

10. ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

Rome, 17 July 1998

ENTRY INTO FORCE: 1 July 2002, in accordance with article 126.

REGISTRATION: 1 July 2002, No. 38544.

STATUS: Signatories: 137. Parties: 123.

TEXT: United Nations, *Treaty Series*, vol. 2187, p. 3; depositary notifications C.N.577.1998.TREATIES-8 of 10 November 1998¹ and C.N.604.1999.TREATIES-18 of 12 July 1999 [procès-verbaux of rectification of the original of the Statute (Arabic, Chinese, English, French, Russian and Spanish authentic texts)]; C.N.1075.1999.TREATIES-28 of 30 November 1999 [procès-verbal of rectification of the original text of the Statute (French and Spanish authentic texts)]; C.N.266.2000.TREATIES-8 of 8 May 2000 [procès-verbal of rectification of the original text of the Statute (French and Spanish authentic texts)]; C.N.17.2001.TREATIES-1 of 17 January 2001 [procès-verbal of rectification of the Statute (authentic French, Russian and Spanish texts)]; C.N.765.2001.TREATIES-18 of 20 September 2001 (Proposals for corrections to the original text of the Statute (Spanish authentic text)) and C.N.1439.2001.TREATIES-28 of 16 January 2002 (Procès-verbal); C.N.713.2009.TREATIES-4 of 29 October 2009 (Proposal of amendment by Norway to the Statute); C.N.723.2009.TREATIES-5 of 29 October 2009 (Proposal of amendments by the Netherlands to the Statute); C.N.725.2009.TREATIES-6 of 29 October 2009 (Proposal of amendment by Mexico to the Statute); C.N.727.2009.TREATIES-7 of 29 October 2009 (Proposal of amendment by Liechtenstein to the Statute); C.N.733.2009.TREATIES-8 of 29 October 2009 (Proposal of amendment by Belgium to the Statute); C.N.737.2009.TREATIES-9 of 29 October 2009 (Proposal of amendments by Trinidad and Tobago to the Statute); C.N.851.2009.TREATIES-10 of 30 November 2009 (Proposal of amendment by South Africa to the Statute); C.N.1026.2013.TREATIES-XVIII.10 of 14 March 2014 (Proposal of amendments by Kenya to the Statute); C.N.439.2015.TREATIES-XVIII.10 of 30 July 2015 (Proposal of amendment by Norway to the Statute); C.N.7.2016.TREATIES-XVIII.10 of 15 January 2016 (Amendment to Article 124 of the Rome Statute); C.N.480.2017.TREATIES-XVIII.10 of 15 August 2017 (Proposal of amendments by Belgium to the Statute); C.N.545.2018.TREATIES-XVIII.10 of 2 November 2018 (Proposal of correction to the Spanish authentic text of the amendment to Article 8).

Note: The Statute was adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. In accordance with its article 125, the Statute was opened for signature by all States in Rome at the Headquarters of the Food and Agriculture Organization of the United Nations on 17 July 1998. Thereafter, it was opened for signature in Rome at the Ministry of Foreign Affairs of Italy until 17 October 1998. After that date, the Statute was opened for signature in New York, at United Nations Headquarters, where it will be until 31 December 2000.

<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>
Afghanistan.....		10 Feb 2003 a	Bahamas.....	29 Dec 2000	
Albania.....	18 Jul 1998	31 Jan 2003	Bahrain.....	11 Dec 2000	
Algeria	28 Dec 2000		Bangladesh.....	16 Sep 1999	23 Mar 2010
Andorra.....	18 Jul 1998	30 Apr 2001	Barbados	8 Sep 2000	10 Dec 2002
Angola	7 Oct 1998		Belgium	10 Sep 1998	28 Jun 2000
Antigua and Barbuda	23 Oct 1998	18 Jun 2001	Belize	5 Apr 2000	5 Apr 2000
Argentina	8 Jan 1999	8 Feb 2001	Benin.....	24 Sep 1999	22 Jan 2002
Armenia	1 Oct 1999		Bolivia (Plurinational State of).....	17 Jul 1998	27 Jun 2002
Australia.....	9 Dec 1998	1 Jul 2002	Bosnia and	17 Jul 2000	11 Apr 2002
Austria	7 Oct 1998	28 Dec 2000			

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Herzegovina				Grenada		19 May	2011 a
Botswana	8 Sep 2000	8 Sep	2000	Guatemala		2 Apr	2012 a
Brazil	7 Feb 2000	20 Jun	2002	Guinea	7 Sep 2000	14 Jul	2003
Bulgaria	11 Feb 1999	11 Apr	2002	Guinea-Bissau	12 Sep 2000		
Burkina Faso	30 Nov 1998	16 Apr	2004	Guyana	28 Dec 2000	24 Sep	2004
Burundi ²	[13 Jan 1999]	[21 Sep	2004]	Haiti	26 Feb 1999		
Cabo Verde	28 Dec 2000	10 Oct	2011	Honduras	7 Oct 1998	1 Jul	2002
Cambodia	23 Oct 2000	11 Apr	2002	Hungary	15 Jan 1999	30 Nov	2001
Cameroon	17 Jul 1998			Iceland	26 Aug 1998	25 May	2000
Canada	18 Dec 1998	7 Jul	2000	Iran (Islamic Republic of)	31 Dec 2000		
Central African Republic	7 Dec 1999	3 Oct	2001	Ireland	7 Oct 1998	11 Apr	2002
Chad	20 Oct 1999	1 Nov	2006	Israel ⁴	31 Dec 2000		
Chile	11 Sep 1998	29 Jun	2009	Italy	18 Jul 1998	26 Jul	1999
Colombia	10 Dec 1998	5 Aug	2002	Jamaica	8 Sep 2000		
Comoros	22 Sep 2000	18 Aug	2006	Japan		17 Jul	2007 a
Congo	17 Jul 1998	3 May	2004	Jordan	7 Oct 1998	11 Apr	2002
Cook Islands		18 Jul	2008 a	Kenya	11 Aug 1999	15 Mar	2005
Costa Rica	7 Oct 1998	7 Jun	2001	Kuwait	8 Sep 2000		
Côte d'Ivoire	30 Nov 1998	15 Feb	2013	Kyrgyzstan	8 Dec 1998		
Croatia	12 Oct 1998	21 May	2001	Latvia	22 Apr 1999	28 Jun	2002
Cyprus	15 Oct 1998	7 Mar	2002	Lesotho	30 Nov 1998	6 Sep	2000
Czech Republic	13 Apr 1999	21 Jul	2009	Liberia	17 Jul 1998	22 Sep	2004
Democratic Republic of the Congo	8 Sep 2000	11 Apr	2002	Liechtenstein	18 Jul 1998	2 Oct	2001
Denmark ³	25 Sep 1998	21 Jun	2001	Lithuania	10 Dec 1998	12 May	2003
Djibouti	7 Oct 1998	5 Nov	2002	Luxembourg	13 Oct 1998	8 Sep	2000
Dominica		12 Feb	2001 a	Madagascar	18 Jul 1998	14 Mar	2008
Dominican Republic	8 Sep 2000	12 May	2005	Malawi	2 Mar 1999	19 Sep	2002
Ecuador	7 Oct 1998	5 Feb	2002	Malaysia		4 Mar	2019 a
Egypt	26 Dec 2000			Maldives		21 Sep	2011 a
El Salvador		3 Mar	2016 a	Mali	17 Jul 1998	16 Aug	2000
Eritrea	7 Oct 1998			Malta	17 Jul 1998	29 Nov	2002
Estonia	27 Dec 1999	30 Jan	2002	Marshall Islands	6 Sep 2000	7 Dec	2000
Fiji	29 Nov 1999	29 Nov	1999	Mauritius	11 Nov 1998	5 Mar	2002
Finland	7 Oct 1998	29 Dec	2000	Mexico	7 Sep 2000	28 Oct	2005
France	18 Jul 1998	9 Jun	2000	Monaco	18 Jul 1998		
Gabon	22 Dec 1998	20 Sep	2000	Mongolia	29 Dec 2000	11 Apr	2002
Gambia ²	4 Dec 1998	28 Jun	2002	Montenegro ⁵		23 Oct	2006 d
Georgia	18 Jul 1998	5 Sep	2003	Morocco	8 Sep 2000		
Germany	10 Dec 1998	11 Dec	2000	Mozambique	28 Dec 2000		
Ghana	18 Jul 1998	20 Dec	1999	Namibia ⁶	27 Oct 1998	25 Jun	2002
Greece	18 Jul 1998	15 May	2002	Nauru	13 Dec 2000	12 Nov	2001
				Netherlands ⁷	18 Jul 1998	17 Jul	2001 A

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New Zealand ⁸	7 Oct 1998	7 Sep	2000	St. Vincent and the Grenadines		3 Dec	2002 a
Niger	17 Jul 1998	11 Apr	2002	State of Palestine		2 Jan	2015 a
Nigeria	1 Jun 2000	27 Sep	2001	Sudan ¹⁰	8 Sep 2000		
North Macedonia	7 Oct 1998	6 Mar	2002	Suriname		15 Jul	2008 a
Norway	28 Aug 1998	16 Feb	2000	Sweden	7 Oct 1998	28 Jun	2001
Oman	20 Dec 2000			Switzerland	18 Jul 1998	12 Oct	2001
Panama	18 Jul 1998	21 Mar	2002	Syrian Arab Republic	29 Nov 2000		
Paraguay	7 Oct 1998	14 May	2001	Tajikistan	30 Nov 1998	5 May	2000
Peru	7 Dec 2000	10 Nov	2001	Thailand	2 Oct 2000		
Philippines ²	[28 Dec 2000]	[30 Aug 2011]		Timor-Leste		6 Sep	2002 a
Poland	9 Apr 1999	12 Nov	2001	Trinidad and Tobago	23 Mar 1999	6 Apr	1999
Portugal	7 Oct 1998	5 Feb	2002	Tunisia		24 Jun	2011 a
Republic of Korea	8 Mar 2000	13 Nov	2002	Uganda	17 Mar 1999	14 Jun	2002
Republic of Moldova	8 Sep 2000	12 Oct	2010	Ukraine	20 Jan 2000		
Romania	7 Jul 1999	11 Apr	2002	United Arab Emirates	27 Nov 2000		
Russian Federation ⁹	13 Sep 2000			United Kingdom of Great Britain and Northern Ireland ¹¹	30 Nov 1998	4 Oct	2001
Samoa	17 Jul 1998	16 Sep	2002	United Republic of Tanzania	29 Dec 2000	20 Aug	2002
San Marino	18 Jul 1998	13 May	1999	United States of America ¹²	31 Dec 2000		
Sao Tome and Principe ..	28 Dec 2000			Uruguay	19 Dec 2000	28 Jun	2002
Senegal	18 Jul 1998	2 Feb	1999	Uzbekistan	29 Dec 2000		
Serbia	19 Dec 2000	6 Sep	2001	Vanuatu		2 Dec	2011 a
Seychelles	28 Dec 2000	10 Aug	2010	Venezuela (Bolivarian Republic of)	14 Oct 1998	7 Jun	2000
Sierra Leone	17 Oct 1998	15 Sep	2000	Yemen	28 Dec 2000		
Slovakia	23 Dec 1998	11 Apr	2002	Zambia	17 Jul 1998	13 Nov	2002
Slovenia	7 Oct 1998	31 Dec	2001	Zimbabwe	17 Jul 1998		
Solomon Islands	3 Dec 1998						
South Africa ²	17 Jul 1998	27 Nov	2000				
Spain	18 Jul 1998	24 Oct	2000				
St. Kitts and Nevis		22 Aug	2006 a				
St. Lucia	27 Aug 1999	18 Aug	2010				

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval, accession or succession.)

ANDORRA¹³

ARGENTINA

[The Argentine Government refers] “to the attempt to extend the application of the Rome Statute to the Islas Malvinas, Georgias del Sur and Sandwich del Sur on the part of the United Kingdom of Great Britain and Northern Ireland dated 11 March 2010.

The Argentine Government recalls that the Islas Malvinas, Georgias del Sur and Sandwich del Sur and the surrounding maritime areas are an integral part of the

Argentine national territory and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a sovereignty dispute between both countries which is recognized by several international organizations.

The General Assembly of the United Nations adopted resolutions 2065 (XX), 316[0] (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the sovereignty dispute referred to as the “Question of the Malvinas Islands” is recognized and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful

and lasting solution to the dispute. Concurrently, the Special Committee on Decolonization of the United Nations has repeatedly affirmed this view. Also, the General Assembly of the Organization of American States adopted, on 4 June 2009, a new pronouncement, in similar terms, on the question.

Therefore, the Argentine Government objects and rejects the British attempt to extend the application of the Rome Statute of the International Criminal Court to the Islas Malvinas.

The Argentine Government reaffirms its legitimate sovereign rights over the Islas Malvinas, Georgias del Sur and Sandwich del Sur and the surrounding maritime areas.

The Argentine Government requests the Secretary-General that this note and its English text be notified to the States Parties and Contracting States to the Rome Statute of the International Criminal Court."

AUSTRALIA

"The Government of Australia, having considered the Statute, now hereby ratifies the same, for and on behalf of Australia, with the following declaration, the terms of which have full effect in Australian law, and which is not a reservation:

Australia notes that a case will be inadmissible before the International Criminal Court (the Court) where it is being investigated or prosecuted by a State. Australia reaffirms the primacy of its criminal jurisdiction in relation to crimes within the jurisdiction of the Court. To enable Australia to exercise its jurisdiction effectively, and fully adhering to its obligations under the Statute of the Court, no person will be surrendered to the Court by Australia until it has had the full opportunity to investigate or prosecute any alleged crimes. For this purpose, the procedure under Australian law implementing the Statute of the Court provides that no person can be surrendered to the Court unless the Australian Attorney-General issues a certificate allowing surrender. Australian law also provides that no person can be arrested pursuant to an arrest warrant issued by the Court without a certificate from the Attorney-General.

Australia further declares its understanding that the offences in Article 6, 7 and 8 will be interpreted and applied in a way that accords with the way they are implemented in Australian domestic law."

COLOMBIA

1. None of the provisions of the Rome Statute concerning the exercise of jurisdiction by the International Criminal Court prevent the Colombian State from granting amnesties, reprieves or judicial pardons for political crimes, provided that they are granted in conformity with the Constitution and with the principles and norms of international law accepted by Colombia.

Colombia declares that the provisions of the Statute must be applied and interpreted in a manner consistent with the provisions of international humanitarian law and, consequently, that nothing in the Statute affects the rights and obligations embodied in the norms of international humanitarian law, especially those set forth in article 3 common to the four Geneva Conventions and in Protocols I and II Additional thereto.

Likewise, in the event that a Colombian national has to be investigated and prosecuted by the International Criminal Court, the Rome Statute must be interpreted and applied, where appropriate, in accordance with the principles and norms of international humanitarian law and international human rights law.

2. With respect to articles 61(2)(b) and 67(1)(d), Colombia declares that it will always be in the interests of justice that Colombian nationals be fully guaranteed the right of defence, especially the right to be assisted by counsel during the phases of investigation and prosecution by the International Criminal Court.

3. Concerning article 17(3), Colombia declares that the use of the word "otherwise" with respect to the determination of the State's ability to investigate or prosecute a case refers to the obvious absence of objective conditions necessary to conduct the trial.

4. Bearing in mind that the scope of the Rome Statute is limited exclusively to the exercise of complementary jurisdiction by the International Criminal Court and to the cooperation of national authorities with it, Colombia declares that none of the provisions of the Rome Statute alters the domestic law applied by the Colombian judicial authorities in exercise of their domestic jurisdiction within the territory of the Republic of Colombia.

5. Availing itself of the option provided in article 124 of the Statute and subject to the conditions established therein, the Government of Colombia declares that it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by Colombian nationals or on Colombian territory.

6. In accordance with article 87(1)(a) and the first paragraph of article 87(2), the Government of Colombia declares that requests for cooperation or assistance shall be transmitted through the diplomatic channel and shall either be in or be accompanied by a translation into the Spanish language.

CZECH REPUBLIC¹³

EGYPT

2. The Arab Republic of Egypt affirms the importance of the Statute being interpreted and applied in conformity with the general principles and fundamental rights which are universally recognized and accepted by the whole international community and with the principles, purposes and provisions of the Charter of the United Nations and the general principles and rules of international law and international humanitarian law. It further declares that it shall interpret and apply the references that appear in the Statute of the Court to the two terms fundamental rights and international standards on the understanding that such references are to the fundamental rights and internationally recognized norms and standards which are accepted by the international community as a whole.

3. The Arab Republic of Egypt declares that its understanding of the conditions, measures and rules which appear in the introductory paragraph of article 7 of the Statute of the Court is that they shall apply to all the acts specified in that article.

4. The Arab Republic of Egypt declares that its understanding of article 8 of the Statute of the Court shall be as follows:

(a) The provisions of the Statute with regard to the war crimes referred to in article 8 in general and article 8, paragraph 2 (b) in particular shall apply irrespective of the means by which they were perpetrated or the type of weapon used, including nuclear weapons, which are indiscriminate in nature and cause unnecessary damage, in contravention of international humanitarian law.

(b) The military objectives referred to in article 8, paragraph 2 (b) of the Statute must be defined in the light of the principles, rules and provisions of international humanitarian law. Civilian objects must be defined and dealt with in accordance with the provisions of the Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) and, in particular, article 52 thereof. In case of doubt, the object shall be considered to be civilian.

(c) The Arab Republic of Egypt affirms that the term "the concrete and direct overall military advantage anticipated" used in article 8, paragraph 2 (b) (iv), must be

interpreted in the light of the relevant provisions of the Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I). The term must also be interpreted as referring to the advantage anticipated by the perpetrator at the time when the crime was committed. No justification may be adduced for the nature of any crime which may cause incidental damage in violation of the law applicable in armed conflicts. The overall military advantage must not be used as a basis on which to justify the ultimate goal of the war or any other strategic goals. The advantage anticipated must be proportionate to the damage inflicted.

(d) Article 8, paragraph 2 (b) (xvii) and (xviii) of the Statute shall be applicable to all types of emissions which are indiscriminate in their effects and the weapons used to deliver them, including emissions resulting from the use of nuclear weapons.

5. The Arab Republic of Egypt declares that the principle of the non-retroactivity of the jurisdiction of the Court, pursuant to articles 11 and 24 of the Statute, shall not invalidate the well established principle that no war crime shall be barred from prosecution due to the statute of limitations and no war criminal shall escape justice or escape prosecution in other legal jurisdictions.

FRANCE¹⁴

1. The provisions of the Statute of the International Criminal Court do not preclude France from exercising its inherent right of self-defence in conformity with Article 51 of the Charter.

2. The provisions of article 8 of the Statute, in particular paragraph 2 (b) thereof, relate solely to conventional weapons and can neither regulate nor prohibit the possible use of nuclear weapons nor impair the other rules of international law applicable to other weapons necessary to the exercise by France of its inherent right of self-defence, unless nuclear weapons or the other weapons referred to herein become subject in the future to a comprehensive ban and are specified in an annex to the Statute by means of an amendment adopted in accordance with the provisions of articles 121 and 123.

3. The Government of the French Republic considers that the term 'armed conflict' in article 8, paragraphs 2 (b) and (c), in and of itself and in its context, refers to a situation of a kind which does not include the commission of ordinary crimes, including acts of terrorism, whether collective or isolated.

4. The situation referred to in article 8, paragraph 2 (b) (xxiii), of the Statute does not preclude France from directing attacks against objectives considered as military objectives under international humanitarian law.

5. The Government of the French Republic declares that the term "military advantage" in article 8, paragraph 2 (b) (iv), refers to the advantage anticipated from the attack as a whole and not from isolated or specific elements thereof.

6. The Government of the French Republic declares that a specific area may be considered a "military objective" as referred to in article 8, paragraph 2 (b) as a whole if, by reason of its situation, nature, use, location, total or partial destruction, capture or neutralization, taking into account the circumstances of the moment, it offers a decisive military advantage.

The Government of the French Republic considers that the provisions of article 8, paragraph 2 (b) (ii) and (v), do not refer to possible collateral damage resulting from attacks directed against military objectives.

7. The Government of the French Republic declares that the risk of damage to the natural environment as a result of the use of methods and means of warfare, as envisaged in article 8, paragraph 2 (b) (iv), must be weighed objectively on the basis of the information available at the time of its assessment.

...

ISRAEL

"Being an active consistent supporter of the concept of an International Criminal Court, and its realization in the form of the Rome Statute, the Government of the State of Israel is proud to thus express its acknowledgment of the importance, and indeed indispensability, of an effective court for the enforcement of the rule of law and the prevention of impunity.

As one of the originators of the concept of an International Criminal Court, Israel, through its prominent lawyers and statesmen, has, since the early 1950's, actively participated in all stages of the formation of such a court. Its representatives, carrying in both heart and mind collective, and sometimes personal, memories of the holocaust - the greatest and most heinous crime to have been committed in the history of mankind - enthusiastically, with a sense of acute sincerity and seriousness, contributed to all stages of the preparation of the Statute. Responsibly, possessing the same sense of mission, they currently support the work of the ICC Preparatory Commission.

At the 1998 Rome Conference, Israel expressed its deep disappointment and regret at the insertion into the Statute of formulations tailored to meet the political agenda of certain states. Israel warned that such an unfortunate practice might reflect on the intent to abuse the Statute as a political tool. Today, in the same spirit, the Government of the State of Israel signs the Statute while rejecting any attempt to interpret provisions thereof in a politically motivated manner against Israel and its citizens. The Government of Israel hopes that Israel's expressions of concern of any such attempt would be recorded in history as a warning against the risk of politicization, that might undermine the objectives of what is intended to become a central impartial body, benefiting mankind as a whole.

Nevertheless, as a democratic society, Israel has been conducting ongoing political, and academic debates concerning the ICC and its significance in the context of international law and the international community. The Court's essentiality - as a vital means of ensuring that criminals who commit genuinely heinous crimes will be duly brought to justice, while other potential offenders of the fundamental principles of humanity and the dictates of public conscience will be properly deterred - has never seized to guide us. Israel's signature of the Rome Statute will, therefore, enable it to morally identify with this basic idea, underlying the establishment of the Court.

Today, [the Government of Israel is] honoured to express [its] sincere hopes that the Court, guided by the cardinal judicial principles of objectivity and universality, will indeed serve its noble and meritorious objectives."

JORDAN

"The Government of the Hashemite Kingdom of Jordan hereby declares that nothing under its national law including the Constitution, is inconsistent with the Rome Statute of the International Criminal Court. As such, it interprets such national law as giving effect to the full application of the Rome Statute and the exercise of relevant jurisdiction thereunder."

LIECHTENSTEIN¹³

LITHUANIA¹³

LUXEMBOURG¹³

MALTA

“Article 20, paragraphs 3 (a) and (b).

With regard to article 20 paragraphs 3 (a) and (b) of the Rome Statute of the International Criminal Court Malta declares that according to its constitution no person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the course of appeal or review proceedings relating to the conviction or acquittal; and no person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

It is presumed that under the general principles of law a trial as described in paragraphs 3 (a) and (b) of Article 20 of the Statute would be considered a nullity and would not be taken into account in the application of the above constitutional rule. However, the matter has never been the subject of any judgment before the Maltese courts.

The prerogative of mercy will only be exercised in Malta in conformity with its obligations under International law including those arising from the Rome Statute of the International Criminal Court.”

NEW ZEALAND

“1. The Government of New Zealand notes that the majority of the war crimes specified in article 8 of the Rome Statute, in particular those in article 8 (2) (b) (i)-(v) and 8 (2) (e) (i)-(iv) (which relate to various kinds of attacks on civilian targets), make no reference to the type of the weapons employed to commit the particular crime. The Government of New Zealand recalls that the fundamental principle that underpins international humanitarian law is to mitigate and circumscribe the cruelty of war for humanitarian reasons and that, rather than being limited to weaponry of an earlier time, this branch of law has evolved, and continues to evolve, to meet contemporary circumstances. Accordingly, it is the view of the Government of New Zealand that it would be inconsistent with principles of international humanitarian law to purport to limit the scope of article 8, in particular article 8 (2) (b), to events that involve conventional weapons only.

2. The Government of New Zealand finds support for its view in the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons* (1996) and draws attention to paragraph 86, in particular, where the Court stated that the conclusion that humanitarian law did not apply to such weapons “would be incompatible with the intrinsically humanitarian character of the legal principles in question which permeates the entire law of armed conflict and applies to all forms of warfare and to all kinds of weapons, those of the past, those of the present and those of the future.”

3. The Government of New Zealand further notes that international humanitarian law applies

equally to aggressor and defender states and its application in a particular context is not dependent on a determination of whether or not a state is acting in self-defence. In this respect it refers to paragraphs 40-42 of the Advisory Opinion in the *Nuclear Weapons Case*

PORTUGAL

“... with the following declaration:

The Portuguese Republic declares the intention to exercise its jurisdictional powers over every person found in the Portuguese territory, that is being prosecuted for the crimes set forth in article 5, paragraph 1 of the Rome Statute of the International Criminal Court, within the respect for the Portuguese criminal legislation. ...”

SLOVAKIA¹³

SPAIN¹³

SWEDEN

“In connection with the deposit of its instrument of ratification of the Rome Statute of the International Criminal Court and, with regard to the war crimes specified in Article 8 of the Statute which relate to the methods of warfare, the Government of the Kingdom of Sweden would like to recall the Advisory Opinion given by the International Court of Justice on 8 July 1996 on the *Legality of the Threat or Use of Nuclear Weapons*, and in particular paragraphs 85 to 87 thereof, in which the Court finds that there can be no doubt as to the applicability of humanitarian law to nuclear weapons.”

SWITZERLAND¹³

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

“The United Kingdom understands the term “the established framework of international law”, used in article 8 (2) (b) and (e), to include customary international law as established by State practice and *opinio iuris*. In that context the United Kingdom confirms and draws to the attention of the Court its views as expressed, *inter alia*, in its statements made on ratification of relevant instruments of international law, including the Protocol Additional to the Geneva Conventions of 12th August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8th June 1977.”

URUGUAY^{15,16}

Objections

(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval, accession or succession.)

FINLAND

“The Government of Finland has carefully examined the contents of these interpretative declarations, in particular the statement that “as a State party to the Rome Statute, the Eastern Republic of Uruguay shall ensure its application to the full extent of the powers of the State insofar as it is competent in that respect and in strict

accordance with the Constitutional provisions of the Republic.” Such a statement, without further specification, has to be considered in substance as a reservation which raises doubts as to the commitment of Uruguay to the object and purpose of the Statute.

The Government of Finland would like to recall Article 120 of the Rome Statute and the general principle relating to internal law and observance of treaties,

according to which a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

The Government of Finland therefore objects to the above-mentioned reservation made by the Eastern Republic of Uruguay to the Rome Statute of the International Criminal Court. This objection shall not preclude the entry into force of the Statute between Finland and Uruguay. The Statute will thus become operative between the two states without Uruguay benefiting from its reservation."

GERMANY

"The Government of the Federal Republic of Germany has examined the Interpretative Declaration to the Rome Statute of the International Criminal Court made by the Government of the Eastern Republic of Uruguay at the time of its ratification of the Statute.

The Government of the Federal Republic of Germany considers that the Interpretative Declaration with regard to the compatibility of the rules of the Statute with the provisions of the Constitution of Uruguay is in fact a reservation that seeks to limit the scope of the Statute on a unilateral basis. As it is provided in article 120 of the Statute that no reservation may be made to the Statute, this reservation should not be made.

The Government of the Federal Republic of Germany therefore objects to the aforementioned "declaration" made by the Government of the Eastern Republic of Uruguay. This objection does not preclude the entry into force of the Statute between the Federal Republic of Germany and the Eastern Republic of Uruguay."

NETHERLANDS

"The Government of the Kingdom of the Netherlands has examined the interpretative declaration made by the Government of Uruguay and regards the declaration made by the Government of Uruguay to effectively be a reservation.

The Government of the Kingdom of the Netherlands notes that the application of the Statute by the Government of Uruguay will be limited by the bounds of national legislation. The reservation made by Uruguay

CABO VERDE

therefore raises doubts as to the commitment of Uruguay to the object and purpose of the Statute.

Article 120 of the Statute precludes reservations.

On these two grounds the Kingdom of the Netherlands objects to the above-mentioned reservation made by Uruguay to the Rome Statute of the International Criminal Court.

This objection shall not preclude the entry into force of the Statute between the Kingdom of the Netherlands and Uruguay. The Statute will be effective between the two States, without Uruguay benefiting from its reservation."

SWEDEN

"The Government of Sweden has examined the interpretative declaration made by the Eastern Republic of Uruguay upon ratifying the Rome Statute of the International Criminal Court (the Statute).

The Government of Sweden recalls that the designation assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. The Government of Sweden considers that the declaration made by Uruguay to the Statute in substance constitutes a reservation.

The Government of Sweden notes that the application of the Statute is being made subject to a general reference to possible limits of the competence of the State and the constitutional provisions of Uruguay. Such a general reservation referring to national legislation without specifying its contents makes it unclear to what extent the reserving State considers itself bound by the obligations of the Statute. The reservation made by Uruguay therefore raises doubts as to the commitment of Uruguay to the object and purpose of the Statute.

According to article 120 of the Statute no reservations shall be permitted. The Government of Sweden therefore objects to the aforesaid reservation made by Uruguay to the Rome Statute of the International Criminal Court.

This objection shall not preclude the entry into force of the Statute between Sweden and Uruguay. The Statute enters into force in its entirety between the two States, without Uruguay benefiting from its reservation."

LUXEMBOURG

In accordance with the provisions of article 87 (1) of the Statute, Luxembourg designates the State Attorney General as the central authority within the meaning of article 87 of the Statute.

Notifications made under article 87 (1) and (2) (Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval, accession or succession.)

ALBANIA

"In accordance with article 87, paragraph 1, of the Rome Statute of the International Criminal Court, the Republic of Albania declares that the requests of the Court shall be sent through diplomatic channels to the Ministry of Justice, Department of International Judicial Cooperation, Boulevard A. Zog, Tirana, Albania.

In accordance with article 87, paragraph 2, of the Rome Statute of the International Criminal Court, the requests for cooperation and all the supporting documents of the requests, shall be in Albanian Language and in one of the working languages of the Court, English or French."

ANDORRA

With regard to article 87, paragraph 1, of the Rome Statute of the International Criminal Court, the Principality of Andorra declares that all requests for cooperation made by the Court under part IX of the Statute must be transmitted through the diplomatic channel.

With regard to article 87, paragraph 2, of the Rome Statute of the International Criminal Court, the Principality of Andorra declares that all requests for cooperation and any supporting documents that it receives from the Court must, in accordance with article 50 of the Statute establishing Arabic, Chinese, English, French, Russian and Spanish as the official languages of the Court, be drafted in French or Spanish or accompanied,

where necessary, by a translation into one of these languages.

ARGENTINA

With regard to article 87, paragraph 2, of the Statute, the Argentine Republic hereby declares that requests for cooperation coming from the Court, and any accompanying documentation, shall be in Spanish or shall be accompanied by a translation into Spanish.

Pursuant to article 87, paragraph 1 (a) of the Rome Statute, the Argentine Government wishes to inform the Secretary-General, in his capacity as depositary of the Rome Statute, that it has chosen the diplomatic channel as the channel of communication. To that end, communications from the International Criminal Court should be addressed to the Embassy of the Argentine Republic at The Hague, which shall transmit them to the Ministry of Foreign Affairs, International Trade and Worship and, through that Ministry, to the relevant local authorities, where necessary.

This communication has also been transmitted, by the Embassy of the Argentine Republic to the Netherlands, to the Registry of the International Criminal Court.

AUSTRALIA

".....[P]ursuant to paragraph 1 (a) of Article 87 of the Rome Statute,.....the Australian Government has designated the Australian Embassy to The Netherlands as the diplomatic channel for transmission of requests for cooperation in accordance with that Article.

".....[P]ursuant to paragraph 2 of Article 87 of the Rome Statute,any such request for cooperation in accordance with that Article should be either be in, or accompanied by a translation into, English."

AUSTRIA

"Pursuant to article 87, paragraph 2 of the Rome Statute, the Republic of Austria declares that requests for cooperation and any documents supporting the request shall either be in or be accompanied by a translation into the German language."

BELGIUM

With reference to article 87, paragraph 1, of the Statute, the Kingdom of Belgium declares that the Ministry of Justice is the authority competent to receive requests for cooperation.

With reference to article 87, paragraph 2, the Kingdom of Belgium declares that requests by the Court for cooperation and any documents supporting the request shall be in an official language of the Kingdom.

BELIZE

"Pursuant to Article 87 (1) (a) of the Statute of the International Criminal Court, Belize declares that all requests made to it in accordance with Chapter 9 be sent through diplomatic channels."

BRAZIL

".....with regard to article 87, paragraph 2 of the said Statute, the official language of the Federative Republic of Brazil is Portuguese and that all requests for cooperation and any supporting documents that it receives from the Court must be drafted in Portuguese or accompanied by a translation into Portuguese."

CABO VERDE

With regard to article 87 (2) of the Rome Statute, Cape Verde declares that all requests for cooperation and any other supporting documents that it receives from the Court shall be transmitted through diplomatic channels via its Embassy in Brussels, preferably in Portuguese or translated in this language.

CHAD

The Government of the Republic of Chad maintains the diplomatic channel for communications and French as the working language in accordance with article 87 paragraphs 1 (a) and 2 of the Rome Statute.

CHILE

1. In accordance with article 87 (1) (a) of the Statute, the requests for cooperation from the International Criminal Court shall be transmitted through the diplomatic channel to the Ministry of Foreign Affairs of Chile.

2. In accordance with article 87 (2) of the Statute the requests for cooperation from the International Criminal Court and any documents supporting the request shall be in Spanish or be accompanied by a translation into Spanish.

COLOMBIA

[Pursuant] ... to the notification that Colombia must make as a State party to the Rome Statute concerning the communication channel and official language to be used when requests for cooperation and any documents supporting the request are transmitted, in accordance with article 87, paragraphs 1(a) and 2 of the above-mentioned instrument ... , [the Government of Colombia wishes to inform] that any communications sent or received in this area should be drafted in Spanish and that the channel for transmission should be the Embassy of Colombia to the Kingdom of the Netherlands, at The Hague, which can be contacted as follows:

Embassy of Colombia to the Kingdom of the Netherlands

Address: Groot Hertoginnelaan 14
2517 EG Den Haag
Netherlands
Telephone: +31-(0)70-3614545
Fax: +31-(0)70-3614636

CÔTE D'IVOIRE

In accordance with paragraphs 1 a) and 2 of Article 87 of the Rome Statute of the International Criminal Court, the Government of the Republic of Côte d'Ivoire declares that the requests from the Court shall be transmitted through diplomatic channels and in French, the official language of the Republic of Côte d'Ivoire.

CROATIA

"Pursuant to article 87, paragraph 1, of the Statute, the Republic of Croatia declares that requests from the Court shall be transmitted through diplomatic channel to the Ministry of Justice - Department for Cooperation with the International Criminal Courts.

Pursuant to article 87, paragraph 2, of the Statute, the Republic of Croatia declares that requests for cooperation and documents supporting the request from the Court shall be in Croatian which is the official language of the Republic of Croatia and shall be accompanied by a translation in English which is one of the working languages of the International Criminal Court."

CYPRUS

"1. Pursuant to article 87 (1) of the Rome Statute of the International [Criminal] Court, the Republic of Cyprus declares that requests from the Court may also be transmitted directly to the Ministry of Justice and Public Order.

2. Pursuant to article 87 (2) of the Rome Statute of the International Criminal Court, the Republic of Cyprus declares that requests from the Court for cooperation and any documents supporting them shall be transmitted also in English, which is one of the working languages of the Court."

CZECH REPUBLIC

On accepting this Statute, the Czech Republic declares in accordance with Article 87, paragraph 1, subparagraph (a) of the Statute, that requests for cooperation may be transmitted through the diplomatic channel or sent:

1. if the request is for surrender or temporary transfer of a person or for transit of a person, directly to the Ministry of Justice of the Czech Republic;

2. if the request is for other forms of cooperation, until the commencement of the trial, directly to the Supreme Public Prosecutor's Office of the Czech Republic and, after the commencement of the trial, directly to the Ministry of Justice of the Czech Republic.

In accordance with Article 87, paragraph 2 of the Statute, the Czech Republic declares that requests for cooperation and any documents supporting the request shall either be in or accompanied by a translation into the Czech language.

DEMOCRATIC REPUBLIC OF THE CONGO

"Pursuant to article 87, paragraph 1 (a) of the Rome Statute of the International Criminal Court, requests for cooperation issued by the Court shall be transmitted to the Government Procurator's Office of the Democratic Republic of the Congo;

For any request for cooperation within the meaning of article 87, paragraph 1 (a) of the Statute, French shall be the official language."

DENMARK

"Pursuant to article 87 (1) of the Statute, Denmark declares that requests from the Court shall be transmitted through the diplomatic channel or directly to the Ministry of Justice, which is the authority competent to receive such requests.

Pursuant to article 87 (2) of the Statute, Denmark declares that requests from the Court for cooperation and any documents supporting such requests shall be submitted either in Danish which is the official language of Denmark or in English, which is one of the working languages of the Court."

EGYPT

Pursuant to article 87, paragraphs 1 and 2, the Arab Republic of Egypt declares that the Ministry of Justice shall be the party responsible for dealing with requests for cooperation with the Court. Such requests shall be transmitted through the diplomatic channel. Requests for cooperation and any documents supporting the request shall be in the Arabic language, being the official language of the State, and shall be accompanied by a translation into English being one of the working languages of the Court.

EL SALVADOR

In accordance with article 87 (1) of the Rome Statute of the International Criminal Court, the Republic of El Salvador declares that all requests for cooperation must be transmitted through diplomatic channel.

In accordance with article 87 (2) of the Rome Statute of the International Criminal Court, the Republic of El Salvador declares that the requests for cooperation and any documents supporting the request must be written in

the Spanish language or be accompanied by a translation into Spanish.

ESTONIA

"Pursuant to Article 87, paragraph 1 of the Statute the Republic of Estonia declares that the requests from the International Criminal Court shall be transmitted either through the diplomatic channels or directly to the Public Prosecutor's Office, which is the authority to receive such requests.

Pursuant to 87, paragraph 2 of the Statute the Republic of Estonia declares that requests from the International Criminal Court and any documents supporting such requests shall be submitted either in Estonian which is the official language of the Republic of Estonia or in English which is one of the working languages of the International Criminal Court."

FINLAND

"Pursuant to article 87 (1) (a) of the Statute, the Republic of Finland declares that requests for cooperation shall be transmitted either through the diplomatic channel or directly to the Ministry of Justice, which is the authority competent to receive such requests. The Court may also, if need be, enter into direct contact with other competent authorities of Finland. In matters relating to requests for surrender the Ministry of Justice is the only competent authority.

Pursuant to article 87 (2) of the Statute, the Republic of Finland declares that requests from the Court and any documents supporting such requests shall be submitted either in Finnish or Swedish, which are the official languages of Finland, or in English which is one of the working languages of the Court."

FRANCE

Pursuant to article 87, paragraph 2, of the Statute, the French Republic declares that requests for cooperation, and any documents supporting the request, addressed to it by the Court must be in the French language.

... The Permanent Mission of France confirms that the channel to be used for transmitting any communication between France and the International Criminal Court shall be the diplomatic channel through the embassy of France at The Hague.

Requests for cooperation from the International Criminal Court should be transmitted in the original or in the form of a certified true copy, accompanied by all supporting documentation. In cases of urgency, such documents may be transmitted by any means to the Procureur de la République (Government Procurator) for Paris. They shall then be transmitted through the diplomatic channel.

GAMBIA

"Pursuant to article 87 (1) of the Statute, the Republic of the Gambia declares that requests from the Court shall be transmitted through the diplomatic channel or directly to the Attorney General's Chambers and the Department of State for Justice, which is the authority competent to receive such request.

Pursuant to article 87 (2) of the Statute, the Republic of the Gambia declares that requests from the Court and any document supporting such requests shall be in English which is one of the working languages of the Court and the official language of the Republic of the Gambia."

GEORGIA

".....according to the Chapter 8, Section 2 of the Rome Statute any request for cooperation or additional

documentation shall be provided in Georgian language or in adequate translation."*

[*I. Should read "Article 87, paragraph 2".]

"... based on Article 3, Paragraph 1 of the law of Georgia on "Cooperation of Georgia and the International Criminal Court", the Ministry of Justice of Georgia is the delegated authority to be a counterpart to the Criminal Court.

Based on Article 9 of the same law, written communication between two organs must be conducted in Georgian language or the document has to have the annex in Georgian language.

Based on the regulation of the Ministry of Justice of Georgia, the Department for International Public Law of the Ministry of Justice of Georgia is the contact organ for the International Criminal Court.

The contact information for the department is: Tel (+995 32) 40 51 60/34; Fax(+995 32) 40 51 60."

GERMANY

"The Federal Republic of Germany declares, pursuant to article 87 (1) of the Rome Statute, that requests from the Court can also be transmitted directly to the Federal Ministry of Justice or an agency designated by the Federal Ministry of Justice in an individual case. Requests to the Court can be transmitted directly from the Federal Ministry of Justice or, with the Ministry's agreement, from another competent agency to the Court.

The Federal Republic of Germany further declares, pursuant to article 87 (2) of the Rome Statute, that requests for cooperation to Germany and any documents supporting the request must be accompanied by a translation into German."

GREECE

".....pursuant to article 87 paragraph 1 (a) of the Rome Statute, the Hellenic Republic declares that, until further notice, requests by the Court for cooperation shall be transmitted through the diplomatic channel.

Furthermore, pursuant to article 87 paragraph 2 of the Rome Statute, the Hellenic Republic declares that requests for cooperation and any documents supporting the request shall be accompanied by a translation into the Greek language."

GUATEMALA

1. In accordance with article 87 (1) (a) of the Statute, the requests for cooperation from the International Criminal Court must be transmitted through the diplomatic channel to the Ministry of Foreign Affairs of the Republic of Guatemala.

2. In accordance with article 87 (2) of the Statute, the requests for cooperation from the International Criminal Court and any documents supporting the request must be written in the Spanish language or be accompanied by a translation into Spanish.

HONDURAS¹³

With respect to article 87, paragraph 1 (a), of the Rome Statute of the International Criminal Court, the Republic of Honduras has designated the Ministry of the Interior and Justice as the competent authority to receive and transmit requests for cooperation. With respect to article 87, paragraph 2, the Republic of Honduras declares that requests for cooperation and any documents supporting the request should be submitted in the Spanish language, or accompanied by a translation into Spanish.

... II. This Agreement shall be submitted to the Sovereign National Congress for its consideration, for the purposes of article 205, paragraph 30, of the Constitution of the Republic.

For communications: (F) Ricardo Maduro: President; Secretary of State to the Ministry of Foreign Affairs: (F) Guillermo Pérez-Cadalso.

HUNGARY

"... the Government of the Republic of Hungary makes the following declaration in relation to Article 87 of the Statute of the International Criminal Court (Rome, 17 July 1998):

Requests of the Court for cooperation shall be transmitted to the Government of the Republic of Hungary through diplomatic channel. These requests for cooperation and any documents supporting the request shall be made in English."

ICELAND

1. With reference to article 87, paragraph 1(a), of the Rome Statute of the International Criminal Court, Iceland declares that the Ministry of Justice is designated as the channel for the transmission of requests for cooperation from the Court.

2. With reference to article 87, paragraph 2, of the Rome Statute of the International Criminal Court, Iceland declares that requests for cooperation from the Court and any documents supporting the requests shall be submitted in English, which is one of the working languages of the Court.

ITALY

"Italy hereby specifies that it would like to receive the requests for cooperation provided for by Article 87 of the Rome Statute through diplomatic channels. The language in which those requests and the relevant documents should be received is Italian, together with a French translation."

JAPAN

"... pursuant to article 87 paragraph 1 (a) of the Rome Statute, the Government of Japan declares that, until further notice, requests by the Court for cooperation shall be transmitted through the diplomatic channel.

... pursuant to article 87 paragraph 2 of the Rome Statute, the Government of Japan declares that requests for cooperation and any documents supporting such requests shall be in English and be accompanied by a translation into the Japanese language."

LATVIA

"Pursuant to article 87, paragraph 2 of the Rome Statute of the International Criminal Court the Republic of Latvia declares that requests for cooperation and any documents supporting the request shall either be in or be accompanied by a translation into the Latvian language."

LESOTHO

"Pursuant to Article 87 paragraph 1 (a) and 2 of the Rome Statute establishing the International Criminal Court, with regard to the Kingdom of Lesotho, requests for cooperation and any documents supporting such requests shall be transmitted through the diplomatic channel, that is, the Ministry of Foreign Affairs of the Kingdom of Lesotho, and such communication be in the English language."

LIECHTENSTEIN

Requests of the Court made pursuant to article 87, paragraph 1 (a) of the Statute, shall be transmitted to the central authority for cooperation with the International

Criminal Court, namely the Ministry of Justice of the Government of the Principality of Liechtenstein.

Pursuant to article 87, paragraph 1 (a) of the Statute, the Court may serve in decisions and other records or documents upon recipients in the Principality of Liechtenstein directly by mail. A summons to appear before the Court as a witness or expert shall be accompanied by the Rule of Procedure and Evidence of the Court on self-incrimination; this Rule shall be given to the person concerned in a language that the person understands.

The official language in the sense of article 87, paragraph 2 of the Statute is German. Requests and supporting documentation shall be submitted in the official language of the Principality of Liechtenstein, German, or translated into German.

LITHUANIA

"AND WHEREAS, it is provided in paragraph 1 of Article 87, the Seimas of the Republic of Lithuania declares that requests of the International Criminal Court for cooperation may be transmitted directly to the Ministry of Justice of the Republic of Lithuania or to the Prosecutor's General Office of the Republic of Lithuania;

AND WHEREAS, it is provided in paragraph 2 of Article 87, the Seimas of the Republic of Lithuania declares that requests of the International Criminal Court for cooperation and any documents supporting the request shall be presented either in Lithuanian language, which is State Language of the Republic of Lithuania, or in English language, which is one of the working languages of the International Criminal Court, or be accompanied by a translation either into Lithuanian language or in English language;..."

LUXEMBOURG

....French is the language chosen by the Government of the Grand Duchy of Luxembourg and that the Embassy of the Grand Duchy of Luxembourg at The Hague is the most appropriate channel for the transmission of all communications with the International Criminal Court.

MALI

Pursuant to article 87, paragraphs 1 (a) and 2 of the Rome Statute, relating to the designation of channels of communication between States parties and the Court and to the language to be used in requests for cooperation, the Permanent Mission of Mali to the United Nations has the honour to inform the Secretariat that the Government of Mali wishes such requests to be addressed to it in French, the official language, through the diplomatic channel.

MALTA

"Malta declares, pursuant to article 87, paragraph 2 of the Statute, that requests for cooperation and any documents supporting the request, must be in English or accompanied, where necessary, by a translation into English."

MARSHALL ISLANDS

".....the Permanent Mission of the Republic of the Marshall Islands to the United Nations is the designated channel of communication between the States Parties and the Court and English is the designated language.

.....Please find below the Mission's contact information:

Permanent Mission of the Republic of the Marshall Islands to the United Nations
800 Second Avenue, 18th Floor
New York, New York 10017
Tel No: (212) 983-3040

Fax No: (212) 983-3202
Email: marshallislands@un.int"

MEXICO

The Government of the United Mexican States requests, in accordance with article 87, paragraph 1 (a) of the Statute, that the requests for cooperation from the International Criminal Court shall be transmitted through diplomatic channels to the Ministry of Foreign Affairs.

Similarly, the Government of the United Mexican States decides that the request for cooperation from the International Criminal Court, and any documents supporting such requests to which article 87, paragraph 2 refers, shall be written in or submitted together with a translation into Spanish.

MONTENEGRO⁵

"...in accordance with article 87, paragraphs 1 (a) and 2 of the Rome Statute, Serbia and Montenegro has designated Diplomatic Channel of communication as its channel of communication with the International Criminal Court and Serbian and English language as the languages of communication."

NAMIBIA

".....with reference to Article 87 paragraph 2 of the Rome Statute of the International Criminal Court, [the Republic of Namibia] declares that all requests for cooperation and any documents supporting the request, must either be in, or be accompanied by a translation into the English language."

".....in terms of the provisions of Article 87 (1) (a) of the Rome Statute of the International Criminal Court, the Republic of Namibia designates the Namibian diplomatic channel or the Permanent Secretary, Ministry of Justice of the Government of the Republic of Namibia as the appropriate channel of communication."

NETHERLANDS

"[Pursuant] to article 87, paragraphs 1(a) and 2 of the Rome Statute concerning designation of channels and languages of communication between States Parties and the Court, the Kingdom of the Netherlands indicates English as language of communication and designates as national authority charged with receiving communications:

Ministry of Justice
Office of International Legal Assistance in Criminal Matters
Postbus 20301
2500 EH Den Haag
Fax. (+31) (0) 70 370 7945"

NEW ZEALAND

[Pursuant to] article 87 paragraphs 1 (a) and 2 of the Rome Statute concerning designation of channels and language of communication between the States Parties to the Rome Statute and the International Criminal Court, [the Government of New Zealand has the] honour to advise that [it] designates the diplomatic channel through the New Zealand Embassy in The Hague as its preferred channel of communication with the International Criminal Court, and English as its preferred language of communication."

NORTH MACEDONIA

".....pursuant to Article 87 (1) of the Statute, that requests from the Court shall be transmitted through the diplomatic channel or directly to the Ministry of Justice, which is the authority competent to receive such requests."

.....pursuant to Article 87 (2) of the Statute, that requests from the Court for cooperation and any documents supporting such requests shall be submitted either in Macedonian which is the official language of the Republic of Macedonia or in English, which is one of the working languages of the Court."

NORWAY

"1. With reference to Article 87, paragraph 1 (a), the Kingdom of Norway hereby declares that the Royal Ministry of Justice is designated as the channel for the transmission of requests from the Court.

2. With reference to Article 87, paragraph 2, the Kingdom of Norway hereby declares that requests from the Court and any documents supporting the request shall be submitted in English, which is one of the working languages of the Court."

PANAMA

..... requests for cooperation pursuant to article 87, paragraph 1 (a), of the Rome Statute shall be transmitted by the Court to the Republic of Panama through the diplomatic channel.

In addition, requests for cooperation pursuant to paragraph 2 of the aforementioned article, and any documents supporting such requests, shall be written in or translated into Spanish, the official language of the Republic of Panama.

PERU

The Permanent Mission of Peru wishes to state that the channel of communication with the International Criminal Court shall be the Ministry of Foreign Affairs of Peru through the Embassy of Peru in the Kingdom of the Netherlands, and furthermore that requests for cooperation by the International Criminal Court to Peru should be made in the Spanish language or be accompanied by a translation into Spanish.

POLAND

In accordance with Article 87 paragraph 2 of the Statute the Republic of Poland declares that applications on cooperation submitted by Court and documents added to them shall be made in Polish language.

PORTUGAL

" With regard to article 87, paragraph 2 of the Rome Statute of the International Criminal Court, the Portuguese Republic declares that all requests for cooperation and any supporting documents that it receives from the Court must be drafted in Portuguese or accompanied by a translation into Portuguese."

REPUBLIC OF MOLDOVA

1. According to the provisions of the article 87 paragraph 1 of the Statute, the Republic of Moldova declares that all the cooperation requests and all the related documents shall be transmitted through the diplomatic channel.

2. According to the provisions of the article 87 paragraph 2 of the Statute, the Republic of Moldova declares that all the cooperation requests and any documents supporting the requests shall be prepared in Moldovan language or in English, which is one of the working languages of the International Criminal Court, or be accompanied by a translation into one of these languages.

ROMANIA

"1. With reference to article 87 paragraph 1 (a) of the Statute, the Ministry of Justice is the Romanian authority competent to receive the requests of the International Criminal Court, to send them immediately for resolution to the Romanian judicial competent bodies, and to communicate to the International Criminal Court the relevant documents:

2. With reference to article 87 paragraph 2 of the Statute, the requests of the International Criminal Court and the relevant documents shall be transmitted in the English language, or accompanied by official translations in this language."

SAMOA

"[The Government of Samoa] has the honour to advise that in pursuance of article 87 paragraphs 1 (a) and 2 of the Rome Statute concerning the designation of channels and languages of communication between the States Parties and the International Criminal Court, such channel and language of communication is as follows:

Channel: Permanent Mission of Samoa to the United Nations
800 Second Avenue, Suite 400 J
New York, New York 10017
Tel: (212) 599-6196 Fax: (212) 599-0797
Language: English."

SERBIA

"...in accordance with article 87, paragraphs 1 (a) and 2 of the Rome Statute, Serbia and Montenegro has designated Diplomatic Channel of communication as its channel of communication with the International Criminal Court and Serbian and English language as the languages of communication."

SIERRA LEONE

".....the Permanent Mission of Sierra Leone to the United Nations remains the main channel of communication between Sierra Leone as a State Party and the Court, the language of communication is English."

SLOVAKIA

"Pursuant to Article 87, paragraph 2 of the Statute the Slovak Republic declares that requests from the Court for cooperation and any documents supporting such requests shall be submitted in English which is one of the working languages of the Court along with the translation into Slovak which is the official language of the Slovak Republic."

SLOVENIA

"Pursuant to Article 87, paragraph 1 (a) of the Rome Statute the Republic of Slovenia declares that requests for cooperation made by the Court, shall be addressed to the Ministry of Justice of the Republic of Slovenia.

Pursuant to Article 87, paragraph 2 of the Rome Statute the Republic of Slovenia declares that requests for cooperation and any documents supporting the request shall either be in or be accompanied by translation into Slovene language."

SPAIN

In relation to article 87, paragraph 1, of the Statute, the Kingdom of Spain declares that, without prejudice to the fields of competence of the Ministry of Foreign Affairs, the Ministry of Justice shall be the competent authority to transmit requests for cooperation made by the Court or addressed to the Court.

In relation to article 87, paragraph 2, of the Statute, the Kingdom of Spain declares that requests for cooperation addressed to it by the Court and any supporting documents must be in Spanish or accompanied by a translation into Spanish.

SUDAN

"I, Deng Alor Koul, Minister for Foreign Affairs of the Republic of Sudan, hereby notify the Secretary-General of the United Nations, as depositary of Rome Statute of the International Criminal Court, that Sudan does not intend to become a party to the Rome Statute. Accordingly, Sudan has no legal obligation arising from its signature on 8 September 2000."

SURINAME

<Right>25 August 2008<Right>

"In accordance with article 87 paragraph 1 and 2 of the Rome Statute of the International Criminal Court, the Government of the Republic of Suriname declares that all requests for cooperation and any other supporting documents that it receives from the Court shall be transmitted through diplomatic channels in English, which is one of the working languages of the Court along with the

translation into Dutch, which is the official languages of the Republic of Suriname."

SWEDEN

"With regard to Article 87, paragraph 1, of the Rome Statute of the International Criminal Court, the Kingdom of Sweden declares that all requests for cooperation made by the Court under part IX of the Statute must be transmitted through the Swedish Ministry of Justice.

With regard to Article 87, paragraph 2, of the Rome Statute of the International Criminal Court, the Kingdom of Sweden declares that all requests for cooperation and any supporting documents that it receives from the Court must be drafted in English or Swedish, or accompanied, where necessary, by a translation into one of these languages."

SWITZERLAND

Requests for cooperation made by the Court under article 87, paragraph 1 (a), of the Statute shall be transmitted to the Central Office for Cooperation with the International Criminal Court of the Federal Bureau of Justice.

The official languages within the meaning of article 87, paragraph 2, of the Statute, shall be French, German and Italian.

The Court may serve notice of its decisions and other procedural steps or documents on the persons to whom such decisions or documents are addressed in Switzerland directly through the mail. Any summons to appear in Court as a witness or expert shall be accompanied by the provision of the Rules of Procedure and Evidence of the Court concerning self-incrimination; that provision shall be provided to the person concerned in a language which he or she is able to understand.

TIMOR-LESTE

"... that the official language of communication between the Court and the Government of the Democratic Republic of Timor-Leste shall be English."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

" The United Kingdom declares, pursuant to article 87 (2) of the Statute, that requests for co-operation, and any documents supporting the request, must be in the English language."

URUGUAY

....in accordance with article 87, paragraph 2, of the Statute of the International Criminal Court, the Government of the Eastern Republic of Uruguay wishes to inform the Secretary-General that requests for cooperation and any documents supporting such requests should be drawn up in Spanish or be accompanied by a translation into Spanish.

".....according to article 87 paragraph 1 (a) of the Rome Statute,the Government of Uruguay has designated the Ministry of Foreign Affairs as its channel of communication with the International Criminal Court."

Notes:

¹ On 6 November 1998, the Secretary-General received from the Government of the United States of America the following communication dated 5 November 1998, relating to the proposed corrections to the Statute circulated on 25 September 1998:

"[...] The United States wishes to note a number of concerns and objections regarding the procedure proposed for the correction of the six authentic texts and certified true copies:

"First, the United States wishes to draw attention to the fact that, in addition to the corrections which the Secretary-General now proposes, other changes had already been made to the text which was actually adopted by the Conference, without any notice or procedure. The text before the Conference was contained in A/CONF.183/C.1/L.76 and Add. 1-13. The text which was issued as a final document, A/CONF.183/9, is not the same text. Apparently, it was this latter text which was presented for signature on July 18, even though it differed in a

number of respects from the text that was adopted only hours before. At least three of these changes are arguably substantive, including the changes made to Article 12, paragraph 2(b), the change made to Article 93, paragraph 5, and the change made to Article 124. Of these three changes, the Secretary-General now proposes to "re-correct" only Article 124, so that it returns to the original text, but the other changes remain. The United States remains concerned, therefore, that the corrections process should have been based on the text that was actually adopted by the Conference.

" Second, the United States notes that the Secretary-General's communication suggests that it is "established depositary practice" that only signatory States or contracting States may object to a proposed correction. The United States does not seek to object to any of the proposed corrections, or to the additional corrections that were made earlier and without formal notice, although this should not be taken as an endorsement of any of the corrections proposed. The United States does note,

however, that insofar as arguably substantive changes have been made to the original text without any notice or procedure, as noted above in relation to Articles 12 and 93, if any question of interpretation should subsequently arise it should be resolved consistent with A/CONF.183/C.1/L.76, the text that was actually adopted.

“More fundamentally, however, as a matter of general principle and for future reference, the United States objects to any correction procedure, immediately following a diplomatic conference, whereby the views of the vast majority of the Conference participants on the text which they have only just adopted would not be taken into account. The United States does not agree that the course followed by the Secretary-General in July represents “established depositary practice” for the type of circumstances presented here. To the extent that such a procedure has previously been established, it must necessarily rest on the assumption that the Conference itself had an adequate opportunity, in the first instance, to ensure the adoption of a technically correct text. Under the circumstances which have prevailed in some recent conferences, and which will likely recur, in which critical portions of the text are resolved at very late stages and there is no opportunity for the usual technical review by the Drafting Committee, the kind of corrections process which is contemplated here must be open to all.

“ In accordance with Article 77, paragraph 1 (e) of the 1969 Vienna Convention on the Law of Treaties, the United States requests that this note be communicated to all States which are entitled to become parties to the Convention.”

² In accordance with article 127 (1) of the Rome Statute of the International Criminal Court, the Governments of the following countries notified the Secretary-General of their decision to withdraw from the Rome Statute of the International Criminal Court:

Participant:	Date of notification:	Date of effect:	Depositary Notification:
South Africa *	19 Oct 2016	(Withdrawn)	C.N.786.2016.TR EATIES-XVIII.10
Burundi	27 Oct 2016	27 Oct 2017	C.N.805.2016.TR EATIES-XVIII.10
Gambia *	10 Nov 2016	(Withdrawn)	C.N.862.2016.TR EATIES-XVIII.10
Philippines	17 March 2018	17 March 2019	C.N.138.2018.TR EATIES-XVIII.10

* On 10 February 2017, the Government of The Gambia notified the Secretary-General of its decision to rescind its notification of withdrawal from the Rome Statute deposited with the Secretary-General on 10 November 2016. (See C.N.62.2017.TREATIES-XVIII.10 of 16 February 2017).

On 7 March 2017, the Government of South Africa notified the Secretary-General of the revocation of its notification of withdrawal from the Rome Statute deposited with the Secretary-General on 19 October 2016. (See C.N.121.2017.TREATIES-XVIII.10 of 7 March 2017).

³ With a territorial exclusion to the effect that “Until further notice, the Statute shall not apply to the Faroe Islands and Greenland”.

Subsequently, on 17 November 2004 and 20 November 2006, respectively, the Secretary-General received from the Government of Denmark the following territorial applications:

“With reference to the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998, [the Government of Denmark informs the Secretary-General] that by Royal [Decrees of 20 August 2004 entering into force on 1 October 2004, and 1 September 2006 entering into force on 1 October 2006, respectively] the above Convention will also be applicable in [Greenland and the Faroe Islands].

Denmark therefore withdraws its declaration made upon ratification of the said Convention to the effect that the Convention should not apply to the Faroe Islands and Greenland.”

⁴ In a communication received on 28 August 2002, the Government of Israel informed the Secretary-General of the following:

“.....in connection with the Rome Statute of the International Criminal Court adopted on 17 July 1998, [...] Israel does not intend to become a party to the treaty. Accordingly, Israel has no legal obligations arising from its signature on 31 December 2000. Israel requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary’s status lists relating to this treaty.”

⁵ See note 1 under “Montenegro” in the “Historical Information” section in the front matter of this volume.

⁶ On 24 November 2009, the Secretary-General received a letter from the Permanent Representative of Namibia to the United Nations communicating to him the decision of the Government of Namibia to co-sponsor the proposed amendment to article 16 of the Rome Statute, which was submitted to the Secretary-General by South Africa as agreed upon by African States Parties to the Rome Statute during their meeting held from 3-6 November 2009 in Addis Ababa, Ethiopia.

⁷ For the Kingdom in Europe, the Netherlands Antilles and Aruba.

⁸ With a declaration to the effect that “consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.”.

⁹ In a communication received on 30 November 2016, the Government of the Russian Federation informed the Secretary-General of the following:

I have the honour to inform you about the intention of the Russian Federation not to become a party to the Rome Statute of the International Criminal Court, which was adopted in Rome on 17 July 1998 and signed on behalf of the Russian Federation on 13 September 2000.

I would kindly ask you, Mr. Secretary-General, to consider this instrument as an official notification of the Russian

Federation in accordance with paragraph (a) of Article 18 of the Vienna Convention on the Law of Treaties of 1969.

¹⁰ In a communication received on 26 August 2008, the Government of Sudan informed the Secretary-General of the following:

“....., Sudan does not intend to become a party to the Rome Statute. Accordingly, Sudan has no legal obligation arising from its signature on 8 September 2000.”

¹¹ In a communication received on 11 March 2010, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

“... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom’s ratification of the aforesaid Statute ... to be extended to the following territories for whose international relations the United Kingdom is responsible:

Anguilla

Bermuda

British Virgin Islands

Cayman Islands

Falkland Islands

Montserrat

Pitcairn, Henderson, Ducie and Oeno Islands

St Helena, Ascension and Tristan da Cunha

Sovereign Base Areas of Akrotiri and Dhekelia

Turks and Caicos Islands

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the aforesaid Statute ... to take effect from the date of deposit of this notification, ... ”

In a communication received on 28 November 2012, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

“... The Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom’s Ratification of the Rome Statute to be extended to the territory of the Isle of Man for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the aforesaid Rome Statute to the Isle of Man to enter into force on the first day of the month after the Sixtieth day following deposit of this notification, ... ”

In a communication received on 20 April 2015, the Government of the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

“... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom’s Ratification of the Rome Statute of the International Criminal Court to be extended to the territory of Gibraltar for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the Rome Statute of the International Criminal Court to Gibraltar to enter into force from the day of deposit of this notification ...”

¹² In a communication received on 6 May 2002, the Government of the United States of America informed the Secretary-General of the following:

“This is to inform you, in connection with the Rome Statute of the International Criminal Court adopted on July 17, 1998, that the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on December 31, 2000. The United States requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary’s status lists relating to this treaty.”

¹³ As of 21 October 2014, declarations made by States under article 103 of the Statute are not posted on this webpage. Pursuant to article 103, such declarations should be sent to the Court: Legal and Enforcement Unit of the Presidency, International Criminal Court, Maanweg 174, 2516 AB The Hague, The Netherlands.

¹⁴ On 13 August 2008, the Government of France informed the Secretary-General that it had decided to withdraw the declaration under article 124 made upon ratification. The text of the declaration reads as follows:

Pursuant to article 124 of the Statute of the International Court, the French Republic declares that it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory.

¹⁵ The Secretary-General received communications with regard to the interpretative declaration made by Uruguay upon ratification from the following Governments on the dates indicated hereinafter:

Ireland (28 July 2003) :

“Ireland has examined the text of the interpretative declaration made by the Eastern Republic of Uruguay upon ratifying the Rome Statute of the International Criminal Court.

Ireland notes that the said interpretative declaration provides that the application of the Rome Statute by the Eastern Republic of Uruguay shall be subject to the provisions of the Constitution of Uruguay. Ireland considers this interpretative declaration to be in substance a reservation.

Article 120 of the Rome Statute expressly precludes the making of reservations. In addition, it is a rule of international law that a state may not invoke the provisions of its internal law as a justification for its failure to perform its treaty obligations.

Ireland therefore objects to the above-mentioned reservation made by the Eastern Republic of Uruguay to the Rome Statute of the International Criminal Court. This objection does not preclude the entry into force of the Statute between Ireland and the Eastern Republic of Uruguay. The Statute will therefore be effective between the two states, without Uruguay benefiting from its reservation."

United Kingdom of Great Britain and Northern Ireland (31 July 2003):

"At the time of the deposit of its instrument of ratification, the Eastern Republic of Uruguay made two statements which are called "interpretative declarations", at the first of which states that "as a State party to the Rome Statute, the Eastern Republic of Uruguay shall ensure its application to the full extent of the powers of the State insofar as it is competent in that respect and in strict accordance with the Constitutional provisions of the Republic".

The Government of the United Kingdom has given careful consideration to the so-called interpretative declaration quoted above. The Government of the United Kingdom is obliged to conclude that this so-called interpretative declaration purports to exclude or modify the legal effects of the Rome Statute in its application to the Eastern Republic of Uruguay and is accordingly a reservation. However, according to Article 120 of the Rome Statute, no reservations may be made thereto.

Accordingly, the Government objects to the above-quoted reservation by the Eastern Republic of Uruguay. However, this objection does not preclude the entry into force of the Rome Statute between the United Kingdom and Uruguay."

Uruguay (21 July 2003):

The Eastern Republic of Uruguay, by Act No. 17.510 of 27 June 2002 ratified by the legislative branch, gave its approval to the Rome Statute in terms fully compatible with Uruguay's constitutional order. While the Constitution is a law of higher rank to which all other laws are subject, this does not in any way constitute a reservation to any of the provisions of that international instrument.

It is noted for all necessary effects that the Rome Statute has unequivocally preserved the normal functioning of national jurisdictions and that the jurisdiction of the International Criminal Court is exercised only in the absence of the exercise of national jurisdiction.

Accordingly, it is very clear that the above-mentioned Act imposes no limits or conditions on the application of the Statute, fully authorizing the functioning of the national legal system without detriment to the Statute.

The interpretative declaration made by Uruguay upon ratifying the Statute does not, therefore, constitute a reservation of any kind.

Lastly, mention should be made of the significance that Uruguay attaches to the Rome Statute as a notable expression of

the progressive development of international law on a highly sensitive issue.

Denmark (21 August 2003):

Denmark has carefully examined the interpretative declaration made by Eastern Republic of Uruguay upon ratifying the Statute of the International Criminal Court.

Denmark has noted that Uruguay effectively condition its application of provisions of the Statute on their accordance with the Constitution of Uruguay. The Government of Denmark believes that an interpretative declaration to this effect in substance must be understood as a reservation to the Statute, which if accepted would be incompatible with the object and purpose of the Statute. In addition, Article 120 of the Statute expressly precludes the making of reservations to the Statute.

For these reasons Denmark objects to the reservation made by the Eastern Republic of Uruguay to the Statute of the International Criminal Court.

This objection does not preclude the entry into force of the Statute between Denmark and the Eastern Republic of Uruguay. The Statute will be effective between the two states, without the Eastern Republic of Uruguay benefiting from its reservations.

Norway (29 August 2003):

"The Government of the Kingdom of Norway has examined the interpretative declaration made by the Government of Uruguay upon ratification of the Rome Statute of the International Criminal Court.

The Government of Norway notes that the interpretative declaration purports to limit the application of the Statute within national legislation, and therefore constitutes a reservation.

The Government of Norway recalls that according to Article 120 of the Statute, no reservations may be made to the Statute.

The Government of Norway therefore objects to the reservation made by the Government of Uruguay upon ratification of the Rome Statute of the International Criminal Court. This objection shall not preclude the entry into force of the Statute in its entirety between the Kingdom of Norway and Uruguay. The Statute thus becomes operative between the Kingdom of Norway and Uruguay without Uruguay benefiting from the reservation."

¹⁶ In a communication received on 26 February 2008, the Government of Uruguay informed the Secretary-General of the following:

"The Eastern Republic of Uruguay has communicated to the Secretary-General] the withdrawal of the interpretative declaration made by the Eastern Republic of Uruguay upon adoption of the Rome Statute of the International Criminal Court.

As you know, Uruguay signed the Rome Statute of the International Criminal Court on 19 December 2000. The Statute was approved at the national level by Act No. 17.510, which was promulgated by the Executive on 27 June 2002.

At that time, however, Uruguay made an interpretative declaration relating to the aforementioned Statute, in language identical to article 2 of the above-mentioned Act.

Without prejudice to the interpretative declaration made at the time of its promulgation, the Act itself (art. 3) states that the Executive shall within six months refer to the Legislature a bill establishing the procedures for ensuring the application of the Statute, pursuant to the provisions of part 9 of the Statute entitled "International cooperation and judicial assistance".

The interpretative declaration made upon ratification reads as follows:

As a State party to the Rome Statute, the Eastern Republic of Uruguay shall ensure its application to the full extent of the powers of the State insofar as it is competent in that respect and in strict accordance with the Constitutional provisions of the Republic. Pursuant to the provisions of part 9 of the Statute entitled "International cooperation and judicial assistance", the Executive shall within six months refer to the Legislature a bill establishing the procedures for ensuring the application of the Statute.

