

Embassy of Chile

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The Embassy of Chile to the Kingdom of the Netherlands presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court and has the honour to refer to its letter ICC-ASP/24/SP/16 of 16 April 2025, requesting States Parties to provide the Secretariat with information relevant to the promotion of the ratification and full implementation of the ratification and full implementation of the Rome Statute, pursuant to the provisions of paragraph 6(h) of Assembly Resolution ICC-ASP/5/Res.3 of 1 December 2006.

In response to this request, and based on the experience of the Republic of Chile, the following can be reported:

The constitutional process for the ratification of international treaties in Chile requires, with regard to treaties such as the Rome Statute, prior approval by the National Congress.

During the process of approving the Rome Statute, a group of Deputies, exercising their constitutional authorities, filed a request with the Constitutional Court to determine the legitimacy of the Rome Statute.

In this regard, the Constitutional Court decided that “for its approval by the National Congress and subsequent ratification by the President of the Republic, a prior constitutional amendment is required”.

In view of the above, prior to the approval and subsequent ratification of the Rome Statute, the Political Constitution of the Republic had to be amended, introducing a transitional provision allowing the State of Chile to recognise the jurisdiction of the International Criminal Court under the terms provided for in the Rome Statute, reaffirming its preferential power to exercise its criminal jurisdiction in relation to the jurisdiction of the Court, which is subsidiary. It was also established that cooperation and assistance between the competent national authorities and the International Criminal Court, as well as any judicial and administrative proceedings that may be necessary, shall be subject to the provisions of Chilean law. Finally, it was reiterated that the jurisdiction of the International Criminal Court may only be exercised in respect of crimes within its competence whose principle of execution is subsequent to the entry into force in Chile of the Rome Statute.

The constitutional reform process required extensive efforts by the Executive Branch and, in particular, the Ministry of Foreign Affairs, which involved spreading information about the Rome Statute, the functioning of the Court and its guiding principles.



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In the same year that the constitutional reform was approved, the National Congress enacted Law 20.357, which defines crimes against humanity and genocide and war crimes and offences, thereby implementing the Rome Statute in the domestic criminal justice system. This law is pending amendment to incorporate the crime of aggression, which came into force after the Kampala amendments were activated.

In particular, Law 20.357 is an independent law that incorporates the substantive provisions of the Rome Statute by defining the crimes within the jurisdiction of the Court and establishing the corresponding penalties under the Chilean criminal justice system. The law does not refer directly to the Rome Statute or the International Criminal Court, but it establishes as criminal offences the actions described in Articles 6, 7 and 8 of that treaty.

It should also be noted that Law 20.357 does not establish rules for cooperation with the Court, but there is a separate cooperation bill that is currently being processed by the National Congress. In the meantime, by virtue of the aforementioned constitutional provision, cooperation with the Court is carried out in accordance with current Chilean legislation and, according to Chile's declaration under Article 87(1)(a) of the Statute, requests for cooperation from the Court must be transmitted through diplomatic channels to the Chilean Ministry of Foreign Affairs, and any supporting documents must be written in Spanish or accompanied by a Spanish translation.

As a result, through detailed constitutional and legislative adjustments, the Republic of Chile has been able to fulfil its commitment to fully implement the Rome Statute, which is reaffirmed by its ongoing efforts to update its regulatory framework to incorporate subsequent developments.

Chile considers that the effective implementation of the Statute is an essential element in strengthening the rule of law, preventing impunity and consolidating the international criminal justice system.

The Embassy of Chile to the Kingdom of the Netherlands takes this opportunity to reiterate to the Secretariat of the Assembly of States Parties to the Rome Statute of the International Criminal Court the assurances of its highest and most distinguished consideration.

The Hague, 28 August 2025

To:
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