

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

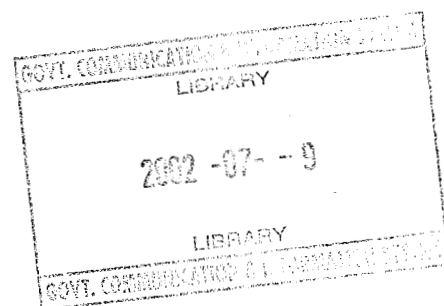
**IMPLEMENTATION OF THE  
ROME STATUTE OF THE  
INTERNATIONAL CRIMINAL  
COURT BILL**

[B 42B—2001]

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*(As agreed to by the Portfolio Committee on Justice and Constitutional Development  
(National Assembly))*

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[B 42C—2001]

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**IMPLEMENTATION OF THE ROME STATUTE OF THE**  
**INTERNATIONAL CRIMINAL COURT BILL**  
**[B 42B—2001]**  
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**CLAUSE 10**

1. On page 8, from line 28, to omit subsection (8) and to substitute:

(8) (a) No order for the surrender of any person may be executed—

(i) before the period allowed for an appeal as contemplated in this section has expired, unless that person has waived his or her right of appeal in writing; or

(ii) before such an appeal has been disposed of.

(b) Any person against whom an order has been issued under subsection (5) may, within seven days after the date of the order, appeal to a High Court having jurisdiction against a decision of the magistrate whether one or more of the requirements referred to in subsection (1)(a) to (c) have been complied with.

(c) The National Director may, within seven days after the date of a decision of a magistrate not to issue an order committing a person to prison pending his or her surrender to the Court, as contemplated in subsection (5), appeal against such a decision to a High Court having jurisdiction.

(d) On appeal such High Court must make a decision whether the requirements referred to in subsection (1)(a) to (c), as appealed against, have been complied with and make an order which, in the opinion of the High Court in question, the magistrate should have made in the first place.

(e) If an appeal in terms of—

(i) paragraph (b) is upheld, the Registrar of the High Court concerned must notify the magistrate in question accordingly, who must, in turn, immediately cancel the order referred to in section 10(5), notify the Court thereof through the Central Authority and cause the person who lodged the appeal to be released from custody if he or she is in detention;

(ii) paragraph (c) is upheld, the Registrar of the High Court concerned must notify the magistrate in question accordingly, who must, in turn, after causing sufficient notice to be given to the person in question and to the National Director, inform the person in question of the order of the High Court.

(f) Notice to the person in question as contemplated in paragraph (e)(ii) must be a written notice to that person calling upon him or her to appear at a stated place and time on a stated date in order that the magistrate can inform the person of the order of the High Court, as contemplated in paragraph (e)(ii), whereupon the provisions of sections 54(2) and 55(1) and (2) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), apply with the necessary changes.

(g) The Rules Board for Courts of Law established by section 2 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), must, within six months after the date of commencement of this Act, make and implement rules of procedure which provide for the expeditious and urgent finalisation of an appeal contemplated in this section.

(h) Any rule made under paragraph (g) must, before publication thereof in the Gazette, as contemplated in section 6(4) of the Rules Board for Courts of Law Act, 1985, be approved by Parliament.

SCHEDULE 2

1. On page 23, in the third column of the item relating to “Act No. 16 of 1999”, after “2002” to insert:  
  
    , the matter must be dealt with in accordance with that Act