

**Press release**

**“East Indies-objectors” request review of convictions by the Supreme Council**

Amsterdam, 14 December 2012 – Two East Indies-objectors (in Dutch: *Indië-weigeraars*) have asked the Supreme Council of the Netherlands to review their 1950 and 1951 convictions.

In 1949 respectively 1946, Jan Maassen (1929) and Johannes van Luyn (1925) refused to be deployed to the (then) Dutch East Indies to participate in the so-called ‘police actions’. They refused to take part in the shooting of innocent civilians. Maassen: *I would only have gone to Indonesia to prevent my comrades from shooting defenseless Indonesians.*

Maassen was sentenced to 3 years imprisonment by the Supreme Military Court for “willful disobedience, committed in time of war”, on 3 May 1950. By order of the Minister of Justice, he was furthermore excluded from the right to vote until 5 September 1955. Van Luyn was sentenced to 2 years imprisonment on 9 January 1951.

In the 1950’s, the period in which both men were convicted, the military judges were unaware of the structural violence committed against the civilian population in the Dutch East Indies by Dutch soldiers. The occurrence of these crimes became clear only after the publication of the *Excessennota*, a policy document published in 1969 about the ‘excesses’ that took place during the ‘police actions’. Subsequent research has revealed that these were not occasional misdeeds, but large-scale systematic conduct that Dutch soldiers sent to the East Indies could not avoid.

If the military judge at the time had known about the crimes committed in the Dutch East Indies between 1945 and 1949, it is likely that Maassen and Van Luyn would not have been convicted. Indeed, a soldier cannot be expected to knowingly and willingly put himself in a situation where there is a high probability that he will have to take part in (war) crimes. As the facts in question only became known many years after their convictions, Maassen and Van Luyn are of the opinion that they constitute a *novum* in the sense of art. 457 § 1 of the Dutch Code of Criminal Process.

This case was brought to the attention of our firm by Jeffrey Pondaag of the Foundation Committee Dutch Honour Debt (K.U.K.B.) who has been making efforts towards to the rehabilitation of the East Indies objectors for several years.

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