

**Reprint
as at 1 July 2013**



**International Criminal Court
Regulations 2004**
(SR 2004/80)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 29th day of March 2004

Present:
Her Excellency the Governor-General in Council

Pursuant to section 179 of the International Crimes and International Criminal Court Act 2000, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Foreign Affairs and Trade.

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Regulations

1 Title

These regulations are the International Criminal Court Regulations 2004.

2 Commencement

These regulations come into force on 1 May 2004.

3 Interpretation

(1) In these regulations, unless the context otherwise requires, **the Act** means the International Crimes and International Criminal Court Act 2000.

(2) A reference to a numbered form is a reference to the form so numbered in the Schedule.

Compare: SR 1999/238 r 2

4 Forms

(1) The forms set out in the Schedule are the forms to be used in respect of the proceedings or matters under the Act to which those forms relate.

(2) Any variations may be made in any prescribed form that the circumstances of any particular case require.

(3) Strict compliance with the prescribed forms is not necessary and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.

- (4) If there is no prescribed form, the parties or the court may devise an appropriate form, using as guides the forms prescribed by these regulations.

Compare: SR 1999/238 r 3

Regulation 4(4): amended, on 1 July 2013, by regulation 15 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

5 Solicitor to witness and explain effect of waiver of rights

- (1) The signature of the person whose surrender is sought on a waiver of rights under section 70 of the Act must be witnessed by a solicitor of the High Court of New Zealand.

- (2) The witness must certify that, before the person whose surrender is sought signed the waiver, the witness explained to that person its effect and implications.

Compare: SR 1999/238 r 4

6 Issue of summons to give evidence

- (1) If the Attorney-General authorises the taking of evidence under section 82(2) of the Act, a District Court Judge may issue a summons using Form ICC 10 requiring the person to whom it is addressed to attend at the time and place specified in the summons to give evidence.

- (2) Every summons issued under subclause (1) must be served on the person to whom it is addressed in accordance with rules in relation to service of a summons made under the Criminal Procedure Act 2011 that apply (with all necessary modifications).

Compare: SR 1993/92 r 4(1), (2)

Regulation 6(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

7 Witnesses expenses

[Revoked]

Regulation 7: revoked, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

8 Registration of ICC forfeiture and restraining orders

- (1) This regulation applies to—

- (a) a forfeiture order, or an amendment to such an order, made by the ICC and ordered to be registered under section 127 of the Act; or
 - (b) a restraining order made by the ICC and ordered to be registered under section 112(2) of the Act.
- (2) The registration of an order to which this regulation applies must be effected by making a record of the following particulars:
- (a) the nature of the order:
 - (b) the names of the parties to the order:
 - (c) the date of the order:
 - (d) the property to which the order applies:
 - (e) the date of the order of the High Court under section 112(2) or section 127 of the Act authorising registration of the ICC's order.
- (3) On the copy of the order the Registrar must endorse and sign the following minute:
"Registered in the High Court at on (*date of registration*) pursuant to section of the International Crimes and International Criminal Court Act 2000."
Compare: SR 1993/92 r 6

9 Service of removal orders

- (1) A removal order made under section 153 of the Act must be served by a constable on the person named in the order by personal service only.
- (2) A removal order may be served at any reasonable time by day or by night.

Compare: SR 1999/238 r 5

Regulation 9(1): amended, on 1 October 2008, by section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

**Schedule
Forms**

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Form ICC 1
Warrant for arrest under International Crimes
and International Criminal Court Act 2000
*Section 34, International Crimes and International Criminal
Court Act 2000*

To every constable

On [*date*], the International Criminal Court made a request under Article 89(1) of the Rome Statute of the International Criminal Court for the arrest and surrender of [*full name*] of [*address*], [*occupation*] (the defendant).

On [*date*], the Minister of Justice made a request under section 33(1) of the International Crimes and International Criminal Court Act 2000 that a warrant for the arrest of the defendant be issued.

The International Criminal Court's request states that the defendant *is accused of *has been convicted of the following international crime(s):

[*Describe crimes for which surrender is sought.*]

I am satisfied that—

- (a) the defendant *is *is suspected of being in New Zealand *may come to New Zealand; and
- (b) there are reasonable grounds to believe that the defendant is the person to whom to the International Criminal Court's request for surrender relates.

I direct you to arrest the defendant and bring *him *her before a District Court as soon as possible to be dealt with in accordance with the International Crimes and International Criminal Court Act 2000.

*Delete if inapplicable.

DATED at this day of 20

.....
District Court Judge

Schedule form ICC 1: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form ICC 2
Provisional warrant for arrest under International
Crimes and International Criminal Court Act
2000

*Section 36, International Crimes and International Criminal
Court Act 2000*

To every constable

On [*date*], a provisional warrant was issued under section 36 of the International Crimes and International Criminal Court Act 2000 for the arrest of [*full name*] of [*address*], [*occupation*] (the defendant).

The information provided in support of the application states that—

**Paragraphs to be used where person has not been convicted*

The defendant is accused of the following international crime(s) in proceedings before the International Criminal Court:

[*Describe crime(s).*]

and on [*date*], the International Criminal Court issued a warrant for the arrest of the defendant in relation to the crime(s).

On [*date*] the International Criminal Court gave a judgment of conviction against the defendant in relation to the following international crime(s) in proceedings before the International Criminal Court:

[*Describe crime(s).*]

I am satisfied that—

- (a) **a* warrant for the arrest of the defendant has been issued by the International Criminal Court in relation to an international crime:
**a* judgment of conviction has been given by the International Criminal Court against the defendant in relation to an international crime; and
- (b) the defendant **is* **is* suspected of being in New Zealand **may* come to New Zealand; and
- (c) it is necessary or desirable that a warrant for the arrest of the defendant be issued urgently.

I direct you to arrest [*full name*] and bring **him* **her* before a District Court as soon as possible to be further dealt with in accordance with the International Crimes and International Criminal Court Act 2000.

**Delete if inapplicable.*

Form ICC 2—*continued*

DATED at this day of 20

.....
District Court Judge

Schedule form ICC 2: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form ICC 3
Warrant for detention pending surrender under
International Crimes and International Criminal
Court Act 2000

*Section 46(2)(a), International Crimes and International
Criminal Court Act 2000*

To every constable

and

To the Manager of [*name of prison or other place of detention*]

On [*date*], the International Criminal Court made a request under Article 89(1) of the Rome Statute of the International Criminal Court for the arrest and surrender of [*full name*] of [*address*], [*occupation*] (the defendant).

On [*date*], [*name of Judge*], District Court Judge, issued a *provisional warrant *warrant for the arrest of the defendant.

**Paragraph where court makes determination of eligibility for surrender*

On [*date*], I determined, under section 43 of the International Crimes and International Criminal Court Act 2000, that the defendant is eligible for surrender to the International Criminal Court in relation to the following international crime(s):

[*State all crimes in relation to which the determination is made.*]

**Paragraph where person consents to surrender*

On [*date*], the defendant notified the court under section 45 of the International Crimes and International Criminal Court Act 2000 that *he *she consents to being surrendered to the International Criminal Court in relation to the following international crime(s):

[*State all crimes in relation to which the consent is given.*]

I direct you, the constables, to deliver [*full name*] to the Manager of [*name of prison or other place of detention*]; and

I direct you, the Manager, to receive [*full name*] into custody and to detain *him *her pending surrender to the International Criminal Court or discharge according to law.

*Delete if inapplicable.

DATED at this day of 20

Form ICC 3—*continued*

.....
District Court Judge

(Back page—Form ICC 3)

Certificate of grant of bail

I certify that I have granted bail to [full name] subject to the following condition(s): [specify conditions if any].

DATED at this day of 20

.....
District Court Judge

Schedule form ICC 3: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule form ICC 3: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Form ICC 4
Surrender order under International Crimes and
International Criminal Court Act 2000

*Sections 47, 48, and 53, International Crimes and
International Criminal Court Act 2000*

To every constable

and

To the Manager of [*name of prison or other place of detention*]

On [*date*], the International Criminal Court made a request for the arrest and surrender of [*full name*] of [*address*], [*occupation*] (the defendant), under Article 89(1) of the Rome Statute of the International Criminal Court.

**Paragraphs to be used if provisional arrest warrant was not issued*

On [*date*], the Minister of Justice made a request under section 33(1) of the International Crimes and International Criminal Court Act 2000 that a warrant for the arrest of the defendant be issued.

On [*date*], a warrant for the arrest of the defendant was issued by [*name of Judge*], District Court Judge, under section 34 of the International Crimes and International Criminal Court Act 2000 and was duly executed on the defendant on [*date*.]

**Paragraphs to be used if provisional warrant was issued*

On [*date*], a provisional warrant for the arrest of the defendant of was issued by [*name of Judge*], District Court Judge, under section 36(1) of the International Crimes and International Criminal Court Act 2000 and was duly executed on the defendant on [*date*.]

On [*date*], notice was given to the Minister of Justice under section 37 of the International Crimes and International Criminal Court Act 2000 of the issue of the warrant but no order for the discontinuance of the proceedings was made.

**Paragraph where court makes determination of eligibility for surrender*

On [*date*], the District Court at [*place*] determined that the defendant is eligible for surrender and a warrant was issued for the detention of the defendant in [*name of prison or other place of detention*] under section 46(2)(a) of the International Crimes and International Criminal Court Act 2000, pending surrender to the International Criminal Court or discharge according to law.

**Paragraph where person consents to surrender*

Form ICC 4—*continued*

On [date], the defendant notified the District Court at [place] that *he *she consents to being surrendered to the International Criminal Court and a warrant was issued for the detention of the defendant in [name of prison or other place of detention] under section 46(2)(a) of the International Crimes and International Criminal Court Act 2000, pending surrender to the International Criminal Court.

*The period of 15 days after the issue of the warrant of detention elapsed on [date], and no application for a writ of habeas corpus or appeal has been lodged.

*On [date], in a judgment delivered in the High Court at [place] *an application for a writ of habeas corpus *an appeal by the defendant was *dismissed and the period for further appeal elapsed on [date]: [give details of decision if necessary].

*By a waiver dated [date] the defendant has waived *his *her right to apply for habeas corpus or to appeal the determination of the District Court.

The Minister of Justice has received from [name of Judge issuing warrant of detention], District Court Judge, a copy of the warrant of detention issued for the international crimes in relation to which the court has determined the defendant is eligible for surrender, *and a report on the case referred to in section 46(2)(b) of the International Crimes and International Criminal Court Act 2000.

The defendant is currently *detained at [name of prison or other place of detention] *on bail.

I am satisfied that an order for the surrender of the defendant may now be made under section 47 of the International Crimes and International Criminal Court Act 2000.

I order the surrender of [full name] to the International Criminal Court to be dealt with there according to law in relation to the following international crime(s):

[specify crime(s) in relation to which the person is being surrendered.]

***I order you** the Manager of [name of prison or other place of detention], to release [full name] into the custody of any constable or any prison officer.

Form ICC 4—*continued*

***I authorise** any constable to take [*full name*] who is currently on bail into custody.

I authorise the constable or prison officer to transport [*full name*] 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 [*give details of any person authorised to receive person on behalf of the International Criminal Court*] whom I authorise to take *him *her into custody and transport out of New Zealand as soon as practicable to the International Criminal Court.

Additional paragraph where order does not come into effect immediately

*This order comes into effect in accordance with section 48 of the International Crimes and International Criminal Court Act 2000 when [*full name*] ceases to be liable to be detained in a prison for the following offence against New Zealand law:

[*specify the offence(s) to which the postponement relates.*]

*Delete if inapplicable.

DATED at this day of 20

.....
Minister of Justice

Schedule form ICC 4: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule form ICC 4: amended, on 1 June 2005, pursuant to section 235(1) of the Corrections Act 2004 (2004 No 50).

Schedule form ICC 4: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Form ICC 5
Temporary surrender order under International
Crimes and International Criminal Court Act
2000

*Sections 49 and 53, International Crimes and International
Criminal Court Act 2000*

To every constable

and

To the Manager of [*name of prison or other place of detention*]

On [*date*], [*full name*], [*occupation*] (the defendant) was sentenced to imprisonment for a term of [*specify duration of sentence*] for [*specify offence*], being an offence against the law of New Zealand, and is currently an inmate of [*name of prison*].

**Paragraphs to be used if provisional arrest warrant was not issued*

On [*date*] the International Criminal Court made a request for the arrest and surrender of the defendant, under Article 89(1) of the Rome Statute of the International Criminal Court.

On [*date*], the Minister of Justice made a request under section 33(1) of the International Crimes and International Criminal Court Act 2000 that a warrant for the arrest of the defendant be issued.

On [*date*], a warrant for the arrest of the defendant was issued by [*name of Judge*], District Court Judge, under section 34 of the International Crimes and International Criminal Court Act 2000 and was duly executed on the defendant on [*date*].

**Paragraphs to be used if provisional warrant was issued*

On [*date*], a provisional warrant for the arrest of the defendant, was issued by [*name of Judge*], District Court Judge, under section 36(1) of the International Crimes and International Criminal Court Act 2000 and was duly executed on the defendant on [*date*].

On [*date*], notice was given to the Minister of Justice of the issue of the warrant under section 37 of the International Crimes and International Criminal Court Act 2000 but no order for the discontinuance of the proceedings was made.

**Paragraph where court makes determination of eligibility for surrender*

On [*date*], the District Court at [*place*] determined that the defendant is eligible for surrender and a warrant was issued for the detention of the defendant in [*name of prison or other place of detention*] under

Form ICC 5—*continued*

section 46(2)(a) of the International Crimes and International Criminal Court Act 2000, pending surrender to the International Criminal Court or discharge according to law.

**Paragraph where person consents to surrender*

On [date], the defendant notified the District Court at [place] that *he *she consents to being surrendered to the International Criminal Court and a warrant was issued for the detention of the defendant in [name of prison or other place of detention] under section 46(2)(a) of the International Crimes and International Criminal Court Act 2000, pending surrender to the International Criminal Court.

*The period of 15 days after the issue of the warrant of detention elapsed on [date], and no application for a writ of habeas corpus or appeal has been lodged.

*On [date], in a judgment delivered in the High Court at [place] *an application for a writ of habeas corpus *an appeal by the defendant was *dismissed and the period for further appeal elapsed on [date]:
[give details of decision if necessary.]

*By a waiver dated [date], the defendant has waived *his *her right to apply for habeas corpus or to appeal the determination of the District Court.

The Minister of Justice has received from [state name of Judge issuing warrant of detention] a copy of the warrant of detention issued for the international crimes in relation to which the court has determined the defendant is eligible for surrender, *and a report on the case referred to in section 46(2)(b) of the International Crimes and International Criminal Court Act 2000.

I am satisfied that—

- (a) the request from the International Criminal Court for surrender relates to an international crime of which the defendant is accused:
- (b) the defendant is eligible for surrender under the International Crimes and International Criminal Court Act 2000:
- (c) under section 47 of the International Crimes and International Criminal Court Act 2000 in all other respects, it is appropriate to make a surrender order in relation to the defendant but that *he *she is—

Form ICC 5—*continued*

*the subject of proceedings for a different offence against New Zealand law that have not been finally disposed of:

*liable to be detained in a prison because of a sentence of imprisonment imposed for a different offence against New Zealand law.

Following consultation with the International Criminal Court, the court has requested that the defendant be surrendered temporarily *and has given the satisfactory undertakings concerning the following matters:

- (a) the return of the defendant to New Zealand; and
- (b) the custody of the defendant while travelling to and from and while in the International Criminal Court's jurisdiction; and
- (c) any other appropriate matters.

I order the temporary surrender of *[full name]* to the International Criminal Court to be dealt with there according to law in relation to the following international crime(s):

[Specify the crime(s) in relation to which the person is being surrendered]; and

I order you, the Manager of *[name of prison]*, to release *[full name]* into the custody of any constable or prison officer; and

I authorise the constable or prison officer to transport *[full name]* 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 *[give details of any person authorised to receive person on behalf of the International Criminal Court]* whom I authorise to take *him *her into custody and transport out of New Zealand as soon as practicable to the International Criminal Court.

*Delete if inapplicable.

DATED at this day of 20

.....
Minister of Justice

Schedule form ICC 5: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form ICC 5—*continued*

Schedule form ICC 5: amended, on 1 June 2005, pursuant to section 235(1) of the Corrections Act 2004 (2004 No 50).

Schedule form ICC 5: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Form ICC 6
Notice of appeal by way of case stated on a
question of law
*Section 67, International Crimes and International Criminal
Court Act 2000*

No

Title of original proceedings:

Type of proceedings: Proceedings to which section 43
of the International Crimes and
International Criminal Court
Act 2000 applies.

Place where dealt with:

Date of decision:

Order: That [*name of person whose
surrender is sought*] is *not
eligible *eligible for surren-
der in relation to the following
international crime(s) [*specify
crime(s) to which the order re-
lates.*]

Name and address of appellant:

Name and address of respondent:

1 I, the appellant, give notice that I intend to appeal to the High
Court by way of case stated against the above determination
as being erroneous in point of law.

2 I have *a *no solicitor acting for me. *My solicitor's name
and address is: [*give details*].

*3 I *do *do not wish to be granted bail.

*Delete if inapplicable.

DATED at this day of 20

.....
(Signature of appellant)

To the Registrar of the District Court at

[*This notice must be filed in duplicate.*]

Form ICC 7
Case stated on appeal from determination of
District Court
*Section 68, International Crimes and International Criminal
Court Act 2000*

No

In the High Court of New Zealand

..... Registry

In the matter of an appeal from a determination of the District Court
at [*place*]

Between [*International Criminal Court*]

and [*name of person whose surrender is sought.*]

The International Criminal Court sought the surrender of [*name of
person whose surrender is sought*] from New Zealand under the
International Crimes and International Criminal Court Act 2000 in
relation to the following international crime(s):

[*Set out the nature of the application, including the crime(s) in rela-
tion to which surrender is sought.*]

[*Name of person whose surrender is sought*] defended the proceed-
ings and, after hearing the parties and the evidence adduced by them,
on [*date*], I made the following determination:

[*State nature of decision.*]

Within 15 days after the determination, [*name of appellant*] filed in
the office of the District Court at [*place*] a notice of intention to appeal
by way of case stated for the opinion of this Honourable Court on a
question of law only; and I therefore state the following case:

It was proved (or admitted) upon the hearing that—

[*State the facts.*]

I determined that—

[*State grounds of determination on which appeal is based.*]

The question for the opinion of the court is whether my decision was
erroneous in point of law.

.....
District Court Judge

Form ICC 8
Warrant for *arrest and detention of person
pending determination of appeal
*Section 69, International Crimes and International Criminal
Court Act 2000*

To every constable
and

To the Manager of [*name of prison or other place of detention*]

On [*date*], the District Court at [*place*] made a determination under section 43 of the International Crimes and International Criminal Court Act 2000 in relation to the eligibility for surrender of [*full name*] of [*address*], [*occupation*].

*Immediately after the determination was made * [*name of appellant*] informed the court that the party intends to appeal against the determination.

* [*Name of appellant*] has lodged an appeal against the determination. [*Full name of person whose surrender is sought*] *is *is not currently detained in custody.

I direct you, the constables, to arrest [*full name of person whose surrender is sought*] and deliver *him *her to the Manager of [*name of prison or other place of detention*]; and

I direct you, the Manager, to receive [*full name of person whose surrender is sought*] into custody and to detain *him *her pending the determination of the appeal or discharge according to law.

*Delete if inapplicable.

DATED at this day of 20

.....
*High *District Court Judge

Schedule form ICC 8: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule form ICC 8: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Form ICC 9
Waiver of rights to apply for habeas corpus or to
lodge appeal

*Section 70, International Crimes and International Criminal
Court Act 2000*

*On [date], the District Court at [place] determined that I, [full name] of [address], [occupation], am eligible for surrender to the International Criminal Court in respect of the following international crime(s):

[Specify crime(s) in relation to which the person is eligible for surrender.]

*On [date], I, [full name] of [address], [occupation], notified the District Court at [place] that I consented to surrender to the International Criminal Court in respect of the following international crime(s):

[Specify crime(s) in relation to which the person consents to surrender.]

A warrant was issued for my detention in [name of prison or other place of detention] under section *43 *45 of the International Crimes and International Criminal Court Act 2000, pending surrender to the International Criminal Court or discharge according to law.

I now waive my right—

- (a) to make an application for a writ of habeas corpus within 15 days after the issue of a warrant for my detention; and
- (b) to lodge an appeal under section 67 of the International Crimes and International Criminal Court Act 2000 in relation to any international crime for which the court has determined that I am eligible for surrender.

This waiver does not limit section 45 of the International Crimes and International Criminal Court Act 2000.

*Delete if inapplicable.

DATED at this day of 20

Signed by [full name]

.....
Signature of person waiving right

in the presence of:

Form ICC 9—*continued*

Name of witness

who certifies that *he *she has explained to [*full name*] the effect and implications of the waiver:

.....
Witness' signature

A Solicitor of the High Court of New Zealand

Schedule form ICC 9: amended, on 1 June 2005, pursuant to section 235(1) of the Corrections Act 2004 (2004 No 50).

**Form ICC 10
Summons to give evidence**

*Section 83, International Crimes and International Criminal
Court Act 2000*

To *[full name]*, of *[address, occupation].*

You are summoned to attend at the District Court at on
..... day the day of*[month]* 20 at am
(pm) and on such other days as may be directed by the court to
give evidence in respect of *an investigation being conducted by the
Prosecutor of the International Criminal Court *a proceeding before
the International Criminal Court:

*[State brief particulars of International Criminal Court investigation
or proceedings.]*

*Delete if inapplicable.

DATED at this day of 20

.....
District Court Judge

Form ICC 11
Order for production of documents or articles
*Section 84(1), International Crimes and International
Criminal Court Act 2000*

To *[full name]*, of *[address, occupation]*

You are ordered to produce to the District Court at on
..... day the day of*[month]* 20 at am
(pm) the following documents or articles:

[Specify what is to be produced.]

This order is made under section 84(1) of the International Crimes
and International Criminal Court Act 2000 in respect of *an investi-
gation being conducted by the Prosecutor of the International Crimi-
nal Court *a proceeding before the International Criminal Court:

*[State brief particulars of the International Criminal Court investi-
gation or proceedings.]*

*Delete if inapplicable.

DATED at this day of 20

.....
District Court Judge

Form ICC 12
Certificate of evidence taken or documents or
articles produced

*Section 83(2)(a), 84(2), 87(3) International Crimes and
International Criminal Court Act 2000*

I hereby certify as follows:

- *1 The evidence attached as Schedule(s) to this certificate was taken before me, on the *oath *affirmation of each witness, in the District Court at on day the day of [month] 20
- *2 The following documents (or articles) were produced at the hearing:
[Specify documents or articles.]
- 3 The following persons *gave evidence * produced documents or other articles at the hearing:
Name of person: [full name]
Legally represented at the hearing: Yes/No.
- 4 The person to whom the *investigation *proceedings in the International Criminal Court relate, [full name], was *not present at the hearing and was *not legally represented.
- 5 The following representative of the International Criminal Court was present at the hearing: [specify.]

*Delete if inapplicable.

DATED at this day of 20

.....
District Court Judge

Form ICC 13
Warrant for search and seizure
[Revoked]

Schedule form ICC 13: revoked, on 1 October 2012, by regulation 4 of the International Criminal Court Amendment Regulations 2012 (SR 2012/238).

Form ICC 14
Notice of execution of search warrant
[Revoked]

Schedule form ICC 14: revoked, on 1 October 2012, by regulation 4 of the International Criminal Court Amendment Regulations 2012 (SR 2012/238).

Form ICC 15
Order for detention of prisoner convicted by
International Criminal Court
*Sections 140(2), 142, and 143, International Crimes and
International Criminal Court Act 2000*

To every constable

and

To the Manager of [*name of prison*]

[*Full name*] of [*address*], [*occupation*], was convicted by the International Criminal Court on [*date*], of the *international crime *offence against the administration of justice specified below and on [*date*] received the specified sentence:

[*Specify crime(s)/offence of which the International Criminal Court prisoner was convicted and the sentence imposed.*]

On [*date*], [*full name*] was transferred to New Zealand to serve the sentence(s) of imprisonment imposed by the International Criminal Court.

I direct you, the constables, to deliver [*full name*] to the Manager of [*name of prison*]; and

I direct you, the Manager, to receive [*full name*] into custody and to detain *him *her for the purposes of serving the sentence in accordance with the Rome Statute of the International Criminal Court and the International Crimes and International Criminal Court Act 2000.

*Delete if inapplicable.

DATED at this day of 20

.....
Minister of Justice

Schedule form ICC 15: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule form ICC 15: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Form ICC 16
Order for removal of person
*Sections 138, 147, 153, and 154, International Crimes and
International Criminal Court Act 2000*

To *[full name of person to be removed]*

***and**

To the Manager of *[name of prison or other place of detention]*

**Paragraphs to be used if section 136 of the International Crimes and International Criminal Court Act 2000 applies*

[Full name of person being transferred] is a person who

**is being surrendered to the International Criminal Court by another State under Article 89 of the Rome Statute of the International Criminal Court;*

**is a person to whom Article 93(7) of the Rome Statute applies, and who is being temporarily transferred to the International Criminal Court by another State;*

**is a person sentenced to imprisonment by the International Criminal Court and who is being transferred to or from the court, or between States, in connection with that sentence.*

On *[date]*, *[full name of person being transferred]* arrived in New Zealand and has been held in custody in accordance with section 137(2)*(a)*(b) of the International Crimes and International Criminal Court Act 2000 and **has not been *is not likely to be removed from New Zealand before or at the expiry of all periods of custody authorised under that section.*

I am satisfied, after consultation with the International Criminal Court, that it is not possible to reach agreement regarding the prompt removal of *[full name of person being transferred.]*

**Paragraphs to be used if person is an International Criminal Court prisoner*

[Full name] was convicted by the International Criminal Court on *[date]*, of the **international crime *offence* against the administration of justice specified below and on *[date]*, received the specified sentence:

[Specify crime(s)/offence of which the International Criminal Court prisoner was convicted and the sentence imposed.]

Form ICC 16—*continued*

On [date], [full name] was transferred to New Zealand to serve the sentence(s) of imprisonment imposed by the International Criminal Court.

[Full name] is to complete *his *her sentence in New Zealand or is to be released at the direction of the International Criminal Court while in New Zealand and is not a New Zealand citizen.

I am satisfied that a removal order should be made under section 153 of the International Crimes and International Criminal Court Act 2000.

I order the removal of [full name] from New Zealand.

This order authorises—

- *(a) the Manager of [name of prison or other place of detention] to release [full name] into the custody of a constable.
- *(a) any constable to take [full name] into custody, if *he *she is not already in custody; and
- (b) any constable to place [full name] on board any craft for the purpose of effecting *his *her removal from New Zealand; and
- (c) the detention in custody of [full name] while awaiting removal from New Zealand either—
 - (i) in a prison or any other place in which the person could be detained under section 42 of the International Crimes and International Criminal Court Act 2000; or
 - (ii) at a seaport or airport.

If [full name] is not able to be conveyed out of New Zealand within 48 hours after the service of this order, the person is to be brought before a District Court Judge to determine whether he or she should be detained in custody or released pending removal.

This removal order continues in force until it is executed or is cancelled.

*Delete if inapplicable.

DATED at this day of 20

.....
Minister of Justice

Form ICC 16—*continued*

Schedule form ICC 16: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Schedule form ICC 16: amended, on 1 June 2005, pursuant to section 235(1) of the Corrections Act 2004 (2004 No 50).

Schedule form ICC 16: amended, on 1 June 2005, pursuant to section 235(3) of the Corrections Act 2004 (2004 No 50).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 April 2004.

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 - 3 How reprints are prepared
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Notes

1 *General*

This is a reprint of the International Criminal Court Regulations 2004. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Summary Proceedings Amendment Regulations 2013 (SR 2013/181): regulation 15

International Criminal Court Amendment Regulations 2012 (SR 2012/238)

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Corrections Act 2004 (2004 No 50): section 235(1), (3)