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Kingdom Act of 20 June 2002 to implement the Statute of the International Criminal Court in relation to cooperation with and the provision of assistance to the International Criminal Court and the enforcement of its decisions (International Criminal Court Implementation Act)

We, Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that, for the purpose of implementing the Statute of the International Criminal Court, it is necessary to make provisions for cooperation with and the provision of assistance to the International Criminal Court and the enforcement of its decisions.

We, therefore, having heard the Council of State of the Kingdom, in consultation with the States General, and having taken into account the provisions of the Charter for the Kingdom of the Netherlands, have approved and decreed as We hereby approve and decree:

CHAPTER 1. GENERAL PROVISIONS

Section 1

For the purposes of this Kingdom Act, the following definitions shall apply:
(a) Statute: the Statute of the International Criminal Court concluded in Rome on 17 July 1998 (Dutch Treaty Series 2000, 120);
(b) the ICC: the International Criminal Court established by the Statute or, as the case may be, each of its organs in respect of the duties assigned to it;
(c) consultations: consultations as referred to in article 97 of the Statute between a State Party and the ICC;
(d) cooperation: the cooperation referred to in Part 9 of the Statute between the ICC and the States Parties;
(e) surrender: the delivery to the ICC by the Netherlands, the Netherlands Antilles or Aruba of a person for the purpose of a criminal investigation of his activities by the ICC or the enforcement of a sentence of imprisonment imposed on him by the ICC;
(f) enforcement: the enforcement of decisions of the ICC, as referred to in Part 10 of the Statute, including the application of provisional measures for the purpose of such enforcement;
(g) assistance: the assistance provided to the ICC by the Netherlands in its capacity of host State;
(h) transit: the transportation under escort, through the territory of the Netherlands, of persons coming from a foreign State with the ICC as their destination, or coming from the ICC with a foreign State as their destination;
(i) Our Minister: the Minister of Justice of the Netherlands;
(j) Code of Criminal Procedure: the Code of Criminal Procedure of the Netherlands.

Section 2

1. Without prejudice to the other subsections of this section, this Kingdom Act applies to the Netherlands, the Netherlands Antilles and Aruba.
2. If a request of the ICC amounts to a request for an act to be carried out by the authorities of the Netherlands Antilles or Aruba, the request shall, notwithstanding section 3, subsection 1, be dealt with by the Minister of Justice of the Netherlands Antilles or, as the case may be, Aruba. The Minister shall transmit the request to the Procurator General of the Netherlands Antilles or, as the case may be, Aruba in accordance with section 3, subsection 2 or 4.
3. In the cases referred to in subsection 2, the Netherlands Antilles Extradition Decree and the Code of Criminal Procedure of the Netherlands Antilles and of Aruba shall apply mutatis mutandis, notwithstanding the provisions of Chapters 2, 3 and 4 of this Act, except where such application would be contrary to the Statute.
4. No legal remedy lies against a ruling of the competent court of the Netherlands Antilles or Aruba on or following a request of the ICC for surrender or enforcement.

Section 3
1. A request received from the ICC, in accordance with the Statute, for cooperation, for enforcement or for prosecution of an offence against the administration of justice of the ICC shall be dealt with by Our Minister. If the request is not addressed to Our Minister, the addressee shall immediately transmit the request to him.
2. Unless Our Minister is able to deal with the request himself or considers that additional information is first required from the ICC, and subject to subsections 3 and 4, he shall immediately transmit the request to the public prosecutor at The Hague District Court.
3. If the request relates to the enforcement of a sentence of imprisonment imposed by the ICC, Our Minister shall act in accordance with the provisions of sections 67 and 68.
4. If the request relates to the enforcement of an order for reparations as referred to in article 75 of the Statute, Our Minister shall take the necessary measures for the proper enforcement of the order. If the order entails an obligation on the convicted person to pay a sum of money for the benefit of one or more beneficiaries, Our Minister shall immediately transmit the request to the public prosecutor at The Hague District Court, who will then act in accordance with sections 72 and 83.
5. A request for assistance shall be dealt with by Our Minister or by the authorities designated by him for this purpose.
6. Our Minister shall regularly inform the ICC of the progress made in dealing with the requests.

Section 4
The Hague District Court has exclusive competence to deal with requests from the ICC for cooperation or assistance and to hear any appeal, complaint or objection in connection therewith, in so far as this is the responsibility of the courts.

Section 5
1. At the request of any Dutch authorities responsible for dealing with a criminal case, Our Minister may, in accordance with article 93, paragraph 10, of the Statute, address a request to the ICC for the provision of assistance and cooperation.
2. Documents concerning official acts of investigation and prosecution which have been drawn up by the authorities of the ICC and have been transmitted by them in response to a request shall have the evidential value accorded to documents concerning similar acts performed by Dutch officials, subject to the proviso that their evidential value may not exceed that which they have for the ICC.

Section 6
Data may be provided from a police file as referred to in the Data Protection (Police Files) Act (Wet politieregisters) even without a request to this effect, if this is necessary for the proper discharge of the ICC's functions. The data shall be provided through the intermediary of the National Police Services Agency (Korps landelijke politiediensten).

Section 7
1. If Our Minister considers that there are obstacles or impediments to granting a request of the ICC for cooperation or enforcement, he shall immediately consult with the ICC in order to remove these obstacles or impediments.
2. The following may in any event constitute obstacles or impediments as referred to in subsection 1:
(a) insufficient information for the request to be granted;
(b) the person to be arrested at the request of the ICC cannot be located in the Netherlands, despite best endeavours;
(c) the person arrested at the request of the ICC on the basis of an arrest warrant is not the person referred to in the warrant;
(d) granting the request in its present form would result in a breach of a treaty obligation that existed prior to the request and is owed to another State;
(e) granting the request in its present form would result in a violation of the principle of ne bis in idem referred to in article 20 of the Statute;
(f) a prosecution of the person claimed for the same acts is either in progress or in preparation in the Netherlands;
(g) granting the request of the ICC immediately would obstruct an investigation or prosecution in a case other than that to which the request relates;
(h) granting the request would prejudice the national security interests of the Netherlands as referred to in article 72 of the Statute;
(i) the case referred to in section 25, subsection 1.
3. If the public prosecutor responsible for executing a request of the ICC finds obstacles or impediments as referred to in this section, he shall notify Our Minister immediately.
4. Our Minister shall request the ICC to respond within a reasonable period to be determined in consultation. This period may be extended at the request of the ICC.
5. The processing of a request for the surrender of a person or for enforcement of a decision of the ICC shall be suspended for the duration of the period referred to in subsection 4. The processing of a request for any other form of cooperation may be suspended by Our Minister or, as the case may be, by the public prosecutor after consultation with Our Minister.
6. If Our Minister or the authorities designated by him consider that a request for the assistance of the host State cannot be granted, he shall immediately consult with the ICC in accordance with the headquarters agreement referred to in article 3, paragraph 2 of the Statute and the regulations and agreements based on it, in order to resolve the matter.

Section 8
1. If and for as long as a challenge to the admissibility of a case or the jurisdiction of the ICC pursuant to articles 18 or 19 of the Statute is under consideration by the ICC, the processing of a request relating to the case for the surrender of a person shall be suspended.
2. In the case referred to in subsection 1, the processing of a request for any other form of cooperation may be suspended by Our Minister or, as the case may be, by the public prosecutor after consultation with Our Minister, unless the ICC has determined that the Prosecutor [of the ICC] may proceed with the collection of evidence pursuant to articles 18 or 19.

Section 9
Articles 585-590 of the Code of Criminal Procedure shall apply mutatis mutandis to services, notices and summonses pursuant to this Act.

Section 10
In so far as not provided otherwise in this Act, it shall also apply to a request of the ICC for cooperation or enforcement in respect of an offence against the administration of justice of the ICC as

referred to in article 70, paragraph 1 of the Statute.

CHAPTER 2. SURRENDER OF PERSONS TO THE ICC

§ 1. General

Section 11
1. At the request of the ICC and subject to the provisions of this chapter, persons shall be surrendered to the ICC:
(a) for prosecution and trial in respect of criminal offences over which the ICC has jurisdiction under the Statute;
(b) for enforcement of a sentence of imprisonment imposed by the ICC.
2. The Extradition Act (Uitleveringswet) is not applicable.

Section 12
1. Surrender is not permitted except on the general condition that the person claimed will not be prosecuted, punished or otherwise subjected to restrictions on his personal liberty without the express consent of Our Minister in respect of offences which were committed before the moment of his surrender and for which he has not been surrendered.
2. Surrender is not permitted except on the general condition that, if the person claimed is to be surrendered by the ICC to the authorities of a third State for offences committed before the moment of his surrender, this will occur only with the express consent of Our Minister. The consent may be given in respect of criminal offences for which the person claimed could have been extradited by the Netherlands to the third State.

§ 2. Provisional arrest

Section 13
1. A person may be provisionally arrested at the request of the ICC.
2. Any public prosecutor or assistant public prosecutor is authorised to order the provisional arrest.
3. If action on the part of the public prosecutor or the assistant public prosecutor cannot be awaited, any police officer is authorised to arrest the person.
4. The arrested person shall be brought as quickly as possible before the public prosecutor at The Hague District Court.

Section 14
After the person claimed has been questioned in accordance with article 55, paragraph 2, and article 59, paragraph 2 of the Statute, the public prosecutor may order that he be detained in police custody for three days from the moment of the provisional arrest.

Section 15

1. The investigating judge responsible for dealing with criminal cases may, on the application of the public prosecutor, order the remand in custody of the person claimed.
2. Before giving an order pursuant to paragraph 1, the investigating judgeshall, if possible, question the person claimed.

Section 16
1. The investigating judge may, on his own initiative or on the application of the public prosecutor or at the request of the person claimed or his counsel, order that on account of urgent and exceptional circumstances the deprivation of liberty pursuant to the provisions of § 2 of this chapter be ended or discontinued or suspended subject to conditions. The conditions to be imposed shall in any event be designed to prevent absconding.
2. The investigating judge shall not make an order as referred to in subsection 1 until the ICC, having been consulted for this purpose through the intermediary of Our Minister, has made recommendations pursuant to article 59, paragraph 5 of the Statute within a period to be determined by Our Minister.
3. The suspension or discontinuation shall end automatically as soon as the public prosecutor has been informed, in accordance with section 32, of the decision of Our Minister permitting the surrender.
4. Article 80, paragraphs 1, 3, 4 and 5, and articles 81-88, with the exception of article 86, paragraph 5, of the Code of Criminal Procedure shall apply mutatis mutandis to orders for provisional discontinuation and suspension made pursuant to paragraph 1.
5. The investigating judge may, on his own initiative or on the application of the public prosecutor or at the request of the person claimed or his counsel, terminate the order for remand in custody if no request for surrender, together with the relevant documents, has been received from the ICC within sixty days of the date of the provisional arrest.

Section 17
The public prosecutor shall notify Our Minister immediately of every decision taken pursuant to sections 13, 14, 15 or 16.

§ 3. Arrest

Section 18
1. The public prosecutor who has received a request for surrender from Our Minister shall be competent to issue a warrant of arrest, which may be executed throughout the country.
2. The person claimed shall be brought before the public prosecutor within 24 hours of his arrest. After questioning the person claimed in accordance with article 55, paragraph 2, and article 59, paragraph 2 of the Statute, the public prosecutor may order that he be detained in police custody until the date on which the District Court decides on his remand in custody.

Section 19
If the person claimed is already in police custody in accordance with section 14 on the day on which the public prosecutor receives the request for surrender, the deprivation of liberty may be continued on the orders of the public prosecutor, notwithstanding section 15, subsection 1, until the date on which the District Court decides on the remand in custody.

Section 20
1. The investigating judge may order, on his own initiative, on the application of the public prosecutor or at the request of the person claimed or his counsel, that on account of urgent and exceptional circumstances the deprivation of liberty in accordance with the provisions of § 3 of this chapter be

ended or discontinued or suspended subject to conditions. The conditions to be imposed shall in any event be designed to prevent absconding.
2. Section 16, subsections 2-5, shall apply mutatis mutandis.

§ 4. Hearing and ruling by the District Court

Section 21
1. After receiving a request for surrender, the public prosecutor shall apply as quickly as possible to the District Court for it to hear the request. He shall lodge the documents with the District Court for this purpose.
2. A copy of the application required in accordance with subsection 1 shall be served on the person claimed. He shall be informed in this connection of the facts for which his surrender has been requested, together with the moments and places at which they were committed, and that the request is for his surrender to the ICC. The first and second sentences shall also apply in cases where the public prosecutor supplements or changes his application following a request received subsequently. The person claimed shall be informed of the receipt of additional documents which added to the file.
3. After the documents have been lodged with the District Court, the person claimed and his counsel may not be denied access to them. The provisions laid down by or pursuant to article 34 of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 22
1. Immediately after receipt of the application referred to in section 21, the president of the District Court shall determine, as far as possible as a matter of priority, the date on which the person claimed will be heard by the District Court. He may issue a warrant to secure the presence of the person claimed.
2. The registrar of the District Court shall notify the public prosecutor and the person claimed immediately of the moment set for the hearing. The notification and, if a warrant has been issued to secure attendance, a copy of the warrant shall be served on the person claimed.
3. If it transpires that the person claimed does not already have counsel, the president shall order the legal aid office to assign counsel.

Section 23
1. The hearing of the person claimed shall take place in public, unless the person claimed wishes the case to be dealt with in closed session or the District Court orders a hearing in closed session on the application of the public prosecutor or on its own initiative for important reasons specified in the record of the proceedings.
2. The hearing shall take place in the presence of the public prosecutor.
3. At the hearing, the person claimed may be assisted by his counsel.
4. If the person claimed has not appeared and the District Court considers his presence at the hearing to be desirable, the District Court shall order the issue of a summons, if necessary accompanied by a warrant to secure his presence, at such a moment as it may determine.

Section 24
1. The District Court shall examine the identity of the person claimed, the admissibility of the request for surrender and the scope for granting the request.
2. The public prosecutor shall express his opinion on the admissibility of the requested surrender at the hearing before the District Court and shall submit a written summary of this to the District Court. The person claimed and his counsel shall also be given the opportunity to make pertinent observations on the request for surrender and the decisions to be taken in this connection.

3. The District Court shall arrange for witnesses or experts to be issued with a summons or subpoena to attend at such moment as it may determine, if necessary accompanied by a warrant to secure their presence, where it considers their presence to be required for the purpose of the investigation to be initiated by it pursuant to subsection 1.

Section 25
1. The District Court shall suspend the investigation for the purpose of consultation with the ICC if, in the provisional opinion of the District Court, the person brought before it is not the person whose surrender has been requested.
2. The public prosecutor shall inform Our Minister of the decision and the reasoning of the District Court.

Section 26
1. On the application of the public prosecutor, the District Court may order the remand in custody of the person claimed at the hearing.
2. Before the examination at hearing is concluded, the District Court shall decide on its own initiative concerning the remand in custody of the person claimed, if he has previously been remanded in custody by the investigating judge or detained in police custody.
3. The District Court may, on its own initiative, on the application of the public prosecutor or at the request of the person claimed or his counsel, order that on account of urgent and exceptional circumstances the deprivation of liberty pursuant to the provisions of § 4 of this chapter be ended or discontinued or suspended subject to conditions. The conditions to be imposed shall in any event be designed to prevent absconding.
4. Section 16, subsections 2-5 shall apply mutatis mutandis.

Section 27
1. The District Court shall give a ruling on the request for surrender as soon as possible after the conclusion of the examination at the hearing. The ruling shall specify reasons.
2. If the District Court considers that the situation referred to in section 25, subsection 1 exists, it shall declare the surrender to be inadmissible in its ruling.
3. In all other cases the District Court shall declare the surrender to be admissible in its ruling.
4. No legal remedy lies against the ruling. The ruling may be enforced forthwith.

Section 28
1. If the person claimed is not present when the ruling of the District Court is read out, the ruling shall be served on him.
2. The District Court shall immediately send Our Minister a certified copy of its ruling. If the surrender is declared admissible, it shall send with the copy its advisory opinion on the action to be taken on the request for surrender. A copy of the opinion shall be handed or sent by the registrar to the person claimed and his counsel.
3. The registrar shall return the request for surrender, together with the documents relating to it, to Our Minister.

Section 29
1. Articles 37-39, 45-49, 50 paragraph 1, 226, 260 paragraph 1, 268, 269 paragraph 5, 271, 272, 273 paragraph 3, 274-277, 279, 281, 286, 289 paragraphs 1 and 3, 290-301, 318-322, 324-327, 328-331, 345 paragraphs 1 and 3, 346, 357, 362, 363 and 365 of the Code of Criminal Procedure shall apply mutatis mutandis to the assistance of counsel, the proceedings before the District Court, the deliberations and the ruling.

2. The articles referred to in paragraph 1 do not apply in so far as they relate to a witness whose identity is not known or only partially known.

§ 5. Decision on the request and actual surrender

Section 30
1. After Our Minister has received the documents back in accordance with section 28, subsection 3, he shall decide as quickly as possible on the request for surrender.
2. If the surrender has been declared admissible and Our Minister considers that he needs further information from the ICC in order to make a sound decision, he may defer the decision and consult the ICC. Depending on the result of the consultation with the ICC, he may again forward the file of the case to the public prosecutor who has dealt with the request for surrender, after which sections 21-29 will apply again.
3. If the person claimed is being prosecuted in the Netherlands for the same offence, Our Minister shall, when deciding to grant the request, also give instructions for the prosecution to be discontinued.
4. If and in so far as the surrender has been declared inadmissible, the request shall be refused.

Section 31
If the ICC and one or more States have requested the surrender respectively the extradition of the same person, Our Minister shall decide, having regard to article 90 of the Statute.

Section 32
Our Minister shall notify the public prosecutor and the ICC immediately of his decision on the request for surrender.

Section 33
1. Within ten days of the decision of Our Minister to grant the request for surrender wholly or partially, the person claimed shall be surrendered to the ICC at a time and place to be determined by Our Minister in consultation with the ICC.
2. Deprivation of liberty ordered in accordance with section 26 may be continued until the actual surrender.
3. If Our Minister decides to refuse the request, the public prosecutor shall order that the deprivation of liberty be terminated as soon as he is notified of that decision.

Section 34
1. If necessary for the purposes of section 33, subsection 1, or section 35, subsection 2, the person claimed shall be arrested for a maximum of three days under a warrant issued by a public prosecutor instructed for this purpose by Our Minister. If the actual surrender has not been possible within the period of three days, the warrant of arrest may be extended by the public prosecutor once for a maximum of three days.
2. After extension by the public prosecutor of the period referred to in subsection 1, the period may be extended for four days by the investigating judge on the application of the public prosecutor only. Such an extension may be ordered only if the actual surrender was impossible within the period of six days due to special circumstances.

Section 35

1. Notwithstanding section 33, subsection 1, and section 34, the decision on the time and place of surrender shall be deferred if and in so far as the person claimed is the subject of criminal proceedings in the Netherlands or all or part of a sentence imposed on him by a Dutch court is still eligible for enforcement.
2. In the cases provided for in subsection 1, Our Minister may, if he considers that there are grounds for doing so, direct that the person claimed be placed at the disposal of the ICC forthwith for the purposes of his trial by the ICC.
3. If the person claimed, in whose respect subsection 2 is applied, is serving a custodial sentence, the period during which he is placed at the disposal of the ICC shall be deducted from his sentence.

§ 6. Expedited procedure

Section 36
1. A person whose provisional arrest or surrender has been requested on behalf of the ICC shall be informed, prior to each questioning, of the possibility of stating that he consents to immediate surrender.
2. He may make a statement as referred to in subsection 1 in the presence of the investigating judge until the start of the court hearing. During the court hearing he may make the statement to the District Court.
3. The person claimed may be assisted by counsel when making the statement. If he appears without counsel, his attention shall be drawn to this right by the investigating judge.
4. Before making the statement the person claimed shall be informed of the possible consequences. A record of the statement shall be kept.
5. The investigating judge shall send the record to the public prosecutor.

Section 37
1. After a statement has been made in accordance with section 36, the public prosecutor may decide that the person claimed will be surrendered to the ICC.
2. Subsection 1 shall not apply if (it appears that) the person claimed is the subject of prosecution in the Netherlands or that all or part of a sentence imposed on him by a Dutch court is still eligible for execution. In such a case the public prosecutor shall make an application as referred to in section 21.
3. The public prosecutor shall notify Our Minister immediately of every decision taken under subsections 1 or 2.

Section 38
1. If the public prosecutor has decided in accordance with section 37, subsection 1 that the person claimed will be surrendered to the ICC, section 21 shall not apply.
2. If the application referred to in section 21 has already been lodged with the District Court, it shall be withdrawn immediately. The clerk of the District Court shall then return the request for surrender, together with the accompanying documents, to the public prosecutor.
3. The public prosecutor shall notify the person claimed of the withdrawal of the application.

Section 39
1. Within ten days of the decision of the public prosecutor as referred to in section 37, subsection 1, the person claimed shall be surrendered to the ICC at a moment to be determined by Our Minister in consultation with the ICC. The person claimed may be remanded in custody (at the order of the investigating judge) or detained in police custody until that moment.
2. The public prosecutor may, if necessary, issue a warrant for the arrest of the person claimed for the purpose of his surrender under the provisions of § 6 of this chapter. Section 34 shall also apply mutatis mutandis.

Section 40
In the event of surrender under § 6 of this chapter, section 12, subsection 1 shall not apply.

§ 7. Other provisions

Section 41
1. Objects found in the possession of the person whose surrender or provisional arrest has been requested under the Statute may be seized at the request of the ICC. The seizure shall be carried out by or on the instructions of the public prosecutor or the assistant public prosecutor competent to issue a warrant of arrest or provisional arrest.
2. When making the application referred to in section 21, the public prosecutor shall lodge a list of the objects seized with the District Court.

Section 42
1. When ruling on the request for surrender, the District Court shall also decide on whether the objects seized should be delivered or returned. The delivery of these objects to the ICC may be ordered only if the request for surrender is granted.
2. With a view to possible rights of third parties, the District Court may decide in respect of certain objects that they may be handed over to the ICC only on condition that they will be immediately returned once they are no longer needed for the purposes of the prosecution.
3. The provisions laid down by or pursuant to articles 116-119, 552a and 552c-552e of the Code of Criminal Procedure shall apply mutatis mutandis.
4. In the event of surrender in accordance with the provisions of § 6 of this chapter, the public prosecutor shall decide on the delivery or return of the objects seized, subject to the powers of the District Court under subsection 3.

Section 43
Sections 52-55 and 57 of the Extradition Act (Uitleveringswet) shall apply mutatis mutandis to orders for deprivation of liberty made under this chapter.

Section 44
1. In cases in which surrender has been declared inadmissible by a final and conclusive judgment, the Hague District Court may, at the request of the person claimed, award him compensation against the State for the damage which he has suffered as a consequence of the deprivation of liberty ordered under this Act. For this purpose damage includes non-pecuniary damage. Article 89, paragraphs 3, 4 and 6, and articles 90, 91 and 93 of the Code of Criminal Procedure shall apply mutatis mutandis.
2. In cases as referred to in subsection 1, articles 591 and 591a of the Code of Criminal Procedure shall apply mutatis mutandis to the reimbursement of costs and damage to the person claimed or his heirs. The Hague District Court shall for this purpose replace the court referred to in article 591, paragraph 2 of the Code of Criminal Procedure.

CHAPTER 3. COOPERATION AS REFERRED TO IN ARTICLE 93 OF THE STATUTE

§ 1. General

Section 45
1. Requests of the ICC for any form of cooperation as referred to in article 93 of the Statute shall, to the extent possible, be executed in the desired manner, having regard to the provisions of this chapter.
2. Requests of the ICC for cooperation as referred to in article 93, paragraph 1 (l) of the Statute shall be executed as quickly as possible and in the desired manner, unless this is prohibited by Dutch law.

Section 46
1. A request for cooperation as referred to in this chapter shall, to the extent possible, be executed in the manner indicated in the request, including application of the procedures described in it and consent for the persons referred to in the request to be present at and assist in the execution of the request.
2. The Dutch authorities charged with executing requests for cooperation are responsible for the safety of the persons concerned and shall accordingly be competent to impose conditions on the way in which requests for cooperation are executed.

Section 47
Where documents are to be served on or issued to third parties in compliance with a request for cooperation, this shall be done in accordance with the statutory rules governing the service and issuing of comparable Dutch documents.

Section 48
1. Our Minister may permit persons who have been lawfully deprived of their liberty in the Netherlands to be temporarily placed at the disposal of the ICC for the purpose of identification, to testify as a witness or with a view to other forms of cooperation. The person concerned shall be placed at the disposal of the ICC only if he freely gives his consent for this after having been properly informed of the consequences.
2. If the person to be placed at the disposal of the ICC under subsection 1 is serving a custodial sentence, the period during which he is placed at the disposal of the ICC shall be deducted from his sentence.

§ 2. Actions of the public prosecutor and the investigating judge

Section 49
A public prosecutor who has received a request for cooperation shall decide immediately how it is to be executed. The public prosecutor shall, if necessary, seek the assistance of the Public Prosecution Service in other court districts for the purpose of executing the request. He may refer the request to his counterpart in another court district in the interests of its speedy and efficient disposal.

Section 50
1. The public prosecutor shall transmit the request for cooperation to the investigating judge if it involves:
(a) questioning persons who are not prepared to appear voluntarily and give the requested testimony;
(b) cooperation in a hearing by the ICC of a witness or expert by means of video conferencing;
(c) an express request for a sworn statement or a statement made in the presence of a judge;
(d) seizure of documentary evidence if necessary with a view to achieving the desired result.

2. The public prosecutor may transmit the request of the ICC to the investigating judge in cases other than those referred to in subsection 1.
3. The transmission of the request shall be by means of a written application describing the action required on the part of the investigating judge.
4. The application referred to in subsection 3 may be withdrawn at any time.

Section 51
1. An application as referred to in section 50, subsection 3, has the same legal consequences as an application to initiate a preliminary judicial investigation (gerechtelijk vooronderzoek), in respect of:
(a) the powers of the investigating judge with regard to the suspects, witnesses and experts to be heard by him, as well as those with regard to the delivery or transmission of documentary evidence, the taking of measures in the interests of the investigation, and the carrying out of DNA tests, including the power to order the taking of cell material for this purpose, the entry into premises, the search of premises, the seizure of documentary evidence and investigation of data in automated databases;
(b) the powers of the public prosecutor;
(c) the rights and duties of the persons to be questioned by the investigating judge;
(d) legal assistance by counsel;
(e) the actions of the clerk.
2. Notwithstanding subsection 1, an application as referred to in section 50, subsection 3, which has been made with a view to executing a request to cooperate in a hearing by the ICC of a witness or expert by means of video conferencing, shall have the same legal consequences as an application to institute a preliminary judicial investigation in so far as it concerns the application of articles 190 paragraphs 1 and 4, 191 paragraphs 1 and 4, 210 paragraph 1 second sentence, 213, 215, 217-219a, 221-225, 226a paragraph 1, 226c paragraph 1, 226f and 236 of the Code of Criminal Procedure.
3. When a request of the ICC for cooperation is executed, no use may be made of coercive measures, other than in accordance with subsections 1 and 2.

Section 52
1. In so far as the request of the ICC for cooperation involves:
(a) telecommunication tapping;
(b) systematic surveillance of persons;
(c) infiltration;
(d) pseudo purchase or services;
(e) systematic gathering of information about a person who is under investigation;
(f) undercover entry into a closed place;
(g) the recording of a confidential communication by means of technical equipment;
(h) an exploratory investigation
the public prosecutor may exercise the powers granted to him for this purpose in Titles IVa, V, Va and Vc of Book 1 of the Code of Criminal Procedure. Article 126ff of the Code of Criminal Procedure may also be applied where the scope of the request makes this necessary.
2. When a request of the ICC for cooperation is executed, no use may be made of the powers referred to in subsection 1 and article 126ff of the Code of Criminal Procedure may not be applied other than in accordance with subsection 1.
3. Records of proceedings and other objects acquired by application of one of the powers to tap telecommunications or record confidential communications by means of technical equipment may be handed over to the ICC in so far as the District Court grants leave for this purpose. Articles 21-25 of the Code of Criminal Procedure shall apply mutatis mutandis.
4. Articles 126aa paragraph 2, and 126bb-126dd of the Code of Criminal Procedure shall apply mutatis mutandis. Article 126cc shall apply only in so far as the relevant records of proceedings and other objects have not been handed over to the ICC. The public prosecutor is responsible for ensuring that a person to whom the records and other objects relate may inspect them at some point.

Section 53

1. The investigating judge shall return the request for cooperation as soon as possible to the public prosecutor, after adding the records of the interviews conducted by him and the records of his other actions.
2. The documentary evidence seized by the investigating judge and information carriers in his possession containing data collected by means of any power under the law of criminal procedure shall be made available to the public prosecutor, in so far as the District Court grants leave for this purpose. Articles 21-25 of the Code of Criminal Procedure shall apply mutatis mutandis.
3. Unless it may be assumed that the persons entitled to the seized documentary evidence do not reside in the Netherlands, the leave required under subsection 2 shall be granted only on condition that when the documents are handed over to the ICC it is stipulated that they will be returned as soon as they are no longer required for the criminal procedure.
4. The provisions laid down by and pursuant to articles 116-119, 552a, 552ca, 552d paragraph 1, and 552e of the Code of Criminal Procedure shall apply mutatis mutandis to the provisions of subsections 1-3. The court competent to grant the leave required under subsection 2 of this section shall take the place of the competent court according to the said articles.

Section 54
1. After completing his activities in executing the request for cooperation, the public prosecutor shall return the request, together with the accompanying documents, to Our Minister as soon as possible.
2. Our Minister shall notify the ICC immediately of the manner in which the request has been executed and of the results thereof.

CHAPTER 4. ENFORCEMENT OF SENTENCES

§ 1. General

Section 55
Sentences imposed by the ICC by final decision may be enforced in the Netherlands at the request of the ICC and having regard to the provisions of this chapter.

Section 56
1. No pardon may be requested or granted in respect of sentences of imprisonment which have been imposed by the ICC for one or more of the crimes referred to in article 5 of the Statute and which are being enforced in the Netherlands. A request for reduction or remission of such a sentence shall be immediately referred by Our Minister to the ICC.
2. At the request of the ICC, Our Minister shall inform the ICC of his opinion on the review of a sentence as referred to in subsection 1, in accordance with article 110 of the Statute. For this purpose, Our Minister may request the advice from The Hague District Court and may request from third parties all information which he considers necessary.
3. A pardon may be requested and granted, in accordance with article 558 of the Code of Criminal Procedure, in respect of sentences of imprisonment which have been imposed by the ICC for offences against the administration of justice of the ICC as referred to in article 70, paragraph 1, of the Statute and in respect of other sentences imposed by the ICC if enforcement takes place in the Netherlands. Before a decision is taken on the granting of a pardon, Our Minister shall consult with the ICC in order to learn its views.

Section 57

Sections 61-64a and 66 of the Transfer of Enforcement of Criminal Judgments Act (Wet overdracht tenuitvoerlegging strafvonnissen) shall apply mutatis mutandis to warrants for provisional deprivation of liberty issued under this chapter.

Section 58

1. Civil law decisions taken by the ICC in accordance with article 75 of the Statute shall be recognised in the Netherlands and may be enforced after they have been declared enforceable at the request of an interested party.
2. Recognition and enforcement shall not take place if:
(a) recognition and enforcement would be manifestly contrary to Dutch public order;
(b) in the case where the defendant was absent at the reparations proceedings before the ICC, the document initiating the action or a comparable document was not served on or communicated to the defendant in the prescribed way and in sufficient time for his defence, unless the defendant failed to apply the legal remedies open to him;
(c) the decision is incompatible with a decision given in the Kingdom of the Netherlands between the same parties;
(d) the decision is incompatible with a decision given previously in a different State between the same parties in a dispute that was based on the same subject and has the same cause, provided that the latter decision complies with the conditions for recognition in the Netherlands.
3. The jurisdiction of the ICC shall not be reviewed by the courts. The rules governing the jurisdiction of the ICC do not relate to public order as referred to in subsection 2 (a).
4. Under no circumstances may there be a review of the correctness of a decision given by the ICC.
5. Only decisions of the ICC against which no further ordinary legal remedy exists are eligible for enforcement.
6. Decisions of the ICC which result in compensation that exceeds the material and non-material damage actually suffered shall not be recognised in so far as they are excessive.
7. Requests as referred to in subsections 1 and 6 shall be addressed to the judge at The Hague District Court who hears applications for provisional relief.
8. In so far as not provided otherwise in this section, the provisions of articles 985-992 of the Code of Civil Procedure shall apply mutatis mutandis to the request.

§ 2. Provisional measures

Section 59

The public prosecutor who has received a request of the ICC as referred to in section 60, subsection 1, section 61, subsection 1, section 62, subsection 1, or section 63, subsection 1, shall decide immediately how it is to be executed. Section 49, second and third sentences, shall apply mutatis mutandis.

Section 60

1. At the request of the ICC, a person who has been sentenced by the ICC to a term of imprisonment and is still at liberty may be provisionally arrested if there are good reasons to assume that this sentence will be enforced in the Netherlands.
2. Section 13-17 shall apply mutatis mutandis, subject to the proviso that:
(a) the remand in custody is ordered for a period of not more than thirty days and may be extended on the application of the public prosecutor for a period not exceeding thirty days at a time, until the commencement of the enforcement of the sentence of imprisonment in accordance with section 67, subsection 4, or section 68, subsection 2;
(b) the period referred to in section 16, subsection 5 is thirty days.

Section 61

1. Following a request of the ICC for cooperation or for enforcement of a forfeiture order, a financial investigation may be initiated under the criminal law (strafrechtelijk financieel onderzoek) in accordance with the provisions of Part 9, Title IV, Book 1 of the Code of Criminal Procedure in order to determine whether any advantage illegally obtained by a person subject to investigation by the ICC is present or has been acquired in the Netherlands. For this purpose an illegally obtained advantage is deemed to include objects that have been acquired, directly or indirectly, by means of the crime of which the person concerned is suspected.
2. During a financial investigation under the criminal law, objects may be seized in accordance with article 94, paragraph 2, and article 94a, paragraph 2 of the Code of Criminal Procedure only if there is good reason to believe that a request for enforcement of a forfeiture order will be made by the ICC in respect of such objects or that section 82, subsection 4 will be applied.
3. The public prosecutor shall notify Our Minister immediately of the institution or, as the case may be, conclusion of a financial investigation under the criminal law. At the same time he shall communicate all information useful for the ICC.

Section 62
1. Following a request of the ICC objects may be seized:
(a) in respect of which a forfeiture order may be issued by the ICC;
(b) to protect the right of recovery in respect of an obligation to be imposed in accordance with section 82, subsection 4 for payment of a sum of money to the State to deprive the person concerned of an illegally obtained advantage, or
(c) which can serve to prove an illegally obtained advantage.
2. Seizure as referred to in subsection 1 (a) and (b) may take place only if:
(a) it is permitted under Dutch law and
(b) there are good reasons to assume that a request for enforcement of a forfeiture order will be made by the ICC in respect of such objects or that section 82, subsection 4, will be applied.

Section 63
1. At the request of the ICC, objects may be seized in respect of which the ICC has issued a forfeiture order.
2. Seizure as referred to in subsection 1 may take place only if:
(a) it is permitted under Dutch law and
(b) there are good reasons to believe that the order referred to in subsection 1 will be enforced in the Netherlands in the near future.

Section 64
1. Those empowered to seize objects as referred to in articles 62 and 63 are the investigating judge and, in so far as the power is not reserved to the investigating judge, the public prosecutor and assistant public prosecutor. On the application of a public prosecutor, the investigating judge may exercise the powers to which he is entitled in a preliminary judicial investigation.
2. Articles 94b-94d, 96-119, 552a, 552c, 552ca, 552e and 556 of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 65
1. Where articles 552a or 552c of the Code of Criminal Procedure are applicable mutatis mutandis, the court shall not initiate a new investigation into the rights of interested parties if these rights have already been determined by the ICC in connection with a forfeiture order. The court may initiate a new investigation of this kind only if:
(a) such determination relates to rights in respect of immovable property situated in the Netherlands or property registered (registergoederen) in the Netherlands;
(b) such determination relates to the validity, nullity or dissolution of legal persons established in the Netherlands or the resolutions of their organs;

(c) such determination has occurred without the interested party having appeared and having been given timely notice of the proceedings;
(d) such determination is incompatible with a judicial decision given previously in respect of this matter in the Netherlands;
(e) recognition of such determination would be incompatible with Dutch public order.
2. If and as long as proceedings are pending before the ICC in respect of the rights of an interested party, a notice of complaint or an application by him shall not be admissible.

§ 3. Enforcement of sentences of imprisonment

Section 66
§ 3 of this chapter applies to a request of the ICC to enforce a sentence of imprisonment it has imposed:
(a) if the Netherlands has indicated its willingness to accept sentenced persons and the ICC designates the Netherlands in accordance with article 103, paragraph 1 (a), of the Statute;
(b) if the Netherlands is obliged, as host State, to enforce the sentence of imprisonment in accordance with article 103, paragraph 4, of the Statute.

Section 67
1. In the case referred to in section 66 (a), Our Minister shall decide whether the designation by the ICC is accepted.
2. Article 10 of the Criminal Code shall not apply to a decision of Our Minister as referred to in subsection 1.
3. Our Minister shall notify the ICC as soon as possible of his decision.
4. The enforcement shall be carried out by Our Minister on the recommendation of the public prosecutor at The Hague District Court.

Section 68
1. In the case referred to in section 66 (b), the sentence of imprisonment imposed by the ICC shall, on the instructions of Our Minister, be enforced or further enforced in the Netherlands in accordance with the conditions set out in the headquarters agreement referred to in article 3, paragraph 2, of the Statute. Article 10 of the Criminal Code shall not apply to the decision of Our Minister.
2. Section 67, subsections 3 and 4, shall apply mutatis mutandis.

Section 69
1. Enforcement in accordance with section 67, subsection 4, or section 68, subsection 2 of a sentence of imprisonment imposed by the ICC shall be carried out subject to the provisions laid down by or pursuant to the Criminal Code, the Code of Criminal Procedure, the Penitentiary Principles Act (Penitentiaire beginselenwet) or any specific criminal statute relating to the enforcement of judicial decisions.
2. Articles 15-15d of the Criminal Code shall not apply, except in respect of a sentence of imprisonment imposed by the ICC for an offence against the administration of justice of the ICC as referred to in article 70, paragraph 1 of the Statute.

Section 70
1. If the ICC decides in accordance with article 104 of the Statute to transfer the sentenced person to another State, the person concerned shall be delivered to the authorities of that State as soon as possible, at such time and place as may be determined by Our Minister after consultation with those authorities.

2. Enforcement in the Netherlands of the sentence of imprisonment shall end automatically at the moment when the person concerned is delivered to the authorities referred to in subsection 1.

Section 71
1. Communications exchanged between the sentenced person and the ICC shall not be restricted and are confidential. A petition or any other document may be lodged by the sentenced person through the intermediary of the governor of the institution where the sentenced person is detained. The governor shall ensure that the document is dated and forwarded to the ICC immediately.
2. Persons designated for this purpose by the ICC shall have access to the sentenced person, in accordance with section 38, subsection 7, second, third and fourth sentences of the Penitentiary Principles Act, in the institution where he is detained.
3. Requests by the ICC for information needed for the exercise of its supervisory duties in accordance with article 106 of the Statute shall be granted by Our Minister to the extent possible.
4. At the request of the ICC, a sentenced person shall, if he consents, be temporarily placed at the disposal of the ICC for the purpose of any investigation to be carried out by the ICC in connection with the enforcement.

§ 4. Enforcement of other penalties and orders

Section 72
§ 4 of this chapter applies to a request of the ICC to enforce one or more of the following penalties imposed and orders issued by the ICC:
(a) a fine;
(b) an order for the forfeiture of proceeds, property and assets derived directly or indirectly from the crime;
(c) a reparation order as referred to in article 75 of the Statute, entailing an obligation on the sentenced person to pay a sum of money to or in respect of one or more beneficiaries.

Section 73
The public prosecutor shall apply to the District Court within two weeks of the date on which he receives the request, together with the accompanying documents, for leave to enforce the penalty or order. The public prosecutor shall lodge the documents with the District Court when making his application. A copy of the application shall be served on the sentenced person.

Section 74
1. As soon as possible after receipt of the application referred to in section 73, the president of the District Court shall determine the date on which the Court will start to deal with the application. A period of at least ten days must elapse between the day on which the sentenced person is given notice to appear at the hearing and the day of the hearing.
2. This period may be shortened with the consent of the sentenced person, provided that this consent is evidenced by a written statement.

Section 75
The clerk of the District Court shall immediately notify the public prosecutor and the sentenced person of the date set for the hearing of the application. If the sentenced person does not already have legal representation, he shall be informed of his right to choose one or more counsel and of the possibility of obtaining legal aid, as well as his right to disclosure of documents.

Section 76
1. The public prosecutor and the sentenced person are entitled to call witnesses and experts for the purpose of the investigation to be carried out by the District Court and the decisions to be taken by it under § 4 of this chapter.
2. The public prosecutor may, in a reasoned decision, refuse to call witnesses or experts if it may reasonably be assumed that they have been called by the sentenced person to give testimony at the hearing to dispute facts as referred to in section 78, subsection 3. The decision shall be immediately notified in writing to the sentenced person. He shall be informed in this connection of the provisions of section 78, subsection 5.

Section 77
1. The application shall be dealt with in the presence of the public prosecutor. The sentenced person shall be given the opportunity to attend the hearing and to be assisted by his counsel.
2. The hearing of the application shall be conducted in open court, unless the District Court directs, at the request of the sentenced person or for important reasons specified in the record of the hearing, that it be conducted in closed session.
3. If the sentenced person has been deprived of his liberty by law by order of the ICC or of the authorities of a foreign State, he may be transferred to the District Court to attend the hearing.

Section 78
1. The Court shall examine the identity of the sentenced person, the admissibility of the application of the public prosecutor and the possibility of enforcing the decision of the ICC in the Netherlands and the facts and circumstances of importance to its decision.
2. The public prosecutor and the sentenced person and his counsel shall be given the opportunity to be heard at the hearing of the District Court.
3. The District Court shall be bound by the determination of the facts on which the ICC manifestly based its decision. It shall not reinvestigate these facts.
4. Articles 260 paragraph 1, 268, 269 paragraph 5, 271 paragraph 1, 272, 273 paragraph 3, 274-277, 278 paragraph 2, 279, 280, 281, 286 paragraphs 1, 4, 5 and 6, 293, 299, 300, 301 paragraphs 1, 2, 4 and 5, 310, 311 paragraphs 2-4, 315-317, 319, 320, 322 paragraphs 1 and 2, 324, 326, 327, 328-331, 345 paragraphs 1-3, 346 and 347 of the Code of Criminal Procedure shall apply mutatis mutandis.
5. If the public prosecutor has refused in accordance with section 76, subsection 2 to call a witness, the sentenced person may request the District Court to order that the witness be called after all. The District Court shall grant this request if it considers that there were no reasonable grounds for the public prosecutor to arrive at that decision.
6. The articles referred to in subsection 4 shall not apply in so far as they relate to a witness whose identity is not known or only partially known.
7. The public prosecutor shall submit an opinion to the District Court after reading it out. If his opinion is that the request for enforcement should be granted, he shall describe the penalty or measure that should, in his view, be imposed instead of the penalty imposed by the ICC.
8. The public prosecutor may withdraw his application as referred to in section 73 provided that the investigation at the hearing has not been completed. He shall immediately inform the sentenced person of the withdrawal of the application.

Section 79
1. The District Court shall grant leave for enforcement of the decision of the ICC and shall impose, subject to the relevant provisions in the Statute, the penalty or measure which the corresponding offence carries under Dutch law. The ruling of the District Court must give reasons. Articles 353 and 357 of the Code of Criminal Procedure shall apply mutatis mutandis.
2. Under no circumstances may the District Court impose a heavier penalty or measure than that determined by the ICC.
3. No legal remedy lies against the ruling. The ruling is enforceable forthwith.

4. The District Court shall immediately send Our Minister a certified copy of its ruling.
5. Articles 363 and 365 of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 80
Section 69, subsection 1 shall apply mutatis mutandis to the enforcement of a penalty or measure imposed on the basis of section 79.

Section 81
1. Without prejudice to the other provisions of § 4 of this chapter, this article shall apply to a request of the ICC for enforcement of a fine.
2. Article 23, paragraphs 3, 4, 7 and 8 of the Criminal Code shall not apply to the imposition of a fine in accordance with section 79, subsection 1.
3. An order as referred to in article 24c, paragraph 1 of the Criminal Code shall not be made in the case of the imposition of a fine.
4. If the sentenced person is unwilling to pay the amount owed and complete recovery has proved impossible or has been waived by the Public Prosecution Service, the public prosecutor shall return the request, together with the accompanying documents, as soon as possible to Our Minister, who will inform the ICC.
5. If, in the case referred to in subsection 4, the ICC extends the sentence of imprisonment imposed on the sentenced person and this sentence is being enforced in the Netherlands, sections 67 and 68 shall apply mutatis mutandis to the extension of the sentence of imprisonment.

Section 82
1. Without prejudice to the other provisions of § 4 of this chapter, this article shall apply to a request of the ICC for enforcement of a forfeiture order.
2. When making his application as referred to in section 73, the public prosecutor shall also submit a list of objects or claims which have been seized pursuant to sections 61-63.
3. If the District Court grants leave to enforce a forfeiture order, it shall declare the relevant objects to be forfeited. In that case the District Court is not bound by limitations under article 33a, paragraph 1 (a) of the Criminal Code. If forfeiture of one or more objects is not possible, the District Court may declare that the objects concerned are withdrawn from circulation (onttrekking aan het verkeer) in accordance with articles 36b-36d of the Criminal Code.
4. If forfeiture or withdrawal from circulation of one or more of the objects is impossible, the District Court shall impose an obligation on the sentenced person to pay a sum of money to the State in order to deprive him of his illegally obtained advantage. Subject to the decision of the ICC, it shall determine the amount to be paid as the amount of the objects or the part thereof whose forfeiture or withdrawal from circulation is impossible.
5. Articles 552b, 552e and 552g of the Code of Criminal Procedure shall apply mutatis mutandis to rulings in so far as they impose a forfeiture or withdrawal from circulation.
6. Article 577b of the Code of Criminal Procedure shall apply mutatis mutandis to rulings in so far as they impose an obligation to pay a sum of money to the State by way of deprivation of an illegally obtained advantage.
7. Article 65 shall apply mutatis mutandis.

Section 83
1. Without prejudice to the other provisions of § 4 of this chapter, this article shall apply to a request of the ICC for enforcement of a reparation order as referred to in article 75 of the Statute, entailing an obligation on the sentenced person to pay a sum of money to or in respect of one or more beneficiaries.
2. The public prosecutor shall call the beneficiary or beneficiaries to attend, unless a calling of these persons is not reasonably possible.
3. A beneficiary has the right to disclosure of documents.

4. A beneficiary may arrange to be assisted. He may also arrange to be represented by a lawyer, if the latter declares that he is specifically authorised, or by a representative specially authorised by the beneficiary in writing.
5. At the hearing the beneficiary shall be given the opportunity to address the court regarding the application of the public prosecutor.
6. If the District Court grants leave to enforce the order referred to in subsection 1, it shall impose an obligation on the sentenced person, in accordance with article 36f, paragraph 1 of the Criminal Code, to pay a sum of money to the State in respect of the beneficiary or beneficiaries.
7. Under no circumstances may the District Court determine a sum of money exceeding that determined by the ICC. The District Court shall not reinvestigate the rights of the interested parties, unless recognition of the decision of the ICC on this subject would be incompatible with Dutch public order.
8. The State shall remit forthwith any amount received to the persons or institutions designated by the ICC.
9. Article 36f, paragraphs 4-6 of the Criminal Code shall apply mutatis mutandis.

Section 84
Everything obtained from penalties and orders as referred to in section 72 shall accrue to the benefit of the ICC, without prejudice to section 83, subsection 8.

CHAPTER 5. ASSISTANCE PROVIDED BY THE HOST STATE

Section 85
1. The transit of persons who are surrendered as suspects by the authorities of a foreign State to the ICC shall be effected on the authority of the ICC by Dutch officials designated by Our Minister and under their security.
2. The transit of other persons who are brought or come to the Netherlands at the request of the ICC shall be effected on the authority of the ICC by Dutch officials designated by Our Minister and under their guard.
3. Transportation within the Netherlands outside the areas under the authority of the ICC of persons deprived of their liberty by order of the ICC shall be effected on the authority of the ICC by Dutch officials designated by Our Minister and under their guard.
4. The officials referred to in this section shall be competent to take all measures necessary to ensure the safety of the persons concerned and to prevent them from absconding.

Section 86
1.The transit of persons who are transferred by the ICC to the authorities of a foreign State shall be effected on the authority of the ICC by Dutch officials designated by Our Minister and under their guard.
2. The officials referred to in this section shall be competent to take all measures necessary to ensure the safety of the persons concerned and to prevent them from absconding.

Section 87
1. If witnesses, experts, victims or other persons who should be present at the seat of the ICC, no matter what their nationality, come to the Netherlands in response to a summons or subpoena or a warrant to bring them before the ICC or in response to a request of the ICC to the Netherlands for admission in accordance with the conditions in the headquarters agreement referred to in article 3, paragraph 2 of the Statute, they may not be prosecuted, arrested or subjected to any other measure that restricts their liberty in the Netherlands for offences or convictions that preceded their arrival in the Netherlands.
2. The immunity referred to in subsection 1 shall cease to apply if the person concerned, although he had the opportunity to leave the Netherlands, for fifteen successive days after the date on which his

presence was no longer required by the ICC has remained in the Netherlands or has returned to the Netherlands within that period.

Section 88
Dutch law does not apply to deprivation of liberty by order of the ICC and effected in premises made available to the ICC in the Netherlands.

CHAPTER 6. FINAL PROVISIONS

Section 89
The sections of this Act shall take effect on a date to be fixed by Royal Decree, which may differ for the different sections or parts thereof.

Section 90
This Act may be cited as the International Criminal Court Implementation Act.

We order and command that this Act be published in the Bulletin of Acts and Decrees, the Official Bulletin of the Netherlands Antilles and the Official Bulletin of Aruba, and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague on 20 June 2002.

Beatrix

A.H. Korthals
Minister of Justice

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A.H. Korthals
Minister of Justice

Ministerie van Buitenlandse Zaken
Bezuidenhoutseweg 67
Postbus 20061
2500 EB Den Haag
Tel.: 070-3 486 486
Fax: 070-3 484 848
E-mail: dvl-info@minbuza.nl

Internet: www.minbuza.nl