



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**THE UNITED NATIONS
(INTERNATIONAL TRIBUNALS)
(FORMER YUGOSLAVIA AND
RWANDA) ORDINANCE 1997**

CHAPTER B.3

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains:

The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) Ordinance 1997 - Ordinance No.1 of 1997

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An Ordinance to give effect within the Territory to certain obligations of the United Kingdom arising from Resolution 827 (1993) of the Security Council of the United Nations with respect to 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 and from Resolution 955 (1994) of the Security Council with respect to the International 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 1 January 1994 and 31 December 1994.

Citation and construction.

1. (1) This Ordinance may be cited as the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) Ordinance 1997, ROBIOT c.B.3.

(2) In this Ordinance **the 1996 Orders** means the United Nations (International Tribunal) (Former Yugoslavia) Order 1996¹ and the United Nations (International Tribunal) (Rwanda) Order 1996².

The 1996 Orders to have the force of law in the Territory.

2. (1) Subject to the provisions of this section, the 1996 Orders shall have the force of law in the Territory.

(2) In the operation of the 1996 Orders as part of the law of the Territory by virtue of this section, their provisions shall have effect only so far as they are applicable and suitable to local circumstances and they shall be construed with such modifications, adaptations, qualifications and exceptions as local circumstances render necessary, and in particular they shall be subject to the following provisions of this section.

(3) In the operation of the provisions of the 1996 Orders as part of the law of the Territory by virtue of this section –

¹ S.I. 1996/717

² S.I. 1996/1296

(a) a reference therein (in whatever terms) to any English governmental or judicial authority (that is to say, a Minister or department of government of the Government of the United Kingdom or some other officer or authority of that Government or a court or tribunal having jurisdiction under the law of England) shall, subject to subsections (4) and (5), be construed as a reference to the Commissioner or, as the case may require, to the department of government or other officer or authority of the Government of the Territory, or to the court of the Territory, for the time being discharging functions corresponding to the relevant functions of the English governmental or judicial authority; and

(b) a reference therein (in whatever terms) to the United Kingdom, or to England and Wales, as a geographical location shall be construed as a reference to the Territory.

(4) Where, in or for the purposes of any proceedings in a court of the Territory, a question arises as to who or which authority or which court for the time being discharges (or did at some material time discharge) functions corresponding to the relevant functions of a given English governmental or judicial authority, the court which is seized of the proceedings or any party to the proceedings or any person intending to initiate the proceedings may apply to the Commissioner for his certificate as to that matter, and any certificate which the Commissioner may give in response to such an application shall be conclusive as to that matter in those proceedings.

(5) Despite subsection (3)(a), references in the 1996 Orders (as they have effect as part of the law of the Territory by virtue of this section) to the Secretary of State shall, in their application to things done or to be done outside the Territory, continue to be construed as references to the Secretary of State but shall, in their application to things done or to be done within the Territory, be construed as references to the Commissioner.

(6) In subsection (4) –

(a) the reference to proceedings in a court of the Territory is reference to any proceedings that fall to be taken, or that may fall to be taken, for the purposes of the 1996 Orders (as they have effect as part of the law of the Territory by virtue of this section) or to any step in any such proceedings; and

(b) the reference to a person intending to initiate proceedings in a court of the Territory includes a reference to a person in whom there is vested, or may be vested, a power or a duty to take any such step.

