

Annex IV

Responses of the Republic of Trinidad and Tobago

1. Has your Government adopted any national legislation implementing the Rome Statute?

The Government of Trinidad and Tobago has adopted national legislation in order to give effect to the Rome Statute.

In implementing the Statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the statute into pre-existing law?

In 2006, the Government of the Republic of Trinidad and Tobago enacted a specific piece of legislation referred to as the International Criminal Court Act, 2006 or (by its long title) an act to provide for the prevention and punishment of genocide, crimes against humanity and war crimes, to give effect to the Rome Statute of the International Criminal Court.

5. Does the implementing legislation fully incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

The International Criminal Court Act (the Act) of the Republic of Trinidad and Tobago incorporates the crimes through reference to the statute and by incorporating the crimes in the legislation itself.

Section 9 of the Act criminalises genocide and conspiracy to commit genocide in the Republic of Trinidad and Tobago or elsewhere. It also defines genocide, by setting out the specific provisions of the Article 6 of the statute and sets out the penalties for genocide. With regard to crimes against humanity, Section 10 of the Act criminalises crimes against humanity in the Republic of Trinidad and Tobago and elsewhere. Section 10 also sets out the specific provisions of Article 7 of the Statute and sets out the penalties for crimes against humanity. Section 8 criminalises war crimes committed in Trinidad and Tobago and elsewhere. War crimes are described with reference to Article 8(2) (a)-(c) of the Statute. Section 11 also sets out the penalties of war crimes.

7. Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?

Section 6 of the International Criminal Court Act specifically states that Part 9 of the Statute which relates to international cooperation and judicial assistance shall have the force of law in Trinidad and Tobago.

With a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the ICC, the Statute also sets out general provisions relating to requests for assistance and provide in detail for requests by the ICC for assistance that are made under Part 9 of the Statute, namely:

- a. the provisional arrest, arrest and surrender to the ICC of a person in relation to whom the ICC has issued an arrest warrant or given a judgment of conviction;
- b. the identification and whereabouts of persons or the location of items;
- c. the taking of evidence, including testimony under oath and the production of evidence, expert opinions, and reports necessary to the ICC;
- d. the questioning of any person being investigated or prosecuted;
- e. the service of documents, including judicial documents;
- f. facilitating the voluntary appearance of persons as witnesses or experts before the ICC;
- g. the temporary transfer of prisoners;
- h. the examination of places or sites, including the exhumation and examination of grave sites;
- i. the execution of searches and seizures;
- j. the provision of records and documents, including official records and documents;
- k. the protection of victims and witnesses and the preservation of evidence;
- l. the identification, tracing and freezing, or seizure of proceeds, property and assets, and instrumentalities of crimes for the purpose of eventual forfeiture, without prejudice to the rights of *bona fide* third parties; and
- m. any other type of assistance that is not prohibited by the law of Trinidad and Tobago,

Provision is also made with respect to cooperation under Articles 19(8), 56, 64, 76 and 109.

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

The Act prescribes that requests for assistance be made through authorised channels. Requests with regard to the arrest and surrender of a person are to be made directly to the Attorney General. In other cases, requests are to be made to a person authorised by the Attorney General to receive such requests. The authorised channel for these requests is the diplomatic channel to the Minister to whom responsibility for Foreign Affairs is assigned. In the case of urgent requests, the request may be made through any medium capable of delivering a written record or through the International Criminal Police Organisation or any other appropriate regional organisation, instead of through the authorised channel.