



UN Genève
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1211 Genève Switzerland

Director-General Ms. Tatiana Valovaya

DEPARTMENT
Board

PLACE
Baarn

OUR REFERENCE
DB/cor.uit/22.003/gk

PHONE NUMBER

DATE
13 January 2022

YOUR REFERENCE

E-MAIL

bestuur@acp.nl

SUBJECT

Complaint against UN Special Rapporteur Prof. Dr. N. Melzer

Esteemed,

Hereby the joint Police Unions in the Netherlands (Police Union ACP, Dutch Police union NPB, Police Union ANPV and Police Union Equipe) submit a complaint against the way in which the UN Special Rapporteur Prof. Dr. N. Melzer has spoken about the actions of the Dutch Police during a demonstration in The Hague in which violence was used against demonstrating citizens.

Firstly, we would like to use this opportunity to emphasize that it is good that the United Nations (UN) conducts all kinds of investigations, including the way in which governments handle human rights. In the Netherlands, the role of the UN is regarded as authoritative and great value is attached to the results of investigations conducted by the UN. As joint Police Unions, we therefore support carrying out investigations regarding the role and actions of the Dutch Police.

Before we go into the actions underlying this complaint substantially, we would like to highlight two fundamental points regarding the actions of Prof. Melzer.

- The first fundamental point splits into two elements, namely:

- Element 1: explanatory power as a scientist/professor and investigator.

Prof. Melzer is internationally seen as a renowned legal practitioner, investigator and academic in the field of human rights. His expertise is recognized and acknowledged almost without doubt, making his statements practically infallible. On one hand, this is a huge acknowledgement to Prof. Melzer. On the other, it directly brings great responsibility to the way in which Prof. Melzer acts.

- Element 2: authoritative power

Prof. Melzer speaks not only as a legal practitioner, investigator and academic, but also as United Nations Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Drawing conclusions from this position has great impact on governments, public prosecutors, citizens, Police, constitutional state, et cetera. For the legitimacy and credibility of the

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United Nations it is therefore crucial that investigations meet the international standard that applies to this.

The position of Prof. Melzer as legal practitioner, investigator and academic combined with his authoritative power makes that his statements have far reaching consequences. The statements made by Prof. Melzer, see the literal texts below, have the character of conclusions, even though there is no research at the basis of them. (PM: Prof. Melzer has announced that he intends to start the investigation in 2022 and at this stage asks for information from citizens/victims to contribute to said investigation.) The conclusions Prof. Melzer has already drawn beg to question whether possible suspects will face a fair trial. Both the Openbare Ministerie (Public Prosecutor) and the Dutch rule of law will feel pressured to follow the Special Rapporteur's conclusions because of his stature. This hinders the Dutch rule of law of its own opinion and judgement. The fundamental and human rights of possible suspects are, from our point of view, put under improper pressure.

- The second fundamental point concerns the way in which Prof. Melzer comes to his conclusions.

The tweets published by Prof. Melzer show that he draws his conclusions on the basis of a video from an internet medium (visegrad24) while **no** investigation has yet been carried out by him as a UN Special Rapporteur. The Dutch Police unions find it almost incomprehensible that Prof. Melzer's conclusions are **not** based on any research or investigation whatsoever. It is also hard to believe that such conclusions are drawn without having done any research that meets the standards of the European Code of Conduct for Research Integrity.

This European code includes four important principles: reliability, honesty, respect and responsibility. It also describes the requirements for good research practices. Finally, it describes when there is a violation of scientific integrity. Adherence to this European code is crucial for the legitimacy and credibility of the United Nations as a whole.

Many Dutch citizens as well as Dutch Police officers regard Prof. Melzer's conclusions as proven facts. The conclusions are also such that it has been stated that the Dutch Public Prosecutor as well as the Dutch constitutional state are not functioning well. A further investigation is, seeing the conclusions, not needed, as the Dutch Police and government have already been convicted, even though there is no research to support this. We hold the Special Rapporteur accountable for this, especially since for Dutch Police officers, torture is almost the most serious offence they could commit. The impact of his conclusions is so big that we believe that Prof. Melzer can play no role in any investigation that the United Nations will carry out into the relevant events.

Factional actions by Prof. Dr. N. Melzer:

Twitter messages:

03-01-22

Call for evidence:

In preparation for my official visit in 2022 to #Netherlands, #Poland & #France focusing on #policeviolence, I invite victims, witnesses & NGO to submit verifiable evidence (Eng/Fre) on this & other incidents.

- sr-torture@ohchr.org (confidentiality assured).

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This message included a short video of the protest in Amsterdam on 02-01-2022 in which a Police dog is deployed when a demonstrator breaks through the Police line.

Elucidation:

1. We understand that proof is being requested. We, however, do object to the fact that this is being framed as "torture".
2. These images only show a very limited part of the event. It is crucial that there is a hearing from and by the Dutch Police and government. There is also a lot of film footage that shows the total context and facts. Sadly, this is being left out.
3. To what extent are these videos judged to be original and not manipulated? In the Netherlands there are tons of examples of framing and manipulation of footage.

04-01-22

URGENT @DutchMFA

- *this is one of the most disgusting scenes of #policeBrutality I have seen since #GeorgeFloyd!*
- *These officers & their superiors must be prosecuted for the crime of#torture!*
- *THIS SAVAGERY MUST STOP HERE & NOW!*
- *I will send an official protest note shortly!*

This message included a short message and a short video.

Elucidation:

1. No research appears to have been done that shows the context, facts and circumstances.
2. Apparently, it wasn't known that the Dutch Public Prosecutor had already started an investigation.
3. That two police officers will be prosecuted.
4. That the Dutch constitutional state would fall short.
5. Police officers do not have to answer for the violence they use.
6. Prof. Melzer draws the conclusion that torture is involved.

05-01-22

I will now engage with @dutchMFA & other stakeholders through official channels in order to identify the systemic factors & personal responsibilities that have enabled this & on other more recent transgressions & to press for a declared policy of zero-tolerance for police brutality.

Elucidation:

1. This tweet clearly shows that Prof. Melzer has no other information to support his statements.
2. Despite the media attention for his tweet of 04-01-2022 and the criticism of the substantiation of his conclusions, this tweet is still posted.
3. The general conduct of the Dutch Police is qualified as "police brutality" without substantive investigation.

05-01-22

I thank @pol_den Haag for promptly confirming that two officers involved in this particularly grave instance of #policeBrutality are indeed being prosecuted as required by the #conventionAgainst Torture.

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This tweet included the external publication of the police force in The Hague.

Elucidation:

1. It is bizarre that Prof. Melzer says he's happy two police officers are being prosecuted. He could have had this information from the start if an investigation had been conducted in accordance with the code. The decision to prosecute said officers was taken at the end of 2021 after extensive investigation by the Public Prosecutor.
2. Without investigating the facts and circumstances, Prof. Melzer states that there has been a violation of the convention against torture.
3. The prosecution of these officers will have only one outcome, namely GUILTY. For the impact of this conclusion, see what we have described on page two.

08-01-22

Update:

I have now officially raised my concerns on #PoliceBrutality in writing with @DutchMFA. I thank @NLinGeneva for our constructive meeting & the renewed invitation to officially visit the #Netherlands in 2022. My letter & ant Gov response will be published after 60 days.

Elucidation:

1. During this meeting, a letter on behalf of the Dutch government was handed over. However, no word of this.
2. All previous messages from Prof. Melzer were thus "unofficial".
3. It is baffling that he has made his conclusions public without (proper) research, but still with rock-solid conclusions.

Conclusion

Let it be known that the Dutch Police Unions are absolutely in favor of an investigation into these events by the United Nations. However, you won't be surprised after reading all the above that we no longer have any confidence in the conduct of this research by Prof. Melzer.

On the basis of the above, the Dutch Police unions hereby request that you investigate the facts and circumstances of Prof. Melzer in his role as legal practitioner, investigator and academic in combination with his role as a United Nations Special Rapporteur in the present matter. We also request you express your opinion on the lack of any research, within the framework of the European Code of Conduct for Research Integrity. Finally, we request that you comment on the tenability of Prof. Melzer's intention to conduct research into the relevant event and similar events in the Netherlands in 2022.

We request you confirm you've received this complaint and to inform us about the process and procedure for the handling with this complaint.

In the case we have used an incorrect address to file this complaint, we ask you to forward this letter to the appropriate authority within the United Nations.

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Finally, if the procedure allows for this, we are prepared to present our complaint verbally and/or in person.

Awaiting your response

Yours sincerely, the chairmen of the joint Police Unions in the Netherlands.



ACP
G. van de Kamp



NPB
J.A. Struijs



Equipe
M.H.C. Barendse



ANPV
A. Simonis

Cc

- UNSecretary-General, A.H. Guterres, 760 United Nations Plaza, New York.
- UN Watch, chairman A.M. Moses, Case Postale 191,1211 Geneva 20 Switzerland.
- Minister of Foreign Affairs, Mr. W.B. Hoekstra MBA.
- Minister van Justice en Security, D. Yesilgöz-Zegerius.
- Chief Police Netherlands Mr. H. van Essen.