

INTERNATIONAL WAR CRIMES TRIBUNALS ACT

CHAPTER 11:23

**Act
24 of 1998**

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 11:23

INTERNATIONAL WAR CRIMES TRIBUNALS ACT

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CHAPTER 11:23

INTERNATIONAL WAR CRIMES TRIBUNALS ACT

An Act to provide for the assistance of the International War Crimes Tribunals in the performance of their functions and for matters related thereto. 24 of 1998.

*[ASSENTED TO 26TH OCTOBER 1998]

PART I

PRELIMINARY

1. (1) This Act may be cited as the International War Crimes Tribunals Act. Short title.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution. Act inconsistent with the Constitution.

2. This Act came into operation on the 2nd day of April 1999. Commencement. [52/1999].

3. In this Act—
“arrest warrant” means a warrant issued by a 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 827 (1993) of the Security Council of the United Nations; and

*See section 2 for date of commencement.

(b) includes any of the organs referred to in Article 11 of the Statute of the Tribunal;

“property” means real or personal property of every description situated in Trinidad and 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—

Schedule 1.

(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

Schedule 2.

(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 under section 15;

“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 2, 3 or 4 of the Statute of the Tribunal.

PART II

REQUEST BY A TRIBUNAL FOR ASSISTANCE

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

(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 in Trinidad and Tobago.

5. (1) A request shall be in writing and shall indicate— Form of request.

- (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

Provisional
warrant of
arrest.

6. (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 been convicted by the Tribunal; and
 - (b) the request is not accompanied by a warrant but is made on grounds of urgency,

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—

Form 1.
Schedule 3.

- (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 the 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 the Magistrate.

7. (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,

the Attorney General may, in the form set out in Form 2 in Schedule 3, issue an authority to proceed signifying 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.

Form 2.
Schedule 3.

(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.

Issue of warrants. Form 3. Schedule 3.

8. (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.

(2) This section also applies to a person who has been remanded in custody on a provisional warrant, save that the provisional warrant shall be discharged from 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.

Cancellation of warrants.

9. 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 reason to believe, that it is no longer necessary for the warrant to remain in force.

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 the warrant is not possible.

Consent order for return.

10A. (1) Where the return of any person is requested 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.

(2) Where the Attorney General consents to the request made by a person referred to under 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 in Form 4 in Schedule 3, order such person to be committed to custody, to be kept for the purposes of his surrender to the Tribunal unless submitted to bail.

Form 4. Schedule 3.

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

Form 5.
Schedule 3.

(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), (5) and 16(3), apply to the return of any person under this section unless the contrary is expressly requested by that person.

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 until the arrest warrant is executed.

Proceedings
after arrest.

(2) Where the purpose of the arrest is to enable the 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 for his surrender to the Tribunal.

(3) Where the purpose of the arrest is to enable the 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 for 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 Extradition (Commonwealth and Foreign Territories) Act, have been instituted in respect of the arrested person in a Court in Trinidad and Tobago and that those proceedings—

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- (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 convicted by the Tribunal.

(6) For the purpose of proceedings under this section a Magistrate shall have like jurisdiction and powers as nearly as may be, including power to adjourn the case and meanwhile remand the person under the warrant either in custody or on bail as when the 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 his 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.

12. (1) Where a person whose surrender is 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 so review the order.

Review by High Court.

(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 four 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 for bail.

(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 the same to the Registrar.

13. (1) Where an order of discharge is reviewed by the High Court under section 12, the Attorney General or 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.

Appeal to the Court of Appeal.

(2) Upon an appeal to the Court of Appeal being filed 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.

Bail.

14. (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 subsections (2) and (3).

(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.

Form 4.
Schedule 3.

(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 into 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 5 in Schedule 3.

Form 5.
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 the person in respect of whom the order of discharge was 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 into 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 7 in Schedule 3.

Form 6.
Schedule 3.

Form 7.
Schedule 3.

15. (1) Where a person is committed to await his surrender to a Tribunal or country and is not discharged 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 surrender of the person to the Tribunal or country.

Surrender
warrants.

Form 8.
Schedule 3.

(2) The Attorney General shall not issue a surrender 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 surrender warrant in the case of a person if the Attorney General is satisfied that there are special 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 his 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 that 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 is executed, that the Tribunal no longer requires the attendance of the person to whom the warrant relates and notice of the revocation shall forthwith be given to that person.

(4) Where a surrender warrant is revoked under subsection (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.

17. (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—

Effect of
surrender on
term of
imprisonment.

- (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 the Tribunal offence shall not be counted as time 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.

Expiry of sentence while under Tribunal detention.

18. 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 of the Tribunal,

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 a 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 written form 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 by the Attorney General to the Tribunal.

Person who is subject of proceeding need not be present.

23. Evidence of a witness taken under section 20 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.

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:

Certificate of evidence.

- (a) the person to whom the Tribunal proceeding relates or his legal representative;
- (b) any other person giving evidence or producing documents or other articles, or his legal representative.

25. (1) A Tribunal immunity certificate is admissible 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 evidential 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, authorising 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 prosecution, as the case may be, under this Act.

(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 the 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 travel 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 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 agreed to by the Attorney General.

28. (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.

Imprisoned witness.

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

29. (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 the issue of such summons.

Service of process.

(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 may be enforced in the same manner as a summons issued by the High Court in criminal proceedings.

Form 9.
Schedule 3.

PART V

FORFEITURE OF PROCEEDS OF TRIBUNAL OFFENCES

30. (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.

Enforcement of forfeiture orders.

(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 the order relates; and
- (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.

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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 reason 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 do 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 from 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 or belief 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 it.

(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 having possession of property in respect of which a receiver is appointed under this section to give possession of it to the receiver.

(8) For the purposes of this section, “dealing 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 in 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 a 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 provisions of this Act.

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;
- (h) taking civilians as hostages.

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 shall 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, or 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:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (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 present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he 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 the 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 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 have 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 the 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 if—

- (a) the act for which he or she was tried was characterised 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 shall take into account the extent to which any penalty imposed by a national Court on the same person for the same act has already been served.

ARTICLE 11

ORGANISATION OF THE INTERNATIONAL TRIBUNAL

The International Tribunal shall consist of the following organs:

- (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 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 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 two 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, the 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 for re-election.

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 nomination by 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 criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the prosecutor shall be those of an Under-Secretary-General of the United Nations.

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* or on the basis of information obtained from any source, particularly from Governments, United Nations Organs, inter-governmental and non-governmental organisations. 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, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by an Attorney-at-law of his own choice, including the right to have legal assistance assigned to him without payment by him in any such case if he does not have sufficient means to pay for it, as well as to 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 the accused is charged under the Statute. The indictment shall be transmitted to a Judge of the Trial Chamber.

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 or 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 shall be entitled to a fair and public hearing, subject to Article 22 of the Statute.

3. The accused shall be presumed innocent until proved 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 an Attorney-at-law 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 the victim's identity.

ARTICLE 23

JUDGMENT

1. The Trial Chambers shall pronounce judgments and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgment 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 submit to the International Tribunal an application for review of the judgment.

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 the 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 the 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 the International Tribunal, the Judges, the Prosecutor and his staff and the Registrar and his staff.

2. The Judges, the Prosecutor and the Registrar shall enjoy the 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 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 seat of the International Tribunal shall be accorded such treatment as is 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 International Tribunal to the Security Council and to the General Assembly.

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, 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 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;
- (b) conspiracy to commit 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 any 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 serious violations of Article 3 common to the Geneva Conventions of 12th August, 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8th June, 1977. These violations shall 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 prostitution and any form of corporal punishment;
- (f) pillage;
- (g) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted Court, affording all the judicial guarantees which are recognised as indispensable by 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 or 4 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 the 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 land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a 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 under 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 may be subsequently tried by the International Tribunal for Rwanda only if—

- (a) the act for which he or she was tried was characterised 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 any penalty imposed by a national Court on the same person for the same act has already been served.

ARTICLE 10

ORGANISATION 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 an 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, 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 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 maintaining permanent observer missions at United Nations Headquarters;
- (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 he or she was assigned.
3. The Judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

ARTICLE 14

RULES OF PROCEDURE AND EVIDENCE

The Judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceeding before the International Tribunal for Rwanda, the 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 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 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 administration and servicing of the International Tribunal for Rwanda.

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 for Rwanda. 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 17

INVESTIGATION AND PREPARATION OF INDICTMENT

1. The Prosecutor shall initiate investigations *ex officio* or on the basis of information obtained from any source, particularly from Governments, United Nations Organs, inter-governmental and non-governmental organisations. 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, as appropriate, seek the assistance of the State authorities.

3. If questioned, the suspect shall be entitled to be assisted by an Attorney-at-law 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.

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 crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a Judge of the Trial Chamber.

ARTICLE 18

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 Prosecutor, he or she 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 19

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 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 Chambers 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 Article 21 of the Statute.

3. The accused shall be presumed innocent until proved 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 cause of the charge against him or her;
- (b) to have adequate time and facilities for the preparation of his or her defence and to communicate with an Attorney-at-law 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

JUDGMENT

1. The Trial Chambers shall pronounce judgments and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgment 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 23

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 Rwanda.

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 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 the 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 judgment.

ARTICLE 26

ENFORCEMENT OF SENTENCES

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designed by the 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

**THE 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 his or 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 to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy 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 seat 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 expenses of the Organisation in accordance with Article 17 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. Warrant of Committal (by Consent).
 5. Warrant of Surrender (by Consent) to Tribunal.
 6. Recognisance on Review (with Surety).
 7. Recognisance on Review (without Surety).
 8. Recognisance on Appeal (with Surety).
 9. Recognisance on Appeal (without Surety).
 10. Surrender Warrant.
 11. Summons to Appear before a Tribunal.
-

(Section 6).

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

PROVISIONAL WARRANT OF ARREST

..... Magistrates' Court

To

There being evidence that the Attorney General has received a request on the grounds of urgency from the *Former Yugoslavia/*Rwanda Tribunal for the arrest of A.B. (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 Tribunal 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 enable 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.

Dated the day of, 20..... .

(Signed)

Magistrate

**Delete if inapplicable.*

FORM 2

(Section 7).

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

AUTHORITY TO PROCEED

To His Worship Mr.

A request having been made to the Attorney General by the *Former 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:

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.

Dated the day of, 20..... .

(Signed)

Attorney General

**Delete if inapplicable.*

L.R.O. 1/2006

(Section 8).

FORM 3

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

WARRANT OF ARREST

..... Magistrates' Court

To

The Attorney General having required me, the undersigned Magistrate for the District, to proceed in accordance with the provisions of the International War Crimes Tribunals Act 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 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.

Dated the day of, 20..... .

(Signed)

Magistrate

**Delete if inapplicable.*

FORM 4

[Section 10A(2)].

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

WARRANT OF COMMITTAL (BY CONSENT)

To all Constables and to the Keeper of _____ Jail/Prison.

A.B. having been arrested pursuant to a warrant issued under section 6(1) or 8(1) of the International War Crimes Tribunals Act, having requested the Attorney General to order his surrender without any proceedings before a Magistrate under section 11 of that Act.

And the Attorney General having consented to the request of A.B. :

This is to command you, the said constables, to convey A.B. to the said Jail/Prison and there deliver him to the Keeper thereof, together with this warrant; and I do hereby command you, the Keeper of the said Jail/Prison, to receive him into your custody and keep him until he is thence delivered in accordance with the provisions of that Act.

Dated the day of, 20..... .

(Signed)

Attorney General

[Section 10A(3)].

FORM 5

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

**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 of for the surrender to the Tribunal of A.B. who is charged for (or who is convicted of) the offence of :

And whereas A.B. has requested the Attorney General to order his surrender without any proceedings before a Magistrate under section 11 of the International War Crimes Tribunals Act:

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 20....., 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....., 20..... .

(Signed)

Attorney General

FORM 6

[Section 14(3)].

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

RECOGNISANCE ON REVIEW (WITH SURETY)

Be it remembered that on the day of, 20..... A.B. (the person ordered to be discharged from custody) of and C.D. (surety) of came before me the undersigned Registrar of the Supreme Court and severally acknowledged themselves to owe to the State the several sums following, that is to say, the said A.B. the sum of and the said C.D. the sum of

WHEREAS on the day of, 20..... 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) and shall not depart the Court without leave, and shall abide by the order of the said High Court, then this recognisance shall be void but otherwise shall be in full force and effect.

(Person ordered to be discharged) (Signed) A.B.

(Surety) (Signed) C.D.

Taken and acknowledged before me.

(Signed)

Registrar of the Supreme Court

[Section 14(3)].

FORM 7

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

RECOGNISANCE ON REVIEW (WITHOUT SURETY)

Be it remembered that on the day of, 20..... A.B. (the person 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, 20..... 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) and shall not depart the Court without leave, and shall abide by the order of the said 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)

Registrar of the Supreme Court

FORM 8

[Section 14(6)].

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (CH. 11:23)

RECOGNISANCE ON APPEAL (WITH SURETY)

Be it remembered that on the.....day of....., 20..... A.B. (the person ordered to be discharged from custody) of..... and C.D. (surety) of came before me the undersigned Registrar of the Supreme Court and severally acknowledged themselves to owe to the State the several sums following, that is to say, the said A.B. the sum of and the said C.D. the sum of

WHEREAS on the day of, 20..... 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 on the day of, 20..... 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 abide by the order of the said Court of Appeal, then this recognisance shall be void but otherwise shall be in full force and effect.

(Person ordered to be discharged) (Signed) A.B.

(Surety) (Signed) C.D.

Taken and acknowledged before me.

(Signed)

Registrar of the Supreme Court

[Section 14(6)].

FORM 9

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

RECOGNISANCE ON APPEAL (WITHOUT SURETY)

Be it remembered that on the day of, 20..... A.B. (the person 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, 20..... 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 on the day of, 20..... 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 abide by the order of the said Court of Appeal, 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)

Registrar of the Supreme Court

FORM 10

[Section 15(1)].

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

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 A.B.
(hereinafter referred to as “the prisoner”) 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 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 the (Jail) Prison
on the day of , 20..... , 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, 20..... .

(Signed)

Attorney General

[Section 29(2)].

FORM 11

REPUBLIC OF TRINIDAD AND TOBAGO

THE INTERNATIONAL WAR CRIMES TRIBUNALS ACT (Ch. 11:23)

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

IN THE MATTER OF

To 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
an investigation] with respect to above-mentioned matter.

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

You are required to contact the Office of the Attorney General no later
than the day of , 20..... , so that
appropriate arrangements can be made for your attendance before the said
Tribunal in accordance with section 27 of the International War Crimes
Tribunals Act.

You are also required to have with you at the said time and place of the
sitting of 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, 20..... .

(Signed)

Registrar of the Supreme Court

**Delete if inapplicable.*