



**THE INTERNATIONAL WAR CRIMES TRIBUNALS  
REGULATIONS 1995**

---

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of July 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 60 of the International War Crimes Tribunals Act 1995, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

---

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the International War Crimes Tribunals Regulations 1995.

(2) These regulations shall come into force on the 8th day of August 1995.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

(a) A reference to “the Act” means the International War Crimes Tribunals Act 1995:

(b) A reference to a numbered form is a reference to the form so numbered in the Schedule to these regulations.

(2) Expressions not defined in these regulations but defined in the Act have, in these regulations, the meanings so defined.

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

(2) Such variations may be made in any prescribed form as the circumstances of any particular case may 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. Issue of summons to appear as witness or produce documents or articles**—(1) Where, under section 21 (2) of the Act, the Attorney-General authorises the taking of evidence, or the production of documents or other articles, or both, a Judge or a Registrar of the High Court authorised under section 28 (1) of the Act may issue a summons in form 4 requiring the person to whom it is addressed to attend at the time and place specified in the summons—

(a) Where, under section 21 (2) of the Act, the Attorney-General has authorised the taking of evidence, to give evidence:

(b) Where, under section 21 (2) of the Act, the Attorney-General has authorised the production of documents or other articles, to produce such documents or articles as are specified in the summons.

(2) Every summons issued under subclause (1) of this regulation in respect of any person shall be served on that person in accordance with the provisions of section 24 of the Summary Proceedings Act 1957 as if references in that section to the defendant were references to the person required to be served.

(3) No person who is required under a summons issued under subclause (1) of this regulation to travel more than 15 kilometres to appear before a Judge shall be bound to attend unless travelling expenses in accordance with the scale prescribed by the Witnesses and Interpreters Fees Regulations 1974 \* are tendered to him or her.

**5. Witnesses expenses**—Every person attending a Court upon a summons issued under regulation 4 of these regulations shall be entitled to receive such fees, allowances, and travelling expenses as the Court directs in accordance with the scale set out in the Witnesses and Interpreters Fees Regulations 1974\*.

**6. Registration of forfeiture orders**—(1) The registration of a forfeiture order required to be registered under section 42 of the Act shall be effected by the entry, in an appropriate record book kept by the Registrar, of the following particulars:

(a) The nature of the forfeiture order:

(b) The names of the parties to the forfeiture order:

(c) The name of the Tribunal or other authority that made the forfeiture order:

(d) The date of the forfeiture order:

(e) The property to which the forfeiture order applies:

(f) The date of the order for registration.

(2) Under the entry and on the copy of the order the Registrar shall endorse and sign the following minute:

“Registered in the High Court at ..... on [Date of registration] pursuant to section 42 of the International War Crimes Tribunals Act 1995.”

**7. Notification of results of action**—(1) Where the Attorney-General or any Judge or Registrar exercises any power under the provisions of this Act, the Attorney-General shall, within 14 days of the date of the exercise of the power, cause written notice of the exercise of the power to be sent to the Tribunal that made the request to which the exercise of the power relates.

(2) Every notice required to be sent to a tribunal under subclause (1) of this regulation shall be sent—

- (a) By posting it to the last known address of the Registry of the Tribunal; or
  - (b) By sending it by facsimile to the last known facsimile number of the Registry of the Tribunal.
-

SCHEDULE  
FORMS  
Form 1

WARRANT TO ARREST PERSON WHO IS SOUGHT BY A TRIBUNAL  
*Section 7 of the International War Crimes Tribunals Act 1995*

To every member of the Police:  
(Or to [Full name], member of the Police)

I have received from the Attorney-General a notice in writing stating that the [Specify name of Tribunal] has requested the surrender of [Full name] of [Address and occupation] and has issued a warrant to arrest that person.

I DIRECT you to arrest this person and bring \*him/her before the High Court as soon as possible.

Dated at ..... this ..... day of ..... 19.....

.....  
High Court Judge

\*Delete whichever is inapplicable.

\_\_\_\_\_

SCHEDULE—continued

FORMS—continued

Form 2

SURRENDER WARRANT

Section 14 of the International War Crimes Tribunals Act 1995

\*To the Superintendent of the Penal Institution at [*Insert address of Penal Institution*] or [*Insert name of person in whose custody the eligible person is held*]; AND

To [*Full name*], a member of the Police; AND

To [*Insert name of officer of Tribunal or person authorised by the Tribunal who is to receive the eligible person from a member of the Police*], (hereinafter described as the specified person).

I have determined that [*Full name*] of [*Address and occupation*] (hereinafter referred to as the eligible person) is to be surrendered to the [*Insert name of Tribunal*] Tribunal.

I DIRECT you [*Here insert the name of the Superintendent or other person in whose custody the eligible person is held*] to release the eligible person to [*Here insert the name of the member of the Police who is authorised to receive the eligible person*]; AND

I AUTHORISE you the said member of the Police to transport the eligible person in custody and if necessary or convenient, to detain the eligible person in custody, for the purpose of enabling the eligible person:

- To be placed in the custody of [*Insert name of specified person*]
- To be transported to [*Insert name of place to which the Tribunal has requested the eligible person to be transported*]; AND

I AUTHORISE you [*Insert name of specified person*] to receive the eligible person from a member of the Police and transport the person to [*Insert name of place to which the Tribunal has requested the eligible person be transported*] and there to deliver the eligible person to a person appointed by the [*Insert name of Tribunal*] Tribunal to receive the eligible person.

Dated at ..... this ..... day of ..... 19....

.....  
Attorney-General

\*Delete if inapplicable.



SCHEDULE—continued

FORMS—continued

Form 3

AUTHORISATION TO TAKE EVIDENCE (or PRODUCE DOCUMENTS OR OTHER ARTICLES)

Section 21 (2) of the International War Crimes Tribunals Act 1995

I have received a request from ..... [*Specify Tribunal*], to make arrangements for the evidence set out in the Schedule to this authority to be taken in New Zealand (or for the documents or other articles set out in the Schedule to this authority to be produced in New Zealand).

I am satisfied—

- (a) That the request relates to a Tribunal offence; and
- (b) That there are reasonable grounds for believing that the evidence can be taken (or that the documents or other articles can be produced) in New Zealand.

Pursuant to section 21 (2) of the International War Crimes Tribunals Act 1995, I hereby authorise the taking of the evidence (or the production of the documents or other articles).

Dated at ..... this ..... day of ..... 19....

.....  
Attorney-General

**Schedule**

[Here set out the general nature of the evidence to be taken, (or a description of the documents or articles to be produced), and the name(s) and, if known, the address(es) of the person(s) who is (are) to give evidence (or who have custody of the documents or articles)].

—

SCHEDULE—continued

FORMS—continued

Form 4

SUMMONS TO WITNESS

International War Crimes Tribunals Act 1995

To [Full name], of [Address and occupation].

You are summoned to attend at the High Court at .....  
on ..... day the ..... day of ..... 19.... at  
.... am (pm) and on such other days as may be directed by the Court—

- \* To give evidence in respect of [*Here state brief particulars of Tribunal proceedings*]
- \* To produce the following documents (or articles): [*Here specify what is to be produced*].

Dated at ..... this ..... day of ..... 19....

.....  
Judge of the High Court  
(or Registrar of the High  
Court)

\*Delete if inapplicable.

—

SCHEDULE—*continued*FORMS—*continued*

## Form 5

## AUTHORISATION TO APPLY FOR SEARCH WARRANT

*Section 29 of the International War Crimes Tribunals Act 1995*

To ..... [Full name], member of the Police.

I have received a request from .....  
[Specify Tribunal] under section 4 (1) of the International War Crimes  
Tribunals Act 1995 to assist in obtaining [Here briefly describe the thing] by  
search and seizure.

I am satisfied—

- (a) That the request relates to a thing that is relevant to a Tribunal offence; and
- (b) That there are reasonable grounds for believing that the thing is located in New Zealand.

I hereby authorise you to apply to a District Court Judge for a search warrant in accordance with section 48 of the International War Crimes Tribunals Act 1995 in respect of that thing.

Dated at ..... this ..... day of ..... 19....

.....  
Attorney-General



SCHEDULE—*continued*FORMS—*continued*

## Form 6

## WARRANT TO SEARCH AND SEIZE THING RELEVANT TO TRIBUNAL OFFENCE

*Section 48 of the International War Crimes Tribunals Act 1995*

To every member of the Police:

(Or To [*Insert class of members of the Police*]:)

(Or To [*Full name*], member of the Police:)

I am satisfied on application in writing made on oath by [*Full name*], a member of the Police authorised by the Attorney-General under section 29 of the International War Crimes Tribunals Act 1995 to make that application, that there are reasonable grounds for believing that there is in (or on) [*Here describe place or thing that may be searched pursuant to the warrant*] the following thing [*Here insert description of the thing to be searched for and seized*], being a thing—

\* Upon or in respect of which the offence of [*Specify Tribunal offence*], being an offence under [*Specify article of statute of relevant Tribunal which lists the offence*] has been (or is suspected of having been) committed

OR

\* Which there are reasonable grounds for believing will be evidence of the commission of the offence of [*Specify Tribunal offence*], being an offence under [*Specify article of statute of relevant Tribunal which lists the offence*]

This warrant authorises you, at any time by day or night within [*Here specify the period during which the warrant may be executed, which may not exceed 7 days from the date of issue*] days of the date of the issue of this warrant to enter and search the said .....

In exercising the authority conferred by this warrant, you may—

- (a) Use such assistants as may be reasonable in the circumstances for the purpose of the entry and search; and
- (b) Use such force as is reasonable in the circumstances for the purposes of effecting entry, and for breaking open anything in or on the place searched; and
- (c) Search for and seize the thing described in this warrant.

This warrant is subject to the following special conditions:

[*Specify*]

When executing this warrant you are required to comply with sections 51 and 52 of the International War Crimes Tribunals Act 1995.

SCHEDULE—*continued*FORMS—*continued*Form 6—*continued*

If you seize any thing pursuant to this warrant, you are required to comply with section 55 of the International War Crimes Tribunals Act 1995.

Dated at ..... this ..... day of ..... 19....

.....  
High Court Judge

\*Delete if inapplicable.

MARIE SHROFF,  
Clerk of the Executive Council.

---

 EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 8 August 1995, make provision for various matters under the International War Crimes Tribunals Act 1995. They—

- (a) Prescribe various forms for use under the Act:
- (b) Provide for the issue of a summons to appear as a witness or to produce documents or articles under sections 22 and 23 of the Act:
- (c) Make provision for the payment of fees, allowances, and travelling expenses to persons summoned:
- (d) Prescribe the procedure for the registration of forfeiture orders under section 42 of the Act:
- (e) Prescribe the procedure for notifying a Tribunal of the results of action taken pursuant to a request.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 6 July 1995.  
These regulations are administered in the Department of Justice.