



Ministry of Justice and Security

>Return address Postbus 20301 2500 EH The Hague

To:
Global Witness: !
Global Witness:
HEDA: ;
Re:common:
Corner House:

Date February 12th 2019
Subject Response to your letter dd. January 10th 2019

**Directorate General for the
Administration of Justice
and Law Enforcement**
Legal and Operational Affairs
Department
JBOZ

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2500 EH The Hague
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Dear sirs,

In your letter dd. January 10th 2019 you referred to the complaint you submitted to the Prosecutor's Office requesting a criminal investigation of Shell's acquisition of the OPL 245 oil and gas field in Nigeria. You expressed your concerns regarding a possible out-of-court settlement and requested that in the event I deem such a settlement to be in the public interest, certain minimum conditions be applied.

The Netherlands has a separation of powers, based on the concept of trias politica. As a consequence it is the Public prosecutor's Office, more specific the prosecutor in charge of a case, who decides whether or not there is ground for prosecution, or whether the circumstances of the case justify a settlement, and if so, under which conditions that might take place. After the prosecutor has reached an understanding with the parties concerned, in certain cases, outlined in the "Aanwijzing hoge transacties en bijzondere transacties", the Minister of Justice and Security has to approve the agreed settlement.

In the case your complaint refers to, the Prosecutor's Office has informed me that the investigation is still ongoing. Whether or not, after conclusion of the investigation, a settlement is appropriate or even possible in this case, has not yet been decided. It is not appropriate in view of the abovementioned separation of powers, that I have any involvement or give any observations on the case at this stage.

Yours sincerely,

The Minister of Justice and Security,
On his behalf,

G.M. Bos
Head of Legal and Operational Affairs Department

Our reference
2492248

*Please quote date of letter
and our ref. when replying. Do
not raise more than one
subject per letter.*