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Mexico Takes Final Step to Recognize Jurisdiction of International Criminal Court

by LADB Staff

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Mexico has taken the final step to recognize the jurisdiction of the UN International Criminal Court (ICC) over Mexican citizens. In early May, the standing committee of the Senate and the Chamber of Deputies (Comision Permanente) confirmed that 22 state legislatures in Mexico have voted to ratify changes to the Mexican Constitution.

The actions by the state legislatures allow Mexico to ratify the Rome Statute, which created the ICC. Mexico endorsed the creation of the ICC in 2000 but was slow to ratify the Rome Statute because of concerns that the ICC would supersede the jurisdiction of the Mexican Supreme Court (Suprema Corte de Justicia de la Nacion, SCJN). In an effort to ease those concerns, the Senate took a conditional vote in 2002 to ratify the Rome Statute.

Under the Senate bill, the jurisdiction of the ICC would be recognized in cases where individuals are accused of war crimes, crimes against humanity, genocide, and crimes of aggression. The Senate decision also required that the upper house must review any case involving a Mexican citizen before it is sent to the ICC.

The conditions imposed by the Senate made it easy for the Chamber of Deputies to approve the changes to the Constitution in a vote taken two years later (see SourceMex, 2004-12-15). The need for constitutional changes to ratify the Rome Statute required that the measure approved by both houses of Congress also be ratified by at least 16 state legislatures, a process that occurred over the past six months.

Mexico 98th country to ratify protocol

Legislators from across the political spectrum were pleased with the development, which makes Mexico the 98th country to ratify the Rome Statute. "This is a great step for our country to adopt this treaty," said Sen. Jesus Ortega of the Partido de la Revolucion Democratica (PRD). "There will be no more impunity." The conditions imposed by the upper house, however, created some ambiguities that may come back to haunt the Mexican government. For example, many legislators are unclear whether the new policy applies to government officials accused of committing human-rights violations against suspected leftists during the Dirty War of the 1960s, 1970s and 1980s.

The former governing Partido Revolucionario Institucional (PRI), which currently has a plurality in the Senate, would likely block any officials associated with the administrations of former President Gustavo Diaz Ordaz (1964-1970), Luis Echeverria Alvarez (1970-1976), and Jose Lopez Portillo (1976-1982) from being tried in the ICC. Some lawmakers also raised concerns about the US failure to ratify the Rome Statute. "Who commits war crimes?" said PRI Sen. Antonio Garcia Torres. "Strong countries commit them, but they don't sign the treaty. Mexico is not a warlike
country." (Sources: La Cronica de Hoy, The Herald-Mexico City, Notimex, 05/05/05; El Universal, 05/05/05, 05/06/05)

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