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The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Secretary-General of the United Nations and would like to inform the latter of the following.

With reference to General Assembly resolution 64/117 of 16 December 2009, on 8 January 2010, the Secretary-General invited Member States to submit information and observations on the scope and application of the principle of universal jurisdiction, including information on the relevant applicable international treaties, their domestic legal rules and judicial practice, and to prepare and submit to the General Assembly, at its sixty-fifth session, a report based on such information and observations.

For the Netherlands, the International Crimes Act entered into force in October 2003. The act replaced the fragmented legislation on genocide, war crimes and torture, and criminalises crimes against humanity. Under Section 2 of the Act, without prejudice to the relevant provisions of the Criminal Code and the Code of Military Law, the Dutch courts have jurisdiction over the following persons:

- a. anyone who commits any of the crimes defined in this Act outside the Netherlands, if the suspect is present in the Netherlands;
- b. anyone who commits any of the crimes defined in this Act outside the Netherlands, if the crime is committed against a Dutch national;
- c. a Dutch national who commits any of the crimes defined in this Act outside the Netherlands.

No person has yet been tried under the regime of the 2003 International Crimes Act. In recent years, several cases were brought under the international crimes legislation applicable prior to the entry into force of the Act. Besides two cases against Dutch nationals, these cases were premised on universal criminal jurisdiction, the defendants - 1 Congolese, 3 Afghan and 2 Rwandese nationals - being present in the Netherlands in each case.

In addition, under the Netherlands Criminal Code, Dutch courts have universal jurisdiction over the crime of piracy. On that basis, a case against suspected pirates arrested off the coast of Somalia is currently pending in the Dutch courts.

The Permanent Mission of the Kingdom of the Netherlands to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 1 July 2010

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