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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 67, 2002****COMMENCEMENT OF THE IMPLEMENTATION OF THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT ACT, 2002
(ACT NO. 27 OF 2002)**

Under section 40 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), I hereby fix **16 August 2002** as the date on which the said Act shall come into operation.

Given under my Hand at Pretoria this Fifteenth day of August Two thousand and two.

T. M. MBEKI**President.****By Order of the President-in-Cabinet:****P. M. MADUNA****Minister of the Cabinet.**

PROKLAMASIE
van die
President van die Republiek van Suid-Afrika

No. R. 67, 2002

**INWERKINGTREDING VAN DIE WET OP DIE IMPLEMENTERING VAN
DIE STATUUT VAN ROME OOR DIE INTERNASIONALE STRAFHOF, 2002
(WET NO. 27 OF 2002)**

Kragtens artikel 40 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), bepaal ek hierby **16 Augustus 2002** as die datum waarop genoemde Wet in werking tree.

Gegee onder my hand te Pretoria op hede die Vyftiende dag van Augustus Tweeduisend en twee.

T. M. MBEKI

President.

Op las van die President-in-Kabinet:

P. M. MADUNA

Minister van die Kabinet.

GOVERNMENT NOTICE GOEWERMENSKENNISGEWING

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 1089

16 August 2002

IMPLEMENTATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT ACT, 2002 REGULATIONS

The Minister for Justice and Constitutional Development has, under section 38 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), made the regulations in the Schedule.

SCHEDULE

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ANNEXURE

FORM 1:	Witness summons for International Criminal Court assistance
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CHAPTER 1 GENERAL PROVISIONS

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

“apply” means apply on motion, and “application” has a corresponding meaning;

“court day” means any day other than a Saturday, Sunday or public holiday;

“member of the South African Police Service” means a member, as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);

“sheriff” means a person appointed under section 2 of the Sheriffs Act, 1986 (Act No. 90 of 1986), and also a person appointed under sections 5 and 6 of that Act as an acting sheriff or a deputy sheriff, respectively; and

“the Act” means the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002).

Representation of Court

2. A request sent to the Central Authority by the Court shall, unless the contrary is proved, be deemed to constitute the authorisation of the Court to the government of the Republic to act on behalf of the Court in any proceedings under the Act.

Proof of exchange rate

3. For the purposes of section 36 of the Act an exchange rate furnished in respect of a particular day in a document purporting to be -

- (a) a facsimile received from the South African Reserve Bank shall be *prima facie* proof of the exchange rate prevailing on that particular day; and
- (b) an affidavit made by a person in his or her capacity as an officer of the South African Reserve Bank shall be conclusive proof of the exchange rate prevailing on that particular day.

CHAPTER 2

OBTAINING EVIDENCE

Summons of witness

4. (1) The summons referred to in section 16(1) of the Act must substantially correspond with Form 1 of the Annexure.

(2) The summons referred to in subregulation (1), together with a copy thereof, shall be delivered to a member of the South African Police Service or to a sheriff who shall, subject to the provisions of this regulation, forthwith serve it upon the person referred to in the said summons by delivering a copy of the summons in one of the following manners:

- (a) To the said person personally; or
- (b) at the said person's residence or place of business or employment to a person apparently not less than 16 years of age and apparently residing or employed there.

(3) The member of the South African Police Service or sheriff shall, on the original summons, certify the manner in which the summons was served and forthwith return the summons to the magistrate who required service thereof.

Certificate by interpreter

5. (1) If the services of an interpreter are to be used in the examination of a witness in terms of section 16 of the Act, the magistrate shall, before examining the witness, caution the interpreter that he or she will be required to certify that he or she translated truthfully and to the best of his or her ability, and note such caution on the court record.

(2) Upon completion of the examination of a witness in terms of section 16 of the Act, the interpreter shall in writing certify under oath or affirmation that he or she translated truthfully and to the best of his or her ability, and such a certificate must substantially correspond with Form 2 of the Annexure.

Transfer of prisoner

6. The warrant for the transfer of a prisoner referred to in section 20(b) of the Act must substantially correspond with Form 3 of the Annexure.

CHAPTER 3 RESTRAINT ORDERS

Registration of restraint order

7. Whenever a certified copy of a restraint order is lodged with a registrar of a High Court in terms of section 22(1) of the Act, that registrar shall register that order by -

- (a) numbering the restraint order with a consecutive case number for the year during which it is lodged; and
- (b) recording the restraint in respect of the property specified in the order and full particulars of that property, in so far as such particulars are available,

on the case cover in which the restraint order is filed.

Notice of registration of restraint order

8. The written notice of registration of a restraint order referred to in section 22(3) of the Act shall substantially correspond with Form 4 of the Annexure, and shall contain -

- (a) the consecutive case number referred to in regulation 7(a);
- (b) the date on which the restraint order was registered;
- (c) the restraint in respect of the property specified in the order and full particulars of that property in so far as such particulars are available; and
- (d) a reference to the provisions of regulation 10.

Service of notice of registration of restraint order

9. (1) The notice referred to in regulation 8, together with a copy thereof, shall be delivered to a sheriff who shall, subject to the provisions of this regulation, forthwith serve it upon the person referred to in the said notice by delivering a copy of the notice in one of the following manners:

- (a) To the said person personally or to his or her duly authorised agent;
- (b) at the said person's residence or place of business to a person apparently not less than 16 years of age and apparently residing or employed there: Provided that for the purpose of this paragraph, "residence" means, when a building is occupied by more than one person or family, that portion of the building occupied by the person upon whom service is to be effected;
- (c) at the said person's place of employment to a person apparently not less than 16 years of age and apparently in authority over the said person or, in the absence of such a person in authority, to a person apparently not less than 16 years of age and apparently in charge at the said person's place of employment;

- (d) in the case of a juristic person, at its registered office or main place of business within the area of jurisdiction of the court concerned, to a director, member or a responsible employee or servant thereof; or
- (e) in the case of a minister, deputy minister or premier in his or her official capacity, the State or a provincial government, at the Office of the State Attorney in Pretoria, or a branch of that Office which serves the area of jurisdiction of the court from which the notice has been issued.

(2) A sheriff must, on request by the person upon whom a notice is served, exhibit to him or her the original of the notice.

(3) Where the person upon whom a notice is to be served keeps his or her residence or place of business closed and thereby prevents the sheriff from serving the notice, it shall be sufficient to affix a copy thereof to the outer or principal door or security gate of such residence or place of business, or to place such copy in the post box at such residence or place of business.

(4) Where the sheriff is unable after diligent search to find at the residence or place of business of the person upon whom a notice is to be served, either that person or a person referred to in subregulation (1)(b) or, in the case of a juristic person referred to in subregulation (1)(d), a director or a responsible employee or servant, it shall be sufficient to affix a copy of the notice to the outer or principal door or security gate of such residence, place of business, registered office or main place of business.

(5) Where two or more persons are to be served with the same notice, service shall be effected upon each, except -

- (a) in the case of a partnership, in which case service may be effected by delivery at the office or place of business of the partnership or, if there is no such office or place of business, then by service on any member of the partnership in any manner prescribed by this regulation;

- (b) in the case of two or more persons upon whom a notice is to be served in their capacity as trustees of an insolvent estate, liquidators of a company, executors, curators or guardians, in which case service may be effected by delivery to any one of such persons in any manner prescribed by this regulation; and
- (c) in the case of a syndicate, unincorporated company, club, society or church, in which case service may be effected by delivery at the local office or place of business of such body or, if there be none such, by service on the chairperson or secretary or other responsible officer thereof in any manner prescribed by this regulation.

(6) The sheriff shall, on a form substantially corresponding with Form 5 of the Annexure, endorse the manner in which the copy of the notice was served, and shall attach the form to the notice and return it to the registrar of the High Court from whom he or she received such notice: Provided that where such service has been effected in the manner prescribed by subregulation (1)(b),(c), (d) or (e), the sheriff shall indicate in the return of service of the notice concerned the name of the person on whom he or she served the notice and the capacity in which that person stands in relation to the person, juristic person or institution to whom the notice is addressed, and where such service has been effected in the manner prescribed by subregulation (1)(b) or (c) the court may, if there is reason to doubt whether the notice served has come to the actual knowledge of the person on whom it is to be served, and in the absence of satisfactory evidence, treat such service as invalid.

(7) Where a court is satisfied that service cannot be effected in any manner prescribed in this regulation and that the action is within its jurisdiction, the court may on application make an order allowing service to be effected by the person and in the manner specified in such order.

(8) Any member of the South African Police Service may, if so requested by a sheriff, assist that sheriff to effect the service of a notice.

(9) (a) Where the person against whom the restraint order has been made is not present in the Republic that person shall -

(i) be informed of the registration of the order in the manner provided for in an agreement contemplated in section 33 of the Act or any other agreement concluded with the Court; or

(ii) in the absence of an agreement referred to in paragraph (a)(i), be informed of registration of the order by sending a copy of the written notice of registration to that person by registered mail.

(b) The registrar of the High Court sending a copy of the notice in terms of paragraph (a)(ii) to the person against whom the restraint order has been made, shall require that proof of receipt thereof be returned to him or her by the relevant postal authority.

Application for setting aside of registration of restraint order

10. (1) A person against whom a restraint order has been made may within 20 court days from the date on which the registration of the restraint order at a High Court came to his or her knowledge and in terms of the rules of that court apply for the setting aside of the registration of the restraint order.

(2) Unless the applicant proves the contrary, it shall be presumed that where -

(a) the written notice of registration was served on that applicant personally, he or she had knowledge of such registration on the date of service of the notice;

(b) the written notice of registration was not served on that applicant personally, he or she had knowledge of such registration within ten days after the date of service of the notice;

- (c) the written notice of registration was sent to that applicant by registered mail, he or she had knowledge of such registration on the date of receipt thereof indicated in the proof of receipt referred to in regulation 9(9)(b); or
- (d) that applicant was informed of such registration in any other manner, he or she had knowledge of such registration on the date which he or she was so informed.

CHAPTER 4

SENTENCES AND COMPENSATORY ORDERS

Registration of sentence or compensatory order

11. Whenever a certified copy of the document confirming the sentence or order of the Court is lodged with the clerk of the court or registrar in terms of section 25(2) of the Act, the clerk of the court or registrar shall register that sentence or order by -

- (a) numbering the sentence or order with a consecutive case number for the year during which it is lodged; and
- (b) recording in favour of the Republic, as represented by the Cabinet member responsible for the administration of justice, the balance in the currency of the Republic of the amount payable thereunder,

on the case cover in which the document confirming the sentence or compensatory order is filed.

Notice of registration of sentence or compensatory order

12. (1) The written notice of registration of a sentence or order referred to in section 25(3) of the Act shall substantially correspond with Form 6 of the Annexure, and shall contain -

- (a) the consecutive case number referred to in regulation 11(a);

- (b) the date on which the sentence or order was registered; and
 - (c) the balance in the currency of the Republic of the amount payable under the sentence or order.
- (2) (a) Where the person upon or against whom the sentence has been imposed or order has been made is present in the Republic, the written notice of registration of the sentence or order, together with a copy thereof, shall be delivered to a sheriff who shall serve such notice on that person in accordance with the manner provided for in regulation 9(1) to (5), and the provisions of regulation 9(6) to (8) shall, read with the changes required by the context, apply to such service.
- (b) Where the person upon or against whom the sentence has been imposed or order has been made is not present in the Republic that person shall -
- (i) be informed of the registration of the sentence or order in the manner provided for in an agreement contemplated in section 33 of the Act or any other agreement concluded with the Court; or
 - (ii) in the absence of an agreement referred to in paragraph (b)(i), be informed of registration of the sentence or order by sending a copy of the written notice of registration to that person by registered mail.
- (c) The clerk of the court or registrar sending a copy of the notice in terms of paragraph (b)(ii) to the person upon or against whom the sentence or order has been imposed or made, shall require that proof of receipt thereof be returned to him or her by the relevant postal authority.

CHAPTER 5

CONFISCATION ORDERS

Registration of confiscation order

13. Whenever a certified copy of a confiscation order of the Court is lodged with the clerk of the court or registrar in terms of section 27(2) of the Act, such clerk of the court or registrar shall register that order by -

- (a) numbering the confiscation order with a consecutive case number for the year during which it is lodged; and
- (b) recording -
 - (i) where the order was made for the payment of money, the balance in the currency of the Republic of the amount payable thereunder; and
 - (ii) where the order was made for the recovery of particular property, full particulars of that property, in so far as such particulars are available,

in favour of the Republic as represented by the Cabinet member responsible for the administration of justice, on the case cover in which the certified copy of the confiscation order is filed.

Notice of registration of confiscation order

14. (1) The written notice of registration of a confiscation order contemplated in section 27(4) of the Act shall correspond substantially with Form 7 of the Annexure, and shall contain -

- (a) the consecutive case number referred to in regulation 13(a);
- (b) the date on which the confiscation order was registered;

- (c) in the case of the payment of money, the balance in the currency of the Republic of the amount payable under the confiscation order;
- (d) in the case of the recovery of particular property, full particulars of the property specified in the confiscation order in so far as such particulars are available; and
- (e) a reference to the provisions of regulation 15.

(2) (a) Where the person against whom the confiscation order has been made is present in the Republic, the written notice of registration of the confiscation order, together with a copy thereof, shall be delivered to a sheriff who shall serve such notice on that person in accordance with the manner provided for in regulation 9(1) to (5), and the provisions of regulation 9(6) to (8) shall, read with the changes required by the context, apply to such service.

(b) Where the person against whom the confiscation order has been made is not present in the Republic that person shall -

- (i) be informed of the registration of the order in the manner provided for in an agreement contemplated in section 33 of the Act or any other agreement concluded with the Court; or
- (ii) in the absence of an agreement referred to in paragraph (b)(i), be informed of such registration by sending a copy of the written notice of registration to that person by registered mail.

(c) The clerk of the court or registrar sending a copy of the notice in terms of paragraph (b)(ii) to the person against whom the confiscation order has been made, shall require that proof of receipt thereof be returned to him or her by the relevant postal authority.

Application for setting aside of registration of confiscation order

15. (1) A person against whom the registration of a confiscation order has been made may within 20 court days from the date on which the registration of the confiscation order at a High Court or a magistrate's court came to his or her knowledge and in terms of the rules of that court apply for the setting aside of the registration of the order.

(2) Unless the applicant proves the contrary, it shall be presumed that where -

- (a) the written notice of registration was served on that applicant personally, he or she had knowledge of such registration on the date of service of the notice;
- (b) the written notice of registration was not served on that applicant personally, he or she had knowledge of such registration within ten days after the date of service of the notice;
- (c) the written notice of registration was sent to that applicant by registered mail, he or she had knowledge of such registration on the date of receipt thereof indicated in the proof of receipt contemplated in regulation 14(2)(c); or
- (d) that applicant was informed of such registration in any other manner, he or she had knowledge of such registration on the date on which he or she was so informed.

CHAPTER 6**MISCELLANEOUS PROVISIONS****Short title**

16. These regulations shall be called the **Implementation of the Rome Statute of the International Criminal Court Regulations, 2002**, and shall come into operation on 16 August 2002.

ANNEXURE**FORM 1****WITNESS SUMMONS FOR INTERNATIONAL CRIMINAL COURT
ASSISTANCE**

TO : (Witness name)			
*Work address :			
*Residential address :			
*Gender :		*Age :	
(* Complete if information is available)			

You are hereby summoned to appear in person at 09:00 before the Magistrate's Court :

For the District:	Held at:
Court :	On :

and to remain in attendance, and with regard to the matter of the International Criminal Court and, to -

***(a) testify and declare all you know that may be of relevance to the International Criminal Court;**

***(b) produce the following book, document or object, namely**

.....
.....
.....

WARNING: Failure to comply with this summons is a criminal offence and may render you liable to a fine or to a term of imprisonment not exceeding five years.

*** Delete whichever is not applicable**

FOR OFFICIAL PURPOSES ONLY**TO the member of the South African Police Service or sheriff:**

You are hereby commanded to –

- (a) serve a copy of this summons on the person of whom particulars appear herein, and to explain to the said person the nature and import of this summons; and
- (b) upon service of this summons, certify the manner in which it was served below.

CERTIFICATE

I, the undersigned, certify that I have served this summons upon the within-named person by –

*(a)	delivering a true copy to him/her PERSONALLY;
*(b)	delivering as he/she could not be found, a true copy to a person apparently over the age of 16 years and apparently residing or employed at the witness's place of *RESIDENCE/EMPLOYMENT/BUSINESS;

at

.....

The nature and import of this summons was explained to the recipient thereof.

Time Day Month Year

Place

.....
 Signature of *sheriff/member of the South
 African Police Service

.....
 Signature of recipient

.....
 Full name

.....
 Full name

.....
 Capacity

***Delete whichever is not applicable**

FORM 2
CERTIFICATE BY INTERPRETER FOR INTERNATIONAL CRIMINAL COURT ASSISTANCE

I, (full name) do hereby swear/truly affirm that I did truthfully and to the best of my ability interpret from the English language to the language and vice versa as I was called upon to do in the examination of held in the Magistrate's Court of on the (date) for the purposes of granting assistance in the matter of the International Criminal Court and

.....
DEPONENT (interpreter)

.....
Date

For official use

I hereby certify that before administering the *oath/taking the affirmation I asked the deponent the following questions and noted *his/her answers in *his/her presence as indicated below:

- (a) Do you know and understand the contents of the above declaration?
 Answer
- (b) Do you have any objection to taking the prescribed oath?
 Answer
- (c) Do you consider the prescribed oath to be binding on your conscience?
 Answer

I hereby certify that the deponent has acknowledged that *he/she knows and understands the contents of this declaration, which was *sworn to/affirmed before me, and the deponent's *signature/thumb print/mark was placed thereon in my presence.

Dated at this day of 20.....

.....
Justice of the Peace/Commissioner of Oaths

Full names

Designation

Area for which appointed

Business address

.....
 *Delete whichever is not applicable

FORM 3
**WARRANT FOR TRANSFER OF PRISONER FOR INTERNATIONAL
 CRIMINAL COURT ASSISTANCE**

To

.....
 acting on behalf of the International Criminal Court established by Article 1 of the Rome Statute of the International Criminal Court.

You are hereby, in terms of section 20 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), and in accordance with any arrangements made by the Cabinet member responsible for correctional services in the Republic of South Africa and the Registrar or Prosecutor of the International Criminal Court, authorised and commanded to-

(a) receive into and keep in the custody of the International Criminal Court

.....
 (Name of prisoner)

.....
 (Description)

.....
 (Age)

detained in the Republic of South Africa in thePrison,
 for the purposes of giving evidence or assisting in an investigation as requested by the International Criminal Court or the Prosecutor of the said Court; and

(b) return the person to the custody of the above-mentioned prison in the Republic of South Africa without delay when the purposes of the transfer have been fulfilled, unless I notify you in writing that the above-mentioned prisoner's term of imprisonment will expire while he or she is still in custody of the International Criminal Court.

.....
 *Commissioner of Correctional Services/Person
 authorised by the Commissioner of Correctional Services

.....
 Date

*Delete whichever is not applicable

FORM 4**IN THE HIGH COURT DIVISION****NOTICE OF REGISTRATION OF A RESTRAINT ORDER**

Case No.

To

*(Name)**(Residential Address)**(Business/Employment Address)*

You are hereby notified that a restraint order in respect of the property and with the effect described hereunder has, in terms of section 22(2) of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), been registered at the High Court (..... Division), on the day of 20..... .

Particulars of the restraint and property concerned:

.....

Note: (1) The registered restraint order has the effect of a restraint order made by the above-mentioned High Court under the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998).

(2) In terms of regulation 10 of the Implementation of the Rome Statute of the International Criminal Court Regulations, 2002, you may within 20 court days from the date on which the registration of the restraint order came to your knowledge, and in terms of the rules of the court, apply to the above-mentioned High Court for the setting aside of the registration of the order. If the notice was not served on you personally it is presumed that registration came to your knowledge within ten days after the date of service of the notice.

(3) Section 24 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), sets out the grounds on which a court may set aside the registration of the restraint order.

Signed at on this day of
..... 20.....

.....
REGISTRAR OF THE HIGH COURT

FORM 5

***IN THE HIGH COURT DIVISION/
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF**

RETURN OF SERVICE OF NOTICE

Case No.

I,, certify
that I have -

*(a) delivered a copy of the notice to
..... personally [regulation
9(1)(a)];

(or)

*(b) delivered a copy of the notice to
....., the duly authorised agent of
..... [regulation 9(1)(a)];

(or)

*(c) delivered a copy of the notice to
....., a person
apparently not less than 16 years of age and apparently residing or employed at the
*residence/or place of business of
....., in his or
her capacity as of
[regulation 9(1)(b)];

(or)

*(d) delivered a copy of the notice to a person
apparently not less than 16 years of age and who is apparently in authority over or in
charge at the place of employment of in his or her
capacity as of
..... [regulation 9(1)(c)];

(or)

- *(e) delivered a copy of the notice to,
 a *director/responsible employee/servant of
, at the latter's *registered
 office/ main place of business [regulation 9(1)(d)];

(or)

- *(f) delivered a copy of the notice to the State Attorney in,
, in his or her capacity as
 of [regulation 9(1)(e)];

(or)

- *(g) *affixed/placed a copy of the notice *to/in the *outer/principal door/security gate/postbox
 of the *residence/place of business of, because he or she
 prevented the service of the notice by keeping the *residence/place of business closed
 [regulation 9(3)];

(or)

- *(h) affixed a copy of the notice to the *outer/principal door of the *residence/place of
 business/registered office/main place of business of, as
 he or she or a person apparently not less than 16 years of age or a director, responsible
 employee or servant could not be found after a diligent search of the *residence/place of
 business of the person whom notice is to be served [regulation 9(4)];

(or)

- *(i) served a copy of the notice in the manner ordered by court [regulation 9(7)].

Time Day Month 20.....

Place

.....
 SIGNATURE OF SHERIFF

* Delete whichever is not applicable

FORM 6

***IN THE HIGH COURT DIVISION/
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
NOTICE OF REGISTRATION OF A SENTENCE OR COMPENSATORY ORDER**

Case No.

To

(Name)

(Residential Address)

(Business/Employment Address)

**You are hereby notified that, in terms of section 25(2) of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), a
*sentence/order for the payment of the amount of has been registered
at the *High Court Division/Magistrate's Court for the
district of on the day of 20.....**

Notification is given to you since you are the person *on whom the said sentence was imposed/against whom the said order was made/who has effective control over relevant property in the Republic of South Africa.

Note: The registered *sentence/order has the effect of a civil judgment of the above-mentioned *High Court/Magistrate's Court, for the amount reflected in favour of the Republic of South Africa as represented by the Cabinet member responsible for the administration of justice.

Signed at on this day of 20.....

.....
*Clerk of the Court/Registrar

* Delete whichever is not applicable

FORM 7

***IN THE HIGH COURT DIVISION/
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF**

NOTICE OF REGISTRATION OF A CONFISCATION ORDER

Case No.

To

*(Name)**(Residential Address)**(Business/Employment Address)*

You are hereby notified that, in terms of section 27(3) of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), a confiscation order *in respect of the property described hereunder/for the payment of the amount of has been registered at the *High Court Division/Magistrate's Court for the District of on the day of 20..... .

Description of property:

Note: (1) The registered confiscation order has the effect of a civil judgment of the above-mentioned *High Court/Magistrate's Court in favour of the Republic of South Africa as represented by the Cabinet member responsible for the administration of justice.

(2) In terms of regulation 15 of the Implementation of the Rome Statute of the International Criminal Court Regulations, 2002, you may within 20 court days from the date on which the registration of the confiscation order came to your knowledge, and in terms of the rules of the court, apply for the setting aside of the registration of the order to the above-mentioned *High Court/Magistrate's Court. If the notice was not served on you personally it is presumed that registration came to your knowledge within ten days after the date of service of the notice.

(3) Section 29 of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), sets out the grounds on which a court may set aside the registration of a confiscation order.

Signed at on this day of 20.....

.....
*Clerk of the Court/Registrar

* Delete whichever is not applicable

No. R. 1089

16 Augustus 2002

**WET OP DIE IMPLEMENTERING VAN DIE STATUUT VAN ROME OOR DIE
INTERNASIONALE STRAFHOF, 2002
REGULASIES**

Die Minister vir Justisie en Staatkundige Ontwikkeling het kragtens artikel 38 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), die regulasies in die Bylae uitgevaardig.

BYLAE

INHOUDSOPGAWE

ONDERWERP

REGULASIE NO.

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AANHANGSEL

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HOOFSTUK 1

ALGEMENE BEPALINGS

Woordomskrywing

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken -

“aansoek doen” aansoek doen by wyse van mosie en “aansoek” het 'n ooreenstemmende betekenis;

“balju” 'n persoon aangestel kragtens artikel 2 van die Wet op Balju's, 1986 (Wet No. 90 van 1986), en ook 'n persoon aangestel kragtens artikels 5 en 6 van daardie Wet as onderskeidelik 'n waarnemende balju of 'n adjunk-balju;

“die Wet” die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002);

“hofdag” enige dag wat nie 'n Saterdag, Sondag of openbare vakansiedag is nie; en

“lid van die Suid-Afrikaanse Polisiediens” 'n lid, soos in artikel 1 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), bedoel.

Verteenwoordiging van Hof

2. 'n Versoek wat deur die Hof aan die Sentrale Owerheid gestuur is, word, tensy die teendeel bewys word, geag die magtiging uit te maak van die Hof aan die regering van die Republiek om namens die Hof in enige verrigtinge kragtens die Wet op te tree.

Bewys van wisselkoers

3. Vir doeleindes van artikel 36 van die Wet is 'n wisselkoers wat ten opsigte van 'n bepaalde dag verstrekkend word in 'n dokument wat voorgee -

- (a) 'n faksimile te wees wat van die Suid-Afrikaanse Reserwebank ontvang is, *prima facie*-bewys van die wisselkoers wat op daardie bepaalde dag geheers het; en

- (b) 'n beëdigde verklaring te wees wat gemaak is deur 'n persoon in sy of haar hoedanigheid van beampte van die Suid-Afrikaanse Reserwebank, afdoende bewys van die wisselkoers wat op daardie bepaalde dag geheers het.

HOOFSTUK 2

VERKRYGING VAN GETUIENIS

Dagvaarding van getuie

4. (1) Die dagvaarding bedoel in artikel 16(1) van die Wet moet wesenlik met Vorm 1 van die Aanhangsel ooreenstem.

(2) Die dagvaarding bedoel in subregulasie (1), tesame met 'n afskrif daarvan, word afgelewer aan 'n lid van die Suid-Afrikaanse Polisie of 'n balju wat dit behoudens die bepalings van hierdie regulasie onverwyld aan die persoon vermeld in die bedoelde dagvaarding beteken deur 'n afskrif van die dagvaarding op een van die volgende wyses af te lewer:

- (a) Aan vermelde persoon self; of
- (b) by vermelde persoon se woon- of besigheids- of werksplek aan iemand wat klaarblyklik nie jonger as 16 jaar is nie en klaarblyklik daar woon of werk.

(3) Die lid van die Suid-Afrikaanse Polisie of balju sertifiseer op die oorspronklike dagvaarding die wyse waarop die dagvaarding beteken is en besorg die dagvaarding onverwyld terug aan die landdros wat betekening daarvan vereis het.

Sertifikaat deur tolk

5. (1) Indien die dienste van 'n tolk by die ondervraging van 'n getuie ingevolge artikel 16 van die Wet gebruik gaan word, moet die landdros die tolk voor die ondervraging van die getuie waarsku dat daar van hom of haar vereis sal word om te sertifiseer dat hy of sy juis en tot die beste van sy of haar vermoë getolk het, en sodanige waarskuwing in die hofrekord aanteken.

(2) By afhandeling van die ondervraging van 'n getuie ingevolge artikel 16 van die Wet, moet die tolk skriftelik sertifiseer dat hy of sy waar en na die beste van sy of haar vermoë getolk het en sodanige sertifikaat moet wesenlik met Vorm 2 van die Aanhangsel ooreenstem.

Oorplasing van gevangene

6. Die lasbrief vir die oorplasing van 'n gevangene bedoel in artikel 20(b) van die Wet moet wesenlik met Vorm 3 van die Aanhangsel ooreenstem.

HOOFSTUK 3 INKORTINGSBEVELE

Registrasie van inkortingsbevel

7. Wanneer 'n gesertifiseerde afskrif van 'n inkortingsbevel by die griffier van 'n Hoë Hof ingedien word ingevolge artikel 22(1) van die Wet, moet daardie griffier daardie bevel registreer deur -

- (a) die inkortingsbevel te nommer met 'n saakvolgnommer vir die jaar waarin dit ingedien word; en
- (b) die inkorting ten opsigte van die eiendom vermeld in die bevel en volle besonderhede van daardie eiendom, in soverre sodanige besonderhede beskikbaar is, aan te teken,

op die saakomslag waarin die inkortingsbevel geliasseer word.

Kennisgewing van registrasie van inkortingsbevel

8. Die skriftelike kennisgewing van registrasie van 'n inkortingsbevel bedoel in artikel 22 (3) van die Wet moet wesenlik met Vorm 4 van die Aanhangsel ooreenstem en moet bevat -

- (a) die saakvolgnommer bedoel in regulasie 7(a);
- (b) die datum waarop die inkortingsbevel geregistreer is;

(c) die inkorting ten opsigte van die eiendom vermeld in die bevel en volle besonderhede van daardie eiendom, in soverre sodanige besonderhede beskikbaar is; en

(d) 'n verwysing na die bepalings van regulasie 10.

Betekening van kennisgewing van registrasie van inkortingsbevel

9. (1) Die kennisgewing bedoel in regulasie 8, tesame met 'n afskrif daarvan, moet afgelewer word aan die balju wat, behoudens die bepalings van hierdie regulasie, die kennisgewing onverwyld aan die persoon vermeld in die bedoelde kennisgewing beteken deur 'n afskrif van die kennisgewing op een van die volgende wyses af te lewer:

- (a) Aan vermelde persoon self of aan sy of haar gevolmagtigde;
- (b) by vermelde persoon se woon- of besigheidsplek aan iemand wat klaarblyklik nie jonger as 16 jaar is nie en klaarblyklik daar woon of in diens is: Met dien verstande dat, vir doeleindes van hierdie paragraaf, "woonplek", waar 'n gebou deur meer as een persoon of gesin bewoon word, dié gedeelte van die gebou beteken wat deur die persoon aan wie betekening moet geskied, bewoon word;
- (c) by vermelde persoon se werkplek aan 'n persoon wat klaarblyklik nie jonger as 16 jaar is nie en wat klaarblyklik in 'n gesagsposisie oor vermelde persoon is of, in die afwesigheid van so 'n persoon in 'n gesagsposisie, aan 'n persoon wat klaarblyklik nie jonger as 16 jaar is nie en wat klaarblyklik in beheer is by vermelde persoon se werkplek;
- (d) in die geval van 'n regspersoon, by die regspersoon se geregistreerde kantoor of belangrikste besigheidsplek binne die regsgebied van die betrokke hof, aan 'n direkteur, lid of 'n verantwoordelike werknemer of dienaar van die regspersoon; of
- (e) in die geval van 'n minister, adjunkminister of premier in sy of haar amptelike hoedanigheid, die Staat of 'n provinsiale regering, by die Kantoor van die

Staatsprokureur te Pretoria, of 'n tak van daardie Kantoor wat die regsgebied bedien van die hof waaruit die kennisgewing uitgereik is.

(2) 'n Balju moet op versoek van die persoon aan wie 'n kennisgewing beteken word, die oorspronklike kennisgewing aan hom of haar toon.

(3) Indien die persoon aan wie 'n kennisgewing beteken staan te word, sy of haar woon- of besigheidsplek gesluit hou en sodoende die balju verhinder om die kennisgewing te beteken, is dit voldoende om 'n afskrif van die kennisgewing aan die buite- of hoof deur of veiligheidshek van sodanige woon- of besigheidsplek aan te bring, of in die posbus by sodanige woon- of besigheidsplek te plaas.

(4) Indien die balju na sorgvuldige deursoeking nie by die woon- of besigheidsplek van die persoon aan wie 'n kennisgewing beteken moet word, daardie persoon of 'n persoon in subregulasie (1)(b) bedoel of, in die geval van 'n regs persoon in subregulasie (1)(d) bedoel, 'n direkteur of 'n verantwoordelike werknemer of dienaar kan vind nie, is dit voldoende om 'n afskrif van die kennisgewing aan die buite- of hoof deur of veiligheidshek van sodanige woon- of besigheidsplek, geregistreerde kantoor of belangrikste besigheidsplek aan te bring.

(5) Waar dieselfde kennisgewing aan twee of meer persone beteken moet word, word dit aan elkeen beteken, behalwe -

(a) in die geval van 'n vennootskap, in welke geval betekening kan geskied deur aflewering by die kantoor of besigheidsplek van die vennootskap of, indien daar nie so 'n kantoor of besigheidsplek is nie, deur betekening aan enige lid van die vennootskap op enigeen van die wyses voorgeskryf by hierdie regulasie;

(b) in die geval van twee of meer persone aan wie die kennisgewing in hulle hoedanigheid van kurators van 'n insolvente boedel, likwidateurs van 'n maatskappy, eksekuteurs, kurators of voogde beteken moet word, in welke geval betekening kan geskied deur aflewering aan enigeen van sodanige persone op enigeen van die wyses voorgeskryf by hierdie regulasie; en

- (c) in die geval van 'n sindikaat, oningelyfde maatskappy, klub, vereniging of kerk, in welke geval betekening kan geskied deur aflewering by die plaaslike kantoor of besigheidsplek van sodanige liggaam of, indien daar nie sodanige kantoor of plek is nie, deur betekening aan die voorsitter of sekretaris of ander verantwoordelike amptenaar van sodanige liggaam op enigeen van die wyses voorgeskryf by hierdie regulasie.

(6) Die balju moet die wyse waarop die afskrif van die kennisgewing beteken is, op 'n vorm wat wesenlik met Vorm 5 van die Aanhangsel ooreenstem, aanteken en die vorm aan die kennisgewing heg en aan die griffier van die Hoë Hof van wie hy of sy sodanige kennisgewing ontvang het, terugbesorg. Met dien verstande dat waar sodanige betekening geskied het op die wyse by subregulasie (1)(b),(c),(d) of (e) voorgeskryf, die balju op die relaas van betekening van die betrokke kennisgewing die naam van die persoon aan wie hy of sy die kennisgewing beteken het en die hoedanigheid moet aandui van daardie persoon ten opsigte van die persoon, regspersoon of instelling aan wie die kennisgewing gerig is en waar sodanige betekening geskied het op die wyse by subregulasie (1)(b) of (c) voorgeskryf, die hof, indien daar rede is om te twyfel of die kennisgewing wat beteken is, werklik tot kennis van die persoon aan wie beteken is, gekom het en by ontstentenis van bevredigende bewys, sodanige betekening as ongeldig kan beskou.

(7) Indien 'n hof oortuig is dat betekening nie op enigeen van die wyses voorgeskryf by hierdie regulasie kan geskied nie en dat die aksie binne sy regsbevoegdheid is, kan die hof op aansoek 'n bevel gee ingevolge waarvan betekening deur die persoon en op die wyse in die bevel vermeld, kan geskied.

(8) Enige lid van die Suid-Afrikaanse Polisie kan, indien aldus deur 'n balju versoek, daardie balju met die betekening van 'n kennisgewing bystaan.

(9) (a) Waar die persoon teen wie die inkortingsbevel verleen is, nie in die Republiek teenwoordig is nie, moet daardie persoon -

- (i) ingelig word van die registrasie van die bevel op die wyse waarvoor voorsiening gemaak word in 'n ooreenkoms bedoel in artikel 33 van die Wet of enige ander ooreenkoms gesluit met die Hof; of

- (ii) by ontstentenis van 'n ooreenkoms bedoel in paragraaf (a)(i), in kennis gestel word van die registrasie van die bevel deur 'n afskrif van die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie persoon te stuur.

(b) Die grifier van die Hoë Hof wat 'n afskrif van die kennisgewing ingevolge paragraaf (a)(ii) aan die persoon stuur teen wie die inkortingsbevel verleen is, moet van die betrokke posinstansie vereis dat bewys van ontvangs daarvan aan hom of haar voorsien word.

Aansoek om tersydestelling van registrasie van inkortingsbevel

10. (1) 'n Persoon teen wie 'n inkortingsbevel verleen is, kan binne 20 hofdae vanaf die datum waarop die registrasie van die inkortingsbevel by 'n Hoë Hof tot sy of haar kennis gekom het en ingevolge die reëls van daardie hof, aansoek doen om die tersydestelling van die registrasie van die inkortingsbevel.

(2) Tensy die applikant die teendeel bewys, word vermoed dat waar-

- (a) die skriftelike kennisgewing van registrasie aan daardie applikant self beteken is, hy of sy kennis van sodanige registrasie gehad het op die datum van betekening van die kennisgewing;
- (b) die skriftelike kennisgewing van registrasie nie aan daardie applikant self beteken is nie, hy of sy kennis van sodanige registrasie gehad het binne tien dae na die datum van betekening van die kennisgewing;
- (c) die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie applikant gestuur is, hy of sy kennis van sodanige registrasie gehad het op die datum van ontvangs daarvan aangedui op die bewys van ontvangs bedoel in regulasie 9(9)(b); of
- (d) daardie applikant op enige ander wyse van sodanige registrasie in kennis gestel is, hy of sy kennis gehad het van sodanige registrasie op die datum waarop hy of sy aldus in kennis gestel is.

HOOFSTUK 4

VONNISSE EN VERGOEDENDE BEVELE

Registrasie van vonnis of vergoedende bevel

11. Wanneer 'n gesertifiseerde afskrif van die dokument wat die vonnis of vergoedende bevel van die Hof bevestig, by die klerk van die hof of griffier ingedien word ingevolge artikel 25(2) van die Wet, moet daardie klerk van die hof of griffier daardie vonnis of bevel registreer deur -

- (a) die vonnis of bevel te nommer met 'n saakvolgnommer vir die jaar waarin dit ingedien word; en
- (b) ten gunste van die Republiek, soos verteenwoordig deur die Kabinetslid wat vir die regspleging verantwoordelik is, in die geldeenheid van die Republiek die balans aan te teken van die bedrag daarkragtens betaalbaar,

op die saakomslag waarin die dokument wat die vonnis of vergoedende bevel bevestig, geliasseer word.

Kennisgewing van registrasie van vonnis of vergoedende bevel

12. (1) Die skriftelike kennisgewing van registrasie van 'n vonnis of vergoedende bevel bedoel in artikel 25(3) van die Wet moet wesenlik met Vorm 6 van die Aanhangsel ooreenstem en moet bevat -

- (a) die saakvolgnommer bedoel in regulasie 11(a);
- (b) die datum waarop die vonnis of bevel geregistreer is; en
- (c) in die geldeenheid van die Republiek die balans van die bedrag wat ingevolge die vonnis of bevel betaalbaar is.

(2) (a) Waar die persoon teen wie die vonnis opgelê is of bevel gegee is, in die Republiek teenwoordig is, word die skriftelike kennisgewing van registrasie van die vonnis of bevel, saam met 'n afskrif daarvan aan 'n balju gelewer wat sodanige kennisgewing aan

daardie persoon beteken op die wyse waarvoor voorsiening gemaak word in regulasie 9(1) tot (5), en die bepalinge van regulasie 9(6) tot (8) is, met die aanpassings wat die konteks vereis, van toepassing op sodanige betekening.

(b) Waar die persoon teen wie die vonnis opgelê is of bevel gegee is, nie in die Republiek teenwoordig is nie, moet daardie persoon -

(i) ingelig word van die registrasie van die vonnis of bevel op die wyse waarvoor voorsiening gemaak word in 'n ooreenkoms bedoel in artikel 33 van die Wet of enige ander ooreenkoms gesluit met die Hof; of

(ii) by ontstentenis van 'n ooreenkoms bedoel in paragraaf (b)(i), in kennis gestel word van registrasie van die vonnis of bevel deur 'n afskrif van die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie persoon te stuur.

(c) Die klerk van die hof of griffier wat 'n afskrif van die kennisgewing ingevolge paragraaf (b)(ii) aan die persoon stuur teen wie die vonnis of bevel opgelê of gegee is, moet van die betrokke posinstansie vereis dat bewys van ontvangs daarvan aan hom of haar voorsien word.

HOOFTUK 5

INBESLAGNEMINGSBEVELE

Registrasie van inbeslagnemingsbevel

13. Wanneer 'n gesertifiseerde afskrif van 'n inbeslagnemingsbevel by die klerk van die hof of griffier ingedien word ingevolge artikel 27(2) van die Wet, moet daardie klerk van die hof of griffier daardie bevel registreer deur -

(a) die inbeslagnemingsbevel te nommer met 'n saakvolgnommer vir die jaar waarin dit ingedien word; en

- (b) (i) waar die bevel vir die betaling van geld verleen is, ten gunste van die Republiek soos verteenwoordig deur die Kabinetslid wat vir die regspleging verantwoordelik is, in die geldeenheid van die Republiek die balans aan te teken van die bedrag daarkragtens betaalbaar; en
- (ii) waar die bevel vir die verhaal van bepaalde eiendom verleen is, ten gunste van die Republiek soos verteenwoordig deur die Kabinetslid wat vir die regspleging verantwoordelik is, volle besonderhede van daardie eiendom aan te teken in soverre sodanige besonderhede beskikbaar is,

op die saakomslag waarin die gesertifiseerde afskrif van die inbeslagnemingsbevel geliasseer word.

Kennisgewing van registrasie van inbeslagnemingsbevel

14. (1) Die skriftelike kennisgewing van registrasie van 'n inbeslagnemingsbevel bedoel in artikel 27(4) van die Wet moet wesenlik met Vorm 7 van die Aanhangsel ooreenstem en moet bevat -

- (a) die saakvolgnommer bedoel in regulasie 13(a);
- (b) die datum waarop die inbeslagnemingsbevel geregistreer is;
- (c) in die geval van die betaling van geld, in die geldeenheid van die Republiek die balans van die bedrag wat kragtens die inbeslagnemingsbevel betaalbaar is;
- (d) in die geval van die verhaal van bepaalde eiendom, volle besonderhede van die eiendom wat in die inbeslagnemingsbevel gespesifiseer word in soverre sodanige besonderhede beskikbaar is; en
- (e) 'n verwysing na die bepalings van regulasie 15.

(2) (a) Waar die persoon teen wie die inbeslagnemingsbevel verleen is, in die Republiek teenwoordig is, word die skriftelike kennisgewing van registrasie van die inbeslagnemingsbevel saam met 'n afskrif daarvan aan 'n balju gelewer wat sodanige kennisgewing aan daardie persoon beteken op die wyse waarvoor voorsiening gemaak word in regulasie 9(1) tot (5), en die bepalings van regulasie 9(6) tot (8) is, met die aanpassings wat die konteks vereis, van toepassing op sodanige betekening.

(b) Waar die persoon teen wie die inbeslagnemingsbevel verleen is, nie in die Republiek teenwoordig is nie, moet daardie persoon -

(i) ingelig word van die registrasie van die bevel op die wyse waarvoor voorsiening gemaak word in 'n ooreenkoms bedoel in artikel 33 van die Wet of enige ander ooreenkoms gesluit met die Hof; of

(ii) by ontstentenis van 'n ooreenkoms bedoel in paragraaf (b)(i), in kennis gestel word van sodanige registrasie deur 'n afskrif van die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie persoon te stuur.

(c) Die klerk van die hof of griffier wat 'n afskrif van die kennisgewing ingevolge paragraaf (b)(ii) aan die persoon stuur teen wie die inbeslagnemingsbevel verleen is, moet van die betrokke posinstansie vereis dat bewys van ontvangs daarvan aan hom of haar voorsien word.

Aansoek om tersydestelling van registrasie van inbeslagnemingsbevel

15. (1) 'n Persoon teen wie die registrasie van 'n inbeslagnemingsbevel gedoen is, kan binne 20 hofdae vanaf die datum waarop die registrasie van die inbeslagnemingsbevel by 'n Hoë Hof of 'n landdroshof tot sy of haar kennis gekom het en ingevolge die reëls van daardie hof, aansoek doen om die tersydestelling van die registrasie van die inbeslagnemingsbevel.

(2) Tensy die applikant die teendeel bewys, word vermoed dat waar-

- (a) die skriftelike kennisgewing van registrasie aan daardie applikant self beteken is, hy of sy kennis van sodanige registrasie gehad het op die datum van betekening van die kennisgewing;
- (b) die skriftelike kennisgewing van registrasie nie aan daardie applikant self beteken is nie, hy of sy kennis van sodanige registrasie gehad het binne tien dae na die datum van betekening van die kennisgewing;
- (c) die skriftelike kennisgewing van registrasie per geregistreerde pos aan daardie applikant gestuur is, hy of sy kennis van sodanige registrasie gehad het op die datum van ontvangs daarvan aangedui op die bewys van ontvangs bedoel in regulasie 14(2)(c); of
- (d) daardie applikant op enige ander wyse van sodanige registrasie in kennis gestel is, hy of sy kennis gehad het van sodanige registrasie op die datum waarop hy of sy aldus in kennis gestel is.

HOOFSTUK 6

DIVERSE BEPALINGS

Kort titel

16. Hierdie regulasies heet die **Regulasies betreffende die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002**, en tree op 16 Augustus 2002 in werking.

AANHANGSEL
VORM 1
GETUIEDAGVAARDING VIR
INTERNASIONALE STRAFHOFBYSTAND

AAN : (Getuie naam)			
*Werksadres :			
*Woonadres :			
*Geslag :		*Ouderdom :	
(* Vul in indien inligting beskikbaar is)			

U word hierby gedagvaar om persoonlik om 09:00 te verskyn voor die Landdroshof :

Vir die Distrik:	Gehou te:
Hof :	Op :

en aanwesig te bly, en met betrekking tot die aangeleentheid van die Internasionale Strafhof en, -

*(a) te getuig en te verklaar alles wat u weet wat vir die Internasionale Strafhof van belang mag wees;

*(b) die volgende boek, dokument of voorwerp voor te lê, naamlik

.....

WAARSKUWING: Versuim om aan hierdie dagvaarding te voldoen, is 'n misdryf en kan u blootstel aan 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

* Skrap wat nie van toepassing is nie

SLEGS VIR AMPTELIKE GEBRUIK

AAN die lid van die Suid-Afrikaanse Polisiediens of balju:

U word hierby gelas om –

- (a) 'n afskrif van hierdie dagvaarding aan die persoon van wie besonderhede hierin verskyn, te beteken en aan die genoemde persoon die aard en inhoud van hierdie dagvaarding te verduidelik; en
- (b) by betekening van hierdie dagvaarding, die wyse waarop dit beteken is, hieronder te sertifiseer.

SERTIFIKAAT

Ek, die ondergetekende, sertifiseer dat ek hierdie dagvaarding aan genoemde persoon beteken het deur –

*(a)	'n ware afskrif aan hom/haar PERSOONLIK te oorhandig;
*(b)	aangesien hy/sy nie gevind kon word nie, 'n afskrif te oorhandig aan 'n persoon wat klaarblyklik ouer as 16 jaar is en wat klaarblyklik by die getuie se *WOONPLEK/WERKSPLEK/BESIGHEIDSPLEK woonagtig of werksaam is;

te

.....

Die aard en inhoud van hierdie dagvaarding is aan die ontvanger hiervan verduidelik.

Tyd Dag Maand Jaar

Plek

.....
Handtekening van *balju/lid van die
Suid-Afrikaanse Polisiediens

.....
Handtekening van ontvanger

.....
Volle naam

.....
Volle naam

.....
Hoedanigheid

***Skrap wat nie van toepassing is nie**

VORM 2

SERTIFIKAAT DEUR TOLK VIR INTERNASIONALE STRAFHOFBYSTAND

Ek, (volle naam)
 verklaar hierby onder eed/bevestig opreg dat ek juis en na my beste vermoë getolk het van
 die Engelse taal na die taal en omgekeerd,
 soos ek aangeroep was om te doen in die ondervraging van
 gehou in die Landdroshof te
 op (datum) vir doeleindes van die
 verlening van bystand in die aangeleentheid van die Internasionale Strafhof en

.....
DEPONENT (tolk)

.....
Datum

Vir amptelike gebruik

Ek sertifiseer hierby dat, alvorens ek die *eed/plegtige verklaring afgeneem het, ek die
 volgende vrae aan die deponent gestel en *sy/haar antwoorde in *sy/haar teenwoordigheid
 aangeteken het soos hieronder aangedui:

- (a) Is u vertrouwd met en verstaan u die inhoud van die verklaring hierbo?
 Antwoord
- (b) Het u enige beswaar teen die aflê van die voorgeskrewe eed?
 Antwoord
- (c) Beskou u die voorgeskrewe eed as bindend vir u gewete?
 Antwoord

Ek sertifiseer hierby dat die deponent erken het dat *hy/sy met die inhoud van hierdie
 verklaring wat voor my *beëdig/afgelê is, vertrouwd is en dit verstaan, en die deponent se
 *naamtekening / duimafdruk / merk in my teenwoordigheid daarop aangebring is.

Gedateer te op hede die dag van 20.....

.....
Vrederegter / Kommissaris van Ede

Volle name

Ampsbenaming

Gebied waarvoor aangestel

Besigheidsadres

.....
 *Skrap wat nie van toepassing is nie.

VORM 3
LASBRIEF VIR OORPLASING VAN GEVANGENE VIR
INTERNASIONALE STRAFHOFBYSTAND

Aan

.....
 wat namens die Internasionale Strafhof, ingestel by Artikel 1 van die Statuut van Rome oor die Internasionale Strafhof, optree.

U word hierby, ingevolge artikel 20 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), en ooreenkomstig enige reëlins getref deur die Kabinetslid verantwoordelik vir korrektiewe dienste in die Republiek van Suid-Afrika en die Griffier of Aanklaer van die Internasionale Strafhof, gemagtig en gelas om-

(a)

(Naam van gevangene)

.....
 (Beskrywing)

.....
 (Ouderdom)

in die Republiek van Suid-Afrika in hegtenis gehou in die
 Gevangenis, in bewaring van die Internasionale Strafhof te ontvang en te hou ten einde getuienis af te lê of in 'n ondersoek bystand te verleen soos versoek deur die Internasionale Strafhof of die Aanklaer van genoemde Hof; en

(b) wanneer die doeleindes van die oorpasing bereik is, sonder versuim die persoon in die bewaring van vermeldde gevangenis in die Republiek van Suid-Afrika terug te besorg, tensy ek u skriftelik in kennis stel dat bovermelde gevangene se termyn van gevangenisstraf sal verstryk terwyl hy of sy nog in die bewaring van die Internasionale Strafhof is.

.....
 *Kommissaris van Korrektiewe Dienste/Persoon
 gemagtig deur die Kommissaris van Korrektiewe Dienste

.....
 Datum

*Skrap wat nie van toepassing is nie

VORM 4**IN DIE HOË HOF AFDELING
KENNISGEWING VAN REGISTRASIE VAN 'N INKORTINGSBEVEL**

Saak No.

Aan

*(Naam)**(Woonadres)**(Besigheids-/Werksadres)*

U word hierby in kennis gestel dat 'n inkortingsbevel ten opsigte van die eiendom en met die uitwerking hieronder beskryf, ingevolge artikel 22(2) van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), by die Hoë Hof (..... Afdeling), op die dag van 20....., geregistreer is.

Besonderhede van inkorting en betrokke eiendom:

Let wel:(1) Die geregistreerde inkortingsbevel het die uitwerking van 'n inkortingsbevel verleen deur bovermelde Hoë Hof kragtens die Wet op die Voorkoming van Georganiseerde Misdad, 1998 (Wet No. 121 van 1998).

(2) Ingevolge regulasie 10 van die Regulasies betreffende die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002, kan u binne 20 hofdae vanaf die datum waarop die registrasie van die inkortingsbevel tot u kennis gekom het, en ingevolge die reëls van die hof, by vermelde Hoë Hof aansoek doen om die tersydestelling van die registrasie van die bevel. Indien die kennisgewing nie aan uself beteken is nie, word daar vermoed dat registrasie tot u kennis gekom het binne tien dae na die datum van betekening van die kennisgewing.

(3) Artikel 24 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), sit die gronde uiteen waarop 'n hof die registrasie van 'n inkortingsbevel mag ter syde stel.

Geteken te op hede die dag van.....
20.....

.....
GRIFFIER VAN DIE HOË HOF

VORM 5

***IN DIE AFDELING VAN DIE HOË HOF/**

IN DIE LANDDROSHOF VIR DIE DISTRIK

RELAAS VAN BETEKENING VAN KENNISGEWING

Saak No.

Ek,, sertifiseer
dat ek -

*(a) 'n afskrif van die kennisgewing aan
..... self oorhandig
het [regulasie 9(1)(a)];

(of)

*(b) 'n afskrif van die kennisgewing aan
....., die gevolmagtigde van
..... oorhandig het [regulasie 9(1)(a)];

(of)

*(c) 'n afskrif van die kennisgewing aan
....., 'n persoon wat klaarblyklik
nie jonger as 16 jaar is nie en wat klaarblyklik by
se *woonplek/besigheidsplek woon of in diens is, in sy of haar hoedanigheid van
..... van
oorhandig het [regulasie 9(1)(b)];

(of)

*(d) 'n afskrif van die kennisgewing aan
....., 'n persoon
wat klaarblyklik nie jonger as 16 jaar is nie en wat klaarblyklik in 'n gesagsposisie is
oor, of in beheer is by, die werkplek van
in sy
of haar hoedanigheid van van
oorhandig het [regulasie 9(1)(c)];

(of)

- *(e) 'n afskrif van die kennisgewing aan
 'n *direkteur/verantwoordelike werknemer/dienaar van
, by laasgenoemde se *geregisteerde
 kantoor/belangrikste besigheidsplek oorhandig het [regulasie 9(1)d)];

(of)

- *(f) 'n afskrif van die kennisgewing aan die Staatsprokureur te
 oorhandig het in sy of haar hoedanigheid van
 van [regulasie 9(1)(e)];

(of)

- *(g) 'n afskrif van die kennisgewing *aan/in die *buite-/hoof deur/veiligheidshek/posbus
 van se
 *woonplek/besigheidsplek *aangebring/geplaas het aangesien laasgenoemde die
 *woonplek/besigheidsplek gesluit gehou en sodoende betekening verhinder het
 [regulasie 9(3)];

(of)

- *(h) 'n afskrif van die kennisgewing aan die *buite-/hoof deur van
 se *woonplek/besigheidsplek/geregisteerde
 kantoor/belangrikste besigheidsplek aangebring het aangesien hy of sy of 'n persoon
 wat klaarblyklik nie jonger as 16 jaar is nie of 'n direkteur, verantwoordelike
 werknemer of dienaar nie na sorgvuldige deursoeking van die
 *woonplek/besigheidsplek van die persoon aan wie die kennisgewing beteken moet
 word, gevind kon word nie [regulasie 9(4)];

(of)

- *(i) 'n afskrif van die kennisgewing beteken het op die wyse deur die hof beveel
 [regulasie 9(7)].

Tyd Dag Maand 20.....

Plek

.....
 HANDTEKENING VAN BALJU

VORM 6

***IN DIE AFDELING VAN DIE HOË HOF/
IN DIE LANDDROSHOF VIR DIE DISTRIK
KENNISGEWING VAN REGISTRASIE VAN 'N VONNIS OF VERGOEDENDE
BEVEL**

Saak No.

Aan

*(Naam)**(Woonadres)**(Besigheids-/Werksadres)*

U word hierby in kennis gestel dat 'n *vonnis/bevel vir die betaling van die bedrag van ingevolge artikel 25(2) van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), by die *Hoë Hof Afdeling/Landdroshof vir die distrik van, op die dag van 20....., geregistreer is.

Kennisgewing word aan u gegee aangesien u die persoon is *teen wie die vonnis opgelê is/teen wie die bevel verleen is/wat effektiewe beheer oor die tersaaklike eiendom in die Republiek van Suid-Afrika het.

Let wel: Die geregistreerde *vonnis/vergoedende bevel het die uitwerking van 'n siviele uitspraak van bovermelde *Hoë Hof/Landdroshof, ten bedrae van die bedrag vermeld ten gunste van die Republiek van Suid-Afrika, soos verteenwoordig deur die Kabinetslid wat verantwoordelik is vir die regspleging.

Geteken te op hede die dag van
20.....

.....
*Klerk van die Hof/Griffier

* Skrap wat nie van toepassing is nie

VORM 7

***IN DIE AFDELING VAN DIE HOË HOF/
IN DIE LANDDROSHOF VIR DIE DISTRIK
KENNISGEWING VAN REGISTRASIE VAN 'N INBESLAGNEMINGSBEVEL**

Saak No.

Aan

(Naam)

.....
.....
.....

(Woonadres)

.....
.....
.....

(Besigheids-/Werksadres)

U word hierby in kennis gestel dat, ingevolge artikel 27(3) van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), 'n inbeslagnemingsbevel *ten opsigte van die eiendom hieronder beskryf/vir die betaling van die bedrag van by die *Hoë Hof Afdeling/Landdroshof vir die distrik op die dag van 20 geregistreer is.

Beskrywing van eiendom:

.....
.....
.....
.....
.....
.....

Let wel:(1) Die gerigistreeerde inbeslagnemingsbevel het die uitwerking van 'n siviele uitspraak gemaak deur bovermelde *Hoë Hof/Landdroshof ten gunste van die Republiek van Suid-Afrika soos verteenwoordig deur die Kabinetslid wat verantwoordelik is vir die regspleging.

(2) Ingevolge regulasie 15 van die Regulasies betreffende die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002, kan u binne 20 hofdae vanaf die datum waarop die registrasie van die inbeslagnemingsbevel tot u kennis gekom het, en ingevolge die reëls van die hof, by vermelde *Hoë Hof/Landdroshof aansoek doen om die tersydestelling van die registrasie van die bevel. Indien die kennisgewing nie aan uself beteken is nie, word daar vermoed dat registrasie tot u kennis gekom het binne tien dae na die datum van betekening van die kennisgewing.

(3) Artikel 29 van die Wet op die Implementering van die Statuut van Rome oor die Internasionale Strafhof, 2002 (Wet No. 27 van 2002), sit die gronde uiteen waarop 'n hof die registrasie van 'n inbeslagnemingsbevel mag ter syde stel.

Geteken te op hede die dag van..... 20.....

.....
*Klerk van die Hof/Griffier

*Skrap wat nie van toepassing is nie