



## AN ROINN GNÓTHAÍ EACHTRACHA

DEPARTMENT OF FOREIGN AFFAIRS

### BAILE ÁTHA CLIATH 2

DUBLIN 2

The Department of Foreign Affairs of Ireland presents its compliments to the Secretariat of the Assembly of States Parties to the International Criminal Court and has the honour to refer to the Secretariat's Note of 25 July 2007, requesting States Parties to convey information referred to in paragraph 6, sub-paragraph (h) of the plan of action for achieving universality and full implementation of the Rome Statute.

The Department has the honour to convey the following information that might usefully be read in conjunction with the reply submitted on behalf of the European Union.

Article 34.1 of the Irish Constitution provides that "Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution ...". As the Rome Statute was regarded as providing for the administration of justice outside the terms of this constitutional provision, a referendum was held in 2001 on the adoption of the 23<sup>rd</sup> amendment to the Constitution of Ireland, which read: "The State may ratify the Rome Statute of the International Criminal Court done on the 17<sup>th</sup> day of July, 1998". The referendum was adopted by an overwhelming majority, and the amendment now forms Article 29.9 of the Irish Constitution.

The International Criminal Court Act 2006 was enacted in October 2006 and provides for the punishment by the Irish courts and courts-martial of genocide, crimes against humanity, war crimes and other offences within the jurisdiction of the International Criminal Court. The Act also enables effect to be given to requests by the ICC for assistance in the investigation or prosecution of offences, including requests to arrest and surrender persons, to freeze assets and to enforce any fines or forfeitures imposed by it. In addition, the Act makes provision in relation to any sittings of the ICC that may be held in Ireland, for the privileges and immunities of the Court, and for a number of related matters. The enactment of the Act enabled Ireland to ratify the Agreement on the Privileges and Immunities of the Court, which took place on 20 November 2006.

The Act provides that, in interpreting the Act and the Rome Statute, the Irish courts may where necessary take account of: (i) the Rules of Procedure and Evidence; (ii) the Elements of Crimes; (iii) any relevant judgment or decision of the ICC; (iv) any other relevant judgment, and (v) may consider the *travaux préparatoires* relating to the Rome Statute and the published views of commentators on its text and give them such weight as may appear appropriate in the circumstance. The Act further provides that judicial notice shall be taken of the Rome Statute. The Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court are scheduled to the Act. The text of the Act is publicly and freely available in both the Irish and English languages at the following website: <<https://www.oireachtas.ie/documents/bills28/acts/2006/a3006.pdf>>. Information on the Court and the crimes within its jurisdiction is also provided on the website of the Department of Foreign Affairs (<[www.dfa.ie](http://www.dfa.ie)>).

Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means to combating impunity for the most serious violations of international humanitarian and human rights law. This position has been recognised in the EU Common Position of 2001, amended in 2002, and comprehensively updated in June 2003.

The 2003 Common Position commits the Union and its Member States to support the effective functioning of the Court, and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004 a detailed Action Plan on the implementation of the 2003 Common Position was finalised by the EU. Further information on the EU's commitment to achieve universality and full implementation of the Rome Statute is provided in the EU's separate reply to Secretariat and at the following website: <<http://consilium.europa.eu>> (Policies/Foreign Policies/ICC).

During its EU Presidency from January to June 2004, Ireland took a very active role in implementing the Action Plan, and undertook several démarches in capitals to promote ratification. Ireland organised an ICC event for representatives of Small Island Developing States in New York, and co-sponsored an international conference on human rights and the ICC in Sana'a, Yemen.

Since its inception, Ireland has been a financial supporter of the annual conference organised by the International Criminal Law Network aimed at promoting ratification of the Rome Statute among Arab states. Ireland has also been a significant contributor to the Trust Fund for the Participation of Least Developed Countries in the Assembly of States Parties, and funding has been provided to Coalition for the International Criminal Court in support of its important global work in promoting the Court.

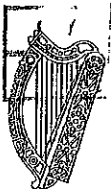
Correspondence on matters relating to the promotion of ratification and full implementation of the Rome Statute may be addressed to Mr Trevor Redmond, Legal Division, Department of Foreign Affairs, St Stephen's Green, Dublin 2, Ireland; Telephone 00 353 1 408 2361; Fax 00 353 1 478 5950; E-mail [trevor.redmond@dfa.ie](mailto:trevor.redmond@dfa.ie).

The Department of Foreign Affairs avails of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurances of its highest consideration.

Department of Foreign Affairs, Dublin



28 September 2007



The Embassy of Ireland presents its compliments to the Secretariat of the Assembly of States Parties to the International Criminal Court and has the honour to refer to the Secretariat's Note of 25 July 2007, requesting States Parties to convey information referred to in paragraph 6, sub-paragraph (h) of the plan of action for achieving universality and full implementation of the Rome Statute.

The Embassy has the honour to convey the following information that might usefully be read in conjunction with the reply submitted on behalf of the European Union.

Article 34.1 of the Irish Constitution provides that "Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution ...". As the Rome Statute was regarded as providing for the administration of justice outside the terms of this constitutional provision, a referendum was held in 2001 on the adoption of the 23<sup>rd</sup> amendment to the Constitution of Ireland, which read: "The State may ratify the Rome Statute of the International Criminal Court done on the 17<sup>th</sup> day of July, 1998". The referendum was adopted by an overwhelming majority, and the amendment now forms Article 29.9 of the Irish Constitution.

The International Criminal Court Act 2006 was enacted in October 2006 and provides for the punishment by the Irish courts and courts-martial of genocide, crimes against humanity, war crimes and other offences within the jurisdiction of the International Criminal Court. The Act also enables effect to be given to requests by the ICC for assistance in the investigation or prosecution of offences; including requests to arrest and surrender persons, to freeze assets and to enforce any fines or forfeitures imposed by it. In addition, the Act makes provision in relation to any sittings of the ICC that may be held in Ireland, for the privileges and immunities of the Court, and for a number of related matters. The enactment of the Act enabled Ireland to ratify the Agreement on the Privileges and Immunities of the Court, which took place on 20 November 2006.

The Act provides that, in interpreting the Act and the Rome Statute, the Irish courts may where necessary take account of: (i) the Rules of Procedure and Evidence; (ii) the Elements of Crimes; (iii) any relevant judgment or decision of the ICC; (iv) any other relevant judgment, and (v) may consider the *travaux préparatoires* relating to the Rome Statute and the published views of commentators on its text and give them such weight as may appear appropriate in the circumstance. The Act further provides that judicial notice shall be taken of the Rome Statute. The Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court are scheduled to the Act. The text of the Act is publicly and freely available in both the Irish and English languages at the following website: <<https://www.oireachtas.ie/documents/bills28/acts/2006/a3006.pdf>>. Information on the Court and the crimes within its jurisdiction is also provided on the website of the Department of Foreign Affairs, <[www.dfa.ie](http://www.dfa.ie)> (Policies/International Law/International Courts and Tribunals/ICC).



AMBASÁID NA hÉIREANN  
AMBASSADE D'IRLANDE EMBASSY OF IRELAND

Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means to combating impunity for the most serious violations of international humanitarian and human rights law. This position has been recognised in the EU Common Position of 2001, amended in 2002, and comprehensively updated in June 2003.

The 2003 Common Position commits the Union and its Member States to support the effective functioning of the Court, and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004 a detailed Action Plan on the implementation of the 2003 Common Position was finalised by the EU. Further information on the EU's commitment to achieve universality and full implementation of the Rome Statute is provided in the EU's separate reply to Secretariat and at the following website: <<http://consilium.europa.eu>> (Policies/Foreign Policies/ICC).

During its EU Presidency from January to June 2004, Ireland took a very active role in implementing the Action Plan, and undertook several démarches in capitals to promote ratification. Ireland organised an ICC event for representatives of Small Island Developing States in New York, and co-sponsored an international conference on human rights and the ICC in Sana'a, Yemen.

Since its inception, Ireland has been a financial supporter of the annual conference organised by the International Criminal Law Network aimed at promoting ratification of the Rome Statute among Arab states. Ireland has also been a significant contributor to the Trust Fund for the Participation of Least Developed Countries in the Assembly of States Parties, and funding has been provided to Coalition for the International Criminal Court in support of its important global work in promoting the Court.

Correspondence on matters relating to the promotion of ratification and full implementation of the Rome Statute may be addressed to Mr Trevor Redmond, Legal Division, Department of Foreign Affairs, St Stephen's Green, Dublin 2, Ireland; Telephone 00 353 1 408 2361; Fax 00 353 1 478 5950; E-mail [trevor.redmond@dfa.ie](mailto:trevor.redmond@dfa.ie).

The Embassy of Ireland avails of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurances of its highest consideration.

The Hague, 5 October 2007

Secretariat of the Assembly of States Parties  
International Criminal Court  
Maanweg 174  
2516 AB The Hague

