

Extract from:

UNITED NATIONS JURIDICAL YEARBOOK

1995

Part One. Legal status of the United Nations and related intergovernmental
organizations

Chapter I. Legislative texts concerning the legal status of the United Nations and related
intergovernmental organizations



Copyright (c) United Nations

CONTENTS

FOREWORD	xxi
ABBREVIATIONS	xxii

Part One. Legal status of the United Nations and related intergovernmental organizations

CHAPTER I. LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

1. Australia

An Act to provide for the Commonwealth to help the International war crimes tribunals perform their functions, and for related purposes	3
---	---

CHAPTER II. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. TREATY PROVISIONS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS

1. Convention on the Privileges and Immunities of the United Nations. Approved by the General Assembly of the United Nations on 13 February 1946	5
--	---

2. Agreements related to installations and meetings

(a) Agreement between the United Nations and the Government of Germany regarding the first Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. Signed at Geneva on 24 January 1995	5
(b) Exchange of letters constituting an agreement between the United Nations and the Government of Mongolia regarding a Training Course on the Administration of Justice and the Independence of the Judiciary, to be held at Ulaanbaatar, from 20 to 24 February 1995. Signed at Geneva on 27 January and 10 February 1995	12
(c) Agreement between the United Nations and the Government of Haiti regarding the status of the United Nations Mission in Haiti. Signed at Port-au-Prince on 15 March 1995	15
(d) Exchange of letters constituting an agreement between the United Nations and the Government of the Philippines regarding the Third International Workshop of	

Chapter I

LEGISLATIVE TEXTS CONCERNING THE LEGAL STATUS OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

1. Australia

AN ACT TO PROVIDE FOR THE COMMONWEALTH TO HELP THE
INTERNATIONAL WAR CRIMES TRIBUNALS PERFORM
THEIR FUNCTIONS, AND FOR RELATED PURPOSES¹

PART 1. PRELIMINARY

...

The objects of this Act

3. The objects of this Act are to enable the Commonwealth to cooperate with a Tribunal in the investigation and prosecution of persons accused of committing Tribunal offences, and in particular:

- (a) To enable the Tribunal to make request for assistance (see part 2); and
- (b) To provide for persons accused of Tribunal offences to be surrendered to the Tribunal (see part 3); and
- (c) To provide the Tribunal with other forms of assistance in the investigation and prosecution of Tribunal offences (see part 4); and
- (d) To enable the Tribunal to sit in Australia (see part 5); and
- (e) To enable forfeiture orders of the Tribunal to be enforced (see part 6).

...

PART 2. REQUESTS BY A TRIBUNAL FOR ASSISTANCE

Tribunal may request assistance

7. (1) A request by a Tribunal for assistance that it needs to perform its functions in respect of an investigation or prosecution it is conducting or proposes to conduct, is to be made to the Attorney General, or a person authorized by the Attorney General.

(2) Without limiting subsection (1), the request may be for assistance of one or more of the following types:

- (a) Arresting and surrendering to the Tribunal a person in relation to whom the Tribunal has issued an arrest warrant;

- (b) Executing a request for search and seizure;
- (c) Obtaining evidence, a document or other article;
- (d) Providing a document or other record;
- (e) Locating and identifying a witness or suspect;
- (f) Arranging for a person to give evidence or assist an investigation;
- (g) Causing the forfeiture of property or the proceeds of crime;
- (h) Serving documents;
- (i) Arranging for the Tribunal to sit in Australia.

(3) If a request by a Tribunal is made to, or received by, a person authorized under subsection (1), the request is taken for the purposes of this Act to have been made to, or received by, the Attorney General.

Form of requests

8. (1) The request must be in writing and must indicate:

(a) Who may be, is to be or has been charged with a Tribunal offence as a result of the investigation or prosecution in respect of which the request is made; and

(b) The nature of and such charge; and

(c) The intended time and place of and hearing of any such charge.

(2) The request must also indicate:

(a) The nature of the investigation or prosecution in respect of which the request is made; and

(b) The International convention or other legal basis on which the Tribunal relies for conducting the investigation or prosecution; and

(c) The nature of the assistance sought; and

(d) The procedure (if any) that the Tribunal wants the Attorney-General to follow in complying with the request, including the form in which material must be given to the Tribunal; and

(e) The period within which the Tribunal wants the request complied with; and

(f) Any confidentiality requirements that the Tribunal wants observed; and

(g) Any other matters that might assist in complying with the request.

(3) Failure to comply with subsection (2) does not invalidate a request.

NOTE

¹No. 18 of 1995; assented to on 29 March 1995.