



Kingdom of the Netherlands

H.E. Mr. António Guterres
Secretary General to the United Nations
Room: S-2922

Cc: Office of Legal Affairs

Permanent Mission of the
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Our reference

NYV/2018/509

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to communicate to him, in accordance with paragraph 10(b) of General Assembly Resolution 71/145, its response to the report dated the 13th of March 2017, which has been submitted to the Secretary-General by the Permanent Mission of the Republic of Turkey to the United Nations.

The report of the Republic of Turkey concerns events surrounding the presence of the Turkish Minister of Family and Social Policy, Ms Fatma Betül Sayan Kaya on the territory of the Kingdom of the Netherlands on the evening of the 11th of March and the morning of the 12th of March 2017.

I. After receiving information that Ms Kaya intended to visit Rotterdam to meet with Dutch-Turkish citizens, the Kingdom of the Netherlands, in the exercise of its sovereign right to decide which persons are allowed to enter its territory for the exercise of official functions, informed the government of the Turkish Republic that it would not permit any visits by Turkish ministers from that moment. Despite having informed the Turkish Republic accordingly, Ms Kaya entered the territory of the Netherlands unannounced and covertly and proceeded towards the Turkish Consulate-General in the city of Rotterdam, where she intended to deliver a public address. The Netherlands would also like to emphasise that Ms Kaya entered the territory of the Kingdom of the Netherlands in her official capacity, and not as a private person.

The Netherlands wishes to point out, first, that Ms Kaya enjoyed no privileges or immunities on the territory of the Netherlands under international law. She was not a member of the Turkish diplomatic or consular missions accredited to the Kingdom of the Netherlands and, secondly, due to the lack of an official invitation of the government of the Kingdom of the Netherlands, neither was she a member of a special mission under international law.





As regards the complaint that Ms Kaya was prevented from contacting any Turkish diplomatic or consular representative, the Netherlands wishes to draw the Secretary-General's attention to the following. General Assembly Resolution 71/145 does not cover matters concerning receiving consular or diplomatic services, but only the protection of consular and diplomatic representatives. However, even if such matters would fall within its scope, Ms Kaya was travelling in the car of the Turkish Chargé d'Affaires to The Hague. Contact between her and this member of the Turkish diplomatic staff was thereby established.

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In addition, the Netherlands would like to note that the Dutch police at all times intervened in accordance with the law, and hence in a proportionate manner, including its treatment of all persons referred to in said report.

The part of the Turkish report under General Assembly Resolution 71/145 insofar as it concerns Ms Kaya, is therefore inapplicable, as her situation does not fall within the scope of the regime concerning diplomatic and consular missions and representatives.

II. As regards the part of the report of the Turkish Republic concerning the alleged prevention of the exercise of consular functions by the Consul General of the Republic of Turkey in Rotterdam, the Kingdom of the Netherlands wishes to point out that matters concerning the exercise of consular functions do also not fall within the scope of General Assembly Resolution 71/145. This resolution concerns the protection, security and safety of consular missions, not their functioning. In addition, it has not been established that the Turkish Consulate-General was at any time forced to deny a request for consular services as defined in Article 5 of the Vienna Convention on Consular Relations. At no point was the Consul-General prevented from leaving the premises.

III. As regards the part of the report of the Turkish Republic concerning the Turkish Chargé d'Affaires a.i. at The Hague, the Turkish Consul-General in Deventer and the two members of the technical and administrative staff, the Kingdom of the Netherlands would kindly draw the Secretary-General's attention to the following. Towards midnight, on orders from the Public Prosecutor, the members of the minister's entourage were arrested on suspicion of violating the Firearms, Ammunition and Offensive Weapons Act, and were searched for firearms in order to secure the situation. No firearms were found. This group of 14 persons was then brought to the headquarters of the Rotterdam Police. There it emerged that the Turkish Chargé d'Affaires ad Interim and the Turkish Consul-General from Deventer were part of the group. As soon as this became clear they were both released. The Kingdom of the Netherlands furthermore notes that both individuals were under a duty to comply with their respective obligations under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, in particular their obligation to respect the laws and regulations of the receiving State. At the location where both individuals were present, an emergency ordinance was in force at that moment.





The two members of the technical and administrative staff of the mission referred to in the report of the Turkish Republic are permanent residents of the Kingdom of the Netherlands and as such enjoy no inviolability or immunity under international law. Nonetheless, the Kingdom of the Netherlands would like to note that they were released shortly after they were taken to police headquarters.

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The Kingdom of the Netherlands respectfully informs the Secretary-General that it considers that it has complied with its obligations under international law and has taken all measures that could have been reasonably expected to prevent a violation of its obligations under the two Vienna Conventions on the 11th and the 12th of March 2017. For instance, it had issued detailed lists to all enforcement personnel present in the vicinity of the Turkish Consulate-General in Rotterdam with the names and functions of all members of the Turkish diplomatic and consular missions. In the light of the facts as stated above, the Netherlands considers that no further measures are required to prevent future violations of its obligations under the two Vienna Conventions. The Kingdom of the Netherlands furthermore reiterates that it takes its obligations under the Vienna Conventions very seriously.

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.

