



**AN BILLE UM AN AONÚ LEASÚ IS FICHE AR AN mBUNRE-
ACHT, 2001**
**TWENTY-FIRST AMENDMENT OF THE CONSTITUTION
BILL, 2001**

EXPLANATORY MEMORANDUM

The Rome Statute of the International Criminal Court

The Statute of the International Criminal Court was concluded at Rome on the 17th July 1998. It was signed, subject to ratification, by Ireland on the 7th October 1998.

The Statute will enter into force internationally two months after sixty States have become party to it. To date, 139 States have signed the Statute and of these 27 have ratified it.

The International Criminal Court, when established, will have power to try those accused of genocide, crimes against humanity and war crimes where National Courts are unwilling to do so.

Ireland and all other Member States of the European Union have committed themselves to taking whatever measures are required within their respective domestic legal systems to enable them to ratify the Statute expeditiously. In addition, they have called on all States to sign and ratify the Statute as a matter of priority so that its entry into force can be secured at an early date.

The Attorney General has advised that an amendment to the Constitution is required before the State may ratify the Statute.

Purpose of the Bill

The purpose of the Twenty-First Amendment of the Constitution Bill is to provide for the necessary Referendum.

Section 1 provides that Article 29 of the Constitution is amended so that the text set out in the *Schedule* is inserted after section 8 of that Article.

Section 2 of the Bill states that the amendment shall be called the Twenty-First Amendment of the Constitution and that the Act may be cited as the Twenty-First Amendment of the Constitution Act, 2001.

The *Schedule* provides for the new section permitting the State to ratify the Statute of the International Criminal Court done at Rome on the 17th of July 1998 and provides that no provision of the Constitution will invalidate laws enacted, acts done or measures adopted by the State which are necessitated by the Statute of the International Criminal Court.

An Teachta Séamus Ó Caoimh,
Máirta, 2001.