

public committee against
TORTURE
in israel



רופאים לזכויות אדם - ישראל (ע"ר)
أطباء لحقوق الإنسان-إسرائيل
Physicians For Human Rights - Israel



BADIL
Resource Center
for Palestinian Residency
and Refugee Rights



ENSPAN CENTER
For Democracy & Human Rights
Established in Palestine August 2004



RCHRS
Ramallah Center for Human Rights Studies
مركز رام الله لدراسات حقوق الإنسان



مرکز المرأة للإرشاد القانوني والاجتماعي
Women's Centre for Legal Aid and Counselling

مركز الميزان لحقوق الإنسان
Al Mezzan Center for Human Rights

To: **Mr. Maxime Verhagen**

Minister for Foreign Affairs of the Kingdom of the Netherlands
Ministry of Foreign Affairs, Postbus 20061, NL - 2500 EB
The Hague, The Netherlands
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Email: m@minbuza.nl; m.verhagen@minbuza.nl

12 November 2009

Dear Minister,

Re: Dutch Position on respect for human rights, justice and the rule of law in the OPT

The undersigned organisations would like to bring to your attention their shared concern regarding The Netherlands' apparent inconsistent position on the protection of human rights, justice and the rule of law in the Occupied Palestinian Territory (OPT).

During an intervention at the Security Council Open Debate on Children and Armed Conflict earlier this year, The Netherlands rightly noted that *“abuse really only stops when perpetrators have been brought to justice. Anything short of that means a continuation of the violation of victims' integrity. This is why ending impunity is a critical element in ending violations and abuses against children. Member States concerned should take effective action to bring to justice individuals responsible for violations of children's rights”*.¹

One of the “key objectives” of the European Instrument for Democracy and Human Rights (EIDHR) is to strengthen the protection of human rights, justice and the rule of law in non-European Union (EU) countries, and where they are most at risk.

Under the EIDHR, the EU is providing a considerable amount of financial assistance to Palestinian civil society in support of the promotion and protection of human rights and fundamental freedoms, in keeping with the EU's self defined human rights standards.

Nevertheless, on 16 October 2009, The Netherlands voted against the endorsement by the Human Rights Council of the recommendations contained in the report of the independent international

¹ Intervention by Deputy Permanent Representative of the Kingdom of the Netherlands Mr. Piet de Klerk during a Security Council Open Debate on Children and Armed Conflict, New York, 30 April 2009.
<http://www.netherlandsmission.org/article.asp?articleref=AR00000642EN&categoryvalue=statements&subcategoryvalue=>

Fact-Finding Mission led by Justice Goldstone. Again on 5 November, The Netherlands voted against a UN General Assembly Resolution endorsing the Goldstone report.

The undersigned organisations, some of them recipients of EU aid under EIDHR, are thereby requesting an explanation of The Netherlands's intended action on the matter of war crimes allegedly committed in the course of "Operation Cast Lead" in Gaza. As recipients of EU and Dutch aid, organisations are concerned by Dutch donors' inaction on accountability, and placed in an untenable position vis-à-vis Palestinian society on whose behalf we receive assistance.

It is our belief that lack of accountability for war crimes and other grave human rights violations compromise the promotion of respect for human rights and the rule of law. Without accountability, there will be no serious prospect for peace in the Middle East. Only through justice will the human rights and security of the Palestinian people be realised.

As the official seat of the International Criminal Court, the first permanent international criminal tribunal established to end impunity for perpetrators of the most serious crimes of concern to the international community, The Hague should take a proactive role in promoting justice for the victims of the recent conflict in Gaza.

We look forward to your response and an opportunity to meaningfully engage with you on this issue.

Yours sincerely,

Sahar Francis
General Director
Addameer

Khalil Abu Shammala
General Director
Al Dameer Association for Human Rights

Shawan Jabarin
General Director
Al-Haq

Issam Younis
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