ICC crime” have the same meaning as in section 2 of the International Criminal Court Act 2007, and “state or diplomatic immunity” has the same meaning as in section 3(6) of that Act.