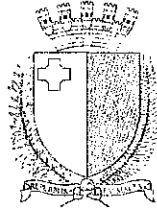


Ambaxxata ta' Malta



Embassy of Malta

26 August 2009

Your ref: ICC-ASP/8/S/PA/19

Secretariat
Assembly of States Parties
International Criminal Court
The Hague

The Embassy of Malta presents its compliments to the Secretariat of the Assembly of States Parties and with reference to the latter's Note having the above reference and dated 24 April 2009, requesting States Parties for information, has the honour to enclose herewith a reply received from the Head, International Co-operation in Criminal Matters Division of the Office of the Attorney General.

A handwritten signature in black ink, appearing to read 'Carmel Herrera'.

Carmel Herrera (Mr)
First Secretary
Embassy of Malta
The Hague

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Reply to Requests from the Assembly of State Parties to the International Court

Plan of Action Para.(6) (1):

In response to this first request for information Malta informs that since it ratified the Rome Statute efforts aimed at its full implementation were undertaken led to the promulgation into Maltese law of various legislative measures. These measures will be described below in reply to the questionnaire at Annex IV.

This has been witnessed by the fact that whenever Malta received requests from the International Criminal Court, these requests which invariably deal with legal assistance, were duly executed.

To date no technical or other forms of assistance has been needed given that implementation has taken place, nor were there any Constitutional Issues raised.

With reference to any planned activities and events, when seminars are given addressing in particular issues of jurisdiction, legal assistance and extradition, the obligations by Malta under the Rome Statute and the manner of implementation into domestic law of the Statute are always given prominence. To date no need has arisen for bilateral cooperation agreements between Malta and the ICC.

Implementing legislation questionnaire for State Parties:

The Government of Malta did enact legislation to implement the Rome Statute. The Statute was implemented through the enactment of a specific Act entitled the International Criminal Court Act, Chapter 453, Laws of Malta which addresses the provision of legal assistance to the ICC to implement Part 9. Amendments were also made to the Criminal Code, the Extradition Act and the Prisons Act.

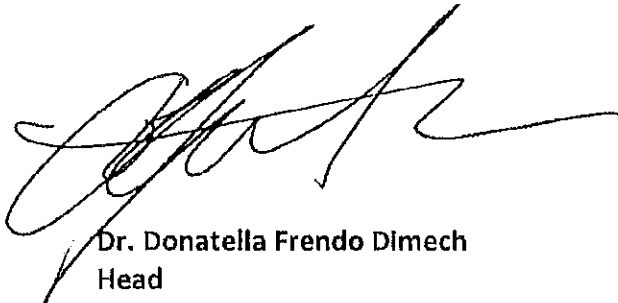
The Criminal Code, Chapter 9, Laws of Malta, witnessed the introduction of a new Title which deals with Genocide, War Crimes and Crimes against Humanity. The relevant articles, 54A-54I, deal *inter alia* with jurisdiction, non-applicability of rules of prescription, responsibility of commanding officers and superiors, the requisite mental element and the protection of witnesses and victims. Moreover Article 649 was amended in 2007 to specifically provide for requests for legal assistance to be made by an International Court.

The Extradition Act, Chapter 276, Laws of Malta, saw the introduction of Part VI (Articles 26A-26U) which deals with the surrender of offenders to the International criminal court, thus implementing provisions in Part 9 dealing with extradition.

The Prisons Act, Chapter 260, Laws of Malta was also amended to provide in Article 4(1) (c) for the confinement persons who, having been sentenced abroad by a foreign or international court or other competent authority to a punishment involving deprivation of liberty for a limited or unlimited period of time on account of a criminal offence, is sent to Malta to continue serving such sentence in Malta.

Copies of the relevant legislative enactments can all be obtained on the following site:
http://www2.justice.gov.mt/lom/analytical_index.asp

Although the implementing legislative instruments do not specifically provide for a designated channel of communication with the Court, the International Criminal Court Act and the Extradition Act refer to the Minister responsible for Justice as the receiving authority. Indeed requests for legal assistance have been received by the Minister and referred to the Attorney General wherein the International Co-Operation in Criminal Matters Division processes and assists in the execution of requests for legal assistance.



Dr. Donatella Frendo Dimech
Head
International Co-operation in Criminal Matters Division