

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2004 Nr. 258

A. TITEL

*Statuut van Rome inzake het Internationaal Strafhof;
Rome, 17 juli 1998*

B. TEKST

De definitieve Engelse en Franse tekst van het Statuut zijn geplaatst in *Trb.* 2000, 120.

C. VERTALING

Zie *Trb.* 2000, 120 en *Trb.* 2002, 135.

In *Trb.* 2000, 120 dient de volgende correctie te worden aangebracht:

Op blz. 219 dient niet, zoals was vermeld in *Trb.* 2002, 135, artikel 70, vierde lid, te worden vervangen, maar dient artikel 70, vierde lid, onderdeel b, als volgt te worden vervangen: „Op verzoek van het Hof, legt een Staat die Partij is de zaak ter vervolging voor aan zijn bevoegde autoriteiten wanneer hij dit passend vindt.”.

D. PARLEMENT

De artikelen 1, 2, 3, 4 en 5 van de Rijkswet van 5 juli 2001 (*Stb.* 2001, 343) luiden als volgt:

„Artikel 1

Het op 17 juli 1998 totstandgekomen Statuut van Rome inzake het Internationaal Strafhof, waarvan de definitieve tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2000, 120, wordt goedgekeurd voor het gehele Koninkrijk.

Artikel 2

De goedkeuring, bedoeld in het vorige artikel, geschiedt voor zover nodig met inachtneming van het bepaalde in artikel 91, derde lid, van de Grondwet.

Artikel 3

Tenzij de desbetreffende verdragswijziging afwijkt van de Grondwet of tot zodanig afwijken noodzaakt, is de goedkeuring door de Staten-Generaal van wijzigingen van het artikel 1 genoemde verdrag als bedoeld in artikel 121 – behoudens de in het vijfde lid genoemde wijzigingen – en artikel 123 van dat verdrag niet vereist, indien de in het vierde lid van artikel 121 van dat verdrag genoemde nederlegging van akten van bekrachtiging of aanvaarding door zeven achtste van de verdragspartijen – andere dan het Koninkrijk – heeft plaatsgevonden.

Artikel 4

Tenzij de desbetreffende verdragswijziging afwijkt van de Grondwet of tot zodanig afwijken noodzaakt, is de goedkeuring door de Staten-Generaal van wijzigingen van het in artikel 1 genoemde verdrag als bedoeld in artikel 122 van dat verdrag niet vereist, indien deze worden aangenomen door een Herzieningsconferentie.

Artikel 5

Onze Minister van Buitenlandse Zaken zendt de agenda van een bijeenkomst van de Vergadering van Staten, bedoeld in artikel 112 van het in artikel 1 bedoelde verdrag, ten minste twee weken voor die bijeenkomst aan de beide Kamers der Staten-Generaal.”

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken J. J. VAN AARTSEN en de Minister van Justitie A. H. KORTHALS.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2000/2001, 27 484 (R 1669); Hand. II 2000/2001, blz. 3962-3982, 3987-3996, 4073-4107, 4207-4208; Kamerstukken I 2000/2001, 27 484 (R 1669) (237, 237a, 237b); Hand. I 2000/2001, zie vergadering d.d. 3 juli 2001.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1999, 13 en rubriek F van *Trb.* 2002, 135.

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Afghanistan		10-02-03	T	01-05-03		
Albanië	18-07-98	31-01-03	R	01-05-03		
Algerije	28-12-00					
Andorra	18-07-98	30-04-01	R	01-07-02		
Angola	07-10-98					
Antigua en Barbuda	23-10-98	18-06-01	R	01-07-02		
Argentinië	08-01-99	08-02-01	R	01-07-02		
Armenië	01-10-99					
Australië	09-12-98	01-07-02	R	01-09-02		
Bahama's	29-12-00					
Bahrein	11-12-00					
Bangladesh	16-09-99					
Barbados	08-09-00	10-12-02	R	01-03-03		
België	10-09-98	28-06-00	R	01-07-02		
Belize	05-04-00	05-04-00	R	01-07-02		
Benin	24-09-99	22-01-02	R	01-07-02		
Bolivia	17-07-98	27-06-02	R	01-09-02		
Bosnië- Herzegovina	17-07-00	11-04-02	R	01-07-02		
Botswana	08-09-00	08-09-00	R	01-07-02		
Brazilië	07-02-00	20-06-02	R	01-09-02		
Bulgarije	11-02-99	11-04-02	R	01-07-02		
Burkina Faso	30-11-98	16-04-04	R	01-07-04		
Burundi	13-01-99					
Cambodja	23-10-00	11-04-02	R	01-07-02		
Canada	18-12-98	07-07-00	R	01-07-02		
Centraal Afrikaanse Republiek	07-12-99	03-10-01	R	01-07-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Chili	11-09-98					
Colombia	10-12-98	05-08-02	R	01-11-02		
Comoren, de	22-09-00					
Congo, Democratische Republiek	08-09-00	11-04-02	R	01-09-02		
Congo, Republiek	17-07-98	03-05-04	R	01-08-04		
Costa Rica	07-10-98	07-06-01	R	01-07-02		
Cyprus	15-10-98	07-03-02	R	01-07-02		
Denemarken	25-09-98	21-06-01	R	01-07-02		
Djibouti	07-10-98	05-11-02	R	01-02-03		
Dominica		12-02-01	T	01-07-02		
Dominicaanse Republiek, de	08-09-00					
Duitsland	10-12-98	11-12-00	R	01-07-02		
Ecuador	07-10-98	05-02-02	R	01-07-02		
Egypte	26-12-00					
Eritrea	07-10-98					
Estland	27-12-99	30-01-02	R	01-07-02		
Fiji-eilanden	29-11-99	29-11-99	R	01-07-02		
Filippijnen, de	28-12-00					
Finland	07-10-98	29-12-00	R	01-07-02		
Frankrijk	18-07-98	09-06-00	R	01-07-02		
Gabon	22-12-98	20-09-00	R	01-07-02		
Gambia	04-12-98	28-06-02	R	01-09-02		
Georgië	18-07-98	05-09-03	R	01-12-03		
Ghana	18-07-98	20-12-99	R	01-07-02		
Griekenland	18-07-98	15-05-02	R	01-08-02		
Guinee	07-09-00	14-07-03	R	01-10-03		

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Guinee-Bissau	12-09-00					
Guyana	28-12-00					
Haiti	26-02-99					
Honduras	07-10-98	01-07-02	R	01-09-02		
Hongarije	15-01-99	30-11-01	R	01-07-02		
Ierland	07-10-98	11-04-02	R	01-07-02		
IJsland	26-08-98	25-05-00	R	01-07-02		
Iran	31-12-00					
Israël	31-12-00					
Italië	18-07-98	26-07-99	R	01-07-02		
Ivoorkust	30-11-98					
Jamaica	08-09-00					
Jemen	28-12-00					
Jordanië	07-10-98	11-04-02	R	01-07-02		
Kaapverdië	28-12-00					
Kameroen	17-07-98					
Kenia	11-08-99					
Koeweit	08-09-00					
Kroatië	12-10-98	21-05-01	R	01-07-02		
Kyrgyzstan	08-12-98					
Lesotho	30-11-98	06-09-00	R	01-07-02		
Letland	22-04-99	28-06-02	R	01-09-02		
Liberia	17-07-98					
Liechtenstein	18-07-98	02-10-01	R	01-07-02		
Litouwen	10-12-98	12-05-03	R	01-08-03		
Luxemburg	13-10-98	08-09-00	R	01-07-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Macedonië, Voormalige Joegoslavische Republiek	07-10-98	06-03-02	R	01-07-02		
Madagascar	18-07-98					
Malawi	02-03-99	19-09-02	R	01-12-02		
Mali	17-07-98	16-08-00	R	01-07-02		
Malta	17-07-98	29-11-02	R	01-02-03		
Marokko	08-09-00					
Marshall- eilanden, de	06-09-00	07-12-00	R	01-07-02		
Mauritius	11-11-98	05-03-02	R	01-07-02		
Mexico	07-09-00					
Moldavië	08-09-00					
Monaco	18-07-98					
Mongolië	29-12-00	11-04-02	R	01-07-02		
Mozambique	28-12-00					
Namibië	27-10-98	25-06-02	R	01-09-02		
Nauru	13-12-00	12-11-01	R	01-07-02		
Nederlanden, het Koninkrijk der	18-07-98	17-07-01	R	01-07-02		
Nieuw-Zeeland	07-10-98	07-09-00	R	01-07-02		
Niger	17-07-98	11-04-02	R	01-07-02		
Nigeria	01-06-00	27-09-01	R	01-07-02		
Noorwegen	28-08-98	16-02-00	R	01-07-02		
Oeganda	17-03-99	14-06-02	R	01-09-02		
Oekraïne	20-01-00					
Oezbekistan	29-12-00					
Oman	20-12-00					
Oost-Timor		06-09-02	T	01-12-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Oostenrijk	07-10-98	28-12-00	R	01-07-02		
Panama	18-07-98	21-03-02	R	01-07-02		
Paraguay	07-10-98	14-05-01	R	01-07-02		
Peru	07-12-00	10-11-01	R	01-07-02		
Polen	09-04-99	12-11-01	R	01-07-02		
Portugal	07-10-98	05-02-02	R	01-07-02		
Roemenië	07-07-99	11-04-02	R	01-07-02		
Russische Federatie	13-09-00					
Salomonseilan- den	03-12-98					
Samoa	17-07-98	16-09-02	R	01-12-02		
San Marino	18-07-98	13-05-99	R	01-07-02		
Sao Tomé en Principe	28-12-00					
Senegal	18-07-98	02-02-99	R	01-07-02		
Servië en Montenegro	19-12-00	06-09-01	R	01-07-02		
Seychellen, de	28-12-00					
Sierra Leone	17-10-98	15-09-00	R	01-07-02		
Sint Lucia	27-08-99					
Sint Vincent en de Grenadines		03-12-02	T	01-03-03		
Slovenië	07-10-98	31-12-01	R	01-07-02		
Slowakije	23-12-98	11-04-02	R	01-07-02		
Soedan	08-09-00					
Spanje	18-07-98	24-10-00	R	01-07-02		
Syrië	29-11-00					
Tadzjikistan	30-11-98	05-05-00	R	01-07-02		
Tanzania	29-12-00	20-08-02	R	01-11-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹	Inwer- king	Opzeg- ging	Buiten- werking
Thailand	02-10-00					
Trinidad en Tobago	23-03-99	06-04-99	R	01-07-02		
Tsjaad	20-10-99					
Tsjechië	13-04-99					
Uruguay	19-12-00	28-06-02	R	01-09-02		
Venezuela	14-10-98	07-06-00	R	01-07-02		
Verenigd Koninkrijk, het	30-11-98	04-10-01	R	01-07-02		
Verenigde Arabische Emiraten, de	27-11-00					
Verenigde Staten van Amerika, de	31-12-00					
Zambia	17-07-98	13-11-02	R	01-02-03		
Zimbabwe	17-07-98					
Zuid-Afrika	17-07-98	27-11-00	R	01-07-02		
Zuid-Korea	08-03-00	13-11-02	R	01-02-03		
Zweden	07-10-98	28-06-01	R	01-07-02		
Zwitserland	18-07-98	12-10-01	R	01-07-02		

¹ DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Verklaringen, voorbehouden en bezwaren

Albanië, 30 augustus 2004

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, 30 april 2001

With regard to article 103, paragraph 1(a) and (b) of the Rome Statute of the International Criminal Court, the Principality of Andorra declares that it would, if necessary, be willing to accept persons of Andorran nationality sentenced by the Court, provided that the sentence imposed by the Court was enforced in accordance with Andorran legislation on the maximum duration of sentences.

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.

Argentinië, 8 februari 2001

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.

Australië, 1 juli 2002

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 Arti-

cle 6, 7 and 8 will be interpreted and applied in a way that accords with the way they are implemented in Australian domestic law.

Australië, 10 maart 2004

.....[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.

België, 28 juni 2000

Pursuant to article 21, paragraph 1 (b) of the Statute and having regard to the rules of international humanitarian law which may not be derogated from, the Belgian Government considers that article 31, paragraph 1 (c), of the Statute can be applied and interpreted only in conformity with those rules.

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, 5 april 2000

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.

Brazilië, 20 juni 2002

.....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.

Colombia, 5 augustus 2002 (vertaling)

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.

Colombia, 18 maart 2004 (vertaling)

[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

Congo, de Democratische Republiek, 11 april 2002

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.

Cyprus, 7 maart 2002

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.

Denemarken, 21 juni 2001

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.

Until further notice, the Statute shall not apply to the Faroe Islands and Greenland.

Duitsland, 11 december 2000

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.

Egypte, 26 december 2000

... 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 stra-

tegic 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.

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.

Estonia, 30 januari 2002

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, 29 december 2000

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.

Frankrijk, 9 juni 2000 (vertaling)

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.

...

Pursuant to article 124 of the Statute of the International Criminal 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.

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.

Frankrijk, 10 mei 2004 (vertaling)

... 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, 28 juni 2002

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.

Georgië, 5 september 2003

.....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.*

Griekenland, 7 april 2004

.....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.

Honduras, 13 juli 2004 (vertaling)

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

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

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. Lastly, with regard to article 103, the Republic of Honduras declares its willingness to accept persons sentenced by the Court, provided that such persons are of Honduran nationality, the Court has decided their cases pursuant to article 21, paragraph 1 (c), and the terms of their sentences are equal to or less than the maximum terms permitted by Honduran law for committing the crimes of which they have been convicted.

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.

Hongarije, 30 november 2001

... 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.

IJsland, 9 juni 2004

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.

Israël, 31 december 2000

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 collec-

tive, 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, public 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.

Israël, 28 augustus 2002

.....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.

Italië, 28 april 2004

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.

Jordanië, 11 april 2002

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.

Kroatië, 19 juli 2004

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.

Lesotho, 17 maart 2004

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.

Letland, 28 juni 2002

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.

Liechtenstein, 2 oktober 2001

Pursuant to article 103, paragraph 1 of the Statute, the Principality of Liechtenstein declares its willingness to accept persons sentenced to imprisonment by the Court, for purposes of execution of the sentence, if the persons are Liechtenstein citizens or if the persons' usual residence is in the Principality of 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.

Litouwen, 12 mei 2003

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;

And whereas, it is provided in paragraph 1(b) of Article 103, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania is willing to accept persons, sentenced by the International Criminal Court to serve the sentence of imprisonment, if such persons are nationals of the Republic of Lithuania.

Luxemburg, 3 maart 2004 (vertaling)

.....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.

Macedonië, Voormalige Joegoslavische Republiek, 27 mei 2004

....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.

Mali, 21 mei 2004 (vertaling)

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, 29 november 2002

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.

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-eilanden, de, 18 februari 2004

.....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

Namibië, 8 oktober 2002

.....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.

Namibië, 21 juli 2004

.....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.

Nederlanden, het Koninkrijk der, 10 maart 2004

[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 203301
2500 EH Den Haag
Fax. (+31) (0) 70 370 7945

Nieuw-Zeeland, 7 september 2000

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 princi-

ples 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*.

...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.

Nieuw-Zeeland, 9 maart 2004

[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.

Noorwegen, 16 februari 2000

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.

Oostenrijk, 28 december 2000

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.

Panama, 25 mei 2004 (vertaling)

..... 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, 12 april 2004 (vertaling)

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.

Polen, 12 november 2001

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, 5 februari 2002

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. ...

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.

Roemenië, 11 april 2002

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, 26 maart 2004

[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
samoa@un.int
Language : English.

Sierra Leone, 30 april 2004

....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.

Slowakije, 11 april 2002

Pursuant to Article 103, paragraph 1 (b) of the Statute the Slovak Republic declares that it would accept, if necessary, persons sentenced by the Court, if the persons are citizens of the Slovak Republic or have a permanent residence in its territory, for purposes of execution of the sentence of imprisonment and at the same time it will apply the principle of conversion of sentence imposed by the Court.

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.

Spanje, 24 oktober 2000

Spain declares its willingness to accept at the appropriate time, persons sentenced by the International Criminal Court, provided that the duration of the sentence does not exceed the maximum stipulated for any crime under Spanish law.

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.

Uruguay, 28 juni 2002 (vertaling)

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.

Bezwaar door Denemarken, 21 augustus 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.

Bezwaar door Duitsland, 7 juli 2003

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.

Bezwaar door Finland, 8 juli 2003

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 Uru-

guay 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.

Bezwaar door *Ierland*, 28 juli 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.

Bezwaar door *Nederlanden, het Koninkrijk der*, 8 juli 2003

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 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.

Bezwaar door **Noorwegen**, 29 augustus 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.

Bezwaar door **Verenigd Koninkrijk**, het, 31 juli 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 reserva-

tion 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.

Bezwaar door **Zweden**, 7 juli 2003

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.

Uruguay, 19 juli 2002 (vertaling)

.....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.

Uruguay, 21 juli 2003 (vertaling)

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.

Uruguay, 5 maart 2004

....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.

Verenigd Koninkrijk van Groot-Brittannië en Ierland, het, 4 oktober 2001

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.

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.

Verenigde Staten van Amerika, de, 6 mei 2002

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 lists relating to this treaty.

Zweden, 28 juni 2001

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 meth-

ods 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.

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.

Zwitserland, 12 oktober 2001

In accordance with article 103, paragraph 1, of the Statute, Switzerland declares that it is prepared to be responsible for enforcement of sentences of imprisonment handed down by the Court against Swiss nationals or persons habitually resident in 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.

G. INWERKINGTREDING

Zie *Trb.* 2002, 135.

J. VERWIJZINGEN

Zie *Trb.* 1999, 13.

Verwijzingen

Titel : Handvest der Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2004, 240.

Uitgegeven de *vijftiende* oktober 2004.

De Minister van Buitenlandse Zaken,

B. R. BOT