International Crimes Act

270

Act of 19 June 2003 containing rules concerning serious violations of international humanitarian law (International Crimes Act)

We Beatrix, by the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear this! Be it known:

Whereas We have considered that it is necessary, partly in view of the Statute of the International Criminal Court, to adopt rules concerning serious violations of international humanitarian law;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

§ 1. General provisions

Section 1

1. For the purposes of this Act:
(a) 'the Geneva Conventions' mean:
(i) the Convention (I) concluded in Geneva on 12 August 1949 for the amelioration of the condition of the wounded and sick in armed forces in the field (Netherlands Treaty Series 1951, 72);
(ii) the Convention (II) concluded in Geneva on 12 August 1949 for the amelioration of the condition of wounded, sick and shipwrecked members of the armed forces at sea (Netherlands Treaty Series 1951, 73);
(iii) the Convention (III) concluded in Geneva on 12 August 1949 relative to the treatment of prisoners of war (Netherlands Treaty Series 1951, 74); and
(iv) the Convention (IV) concluded in Geneva on 12 August 1949 relative to the protection of civilian persons in time of war (Netherlands Treaty Series 1951, 75);
(b) 'superior' means:
(i) a military commander, or a person effectively acting as such, who has effective command or authority over or exercises effective control over one or more subordinates;
(ii) a person who exercises effective authority, in a civilian capacity, over or exercises effective control over one or more subordinates.
(c) 'deportation or forcible transfer of the population' means the forced removal of persons by expulsion or other coercive acts from the area where they are lawfully present without the existence of any grounds that would justify this under international law;
(d) 'torture' as referred to in section 4, subsection 1 (f), section 5, subsection 1 (b) and section 6, subsection 1 (a) means the intentional infliction of severe physical or mental pain or suffering upon a person who is in the custody or under the control of the accused, subject to the proviso that the pain or suffering does not result solely from, and is not inherent in or incidental to, lawful sanctions;
(e) 'torture' as referred to in section 8 means the torture as defined in (d) – by or on behalf of a government authority – of a person with a view to extracting information or a confession from him or from a third person, punishing him for an act he or a third person has committed or is suspected of committing, or intimidating him or a third person, or coercing him to do or permit something, or for any reason based on discrimination on any ground whatever;
(f) 'forced pregnancy' means the unlawful imprisonment of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other serious violations of international law;
(g) 'the crime of apartheid' means inhumane acts of a character similar to the acts referred to in section 4, subsection 1, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.

2. The term 'public servant' shall have the same meaning in this Act as in the Criminal Code, subject to the proviso that for the purposes of Dutch criminal law the term includes a person who holds a public office in the service of a foreign State.

3. The terms ‘conspiracy’ and ‘serious bodily injury’ shall have the same meaning in this Act as in the Criminal Code.

Section 2

1. Without prejudice to the relevant provisions of the Criminal Code and the Code of Military Law, Dutch criminal law shall apply to:
(a) anyone who commits any of the crimes defined in this Act outside the Netherlands, if the suspect is present in the Netherlands;
(b) anyone who commits any of the crimes defined in this Act outside the Netherlands, if the crime is committed against a Dutch national;
(c) a Dutch national who commits any of the crimes defined in this Act outside the Netherlands.

2. The expression ‘any of the crimes defined in this Act’ as referred to in subsection 1 shall be equated with the crimes defined in Articles 131-134, 140, 189, 416-417bis and 420bis-420quater of the Criminal Code, if the offence or crime referred to in such articles is a crime defined in this Act.

3. Prosecution on the basis of subsection 1 (c) may also take place if the suspect becomes a Dutch national only after committing the crime.

§ 2. Crimes

Section 3

1. Anyone who,: with intent to wholly or partly destroy, , any national, ethnic or religious group or a group belonging to a particular race, as such:
(a) kills members of the group;
(b) causes serious bodily or mental harm to members of the group;
(c) deliberately inflicts upon the group conditions of life calculated to bring about the physical destruction of the group, in whole or in part;
(d) imposes measures intended to prevent births within the group; or
(e) forcibly transfers children of the group to another group,
shall be guilty of genocide and liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

2. Conspiracy and incitement to commit genocide which occur in public, either orally or in writing or by means of images, shall carry the same penalties as prescribed for attempted genocide.

Section 4

1. Anyone who commits one of the following acts shall be guilty of a crime against humanity and liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine, if such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
(a) intentional killing;
(b) extermination;
(c) enslavement;
(d) deportation or forcible transfer of population;
(e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) torture (as defined in section 1(1) (d));
(g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;
(h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognised as impermissible under

international law, in connection with any act referred to in this subsection or any other crime as referred to in this Act;
(i) enforced disappearance of persons;
(j) the crime of apartheid;
(k) other inhumane acts of a similar character which intentionally cause great suffering or serious injury to body or to mental or physical health.

2. For the purposes of this section:
(a) 'attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in subsection 1 against any civilian population, pursuant to or in furtherance of a State or organisational policy to commit such attack;
(b) 'enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person, including the exercise of such power in the course of trafficking in persons, in particular women and children;
(c) 'persecution' means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
(d) 'enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this section, 'extermination' includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.

Section 5

1. Anyone who commits, in the case of an international armed conflict, one of the grave breaches of the Geneva Conventions, namely the following acts if committed against persons protected by the said Conventions:
(a) intentional killing;
(b) torture (as defined in section 1 (1)(d)) or inhuman treatment, including biological experiments;
(c) intentionally causing great suffering or serious injury to body or health;
(d) extensive intentional and unlawful destruction and appropriation of goods without military necessity;
(e) compelling a prisoner of war or other protected person to serve in the armed forces of a hostile power;
(f) intentionally depriving a prisoner of war or other protected person of the right to a fair and regular trial;
(g) unlawful deportation or transfer or unlawful confinement; or
(h) the taking of hostages;
shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

2. Anyone who commits, in the case of an international armed conflict, one of the grave breaches of the Additional Protocol (I), concluded in Bern on 12 December 1977, to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts (Netherlands Treaty Series 1980, 87), namely:
(a) the acts referred to in subsection 1, if committed against a person protected by the Additional Protocol (I);
(b) any intentional act or omission which jeopardises the health of anyone who is in the power of a party other than the party to which he or she belongs, and which:
(i) entails any medical treatment which is not necessary as a consequence of the state of health of the person concerned and is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the party responsible for the acts and who are in no way deprived of their liberty;
(ii) entails the carrying out on the person concerned, even with his consent, of physical mutilations;

(iii) entails the carrying out on the person concerned, even with his consent, of medical or scientific experiments; or
(iv) entails removing from the person concerned, even with his consent, tissue or organs for transplantation;
(c) the following acts, when they are committed intentionally and in violation of the relevant provisions of Additional Protocol (I) and cause death or serious injury to body or health:
(i) making the civilian population or individual citizens the object of attack;
(ii) launching an indiscriminate attack affecting the civilian population or civilian objects, in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects;
(iii) launching an attack against works or installations containing dangerous forces, in the knowledge that such an attack will cause excessive loss of life, injury to civilians or damage to civilian objects;
(iv) making non-defended localities or demilitarised zones the object of attack;
(v) making a person the object of attack in the knowledge that he is hors de combat; or
(vi) the perfidious use, in violation of article 37 of Additional Protocol (I), of the distinctive emblem of the red cross or red crescent or of other protective emblems recognised by the Geneva Conventions or Additional Protocol (I); or
(d) the following acts if committed intentionally and in violation of the Geneva Conventions and Additional Protocol (I):
(i) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies or the transfer of all or part of the population of the occupied territory within or outside this territory in violation of article 49 of the Fourth Geneva Convention;
(ii) unjustifiable delay in the repatriation of prisoners of war or civilians;
(iii) practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination;
(iv) making clearly recognised historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples and to which special protection has been given by special arrangement, for example within the framework of a competent international organisation, the object of attack, causing as a result extensive destruction thereof, where there is no evidence of the violation by the adverse Party of Article 53, subparagraph (b), of Additional Protocol (I) and when such historic monuments, works of art and places of worship are not located in the immediate proximity of military objectives; or
(v) depriving a person protected by the Geneva Conventions or Article 85, paragraph 2, of Additional Protocol (I) of the right to a fair and regular trial
shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

3. Anyone who commits, in the case of an international armed conflict, one of the following acts:
(a) rape, sexual slavery, enforced prostitution, enforced sterilisation or any other form of sexual violence which can be deemed to be of a gravity comparable to a grave breach of the Geneva Conventions;
(b) forced pregnancy;
(c) subjecting persons who are in the power of an adverse party to the conflict to physical mutilation or medical or scientific experiments of any kind, which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such persons or persons;
(d) treacherously killing or wounding individuals belonging to the hostile nation or army;
(e) killing or wounding a combatant who is in the power of the adverse party, who has clearly indicated he wishes to surrender, or who is unconscious or otherwise hors de combat as a result of wounds or sickness and is therefore unable to defend himself, provided that he refrains in all these cases from any hostile act and does not attempt to escape; or
(f) making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury,
shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

4. Anyone who, in the case of an international armed conflict, intentionally and unlawfully commits one of the following acts shall be liable to a term of imprisonment not exceeding fifteen years or a fifth category fine:

(a) making the object of attack cultural property that is under enhanced protection as referred to in articles 10 and 11 of the Second Protocol, concluded in The Hague on 26 March 1999, to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Netherlands Treaty Series 1999, 107);
(b) using cultural property that is under enhanced protection as referred to in (a) or the immediate vicinity of such property in support of military action;
(c) destroying or appropriating on a large scale cultural property that is under the protection of the Convention, concluded in The Hague on 14 May 1954, for the Protection of Cultural Property in the Event of Armed Conflict (Netherlands Treaty Series 1955, 47) or the Second Protocol thereto;
(d) making cultural property that is under protection as referred to in (c) the object of attack; or
(e) theft, pillaging or appropriation of – or acts of vandalism directed against – cultural property under the protection of the Convention referred to in (c).

5. Anyone who, in the case of an international armed conflict, commits one of the following acts:
(a) intentionally directing attacks against civilian objects, that is, objects that are not military objectives;
(b) intentionally launching an attack in the knowledge that such an attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
(c) attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
(d) the transfer, directly or indirectly, by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or part of the population of the occupied territory within or outside this territory;
(e) declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
(f) compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
(g) employing poison or poisoned weapons;
(h) employing asphyxiating, poisonous or other gases and all analogous liquids, materials or devices;
(i) employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
(j) committing outrages upon personal dignity, in particular humiliating and degrading treatment;
(k) utilising the presence of a civilian or other protected person to render certain points, areas, or military forces immune from military operations;
(l) intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
(m) intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
(n) intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
(o) intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance or peace missions in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
(p) intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
(q) pillaging a town or place, even when taken by assault;
(r) conscripting or enlisting children under the age of fifteen years into the national armed forces or armed groups or using them to participate actively in hostilities;
(s) declaring that no quarter will be given; or
(t) destroying or seizing property of the adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
shall be liable to a term of imprisonment not exceeding fifteen years or a fifth category fine.

6. If an act as referred to in subsection 4 or 5:

(a) results in the death of or serious bodily injury to another person or involves rape;
(b) involves violence, committed in association, against one or more persons or violence against a dead, sick or wounded person;
(c) involves destroying, damaging, rendering unusable or removing, in association with others, any property which belongs wholly or partly to another;
(d) involves compelling, in association with others, another person to do, refrain from doing or permit something;
(e) involves pillaging, in association with others, a town or place, even when taken by assault;
(f) involves breaking a promise or breaching an agreement concluded with the adverse party as such; or
(g) involves making improper use of a by the laws and customs protected flag or emblem or of the military insignia and uniform of the enemy,
the perpetrator shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

7. Subsection 2 (b) (iv) shall not apply if the act described therein:
(a) is consistent with the generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the party responsible for the acts and who are in no way deprived of their liberty; or
(b) concerns a case in which blood is donated for transfusion or skin for transplantation, provided that this occurs voluntarily and without compulsion or insistence and only for therapeutic purposes, in circumstances that are in keeping with generally accepted medical standards and supervisory measures intended to protect the interests of both donor and recipient.

Section 6

1. Anyone who, in the case of an armed conflict not of an international character, commits a violation of article 3 common to all of the Geneva Conventions, namely the commission against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those who are placed hors de combat by sickness, wounds, detention, or any other cause, of one of the following acts:
(a) violence to life and person, in particular killing of all kinds, mutilation, cruel treatment and torture (as defined in section 1 (1) (d));
(b) the taking of hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment; or
(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are generally recognised as indispensable;
shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

2. Anyone who, in the case of an armed conflict not of an international character, commits one of the following acts:
(a) rape, sexual slavery, enforced prostitution, enforced sterilisation or any other form of sexual violence which can be deemed to be of any gravity comparable to a grave breach of the Geneva Conventions;
(b) forced pregnancy;
(c) subjecting persons in the power of another party to the conflict to physical mutilation or medical or scientific experiments of any nature whatever, which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest and which cause death to or can seriously endanger the health of such persons or persons; or
(d) treacherously killing or wounding individuals belonging to the hostile nation or army;
shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

3. Anyone who, in the case of an armed conflict not of an international character, commits one of the following acts:
(a) intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(b) intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
(c) intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance or peace missions in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
(d) intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
(e) pillaging a town or place, even when taken by assault;
(f) conscripting or enlisting children under the age of fifteen years into the national armed forces or armed groups or using them to participate actively in hostilities;
(g) declaring that no quarter will be given; or
(h) destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the circumstances of the conflict; or
(i) giving instructions for the transfer of the civilian population for reasons connected with the conflict, other than on account of the safety of the citizens or where imperatively demanded by the circumstances of the conflict;
shall be liable to a term of imprisonment not exceeding fifteen years or a fifth category fine.

4. Section 5, subsection 6, shall apply mutatis mutandis to an act as referred to in subsection 3.

Section 7

1. Anyone who, in the case of an international or non-international armed conflict, commits a violation of the laws and customs of war other than as referred to in sections 5 or 6 shall be liable to a term of imprisonment not exceeding ten years or a fifth category fine.

2. A term of imprisonment not exceeding fifteen years or a fifth category fine shall be imposed:
(a) if an act as referred to in subsection 1 is likely to result in the death of or serious bodily injury to another person;
(b) if an act as referred to in subsection 1 involves one or more outrages committed upon personal dignity, in particular humiliating and degrading treatment;
(c) if an act as referred to in subsection 1 involves compelling another person to do, refrain from doing or permit something, or
(d) if an act as referred to in subsection 1 involves pillaging a city or place, even when taken by assault.

3. Section 5, subsection 6, shall apply mutatis mutandis to an act as referred to in subsection 1.

Section 8

1. Torture committed by a public servant or other person working in the service of the authorities in the course of his duties shall carry a sentence of life imprisonment or a term of imprisonment not exceeding twenty years or a fifth category fine.

2. The following shall be liable to similar sentences:
(a) a public servant or other person working in the service of the authorities who, in the course of his duties and by one of the means referred to in Article 47, paragraph 1 (ii), of the Criminal Code, solicits the commission of torture or intentionally permits another person to commit torture;
(b) a person who commits torture, if this has been solicited or intentionally permitted by a public servant or another person working in the service of the authorities, in the course of his duties and by one of the means referred to in Article 47, paragraph 1 (ii), of the Criminal Code.

§ 3. Extension of criminal responsibility

Section 9

1. A superior shall be liable to the penalties prescribed for the offences referred to in § 2 if he:
(a) intentionally permits the commission of such an offence by a subordinate;
(b) intentionally fails to take measures, in so far as these are necessary and can be expected of him, if one of his subordinates has committed or intends to commit such an offence.

2. Anyone who culpably neglects to take measures, in so far as these are necessary and can be expected of him, where he has reasonable grounds for suspecting that a subordinate has committed or intends to commit such an offence, shall be liable to no more than two-thirds of the maximum of the principal sentences prescribed for the offences referred to in § 2.

3. If, in the circumstances referred to in subsection 2, the maximum sentence prescribed for the offence is life imprisonment, the term of imprisonment imposed shall not exceed fifteen years.

§ 4. General provisions of criminal law and criminal procedure

Section 10

The offences referred to in this Act are crimes.

Section 11

1. The fact that a crime as defined in this Act was committed pursuant to a regulation issued by the legal power of a State or pursuant to an order of a superior does not make that act lawful.

2. A subordinate who commits a crime referred to in this Act in pursuance of an order by a superior shall not be criminally responsible if the order was believed by the subordinate in good faith to have been given lawfully and the execution of the order came within the scope of his competence as a subordinate.

3. For the purposes of subsection 2, an order to commit genocide or a crime against humanity is deemed to be manifestly unlawful.

Section 12

The crimes defined in this Act shall be deemed not to be offences of a political nature for the purposes of the Extradition Act (Uitleveringswet) or the Surrender of War Crime Suspects Act (Wet overlevering inzake oorlogsmisdrijven).

Section 13

Articles 70 and 76 of the Criminal Code shall not apply to the crimes defined in this Act, with the exception of the offences referred to in section 7, subsection 1, and, in so far as connected with such offences, the offences referred to in section 9.

Section 14

Where a sentence of imprisonment of at least one year is imposed for one of the crimes defined in this Act, an order may also be made depriving the person concerned of the rights referred to in Article 28 (1) (iii) of the Criminal Code.

Section 15

The Hague District Court shall take cognizance of the crimes defined in this Act, subject to the provisions of the Military Justice Administration Act (Wet militaire strafrechtspraak).

Section 16

Criminal prosecution for one of the crimes referred to in this Act is excluded with respect to:
(a) foreign heads of state, heads of government and ministers of foreign affairs, as long as they are in office, and other persons in so far as their immunity is recognised under customary international law;
(b) persons who have immunity under any Convention applicable within the Kingdom of the Netherlands.

§ 5. Amendment of other Acts

Section 17

The Wartime Offences Act (Wet Oorlogsstrafrecht) is amended as follows:

A.

Section 1 is amended as follows:

1. In subsection 1 parts (iii)-(v) are replaced by a part (iii) which reads:
'sections 4-7 of this Act'.
2. In subsection 1, part (vi) is renumbered as (iv).
3. In subsection 2, the words 'sections 4-9' are replaced by 'sections 4-7'.

B.

Section 3 is amended as follows:

1. Part (i) is deleted and parts (ii)-(iv) are renumbered as parts (i)-(iii).
2. In part (i) (new) the words 'or in sections 1 and 2 of the Genocide Convention Implementation Act' are deleted.
3. In part (ii) (new) the words 'and (ii)' are deleted.

C.

Sections 8-10 are deleted.

D.

In sections 10a and 11, the words 'sections 4-9' are in each case replaced by 'sections 4-7'.

E.

A sentence reading 'It may also be provided that the special courts may also take cognizance of crimes defined in the International Crimes Act' shall be added to section 12, subsection 3.

Section 18

A.

The part of the sentence before the comma in Article 5, paragraph 2, of the Criminal Code shall read: 'Prosecution may also take place in the cases referred to in paragraph 1 (ii)'.

B.

Article 364a, paragraphs 1 and 2 of the Criminal Code shall read:

Article 364a
1. With respect to articles 361, 362 and 363, ‘public servants’ shall include persons in the public service of a foreign state or an international organisation.
2. With respect to article 362 (2o and 4o) and article 363 (2o and 4o), 'public servants' shall include former public servants.

Section 18a

In section 1 of the Surrender of War Crime Suspects Act, ‘one of the crimes referred to in sections 8 and 9 of the Wartime Offences Act, sections 1 and 2 of the Genocide Convention Implementation Act or sections 1 and 2 of the Torture Convention Implementation Act,’ shall be replaced by:

one of the crimes defined in sections 3, 5 to 8 and, in so far as it is connected with the offences referred to in those sections, section 9 of the International Crimes Act.

§ 6. Final provisions

Section 19

The Genocide Convention Implementation Act (Uitvoeringswet genocideverdrag) is repealed.

Section 20

The Torture Convention Implementation Act (Uitvoeringswet folteringverdrag) is repealed.

Section 21

1. If, at the time when this Act enters into force, a prosecution in respect of genocide, torture (as defined in section 1(1)(e)) or a crime that corresponds to a crime referred to in sections 5, 6 or 7 of this Act has already been instituted in accordance with the old law before a court other than as referred to in section 15 of this Act, the case shall be continued before that court.

2. Section 13 shall also apply to offences punishable under the Torture Convention Implementation Act which were committed before the entry into force of this Act.

Section 22

This Act shall enter into force on a date to be determined by Royal Decree.

Section 23

This Act may be cited as the International Crimes Act.

We order and command that this Act be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague, 19 June 2003

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The Minister of Defence,
The Minister of Foreign Affairs,

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