



General Assembly

“Report of the International Criminal Court”

**Statement by H.E. Yoka Brandt
Permanent Representative of the Kingdom of the Netherlands to the United Nations**

NEW YORK, 10 November 2021

Thank you Mr President,

(Introduction)

The Kingdom of the Netherlands aligns itself with the statement of the EU.

We would also like to express our gratitude to President Hofmański for his presentation.

The Netherlands is proud to be the host state and a firm supporter of the International Criminal Court.

Given the great importance of the topic at hand, please allow me to briefly address the following three issues:

1. The fight against impunity;
2. Strengthening the Court; and
3. Cooperation

1. The fight against impunity

The adoption of the Rome Statute has been a major step forward in the evolution of the international legal order, and a breakthrough in the global fight against impunity.

The establishment of a permanent criminal court – the ICC - on the international plane is the institutional response to our realization that, in a world of imperfect national jurisdictions, we need a court of last resort.

A court that can deliver justice to the victims of atrocity crimes, when national authorities fail to act.

The Rome Statute entered into force in 2002, after the ratification of 60 States. Since then, the number of States Parties has more than doubled to 123 States.

The Netherlands is proud to be a co-focal point for universality together with the Republic of Korea. In the coming year, we will step up our efforts to gain universal support for the Court's mandate and the principles that underpin the Rome Statute.

We will also continue to support and to strengthen the Court, because accountability and the fight against impunity are top priorities of Dutch foreign policy.

That brings me to my second point.

2. Strengthening the Court

The International Criminal Court is currently going through a transition period that will shape the functioning of the Court in the years to come.

This year, the Court underwent a major change of leadership with the election of six new judges, a new President and a new Prosecutor... and in addition, the US sanctions have been lifted and the review process is now well on its way.

The review process will strengthen the Court and its overall performance and the Netherlands is proud to have contributed to making this process manageable and inclusive.

The ICC is still a relatively young institution, which requires our ongoing and unwavering support in achieving its key objectives of ensuring accountability and contributing to prevention in a rule-based international order.

Mr President, that brings me to my third point: cooperation

3. Cooperation

In order to strengthen the Court, we need to look more critically at our cooperation with the Court in executing its mandate, both as States and as organs of the United Nations.

States should cooperate with the Court, including by promptly executing outstanding arrest warrants in line with their obligations under the Rome Statute.

In addition, voluntary cooperation by States is vital for the effective and efficient functioning of the Court.

The Netherlands is pleased to note that next year, the first case related to the Situation in Darfur will reach the trial stage. We are deeply concerned, however, about the recent developments in Sudan and we call on all relevant parties to honor their commitments, including the commitments enshrined in the Memoranda of Understanding that have been signed earlier this year between the transitional government of Sudan and the ICC.

We also call upon the Security Council, that has referred this situation to the ICC, to follow up on this situation, and to strengthen its cooperation with the Court. Findings of non-compliance should be addressed through concrete action, by the Security Council, by States Parties, and by non-States Parties.

I hope that all States can get behind the measures needed to strengthen this important international institution. I also hope that the present reform exercise serves as an additional

incentive for UN Member States who have not done so, to ratify the Rome Statute and to join us in our fight against impunity.

Mr President,

Finally, it is my honour to introduce the draft resolution contained in document A/76/L7.

The draft resolution welcomes the most recent report of the Court on its activities.

The draft resolution also acknowledges the role of the International Criminal Court in a multilateral system that aims to end impunity, promote the rule of law, promote and encourage respect for human rights, achieve sustainable peace and further the development of nations.

All in accordance with international law and the purposes and principles of the Charter of the United Nations.

The draft resolution is a technical and factual rollover from last year's resolution. Due to COVID restrictions it has been difficult having meaningful discussions about the content of this resolution. Next year, as soon as it is possible, we intend to start discussing the content of this resolution with the intention to update it.

I present the draft to the General Assembly for adoption without a vote.

I sincerely thank all the states that have co-sponsored the draft resolution. The number of co-sponsors is a clear signal of the importance members attach to the yearly report of the ICC.

Thank you.