

Mutual Assistance in Criminal Matters (International Criminal Tribunals) Regulations

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MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT (CHAPTER 190A, SECTION 45)

MUTUAL ASSISTANCE IN CRIMINAL MATTERS (INTERNATIONAL CRIMINAL TRIBUNALS) REGULATIONS

Rg 1

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Citation

1. These Regulations may be cited as the Mutual Assistance in Criminal Matters (International Criminal Tribunals) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

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

“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 violations 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;

“Statute of the Tribunal” means —

- (a) in the case of the Former Yugoslavia Tribunal, the Statute of the Tribunal adopted by Resolution 827 (1993) of the Security Council of the United Nations; and
- (b) in the case of the Rwanda Tribunal, the Statute of the Tribunal adopted by Resolution 955 (1994) of the Security Council of the United Nations;

“Tribunal” means —

- (a) the Former Yugoslavia Tribunal; or
- (b) the Rwanda Tribunal;

“Tribunal ancillary criminal matter” means —

- (a) the forfeiture or confiscation of property in respect of a Tribunal offence; or

- (b) the obtaining, enforcement or satisfaction of a Tribunal confiscation order;

“Tribunal confiscation 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 the forfeiture or confiscation of property in respect of a Tribunal offence; or
- (b) a declaration made by a Tribunal, under the Statute of the Tribunal or under rules adopted under the Statute of the Tribunal, evidencing the forfeiture or confiscation of property under that Statute or those rules;

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

- (a) is given or made by the Tribunal under the Statute of the Tribunal or under rules adopted under the Statute of the Tribunal; and
- (b) specifies or declares that, under the Statute of the Tribunal or under rules adopted under the Statute of the Tribunal, persons generally or a specified person could or could not —
 - (i) either generally or in specified proceedings; and
 - (ii) either generally or in specified circumstances, be required to answer a specified question or to produce a specified document;

“Tribunal investigation” means an investigation —

- (a) into a Tribunal offence; or
- (b) for the purposes of a Tribunal ancillary criminal matter;

“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 adopted by Resolution 827 (1993) of the Security Council of the United Nations; 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 adopted by Resolution 955 (1994) of the Security Council of the United Nations;