

Strasbourg, 14/09/06

4th Consult/ICC (2006) 13 Anglais seulement

Fourth

CONSULTATION

ON

THE IMPLICATIONS FOR COUNCIL OF EUROPE MEMBER STATES OF THE RATIFICATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

PROGRESS REPORT

MEXICO

Council of Europe, Athens (Greece) 14-15 September 2006

Tel. 33 (0)388413479 - Fax 33 (0)388412764 - <u>dg1.cahdi@coe.int</u> - <u>www.coe.int/cahdi</u>

Progress Report

.

Mexico deposited its instrument of ratification to the Rome Statute on 28 October 2005 and became the 100th State Party. The Statute entered into force for Mexico on the 1st of January 2006.

It took more than 5 years for Mexico to go from signature of the Statute in September 2000 to full adherence in January 2006. We had to go a long way to reach this point, including an amendment to the Constitution in order to empower the Executive to recognize the Court's jurisdiction.

I want to express the gratitude of the Government of Mexico to the Council of Europe and its Member States for the support lent in this endeavor. The Parliamentarian Assembly played a key role in encouraging Mexican parliamentarians to join the Court and speed up the process.

Undoubtedly, the accession of Mexico to the Rome Statute became a collective effort which involved parliamentarians, government officials, diplomats accredited in Mexico, scholars, non government's organizations and public opinion. Looking in retrospective, the 5-year-long process paid off in creating not only public awareness, but also a general conviction of the role the ICC plays in the international system of justice.

What is the way ahead? Two major steps are to be taken in the following days:

First of all, the Ministry of Foreign Affairs has completed all internal requirements to send the Agreement on Privileges and Immunities to Senate for its approval. I am confident that we will obtain the Senate's consent during the current legislative session and we will proceed immediately to deposit the instrument of accession.

A more important development has to do with the preparation of implementing legislation. Once the Senate had granted its approval for the Statue of Rome ratification, the Ministry of Foreign Affairs led the interministerial efforts to prepare the implementing legislation. We are approaching this task in a two-step process.

First, by means of preparing a draft law on cooperation with the ICC. Second by envisioning the review of the substantive criminal law to update it in light of at the elements of the crime covered by the Statute. This review will allow Mexican authorities to have legislative tools to better exercise its jurisdiction in accordance with the complementarity principle. I am happy to report to you that the Executive has completed a draft law on cooperation with the ICC. The Executive will submit the law to Congress in the coming days marked as a legislative priority for the current session.

The purpose of the draft law on cooperation with the ICC, is to empower authorities to execute the request, issued by the Court. As with many legal systems, cooperation with the ICC poses the challenge of new legal institutions. But, we have been inspired from our practice in extradition and legal assistance and existing powers for rendering cooperation.

In fact, Mexico is already taking measures to honor the request of cooperation issued by the ICC in the case of Thomas Luvanga Dyilo on the basis of existing powers.

An important feature of the draft law is that it expressly permits cooperation with all situations under the docket of the Court as the entry into force of the statute for Mexico, as of 1st January 2006, relates only to jurisdiction of the ICC over Mexico.

I thank you for the opportunity to share these developments with you.