

NEW ZEALAND

International War Crimes Tribunals Act 1995¹

. **Enactment of the Act:** *The International War Crimes Tribunals Act* was enacted on 9 June 1995.

. **Purpose of the Act:** The Act enables New Zealand to cooperate with the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and any other Tribunal that the Governor-General of New Zealand declares to be a Tribunal for the purposes of the Act.

. **Principal matters addressed in the Act:** The Act envisages that New Zealand may cooperate with the Tribunals in a variety of ways if the Tribunals request assistance. Cooperation based on such requests include:

- arrest and surrender of persons to the Tribunals (Part II);
- other forms of assistance to the Tribunals such as:
 - a. taking evidence and production of documents or other articles (Sections 21 and 22),
 - b. obtaining by search and seizure anything that is relevant to a Tribunal offence, temporary transfer of persons (by consent) to give evidence at hearings, or assisting in investigations in foreign countries where the Tribunals are sitting (Sections 29 and 30), and
 - c. taking custody of persons in transit and providing assistance with serving processes (Sections 34 and 35), (Part III);
- permitting the Tribunals to sit in New Zealand for purposes including but not limited to taking evidence, conducting or continuing a proceeding before the Tribunal, or giving judgement in a proceeding before the Tribunal (Part IV); and
- the enforcement of forfeiture orders made by the Tribunals (Part V).

. **Miscellaneous provisions:** The Act contains a number of miscellaneous provisions including the following:

- a. New Zealand is permitted to provide assistance to the Tribunals otherwise than under the provisions of the Act (Section 56);
- b. there are a number of circumstances under which the Attorney-General may decline to comply with requests for assistance by the Tribunals, including (1) where compliance with the request would prejudice the sovereignty, security, or national interests of New Zealand, and (2) where the request is for assistance of a kind that would require steps to be taken for its implementation that could not be lawfully taken (Section 57);
- c. the Act amends the Diplomatic Privileges and Immunities Act 1968 in order to enable the Governor-General to confer, from time to time, on the Judges, the

Prosecutor, and staff of a Tribunal, such privileges and immunities as may be required by the Statute of the Tribunal (Section 62), (Part VII).