



PRO SOUALIGA
FOUNDATION
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To the President of the Cft

Prof. dr. R.H.J.M. Gradus

Frontstreet 26 – Convent Building

Philipsburg, PRESENT

Via email: info@cft.cw

Oct. 14, 2020

....Very disturbed by the United States measures against the International Criminal Court. We call on the US not to sanction ICC staff. The Netherlands fully supports the ICC and will continue to do so. The ICC is crucial in the fight against impunity and in upholding international rule of law.
(Stef Blok Minister of Foreign Affairs Netherlands, Twitter feed 2:59 pm June 20, 2020.)

Request to cease operations as Cft might be in violation of “International rule of Law”

Sir:

We draw attention to the following words of the Dutch Minister of Foreign Affairs quoted above; “*impunity*” and “*upholding the rule of international law*”. From his message, it is clear that the Netherlands places a high value in the fight against “*impunity*” and in upholding the “*rule of international law*.”

As you might, or might not be aware Pro Soualiga Foundation has commenced legal action against the use of the Kingdom Charter. Our position is quite simple: The Kingdom Charter was not enacted in a manner consistent with the right of peoples to self-determination. We know this with absolute certainty because the United Nations, the only organization authorized to make such a decision, *refused* to state that the people of the Netherlands Antilles exercised their right of self-determination because many representatives did not consider the adoption of the Charter as an expression of the right to self-determination.

Until 2019 we were not aware of the consequences of this refusal. However, on February 25, 2019, the International Court of Justice released an advisory opinion on the Chagos Islands to which was attached a “Written Statement” by the Kingdom of the Netherlands. In Chapter 4 of that “Written Statement”, the Kingdom went to great lengths to explain what the consequences were of a *possible* breach of the right of self-determination. The results of such a *possible* breach, according to the State, were null and void. The Kingdom repeatedly characterized the right to self-determination as a “customary norm of international law” in the same category as slavery and genocide:

Those peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination” (par. 3.9 Written Statement)

Impunity

As you can appreciate by now, this is all a matter of “upholding the rule of international law” as Minister Stef so passionately pleaded in his message. The people of St. Maarten deserve the same impassioned protection as the ICC



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staff to whose defense Mr. Blok came. We therefore, request you to kindly refrain from exercising any authority based on the Cft as Het Statuut, on which in turn it is based, is clearly an invalid document. Acting contrary to this request implies acting with impunity or callous disregard for the rule of international law.

In paragraph 177 of its opinion, the International Court of Justice concluded that:

“ The Court having found that the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination if follows that the United Kingdom’s continued administration of the Chagos archipelago constitutes a wrongful act.”

Applied to St. Maarten this ruling implies that your continued presence on St. Maarten is also an unlawful act.

We are prepared to sit and share with you all the original documentation in our possession which will convince you of the correctness of our stance in this matter.

Sincerely,

Mr. Renate L. Brison

Pro Soualiga Foundation

Attached: International Court of Justice Chagos Islands Opinion

Written Statement of the Kingdom



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