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**Assembly of States Parties  
of  
the International Criminal Court**

**“General Debate”**

**Statement by H.E. Henk Cor van der Kwast  
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to the International Criminal Court and the Organization for the  
Prohibition of Chemical Weapons**

**NEW YORK, 7 December 2023**

Your Excellencies, ladies and gentlemen,

Let me start by congratulating the six new judges elected after a long and painful process to serve on the Court. At the same time, we would like to thank the outgoing judges for their contributions to international criminal justice. Special thanks to President Hofmanski, for standing firm despite the attacks on the Court, other judges and himself.

We would also like to thank the new Registrar for his excellent start, in very difficult circumstances.

And finally, many thanks to President Fernández de Gurmendi for her outstanding leadership of this Assembly. The Netherlands has been privileged to work with her for many years – both within the framework of the ASP and beyond.

Your Excellencies, ladies and gentlemen,

Since the Rome Statute entered into force in 2002, the number of States Parties has more than doubled. This year, we welcomed Armenia's ratification of the Statute. And we look forward to work with Armenia in the years to come.

At a time when the most fundamental legal norms are flagrantly violated in various regions of the world, it's up to all States to go beyond pious words. We have to strengthen the international criminal justice system in practice.

I mention a few key areas for further improvement:

First: earlier this year, the 'Ljubljana–The Hague Convention' was adopted in Slovenia.

This Convention is a landmark treaty that will facilitate international cooperation in the domestic investigation and prosecution of international crimes.

It's important that as many States as possible sign and ratify it.

The Kingdom of the Netherlands therefore invites all States to sign the Convention on 14 February next year, at the Peace Palace in The Hague.

Second: we must ensure that the ICC is given full jurisdiction over the crime of aggression. As Russia's war in Ukraine proves, this is the leadership crime without which so many other crimes would not be committed. We must close this gap in the ICC's jurisdiction.

Third: States Parties should actively engage in assisting the ICC by offering voluntary cooperation. For instance by cooperating with the Court on witness relocation, receiving released persons, and enforcing sentences.

Fourth: it is a shared responsibility of the States Parties to protect the Court and to provide sufficient financial resources to ensure the security of the Court and its officials.

Any threats or attacks against the ICC, its information systems, its elected officials or its personnel, are unacceptable. The Kingdom of the Netherlands therefore condemns in the

strongest terms the issuance of arrest warrants by the authorities of the Russian Federation against ICC principals and judges.

The Kingdom of the Netherlands is, at the same time, deeply concerned by the recent cyber security incident against the Court's digital information systems. And we are equally concerned about all other attempts to undermine the international mandate and functioning of the Court.

Finally, the Court needs an adequate budget to have the impact for which it was created. The opening of the investigation into the situation in Ukraine has put a serious strain on its capacity, potentially affecting all other investigations. To address this, the Netherlands had already pledged a voluntary contribution of 3 million euros. The heartbreaking events in Israel and the Palestinian Territories that ensued after Hamas' terrorist attack of 7 October are also likely to have a major impact on the capacity of the Court. Because of that, the Netherlands has decided to pledge another voluntary contribution of 3 million euros.

Ladies and gentlemen,

The Kingdom of the Netherlands is convinced that the Court, with the strong support of its States Parties, and the valuable contributions of civil society organisations, will be able to play a key role in prosecuting the international crimes that have shocked the world.

You can count on the unwavering support of the Netherlands, both in its capacity as Host State and as State Party, in assisting the ICC in achieving its key objectives.

Thank you.

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