

ICCA: (The International Criminal Court Act)

The ICCA provides a framework to ensure the effective implementation of the Rome Statute of the International Criminal Court (ICC) in South Africa, and that South Africa conforms with its obligations set out in the statute. The relevance of this legislation to the volunteer soldier phenomenon arises from the likely hood that given Israel's egregious violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) in the Occupied Palestinian Territories (OPTs), specific individual acts and institutional functions to support (financially and non-financially), facilitate and implement the lone soldier programme could fall within the definition of crimes dealt with by the ICC.

South Africa's obligations in terms of the ICCA are to provide for:

- The crime of genocide, crimes against humanity and war crimes.
- The prosecution in South African courts of persons accused of having committed the said crimes in South Africa and beyond the borders of South Africa in certain circumstances.
- The arrest of persons accused of having committed the said crimes and their surrender to the ICC in certain circumstances.
- South Africa's cooperation with the ICC.

The objects of the ICCA are to:

- Create a framework to ensure that the Statute is effectively implemented.
- Ensure that anything done conforms with the obligations to provide for the crime of genocide, crimes against humanity and war crimes.
- Enable the National Prosecuting Authority (NPA) to prosecute and the South African High Courts to adjudicate in cases brought against any person accused of having committed a crime in South Africa and beyond its borders in certain circumstances.
- Enable South Africa to cooperate with the ICC in the investigation and prosecution of persons accused in the event of the NPA declining/being unable to prosecute a person.
- Enable the ICC to request assistance.
- Provide mechanisms for the surrender to the ICC of persons accused.
- Enable the ICC to sit in South Africa.
- Enforce any sentence imposed or order made by the ICC.

Any person convicted is liable to a fine or imprisonment, including imprisonment for life, or such imprisonment without the option of a fine, or both a fine and such imprisonment.