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**Third Session Fifth Parliament Republic of Trinidad  
and Tobago**

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**REPUBLIC OF TRINIDAD AND TOBAGO**

**Act No. 24 of 1998**

[L.S.]

ACT to provide for the assistance of the International War Crimes Tribunals in the performance of their functions and for matters related thereto.

*[Assented to 26th October, 1998]*

ACTED by the Parliament of Trinidad and Tobago as <sup>Enactment</sup>

## PART I

## PRELIMINARY

- Short title                   **1.** (1) This Act may be cited as the International Crimes Tribunals Act, 1998.
- Act inconsistent with the Constitution                   (2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
- Commencement                   **2.** This Act comes into force on such day as is fixed by the President by Proclamation.
- Interpretation                   **3.** In this Act—  
     “arrest warrant” means a warrant issued by the Tribunal for the arrest of a person;  
     “forfeiture order” means—  
         (a) an order made by a Tribunal under the Statute of the Tribunal or under rules adopted under the Statute of the Tribunal, for forfeiture of property in respect of a Tribunal offence; or  
         (b) a declaration made by a Tribunal under the Statute of the Tribunal or under the rules adopted under the Statute of the Tribunal evidencing forfeiture of property under that Statute or those rules;  
     “Former Yugoslavia Tribunal”—  
         (a) 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 808 (1993) of the Security Council of the United Nations; and  
         (b) includes any of the organs referred to in Article 11 of the Statute of the Tribunal;

Tobago, whether tangible or intangible, and includes an interest in any such real or personal property;

“Rwanda Tribunal”—

(a) means the International Criminal Tribunal for the prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violation Committed in the Territory of Neighbouring States, between 1st January, 1994 and 31st December, 1994, established by Resolution 955 (1994) of the Security Council of the United Nations; and

(b) includes any of the organs referred to in Article 10 of the Statute of the Tribunal;

“search warrant” means a warrant issued under section 26;

“Statute of the Tribunal” means—

(a) in the case of the Former Yugoslavia Tribunal, the Statute of the Tribunal (a copy of the English text of which is set out in Schedule 1) adopted by Resolution 827 (1993) of the Security Council of the United Nations and any amendments thereto; and

(b) in the case of the Rwanda Tribunal—the Statute of the Tribunal (a copy of the English text of which is set out in Schedule 2) adopted by Resolution 955 (1994) of the Security Council of the United Nations and any amendments thereto;

“surrender warrant” means a warrant issued

“Tribunal” means—

(a) the Former Yugoslavia Tribunal  
or

(b) the Rwanda Tribunal;

“Tribunal offence” means—

(a) an offence for which the Former Yugoslavia Tribunal has the power to prosecute persons under Article 2, 3, 4 or 5 of the Statute of the Tribunal; or

(b) an offence for which the Rwanda Tribunal has the power to prosecute persons under Article 3 or 4 of the Statute of the Tribunal.

## PART II

### REQUEST BY A TRIBUNAL FOR ASSISTANCE

Tribunal may  
request assistance

4. (1) A request by a Tribunal, for assistance that it needs to perform its functions in respect of investigation or prosecution it is conducting or proposing to conduct, shall be made to the Attorney General.

(2) Without limiting the generality of subsection (1), a request may be for assistance of one or more of the following types:

(a) arresting and surrendering to the Tribunal a person in relation to whom the Tribunal has issued an arrest warrant;

(b) executing a request for search and seizure;

(c) obtaining evidence, a document or other article;

(d) providing a document or other record;

(e) locating and identifying a witness or suspect;

(f) arranging for a person to give evidence or assist an investigation;

(g) causing the forfeiture of property or the proceeds of crime;

(h) serving documents;

(i) arranging for the Tribunal to sit

(1) A request shall be in writing and shall <sup>Form of request</sup>  
 indicate—

- (a) who may be, is to be or has been charged with a Tribunal offence as a result of the investigation or prosecution in respect of which the request is made;
- (b) the nature of the charge; and
- (c) the intended time and place of any hearing of the charge.

(2) A request may also indicate—

- (a) the nature of the investigation or prosecution in respect of which the request is made;
- (b) the International Convention or other legal basis on which the Tribunal relies for conducting the investigation or prosecution;
- (c) the nature of the assistance sought;
- (d) the procedure, if any, that the Tribunal wants the Attorney General to follow in complying with the request, including the form in which material is to be given to the Tribunal;
- (e) the period within which the Tribunal wants the request complied with;
- (f) any confidentiality requirements that the Tribunal wants observed;
- (g) whether a person to be arrested is, or is believed to be, in or on his way to Trinidad and Tobago;
- (h) any other matters that might assist in complying with the request.

### PART III

#### SURRENDER OF PERSONS TO A TRIBUNAL

(1) Where—

- (a) the Attorney General receives a request from the Tribunal for the arrest of a person who is reasonably accused of having committed a Tribunal offence or who has

Provisional warrant  
 of arrest

(b) the request is not accompanied by an arrest warrant but is made on grounds of urgency; and

the Attorney General shall transmit the request to a police officer together with any supporting evidence that may have been submitted by the Tribunal, and the police officer shall apply for a provisional warrant of arrest for the arrest of that person.

(2) A provisional warrant of arrest in the form set out in Form 1 in Schedule 3 may be issued by a Magistrate on the application of a police officer on oath, that—

- (a) a request has been made on grounds of urgency by a Tribunal for the arrest of a person who is accused of having committed a Tribunal offence or who has been convicted by a Tribunal;
- (b) the person concerned is or is believed to be in or on his way to Trinidad and Tobago; and
- (c) the purpose of the arrest is to enable the person concerned to be brought before the Tribunal, or to be taken to a place where he is to be imprisoned under a sentence of the Tribunal,

and on consideration of any other evidence as in the opinion of the Magistrate, justifies the issue of such a warrant.

(3) A person arrested under a provisional warrant shall be brought before a Magistrate as soon as practicable and the Magistrate may, pending the production of an arrest warrant issued by the Tribunal, remand him for not more than ten days at a time provided that the total period of remand shall not exceed twenty-eight days.

(4) Where an arrest warrant issued by the Tribunal is not produced to the Magistrate within the period of remand, the person shall be discharged by

## (1) Where—

Authority to proceed

- (a) the Attorney General receives from a Tribunal a request for the surrender of a person;
- (b) the request is in accordance with section 5(1); and
- (c) the request is accompanied by an arrest warrant issued by the Tribunal in relation to the person, or by a copy of that warrant authenticated by the Tribunal,

Attorney General may, in the form set out in Form n Schedule 3, issue an authority to proceed notifying to a Magistrate that a request has been made and requiring him to proceed with the case in accordance with the provisions of this Act.

(2) A copy of the arrest warrant issued by the Tribunal shall be attached to an authority to proceed.

(3) Upon issuing an authority to proceed, the Attorney General shall forthwith notify the Prosecutor of the Tribunal.

(1) Upon receiving an authority to proceed, the Magistrate shall issue, in the form set out in Form 3 in Schedule 3, a warrant for the arrest of the person in relation to whom the arrest warrant was issued by the Tribunal. Issue of warrants

(2) This section also applies to a person who has been remanded in custody on a provisional warrant, and that the provisional warrant shall be discharged on the time of the issue of the warrant for his arrest.

(3) The Magistrate shall issue a warrant under this section where he is satisfied that the evidence before him justifies the issue of the warrant.

The Attorney General may apply to the Magistrate, in writing, to cancel a warrant issued under section 8 if the person has not been arrested under the warrant and the Tribunal advises the Attorney General, or the Attorney General has reasonable grounds to believe, that it is no longer necessary for the warrant Cancellation of warrants

Notification of  
Tribunal

10. The Attorney General shall, where a warrant has been executed, forthwith notify the Registrar of the Tribunal of the execution of a warrant issued under section 8 or of any reason why the execution of a warrant is not possible.

Consent order for  
return

10A. (1) Where the return of any person is required under this Part and such person is arrested in pursuance of a warrant issued under section 8, he may request the Attorney General to order his return without any proceedings before a Magistrate under section 11.

Form 4  
Second Schedule

(2) Where the Attorney General consents to the request made by a person referred to in subsection (1), and is satisfied that the person understands the consequences of the request, the Attorney General shall, without the proceedings referred to under section 11, and in the form set out in Form 4 in the Second Schedule, order such person to be committed to custody, to be kept for the purposes of surrender to the Tribunal unless submitted to bail.

Form 5  
Second Schedule

(3) At anytime after the Attorney General commits the person into custody shall, with the consent of such person, by warrant in the form set out in Form 5 in the Second Schedule, order him to be surrendered to the Tribunal.

(4) Where a person whose surrender has been ordered under subsection (2), withdraws his consent to the order before his departure from Trinidad and Tobago, he shall be brought as soon as practicable before a Magistrate for the purposes of proceedings under section 11, and thereupon shall be dealt with as if the Attorney General had not made the order.

(5) The provisions of sections 15(2), (3), (4) and 16(3), apply to the return of any person under section 10 unless the contrary is expressly requested by that person.

Proceedings after  
arrest

11. (1) As soon as practicable after a person is arrested under a warrant issued under section 8 he shall be brought before a Magistrate, and the Magistrate shall, subject to subsections (2) to (8), make the appropriate order and remand him in custody.

(2) Where the purpose of the arrest is to enable a person to be brought before the Tribunal, the appropriate order is that the person be committed to custody to await the warrant of the Attorney General his surrender to the Tribunal.

(3) Where the purpose of the arrest is to enable a person to be taken to a place where he is to undergo imprisonment under a sentence of the Tribunal, the appropriate order is that the person be committed to custody to await the warrant of the Attorney General his surrender to the country where that place is situated.

(4) Where a Magistrate is satisfied that other criminal proceedings, not being proceedings under the Criminal Procedure Act, 1985, have been instituted in respect of the arrested person in a court in Trinidad and Tobago and that those proceedings—

- (a) have not been finally determined so far as they relate to conduct which would not constitute a Tribunal offence; or
- (b) have not been discontinued, whether in pursuance of this act or otherwise, so far as they relate to conduct which would constitute a Tribunal offence,

the proceedings under this section shall be adjourned and the Magistrate may remand the arrested person until the other criminal proceedings have been finally determined or discontinued, as the case may be.

(5) A Magistrate shall make an order under subsection (2) or (3) if he is satisfied, after hearing any evidence tendered in support of the request for the surrender of the person or on behalf of that person—

- (a) that the document purporting to be an arrest warrant issued by the Tribunal is such a warrant;
- (b) that the person brought before the Magistrate is the person named or described in the arrest warrant; or
- (c) that a *prima facie* case has been made out against that person in respect of the Tribunal offence for which he is charged or

(6) For the purpose of proceedings under section a Magistrate shall have like jurisdiction powers as nearly as may be, including power to adjudge the case and meanwhile remand the person under warrant either in custody or on bail as when a magistrate is acting at a preliminary enquiry.

(7) Where the Magistrate makes an Order under this section, he shall, on committing the person to await the warrant of the Attorney General for surrender to the Tribunal, inform that person in ordinary language of his right to make application to the High Court for judicial review and shall forthwith give notice of the committal to the Attorney General.

(8) Where a Magistrate refuses to make an order under subsection (2) or (3), he shall make an order for the discharge from custody of the arrested person.

Review by High  
Court

**12.** (1) Where a person whose surrender requested by a Tribunal is ordered by the Magistrate to be discharged from custody under section 11(6), the Attorney General may, within four days of the making of the order by the Magistrate, apply to the High Court for review of the order of discharge on any question of law; and on such application the High Court may review the order.

(2) Where the Attorney General desires to make an application under subsection (1), the Attorney General shall, at the time of the making of the order of discharge, give to the Magistrate notice of his intention to apply to the High Court for review of the order, and such notice shall operate as a stay of the order of discharge—

(a) until the expiration of the period of fourteen days, beginning with the day on which the order of discharge was made; or

(b) if an application for review of the order of discharge is made, until the determination of any application to the High Court

(3) Upon an application for the review of an order of discharge, the Registrar of the Supreme Court shall immediately apply to the Magistrate for a statement of the evidence tendered before the Magistrate on which the Magistrate came to his decision and of his reasons for his decision and his finding on any question of law under review and the Magistrate shall with all convenient dispatch transmit same to the Registrar.

3. (1) Where an order of discharge is reviewed by the High Court under section 12, the Attorney General the person in respect of whom the order of discharge was made may, if dissatisfied with the decision of the High Court on review, within four days of the pronouncement of the decision, appeal to the Court of Appeal on any question of law and on such appeal, the Court of Appeal may confirm or reverse the decision of the High Court and there shall be no appeal from the decision of the Court of Appeal.

(2) Upon an appeal to the Court of Appeal being allowed in the Supreme Court, the High Court shall with all convenient dispatch transmit to the Court of Appeal—

- (a) all documents transmitted by the Magistrate in accordance with section 12(3); and
- (b) a statement of the reasons for the decision of the High Court and the finding of the High Court on any question of law under appeal.

4. (1) Where the Attorney General files an application for review of an order of discharge, the High Court shall immediately consider any application for bail made by the person in respect of whom the order of discharge was made, pending the determination by the High Court of the application for review and the recognisance of bail shall be taken before the High Court in accordance with

(2) A person to whom bail is granted under subsection (1) shall immediately enter into a recognisance with one surety in such sum as the High Court thinks sufficient on condition that such person appears before the High Court and does not depart therefrom without leave and abides by the order of the High Court.

(3) A recognisance under subsection (2) shall be in the form set out in Form 4 in Schedule 3, but the High Court may consent to a deposit of money in court from or on account of any person in lieu of such surety and in such case, upon the deposit of the sum required by the High Court, such person shall enter into a recognisance in the form set out in Form 4 in Schedule 3.

(4) Where the Attorney General or a person in respect of whom an order of discharge has been made gives notice of his intention to appeal to the Court of Appeal, the High Court shall immediately grant to such person in respect of whom the order of discharge has been made, bail pending the determination of the appeal and the recognisance of bail shall be taken before the High Court in accordance with subsections (5) and (6).

(5) Upon an appeal to the Court of Appeal being filed in the Supreme Court, the person to whom bail has been granted under subsection (4) shall immediately enter into a recognisance with one surety in such sum as the High Court thinks sufficient on condition that such person appears before the Court of Appeal and does not depart therefrom without leave and abides by the order of the Court of Appeal.

(6) A recognisance under subsection (5) shall be in the form set out in Form 6 in Schedule 3, but the High Court may consent to a deposit of money in court from or on account of any person in lieu of such surety and in such case, upon the deposit of the sum required by the High Court, such person shall enter into a recognisance in the form set out in Form 6

5. (1) Where a person is committed to await his <sup>Surrender warrants</sup> render to a Tribunal or country and is not charged by order of the High Court or of the Court of Appeal, the Attorney General may, by warrant in the form set out in Form 8 in Schedule 3, order the render of the person to the Tribunal or country.

(2) The Attorney General shall not issue a render warrant in the case of a person if—

(a) the person is serving a sentence of imprisonment in respect of an offence against the law of Trinidad and Tobago, or is otherwise subject to detention under the law of Trinidad and Tobago; and

(b) the Tribunal has been required to give adequate undertakings to the Attorney General relating to—

(i) the person's return to Trinidad and Tobago to serve the remainder of the sentence or other detention once the person is no longer required to be detained by, or on the order of, the Tribunal; and

(ii) the person's custody while travelling, and while in other countries, for the Tribunal's purposes; and

(c) the Attorney General is not satisfied that the Tribunal has given adequate undertaking relating to those matters.

(3) For the purposes of subsection (2), the person is not taken to be serving a sentence of imprisonment, or to be otherwise subject to detention, if he has been released on probation, or has been otherwise conditionally released, for the remainder of the sentence or period of detention.

(4) The Attorney General shall not issue a render warrant in the case of a person if the

circumstances that would make it unjust or oppressive to surrender that person and in considering whether those special circumstances exist, the Attorney General shall—

(a) give the person a reasonable opportunity to provide to the Attorney General documents intended to show those special circumstances; and

(b) consider any documents so provided.

(5) Notice of the issue of a surrender warrant shall forthwith be given to the person to be surrendered thereunder.

(6) Where the Attorney General determines under subsection (4) not to issue a surrender warrant in relation to any person, he may apply to a Magistrate for an order discharging the person from custody.

Discharge in case of  
delay in  
surrendering

**16.** (1) Where a person committed to await surrender is in custody in Trinidad and Tobago under this Act after the expiration of the following period:

(a) the period of two months beginning with the first day on which a surrender warrant could have been issued in relation to him;

(b) where a surrender warrant has been issued in relation to him, the period of one month beginning with the day on which the warrant was issued,

he may apply to the High Court for his discharge.

(2) If upon an application under subsection (1) the High Court is satisfied that reasonable notice of the proposed application has been given to the Attorney General, the Court may, unless sufficient cause is shown to the contrary, make an order for the discharge from custody of the applicant and, if a surrender warrant has been issued in relation to the applicant, quash the surrender warrant.

(3) The Attorney General may revoke a surrender warrant if he is informed, before it

ndance of the person to whom the warrant relates notice of the revocation shall forthwith be given to person.

(4) Where a surrender warrant is revoked under section (3), the Attorney General or the person to whom the warrant relates may apply to a Magistrate for an order discharging the person from custody.

7. (1) Where, at the time a person is surrendered to a Tribunal, the person is serving a sentence of imprisonment in respect of an offence against the law of Trinidad and Tobago—

(a) any time spent by the person in custody in connection with the surrender warrant; and

(b) subject to subsection (2), any time spent by the person in custody in connection with detention by, or on the order of, the Tribunal in respect of the Tribunal offence,

shall be counted as time served towards the sentence of imprisonment.

(2) Where the person is convicted of a Tribunal offence, time spent by the person in custody serving a sentence of imprisonment imposed by the Tribunal for a Tribunal offence shall not be counted as time served towards the sentence of imprisonment in respect of an offence against the law of Trinidad and Tobago.

(3) A reference in this section to time spent in custody includes a reference to time spent in custody outside Trinidad and Tobago.

8. Where—

(a) at the time a person is surrendered to a Tribunal, the person is serving a sentence of imprisonment in respect of an offence against the law of Trinidad and Tobago; and

(b) the sentence of imprisonment expires in accordance with section 17 while the person is being detained by, or on the order

Effect of surrender  
on term of  
imprisonment

Expiry of sentence  
while under Tribunal  
detention

the Attorney General shall without delay inform the Tribunal that the sentence of imprisonment has expired and, if the Tribunal has given an undertaking pursuant to section 15(2), that compliance with the undertaking is no longer required.

## PART IV

### OTHER FORMS OF ASSISTANCE TO A TRIBUNAL

Taking of evidence in  
Trinidad and Tobago

19. The Attorney General may, upon the request of the Tribunal, apply in writing to the Magistrate for the taking of evidence for the purposes of a proceeding or an investigation conducted by the Tribunal.

Magistrate to take  
evidence upon oath

20. Evidence taken by a Magistrate under section 19 shall be upon oath and shall be forwarded in writing to the Attorney General and certified to have been properly taken.

Documents to be  
forwarded to the  
Attorney General

21. Documents or other articles produced before a Magistrate shall be forwarded to the Attorney General and shall be certified as being the documents or articles referred to in the evidence taken by the Magistrate under section 19.

Evidence to be  
forwarded to  
Tribunal

22. The evidence, documents and other articles referred to in sections 20 and 21 shall be forwarded to the Attorney General to the Tribunal.

Person who is subject  
of proceeding need  
not be present

23. Evidence of a witness taken under section 19 may be taken in the presence or absence of the person to whom the proceeding before, or the investigation conducted by, the Tribunal relates or his legal representative.

Certificate of  
evidence

24. A certificate issued by a Magistrate under section 20 or 21 shall state whether, at the time the evidence was taken or the documents or other articles produced, any of the following persons were present

(a) the person to whom the Tribunal

- (b) any other person giving evidence or producing documents or other articles, or his legal representative.

5. (1) A Tribunal immunity certificate is permissible in proceedings before a Magistrate under section 19. Tribunal immunity certificate

(2) In this section—

“Tribunal immunity certificate” means a certificate or declaration that—

- (a) is given or made by a Tribunal under the Statute of the Tribunal or under the rules adopted under the Statute of the Tribunal; and
- (b) specifies or declares that, under the Statute of the Tribunal or under the rules adopted under the Statute of the Tribunal, a specified person shall or shall not be required to answer a specified question or to produce a specified document.

26. (1) For the purposes of the Act, the Attorney General may authorise a police officer to apply before a magistrate for a search warrant in relation to confidential material if— Search warrant

- (a) a Tribunal makes a request to the Attorney General for a search warrant to be issued; and
- (b) there are reasonable grounds to believe that the material is in Trinidad and Tobago.

(2) Where the Magistrate is satisfied, by proof on oath, that there is reasonable ground for believing that there is in any building, vessel, receptacle or place, any evidential material, he may, at any time issue a warrant under his hand, authorizing the police officer to search such building, vessel, receptacle, or place for such evidential material and to seize and carry it before the Magistrate who issued the warrant, or any other magistrate, to be dealt with for the purposes of an investigation, or as the case may be, under

(3) Where any evidential material is seized and brought before any Magistrate, the Magistrate may detain or cause it to be detained, taking reasonable care that it is preserved for the purposes of investigation or prosecution, as the case may be.

(4) For the purposes of this section "evidential material" means evidence that may be related to a Tribunal offence.

(5) A warrant issued by a Magistrate shall state—

- (a) the purpose for which it is issued, including the Tribunal offence to which the application for the warrant relates;
- (b) the address of the premises to which the warrant relates; and
- (c) the kind of evidential material that is to be searched for under the warrant.

(6) A search warrant may be issued and executed at any time and may be issued and executed on a Sunday.

Giving evidence in foreign countries

27. The Attorney General may arrange for the transfer of a person in Trinidad and Tobago to a foreign country to give evidence or to assist in an investigation if—

- (a) a Tribunal makes a request for the attendance of the person;
- (b) there are reasonable grounds to believe that the person can give relevant evidence to the proceedings or assist in the investigation; and
- (c) the Attorney General is satisfied that the Tribunal has given an adequate undertaking that the person will be returned to Trinidad and Tobago in accordance with arrangements made for that purpose.

8. (1) A person who has been convicted of an offence and imprisoned may with the approval of the Attorney General be released from prison for the purpose of travel to a foreign country to give evidence at a proceeding of a Tribunal or to assist in an investigation.

(2) The Attorney General shall make arrangements with the Tribunal for keeping the person in custody while he is in the foreign country.

9. (1) Where the Attorney General receives from a Tribunal, a request for the service of a summons requiring a person to appear before the Tribunal for the purpose of giving evidence or assisting an investigation, the Attorney General may apply to the High Court for issue of such summons.

(2) The High Court may, on the application of the Attorney General, issue a summons requiring a person to appear before a Tribunal and such summons shall be in the form set out in Form 9 in Schedule 3 and shall be enforced in the same manner as a summons issued by the High Court in criminal proceedings.

## PART V

### FORFEITURE OF PROCEEDS OF TRIBUNAL OFFENCES

10. (1) The Attorney General may make arrangements for the enforcement of a forfeiture order made by a Tribunal in relation to property that is believed to be in Trinidad and Tobago.

(2) A forfeiture order shall be enforced if the Attorney General is satisfied that—

(a) the person has been convicted by a Tribunal of the Tribunal offence to which

(b) the conviction is not subject to further appeal before the Tribunal.

(3) The Attorney General may, in writing, authorise the Director of Public Prosecutions to apply for the registration of the forfeiture order in the High Court.

Registration of order

31. (1) Where the Director of Public Prosecutions applies to the High Court for registration of a forfeiture order, the High Court shall register the forfeiture order and shall direct the Director of Public Prosecutions—

(a) to give notice of registration, in the manner and within the time the High Court considers appropriate, to specified persons other than a person convicted of an offence in respect of which the forfeiture order was made, whom the High Court has reasonable cause to believe may have an interest in the property; or

(b) to publish notice of the registration in the manner and within the time the High Court considers appropriate, if he is satisfied that—

(i) the person against whom the order was made, appeared in the proceedings and if he did not so, that he received notice of the proceedings in sufficient time to enable him to defend them;

(ii) any other person affected by the order was given the opportunity to show why an order should not be made;

(iii) the order is subject to appeal; and

(iv) enforcing the order in Trinidad and Tobago would not be contrary to the interests of justice.

(2) The High Court may by order (hereinafter referred to as a "restraint order") prohibit any person dealing with any property specified in a forfeiture order subject to such conditions and exceptions as may be specified in the Order.

(3) An application for a restraint order shall be supported by an affidavit which may contain, unless the Court otherwise directs, statements of information in support of the relief with the sources and grounds thereof.

(4) A restraint order—

- (a) may be made only on an application by the Director of Public Prosecutions;
- (b) may be made on an *ex parte* application to a judge in chambers; and
- (c) shall provide for notice to be given to persons affected by the order.

(5) A restraint order—

- (a) may be discharged or varied in relation to any property; and
- (b) may be discharged on the conclusion of the proceedings or application question.

(6) An application for the discharge or variation of a restraint order may be made by any person affected by the order.

(7) Where the High Court has made a restraint order, the court may at any time appoint a receiver—

- (a) to take possession of any property that is subject to a forfeiture order property; and
- (b) in accordance with the court's directions, to manage or otherwise deal with any property in respect of which he is appointed,

subject to such exceptions and conditions as may be specified by the court, and may require any person in possession of property in respect of which a receiver is appointed under this section to give

(8) For the purposes of this section, “debt with property held by any person” includes, without prejudice to the generality of the expression—

- (a) where a debt is owed to that person making a payment to any person or reduction of the amount of the debt; and
- (b) removing the property from Trinidad and Tobago.

(9) Where the High Court has made a restraint order, a police officer may, for the purpose of preventing any realisable property being removed from Trinidad and Tobago, seize the property.

(10) Property seized under subsection (11) shall be dealt with in accordance with the court’s directions.

(11) A forfeiture order shall be registered in the High Court by the filing of a copy thereof sealed by the Tribunal.

## PART VI

### MISCELLANEOUS

Co-operation with  
Tribunal

**32.** (1) The Attorney General shall fully co-operate with a Tribunal in accordance with the provisions of the Statute of the Tribunal.

(2) Notwithstanding subsection (1), where the Attorney General determines that co-operation with the Tribunal would prejudice the sovereignty, security or national interest of Trinidad and Tobago, he may decline to co-operate.

Amendment of  
Schedules 1 and 2

**33.** The Attorney General may, by Order, amend Schedule 1 or 2 for the purpose of incorporating an amendment to a Statute of the Tribunal.

Regulation

**34.** The Attorney General may make regulations for the carrying into effect and proper administration of the Statute of the Tribunal.

## SCHEDULE 1

STATUTE OF THE INTERNATIONAL TRIBUNAL FOR THE TERRITORY OF  
THE FORMER YUGOSLAVIA

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, 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 (hereinafter referred to as "the International Tribunal") shall function in accordance with the provisions of the present Statute.

## ARTICLE 1

*Competence of the International Tribunal*

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present Statute.

## ARTICLE 2

*Grave breaches for the Geneva Conventions of 1949*

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12th August, 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) wilful killing;
- (b) torture or inhumane treatment, including biological experiments;
- (c) wilfully causing suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (g) unlawful deportation or transfer or unlawful confinement of a civilian.

## ARTICLE 3

*Violations of the laws or customs of war*

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations include, but not be limited to:

- (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
- (b) wanton destruction of cities, towns or villages, devastation not justified by military necessity;
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings or buildings;
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and science, historic monuments and works of art and science;
- (e) plunder of public or private property.

## ARTICLE 4

*Genocide*

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this Article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

#### ARTICLE 5

##### *Crimes against humanity*

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhuman acts.

#### ARTICLE 6

##### *Personal jurisdiction*

The International Tribunal shall have the jurisdiction over natural persons pursuant to the provisions of the present Statute.

#### ARTICLE 7

##### *Individual criminal responsibility*

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.
2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.
3. The fact that any of the acts referred to in articles 2 to 5 of the Statute were committed by a subordinate does not

reason to know that the subordinate was about to commit acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

#### ARTICLE 8

##### *Territorial and temporal jurisdiction*

The territorial jurisdiction of the International Tribunal shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1st January, 1991.

#### ARTICLE 9

##### *Concurrent jurisdiction*

1. The International Tribunal and national courts shall exercise concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1st January, 1991.

2. The International Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to its competence of the International Tribunal in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal.

#### ARTICLE 10

##### *Non-bis-in-idem*

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal only

(b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act already been served.

#### ARTICLE 11

##### *Organisation of the International Tribunal*

The International Tribunal shall consist of the following members:

- (a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor; and
- (c) A Registry, serving both the Chambers and the Prosecutor.

#### ARTICLE 12

##### *Composition of the Chambers*

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

#### ARTICLE 13

##### *Qualifications and election of judges*

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due regard shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law,

2. The judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council in the following manner:

- (a) The Secretary-General shall invite nominations for judges of the International Tribunal from States members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;
- (b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to three candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality;
- (c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-two and not more than thirty-three candidates, taking due account of the adequate representation of the principal legal systems of the world;
- (d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the eleven judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, one who received the higher number of votes shall be considered elected.

3. In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible

## ARTICLE 14

*Officers and members of the Chambers*

1. The judges of the International Tribunal shall elect a President.
2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.
3. After consultation with the judges of the International Tribunal, the President shall assign the judges to the Appeals Chamber. A judge shall serve only in the Chamber to which he or she was assigned.
4. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of the Trial Chamber as a whole.

## ARTICLE 15

*Rules of procedure and evidence*

The judges of the International Tribunal shall adopt rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters.

## ARTICLE 16

*The Prosecutor*

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1st January, 1991.
2. The Prosecutor shall act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.
3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.
4. The Prosecutor shall be appointed by the Security Council on the recommendation of the Secretary-General. He or she shall be of high moral character and poses the highest level of competence and experience in the conduct of investigations and prosecutions of international cases. The Prosecutor shall serve for a four-year term and is eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

#### ARTICLE 17

##### *The Registry*

1. The Registry shall be responsible for the administration and servicing of the International Tribunal.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

#### ARTICLE 18

##### *Investigation and preparation of indictment*

1. The Prosecutor shall initiate investigations *ex officio* on the basis of information obtained from any source, particularly from Governments, United Nations Organs, inter-governmental and non-governmental organizations. The prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, where appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his own choice, including the right to have legal assistance assigned to him without payment by him in any case if he does not have sufficient means to pay for it, as well as necessary translation into and from a language he speaks and understands.

4. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which

## ARTICLE 19

*Review of the indictment*

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a *prima facie* case has been established by the Prosecution, he shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.
2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

## ARTICLE 20

*Commencement and conduct of trial proceedings*

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.
2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal, be taken into custody, immediately informed of the charges against him and transferred to the International Tribunal.
3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.
4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

## ARTICLE 21

*Rights of the Accused*

1. All persons shall be equal before the International Tribunal.
2. In the determination of charges against him, the accused

3. The accused shall be presumed innocent until proven guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

- (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) to be tried without undue delay;
- (d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;
- (g) not to be compelled to testify against himself or to confess guilt.

#### ARTICLE 22

##### *Protection of victims and witnesses*

The International Tribunal shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of *in camera* proceedings and the protection of a victim's identity.

#### ARTICLE 23

##### *Judgement*

1. The Trial Chambers shall pronounce judgements.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

#### ARTICLE 24

##### *Penalties*

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

#### ARTICLE 25

##### *Appellate proceedings*

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

- (a) an error on a question of law invalidating the decision;  
or
- (b) an error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

#### ARTICLE 26

##### *Review proceedings*

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may apply to the Appeals Chamber for a review of the decision.

## ARTICLE 27

*Enforcement of sentences*

Imprisonment shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Security Council their willingness to accept convicted persons. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal.

## ARTICLE 28

*Pardon or commutation of sentences*

If, pursuant to the applicable law of the State in which a convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal accordingly. The President of the International Tribunal, in consultation with the judges, shall decide the matter on the basis of interests of justice and general principles of law.

## ARTICLE 29

*Co-operation and judicial assistance*

1. States shall co-operate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including but not limited to—

- (a) the identification and location of persons;
- (b) the taking of testimony and the production of evidence;
- (c) the service of documents;
- (d) the arrest or detention of persons;
- (e) the surrender or the transfer of the accused to the International Tribunal.

## ARTICLE 30

*The status, privileges and immunities of the International Tribunal*

1. The Convention on the Privileges and Immunities of the United Nations of 13th February, 1946 shall apply to

2. The Judges, the Prosecutor and the Registrar shall enjoy privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy privileges and immunities accorded to officials of the United Nations under Articles V and VII of the Convention referred to in paragraph 1 of this Article.

4. Other persons, including the accused, required at the seat of the International Tribunal shall be accorded such treatment as may be necessary for the proper functioning of the International Tribunal.

#### ARTICLE 31

##### *Seat of the International Tribunal*

The International Tribunal shall have its seat at the Hague.

#### ARTICLE 32

##### *Expenses of the International Tribunal*

The expenses of the International Tribunal shall be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter of the United Nations.

#### ARTICLE 33

##### *Working languages*

The working languages of the International Tribunal shall be English and French.

#### ARTICLE 34

##### *Annual Report*

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council

## SCHEDULE 2

## STATUTE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and of such violations (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

## ARTICLE 1

*Competence of the International Tribunal for Rwanda*

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1st January, 1994 and 31st December, 1994, in accordance with the provisions of the present Statute.

## ARTICLE 2

*Genocide*

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this Article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;

- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

## ARTICLE 3

*Crimes against humanity*

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against a civilian population on national, political, ethnic, racial or religious grounds:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhuman acts.

## ARTICLE 4

*Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II*

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed such violations of Article 3 common to the Geneva Conventions of 12 August, 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8th June, 1977. These violations include, but shall not be limited to—

- (a) violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishments;
- (c) taking of hostages;
- (d) acts of terrorism;
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced

- (f) pillage;
- (g) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable in civilized peoples;
- (h) threats to commit any of the foregoing acts.

## ARTICLE 5

*Personal jurisdiction*

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

## ARTICLE 6

*Individual criminal responsibility*

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as head of State or government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in article 2 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

## ARTICLE 7

*Territorial and temporal jurisdiction*

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its

humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to the period beginning on 1st January, 1994 and ending on 31st December, 1994.

#### ARTICLE 8

##### *Concurrent jurisdiction*

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1st January, 1994 and 31st December, 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the rules of procedure and Evidence of the International Tribunal for Rwanda.

#### ARTICLE 9

##### *Non-bis-in-idem*

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law covered by the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law shall not be subsequently tried by the International Tribunal for Rwanda only if—

(a) the act for which he or she was tried was characterized as an ordinary crime; or

(b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which a penalty imposed by a national court on the same person for

## ARTICLE 10

*Organization of the International Tribunal for Rwanda*

The International Tribunal for Rwanda shall consist of the following organs:

- (a) the Chambers, comprising two Trial Chambers and one Appeals Chamber;
- (b) the Prosecutor; and
- (c) a Registry.

## ARTICLE 11

*Composition of the Chambers*

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State. The composition shall serve as follows:

- (a) three judges shall serve in each of the Trial Chambers;
- (b) five judges shall serve in the Appeals Chamber.

## ARTICLE 12

*Qualification and election of Judges*

1. The Judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers, due account shall be taken of the experience of the Judges in criminal law, international law, including international humanitarian law, and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as the "International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The Judges of the trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

- (a) the Secretary-General shall invite nominations for judges of the Trial Chambers from member States of the United Nations and non-member States.

- (b) within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of which shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;
- (c) the Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;
- (d) the President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the member States of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The Judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the Judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

#### ARTICLE 13

##### *Officers and members of the Chambers*

1. The Judges of the International Tribunal for Rwanda shall elect a president.

2. After consultation with the Judges of the International Tribunal for Rwanda, the President shall assign the Judges to the Trial Chambers. A judge shall serve only in the Chamber to which

3. The Judges of each Trial Chamber shall elect a Pre Judge, who shall conduct all of the proceedings of that Chamber as a whole.

#### ARTICLE 14

##### *Rules of procedure and evidence*

The Judges of the International Tribunal for Rwanda adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trial, appeals, the admission of evidence, the protection of victim witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

#### ARTICLE 15

##### *The Prosecutor*

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1st January, 1994 and 31st December, 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have the right to use additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

#### ARTICLE 16

##### *The Registry*

1. The Registry shall be responsible for the administrative

. The Registry shall consist of a Registrar and such other staff as may be required.

. The Registrar shall be appointed by the Secretary-General in consultation with the President of the International Tribunal for the former Yugoslavia. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

#### ARTICLE 17

##### *Investigation and preparation of indictment*

. The Prosecutor shall initiate investigations *ex officio* or on the basis of information obtained from any source, particularly Governments, United Nations Organs, inter-governmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities.

. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crimes with which the accused is charged under the Statute. The indictment shall be transmitted to the Judge of the Trial Chamber.

#### ARTICLE 18

##### *Review of the indictment*

. The Judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a *prima facie* case has been established by the Prosecutor, he or she shall

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

#### ARTICLE 19

##### *Commencement and conduct of trial proceedings*

1. The Trial Chambers shall ensure that a trial is fair, expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her, and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

#### ARTICLE 20

##### *Rights of the accused*

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to the provisions of article 21 of the Statute.

3. The accused shall be presumed innocent until proven guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) to be informed promptly and in detail in a language which he or she understands of the nature and content of the charges against him or her;

- (b) to have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
- (c) to be tried without undue delay;
- (d) to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it.
- (e) to examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
- (f) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;
- (g) not to be compelled to testify against himself or herself or to confess guilt.

#### ARTICLE 21

##### *Protection of victims and witnesses*

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of *in camera* proceedings and the protection of the victim's identity.

#### ARTICLE 22

##### *Judgement*

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.
2. The judgement shall be rendered by a majority of the members of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion

## ARTICLE 23

*Penalties*

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, Trial Chambers shall have recourse to the general practice regarding prison sentences in the Courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

## ARTICLE 24

*Appellate proceedings*

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

- (a) an error on a question of law invalidating the decision or
- (b) an error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise decisions taken by the Trial Chambers.

## ARTICLE 25

*Review proceedings*

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

## ARTICLE 26

*Enforcement of sentences*

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated their willingness to

International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

#### ARTICLE 27

##### *Pardon or commutation of sentences*

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

#### ARTICLE 28

##### *Co-operation and judicial assistance*

1. States shall co-operate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.
2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to—
  - (a) the identification and location of persons;
  - (b) the taking of testimony and the production of evidence;
  - (c) the service of documents;
  - (d) the arrest or detention of persons;
  - (e) the surrender or the transfer of the accused to the International Tribunal for Rwanda.

#### ARTICLE 29

##### *status, privileges and immunities of the International Tribunal for Rwanda*

1. The Convention of the Privileges and Immunities of the United Nations of 13th February, 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and her staff, and the Registrar and his or her staff.
2. The Judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded

3. The staff of the Prosecutor and of the Registrar shall have the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the trial or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

#### ARTICLE 30

##### *Expenses of the International Tribunal for Rwanda*

The expenses of the International Tribunal for Rwanda shall be the expenses of the Organization in accordance with Article XVII of the Charter of the United Nations.

#### ARTICLE 31

##### *Working languages*

The working languages of the International Tribunal shall be English and French.

#### ARTICLE 32

##### *Annual report*

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

### SCHEDULE 3

#### FORMS

1. Provisional warrant of arrest
2. Authority to proceed
3. Warrant of arrest
4. Recognisance on Review (with Surety)
5. Recognisance on Review (without Surety)
6. Recognisance on Appeal (with Surety)
7. Recognisance on Appeal (without Surety)
8. Surrender warrant

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

(Section 6)

PROVISIONAL WARRANT OF ARREST

..... Magistrates' Court

There being evidence that the Attorney General has received a request on the basis of urgency from the \*Former Yugoslavia/\*Rwanda Tribunal for the arrest of [Name] (hereinafter referred to as "the defendant") who is charged with having committed the Tribunal offence of ..... for which the said Tribunal has power to prosecute persons under Article ..... of the Statute of the Tribunal (or who has been convicted by the said Tribunal for the said offence of ..... for which the said Tribunal has power to prosecute persons under Article ..... of the Statute of the Tribunal):

and there being information that the defendant is or is believed to be in or on his way to Trinidad and Tobago:

and there being evidence that the purpose of the arrest of the defendant is to bring the defendant to be brought before the said Tribunal (or to be taken to a place where he is to be imprisoned under a sentence of the said Tribunal):

You are hereby commanded to arrest the defendant and to bring him before me or some other Magistrate to be dealt with in accordance with the provisions of the International War Crimes Tribunals Act, 1997.

Witness my hand and seal this ..... day of ....., 19 .....

(Signed)

Magistrate

FORM 2

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

(Sec

**AUTHORITY TO PROCEED**

To His Worship Mr.

A request having been made to the Attorney General by the \*F Yugoslavia/\*Rwanda Tribunal (hereinafter referred to as "the Tribunal") for the surrender of A.B. (hereinafter referred to as "the defendant") to the Tribunal [or to ..... (name of country) where the defendant is to undergo imprisonment under a sentence of the Tribunal]:

And the Attorney General being satisfied that the said request is in accordance with section 5(1) of the International War Crimes Tribunals Act, 1997:

And the said request having been accompanied by an arrest warrant issued by the Tribunal in relation to the defendant or by a copy of that warrant authenticated by the Tribunal:

The Attorney General hereby requires you to proceed with the case in accordance with the provisions of the International War Crimes Tribunals Act, 1997.

Dated the            day of            , 19

(Signed)

FORM 3

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

(Section 8)

WARRANT OF ARREST

..... Magistrates' Court

The Attorney General having required me, the undersigned Magistrate for ..... District, to proceed in accordance with the provisions of the International War Crimes Tribunals Act, 1997 in respect of A.B. (hereinafter referred to as "the defendant") in respect of whom an arrest warrant has been issued by the \*Former Yugoslavia/\*Rwanda Tribunal and the request has been made by the said Tribunal to the Attorney General for his surrender to the said Tribunal [or to ..... (name of country) where he is to undergo imprisonment under a sentence of that Tribunal]:

You are hereby commanded to arrest the defendant and to bring him before me or some other Magistrate to be dealt with in accordance with the provisions of the International War Crimes Tribunals Act, 1997.

Dated the ..... day of ....., 19 .....

(Signed)

Magistrate



FORM 5

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

(Section 10A)

WARRANT OF SURRENDER (BY CONSENT) TO TRIBUNAL

To the keeper of Jail/Prison to all Constables

Whereas a request has been made to the Attorney General by or on behalf ..... for the surrender to the Tribunal of A.B. who is charged or who is convicted of) of the offence of .....

And whereas A.B. has requested the Attorney General to order his surrender out any proceedings before a Magistrate under section 11 of the International Crimes Tribunals Act, 1997:

And whereas the Attorney General consented to that request of A.B. and ordered A.B. to be committed to the said Jail/Prison on the ..... day of ....., to await his surrender to.....:

Now, therefore, the Attorney General hereby orders with the consent of A.B. that A.B. be surrendered to ..... in respect of the offence for which he was committed to custody by the Attorney General.

Dated the ..... day of ....., 19 .....

(Signed)

Attorney General

FORM 6

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section

RECOGNISANCE ON REVIEW (WITH SURETY)

Be it remembered that on the day of , 19 A. person ordered to be discharged from custody) of C.D. (surety) of came before me the undersigned Rej of the Supreme Court and severally acknowledged themselves to owe to the the several sums following, that is to say, the said A.B. the sum of the C.D. the sum of

Whereas on the day of , 19 the said A.B. whose sur was requested by the Tribunal was ordered by the Magistra the District to be discharged from custody:

And whereas the Attorney General has applied to the High Court for rev the order of discharge:

And whereas an application for bail has been made pending the determin of the application for review of the order of discharge:

And whereas the High Court has made order granting bail for the said pending the determination of the application for review:

Now the condition of this recognisance is such that if the said A.B. personally appear at the sittings of the High Court when the application for r of the said order comes on to be heard (and at every sitting of such Court to of the application for review of the said order may be from time to time adjo and shall not depart the Court without leave, and shall abide by the order said High Court, then this recognisance shall be void but otherwise shall be force and effect.

(Person ordered to be discharged) (Signed)

(Surety) (Signed)

Taken and acknowledged before me.

(Signed)

## FORM 7

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section 14(3)]

**RECOGNISANCE ON REVIEW (WITHOUT SURETY)**

It is remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.B. (the  
 \_\_\_\_\_ ordered to be discharged from custody) of \_\_\_\_\_ came  
 before me the undersigned Registrar of the Supreme Court and acknowledged  
 that he/she owes to the State the sum of \_\_\_\_\_ which said sum has  
 been paid into Court.

Whereas on the day of \_\_\_\_\_, 19\_\_\_\_ the said A.B. whose surrender  
 was requested by the \_\_\_\_\_ Tribunal was ordered by the Magistrate for  
 the \_\_\_\_\_ District to be discharged from custody:

And whereas the Attorney General has applied to the High Court for review of  
 the order of discharge:

And whereas an application for bail has been made pending the determination  
 of the application for review of the order of discharge.

And whereas the High Court has made order granting bail for the said A.B.  
 pending the determination of the application for review:

Now the condition of this recognisance is such that if the said A.B. shall  
 personally appear at the sittings of the High Court when the application for review  
 of the said order comes on to be heard (and at every sitting of such Court to which  
 the application for review of the said order may be from time to time adjourned)  
 he/she shall not depart the Court without leave, and shall abide by the order of the  
 High Court, without leave, then this recognisance shall be void but otherwise  
 shall be in full force and effect.

\_\_\_\_\_ (person ordered to be discharged) (Signed) \_\_\_\_\_ A.B.

Taken and acknowledged before me.

(Signed)

FORM 8

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section

**RECOGNISANCE ON APPEAL (WITH SURETY)**

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ A.B. person ordered to be discharged from custody) of \_\_\_\_\_ C.D. (surety) of \_\_\_\_\_ came before me the undersigned Registrar of the Supreme Court and severally acknowledged themselves to owe to the the several sums following, that is to say, the said A.B. the sum of \_\_\_\_\_ the C.D. the sum of \_\_\_\_\_

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ the said A.B. whose surr \_\_\_\_\_ was requested by the \_\_\_\_\_ Tribunal was ordered by the Magistrate the \_\_\_\_\_ District to be discharged from custody:

And whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ the said order \_\_\_\_\_ Magistrate was reviewed by the High Court:

And whereas the Attorney General A.B. has appealed against the decis \_\_\_\_\_ the High Court on the said review:

And whereas the High Court has made order granting bail for the said \_\_\_\_\_ pending the determination of the appeal:

Now the condition of this recognisance is such that if the said A.B. personally appear at the sittings of the Court of Appeal when the appeal com \_\_\_\_\_ to be heard (and at every sitting of such Court to which the appeal may be \_\_\_\_\_ time to time adjourned) and shall not depart the Court without leave, and \_\_\_\_\_ abide by the order of the said Court of Appeal, then this recognisance shall be \_\_\_\_\_ but otherwise shall be in full force and effect.

(Person ordered to be discharged) (Signed)

(Surety) (Signed)

Taken and acknowledged before me.

(Signed)

## FORM 9

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section 14(6)]

**RECOGNISANCE ON APPEAL (WITHOUT SURETY)**

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.B. (the  
 \_\_\_\_\_ ordered to be discharged from custody) of \_\_\_\_\_ came  
 before me the undersigned Registrar of the Supreme Court and acknowledged  
 himself to owe to the State the sum of \_\_\_\_\_ which said sum has  
 been paid into Court:

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the said A.B. whose surrender  
 requested by the \_\_\_\_\_ Tribunal was ordered by the Magistrate for  
 \_\_\_\_\_ District to be discharged from custody:

And whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the said order of the  
 Magistrate was reviewed by the High Court:

And whereas the Attorney General A.B. has appealed against the decision of  
 the High Court on the said review:

And whereas the High Court has made order granting bail for the said A.B.  
 pending the determination of the appeal:

Now the condition of this recognisance is such that if the said A.B. shall  
 personally appear at the sittings of the Court of Appeal when the appeal comes on  
 to be heard (and at every sitting of such Court to which the appeal may be from  
 time to time adjourned) and shall not depart the Court without leave, and shall  
 be bound by the order of the said Court of Appeal, then this recognisance shall be void  
 otherwise shall be in full force and effect.

Person ordered to be discharged)

(Signed)

A.B.

Taken and acknowledged before me.

(Signed)

FORM 10

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section

**SURRENDER WARRANT**

To the Keeper of (Jail) Prison and to all Constables

Whereas a request has been made to the Attorney General by the Tribunal for the surrender to the Tribunal [or to .....(name of country) where he is to undergo imprisonment under a sentence of that Tribunal] of (hereinafter referred to as "the prisoner") who is charged with having committed the Tribunal offence of ..... for which the Tribunal has power to prosecute persons under Article ..... of the Statute of the Tribunal (or who has been convicted by the said Tribunal for the Tribunal offence of ..... for which the said Tribunal has power to prosecute persons under Article ..... of the Statute of the Tribunal

And whereas a Magistrate, being satisfied that the evidence given before him would be sufficient to warrant the surrender of the prisoner to the Tribunal [or to ..... (name of country) where he is to undergo imprisonment under a sentence of that Tribunal], committed the prisoner to (Jail) Prison on the ..... day of ....., 19 ....., to await his surrender to the Tribunal [or to ..... (name of country) where he is to undergo imprisonment under a sentence of that Tribunal]:

And whereas the prisoner has not been discharged from custody by order of the High Court or of the Court of Appeal:

Now, therefore, the Attorney General hereby orders that the prisoner be surrendered to the Tribunal [or to ..... (name of country) where he is to undergo imprisonment under a sentence of that Tribunal]

Dated the ..... day of ....., 19 .....

(Signed)

FORM 11

PUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT, 1997

[Section 29(2)]

**SUMMONS TO APPEAR BEFORE THE \*FORMER YUGOSLAVIA\*/RWANDA  
TRIBUNAL**

IN THE MATTER OF .....

of

Whereas the Attorney General has received from the \*Former  
Yugoslavia\*/Rwanda Tribunal a request for the service of a summons requiring you  
to appear before the said Tribunal for the purpose of giving evidence [or assisting  
investigation] with respect to above-mentioned matter.

This is to give you notice to attend ..... on  
day of ..... , 19 before the  
Tribunal.

You are required to contact the Office of the Attorney General no later than  
day of ..... , 19 so that appropriate arrangements  
be made for your attendance before the said Tribunal in accordance with  
Section 27 of the International War Crimes Tribunals Act, 1997.

You are also required to have with you at the said time and place of the sitting  
before the said Tribunal any books, papers or other things under your control or in your  
possession in any manner relating to the said matter.

Dated the ..... day of ..... , 19

(Signed)

*Registrar of the Supreme Court*

Passed in the Senate this 17th day of March, 1998.

N. CO  
*Clerk of the S*

Passed in the House of Representatives this 4th  
of September, 1998.

D. DOLLY  
*Acting Clerk of the S*

House of Representatives amendments agreed to  
the Senate this 17th day of September, 1998.

N. CO  
*Clerk of the S*