

TRANSLATION

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?

The Statute was ratified by means of Legislative Decree 197 of 26 November 2015, which was published in Official Journal 236, Volume 409, on 22 December 2015.

IF NOT Part A

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

The Statute was ratified, and has been incorporated into the Criminal Code, some elements of crimes into secondary legislation.

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?

None.

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

Training on aspects contemplated in the Statute, specifically on the types and procedures that the country should follow in order to support the International Criminal Court.

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?

It incorporated substantive provisions of the Statute into pre-existing law.

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

The crimes were incorporated into domestic law.

¹ This questionnaire was prepared by the Court.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court² 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)-

Given the fact that El Salvador is a State Party to the Rome Statute, pursuant to its domestic legislation ratified treaties prevail over national legislation; the provisions of the Statute must be strictly complied with in the different modalities of cooperation contemplated therein.

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

The central authorities are the Ministry of Foreign Affairs as a diplomatic channel and the Supreme Court of Justice.

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

The central authorities are the Ministry of Foreign Affairs as a diplomatic channel and the Supreme Court of Justice.

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)

The ratification process for the Agreement on the Privileges and Immunities of the International Criminal Court is under way in El Salvador.

² The list covers a large number of issues that do not necessarily correspond to Part IX of the Statute and may be the subject of bilateral agreements.

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?

No inconveniences or obstacles have been encountered for the time being.

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

None, for the time being.

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

Although the respondents are not competent to provide a reply to this question, the provisions of the Statute are in force in El Salvador and have been approved by the above-mentioned legislative decree.