



Embassy of the Kingdom of the Netherlands
Beit Oz – 13th floor
14 Abba Hillel Street
Ramat Gan 52506
Israel

Military Court Watch
22 Ben Bella Street
Ramallah
Palestinian Territory

15 October 2018

Re: Forcible transfer of protected persons from the West Bank

Dear Mr. Verheijden,

Thank you for your [letter](#) dated 6 August 2018 in response to our [letter](#) dated 7 December 2015 regarding the forcible transfer of protected persons, including children, from the West Bank in violation of Article 76 of the Fourth Geneva Convention (the Convention).

We note that in your response dated 6 August 2018, you focus exclusively on Israel's international legal obligations relating to the treatment of children held in Israeli detention and you list a number of steps taken by the government of the Netherlands "in order to achieve strict compliance by Israel" with these obligations. While we appreciate these steps, you will recall that the specific subject matter of our correspondence related to:

1. The forcible transfer of Palestinian children from the West Bank to prisons located inside Israel in violation of Article 76 of the Convention; and
2. The legal obligations imposed on the government of the Netherlands under the Convention for this violation, as distinct from the legal obligations imposed on Israel.

This specific focus was raised in the penultimate paragraph to our original correspondence as follows:

"We would like to take this opportunity to ask what specific steps will the Government of the Netherlands be taking to ensure that the practice of forcibly transferring protected persons from the West Bank ceases in accordance with the legal obligations undertaken by the signatories to the Convention."

While Israel's violation of Article 76 of the Convention in relation to Palestinian child detainees is well documented and involves no dispute of fact, you will be aware that the Netherlands, as a signatory to the Convention, also has certain legal obligations to do what it can to bring an end to this practice. These third-party state obligations are, in part, set out in Article 146 of the

Convention and include circumstances where protected persons, including children, are forcibly transferred from occupied territory. As you will appreciate the steps already taken by the government of the Netherlands and listed in your letter dated 6 August 2018 do not discharge these obligations.

As per our original correspondence, we would like to again take this opportunity to ask what specific steps will the government of the Netherlands be taking in accordance with its third-party state obligations under the Convention?

We thank you in advance and look forward to receiving your response.

Yours sincerely,



Raja Shehadeh
Lawyer



Gerard Horton
Lawyer

cc: **Sadet Karabulut MP**