



Pressrelease

Amsterdam, January 18, 2019

Subject: Judgement in preliminary relief proceedings between the Community ADM and the city and state

Last Tuesday, the Community ADM initiated summary proceedings against the municipality of Amsterdam and the Dutch State took place. The central question was whether the city and state should have heeded the 2 emergency facilities that the United Nations had imposed on them to refrain from evacuating the ADM site until the UN had been able to pass a judgement on this.

This session was originally scheduled for 8 January, but was delayed by the catastrophe which had already struck the ADM Community, leaving 120 adults and children homeless and all their belongings destroyed.

The municipality of Amsterdam and the Dutch State decided not to wait for the summary proceedings and immediately evacuated the ADM site on 7 January 2019. This violated the rights of the ADM Community and violated the UN measure.

During the session of 15 January, the UN sent a letter in which the municipality of Amsterdam and the Dutch state were summoned to clarify the eviction and whether they correctly implemented the UN's two emergency services. Initially, the municipality and the national government denied that they had received this letter from the UN. Community lawyers ADM, Mrs Electra Leda Koutra and Mr Emil Tamas were even called liars.

Yesterday, a judgement was passed by the court by Judge Mrs van Walraven. She was previously challenged by mr. Tamas on the basis of bias because she ignored the first 2 binding emergency measures of the UN, this was not honored. The decision of the court was therefore not surprising: the demand of the Community ADM to see the 2 UN measures and the letter that was brought to the hearing respected was rejected. And so the reversal of the unlawful eviction and the enormous damage was also swept aside.

Of course the Community will consider appealing ADM but first wait for the motivation of the verdict. For the time being, the ADM community has been torn apart and divided into the Amsterdam Metropolitan Area and the larger group that sits on the sludge fields bites into the dust to survive.

Does national law take precedence over international law and international treaties and can human rights in the Netherlands simply be set aside?

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In the words of the lawyer of the Community ADM, Mrs. Electra Leda Koutra:

This did not surprise us. Our own human rights lawyer had to resign last Friday from a procedure she called "undressed from the appearance of a fair trial", closing her long letter by the phrase: "I refuse to be involuntarily rendered into a puppet, in a show with a pre-announced script to disregard human rights."

The Judge, as expected, ruled briefly that "the UN Human Rights Committee did not have to stop the Municipality from the eviction" and that "there is currently no legal obligation on the part of the Municipality or of the State" to comply.

As 2 interim measures were not enough for Netherlands to listen, the UN had to send a 3rd letter to the Government, on 14-1-19, which was stating: "The Committee relies on the State party to comply with its two requests for interim measures, in line with its international obligations under the Covenant and its optional protocol. Any failure by the Netherlands to comply with the interim measures would therefore be incompatible with its obligation to respect in good faith the Committee's procedure." When this new request was brought up during the trial of 15-1-19, the State's lawyer, after refusing the existence of the letter and even calling our lawyers 'liars', eventually had to apologize and submit it to the Judge.

As regards human rights, 3 urgent requests from the UN HRC, are not loud enough for the Netherlands to listen.

Justice is blind, but in the ADM case it has been deaf too.



