

**ASSEMBLY OF STATES PARTIES  
TO THE  
ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT  
FOURTH SESSION**

**The Hague, November 28 – December 3, 2005**

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**Statement on host Nation issues by  
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Director-General, Ministry of Foreign Affairs of  
The Kingdom of the Netherlands  
Head of the ICC TASK FORCE**

**The Hague, November 28, 2005**

1. Thank you for giving me, as representative of the host country, the opportunity to inform the Assembly of States Parties, in its fourth session, about host country related issues in establishing the International Criminal Court.
2. Before I do so, please allow me, Mr President, to wish you, on behalf of my delegation, every success, and wisdom, as chairman of the ASP. We fully trust in your leadership. My delegation also wants to convey a message of sincere thanks and deep gratitude to the former president of the ASP, HRH Prince Zeid, for his excellent leadership, and his full commitment to the ICC.
3. First, I would like to express once again my sincere thanks and appreciation to the ICC officials for the quality of our day-to-day co-operation, and for the underlying trust and friendship. Being in a position to witness, almost on a daily basis the work of the Court, I am impressed by the progress made in setting up the Court, i.e. an effective organisation, while at the same time the Court is fully operational. I am very much aware, as we all might be, of the fact that with setting up the ICC we all are engaged in pioneering work. It is not simply a matter of copying existing models, or of reinventing the wheel. No, progressively, step by step, and with common sense and creativity, ICC, States parties and host Nation shoulder to shoulder shape tailor made facilities that should allow the Court to fulfil its important and difficult task in an effective manner. Whilst trying to accomplish this pioneering work, especially in the initial phase, once in a while one has to face unforeseen challenges.
4. On the interim premises of the Court:  
Court facilities:  
The investments in pre-trial chamber, court rooms, detention cells, a press conference room and facilities for the media have been accomplished. They are now in the phase of being used, tested and fine-tuned.  
Office space:  
According to figures provided by the Court, by the end of 2005 more than 600 persons will be attached to the Court. In the budget proposal for 2006 it is envisaged that some 850 persons will be attached to the Court, including GTA,

interns and consultants. Host Nation had hoped, and envisaged, to accommodate this rapid growth of the Court by putting at the disposal of the Court, by 2006, several floors of the so-called B wing of the interim premises, now occupied by a European institution called Eurojust. However, due to unforeseen circumstances this option is not feasible.

Hence, host Nation has been forced to look for additional office space for the Court outside the current office building. I am very conscious of concerns about inefficiencies dislocated office space may entail. It is yet too early to provide any reliable figures. I would suggest that the results of the discussions between host Nation and the Court about additional office space be presented to the Committee on Budget and Finance for its Spring session in 2006.

5. On co-operation between host Nation and the Court:

Secured transport:

Host Nation has informed the Court about the details of procedural and logistical arrangements related to the secured transport on Netherlands' territory of suspects/detainees and of witnesses requested to give testimony by an order of the Court.

Detention:

The Court and host Nation are in the process of concluding a formal agreement relating to interim detention provisions, and one relating to permanent detention provisions.

Diplomatic pouch:

At the request of the Court, host Nation and the Court are working on a bilateral agreement allowing the Court, at their request, and at the expense of the ICC budget, to use the diplomatic pouch of the MFA of The Netherlands, in cases where transportation of objects for its investigations requires a secure modality of handling.

6. On the Headquarters Agreement between the Court and The Netherlands:

To recall, in November 2002 the Court and the host State agreed to make interim arrangements dealing with the status of the Court, its relationship with the host State, and in particular the privileges and immunities of staff and other categories of persons envisaged under the Agreement on Privileges and

Immunities. Diplomatic Notes confirming these arrangements were exchanged on November 19, 2002. These provisional arrangements have been fully satisfactory in enabling the Court to function effectively thus far.

The negotiations on a draft for a definitive headquarters agreement between the Court's and host Nation's experts have been characterized by a spirit of co-operation, which has resulted in resolution of many of the complicated issues. The main objectives have been to ensure that the provisions of the HQA facilitate the smooth and efficient operations of the Court in the host State, that the needs of all persons required to be present at the seat of the Court are met, and that information and evidence coming in and out of the host State is protected. The status of the Secretariat of the ASP as well as the privileges and immunities of representatives of States participating in proceedings before the Court, and of representatives of States participating in meetings of the Assembly of States Parties including its Bureau and subsidiary bodies have been clarified.

Progress on the negotiations has not been as fast as initially anticipated, due to the complexity of some of the issues, and the requirement for internal consultations on both sides. The host State has to seek guidance from various line Ministries which will have to implement the agreement. In the same way, the Court also requires time to consult internally and harmonize its position on various issues. A few outstanding issues need to be settled. Host State will make every effort to finalize the negotiations with the Court as soon as possible.