HANS BEVERS: Good morning. My name is Hans Bevers. I work as a Legal Advisor for the Ministry of Justice here in The Hague, but I should stress that this contribution will be in my private capacity and certainly not on behalf of the Ministry.

I was sort of surprised to suddenly pop up in this session, but I was assured by Morten, whom I entirely trust, especially in these matters, that I could also address other issues than those related to outreach, and I will do so.

Firstly, I would like to thank you for the opportunity to address you with some remarks, an opportunity that I would also like to use to let you know that the seminar may not only be useful for the further development of and within the OTP, but certainly also for the host state. I think that I can safely inform you that being the host state of institutions such as the ICC is a position of which the consequences become clearer only very slowly. And as a public official specifically involved in the host-state facilitation with the ICC and ICTY, my life is full of surprises, and this meeting certainly helps to foresee my future workload and work nature a little bit better, so thank you for that.

The comments that I would like to make are inspired by two important meetings I participated in yesterday. The first one was of course the exchange of views in this room on the policy paper and draft Regulations that your Office presented. The second one that I had to leave these premises for a few hours was a discussion in Dutch parliament where the government proposal for an International Crimes Act, the second branch of the Dutch implementing legislation for the Rome Statute, was discussed. As far as this proposal is concerned, I can inform you that it was adopted in the Senate with unanimous support and it can be enacted now.

My observations will, in particular, be on the interaction of the OTP with national police authorities and prosecutors in the context of the complementarity principle, and they are mainly based upon the Dutch perspective and experiences as also discussed during parliamentary procedures related to that International Crimes Act.

This Act, besides criminalisations of ICC-related international crimes, also contains more general provisions, for instance, one on introducing a form of universal jurisdiction for all of these crimes. And throughout the parliamentary procedures of the proposal, parliament has uttered concerns about the possibilities to realistically apply such a wide jurisdiction at the national level since earlier Dutch efforts to prosecute war crimes on the basis of universal jurisdiction had failed, mainly because of evidence problems. In practice, it turned out to be either impossible to get legal assistance from the states where the crimes had been committed or the assistance rendered was not sufficiently reliable.

And in that perspective, and supposing that the OTP is likely to have better access to reliable evidence that most States Parties, than the national authorities of individual states, such as the Netherlands, parliament repeatedly expressed its hope that the ICC's Prosecutor would play a role in the coordination of prosecutions at the national level. It might be a fruitful aspect of complementarity if the OTP would indeed be able to facilitate the cooperation between states, cooperation that has been proven to be so difficult in this sensitive area.

It speaks for itself that networks of police or judicial authorities in this field may play a useful role in that context, and as was mentioned by many yesterday, the OTP may greatly benefit from the existence of such networks as well.

And in that light it may, to conclude, be useful to bring to your

attention that last year the European Union has indeed created a network

of specialised contact points on the investigation and prosecution of

international crimes. And if I am not mistaken, the council decisions on

this network have already taken into consideration that your Office might

be interested in participating in its meetings.

Thank you once again for this opportunity.