

H.E. Mr. Antonio Guterres
Secretary-General of the United Nations
United Nations Headquarters
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c. a Dutch national who commits any of the crimes defined in this Act outside the Netherlands.

In terms of providing a basis for the exercise of universal jurisdiction by the Netherlands, the first element mentioned above is the most relevant part, as it allows the authorities to investigate and prosecute the crimes covered by the International Crimes Act when these have been committed abroad by foreign nationals. However, the International Crimes Act does not provide for full, unlimited jurisdiction in respect of international crimes. The judicial authorities of the Netherlands cannot open an investigation into alleged international crimes committed abroad by foreigners against non-nationals without the suspect having been identified and present in the country. Investigations into a general situation are not possible, unless the victim(s) and/or the alleged perpetrator(s) are Dutch nationals (Article 2). In other cases, Dutch authorities are therefore only competent to investigate universal jurisdiction cases if the suspect is present on the territory during the investigation. In such cases, the decision to investigate and prosecute is left to the judicial authorities.



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- Open Society Justice Initiative and Trial International, Universal Jurisdiction Law and Practice in the Netherlands, April 2019,
<https://www.justiceinitiative.org/uploads/3574da67-0a4a-4cd1-855a-15317737162c/universal-jurisdiction-netherlands-20190606.pdf>.

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.

