

OFFICE OF THE ATTORNEY-GENERAL
Legal Representative of the State of Honduras

Communication DNDDHH-L-958-2022
Page 1 of 1

Tegucigalpa, Municipality of the Central District (M.C.D.), 14 August 2022

Eduardo Enrique Reina García

State Secretary
State Secretariat for Foreign Affairs and International Cooperation
Office of the State Secretary

Dear Mr. Ambassador,

I have the honour to address you in response to that State Secretariat's communication N° 1005-DPM-DGPE2022, attaching Note Verbale ICC-ASP/21/SP/08 whereby it was notified that the Assembly of the International Criminal Court had decided to adopt and implement the Plan of action for achieving universality and full implementation of the Rome Statute.

In that regard, a review has been carried out within the framework of institutional authorities; we are now forwarding the information provided by the State Secretariat in the Office of National Defence, the State Secretariat in the Office of Security, the State Secretariat in the Office of Human Rights, the Office of the Public Prosecutor and the National Human Rights Commissioner, through communications D.S.E. N° 1755-09-2022, SEDS-N° 01310-2022, SEDH-N° 778-2022, DGF-N° 1480-2022 and N° DC-246/2022, respectively, concerning **paragraph 6 (h) of the Plan of action** as well as information regarding **Annex II concerning Recommendations of the Bureau on the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court**.

Please accept the assurances of my highest consideration.

(signed and stamped)
Manuel Antonio Díaz Galeas, Attorney-at-Law
Attorney-General of the Republic

Cc: file/MDRC

National Defence
Government of the Republic

HONDURAS

Tegucigalpa, M.C.D., 05 September 2022
D.S.E. Communication N° 1755-09-2022

MANUEL ANTONIO DÍAZ GALEAS, Attorney-at-Law
Attorney-General of the Republic
Office of the Attorney-General

[Incoming stamp, 06 Sept. 2022]

Dear Mr. Attorney-General,

I wish you much success in your duties and have the honour to address you with regard to communication DNDDHH-LI-715-2022 from the Office of the Attorney-General of the Republic, which forwarded Note Verbale ICC-ASP/21/SP/08 from the Assembly of the International Criminal Court, notifying the State of the decision to adopt and implement the Plan of action for achieving universality and full implementation of the Rome Statute.

In this regard, and on the basis of the information provided by the Command of the Joint Chiefs of Staff through communication J.E.M.C. N1 5087-2022, we wish to report the following:

It should be mentioned as background information that in 2002 the State of Honduras ratified the Rome Statute of the International Criminal Court (ICC), created to support the prosecution of perpetrators of genocide and crimes against humanity.

In the same vein, in 2006 the ICC adopted the “Plan of action of the Assembly of the States Parties for achieving universality and full implementation of the Rome Statute”; this scheme has been duly implemented by the State of Honduras, and in this regard the Armed Forces of Honduras as guarantors of the Laws in force and of international Conventions agree to comply faithfully therewith.

Further to the above, and to the end of strengthening its implementation, the State of Honduras has incorporated the Rome Statute in its internal legislation by means of Legislative Decree N° 130-2017, published in Official Gazette N° 34940 on 10 May 2019, implementing the new Criminal Code which included the following: Article 9, “Principle of Universal Justice. Irrespective of the legal provisions in force in the location where the punishable conduct might have been committed and of the nationality of the perpetrator, crimes perpetrated outside its territory can be prosecuted and punished pursuant to the Criminal Law of Honduras whenever the conditions set out in intentional [*sic*]Treaties and Conventions signed or ratified by the State of Honduras apply, as well as whenever the perpetrators or the instrumentalities of crime are located within the national territory or in a place where the State of Honduras has jurisdiction, in the case of the following crimes: [...] 3 (a) Genocide, crimes against humanity and war crimes;”, with extraterritorial application of criminal law as an appropriate legislative tool to combat crime in all its forms.

Additionally, the enforceability of compliance with the Rome Statute was specifically established in Volume II Section I, Crimes against the International Community, Crimes against Humanity, and Section XXVIII, Chapter V, Common Provisions regarding Crimes against Humanity, Genocide and War Crimes.

As concerns the study of the Rome Statute, that instrument is included in the Lectureship followed by all Members of the Armed Forces in the context of capacity-building and training on issues concerning International Humanitarian Law.

With thanks for the attention provided to this information, I remain,

Sincerely yours,

(Signed and stamped)
Colonel ELÍAS ANTONIO MELGA URBINA
State Secretary
Office of National Defence

H
Security

Incoming stamp: 23 August 2022

Aldea El Ocotal, 22 August 2022

HONDURAS

COMMUNICATION SEDS-N° 01310-2022

Mr. **Manuel Antonio Díaz Galeas**, Attorney-at-Law
Attorney-General of the Republic
Office of the Attorney-General of the Republic

Allow me to wish you much success in the sensitive functions you carry out on a daily basis for the good of our country.

I have the honour of addressing you in response to your **COMMUNICATION DNDDHH-LI-714-2022** wherein you refer to the decision by the Assembly of the International Criminal Court to adopt and implement the Plan of action for achieving universality and full implementation of the Rome Statute and request up-to-date information in the context of institutional authorities. In this regard, I am forwarding a copy of **COMMUNICATION SEDS-DDHH-LI-1778-2022**, signed by the Head of the Department of Human Rights of this Secretariat for Security, Police Commissioner **Edwin Edgardo Cruz Mendoza**, which contains the information requested.

The information is at the attachment.

Allow me to renew the assurances of my highest consideration,

(signed and stamped)
Commissioner-General (r)

Ramón Antonio Sabillón Pineda
State Secretary at the Security Office

Copy: Files
Linda Medrano

El Ocotal, Francisco Morazán, Honduras, C.A.
Telephones: 2229-0785, 2226-0786, 2229-0727, 2229-0896

**REPUBLIC OF HONDURAS
SECRETARIAT FOR SECURITY
DEPARTMENT OF HUMAN RIGHTS**

Tegucigalpa, M.C.D.
18 August 2022

COMMUNICATION-SEDS-DDHH-1788-2022

To the State Secretary at the Security Office
Commissioner-General (r)
Mr. Ramón Antonio Sabillón Pineda
Office of the State Secretary

I respectfully greet your authority, wishing you much success in the sensitive functions that have been entrusted to you.

I hereby respond to your communication SEDS-N° 01133-2022, dated 12 August 2022 and received by this Department of Human Rights on 17 August 2022, whereby you forwarded communication DNDDHH-LI-714-2022 dated 02 August 2022, signed by the Attorney-General of the Republic, Manuel Antonio Díaz Galeas, Attorney-at-Law, containing communication N° 1005-DPM-DGPE2022 from the Secretariat for Foreign Affairs, which in turn forwarded Note Verbale ICC-ASP/21/SP/08 notifying of the decision by the Assembly of the **International Criminal Court** to adopt and implement the **Plan of action** for achieving universality and full implementation of the **Rome Statute**.

By means of the above we were requested to forward up-to-date information, in the context of our institutional authorities, concerning paragraph 6 (h) of the Plan of action as well as information corresponding to Annex II on the Recommendations of the Bureau on the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court.

In this regard, the following information is provided:

- I. The State of Honduras ratified the Rome Statute of the International Criminal Court on 01 July 2002; consequently, Honduras is a Signatory State.

Through the State Secretariat in the Security Office and the National Police, the State of Honduras, among its functions and in addition to those set forth elsewhere in its laws, must comply and monitor compliance with the Constitution of the Republic, **Treaties and International Conventions ratified by Honduras**, Laws, Regulations and other legal provisions which are applicable within the scope of its functions, as specified in Articles 7.1, 32.1 and 47.1 of the Organic Law on the State Secretariat in the Security Office and on the National Police of Honduras.

- II. The Rome Statute of the International Criminal Court lists the following crimes: genocide, crimes against humanity, war crimes and crimes of aggression.

In this context, the National Police, as one of the law-enforcement authorities together with Prosecutors of the Office of the Public Prosecutor and Judges and Magistrates of the Judicial System, participates in the law enforcement or administration process.

Consequently, within the National Legislation and pursuant to the Rome Statute, Honduras promulgated Implementing Decree 130-2017, approving new Criminal Code now in force, which was published in Official Gazette N° 34940 dated 10 May 2019 and became effective on of 25 June 2020, which criminalizes the following:

In Volume II, Special Section, Part I, Crimes against the International Community, Chapter I Crimes against Humanity reflected in Articles 139 to 142, Chapter II Genocide, in Article 143, Chapter III War Crimes in Articles 144 to 151, Chapter 4 Crimes of Aggression in Article 152 and Chapter 5 which contains common provisions concerning Crimes against Humanity, Genocide and War Crimes set down in Articles 153 to 157.

- III. As far as the Department of Human Rights is concerned on the basis of its authority and functions, it is not known whether other units of the Secretariat for Security and the National Police are aware of or are carrying out programmes, projects, protocols, covenants, agreements of cooperation, etc., related to the full application of the **Plan of action** for achieving universality and full implementation of the **Rome Statute**, bearing in mind that the information requested concerns aspects such as strategies or plans, situations or requests for technical assistance or national contact points for the promotion of the subject.

IV. It must be mentioned that the training programme provided by this Department of Human Rights to members of the police force includes the subjects of Enforced Disappearances, Prevention of Torture, Cruel, Inhuman or Degrading Treatment, Trafficking in Persons and People Smuggling, which are criminalized in the Rome Statute and the Criminal Code of Honduras.

Please accept the assurances of my highest consideration and respect.

God

Homeland

Service

Police Commissioner

(Stamped and signed)

Edwin Edgardo Cruz Mendoza

Head, Department of Human Rights, SSS

PNHO-00237

(Documents control stamp

Office of the State Secretary)

18/08/2022

EECM/rc-cs

CC: File

Human Rights

HONDURAS

Tegucigalpa M.C.D., 08 September 2022
Communication N° SEDH-778-2022

MANUEL ANTONIO DÍAZ GALEAS, Attorney-at-Law
Attorney-General of the Republic
Office of the Attorney-General

(Incoming stamp: 14 Sept. 2022)

Dear Mr. Attorney-General:

I avail myself of this occasion to greet you and wish you success in your functions.

It is my pleasure to address you in order to forward the response to Communication **DNDDHH-LI-712-2022 DATED 02 AUGUST 2022**, from the Office of the Attorney-General of the Republic, which transmitted Communication N° 1005-DPM-DGPE-2022 from the State Secretariat for Foreign Affairs and International Cooperation, attaching Note Verbale ICC-ASP/21/SP/08 whereby the Assembly of the International Criminal Court advises, with reference to Resolution ICC-ASP/5/Res.3 of its decision to adopt an implement the *Plan of action for full implementation of the Rome Statute*.

This State Secretariat consulted on the matter with the competent institutions and received a response from the National Congress, which is attached in full with the request that it be officially forwarded through you to the Secretariat of the Assembly of the States Parties in The Hague.

Please accept renewed assurances of my highest esteem and consideration.

(Signed and stamped)
NATALIE ROQUE SANDOVAL
State Secretary at the Office of Human Rights

Cc: Office of Human Rights
Cc: Office of the Deputy State Secretary for the Promotion of Human Rights
cc: Directorate for Research and Compliance with International Commitments
cc: CM-NA

Incoming stamp of the Office
of the Attorney-General of the Republic
14 Sept. 2022

Response by the State of Honduras to the Request for Information concerning the Adoption and Implementation of the Plan of Action for the Implementation of the Rome Statute

This document contains the response to the request forwarded by the Office of the Attorney-General of the Republic by means of Communication **DNDDHH-LI-712-2022**, dated 02 August 2022, which forwarded Note Verbale **ICC-ASP/21/SP/08** whereby the Assembly of the International Criminal Court advised of the decision to adopt an implement the Plan of action for full implementation of the Rome Statute. In order to compile the response, this State Secretariat requested information from the National Congress (NC) which, within the scope of its authorities, provided the following inputs which are being forwarded in full.

Implementing legislation questionnaire for States Parties

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

The State of Honduras signed the Rome Statute on 07 October 1998. The NC, by means of **Decree N° 236-2002¹** of 30 May 2002, ratified Agreement N° 14-DT which contains the Rome Statute of the International Criminal Court, together with modifications thereto dated November 1998 and July 1999; by this means it became the 76th State Party.

Part B:

2) 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?

In the case of Honduras, the regulation of the Criminal Code² established articles regulating criminal legislation related to the Rome Statute, described as follows:

- Article 9 of Section I, Criminal Law, regulates the Extraterritorial Application of Criminal Legislation as follows: “*Criminal law is applicable, including in those instances where the conduct might have taken place outside the national territory, in the following cases: ... 3) Principle of Universal Justice. ...a) Genocide, crimes against humanity and war crimes; ...*”.
- Volume II; Section I, Crimes against the international community, Chapter I, Crime against Humanity, Article 139, as follows: “*CRIME AGAINST HUMANITY. Sanction: prison sentence with a term of imprisonment of thirty (30) years to lifetime imprisonment, loss of nationality and general disqualification with the same duration as the term of imprisonment for whosoever should commit a crime against humanity as part of a generalized or systematic attack against the civilian population and with knowledge of said attack, in any one of the following actions:*

¹ Published in Official Gazette N° 29,815 of 24 June 2002. Deposit: 1 July 2002.

² Legislative Decree N1 130-2017, published in Official Gazette N1. 34,940 of 10 May 2019.

- 1) *Murder;*
- 2) *Extermination;*
- 3) *Enslavement;*
- 4) *Deportation or forcible transfer of population;*
- 5) *Imprisonment or other serious deprivation of physical liberty in violation of fundamental rules of international law;*
- 6) *Torture;*
- 7) *Rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;*
- 8) *Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law;*
- 9) *Enforced disappearance of persons;*
- 10) *The crime of apartheid; and*
- 11) *Other inhumane acts of a similar character.*

- Chapter II, Article 143 regulates the crime of Genocide: “ ... *Sanction: prison sentence with a term of imprisonment of thirty (30) years to lifetime imprisonment, general disqualification with the same duration as the term of imprisonment as well as loss of nationality in the case of citizens of Honduras who are not so by birth, for whosoever should, with intent to destroy, in whole or in part, a national, ethnic, racial, ideological or religious group ...* ”.
- Chapter III, War Crimes, Article 144 sets down the following, concerning Grave breaches of the Geneva Conventions: “*Sanction: prison sentence with a term of imprisonment of thirty (30) to forty (40) years, loss of nationality and general disqualification with the same duration as the term of imprisonment for whosoever, in the case of declared war or any other armed conflict, recognized or otherwise, between two (2) or several States in a situation of total or partial occupation of the territory of a State, even though said occupation should nor encounter military resistance, or in the case of internal conflict, should commit acts against protected persons or property in the case of armed conflict, performing any one of the following:*
 - (1) *Wilful killing;*
 - (2) *Torture or inhuman treatment, including biological experiments;*
 - (3) *Wilfully causing great suffering, or serious injury to body or health;*
 - (4) *Extensive destruction and appropriation of property, not justified by military necessity and carried out on a large scale, unlawfully and wantonly;*
 - (5) *Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;*
 - (6) *Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;*
 - (7) *Unlawful deportation or transfer or unlawful confinement;*

- (8) *Taking of hostages;*
- (9) *Unjustified delay in the repatriation of prisoners of war or civilians;*
- (10) *Performance of apartheid and other inhuman or degrading practices, based on discrimination, which involve outrages upon personal dignity; and*
- (11) *Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity.”*

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

These are incorporated on the basis of supplementation of the law; the Criminal Code incorporates the acts criminalized in the Rome Statute.

4. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?

Yes, through the principle of extraterritoriality; on that basis, a case may be built for all the crimes of the Rome Statute.

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

There is the figure of international judicial assistance, regulated in the Code of Civil Procedure, Article 147, on the Acts of Communication through Judicial Assistance. This includes the principle of judicial assistance, which authorises communications.

Furthermore, the Code of Civil Procedure, in Article 165, on International Judicial Cooperation, determines that “*Communications for the performance of judicial proceedings outside the national territory shall be transmitted pursuant to the stipulations of international treaties to which Honduras is a party or, failing this, pursuant to applicable national legislation.*”

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

The procedure for judicial assistance described in the Code of Civil Procedure determines that the Secretariat for External Relations and International Cooperation and the Supreme Court of Justice shall be in charge of international communications.

7. Does the implementing legislation provide for the privileges and immunities of the Court?

Although in fact the Law does not explicitly provide for these, they are covered in the Constitution of the Republic through the supremacy of treaties.

8. 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?

As far as obstacles are concerned, mention may be made of the updating of the legal framework. This has been overcome through consensus in the Criminal Code and the Code of Civil Procedure.

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

There is no record in this regard, either in the National Congress or in the Secretariat for Human Rights.

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

Yes, these have been initiated in the context of the approval and entry into force of the new Criminal Code.

It should be mentioned that the NC organized a Sub-regional Parliamentary Seminar on the universality and implementation of the Rome Statute: “A fundamental tool to strengthen the rule of law and sustainable development in inclusive and peaceful societies”, which was held on 18 and 9 October 2018 in the city of Tegucigalpa. This seminar took place following on the parliamentary seminars and workshops organized by Parliamentarians for Global Action (PGA) in Montevideo, Uruguay, with the participation of the NC. In spite of all these efforts, there are still many challenges to be overcome for the effective implementation of the Statute.³

(signed)

Claudia A. Méndez

Human Rights Adviser

(signed)

Nidia S. Aquino

Human Rights Adviser

³ Consulted on 05 September at the following link:

<https://pgaction.org/es/news/2018-honduras.seminar-universality-implementation.html>

*Directorate General for Prosecution
Office of the Attorney-General
Honduras, C.A.*

COMMUNICATION N° DGF-1480-2022

Tegucigalpa, M.D.C.
19 August 2022

Manuel Antonio Díaz Galeas, Attorney-at-Law
Office of the Attorney-General of the Republic

Ref: Response to Communication N° DNDDHH-LI-713-2022

Dear Attorney-General Díaz,

I have the honour of wishing you success in the discharge of your responsibilities on the occasion of my response to your Communication N° DNDDHH-LI-713-2022, referring to the request for up-to-date information in the framework of institutional authorities concerning the Plan of action for the universality and full implementation of the Rome Statute.

In that regard, I am forwarding Communication MEPP N° 366 2022 (three (3) pages), signed by the National Coordinator of the Strategic Module for Criminal Prosecution, the Coordinator of the Conventions and International Matters Unit, Legal Division, and the Director of the Training Institution of the Office of the Public Prosecutor, which constitutes the response to the Questionnaire contained in Annex III of the documentation that was forwarded.

I thank you for your attention to this communication. With cordial greetings,

(signed and stamped)
José Mario Salgado Montalván
Director-General for Public Prosecutions

Incoming stamp: 13 Aug. 2022

Cc: Files

JOSÉ MARIO SALGADO, Attorney-at-Law
Director-General for Public Prosecutions
Office of the Director-General

Incoming stamp: 18 August 2022

We address you with our cordial greetings in order to respond to the request contained in **memorandum DGF N° 1428-2022**; please find below, within the framework of institutional authorities, the information requested concerning universality and full application of the Rome Statute in agreement with paragraph 6 h) of the Plan of Action adopted by the Assembly of the States Parties, as well as concerning Annex II containing the recommendations of the Bureau on the referred Plan of Action.

The information is provided by means of responses to the questionnaire included in Annex III of the information forwarded, as follows:

Implementing legislation questionnaire for States Parties

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

Response: The Criminal Code in force was approved by means of Legislative Decree N° 130-2017, in force as of 25 June 2020.

Its Volume II Special Part, Section I criminalizes “Crimes against the international community”, contemplating crimes against humanity, enforced disappearance of persons, genocide and war crimes; it also refers to the Statute for the description of the Crime of Aggression.

On the other hand, article 531 of the Criminal Code sanctions crimes against the administration of justice of the International Criminal Court which correspond to those provided for with regard to the national administration of justice.

It should be mentioned that the Principle of Universal Justice has been incorporated by Honduras in order to have jurisdiction over the crimes of genocide, crimes against humanity and war crimes (see art. 9.3 of the Criminal Code).¹

IN THE EVENT OF A NEGATIVE RESPONSE

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?

Response: Not applicable.

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?

Response: Not applicable.

¹ <https://www.tsc.gob.hn/web/leyes/Decreto-130-2017.pdf>

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

Response: Not applicable.

POSITIVE RESPONSE

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?

Response: The substantive provisions of the Statute have been incorporated into the current Criminal Code.

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

Response: With the exception of the crime of aggression (Art. 152 of the Criminal Code), the crimes described in the Statute have been incorporated into the national legislation by means of their criminalization in the Criminal Code currently in force.

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 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).

Response: There is no specific legislation regulating the relationship on the matter of cooperation between the State of Honduras and the International Criminal Court (ICC); however, on ratifying the Statute the State of Honduras issued a declaration containing minimum commitments for cooperation with the ICC, among them those concerning the language for processing requests for cooperation, which shall be issued in Spanish or together with a translation into Spanish, as well as concerning availability to receive nationals of Honduras convicted by the ICC to serve their sentences.²

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

Response: Yes, for those purposes the above-mentioned declaration designates the State Secretariat in the Offices of Government and Justice, currently denominated "*State Secretariat in the Offices of Government, Justice and Decentralization*".

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

Response: In the referenced declaration, the above-mentioned Secretariat is designated as the national authority for receipt and transmittal of requests for cooperation received from the International Criminal Court or transmitted to it.

² See Decree N° 236-2002 dated 30 May 2002, published in Official Gazette N° 29,815, dated 24 June 2002.

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).

Response. No. However, pursuant to the stipulations of Article 16 of the Constitution of the Republic,³ Article 48 of the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court⁴ are part of domestic legislation; therefore, their application is mandatory.

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?

Response: No legal obstacles have been encountered for the application of the provisions of the Statute. A possible limitation might result from the Agreement between the Government of the Republic of Honduras and the Republic of the United States of America regarding the surrender of individuals to the International Criminal Court, formalized in New York on 19 September 2002.⁵

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

Response: The Office of the Public Prosecutor has no information on the matter within the scope of its authorities.

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

Response: The Office of the Public Prosecutor has no information on the matter within the scope of its authorities.

We avail ourselves of this opportunity to renew to you, Mr. Salgado Montalván, the assurances of our respect, consideration and esteem.

Yours sincerely,
(Signed and stamped)

(Signed and stamped)

DR. CARLOS DAVID CALIX VALLECILLO
Director
Training School, Office of the Public Prosecutor

DR. LIGIA PIRSIKALIS MIDENCE
Coordinator
Conventions and International Affairs Unit/
Legal Division

(Signed and stamped)
MSc. KAREN LIZETH MARTINEZ PONCE
National Coordinator
Strategic Module for Criminal Prosecution

³ Constitution of the Republic of Honduras, Art. 16." ... Upon entry into force, international treaties formalized by Honduras with other States become part of domestic law."

⁴ Honduras adhered on 01 April 2008.

⁵ See Decree 96-2002 dated 29 May 2003, published in the Official Gazette on 01 July 2003.

CONADEH

Office of the Attorney-General of the Republic
National Directorate for Human Rights
RECEIVED – 14 Sept. 2022

Office of the Attorney-General of the Republic
Documents Control
RECEIVED – 14 Sept. 2022

Office of the Ombudsman

Communication N° DC-246/2022

Tegucigalpa M.C.D., 13 September 2022

MANUEL ANTONIO DÍAZ GALEAS, Attorney-at-Law
ATTORNEY-GENERAL OF THE REPUBLIC
OFFICE OF THE ATTORNEY-GENERAL

Dear Mr. Attorney-General,

I have the pleasure of addressing you in response to Communication N° DNDDHH-LI-716-2022, dated 2 August 2022, whereby we were requested to provide up-to-date information within the framework of our institutional authorities on paragraph 6 h) of the Plan of Action adopted by the Assembly of the States Parties, as well as concerning Annex II containing the recommendations of the Bureau on the referred Plan of Action.

In this regard, and after having analysed institutional authorities in the context of the request, please be informed that the Commissioner has examined the Bill on Cooperation with the International Criminal Court, which had been forwarded by the First Secretary of the National Congress to the end of obtaining our opinion and observations pursuant to our mandate and authorities. Said observations were elaborated by the Clinic for Convention Compliance Control and Strategic Litigation and were forwarded to the National Congress on 27 May 2022.

This bill has as its objective “*to regulate relations for the purpose of cooperation between the State of Honduras and the International criminal Court (ICC) [...] through the assignment of authorities to State organs and the establishment of adequate internal procedures concerning all matters which are not provided for in the Statute and its supplementary regulations ...*”.

I avail myself of this opportunity to reiterate my consideration and esteem.

(signed and stamped)
Blanca S. Izaguirre
National Commissioner for Human Rights

C. - Clinic for Convention Compliance Control and Strategic Litigation