

4. Uver de inhouw van een coöperent mag niet met verwijzing
naar dat bericht per telefoon worden gesproken.

5. Afschriften van coöperer. mogen utsuitten
door de Afd. Verbindingen worden vervaardigd.

Up een coöperer. mag teleg. niet in open taal worden geantwoord.
Dossiers, welke coöperer. bevatten, dienen veilig te worden opgeborgen.

REFERENTIE NO:

8803

INFORMATIECOPIE:

Z

dbi,-/az,-/pl

mp

wnd mp

dvb

MINISTERIE VAN BUITENLANDSE ZAKEN

AFDELING VERBINDINGEN

'S-GRAVENHAGE, LANGE HOUTSTRAAT 28

TEL. Nos: 180309; 184000-284

Copie No: /3

AG. No:

Dossier:

DATUM VAN ONTVANGST:

20 juli 1955.

ONTVANGEN CODEBERICHT

PLAATS EN DATUM VAN AFZENDING:

washington, 20 juli 1955.

BESTEMD VOOR: min. v. b.z.

PARAAF/OPM.:

geheim

uw 135.

hier volgt ontwerp antwoord nota indonesische ambassade waarop gaarne uw commentaar.

"the netherlands charge d'affaires a.i. presents his compliments to his excellency the ambassador of the republic of indonesia and has the honor to acknowledge the receipt of his note no 'db/4084 / lok', dated july 8 1955, concerning his inability, under instructions of his government, to issue a visa to mr charles a horsky.

the netherlands charge d'affaires a.i. notes the assurances given in this note by the indonesian ambassador to the effect that the government of the republic of indonesia is one "adhering to universally accepted standards of justice", and that "the netherlands government may rest assured that fair and just treatment will be accorded the 23 dutchmen at present standing trial". these assurances, in themselves, are most welcome, and the netherlands government would be all too happy to accede to the suggestion advanced in the indonesian ambassador's note concerning the withdrawal of its request made on behalf of mr horsky's application for a visa, if it would find itself in presence of reassuring facts.

unfortunately, events both prior and subsequent to the indonesian ambassador's note have convinced the netherlands government that in several instances the indonesian government has not yet seen fit to apply "universally accepted standards of justice" to the trials of the 23 netherlands citizens, nor to accord them a quo fair and just treatment". a few such instances may be cited in the following:

1. almost all of the prisoners have now been in custody for more than 18 months, while only a few have been brought to trial, in the recent past.
2. for extended periods of time the prisoners have been denied the right to contact netherlands consular representatives.
3. on many occasions the prisoners have been denied benefit of counsel.
4. different kinds of intimidation and pressure have

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2. dat bericht per telefoon worden gesproken.

3. Afschriften van codeber. mogen uitsluitend
or de Afd. Verbindingen worden veraardigd.

1. Op een codeber. mag telegr. niet in open taal worden geantwoord.
2. Dossiers, welke codeber. bevatten, dienen veilig te worden opgeborgen.

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been applied to defendants counsel.

5. during their lengthy confinement the prisoners have been subjected to both physical and mental maltreatment - the latter in the form of threats against the lives of their families - with the purpose and the effect of forcing them to "confess" to crimes which they did not commit, or making false statements against other prisoners. public prosecutor su-nario acknowledged on march 1 1955, in a statement to the press in djakarta, that physical maltreatment of the prisoners had taken place.
6. several witnesses have in public session repudiated statements which the police had forced them to make. fritz baden who on june 15 withdrew a confession made under duress to the police was charged with perjury, and to other forms of coercion and reprisals. the most recent case in question occurred on july 14 during the hearing of witness m.j.j. ullmer to whom it was reproached that he repudiated his testimony, made to the police after several beatings, in public session, whereas, on the previous day he did not make known his intention to do so. this reproach cannot but indicate that the public prosecutor holds a kind of general rehearsals to see whether the prisoners will play correctly their allotted part in a fake trial which is destined to run its predetermined course, a revelation which is all the more shocking as it occurred 6 days after the aforementioned assurances being advanced in the indonesian ambassadors note.
7. 3 prisoners mr wiersma, mr pottger and mr benenati, who had been tortured by the police and thus were forced to make certain statements, have now been placed in a lunatic asylum. it is not known whether or not their removal to this institution was ordered on the basis of competent medical advice concerning their mental health, nor whether any deterioration in their mental equilibrium, if there is any such deterioration, is a consequence of their having been tortured by the indonesian police; it is not known, either, whether the purpose of their removal to an asylum was destined to prevent their enforced statements from being repudiated in public session, and to make these prisoners otherwise unavailable for the defense. but it is clear that in the presence of procedures like these which are mentioned above, the netherlands charge d'affaires a.i. finds it difficult to attach such importance to the assurances contained in the indonesian ambassadors note as he would like to do.

moreover, while the indonesian embassy stated to the press on july 14 1955, inter-alia, that "there are numerous dutch lawyers in holland some of these could easily be selected by the netherlands government to act as defense counsel" the indonesian government on the very same day,

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july 14, refused a request by the netherlands government made on july 5 in djakarta, to the effect that a lawyer from the netherlands be admitted to act as defense counsel.

consequently, the netherlands government fails to discover any grounds which would warrant the acceptance of the suggestion contained in the indonesian ambassadors note that it withdraw its request made on behalf of the application by mr horsky for an indonesian visa. in the contrary, the netherlands charge d'affaires a.i. is encouraged to believe that the indonesian ambassador, on reflection, will be prepared to advise his government that, for the sake of a better appreciation of its assurances to adhere to universally accepted standards of justice, the attendance of the trials by a qualified impartial observer would be in the interest of the republic of indonesia''.

ik ben er daarbij van uitgegaan dat zowel weigering consulaire bijstand als opsluiting der getuigen in grogol niet meer zodanig vertrouwelijk, dat daarvan geen sprake kan zijn in dezerzijdse nota aan ambassadeur welke op dit ogenblik niet zal worden gepubliceerd, al moet wel rekening worden gehouden met de mogelijkheid, dat indonesische ambassade zulks zal doen.

dunham, officer swiss beneluxs affairs die naar mij bleek met de meest aangename indrukken van zijn bezoek aan nederland is teruggekeerd, bevestigde mij dat instructie als vermeld in mijn 311 aan cumming te djakarta is uitgegaan. ik heb hem erop gewezen, dat volgens hier beschikbare berichten aanwezigheid waarnemers amerikaanse ambassade bij processen nog eerder bij uitzondering dan als regel plaats vindt van welke opmerking hij zeide gaarne nota te nemen. van belang was dat hij mij de raad gaf, dat uwer excellenties departement ambassadeur freeman matthews zeer gereeld nopens alle ontwikkelingen arrestantenzaak op de hoogte houdt. de ambassadeur ontvangt namelijk inzage van alle telegrammen die terzake van hieruit met djakarta worden gewisseld en de waarde van zijn adviezen, aldus dunham, bij het state department alhier kan niet hoog genoeg worden aangeslagen. het verdient dus aanbeveling ingeval van instructies tot het doen van demarches op het state department aan deze ambassade zoveel mogelijk gelijktijdig ook matthews op de hoogte te houden.

ik zou gaarne vernemen of bij u nog voornemen bestaat aangelegenheid weigering toelating advocaat uit nederland eventueel gecombineerd met weigering consulaire bijstand baden en opsluiting getuigen te grogol aan publiciteit te onderwerpen in welk geval ik moye herinneren aan derde alinea mijn 313.

van voorst 321. *J*

JV