

NSB - 1005

A BILL

To

Provide for the Soundlandian jurisdiction over, and punishment of, international crimes, as well as for the jurisdiction of the Rome Statute over the Republic of Soundland.

Introduced
December 7, 2024

By Senator Aidan Kraft

Be it enacted by the National Senate of the Republic of Soundland,

Section 1: Short Title:

This Act shall be cited as the “International Crimes Act”.

Section 2: Intent

The intent of this act is:

- (a) to provide for the Soundlandian jurisdiction and punishment of certain international crimes, namely, genocide, crimes against humanity and war crimes; and
- (b) to bring Soundland into full recognition of, and compliance with, the Rome Statute and its jurisdiction over the Republic of Soundland.

Section 3: Definitions

In this Act:

- (a) “Article”, unless otherwise specified, refers to an article of the Rome Statute of the International Criminal Court, of which the Republic of Soundland is a signatory.

- (b) “Rome Statute” and “Statute” refers to the Rome Statute of the International Criminal Court, ratified by the Republic of Soundland on October 20, 2024.
- (c) “ICC” means the International Criminal Court.
- (d) “Genocide” means an act referred to in Article 6 of the Rome Statute.
- (e) “Crime against humanity” means an act specified in Article 7 of the Rome Statute.
- (f) “War crime” means an act specified in—
- (i) Article 8(2)(a) of the Statute (which relates to grave breaches of the First, Second, Third, and Fourth Geneva Conventions); or
 - (ii) Article 8(2)(b) of the Statute (which relates to other serious violations of the laws and customs applicable in international armed conflict); or
 - (iii) Article 8(2)(c) of the Statute (which relates to armed conflict not of an international character involving serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949); or
 - (iv) Article 8(2)(e) of the Statute (which relates to other serious violations of the laws and customs applicable in armed conflict not of an international character)
- (g) “Act of aggression” means an act specified in Article 8 of the Rome Statute.
- (h) “Crime of ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe

and either widespread or long-term damage to the environment being caused by those acts.

(i) For the purpose of subsection (h):

(1) “Wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;

(2) “Severe” means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;

(3) “Widespread” means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;

(4) “Long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;

(5) “Environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space.

Section 4: Jurisdiction in Respect of International Crimes

Proceedings may be brought for an offense, if the act constituting the offense charged is alleged to have occurred either before or after this act comes into force, and regardless of:

- (i) the nationality or citizenship of the person accused;
- (ii) whether or not any act forming part of the offense occurred in Soundland; and

- (iii) whether or not the person accused was in Soundland at the time that the act constituting the offense occurred or at the time a decision was made to charge the person with an offense.

Section 5: Genocide

- (a) Every person commits an offense and is liable on conviction to the penalty specified in subsection (b) who, in Soundland or elsewhere,—
 - (i) commits genocide; or
 - (ii) conspires to commit genocide.
- (b) The penalty for genocide is imprisonment for life.

Section 6: Crimes Against Humanity

- (a) Every person commits an offense and is liable on conviction to the penalty specified in subsection (b) who, in Soundland or elsewhere, commits a crime against humanity.
- (b) The penalty for a crime against humanity is imprisonment not less than 20 years, or imprisonment for life.

Section 7: War Crimes

- (a) Every person commits an offense and is liable on conviction to the penalty specified in subsection (b) who, in Soundland or elsewhere, commits a war crime.
- (b) The penalty for a war crime is imprisonment for not less than 15 years, or imprisonment for life.

Section 8: Crime of Aggression

- (a) Every person commits an offense and is liable on conviction to the penalty specified in subsection (b) who, in Soundland or elsewhere, being a person in a position effectively to exercise control over or to direct the political or military action of a State, has directed a State to engage in an act of

aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

- (b) The penalty for the crime of aggression is not more than 15 years imprisonment.

Section 9: Crime of Ecocide

- (a) Every person, company, organization, or other legal entity commits an offense and is liable on conviction to the penalty specified in subsection (b) who, in Soundland or elsewhere, commits the crime of ecocide.
- (b) The penalty for the crime of ecocide is not less than 5 years and not more than 25 years imprisonment, a fine not more than \$35,000,000, or both.

Section 10: General Principles of Criminal Law

- (a) For the purposes of proceedings for an offense against the crimes as stated by this act, the following provisions of the Statute apply, with any necessary modifications:
- (i) Article 20 (which relates to crimes for which a person has previously been acquitted or convicted):
 - (ii) Article 22(2) (which relates to principles of interpretation to be applied to the definition of crimes):
 - (iii) Article 22(2) (which relates to principles of interpretation to be applied to the definition of crimes):
 - (iv) Article 24(2) (which relates to the effect of changes in the law):
 - (v) Article 25 (which relates to principles of individual criminal responsibility):
 - (vi) Article 26 (which relates to the exclusion of jurisdiction over persons under 18 years):
 - (vii) Article 28 (which relates to the responsibility of commanders and other superiors):

- (viii) Article 29 (which excludes any statute of limitations):
 - (ix) Article 30 (which relates to the mental element of crimes):
 - (x) Article 31 (which specifies grounds for excluding criminal responsibility):
 - (xi) Article 32 (which relates to mistakes of fact or law)
 - (xii) Article 33 (which relates to superior orders and prescription of law); and
 - (xiii) the provisions of Soundland law and the principles of criminal law applicable to the offense under Soundland law apply; and
 - (xiv) a person charged with the offense may rely on any justification, excuse, or defense available under the laws of Soundland or under international law; and
 - (xv) despite paragraphs (xiii) and (xiv), the fact that an act done outside Soundland is not an offense under the law of the place where it was done is not a justification, excuse, or defense.
- (b) For the purposes of section (10), subsection (a), the Articles of the Statute specified in that subsection (other than Article 20) apply as if—
- (i) a reference to the ICC were a reference to the Soundland court exercising jurisdiction in respect of the proceedings; and
 - (ii) a reference to the Statute includes a reference to this Act.

Section 11: Justice and Civil Security Secretary Consent to Prosecutions Required

- (a) Proceedings for an offense under this act may not be instituted in any Soundland court without the consent of the Secretary of Justice and Civil Security.

- (i) Despite subsection (a), a person charged with an offense under this act, or a warrant for their arrest may be issued and executed, and the person may be remanded in custody or on bail, even though the consent of the Secretary to the institution of a prosecution for the offense has not been obtained, but no further proceedings can be taken until that consent has been obtained.

Section 12: Extradition

- (a) The Republic of Soundland, in addition to prosecuting and convicting a person who has been charged with offenses under this act, may otherwise extradite such person to-
 - (i) a state that has requested their extradition and is willing and able to prosecute such person; or
 - (ii) any state that is willing and able in good will to prosecute such person upon request of the Republic of Soundland.

Section 13: Warrants issued by the ICC

- (a) The Republic of Soundland shall fully respect and honor at all times warrants for a person's arrest issued by the International Criminal Court.
- (b) At any time a person who has an active warrant for their arrest issued by the ICC is in the territory of Soundland, the Department of Justice and Civil Security and its agencies shall make every reasonable effort to arrest and detain such person.
- (c) Furthermore to subsections (a) and (b), the Republic of Soundland shall fully comply with all Articles relating to the surrender of a person to the ICC.

Section 14: Effective Date:

This act shall take effect three days after its enactment.