

ORAL INTERVENTION/GENERAL COMMENTS:
CONSIDERATION OF THE REPORT OF THE WORKING GROUP
ON THE NETHERLANDS UPR¹

by the International Association of Democratic Lawyers (IADL)

Thank you, Mr. President.

In relation to the outcome of the UPR process, we note that the Dutch Justice Secretary declared that "human rights have a strong basis in legislation, policy and the enforcement process," that Dutch society is "characterized by pluralism with a wide range of ideologies, beliefs, lifestyles and value patterns" and that "freedom makes this pluralism possible." We ask how these can be compatible with the reported persecution of certain Filipino political exiles, asylum seekers and refugees who are in democratic opposition to policies of the Philippine government.

The Secretary claimed during the review process that "measures for combating terrorism are defined by law and enforced under legal supervision." In the light of this statement, we are wondering how it is possible that cases of political persecution as well as other cases are not even mentioned in the outcome. And yet false charges can possibly be used as basis for law enforcement.

As this was not addressed in the review process, we therefore call attention to the raids on the offices and residences late last year of members, consultants, and staffers of the Negotiating Panel of a national liberation movement called the National Democratic Front of the Philippines which is engaged in peace negotiations with the Manila government. How could the carting away of materials related to peace negotiations and complaints to a joint body designed to monitor compliance with an agreement on human rights and international humanitarian law be justified?

There are serious allegations that the Dutch government gave credence to information provided by a Philippine agency which Special Rapporteur Prof. Alston recommended to be abolished. These are viewed by peace advocates to have paralyzed the peace negotiations. We submit that respect for human rights by doing away with politically-motivated charges will strengthen the rule of law.

In the light of the statement by the Secretary, how can the claims of the Dutch government to respect human rights be reconciled with what is viewed as an unfounded arrest, political persecution and labeling of asylum-seekers like Prof. Jose Ma. Sison who has lived peacefully in exile and followed its laws for more than 20 years and is legally protected under the European Convention on Human Rights?

How would this Council react to views that the Dutch and Philippine governments reportedly have subjected such individuals to politically-motivated criminal investigation despite the serial decisions of the pertinent Dutch judicial bodies that there is no prima facie evidence for the charges? How can the Dutch government guarantee that legal processes are not affected by political interests?

We ask this Council to consider these comments when it decides to adopt the outcome of the review in plenary.

Thank you, Mr. President. #

¹ Delivered by Atty. Edre U. Olalia, Deputy Secretary General of the National Union of Peoples' Lawyers (NUPL), an affiliate of the IADL. He is also President of the International Association of People's Lawyers (IAPL).