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(November 26)

*promulgating the “Rome Statute of the International Criminal Court”,*

The President of the Republic of Colombia, by virtue of the powers granted to him under Article 189-2 of the Constitution of Colombia, and pursuant to Law 7 of 1944, and

CONSIDERING,

That Article 1 of Law 7 of 30 November 1944 stipulates that no treaty, agreement, convention, covenant, accord or any other international act that has been approved by Congress shall be considered effective as domestic law until such time as the Government has validated it either by means of ratification or through the deposit of ratification instruments or an equivalent formality;

That Article 2 of the same law provides for such international treaties and agreements to be promulgated subsequent to the validation of the international instrument binding Colombia;

That, by means of Law 742 of 5 June 2002, as published in the *Diario Oficial* number 44 826 of 7 June 2002, the Congress of the Republic of Colombia adopted the Rome Statute of the International Criminal Court done at Rome on 17 July 1998;

That, by means of Judgment C-578/02 of 30 July 2002, the Constitutional Court validated Law 742 of 5 June 2002 and the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998;

That, on 5 August 2002, Colombia deposited the ratification instrument for the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998, with the Secretary-General of the United Nations. Accordingly, the said international instrument entered into force with regard to Colombia on 1 November 2002, pursuant to Article 126 (2) of the same instrument;

That, on depositing the ratification instrument, the Government of the Republic of Colombia made the following statements:

*"1. None of the provisions of the Rome Statute regarding the exercise of jurisdiction by the International Criminal Court preclude the concession of amnesties, or executive or judicial pardons by the Colombian State with regard to political crimes, provided such a concession is in accordance with the Constitution and with the principles and norms of international law as accepted by Colombia.*

Colombia asserts that the regulations of the Rome Statute should be applied and interpreted in accordance with the provisions of international humanitarian law and that, therefore, nothing in the Statute can affect the rights and obligations enshrined in international humanitarian law, in particular those stipulated in Article 3 common to the four Geneva conventions and in Protocols I and II of these conventions.

Thus, if a situation arose whereby a Colombian were to be investigated and tried by the International Criminal Court, the interpretation and application of the Rome Statute would, where appropriate, proceed in accordance with the principles and norms enshrined in international humanitarian law and international human rights law.

*2. With respect to Article 61 paragraph 2 (b) and Article 67 paragraph 1 (d), Colombia declares that it will always be in the interests of justice for Colombian nationals to be guaranteed the right to counsel without reserve, in particular the right to be assisted by a lawyer during the stages of investigation and trial by the International Criminal Court.*

*3. With respect to Article 17, paragraph 3, (regarding the determination of a State's inability in a particular case), where reference is made to a State being 'otherwise' unable to carry out its proceedings, Colombia asserts that this refers to an obvious lack of objective conditions necessary for the State to carry out its proceedings.*

4. *Given that the scope of the Rome Statute is confined exclusively to the exercise of complementary jurisdiction by the International Criminal Court and national authorities' cooperation with the Court, Colombia asserts that none of the provisions of the Rome Statute modify domestic law as applied by Colombian judicial authorities exercising its exclusive jurisdiction on the territory of the Republic of Colombia.*

5. *The Government of Colombia, by virtue of the rights enshrined in Article 124 of the Statute and subject to the conditions established in this article, declares that it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in Article 8 where a crime is alleged to have been committed by a Colombian national or on Colombian territory.*

6. *Pursuant to Article 87 paragraph 1 a) and the first clause of paragraph 2 of the same article, the Government of Colombia states that requests for cooperation and assistance should be transmitted through the diplomatic channel and should either be in or be accompanied by a translation into Spanish",*