



Kingdom of the Netherlands

The Honorable Christopher Smith
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Our reference

was-cdp/061-2012

Cc

See below

Encl.

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Date August 17, 2012
Re Sexual exploitation of children and child pornography

Dear Representative Smith,

It has come to my attention that on 31 July 2012 you wrote a joint letter to the Chair of the European Parliament's Delegation for Relations with the US, Mr. Christian Ehler, 'out of concern for the integrity of the European Union's ongoing efforts to combat the sexual exploitation of children and child pornography.' In your letter, you state that 'the Netherlands may be susceptible to becoming a "weak-link" in the chain of anti-sex trafficking efforts.'

The Netherlands highly regrets both the content and purpose of this letter. The importance of the fight against human trafficking, sexual exploitation and child abuse cannot be overstated. The Netherlands is a strong ally of the US in this fight and was recognized as such by the US State Department in its latest Trafficking in Persons report. It hailed us for our international leadership role and granted the Netherlands a 'Tier 1' rating.

As allies in this important campaign, the Netherlands values your commitment and that of the United States Congress as a whole. It was in this spirit that the Netherlands embassy in Washington responded to your request for information regarding the two matters you raise in your letter to the European Parliament. You were provided with extensive information to allow you to better understand the facts and to form an opinion on that basis. At the same time, the embassy offered to meet with you in order to exchange views on these matters and to provide further

information as appropriate. It is unfortunate that you were not available for such a meeting.

Date
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Our reference
was-cdp/061-2012

In your letter, you raise unsubstantiated doubts about the Netherlands' legal system. You suggest that neither the Dutch Public Prosecution Service nor the Dutch courts act independently. Any such implication is completely unfounded and must be dismissed entirely. Moreover, you neglect to mention the fact that the Dutch parliament has probed the issue on several occasions and has been informed by subsequent Ministers of (Security and) Justice.

It is important to correct your letter to the European Parliament on a number of points:

- *Vereniging Martijn* was banned and effectively dissolved by a district court at the request of the Public Prosecution Service. The Dutch Ministry of Justice has never taken any action to protect *Vereniging Martijn*, either by invoking the right to freedom of expression or otherwise.

- The Public Prosecution Service in the Netherlands has the full and independent authority to investigate any criminal allegation against any person within its jurisdiction. The allegations against Mr. Demmink were thoroughly investigated by the Public Prosecution Service, in full accordance with the Dutch Criminal Code and Code of Criminal Procedure. The Public Prosecution Service decided that the accusations were unfounded. Furthermore, it established that Mr. Demmink was not in Turkey in the period in question. Decisions not to prosecute were upheld by the court of appeal.

Our common cause of combating human trafficking, sexual exploitation and child abuse is not served by statements based on misperceptions, misrepresentations or accusations that have been proven to be false. Therefore, these issues do not belong on the agenda of any meeting between the US Congress and the European Parliament. The Netherlands will convey this message to Mr. Ehler.

The Netherlands is and will remain a dedicated ally in all international efforts to combat sex trafficking, child pornography and the sexual exploitation of children. We want to continue our dialogue with all parties involved in this important endeavor, including yourself. We therefore look forward to meeting with you at the earliest opportunity.

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Yours sincerely



R.S. Bekink
Ambassador

Cc:

- The Honorable Cliff Stearns,
Chairman of the US Delegation, Transatlantic Legislators Dialogue
- The Honorable Ileana Ros-Lehtinen,
Chairman House Foreign Affairs Committee
- The Honorable Howard Berman,
Ranking member House Foreign Affairs Committee
- The Honorable Dan Burton,
Chairman European and Eurasian Subcommittee
- The Honorable Gregory Meeks,
Ranking Member, Europe and Eurasian Subcommittee
- The Honorable Bill Huizenga,
Co-chair Dutch Caucus
- The Honorable Chris van Hollen,
Co-chair Dutch Caucus