



THE NETHERLANDS

**Statement by minister of Foreign Affairs Mr. Frans Timmermans
at the general debate of the 12th Session of the Assembly of States Parties
to the Rome Statute**

I come here today to show my support to the ICC and also my personal commitment. The ICC plays an important role in our joint efforts to build an international community characterized by the rule of law, dignity and respect for human rights. The Netherlands believes in the role the ICC plays to stop impunity and prevent international crimes. The ICC is at the core of Dutch human rights policy and it is the best way to help put into operation the R2P concept. Like any judge the most important attributes of the ICC are blindfold, scales and sword.

The blindfold. The ICC is impartial, in the best way any court could be. The prosecutor engages in criminal proceedings on the basis of available evidence and the judges pronounce verdict on the basis of the Rome Statute. At the same time: we should not be deaf to the concerns of some African States Parties. The ASP is the right forum to discuss these concerns and to find solutions. African states have greatly contributed to the creation of the Rome Statute and the ICC in general. We need to engage in a constructive dialogue. The Netherlands intends to listen very carefully during this ASP to any comments and all suggestions of States Parties to enhance the ICC. We will work constructively towards proposals that will strengthen the Rome Statute system as a whole. And on a personal note I have to tell you that two months ago in New York when I heard my colleague from Liberia speak about the incredibly positive effect of the ICC situation in his country and the support he could give to the operation of the ICC because he sees it as a future for his country and it has taken care of the issue of impunity. I was really inspired and he really inspired me to convince everyone I can and the states that are not yet party to become party to the Rome Statute. Not just for prevention but also because of the effects of fighting impunity is huge.

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Second part of course the scales. And I want to focus on the issue of Syria. It is obviously up to the UNSC to weigh arguments in favour and against referring Syria to the ICC. I think we need to keep in mind why the ICC was established. Its existence is a very strong prevention measure. It has become an internationally acclaimed expression. "Watch out what you do, otherwise you might end up in The Hague." That has a huge preventive effect. At the same time sometimes accountability will be necessary because prevention didn't work. Syria being the example. Not a day goes by without all of us thinking about the horrible plights of the Syrian people, that suffers so much at the hands of a cruel dictator. Countless people are victims of horrendous human rights abuses. Therefore the international community needs to take action, needs to take its responsibility seriously. Specifically the UNSC needs to feel this responsibility and act upon it. That's why, again this day, I call upon the UNSC to refer the situation to the ICC. The crimes committed must not go unpunished and there is no prospect of justice being delivered at the national level. The butchers were not prosecuted themselves. And therefore I believe that the ICC should be put into position by the UNSC to deal with this matter immediately.

The sword. We need the States of the ICC. The States Parties are the sword of the ICC. We cannot hide behind the acronym ICC. We need to take responsibility as states ourselves. We need to cooperate with the ICC and to strive for better, more efficient and more effective proceedings at the ICC. This ASP will decide on two suggestions of the Study Group of Governance and I hope they can get broad support. We need to strengthen the complementarity of the ICC. I will read out shortly a declaration on behalf of 21 states on this issue. Of course we need to work towards universality of the ICC. I see the representatives of Cote d'Ivoire and I want to welcome them very specifically. They've joined this year and we also need to invite them to help us to convince other countries to join as well. Welcome. And also we need civil society around us.

My final remarks. We cannot achieve sustainable peace and security if perpetrators of the most serious crimes are not brought to justice. The contrary, if they are brought to justice one is often surprised by the speed at which reconciliation is achieved. I think the Western Balkan in Europe is a case in support. We have a duty as human beings to all victims of international crimes worldwide to support the ICC in any way we can. In this context support for the Trust Fund for Victims is essential. That is why today I want to say that the

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Netherlands will support the Trust Fund for Victims with a contribution of 1 million euros. Because I want you to know today that the ICC can count on the Netherland.

And perhaps Madame President I may finish by reading an intervention on behalf of more than twenty countries that have supported this and more specifically on behalf of the Netherlands, Slovenia, Belgium and Argentina and twenty other states. I read out: We firmly believe that the principle of complementarity is crucial for the effective functioning of the Rome Statute system. The basis is state responsibility: domestic investigations and prosecutions of international crimes. We need to facilitate the best cooperation between states. We would like to call for international negotiations on a new international treaty on mutual legal assistance and extradition concerning war crimes, crimes against humanity and genocide. This is a statement calling for support. The list of countries cosponsoring stays open until the end of the Assembly. And I call upon all of you to cosponsor it and I hope to have so many states cosponsoring it that we can actually achieve a result very soon.

I want to thank you for being in the Netherlands. You are more than welcome. I also want to tell you that we will support the efforts of the ICC, financially and in other ways we can, and I want to repeat my personal commitment to your work. I want to thank you again Madame President. And please transfer my thanks to all people working at the ICC. Thank you very much.