



EMBASSY OF ROMANIA IN THE HAGUE

Catsheuvel 55, 2517 KA Den Haag

Tel : 070 354.37.96; Fax : 070 354.15.87; e-mail: roembnl@xs4all.nl

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The Embassy of Romania in The Hague presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and with reference to its Note Verbale dated 25 July 2007 requesting the States Parties to submit information pursuant to paragraph 6 letter (h) of the Action Plan adopted by the Assembly during its 5th session (1 December 2006), has the honour to send further on the position of the Romanian authorities on the issue.

Romania amended in 2003 its Constitution, thus allowing explicitly for the surrender of its citizens to the International Criminal Court. This amendment occurred, however, after Romania had ratified, in 2002, the Rome Statute. At that time, the Romanian authorities relied on the argument presented by the distinction made in Article 102 of the Statute between *surrender* and *extradition*, considering it sufficiently convincing to interpret it as not coming against the provisions of the fundamental law.

As far as the integral implementation of the provisions of the Rome Statute is concerned, it is to be mentioned the undertaking of the Romanian authorities to amend the national Criminal Code in order to include as such, for incriminatory purposes, the crimes which are under the jurisdiction of the International Criminal Court. These amendments, already drafted by the Ministry of Justice, must be approved by the Romanian Parliament and then published in the Official Journal before they can produce legal effects. The inclusion of such provisions in the Romanian Criminal Code, using the language of the Rome Statute, are meant to ensure the full implementation of the principle of complementarity as enshrined in the Rome Statute.

At the same time, the Romanian authorities consider drafting a special normative act to ensure the legal basis for cooperation between Romania and the International Criminal Court, in accordance with Article 89 of the Rome Statute. The envisaged law, for which the drafting procedure is in the final stage, will provide for the necessary mechanisms for a strict and efficient cooperation between Romania and the Court by adapting the procedures specific to the international cooperation in criminal matters.

On the other hand, the Romanian authorities consider the possibility of negotiating with the Court two agreements, one on the execution of sentences and the other on the relocation of witnesses. The draft proposals of the two agreements are, presently, analyzed by the Romanian Ministry of justice.

The main Romanian authority responsible for the implementation of the provisions of the Rome Statute is the Ministry of Justice. The Ministry of Justice acts on these matters in close cooperation with the Ministry of Foreign Affairs.

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**To the Secretariat of the Assembly of States Parties to the Rome Statute
International Criminal Court**

The Embassy of Romania regrets the late submission of this information and expresses its belief that even presented after the date recommended, the information will be able to assist the Secretariat in fulfilling its tasks in accordance with the provisions of paragraph 7 of the Action Plan.

The Romanian Embassy in The Hague stands ready to provide to the Secretariat any other information on future amendments of the Romanian legal framework relevant for the implementation of the Rome Statute, as well as for ensuring the full cooperation of the Romanian authorities with the International Criminal Court.

The Embassy of Romania in The Hague avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurance of its highest consideration.

The Hague, 18 October 2007

