

Information about the obstacles for States to ratification or full implementation

The International Criminal Court is an important instrument in promoting compliance with international humanitarian law and respect for human rights. For the first time in their history, States have voluntarily created a permanent international court in order to put those responsible for the most serious crimes on trial. The international community has thus laid down essential foundations to contribute to maintaining peace and international security.

The government of Chile is convinced that universal ratification is the only way to enable the International Criminal Court to be a truly useful and efficient tool in the fight against impunity.

One of our country's priorities in the area of foreign policy was to become a State Party to the Rome Statute. The government of Chile signed the Rome Statute on 11 September 1998. A lengthy process was required to obtain the approval of the National Congress, which ended with a constitutional reform authorizing Chile to recognize the Rome Statute establishing the International Criminal Court. Thus the instrument of ratification of the Rome Statute was deposited before the Secretary-General of the United Nations on 29 June 2009.

Strategies or national or regional plans of action to promote the ratification and/or full implementation

The government of Chile has given its support for the adoption of initiatives to promote the International Criminal Court at the regional level. In particular, at the General Assembly of the Organization of American States, our country gave backing to the adoption of resolution AF/RES.2577 (XL-O/10) aimed at promoting the International Criminal Court, which was approved at the fortieth regular session of the General Assembly of the OAS that was held from 6 to 8 June 2010 in Lima, Peru.

Likewise, through a joint communiqué dated 3 August 2010, the States Parties of Mercosur and Associated States reasserted their Support for the International Criminal Court and emphasized the importance of strengthening it, in addition to underlining the outcomes of the first Review Conference of the Rome Statute of the International Criminal Court which took place from 31 May to 11 June 2010 in Kampala, Uganda.

Examples of Rome Statute implementing legislation

A definition of crimes against humanity, genocide and war crimes has been incorporated into Chilean criminal law (law N° 20.357) in order to have the legislation required for the Rome Statute to be fully effective.

The Chilean government is also preparing a bill on cooperation with the International Criminal Court to ensure full, adequate and timely cooperation. In this regard, at the Review Conference of the Rome Statute, which was held from 31 May to 11 June 2010 in Kampala, Uganda, Chile pledged to make every effort to submit a bill on cooperation with the International Court to the National Congress before December 2011.

Bilateral cooperation agreements between the Court and States Parties

The Chilean government is currently considering the Model Cooperation Agreement with the International Criminal Court on the Enforcement of Sentences and the Model Framework Agreement on Interim Release to determine the feasibility of entering into similar agreements with the International Criminal Court.

In addition, the Agreement on Privileges and Immunities of the International Criminal Court is in the process of being approved by the National Congress.

National contact points for matters related to promoting the ratification and full implementation

The Department of Legal Affairs of the Chilean Ministry of Foreign Affairs will be the contact point for matters related to promoting of the ratification and full implementation of the Rome Statute.

Also, our Embassy in the Netherlands is the diplomatic channel for issues related to promoting the ratification and full implementation of the Rome Statute.
