



EMBASSY OF ROMANIA  
to the Kingdom of the Netherlands

Catsheuvel 55  
2517 KA The Hague

Phone: 0031-70-3223613  
Fax: 0031-70-3541587  
[roembnl@xs4all.nl](mailto:roembnl@xs4all.nl)  
<http://haga.mae.ro>

2959/30.09.2013

The Embassy of Romania to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and, with reference to the Note Verbale requesting information in accordance with the Plan of Action for achieving universality and full implementation of the Rome Statute (paragraph 6, sub-paragraph h), dated February 13, 2013, has the honour to hereby convey the contribution of Romania in this regard.

The Embassy of Romania to the Kingdom of the Netherlands avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute the assurances of its highest consideration.



4 OCT 2013

ASP/2013/065

The Secretariat of the Assembly of States Parties to the Rome Statute  
The Hague



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**The Secretariat of the Assembly of States Parties to the Rome Statute  
The Hague**

## **I. Relevant information on the promotion of the ratification and full implementation of the Rome Statute of the International Criminal Court**

Romania continues to be a staunch supporter of the International Criminal Court and considers that its activity is of special importance in order to prevent the most serious international crimes and to avoid impunity.

Romania is currently co-focal point for the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court and constantly promotes the ratification of the ICC Statute and of the Agreement on Privileges and Immunities of the ICC, through a series of events organized in Bucharest, New York and the Hague and through bilateral demarches.

The Romanian Ministry of Foreign Affairs together with the Faculty of Law, University of Bucharest and the Association for International Law and International Relations will organize, on the 17<sup>th</sup> of October 2013, an international conference aimed at promoting the activity of the International Criminal Court. The event will enjoy the presence of the President of the International Criminal Court, H.E. Judge Sang-Hyun Song, and of the President of the Assembly of States Parties to the International Criminal Court, H.E. Ambassador Tiina Intelmann.

The Conference will focus on topical subjects related to the International Criminal Court: *current issues in the activity of the International Criminal Court, the amendments to the Rome Statute of the International Criminal Court, the issue of cooperation with the International Criminal Court as well as the Plan of Action for achieving universality and full implementation of the Rome Statute* as Romania is currently focal point for this Plan of Action.

The objectives of the Conference, *among others*, are to encourage those countries which are not yet parties to the Rome Statute to ratify it, preferably together with the ratification of the so called "Kampala Amendments, to encourage the ratification of the Agreement on the Privileges and Immunities of the International Criminal Court and to encourage the process of ratification of the Kampala amendments.

The Romanian Ministry of Foreign Affairs together with the University of Bucharest and the Association for International Law and International Relations held, on November 27, 2012, in Bucharest, an international conference, in order to mark the tenth anniversary from the entry into force of the Rome Statute, entitled: *"International Criminal Court – 10 years from the entry into force of the Rome Statute, 115 years from the birth of Vespasian Pella, founder of international criminal law"*.

The keynote speaker to this event, which benefited of the participation of the diplomatic and academic community, was H.E. *Mr. Awn Shawkat Al-Khasawneh, Former Vice-President of the International Court of Justice* and there were also contributions from the Romanian Ministry of Foreign Affairs, the University of Bucharest and the Prosecutor's Office of the ICC.

A special section of this International Conference was dedicated to *"Complementarity, universal jurisdiction and the International Criminal Court"*.

The Permanent Mission of Romania to the United Nations in collaboration with the Permanent Mission of the International Organization of la Francophonie to the United Nations, co-hosted a roundtable on the topic "*11 years after the entry into force of the Rome Statute: the challenges of promoting international criminal justice* ", in New York, 3 July 2013. The objective of this event was to create a framework for dialogue between experts and the Francophone Permanent Missions on the implementation of the Rome Statute of the International Criminal Court and the question of its universality.

Romania intends to co-host a side event during the 12<sup>th</sup> session of the Assembly of states Parties to the Rome Statute of the ICC (The Hague, 20-28 November 2013).

## **II. Relevant information on the implementing legislation**

Romania has ratified the Rome Statute of the International Criminal Court by Law 111/2002.

At present, Romania is going through a complex process of systematisation of the criminal legislation. The New Criminal Code is envisaged to come into force on the 1<sup>st</sup> of February 2014.

The offences referred to in the Rome Statute are included in Title XII of the New Criminal Code, which regulates, in a completely revised form, the crime of genocide, the crimes against humanity and the war crimes.

The purpose of this title is to ensure full compatibility between the provisions of the Rome Statute and the provisions of the new Romanian Criminal Code.

The texts relevant in this matter included in the new Criminal Code are *not limited to a mere translation of the provisions of the Statute*. In this respect, in addition to the Court's Statute, other elements were also taken into account, including incorporation of the provisions of other international treaties in the field of International Humanitarian Law

*Chapter I* includes the offence of *genocide and crimes against humanity*, and it was chosen to include them in the same chapter because of the tight connection between them.

As regards the *crimes against humanity*, the text of the New Criminal Code reiterates, in an adapted form, the provisions of art. 7 of the Rome Statute of the ICC.

*Chapter II* mainly includes the crimes regulated under the title *war crimes* by Article 8 of the Rome Statute of the ICC. However, certain international law provisions resulting from the Protocol I Additional to the Geneva Conventions, respectively from Protocol II of 1999 of the Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict were also included here.

By reference to the provisions of Article 8 of the Rome Statute of the ICC, this chapter is systematized in a different manner, operating a distinction between war crimes against persons (Article 440), war crimes against property and other rights

(Article 441), war crimes against humanitarian operations and emblems (Article 442), employing prohibited methods in warfare (art. 443) and, respectively, employing prohibited means in warfare (Article 444).

With respect to employing prohibited means in warfare, such as poison or poisoned weapons, asphyxiating, toxic or other gases and all analogous liquids, materials or devices and weapons which are of nature to cause unnecessary physical suffering, it is worth mentioning that these deeds are criminalized irrespective of the nature – international or non-international - of the armed conflict.

As regards the draft law for cooperation with the International Criminal Court, taking into account all the legislative changes which occurred during the last years, it was not completed within the initially proposed term, for reasons related to systematization of the criminal legislation. The draft law for cooperation with ICC is included in the government program of the current Cabinet. Thus, it is estimated that, at the latest in 2014, the draft law shall be finalized and submitted to the Parliament for adoption.