

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: 45.

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	Mexico.....	20 Jan 2023 A
Argentina.....	28 Apr 2017	Mongolia.....	18 Jan 2021
Austria.....	17 Jul 2014	Netherlands (Kingdom of the) 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	Peru.....	14 Oct 2022
Czech Republic.....	12 Mar 2015 A	Poland.....	25 Sep 2014
El Salvador.....	3 Mar 2016	Portugal.....	11 Apr 2017
Estonia.....	27 Mar 2013	Romania.....	14 Feb 2022 A
Finland.....	30 Dec 2015	Samoa.....	25 Sep 2012
Georgia.....	3 Nov 2015	San Marino.....	26 Sep 2011
Germany.....	3 Jun 2013 A	Slovakia.....	28 Apr 2014 A
Guyana.....	28 Sep 2018	Slovenia.....	25 Sep 2013
Italy.....	26 Jan 2022	Spain.....	25 Sep 2014
Latvia.....	25 Sep 2014	State of Palestine.....	29 Dec 2017
Liechtenstein.....	8 May 2012	Sweden.....	26 Jan 2022 A
Lithuania.....	7 Dec 2015	Switzerland.....	10 Sep 2015
Luxembourg.....	15 Jan 2013	Trinidad and Tobago.....	13 Nov 2012
Malta.....	30 Jan 2015	Uruguay.....	26 Sep 2013
Mauritius.....	5 Sep 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.)

