

# IMPLEMENTING LEGISLATION QUESTIONNAIRE FOR STATES PARTIES CANADA

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”)?

CANADA: Yes.

## IF YES

5. 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?

CANADA: Canada drafted special implementing legislation, the *Crimes Against Humanity and War Crimes Act* (‘CAHWCA’), and amended other acts, including the *Criminal Code*, the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*. The CAHWCA was enacted on June 24, 2000, which permitted Canada to ratify the Rome Statute on July 9, 2000. More information on Canada’s steps to implement the Rome Statute can be found at <http://www.international.gc.ca/court-cour/war-crimes-guerres.aspx?lang=eng>

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

CANADA: Both. Articles 4 and 6 of the CAHWCA provide for the three crimes for which the ICC is competent at the time of filling this questionnaire (i.e. genocide, crimes against humanity and war crimes). The relevant provisions of the Rome Statute (referenced in the schedule to the Act) assist in clarifying what constitutes genocide, crimes against humanity and war crimes in Canadian law.

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

CANADA:

The CAHWCA does not incorporate the modes of cooperation *per se*, but other statutes, including the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act*, which are the acts that provide for the implementation of treaties for extradition and mutual legal assistance in criminal matters, were amended in order for Canada to comply with our international obligations to cooperate with the International Criminal Court (ICC) under the Rome Statute and to fully incorporate all modes of cooperation under Part 9 of the Statute.

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

CANADA: Under the Canadian law, the Minister of Justice is responsible for the administration of the *Mutual Legal assistance in Criminal Matters Act* and the *Extradition Act*. The Minister of Justice is authorized to act as the Central Authority for receiving and presenting requests for mutual legal assistance and extradition. The International Assistance Group of the Department of Justice Canada assists the Minister in the exercise of these functions, including with respect to ICC requests for cooperation.