



Statutory Document No. 61/04

THE INTERNATIONAL CRIMINAL COURT ACT 2003

THE INTERNATIONAL CRIMINAL COURT (IMMUNITIES AND PRIVILEGES) ORDER 2004

Approved by Tynwald

18TH FEB . 2003

Coming into operation

1st April 2004

In exercise of the powers conferred on the Council of Ministers by paragraph 1 of Schedule 1 to the International Criminal Court Act 2003¹, and of all other enabling powers, the following Order is hereby made:—

1. Citation, commencement and interpretation

(1) This Order may be cited as the International Criminal Court (Immunities and Privileges) Order 2004 and, subject to paragraph 3 of Schedule 1 to the International Criminal Court Act 2003, shall come into operation on the 1st April 2004.

(2) In this Order —

"the Court" means the International Criminal Court.

"the 1961 Convention Articles" means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961²) which are (set out in Schedule 1 to the Diplomatic Privileges Act 1964 (an Act of Parliament)³.

2. Status of Court

The Court shall have the legal capacities of a body corporate.

¹ 2003 c.9

² Cmnd. 2565

³ 1964 c.81

Price 40p

3. Privileges and immunities

(1) Except in so far as in any particular case any privilege or immunity is waived as set out in paragraph (2), the judges, the Prosecutor, the Deputy Prosecutors and the Registrar of the Court shall enjoy —

- (a) when engaged on or with respect to the business of the Court, the like privileges and immunities as in accordance with the 1961 Convention Articles are accorded to the head of a diplomatic mission;
 - (b) exemption from income tax in respect of emoluments received by them as judges, Prosecutor, Deputy Prosecutors or Registrar;
 - (c) immunity from suit and legal process (even after the expiry of their terms of office) in respect of acts, including words written or spoken, done by them in the exercise of their official functions.
- (2) Privileges and immunities may be waived —
- (a) in the case of a judge or the Prosecutor, by an absolute majority of the judges;
 - (b) in the case of a Deputy Prosecutor, by the Prosecutor;
 - (c) in the case of the Registrar, by the Presidency.

MADE *22nd January* 2004

Mary Williams
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order confers the legal capacities of a body corporate on the International Criminal Court and confers privileges and immunities on its judges, Prosecutor, Deputy Prosecutors and Registrar in accordance with Articles 4(1) and 48(2) of the Rome Statute of the International Criminal Court (Cm. 4555).