



2001-1690-X LIX - (42)

Ministerie van Binnenlandse Zaken en  
Koninkrijksrelaties

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Van As Advocaten  
T.a.v. De heer P.B.Ph.M. Bogaers  
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Datum 12 april 2012  
Betreft beslissing op uw Wob-verzoek 1F-beleid, Afghanistan

**Kenmerk**  
2012-0000029769

**Bijlagen**  
2

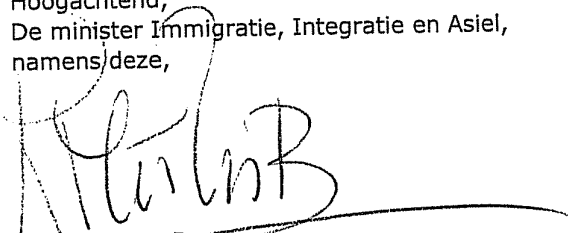
Geachte heer Bogaers,

Bij brief van 9 januari 2012 heeft u bij mijn ministerie een verzoek ingediend als bedoeld in artikel 3, eerste lid, van de Wet openbaarheid van bestuur (hierna: Wob). Uw verzoek heeft betrekking op:  
Het schrijven van de ambassadeur van de Islamitische Republiek Afghanistan van 21 december 2011.  
Bij brief van 7 februari 2012 is de termijn om op uw verzoek te beslissen met vier weken verlengd.  
Met betrekking tot uw verzoek om informatie bericht ik u als volgt.

Uw verzoek om openbaarmaking van de brief van 21 december 2011 van de ambassade van de Islamitische Republiek Afghanistan wordt ingewilligd. Als bijlage bij deze brief treft u aan een kopie van het gevraagde document. Tevens stuur ik u ter informatie een kopie van de reactie op de brief van de ambassade.

Ik vertrouw erop u hiermee voldoende te hebben geïnformeerd.

Hoogachtend,  
De minister Immigratie, Integratie en Asiel,  
namens/deze,

  
R.M. van Erp-Bruinsma  
Secretaris-generaal

Belanghebbenden kunnen binnen zes weken na bekendmaking van dit besluit daartegen per brief bezwaar maken bij de minister van Binnenlandse Zaken en Koninkrijksrelaties, DGVZ/DMB, Postbus 20011, 2500 EA Den Haag. Het bezwaarschrift moet zijn ondertekend, voorzien zijn van een datum alsmede de naam en het adres van de indiener en dient vergezeld te gaan van de gronden waarop het bezwaar berust en, zo mogelijk, een afschrift van het besluit waartegen het bezwaar is gericht.

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2001-1690-XLIX (98)

د افغانستان اسلامي  
جمهوريت  
سفارت - لاهه

Embassy of the Islamic Republic  
of Afghanistan - The Hague

No: 1512  
Date: 2011-12-21

cc - JMD  
DMB  
DFEU  
27/12

**NOTE VERBALE**

L → Time  
WS 2/1

The Embassy of the Islamic Republic of Afghanistan in The Hague presents its compliments to the Ministry of Interior and Kingdom Relationships of The Netherlands and has the honour to kindly request the attention of the Minister to the following:

- His Excellency J.Anwari, Minister of Refugees and Repatriation of the Islamic Republic of Afghanistan, during his meeting last week with His Excellency Minister G.B.M. Leers, the Minister for Immigration and Asylum of the Kingdom of The Netherlands, informed His Excellency Mr. Leers

that the information on persons whose applications for asylum have been rejected based on the exclusion ground of Article 1F of the 1955 United Nations Convention Relating to the Status of Refugee, is biased and is based on sources such as intelligence agencies of neighboring countries;

also the idea of rotation of officials who served in security departments of Afghanistan is incorrect,

and His Excellency requested that before returning those applicants to Afghanistan their cases should be reviewed in the light of new realities, support documents provided by the present Afghan government authorities and based on their decent life record during their stay in The Netherlands;

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**Embassy of the Islamic Republic  
of Afghanistan - The Hague**

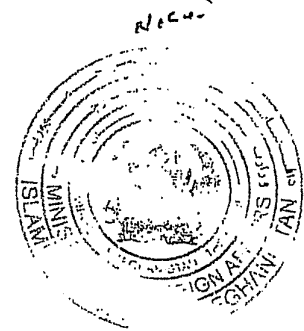
No:  
Date: 2011-12-21

- Unfortunately, as late as today our Embassy has been receiving calls from Afghans that the Repatriation Department (DT&V) has informed them that they will be separated from their families and will be returned to Afghanistan.

We kindly request you to take into consideration the request of His Excellency Minister Anwari to once again review their case to see for ways to not separate them from their families.

The Embassy of the Islamic Republic of Afghanistan in The Hague avails itself of this opportunity to renew to the Ministry of Interior and Kingdom Relationships of the Kingdom of The Netherlands the assurances of its highest consideration.

To the Ministry of Interior and Kingdom Relationships  
c/o HE Minister G.B.M Leers  
The Hague





2001-1690-XLIX-99

Ministerie van Binnenlandse Zaken en  
Koninkrijksrelaties

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**Our reference**  
2012-0000020096

**Your reference**  
no 1512

Date March 29, 2012  
Subject Note Verbale no 1512

Excellency,

Please allow me to express my appreciation for our constructive and pleasant meeting of December, which I view as a token of our good relations and cooperation. During the meeting His Excellency the Minister of Refugees and Repatriation, dr. Anwari, requested me to reconsider the information which forms the basis of the Netherlands policy concerning Article 1F of the Convention on refugees towards Afghan nationals.

Article 1F of the Convention on Refugees is an important provision. The protection afforded by the Convention on Refugees is intended for those who are the victims of treatment that constitutes a violation of their dignity, not those who are guilty of such treatment. Article 1F of the Convention on Refugees stipulates that individuals belonging to the latter group are not eligible for protection.

The Dutch Government is convinced that the Netherlands should not form a safe haven for persons against whom there are serious reasons for considering that they have committed one or more of the international crimes as stated in Article 1F. It is in the interest of Dutch society and international rule of law that the Netherlands does not grant such people residence permits. The position of the victims of these individuals who have found refuge in the Netherlands must also be taken into consideration.

With regard to the application of Article 1F of the Convention on Refugees in Dutch policy in respect of foreign nationals, it must be stated that all cases in which this article is invoked are assessed on a case-by-case basis. The Dutch authority must be able to demonstrate that there are 'serious reasons' to consider that the person in question falls within the criteria of Article 1F of the Convention on Refugees. If a foreign national was aware, or ought to have been aware, of having been involved in committing the offence/offences in question ('knowing participation') and he or she personally is liable for these offences ('personal participation'), it is possible to invoke Article 1F of the Convention on Refugees. It is argued that under certain circumstances and with regard to certain categories of foreign nationals, 'knowing and personal participation' can be assumed on the basis of general information on individuals who were employed in a particular role within a specific organisation - partly due to the structure and the aims of that organisation. This does not signify a

