

**District Court of the Northern
Netherlands**

Hearing of 27 November 2024

Case/roll number C/17/190788 / HA ZA 2023-172

Statement of defence

concerning

William Henry Gates III

residing in Medina (United States of America)

Defendant No. 15,

represented by: W. Heemskerk, LL.B., of The
Hague

against

1 [REDACTED] residing in [REDACTED]
[REDACTED]

2 [REDACTED] residing in
[REDACTED]

3 [REDACTED] residing in
[REDACTED]

4 [REDACTED] residing in
[REDACTED]

5 [REDACTED], residing in
[REDACTED]

6 [REDACTED] formerly resident in
[REDACTED]

7. [REDACTED], residing in
[REDACTED]

plaintiffs,

lawyer: Mr A.G.W. van Kessel of Leeuwarden.

1 INTRODUCTION

1.1 By writ of summons dated 14 July 2024 (hereinafter: ‘the Writ of Summons’), the claimants (hereinafter: [REDACTED]) have summoned Mr William Henry Gates III (hereinafter: ‘Gates’) to appear before this Court. In addition to Gates, Minks et al. have also summoned sixteen other parties: fifteen natural persons and one legal entity, the State of the Netherlands.

1.2 In short, Minks et al. allege that Gates and the other defendants, both as a group and individually, acted unlawfully towards Minks et al. This wrongful conduct is alleged to consist of Gates and the other defendants having deliberately misled Minks et al., thereby inducing them to receive Covid-19 injections which the defendants knew, or at least ought to have known, were neither safe nor effective.

1.3 These allegations are incorrect. Gates did not mislead Minks et al., nor did he act unlawfully in any other way towards Minks et al. There is absolutely no basis for granting the claims of Minks et al. Gates will refute the assertions and allegations of Minks et al. below.

2 MINKS ET AL. HAVE FAILED (COMPLETELY) TO SUBSTANTIATE THEIR CLAIMS

2.1 In these proceedings, Minks et al. seek a declaration that the defendants (as a group and individually) acted unlawfully towards them by *“deliberately and unlawfully misleading them and thereby inducing them to receive Covid-19 injections which the defendants knew, or at least ought to have known, that these injections were not safe and effective”*.¹ Consequently, Minks et al. seek an order that the defendants be jointly and severally liable to pay damages, to be quantified at a later stage.²

2.2 Gates submits, first and foremost, that Minks et al. have failed to adduce sufficient grounds for these claims to be upheld. This is because it is required (at the very least) that Minks et al. allege facts (and, if contested, also prove them) on the basis of which the legal consequence they seek can be invoked. Minks et al. have not fulfilled this burden of proof.

2.3 In order to fulfil the burden of proof resting on Minks et al., they may in any event be expected to allege, in a reasoned and substantiated manner: (1) that they have been vaccinated, and if so, (2) with which vaccine they were vaccinated, (3) when they did so, and (4) which (allegedly unlawful) acts by (which) defendant(s) prompted them to do so. Minks et al. have failed entirely to make these essential elements of their burden of proof plausible. Minks et al. have not produced any vaccination certificates showing that they – let alone

¹ Warrant of summons, claim, under 1.

² Summon, claim, point 2.

whenever – they were vaccinated, they did not specify which vaccine they had received (and whether these were the mRNA vaccines in question which Minks et al. claim to be dangerous), nor do they address which actions and statements by which defendant(s) personally influenced them to have the vaccination, or whether those actions and statements actually took place before Minks et al. were vaccinated (which is a minimum requirement for the existence of a causal link).

- 2.4 Furthermore, Minks et al. have failed to provide substantiated arguments regarding the damage they claim to have suffered. To substantiate their alleged damage, Minks et al. have submitted only (virtually identical) medical certificates which certainly cannot be regarded as neutral, objective, reliable or expert (see paragraph 4.3.4 in this regard). These medical certificates must therefore be disregarded and cannot serve to substantiate the damages claimed by Minks et al.
- 2.5 In the present circumstances, Gates expressly disputes that Minks et al. were vaccinated, and, if they were, that they did so as a result of any action on his part (or that of the other defendants), and that they suffered damage as a result. Minks et al. have (by no means) fulfilled the burden of proof incumbent upon them. For that reason alone, the claims must be dismissed.

3 **MAKE FACTUALLY INCORRECT ASSERTIONS**

- 3.1 As regards the arguments that Minks et al. have in fact put forward, these lack any factual basis. The positions taken by Minks et al. are based on nothing more than conspiracy theories and consist of a series of unfounded suggestions and speculations that run counter to the global consensus on the existence of the coronavirus and the safety of the vaccines. Gates disputes all the claims made by Minks et al., except insofar as it is apparent from this statement that Gates acknowledges their accuracy.
- 3.2 The coronavirus and the vaccines
- 3.2.1 First of all, Minks et al. do not appear to recognise that the SARS-CoV-2 virus (hereinafter: 'coronavirus') and the respiratory disease it causes actually exist. They are under the impression that the 'narrative' based on this is part of a malicious, premeditated plan to inject the world's population with a vaccine which, according to Minks et al., is unsafe (or even toxic). This is incorrect. The Coronavirus exists and can cause various health problems, the severity of which must not be downplayed. There is no global conspiracy, and the vaccines that protect against the Coronavirus are safe and have been approved and authorised by the competent authorities.

- 3.2.2 The fact that the arguments put forward by Minks et al. are incorrect has been convincingly demonstrated by several other defendants in these proceedings. For instance, defendants 1 to 11, 14 and 17 addressed the following points, amongst others, in their statements of defence: (1) the existence of the coronavirus and the scientific consensus on this matter, (2) the course of the coronavirus pandemic in the Netherlands, (3) government policy aimed at combating the coronavirus pandemic and the decision-making process relating thereto, and (4) the development, authorisation and safety of the mRNA coronavirus vaccines.
- 3.2.3 Gates adopts the arguments put forward on this matter by the other defendants and makes them his own. These arguments are to be regarded as repeated and incorporated. In particular, Gates refers to chapters 1, 2, 5 and 6 of the statement of defence submitted by defendants 1 to 10, 14 and 17 (hereinafter: **‘Statement of Defence of the State et al.’**, submitted by Gates herewith as **Annex 1**) and Chapter 3 of the statement of defence of defendant No. 11 (hereinafter: **‘Statement of Defence of Bourla’**, submitted by Gates herewith as **Annex 2**).
- 3.2.4 Furthermore, Gates wishes to explicitly refute two crucial inaccuracies in the writ of summons issued by Minks et al. regarding the safety of the COVID-19 vaccine. These relate to the assertions by Minks et al. that: (1) the mRNA COVID-19 vaccine contains graphene oxide,³ and (2) it follows from the Pfizer report dated 30 April 2021, reference no. FDA-CBER-2021-5683-0000054 (hereinafter: **‘Pfizer report’**), cited by Minks et al., that Pfizer’s mRNA COVID-19 vaccine is unsafe.⁴ Gates disputes these assertions as follows:
- (1) The mRNA coronavirus vaccines do not contain graphene oxide
- 3.2.5 As explained in detail in the Statement of Case submitted by the State et al. and in Bourla’s Statement of Case, the chemical composition of the mRNA coronavirus vaccines is public knowledge, and the published list of ingredients shows that graphene oxide is not a component of the mRNA coronavirus vaccine.⁵ The claims made in this regard by Minks et al. are incorrect and insufficiently substantiated. In refuting the arguments put forward by Minks et al., Gates expressly refers to paragraph 6.3 of the Statement of Case submitted by the State et al. (Annex 1) and paragraph 3.3.3 of the Statement of Case submitted by Bourla (Annex 2).
- (2) Minks et al. misinterpret the Pfizer report
- 3.2.6 Furthermore, Minks et al. fundamentally misinterpret the Pfizer report.⁶ Minks et al. argue, on the basis of the Pfizer report, that a clinical trial involving Pfizer’s mRNA vaccine was conducted in which 42,086 people took part, of whom 1,223 died and 11,361 suffered serious

³ See Writ of Summons, para. 150 et seq.

⁴ See, inter alia, the Writ of Summons, margin numbers 42, 45, 55, 85, 99, 108 and 143.

⁵ See the Statement of Defence by the State et al., paragraph 6.3, and the Statement of Defence by Bourla, paragraph 3.3.3.

⁶ See also the Statement of Case by the State et al., margin numbers 6.4.1 et seq. and the Statement of Case by Bourla, margin numbers 88 et seq.

allegedly suffered permanent injury. According to Minks et al., the Pfizer report allegedly shows that the mRNA coronavirus vaccine is dangerous.

3.2.7 However, the Pfizer report provides no evidence of anything of the sort.

3.2.8 Firstly, the Pfizer report is not a clinical trial report, but an analysis of the adverse reactions to the vaccine reported to Pfizer worldwide. As the Pfizer report shows, a total of 42,086 adverse reactions were reported. The figures cited – 1,223 reported deaths and 11,361 reports of people with serious permanent injury – should not be compared with *the total number of adverse reactions* (as Minks et al. do), but with *the total number of vaccine doses administered*. It is precisely this latter figure that has been omitted from the Pfizer report submitted by Minks et al.⁷ . Against this background, the figures from the Pfizer report actually confirm the safety of the vaccines rather than their lack of safety; according to the European Medicines Agency (hereinafter: ‘EMA’), over 330 million doses of the vaccine had been administered worldwide by 29 April 2021.⁸

3.2.9 Secondly, Minks et al. suggest that the reported side effects are a consequence of the COVID-19 vaccine, but this is incorrect. The Pfizer report merely shows that the reported side effects occurred at a certain point in time *following* vaccination, not that they were caused *by* the vaccination.⁹ Minks et al. appear to be confusing correlation with causation. The Pfizer report does not endorse the view that the reported side effects were caused by the vaccine, nor can this be inferred from it.

3.2.10 Thirdly, Minks et al. misrepresent specific statistical data from the Pfizer report. For example, Minks et al. state, amongst other things, that the Pfizer report shows that 11,361 people suffered serious and permanent physical injury, whereas the Pfizer report in fact states that 11,361 people had not fully recovered during the period covered by the Pfizer report.¹⁰ These are two fundamentally different matters. The Pfizer report does not indicate that 11,361 people (i) have not recovered at all (not even outside the reporting period), let alone (ii) that they have suffered serious, permanent injury as a result of the vaccination. This assertion by Minks et al. is therefore (also) incorrect.

⁷ See Exhibit 40 to the Writ of Summons, paragraph 3.1.1, p. 6: “It is estimated that approximately [redacted] doses of BNT162b2 were shipped worldwide from the receipt of the first temporary authorisation for emergency use on 1 December 2020 through to 28 February 2021.”

⁸ See Bourla-48, EMA, Assessment report on the annual renewal of the conditional marketing authorisation (Comirnaty), 2021, available at www.ema.europa.eu/en/documents/variationreport/comirnaty-h-c-5735-r-0046-epar-assessment-report-renewal_en.pdf, p. 16.

⁹ See Bourla-49, Reuters, ‘Pages of suspected side effects released about Pfizer’s COVID-19 vaccine [...], 17 March 2022: “The FDA has confirmed that ‘In fact, reviews by the FDA and CDC have determined that the vast majority of the deaths reported are not directly attributable to the vaccines. The FDA requires healthcare providers to report any death following COVID-19 vaccination to VAERS, even if it is unclear whether the vaccine was the cause.’”, available at www.reuters.com/article/lactcheck-coronavirus-pfizer-idUSL2N2VK1G1/.

¹⁰ See Exhibit 40 to the Summons, p. 7.

3.2.11 As is also concluded in the Statement of Case submitted by the State et al. (Annex 1) and the Statement of Case submitted by Bourla (Annex 2),¹¹ it cannot be inferred from the Pfizer report submitted by Minks et al. that the Pfizer COVID-19 vaccine is dangerous. Nor is this consistent with the fact that the Pfizer COVID-19 vaccine has been authorised by the EMA, as (once again) explained in detail in the Statement of Case of the State et al. and the Statement of Case of Bourla.

3.3 Gates' role during the COVID-19 pandemic

3.3.1 Furthermore, Minks et al. put forward incorrect assertions regarding the role Gates is alleged to have played in the execution of the conspiracy they hypothesise, which is said to aim to bring about a 'Great Reset'. In summary, Minks et al. appear to claim that Gates, whether or not through legal entities or other organisations which, according to Minks et al., are under Gates' control, prepared the 'Covid-19 project' and had it implemented worldwide by, amongst others, the Dutch government and the World Health Organisation (hereinafter: 'WHO'). However, none of this is true.

3.3.2 Firstly, Minks et al. fail to recognise that Gates cannot be equated with the organisations with which Minks et al. associate him. The Bill & Melinda Gates Foundation (hereinafter: '**the Gates** Foundation') is, as a legal entity, a separate legal person with its own rights and obligations. The same applies to other legal entities with which Minks et al. associate Gates, such as Microsoft and Heineken, and organisations with which the Gates Foundation collaborates, such as the public-private partnership Gavi, the Vaccine Alliance (hereinafter: 'Gavi')¹² or the Johns Hopkins Centre for Health Security (hereinafter: '**Johns Hopkins** Centre'). All assertions regarding the actions and conduct of these organisations are irrelevant to the claims against Gates.

3.3.3 Secondly, Minks et al. make the unfounded claim that the Gates Foundation, together with Gavi, determines WHO policy.¹³ This is incorrect. The WHO is part of the United Nations and its policy is determined by the World Health Assembly: the WHO's highest decision-making body, comprising delegations from all member states.¹⁴ The decisions and policies of the World Health Assembly are implemented by the WHO Executive Board, which comprises 34 members with technical expertise in the field of healthcare.¹⁵ The Gates Foundation and Gavi are not part of the WHO's governance structure, nor do they form part of the World Health Assembly or the WHO Executive Board.

¹¹ See the Statement of Case by the State et al., paragraph 3.6, and the Statement of Case by Bourla, paragraph 3.3.4.

¹² The interim judgment of your court dated 16 October 2024 states in paragraphs 2.2 and 2.3 that the Gates Foundation is allegedly *affiliated* with Gavi and the World Economic Forum, but this requires clarification. The Gates Foundation is affiliated with these organisations as a partner, but does not have a corporate legal relationship with them.

¹³ Summons, para. 204.

¹⁴ See: <https://www.who.int/about/governance/world-health-assembly>.

¹⁵ See: <https://www.who.int/about/governance/executive-board>.

- 3.3.4 Moreover, Minks et al. have not demonstrated that (let alone how) the Gates Foundation and Gavi exert decisive influence over the WHO or other international organisations. It remains a mere assertion which is disputed by Gates.
- 3.3.5 Thirdly, it is incorrect to suggest that Gates has been preparing the so-called 'Covid-19 project' for years. Gates understands the Summons to mean that Minks et al. contend that this is evident from a series of events which, according to Minks et al., are interrelated. In essence, however, the events cited by Minks et al. are entirely unrelated, and there is absolutely no evidence to suggest that Gates has been preparing the alleged 'Covid-19 project' for years. Gates explains this.
- 3.3.6 Firstly, Minks et al. cite two media appearances by Gates which, they claim, show that Gates knew a coronavirus pandemic was coming.¹⁶ They refer to Gates' TED Talk of 3 April 2015¹⁷ and Gates' interview with Vox on 27 May 2015,¹⁸ in which, according to Minks et al., Gates was allegedly spreading fear about the arrival of the coronavirus.
- 3.3.7 However, it cannot be inferred from these videos that Gates was already aware of the arrival of the coronavirus at that time, and this claim is not based on facts. In the aforementioned videos, Gates warned of new pandemics by drawing on historical examples, not because he had prior knowledge (which, incidentally, Minks et al. neither claimed nor demonstrated), but because scientists and public health experts have long known that the world is vulnerable to new infectious diseases. The idea that Gates deliberately planned the coronavirus or knew it was coming is based on a misinterpretation of his call for preventive measures. His messages in the videos in question were, in fact, intended to help prevent a pandemic or combat it as effectively as possible, not to predict or cause one.
- 3.3.8 Furthermore, Minks et al. draw incorrect conclusions from the pandemic exercises organised by the Johns Hopkins Centre. According to Minks et al., this allegedly proves that the Covid-19 project was prepared on a global scale.¹⁹
- 3.3.9 This, too, is based on misinterpretations. The pandemic exercises to which Minks et al. refer were not organised to prepare for a global pandemic, but to help governments and international organisations prepare to prevent and combat such a pandemic by means of a simulation of a hypothetical situation

¹⁶ Statement of Claim, margin nos. 206–207.

¹⁷ Exhibit 66 to the Writ of Summons.

¹⁸ Exhibit 67 to the Writ of Summons.

¹⁹ Summons, margin note 214.

of a possible future pandemic. These pandemic exercises were based on known scientific risks of new infectious diseases, and the insights from the simulations were made publicly available by the Johns Hopkins Centre. Gates refers in this regard to the Johns Hopkins Centre's website, where this information is still available.²⁰ The fact that no information was kept secret actually points to the intention to make the world more resilient to pandemics, not to secretly prepare for one.

- 3.3.10 Furthermore, Minks et al. claim that the Gates Foundation commissioned Moderna and Pfizer to develop an mRNA coronavirus vaccine and that Moderna and Pfizer have been working on this since 2011, i.e. well before the coronavirus pandemic.²¹ However, this is not evident from the exhibits submitted by Minks et al. with the writ of summons. The alleged investment by the Gates Foundation to which Minks et al. refer in Exhibit 73 to the writ of summons relates to the development of an mRNA vaccine to prevent HIV infections and therefore has nothing to do with alleged preparations for a vaccine against the coronavirus. Furthermore, the patent application submitted by Minks et al. in Exhibit 72 to the writ of summons does not indicate any involvement in this matter on the part of the Gates Foundation, nor of Gates personally.²² These documents are irrelevant.
- 3.3.11 Finally, Minks et al. refer to two media appearances by Gates in which he is alleged to have reinforced the "*official Covid-19 narrative*" and to have stated that the Covid-19 vaccines were safe and effective.²³ According to Minks et al., this is all the more reprehensible because Gates is alleged to have known at the time that the COVID-19 vaccines were not safe; in this regard, Minks et al. refer once again to the Pfizer report and claim that Gates knew the COVID-19 vaccines contained graphene oxide.²⁴
- 3.3.12 Gates fails to see how these videos could possibly indicate any involvement in a global conspiracy. Apart from claiming that Gates must have known that the COVID-19 vaccines would not be safe, this is not explained by Minks et al. either. However, with regard to that knowledge, Gates has already explained that the assertions made by Minks et al. concerning the safety of the COVID-19 vaccines (and more specifically regarding the Pfizer report and the incorrect claims about the presence of graphene oxide in the COVID-19 vaccines) are incorrect (not to mention that Minks et al. have also failed to demonstrate that Gates was personally aware of the Pfizer report or the chemical composition of the COVID-19 vaccine).

²⁰ See <https://centerforhealthsecurity.org/our-work/tabletop-exercises/clade-x-tabletop-exercise> and <https://centerforhealthsecurity.org/our-work/tabletop-exercises/event-201-pandemic-tabletop-exercise>.

²¹ Summons, paras. 215–218.

²² See Bourla's Statement of Defence, para. 42, footnote 44.

²³ Statement of claim, paragraphs 219 and 222. Exhibits 75 and 76 to the statement of claim.

²⁴ Statement of Claim, paragraphs 222–224.

3.3.13 The suggestion that Gates, on the basis of other information, would have been aware of the et al. and that he was aware of the alleged safety and efficacy issues with the vaccines is not alleged by Minks

et al., nor have they been able to prove this. Gates is completely at a loss as to how the two videos dated 30 April and 2 December 2020, respectively, provide evidence of his involvement in a global conspiracy and the deliberate misleading of the public.

3.3.14 Incidentally, Gates is keen to point out that the Gates Foundation is a foundation incorporated under US law which operates on a not-for-profit basis with the aim of improving global healthcare and combating poverty. In this context, the Gates Foundation funds various projects relating to the fight against infectious diseases, including, indeed, projects relating to the fight against the coronavirus. Contrary to what Minks et al. appear to suggest, the Gates Foundation does not operate in secret, but rather with the utmost transparency, for example by publishing all its investments in an online database, by reporting regularly in accordance with the *International Aid Transparency Initiative Standard* and the *Organisation for Economic Co-operation and Development*, by publishing its audited annual reports and tax returns, and by making public the vast majority of the research projects funded by the Gates Foundation.

3.3.15 All in all, Gates concludes that Minks et al. have in no way been able to demonstrate that Gates is part of a global conspiracy that would have prompted Minks et al. to take a COVID-19 vaccine, whilst he was allegedly aware that the vaccine was neither safe nor effective. The claims made by Minks et al. are baseless and cannot succeed.

4 MINKS ET AL. FAIL TO ESTABLISH ANY ELEMENT OF A TORT

4.1.1 Not only do Minks et al. put forward factually incorrect assertions, but they also fail to demonstrate any element of a tort. The (incorrect) assertions put forward by Minks et al. do not indicate any intentional and unlawful misrepresentation towards Minks et al. (whether or not as a group); nor have Minks et al. established that they suffered damage as a result of the COVID-19 vaccine, let alone that this damage is causally linked to the alleged conduct of Gates (or the other defendants).

4.1.2 Only in so far as the claims of Minks et al. are to be understood as targeting Gates's vicarious liability as a (co-)director of the Gates Foundation does it follow that any claim regarding the liability of the Gates Foundation is lacking; nor, for that matter, can any liability on the part of the Gates Foundation be assumed or established. On that basis alone, the claim would already fail. As regards the remainder, Gates puts forward the following defence.

4.2 No wrongful act on the part of Gates

(1) No breach of Article 97a of the Dutch Criminal Code

4.2.1 Gates understands that Minks et al. accuse him of having supported and facilitated the alleged interests of Klaus Schwab and the World Economic Forum (hereinafter: 'WEF') in the implementation of the the purported 'Great Reset'.²⁵ According to Minks et al., Gates would thereby have breached Article 97a of the Dutch Criminal Code. However, this argument is untenable.

4.2.2 Article 97a of the Dutch Criminal Code makes it a criminal offence to solicit support abroad for an unlawful alteration or abolition of the order of succession to the throne, with the aim of protecting the Dutch constitutional form of government against such an upheaval.²⁶ Minks et al., however, do not explain why there would be a threat in this regard, nor what role Gates would have played in it, nor why a breach of Article 97a of the Dutch Criminal Code would, in this case, provide a basis for awarding damages to Minks et al., having regard to the relativity requirement of Article 6:162 of the Dutch Civil Code.

(2) No assault took place

4.2.3 Furthermore, Minks et al. allege that Gates is guilty of assault by deliberately harming their health. Gates understands the allegations made by Minks et al. to be that he acted in breach of Article 300 of the Dutch Criminal Code²⁷. This is also not the case.

4.2.4 Committing assault is a criminal offence and involves the deliberate and unlawful infliction of bodily harm.²⁸ As explained in Bourla's statement of defence (Annex 2),²⁹ the vaccines meet the statutory standards for safety, efficacy and manufacturing quality, and the purpose and effects of the vaccines have been clearly communicated to the public. There is therefore no question of intentionally causing harm; the vaccines are safe and, insofar as Gates may have influenced Minks et al. to take a vaccine, Gates was also entitled to rely on that safety.

4.2.5 Furthermore, Minks et al. are not compelled to receive a vaccine, which is why there can be no question of the unlawful administration of a vaccine. Insofar as Minks et al. have been vaccinated, they have given their consent to this. There can therefore be no question of assault in a general sense.

²⁵ Summons, margin numbers 58–59 and 226.

²⁶ M.A.H. van der Woude, in: T&C Criminal Law, commentary on Article 97a of the Criminal Code.

²⁷ Summons, para. 277.

²⁸ H.D. Wolswijk, in: *T&C Strafrecht*, commentary on Article 300 of the Dutch Criminal Code. See also: Supreme Court 9 September 2014, ECLI:NL:HR:2014:2677.

²⁹ See Bourla's statement of defence, paragraphs 3.2 and 3.3.2.

- 4.2.6 Furthermore, Gates did not personally administer the vaccinations to Minks et al., meaning that this action cannot in any event be attributed to him.
- 4.2.7 Finally, as regards the claimants Minks, Bosma, De Vries and Oudakker, it is evident from the medical certificates they have submitted (Exhibit 91 to the Writ of Summons) that they experienced no physical symptoms whatsoever as a result of the vaccinations. In the absence of physical injury, there can in any event be no question of assault in their cases.

(3) No genocide

- 4.2.8 Furthermore, Minks et al. argue that it is 'plausible' that Gates and the other defendants are guilty of breaching Article 3(1)(b) and (c) of the International Crimes Act.³⁰ They therefore request that your court investigate whether genocide has taken place. However, this allegation by Minks et al. is not explained at all and is not based on anything. Your court should disregard it.

(4) No conduct contrary to what is deemed proper in social intercourse under unwritten law

- 4.2.9 Finally, Minks et al. argue that Gates cooperated in the implementation of the '*Great Reset*' project and the widespread deception required for it.³¹ According to Minks et al., Gates's conduct is contrary to what is deemed appropriate in social intercourse under unwritten law.³²
- 4.2.10 However, there is no question of any unlawful conduct on the part of Gates. As explained, the actions of other (international) organisations cannot be attributed to Gates. Furthermore, Gates has not been guilty of misleading Minks et al. In the media appearances to which Minks et al. refer – and on which they apparently base their accusations against Gates personally – Gates did not intend to mislead the world's population, including Minks et al., into taking an unsafe and ineffective COVID-19 vaccine. The messages and statements in those video messages are accurate and truthful, and were made with the aim of providing correct information. There is no question of deception, let alone deliberate deception.

4.3 No harm

- 4.3.1 Furthermore, Minks et al. have not demonstrated that they have suffered any loss. Although, with regard to the reference to the proceedings for the assessment of damages as referred to in Article 612 of the Code of Civil Procedure

³⁰ Summons, para. 281.

³¹ Summons, para. 286.

³² Summons, para. 286.

it is sufficient to establish the mere possibility of damage,³³ yet Minks et al. do not even meet that threshold.

(1) The vaccine contains no dangerous or toxic substances

4.3.2 To substantiate the plausibility of harm, Minks et al. argue that they were vaccinated with '*toxic graphene oxide*'. In their view, it is therefore plausible that they are (or will be) suffering lasting adverse effects from the vaccinations.³⁴

4.3.3 As has already been explained, it is incorrect to say that the COVID-19 vaccines contain graphene oxide. In any case, this does not provide any evidence that harm is likely. Insofar as Minks et al. might believe that the vaccines contain other toxic or hazardous substances, they have not put this forward.

(2) In this regard, too, Minks et al. have failed to fulfil their burden of proof

4.3.4 Furthermore, the plausibility of damage cannot be inferred from the medical certificates submitted by Minks et al. as Exhibit 91. As explained in detail in the Statement of Case by the State et al. (Annex 1), as well as in the Statement of Case by Bourla (Annex 2), the statements submitted are broadly identical to one another; they contain Mr A.H. van Walraven's personal opinions on the COVID-19 vaccinations and the government's policy in this regard; and they contain untenable conclusions regarding the causal link between the alleged symptoms and the COVID-19 vaccinations.

4.3.5 The medical certificates cannot therefore be regarded as neutral, objective, reliable or expert in nature, and should be disregarded. This has been explained in detail in Chapter 7 of the Statement of Defence of the State et al. and paragraph 4.2.2 of Bourla's Statement of Defence. Gates adopts these arguments and makes them his own.

4.3.6 Furthermore, the claimants Minks, Bosma, De Vries and Oudakker have not experienced any physical symptoms whatsoever as a result of the vaccinations.³⁵ It is therefore entirely implausible that these claimants have suffered any damage.

(3) Alleged non-pecuniary damage is not eligible for compensation

4.3.7 Finally, Minks et al. have not demonstrated that they have suffered non-pecuniary damage eligible for compensation. They argue that their non-pecuniary damage consists, on the one hand, of the psychological distress they have experienced (Minks et al.

³³ See also: Supreme Court 21 April 1967, ECLI:NL:HR:1967:AB5476, *NJ* 1967/241, Supreme Court 22 June 1979, ECLI:NL:PHR:1979:AC6624, *NJ* 1979/516, Supreme Court 13 June 1980, ECLI:NL:PHR:1980:AC3099 *NJ* 1981/185 and subsequent case law.

³⁴ Summons, para. 265.

³⁵ Exhibit 91 to the writ of summons.

expressing feelings of pain, distress, shame, powerlessness and uncertainty about their health), and, on the other hand, a lack of knowledge about the precise effects of the vaccine.³⁶ In doing so, Minks et al. appear to be invoking Article 6:106(b) of the Dutch Civil Code, but they wrongly overlook the fact that psychological distress alone is insufficient grounds for awarding damages.³⁷ Minks et al. have failed to provide sufficient concrete and objective evidence from which it can be concluded that they have suffered psychological harm. The medical certificates to which Minks et al. refer are, in any event, insufficient for this purpose.

4.4 No causal link

- 4.4.1 Gates reiterates that Minks et al. have not demonstrated that they were ever vaccinated; indeed, none of them has produced a vaccination certificate. But more importantly: they have not even claimed, let alone demonstrated, that they were vaccinated as a result of the videos by Gates to which they refer. On the contrary: Minks et al. explicitly state that, in response to the “*numerous public statements*” by the then Minister de Jonge and the then Prime Minister Prime Minister Rutte, which consisted “*to a large extent of press conferences on television*”, “*felt compelled to be injected with Covid-19 vaccines*”.³⁸ [addition by lawyer].
- 4.4.2 If these public statements by the then Minister de Jonge and the then Prime Minister Rutte were what prompted Minks and others to get vaccinated, then it is quite clear that it was not the two videos by Gates dated 30 April and 2 December 2020, respectively, that led Minks and others to take a COVID-19 vaccine. Incidentally, they do not claim this either, and this was also explicitly contested by the lawyers for Minks and others at the hearing in the jurisdictional dispute involving Gates, which took place on 18 September 2024.
- 4.4.3 Minks et al. have therefore failed to establish a causal link between Gates’s alleged conduct and the administration of a COVID-19 vaccine. Given that Minks et al. have also failed to substantiate: (1) that the vaccine, in general, has the potential to cause the alleged damage and (2) that the vaccine actually did cause the alleged damage to Minks et al., the required causal link between Gates’s alleged conduct and the alleged damage cannot be accepted at all.

4.5 No collective liability

- 4.5.1 Finally, there is no question of collective liability under Article 6:166 of the Dutch Civil Code. For this to apply, Minks et al. would have had to substantiate that: (1) Gates has

³⁶ Summons, para. 266.

³⁷ Asser/Sieburgh 6-II 2021/143b

³⁸ Summons, para. 77.

took part in, (2) conduct within a group, (3) the likelihood of causing damage should have deterred him from participating in that group, that (4) Gates' participation can be attributed to him, and that (5) (at least) one of the participants in the unlawful group conduct caused the damage. Minks et al. have failed to establish this.

- 4.5.2 The facts set out by Minks et al. do not in any way indicate that there was any collective behaviour. As stated, Minks et al. wrongly draw all manner of non-existent links between events and the conduct of the defendants, which are entirely unrelated. None of the 'facts' alleged by Minks et al. actually shows that the defendants collaborated with one another in bringing about and implementing a 'Great Reset'. Furthermore, Gates did not act unlawfully (and the same applies to the other defendants). For that reason, Gates (and the other defendants) are not liable under Article 6:166 of the Dutch Civil Code.

5 CONCLUSION

In view of the foregoing, Gates submits that all claims brought by Minks et al., with costs to be borne by the claimant.

i.o.

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LIST OF APPENDICES

- 1 Summary of the State's reply of 10 January 2024
- 2 Summary of Bourla's defence dated 21 February 2024