

Information on the ratification process of the Rome Statute in the Czech Republic

1. The Czech Republic signed the Rome Statute on 13th April 1999.
2. In accordance with the Czech legal system, the Rome Statute is classified as a “Presidential Treaty” and must be therefore first submitted by the Government of the Czech Republic to the Parliament which then decides on the consent with ratification. After the consent with ratification is granted, the Rome Statute is to be subject to ratification by the President of the Czech Republic.
3. According to the legal opinion of the constitutional law experts of the Government of the Czech Republic expressed in 2001, the Rome Statute was then in conflict with the provisions of the Czech constitutional law, which provide for:
 - Immunity of the President and the Members of the Parliament;
 - Right of the President to grant amnesty;
 - Prohibition of surrender of citizens.
4. For that reason, prior to the ratification of the Rome Statute, it was necessary to amend the Czech constitutional law. Unfortunately, two different attempts to amend the Czech constitutional law in 2000 and 2001 were not successful. In reality, the Czech Parliament did not have an opportunity to decide on the consent with ratification.
5. In 2002, an Amendment of the Constitution of the Czech Republic entered into force. New Article 10a) of the Constitution was introduced:

“The Czech Republic can transfer some of its sovereign rights on an international organization or institution”.

For the approval of an international treaty which transfers such sovereign rights, parliamentary constitutional majority is required.

According to the legal opinion of the Czech Ministry of Foreign Affairs, the Rome Statute would, on the basis of Art 10a) of the Constitution, have the same legal force as a Constitutional Act and in the case of conflict between constitutional law and the provisions of the Treaty, the self-executing Treaty provisions would be directly applicable and, as *lex specialis*, would prevail over the relevant constitutional law provisions.

6. In August 2007, the Ministry of Foreign Affairs and the Ministry of Justice of the Czech Republic prepared a new proposal for ratification of the Rome Statute, based on the Art 10a) of the Constitution. If the Government of the Czech Republic reaches agreement on the proposal presented, the material for the ratification of the Rome Statute will be submitted to the Parliament by the end of this year. After the Parliament grants consent with the ratification, the Rome Statute will be subject to ratification by the President of the Czech Republic.

Events and activities

The Ministry of Foreign Affairs of the Czech Republic, together with the Foreign Affairs Committee of the Chamber of Deputies of the Parliament of the Czech Republic, the Embassies of Switzerland and the Netherlands in Prague and the International Committee of

the Red Cross, organized a Seminar on the International Criminal Court which was held on 4th October 2007 at the premises of the Czech Parliament.

Bilateral cooperation agreements between the Court and the Czech Republic

No agreements.