

**Assembly of States Parties 2019**

**Plenary meeting on cooperation  
5 December 2019**

**Statement of the Netherlands**

CHECK AGAINST DELIVERY

Mr. President,

The Netherlands aligns itself with the statement of the European Union and its member states.

Let me start by expressing my gratitude to France and Senegal for their efforts as co-facilitators of the working group on cooperation. I am grateful for their leadership on this important topic and I look forward to a fruitful collaboration next year.

At a time of waning support for international law, it is crucial to join hands and work together towards a stronger Court.

As States Parties, we are the functioning body that enables the ICC to act and move. Without our support, the Court is unable to function.

In no other area this is more apparent than with the arrest and surrender of suspects. The high number of outstanding arrest warrants shows that we all need to do more. If suspects are not arrested and surrendered to the ICC, the Court will run out of cases. Moreover, arrest warrants that are not enforced signal to those who commit heinous crimes that they can get away with it.

The reform discussion provides an opportunity to examine how cooperation on arrest and surrender can be improved. This should include a critical look on the role of States Parties as well.

Another field of cooperation which is key to the functioning of the Court is, the field of voluntary cooperation, which includes the relocation of witnesses, the enforcement of sentences and the release of persons from detention.

Therefore, I call on States to support the Court whenever and wherever they can.

This year, the Netherlands has engaged with the ICC to discuss how the system of voluntary cooperation can be strengthened.

Particularly in cases of final and interim release, the Court faces big challenges. If there are no countries willing to accept persons who have been granted interim release, who have been acquitted or have served their sentence on their territory, these persons cannot be released from detention or remain in limbo. The consequence is a fundamental undermining of the functioning of the Court and a violation of the fundamental right of the defendant.

This is not an abstract problem. In one of the current cases, no State has been willing to accept Mr. Blé Goudé, who was acquitted in January. The Netherlands has worked with the Court to find a temporary solution that strikes a balance between Mr. Blé Goudé's rights and the interests of the Court. But almost a year later, there is still no long-term solution for him.

Another urgent issue are family visits of detainees. Without the support through voluntary contributions, many of the families don't have the possibility to visit a detained person in The Hague. This has detrimental effects on the individuals, which can impact the stability of the proceedings; and it causes financial and reputational costs for the Court.

I call on all States Parties to take their responsibility and assist the Court when it needs support. The Court should not be faced with a situation in which human rights standards are undermined because of a lack of cooperation from States.

The Netherlands as a host State and as a State Party is committed to fully supporting the Court so it can carry out its mandate without limitation. We invite all other States Parties to engage with the Court and join the discussion with new ideas how cooperation can be improved.

This is not a moment to turn our backs to the Court. On the contrary, we need to support the ICC now. Only if we work together, and if everyone contributes their fair share, the Court can thrive.

Thank you.