

23 October 2009

Secretariat of the Assembly of States Parties
International Criminal Court
The Hague

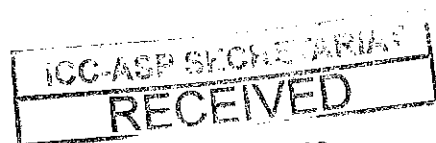
By Email: asp@asp.icc-cpi.int

Response to questionnaire on the ICC plan of action

Please find attached, a copy of the New Zealand response to your questionnaire for States Parties regarding the ICC plan of action. Please also be advised of the details for New Zealand's national contact point for matters related to promotion of ratification and full implementation of the Rome Statute:

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New Zealand Response

Part B

(i) 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?

New Zealand drafted and passed special implementing legislation (the International Criminal Court Act 2000 (ICC Act)) before it ratified the Rome Statute.

(ii) Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

The ICC Act creates new offences of genocide, crimes against humanity and war crimes in the same terms as the Rome Statute (sections 9 to 11 of the ICC Act). The Statute itself is attached as a schedule to the Act.

(iii) Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?

The ICC Act implements all the obligations that the Statute imposes on States Parties and for which legislative authority is needed in New Zealand – including the modes of cooperation under Part 9 of the Statute.

(iv) Does the implementing legislation designate a channel of communication with the Court?

The ICC Act (section 25 (1)) states that requests for assistance must be made through an authorised channel - which is:

- (a) the diplomatic channel to the Ministry of Foreign Affairs and Trade; or
- (b) any other appropriate channel that New Zealand may designate at the time it ratifies the Statute or at any subsequent time in accordance with the Rules of Procedure and Evidence made under article 51 of the Rome Statute.

Upon ratification of the Rome Statute New Zealand advised that it designated the New Zealand Embassy in The Hague as its preferred channel of communication with the International Criminal Court.

In accordance with section 26 of the ICC Act, in urgent cases a request for assistance (including a request for provisional arrest) may be –

- (a) made using any medium capable of delivering a written record;
- (b) transmitted through the International Criminal Police Organisation or any other appropriate organisation, instead of through an authorised channel.