

**The KhAD-WAD country report part 2:  
Politicians continue to violate the rule of law where this report is concerned**

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***This is the English translation of an article that appeared in the *Nederlands Juristen Blad* (Netherlands Law Review) of 1 May 2020, 2020/1052, vol. 17, pp. 1232-1238. The translation has been checked and corrected by the author. In several places clarifications have been added for those not familiar with the Netherlands legal system. A number of footnotes have also been updated, to lead the reader directly to English translations of source documents originally written in Dutch or to point out more direct access to background documents at [abc1f.nl](http://abc1f.nl), a website that was not yet available in 2020. The coloured box texts and the illustration are as per the layout of the original article in the NJB.***

In an earlier article in the *Nederlands Juristen Blad* it was argued that the KhAD-WAD report of 29 February 2000 is incorrect and unreliable. The facts presented in that article, which were extensively sourced, were subsequently discussed but not refuted. Nevertheless, the report has not been withdrawn to date. The author wonders how this is possible and hopes that what is now on the table will be sufficient for the Administrative Law Section of the Council of State to intervene and declare that the KhAD-WAD report of February 29, 2000, can no longer be regarded as an expert report on which government decisions can be based.

The 29<sup>th</sup> of February 2020 marks the twentieth anniversary of the publication of the so called KhAD-WAD report by the Netherlands Ministry of Foreign Affairs.<sup>2</sup> A number of employees of the Afghan secret service KhAD and the umbrella ministry WAD committed terrible acts during the communist regimes, for which they deserve to be punished. No one denies this. The problem is the conclusion in that report that *all* KhAD and WAD officers and non-commissioned officers *personally* participated in torture practices.<sup>3</sup> Because of Article 1F of the Refugee Convention, they are therefore not eligible for a residence permit in The Netherlands. In order to be eligible for such a permit, these former KhAD/WAD employees must prove their innocence. This means a reversal of the burden of proof. In addition, the more serious the crime, the worse it is to be falsely accused of it. Just ask the people who were wrongly accused of collaboration with the Nazi regime after the Second World War.

In an article in the *Nederlands Juristen Blad* (the Netherlands Law review, henceforth referred to as NJB) of 20 April 2018, fellow researcher lawyer P. Bogaers and I demonstrated that the KhAD-WAD report of 29 February 2000 is incorrect and unreliable.<sup>4</sup> The facts presented in that article, accompanied by extensive references, were subsequently discussed but none of them were

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<sup>2</sup> Netherlands Ministry of Foreign Affairs, *Security Services in Communist Afghanistan (1978-1992)*. AGSA, KAM, KhAD and WAD. The Hague, 29 February 2000. Official English translation of the Dutch original 'Veiligheidsdiensten in communistisch Afghanistan (1978-1992). AGSA, KAM, KhAD en WAD'. [abc1f.nl](http://abc1f.nl), under Document 1 (retrieved 26 February 2026).

<sup>3</sup> *Ibid.*, section 2.7, last paragraph.

<sup>4</sup> J. Brouwer & P. Bogaers, Why the country report by the Netherlands Ministry of Foreign Affairs of 29 February 2000 on the Afghan secret service KhAD and overarching ministry WAD is unreliable and incorrect, translation of *Nederlands Juristen Blad* [*Netherlands Law Review*] 2018/750, vol. 16, pp. 1104-1111. [abc1f.nl](http://abc1f.nl), at top of page (retrieved 26 February 2026).

refuted by anyone. Nevertheless, to date the KhAD-WAD report has not been withdrawn. How is this possible? This article describes how the responsible ministers apparently consider it more important to stick to the conclusions of the KhAD-WAD report than to restore the rule of law by acknowledging the proven inaccuracy of the report and accepting the consequences of that admission for the victims of the inaccurate report. In doing so, the ministers have misled the Lower House by giving misleading answers to a number of parliamentary questions and effectively ignoring other parliamentary questions. Furthermore, Freedom of Information requests regarding the KhAD-WAD report have revealed that the rule of law has been violated even more by the government in the past than has previously been demonstrated. What kind of 'rule of law' are our government and other politicians aiming for in this way? Hopefully, what is now on the table is enough for the Administrative Law Section of the Council of State to intervene and declare that the KhAD-WAD official report of 29 February 2000 can no longer be regarded as an expert report on which government decisions can be based.

### **Parliamentary questions following the publication of the earlier NJB article answered misleadingly**

Following the NJB article of 20 April 2018 and the related Argos radio broadcast of 21 April 2018<sup>5</sup>, a number of parliamentary questions were asked on 30 April 2018. These questions were answered on 22 May 2018 by the ministers directly involved, the Minister of Foreign Affairs and the Vice-minister for Justice and Security. The questions and answers are contained in a single document.<sup>6</sup> This document reveals the following, among other things.

To begin with, two questions were answered incorrectly by the ministers. Parliamentary question 4 asked whether it was true that, after the adoption of the KhAD-WAD official report of 29 February 2000, the Ministry of Foreign Affairs asked the Dutch Embassy in Islamabad to confirm the reliability of the anonymous sources. The ministers answered "No", saying that the question had been asked before the official report was published.<sup>7</sup> Indeed, that question had also been put to the Embassy before publication. But as demonstrated in the NJB article<sup>8</sup>, that question about the reliability of the sources was asked again in the memorandum of 16 March 2000, 16 days after the publication of the official report, apparently because no answer, or no satisfactory answer, had been received.<sup>9</sup> Apparently, the ministers, or at least their officials, also felt that it was not appropriate to have to inquire about the reliability of the sources for a report after it had been published. Moreover, this inquiry of 16 March 2000 did not yield any verifiable results.<sup>10</sup> With their denial, the ministers misled the House on 22 May 2018.

Parliamentary question 9 asked whether it was true that the introduction to the KhAD-WAD official report of 29 February 2000 stated that the report was based on international reports and books, but that this had not been the case for establishing the existence of a rotation system at the KhAD/WAD. The ministers replied:

*"No. The introduction states that this official report was based, among other things, on reports from the Netherlands Embassy in Islamabad and that reports from the United Nations, reports from international human rights organisations and professional literature on Afghanistan at the time of the communist regime were also used."*

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5 <https://www.vpro.nl/argos/media/afleveringen/2018/Oorlogsmisdadiger-of-slachtoffer-van-een-ambtsbericht-0.html> (in Dutch, retrieved 26 February 2026)

6 Accompanying letter and answers dated 22 May 2018 from the Minister of Foreign Affairs and Vice-minister for Justice and Security to parliamentary questions of 30 April 2018 from Member Van Ojik, in response to the NJB article 'Why the KhAD-WAD report of 29 February 2000 is incorrect and unreliable' (in Dutch). abc1f.nl, document 7 (retrieved 26 February 2026).

7 *Ibid.*, p. 2, last paragraph, and p. 3, paragraph 1.

8 Section 7, paragraph 2 in Brouwer & Bogaers 2018 (full reference and link in note 4, English translation).

9 Memorandum from the Ministry of Foreign Affairs in The Hague to the Embassy in Islamabad dated 16 March 2000, p.2 paragraph 2 (in Dutch). See Appendix 3b to the article of 20 April 2018, pp.27-28. abc1f.nl, document 3b retrieved 26 February 2026.

10 Section 7, paragraph 2 in Brouwer & Bogaers 2018 (full reference and link in note 4, English translation).

That reference to *'United Nations reports, reports from international human rights organisations and professional literature on Afghanistan'* is indeed included in the introduction to the official report and applies to the KhAD-WAD report as a whole. Which findings in the official report are taken from which reports is then evident from the source references for each finding.

**If there had been such support, there would have been references in the KhAD-WAD report to the supporting passages in the international reports and literature.**

Such source references are included in the more general, historical sections of the report. However, in the passages in the KhAD-WAD report on the rotation system, there are no references to any passages in reports of the United Nations, in reports of international human rights organisations or in the professional literature on Afghanistan. This alone indicates that the international reports mentioned do not support the existence of such a rotation system. If such support had existed, references to the supporting passages in those reports would have been included in the KhAD-WAD report. That is in any case a reasonable assumption where a ministry with well-trained staff is concerned. In their answers of 22 May 2018 to these parliamentary questions, the ministers themselves also failed to provide evidence of international support for the existence of a mandatory rotation system to sections in the KhAD and the WAD involved in torturing at the time. In other words, on 22 May 2018, the ministers also misled the House by pretending in their response that there was international support for the existence of a mandatory rotation system to sections in the KhAD and the WAD involved in torturing, while they did not provide any evidence for that international support. Following a Freedom of Information request, this lack of international support was subsequently explicitly acknowledged by the Ministry of Foreign Affairs, as discussed further on in this article.

### **Parliamentary questions following the publication of the earlier NJB article not answered**

If an honest answer to a question is too revealing, you can of course choose not to answer. One way to conceal this from the superficial reader is to combine the answer to that difficult question with the answer to a less difficult question. Only the less superficial reader will then see that the combined answer has in fact sidestepped the difficult question. In their combined answers of 22 May 2018, the ministers ignored five apparently unwelcome parliamentary questions.<sup>11</sup> In doing so, they indirectly admitted that what was denounced in those parliamentary questions was correct and should not have happened. Otherwise, they would have given an honest answer.

Question 2: They did not want to confirm it, but the conclusion in the KhAD-WAD report that there was a rotation system whereby all officers and non-commissioned officers of the KhAD and WAD must have participated in human rights violations was apparently, according to the ministers, based solely on the statements of anonymous sources, as suggested in parliamentary question 2. Following a Freedom of Information request, this has now also been explicitly acknowledged by the Foreign Office, as discussed later on in this article.

Question 3: They did not want to confirm it, but according to the ministers, the anonymous sources for the official reports were apparently (in all likelihood) under the influence of the Taliban, as suggested in parliamentary question 3. A Taliban that is religiously extremist and considers anything that could be communist to be godless.

Question 5: They did not want to confirm it, but the [accusatory] information in the KhAD-WAD official report, which had far-reaching consequences for the right of residence of a group of foreign nationals, was apparently also based solely on anonymous sources, as suggested in

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<sup>11</sup> Accompanying letter and responses dated 22 May 2018 from the Minister of Foreign Affairs and Vice-minister for Justice and Security to parliamentary questions dated 30 April 2018 from Member Van Ojik, in response to the NJB article 'Why the KhAD-WAD report of 29 February 2000 is incorrect and unreliable', pp. 2 and 4 (in Dutch). abc1f.nl, document 7 (retrieved 26 February 2026).

parliamentary question 5. The ministers apparently did not consider this desirable either, otherwise they would have admitted it.



Question 10: They did not want to confirm it, but when the official report was drawn up, according to the ministers, sources close to the KGB or KGB experts [and other international experts] should apparently also have been consulted, as suggested in Parliamentary Question 10, and reliance should not have been placed solely on anonymous sources.

Question 11: The ministers apparently had no arguments for a substantive rebuttal of the conclusions cited in parliamentary question 11 in the NJB article, that in drawing up the KhAD-WAD official report of 29 February 2000 there was biased selection of sources, selective use of evidence, distortion of facts and possibly even forgery. The fact that the ministers, in their responses of 22 May 2018, merely said that they rejected those conclusions, leaves those conclusions, which are devastating for the reliability of the KhAD-WAD report, entirely intact.

**There appears to be no international support for any of the accusatory conclusions in the official report.**

In their response to parliamentary question 9 (see the third paragraph of the preceding section), the ministers of Foreign Affairs and Justice and Security implied that there was international support for the accusatory conclusions of the KhAD-WAD report regarding all KhAD and WAD officers and non-commissioned officers. Three weeks later, on 11 June 2018, a request was

therefore made to the Ministry of Foreign Affairs under the 'Wet openbaarheid bestuur (the Open Government Act; a Freedom of Information act, FoI), for copies of the passages from international sources that support the nine accusatory conclusions in the official report, to wit:<sup>12</sup>

1. the inevitable high level of loyalty of KhAD/WAD officers to the communist state party DVPA (section 2.4, paragraph 2 of the official report);
2. the completion of the Parwachi (training period) and Azmajchi (probationary period) by all KhAD/WAD officer recruits and exclusively by those recruits, during which they spied on family members and arrested and tortured friends and acquaintances (section 2.4, paragraphs 3 and 4);
3. the material benefits for KhAD and WAD officers, including a salary that was approximately ten times higher than that of an ordinary civil servant ( section 2.4, paragraph 5);
4. an initial placement for all KhAD and WAD officers and non-commissioned officers in a department specifically involved in the detection of elements dangerous to the state (section 2.7, paragraph 2);
5. the inevitable rotation to another department for all KhAD and WAD officers and non-commissioned officers at least once a year (section 2.7, paragraph 2);
6. the impossibility for KhAD and WAD officers and non-commissioned officers to be placed in a more technical or administrative department other than after having sufficiently proven themselves by participating in torture during an initial placement or placements (section 2.7, paragraph 2);
7. the impossibility for a KhAD or WAD employee to become an officer, or to be promoted as an officer, if he had not proven his unconditional loyalty to the DVPA by participating in the arrest, interrogation and torture of [alleged] opponents of the regime (section 2.7, paragraph 3);
8. the impossibility for officers and non-commissioned officers to function within the KhAD or WAD without participating in the systematic human rights violations committed by [parts of] the KhAD and WAD (section 2.7, paragraph 4);
9. the conclusion in the official report that all non-commissioned officers and officers [of the KhAD and WAD] worked in the macabre departments of the KhAD and WAD and were personally involved in the arrest, interrogation, torture and sometimes execution of suspects (section 2.7, paragraph 6).

On 5 July 2018, a response was issued on behalf of the Minister stating that the FoI "only applies to information held by the administrative body that is recorded in documents relating to an administrative matter. If no such documents exist, they cannot be made public."<sup>13</sup> It was further concluded that the FoI request of 11 June concerned documents that were already public and therefore did not fall under the FoI. On 13 July 2018, a follow-up FoI request was submitted. This request stated that inspection of the public sources mentioned in the official report had not provided any support for the conclusions of the official report. To ensure that there was indeed no international support for the conclusions of the official report, copies were requested of all administrative documents providing details of the international support for the nine conclusions in the KhAD-WAD official report mentioned in the request of 11 June.<sup>14</sup> In the reply of 17 August

**This leads to the inevitable conclusion that there is *no* international support for the accusatory conclusions regarding all KhAD and WAD officers and non-commissioned officers in the KhAD-WAD report of 29 February 2000.**

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<sup>12</sup> FoI request dated 11 June 2018 from Dr J. Brouwer to the Minister of Foreign Affairs (in Dutch). Appendix 2a. abc1f.nl, document 8a (retrieved 26 February 2026).

<sup>13</sup> Letter dated 5 July 2018 from the Minister of Foreign Affairs to Dr J. Brouwer, in response to his FoI request of 11 June 2018, paragraph 5 (in Dutch). Appendix 2b. abc1f.nl, document 8b (retrieved 26 February 2026).

<sup>14</sup> Supplementary FoI request dated 13 July 2018 from Dr J. Brouwer to the Minister of Foreign Affairs (in Dutch). Appendix 2c. abc1f.nl, document 8c (retrieved 26 February 2026).

2018, it was stated that the nine accusatory conclusions in the KhAD-WAD official report "are based on information from confidential sources, recorded in memoranda from the Dutch Embassy in Islamabad."<sup>15</sup> And therefore not on other sources.

This leads to the inevitable conclusion that there is no international support for the incriminating conclusions regarding ALL KhAD and WAD officers and non-commissioned officers in the KhAD-WAD official report of 29 February 2000. Moreover, this confirms once again that the response of 22 May 2018 from the Ministers of Foreign Affairs and Justice and Security to parliamentary question 9, that there was international support for the existence at the time of a (torture-mandating) rotation system at KhAD and WAD, is incorrect and misleading to the Lower House.

### **The statements from confidential sources on which the accusatory conclusions in the KhAD-WAD official report are based do not exist.**

On 20 September 2018, another Freedom of Information request was sent to the Minister of Foreign Affairs. It requested:<sup>16</sup>

- the statements from the confidential sources on which the accusations in the KhAD-WAD official report of 29 February 2000 are based
- the translations of those statements
- any summaries of those statements, with the exception of the summary in the memorandum of 1 September 1999
- any other documents relating to the content of those statements.

It was added that it could not be the case that the requested information consisted solely of information that did not have to be disclosed on the basis of the exemption clauses in the FoI. If that were the case, then that information was apparently so source- and/or method-specific that it could not be given broader validity.

The response from the Ministry of Foreign Affairs dated 28 November 2018 stated the following:<sup>17</sup>  
**"No documents containing the information you requested have been found at the Ministry of Foreign Affairs. The Government Information (Public Access) Act only applies to information held by the administrative body that is recorded in documents relating to an administrative matter. If the relevant documents do not exist, they cannot be made public. An employee of the Legal Affairs Department has already informed you by telephone that the documents you requested do not exist. The statements from the confidential sources mentioned are recorded in summary form in the memoranda from 1999 and 2000, the relevant content of which has been made public in part, insofar as this does not compromise the confidentiality of the sources and methods and techniques of investigation. In this regard, I refer to my decision of 17 August 2018 in response to your FoI request of 13 July 2018. There are no underlying documents concerning the separate statements from the confidential sources."**

In other words, there are no statements from the confidential sources on which the accusatory conclusions in the KhAD-WAD official report are based, nor are there any translations of the

### **A summary apparently without any check on what had originally been said, on what had been passed on, or on how that had been translated**

statements. According to the Ministry of Foreign Affairs, the first thing that had been put on paper is the summary in the memorandum of 1 September 1999 from the Embassy in Islamabad to the Ministry of Foreign Affairs: a summary of what the translator said that the confidential sources said

<sup>15</sup> Letter dated 17 August 2018 from the Minister of Foreign Affairs to Dr J. Brouwer, in response to his additional FoI request of 13 July 2018, p.1 paragraph 5 (in Dutch). Appendix 2d. abc1f.nl, document 8d.

<sup>16</sup> FoI request dated 20 September 2018 from Dr J. Brouwer to the Minister of Foreign Affairs (in Dutch). Appendix 3a. abc1f.nl, document 9a (retrieved 26 February 2026).

<sup>17</sup> Letter dated 28 November 2018 from the Minister of Foreign Affairs to Dr J. Brouwer, in response to his Freedom of Information Act request of 20 September 2018, p.1 paragraph 3 (in Dutch). Appendix 3b. abc1f.nl, document 9b (retrieved 26 February 2026).

about what their sources – who were unknown to the Embassy – allegedly said.<sup>18</sup> A summary with apparently no verification of what was originally said, what was passed on, or how it was translated. This is a totally inadequate and unacceptable basis for the accusatory conclusions in the KhAD-WAD official report.

### **The Ministry of Justice interfered before publication with the wording of the 'independent' KhAD-WAD report and failed to fulfil its duty to ascertain the facts**

On 22 June 2018, a Freedom of Information request was sent to the Vice-minister for Justice and Security. This request asked for *'a copy or scan of all internal and external digital and paper correspondence and telephone notes from your ministry relating to the official report of 29 February 2000 on the Afghan secret services AGSA, KAM, KhAD and WAD, during the period 1 January 1999 - 30 June 2000'*.<sup>19</sup>

On 28 February 2019, the Vice-minister's official response to the FoI request was sent,<sup>20</sup> together with a number of released documents.<sup>21</sup> Noteworthy in the letter on behalf of the Vice-minister is the statement (p.2, paragraph 2) that one archive file that was relevant according to the ministry's registration system, could not be found.

The most intriguing documents in the list of released documents are documents 12 and 13. In document 12, a letter from the Ministry of Foreign Affairs dated 23 December 1999, the IND is asked to comment on the draft KhAD-WAD official report.<sup>22</sup> Document 13 contains more than three pages of substantive comments on the draft official report from the Immigration Service IND (the intended user of the official report), the government lawyer and the DVB (Directorate Security and Governance of the Ministry of Justice),<sup>23</sup> in addition to more than two pages of textual comments. The authors of an independent expert report who essentially say to the intended end user, 'this is what we had in mind with our expert report, please let us know if you would prefer something different', cast doubt on the independence of those authors. According to Article 3.4 of the Code of Conduct for Judicial Experts in Civil and Administrative Law Proceedings, this contact between the Ministry of Foreign Affairs and the IND should therefore have been mentioned in the

**That the writers of an independent expert report tell the end user 'this is what we had in mind with our expert report, tell us what you would like to see changed', and subsequently are not open about what has been changed, that casts doubt about the independence of those report writers**

report, in this case in the KhAD-WAD report.<sup>24</sup> Otherwise, Article 4.12(c) of the Code of Conduct would have applied, which states that the expert *"shall reflect the comments of the parties on the*

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18 Section 8, paragraph 1 in Brouwer & Bogaers 2018 (full reference and link in note 4, English translation).

19 FoI request dated 22 June 2018 from Dr J. Brouwer to the Vice-minister for Justice and Security (in Dutch). Appendix 4a. abc1f.nl, document 10a (retrieved 26 February 2026).

20 Letter dated 28 February 2019 from the Vice-minister for Justice and Security to Dr J. Brouwer, in response to his FoI request of 22 June 2018 (in Dutch) (in Dutch). Appendix 4b. abc1f.nl, document 10b. (retrieved 26 February 2026)

21 List of documents made public accompanying the letter dated 28 February 2019 from the Vice-minister for Justice and Security to Dr J. Brouwer, in response to his FoI request of 22 June 2018 (in Dutch). Appendix 4c. abc1f.nl, document 10c (retrieved 26 February 2026).

22 Invitation dated 23 December 1999 from the Ministry of Foreign Affairs to the IND to comment on a draft version of the KhAD-WAD official report (in Dutch). Invitation released by the Ministry of Justice on 28 February 2019. Appendix 4d. abc1f.nl, document 10d (retrieved 26 February 2026).

23 Comments dated 7 January 2000 from the IND, the Government Lawyer and the DVB [the Directorate Security and Governance of the Ministry of Justice] on the draft KhAD-WAD official report (in Dutch). Comments released in redacted form by the Ministry of Justice on 28 February 2019. Appendix 4e, p.1 slightly below the middle. abc1f.nl, document 10e (retrieved 26 February 2026).

*draft report in his report, stating his reasoned response to them".* This did not happen either. Confidence in the harmlessness of the substantive comments made by the IND, the government lawyer and the Directorate Security and Governance is further undermined by the fact that these substantive comments have largely been made illegible in the released copy, as have three paragraphs of the textual comments.<sup>25</sup>

In short, during the preparatory phase, the IND interfered with the content of the KhAD-WAD official report of 29 February 2000, which should have been an independent external expert report. Neither the Ministry of Foreign Affairs nor the Ministry of Justice is being transparent about this. Given all the evidence for the inaccuracy of the KhAD-WAD official report in this article and in the previous one,<sup>26</sup> the following suggestion is in fact superfluous. However, if the IND wishes to contest the finding that it interfered with the content of the KhAD-WAD official report at the time, it is up to the IND to demonstrate that this interference did not substantially alter the text of that official report.

What is also striking in the list of released documents is that, in the period from 1 January 1999 to 30 June 2000, the Ministry of Justice apparently made no attempt to comply with its legal obligation (article 3.9 of the General Administrative Law Act) to ascertain the care with which the investigation for the KhAD-WAD official report was or was not carried out. For that reason alone, the KhAD-WAD official report should never have been used to base 1F decisions on and to reject residence applications.

### **The responsible ministers continued to turn a blind eye.**

In registered letters dated 14 November 2018, the Prime Minister, the Minister of Foreign Affairs and the Vice-minister for Justice and Security were (once again) informed, in a thoroughly argued fashion, that the KhAD-WAD report is indisputably incorrect and that, in order to restore the rule of law, that report must be withdrawn.<sup>27</sup> The NJB article on the KhAD-WAD report of 20 April 2018 was attached as an appendix. Reference was also made to the incorrect answers given in May 2018 by the responsible ministers to parliamentary questions regarding the KhAD-WAD report. It was also noted that there was no international support for the accusatory conclusions in the official report, which the ministers could verify with their officials. Finally, it was concluded that the enforcement and (further) use of the official report amounted to fraud and deliberate use of a false document (Section 225(1) and (2) of the Criminal Code).

If the Prime Minister did respond, I never received that response. The Minister of Foreign Affairs replied very briefly on 5 December 2018, also on behalf of the Vice-minister for Justice and Security, that he had already responded in detail to my comments on the official report on 20 March 2017 and that he would like to refer back to that response.<sup>28</sup> The Minister did not address the accusation of fraud. He also ignored the fact that his letter of 20 March 2017 was an appendix to the NJB article of 20 April 2018 that had been sent to him,<sup>29</sup> and that a separate section of that NJB article was devoted to his letter of 20 March 2017.<sup>30</sup> As stated in that section, the main arguments in that letter of 20 March 2017 were that, freely translated, a country report only needs

<sup>24</sup> <https://www.rechtspraak.nl/SiteCollectionDocuments/Gedragscode-voor-gerechtigd-deskundigen-in-civielrechtelijke-en-bestuursrechtelijke-zaken.pdf> (in Dutch, retrieved 26 February 2026).

<sup>25</sup> Comments dated 7 January 2000 from the Immigration Service IND, the Government Lawyer and the Directorate Security and Governance (DVB) of the Ministry of Justice, on the draft KhAD-WAD official report, released by the Ministry of Justice and Security on 28 February 2019. (in Dutch) Appendix 4e. abc1f.nl, document 10e (retrieved 26 February 2026).

<sup>26</sup> Brouwer & Bogaers 2018 (full reference and link in note 4, English translation). abc1f.nl, at top of web page (retrieved 26 February 2026).

<sup>27</sup> Letter dated 14 November 2018 from Dr J. Brouwer to the Prime Minister, the Minister of Foreign Affairs and the Vice-minister for Justice and Security (in Dutch). Appendix 5a. abc1f.nl, document 11a (retrieved 26 February 2026).

<sup>28</sup> Letter dated 5 December 2018 from the Minister of Foreign Affairs to Dr J. Brouwer, in response to his letter of 14 November 2018 (in Dutch). Appendix 5b. abc1f.nl, document 11b (retrieved 26 February 2026).

to contain information that supports the conclusions of the report, and that anyone who is not familiar with the content of the statements made by the confidential sources cannot, by definition, make a proper assessment of the reliability of the KhAD-WAD official report. The first argument put forward by the ministers in their letter of 20 March 2017, implicitly repeated in their letter of 5 December 2018, is equivalent to saying that 'a police investigator only has to present incriminating evidence, not exonerating evidence'. In my opinion, this attitude is not in line with the rule of law in our country. The second argument, 'those who are not familiar with the content of the statements made by the confidential sources cannot properly assess the official report', has been refuted by the letter from the Foreign Office discussed above, which states that those statements do not exist.<sup>31</sup> If I were the minister, I would be asking my civil servants why they make such incorrect and unacceptable statements in letters to third parties that fall under ministerial responsibility.

## Conclusion

The NJB article of 20 April 2018 that is mentioned in the introduction to this article demonstrates that:

- The KhAD-WAD official report of 29 February 2000 is based on
  - a biased selection of sources;
  - selective use of evidence;
  - distortion of facts;
  - and what can be seen as fraud with regard to the so-called international support for the conclusions of the official report.

To date, none of the facts presented in that article have been refuted by anyone.

In this article, the following facts have been added to that:

- In their answers of 22 May 2018 to parliamentary questions, the responsible ministers misled the House on essential points.
- The Ministry of Foreign Affairs has acknowledged that there is no international support for the accusatory conclusions in the KhAD-WAD official report, support that was so important in making the conclusions of the official report acceptable. All previous and more recent claims by the minister about the existence of such international support have therefore been refuted. No evidence was ever provided for the existence of such international support.
- The Ministry of Foreign Affairs has acknowledged that the statements from confidential sources do not exist, statements on which the accusatory conclusions in the official report were entirely based.
- In 1999-2000, the Ministry of Justice actively interfered with the content of what should have been an independent official report, interference about which neither the Ministry of Justice nor the Ministry of Foreign Affairs is willing to provide details.
- In 2000, the Ministry of Justice failed to fulfil its legal obligation to ascertain the care with which the investigation for the KhAD-WAD official report was or was not carried out.
- The ministers responsible continue to refuse to address the facts that demonstrate the inaccuracy and unreliability of the KhAD-WAD official report and, if they do come up with arguments at all, they only offer counterarguments that can easily be refuted. In doing so,

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29 Letter dated 20 March 2017 from the Minister of Foreign Affairs and the Vice-minister for Justice and Security to Dr J. Brouwer, in response to the rebuttal of the KhAD-WAD report that he had sent to them. Appendix 2 to Brouwer & Bogaers 2018 (full reference and link in note 4, English translation). abc1f.nl, under document 2 (retrieved 26 February 2026).

30 Section 3. Response from Foreign Affairs and Security & Justice to the rebuttal of the KhAD-WAD official report 2000. In Brouwer & Bogaers 2018 (full reference and link in note 4, English translation).

31 Letter dated 28 November 2018 from the Minister of Foreign Affairs to Dr J. Brouwer, in response to his FoI request of 20 September 2018; p.1 paragraph 3. Appendix 3b. abc1f.nl, document 9b.

they knowingly persist in maintaining and using what has been proven to be a false document.

What else do politicians and the judiciary need, for them to recognise that the KhAD-WAD report of 29 February 2000 is indeed incorrect and that this report must be withdrawn in order to stop the suffering that has been and continues to be inflicted on the victims of this incorrect report?

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