



Strasbourg, 17 September 2003

3rd Consult/ICC (2003) 10

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

**LES IMPLICATIONS POUR LES ETATS
MEMBRES DU CONSEIL DE L'EUROPE
DE LA RATIFICATION DU STATUT DE
ROME DE LA COUR PENALE
INTERNATIONALE**

PROGRESS REPORT BY IRELAND

Progress on the implementation of the Rome Statute of the International Criminal Court

The International Criminal Court Bill 2003 was published on 11 August 2003. The Bill was preceded by a constitutional amendment which was approved by a majority of voters in a referendum held in June 2001. This amendment ensures that the State's constitutional obligations will not conflict with the fulfilment of its obligations under the Rome Statute.

Purpose of the Bill

The Bill gives effect in Irish law to the provisions of the Rome Statute by:

- creating domestic offences of the ICC crimes of crimes against humanity, war crimes, ancillary crimes and also offences against the administration of justice as set out in the Statute. The offence of genocide was already an offence under legislation implementing the Genocide Convention 1948, thus it is proposed to consolidate the existing offence of genocide with the offence as defined in the Statute.
- providing a framework for assistance to the ICC in the investigation and prosecution of such offences by providing for the arrest and surrender of persons to the Court,
- freezing of assets (for eventual seizure) and enforcement of any fines or forfeiture orders imposed by the Court.
- Establishing a mechanism for the provision of other co-operation to the ICC, in particular the assistance envisaged in Article 93.1.

The Bill also gives effect to the Agreement on Privileges and Immunities of the ICC, which was signed by Ireland on 9 September 2003.

Overview of the Bill

The Bill is in six parts and has three schedules. Part 1 defines key terms and makes general provisions regarding interpretation by Irish Courts of the Act and of the Statute and deals generally with requests from the ICC. Part 2 establishes domestic jurisdiction for ICC offences by consolidating the offence of genocide and creating new offences of crimes against humanity, war crimes and associated penalties and jurisdiction. Part 3 deals with ICC requests for arrest and surrender of persons to the ICC in connection with the investigation, prosecution of an ICC offence or to a State of Enforcement for the enforcement of an ICC sentence. Part 4 provides for compliance with ICC requests to freeze and subsequently confiscate assets of the accused. Part 5 deals with other methods of assisting the ICC, in the main arising under Article 93.1 of the Statute, in the investigation and prosecution of ICC offences. Part 6 deals with miscellaneous matters relating to ICC powers while sitting in the State, makes provisions in relation to privileges and immunities and provides for consequential amendments to other legislation. Schedules 1 and 2, set out the text of the Rome Statute and the Agreement on Privileges and Immunities, respectively, while Schedule 3 details the consequential amendments to existing legislation.

Current position

The Bill is before the Dail (lower Parliamentary Chamber) and is listed for consideration during the current parliamentary session. Copies of the Bill and Explanatory Memorandum are available on the Irish parliamentary website at <http://www.gov.ie/bills28/bills/2003/3603/default.htm>