

Heemskerk, May 25, 2021

Subject: Reply to letter 210503 (state of affairs in Indonesia files)

Dear Liesbeth,

Thank you for your letter. Multiple times I have told you that if it wasn't for you, the victims would not have been helped, and we would never have made it this far. Whenever people claim that you do this for the money, I have always immediately dismissed this. When I am interviewed I say so as well. (Unfortunately, that is never written down by the journalists who interview me.) Again and again, I emphasize that you asked zero euros at the time. I also share that you went with us to Rawagede and Sumatra for ten days at your own expense, where Anna Jonkhoff had a good time joining us.

In your letter, it seems like this is all a personal matter between you and me. In any event, you make it very clear that your hurt feelings weigh heavily in rejecting victims. That you don't have time anymore sounds like an excuse, because you have always been busy. It's not about us and how our relationship has deteriorated lately. This is about the grossest violations of human rights of the first degree, 400 years of racist divide and conquer by means of the Dutch colonial system. This has nothing to do with politics but with injustice that needs to be set right. As a sixteen-year-old, I was told that "you Indonesians are terrorists, extremists and gangsters", and that Sukarno was a collaborator.

In the first lawsuit about Rawagede you mentioned in the plea that the book 'Forbidden for dogs and inlanders' [slur for native population] had been on your desk for a long time, that's what you told the judges. You also said that you wouldn't have known any of this if you hadn't met me, you called me a walking encyclopedia. This lack of knowledge about colonialism and racism continues. Someone like Jan Pieterszoon Coen is still glorified today in the exhibition 'I Love Banda.' Imagine a German making a photo series titled 'I Love Westerbork'!? And then there's the colonial NOS<sup>1</sup> broadcaster that headlines: 'Film about the Dutch East Indies shows the bloody side of good intentions'. In short: the Netherlands is and will remain a colonial, racist country, even after all the lawsuits we have brought.

There has been much attention for the film 'De Oost' recently, even an open letter from the daughter of officer Raymond Westerling. But no one explains how our foundation represents the victims of the horrific military actions seen in the film. On Radio 1, Willem Frank de Nood, editor at the Nieuws BV, was free to foreground the question whether Westerling is a villain or a hero. They showed a short fragment of Piet De Blaauw from Mr. Monji and me on Suppa, without mentioning the context or our names. Always talking as if Indonesia were Dutch property.

That only the case of Lambogo has now been won should make you think about the judicial process. How unjust is it for the state to get away with this? Why don't I hear you talk about the way colonial

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<sup>1</sup> NOS is the Dutch national broadcaster.

(European) laws are being wrongfully applied to people who weren't even considered humans at the time. They're always talking as if the Dutch occupation of Indonesia was normal. Precisely legally, we have opportunities here. The entire colonial legislation is not based on equal human rights.

For years, you have worked for the victims, which made me think for a long time that you were one of the few Dutch people who at least understood what I was fighting against. I thought that you would overthrow your sacred cows to try new avenues.

What I find the hardest to swallow is that you go along with the colonial principle of 'extreme' violence." The lawsuits have made this principle visible, and we have shown that it is still used to justify the occupation. But it was never my intent to go along with this line of reasoning. Like the court, you talk as if the violence of Dutch soldiers against armed Indonesians was 'legitimate' and that only the violence of Dutch soldiers against Indonesian civilians was unacceptable. And then you're offended that I call this thinking colonial? There is no other word for it! How often have I not asked the question where the Netherlands got the right to consider an area 18,000 kilometers away its property? You always agreed with me over the phone, but were you honest then? You never called the Dutch system (the state and courts) out on this. On the contrary, you accept it, and like them talk about 'extreme violence'.

On this basis you now say: "Sorry Jeffry, sorry Indonesian victims, there's nothing more I can do for you."

It's not that you do not know where I stand. I have my comments and remarks to the PDF of the verdict, found under file name '12 -1165 + 14-96 + 14-653 + 14-1020 + 14-1021\_Jeffry '. I did the same in 2017 in the WORD file with the name 'Judgment Achmand\_ lost due to exceeding statute of limitations\_Jeffry'. In addition, there is my December 2019 letter to the court.

As for Marjolein's opinion piece in the Jakarta post, I cannot help but agree with her because she explains very well what is so colonial about the idea of 'extreme violence'. This needs to be talked about!

Unfortunately, I have to conclude that from the moment you were no longer directly involved in the cases, things have really gone downhill. I let you know by phone, and you said at the time that Brechtje just operates differently. I interpreted this as you agreeing with me.

Although you write in your letter that you are sympathetic to it, I read that you call me 'frustrated', and that my 'frustration' has led to a 'breach of trust' that results in you no longer wanting to continue. This is a reversal of matters. Apparently, you had already decided for yourself, without consulting the victims you represent, that you were done bringing cases against the state. Meanwhile, we are not done with it at all!

Do you remember in the case of the Indonesia conscientious objectors that the High Council said that this was something for politics to deal with? I think, in all these cases, the court should have indicated that it is not in a position to deal fairly with the cases of Indonesian victims, because the laws are colonial. They should have advocated for a Dutch version of the Nuremberg trials.

So, this is not a question of me having had higher hopes. The Netherlands is wrong here, period, no comma. I am apparently not allowed to say this, because the Dutch want to maintain their white innocence.

Your letter shows me that this hits you personally, you say you do not recognize yourself in 'the accusations'. First of all, I did not accuse you, I'm simply explaining how the system works, and what is colonial in the legal process. What's more, in the fight against a colonial system, views are always personal. Everyone has a choice to make here, and that choice has consequences. You either fight the system or you go along with it. It's as personal as the people who were killed by the Netherlands and whose evidence the state now calls into question. It's as personal as the Dutch media mentioning your name in articles while ignoring mine and that of the foundation, giving the impression that you are the initiator here. Of course, you cannot help that the Dutch media are so racist that they would rather listen to a white woman who does not speak as loudly as me, an Indonesian, but you can speak against it and call it out.

You have also made frequent statements that the state did not have to worry about the number of claims because you did not think they would materialize. While you have no way of knowing what 270 million Indonesians want, right? It could well be that the Dutch state will still be receiving a claim from Indonesia for everything they robbed during the colonial occupation. The state is certainly afraid of this, and rightly so I think. In any case, as a lawyer, you are not the one who decides for victims. What you can do is turn down cases, as you are doing now.

And I have to say, I am disappointed that you apparently feel so offended that you cannot even continue to communicate. The last thing I heard from you was a Whatsapp with a message about [redacted name] motion, followed by a mere exclamation point. When I called you on my other number you did not pick up, and when I texted, you did not reply, while your voicemail asks for this. It seems like I have suddenly become a second-class citizen. When you call me, I do you the courtesy of picking up. Past February 19 you still wrote that unfortunately you can do nothing more when it comes to the statute of limitations, while you later sent me an app with only an exclamation point. It's a bitter situation for the victims that you now file them under the denominator of 'new cases'.

We kindly but urgently ask that you apply for the settlement agreement for all cases that have already been submitted (and that therefore are not new cases). This also concerns the case of the widows Mari, Tari, Tija and Ida.

In 2018, you spoke with, among others, the children of Rawagede, and we compiled a list of the 500 names. As for the argument that there was not enough evidence at the time, we can still ask for additional evidence. Independent of that, I think this is an excellent example of how colonial the system still is. It's the victims who now have to provide evidence of their civil status during colonial times, while the Supreme Court concluded that the administration of the Dutch regime was not accurate.

This is the basis on which their cases are dismissed. How can it be that a widow is not believed now while the colonial system did not keep track of the data? The courts are there to raise such legal inaccuracies. And whether we are successful or not, it's a means of raising issues. Without lawsuits, people in the Netherlands do not want to listen.

I would also like to remind you that Mrs. Patarusi's father worked as a vaccinator, a civil servant of the colonial regime. You know this. It is the responsibility of the Dutch court to investigate what the salary was of her father. But no, a simple formula is being applied, resulting in ridiculously low amounts of damages like € 123.48.

Another thing, the court also refuses to explicitly mention the KNIL army. They speak of 'Dutch soldiers' in general as if there was no difference. In this way, the court is falsifying history and we should not go along with it.

The reasonable term is not a gesture based on good intentions, the Dutch state never has good intentions. In fact, Indonesia has paid 103 billion euros to the Netherlands! How can you still believe in the benevolence of the Dutch state? The same counts for your king's statement in March 2020 with his excuse for 'extreme violence', as if normal violence does exist and as if that is acceptable. The court should be there to fight these kinds of injustices.

You called me on September 17, 2020, I remember I was in Dordrecht at the time, we talked extensively about all these topics. You said that you agreed with me and that you also thought that we have to call a spade a spade. [meaning: speak clearly and directly about things.] You literally told me I could forward you the Bali files. Apparently, at that moment, you were still interested in further collaboration. And now, suddenly, you are throwing us under the bus?

Let me be clear, this is not about me or you, it is about the victims who had no rights in the colonial racist occupation system.

At the end of your letter, you ask the question whether I think it would still be possible if you continue to handle the cases. It means you're turning the issue around by putting the decision on my plate. You shouldn't ask me that question, you should ask yourself. My positions are clear and I have always emphasized that I want to continue prosecuting the Dutch state. However, since the end of 2018 you repeatedly stated that the lawsuits were nearing the end. This is exactly the point on which we disagree. Apparently, without consulting the Indonesian victims, you've decided for yourself that it's been enough and that we should leave it at that.

Therefore, I want to ask you the question: do you see any chance to continue in taking a bigger step to confront the Dutch state and the court with their colonial laws?