

## **Annex III**

### **Implementing legislation questionnaire for States Parties<sup>1</sup>**

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

*Rome Statute was Ratified in 2002, some amendments were made to Criminal Procedure Law. The recent amendments to Rome Statute were ratified with a ratification law and did not require any amendments to national legislation.*

#### **IF NOT**

##### **Part A**

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

*Amendments to Criminal Procedure Law have been made and the amendments to Rome Statute have been ratified with national ratification laws as stated in Q1.*

3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute? Has your Government managed to overcome such obstacles, and if so, how?

*Ratification of recent amendments have been without any obstacles and there is no record of any obstacles in process of initial Rome Statute implementation in 2002.*

4. What form of assistance would benefit or has benefitted your Government’s efforts to implement the Statute?

*No assistance is required at this point.*

#### **IF YES**

##### **Part B**

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

*Recent amendments were ratified with separate ratification laws, the initial implementation required some additions to Criminal Procedure Law.*

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

*Genocide, crimes against humanity, crimes against peace, war crimes and other crimes are stated in separate articles of the Criminal Law, but the formulation of the crimes is open and include reference to international law and treaties that are binding to Latvia.*

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<sup>1</sup> The questionnaire was prepared by the Court.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court<sup>2</sup> and if yes, how?

- (a) Arrest and surrender;
- (b) Interim release and release of persons (acquittal, non-confirmation of charges, etc);
- (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) Witness protection;
- (g) Other forms of cooperation (see in particular article 93 of the Rome Statute).

*Criminal-legal Co-operation with International Courts is regulated in Chapter 85 of the Criminal Procedure Law. The Chapter regulates questions regarding framework of co-operation, competent authority in co-operation, grounds for the transfer of a person to an international court, reasons for a refusal to transfer a person, examination, deciding, and fulfilment of a request for the transfer of a person, assistance to an international court in the performance of procedural actions, execution of rulings of financial nature of an international court, execution of a convicting judgment of an international court and confidentiality of information. For other aspects of co-operation general rules of Criminal Procedure Law apply.*

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

*Section 898 of the Criminal Procedure Law states that the Ministry of Justice is the competent authority in criminal-legal co-operation with international courts.*

9. Does the implementing legislation create a central national authority or designate a national focal point for cooperation with the Court?

*Section 898 of the Criminal Procedure Law states that the Ministry of Justice is the competent authority in criminal-legal co-operation with international courts.*

10. Does the implementing legislation provide for the privileges and immunities of the Court? (See in particular article 48 of the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court)

*There is no separate regulation the general rules on immunities apply, Section 116 of the Criminal Procedure Law state that the immunity from criminal proceedings of a person arises from the criminal legal immunity of such person that is specified in the Constitution or in international treaties.*

11. What obstacles, if any, did your Government face in its efforts to implement the provisions of the Statute? How did your Government manage to overcome such obstacles?

*There were no obstacles.*

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<sup>2</sup> The list covers a broad range of issues that do not necessarily fall under Part 9 of the Statute and can be the subject of bilateral agreements.

12. Did your Government benefit from any form of assistance in the process of implementing the Statute?

*There is no record of assistance.*

13. Has your government initiated or considered additional steps for the implementation of the Statute in national legislation?

*Not at this moment.*