

Dutch Government appeals order to compensate Indonesian farmer after torturing him as a teen

By Indonesia correspondent Anne Barker

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PHOTO: Yaseman and his grandson, Iswanto, appear in the District Court at the Hague, Amsterdam, via a video link. (Supplied: Prakken d'Oliveira)

Shortly before he died last year, a poor Indonesian farmer sat in a wheelchair in a room in eastern Java and addressed a panel of judges at the District Court in the Hague via Skype.

Frail and at times trembling, Yaseman told the judges how the Royal Dutch Indies army had held him captive for more than a year and tortured him in 1947, when he was still a teenager.

Dutch forces — fighting to reoccupy Indonesia after World War II — had arrested him on suspicion of being an Indonesian freedom fighter at the height of the 1945–1949 independence war.

Soldiers had smashed his skull with a lump of wood and stubbed a cigarette out on his head.

As the judges watched online, he showed them two round scars in his scalp.

Yaseman, who has only one name, made multiple torture claims, alleging that he was forced to drink large volumes of water before being kicked in the stomach.

He said he was also subjected to electric shock, telling the court wires hooked to a small machine were attached to his finger and sent jolts down his body.

"Shocks are worse," Yaseman was quoted as saying in a translated court document.

"You can feel a beating once, I can handle that.

"But power goes through your entire body and continues to hurt."

Key points:

- Victim told court Dutch soldiers bashed his head with a wooden block
 - Dutch Government ordered to pay \$12,000 AUD in compensation
 - But it launched an appeal against the ruling
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A convincing tale of torture

Yaseman was 89 when he gave evidence. But despite his age and frailty he recounted his story in convincing detail.

"He had such a sharp memory," says his grandson Iswanto, who sat beside him in the "virtual courtroom".

"He often talked about his past. Every time someone came over, friends, neighbours, relatives, he would tell his story to anyone who'd listen."

But Yaseman didn't live to hear the judges' decision. He died a few months after giving evidence.

In July the court accepted his testimony as proof that Dutch forces had indeed subjected him to torture.

The court found enough evidence to prove Yaseman's claims about the beatings and the cigarette burns, however, the electric shock and water torture were unable to be verified.

In the ruling, the court did concede the use of such torture methods was "entirely possible".

The Dutch Government was ordered to pay damages and costs worth around \$12,000.

Now the Dutch Government is appealing against the court ruling, much to the anger of Yaseman's family and lawyers.

"It is a known fact that the Netherlands engaged in large-scale torture during the independence war," said his lawyer in Amsterdam, Liesbeth Zegveld.

"Of all the victims, only one has registered with the court, and that is Mr Yaseman.

"It is a shame that the state will not take responsibility, even for this one case."



PHOTO: Yaseman said soldiers beat him over the head and gave him cigarette burns. (Supplied: Foundation Committee of Dutch Debts of Honour)



PHOTO: Yaseman was 89 when he gave evidence before the District Court in the Hague. (Supplied)

History of abuse

More than perhaps any other nation, the Netherlands is held up as the global capital of justice.

The International Criminal Court in the Hague routinely delivers rulings on human rights abuses around the world, including genocide, ethnic cleansing and other crimes against humanity.

But the Yaseman case has reignited debate about the country's own colonial past and raised questions about whether the Netherlands has fully acknowledged its own history of abuse.

The Dutch Government is not necessarily challenging the facts of the case, even though it had argued there was no proof Yaseman's wounds were caused by Dutch forces, because Indonesian fighters had also committed atrocities during the independence war.



PHOTO: Dutch soldiers in Malang, Indonesia, on July 24, 1947, which was during the "police action" operation. (Dutch National Archives)

Ms Zegveld says it appears to be challenging the right of claimants like Yaseman to rely on evidence that is 70 years old. It wants an appeals court to uphold the statute of limitations that would normally block such claims.

It's a stance she rejects, given the International Criminal Court in the Hague applies no such time limits in cases elsewhere.

"The Netherlands wants to be seen as the capital of international law," Ms Zegveld says.

"But when it comes to their own behaviour, their political will fails and prevents them from seeing what they have done themselves.

"When crimes are committed on such a wide scale, and the state leaves all these victims behind and then remains completely passive for the next 70 years, they have no right to invoke time bars."

The Dutch decision to challenge the Yaseman ruling is at odds with its response to an earlier court ruling.

The same District Court in the Hague in 2011 ordered the Netherlands to compensate the widows or relatives of 150 men killed in a massacre at Rawagede in west Java in December 1947.

Those cases led to an ongoing compensation scheme that awards 20,000 euros to widows who can prove their case. Around 50 women have since received compensation.

The Dutch government later made a formal public apology for the thousands of summary executions carried out by Dutch troops in Indonesia.

The court is still hearing the cases of another 20 or more widows in Java and Sulawesi, who have also given evidence in a "virtual court". A decision on their claims is expected early next year.

And countless more cases have been lodged by the children of executed men, who may also be eligible for compensation.



PHOTO: Soldiers patrolling the streets of Singasari on July 24, 1947. (Dutch National Archives)

Setting a precedent?

Ms Zegveld says while the Dutch Government agreed to acknowledge the widows' claims and pay compensation, she has no doubt its appeal against the Yaseman ruling is to prevent these other cases proceeding.

"They want an appeals court to decide that 70 years after the event it is simply too late to bring a case to court, and that time bars should be applied as strictly as they are in other cases," she says.

"The state should not be allowed to invoke this defence."

One non-governmental organisation representing Indonesian claimants says the Dutch Government refuses to face up to the actions of its forces during the 1945-1949 independence war.

"The state appeal proves that the Netherlands still takes no responsibility for what happened there," wrote Foundation Committee of Dutch Debts of Honour chair Jeffrey Pondaag.

"Beyond a doubt this is a violation of human rights of the first order."

The Dutch Government maintains it is committed to international human rights and the rule of law.

In 2016 it announced a long-running inquiry into atrocities committed in the last days of its colonial rule in Indonesia and warned the inquiry could prove "painful" for Dutch veterans from that period.

"The Netherlands places a high value on protecting and promoting human rights, international law and the rule of law," Prime Minister Mark Rutte said at the time.

But Mr Pondaag questions the inquiry's independence, given that one of the three research institutions involved — the Netherlands Institute of Military History — comes under the direct control of the Dutch Defence Ministry.

The NMIH "supports the state in opposing and rejecting claims like Yaseman's", he wrote in a letter to the Government last year.

The government inquiry is not due to report for several years.

Topics: unrest-conflict-and-war, law-crime-and-justice, courts-and-trials, international-law, human, indonesia

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