



# International Criminal Court Regulations 2008<sup>1</sup>

## Select Legislative Instrument 2008 No. 7

---

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *International Criminal Court Act 2002*.

Dated 14 February 2008

P. M. JEFFERY  
Governor-General

By His Excellency's Command

ROBERT McCLELLAND  
Attorney-General

---

**1 Name of Regulations**

These Regulations are the *International Criminal Court Regulations 2008*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Definition**

In these Regulations:

*Act* means the *International Criminal Court Act 2002*.

**4 Statutory forms**

- (1) A form mentioned in column 1 of the following table is the statutory form for the provision of the Act mentioned in column 2 and a purpose mentioned in column 3.

<b>Form</b>	<b>Provision of Act</b>	<b>Purpose</b>
1	subsection 20 (1)	Notice of receipt of request for arrest and surrender
2	subsection 20 (3)	Warrant for arrest
3	subsection 20 (3)	Application for arrest warrant
4	subsection 21 (1)	Notice of receipt of request for provisional arrest
5	subsection 21 (2)	Warrant for provisional arrest
6	subsection 21 (2)	Application for provisional arrest warrant
7	subsection 25 (1)	Notice to order release from remand
8	subsection 28 (2)	Surrender warrant
9	subsection 151 (2)	Notice authorising application for registration of order for reparation
10	subsection 152 (2)	Notice authorising application for registration of order imposing a fine
11	subsection 155 (2)	Notice authorising application for registration of forfeiture order

- (2) In these Regulations, a reference to a form by number is a reference to the form bearing that number in Schedule 1.

## Schedule 1      **Forms** (regulation 4)

### **Form 1      Notice of receipt of request for arrest and surrender**

Commonwealth of Australia

*International Criminal Court Act 2002*

#### **Notice under subsection 20 (1) of receipt of request for arrest and surrender by the International Criminal Court**

To a magistrate:

I, \_\_\_\_\_, Attorney-General of the Commonwealth  
of Australia, under subsection 20 (1) of the *International Criminal Court  
Act 2002* (the *Act*), state that I have:

- (a) received a request for the arrest and surrender of [*insert name of  
person*] from the International Criminal Court; and
- (b) signed a certificate under section 22 of the Act that it is appropriate  
for me to issue this notice.

Division 2 of Part 3 of the Act has been complied with in respect of the  
request.

A copy of [*the warrant of arrest\**] [*and\**] [*judgment of conviction\**]  
issued by the International Criminal Court is attached to this notice.

Dated

Attorney-General

\* *insert as the case requires*

## **Form 2      Warrant for arrest**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Warrant for arrest under subsection 20 (3)**

To all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*):

Because:

- (a) the Attorney-General of the Commonwealth of Australia has given a notice under subsection 20 (1) of the Act stating that a request has been received from the International Criminal Court for the arrest and surrender of [*insert name of person*]; and
- (b) an application has been made on behalf of the International Criminal Court under subsection 20 (3) of the Act for issue of a warrant according to the notice;

I, [*insert name and designation of magistrate*], under subsection 20 (3) of the Act, authorise you to arrest [*insert name of person*] and to bring [*him/her\**], as soon as practicable, before a magistrate in the State or Territory in which [*he/she\**] is arrested to be dealt with according to law.

Dated

.....  
[*Signature and designation of magistrate issuing warrant*]

\* *delete as the case requires*

---

## **Form 3      Application for arrest warrant**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Application under subsection 20 (3) for arrest warrant**

To a magistrate:

I, *[insert name of applicant and the capacity in which application is made]*, apply under subsection 20 (3) of the *International Criminal Court Act 2002* (the **Act**) on behalf of the International Criminal Court for issue of a warrant, according to a notice under subsection 20 (1) of the Act, for the arrest and surrender of *[insert name of person]*.

Dated

.....  
*[Signature of the applicant and the capacity in which application is made]*

## **Form 4      Notice of receipt of request for provisional arrest**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Notice under subsection 21 (1) of receipt of request for provisional arrest by the International Criminal Court**

To a magistrate:

I, \_\_\_\_\_, Attorney-General of the Commonwealth of  
Australia, under subsection 21 (1) of the *International Criminal Court  
Act 2002* (the *Act*), state that I have:

- (a) received a request for the provisional arrest of [*insert name of  
person*] from the International Criminal Court; and
- (b) signed a certificate under section 22 of the Act that it is appropriate  
for me to issue this notice.

Division 2 of Part 3 of the Act has been complied with in respect of the  
request.

Dated

Attorney-General

---

## **Form 5      Warrant for provisional arrest**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Warrant for provisional arrest under subsection 21 (2)**

To all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*):

Because:

- (a) the Attorney-General of the Commonwealth of Australia has given a notice under subsection 21 (1) of the Act stating that a request has been received from the International Criminal Court for the provisional arrest of [*insert name of person*]; and
- (b) an application has been made on behalf of the International Criminal Court under subsection 21 (2) of the Act for issue of a warrant according to the notice;

I, [*insert name and designation of magistrate*], under subsection 21 (2) of the Act, authorise you to arrest [*insert name of person*] and to bring [*him/her\**], as soon as practicable, before a magistrate in the State or Territory in which [*he/she\**] is arrested to be dealt with according to law.

Dated

.....  
[*Signature and designation of magistrate issuing warrant*]

\* *delete as the case requires*

## **Form 6      Application for provisional arrest warrant**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Application under subsection 21 (2) for provisional arrest warrant**

To a magistrate:

I, [*insert name of applicant and the capacity in which application is made*], apply under subsection 21 (2) of the *International Criminal Court Act 2002* (the **Act**) on behalf of the International Criminal Court for issue of a warrant, according to a notice under subsection 21 (1) of the Act, for the provisional arrest of [*insert name of person*].

Dated

.....  
*[Signature of the applicant and the capacity in which application is made]*



---

## **Form 7      Notice to order release from remand**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Notice under subsection 25 (1) to order release from remand**

To a magistrate:

\*Because a request for surrender of [*insert name of person*] has not been received within 60 days after the day on which [*he/she*]\* was provisionally arrested and [*he/she*]\* does not consent to surrender;

\*Because I consider that the remand of [*insert name of person*] should cease;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 25 (1) of the *International Criminal Court Act 2002*, direct you to order the [*\*release of (insert name of person) from custody/\*discharge of the recognisances on which bail was granted to (insert name of person)*].

Dated

Attorney-General

*\* delete as the case requires*

## **Form 8      Surrender warrant**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Surrender warrant under subsection 28 (2)**

To the person in whose custody [*insert name of person*] is held

And to all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*)

And to [*insert name of officer of the International Criminal Court or other person authorised by the Court*], (the *escort*):

Having:

- (a)\* reached agreement with the International Criminal Court on conditions for the issue of a temporary surrender warrant; and
- (b) received a request for surrender of [*insert name of person*]; and
- (c) signed a certificate under section 29 of the Act that it is appropriate to issue a warrant for [*his/her\**] surrender;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under section 28 of the Act:

- (d) require the person in whose custody [*insert name of person in custody*] is held, to release [*him/her\**] into the custody of a police officer; and
- (e) authorise the police officer to transport [*insert name of person*] in custody, and if necessary or convenient, to detain [*him/her\**] in custody, for the purpose of enabling [*him/her\**] to be placed in the custody of the escort and transported to the place specified by the International Criminal Court; and

- (f) authorise the escort to transport [*insert name of person*] in custody to [*insert the name of the place specified by the International Criminal Court*] for the purpose of surrendering [*him/her\**] to a person appointed by the International Criminal Court to receive [*him/her\**].

\*This surrender warrant has a temporary operation in accordance with the conditions set out in the Schedule.

\*This surrender warrant takes effect when [*insert name of person*] ceases to be liable to be detained in a prison because of a sentence of imprisonment imposed for a different offence against Australian law.

Dated

Attorney-General

*\* delete as the case requires*

**\*Schedule**

*[Set out the conditions on which the temporary surrender warrant is issued]*

## **Form 9      Notice authorising application for registration of order for reparation**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Authorisation under subsection 151 (2) to apply for registration of an order for reparation**

To the Commonwealth Director of Public Prosecutions:

Because:

- (a) the International Criminal Court has:
  - (i) made an order under article 75 of the Statute of the International Criminal Court requiring reparation by *[insert name of person]*; and
  - (ii) requested that the order be enforced as if article 109 of the Statute were applicable; and
- (b) neither the conviction in respect of which the order was made nor the order requiring reparation is subject to appeal or further appeal in the Court;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 151 (2) of the *International Criminal Court Act 2002*, authorise you, the Commonwealth Director of Public Prosecutions, to apply for the registration of the attached order in *[insert the name of the Federal Court or the Supreme Court of a specified State]*.

Dated

Attorney-General

---

## **Form 10 Notice authorising application for registration of order imposing a fine**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Authorisation under subsection 152 (2) to apply for registration of an order imposing a fine**

To the Commonwealth Director of Public Prosecutions:

Because:

- (a) the International Criminal Court has:
  - (i) ordered payment of a fine by *[insert name of person]* under paragraph 2 (a) of article 77 of the Statute of the International Criminal Court; and
  - (ii) requested that the order be enforced according to article 109 of the Statute; and
- (b) neither the conviction in respect of which the order was made nor the order for payment of the fine is subject to appeal or further appeal in the Court;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 152 (2) of the *International Criminal Court Act 2002*, authorise you, the Commonwealth Director of Public Prosecutions, to apply for the registration of the attached order in *[insert name of the Federal Court or the Supreme Court of a specified State]*.

Dated

Attorney-General

## **Form 11 Notice authorising application for registration of forfeiture order**

Commonwealth of Australia

*International Criminal Court Act 2002*

### **Authorisation under subsection 155 (2) to apply for registration of a forfeiture order**

To the Commonwealth Director of Public Prosecutions:

Because:

- (a) the International Criminal Court has requested me to make arrangements for the enforcement of a forfeiture order made in relation to property that is reasonably suspected of being in Australia; and
- (b) I am satisfied that:
  - (i) *[insert name of person]* has been convicted by the International Criminal Court of the crime within the jurisdiction of the Court to which the order relates; and
  - (ii) the conviction and the order are not subject to appeal or further appeal in the Court;

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 155 (2) of the *International Criminal Court Act 2002*, authorise you, the Commonwealth Director of Public Prosecutions, to apply for the registration of the attached order in *[insert the name of a court with proceeds jurisdiction in the State or Territory in which some or all of the property is reasonably suspected of being located]*.

Dated

Attorney-General

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).