

112TH CONGRESS
2D SESSION

H. RES. 838

Expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2012

Mr. SMITH of New Jersey submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands.

Whereas according to the International Labor Organization, nearly 21,000,000 men, women, and children are enslaved in human trafficking worldwide at any given time, including 4,500,000 in sexual exploitation;

Whereas the majority of trafficking victims are enslaved in countries with laws in statute prohibiting human trafficking;

Whereas the rule of law, or fair implementation of the law over all to whom the law applies, is essential to securing justice for victims of human trafficking;

Whereas no government official should be above application of and adherence to the rule of law, including laws prohibiting human trafficking;

Whereas government officials who benefit from or otherwise participate in human trafficking are obstacles to rescuing victims and prosecuting traffickers pursuant to the law;

Whereas Joris Demmink, the Secretary General of the Ministry of Justice in the Netherlands from 2002 to 2012 and the Director General for International Affairs and Immigration in the Netherlands from 1993 to 2002, has been accused by Mr. Osman of rape in Edirne, Turkey, in or about 1997 when Mr. Osman was 14 years old;

Whereas Mr. Demmink, has been accused by Mr. Mustafa of rape in Istanbul, Turkey, in or about 1995, when Mr. Mustafa was 12 or 13 years old;

Whereas Mr. Demmink has been accused by Mr. Yasin of rape in Bodrum, Turkey, in or about 1995, when Mr. Yasin was an adolescent;

Whereas Korkmaz N. Menzir, Chief of the Istanbul Police Department in the 1990s and former Minister of Transport, affirms that Mr. Demmink visited Turkey numerous times between 1995 and 2000 using a variety of aliases on official and private visits to conduct research on his work responsibilities related to Turkey;

Whereas Officer Mehmet Korkmaz, a Turkish police officer in Istanbul from 1995 to 1997, has stated that he was responsible for Mr. Demmink's security on three of Mr. Demmink's alleged visits, and that he brought Mustafa,

at that time a street child, as well as other children to Mr. Demmink for Mr. Demmink to sexually abuse;

Whereas Turkish security officer Hüseyin Celebi reported to Chief of the General Staff, the Chief of Police, the Attorney-General of the Supreme Council and the Ministry of Justice in Turkey in January 2007 that Mr. Demmink visited Turkey every year between 1995 and 2003, using aliases and attempting to hide his presence in Turkey;

Whereas a participant at the March 1998 K4 Committee meeting in Ankara, Turkey, has come forward to affirm that Mr. Demmink was also present at the meeting in Turkey in 1998;

Whereas a participant at the July 1996 INTERPOL meeting in Antalya, Turkey, has come forward to affirm that Mr. Demmink was also present at the meeting in Turkey in 1996;

Whereas Mr. Demmink has officially denied ever visiting Turkey in the 1990s;

Whereas Mr. Demmink's travel records from 1997 to 2000 were allegedly destroyed, according to the Dutch Ministry of the Interior and Kingdom Relations, Directorate-General for Immigration Affairs;

Whereas in an October 3, 2012, letter from the Minister of Security and Justice, I.W. Opstelten, to the House of Representatives of the States General of the Netherlands, Opstelten indicates that the Netherlands has repeatedly decided against a formal investigation into the allegations against Mr. Demmink;

Whereas without the authority of a formal investigation, the prosecutors lack powers for adequate research or travel to Turkey to interview victims and witnesses;

Whereas the Netherlands has not interviewed alleged victims Mr. Mustafa and Mr. Yasin;

Whereas the Netherlands dismissed the statement of Mr. Osman without explanation or opportunity for the alleged victim to clarify his statement;

Whereas the Netherlands has not interviewed any of the five additional government or former government witnesses;

Whereas Mr. Mustafa and Mr. Osman have pursued every legal option available to secure justice in the Netherlands;

Whereas Mr. Mustafa and Mr. Osman have reported threats against their lives and safety and that of their families in Turkey;

Whereas Mr. Mustafa and Mr. Osman have gone into hiding in order to protect their safety while they seek redress through the justice systems of the Netherlands and Turkey;

Whereas Mr. Osman was reportedly beaten and suffered broken facial bones after leaving an attorney's office in Turkey in November 2012;

Whereas Mr. Demmink's position as the Secretary General of the Ministry of Justice from 2002 to 2012, during the time the alleged victims have been pursuing an investigation and criminal charges in the Dutch courts creates a heightened duty for the Netherlands to thoroughly investigate the charges and avoid the appearance that Mr. Demmink is above the rule of law or is otherwise obstructing justice by virtue of his position;

Whereas the United States Department of State Trafficking in Persons Report for 2012 indicates that, although the law in the Netherlands prescribes maximum sentences ranging from 8 to 18 years imprisonment for individuals

convicted of human trafficking, convicted traffickers on average receive a sentence of less than two years in jail, and typically serve little more than 1 year of the sentence in jail;

Whereas the Dutch State Secretary of Justice, Fred Teeven, a lead prosecutor in a child sex trafficking investigation in 1998 which implicated high-ranking representatives of the Dutch government, stated under oath in a closed court hearing in the District Court of the Hague in the case of Paul H./OM (09/754023-06) that the 1998 child sex trafficking investigation was blocked and that it has never led to the prosecution of the suspects because of certain contra-actions;

Whereas the international community in 1946 designated The Hague, Netherlands, as the seat of the International Court of Justice;

Whereas the International Court of Justice is the principal judicial organ of the United Nations to promote the rule of law between nations;

Whereas the inexplicable refusal of the Netherlands to formally investigate the serious allegations against the former Secretary General of the Ministry of Justice, Mr. Demmink, brings into question the rule of law in the Netherlands; and

Whereas the credibility of the International Court of Justice is undermined by its current location in The Hague, Netherlands: Now, therefore, be it

- 1 *Resolved*, That it is the sense of the House of Rep-
- 2 resentatives that the Secretary of State should take the
- 3 appropriate steps in the United Nations to amend Article

1 22 of the Statute of the International Court of Justice
2 to move the seat of the court from the Netherlands to a
3 more appropriate venue.

