

AMENDMENTS TO BE MOVED IN COMMITTEE

NEW CHAPTER, AFTER PART 2, CHAPTER 1, RELATING TO GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES

BARONESS D'SOUZA

Insert the following new Clause after Clause 51:-

“Retrospective operation

In Part 5 of the International Criminal Court Act 2001 (offences under domestic law) after section 69 insert the following section –

“69A Retrospective operation of this Part

- (1) The provisions of this Part shall be treated as having had effect –
 - (a) in respect of genocide, since 9 December 1948 (being the date when the Genocide Convention was approved by the General Assembly of the United Nations),
 - (b) in respect of crimes against humanity, since 1 January 1991 (being the date from which the United Nations, through the adoption of the Statute, recognised crimes against humanity as being part of customary international law),
 - (c) in respect of war crimes –
 - (i) which fall within article 8.2(a), since 12 August 1949 (being the date the Geneva Conventions were done),
 - (ii) other than those referred to in sub-paragraph (i), since the date when they were criminal according to the general principles of law recognised by civilised nations.
- (2) If the date referred to in subsection (1)(c)(ii) is earlier than 6 June 1945, that date shall be treated as 6 June 1945 (being the date in respect of which jurisdiction under the War Crimes Act 1991 (c. 13) ended).
- (3) War crimes referred to in subsection (1)(c)(ii) are deemed criminal according to the general principles of law recognised by civilised nations from 17 July 1998 (being the date the ICC Statute was done) and may be so before that date.
- (4) In this section –

“the Geneva Conventions” means the international conventions done at Geneva on 12 August 1949,

“the Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9 December 1948,

“the Statute” means the Statute of the International Tribunal adopted by the Security Council of the United Nations, and

“the International Tribunal” means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 established by Resolution 827(1993) of the Security Council of the United Nations.”.”

BARONESS D'SOUZA

Insert the following new Clause after Clause 51:-

“Extension of extra-territorial application

(1) Part 5 of the International Criminal Court Act 2001 (offences under domestic law) is amended as follows.

(2) In sections 51(2)(b), 52(4)(b) and 54(4)(b) (application to acts committed outside the United Kingdom) for “or a person subject to UK service jurisdiction” in each place that it occurs substitute –

“, a person subject to UK service jurisdiction or any other person (whatever that person’s nationality) who is subsequently present in the United Kingdom”.

(3) In sections 58(2)(b), 59(4)(b) and 61(4)(b) (application to acts committed outside the United Kingdom) for “or a United Kingdom resident” in each place that it occurs substitute –

“, a United Kingdom resident or any other person (whatever that person’s nationality) who is subsequently present in the United Kingdom”.

(4) After section 68 insert –

“68A Proceedings against persons subsequently present within the jurisdiction

(1) This section applies in relation to a person who commits acts outside the United Kingdom at a time when that person is not a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction and who is subsequently present in the United Kingdom.

(2) Proceedings may be brought against such a person in England and Wales or Northern Ireland for a substantive offence under this Part if –

(a) that person is present in the United Kingdom at the time the proceedings are brought, and

(b) the acts in respect of which the proceedings are brought would have constituted that offence if they had been committed in that part of the United Kingdom.

(3) Proceedings may be brought against such a person in England and Wales or Northern Ireland for an offence ancillary to a substantive offence under this Part (or what would be such a substantive offence if committed in that part of the United Kingdom) if –

- (a) that person is present in the United Kingdom at the time the proceedings are brought, and
 - (b) the acts in respect of which the proceedings are brought would have constituted that offence if they had been committed in that part of the United Kingdom.
- (4) In this section a “substantive offence” means an offence other than an ancillary offence.
- (5) Nothing in this section shall be read as restricting the operation of any other provision of this Part.”.”