



EMBASSY OF FRANCE TO THE NETHERLANDS

Chancellery

The Hague, 23 July 2012

N° 570

The Embassy of France presents its compliments to the Registry of the International Criminal Court and, with reference to Note Verbale ICC/ASP/11/SP/PA/12 of 26 June 2012, has the honour to transmit herewith the questionnaire prepared by the Court regarding implementation of the Plan of action.

The Embassy of France takes this opportunity to renew to the Registry of the International Criminal Court the assurance of its highest consideration.

1 attachment

International Criminal Court
Registry
The Hague

Annex III

Implementing legislation questionnaire for States Parties¹

- 1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”), or otherwise enacted legislation pertaining to the Rome Statute?**

IF NOT Part A

- 2. What legislative efforts, if any, has your Government taken to implement the provisions of the Statute into national law?**

Two laws have been enacted: Law No. 2002-268 of 26 February 2002 on cooperation with the International Criminal Court, and Law No. 2010-930 of 9 August 2010 amending the criminal law to accord with the requirements of the International Criminal Court.

- 3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute?**

Pursuant to Decision No. 98-408 of 22 January 1999 of the Constitutional Council, prior to ratification of the Rome Statute and the adoption of measures to implement the Statute, the Constitution was revised by Constitutional Law No. 99-568 of 8 July 1999, inserting in Title VI of the Constitution an Article 53-2 concerning the International Criminal Court.

- 4. What form of assistance would benefit your Government’s efforts to implement the Statute?**

IF YES Part B

- 5. In implementing the Statute, did your Government draft stand-alone legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?**

A stand-alone implementing law was adopted and published.

- 6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?**

¹ This questionnaire was prepared by the Registry of the Court and transmitted on 26 June 2012 (ref: ICC-ASP/11/SP/PA/12).

Although the Rome Statute does not require States Parties to amend their criminal law by specifically incorporating the offences falling under the jurisdiction of the International Criminal Court, the French authorities nonetheless opted to supplement and amend domestic law by inserting the necessary provisions to achieve comprehensive criminalization of the crimes and other offences falling within the Court's jurisdiction. Law No. 2010-930 of 9 August 2010 amending the criminal law to accord with the requirements of the International Criminal Court introduced legislation to criminalize in French law all of the offences over which the Court has jurisdiction.

- 7. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?**
- a. Arrest and surrender;**
 - b. Interim release;**
 - c. Cooperation with OTP investigations;**
 - d. Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;**
 - e. Enforcement of sentences;**
 - f. Other forms of cooperation (see in particular Article 93 of the Rome Statute).**

Law No. 2002-68 of 26 February 2002 established the framework for France's cooperation with the Court. That law amended the French Code of Criminal Procedure by specifying the conditions for mutual judicial assistance (Articles 627 to 627-3 of the Code of Criminal Procedure) and the procedure governing the arrest and surrender of persons sought by the Court (Articles 627-4 to 627-15 of the Code) and the enforcement of sentences and measures of reparation imposed by the Court (Articles 627-16 to 627-20 of the Code).

- 8. Does the implementing legislation designate a channel of communication with the Court?**

In accordance with Article 87(2) of the Rome Statute, the French Republic has made a declaration stating that "requests for cooperation and supporting material sent to it by the Court should be drafted in the French language". This declaration was published at the same time as the Rome Statute by Decree No. 2002-925 of June 2002 on the publication of the Convention on the Statute of the International Criminal Court, adopted in Rome on 17 July 1998.

Furthermore, on 13 May 2004 the Permanent Mission of France to the United Nations transmitted to the Secretary-General, depositary of the Rome Statute, a note verbale, which stated that "*all communications between France and the International Criminal Court should be transmitted through diplomatic channels, via the Embassy of France in The Hague. Requests for mutual international assistance from the International Criminal Court should be provided in the original or as a certified copy, accompanied by all relevant supporting material. In urgent cases, these documents may*

be transmitted to the Office of the Procureur de la République in Paris, and subsequently forwarded through diplomatic channels”.