

## **ANSWERS BY THE REPUBLIC OF LATVIA**

### **Annex III**

#### **Implementing legislation questionnaire for States Parties<sup>1</sup>**

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

*On the 20<sup>th</sup> of July of 2002 Latvia ratified the Rome Statute with the Law “On the Statute of the International Criminal Court of Rome of 17 July 1998”*

*Available: <https://likumi.lv/ta/id/63899-par-1998-gada-17-julija-romas-starptautiskas-kriminaltiesas-statutiem>*

*In addition to this Law, Latvia has also implemented the amendments of Rome Statute:*

*1) Amendments to the Rome Statute of the International Criminal Court on the crime of aggression that entered into force on the 14th of September of 2014 and Available: <https://likumi.lv/ta/id/268829-par-grozijumiem-romas-starptautiskas-kriminaltiesas-statutos>*

*2) Amendment to article 8 of the Rome statute of the International criminal court (intentionally using starvation of civilians) that has been implemented but will enter into force on the 28th of February of 2026. Available: <https://likumi.lv/ta/id/358508-grozijumi-romas-starptautiskas-kriminatiesas-statutu-8-panta-bada-apzinata-pielietosana-pret-civiliedzivotajiem>*

### **IF NOT**

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

### **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?

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<sup>1</sup> The questionnaire was prepared by the Court.

***Latvia has incorporated the Articles of Rome Statute into a pre-existing law and that would be the Latvian Criminal Law. Available: <https://likumi.lv/ta/en/en/id/88966-criminal-law>***

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

***The implementation legislation incorporate the substantive crimes by incorporating the crimes into domestic law by incorporating the crime regulation into the substantive law provisions of Latvian Criminal law.***

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court<sup>2</sup> 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).

***These following aspects of cooperation with the International Criminal Court have been implemented into part C of the Latvian Criminal Procedure Law that regulates the international co-operation in the criminal-legal field. Available: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law>***

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

***Section 898 (1) of the Latvian Criminal procedure law regulates that the Ministry of Justice is the competent authority in criminal-legal co-operation with international courts. In addition, Section 898 (2) mentions that if necessary, the use of the intermediation of the international criminal-police organisation (Interpol) shall be admissible.***

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

***Section 898 (1) of the Latvian Criminal procedure law regulates that the Ministry of Justice is the competent authority in criminal-legal co-operation with international courts. In addition, Section 898 (2) mentions that if necessary, the use of the intermediation of the international criminal-police organisation (Interpol) shall be admissible.***

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)

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<sup>2</sup> The list covers a broad range of issues that do not necessarily fall under Part 9 of the Statute and can be the subject of bilateral agreements.

*Section 116 (1) of the Latvian Criminal Procedure law mentions that the grounds for immunity from criminal proceedings are the special legal status of a person, information or a place specified in the Constitution, this Law, other laws and international treaties, which guarantees the rights for a person to completely or partially not fulfil a criminal procedural duty, or that restricts the rights to perform specific investigative actions. Therefore, international treaties, including Rome Statute, can be the grounds for immunity from criminal proceedings.*

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?

*There were no obstacles implementing the Rome Statutes.*

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

*No.*

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

*As of right now there are no plans to make any additional steps for the implementation of the Statute in national legislation.*