

The Netherlands would like to underline the importance of supporting the Court. The last few years, the ICC has faced unprecedented threats. We recall the cyber-attacks against the Court which had far reaching consequences for the Court itself, as well as its elected officials, staff and witnesses. Furthermore, we have seen arrest warrants issued against elected officials, and are now confronted with the possibility of sanctions which could threaten the Court's very existence.

It is the responsibility of each State Party to the Rome Statute to ensure that the Court and its organs are able carry out their mandate independently and unimpededly. Without threats, or intimidation. It is a responsibility that we should not underestimate, as the Court is crucial in the global fight against impunity of the gravest international crimes. By ratifying the Rome Statute, we as States Parties have committed ourselves to assisting and supporting the Court in fulfilling this important mandate.

As the host State of the Court, the Kingdom of the Netherlands has experience in taking measures that can be taken to protect it, including the protection of the premises, its officials and witnesses. Based on our responsibilities and legal obligations, as set out in the Headquarters Agreement and the Agreement of Privileges and Immunities, we assist the Court in order for it to operate safely and independently. We underline however that – especially when it comes to threats that are not exclusively limited to the territory of the Netherlands – it is important that each State Party assists the Court in tackling these threats.

The general responsibility to assist the Court based on the Rome Statute, but also the obligations based on the Agreement of Privileges and immunities, provide a legal basis for every State Party to take measures in its national capacity to assist the Court.

We can think of examples such as:

- The protection of elected officials who receive threats;
- Cyber security measures;
- Efforts with the aim to mitigate the effects of possible sanctions.

We would like, in particular, to address possible sanctions that could be imposed on the ICC and its staff, as they may have serious consequences for the Court:

- Suspension of services from affiliated banks. This would mean that the majority of transactions are declined, meaning that salaries, loans, or contributions from States Parties can no longer be paid or received.
- Insurance companies that may no longer want to cooperate with the ICC.
- Hindering of staff members' ability to travel.
- Hampered maintenance of its software, which could also mean that the ICC is unable to properly protect itself against potential future cyberattacks. Consequently, confidential information that has been shared with the Court by states, including the US, may become public.
- Undermining and termination of investigations in all regions of the world, focusing, *inter alia*, on the situations in Ukraine, Darfur, and Venezuela.
- Arrest warrants to be revoked, and detainees to be released.

- Closure of ICC's field offices, including in Ukraine, at a time when Ukraine is on the verge of becoming the 125th State Party to the Rome Statute.
- Hampered witness protection.

Moreover, we should all bear in mind the grave harm to the interest of the many victims that may occur as a result of these sanctions.

It is our shared responsibility to support the Court and to cooperate to mitigate risks of these possible sanctions, so that the Court can continue to carry out its work and fulfil its mandate. Thus, for the sake of the Court and the international legal order we have to cooperate, and act in accordance with our legal obligations and responsibilities. We therefore also underline the importance of becoming a Party the APIC.