

10. a) Amendment to article 8 of the Rome Statute of the International Criminal Court

Kampala, 10 June 2010

ENTRY INTO FORCE: 26 September 2012, in accordance with article 121(5) of the Rome Statute. The Amendment first entered into force in regard to San Marino one year after the deposit of its instrument of ratification.

REGISTRATION: 26 September 2012, No. 38544.

STATUS: Parties: 39.

TEXT: United Nations, *Treaty Series*, vol. 2868, p. 195. Resolution [RC/Res.5](#) of the Review Conference of the Rome Statute.

Note: The Review Conference of the Rome Statute, held in Kampala, Uganda, from 31 May to 11 June 2010 adopted the amendment on 10 June 2010 by Resolution RC/Res.5. The amendment was circulated by the Secretary-General under cover of depositary notification C.N.533.2010.TREATIES-6 of 29 November 2010.

<i>Participant</i>	<i>Acceptance(A), Ratification</i>	<i>Participant</i>	<i>Acceptance(A), Ratification</i>
Andorra	26 Sep 2013 A	Malta	30 Jan 2015
Argentina	28 Apr 2017	Mauritius	5 Sep 2013
Austria	17 Jul 2014	Netherlands ¹	23 Sep 2016 A
Belgium	26 Nov 2013	New Zealand	14 Oct 2020
Botswana	4 Jun 2013	North Macedonia	1 Mar 2016
Chile	23 Sep 2016	Norway	10 Jun 2013
Costa Rica	5 Feb 2015	Panama	6 Dec 2017
Croatia	20 Dec 2013	Paraguay	5 Apr 2019 A
Cyprus	25 Sep 2013	Poland	25 Sep 2014
Czech Republic	12 Mar 2015 A	Portugal	11 Apr 2017
El Salvador	3 Mar 2016	Samoa	25 Sep 2012
Estonia	27 Mar 2013	San Marino	26 Sep 2011
Finland	30 Dec 2015	Slovakia	28 Apr 2014 A
Georgia	3 Nov 2015	Slovenia	25 Sep 2013
Germany	3 Jun 2013 A	Spain	25 Sep 2014
Guyana	28 Sep 2018	State of Palestine	29 Dec 2017
Latvia	25 Sep 2014	Switzerland	10 Sep 2015
Liechtenstein	8 May 2012	Trinidad and Tobago	13 Nov 2012
Lithuania	7 Dec 2015	Uruguay	26 Sep 2013
Luxembourg	15 Jan 2013		

CZECH REPUBLIC

The Czech Republic interprets the Amendment to article 8 of the Rome Statute of the International Criminal Court (Kampala, 10 June 2010) as having the following meaning:

(i) The prohibition to employ gases, and all analogous liquids, materials or devices, set out in article 8, paragraph 2 (e) (xiv), is interpreted in line with the obligations arising from the Convention on the Prohibition of the Development, Production, stockpiling and Use of Chemical Weapons and on Their Destruction of 1993.

(ii) The prohibition to employ bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions, does not apply to the use of such bullets during activities of police nature in the context of law enforcement and maintenance of public order, which do not constitute direct participation in an armed conflict, such as rescuing hostages and neutralizing civil aircraft hijackers.

NEW ZEALAND

“The prohibition on employing bullets which expand or flatten easily in the human body, such as bullets with a

hard envelope which does not entirely cover the core or is pierced with incisions, does not apply to the use of such bullets by police or armed forces in the context of law

enforcement, where the intent of the use is to avoid incidental civilian injury or damage.”

Notes:

¹ For the European part and the Caribbean part (the Islands of Bonaire, Sint Eustatius and Saba) of the Netherlands.

Subsequently, on 21 December 2017, the Government of the Netherlands notified the Secretary-General that the Amendment will apply to Aruba. (See C.N.784.2017.TREATIES-XVIII.10.a of 21 December 2017.)

