

Note no. 15.063/2014-NLVV

The Embassy of the Slovak Republic in the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour, with reference to the Secretariat's note ICCASP/13/PA/45 of 7 July 2014, to attach herewith the implementing legislation questionnaire for States Parties providing the Secretariat information relevant to the Plan of action for achieving universality and full implementation of the Rome Statute..

The Embassy of the Slovak Republic avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest consideration. *Ch*

The Hague, *Ch* November 2014



(1 attachments)

Secretariat of the
Assembly of States Parties to the
Rome Statute of the International Criminal Court
Maanweg 174
2516 AB The Hague

Implementing legislation questionnaire for States Parties - SLOVAKIA

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

The ratification of the Rome Statute by the Slovak Republic was reflected in the process of adoption of new penal codes (Criminal Code and Code of Criminal Procedure) in 2005 which took effect on 1 January 2006.

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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?

The crimes falling within the jurisdiction of the Court (genocide, crimes against humanity and war crimes) have been incorporated into the Criminal Code.

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

The Criminal Code contains the definition of the crime of genocide (Section 418) based on the Genocide Convention of 1948 without specific reference to the Rome Statute. The definitions of crimes against humanity (Section 425) and war crimes (Section 433) make reference to Article 7 and Article 8 of the Rome Statute. In addition, Section 435 of the Criminal Code incorporates other substantive provisions of the Rome Statute (definition of war, definition of military commander and his/her responsibility, responsibility of the superior).

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).

The procedural aspects of the cooperation between the Slovak Republic and the Court are regulated by Chapter 5 of the Code of Criminal Procedure. Those provisions, primarily used in inter-state legal assistance in criminal matters, will be applied by analogy to the cooperation requests of the Court.

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

Implementing legislation does not contain specific designation of channel of communication between the Slovak Republic and the Court. The Slovak Republic has made the following declaration upon ratification of the Rome Statute:

"Pursuant to Article 87, paragraph 2 of the Statute the Slovak Republic declares that requests from the Court for cooperation and any documents supporting such requests shall be submitted in English which is one of the working languages of the Court along with the translation into Slovak which is the official language of the Slovak Republic."