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**Twenty-third session of the Assembly of States Parties
of
the International Criminal Court**

“General Debate”

Statement by H.E. Henk Cor van der Kwast

**Permanent Representative of the Kingdom of the Netherlands
to the International Criminal Court, the Organization for the Prohibition
of Chemical Weapons and the Permanent Court of Arbitration**

THE HAGUE, 2 December 2023

Your Excellencies, ladies and gentlemen,

Let me start by congratulating the new President of the Assembly, the new President and Vice-Presidents of the Court, as well as the newly elected judges sworn in this year. We wish you every success in fulfilling your important mandates and assure you of our steadfast support, in these challenging times.

Ladies and gentlemen,

History has taught us that it is not enough to simply repeat "never again" and "never forget"...

... because these phrases by themselves won't bring justice.

That is why, about a generation ago...

... the international community went beyond these words, and created the Rome Statute...

The Rome Statute has given legal expression to the moral imperative that the most serious crimes that are known to mankind must not go unpunished. And it turned an aspiration into an institution.

Since the Statute entered into force in 2002, the number of States Parties has more than doubled. Earlier this year, we welcomed Armenia as a new State Party. And we look forward to welcome Ukraine, early next year.

The Court currently unites 124 States – from around the world – in their ambition to end impunity, and to provide justice for the victims of the gravest international crimes.

Over the past two decades, the Court has established itself as an indispensable pillar in the global fight against impunity.

At the same time, many States Parties have introduced major reforms to their domestic criminal law, by implementing the Rome Statute. This has significantly improved their ability to try suspects of international crimes before their own national courts... in line with the principle of complementarity.

The road to justice, therefore, leads not only to The Hague...

... but also increasingly to these reformed national institutions.

Ladies and gentlemen,

We all see the challenges the international legal order is currently facing.

And a generation after the adoption of the Rome Statute, we stand on the eve of a defining period in the global fight against impunity.

Like many other institutions in our multilateral system...

the International Criminal Court is likely to come under further pressure in the period ahead...

It is therefore now up to us to go beyond pious words. As States Parties, we must protect the Court and strengthen the Rome Statute system.

I mention a few key areas for concrete action:

First: we must ensure full cooperation with the Court, including by the prompt execution of outstanding arrest warrants.

We also call on all States Parties not to deliberately undermine the arrest warrants of the Court... nor the policy of the Assembly of States Parties to avoid non-essential contacts with persons against whom the Court has issued arrest warrants.

Second: we must protect the Court.

As a matter of principle, we believe that the independent organs of international courts and tribunals should be able to carry out their mandates without interference, threats or intimidation. Any threats or attacks against the ICC, its information systems, its elected officials or its personnel, are therefore unacceptable.

As the host State of the ICC, the Kingdom of the Netherlands has unique responsibilities and legal obligations to ensure that the Court can operate safely and independently. We are committed to fulfilling our obligations under the Headquarters Agreement, but it is ultimately a shared responsibility of the States Parties to protect the Court.

It is also a shared interest of the States Parties to do so, because allowing the integrity of courts and tribunals to be undermined, erodes the international rule of law – which is crucial for promoting global order and security – and harms the legitimate interests of victims.

Third, the Court needs an adequate budget to enhance its security posture and to have the impact for which it was created.

And finally, we need to strengthen the cooperation among states.

Earlier this year, the 'Ljubljana–The Hague Convention' was signed at the Peace Palace.

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

The Kingdom of the Netherlands invites all States to become parties to this Convention.

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 continue to play a key role in enforcing international law.

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.
