

CHINESE BLED IN EAST AND WEST

Revealing portrait of an unlawful massacre



Nizaar Makdoembaks

April 1942, right in the middle of World War II. Chinese labourers from Rotterdam are employed as stokers on Shell oil tankers. A dangerous job, on menial wages. They start a strike. As the strike becomes more and more grim, the police and the guards from the refinery on Curaçao intervene. Mercilessly they shoot and kill fifteen Chinese. All these events have been reconstructed in the book *De Aprilmoorden* (The April Murders). The author fights for rehabilitation of the Chinese contractors as forgotten victims of war. And successfully. Annually the victims are commemorated and honoured on April 20th, the National Day of Remembrance 'The April Murders'.

That's to say, on Curaçao. What does the Dutch government do? Nothing. In this book the author presents the results of new research, with new documents and... statements from witnesses.

Nizaar Makdoembaks is physician-researcher and also chairman of the Stichting Eerherstel Oorlogsslachtoffers Curaçao (Foundation for the Rehabilitation of Curaçao Victims of War). Previously he published *De Aprilmoorden - Berichten van het Kerkhof van de Schande* ('The April Murders - Messages from the Graveyard of Shame', 2012, available in Dutch and Papiamentu).

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The fate of the slain strikers was disrespectful, a mass grave: without even taking their religion and the Chinese ritual of ancestor worship into account.

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Chinese workers in the hospitality industry on Curaçao pay their last respects to three of the fifteen strikers who were killed. See page 131.

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List of abbreviations

AMC	Algemeen Militair Commandant (General Military Commander)
ANZB	Algemene Nederlandse Zeeliedenbond (General Dutch Sailors Union)
BGD	Burgerlijken Geneeskundigen Dienst (Civil Medical Service)
BPM	Bataafsche Petroleum Maatschappij (Batavian Oil Company)
BZK	Binnenlandse Zaken en Koninkrijksrelaties (Ministry of the Interior and Kingdom Relations)
CKO	Centrale van Kapiteins en Officieren ter Koopvaardij (Organisation of Captains and Officers in the Merchant Navy)
CPIM	Curaçaosche Petroleum Industrie Maatschappij (Curaçao Industrial Petroleum Company)
CPM	Curaçaosche Petroleum Maatschappij (Curaçao Petroleum Company)
CSM	Curaçaosche Scheepvaart Maatschappij (Curaçao Shipping Company)
GEOVG	Gewestelijk Eerstaanwendend Officier van Gezondheid (Regional Senior Health Officer)
GG	Gouverneur-generaal (Governor General)
KB	Koninklijk Besluit (Royal Decree)
KNMEP	N.V. Koninklijke Nederlandsche Maatschappij tot Exploitatie van Petroleumbronnen in Nederlandsch-Indie (Royal Dutch Society for the Exploitation of Petroleum Sources in the Dutch East Indies)
KNMG	Koninklijke Nederlandse Maatschappij tot Bevordering der Geneeskunst (Royal Dutch Society for the Advancement of Medicine)
KNIL	Koninklijke Nederlands-Indisch Leger (Royal Dutch East Indies Army)
MP	Militaire Politie (Military Police)
NI	Nederlands Indië (Dutch East Indies)
NM	Nizaar Makdoembaks
OEN	Ministerie van Onderwijs, Eeredienst en Nijverheid (Department of Education, Religious Affairs and Industry)
PB	Publicatieblad (Official Journal)
PER	Parlementair Enquête Regeringsbeleid 1940-1945 (Parliamentary Inquiry Government Policy 1940-1945)
SEG	Vereniging Sint Elisabeth Gasthuis (St Elisabeth Infirmary Association)
Sehos	Stichting Sint Elisabeth Hospitaal (St Elisabeth Hospital Foundation)
SEOC	Stichting Eerherstel Oorlogsslachtoffers Curaçao (Foundation for the Rehabilitation of Curaçao Victims of War)
VKC	Vrijwilligers Korps Curaçao (Curaçao Volunteer Corps)
VD	Vreemdelingendienst (Foreign Police)

Foreword

Since 2003, the Stichting Eerherstel Oorlogsslachtoffers Curaçao¹ (SEOC) has worked assiduously for fifteen Chinese strikers who were shot dead on Curaçao in April 1942, as well as for their surviving relatives. These people were the only victims who fell on Curaçao during World War II. While the SEOC is conducting a continued investigation into the true circumstances of this massacre, it is also constantly working to obtain recognition of the event (as well as recognition for the victims and their relatives) from the government. The SEOC was successful in doing this on Curaçao – the so-called ‘Aprilmoorden’ (April Murders) were recognised by the local government, and the 20th of April declared a National Day of Remembrance for the victims. But in the Netherlands, the government is keeping a lid on it for the time being.

At the end of 2011, the SEOC, via its lawyer Liesbeth Zegveld, sent the Minister of Foreign Affairs a letter in which the State was requested to:

- recognise the Chinese victims as victims of war;
- recognise that this concerns a preconceived act of needless violence for which the government is partly to blame;
- answer the question as to whether it intends to investigate the case further.

An important part of the third point was also the pressing question of which documents the government has not yet made available, notably the autopsy reports which the SEOC is looking forward to reading and which should exist.

The Minister of Foreign Affairs assigned this letter to his colleague, Mr Plasterk, Minister of the Interior and Kingdom Relations. Following a meeting on the 28th of May 2013 between senior officials from the ministry, the lawyer and the SEOC chairman, Minister Plasterk sent a letter to the SEOC lawyer on the 10th of July 2013. The complete text of this letter from Mr Plasterk can be found in Annex 1. Briefly, it comes down to this:

An investigation was conducted into the incident and the State has concluded that:

- there are no grounds to recognise the victims as victims of war;
- there are no grounds to speak of a calculated, preconceived act of violence (murder), let alone the government being an accessory;
- there is no cause for further investigation.

1. Foundation for the Rehabilitation of Curaçao Victims of War.

For the third point it is noted that the SEOC is free to conduct its own research in the National Archives and the Curaçao archives, as it is public. Just like the Administration of Curaçao at the time, Minister Plasterk deeply regrets the horrendous incident.

On the six pages substantiating these conclusions, there is much to be disputed. Plasterk bases his conclusions mainly on the judicial reports from Curaçao; an institution that was known to be particularly poor and unreliable during the war years (as well as during the preceding decades). The SEOC can produce a hefty file on this poor reputation, in which the head of the investigative committee, whose job it was at the time to investigate the circumstances of the incident, plays a significant part.

In addition, Plasterk cites legislation that would have been applicable at the time. The SEOC can however demonstrate – through documents found in the archives – that the legislation came into effect precisely because of this strike, only after it had started and the Chinese had been interred.

Moreover, he discredits the SEOC witnesses without giving them a hearing. However, with these witnesses, and the new insights from documents which were also researched for the publication of *De Aprilmoorden* (Makdoembaks, 2012)², the SEOC can support its arguments for a reasonable suspicion of premeditated and deliberate use of lethal force.

In the context of this violence, the SEOC has moreover conducted research on the position, value and treatment of Chinese workers by the colonial government and its subjects in both the East and the West. This clearly shows a pattern: contempt, highly permissible and prominent use of violence, covert slavery, bending of the rules to use violence, institutionalised use of violence (doctors examining Chinese workers to see whether they were capable of enduring their violent punishments – as a policy!) and a deep-rooted fear based on an equally deep-rooted racism.

All of this and more is made public in this new SEOC publication about the April Murders. In the absence of photos, the SEOC commissioned the making of historical sketches to provide explicit illustrations (not suitable for children). In addition, this publication provides numerous scans of official documents and their translations which the SEOC collected during its research and through which the foregoing is distinctly made clear.

2. *De Aprilmoorden* is a book by SEOC chairman Nizaar Makdoembaks describing the historical context of the strike and the events on and around the 20th of April 1942. The term for the National Day of Remembrance '*De Aprilmoorden*' mentioned earlier was coined in this book.

Plasterk is certainly right in that the practice of hearing both sides is difficult when investigating a case that has been swept under the rug for over fifty years. But to present this as grounds to refrain from further investigation is an example of political self-protection, against which the SEOC wishes to protest with this publication.

The SEOC invites you to take note of the facts and the context in which they took place, and to then decide for yourself whether no “unambiguous assessment of what happened” (Plasterk, 2013: 2) can be given and whether “what really happened” really “cannot be traced”.

Introduction

Extensive historic research has yielded a hefty dossier on the events on and around the 20th of April on Curaçao. This research extends from the first contact with the Curaçao publicist Junnes Sint Jago (who published the so-called ‘Chinese-incident’ in 2000 in two parts) in 2002, to the foreseeable future, in which I will consider Minister Plasterk’s advice and diligently continue searching for missing documents. In *De Aprilmoorden* (Makdoembaks, 2012) I wrote extensively about the historical side of the fatal shooting incident. This was preceded by a summary in 2011, appropriately provided in the letter the SEOC sent via its lawyer, Ms Zegveld, to the Dutch Minister of the Interior and Kingdom Relations (ref. 2011-2000486181), as has been outlined above.

Recapitulation

Because the letter of the 13th of September 2011 in retrospect seems to be the starting point for this publication, it would not be amiss for those who are unfamiliar with the tragedy that occurred on Curaçao at the time, to begin with the summary:

[...]

Background

From 1791 up to and including 1954, Curaçao was a Dutch colony. In 1940 Curaçao possessed the largest oil refinery in the world. This oil was of vast importance for the provision of fuel to the allies during World War II. The oil was extracted in Maracaibo (Venezuela) and transported to the strategically located Curaçao under the auspices of the Curaçaosche Scheepvaart Maatschappij (CSM)¹, a subsidiary of the Curaçaosche Petroleum Industrie Maatschappij (CPIM)², the predecessor of Shell Curaçao. It was because of these oil shipments that the Caribbean Sea was declared a war zone. German U-boats regularly torpedoed the CSM tankers. Nevertheless, transport by sea had to continue for the benefit of supplying the allies with oil.

The CSM fleet carried a thousand men and consisted of forty ships (Sint Jago, 2000, part 2). The unarmed, rather outdated and badly maintained ships made an easy target for the German U-boats. Among the thousand CSM employees were around four hundred Chinese who worked as stokers and other engine room personnel.

1. Curaçao Shipping Company

2. Curaçao Industrial Petroleum Company

Despite their dangerous work (Howarth e.a., 2007, p. 57) they were treated worse than the rest of the workers (Kersten and Manning, 1984, part IV, p. 577): they were paid less, less care was taken for their safety, and they were prohibited from entering Willemstad after mooring. (Kersten and Manning, 1987, part V, p. 36)

In February 1942, the number of incidents at sea on the CSM shipping route increased and a number of Chinese lost their lives. The fear this aroused in the Chinese – combined with their poor standing in the company – led to them downing tools en masse on the 24th of February 1942 in order to negotiate better working conditions. A number of Dutch officers also went on strike.

Negotiations between the Chinese strikers and the CSM proved to be difficult caused, according to the CSM, by the leaders of the group of Chinese. The CSM wanted these men removed from the group in the hope that the remaining Chinese would then capitulate. The CSM asked the Curaçao authorities to arrest these men on the grounds of the applicable labour conscription (striking was prohibited due to the importance of oil transportation for the war). (Government decree of the 6th of December 1941, P.B. 1941/146)

The massacre at Camp Suffisant

On the 13th of March 1942, the Chinese strikers were summoned to appear at the police headquarters on Wilhelmina Square in Willemstad, Curaçao. The eighteen men who were regarded as the leaders were ordered to sail and resume work. When they refused, they were arrested and taken by military truck to a CPIM camp, Camp Suffisant outside Willemstad. (Sint Jago, 2000, part 1)

The desired result was not achieved: the remaining Chinese persisted with their strike. On the 14th of March 1942 they were also taken by military truck to Camp Suffisant. Following the arrest of a number of strikers and the arrival of a few Chinese who wanted to show their solidarity, a total of 420 Chinese were being held in Camp Suffisant. (Kersten and Manning, 1987, part V, p. 37)

The camp was not designed for so many people. There was a shortage of space, food and sanitary resources. In addition, access was denied to the Chinese counsellor and a Roman Catholic mediator. (Sint Jago, 2000, part 1, p. 17) This created a situation which the CPIM guards at the camp described as 'highly explosive'. An attempt by the Foreign Police to separate the leaders from the group on the 17th of April 1942, failed. (Sint Jago, 2000, part 1, p. 18)

Despite the 'explosive' situation, the Governor of Curaçao decided together with CSM Vice President Van Eyk and the General Military Commander of Curaçao, Baron Van Asbeck, to go ahead and conduct the separation, while not eschewing the use of violence. (Sint Jago, 2000, part 1, p. 31) On the 20th of April 1942, Curaçao's Chief Inspector of Police, Van der Kroef was ordered by the Commander of the Military Police Force, Venema, to select 85 of the Chinese and take them to another camp. In doing so, he was assisted by eight officers from Curaçao's Foreign Police, thirteen military police and a number of CPIM security guards. (Sint Jago, 2000, part 1, p. 19)

Van der Kroef set up a table in the courtyard of the camp where all the Chinese had meanwhile gathered. He had at his disposal, the names and photographs of the 85 Chinese who were to be transferred to another camp. However, the proposed separation resulted in a violent confrontation in which twelve [sic] Chinese were killed and 44 wounded were taken away, three of whom later died of their injuries. (Kersten and Manning, 1987, part V, p. 39) Four members of the police were slightly wounded. (Journal of the District Master of the 2nd district of Curaçao for the month of April 1942, Monday, the 20th of April 1942)

After the injured were transported to hospital, the separation of the Chinese proceeded without further incident. Approximately 50 Chinese were separated from the larger group and transferred to another location on the island.

Aftermath

As a result of the incident at Camp Suffisant, there was a great deal of unrest on Curaçao. The Chinese were known to be quiet and hardworking and would not resist authority without good reason. (Sint Jago, 2000, part 1, p. 38) Hundreds of citizens quickly gathered at the Sanatorium to express their sympathies. (Sint Jago, 2000, part 1, p. 28) The authorities however, seemed to want the incident covered up as quickly as possible. The dead were buried early on the morning of the 21st of April 1942. This was extremely unusual because funerals at the time traditionally took place in the afternoon on Curaçao. The time of the funeral was not announced and the hearses proceeded to the cemetery without mourners. (Sint Jago, 2000, part 1, p. 29) The dead Chinese were buried in the 'Graveyard of shame', as the unconsecrated section of burial ground Kolebra Bèrdè, in the Cas Chiquito district was known (according to catholic rules, sinners, unbaptised and criminals had to be buried here). The dead were buried in anonymous graves, even though their identity was known. (Sint Jago, 2000, part 1, p. 225-5) The Curaçao authorities also proclaimed a ban on publishing anything about the incident. (Howarth e.a., 2007, p. 57; Van der Horst, 2004, p. 92-3; Sint Jago, 2000, part 1, p. 29)

The Curaçao authorities, under the leadership of Governor Wouters, were embarrassed by the incident. The Chinese government protested to the Dutch government in London about the acts of violence against the Chinese strikers. This was because of the discrepancy between their own version and the official Dutch version of the incident (Kersten and Manning, 1987, part V, p. 36). This official paper was based on a memorandum from CPIM management and the report of April 1942 made by the Chief Inspector of Police, Van der Kroef. The Chinese government insisted on a joint investigation. (Sint Jago, 2000, part 1, p. 49-51) This request was refused by the Curaçao authorities, mainly for political reasons. (Kersten and Manning, 1987, part V, p. 361)

A unilateral investigation was set up on Curaçao (Sint Jago, 2000, part 1, p. 39-41), resulting in a report. (Report by Commission of Inquiry, the Parliament of Curaçao, 4th of August 1942, Central Historical Archive, CORVO department: Chinese Conflict) Subsequently, the incident was kept as quiet as possible. This policy is illustrated for instance, in a letter sent by the Dutch Minister of Foreign Affairs, Van Kleffens to the Curaçao authorities dated 17th of December 1942:

“In order to prevent, while the case about this incident is closed, the (Chinese) Consul General from still wanting to discuss this point with the Governor, it may well be desirable to point out to Dr. Kasteel, that, should this indeed occur, the Consul General must be gagged forthwith.” (Letter from Minister van Kleffens dated 17th of December 1942, letter no. 23328, received item no. 5347)

The dossier containing the precise facts about the Chinese strike on Curaçao has never been released. During the parliamentary inquiry in 1948 on Dutch Government policy during World War II, this issue was not investigated further.

The April Murders - “no reason for a further investigation”

With regards to the above, Minister Plasterk indicates limiting himself to the known facts and not submitting to speculation. This is in essence, exactly what the SEOC also wants. The difference between the two points of view lies in the interpretation of the word ‘known’. For the minister this means something like ‘that which can be removed from the archives within any reasonable period’, where he seems to have a slight preference for the documents on which previous governments have based their judgement of the case. For the SEOC it means: everything conceivably available about the case in the archives.

According to the minister, the sworn statement made by Chief Inspector of Police, Van der Kroef (Annex 9), which is part of the investigative report by the Parliament of Curaçao (Annex 17), provides ‘only a few facts’ that are relevant to the State. The fact that very little can be found in the archives that is concrete in nature is justification for the minister to renounce further investigation.

In doing so the minister completely side-steps the ethos of cover-up that has hung around this case from the beginning, and which will be discussed in detail in the following chapter. He also ignores another point, namely that in all probability important documents do indeed exist, such as autopsy reports. This, in light of the regulations at the time and the way they were properly observed at other times by individuals working in 1942 for the various institutions involved.

Something that possibly escaped the minister and his investigative officials, but certainly not the attention of the SEOC, is the extremely poor name that the Curaçao Court of Justice had in the first half of the 1940s. Mr Sütthoff, Chairman of the State Commission, who investigated the shooting, was in daily life, Chairman of the Court of Justice, which was known for its laziness, corruption and unbecoming conduct. This bold statement also merits further explanation in order to show that it was much less objective with the truth and judicial acts than the minister suggests when he takes Van der Kroef’s report to be ‘leading’.

Furthermore, I will show that the judges of the court did not hesitate to bend the law to suit themselves, and that the Chinese strikers fell victim to legislation made at the special request of the CSM management, which had no official retrospective effect, but was deemed to have. In this way, one can quickly place the incident with the Chinese into, for the government and the companies involved, a manageable framework. A framework that the current Minister of the Interior and Kingdom Relations, 71 years later, also does not want to abandon.

For the SEOC, in the absence of more freely accessible documents about the case, the historical context is essential and also far broader than the few official reports. Based on extensive research concerning some striking statements made about the Chinese by members of government, I have been able to establish that a culture of contempt, exploitation and violence against the Chinese, which was the order of the day in the East Indies, partly consciously and partly in the course of colonial preoccupation, was brought over to Curaçao. An example of this is the relative ease with which armed violence was used against a group of people, by both those who pulled the trigger as well as those who handed down the orders, and by those responsible for the regulations.

The second chapter therefore provides a detailed description of this violence against the Chinese spreading from East to West.

In presenting all of this, the questions that the SEOC asked of the minister remain in effect and will be discussed again in the final chapter, in conjunction with the research that is presented in this book.

Chapter 1: New insights

This chapter addresses a number of known and unknown issues surrounding the massacre that occurred during the Chinese strike of 1942. At the time there was a lot of uncertainty about what the exact position of the Chinese strikers was, and also about the question of which regulations they fell under. This is of importance in determining whether the case was handled correctly by the authorities. What is certain is that the regulations used only came into being after the start, and partly in response to the strike. The CSM pushing the Administration into acquiring the status of a war company was the direct source of all the commotion.

It is therefore hardly surprising that the Chinese diplomats who wanted the case investigated experienced problems with the company's management. It was the management that, because of the strike, tried to get its hands on new powers and coercive measures and who themselves suggested that the use of violence could be an option. A hypothesis that the Chinese had certainly wanted to investigate, is that of a management that due to staffing issues pressured the government in order to settle a conflict and be able to wash their hands in innocence at any escalation.

However, the Chinese diplomats were met with a deaf ear by the government or elsewhere with their request for a joint investigation. Also, censorship was put in place on Curaçao around the strike, and in the Parliamentary Inquiry Government Policy 1940-45 the clearly guiding role of CPIM management was disconnected from what was understood under government policy. This, despite extensive consultation between London and the government on the strike issue, its aftermath and the regulations, which were put into effect during that time and in response to the bloody strike.

Ultimately, it is all about uncovering the truth. Apart from the fact that outsiders (newspapers, Chinese diplomats) were thwarted from the outset, the official reviews on the event itself also raise questions. Witness statements that the SEOC was able to document point in another direction, leading to the following hypothesis: people knew that violence would occur that day. Something the politicians of both then and now systematically continue to deny.

1.1 Unlawful internment of Chinese Shell strikers

On the 24th of February 1942, the day that the Chinese sailors went on strike, the CSM immediately called on the government to be declared a war company, as that would allow labour conscription. But since the rules that applied, which had already been created, would in any case only come into effect after the start of the strike, it made using them on the Chinese strikers with retrospective effect unlawful.



Chinese strikers on grounds of PB 1941 no 146¹ in preventative custody behind barbed wire in front of their barracks in the Suffisant internment camp.

1. Publicatie Blad (PB) is henceforth referred to as 'Official Journal' (unless abbreviated).

1.1.1 CSM as a war company: Chinese strikers the catalyst but not the cause

Governor Wouters changed the rules after the start of the strike on the 24th of February at the request of the CSM management. The following documents show how this occurred and substantiate that the Chinese strikers were the catalyst, and in particular also when it would all come into effect:²

2. National Archive of Curaçao, 'Aanwijzing van bedrijven waarin verplicht arbeid wordt verricht, (oud)'
(Designation of companies in which compulsory labour is performed (old)) – inventory number 1.835.4, 1942.

[TRANSLATION]

N.V. CURAÇAO SHIPPING COMPANY
To His Excellency, the Governor of Curaçao,
WILLEMSTAD

EMMASTAD, 24th of February 1942

Excellency,

By this, we deferentially request that Your Excellency designates our Company as one in which compulsory labour shall be performed as according to the Decree of the 9th of December 1941, O.J. 1941, No 147.

With sentiments of the highest consideration we remain, of Your Excellency,
obliging servants

N.V. CURAÇAO SHIPPING COMPANY

[signed: J. Noorduyn]

Director.

[Handwritten note:]

The governor has decided that O.J. 1941 no. 147 shall be applied.

The Secr. Gov.

GECODEEERD
VERZONDEN

- 1.035

*Te kennisgeving
V.A.M.C. 10
V.P.G.
V. de W. de W. 28-2-42
V. de W. Hof.*

Verzonden verc.c.tgm. aan den Minister van Kolonien, Londen

Ingek. G.S.:
FEB 28 1942
Volgn. 1375

PARKET
VAN DEN
PROCUREUR-GENERAAL
Ingekomen:
3 MRZ. 1942

27.2.1942

ame gft.

Nethmincol London

Heb verband personeels-moeilijkheden de C.S.M. tot oorlogs-

bedrijf verklaard ingevolge P.B. 1941 nummer 147 stop

Zal U op de hoogte houden eventueele uitbreiding maatregelen.

WOUTERS 92

*Cesien 4/1/42
Hofst 10.1.42
J. van den*

*Cesien 3/1/42
De Procureur Generaal*

*Cesien 4/1/42
Hofst 10.1.42*

Wouters

On the 27th of February 1942, the Dutch government in London is informed by Governor Wouters that he has had the CSM declared as a war company.

[TRANSLATION]

[Telegram sent to the Minister of Colonies, London, by the governor of Curaçao]

Nethmincol London

Have, due to personnel difficulties, declared the CSM as a war company
in accordance with P.B. 1947 number 147 stop
Will keep you informed of any further increased measures

WOUTERS

Reviewed by the Attorney General
{signature}

Beslissing Gouverneur dd.		
	Paraf	Datum
Concept	<i>W</i>	27-2-42
Terugontv. Gouver.		
Beschikking geschr.		
Gecollationneerd	<i>W</i>	28-2-42
Stuk geteekend		
Geëxpédieerd	<i>W</i>	28 FEB 1942
Geboekt agenda		
Gecontroleerd		
Fiat archief		

den Onder-Voorzitter en leden van den Raad van Bestuur.

Alhier.

UW NUMMER (LETTER):

UW BRIEFNOMMER:

ONS NUMMER:

1291

WILLEMSTAD, 28 Februari 1942.

Bij dezen heb ik de eer U te doen toekomen Publicatie blad 1942 no.30, waarin is opgenomen mijn beschikking van den 27sten Februari 1942 no.1291 tot uitvoering van de artikelen 2, eerste lid, en 3, eerste lid, van het besluit van den 9den December 1941 bevattende een regeling houdende bepalingen betreffend den verplichten arbeid in bedrijven (P.B.1941 no.147), zooals gewijzigd bij besluit van den 26sten Februari 1942 (P.B.1942 no. 28).

Aanleiding tot het nemen van deze beschikking is voorgegeweest d overweging dat de huidige omstandigheden ten aanzien van de N.V Curacaosche Scheepvaart Maatschappij, van dien aard zijn dat zoodanig verloop onder het Chineesche personeel in dat bedrijf dreigt te ontstaan, dat het gevaar bedoeld in artikel 2 lid 1, van bovengenoemd besluit bestaat.

De Gouverneur van Curacao,

gouverneur paraf W

GEËXPEDIEERD:

*Voor ziele der Rader
en afzonderlijk over-
plaat d.*

Governor Wouters confirms to the Council that he found this order of compulsory labour at the CSM necessary, due to the action of the Chinese sailors in the company.

[TRANSLATION]

[Letter from the governor of Curaçao to the Vice Chairman and members
of the Executive Board of Curaçao]

Your Number (Letter) Your letter of: Our Number
1291

WILLEMSTAD, the 28th of February 1942.

I hereby have the honour of providing you with Official Journal 1942, no. 30,
in which my ruling of the 27th of February 1942, no. 1291 is published,
implementing Article 2, first paragraph, and Article 3, first paragraph,
of the decree of the 9th of December 1941 comprising legislation containing provisions
regarding compulsory labour in companies (O.J. 1941 no, 147), as amended by the
decree of the 26th of February 1942 (O.J. 1942 no. 28).

Cause for my making this ruling has been the consideration that the present
circumstances with regards to the N.V. Curaçao Shipping Company, are of such
a nature that a considerable decline in the Chinese members of staff in the
company threatens to arise, that the danger referred to in article 2, paragraph 1,
of above mentioned decree exists.

The Governor of Curaçao,
{signature}

[handwritten note:]
One copy for each member.

Beslissing Gouverneur dd.

	Paraf #	Datum
Concept	<i>Zut</i>	27-2-42
Terugontv. Gouver.		
Beschikking geschr.	<i>W</i>	20-2-42
Gecollationneerd	<i>W</i>	-11-
Stuk geteekend		
Geëxpedieerd	<i>W</i>	28 FEB 1942
Geboekt agenda		
Gecontroleerd		
Fiat archief		

Aan

de Directie van de

N.V. Cur.Scheepvaart Maatschappij.

Emmestad.

UW NUMMER (LETTER):

UW BRIEF VAN:
24 Febr1942

ONS NUMMER:
1291

WILLEMSTAD, 28 Februari 1942.

Naar aanleiding van Uw brief van 24 Februari 1942 betreffende de aanwijzing van Uw bedrijf als een bedrijf waarin ingevolge de regeling opgenomen in P.B.1941 no.147 verplichte arbeid wordt verricht, heb ik de eer U hierbij mijn desbetreffende beschikking, opgenomen in P.B.1942 no.30, te doen toekomen, naar de inhoud waarvan ik korthedshalve moge verwijzen.

De Gouverneur van Curacao,

Wouters

afs.

GEËXPEDIEERD:

Governor Wouters likewise informed CSM management on the 28th of February 1942, and sent management the relevant Official Journal 1942, no. 30.

Beslissing Gouverneur dd.

	Paraaf	Datum
Concept	<i>EW</i>	27.2.42
Terugontv. Gouver.		
Beschikking geschr.		
Gecollationneerd		
Stuk geteekend		
Geëxpedieerd		
Geboekt agenda		
Gecontroleerd		
Fiat archief		

WILLEMSTAD, den

27 FEB 1942¹⁹

No. ~~1291~~

ONDERWERP:

De Gouverneur van Curaçao,

Gelet op het besluit van den 9den December 1941 bevattende een regeling houdende bepalingen betreffende den verplichte arbeid in bedrijven (P.B.1941 no.147), zooals gewijzigd bij besluit van den 26sten Februari 1942 (P.B.1942 no.28);

Overwegende, dat de huidige omstandigheden ten aanzien van de Curacaosche Scheepvaart Maatschappij N.V., van dien aard zijn dat zoodanig verloop van personeel in dat bedrijf dreigt te ontstaan, dat het gevaar bedoeld in artikel 2 lid 1, van bovengenoemd besluit bestaat;

HEEFT GOEDGEVONDEN:

- A. De Curacaosche Scheepvaart Maatschappij N.V., gevestigd te Willemstad op Curacao, aan te wijzen als een bedrijf waarin verplichte arbeid wordt verricht.
- B. Aan te wijzen als het orgaan bedoeld in het eerste lid van artikel 3 van bovengenoemd besluit, de Directie van de C.S.M..
- C. Te bepalen dat deze beschikking in het Publicatieblad zal worden bekendgemaakt en onmiddellijk na arfcondiging in werking treedt.

Willemstad, 27 Februari 1942.

De Gouverneur voornoemd,



The order dated 27th of February 1942, declaring the CSM as a vital company that could enforce compulsory labour.

[TRANSLATION]

Ruling Governor dated:
WILLEMSTAD, 27 FEB 1942
28 Feb 1942

No. 1291

SUBJECT

The Governor of Curaçao,

In view of the Decision of the 9th of December 1941 containing provisions regarding compulsory labour in companies (P.B. 1941 no. 147), as amended in the decree of the 26th of February 1942 (P.B. 1942, no 28);
Considering that the present circumstances with regards to the Curaçao Shipping Company N.V., are of such a nature that such turnover in staff threatens to arise in that company, that the danger referred to in Article 2, paragraph 1 of the above-mentioned decree exists;

HAS APPROVED

- A. The Curaçao Shipping Company N.V., established in Willemstad, Curaçao, to be designated as a company in which compulsory labour is to be performed.
- B. To designate the board of the C.S.M. as the body referred to in the first paragraph of Article 3 of the above-mentioned decree.
- C. To determine that this ruling shall be published in the Official Journal and immediately following promulgation shall come into effect.

Willemstad, 27th of February 1942.

The aforesaid Governor,
{signature}

A^o. 1942.



N^o. 30.

PUBLICATIEBLAD.

BESCHIKKING van den 27sten Februari 1942 No. 1291 tot uitvoering van de artikelen 2, eerste lid, en 3, eerste lid, van het besluit van den 9den December 1941 bevattende een regeling houdende bepalingen betreffende den verplichten arbeid in bedrijven (P. B. 1941 No. 147), ten aanzien van de N.V. Curaçaoische Scheepvaart Maatschappij.

Gelet op het besluit van den 9den December 1941 bevattende een regeling houdende bepalingen betreffende den verplichten arbeid in bedrijven (P. B. 1941 No. 147), zooals gewijzigd bij besluit van den 26sten Februari 1942 (P. B. 1942 No. 28);

Overwegende, dat de huidige omstandigheden ten aanzien van de N.V. Curaçaoische Scheepvaart Maatschappij, van dien aard zijn dat zoodanig verloop van personeel in dat bedrijf dreigt te ontstaan, dat het gevaar bedoeld in artikel 2 lid 1, van bovengenoemd besluit bestaat;

HEEFT GOEDGEVONDEN:

- A. De N.V. Curaçaoische Scheepvaart Maatschappij, gevestigd te Willemstad op Curaçao, aan te wijzen als een bedrijf waarin verplichte arbeid wordt verricht.
- B. Aan te wijzen als het orgaan bedoeld in het eerste lid van artikel 3 van bovengenoemd besluit, de Directie van de N.V. Curaçaoische Scheepvaart Maatschappij.
- C. Te bepalen dat deze beschikking in het *Publicatieblad* zal worden bekendgemaakt en onmiddellijk na afkondiging in werking treedt.

Willemstad, 27 Februari 1942.

De Gouverneur voornoemd,

Uitgegeven den 27sten Februari 1942.
De gouvernements-secretaris,

The Official Journal in which the order was published, dated 27th of February 1942.

[TRANSLATION]

A° 1942 OFFICIAL JOURNAL N° 30.

Ruling of the 27th of February 1942 No. 1291 implementing Article 2, first paragraph, and Article 3, first paragraph, of the decree of the 9th of December 1941 comprising legislation containing provisions regarding compulsory labour in companies (O.J. 1941 No. 147), with regards to the N.V. Curaçao Shipping Company.

In view of the Decision of the 9th of December 1941 containing provisions regarding compulsory labour in companies (O.J. 1941 no. 147), as amended in the decree of the 26th of February 1942 (O.J. 1942, no 28);

Considering that the present circumstances with regards to the Curaçao Shipping Company N.V., are of such a nature that such turnover in staff threatens to arise in that company, that the danger referred to in Article 2, paragraph 1 of the above-mentioned decree exists;

HAS APPROVED

A. The Curaçao Shipping Company N.V., established in Willemstad, Curaçao, to be designated as a company in which compulsory labour is to be performed.

B. To designate the board of the C.S.M. as the body referred to in the first paragraph of Article 3 of the above-mentioned decree.

C. To determine that this ruling shall be published in the Official Journal and immediately following promulgation shall come into effect.

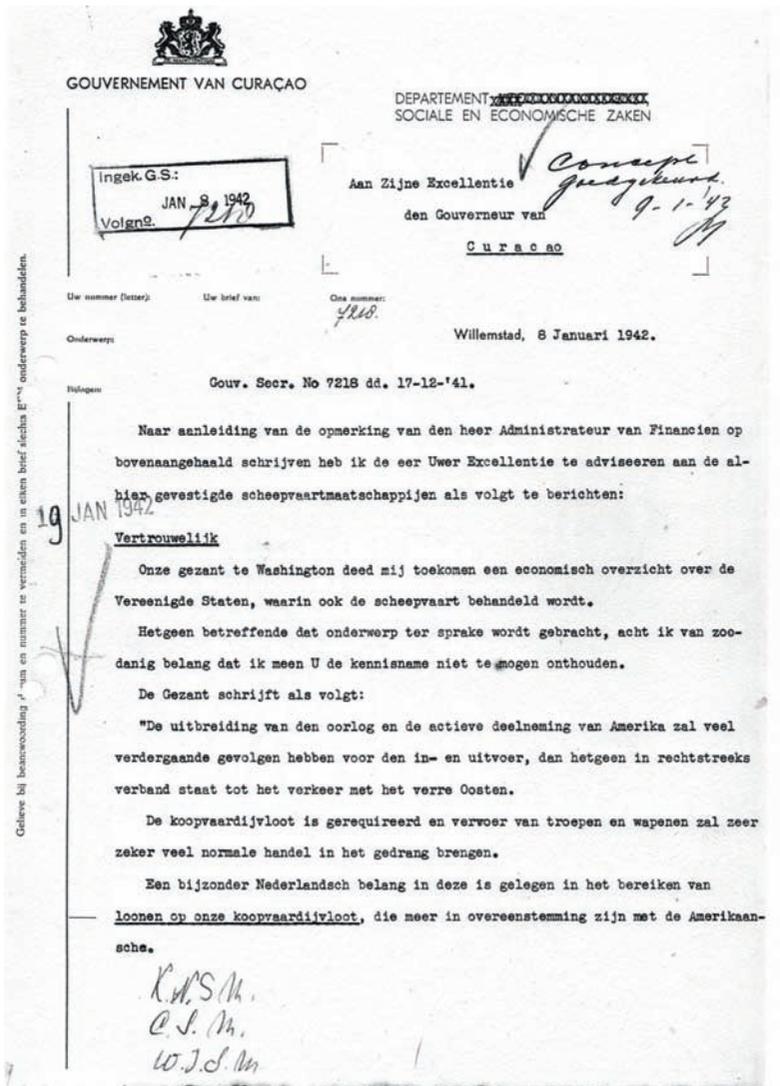
Willemstad, 27th of February 1942.

The aforesaid Governor,
{signature}

Issued on the 27th of February 1942.
Government Secretary,
{signature}

Motive versus cause: the money issue

Staff turnover was the motive for CSM management's request to be designated as a vital business. However, the cause possibly lay many months earlier, with a message about the consequences of the US's interference in the war. It was deemed of vital importance that Dutch shipping companies, in recompensing employees, should not be secondary to the Americans. This was to prevent a big shortfall of personnel.³



3. National Archive of Netherlands Antilles, Government Archive of Curaçao, access number 1.831 (old): Gageregeling voor zeelieden, Annex B. (Salary regulations for sailors, Annex B.)

[TRANSLATION]

GOVERNMENT OF CURAÇAO
DEPARTMENT OF
SOCIAL AND ECONOMIC AFFAIRS
To His Excellency
The Governor of Curaçao

Your number (letter)

Your letter of:

Our number:

7218

Willemstad, 8th of January 1942.

Subject:

Attachments: Gouv. Secr. No 7218 dd. 17-12-'41.

In response to the comment made by the Administrator of Finance with regards to the above-mentioned writing, I have the honour of advising Your Excellency on the locally established shipping companies, reporting as follows:

Confidential

Our envoy in Washington forwarded to me an economic overview about the United States, in which shipping is also covered. That which is being raised concerning this subject, I consider of such import that I believe I should not abstain from apprising you forthwith.

The Envoy writes as follows:

“The expansion of the war and the active participation of America will have much wider implications for the import and export, and not be limited to traffic directly related to trade with the Far East.

The merchant fleet has been requisitioned and the transport of troops and weapons will most definitely compromise much of the normal trade.

A particular Dutch interest in this lies in attaining wages for our merchant fleet that is more in line with that of the Americans.

[handwritten addition]

K.N.S.M. [Royal Dutch Shipping Company]

C.S.M.

W.J.S.M. [Dutch West-Indies Shipping Company]

Geadresseerde: Z.E. Gouv.

Ons nummer:

Datum: 8 Jan '42 No. Vervolgblad: 2

Want meer dan scheepsruimte zal Amerika bekwame zeelieden noodig hebben, en thans reeds is voor vele slecht betaalde geallieerde bemanningen de verleiding groot om voor veel hogere gages op Amerikaansche schepen dienst te doen".

De Gouverneur van Curacao.

Het Hoofd van het Departement

Sociale en Economische Zaken,

A handwritten signature in dark ink, appearing to read 'M. van Boven', is written over the typed name of the department head.

A company in which labour is compulsory did not need to heed the warnings in this document. Moreover, it may also provide a tidy saving.

[TRANSLATION]

Consignee: Z.E. Gouv. Our number:
Date: 8th of January '42 No. Continuation Sheet 2

Because more than the shipping capacity, America will need skilled seamen,
and already the temptation is great for many poorly paid allied crewmen to serve
on American ships for much higher wages.”

The Governor of Curaçao.

The Head of the Department of
Social and Economic Affairs,
{signature}

1.1.2 Labour conscription and internment of CSM Chinese crew was unlawful

On the 28th of July 1942, a good three months after the massacre of the Chinese strikers from the CSM oil company, the Official Journal 1942 no. 147 published the 'Wordingsgeschiedenis Bedrijvenbesluit' (Genesis of the Business Decree), which was written by Mr L.A.L Weeber, Deputy Registrar of the Court of Justice of Curaçao. The text of this is included in full in Annex 16, as it includes these two key points: the growing influence of punitive measures from the East Indies (see chapter 2) and the supplements and changes:

IV. Wijzigingen en aanvullingen.

P.B.1942 no.28.

Insteede van bij "besluit", zal de Gouverneur bij beschikking de vitale bedrijven kunnen aanwijzen. Een snellere hanteering van artikel 2 werd hierbij beoogd.

P.B.1942 no.34.

De hier aangebrachte aanvullingen en wijzigingen zijn noodig gebleken:

a. teneinde onder de beschikking van den Gouverneur ook te doen vallen personen die in los verband - zooals b.v. de dokwerkers- arbeiden zonder dat gezegd kan worden dat zij tot die aangewezen bedrijven behooren .

b. omdat niet alleen rekening moet worden gehouden met een eventueel weglloopen van het personeel, maar ook met weigering om te werken;

3. om te verhinderen dat personeel voor of op het oogenblik van het nemen van de beschikking weglloopt, en daardoor zich aan de sancties van de regeling zou onttrekken.

P.B.1942 no.49.

Terwijl oorspronkelijk werknemers-vreemdelingen, met uitzondering van zoodanige in dienst van scheepvaartmaatschappijen van Nederlandsche nationaliteit, buiten het bereik van deze regeling gebracht waren, zijn bij dit besluit, door schrapping van de bewuste bepaling alle vreemdelingen onder het "Bedrijvenbesluit" gebracht, en wel op speciaal verzoek van de Lago. Tevens is bij deze wijziging de benaming "Bedrijvenbesluit 1941" officieel geïntroduceerd.

V. Toepassingen.

A. Aangewezen zijn als vitale bedrijven:

a. C.S.M. (P.B.1942 no.20)

b. D.O.W. (P.B.1942 no.22)

c. Alle Scheepvaartmaatschappijen en stuwadoorsbedrijven (P.B.1942 no.33)

d. Bakkerijen (P.B.1942 no.44)

e. Oliebedrijven (P.B.1942 no.67)

f. Van Laer's Curacaosche Vatenfabriek (P.B.1941 no.114)

B. Van sjouwerlieden, gangwaymen en winchmen zijn bij P.B.1942 no.51 werkzaamheden gevorderd.

[TRANSLATION]

IV. Amendments and supplements.

P.B.1942 no.28.

Instead of by "order" the Governor will be able to designate the vital companies by decision. A more expedient application of article 2 was intended here.

P.B.1942 no.34.

The supplements and amendments made here have proved necessary:

- a. to also include under the Governor's decision persons who work without a contract - for example the dock workers - of whom it cannot be said that they belong to those designated companies.
- b. because the possibility of personnel not only running away but also refusing to work needs to be taken into consideration;
3. to prevent personnel running away before or at the moment the decision is made, thereby avoiding the sanctions of the regulation.

P.B.1942 NO.49.

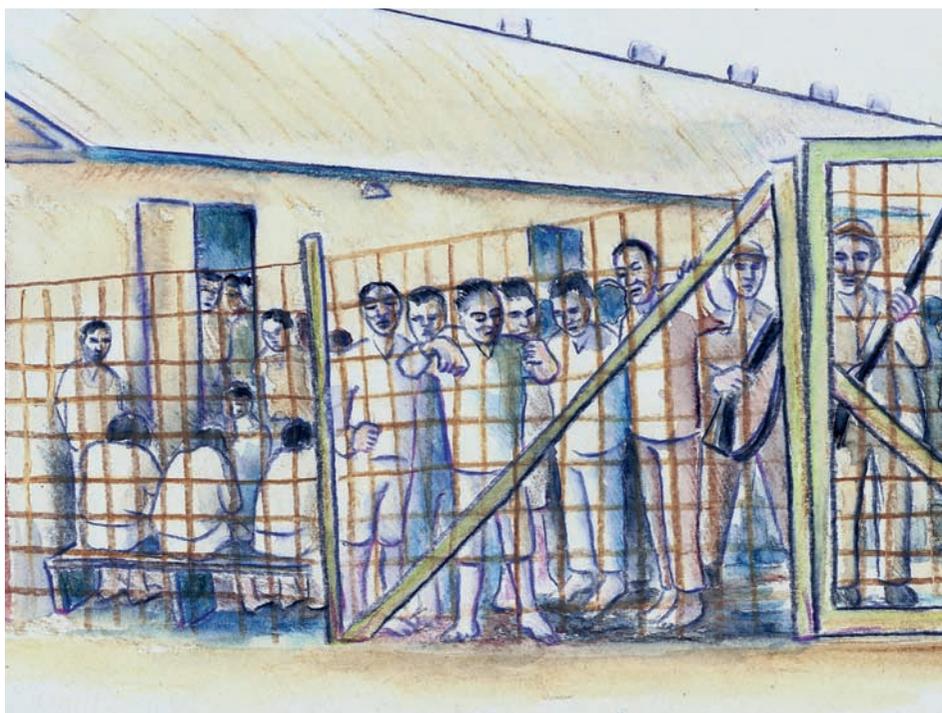
Whereas originally employees-aliens, with the exception of those in the employ of the shipping company with the Dutch nationality, were placed outside the scope of this regulation, in this Decree all aliens were placed under the "Businesses Decree" at the special request of the Lago, by deleting the provision in question. Also in this amendment the name "Businesses Decree 1941" was officially introduced.

V. Applications.

A. Designated as vital businesses are:

- a. CSM (P.B.1942, no.30)
 - b. DOW (P.B.1942, no.32)
 - c. All shipping companies and stevedoring companies (P.B. 1942 no.33)
 - d. Bakeries (P.B.1942 no.44)
 - e. Oil companies (P.B.1942 no.67)
 - f. Van Lier's Curacaosche Vatenfabriek (P.B.1941 no.114)
- B. Labour was requisitioned from dock workers, gangwaymen and winchmen under P.B.1942 no.51.

Here we see that foreigners only fell under the duty to sail with the publication of the decree in Official Journal 1942 no. 49. This decree was released on the 21st of March 1942 and therefore only came into effect on that date. The Chinese strikers had in the meantime already been interred and on strike for almost a month.



Chinese interred in a camp in Suffisant after desiring better wages and their war bonus. The barracks are well guarded.

1.2 The cover-up culture

From the outset, the Dutch authorities in London and Curaçao attempted to steer the flow of information surrounding the events of the shooting.

1.2.1 Chinese diplomat gets no hearing in London

The following documents clearly indicate how questions and requests from the Chinese diplomats were dealt with concerning a possible joint investigation into the circumstances of the shooting on Curaçao.

Days after the shooting, the Chinese envoy stood on the doorstep of the Ministry of Foreign Affairs in London. There proved to be no grounds for the way the Chinese sailors were treated during the incident on Curaçao (full text in Annex 8):

Ik heb de eer Uwer Excellentie mede te deelen, dat zich moeilijkheden met de Chineesche Regeering voordoen naar aanleiding van ongeregeldheden en mouterij van Chineesche zeelieden, dienende aan boord van Nederlandsche schepen. Het Foreign Office is reeds eenigen tijd doende met een mouterijzaak aan boord van het tankschip "Ovula" te Alexandrië, waarbij dooden en gewonden gevallen zijn, en de Chineesche Gezant bezocht mijn Departement dezer dagen teneinde beklag te doen over de behandeling van Chineesche schepelingen niet alleen te Alexandrië maar ook te Liverpool, Freemantle en in Curaçao.

[TRANSLATION]

I have the honour of informing your Excellency that there are problems with the Chinese Government due to riots and mutiny of Chinese seamen who serve on board Dutch ships. The Foreign Office has been working on a case of mutiny aboard the tanker "Ovula" in Alexandria, which has resulted in deaths and injuries for some time, and the Chinese ambassador visited my department recently to complain about the treatment of Chinese seamen, not only in Alexandria, but also in Liverpool, Freemantle and Curaçao.

In early June, the Ministry of Foreign Affairs was still busy trying to keep the Chinese envoy satisfied, as witnessed in the proposal below to the Minister of the Colonies in a telegram to the Governor of Curaçao (full text in Annex 14):

Ik moge Uwer Excellentie daarom in overweging geven den Gouverneur in ongeveer den volgenden geest te seinen :
" Chineesche Gezant deed bij Buitenlandsche Zaken stappen daar hij had vernomen bemiddelend optreden Chineesche Consul-Generaal uit Havana thans Curacao aanwezig bereikt had Chinese zeelieden weer wilden gaan varen maar slechts voor ongeveer de helft emplooi. Verbeterde stemming zou bedorven worden indien andere helft werkloos moest blijven waarbij ook geallieerde zaak niet gebaat. Gezant verzocht daarom bevorderen

[TRANSLATION]

I would therefore request that your Excellency consider sending the Governor the message in more or less the following vein:

"Chinese ambassador took action at the Foreign Office as he had learned that the mediating action of Chinese Consul-General from Havana who is presently on Curaçao had accomplished Chinese seamen willing to go back to sea, but employment for only about half of them. Improved mood would be ruined if other half had to remain unemployed, which also does not help allied cause.

Ambassador therefore requested to promote

On the 8th of September 1942, the Ministry of Foreign Affairs sent a message to the Minister of the Colonies about the wishes of the Chinese envoy, Wunsz King (full text in Annex 20):

In verband met het feit, dat de Nederlandsche en
Chineesche opvattingen omtrent het gebeurde totaal van elkander
verschillen, stelt de heer King in zijn nota voor, (naar hij zeide
namens de regeering) dat de Nederlandsche en de Chineesche
Regeeringen tezamen een onderzoek ter plaatse zullen doen instellen,
opdat de zaak zal kunnen worden afgewikkeld op de basis van een
gezamenlijk rapport. De Chineesche Regeering zou daarnaast gaarne
zien dat de Amerikaansche Admiraal die in Curaçao geplaatst is,
aan het onderzoek zou deelnemen.

[TRANSLATION]

Because of the fact that the Dutch and Chinese interpretation of the events are totally different, Mr King proposes in his memorandum (as he said on behalf of the government) that the Dutch and Chinese governments undertake a joint investigation, so the matter can be resolved based on a joint report. In addition the Chinese government would like the American Admiral, who is stationed on Curaçao, to participate in the investigation.

The difference of opinion was addressed at the bottom of the letter:

Het is mijn indruk, dat de Chinesesche Regeering het voorstel van een gezamenlijk onderzoek gedaan heeft teneinde op deze wijze de geheele vóorgeschiedenis van de moeilijkheden met de Chinesesche zeelieden in Curaçao te berde te kunnen brengen. Uit de nota van den Chineseschen Gezant van 17 Juli blijkt reeds dat de Chinesesche Regeering het aldus voorstelt, alsof de bedoeling zou hebben voorgezeten om met geweld een arbeidsconflict tot een oplossing te brengen en dat uitsluitend daardoor het bloedvergieten te betreuren viel.

[TRANSLATION]

I have the impression that the Chinese government made the proposal of a joint investigation for the purpose of bringing up the entire history of the problems with Chinese seamen on Curaçao. The memorandum of the Chinese ambassador of July 17 already shows that the Chinese government would make it seem like there had been an intention to resolve a labour conflict by force and that that was the only reason for the regrettable bloodshed.

Three days later the Minister of the Colonies replied in terms that left nothing to be desired in the way of clarity (full text in Annex 21):

Het van de zijde van den Chineschen Gezant voorgestelde, gemeenschappelijke onderzoek zou inderdaad, indien het voorstel ongeamendeerd werd aanvaard, den indruk kunnen vestigen, dat daarmede het van Nederlandsche zijde ingestelde officiële onderzoek zou worden gedesavouéerd, of althans, dat daardoor de juistheid en volledigheid van dat onderzoek in twijfel zouden worden gesteld. Is derhalve dit voorstel reeds moeilijk in den daaraan gegeven vorm te aanvaarden, geheel onaanvaardbaar lijkt het inroepen van de medewerking van den Amerikaanschen Admiraal te Curagao. Dit laatste deel van het voorstel van den heer Wun Sz King ware dan ook geheel af te wijzen; het heeft geen zin derden in dit dispuut te mengen en daardoor beslissenden invloed op de oplossing van het geschil toe te kennen.

[TRANSLATION]

The joint investigation proposed by the Chinese ambassador, if it were accepted without amendments, could indeed create the impression that this implied the Dutch official investigation was challenged, or at least that the correctness and comprehensiveness of this investigation were called into question. Is this proposal therefore already difficult to accept in its present form, it would seem totally unacceptable to enlist the cooperation of the American Admiral on Curaçao.

The latter part of the proposal by mister Wun Sz King is to be totally rejected therefore; it is pointless to bring third parties into this dispute and so assign them deciding influence on the resolution of the dispute.

Despite all this, the Parliamentary Inquiry Government Policy 1940-45 found that the case gave no grounds to look into government policy (see paragraph 1.2.4).

1.2.2 Further investigation not allowed

Because the Image of the Netherlands was being threatened abroad, the Minister of Foreign Affairs, Eelco van Kleffens, did not want to cooperate in an investigation with the Chinese diplomatic service into the true nature of the events of the 20th of April. This came to light after World War II in a note from Governor Wouters. The Governor wrote the following about this:

*'(...), because if anything happened in the territory or if he even thinks that something happened, which touched his department, he would be quick off the mark to present the case as if what happened or what he thought happened, threatened the reputation of the Netherlands.'*⁴

It is therefore not surprising that the minister stood against the opinion of the Chinese and their call for a joint or independent investigation. At the end of 1942, the case for Minister Kleffens had long been concluded and he wanted to hear nothing more about it. This can be deduced from the clear language he uses in his advice to Governor Kasteel:

'In order to prevent that, although the case of the incident is closed, the Consul--General brings this issue up for discussion, it might be advisable to point out to Dr. Kasteel that, should this indeed happen, the Consul--General must be silenced immediately. (Annex 22)

Possibly no pressure by China

Between the end of 1941 and the end of 1942, it is apparent from the notes below that at a high level there was a very relaxed relationship between the later Minister of War, O.C.A van Lidth de Jeude and the Chinese Diplomatic Service. This fact makes it possible to understand why China did not continue to press for an independent investigation after World War II.

O.C.A. van Lidth de Jeude

London resident, Chinese envoy Wunsz King was on good terms with Mr Otto Cornelis Adriaan van Lidth de Jeude Esq. (Van Lidth de Jeude).

Van Lidth de Jeude held the function of High Commissioner for Refugees in London from the 26th of May 1940 to the 15th of September 1942, and Minister of War from the 15th of September 1942 to February 1942. (Van Lidth de Jeude, 2001, volume I and II)

Van Lidth de Jeude, 6th of December 1941:

'This afternoon in the Chinese Embassy, where I met the Chinese ambassador Dr Wellington Koo and spent some time talking to him. To my surprise Madame Wunsz King, just arrived from Portugal, was also present. The children have been sent to America. Had the most charming talk with them; it was a 'doux rencontre', as if we were back in The Hague.' (Van Lidth de Jeude, 2001, volume I: 597-8)

4. NL-HaNA, Gerbrandy, 2.21.068, inv.nr. 114, Nota van gouverneur G.J.J. Wouters over zijn aftreden als gouverneur van Curaçao, 9-9-1957. (Note from Governor G.J.J. Wouters about his resignation as Governor of Curaçao, 9-9-1957.)

On the 7th of March 1942, the Chinese ambassador in London, Dr Wellington Koo, urged the strikers via a telegram to return to sea.

Van Lidth de Jeude: And on the same 7th of March 1942, Wunsz King presided at a reading of Van der Laan (from the press service, previously from the Medan Newspaper in Dutch East Indies) about the 'Vriendschapsbanden tusschen China en Nederlands-Indië' (Bonds of friendship between China and the Dutch East Indies), which was held in the China Institute, Gordon Square. *'It was a very good lecture, held for a well-attended assembly,'* said Van Lidth de Jeude. (Van Lidth de Jeude, 2001, volume I: 663)

Van Lidth de Jeude: 20th of March 1942: *'Whew! A heavy eating day behind me. First a lunch at Maxim's Chinese Restaurant in Wardour Street as a guest of Mr and Mrs Wunsz King, with fellow diners Beelaert, Van Tets, Van Weede and wife. Excellent and plentiful, and regally 'Chinese.'*' (Van Lidth de Jeude, 2001, volume I: 674)

Van Lidth de Jeude: 23/24 June 1942: *'When arriving home I found another note from Van Kleffens [Minister of Foreign Affairs, NM], who I had invited to lunch along with his wife on the 26th, with Wunsz King and wife, which commences with the words: 'I am so sorry, that I had to pretend to you...' when he took the invitation and didn't want to say that he would be leaving for the USA in connection with the journey of H.M., which was top secret. I can gladly forgive him his 'pretence.'*' (Van Lidth de Jeude, 2001, volume 1: 728)

On the 25th of June 1942, Van Lidth de Jeude had lunch in Cannagh with Mr and Mrs Wunsz King and two other guests, Mr and Mrs Van Weede. Van Lidth de Jeude: *"Cider cup' instead of wine and only two courses, hors d'oeuvres and beef with accompaniments, quite sufficient.'* (Van Lidth de Jeude, 2001, volume I: 739)

Van Lidth de Jeude: 7th of January 1943: *'Lunch presented to Minister Van Kleffens and wife in the Savoy private rooms. Minister Van den Broek, Minister Delfosse (Belgium), Minister Hoste and wife (Belgium), Mr Bridle and wife (American envoy), Mr Wunsz King (Chinese envoy, whose wife is unwell), Mrs Haccius, wife of the representative of the International Red Cross here, who is absent due to jaundice (Swiss but Dutch by birth) and Captains Adjutant de Gruyter. Quite sufficient, but a real conclusion.'* (Van Lidth de Jeude, 2001, volume II: 885)

Van Lidth de Jeude: 5th of December 1943: *'Lunch at Wunsz King's house – Igleton, Main Avenue Moor Park Middx, to meet Mr His Yu-lin, prior member of the Municipal Council of the International Settlement in Shanghai and presently member of the People's Political Council in Chungking, who is residing in London for a few weeks. I was asked to bring four people, who were acquainted with China. These were Middelburg, Consul in Hong Kong, Carrière,*

representative J.C.J.L. Shanghai, Stigter, N.I. Commercial Bank and Holtkamp, N.Handel-Mij. All in my car. Outstanding Chinese lunch, presided with a great deal of charm by Mrs Wunsz King and consumed – without exception – with chopsticks. An abundant number of dishes, in the Chinese way, which elicited a remark that Madam King speaks excellent English, but there is one word she doesn't know, 'rations'. The conversation did not amount to much. It was to be about post-war planning and closer collaboration between China and the Netherlands (East Indies). (...)' (Van Lidth de Jeude, 2001, volume II: 1132)

1.2.3 Censorship of press

The CSM and the government had free reign to bring the strikers into disrepute and to pressurise them to end the strike. The press was censored. In March 1942, Johan Hartog, a Dutch journalist, wanted to publish an article about the Chinese sailors in the *Amigoe di Curaçao*, but it was censored. (Ribbens e.a., 2008:146)

In protest, the editors left a blank space in the place where the article was planned to appear, and right above the empty place they printed a quote from the Curaçao Constitution about the abolition of slavery. Governor Wouters punished the newspaper for this action with a three-day ban. (Howarth e.a., 2007: 57)

Articles from the Curaçao Constitution that were quoted in the offending newspaper:

- Art. 4: 1. Slavery is not tolerated on Curaçao
2. All those who find themselves in the territory of Curaçao, have equal claim to protection of their right to personal integrity and their right to property
Art (...): 1. No person need require prior authorisation to reveal thoughts or feeling through the press

1.2.4 Censorship of Parliamentary Inquiry Government Policy hearing 1940-1945

What I describe here as a cover-up culture also extends to the Parlementaire Enquête Regeringsbeleid 1940-1945 (PER).⁵ During the questioning of witness Cornelis Willem van Driel by the Inquiry Committee, he was given to believe that he did not have to talk about the Chinese.

Van Driel was mate and captain (naval officer) at CSM and secretary of the Centrale van Kapiteins en Officieren ter Koopvaardij (CKO).⁶ With regard to the strike on the CSM Lake tankers in February 1942, he was mediator of the officers. During his questioning by PER chairman Schilthuis on the 6th of July 1948 censorship reared its head once more.

.....
5. Parliamentary Inquiry Government Policy 1940-1945.

6. Central Captains and Officers in the Merchant Navy.

The Dutch censor allowed the CSM management to publish a defence of its handling of the labour conflict, but prohibited a local paper from reporting about the grievances of the officers on strike. The paper's editor then left a blank space on the page under the

headline over the article, filled only with a banner 'Expunged by the censor' and the text of article 4 from the Curaçao constitution outlawing slavery on the island. The censor reacted by suspending publication for three days.

[58]

DAGBLAD

59ste Jaargang, No. 2555

AMIGOE DI CURAÇAO

10 Nazies in de Sovjet-val.
A-strijdmacht in Australië
vrijgt wapenen van de V.S.
saagt nog 17 biljoen dollars voor
naschaffing vliegtuigen.

ming tegen „Bestuur”
Curaçao groeit.

WEST- END
Wiering „THE BAD MAY OF BRIVSTONE”
1 - 1.30 - 2.30 - BONDROEF PALY TWIS
3:30 - ENGANCHE „THE BARBERIAN”
RAMON ROVARDO en MYRELA LOY

Het C.S.M.-Conflict

Door den Censor geschrapt.

Door den Censor geschrapt.

Het nieuws van vandaag.

De zaken van vandaag en de... (text continues)

Censuur

De... (text continues)

An article in the Amigoe di Curaçao about the event with the Chinese in Camp Suffisant, struck by censorship. (Howarth e.a., 2007: 57)

Mr Schilthuis asked Van Driel a number of questions about the conflict between the officers and the CSM, and the officer was given the opportunity to answer calmly and at length. But when Van Driel answered chairman Schilthuis' question as to whether the strike 'exclusively affected officers' with: 'There was already a strike by the lesser staff, by the Chinese', the chairman wanted to know whether the lesser staff consisted 'entirely of Chinese'.⁷

On this last question by the PER chairman, Van Driel wanted to elaborate somewhat: *"No, only the engine room staff and in some cases the deckhands. There were about 450 Chinese, who, on virtually all ships, manned the engine rooms and were also in part the deckhands. They had already gone immediately on strike and were locked up. That was quite a conflict."*⁸

The chairman then wanted to know why the Chinese were striking. When the officer, in giving answer, wanted to bring up the role of the CSM management in this conflict, he was reined in:

Van Driel:

'There were numerous problems with these Chinese. Later on I was also involved in solving this conflict and these people told me: *"We want to sail."* I then got in touch with the Chinese Consul General who replied: *"I will come to Curaçao"* – he had been there before – *"provided this Mr Van Eyk [CSM Vice President, NM] disappears."* You get the feeling that all paths go in that direction.'

Chairman Schilthuis:

*'Let us not discuss this in too much depth; it has little or nothing to do with government policy, in as far as it relates to Curaçao.'*⁹

I am of the opinion that Schilthuis could disconnect the conflict from government policy because he possessed a complete dossier on the incident of the 20th of April 1942 – in other words, a dossier, including autopsy reports, from which the circumstances of the event could be clarified. (Makdoembaks, 2008: 389-98)

Because I wanted to inspect the aforementioned PER dossier, I asked Minister Plasterk in 2011 to release it. I have not yet had an answer to this specific request (see Annex 1).

7. Parliamentary Inquiry Government Policy 1940-1945, part 3 c, p. 425-8, p. 432.

8. Idem.

9. Idem.

1.3 Autopsy report remains a state secret

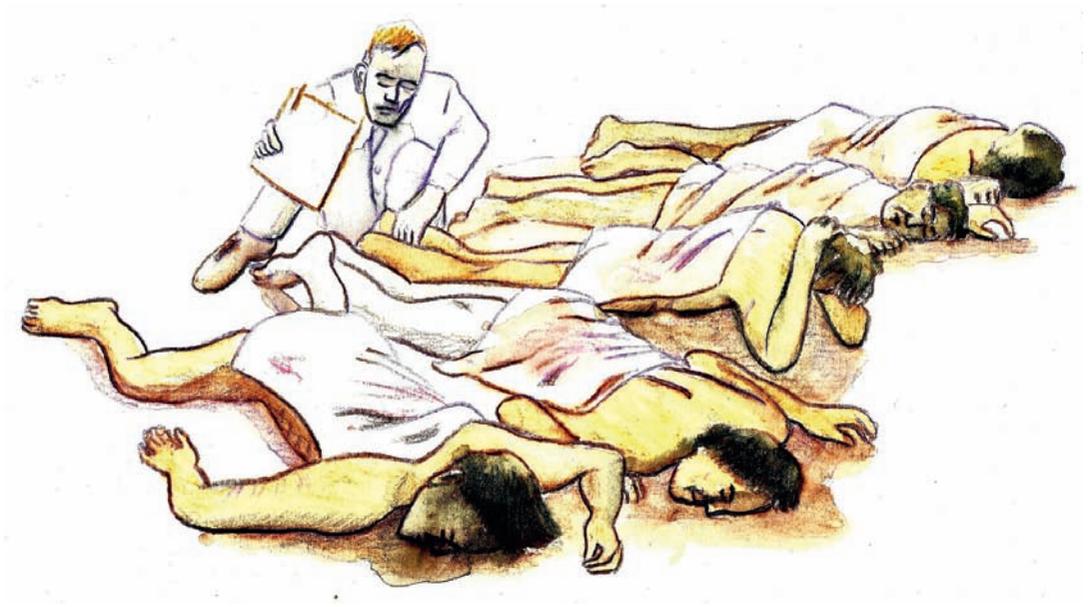
In his letter of the 10th of July 2013, Minister Plasterk proposes that if I am of the opinion that documents are missing from this dossier, then I am free to conduct research in a number of obvious archives, notably the Central Historical Archive in Willemstad and the National Archive in the Hague. This advice comes a little late in the day, as I have been searching these particular archives for some time for relevant material. However, some documents remain shrouded in mystery. Of most interest here are the autopsy reports, which had to have been made at the time.

Autopsy is regulated by law when an official from the police or military police is involved in an event in which there are casualties. The public prosecutor is responsible for this. Because there were casualties in both the police as well as citizens as a result of the event on the 20th of April 1942, it is practically inconceivable that no medical reports were made at the time. In fact, the reports about the injured policemen were published at a later date (Sint jago, 2000: 22-3). However, with regards to the injured and dead Chinese, such documents remain untraceable to this day.

On the 28th of May 2013, a consultation took place between top officials from the Ministry of the Interior and Kingdom Relations, a colleague of lawyer Prof Liesbeth Zegveld and myself (author). I indicated to Minister Plasterk's expert *'that I was convinced that there should be more documents that may shed light on the decision making at the time, the facts of the incident and the aftermath.'* In this regard I also explicitly requested that the autopsy reports and medical files of the dead and injured of the massacre be released. Once the archival investigation had been conducted, the above mentioned officials concluded the following:

'Both sides concluded that what really happened cannot be traced from the currently available information, which was also the basis for the publications mentioned by you in your letter, and that it is therefore not possible to arrive at an unambiguous assessment of what happened.' (Plasterk, 2013: 2)

For the State, 'only a few facts are relevant' in this case, and these are facts that emerge from the available documents. That the unavailable documents may shed an entirely different light on the conclusions of the State seems to be irrelevant. It is at the very least surprising that the authorities responsible for making such documents available, in their absence, simply propose to limit themselves to the documents that are available. Although I will continue to search, as Plasterk and his associates advised me to do, in this paragraph I support the stance that these documents certainly must have existed at one time – which in actual fact should be sufficient for the State researchers to dig deeper.



Doctor at the St Elisabeth hospital has started his autopsy report: the dead are separated from the injured. 20th of April 1942.

1.3.1 Interference from London

The authorities in London were possibly involved in the decision to keep the medical records of the dead and injured strikers from being published. The Dutch government also interfered in other medical cases on Curaçao during World War II. This is evident from the following passage by the doctor, Chris Engels: *'Under the guidance of doctors from the CPIM, a course was started at the end of 1940 in which student nurses were trained for the diploma A 'Nederlandse Wet op de Ziekenverpleging' (Dutch Law on Nursing); in 1942 the diploma was equated by the government in 'London'.* (Engels, 1981:174)

Chris Engels was also *'appointed as examining doctor for the tankers on Curaçao by the government in 'London'.*' (Engels, 1981:176)

1.3.2 The anatomical pathologist

In the early forties Doctor Philip Herman Hartz was the anatomical pathologist on Curaçao. Although his reports have not yet been found, it is practically inconceivable that he wasn't involved in the examination of the fifteen dead. He had already gained experience in India performing medical examinations of Chinese. In 1935 Hartz was appointed anatomical pathologist on Curaçao and in four years built the laboratory for histological examination. The anatomical pathology department of the laboratory for

the Public Health Service was, besides Dr. Ph.H. Hartz, staffed by his amanuensis, Mr A.L. Guillamse, and the laboratory assistant, Mr F. Cathalina.¹⁰ Hartz was a passionate doctor who took a great deal of interest in his work. He published around seventy caustic articles on Curaçao (Hering, 2010), and during World War II repeatedly performed anatomical pathological research for surgeons in Suriname. (Wagenaar Hummelinck, 1947)



Ph.H. Hartz, anatomical pathologist.

Photo: Rosheuvel, 1989: 59.

Notably, in 1941, Hartz was involved in the court case against the Chinese quartermaster of the ship “Rosalia”, who had injured another Chinese member of crew so seriously that he died. Dr Hartz had to determine the cause of death (see Annex 5).

Such a case clearly demonstrates how the medical side of fatalities was dealt with. It is then also highly unlikely that Hartz would not have been called in following the events of the 20th of April 1942. However, to this day, any notes made by his hand are missing.

1.3.3 The dead

The dead and wounded from the shooting were taken to the Sanatorium, as well as to the Sint Elisabeth Gasthuis (SEG)¹¹ in Willemstad. The ‘Jaarverslagen Departement Openbare Gezondheidsdienst 1942’ (Annual Reports Department of Public Health Service 1942) show that up to the 20th of November 1942 (after this date, anatomical

10. Archive of Curaçao. Government Secretariat Curaçao.no X.07, Annual Report Department Public Health Service 1941, Annex VII.

11. St Elisabeth Infirmary

pathologist Hartz was ill) a total of 212 autopsies were carried out on Curaçao, of which a diagnosis of ‘violent death’¹² was made in 17 cases. Of the total number of autopsies, 176 were conducted in the SEG, the remainder in the other hospitals and clinics. Of the autopsies performed in the SEG, 14 were found to be medico-legal autopsies. It is quite plausible that these refer to the group of strikers who were shot dead at Camp Suffisant.¹³

1.3.4 The wounded

In cases where victims of violence were injured, the Department of Justice also prepared medical reports. In 1941, Dr M.J. Hugenholtz was surgeon at the SEG. In this role he provided the Justice Department with a medical report on a non-fatal stabbing between two sailors, among others (see Annex 5).

Also, Dr C.G. Aars, head of the Military Health Service and co-founder of the Transport Unit of the Curaçao Red Cross (which offered help to the Chinese victims on the 20th of April 1942 – Sint Jago, 2000: 28-9), provided the Justice Department with medical reports. As in the case of a tailor who had inflicted grievous bodily harm to another man with a pistol (see Annex 5).

Also here, it is inconceivable that these doctors didn’t write up one report in reference to the shooting.

1.4 Witness statements

In addition to the analysis of documents, the three witness statements described elsewhere provide strong indications that the authorities (government and Shell Curaçao) possessed a well thought out plan of action before the 20th of April 1942, in which there was most likely a record of the option to use force if necessary to separate the non-strikers from the strikers.

In this section I describe the testimonies of three members of the Curaçao Home Guard, Messrs Grovell, Mauricio Stefania (deceased late 2012) and Julio Francisca. All three were working in a camp at Suffisant, a few dozen metres from that of the Chinese strikers, and experienced the shooting at close range.

12. Archive of Curaçao. Government Secretariat Curaçao.no X.07, Annual Reports Department of Public Health Service 1942, Annex VIII.

13. Archive of Curaçao. Government Secretariat Curaçao.no X.07, Annual Reports Department of Public Health Service 1942.

The statements of Home Guardsmen Francisca and Stefania show that on the morning of the 20th of April, violence was going to be used. During the shooting, Francisca was given the order by Corporal Janse to pick up the wounded from the scene of the incident. During the shooting, Home Guardsman Stefania was at drill when he was ordered by Lieutenant Van Tricht to keep on marching, while their American neighbours sought cover in panic.

From VKC to MP, Home Guard

After the start of World War II in September 1939, and after the surrender of the Netherlands on the 14th of May 1940, Curaçao's defence was poorly organised. Curaçao had to be made defensible. There were few trained troops at the time, and the military equipment was inadequate to repel an attack from sea. 'The then local Military Commander was having difficulties. He had to mobilise and had the small corps of Marine and Military Police and Vrijwilligers Korps Curaçao (VKC) at his disposal.¹⁴ Captain of the Marines, Langeveld and his corps were ordered to set up a Home Guard.'¹⁵

Colonel Winkel and the VKC

The actual formation took place after the Urbina incident on the 8th of June 1929. The VKC was indirectly involved in the shooting. The Militaire Politie (MP)¹⁶ was involved in the shooting of the Chinese strikers in Camp Suffisant. Colonel C.N. Winkel confirmed in Parliament that members of the MP were former VKC members, who, under the leadership of Captain Venema, commander of the Military Police Corps, and his instructors, had been trained to be accomplished MP members.¹⁷

Camp Suffisant was built at the time by the CPIM on leasehold land to house mainly foreign workers. At the start of the war a portion of this was requisitioned for quartering the VKC members. With the arrival of the English troops, these VKC members

14. Curaçao Volunteer Corps

15. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)

16. Military Police

17. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)

were moved to other barracks. The CPIM had no objection to using Suffisant as a central military camp, as long as a portion remained at its own disposal.¹⁸



*Street name in Suffisant in the marine barracks, named after the founder of the VKC on the 23rd of June 1929, Colonel C.N. Winkel. In 1942 in Parliament, more than a year after the shooting of uncooperative Chinese sailors by his MP members in Camp Suffisant, Winkels said that 'there was a lack of discipline in certain segments of the population'.*¹⁹

Home Guard and KNIL

Government, industry and army were consulted in the establishment of a Home Guard. On Curaçao, the "Schutterijbesluit 1940" (Home Guard decree 1940, PB 1940 no 129) was in force, and in accordance with the legal provisions the Home Guard only had infantry and artillery services.²⁰ For the legal base a by-law needed to be provided. The Parliament of Curaçao passed the "Schutterij verordening" (Home Guard By-law) and the leadership of the Home Guard came into the hands of the navy.²¹ The home guardsmen were recruits of eighteen years and older who initially received military training from the previously described Dutch marines and officers of the Koninklijke Nederlands-Indisch Leger (KNIL).²²

18. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 147, Camp Suffisant, commissie ter bestudering van de te bouwen legerruimten, 1940. (committee to examine the military areas that are to be built, 1940.)

19. NL-HaNA, Curaçao en Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)

20. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 11, Toepassing en uitvoering art.41 t/m 43 van het "Schutterijbesluit 1940", 29-1-1943. (Application and implementation art.41 incl. 43 of the "Home Guard Decree 1940", 29-1-1943.)

And: National Archive of Netherlands Antilles, Government Secretariat Curaçao, IV. 07. Annual Report.

The main task of the Home Guard according to 'PB 1940 no 129', was to defend Curaçao against enemy attacks during wartime. In addition, it had to provide some supplementary support to the allied armies of for instance England, and after February 1942, America, which were performing defence tasks on the island. In 1943, during an address in the Parliament of Curaçao, Mr F.A. Vromans (Executive Secretary CPIM and member of state), said that he saw the importance of the Home Guard 'as an institution that has value in education, (...) *where young people learn discipline, order, regularity, obedience, devotion to duty and other virtues.*'²³

Another point that Vromans made was useful in wartime: increasing resilience through regularly calling for new recruitments. The number of home guardsmen recruited in 1940 amounted to 200 and there were 210 VKC members in Camp Suffisant. The Dutch troops were around 210 men strong.²⁴ In November 1941, 750 subordinates belonged to the Curaçao Home Guard.²⁵ Ideas were put forward to create three ranks, Home Guardsman 1st, 2nd and 3rd class, with a difference in pay, to encourage diligence and focus through promotion. The wages of the Home Guardsmen was f 0,50, f 0,75 and f 0,90 per day respectively.²⁶

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21. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)
 22. Royal Dutch East Indies Army
 23. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)
 24. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 133, Camp Suffisant, commissie ter bestudering van de te bouwen legerruimten, 1940. (Committee to examine the military areas that are to be built, 1940.)
 25. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 11, De voorlopige organisatie "Schutterij gebiedsdeel Curaçao", de Oudst Aanwezend Zeeofficier, Algemeen Militair Commandant, de Kapitein ter Zee, W. van den Donker, 29-11-1941. (The provisional organisation "Home Guard territory of Curaçao", the Commander in Chief, Captain at Sea, W. van den Donker, 29-11-1941.)
 26. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 11, C.J. Baron van Asbeck, General Military Command Curaçao, the Rear Admiral, 25-6-1943.

Contempt and the East Indies as a shining example

Governor Kasteel had a low opinion of the native home guardsmen, and noted the following after criticism in Parliament about the low wages of these guardsmen, in comparison to the incomes of the Americans:

‘that a home guardsman can get the stripes of a corporal on his sleeve in six months if he wants to get ahead. However, if his development can’t tolerate this, while his behaviour and devotion to duty are such that he deserves recognition for these qualities, then undersigned is willing to consider, in accordance with the guidelines of the KNIL, to award the grade of Home Guardsman 1st class, with the associated salary attached thereto.’²⁷

But people in Parliament were also not exactly positive about the home guardsmen, as witnessed in this citation from one of the meetings:

‘As in the Department of State Dr Da Costa Gomez asked the stereotypical question, “What do you think about our Home Guard”, the answer was always that something could certainly be made of the Curaçao Home Guard, according to the chairman.’²⁸

This contempt possibly contributed to the fact that the statements of the home guardsmen had not led to further investigation of the parties who were involved in the shooting. Just as with the Chinese, the Curaçao subordinates: ‘were only Home Guardsmen and coloureds.’

1.4.1 Three elderly witnesses found

The Dutch member of the Home Guard, Sergeant W.C. Grovell, and the Curaçao Home Guardsmen, M. Stefania and J. Francisca, were near the camp when the shooting began on the morning of the 20th of April 1942. Author Sint Jago was able to write up Grovell’s account from reliable documents. I was able to record the testimonies of Messrs Stefania and Francisca in 2012 and 2013. Messrs Mauricio Stefania and Julio Francisca were recruits who belonged to the enlistment of youths, born respectively on the 16th of October 1922 and the 22nd of June 1922. The camp of these two Home Guard recruits was located close to the camp of the interred Chinese strikers in Suffisant:

‘Not only members of the Home Guard were housed here, but also other military personnel, such as Canadians, Afrikaners, Marines, VKC members, Royal Navy, etc. (...) In May 1940 the English and French troops were housed on the island, and replaced by the Americans in February 1942.’²⁹

27. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dd. 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943.

(Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)

28. Idem.

Eyewitness Sergeant W.C. Grovell

The magazine 'De Schakel' (1974, number 2) published a completely different version of the events of the 20th of April, provided by recruited Home Guard sergeant W.C. Grovell, than that described in the official report of Van der Kroef.

Grovell wrote:

'that on the morning of the 20th of April 1942, he was exercising with a group of subordinates on the site opposite the camp of the interred Chinese. At a certain point their drill was seriously disrupted by gun shots coming from the direction of the camp. Grovell and his comrades searched for cover as fast as they could, taking refuge under a barrack close by. There he encountered another member of the Home Guard who told him 'that a military policeman had just shot and killed a Chinese with his carbine.' Grovell confirmed in the article that he had *'indeed seen the man bathed in his blood lying lifeless on the ground next to the main entrance.'* (Sint Jago, 2000: 27-8)

Home Guardsman Grovell also said that at that moment the duty officer in the guard room had been nervously on the telephone. He was more than likely requesting reinforcements, because shortly thereafter an army truck pulled up with the label 'International', and with a troop of military police who were armed to the teeth in the back. (Sint Jago, 2000: 27)

A moment later, Grovell saw a detective he knew (this could have been Mr Schouwé) struggling with a defiant Chinese who did not want to get into a waiting police car. A few of the newly arrived enforcement officers went to assist the detective and together they dragged the Asian over the ground to the vehicle. The rest of the inmates went to help their fellow countryman.

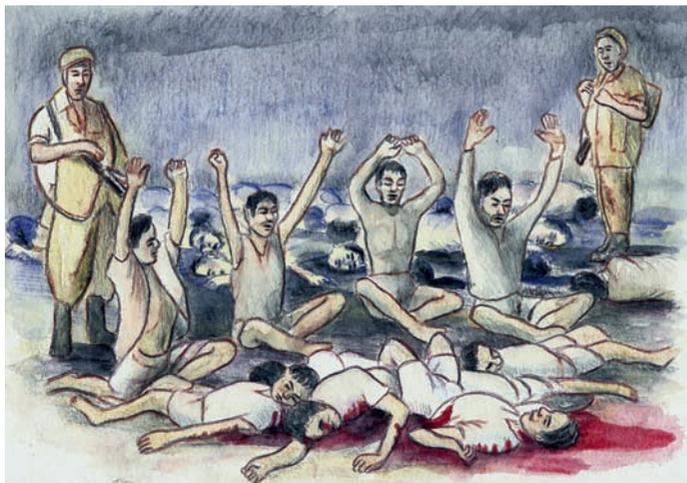
Grovell:

'A major struggle ensued at the vehicle, during which the Chinese man was able to break free from his assailants. However, he made the mistake of making a run for it in the direction of the camp gate. This act cost him his life, as he was shot at by the law enforcers. He suffered a gunshot wound to the head, and died on the spot.' (Sint Jago, 2000: 27-8)

According to Grovell, this was too much for the remaining Chinese and they stormed the police who made use of firearms and kewangs en masse. Grovell: 'The Chinese who were being shot at ran like crazy back and forth over the camp to try and save their skins.' (Sint Jago, 2000: 28) Grovell saw them being hit and falling to the ground.

29. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 11, Redevoeringen over de schutterij in de openbare vergadering van de Staten dated 12-8-1943, afschrift aan de Algemeen Militair Commandant, 23-8-1943. (Speeches about the home guard in the public meeting of Parliament dated 12-8-1943, copy to the General Military Commander, 23-8-1943.)

Others deliberately fell to avoid being hit by the hail of bullets. For many this was to no avail, as they were shot where they lay on the ground, according to Home Guard Sergeant Grovell. (Sint Jago, 2000: 28)



This is what eye witnesses Grovell and Francisca saw on the 20th of April 1942.

Eye and hearing witness Home Guardsman J. Francisca

In 2012 and 2013 I conducted interviews, together with Mr Wim van Lamoen, Chairman of the Union of Officials STRAF (Sindikato Trahadornan di Aduana i Fiskalia), with former Home Guard driver Julio Francisca. In April 2012 he got in touch with us through his son-in-law after hearing about the forthcoming commemoration of the April Murders via the media.



Wim van Lamoen (right) at the home of Julio Francisca in 2012.



Witness Julio Francisca at the Marine Barracks close to Camp Suffisant in 2013.



The Military Police in action during the suppression of the striking Chinese on the morning of the 20th of April.

Report from the interview conducted with Julio Francisca in the accompaniment of Mr Wim van Lamoen in 2012 and 2013:

'I was a home guardsman and driver for high ranking Dutch military in Suffisant. During the war there were military, Home Guard and VKC members here. I was driver of a Mercury passenger car and could transport four people, three in the back and one in front. It was my job to pick up the Dutch soldiers in the morning and take them home in the afternoon. On the 20th of April 1942, very early in the morning, I was with fifteen other members of the Home Guard in the garage of Lucio Mercelina, which is located around 150 metres away from the Chinese camp. We suddenly heard shots coming from that direction. Shortly after, it must have been a few minutes, Kopra primu Janse³⁰ called my garage and I had to immediately go to the Chinese camp with the Mercury to transport the wounded to the hospital. That is what I did. I was at the camp within a few minutes. There was a lot of shouting and people walking restlessly back and forth. A few of the wounded were lying in front of the gate. I didn't see an ambulance or any other vehicles nearby. Together with someone else, both rear doors were pulled open and two injured and groaning Chinese were laid on the back seat. Then I drove at high speed, maybe 80 or 100 km per hour, straight to the hospital [Sint Elisabeth Gasthuis, NM]. When I approached the entrance I saw that the "doctors" and "sisters" were already standing waiting outside the hospital gate next to a pair of stretchers. When I got near them, they seemed to be waiting on the two wounded men who I had transported. I did not see any other vehicles nearby. They opened my rear doors and took the wounded inside on the stretchers. The back seat was heavily soiled with blood.'

30. Formally 'cousin' but colloquially also commonly used as an expression of appreciation, as in 'the much loved corporal Janse'.

On the morning of the 20th of April 1942, Corporal J.A. Janse ordered Francisca to transport the wounded Chinese from Camp Suffisant to the hospital.³¹ As a driver, Julio Fransisca was assigned to Division B of the Military Automobile Service (Workorder, top section 'Drivers', right column, no. 1442).

verv. Orderboek vanaf 1 Aug. tot 1 Dec. '42 blad 3

<u>MILITAIRE</u>	<u>AUTOMOBIEL</u>	<u>DIENST</u>	<u>N.T.S.</u>
<u>DIVISIE A.</u>		<u>DIVISIE B</u>	
Sergt. v.d. Bosch G.J.	625	Sergt.Maj. Wolff Schoemaker R.I.P.	2214
<u>C H A U F F E U R S.</u>			
Lucio A.B.	123	Isenia A.O.	99
Martina N.M.	143	Sluis A.J.'	173
Martina H.T.	382	Victoria B.N.	244
Labast J.P.	1374	Martina P.S.	366
Curriel G.A.	1408	Lourens H.P.	470
Pardo V.	1567	Burleson J.M.L.	471
Sambo A.C.	1594	Fecunda J.F.	479
Marten G.M.	1643	Elizabeth A.C.	1423
Emerenciano E.E.	1894	Francisca J.S.	1442
Jacobs W.W.	1921	Kwidama N.M.	1502
Martina F.A.	1967	Mambi J.B.	1522
Martina V.M.	1972	Martha J.G.	1966
		Wawoe G.	2049
		Dafelaar R.O.N.	292
		Daal A.P.	424
<u>M O N T E U R S</u>			
Korp. van Loon J.	532	Korp. Jacobs J.W.P.	1070
Korp. Janse J.A.	83	Balentina F.C.	1370
Wederfoort T.D.	819	Daal O.D.	2067
Raphael C.F.	1583	Eendracht J.R.	177
Licia R.M.	816	Laufer J.H.	227
		Mambi I.G.	395
		Spenkeling A.W.	
		Tumundo L.Ch. D.	
		de Krieger J.P.	
		Suffisant 9 November 1942	
		De Commandant Nederlandsche Troepen	
		Suffisant - De Kapitein	
		W.G. C.M.Meyboom.	

31. NL-HaNA, Curaçao and Suriname / Navy, Military Police Corps, 2.12.33, inv.110, Transport Unit of the "Netherlands Red Cross", acting Commander P. Rietkerk, 2-1-1942.



Julio Francisca supports his story with intense arm gestures, 2012. Photo: NM.

Using hand gestures, Francisca tried to make it clear to me, Mr Wim van Lamoen and his son-in-law (2013) how we had to drive and how severe the situation was at the time and that every minute counted. In order to verify several important details, I asked Francisca the same questions a few times, at an interval of a few minutes. He then stretched his eyes open wide, raised his voice and again gave the same account, always with a lot of arm gestures.



Francisca was amazed that on approaching the hospital 'doctors and nurses' were already waiting on him. Photo: NM.

One can assume that Corporal Janse and staff from the hospital had been informed of the fact that wounded could be expected on that day and at that time. What is also remarkable is that Julio was instructed to transport the wounded to the Sint Elisabeth Hospital situated almost ten kilometres away, while at the time there was 'an emergency hospital for Suffisant' just a stone's throw away. (Rosheuvel, 1989: 74)

According to the schedule Julio Francisca, with order number 1442, was driver in group I.³²

C. MEYBOOM

AFSCHRIFT

ORDERBOEK 2 April 1942 tot 1 Augustus 1942

De Korpl. JACOBS.....komt in 2de compie.
 de soldaat Paulina.467..... " " 3de "
 " " Wederfoort 819..... " " 2de "
 " " Licie 816..... " " 1ste "
 komen geheel ter beschikking van Sgt. Jippes als monteurs.

23/4/42
 w.g. Comdt. N.T.S.
 C.Meyboom.

O R D E R

Met ingang 29 Mei 1942 wordt bepaald dat voor het garage-personeel de volgende indeeling geldt.:

	<u>I</u>	Normale-functie	Alarm-functie.
X)	533 Sgt.Jippes D.	Garage-chef	Trein Cdt.op rep.wagen D-180.
X)	159 Korpl. Rosario W.B.P.	Monteur	Blijft in garage
X)	816 Licie R.M.	Monteurmotorfiets	Op reparatie wagen
X)	287 Maduro C.H.O.	Ordonans A.M.C.	Motorordonans G.C.
	<u>II</u>		
X)	1070 Korpl. Jacobs J.W.P.	Monteur	Op reparatie wagen
X)	819 Wederfoort P.D.	Monteur	Blijft in garage
X)	382 Martina H.T.	Chauffeur Cdt,N.T.S.	Chauffeur Cdt.N/T.S.
	<u>III</u>		
X)	467 Paulina A.C.	Monteur	Blijft in garage
X)	488 Maduro V.J.	Monteur	Op reparatie wagen
X)	1370 Balentina F.O.	Monteur	Blijft in garage
X)	99 Isenia A.O.	Chauffeur G.C.	Chauffeur Commando wagen D-67

	<u>I Chauffeurs</u>	<u>II Chauffeurs</u>	<u>III Chauffeurs</u>
X)	175 Hooi F.B. Instr.	292 Davelaar R.O.N.	123 Lucio A.B.
	244 Victoria B.N.	424 Daal A.P.	143 Martina N.M.
	366 Martina P.S.	473 Dolorita B.R.	363 Thona B.R.
	470 Lourens N.P.	479 Fecunda J.F.	395 Mambi I.G.
	471 Burleson	1423 Elisabeth A.G.	1408 Curiel G.A.
	1374 Labast J.P.	1594 Sambo G.M.	1502 Kwidama N.M.
	1442 Francisca J.S.	1643 Marten G.M.	1567 Pardo V.
	1522 Mambi J.B.		1612 Sling V.E.

Hierbij wordt bepaald dat de onder I, II, II, genoemden passagieren met de respectievelijke compagnieen I, II, en III na 13.00 zij die met X) zijn gemerkt, zijn op de piketdagen van hun compagnie geconsigneerd en passagieren op de passagier- en de wachtjagen vanaf 17.00 indien de dienst dit toelaat.

Bij alarm meldt het garage-personeel zich in de garage bij den garage-chef (Sergt.JIPPES D.) of diens-vervanger de Sergt. MUSCHTER.

32. NL-HaNA, Curaçao and Suriname / Navy, Military Police Corps, 2.12.33, inv.110, Transport Unit of the "Netherlands Red Cross", acting Commander P. Rietkerk, 2-1-1942.

At one point, witness Francisca could not be held back. For the sake of his health, I wanted to avoid the extremely emotional interview of the 90 year old Francisca from possibly having serious physical medical consequences. He was prepared to take us to the place where it all began for him on that Monday morning.



Wim van Lamoen let Julio Francisca map out the route he took with his Home Guard 'ambulance' from Camp Suffisant to the SEG at the scene of the incident.

Photo: NM.

Red Cross / Transport Unit and Home Guard

After the foundation of the Curaçao Red Cross in 1931, as a subsidiary organisation of the Dutch Red Cross, it had been practically dormant with only 25 active participants in 1939. In 1939, Dr Ph.H. Hartz provided the first First Aid classes to the Transport Unit aid workers. When war broke out in 1940, the Transport Unit of the Curaçao Red Cross was 82 men strong *'and incorporated in the Home Guard by the General Military Commander.'* (Rosheuvel, 1989: 55-60)

The action taken by Home Guardsman Julio Francisca to transport the wounded to the hospital (SEG) as quickly as possible was also the task of the Transport Unit, a division of the Curaçao Red Cross. But this division only took action much later, *'after all other medical and paramedic institutions of the island had taken action.'* (Sint Jago, 2000:28-9)

In reality, Francisca's superior had entrusted him with doing the task that the Unit should have done.

Governor Wouters: establishment of Unit

Until 1942 the Curaçao Red Cross focused on health clinics, the treatment of tuberculosis and the blood transfusion service. On the 14th of October 1939, the Transport Unit was presented for the first time to Governor G.J.J. Wouters in fort Amsterdam. Wouters gave a short speech, *'congratulated the management of the Red Cross and forthwith the birth of the Curaçao Transport Unit became fact.'* In order for the Unit to operate properly, the members were militarised in the 1940 to 1945 war years, with ranks equivalent to corresponding military ranks. The purpose of the Transport Unit in World War II was not only to aid the civilian population, but also to assist the Military Health Service. The members were (just like Home Guardsmen Stefania and Francisca) also deployable during times of possible attacks. Their task was to provide first aid and to transport victims to the various hospitals. (Rosheuvel, 1989: 55, 58, 61)



Gouverneur G.J.J. Wouters (1936-1942), midden, in wit uniform, die in 1939 de Transportcolonne oprichtte.

*Curaçao Red Cross / Transport Unit came into action later than Francisca.
(Photo: Rosheuvel, 1989: 60)*

1.86 II
TRANSPORT - COLONNE VAN
" HET NEDERLANDSCHE ROODE KRUIS "

A L A R M - O R D E R .

De leden van de Mobiele Sectie verzamelen bij alarm in de Centrale Hulppost en staan vervolgens onder bevel van Dr. AARS, Chef van den Militairen Geneeskundigen Dienst (M. G. D.). Wanneer de benodigde materialen opgeladen en de Noodambulances zijn ingericht, meldt de Oudst aanwezige commandant zich, hetzij telefonisch of per ordonnance bij voormelden chef en wacht op diens bevelen.

De leden van de PLAATSELIJKE Sectie verzamelen bij alarm in de Hulppost aan het Wilhelminaplein, met uitzondering van 5 leden, die zijn aangewezen voor de post Politiewacht Rio Canario. Wanneer door de manschappen van de Hulppost Wilhelminaplein de benodigde materialen zijn opgeladen en Noodambulances zijn ingericht, wijst de aldaar Oudst aanwezige 3 man aan, welke met een der Noodambulances worden gestationeerd op de Politiepost Berg Altena, en meldt zich vervolgens telefonisch of per ordonnance bij Dr. BONNE, Commandant van de Medische dienst van de Luchtbeschermingsdienst (Hoofdkwartier Rode Kruis, P'maai 22) en wacht op diens bevelen. De Oudst aanwezige van de Post Rio Canario richt eveneens zoo spoedig mogelijk een Noodambulance in en meldt zich daarna, indien zulks mogelijk, telefonisch bij zijn Sectie-Commandant of diens vervanger in de Hulppost Wilhelminaplein. De Fourier en/of diens vervanger blijven ter beschikking in de Centrale Hulppost en verlaten deze post niet anders dan met toestemming van Dr. BONNE of den waarnemend Colonne-Commandant.

On the 20th of April an 'emergency order' was issued, but upon his arrival at the Chinese camp, Home Guardsman Francisca saw no other transportation.³³

33. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 110, Transport Unit of the "Netherlands Red Cross", acting Commander P. Rietkerk, 2-1-1942.

[TRANSLATION]

TRANSPORT – UNIT OF “THE NETHERLANDS RED CROSS”
EMERGENCY – ORDER.

On emergency, members of the Mobile Unit are to gather at the Central First Aid Station, and will subsequently be under the command of Dr AARS, Head of the Military Health Service (M.G.D.). When the necessary materials have been loaded and the emergency ambulances equipped, the Oldest Active Commander present is to report, whether telephonically or by ordinance to the aforementioned chief and await his orders.

On emergency, the members of the LOCAL Unit are to gather at the First Aid Station on the Wilhelmina Square, with the exception of 5 members, who are appointed to the Rio Canario Police Watch station. When the crew of the Wilhelmina Square First Aid Station have loaded the necessary materials and equipped the emergency ambulances, the Oldest present is to designate 3 men who are to be stationed with the emergency ambulances at the Berg Altena Police Station, and subsequently report, telephonically or by ordinance, to Dr BONNE, Commander of the Medical service for the Air Protection service (Headquarters Red Cross, P’maai 22) and await his orders. The Oldest present at the Rio Canario Station is to equip an emergency ambulance as soon as possible and to subsequently report, if possible, telephonically to his Section Commander or his auxiliary at the Wilhelmina Square First Aid Station.

The quartermaster and/or his auxiliary are to remain at the disposal of the Central First Aid Station and are not to leave this station other than by express permission from Dr BONNE or the acting Unit Commander.

De ambulance van het Roode Kruis wordt bij alarm door de zorg van den Plaatselijken Sectiecommandant --die daarvoor iemand aanwijst-- met de benodigde eenheidsveldbrancards geladen en naar het Wilhelminaplein gereden, alwaar dit voertuig ter beschikking blijft van de Plaatselijke Sectie.

Het personeel is bij alarm gekleed in uniform, met kwartiermuts en khaki-hemd, stalen helm, gasmasker en verdere uitrusting meebrengen.

Ieder lid van de Transport Colonne behoort van de alarmregeling steeds behoorlijk kennis te dragen.

Door deze order komen alle vorige orders dienaangaande te vervallen.

Willemstad, 2 Januari 1942.

De Waam. Colonne Cdt.,

P. RIETTERK

Afschrift aan:

ALLE LEDEN.

Home Guard driver Julio Francisca was first on the scene with his car on the 20th of April. The Transport Unit of the Red Cross on Curaçao was well prepared for this task, but for unexplained reasons only took action much later.

[TRANSLATION]

On emergency, the Red Cross ambulance, under care of the Local Unit Commander – who will appoint someone to the task - will be loaded with the necessary field unit stretchers and driven to the Wilhelmina Square where this vehicle will remain at the disposal of the local unit.

On emergency, personnel are to be dressed in uniform with forage cap and khaki shirt, steel helmet, gas mask and are to bring additional kit. Each member of the Transport Unit is to have sufficient according knowledge of the emergency rules.

This order replaces all previous orders in this regard.

Willemstad, 2nd of January 1942.

De Waarn. Unit Commander,
P. RIETKERK

Copy to:
ALL MEMBERS

Het materiaal van de Mobile Sectie bevindt zich in het oorlogsmagazijn, in de Centrale Hulppost.

Het materiaal van de Plaatselijke Sectie bevindt zich met uitzondering van de eenheidsveldbrancards in de Hulppost Wilhelminaplein.

Het frame en de bijbehorende 4 stuks ziekenramen voor de in te richten noodambulances te Rio Canario, bevindt zich in de Dokterskamer in het Kampement te Rio Canario.

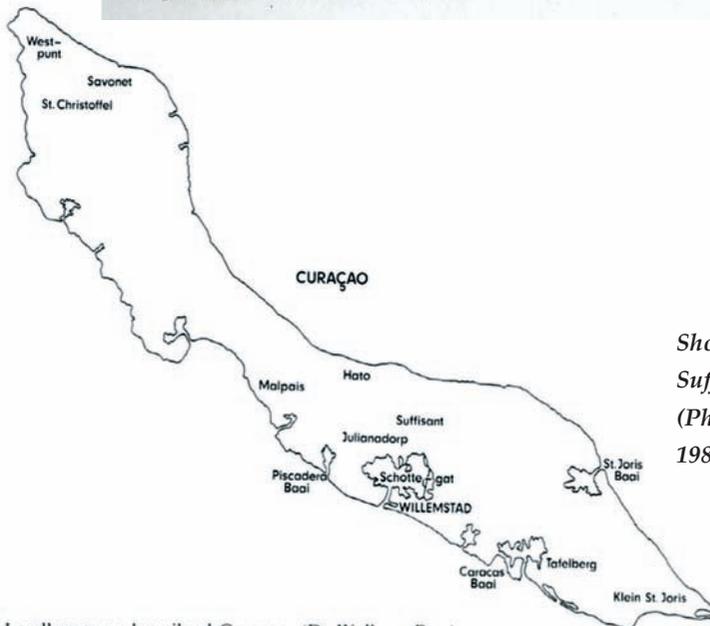
De voor de noodambulances in te richten voertuigen, worden in geval van alarm, door of vanwege de respectievelijke eigenaars uit eigen beweging naar de genoemde plaatsen gezonden en zijn alsdan ter beschikking van de respectievelijke Sectiecommandanten - e.g. Postcommandanten.

De navolgende bestelauto's zijn als hulpvoertuigen voor de Transport Colonne aangegeven:-

- 1 van Wasscherij VAN GIJN, adres Sans Souci 42, (Tel. 2296) Centr.Hlppost
- 1 van Wasscherij DE LELIE, adres Gasparito, (Tel. 1747) idem,
- 1 van Fa. H. VAN WILPEN, adres Roodeweg 131, (Tel. 1690) idem
- 1 van Fa. MUSTERS, adres Scharloeweg 41, (Tel. 1853-1199-1473) idem
- 1 van Fa. RUBENS & LOOG, adres Pietermaai 10, (Tel. 1553) Wilhelminaplein
- 1 van Fa. VREUGDENHIL, adres Scharloeweg 86, (Tel. 1554 of 2339) idem
- 1 van Fa. J.A.J. SPROCK, adres Abr.de Veerstr. 5, (Tel. 2448 of 2327) idem
- 1 van Wasscherij LIMVRS, adres Groot Kwartier, (Tel. 1715) Rio Canario

Bovenbedoelde voertuigen zijn voorzien van een kaart, waarop duidelijk staat vermeld, dat zij in geval van alarm, ter beschikking zijn van de Transport Colonne en de plaats waar zij worden gestationeerd.

De eigenaars zullen hun voertuigen zoo spoedig mogelijk naar genoemde plaatsen zenden. Mocht zulk evenwel niet gebeuren, dan kan de oudst-aanwezige Sectiecommandant e.g. Postcommandant, deze personen telefonisch of per ordonnance waarschuwen.



*Short distance from
Suffisant to hospital.
(Photo Ch. A. Rosheuwel,
1989: 19)*

Landkaart van het eiland Curaçao. (De Walburg Pers)

[TRANSLATION]

The equipment for the Mobile Unit is stored in the war depot
in the Central First Aid Station.

The equipment for the Local Unit, with the exception of field unit stretchers,
is stored in the Wilhelmina Square First Aid Station.

The frame and accompanying 4 pieces of stretcher for equipping
the Rio Canario emergency ambulance, is stored in the Doctor's room in
the Rio Canario encampment.

The vehicles which need to be equipped as emergency ambulances,
will in case of emergency be, by or on behalf of the respective owners,
and on own initiative, sent to the stated locations and then made available
to the respective Unit Commanders – or Station Commanders.

The following vans have been designated as emergency vehicles for
the Transport Unit:-

1 from Laundry VAN GIJN, address Sana Souci 42, (Tel. 2296)
Central First Aid Station

1 from Laundry DE LELIE, address Gasparito, (Tel. 1747) idem

1 from Family M. VAN WILPEN, address Roodeweg 131, (Tel. 1690) idem

1 from Family KUNSTERS, address Scharlooweg 41, (Tel. 1853-1199-1473) idem

1 from Family RUBENS & LOOG, address Pietermaai 10, (Tel.1553) Wilhelmina
Square

1 from Family VREUGDENHIL, address Scharlooweg 88, (Tel. 1554 of 2339) idem

1 from Family J.A.J. SPROCK, address Abr.de Veerstr. 5, (Tel. 2448 of 2327) idem

1 from Laundry LDIVERS, address Groot Kwartier, (Tel. 1715) Rio Canario

The above-mentioned vehicles are to be provided with a map that clearly
indicates that in case of emergency, they are at the disposal of the Transport Unit and
the place where they are to be stationed. The owners are to send their vehicles
to the mentioned locations as soon as possible. Should this not occur,
the oldest present Unit Commander or Station Commander can provide
them with a caution telephonically or by ordinance.

Distance Suffisant to St. Elisabeth Gasthuis in Willemstad

Home Guard driver Francisca reached the hospital (SEG) with his car carrying the wounded in almost ten minutes. The driving distance by car was almost 10 km. He drove fast, between 70 and 80 km/hour.

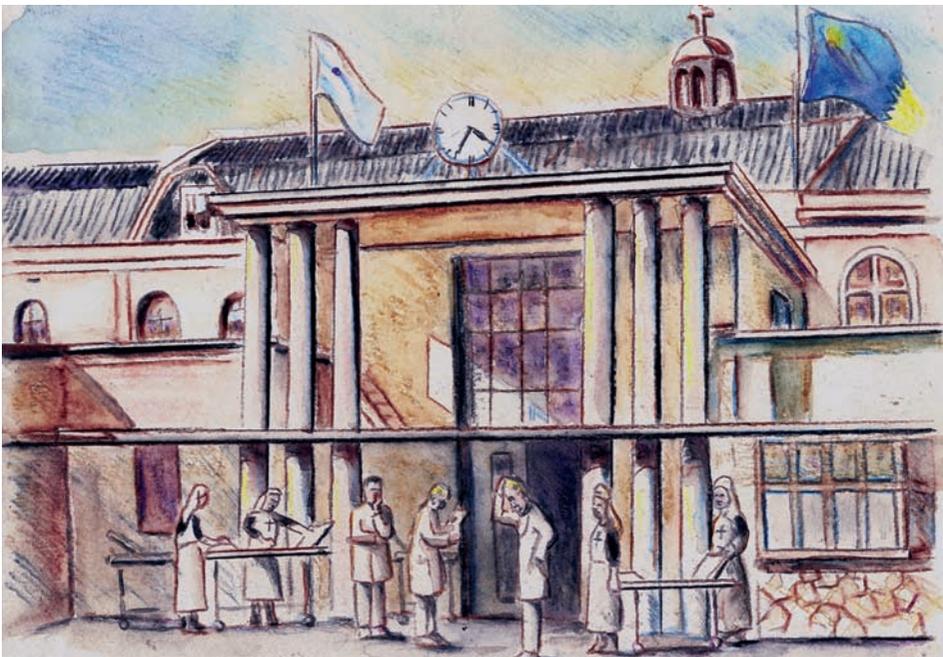
Route driven: detention barracks Suffisant (near the American camp) > Gosie road > Schottegat road west > Road to Welgelegen > Roode road > J.H.J> Hamelberg road (Willemstad / district of Colon).



Julio Francisca standing next to the Suffisant barracks from where he had to transport the victims straight to the St. Elisabeth Gasthuis (SEG). The original buildings have been replaced by modern barracks, used for a number of years by the navy. Photo: NM.



Francisca, his son-in-law 'Nienoeskie' and Van Lamoen standing close to the actual spot where the wounded Chinese were picked up. From here he drove to the hospital (SEG).



Entrance to the St. Elisabeth Gasthuis, as it looked in 1942.

Testimony Home Guardsman Mauricio Stefania

On the 16th of April 2012 I had an extensive interview, together with Messrs Wim van Lamoen and Randall Brute (customs officer), with former home guardsman of Camp Suffisant, Mauricio Stefania. Just like Francisca, he also learned about the forthcoming commemoration of the dead Chinese through the media. The conversation took place in Mauricio's home, in the presence of some family members. At the time of the shooting, Mauricio Stefania was marching under:

'command of Lieutenant Van Tricht: left, right, left, right.' Suddenly he heard 'shots coming from the direction of the barracks where the Chinese prisoners were. Instead of the Lieutenant ordering them to spread out, the home guardsmen continued to march steadily at the same pace in the direction of where the shots came from.'



Mauricio Stefania: at home, 16th of April 2012, born 16th of October 1922 (+27-10-2012).

Mauricio Stefania described the shooting as machine gun fire, the shots came very fast one after another, like 'rrrrrrrrrrrtaktaktaktaktak....'. 'The American military however took position and pointed their guns.' This suggests that Lieutenant Van Tricht had to have been aware about what was possibly about to happen at that moment and in that place. 'The District Master of the second district reported in his journal on the 3rd and 4th of March 1942 that the Americans at Suffisant, Maria Maai, etc. were hard at work building encampments, a hospital, a munitions depot and a cemetery for their troops.'³⁴

34. National Archive of Curaçao. Government Secretariat Curaçao, Journals second district: 1936 up to and including 1942, old inventory number 3.07.77.

1.4.2 Judiciary on Curaçao reliable?

The Minister of the Interior calls all of these testimonies into question because of the age of the witnesses. The Minister would rather stick to the facts as they are recorded in the official reports. But the Minister will not be unaware that an official document, written by an official person of authority, would not by definition also have to contain the truth about the contents of the written material.

1.4.2.1 The official report

The official report of the event on the 20th of April 1942 also contains discrepancies and anomalies. The following appears in the report by the Parliament of Curaçao about the shooting:

[...]that the fact that two authorities, i.e. the AMC and the Attorney-General, whose responsibility for the events remains to be determined, were appointed as members of the so-called intelligence committee, was judged to be incorrect; (Annex 17, p. 8)

In other words, the Parliament rejects the search for truth on the principle of the Dutch saying ‘the butcher certifies his own meat’ (meaning: to mark one’s own paper). In the eyes of the SEOC, this is precisely its position on the report by Chief Inspector of Police Van der Kroef that Minister Plasterk considers leading – the policeman on duty is the first and essentially only reliably deemed informant with regards to the operations of the police. The biggest peculiarity about Van der Kroef’s statement is that which struck him the most, namely the sudden about-turn by the Chinese. (Annex 9, p. 2)

Up until an attempt was made to separate them, the strikers were guarded by no more than two unarmed CPIM security guards. Until the attempt was made to separate them, this hadn’t been a problem (Annex 13, p. 1). Then, out of nowhere, the Chinese suddenly launched into the murderous attack about which Van der Kroef speaks? In short: the most crucial fact that the SEOC, and also the Minister, would need to uncover the truth is missing from the report compiled by one of the few who, in reality, could have said anything about the events. This demonstrates the disadvantage of ‘the butcher certifying his own meat’ in practice.

Comparing the documents

The appendices in the report of Parliament contain two reports by Van der Kroef, which have also been attached to this publication. The first concerns his own statement regarding the events on the 20th of April 1942 in Camp Suffisant (annex 9), the second relates to his interrogation of W. Inden, Head of the Department of Labour Affairs at CPIM, and H.A. Oetelmans, Head of Security at CPIM. (Annex 13)

It is worthwhile placing these passages about the start of the incident side by side, and bearing in mind that the first version was recorded by Van der Kroef recalled from his own memories, while the second version was recorded by the men from the CPIM:

namelijk een der Chineezen, die gesepareerd moesten worden. Na eenige stappen in de richting van de aangewezen plaats in gezelschap van den agent van Politie 1e klasse SCHOUBE te hebben gedaan, schreeuwde deze van luidkeels eenige voor ons onbegrijpelijke woorden. Direct na dit geschreeuw stormden nagenoeg alle wachtende Chineezen gezamenlijk naar de tafel en naar de toegangspoort. Ik zag hierbij, dat de naar ons toe stormende Chineezen stukken ijzer, pijpen, steenen en stokken bij zich hadden en met deze voorwerpen boven hun hoofden zwaaiden. De aanval was zoo onverwachtsch en overdonderend, dat een georganiseerd tegen-optreden van politiezijde op dat moment reeds onmogelijk was. Eenige der Chineezen waren reeds ingevecht met een der militairen en trachtten hem met geweld de karabijn te ontrukken. Een der Politie-menschen kwam te vallen, waarna een aantal Chineezen hem liggende op den grond, met ijzeren pijpen slagen toebrachten. De toestand werd tengevolge van deze overmacht toen zoodanig, dat elke politiemans voor lijfsbehoud moest vechten. Ik hoorde hierna een schot, welk schot echter geen uitwerking had op de Chineezen. De Chineezen slaagden er reeds gedeeltelijk in, zich door de toegangspoort

From Annex 9, p. 2

een aangegeven plaats te wachten, waarna hij in gezelschap van een politiemans naar die plaats ging. Plotseling gaf deze Chinees luidkeels een schreeuw en voordat wij er op bedacht waren, stormden nagenoeg alle wachtende Chineezen naar de tafel en naar de toegangspoort. Boven hun hoofden zwaaiden zij ijzeren staven, stukken ijzer en sommigen waren in het bezit van messen. Deze aanval was zoo onverwachtsch en overdonderend, dat nagenoeg elke politiemans al direct in een handgemeen was gewikkeld met de toestormende Chineezen. Een tweetal politiemenschen lagen op den grond, waarna zij door de Chineezen bewerkt werden met ijzeren staven. Nadat er gebruik werd gemaakt van de vuurwapenen door de politiemenschen, bleven de Chineezen toch doorvechten en op een gegeven oogenblik zag het er zeer benauid uit voor de politiemenschen, daar deze nagenoeg ingesloten waren door deze moordzuchtige Chineezen.

From Annex 13, p. 3

[TRANSLATION]

This man was one of the Chinese who were to be separated. After taking a few steps in the direction of the designated located in the company of police officer 1st class SCHOUWE, this man shouted some words we could not understand. Immediately following this shouting nearly all Chinese who were waiting stormed towards the table and the entrance gate. I saw that the Chinese who were storming towards us were carrying pieces of iron, pipes, rocks and sticks and they were brandishing these objects above their heads. The attack was so unexpected and overwhelming that an organised counter---move on the part of the police was already impossible at that moment. Some of the Chinese were already engaged in a fight with one of the soldiers and tried to forcefully take his rifle from him. One of the police officers fell down, after which several Chinese hit him, while he was on the ground, with iron pipes. The situation as a result of these superior numbers was such that every police officer had to fight for his life. I then heard a shot, which shot did not, however, have any effect on the Chinese. Some Chinese already managed to go through the entrance gate.

From Annex 9, p. 2

[TRANSLATION]

You informed the spokesman that he should wait in a specific location, after which he went to this location in the company of a policeman. Suddenly this Chinese shouted loudly and before we knew it nearly all of the waiting Chinese stormed towards the table and the entrance gate. They brandished iron bars, pieces of iron above their heads and some had knives. This attack was so unexpected and overwhelming that nearly every policeman was immediately engaged in fights with the Chinese rushing towards them. Two policemen were on the ground when they were attacked with iron bars by the Chinese. After the policemen used their firearms, the Chinese still continued to fight and at a certain point things looked very scary for the policemen, as they were virtually surrounded by these murderous Chinese.

From Annex 13, p. 3

The interrogation by Van der Kroef shows that both men from the CPIM were also eyewitnesses of the event. However, that they used practically the same terms when talking about the event as Mr Van der Kroef himself, seems highly implausible. A striking detail in this comparison is that these eyewitnesses also reported nothing about the Chinese suddenly turning from peaceful to murderous.

The SEOC frankly concludes that the verity of the ‘facts’ that have been put forward by Minister Plasterk are questionable, because there are gaps in the truth and in the testimonies in crucial areas, placed there by the hand of the interrogator, whether consciously or not.

Separation of Chinese turned into bloodbath

Another point of concern is that the separation of the Chinese strikers went ahead after the shooting and the removal of the dead and wounded. Van der Kroef:

“After giving orders to transport the wounded to the hospitals [but not to those closest – see previous paragraph, NM], I contacted the Commander of the Military Police, to whom I reported what had happened. After some time the latter arrived on site, and took charge, after which the separation of the Chinese was concluded without further incidents.” (Annex 9, p. 4)

The CPIM memorandum about the events, contained in Annex 7, confirms this:

“Soon after this [the killing of 12 and injuring 44 people, NM] the selection was again resumed. There were no more incidents and all the Chinese passed the Aliens Office officials willingly. After 3 hours the selection was completed and 50 men were separated from the rest and taken to a different camp.” (Annex 7, p. 7)

This same report tells of the difficulties the men encountered in the peaceful separation of the strikers, who obviously had no intention in cooperating with the separation (to then be dominated, as the saying goes). Still, according to CPIM management, the Chinese were the ones who wanted to respond violently:

The CPIM interpretation of the unexplained about-turn of the Chinese is as follows:

“Apparently the leaders of the Chinese had anticipated a repetition of the selection and decided to sabotage it using every means at their disposal. They had therefore prepared themselves for armed resistance, but the “leaders” of the resistance, who apparently noticed the unexpected military force at the last moment, did not have a chance to cancel the planned “resistance”, with the consequences mentioned above [the murders, NM].” (Annex 7, p. 7)

Any basis for such an interpretation of a gap in the truth is however lacking. One could also say that the CPIM had a lot to gain from the sudden about-turn by the Chinese, because until then they had not simply surrendered to the divide and conquer tactics of their employer. Now that they were well and truly alarmed, it would be easy to fulfil the wishes of the CPIM that had started the entire tragedy. It was the CPIM management itself, which proposed the use of force as an option to achieve the separation. This is evident from the report of Attorney General Van der Laan:

This mission [separation of strikers on the 17th of April 1942, NM] failed, as the Chinese refused all cooperation and one Police Officer was not able to separate more than 400 men. The Company Director then asked me for a strong police force for Monday the 20th of this month, to accomplish the separation, if necessary using force. (Annex 10, p. 2/3)

Nevertheless, the Governor was also of the opinion that the Chinese only had themselves to blame for what happened, according to this passage when sending the file to the Ministry of the Colonies on the 4th of June 1942:

“It is possible to criticise official conduct, yet this has nothing to do with the actual case, as no person could have suspected that the Chinese, who had been calm all along, would suddenly adopt the attitude they did. In my opinion the Chinese have therefore only themselves to blame that they were shot at, since it is clear from everything that the police acted defensively.” (Annex 15)

Where “everything” once again concerns both of Van der Kroef’s reports and the sudden and unexplained about-turn still remains the pivot point.

The lack of truth - should an investigation not have been conducted at the scene, for instance, instead of quickly proceeding with the separation? – rather let the SEOC lean towards an interpretation in which the minor, possibly not entirely peaceful resistance when faced with the police force, was violently suppressed. With the aim of once and for all duly carrying out a task which a *company* had managed to hand over to the government. Such a view is no less speculative than laying blame at the door of the Chinese.

1.4.2.2 The Curaçao court of justice

That the Curaçao court of justice was prepared to cooperate in hastily creating regulations to the detriment of the strikers is easily explained by the fact that the members of this court were certainly not known to be very honourable. The lawyer who was involved in the first attempt to separate the strikers into those willing to work, and those refusing to do so, S.W. van der Meer, was also the man who in 1945 spilled the

beans about the court of justice on Curaçao.³⁵ In his view, the court was dominated by corruption, conceit and caprice, and these accusations were endorsed by senior officials on both sides of the ocean.³⁶ After World War II, laws and regulations were hurriedly passed which resulted in four of the five existing members of the court leaving non-voluntarily.³⁷

Conflicts of interest

Starting with the most notorious of the members of the court, Mr Polvliet, I can use a citation by Governor Brantjes which not only calls the reliability of Mr Polvliet into question, but also brings to light clear connections between the judiciary and the powerful CPM.

Governor Brantjes informed the Minister of the Colonies, after Mr H. Polvliet was appointed member of the court of justice on Curaçao, that it was known that his method of settling and prosecuting cases on leaving his law practice in Zierikzee left a lot to be desired, and that he 'was apparently struggling with financial difficulties'.³⁸ In itself, this was labelled as behaviour unfitting to a member of the court, however Brantjes went further:

*'I would also like to make Your Excellency aware of the circumstances that Mr Polvliet, for financial gain, allowed himself to be used as a middleman (stooge) by a former director of the then still Curaçao Petroleum Company, in the purchase of the Cas Corrà plantation.'*³⁹

Leverage CSM: Eskes in the Colonial Council, Polvliet not

An issue that was leaked about this same Polvliet provides a portrait of Shell's power on Curaçao. Until 1936 the Colonial Council on Curaçao was an advisory and legislative body. This Colonial Council consisted of a small intellectual minority who lacked any spiritual connection with the native inhabitants. In certain cases, membership of the Colonial Council seemed to primarily serve the promotion of private interests. (Paula, 1989)

35. National Archive, The Hague, Ministry of the Colonies: Secret Archive, Series Z, 1941-1957, access number 2.10.36.52, inventory number 12; oral 15 sept 1945 Q4 (Classified).

36. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 25 Oct 1945 Letter L8 (Classified).
And: NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 20 October 1945 Letter U7 (Classified).

37. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 29 April 1946 V18 (Classified).

38. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 25 Oct 1945 Letter L8 (Classified).

39. Idem.

In 1928, Governor Brantjes informed the Minister of the Colonies that he had no objection to the nomination of Polvliet as a member of the Colonial Council ('from my side, would not take an opposing position'⁴⁰). This proposal was rejected by the Minister of the Colonies. The minister informed the governor via his top official of the following:

*"He is namely, not in favour of uniting the membership of this Council with that of the judiciary, because, especially in such a small society as that of Curaçao where the independence of the members of the judiciary should be taken care of as much as possible and where the council membership could put this in jeopardy."*⁴¹

The minister is therefore concerned about conflicts of interest. However, in that same year, the Secretary of the Board of the Curaçaoische Petroleum Industrie Maatschappij⁴² (division of CSM), Mr G.H. Eskes, at the proposal of Governor Brantjes, was appointed as member of the Colonial Council by the Minister of the Colonies.⁴³

Complaints Van der Meer et al

The archive of the Ministry of Colonies relating to Curaçao has a separate decimal index number recorded for 'Klachten over het Hof van Justitie' (Complaints about the Courts of Justice). This index card however, only specifies one complainant and no further reference to the location of the complaint. This document from the complainant came to light during research into the issue of the almost simultaneous dismissal of five of the six members of the court of justice as it was constituted at the time of the shooting of the Chinese strikers.

Lawyer S.W. van der Meer sent several letters of complaint to the Ministry of Justice in London before directing them to the responsible Minister of Overseas Territories. In the letters he expresses serious allegations of idleness and corruption in relation to members of the court:

'My complaint has been that the members of the Court of Justice fall short, in knowledge, in character and in work ethic. In the meantime, Dr C. Süthoff, President of the Court of Justice, a short time ago, left the sinking ship just in time, and has become Attorney General.

40. Idem.

41. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 25 Oct 1945 Letter L8 (Classified).

42. Curaçao Industrial Petroleum Company (CPIM)

43. National Archive, The Hague, Ministry of the Colonies: Public Oral, 1901-1952, access number 2.10.36.04, inventory number 3001, no 18, benoemingen van leden van den Kolonialen Raad, 27-4-1928. (Appointments of members of the Colonial Council, 27-4-1928.)

*As a consequence, there is not one single person in the entire judiciary of this territory who fully meets the reasonable requirements for judgeship. This statement may seem exaggerated, but in reality, it is most certainly not.*⁴⁴

Van der Meer substantiates these judgements with a few striking examples of the conduct of Judges Polvliet and Aberson.

Judgement before trial by lawyer

Mr Polvliet was said to have discussed pending cases with the parties involved outside the court room. In relation to this, Van der Meer provides the example of the case on Bonaire, in which judgement was sought, but in which the witnesses for the defence still had to be heard. Judge Polvliet sent Van der Meer a note asking how many witnesses he planned to call. If there weren't going to be too many, then he could probably manage to get the flight to take off in the afternoon instead of in the morning and the people involved would only have to be in Bonaire for one day. For convenience, Polvliet sent the verdict, which he had already made, along as notification.⁴⁵

From preferential treatment to falsification of documents

Van der Meer also stated that he and other practicing lawyers had repeatedly complained about the preferential treatment given to certain colleagues by Polvliet. First involving the lawyer Mr Papier, and later "his good friend and driver" Mr Baiz, about whom Van der Meer wrote the following in a letter to Mr Süthoff, chairman of the Court of Justice (which he reproduced in its entirety in the letter to the minister):

*It is perhaps good that the U.E.G.A. knows that, I and other lawyers have repeatedly requested the Registrar of a certain case, in which Mr Baiz is representing the opposing party, not to submit the case to Mr Polvliet, knowing a priori how the decision will be made. Moreover, our clients get to hear the message in advance: "if Mr Polvliet is to make the judgement in the first instance, you will lose". This has been the practice for years.*⁴⁶

In another example in which Mr Baiz played a part, judge Polvliet is bluntly labelled by Van der Meer as someone "who belongs in prison himself". He calls it a "disgrace" that Polvliet is "still tolerated as a judge" after the following became generally known on Curaçao:

44. National Archive, The Hague, Ministry of the Colonies: Secret Archive, Series Z, 1941-1957, access number 2.10.36.52, inventory number 12; oral 15 Sept 1945 Q4 (Classified).

45. Idem.

46. Idem.

“On the 23rd of May 1944, Mr Polvliet produced a divorce ruling on behalf of his good friend and driver, the lawyer Baiz, without a court hearing haven taken place, without the pronouncement of a verdict, without a registrar or bailiff having any knowledge about it. This is an offence committed in the way of falsification of documents by a civil servant. Maximum penalty: 9 years and 4 months.”⁴⁷

The registrar protested to the president of the court, which led to a letter from the court to the Attorney General demanding action. The deed was subsequently annulled by the prosecutor, but the case had absolutely no consequences for Polvliet himself. “He has not even,” as Van der Meer writes, “been ‘advised’ to lay low for the time being due to ‘illness’.”

Judge affects elections

1945 was an election year on Curaçao. The legislation was such that one had to register as a voter, and meet a number of conditions. Should this not occur within the period defined, then one could submit an application to the court to be added to the voter’s list. In 1945 around 4000 people registered and then another 580 submitted a similar application, “therefore almost 15% of the voters, a group large enough to get a party into or out of the saddle,” according to Van der Meer.⁴⁸

Judge Aberson permitted almost no one from this group to be added to the list, and his motives were in conflict with the law. He commissioned around 100 petitioners to provide proof of capacity within a few days – a test demonstrating that they were sufficiently developed – which they were not able to produce when they registered. This was a practically impossible judgement for these constituents with respect to the slow operating pace of the exam commission. Judge Aberson himself took five weeks to come to this judgement.

Rejection prompted another group of around 400 petitioners who wanted to make use of the scheme in the proper manner. Van der Meer quoted here the motivation of Judge Aberson: “the task of a Judge is not ‘to keep a counter open after closing time for the convenience and comfort of the voters.’ A typical statement by Mr Aberson who considered himself to be too important to do in this case what the law instructs.”⁴⁹

47. Idem.

48. Idem.

49. National Archive, The Hague, Ministry of the Colonies: Secret Archive, Series Z, 1941-1957, access number 2.10.36.52, inventory number 12; oral 15 Sept 1945 Q4 (Classified).

This then, is the institution on which we should have the utmost trust when it comes to the official report on the events of the 20th of April 1942 and the days thereafter. It is reasonable to place question marks in bold to this, especially as Van der Meer was certainly not the only person with such knowledge and grievances relating to the court.

Confirmation from higher up

What is striking is that in other documents these complaints are expressed in more general terms by members of government who had their own information about this. This applies for instance to the Minister of Justice, however the archive of this ministry during its time of reign from London is completely restricted until 2020 (B dossier).⁵⁰

The Governor of Curaçao would have been notified by more informants than just Van der Meer, because on the 18th of September 1945 he wrote to the Minister of Overseas Territories:

*"[...] objectively it is certain, that it must be deemed desirable with respect to Messrs Van der Biesen and Polvliet, to enforce the law on the age limit as soon as possible, as possible, since, according to the advice delivered to me, the current situation really can no longer be tolerated in light of the reputation of the judiciary and the sentiments of the justiciable citizens."*⁵¹

The addressed minister also had his own unnamed informants, since in replying to the letter from Governor Kasteel, he wrote that he would insist on prompt consideration of the bill by the chairman, given the information provided by the governor and "also information received from reliable sources on this side".⁵² In this passage, the following unsigned note appears in the margin:

*"The situation has actually been untenable for years. Two members who are already over 70, one of whom [contributes] practically nothing while the other (as well as the [acting chairm.] of the court) is known to have debts to contend with at present, and two other members are on the verge of leaving on the spot."*⁵³

50. Plantinga, S.F.M. '2.09.06 Inventaris van het Archive van het Ministry van Justitie te Londen, (1936) 1940-1945 (1953)', National Archive, The Hague, 2001. ('Inventory of the Archive of the Ministry of Justice in London, (1936) 1940-1945 (1953)')

51. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 25 Oct 1945 Letter L8 (Classified).

52. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 20 October 1945 Letter U7 (Classified).

53. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 20 October 1945 Letter U7 (Classified).

It is entirely unclear who provided this information, but the message itself is clear.

Polvliet and Van den Biesen were eventually dismissed by Royal Decree, and in so doing, as suited the second tier of the ministry, the usual acknowledgements were withheld:

“NB: The 7th dept. considered that ‘gratitude for services rendered to Country’ would be less in keeping with respect to what the Governor communicated in view of the issues raised on page 2/3 of this concept.”⁵⁴

The ‘issues raised’ refers to the above-mentioned quoted text from the Governor of Curaçao from the 18th of September 1945.

The minister, who had also taken cognizance of Van der Meer’s complaints, evidently found that this went too far, and noted in the margin: “This motivation is insufficient. Omitting gratitude for long service (amounts to blame). Do add.”⁵⁵

54. NL-HaNA, Colonies / Secret Archive, 1941-1957, 2.10.36.52, inv.nr. 13; Oral 29 April 1946 V18 (Classified).

55. Idem.

Chapter 2: Violence against Chinese in East and West

The way the February strike by the Chinese labourers was dealt with in 1942 is reminiscent of the actions of the colonial authorities in the Aceh war and the utilisation of the coolie ordinances in the East. History clearly reveals why the Chinese strikers had no chance against their rulers from day one. The condescending attitude towards helpless workers of Chinese origin was not incidental. The colonial history from both the East and West Indies tells of these contract workers being systematically treated with contempt, severely dealt with and tortured by the Dutch authorities and private companies. The colonial administration was *in theory* characterised for centuries by Machiavellian machinations, manipulation and fraud, which mainly manifested in intentional acts of violence and atrocities against the local population. Many officials on Curaçao, from the government and the CSM (Shell), were in the service of the colonial administration and companies in the Dutch East Indies for years. The thoughts behind the then prevailing '*Penal sanctions*' journeyed with them to the West, to Curaçao as well as Suriname.

Based on a wide range of examples, I intend to demonstrate that the use of a great deal of violence to suppress the strike by more than 420 Chinese on the 20th of April 1942, was an approach taken in the political culture of officials functioning in the government, business environment and military of the Dutch East Indies.

2.1 The lack of penal sanctions on Curaçao

Mr L.A.L. Weeber, Deputy Registrar of the Court of Justice on Curaçao, wrote the '*Wordingsgeschiedenis Bedrijvenbesluit*' (*Genesis of the Business Decree*) on the 28th of July 1942, a document which also appeared in the previous chapter in connection with the unlawful internment of the Chinese (Annex 16). However, in his description of the realisation of Official Journal 'P.B. 1942 no. 147' Weeber also says a number of things about the background of these regulations. It was the Dutch East Indies government itself, claims Weeber, which pointed out to the Curaçao government:

'[...]The Dutch---Indies Government drew the attention of the Curaçao Administration to the fact that it was to be deemed of the utmost importance, due to the possible transfer of registered offices of shipping companies from the Dutch East Indies to Curaçao, that the legal position of the personnel of shipping companies and related onshore organisations on Curaçao was arranged in a manner similar to the East Indies.'

What specifically concerned the government was that:

'[...]It was pointed out that the regulation, applicable to the employees of these companies on Curaçao, and included in the Publicatiebladen 1940 nos 73 and 116, regarding compulsory personal services for the shipping industry, was far from complete. It lacked, among other things, a penal sanction, so that its usefulness in actual practice must be deemed problematic.'

Governor Wouters was, according to Weeber's writings, at first restrained with regard to the introduction of punitive measures. He saw the underlying problems as an East Indies affair. But because of the interference of Japan in the war, the interests of the oil industry on Curaçao began to carry more weight and the governor was forced to hastily introduce the draft resolution, drawn up in response to the aforementioned. Based on the East Indies 'Burgerdienstplichtverordening' (Civilian Conscription Regulation), a decree was established by which companies could be quickly turned into:

'[...] Based on such a regulation one could then proceed to the designation of the shipping companies as "vital businesses", as was done in the Dutch East Indies.'

With the war as motivation, the colonial menace and punitive society which was essentially in the East, was nonetheless brought to the west. Moreover, because the CPM made an attempt in 1924 to that end.

2.1.1 Attorney General Curaçao not yet ready for forced labour

In August 1924, the CPM board sent a letter to the Governor of Curaçao informing him that there were too few unskilled labourers in the region for the amount of work, which was increasing hand over fist. They asked the government in this regard, notably, not for legislation that would make it attractive to work for the CPM or on Curaçao, but for legislation that would make it possible to punish insubordinate contractors.¹

1. National Archive, The Hague, Ministry of the Colonies: Public Oral, 1901-1952, access number 2.10.36.04, inventory number 2669, nr. 77, Poenale sanctie nakoming van arbeidsovereenkomst door werknemers, Verbaal 9 Oct. 1924 nr. 77. (Penal sanctions regarding fulfilment of employment contract by employees, Oral 9th of October 1924 nr 77)

Afschrift.

leiden, dat er bepalingen of tegens in het leven geroepen worden, waarbij het niet CURACAOSCHE PETROLEUM MAATSCHAPPY. die boven bedoeld, als een strafbaar feit van kringen worden aangemerkt.

Wij zien Uwe gezonde beris Curacao, den 21n Augustus 1924.

Aan Zyne Excellentie den Gouverneur van
Curacao.

Excellentie:

By dezen hebben wy de eer, het volgende beleefd onder Uwer Excellentie's welwillende aandacht te brengen.

Tengevolge van de groote uitbreiding van de fabrieksinstallatie der Curacaosche Petroleum My., is het in hooge mate moeilik gebleken een voldoende aantal zoogenaamde "Unskilled labourers" te engageeren. Het aantal arbeiders van deze klasse, dat zich by de Maatschappy voor het werk aanmeldt, is nog beduidend kleiner dan het aantal dat wy inderdaad voor onze werkzaamheden noodig hebben, teneinde een ongestoorde ontwikkeling van onze bedryf te verzekeren.

Om deze redenen is by ons het plan in voorbereiding, om arbeiders op groote schaal te gaan importeeren.

Wy stellen ons voor, arbeiders te engageeren, hetzy uit Suriname hetzy uit een der West-Indische eilanden, en dezen in loodsen op ons terrein te huisvesten, eventueel ook te voeden. Tengevolge echter van het groote risico dat daarby door onze Maatschappy geloopt wordt, met name, dat wy thans niet de zekerheid hebben, dat de door ons op contract van elders aangenomen arbeiders ook inderdaad desnoods gedwongen zouden kunnen worden hun contract na te komen en het opgegeven werk te verrichten, zouden beschermende maatregelen vanwege het Bestuur dezer kolonie noodzakelyk sijn.

Wanneer wy goed zyn ingelicht, kan een niet-nakomen van een overeenkomst als bovenbedoeld thans niet gestraft worden en zou onze Maatschappy aan de willekeur en aan den al of niet goeden luim van den werkmann zyn overgeleverd. In verband hiermede zouden wy ons ten zeerste verplicht gevoelen, indien Uwe Excellentie het daarheen zou willen

[TRANSLATION]

Copy.
CURAÇAO PETROLEUM COMPANY

Curaçao, the 21st of August 1924

To His Excellency, the Governor of Curaçao

Excellency:

We hereby have the honour of courteously bringing the following to
Your Excellency's kind attention.

Due to the expansion of the Curaçao Petroleum My. industrial plant, it is proving extremely difficult to enlist a sufficient number of so-called "Unskilled Labourers". The number of labourers in this category, who have applied for work at the Company, is significantly smaller than the number that we indeed need for our work activities in order to ensure the uninterrupted performance of our company.

For these reasons we have prepared a plan to import labourers on a large scale.

We propose to enlist labourers, either from Suriname or from the West Indies islands, and to house them in sheds on our properties, and also to feed them if necessary. However, as a result of the huge risk that our Company runs in this regard, principally that we have no assurance at present that the labourers hired by us on contract from elsewhere can, if need be, also be forced to fulfil their contract and perform the specified work duties, should protective measures by the Board be necessary in these colonies.

When we are well informed, non-compliance of an agreement as referred to above can at present not be penalised and our Company would be subject to the discretion and whim of the worker. On

leiden, dat er bepalingen of regels in het leven geroepen worden, waarbij het niet-nakomen van arbeidsovereenkomsten, als boven bedoeld, als een strafbaar feit zou kunnen worden aangemerkt.

Wy zien Uwe geeerde berichten met groote belangstelling tegemoet en teekenen inniddels,

Mit de meeste hoogachting,
Curacaosche Petroleum Maatschappy,

(get) M. C. Bastet

Voor afschrift,

De Gouvernements-secretaris, .



[TRANSLATION]

account of this we would feel strongly obliged, should Your Excellency wish to lead us in this direction, that provisions or rules be created, through which the non-fulfilment of contracts, as mentioned above, could be regarded as a criminal offence.

It is with great anticipation that we await Your Excellency's honoured response, and meanwhile sign,

Please accept, Sir, the assurance of our highest appreciation,

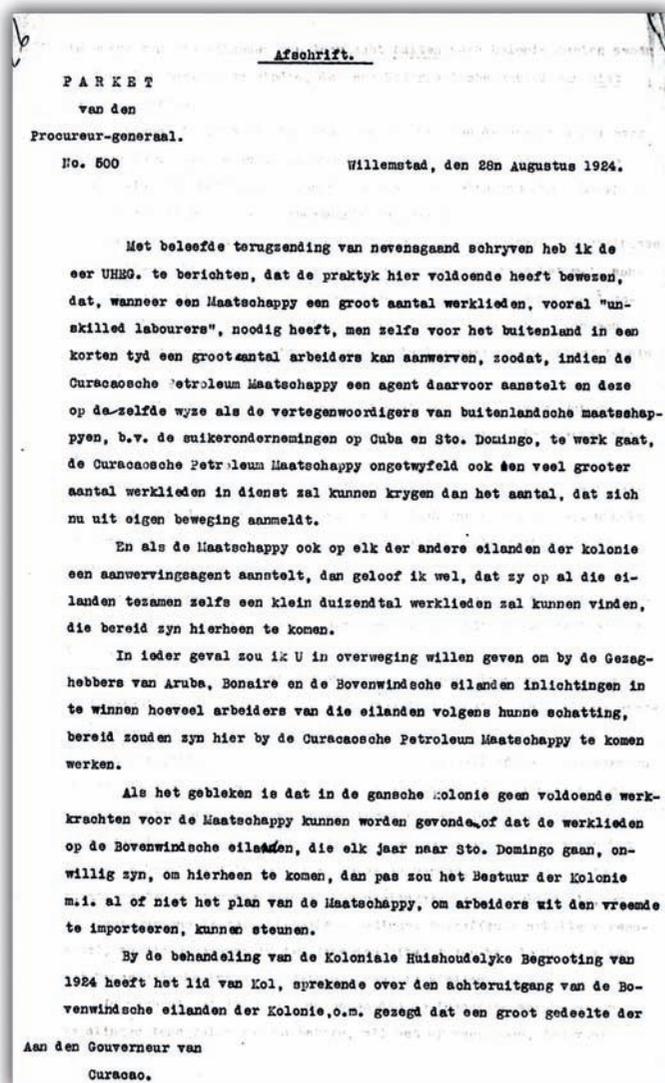
Curaçao Petroleum Company,

(signed) M.C. Baatet

For copy,

The Government Secretariat,

The request ended up in the hands of the then attorney general of Curaçao, who in his advice to the governor, preferred not to see such forms of forced labour (the existence of which in Suriname and the Dutch East Indies – *the penal sanctions* – he mentioned in passing) introduced on Curaçao²:



2. National Archive, The Hague, Ministry of the Colonies: Public Oral, 1901-1952, access number 2.10.36.04, inventory number 2669, nr. 77, Poenale sanctie nakoming van arbeidsovereenkomst door werknemers, Verbaal 9 Oct. 1924 nr. 77. (Penal sanctions regarding fulfilment of employment contract by employees, Oral 9th of October 1924 nr 77)

[TRANSLATION]

Copy
Prosecution Office
of the
Attorney General.

No. 500
Willemstad, the 28th of August 1924.

In polite reply to your enclosed writing, I have the honour of informing Your Excellency that the practice here has adequately proven that when a Company needs a large number of workmen, especially “unskilled labourers”, one can recruit a large number of labourers in a short amount of time, even for overseas, so that, should the Curaçao Petroleum Company appoint an agent for this, who operates in the same way as representatives of foreign companies, e.g. the sugar enterprises on Cuba and Santo Domingo, the Curaçao Petroleum Company will without a doubt also be able to have a much larger number of workmen in its service than the numbers that are now signing up on their own initiative. And if the Company also appoints a recruitment officer on each of the Colonial islands, then I do believe that on all those islands together, a few thousand workmen will be found who are willing to come here.

In any case, I would like to suggest obtaining information from the authorities of Aruba, Bonaire and the Leeward Islands as to how many labourers in these islands, according to their estimation, would be willing to come and work for the Curaçao Petroleum Company.

When it becomes apparent that there is insufficient workforce for the Company to be found in the whole colony, or that the workers on the Leeward Islands, who go to Santo Domingo each year, are unwilling to come here, only then should the Board of the Colonies in my opinion consider whether or not to support the Company plan to import labourers from abroad.

In dealing with the Colonial Household Budget of 1924, member van Kol, in talking about the decline in the Leeward Islands of the Colonies, said inter alia that a large number.....

To the Governor of Curaçao.

In his advice, the attorney general tried to make it clear to the governor using veiled terms that the lack of labourers was not a problem for the region, but for the CPM. Apparently, people preferred to work elsewhere. It does not seem to be a coincidence to me that the attorney general then proceeded with a request directed towards the regulations of terms of employment and not towards sanctions:

inwoners van die eilanden hun toelucht buiten onze kolonie moeten nemen om daar het bestaan te vinden, dat het Nederlandsche gebied hun niet kan verschaffen.

Alhoewel ik dikwyls niet eens ben met hetgeen de heer van Kol over Curacao in de Staten Generaal beweert, meen ik dat het Bestuur by de behandeling van het verzoek van de Curacaosche Petroleum Maatschappij niet na kan laten op het bovenstaande te letten.

Wanneer het Bestuur mocht besluiten om toch medewerking te verleenen om arbeiders uit den vreemde te laten komen, dan verdient het m.i. aanbeveling eenige eischen te stellen, zooals b.v. een bewys van goed gedrag van ieder arbeider, die hier gebracht wordt en storting van een zeker bedrag voor passage terug naar het land alwaar de arbeider tehuis behoort.

Misschien zyn er meer eischen die gesteld zouden moeten worden, maar daar de zaak nog niet zoo ver is, zal ik daarover niet verder uitwelen.

Hoe de Maatschappij zich voorstelt arbeiders uit Suriname te importeren, is my niet recht duidelyk. Het is toch van algemeene bekendheid dat daar werkkraacht te kort komt en er steeds arbeiders uit Java en Britsch Indie moeten worden ingevoerd.

Voorts zouden volgens de Maatschappij beschermende maatregelen noodzakelyk zyn om aangenomen arbeiders desnoods te dwingen hun contract na te komen.

In verband hiermede wil ik onder Uwe aandacht brengen, dat in dit gebiedsdeel van Nederland zelfs geen bepalingen bestaan betreffende overeenkomsten tot het verrichten van arbeid.

Strafbepalingen als door de Maatschappij bedoeld op het niet-nakomen van arbeidsovereenkomst bestaan evenmin op Curacao en, voor zoover my bekend, bestaan dergelyke strafbepalingen in Nederland ook niet.

Daar de Maatschappij verder verzoekt om het daarheen te leiden dat dergelyke bepalingen in het leven geroepen worden, zal in de eerste plaats moeten worden nagegaan of het noodzakelyk en wenschelyk is, om ook voor Curacao de verschillende bepalingen betreffende arbeidsovereenkomst, zooals opgenomen in den Zevenden titel A van het derde boek van het Nederlandsch Burgerlyk Wetboek, voor te stellen.

In verband met de groote onkosten die de invoering van bedoelde bepalingen tengevolge zullen hebben, wil het my voorkomen, dat voor

[TRANSLATION]

In dealing with the Colonial Household Budget of 1924, member van Kol, in talking about the decline in the Leeward Islands of the Colonies, said *inter alia* that a large number of the inhabitants of these islands are having to seek refuge outside our colonies to be able to make a living, which the Dutch territory cannot provide them.

Although I frequently disagree with that asserted by Mr van Kol about Curaçao in Parliament, I believe that the Board, in dealing with the request from the Curacao Petroleum Company, should not forget to take heed of the above-mentioned. Should the Board decide to nevertheless grant authorisation in bringing labourers over from abroad, then it is in my view appropriate to set a number of requirements, for instance, proof of good behaviour from each labourer who is brought here and the deposit of a certain amount for passage back to the country that the labourers call home.

Perhaps there are more requirements which should be made, but since the case is still under consideration, I will not dwell on it further. How the Company imagines importing labourers from Suriname, is not quite clear to me. It is generally known that there is a shortage of work force there and more labourers are being brought in from Java and the British Indies every day. Furthermore, according to the Company, penal provisions are necessary to force hired labourers to fulfil their contractual obligations if needs be. On account of this aspect, I would like to bring to Your attention, that in this territory of the Netherlands, no provisions exist relating to agreements for the performance of work.

Penal provisions as intended by the Company for non-fulfilment of contract do not exist on Curaçao and, to my knowledge, neither do similar penal provisions exist in the Netherlands.

Since the Company also requests to be led in the direction that such provisions be established, it will first be necessary to ascertain whether it is necessary and desirable to also propose different provisions relating to employment agreements for Curaçao, such as those documented in the Seventh title A of the third book of the Netherlands Civil Code.

In relation to the huge expenses that will be incurred as a consequence of implementing the provisions referred to, it would seem to me, that ...

The attorney general clearly shows that this issue is about money: whether the CPM spends its money on so-called agents on other islands and in the region, or whether the Administration of Curaçao will bear the cost of creating statutory regulations regarding the sought after labourers:

Curacao de groote noodzakelykheid daartoe nog niet bestaat. In ieder geval verdient het aanbeveling ook in verband met de groote uitgaven eraan verbonden, de zaak eerst ter kennis van den Minister van Kolonien te brengen.

Als vorenbedoelde bepalingen, eenmaal in ons Burgerlyk Wetboek opgenomen, hier geldig zyn, sal dan verder nagegaan kunnen worden of ook strafbepalingen op het niet-naleven van arbeidsovereenkomst noodig en wenschelyk zyn.

Alhoewel in Suriname en Oost-Indie, naar ik hoor, dergelyke strafbepalingen voor Koelies bestaan, lykt het my dat die bepalingen niet in het kader van onze wetten passen; zelfs het zoogenaamde "paga-terra" contract is meermalen in de Staten Generaal als gedwongen arbeid afgekeurd.

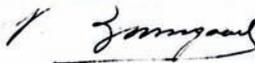
Aan de Maatschappij zou al vast medegedeeld kunnen worden, dat hetgeen zy verzoekt in haar hiervoren vermeld schryven door het Bestuur in overweging zal worden genomen.

De wnd. Procureur-generaal,

(get) E. de Veer Abrahamsz.

Voor afschrift,

De Gouvernements-secretaris,



[TRANSLATION]

In relation to the huge expenses which will be incurred as a consequence of implementing the provisions referred to, it would seem to me, that for Curaçao the great necessity for this purpose does not exist. In any case, also in light of the large associated expenses, it deserves recommending first bringing the case to the attention of the Minister of the Colonies.

Once the aforementioned provisions have been documented in our Civil Code, which is valid here, then it will be possible to investigate further whether or not penal provisions for non-compliance of employment contract are necessary and desirable.

Although from what I hear, such penal provisions exist in Suriname and the East Indies for Coolies, it seems to me that these provisions do not fit into the framework of our laws, even the so-called "paga-terra" contract has been rejected multiple times in Parliament as forced labour.

The Company can already be informed that what was requested in its letter to the Board, will be taken into consideration.

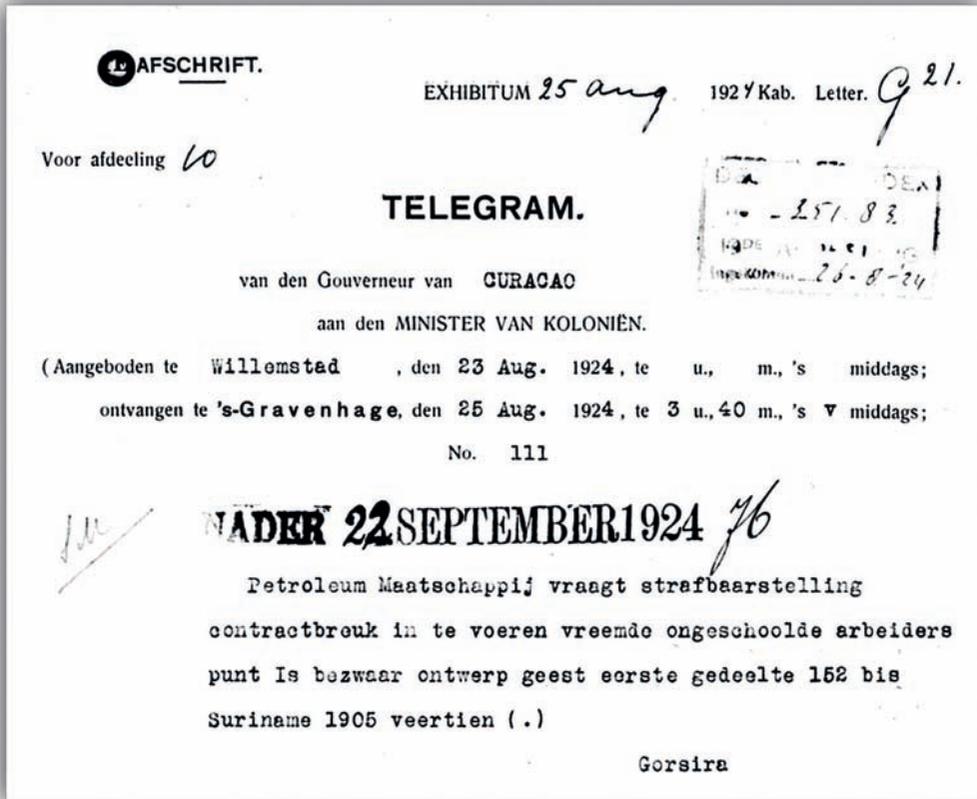
The acting Attorney General,
(signed) E. van de Veer Abrahamsz.

For copy,
The Government Secretariat,

The attorney general labelled the penal sanctions and related regulations as 'forced labour' and found them to be unfitting within the legislation of Curaçao. The incumbent Minister of the Colonies in the Netherlands however, held a completely different opinion.

2.1.2 'Simon the Liar' supported CPM requests to apply punishments

The Minister of the Colonies received a copy of the request made by the CPM from the Governor of Curaçao³:



3. National Archive, The Hague, Ministry of the Colonies: Public Record, 1901-1952, access number 2.10.36.04, inventory number 2669, nr. 77, Poenale sanctie nakoming van arbeidsovereenkomst door werknemers, Verbaal 9 Oct. 1924 nr. 77. (Penal sanctions regarding fulfilment of employment contract by employees, Record 9th of October 1924 nr 77).

[TRANSLATION]

TELEGRAM.

From the Governor of CURAÇAO
To the MINISTER OF THE COLONIES

(Presented in Willemstad, on the 23rd of August 1924

Received at The Hague, on the 25th of August 1924, at 3 hours 40 minutes

No. 111

Petroleum Company requires introduction penalisation breach of contract foreign
unskilled labourers stop any objection design in spirit of first part 152 bis
Surinam 1905 fourteen(.

Gorsira

[TRANSLATION]

DEPARTMENT OF COLONIES
The Hague, the 22nd of September 1924
Telegram Curaçao.
Government -Telegram
THE MINISTER OF THE COLONIES,

Subject:
Penal sanction refusal of employees to return to work, etc.

Reading the telegram from the Governor of Curaçao of the 23rd of August 1924 No 1
(Exh.25 August 1924 Lr.G21);
Has approved to wire:
Governor of Curaçao.
(No....) 111 agree adoption article 31 Suriname police penal regulations Government
Journal 1915 seventy-seven.

Degraaff.
The Min.of.Col.

Do not write.

The regulation of article 152bis of the Suriname penal regulations referred to in the telegram, documented in the G.B.1905 No 14, corresponds with that of article 31 of the Suriname police penal regulations (G.B. 1915 No 77). The governor wishes to solely criminalise the refusal or default of the

[TRANSLATION]

employee to be at work at the appointed time or to go to the corporation
(for the attention of unskilled labourers).

In the Departments opinion [it merits recommending] to criminalise, not only the absenteeism referred to, but also other, as mentioned in article 29 to 33 of the latter regulations. The need for such regulations will, as is the belief, undoubtedly be increasingly felt as a consequence of the expansion of the larger companies established on Curaçao and the thereby accompanying existing need for more work force, for which, as appears from the telegram, supply is also being provided from abroad.

Not surprising, given that the Minister of the Colonies had, the year before, fiercely resisted the abolition, in the long run, of the penal sanctions on Sumatra's east coast, sought after by the Lower House. For parliament, it was mostly about the regulation that permitted an absconded labourer who failed to meet the terms of his contract, to be retrieved by force and put back to work.⁶

So, where the attorney general of Curaçao showed restraint, as did Governor Wouters almost twenty years later, stiff sanctioning regulations were immediately deployed by authorities in the Netherlands, *such as people were accustomed to in the treatment of unskilled labourers in the East!*

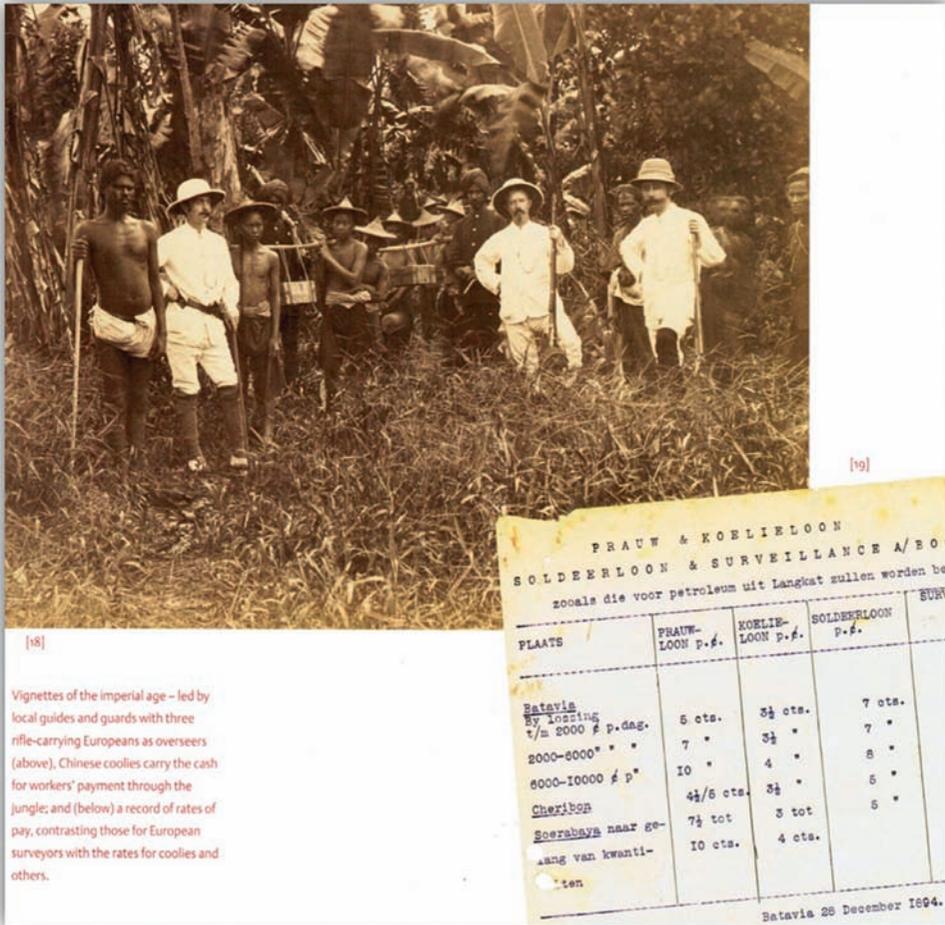
How life appeared under such regulations becomes abundantly clear elsewhere, from descriptions of the reality of penal sanctions and their excesses.

6. C. Fasseur, 'Graaff, Simon de (1861-1948)', in Biographical Dictionary of the Netherlands.

URL:<http://resources.huygens.knaw.nl/bwn1880-2000/lemmata/bwn3/graaff>, last consulted on 7-2-2014.

2.2 Treatment of Chinese in the East

Shell on Curaçao owes its existence to the discovery of oil on Sumatra in 1890. The Dutch colonial government was already actively extracting coal in the Ombilin mines on this East Indies Island. Private planters were especially active on East Sumatra. Chinese contract labourers contributed greatly to all of these businesses. The extremely low wages and poor working conditions made it possible for these businesses to make a huge profit and thus attract investors for the further development of these industries.



Chinese contract labourers at Langkat, Sumatra in the East Indies worked for extremely low wages for the Bataafse Petroleum Maatschappij, predecessor of Shell. (Jonker e.a., 2007: 28)

Oil and tobacco

Different divisions of the tobacco businesses belonging to the Langkat Company on Sumatra committed abuses which were witnessed by doctors and other medical personnel, but kept the information in-house. The same happened when three Chinese contract labourers from the company had to be admitted to hospital for medical treatment as a result of an assault by the tandil (supervisor). The administrator also filed a complaint against the tandil. The publication of *De miljoenen van Deli* (The Deli Millions) by lawyer Mr J. van den Brand could possibly have led to the conviction of the supervisor.

In the Timbang Langkat business, a division of Langkat with 1215 employees, the following occurred:

On the morning of the 27th of November 1903, three Chinese, namely Liong Sie, Teoe Kow and Wong Sang, who had been brought to the company by a recruiter but had refused to enter into employment as contract coolies, were wantonly mistreated with a rattan cane by the hoofdtandil [head supervisor] Tan A Sang out of anger for the refusal or to force them. The tandil lashed the three aforementioned men a number of times with the cane in the shed near his house as well as en route from here to the firm's office. As a consequence, Messrs Liong Sie and Wong San were admitted to the company's hospital for twelve days and Mr Teoe Kow for eighteen days, where they were nursed. Liong Sie had fifteen lashes on his back, buttocks, right thigh, upper right arm and right hand, and Wong San had several lashes on the back and buttocks. Mr Teoe Kow had a swelling on the left arm and hand as well as various lashes on the areas mentioned and his back and buttocks. He also had a partial fracture in the middle of his left ulna. The administrator of the firm also did not file a report with the magistrate in this case of abuse. (Breman: 351-2)

The implementation of physical and psychological punishment, the so-called penal sanctions, were to ensure that a cheap labourer would be retained. On the basis of this ideology, which was ratified in the notorious statutory regulations of the 'Coolie Ordinances', the Chinese worked from 1853, and from 1873 also Hindustanis and Javanese, until the 1930s, as coolies for the Dutch business community in Suriname. This involved thousands of people. This section contains a description of the treatment of the Chinese contract labourers in the Dutch East Indies.

2.2.1 East Indies penal sanctions

Forced labourers and free workers worked in the government coal mines on Sumatra's west coast in Sawah Loento. In 1901, approximately 1650 forced labourers worked there (sentenced by the government), 886 'free coolies' (Malays and Niassers) and 260 Chinese 'contract coolies'. The work mainly consisted of hacking out coal.⁷

Around the year 1900 many abuses came to light about the working conditions and treatment of the labourers (offenders as forced labourers, contractors and free people) in the coal mines of Sawah Loento and Doerian. Senior officials from various departments became involved in investigating this. Their conclusions and recommendations were contradictory on some issues. Notably, their views on torture and other atrocities gave rise to differences in perception and opinion.

Punishment with the rattan cane

For years it had been the tradition in Sawah Loento to punish with the rattan cane; because of a lack of prison cells the implementation of the statutory disciplinary measures (art. 52 sub b., c. and d. of Law Gazette 1871 nr. 78) had not been possible.⁸

In a confidential paper dated the 13th of February 1911, Governor Ballot of Sumatra's west coast called the rattan cane '*the frequent and unmerciful flogging*'.⁹



Rattan cane Tropen museum coll.nr. A - 3731.

Unwilling workers

Following a visit to the coal mines of Sawah Loento on the 9th of August 1901, Abendanon, the director of the OEN, in his report to the Director of Justice, noted a number of particular aspects about the punishments that the labourers in the Sawah Loento coal mines had to endure. Abendanon cited this information from the report by Dr Vorderman:

7. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 170, Onderzoek van de directeur van Onderwijs, Eredienst en Nijverheid en de chef van het Mijnwezen te Sawah-Loento, 24 maart 1903, nr. 13. (Investigation by the Director of Education, Religious Affairs and Industry and the head of the Mines at Sawah Loento, 24 March 1903, no. 13.)
8. NL-HaNA, Colonies/Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, no 41, brief gouverneur van Sumatra 's Westkust, de heer Ballot, dd. 13 februari 1911. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, letter Governor of Sumatra's West coast, Mr Ballot, dated 13 February 1911.)
9. Idem.

'[...] For a number of reasons, especially for desertion of work, convicts are frequently brought up on charges before the Inspector of Sawah Loento and the punishment of caning by rattan cane applied to the perpetrator by way of disciplinary action(...).'

The djawa doctor at Doerian claimed that on a daily basis an average of four convicts were approved by him for *'suitability for this punishment'* and this is in line with the records, because in 1900 punishment by rattan cane was imposed at least 1275 times by the police magistrate (Abendanon corrected this number to 1570: 1194 with 20 strokes of the rattan cane, 246 with 15 strokes, and 130 with 10 strokes). Of these 1275 men, 185 had to be medically treated for wounds to the buttocks caused by strokes from the rattan cane, after the sentence had been carried out. *'Six of these died from exhaustion, dysentery etc. during their stay in hospital.'* According to the physician, such patients sometimes remained in the hospital ward under treatment for months.¹⁰

Government coal mines on Sumatra: Sawah Loento and Doerian

According to Mine Director (senior official) Van Lier around 90 percent of the 3703 labourers at Sawah Loento were sentenced to a caning with the rattan cane for not arriving at work or for absconding.

Van Lier processed his final numbers graphically and presented his case with a great deal of pride: *'from this graph one can also assume, that caning with the rattan cane is indeed a punishment that inspires awe.'*¹¹

Van Lier: *'It would be difficult for people to view the caning of the 612 men as conflicting with the demands of humanity. The punishment, in my opinion, can sufficiently be applied up to 5 times. Should this be exceeded, it will accomplish nothing and it will come into conflict with the general sense of humanity.'*¹²

10. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 966, Arbeidstoestand te Sawah Loento, verantwoording van de heren Van der Meer, Casparsz en Van Tiel. Beantwoording van het inspectierapport door de ingenieur-directeur Van Lier, 20 september 1912, nr. 39, geheime brief m.b.t. de beantwoording van het inspectierapport betreffende de Ombilin kolenmijnen, van inspecteur van de arbeid Stibbe dd. 12 november 1910 door Ingenieur-directeur R.J. van Lier, 3 juni 1911. (Working conditions at Sawah Loento, accountability by Messrs Van der Meer, Casparsz and Van Tiel. Answering the inspection report by engineer director Van Lier, 20 September 1912, no 39, confidential letter with regards to answering the inspection report on the Ombilin coal mines, from labour inspector Stibbe dated 12 November 1910 by engineer director R.J. van Lier, 3 June 1911.)

11. Idem.

12. Idem.

Van Lier noted that of the offenders, four labourers were caned with the rattan 22 times, another 24 times and one person was even caned 37 times. Van Lier:

*'A one-time sentence under police law could, in those days, very well lead to up to 10 canings with the rattan.'*¹³

The table below provides an overview of the most prevalent violations committed by forced labourers and contractors under police law who were threatened with rattan caning (solitary confinement did not exist in the small prison of Sawah Loento).¹⁴

1. Zonder geldige redenen wegblijven van het werk.
2. Zonder vergunning verlaten van het werk.
3. Drossen.
4. Luiheid of niet afwerken van een taak.
5. Niet slapen in de hun aangewezen kazerne.
6. Zich ophouden in de contractantenkazerne.
7. Het roken in de mijn.
8. Opzettelijk beschadigen van een veiligheidsmijnlamp (om een strootje te kunnen aansteken).
9. Stelen van kool uit een andermans wagen of hoop om de eigen wagens vol te krijgen en daardoor minder arbeid te verrichten.
10. Zich ophouden in de vrouwenkazerne.
11. Zich onttrekken aan het appel.
12. Het verkopen van verstrekte kleding.
13. Niet naar behoren verrichten van opgedragen werkzaamheden.
14. Te laat komen op het werk.
15. In het bezit zijn van een mes of ander wapen.

Koelieordonnantie: Indisch Staatsblad 1915, nummer 421, het volledige Staatsblad is opgenomen in Bijlage 2.

.....
13. Idem.

14. Idem.

[TRANSLATION]

1. No valid reasons to stay away from work.
2. Leaving work without a permit.
3. Absconding.
4. Laziness or not completing a task.
5. Not sleeping at designated barracks.
6. Loitering in the contractors' barracks.
7. Smoking in the mine.
8. Intentional damage to a mine safety lamp (to light a straw).
9. Stealing coal from another man's cart or load in order to fill up own cart and thereby perform less work.
10. Loitering in the women's barracks.
11. Not doing ones duty.
12. The sale of provided clothing.
13. Not properly performing the assigned work.
14. Coming to work late.
15. Possession of a knife or other weapon.

Coolie ordinance: Indian Law Gazette 1915, number 421, the full Law Gazette is provided in Annex 2.

tot weigering om den verplichten arbeid te verrichten, vechterij, dronkenschap en dergelijke vergrijpen tegen de goede orde gestraft met een geldboete van ten hoogste *f* 25.— (vijf en twintig gulden) of met ten arbeidstelling aan de publieke werken voor den kost zonder loon van ten hoogste twaalf dagen.

(2) Werklieden, die reeds eenmaal wegens verzet of bedreiging tegen de werkgevers of hun personeel zijn veroordeeld, worden bij herhaling van het feit gestraft met ten arbeidstelling aan de publieke werken voor den kost zonder loon van ten hoogste drie maanden.

Artikel 21. Het aanmoedigen tot niet-naleving van werkovereenkomsten of het begunstigen daarvan door het verleenen van huisvesting aan- of het in dienst nemen van een werkmán, die niet door een behoorlijk ingevulden ontslagbrief of door een van wege het bestuur aan hem uitgereikt schriftuur heeft bewezen geheel vrij te zijn van dienstverplichtingen tegenover anderen wordt, elke overtreding op zich zelve, gestraft, voor zooveel Europeanen of met dezen gelijkgestelden betreft, met een geldboete van ten hoogste *f* 200.— (twee honderd gulden) of gevangenisstraf van ten hoogste één maand en, voor zooveel Inlanders of met dezen gelijkgestelden betreft, met eene geldboete van ten hoogste *f* 50.— (vijftig gulden) of ten arbeidstelling aan de publieke werken voor den kost zonder loon van ten hoogste één maand.

Artikel 22. (1) Elke inbreuk op de werkovereenkomst door den werkmán gepleegd wordt alleen vervolgd op aanklacht van den beheerder der onderneming, waartoe de werkmán behoort.

(2) Wegens desertie, voor de eerste maal gepleegd, wordt de opgelegde straf niet ten uitvoer gelegd indien de werkmán binnen den hem door den rechter toegestane termijn naar de onderneming is teruggekeerd.

Artikel 23. Overtredingen van de voorschriften dezer ordonnantie en van de bij de werkovereenkomst overeengekomen bedingen, waartegen geen bepaalde straffen zijn bedreigd, worden gestraft, voor zooveel Europeanen en met dezen gelijkgestelden betreft, met eene geldboete van ten hoogste *f* 100.— (één honderd gulden) en, voor zooveel Inlanders en daarmee gelijkgestelden betreft, met eene geldboete van ten hoogste *f* 25.— (vijf en twintig gulden) of ten arbeidstelling aan de publieke werken voor den kost zonder loon van ten hoogste twaalf dagen.

Artikel 24. (1) De Gouverneur-Generaal is bevoegd om, hetzij voor alle werkovereenkomsten, hetzij voor nader door Hem aan te duiden werkovereenkomsten van een bepaalde soort of strekking, den in de eerste alinea van artikel 3 aangegeven maximumduur dier overeenkomsten te verkorten, hetzij voor de ondernemingen in het geheele gewest, hetzij voor die in een bepaald gebiedsdeel.

(2) De bepalingen dezer ordonnantie, houdende strafbedreiging tegen inbreuk op de werkovereenkomsten van de zijde der werklieden

[TRANSLATION]

month; and insults against these persons, disturbing the peace, refusal to work, inciting to desertion or refusal to carry out the required work, fighting, drunkenness and similar offences against the order will be punished by a fine of no more than Fl. 25,-- (twenty-five guilders) or being put to work on public works for board without pay for a period of no more than twelve days.

(2) Workers who have already been convicted once for resistance or threats against the employers and their staff, and who repeat the offence, will be put to work on public works for board without pay for a period of no more than three months.

Article 21. Encouraging non-compliance with labour contracts or enabling this by means of providing housing to, or employing a worker who has not proved being completely free of work obligations to others by means of an adequately completed discharge letter or by means of a written document handed to him by the administration, is punishable, each violation separately, as regards Europeans or those of equivalent nationalities, by a fine of no more than Fl. 200,-- (two hundred guilders) or a custodial sentence of no more than one month and, as regards natives or those of equivalent nationalities, by a fine of no more than Fl. 50,-- (fifty guilders) or being put to work on public works for board without pay for a period of no more than one month.

Article 22. (1) Every violation of the labour contract by the worker is only prosecuted after complaint of the manager of the enterprise to which the worker belongs.

(2) The punishment for desertion, committed for the first time, is not carried out if the worker has returned to the enterprise within the period permitted by the judge.

Article 23. Violation of the regulations in this decree and of the provisions agreed upon in the labour contract, against which no punishment is threatened, are punishable, as regards Europeans and those of equivalent nationalities, by a fine of no more than Fl. 100,-- (one hundred guilders), and as regards natives or those of equivalent nationalities by a fine of no more than Fl. 25,-- (twenty-five guilders) or being put to work on public works for board without pay for a period of no more than twelve days.

Article 24. (1) The Governor-General has the authority to reduce, either for all labour contracts or for contracts of a particular type or purpose to be determined by him, the maximum duration of the contracts as referred to in the first paragraph of article 3, either for enterprises in the entire district, or for a specific area.

(2) The provisions in this decree, regarding the threat of punishment against violation of the labour agreement on the part of the workers and against refusal to carry out required labour, as well as

en tegen weigering om den verplichten arbeid te verrichten alsmede die betreffende de terugbrenging met den sterken arm van werklieden naar de onderneming treden, zoodra de omstandigheden zulks ter beoordeeling van den Gouverneur-Generaal toelaten, op een door Hem vast te stellen tijdstip buiten werking voor de ondernemingen in het geheele gewest, dan wel voor die in een bepaald gebiedsdeel, hetzij voor alle werkovereenkomsten, hetzij voor nader door Hem aan te duiden werkovereenkomsten van een bepaalde soort of strekking.

Artikel 25. De vóór de inwerkingtreding dezer ordonnantie op den voet van artikel 3 van Staatsblad 1889 N° 138 juncto Staatsblad 1913 N° 523 geregistreerde werkovereenkomsten blijven voor den daarbij bepaalden termijn van kracht; de voorschriften dezer ordonnantie, met uitzondering van artikel 7, zijn daarop van toepassing.

Artikel 26. Deze ordonnantie kan worden aangehaald onder den titel van „Koelieordonnantie Sumatra's Oostkust”.

Ten tweede: Ingeval met werklieden als onder „Ten eerste” bedoeld, werkovereenkomsten worden aangegaan op anderen voet dan aldaar bepaald, zijn voor den werkgever en den werknemer de voorschriften der ordonnantie van 3 October 1911 sub „Ten tweede” (Staatsblad N° 540) van toepassing.

Ten derde: Deze ordonnantie treedt in werking op 1 Augustus 1915.

En opdat niemand hiervan onwetendheid voorwende, zal deze in het Staatsblad van Nederlandsch-Indië geplaatst en, voor zooveel noodig, in de Inlandsche en Chineesche talen aangeplakt worden.

Gelast en beveelt voorts, dat alle hooge en lage Colleges en Ambtenaren, Officieren en Justiciëren, ieder voor zooveel hem aangaat, aan de stipte naleving dezer de hand zullen houden, zonder oogluiking of aanzien des persoons.

Gedaan te Buitenzorg, den 22^{sten} Juni 1915.

IDENBURG.

De Algemeene Secretaris,
HULSHOFF POL.

Uitgegeven den negen en twintigsten Juni 1915.

De Algemeene Secretaris,
HULSHOFF POL.

(Besluit van den Gouverneur-Generaal van 22 Juni 1915 N° 7).

regarding returning workers to the enterprise by force, will be rendered inoperative as soon as the Governor-General is of the opinion that the situation allows it, at a moment to be decided by him for enterprises in the entire district, or those in a particular area, either for all labour contracts, or for contracts of a particular type or purpose to be determined by him.

Article 25. The labour contracts based on article 3 of Staatsblad 1889 No. 138 in conjunction with Staatsblad 1013 No. 523, registered before this decree takes effect will remain in force for the defined term; the regulations in this decree, with the exception of article 7, apply.

Article 26. This decree may be referred to under the title of
“Coolie Decree Sumatra’s East Coast”.

Secondly: If labour contracts are entered into with workers as referred to under “Firstly” on different terms than determined there, the regulations in the decree of 3 October 1911 sub “Secondly” (Staatsblad No. 540) apply to the employer and the employee.

Thirdly: This decree will take effect on 1 August 1915.

To prohibit any person feigning ignorance, this decree shall be published in the Bulletin of Acts, Orders, and Decrees of the Dutch East Indies (STAATSBLAD VAN NEDERLANDSCH-INDIË), and, to the degree necessary, posted in the native and Chinese languages.
Orders and commands furthermore, that all high and low Colleges and Officials, Officers and Justiciers, enforce the strict observation of the above, without connivance or discrimination.

Buitenzorg, the 22nd of June, 1915

IDENBURG.

The General Secretary,
HULSHOFF POL.

Published on the twenty ninth of June 1915.

The General Secretary,
HULSHOFF POL.

(Decree of the Governor-General of 22 June 1915, No. 7).

2.2.2 Criticism of coolie ordinance

L.H.A. Kufahl, a European, was member of the district Council, member of the court and manager or administrator of the Saint Cyr business belonging to the Deli and Langkat Tobacco Company. The company was among the most profitable tobacco plantations situated in East Sumatra, in the sub-district of Medan in the Deli district. (Breman, 1987: 335) Prosecutor J.L.T. Rhemrev had been commissioned by the attorney general to investigate this company and had come '*to the discovery of various exasperating assaults.*' Rhemrov decided to start criminal proceedings against Administrator Kufahl and also against Mr Lind, assistant on Saint Cyr, and sought legal action against Mr Kufahl. The judge investigated the case and the administrator was charged with a number of assaults on the contract coolies. (Breman, 1987: 335)

Case

Chinese contract labourers often wore their hair in a long pony tail. During assaults, some of them paid for this vanity with their lives. In 1896, Administrator KÜchenthal was guilty of manslaughter in the death of the Chinese '*contract coolie*' Tjew Ah Tjeng. The above-mentioned gentleman, then administrator of the Boga Estaté firm, hung the Chinese labourer by his pony tail from a five foot high plank bed. The labourer died an hour later as a result. Prosecution failed to materialise. Resident Kooreman filed the case. (Breman, 1987: 383)



Violence against the labourer Tjew Ah Tjeng.

Non-fatal

The following assaults were not fatal, but were however, just as serious. In another company, the contract labourer Sak Pat Moey was assaulted in an almost identical way, resulting in the victim needing hospital care for five days. The investigation by Prosecutor Rhemrev of the Arnhemia company belonging to the *Deli* division of the *Rotterdam Deli Company* having 849 employees, revealed that the Chinese contract labourer Sak Pat Moey had been ‘caned’ by Administrator A.E. der Kinderen with a rattan cane. He was given eighty strokes on his back and arms, while being held by his pony tail. The reason for this assault was that the labourer, who had only entered into employment a few days earlier, had wanted to fetch medicine from the hospital for his headache. In doing so, he entered into the home of the administrator, which Sak Pat Moey thought must be the hospital. The assault led to a five-day stay in hospital. (Breman, 1987: 355) In the same company, Chinese contract labourer Wong A Tak, who was known to have a ‘chest ailment’ and could therefore not perform heavy labour, was beaten on a daily basis with the rattan cane by the Chinese tandil Lauw Liong Koe when he told the supervisor that because of his illness he was not able to perform his duties. Early in August 1903, Prosecutor Rhemrev filed an official police report against both abusers. (Breman, 1987: 355)

2.2.3 Physicians involved in corporal punishments

In a confidential letter dated the 26th of August 1910, the *Gewestelijk Eerstaanwendend Officier Van Gezondheid (GEOVG)*¹⁵ doctor Schijfsma wrote to Governor Ballot of Sumatra’s west coast about the corporal punishments of the employees of the Ombilin mines of Sawah Loento, that:

[...] also the gross abuse, that has been made with the rattan cane in Sawah Loento for many years, would have come to an end a long time ago, had the physician pointed out the abuse in a timely fashion, when the awareness was still vivid in him, that the labourers in the mine are not just an exclusive means of extracting as much coal as possible at the lowest possible production price, but are people whose physical and moral health he is called upon to keep in the first place.’¹⁶

15. Regional First Officer of Health

16. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, geheime brief van de gewestelijk eerstaanwendend officier van gezondheid, dr. Schijfsma aan de gouverneur van Sumatra’s Westkust, dhr. Ballot, dd. 13 februari 1911. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, confidential letter from the regional senior inspector of health, Dr Schijfsma to the Governor of Sumatra’s west coast, Mr Ballot, dated 13 February 1911.)

Doctor defends torture: medical consequences rattan punishment

Early in July 1910, the governor of Sumatra's west coast, in response to a letter from the head of the local administration of Sawah Loento, made objections against the use of the rattan punishment and the manner in which those punished were treated afterwards. For the GEOVG of Padang, Major Schijfsma, this was a reason to pay special attention to cases with wounds inflicted by the rattan cane in his inspection on the 25th of July 1910.¹⁷ Of all patients, more than half with wounds could be attributed to the rattan punishment.¹⁸

	1908	1909
Number	2000	2000
Nursed	100	85
Deceased	57	44

*Some figures regarding the medical condition of contract labourers.*¹⁹

The rattan punishment

The Ombilin mines of Sawah Loento on Sumatra were government coal mines. Here, the Chinese and native contract labourers and forced labourers were put to work in deplorable living and work conditions. Regulations from the Coolie Ordinances were in force here, resulting in many atrocities. Many offenders were severely beaten with the rattan cane and had wounds and scars to show for it. Around 1910, in response to an inspection report, the position of the examining doctors of the medical service came under criticism.

The rattan cane was a much used tool in Sawah Loento. Doctors were in a position to stop the torture with the rattan cane, but did not do so. As physicians, they had precisely the solemn duty to oppose this abuse and to inform the government about each and every such case of abuse. The GEOVG confirmed that physicians ought to have ascertained how this '*mediaeval punishment*' was extremely demoralising and that they had '*morally and physically dulled this feeling*' and therefore missed any effect.²⁰

17. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, rapport inspecteur van de arbeid dhr. Stibbe, Batavia, dd. 12 november 1910. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, report by labour inspector Mr Stibbe, Batavia, dated 12 November 1910.)

18. Idem.

19. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41.)

20. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, Annex L. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, Annex L.)

Schijfsma was certain that the physician, Van der Meer (see subsequent paragraph) had already proposed to bring an end to the *'inhumane, thoroughly demoralising punitive system of Sawah Loento'* years earlier. The rattan punishment was in place for forced labourers for the slightest offence, but according to the statistics, was also used for the contractors under police law, thus the ordinary natives. They were subjected to this treatment due to their employment contract and the coolie ordinance.²¹

Doctors and the rattan punishment

Labour inspector Stibbe, who attended the caning of a labourer with the rattan, noted that *'the demands of humanity were not constantly kept an eye on by the indigenous medical officer that was present.'*²²



Chinese contract labourer approved by a doctor for the rattan punishment.

21 Idem.

22. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, rapport inspecteur van de arbeid dhr. Stibbe, Batavia, dd. 12 november 1910. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, report by labour inspector Mr Stibbe, Batavia, dated 12 November 1910.)

Doctor Van der Meer

The Dutch doctor Van der Meer – who worked in the Ombilin mines until early 1910 – already saw at that time many injured patients from rattan punishments in the hospital, but did not bring his observation of these conditions to the attention of the responsible authorities.²³

Many labourers lay healing in the hospital at Sawah Loento from old wounds sustained by the rattan punishment (the ‘weak elements’ as described by Van Lier below), to then subsequently be approved by the doctor to undergo a new punishment with the same rattan cane. This latter aspect, which came to light from research, was not clearly defined by the mine director.

In mid-1911, the mine’s engineering director Van Lier confirmed that *‘it has been the habit that all contractors, who were sent for punishment, were first taken to the hospital for approval. In cases of weak elements not being able to complete their tasks and in repeating this are put forward for punishment, then they will nevertheless be kept in the hospital and not punished.’*²⁴

On the 25th of July 1910, the GEOVG doctor, Schijfsma inspected the hospital at the Ombilin mines of Sawah Loento. Apart from ‘ordinary’ patients, he saw many forced labourers and those under police law as well as contractors with more or less significant scars, and those with wounds from earlier punishments that had not yet healed. In the first ward the doctor found *‘among others, a convict who had been lying there having treatment for months due to a – gluteal abscess, caused as a result of a rattan punishment, that had later spread across the back of the thigh in the pararectal connective tissue, without success so far of the process being brought to a halt.’*²⁵

23. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 966, Arbeidstoestand te Sawah Loento, verantwoording van de heren Van der Meer, Casparsz en Van Tiel. Beantwoording van het inspectierapport door de ingenieur-directeur Van Lier, 20 september 1912, nr. 39, geheime brief m.b.t. de beantwoording van het inspectierapport betreffende de Ombilinkolenmijnen, van inspecteur van de arbeid Stibbe dated 12 november 1910 door Ingenieur-directeur R.J. van Lier, 3 juni 1911. (Working conditions at Sawah Loento, accountability by Messrs Van der Meer, Casparsz and Van Tiel. Answering the inspection report by engineer director Van Lier, 20 September 1912, no 39, confidential letter with regards to answering the inspection report on the Ombilin coal mines, from labour inspector Stibbe dated 12 November 1910 by engineer director R.J. van Lier, 3 June 1911.)

24. Idem.

On the same day and the day after, Doctor Schijfsma found significant scarring and wounds that had not yet healed, on the buttocks of more forced labourers and police prisoners. For the doctor it was difficult to determine whether these scars were the result of wounds incurred from a prior punishment, which had not yet healed.²⁶

Wounds from the rattan punishment

According to Schijfsma, the annual reports from the last years' show that approximately half of the wounds inflicted were directly connected to the rattan punishment.

Dr Schijfsma: *'However, only an insignificant portion of those who underwent punishment by rattan caning and as a consequence have more or less serious wounds are admitted to hospital – The rule is, that the offenders, after the enforcement of the punishment – whether or not provided with a bandage over the wounds – are again put to the same work that they had been doing previously, and not the actual mine workers for example being given the so-called 'outdoor work.'*²⁷



Even those Chinese labourers weakened by illness did not escape the rattan caning.

25. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, rapport inspecteur van de arbeid dhr. Stibbe, Batavia, dd. 12 november 1910. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, report by labour inspector Mr Stibbe, Batavia, dated 12 November 1910.)

26. Idem.

27. Idem.

Caning on wounds

The GEOVG was of the opinion that the work in the mine and the mine water was not conducive to the rapid healing of wounds, more so because during work the bandages often came loose and it frequently happened that the offenders were often punished again for another offence while the old wounds were not yet, or had barely begun to heal.

Schifsma: *'The result then is that for the first – or second stroke, blood emerges, cause for which, in my opinion, the physicians present at the execution should cease the punishment exercise.'* Schijfsma said that under these circumstances the intended effect of the rattan punishment was almost entirely lost, because *'under the influence of the repeated – in quick succession – implementation of the punishment on the same individual the tissue changes bit by bit due to scar formation and becomes less sensitive.'*²⁸



Rattan punishment on old scars on the thin skin of a Chinese contractor.

Absconding with wounds, rattan caning on old wounds

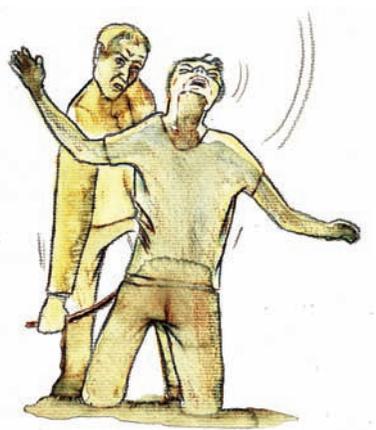
The GEOVG reported that the doctor who resigned in March 1910 had attempted to prevent abuses by *'admitting to hospital all those who had been subjected to the rattan punishment, and from which bleeding wounds had therefore arisen or also secondary tissue necrosis that would later lead to the development of wounds,'* with the aim of achieving a

28. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, rapport inspecteur van de arbeid dhr. Stibbe, Batavia, dd. 12 november 1910. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, report by labour inspector Mr Stibbe, Batavia, dated 12 November 1910.)

quicker healing than through admission later on. A secondary goal was to prevent absconding after the rattan punishment. These people '*come back from the wilderness in a condition worthy of compassion.*' This is why it took longer before their badly neglected wounds were healed, to subsequently have their punishment repeated due to running away from work. Thus, those who had been punished got into a vicious circle. After two months this process was discontinued.²⁹

2.2.4 Penal sanctions practiced on Chinese labourers: humiliation is key

It was particularly tough for the contract labourers of Chinese descent working in the companies on Sumatra. The injustices they suffered were truly inhuman. At the Stabat business, a division of the *Langkat Tobacco Company* with 472 workers, the hoofdtandil beat a Chinese labourer on his head, back and buttocks with many strokes of the cane. The reason for this assault was that the employee had asked the tandil to return to him the 30 Straits dollars he had given him for safekeeping. (Breman, 1987: 353)



Chinese labourer asked for his money, but was beaten.

On the 9th of May 1902, the administrator of the same business, E. Cowan, beat the Chinese labourer Wong Djoe because he had delivered poor work, first a few times on the head and then he kicked the labourer's left leg using his shod foot. As a result, he lay in the company's hospital until the 2nd of September of that same year. Wong Djoe was subsequently sent back to China with 45 Straits dollars travel money. (Breman, 1987: 354)

29. NL-HaNA, Colonies / Public Record, 2.10.36.04, inv.nr. 835, Recruitment of coolies. Enquête naar de werking der wervingsordonnantie, 21 juni 1911, nr. 41, rapport inspecteur van de arbeid dhr. Stibbe, Batavia, dd. 12 november 1910. (Inquiry into the effect of the recruitment ordinance, 21 June 1911, no 41, report by labour inspector Mr Stibbe, Batavia, dated 12 November 1910.)



Mr Wong Djoë was kicked hard and then given a severance pay.

Another issue, refusing to work, took place in the drying shed of a small business in Deli. Here, Mr J. Van den Brand saw five Chinese labourers lying on their stomachs. They had been caught and punished after they had run away. The administrator had them flogged.



Flogging of labourers.

They lay next to one another on a mat on the sandy ground, all of them on their stomachs, and the back of each one had been covered with a piece of white cloth. *'Another position was not possible, their backs and sides were completely covered in wounds caused by being beaten with bamboo, not thin bamboo, but bamboo with a diameter of 3 to 4 cm, which makes the cruellest wounds,'* according to Mr J. van den Brand. The wounded labourers were nursed by the administrator and *'the doctor who was supervising the treatment came once a week.'* (Breman, 1987: 262-3)

Case

In 1897 the administrator of a business on Bekri on the east coast of Sumatra, decided to arrest a tandil of the business for the murder and abuse of contract labourers and to send him for prosecution by the authorities (magistrate). (Breman, 1987: 365)

The administrator of the above-mentioned business reported to Prosecutor Rhemrev that the tandil had suspected two Chinese *'coolies'* of stealing and had assaulted them so seriously that one of them had succumbed to his injuries. The tandil had tied their arms behind their backs, and then secured their pony tails to a cross beam with a rope. (Breman, 1987: 365)



Chinese contract labourers hung by the pony tail.

After the tandil had first beaten the two labourers on their chest several times with a stone, he left them hanging in this condition for twelve hours. Because the suspects continued to repudiate, the supervisor decided to stab pointy niboeng sticks into the tissue under their nails. Shortly after this interrogation, one of the abused contract labourers died. (Breman, 1987: 365)

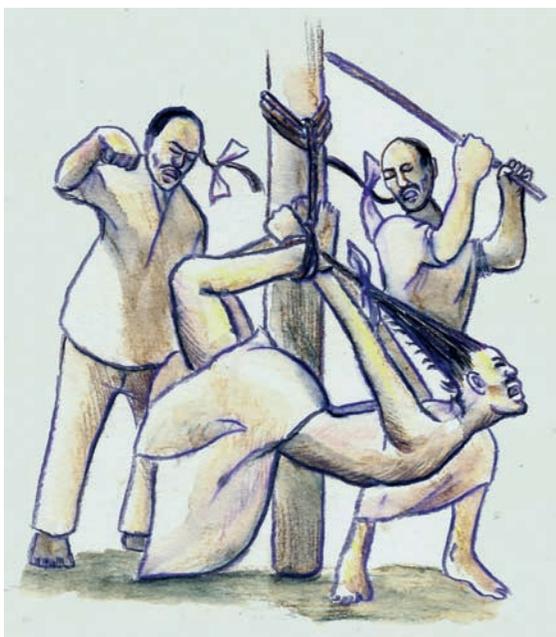
Case

A similar atrocity occurred in 1898 on the Loeboeq Estate, under the management of De Bruine. Three Chinese labourers were bitten by a rabid dog and sent to the Pasteur Institute in Batavia. After a while they returned to the company as cured. One of them had to be admitted to the company hospital. In a *'fit of rage'* he hit the tandil of the hospital on the head with a piece of wood. The administrator had the insane Chinese

labourer tied up in the guard's house as follows. *'His pony tail was pulled up high and tied to a piece of wood, while his hands were bound together with handcuffs.'* A day and a half later, the contract labourer died in the guard's residence. (Breman, 1987: 399-400)

Case

In May 1903, at the Tahah Item Company, located in the Batoe Bahra district, the Chinese 'contract coolie' Lim Yap Tjeng was humiliated, assaulted and tortured in a very savage way. Together, tandil Lim A Tong and hoofdtandil Lim A Kim, handled this contract labourer in the following way: *'First they bound both hands and feet backwards with a piece of cable rope, then secured this rope to his pony tail and subsequently hung this Chinese man from a pole so that his head was pulled backwards and a piece of his braid was pulled out.'* (Breman, 1987: 399)



Chinese contract labourer punished in East Indies.

Mr Lim Yap Tjeng was left in this condition for several hours, beaten with sticks and punched in the chest. At that point the victim lost consciousness and the perpetrators stopped their acts of violence because they thought he was dead. But after a few hours, the labourer was once again assaulted, and in the same manner. *'In the bound state as described above, he remained from half past six in the evening until nine o'clock the following morning.'* (Breman, 1987: 399)

Case

The administrator of the Kisaran Company, a division of Asahan of the *Nieuwe Asahan Tobacco Company* having 1530 people in employment, varied the assaults on the contract labourers. Equally, the workers often experienced tense relations and also had conflicts which they had to resolve themselves. Between 1899 and 1903 there were ten counts of murder and manslaughter. (Breman, 1987: 370-1)

Prosecutor Rhemrev also received the following. In 1891, a Chinese contract labourer was given the job of sorting the tobacco in the fermenting shed. He was familiar with this work, but on this day he seemed reluctant to sort the tobacco properly. So the administrator of Kisaran, Mr Denclau decided to punish the labourer as follows: *A knot was tied around both thumbs and then the long end of the rope was thrown over the roof beam of the reception room in the shed.* (Breman 1987: 370-1)



Chinese contract labourer hung by his thumbs.

The labourer was subsequently '*pulled upwards with rope, so that only the tips of his toes touched the ground*'. He was left to hang in this condition for a few hours. (Breman: 370-1)

2.3 Dehumanisation of the Chinese: a Kingdom-wide practice

Liesbeth van der Horst is one of the few historians who, in a publication about World War II, devoted attention to the events of the 20th of April 1942 in Camp Suffisant. She wrote about the origin of the victims, citing the Curaçao journalist Johan Hartog:

‘For that matter, the massacre did lead to political turmoil, but not to major outrage amongst the people. *‘They were only Chinese, illiterates. No one to make a fuss about,’* claims Johan Hartog, journalist on Curaçao.’ (Horst, 2004: 94)

Such characterisations of the Chinese were certainly not restricted to the population of Curaçao. An endless list of citations in the same fashion could be written up from the mouths and pens of managers of companies and government agencies. Who nevertheless made good use of the deeply despised Chinese labourers on whom they were practically dependent – a dependency that was obtained, not with respect, but with punitive measures.

This deserves an annotation. Companies and authorities had a keen interest in public opinion as described above by Hartog: the last thing a government administering forced labour and companies applying forced labour needed was public indignation about forced labour.

2.3.1 The Chinese: heat resistant or not, that is the question

CSM ships and oil refineries on Curaçao were, around 1900, a new economic phenomenon for Dutch colonialism in the West. As labourers, the Chinese met the conditions of the predecessors of Shell and the Dutch government: cheap, easy to ‘handle’ and in times of trouble had little support or solidarity from other ethnic groups. The threat of the emergence of a labour movement was therefore limited.

There was a broad base of support for maintaining a scornful, denigrating and oppressive jargon about the Chinese contract labourers. In this regard the title alone of the publication by H.J.J. Wubben about the Chinese immigrants in the Netherlands, ‘Chinezen en ander Aziatisch ongedierte’ (The Chinese and other Asian vermin) (1986) speaks volumes. A title that is incidentally derived from a document by the Ministry of Justice in 1931, in which the then Minister Jan Donner, or one of his officials, wrote in the margin: ‘When a nation loses its sense of nationality, then its women are abused by Chinese and other Asian vermin’. (Wubben; 1986:95)

Thus, the dehumanisation of Chinese began, not with the rattan cane, but in the way in which people thought and spoke about them. For example, take this passage from the 1908 – 1909 annual report by the Algemene Nederlandse Zeeliedenbond (ANZB)³⁰ about the presence of the Chinese in the merchant fleet as ‘The Yellow Peril’:

‘Boy oh boy, those coloureds, quite the little chaps for the ship owners. It slaves, it doesn’t sweat, it stinks in the cabins and doesn’t grumble, it revels in rice with salted cod like a draught dog.’ (...) ‘The coloureds should be barred as long as the unemployment in Europe is so alarmingly high, and they should always be barred, unless they want the same as us, endow the same in body and mind as the Europeans, whose eyes are opened to the rights that the labourer has to prosperity and freedom.’ (Wubben, 1986: 33-34)

Or this passage from Wubben’s book:

‘Even the socialists on Dutch soil showed their other side when opining about the ‘Chinese proletariat – the coolie – , who in 1911, were described by the socialist A. Lievengod as ‘climate proof, tough, sober, willing workers, frugal Chinese coolie’.’ (Wubben, 1986:21)

That the Chinese coolie or sailor was ‘climate proof’ was a widespread idea at the time. Thus, from the twenties of the previous century, cheap Chinese sailors were used for the hard, dehumanising work of the stokers and trimmers of the first Shell tankers, the so-called *monitors* or ‘flat irons’. G.W. Bakker wrote about this in his history of the CSM:

‘The monitors were not ideal for the people on board. On the return voyage they were fully laden, usually with the deck under water. As a consequence of this, all the ventilators on the fore deck were dismantled and the holes solidly covered with irons plates, which were then fixed in place with bolts. Due to a lack of ventilation, the boiler room was so hot, that only Chinese stokers and greasers were able to work in those circumstances.’ (Bakker, 1962: 44)

Such practices fed the prejudices about the hard working Chinese. Dr F van Heek, who in 1936 wrote the first so-called ‘scientific report’ about Chinese immigrants in the Netherlands, reported about the alleged heat resistance of the Chinese people: ‘This superior resistance of the Chinese to high temperatures has, as far as we know, not yet been established by medical experts.’ (Heek, 1936:103) But those who thought Van Heek bore a warm heart for the Chinese, are deceived. He had a lot of belief in finding a solution for the ‘Chinese problem’: do Chinese provide economic advantage or not? In any case, Van Heek was a supporter of only permitting Chinese if they provided real economic benefit:

.....
30. General Dutch Sailors Union

'In our opinion, the older of the Chinese sailors in the Netherlands should, without a doubt, be repatriated to China, of the younger ones, only those who are regularly signed up should be allowed to remain in our country. [...] There are plus minus 1200 Chinese in our country and plus minus 1000 Chinese registered in our harbours who will return to the Netherlands once their contract ends. Now that these sailors are aging, they are becoming more and more of a social burden for our people, while the question is raised as to whether they should be replaced by younger people, if our shipping feels the need for it.' (Heek, 1936: 106)

Two pages earlier, Van Heek had given an economic motive for this proposed deportation (which moreover, was seriously considered for some time by the Dutch government in the thirties):

'While the entrepreneur therefore makes a profit of plus minus f 740,- per month on his labour expenses by employing Chinese, the National Dutch community loses approximately f 1200,- per month through the unemployment support which has to be provided by superiors [...]' (Heek, 1936:104-105)

The study conducted by Van Heek played into the hands of the then rulers in the Netherlands who had little time for the growing number of Chinese. Words like 'deportation' and 'concentration camp' became part of the lingo.

2.3.2 The 'Chinese problem' in the thirties in the Netherlands

Chinese sailors working for CSM on Curaçao had a historic connection with their family and friends in Rotterdam and Amsterdam. Get-togethers were however, hampered by the rise of anti-Chinese sentiment amongst the population and government. Of the almost two thousand Chinese in the Netherlands in early 1933, 1136 lived in Rotterdam and 300 in Amsterdam. (Heek, 1936: 24) The goal of the Judiciary and the Foreign Police was to reduce the number of Chinese in the big cities, starting with those without valid residence permits. The political administration of the two above-mentioned cities began to interfere in the 'Chinese problem'. In 1927, the socialist member of the lower house, Brautigam indicated to the parliament *'to focus its attention on the danger, that slowly but surely' the Dutch fleet was being manned by foreigners 'and denounced the social evils which the signing up of Chinese in' Dutch harbours caused.* (Heek, 1936: 99)

Measures were not long coming. In 1936, Chinese sailors who lived in the Netherlands and had registered in a foreign port were not allowed to return to the Netherlands. (Heek, 1936: 91) This covert form of expulsion of Chinese had been made possible a few years before and had since contributed greatly to the machine staff of the CSM. In 1934, the Chief of Police in Rotterdam, Mr L. Einthoven, dictated that:

'[...] Chinese who were sent to Curaçao by Royal Shell to be employed in the oil refinery or coastal shipping, would not receive an identity card and thus could not be eligible to return to Rotterdam.' (Wubben, 1986: 166)

Given all of the above, it is hardly surprising that foreign researchers of the conflict of April 1942, which the Netherlands gladly considered in an economic context, prefer to view it in light of the far-reaching discrimination of the Chinese seamen:

'These grave incidents [de Aprilmoorden, NM] formed part of a broader protest by Chinese seamen on Dutch and other Allied ships against the various forms of discrimination from which they suffered.' (Howarth e.a., 2007: 60)

2.3.3 The call for East Indies advice

The Chinese community on Curaçao, mainly active as traders in the hospitality industry, were, in view of these circumstances, not in a social position to offer a helping hand to their sea-faring countrymen behind the barbed-wire of Camp Suffisant. Many were dependent on the foreign police for their stay. They did, however, make it possible for three of the fifteen dead strikers to be interred humanely.

That the above-mentioned Chinese community had every reason to tread cautiously can be deduced from the writings to the Minister of the Colonies (below). Their countrymen in the other Dutch colony of Suriname had had to contend with the resentment of poor citizens and consumers for decades. The East Indies officials were called in to help deal with the growing population group³¹:



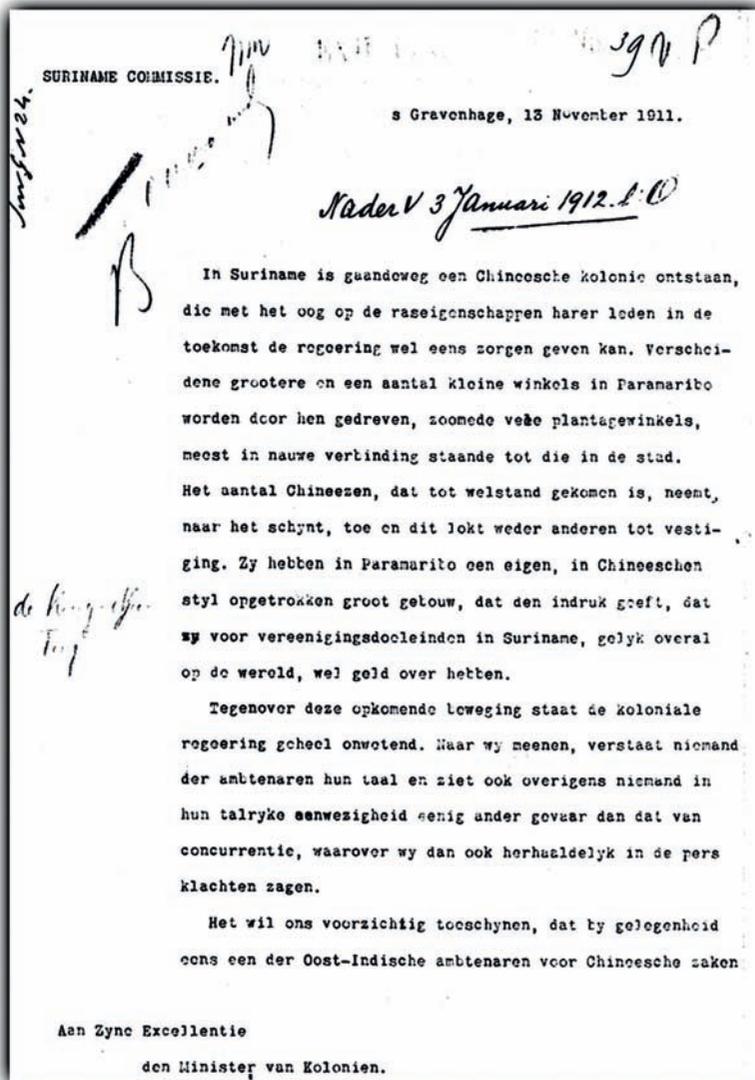
Chinese workers in the hospitality industry on Curaçao pay their last respects to three of the fifteen strikers who were killed.

31. National Archive, The Hague, Ministry of the Colonies: Secret Archive, 1901-1940, access number 2.10.36.51, inventory number 139, Litt. O/1, Chinezen in Suriname, 3-1-1912. (Chinese in Suriname)

2.4 Setting a good example – treatment of Chinese in the West

The most tragic link between the East and the West is without a doubt, the coal that the Chinese stokers and trimmers had to stoke on the CSM ships, at very low wages and under degrading conditions; coal originating from the Dutch East Indies, which was removed from the mines by Chinese who were underpaid and treated with extreme cruelty.

Also, with regards to policies and their execution, the West made a lot of associations to the East. On all fronts, from architecture to punitive measures, the harsh realities of the coolies in the East trickled through into West Indies life in general and to that of the Chinese seamen in particular.



[TRANSLATION]

SURINAME COMMITTEE.

The Hague, 13th of November 1911.

A Chinese colony has slowly developed in Suriname, which in light of the racial characteristics of its members may in the future give the government cause for concern. Several larger and a number of small shops in Paramaribo are run by them, as well as many plantation stores, most in close connection with those in the city. The number of Chinese that have become prosperous, so it seems, is increasing and this again entices others to settle. In Paramaribo they have erected their own large

Chinese style building that gives the impression that for societal purposes in Suriname they have the same amount of money left over everywhere in world.

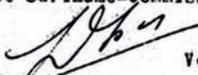
The colonial government is completely ignorant of this emerging movement. We are of the opinion that none of the officials understand their language and moreover see no one in their abundant presence presenting a threat other than that of competition, about which we have repeatedly seen complaints in the press.

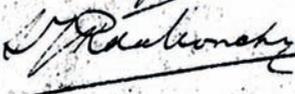
It would seem prudent to us that when the opportunity presents itself,
one of the East Indies officials

To His Excellency the Minister of the Colonies.

naar Suriname met tydelijke opdracht wordt gezonden om
den op dit punt bestaanden toestand te bestudeeren en
de regeering over deſt te volgen gedragslyn voor te lich-
ten.

De Suriname-commissie,


Voorzitter.


Secretaris.

for Chinese affairs should be sent to Suriname on a temporary assignment to examine the existing situation with regard to this issue and inform the government about the course of action to be taken.

The Suriname committee,

Chairman.

Secretary.

2.4.1 Female labour: the example from the East leads

During World War II, the Netherlands Antilles had to contend with a shortage of labour. Companies and the army (home guard) were fishing in the same pond for the most suitable men. The authorities sought to deal with this by mobilising women for various tasks, the so-called 'female labour conscription'. In the following discussion by a commission of Parliament about the conscription of women on Curaçao, an official, in developing the regulation on labour conscription for women, included his own personal experience of the East Indies. I report this issue here without too much comment, in order to show that this way of operating occurred in almost all sectors of society on Curaçao.³²

32. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 110, States of Curaçao, parliamentary year 1942-1943, Landsverordening tot regeling van de burger- en vrouwenarbeidsplicht - Curaçao, 24-11-1942. (National ordinance regulating labour conscription for civilians and women on Curaçao)

ARBEIDSPLICHT.

Vooraf een korte uiteenzetting van de in Oost-Indië geldende regeling en de ondervinding bij de uitvoering.

Een arbeidsplicht voor mannen bestond niet, behoudens voor personen, werkzaam in vitale bedrijven. Waren zij werkloos, dan stonden zij ingeschreven bij de werkloosheidscentrale en arbeidsbeurs. Had men mannelijke werkkrachten nodig dan werden die instanties opgebeld. Was men geschikt, dan diende men de betrekking te sanvaarden op straffe van inhouding van de werkloosheidssteun. Indien het salaris in de nieuwe betrekking te laag was, paste de centrale een zeker bedrag bij.

Onder deze werkloozen waren echter zeer weinig geschikte krachten, de werkwilligen konden overal een betrekking krijgen tegen normaal loon.

De arbeidsplicht was dan ook alleen voorgeschreven voor vrouwen. De regeling was zeer eenvoudig, ik meen 9 artikelen, terwijl de resident ter beschikking in de provincie Oost-, Midden- en West-Java, met de uitvoering was belast, met eventueel beroep op den Gouverneur. Bij de regeling was het uitgangspunt dat ook vrouwen een steentje bij moesten dragen in de oorlogvoering. Werd men geplaatst in een z.g. organieke-functie, dan kreeg men het loon aan die betrekking verbonden. Kreeg men een hulp-betrekking bij het Roode-kruis, luchtbeschermingsdienst, telefoon, censuur, kinderbewaarplaats enz., dan kreeg men soms een kleine vergoeding voornamelijk voor transport en andere noodzakelijke uitgaven. Mijn vrouw b.v. was, eerst als vrijwilligster later als arbeidsplichtige, bij de L.B.D.O., 1 dag 24 u dienst, waarvan 16 u actief, slapen en eten op het M.E.; 1 dag z.g. blokbrandwacht en telefoonwacht, 1 dag vrij, daarna weer L.B.D.O. Alleen voor de 24 u dienst kreeg zij vergoeding n.l. f.4.- per keer of f.40.- per maand; alleen minvermogenen kregen vrij uniform. Iedere vrouw moest zich opgeven, de gegevens werden op staat gebracht, en de indeeling en aanwijzing had plaats door de resident. Naast de ingedeelden bleef een zekere reserve. Had men een kracht nodig, dan belde men de resident op, die eenige vrouwen op proef zond. De meest geschikte werd aangehouden en kreeg daarna de mededeeling, dat zij b.v. was ingedeeld bij het M.E. Bleek achteraf, dat zij ongeschikt was of was het extra werk waarvoor zij was aangenomen afgeloopen, dan werd zij weer ontalagen. Zoowel aan aanneming als aan ontalag waren vrijwel geen formaliteiten verbonden. Dit zou ook maar stagneerend hebben gewerkt. Wel was het zaak voortdurend contact te onderhouden met den resident, zoodat direct de hand kon worden gelegd op een geschikte kracht die van elders vrij kwam. Vooral het Leger heeft hiervan geprofiteerd, Marine kwam dikwijls te laat.

De normale arbeidsvoorschriften, die door de oorlog, zij het stilzwijgend, in feite buiten werking waren gesteld, waren op dit vrouwelijk personeel -

- neel -

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A commission of Parliament focuses on new legislation.

LABOUR CONSCRIPTION.

First, a brief statement of the rules in force in the East Indies
and the experience in implementation.

Apart from people working in vital companies, an obligation to work did not exist for men. If they were unemployed, then they were registered with the unemployment centre and employment exchange. If there was a need for manpower, then the authorities were called. If a person was suitable, then he had to accept the position on the penalty of withholding unemployment support. If the salary in the new position was too low, then the unemployment centre applied an adjustment of a certain amount. Of these unemployed however, very few had suitable strengths, those willing to work could find a job everywhere for normal wages.

Labour conscription was therefore only prescribed for women. The regulation was quite simple; I believe 9 articles, while the available resident in the provinces of East, Mid and West Java was burdened with its implementation, with a potential appeal to the Governor. The regulation contained the premise that women were also to contribute to the war efforts. Should a person be placed in a so-called organic position, then they received the wages associated with the job. Those who were employed in a help-position for the Red Cross, air protection service, telephone, censorship, nursery etc., sometimes received a small fee primarily for transportation and other necessary expenses.

My wife for example, worked first in the service of the L.S.D.O. as a volunteer and later as a labour conscript, doing 1 day, 24 hour shifts, of which 16 hours were active, sleeping and eating at the M.E.; 1 day so-called block fire watch and telephone watch, 1 day off, then L.B.D.O. again. She only received a fee for the 24 hour service of n.l.

f.4.- per time or f.40.- per month; only those of limited means were given a free uniform. Every woman had to sign up, the information was registered, and the classification and allocation was undertaken by the resident. In addition to those allocated, there was a certain number held in reserve. Should extra force be needed, then the resident was called, who sent some of the women for trial.

The most suitable were kept and then given the notification that they for example had been assigned to the M.E.

If they later proved unsuitable or the extra work for which they had been hired was concluded, then they were again fired. Virtually no formalities were associated with applications or dismissal. This would have been a stagnant operation. However, it was imperative to continually stay in contact with the resident, so that a suitable worker could immediately be obtained once freed elsewhere. The Army especially benefited from this. The Navy frequently came too late.

The normal labour requirements, which due to the war, albeit tacitly, were effectively rendered inoperative, were not applicable to the female staff.

It was determined that the employment

Deel niet van toepassing. Bepaald was dat de arbeidsverhouding werd beheerscht door de voorschriften die golden voor het overig personeel van het bedrijf waar betrokkene werkzaam was, en voorzover deze met de bijzondere functie van de arbeidsplichtige en de buitengewone omstandigheden in overeenstemming waren te brengen.

Het gevolg hiervan was dat op de arbeidsplichtigen bij het M.E. niet van toepassing waren de voorschriften inzake salaris, werktijden, overwerkvergoeding, opzeggingstermijn, doorbetaling bij ziekte, vacantie, straffen en beroep ehz.

In het kort kan gezegd worden dat de regeling uitging van het standpunt:

- 1o. aan het defensiebelang is al het andere ondergeschikt;
- 2o. ook de vrouw heeft tot plicht actief deel te nemen aan de oorlogvoering;
- 3o. vertrouwen in de redelijkheid van werkgever en werknemer.

Voor zoover mij bekend is dat vertrouwen niet beschaamd geworden.

Nu wat betreft de ontwerpregeling Curaçao.

Hierbij valt vooral op:

1o. Een zeer omslachtige werkwijze, die snel en zakelijk handelen onmogelijk maakt (zie b.v. art.7 leden 2, 5, 6 en 7). Overal moet de Gouverneur of Commissie ingekend worden. A.M.C. heeft zelfs niet de bevoegdheid een ongeschikte kracht te ontslaan. Eerst moet bij de aanwijzingsambtenaar een klacht worden ingediend, A.M.C., betrokkene en de Commissie moeten worden gehoord, waarna bedoelde ambtenaar beslist. Hooger beroep is ~~van~~ mogelijk op de Gouverneur (art.11 lid 2, 3 en 5). De Commissie kan echter ook volstaan met een terechtwijzing (art.12). Afgescheiden van de papierenrampalomp aan een en ander verbonden is A.M.C. dus geen baas in eigen huis en kan de aanwijzingsambtenaar of de Commissie zich indirect bemoeien met de organisatie van het bureau en nagaan waarom het "niet botert" tusschen partijen (zie M.v.T. bldz. 4). Op de uit een militair oogpunt n.i. onaanvaardbare toestand, dat de hoogste militaire autoriteit niet vrij is om te beslissen over zijn eigen personeel, en zelfs door dit als regel vrij ondergeschikt personeel via de Commissie ter verantwoording kan worden geroepen, behoef ik niet verder te wijzen. Ook niet op de strafbepalingen in art. 19 lid 1 en 2.

2o. De Commissie.

Daar in de overweging gesproken wordt van "bevrijding" en "verdediging", zou verwacht worden dat vaststaat dat het militair element in de Commissie sterk vertegenwoordigd moet zijn; wie kan beter oordeelen over de behoeften van de defensie.

[TRANSLATION]

relationship was governed by the requirements valid for the remaining personnel of the company in which the concerned persons were employed, and provided these could be reconciled with the special position of the labour conscripts and exceptional circumstances.

The consequence of this was that for the labour conscripts at the M.E. the requirements with regards to salary, working hours, overtime compensation, notice, sick pay, holidays, penalties and appears, etc., were not applicable.

In short, it can be said that the regulations are based on the view that:

- 1o. In the interest of defence, all others are subordinate;
- 2o. Women are also obligated to actively participate in the war efforts;
- 3o. Trust in the reasonableness of the employer and employee.

As far as I am aware, that trust has not been violated.

Now, with the regards to the draft regulations of Curaçao.

Especially noteworthy is:

1o. an extremely cumbersome working method, which quickly makes business practice impossible (see e.g. art. 7 clause 2,5,6 and 7). The Governor or Committee must be notified of everything. A.M.C. does not even have the authority to dismiss unsuitable worker. First, a complaint must be filed with the appointment official, A.M.C., persons involved and the Committee need to be heard, after which the said official decides. Appeal can be made to the Governor (art. 11 clause 2, 3 and 5). The Committee can also made do with a reprimand (art.12). Apart from the paper rigmarole attached to this, A.M.C. is thus not its own master and the appointment official or Committee can indirectly interfere in the organisation of the office and determine why the parties do not get on (see M.v.T. page 4). From a military standpoint, in my opinion an unacceptable condition, that the highest military authority is not free to make decisions about his own personnel, and can even be called to account by the Committee for these fairly subordinate staff, I need not further point out. Also not on the penal provisions in art. 19 clause 1 and 2.

2o. The Committee.

Where in the deliberation there is mention of "freedom" and "defence", one would expect it to be established that the military element of the Committee must be strongly represented; who can better judge the needs of the defence, which above all, must come first. The Governor is free in the

welke!
die immers vóór alles moeten gaan. De Gouverneur is vrij in de samenstelling van de Commissie, die daarvoor minstens 3 en ten hoogste 7 leden kan benoemen. (Laten we hopen dat er geen 7 leden worden benoemd; zooveel hoofden zooveel zinnen).

In de Staten is er reeds opgewezen (verslag suppletioire begrooting 1943) dat verschillende hoofdamttenaren zooveel bij-betrekkingen hebben, dat hun hoofdtaak in het gedrang komt. Mag men dan van deze reeds overbelaste amtmtenaren verwachten dat zij nog voldoende tijd beschikbaar hebben om deze, vooral in den beginne veel werk met zich brengende regeling uit te voeren? Het gevolg zal zijn dat veel werk in feite moet worden gedaan door lagere amtmtenaren, waardoor de verhouding A.M.C. - Commissie nog eigenaardiger wordt en de kans op het in gedrang komen van defensie-belangen grooter. De C.F.I.M. belangen zullen voor een buitenstaander begrijpelijker zijn.

3o. Gouvernementsdienst (artikel 1).

Personen die aangesteld worden door A.M.C. en betaald ten laste van de Rijksbegrooting (Marine of Kolonien) zijn niet in Gouvernementsdienst. Als de zaak zoo gesteld wordt, wat te betwijfelen is, hebben de Maritieme inrichtingen geen last maar ook geen voordeel van de regeling tot arbeidsplicht.

4o. Voorkeur van behandeling van aanvragen (art. 7 lid 2).

Als aanvragen van werkgevers ~~welk~~^{die} personeel onder de wapenen hebben, met voorkeur worden behandeld, hebben de defensie-inrichtingen nooit voorkeur. Is het de bedoeling dat Chef Personeel aan de Commissie een opgave verstrekt van het aantal personen van verschillende firma's in werkelijken dienst?

Behalve het vorenstaande zijn er nog vele vragen, op- en aanmerkingen. Hieruit blijkt weer hoe noodzakelijk het is dat voorstellen direct of indirect betrekking hebbende op de oorlog, aan A.M.C. worden toegezonden om advies vóór een regeling bij de Staten wordt ingediend.

Ten einde nog goed te maken wat mogelijk is, ware de Gouverneur te adviseeren de regeling te wijzigen in den geest van de santeekeningen van Chef Staf op blz. 4 van het ontwerp.

Beter ware, voor te stellen de behandeling in de Staten te schorsen en een nieuw ontwerp te maken waarbij de indeeling en aanwijzing geheel in handen wordt gelegd van A.M.C. met beroep op den Gouverneur.

*see
MCS*

The military keeps an eye on things to ensure their role in political decision-making is not diminished.

[TRANSLATION]

selection of the Committee, and can appoint at least 3 and at most 7 members. (Let us hope that 7 members are not appointed; so many heads mean so many sentences). It has already been noted in Parliament (report supplementary budget 1943) that several senior officials have so many extra relations that their main task is compromised. Should one then expect these already overburdened officials to still have sufficient time available, to execute these regulations, which especially at the start, involves a lot of work. The consequence will be that a lot of work will actually have to be done by junior officials, which will make the A.M.C. – Committee relationship even more peculiar and the likelihood of putting the interests of defence in jeopardy, greater. The interests of the C.F.I.M. will be more comprehensible to an outsider.

3o. Government service (article 1).

Persons appointed by A.M.C. and paid out of the general State budget (Navy or Colonies) are not in Government service. If the case is thus laid out, which is doubtful, the Maritime institutes will not be hindered, nor will they have any benefit from the labour conscription regulation.

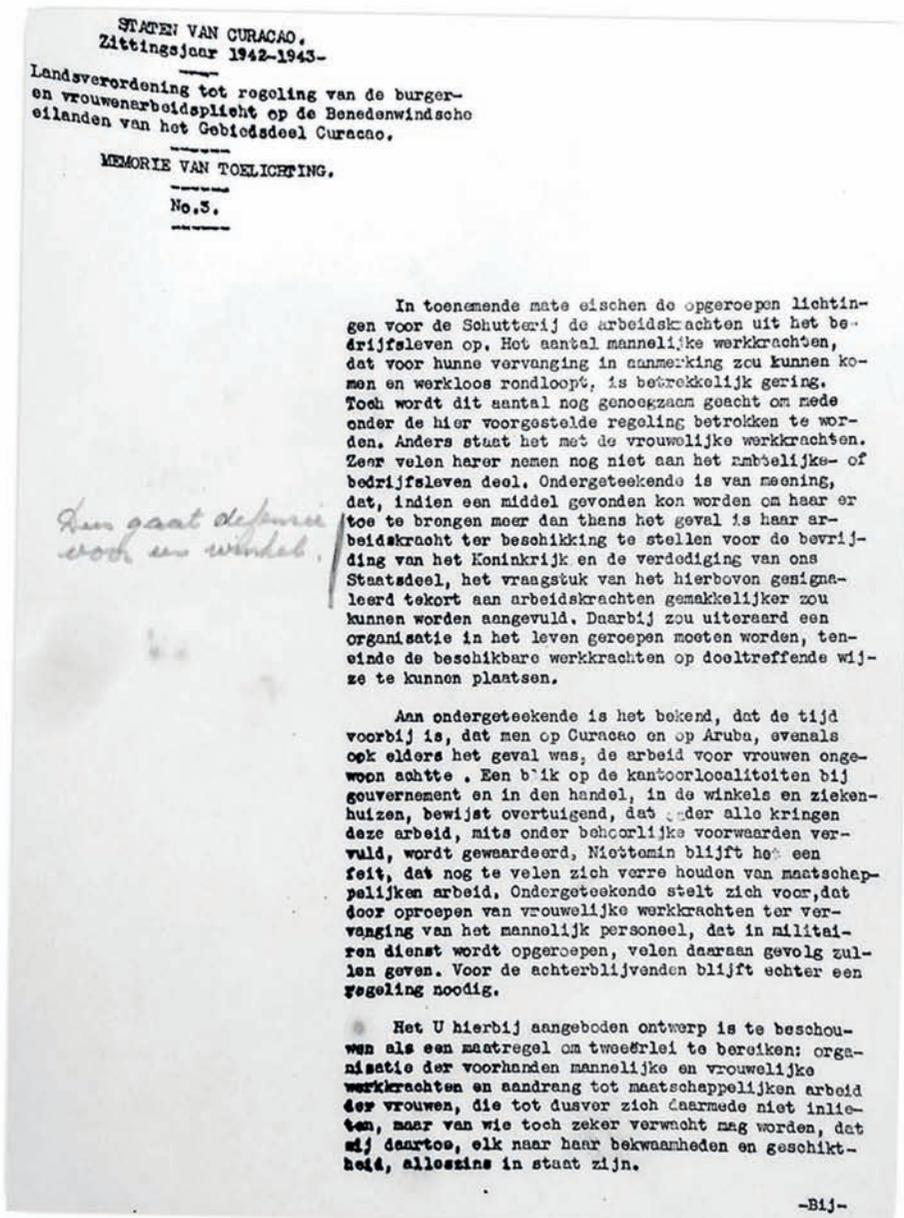
4o. Preference for handling applications (art. 7 clause 2).

If applications from employers who have are able to call up personnel are treated preferentially, the defence institutions will never get preference. Is it the intention that Head Personnel issue a statement to the Committee on the number of persons from different firms in actual service?

Apart from the aforementioned, there are still many questions, observations and remarks. This once again shows how necessary it is that proposals which have direct or indirect relation to the war, should be sent to A.M.C. [G.M.C.] for advice prior to submitting a regulation in Parliament.

In order to rectify what is possible, the Governor is to recommend amending the regulation in the spirit of notes made by the Chief of Staff on page 4 of the draft. It would be better to propose suspending the proceedings in the States and make a new draft in which the classification and allocation are laid entirely in the hands of A.M.C. with an appeal to the Governor.

The preparation of legislation and regulations for Female labour conscription on Curaçao, on which the influence of the Dutch East Indies would make its mark³³:



33. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.nr. 110, States of Curaçao, parliamentary year 1942-1943, Landsverordening tot regeling van de burger- en vrouwenarbeidsplicht - Curaçao, 24-11-1942. (National ordinance regulating labour conscription for civilians and women on Curaçao)

[TRANSLATION]

PARLIAMENT OF CURAÇAO.

Parliamentary year 1942-1943-

National ordinance for the regulation of citizen and female labour obligations
on the Leeward Antilles islands of the Curaçao territories.

EXPLANATORY MEMORANDUM.

NO.5

To an increasing extent, the drafting of recruits for the Home Guard is placing demands on the business workforce. The number of male labourers that could be considered for replacing them and who are wandering around unemployed is relatively small. Nevertheless, this number is considered to be sufficient to also be pertinent under the regulations proposed here. It is different for the female workforce. Very many of them are not yet working in office or business.

Undersigned is of the opinion that should a means be found to make this workforce available for the liberation of the Kingdom and the defence of our State, the question of the shortage of labour observed above would be easier to supplement. In doing so, an organisation would obviously need to be created in order to be able to assign the available workforce in an effective manner.

It is known to undersigned that the time is now past that people on Curaçao and Aruba, as was the case elsewhere, consider labour for women uncommon. A look at office localities in Government and trade, in shops and hospitals, proves conclusively that in all circles, this labour, if conducted under proper conditions, is appreciated.

Nevertheless, the fact remains that too many people abstain from social labour.

Undersigned believes that in conscripting female workers to replace male personnel that have been called into military service, many of them will comply.

However, a regulation is needed for the remainder.

The draft herewith presented to You is to be regarded as a measure to achieve twofold: organisation of the male and female workforce on hand and urging women into social labour who so far have not compromised thereto, but of whom we can certainly expect that each is capable of providing aptitude and suitability in every respect.

Bij den opzet van het ontwerp heeft voor gezeten de arbeid zooveel mogelijk in normale banen te laten, zoodat hij zal worden verricht op dezelfde wijze als gebruikelijk is; derhalve in den vorm van de dienstbetrekking, zooals deze is gerogeld in het Burgerlijk Wetboek; echter met deze twee uitzonderingen, dat zij veelal gedwongen tot stand komt en niet vrijwillig kan worden beëindigd. Eenmaal aan het werk, onderscheidt de arbeidsplichtige zich in niets van die, welke vrijwillig een arbeidsovereenkomst aanging of in een openbare betrekking dienst nam.

Zooveel mogelijk wordt bij de plaatsing der arbeidsplichtigen rekening gehouden met voorkeur en geschiktheid. Daartegenover wordt dan ook verwacht een volledige medewerking, welke er toe strekt positief onze paraatheid te versterken en negatief de maatschappelijke ontwrichting, welke in een kleine gemeenschap de mogelijke nasleep zou kunnen zijn van de onttrekking van zooveel mannelijke workkrachten aan den burgerlijken arbeid, te verhinderen.

De landsverordening onderscheidt drie fasen, welke bij de toepassing van de regeling uit elkaar gehouden moeten worden.

1. De inschrijving, welke in beginsel zonder medewerking der betrokkenen geschiedt, voorzover de administratie van hen geen inlichtingen behoeft te ontvangen. Deze inschrijving geschiedt door de zorg van het Bevolkingsbureau in daartoe aangehouden registers.

Alle vrouwen, bedoeld in artikel 1 lid 1, voorzover niet buiten de regeling vallende ingevolge het vierde lid sub b worden ingeschreven. De vrouwen, behoorende tot de categorieën a, c en d, die slechts voorwaardelijk buiten de regeling vallen, worden op afzonderlijke lijsten geplaatst, naar mate bekend wordt, dat zij aanspraak hebben tot die categorie van vrijgestelden gerekend te worden.

Ondergeteekende heeft gemeend, dat voorloopig volstaan kan worden alleen die vrouwelijke workkrachten te doen inschrijven, welke gehuwd zijn doch kinderloos en die welke ongetrouwd zijn en niet reeds een maatschappelijke werkzaamheid hebben, waarmede de gemeenschap gediend is. Gehuwde vrouwelijke workkrachten zullen kunnen worden aangewezen voor de voor haar passend geachte arbeid, doch niet dan als geen ongetrouwde krachten beschikbaar zullen zijn.

De religieuzen vallen buiten deze regeling, omdat zij, mede door de onmogelijkheid van aanvoer van vele workkrachten en de voortdurende groei van het aantal aan haar zorg toevertrouwd, geacht kunnen worden onmisbaar te zijn voor de gemeenschap. De Vrouwen, die onder de categorie c en d vallen houden op buiten de toepassing dezer regeling te vallen, indien hare tewerkstelling of werkzaamheid, waaraan zij haar uitzonderlijke positie ontleenen, eindigt. Automatisch zijn dan de bepalingen der arbeidsplicht op haar van toepassing. Dit zal kunnen medebrengen, dat, indien zij haar dienstbetrekking zonder gegronde redenen hebben opgezegd, zij weder bij haar oorspronkelijken werkgever geplaatst zullen kunnen worden. Deze mogelijkheid zal ontegenzeggelijk er toe bijdragen continuïteit van werkring te betrachten; menigeen zal er de voorkeur aan geven als vrijwillige arbeidskracht te blijven werken in een werkring, welke mogelijk niet in alle opzichten bevalt, dan in het ongewisse te komen omtrent een werkring, die zal worden aangewezen.

Hetgeen hierboven ten aanzien van de vrouwenarbeidsplichtigen is uiteengezet geldt mutatis mutandis ook voor de mannelijke arbeidsplichtigen.

2. De tweede phase is die der indeeling van de arbeidskrachten, welke met inachtneming van het bepaalde bij artikel 1 onvoorwaardelijk zijn inge-

--schreven--

In creating this draft, it has been leading to maintain an employment process that is as regular as possible, to the effect that it can be executed as usual; meaning in the form of employment as it is regulated by the Civil Code; however with these two exceptions, that employment will be frequently forced and cannot be terminated voluntarily. Once at work, the labour conscript will not distinguish themselves from those who voluntarily entered into a work contract or started service in a public position.

In placing the labour conscripts, preference and suitability will be taken into account as much as possible. In contrast, full cooperation will also be expected, which aims is to positively strengthen our preparedness and negatively impact social disruption, and to prevent the possible aftermath of which, in a small community, could be the withdrawal of many male workers from civilian labour.

The national ordinance distinguishes three phases, which are to be held apart in the application of the regulation.

1 The enrolment, which in principle occurs without the cooperation of those involved insofar as their administration requires no information. This registration is conducted under care of the Population Office in registers held for this purpose. All women, as referred to in article/No.1 paragraph 1, insofar as they do not fall outside the regulation pursuant to the fourth paragraph sub b, will be registered.

The women who fall under categories a, e and d, who only fall provisionally outside the regulation, will be placed on separate lists, until it is known whether they can be determined as having claim to the category of exemption.

Undersigned surmises that at present it is sufficient to only describe the female workforce which is wed yet childless and those that are unwed and do not yet have a social activity in which the community is served. Married female workers shall be appointed for appropriately deemed labour, but not if an unwed workforce is available.

The religious fall outside the bounds of this regulation because they, partly due to the impossibility of the supply of numerous workforces and the constant size of the number of devotees entrusted to their care, are deemed indispensable to the community. The Women, who fall under category c and d, will cease to fall outside the application of this regulation, should the employment or work activity, to which they attribute their exceptional position, end. The provisions of labour conscription then automatically apply. This may have the effect that, if she has terminated her employment without valid reason, she may be placed once again with her original employer. This possibility will unquestionably help to ensure continuity of the working environment; many will indicate a preference to continue working in a job in voluntary workforce, which may not be enjoyed in all respects, than to have uncertainty about a job which will be designated.

That which is described above, with regards to female labour conscripts also applies mutatis mutandis to the male labour conscripts.

2. The second phase is that of the classification of the workforce, which in accordance with the provisions of article 1, are unconditionally registered in the local "citizen" and "female labour

schreven bij de plaatselijke "burger"- en "vrouwenarbeidsdienst", welke zich uitstrekt over de in artikel 1 bedoelde takken van beroep of bedrijf. De wijze van indeeling kan vereenvoudigd worden, indien belanghebbenden zelf in de gelegenheid worden gesteld zich daarvoor aan te melden; men kan dan aannemen, dat het meerendeel die takken van beroep en bedrijf uitkiest, waarvoor elk zich het meest geschikt acht. In den regel zal met die keuze rekening gehouden worden. Mocht echter blijken, dat voor bepaalde soorten van trekkingen meer voorkeur bestaat dan waarvoor vacatures te verwachten zijn, dan moet worden ingegrepen en zal van ambtswege aanwijzing geschieden. Zulks zal ook noodig zijn, indien geacht wordt, dat de gekozen functie niet de geschikte is voor de arbeidsplichtige.

Men kan de "arbeidsdiensten" het best vergelijken met arbeidsbemiddelingsbureaux; met dien verstande echter, dat, naar de omstandigheden zich mochten wijzigen of een ander aanzien krijgen, in de indeeling der arbeidsplichtigen veranderingen aangebracht kunnen worden. De indeeling is dan ook niet definitief. Wie zich niet voor een bepaalde indeeling heeft aangemeld, wordt uiteraard ambtshalve in een bepaalde arbeidscategorie geplaatst.

3. De derde phase, en wel die, waarin de regeling hare uiteindelijke bestemming vindt, is die der aanwijzing voor de te vervullen betrekking.

Zoodra de arbeidsmarkt tekorten oplevert, hetgeen zal blijken door aanvragen van de zijde der werkgevers, zal uit het register van ingedeelden een keuze gedaan moeten worden voor de openstaande betrekking. Vrijwillige aanmelding is ook in deze te verkiezen boven gedwongen aanwijzing, zoodat eerst wanneer gebleken zal zijn, dat op de vrije arbeidsmarkt geen gegadigden te vinden zijn, het aanwijzingsinstituut eerst de gelegenheid zal openstellen, dat de ingedeelden zich vrijwillig aanmelden en indien zich geen geschikte gegadigden voordoen, aanwijziging zal geschieden voor de betrekking. Daarbij zal nog zooveel mogelijk met de belangen van werknemer/werkneemster en werkgever rekening gehouden worden. Artikel 7 geeft daarvoor een regeling.

Zooals reeds hierboven is opgemerkt, ligt het in de bedoeling van ondergeteekende, de aangewezen arbeidsplichtigen zooveel mogelijk in hetzelfde kader van rechten en verplichtingen te houden als degene die op de vrije arbeidsmarkt werken; daarom bepaalt artikel 10, dat de dienstverhouding wordt beheerscht door de wettelijke regelen op de arbeidsovereenkomst waarnevens ook de andere regelen gelden, welke in bepaalde bedrijven en beroepen gebruikelijk zijn voor de categorie van tijdelijk aangenomen krachten. Daarbij staat voorop dat de plaatsing van de vrouwelijke krachten slechts voorloopig is, zoodat bij terugkeer uit den militairen dienst de mannelijke werkkrachten hun plaatsen zooveel mogelijk weer bezetten zullen.

De omstandigheid echter, dat de arbeidsplicht uit haren aard de noodzakelijkheid van handhaving in zich draagt, vordert, dat nevens de regelen van burgerrechtelijken aard, welke de dienstbetrekkingen beheerschen, anders gesteld moeten worden van meer disciplinaire beteekenis, aangezien de dienstverhouding uit arbeidsovereenkomst de mogelijkheid van dienstbeëindiging te allen tijde vooronderstelt, doch die, welke voortspuit uit arbeidsplicht, daartoe de tusschenkomst van de overheid noodig maakt. Vandaar bepalingen als opgenomen in de artikelen 10, 11 lid 2, 12 en 19.

Ook de waarborgen, waarmede de tot arbeidsplicht gehouden en beschermd worden, zijn van bijzonderen aard. Het beroep op den burgerrechter wordt vervangen door dat op een administratieve instantie, behalve in die gevallen, waarin volgens de wettelijke regeling van de arbeidsovereenkomst, de burgerrechter optreedt als normbepaler ten aanzien van de vraag of er dringende redenen zijn om de dienstbetrekking zonder inachtneming van de con- tractueele en gebruikelijke bepalingen te beëindigen. Om een voorbeeld te

-noemen-

service”, and which shall cover the branches of profession or business referred to in article 1. The manner of classification can be simplified if interested parties are given the opportunity to register themselves; one may then assume that the majority will select branches of profession and business, for which each considers themselves most suitable. This selection will be taken into account in the regulation. If however, it is proven that there is more preference for certain types of employment than the anticipated job vacancies then action must be taken and instructions made by the *ex officio*. This will also be necessary if it is deemed that the position chosen is unsuitable for the labour conscript.

One can best compare the “labour services” with labour placement offices; it being however understood that should circumstances change or receive a different standing, changes can be made in the classification of labour conscripts. The classification then is also not final. Those who have not registered for a certain classification will indeed be officially placed in a particular labour category.

3. This third phase, and that in which the regulation ultimately finds its true destination, are those for directions for the positions to be filled. As long as there is a shortage in the labour market, as is demonstrated by requests on the part of the employers, a selection will be made from the register of conscripts for the vacant position. Voluntary enrolment is preferable here above forced allocation, so that when it first becomes apparent that no candidates are available in the free labour market, the allocation authority will first release the opportunity for conscripts to apply voluntarily and if no suitable candidates arise, allocation will be made for the position. In so doing, the interests of the employee and employer will be taken into account as much as possible. Article 7 provides a regulation for this.

As has already been noted above, it is the intention of undersigned, to as much as possible, keep the designated labour conscripts in the same framework of rights and obligations as those who work in the free labour market; therefore article 10 stipulates that the employment relations is governed by the statutory rules for the employment contract to which other regulations also apply, which is common in certain businesses and professions in the category for hiring temporary forces. It is therefore paramount that the placing of female labourers is only temporary, so that on return from military service, the male workforce will occupy their positions once again as much as possible.

However the circumstances, that the nature of labour conscription carries with it the necessity for enforcement, demands that besides the regulations of a civil nature which govern employment, an alternative must be made with more disciplinary significance, as the service relations from employment contracts presuppose the possibility of service termination at any time, nevertheless that which arises from labour conscription, makes intervention by the Government necessary. Thus, provisions as documented in articles 10, 11 paragraph 2, 12 and 19.

Also the warranties, by which the labour conscripts are protected, are of a special nature. The appeal to the civil rights is replaced by that of an administrative authority, except in cases in which, according to the legislation of the employment contract, the civil judge acts as a norm decider regarding the question as to whether there are compelling reasons to terminate employment without due observance of the contractual and customary provisions. To give an example, should the

noemen, blijkt de arbeidsplichtige in zijn/haar betrekking niet de noodige geschiktheid te bezitten voor zijn/haar taak, heeft hij/zij ernstige tekortkomingen waarover hij/zij onderhouden moet worden, botert het niet tussen werkgever en werknemer /werkneemster, dan treedt de administratieve instantie op ter beoordeeling van de te nemen maatregelen. Doet echter, hetzij de arbeidsplichtige, hetzij de werkgever, situaties ontstaan, welke, ware tusschen partijen een burgerrechtelijke arbeidsovereenkomst gesloten, artikelen 1615 p of q zouden zijn toegepast, dan is het 's Rechters taak om uitspraak te doen. Teneinde echter mogelijk te maken, dat onhoudbare toestanden onmiddellijk worden beëindigd, is in artikel 10 lid 4 eene regeling opgenomen, volgens welke de dienstbetrekking geschorst kan worden.

De verschillende instanties, welke bij de uitvoering van de landsverordening betrokken zijn, zijn overigens:

- a. voor de inschrijving voor Curacao het Hoofd van het Centraal Bureau voor het bevolkingsregister voor het gebiedsdeel Curacao en voor Aruba en Bonaire de ambtenaar van het bevolkingsbureau;
- b. voor de indeeling, een door den Gouverneur aan te wijzen gemengde Commissie voor elk eiland; het komt voor, dat het voor de hand ligt, dat bij de beoordeeling van de geschiktheid der vrouwenarbeidsplichtigen voor bepaalde betrekkingen, het vrouwelijk element in de Commissie niet mag ontbreken;
- c. voor de aanwijzing wordt op elk eiland door den Gouverneur een persoon aangewezen, aan wien eenig administratief personeel, naar behoefte kan worden toegevoegd. De Commissie treedt daarbij op als adviseerend lichaam;
- d. voor de beëindiging der dienstbetrekking, voorzover niet de Rechter daarbij is betrokken, is degen, die de aanwijzing deed, het aangewezen orgaan.

Bezwaren omtrent beslissingen der organen kunnen bij den Gouverneur worden ingediend. Zulke is uitdrukkelijk aangegeven in artikelen 6, 10 lid 3 en volgt echter ook uit het feit, dat de instanties namens den Gouverneur handelen.

De bijzondere bepalingen vereischen nog eenige toelichting.

Artikel 15 is opgenomen om te voorzien in het geval, dat, niettegenstaande iemand onder de bepalingen der arbeidsplicht valt, hij toch, door het aangaan van een arbeidsovereenkomst, in een dienstverhouding tot derden zou komen te staan. Voor de daaruit voortkomende tegenstrijdigheid moest een oplossing gevonden worden. Zij is tweërlei,

- a. voor de rechtsverhoudingen ontstaan vóór het inwerkingtreden dezer landsverordening;
- b. voor die, welke daarna zouden tot stand kunnen komen.

Immers het spreekt vanzelf, dat het ook aan arbeidsplichtigen, hoewel ingedeeld maar niet aangewezen, vrij moet staan, uit te zien naar eene betrekking, zoolang het Gouvernement geen andere bestemming voor hen heeft. In de voorwaarden aan de goedkeuring verbonden zal b.v. opgenomen kunnen worden, dat de vrijwillig tot stand gekomen dienstbetrekking niet, of voorloopig niet, voor langer dan een bepaalden tijd mag worden aangegaan.

Gezien de nieuwe materie, welke onderwerp uitmaakt van deze landsverordening, heeft ondergeteekende geseend Uwe Staten uitvoerige toelichtingen te mogen geven; hij acht zich hiertoe ontslagen van het geven van toelichtingen op de artikelen, voorzover daaromtrent in den loop der behandeling geen in-

-lichtingen-

[TRANSLATION]

labour conscript in his/her job, be deemed not to possess the necessary aptitude for his/her activity, has serious shortcomings for which he/she must be supported, employer and employee do not get along, then the administrative authority acts in assessing which measures should be taken. However, if situations arise between either the labour conscript or the employee, where a civil labour contract has been concluded between parties, article 1615 p or q would have been applied, it is then the task of the Judge to make a ruling. However, in order to make it possible for untenable conditions to be ended with immediate effect, a regulation has been documented in article 10 paragraph 4 according to which the employment can be suspended.

The various authorities, which are involved in the implementation of the national ordinance, are moreover:

- a. For registration on Curaçao the Head of the Central Office for the population register of the Curaçao territories, and for Aruba and Bonaire, the official of the registry office;
- b. For the classification, a joint Committee which is to be appointed by the Governor for each island; it came up that it is evident that in assessing the suitability of female labour conscripts for certain positions, the female component should not be absent from the Committee;
- c. For the designation, a person will be appointed by the Governor for each island, to whom a few administrative personnel can be allocated if required.
The Committee will in this respect act as an advisory body;
- d. In terminating employment, insofar as the Judge is not involved, the person who made the allocation is the designated body.

Objections regarding decisions taken by the bodies can be submitted to the Governor. As is explicitly documented in article 6, 10 paragraph 3 and also follows from the fact that the authorities act on behalf of the Governor.

The special provisions still require further explanation.

Article 15 is documented to provide, in the event that should someone nonetheless fall under the provisions of labour conscription, they would, through entering into an employment contract, still find themselves in third party service relations. For the resulting inconsistencies, a solution had to be found. This is twofold,

- a. For legal relations the national ordinance is established prior to it coming into force;
- b. For those which would come into being thereafter.

After all, it goes without saying, that labour conscripts, although classified but not allocated, must also be free to look for a job, as long as the Government has no other allocation for them. In the conditions attached to the approval will e.g. be documented that voluntary employment may not, or at present may not, be entered into for longer than a certain time.

Given the new matter, which is the subject of this national ordinance, undersigned has decided to provide extensive information to Your States; he deems himself hereby dismissed from giving

lichtingen zullen worden gevraagd.

Een enkele uitzondering wil hij echter maken voor de volgende artikelen:

artikel 3, lid 4.

De gekozen redactie stelt de mogelijkheid open, dat van betrokkenen invulling en toezending van formulieren wordt gevorderd, bevattende de gegevens voor de inschrijving, inoefening of aanwijzing van belang.

artikel 5, lid 3.

Redenen voor de herziening der indeeling kunnen zijn gewijzigd inzicht in de geschiktheid van de arbeidsplichtige voor de groep waarin hij/zij is ingedeeld, hetzij op grond van door hem/heer zelf gedaan verzoek, hetzij op grond van inlichtingen door de Commissie verkregen; ook kan blijken, dat bij een of andere tak van bedrijf of beroep minder behoefte aan vrouwelijke arbeidskrachten bestaat dan aanvankelijk was verwacht.

artikel 13.

Verscheidend kunnen de redenen zijn, waarin ingegrepen wordt in de dienstverhouding b.v.: indien blijkt dat de capaciteiten van betrokkenen overschat of onderschat zijn bij de aanwijzing voor een bepaalde betrekking; indien het belang van betrokkene medebrengt naar een anderen werkgever te worden overgeplaatst, waarbij vervoermoeilijkheden een rol kunnen spelen.

Het artikel moge wellicht overbodig worden geacht, omdat, bij beëindiging van een dienstbetrekking de werknemer/werkneemster automatisch in den "arbeidsdienst" (artikel 4, lid 1) terugvalt; het kwam echter voor, dat het niet kwaad was zulks nog eens uitdrukkelijk onder dit artikel te vermelden.

Het ligt in de bedoeling, de tekst van de landsverordening ook in het Papiamentsch te laten publiceeren.

Willemstad, 24 November 1942.
De Gouverneur van Curaçao,

[TRANSLATION]

information on the articles, insofar as no particulars in this regard are requested in the course of processing.

He will however make a few exceptions for the following articles.

Article 3 paragraph 4.

The chosen wording opens the possibility that for those involved, completion and transmission of forms is required, containing information regarding the registration, classification or any notification of significant interest.

Article 5 paragraph 3.

Reasons for the revision of classification can be changed, insight into the suitability of the labour conscript for the group in which he/she is classified, either at his/her own request, or on the grounds of information obtained by the Committee; it may also prove that there is less need for female workers in a certain branch of business or profession than was originally expected.

Article 13.

There may be different reasons for which intervention is needed in service relations, e.g. when it appears that the capacity of those involved has been overestimated or underestimated in allocating them to a certain job; when the interests of those concerned entails transfer to another employer, where transportation difficulties may play a role.

This article may perhaps be regarded as superfluous because, on termination of employment, the employee automatically returns to "labour service" (article 4 paragraph 1); it came up, however that no harm is done in once again explicitly stating this below this article.

It is also the intention to publish the text of the national ordinance in Papiamento.

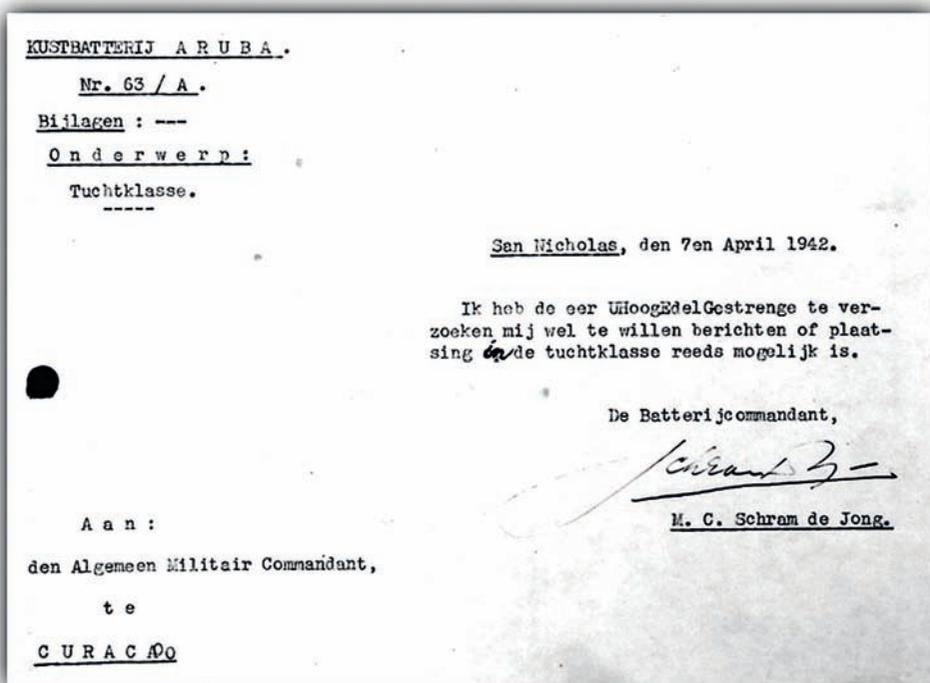
Willemstad, the 24th of November 1942.

The Governor of Curaçao.

2.4.2 KNIL disciplinary procedures and labour conscription 1942

In April 1942, Battery Commander M.C. Schram de Jong of the KNIL attempted to apply his East Indies perspective on addressing the undesirable behaviour in the Netherlands Antilles Army. Through Garrison Commander Langeveld, General Military Commander Baron Van Asbeck allowed for his own ideas to be shoved aside on very remarkable grounds, full of prejudices about the native population.³⁴

The following correspondence examines the application for a disciplinary class and the reason for rejection by KNIL Commander Schram de Jong:



*KNIL commander was in a hurry to deal with Antillean transgressors of rules in the East Indies way he was familiar with.*³⁵

34. National Archive, The Hague, Ministry of the Navy: (Military) Authorities and Bodies in the Territories of Curaçao and Suriname, 1934-1947, access number 2.12.33, inventory number 110, M.C. Schram de Jong, Coastal Battery Aruba, Disciplinary class, 7-4-1942.

35. NL-HaNA, Curaçao and Suriname / Navy, 2.12.33, inv.110, M.C. Schram de Jong, Coastal Battery Aruba, Disciplinary class, 7-4-1942, p. 1 to 6.

[TRANSLATION]

COASTAL BATTERY ARUBA.

No. 63 / A.

Appendices: ---

SUBJECT: Disciplinary class.

San Nicholas, the 7th of April 1942.

I have the honour of requesting your Right Honourable to inform me
as to whether placement in the disciplinary class is yet possible.

Battery Commander,

M.C. Schram de Jong

TO: the General Military Commander,

of

CURAÇAO

ALGEMEEN MILITAIR
COMMANDANT
CURAÇAO

Willemstad, 16 April 1942.

No. 1803

Zij deze verzonden aan:

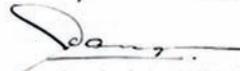
den Garnizoenscommandant te Curaçao;

om in overleg met Kapitein Venema mij advies uit te brengen.

*Opzien en toezicht op de met behulpde
verwijzing naar mijn schrijven no
3/2/4 G.C. gediend van 10 April 1942*

✓

De Garnizoenscommandant



L. LANGEVELD

-/A/M De Oudst Aanwezende Zeeofficier,
Algemeen Militair Commandant,



N.O.Z.

General Military Commander Baron Van Asbeck called in help to assess the request by the KNIL chief.

[TRANSLATION]

GENERAL MILITARY COMMANDER CURAÇAO

No 1883

Willemstad, 16th of April 1942.

To be sent to:

The Garrison Commander of Curaçao;

To, in consultation with Captain Venema, provide me with advice.

[handwritten text]

Reviewed and returned with kind reference to my letter no 3/2/4/ G.C. Secret of

April 18, 1942

The Garrison Commander

{signature}

L. LANGEVELD

-/ A Naval Officer in Chief,
General Military Commander,

{signature}

PTO

[TRANSLATION]

GARRISON
LOCAL MILITARY
COMMANDER
CURAÇAO.

WILLEMSTAD, the 18th of April 1942

No. 3/2/4 GC.PMC Classified

SUBJECT Disciplinary class.

Appendices:

In response to Your tasking me with conferring with the Commander of Military Police on the desirability and possibility of establishing a disciplinary class, I hereby have the honour of courteously reporting to your Right Honourable that the mentioned consultations have taken place and that we have come to the following conclusions.

1. Experiences in the Netherlands have taught us that:
 - a. A disciplinary class must be established outside the former vicinity of the convicts and must be housed in a separate building.
 - b. A disciplinary class must possess an exemplary framework with an explicit educational design.
 - c. Only unmanageable men will be considered for placement in the disciplinary class
 - d. In the disciplinary class, the defiant disposition of convicts must not be suppressed or eliminated.

TO; The General Military Commander
Of
CURAÇAO.

2. Ad la.

Het is mogelijk de tuchtklasse te vestigen in het Politiekamp Rio Canario alhier, mits aldaar daartoe een afzonderlijke gebouw worde opgericht.

Ad lb.

Thans is het voor de Militaire Politie Troepen en overige troepen zeer bezwaarlijk, het voor dit doel geëigende kader aan een tucht-klasse afstaan.

Mocht evenwel tot de oprichting eener tuchtklasse worden overgegaan, dan zal een minimum bezetting aan kader, bestaande uit een sergeant der mariniers en twee mariniers 1ste. klasse, geleverd kunnen worden.

Ad lc.

De noodzaak tot oprichting eener tuchtklasse wordt voorloopig in twijfel getrokken.

Er zijn militairen die ^{onhandelbaar} ~~behoorlijk~~ gestraft moeten worden, vooral onder de inheemsche.

Hierbij moet niet vergeten worden dat de meeste landskinderen, wat karaktereigenschappen betreft, behooren tot het type " oogenblikmenschen ". Ondanks uitgebreide straffenlijsten is dit type nog niet onhandelbaar. Mij zijn zulke militairen bekend die bij den dagelijksche dienst zeer bruikbaar zijn.

Het is mogelijk dat er op Aruba eenige militairen dienen met een meer of minder uitgesproken neiging tot weerspannigheid, doch ditz zou te wijten kunnen zijn aan de omgeving.

Verandering van omgeving doet soms wonderen, redenen waarom het in Nederland de gewoonte was zulke typen, wanneer zij ernstige candidaten voor de tuchtklasse werden, naar een ander troepen-onderdeel over te plaatsen.

Tenslotte moge ik opmerken dat commandeerende officieren niet de lijn van den minsten weerstand behooren te volgen en in de tucht-klasse geen instelling moeten zien, die hen verlost van lastige elementen.

Langeveld broached an important reason. He describes the problem of the lack of a framework for a disciplinary class. For this he inadvertently explains the reason why the insubordinate Chinese seamen were not treated according to the internal rules. In particular, they could not be guarded and treated by the right people, etc. The characterisation of the native citizens is also extremely negative, and especially that of the Chinese immigrants.

[TRANSLATION]

2. Ad 1a.

It is possible to establish the disciplinary class here in the Rio Canario Police Camp, provided a separate building is founded at that place for this purpose.

Ad 1b.

At present, it is extremely difficult for the Military Police Troops and other troops to deliver a valid framework for a disciplinary class for this purpose.

However, should the establishment of a disciplinary class be established, then a minimum occupancy, consisting of a marine sergeant and two marines first class, will be supplied for the framework.

Ad 1c.

The need for establishing a disciplinary class has provisionally come into doubt. There are soldiers who must be repeatedly punished, especially amongst the natives.

In this it should not be forgotten that most of the native people, with respect to character traits, belong to the category of "momentary people". Despite extensive sanction lists, this category is not yet unmanageable. I am familiar with such soldiers who are extremely useful in daily service. It is possible that there are some soldiers on Aruba with a more or less pronounced tendency for recalcitrance, but this could be due to the environment.

Change of environment sometimes does wonders, which is why it is customary in the Netherlands for such types, when they became serious candidates for the disciplinary class, to be transferred to another troop division. Finally, may I remark that commanding officers should not follow the path of least resistance, and in the disciplinary class must not perceive of an institution which redeems them from troublesome elements.

3. Resumeerende moge ik beleefd adviseeren:
- a. Thans nog niet tot de oprichting eener tuchtklasse over te gaan.
 - b. Onhandelbare elementen, welke thans candidaat zijn voor de tuchtklasse, over te doen plaatsen naar een andere inrichting op een ander eiland.
 - c. Indien de maatregel ad 3b. toegepast is met onvoldoende resultaat, een tuchtklasse in te stellen conform het gestelde in Publicatieblad A^o 1934 no. 42.
 - d. Den Garnizoenscommandant te Curacao te beschouwen als de Korpscommandant, welke uiteindelijk de straf van plaatsing in eener tuchtklasse kan opleggen.

De Garnizoenscommandant,
Kapitein der Mariniers,



L. LANGEVELD.

Point 3d seems to take a dig at the East-Indian, attempting to bring across that the in the West Indies each should keep to his own.

[TRANSLATION]

3. In summarising, may I politely suggest:
- a. To not commence the establishment of a disciplinary class at present.
 - b. To transfer unmanageable elements, who are at present candidates for the disciplinary class, to another institution on another island.
 - c. Should the measure in ad 3b be applied with insufficient result, to establish a disciplinary class in accordance with the provisions in Official Journal A° 1934 no. 42.
 - d. To regard the Garrison Commander of Curaçao as the Corps Commander, who can ultimately impose the penalty of placement in a disciplinary class.

The Garrison Commander,
Captain of the Marines,
{signature}

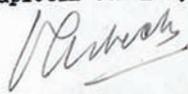
L. LANGEVELD.

No. 1883.

1.86 I A
08

Terugaangeboden aan:
den Commandant Kustbatterij Aruba;

O.M. dat voornamelijk niet tot instelling van een tuchtklasse zal worden ingegaan en o.u. hem - Algemeen Militair Commandant - bij voorkomende gevallen in te lichten over militairen die naar de meening van Z.W.E.G. in aanmerking zouden komen voor plaatsing in een tuchtklasse, waarna zal worden overwogen in hoeverre een verandering van plaatsing aanbeveling verdient.

Willemsstad, den 25n April 1942.
-1A/2 De Oudst Aanwezend Zeeofficier
Algemeen Militair Commandant,
De Kapitein ter Zee,,


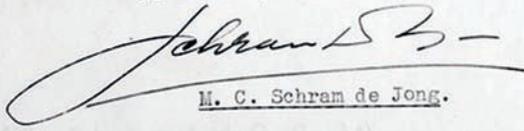
C.J. Baron van Asbeck.

KUSTBATTERIJ A R U B A .

San Nicholas, den 28en April 1942.

G e z i e n ,

De Batterijcommandant,


M. C. Schram de Jong.

Baron Van Asbeck can breathe easy. He doesn't have money or personnel at the moment.

[TRANSLATION]

No. 1883.

Replied to:

The Commander Coastal Battery Aruba;

Including, that the establishment of a disciplinary class will not come into force at present and o.u. to inform him – the General Military Commander – when incidents occur involving soldiers who, in the opinion of your Right Honourable would be eligible for placement in a disciplinary class, after which will be considered the extent to which a change of location warrants consideration.

Willemstad, the 25th of April 1942.

Naval Commander in Chief

General Military Commander,

Captain at Sea,

{signature}

C.J. Baron van Asbeck.

COASTAL BATTERY ARUBA.

San Nicholas, the 28th of April 1942.

reviewed,

Battery Commander,

{signature}

M.C. Schram de Jong

2.4.3 Prejudices and penal sanctions

The 16th of June 1890 was the date that the N.V. Koninklijke Nederlandsche Maatschappij tot Exploitatie van Petroleumbronnen in Nederlandsch-Indie (KNMEP)³⁶ was established. In 1899, with the support of the Dutch government, a major oil source was discovered in Perlak (North Sumatra = Aceh) on Sumatra in the East Indies. (Jonker e.a., 2007: 51-4) With armed assistance from Governor Van Heutsz of Aceh and the Rajah of Perlak, the oil company was able to continue to develop. (Jonker e.a., 2007: 52) The same Van Heutsz had several years earlier, as General of the Dutch Colonial Army, already pacified this area, and had seriously violated human rights. Chinese forced and contract labourers were also engaged as dogsbodies in carrying out this warfare for his army.

36. Royal Dutch Society for the Exploitation of Petroleum Sources in the Dutch East Indies



Chinese forced labourers behind barbed wire in Aceh North Sumatra (1910).

The Bataafsche Petroleum Maatschappij (BPM)³⁷ was established on the 26th of February 1907, and was headquartered in The Hague. Ten years later, on the 21st of July 1917, the Curaçaosche Scheepvaart Maatschappij (CSM) was founded, with Willemstad as its home port. (www.cnooks.nl), (nl.wikipedia.org) In terms of organisational structure, governance and policy, the Curaçaosche Scheepvaart Maatschappij (CSM) belonging to Shell (CPIM) was similar to its sister company in the Dutch East Indies. Even the headquarters of their oil refinery on Curaçao was built in the East Indies architectural style, with rows of trees and what have you.



Typical East Indies architecture of the head office of the CPIM in Willemstad: 1946; photo: Tropenmuseum collection. Amsterdam.Coll.nr.10021678.

37. Batavian Oil Company.



Main building of the Batavian Oil Company: 1900 – 1940; photo Tropenmuseum collection. Amsterdam. Coll.nr. 10014922.

Even the employment policy was a copy of that from the East. In addition to numerous managers from Shell, many high ranking officials from the government, army, military police, civilian police, etc. on Curaçao had also previously been stationed in the East Indies. Complaints from employees were solved through pressure and coercion. The leadership had more or less free rein with their employees, who mostly came from other countries. The CSM sailors had a particularly hard time and had to regularly down tools to get some relief from the extremely hard work for low wages. Nevertheless, senior officials on Curaçao declared that “[...] *“the danger to peace and order or the refusal of the employee”* primarily related to *“a social or moral defect of the individual, possibly a defect of race”*.³⁸

2.4.4 Punishment in the East is work in the West

You could argue that the Chinese sailors delivered prosperity to CSM, for which they incurred much misery. For example, on the first of the large CSM tankers of the twenties, the so-called monitors (called *strijkijzers* (flat irons) in Dutch), the company wanted mainly Chinese on board. The reason for this was discussed earlier: *‘Due to a lack of ventilation, the boiler room was so hot, that only Chinese stokers and greasers were able to work in those circumstances.’* (Bakker, 1962: 44) Many of the Chinese labourers in this category were put to work in appalling conditions as stokers, trimmers and greasers on tankers and ships belonging to Shell Curaçao.

This problem at CSM was structural, as was demonstrated in March 1942 when a number of Bonaire workers also downed tools on nine Lake tankers. They had the same grievances and wishes as their Chinese colleagues.

38. National Archive Netherlands Antilles, Government Secretariat Curaçao, access number 1.831 (old): Gageregeling voor zeelieden, Zeelieden-Centrale. (Salary regulations for sailors, Seamen Headquarters.)

Crew: work and lodgings

The majority of seamen worked as stokers, trimmers or greasers. The secondary terms of employment and the working conditions for the Chinese members of crew had, since the establishment of CSM, led to many complaints, negotiations and, in response, promises for improvement.

Shell could find few people who would work in such appalling conditions for so little reward. Another reason for Dutch ship owners to employ Chinese sailors was *'the lack of stokers who could withstand tropical heat.'* (Van Heek, 1936: 17) The Chinese had little choice: either die of starvation or die for your wife and children. For family members were left with a very meagre widow's pension, which in China allowed them to live better than if they were unemployed. And to think that this small success was achieved thanks to a few strikes. The work that these men, most of them heads of the household of families in Rotterdam or China, made every effort to get on these CSM ships, was extremely hard and life threatening. Several of these men died every year, with the Kolebra Bèrdè cemetery as their final resting place.

Work is punishment

Fifteen years before the battle in the Suffisant detention camp, over three thousand Chinese worked on Dutch ships, primarily as stokers and sailors. (Van Heek, 1936: 18) The stokers in particular had it tough. Wubben wrote that the work of a stoker *'especially in the tropics, was of an inhuman severity'*. The middle-aged men stood naked to the waist, for a total of eight hours a day, in the coal dust, *'sweating and slaving in front of the open furnace'* in an environment that was often hotter than 55 degrees Celsius. The stoker had to maintain four to six fires.

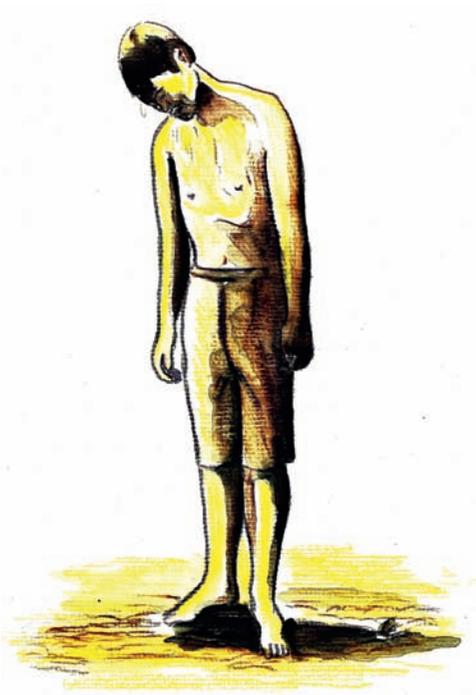
Wubben:

'Due to excessive moisture- and therefore salt loss, he was also under threat from muscle cramps, the dreaded stoker's disease.' A stoker had to handle between three and a half and four tons of coal in four hours. The coal bunkers on ships were the work domain of the trimmer. Using *'heavy, clumsy wheelbarrows'*, he brought the chunks of coal to the furnace, which the stoker then shovelled onto the grids. (Wubben, 1986: 54) After a number of years, the stoker is usually completely spent and can in most cases be used as a donkeyman or greaser in the engine room. (Wubben, 1986: 54)

The working conditions of the Chinese stokers on the CSM tankers were essentially comparable to the punishment, called *di djemoer*, which Ismat, a contract coolie on Sumatra, had to undergo a few decades earlier because he had broken a rule laid down in the *Coolie ordinances*.

Ismat

Ismat was brought back by Batakkers after he had run away. He was beaten on his back with a thick stick or a piece of wood in front of the guard's house in the front yard of the administrator's residence, until he began to bleed and fell down *'in a faint'*. Ismat was also made to remain standing outside the guard's residence for a period of fourteen successive nights, from six o'clock in the evening until six o'clock the following morning, and also during the day (in the hot sun), the so-called *'di djemoer'*. (Breman, 1987: 335-6)



Ismat standing in the heat of the sun.

Housing

Animals in the zoo were treated better than the Chinese crew on the CSM tankers. The Foreign Police had forbidden these men to leave the ships. They were allowed to go onto the mainland of Curaçao under supervision for a few hours of entertainment with the consent of the Foreign Police. Cooking, eating and sometimes bathing, sleeping almost shoulder to shoulder, was something that all men, young and old, did in the left-over tight space of the tankers. This situation was similar to that of the Ombilin coal mines belonging to the government in Sumatra in the East Indies. Their countrymen were crammed together in a similar way, but in a filthy shed.



*Shed used to house 125 contract labourers (Chinese and natives) for the coal mines in Doerian (Sumatra).*³⁹

And to think that the living space for the dozens of Chinese on the CSM tankers was much smaller and the ventilation poor or not working at all.

2.4.5 Marine strikes 1931, 1939 and 1940

Strike 1931

I wrote about this strike in an earlier publication. In the context of this study, it supports my vision on the treatment of the Chinese seamen, but from a different angle. I will therefore briefly discuss this strike here. In 1931, twelve Chinese sailors working for CSM went on strike because of a shortfall of one pound in their wages. In exchanging f 8,- they were given f 8,50 per pound instead of f 12,50 per pound. (Schaap, 1931) They lived previously in Rotterdam and had been given a contract of two to three years by CSM. Mr Sirks, Rotterdam Chief of Police was aware of these contracts. After these twelve men were fired, they were expelled from Curaçao. Deportation occurred in early November 1931, on the authority of the head of the Curaçao Foreign Police, Mr Meersma.

39. National Archive, The Hague, Ministry of the Colonies: Public Record, 1901-1952, access number 2.10.36.04, inventory number 170, Onderzoek van de directeur van Onderwijs, Eredienst en Nijverheid en de chef van het Mijnwezen te Sawah-Loento, 24 maart 1903, nr. 13. (Investigation by the Director of Education, Religious Affairs and Industry and the head of the Mines at Sawah Loento, 24 March 1903, no. 13.)

As grounds, Meersma stated that the strikers who had been fired by CSM had no means of existence.⁴⁰ (Makdoembaks, 2012: 18-9) The Ministry of the Colonies tolerated the abuse of power by the government authorities and the oil company with East Indies roots. The consequences of this policy for Chinese contractors came to light a few years earlier.

Strike 1939, discrimination leads to dead and wounded

With the outbreak of WWII on the 3rd of September 1939, the Chinese crew in the tankers at the 'Oceaan Pier' (Ocean Jetty) (Isla) at the oil refinery near Willemstad became restless. On Wednesday the 20th of September 1939, 50 Chinese sailors went on strike on Isla. The striking seamen were in a house at the time. The Foreign Police were deployed to restore the situation to order. According to a document by the district master, in the evening, the strikers resisted and the Foreign Police had to make use of their firearms. One Chinese striker was killed and a fellow striker and countrymen was taken away wounded. The civilian police were called in, and they immediately cut off the perimeter around the house and premises where the seamen were. The grounds of the Oceaan Pier were also cordoned off by the Military Police. It remained calm during the night.

What is remarkable about the way these recalcitrant sailors were dealt with is the difference in the way the European strikers were treated. These strikers were approached and helped by the Foreign Police according to the provisions that were valid at the time, while the same authorities wanted to get the Chinese sailors back sailing using coercion and intimidation.⁴¹ Shell manned its ocean fleet with Chinese crew mainly from Rotterdam. (Wubben, 1986: 82) There is no knowledge of a potential government investigation or coverage about these abuses in the media.

Strike 1940

The CPIM and CSM were given carte blanche by the colonial rulers in dealing with salary disputes with their Chinese employees. Subsequently, during WWII, the government and Shell Curaçao were given the opportunity to deport the Chinese in large numbers. It is still not clear why this did not initially happen in 1942 with the large-scale CSM strike (described elsewhere), yet did occur in 1940.

40. National Archive, The Hague, Ministry of the Colonies: Secret Archive, 1901-1940, access number 2.10.36.51, inventory number 371, Over de onlangs uit Curaçao uitgezette Chinezen, 12-1-1932. (About the Chinese recently expelled from Curaçao)

41. National Archive of Curaçao. Government Secretariat Curaçao, Journals 2nd district 1936-1942, old inventory number 3.07.77.

VREEMDELINGENDIENST.

Toen op 3 September 1939 Engeland en Frankrijk in oorlog kwamen met Duitschland, ontstonden op Curacao al zeer spoedig moeilijkheden met schepelingen, die weigerden te varen of die een verhooging van gage wenschten. De Afdeeling Vreemdelingendienst moest daarna herhaaldelijk optreden bij de afvaarten van Oceaan-tankers, aan boord waarvan zich Chineesche bemanningsleden bevonden. Na de bekende Chineezenrelletjes op het C.P.I.M. terrein, welke van politiewege tenslotte werden onderdrukt, kwam het herhaalde malen op Curacao voor, dat schepelingen - hoofdzakelijk van Engelsche en Noorsche nationaliteit - wegens het zeer groote oorlogsrisico niet wilden of durfden varen. Veelal konden deze bevreesde of onwillige buitenlandsche zeelieden door den Vreemdelingendienst nog tijdig vóór scheepsvertrek worden opgespoord, waarna zij vanzelfsprekend aan boord van hun schip werden teruggebracht. Zeelieden, die, nadat hun schip vertrokken was, op Curacao werden aangetroffen, werden ten politiebureele in bewaring gesteld of ~~aan~~ hun werd meldingsplicht opgelegd. Door bemiddeling van den Vreemdelingendienst werden deze varensmenschen tenslotte door de betrokken agentschappen of consulaten op andere schepen aangemonsterd, zoodat het aantal leeglopende buitenlandsche zeelieden tot een minimum beperkt werd.

Uncooperative Chinese sailors were dealt with violently, while their European co-workers were handled with kid gloves according to the rules.⁴²

42. National Archive Netherlands Antilles, Government Secretariat Curaçao, IV. 07. Annual Report.

[TRANSLATION]

FOREIGN POLICE.

When, on the 3rd of September 1939, England and France commenced war with Germany, difficulties quickly arose on Curaçao with sailors, who refused to sail or who wanted a salary increase. The Foreign Police department then had to repeatedly act when Ocean tankers which had Chinese crew members on board, put to sea.

After the well-known Chinese riots on C.P.I.M land, which were eventually suppressed by police, it repeatedly transpired on Curaçao that sailors – mainly of English and Norwegian nationality – due to the huge risk from the war, did not want to, or did not dare to sail. Often these fearful or uncooperative foreign sailors could be traced by the Foreign Police in a timely fashion, prior to the ship's departure, and subsequently returned and put aboard their ship. Sailors, who were found to be on Curaçao after their ship had departed, were placed in detention at the police station or a reporting obligation was imposed. Through the mediation of the Foreign Police, these seamen were finally signed up on other ships by the relevant agencies or consulates, so that the deflation in the number of foreign sailors was kept to a minimum.

The Second World War had barely begun when a salary dispute broke out between the CPIM and the Chinese crew. The issue was about a change in the exchange rate against the English pound. These seamen, sailing on fourteen CSM ocean tankers, wanted their wages paid out at an exchange rate of one pound sterling to ten guilder. The CPIM stuck to their guns at a rate of nine guilders for one English pound. The sailors did not accept the proposal and initially asked to resign. They also asked the authorities to be allowed to return to their original port of registration, Rotterdam, London or Singapore, according to the terms of their contract. But after mediation by the Chinese diplomat from Trinidad, a solution seemed to be on the horizon. (Makdoembaks, 2012: 29-30)

No: *Opname bij mij terug*
-1.83

Serie No:

<p>Radioqrammen worden aangenomen voor alle plaatsen ter wereld en voor schepen uitgerust met draadloze telegrafie.</p> <p>Radiograms are accepted for all parts of the world and for ships equipped with wireless telegraphy.</p> <p>aceptan radiogramas para todas partes del mundo y para buques equipados con inalámbricos.</p>	 <p>GOUVERNEMENT VAN CURAÇAO</p>	<p>Aantal woorden:</p> <p>Datum tijd aanbieding:</p> <p>Door:</p> <p>Datum tijd overseining:</p> <p>Door:</p> <p>Kosten:</p>
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LANDS RADIO DIENST

Gelieve over te seinen het volgend
 Please transmit following
 Sirvansá transmitir este

RADIOGRAM via *Jelmin de ...*
REGERINGSTELEGRAM *mt*

Minister Kolonien Haag

630 zes CPIM ondervindt laatsten tijd met Chineezzen varende op CSM en Oceaantankers moeilijkheden omtrent uitbetaling gage punt Chineezzen eischen pond sterling op 10 gulden basis waartegenover CPIM aanbiedt 9 gulden punt ongeveer 150 Chineezzen van veertien tankers hebben ontslag genomen en eischen terugzending naar aanmonsteringshaven Londen Rotterdam of Singapore waarto CPIM op grond contract verplicht punt waar Chineseesche Consul Trinidad einde dezer week hier voor besprekingen met CPIM en waarsaar gebleken beide partijen verlangend conflicc beëindigen kans op schikking

Naam en adres afzender
 Name and address of sender
 Nombre y dirección del remitente

frij groot
WOUTERS

TIP. "MERCANTIL", CURAÇAO.

Telegram from Governor Wouters to the Minister of the Colonies.⁴³

43. National Archive Netherlands Antilles, Government Archive Curaçao, access number 1.831 (old): Gageregeling voor zeelieden, Annex B. (Salary regulations for sailors, Annex B.)

[TRANSLATION]

RADIOGRAM via GOVERNMENT TELEGRAM

Minister of the Colonies Haag

630 six CPIM experiencing difficulties recently with Chinese seamen on CSM and Ocean tankers regarding disbursement wages stop Chinese demand pound sterling on basis of 10 guilders whereas CPIM offers 9 guilders stop approximately 150 Chinese from fourteen tankers have resigned and demand to be sent back to ports of hire London Rotterdam or Singapore to which CPIM is obliged under contract stop about which Chinese Consul Trinidad discussed with CPIM end of this week and for which both parties expressed desire to end conflict chance of settlement quite good.

WOUTERS

War bonus for Europeans (caucasians)

As of mid-1940, European seamen (and not the Chinese) were given a war bonus of five pounds sterling. This applied to the crew of Dutch ocean-going vessels and not for the crew on tankers (ocean tankers) or local ships (CSM). It is possible that this played an important role in the above-mentioned conflict with the Chinese crew. Eighteen months later, in 1942, this issue was also the basis for the major strike of the Chinese crew of the CSM tankers.



It is not known whether the 100 deported strikers out of the group of approximately 150 Chinese CSM sailors were also interred behind barbed wire in the manner shown above, and/or whether there were dead and wounded to lament. The East Indies method usually led to some cases of death and illness.

-1.831

Gageregeling voor zeelieden

ACCUSATIE

12.7.1940

Gouverneur Curaçao

147 twaalf

Uw telegram 901 Met ingang van 1 Juni voor alle schepen
Europeesche vaart uniforme war bonus voor alle Europeesche
opvarenden Nederlandsche zee-schepen van VLF Pond Sterling
per man per maand conform Engelsche regeling stop
Tijdens verblijf Vereenigde Koninkrijk havens daar boven
EEN Pond Sterling per man per week stop
Gage regeling overigens onveranderd stop
Vorderen diensten schepelingen zoolang geen moeilijkheden
niet uitbreiden tot tankschepen en locale vaart.

Welter

Minister of the Colonies Welter informs Governor Wouters about the wage regulations for seamen. No war bonus for Chinese.⁴⁴

44. National Archive Netherlands Antilles, Government Archive Curaçao, access number 1.831 (old): Gageregeling voor zeelieden, Annex B. (Salary regulations for sailors, Annex B.)

[TRANSLATION]

acknowledgement of receipt

12.7.1940

Governor of Curaçao

147 twelve

Your telegram 901 With effect from 1 June for all ships European shipping uniform war bonus for all European crew on Dutch sea ships of FIVE Pound Sterling per person per month according to English regulation stop During stay United Kingdom ports as above ONE Pound Sterling per person per week stop

Salary regulation otherwise unchanged stop

Progress services sailors as long as no difficulties extend to tankers and local vessels. Welter

The Chinese consul was eventually able to reach an agreement with his countrymen. But the CPIM had already implemented the deportation of 100 of the approximately 150, their fares were already paid and it was thus impossible, according to Governor Wouters, to put a stop to it. I have been unable to find any information in the archives about the fate of the remaining fifty strikers. It is possible that they were able to come to a separate agreement with Shell management and the government as willing workers. This is indeed identical to what happened in the major strike of 1942.

No: 4846		Serie No:	
<p>Radiogrammen worden aangenomen voor alle plaatsen ter wereld en voor schepen uitgerust met draadloze telegrafie.</p> <p>Radiograms are accepted for all parts of the world and for ships equipped with wireless telegraphy.</p> <p>Se aceptan radiogramas para todas partes del mundo y para buques equipados con inalámbrico.</p>		 GOUVERNEMENT VAN CURAÇAO LANDS RADIO DIENST	
		Aantal woorden: Datum-tijd aanbieding: 16/10/40 Door: [Signature] 14.45 Datum-tijd overseining: Door: Kosten:	
Ingevolge de Internationale Telegraaf en Radiotelegraafvereenkomsten vergoedt het Gouvernement geen schade, veroorzaakt door het in het ongereede raken, de vermindering of de vertraging in de overkomst van een telegram.		RADIOGRAM The Government shall not be liable to make any compensation for any loss, injury or damage resulting from any loss or mutilation of any telegram or from any error, omission or delay in the transmission or delivery thereof.	
Hollandia Washington 34 antwoord drietweezes ongeveer honderd chineezzen worden door CPIM gerepatrieerd als zijnde overcompleet stop krijgen maand thuisreisgagge stop chineesche consul van Trinidad was op Curacao en ging accoord met genomen maatregelen en betaling stop uitstel terugzending onmogelijk aangezien voor chineezzen alle passages geboekt. - Wouters -			
Naam en adres afzender Name and address of sender Nombre y dirección del remitente		 	

Telegram Governor Wouters. Deportation of 100 of the 150 sailors from Shell Curaçao.⁴⁵

45. National Archive Netherlands Antilles, Gouvernementssecretarie Curaçao, access number 1.831 (old): Gageregeling voor zeelieden, Annex D. (Salary regulations for sailors, Annex D.)

[TRANSLATION]

RADIOGRAM

Hollandia Washington

34 answer threetwosix approximately one hundred Chinese being repatriated by CPIM as redundant stop receiving month return trip salary stop Chinese consul from Trinidad was on Curacao and agreed with measures taken and payment stop postponement return impossible since all journeys for Chinese booked.

Wouters

Conclusions

Do the events on, before and immediately after the 20th of April 1942 provide sufficient grounds for further investigation? This question is opportune, following the negative response from the Ministry of the Interior and Kingdom Relations to several requests from the Stichting Eerherstel Oorlogslachtoffers Curaçao, of which I am chairman.

According to the response from the Ministry, a different question should be asked, namely whether or not the report that was written up by the police authorities involved can be considered as 'factually true'. The Ministry thinks so, and that is all there is to it. The events are regrettable, but they provide no grounds to conduct further investigation, or to acknowledge the victims as war victims, or admit mistakes on the part of the government. In this regard, the minister can imagine "that the Foundation would have appreciated a different decision." (Annex 1, p. 6).

The foundation would have indeed appreciated this, and we will not let it rest there.

A number of extremely serious doubts in discovering the truth of that time have been presented in this publication. New insights in archive material show that regulations were unlawfully used and poorly complied with in relation to the Chinese strikers.

In addition, I have shown how, from the beginning, people have attempted to thwart any other investigation into the issue through diplomatic games, censorship and concealment.

Precisely because there is so little real factual evidence, should make it worthwhile searching in the government archives for documents such as the autopsy reports, the existence of which is highly likely. The SEOC continues to believe that the ministry should have been able to present these documents themselves, instead of proposing that no further grounds for investigation exist.

The autopsy reports are so critical because the question of whether the mentioned police report is the truth or not, relies almost completely on the question of how severe the violence against the Chinese was. In other words, how intense the sudden, and for all those involved, completely unexpected switch from a peaceful strike to murderous uproar among the Chinese really was. Based on the injuries of the victims there are almost certainly a number of things to say about their position and the way in which they were shot.

As things are now, it is still clear that the interests that the CPIM had in this resistance was huge, because their negotiations were continually deadlocked. I have also extensively explained how an outright attitude of contempt and low thresholds for the use of brute violence was quite acceptable in the way the colonialists dealt with the Chinese – primarily in the East at first, but as the situation there began to apply more and more as a good example for solving the problems in the West, also more often in the Antilles.

As a result of all this, the SEOC will continue to search for more facts, and in the meantime will also keep trying to get through to the Dutch government that no grounds exist for its uncritical acceptance of the investigation done at the time.

Meanwhile, we will continue to keep you, the reader, involved in this process by repeatedly giving you the opportunity to make your own judgements from the archive material provided. Because in making your own judgement, this history leaves a lot more scope than the opinion of the Minister of the Interior and Kingdom Relations suggests.

Afterword

On the 13th of September 2011, lawyers L. Zegveld and A. Scheltema Beduin sent a letter to the Dutch government on behalf of the SEOC. In it, the State was asked to recognise 15 Chinese contract labourers, who were shot and killed by government agents on the 20th of April 1942, as war victims, and to acknowledge its role in the events. The State was asked to indicate whether it was prepared to do so, or whether it would be willing to start an investigation into the circumstances of the fateful incident. Investigation by the SEOC paints a different picture of what took place that day in Camp Suffisant. In a letter dated the 10th of July 2013, the State responded through the Minister of the Interior and Kingdom Relations that he was not prepared to do so.

The book, *Chinese Bled in East and West*, is a response to that letter, and is also a continuation of the historical research by the SEOC. In the book, the foundation claims first that the minister's response leaves a lot to be desired. In this, the minister has primarily focused on the reports from the 'Judiciary of Curaçao', which in those days was known to be 'particularly poor and unreliable'. The minister has also deemed regulation appropriate, which would only have come into effect after the strike had started. The foundation further argues on the standpoint that, based on its research, there was 'a reasonable suspicion of premeditated and deliberate use of lethal force' against the strikers on the 20th of April 1942. The foundation finally concludes that there was a cover-up; in this respect there should be relevant documents, which the government has not made available.

At the request of the SEOC, the office of *Prakken d'Oliveira Human Rights Lawyers* analysed the text in this book to see whether there is sufficient substantiation for these statements. The analysis was conducted by Ms A. Vossenbergh and endorsed by Ms L. Zegveld.

Conclusion

The lawyers drew the following conclusion: 'In conclusion, the investigation conducted by the local authorities at the time was incomplete. Although the inquiry conducted afterwards by/on behalf of the State was in principle able to obviate flaws in the original investigation, pursuant to the report by the investigative committee, no further follow-up investigation is to be performed. If concrete evidence existed at the time that the self-defence (excess) scenario was incorrect, then the Parliament of Curaçao should not have been satisfied. As far as is known, there were however, no indications for this in 1942, with the exception of the position of the Chinese authorities. How plausible the suspicions of these authorities were is admittedly worth finding out,

but cannot be verified on the basis of the available information. The statement made by Grovell¹ only became available in 1974 when it was published in DE SCHAKEL; if his statement had been part of the original dossier, it would have provided cause for further investigation.

Based on the records, an assessment cannot be made as to whether the Dutch State is also at present still withholding relevant records and documents. There is also no support for the proposition that there are 'state secret' autopsy reports. Although the minister, in his letter dated the 10th of July 2013, indeed draws on Van der Kroef's report, information from the intelligence committee and the report by the investigative committee, he does in principle have the right to do so. At least, without concrete, reliable proof that there must have been an alternative scenario. Although, based on the manuscript, it has been adequately established that the Chinese contract labourers were treated unfairly and shamefully, there is insufficient support for such an alternative scenario based on the information set out in this manuscript. Therefore, it cannot be claimed that the State is now acting unlawfully by not initiating an official follow-up investigation.'

Reaction on behalf of the SEOC

Course of affairs

In 2012, the government of Curaçao proclaimed the 20th of April a national remembrance day, following a substantiated request from the SEOC (see the book: *De Aprilmoorden*). During the preparation of the proclamation, I had close and confidential contact with Member of Parliament X, who handled the SEOC request.

This Curaçao Member of Parliament had access to classified documents and shared with me in private that the documents contained descriptions of how the Chinese strikers were summarily executed without any reason on the 20th of April 1942. For him, this was reason enough to proclaim this day a national day of remembrance.

Witness statements

All three of the witness statements (and not only that of Sergeant Grovell) give sufficient indication that on the 20th of April (after the attempted separation of those willing to work from those striking, carried out by the authorities on Friday the 17th of April, failed) deliberate violence was possible. Perhaps, from a legal point of view, this is however, not sufficiently substantiated, but the indications remain undiminished, and have now been confirmed by (in)direct witnesses. The SEOC stands accordingly by its view that there are strong indications that the killing of the Chinese strikers was premeditated.

.....
1. An eye witness who clearly refutes the scenario supported by the state (both then and also now).

Reliability of court of justice/police

Confidential documents from the National Archive in The Hague enabled me to show how unreliable the court of justice was in the Second World War. The police and inspector Van der Kroef also functioned under the responsibility of this court. Unfortunately, this information was insufficiently weighed by Ms Vossenbergh in her arguments. Her analysis and that of the Dutch state (through Minister Plasterk) are largely based on the report by police inspector Van der Kroef, who, as such, was part of an unreliable institution and was therefore certainly not independent. This same judicial institution was, nota bene, later reorganised by the Dutch state for the mentioned reasons.

Autopsy report

Lawyer Vossenbergh assumes that the medical reports probably don't exist. She bases her opinion on the views of the Parliament of Curaçao in 1942. However, the oath of secrecy taken by the medical community also extended to questioning by Parliament. Ms Vossenbergh should have indicated this point to the Dutch state.

Ban on independent investigation by China/America

This aspect was not included by Ms Vossenbergh in her analysis. It gives an extremely important indication that the Dutch state wanted to sweep under the carpet the true circumstances around the strike of the Chinese sailors which was ended through the use of gratuitous violence.

Dossier Parliamentary Inquiry Government Policy 1940-1945

This applies, broadly speaking, to the foregoing. I have been able to demonstrate that there are strong indications that the inquiry committee worked with a dossier that was not publicly available. During the interrogation of Mr Van Driel, this witness wanted to reveal all about the death of the Chinese seamen, but was prevented from continuing with his statement by the chairman.

How to proceed?

On the 20th of April 1942, fifteen Rotterdam Chinese strikers from Shell Curaçao were summarily murdered in Camp Suffisant by the Dutch government. There are indications that the deaths were due to a planned action by the authorities on Curaçao. Although the taking of evidence was, judicially speaking, not 100 percent water tight, the SEOC is making a moral appeal to the government. A constitutional state should want to ascertain the truth about the past, and where necessary, acknowledge it. It would merit the Dutch state to also commemorate these forgotten victims during the 4th of May activities. The SEOC therefore upholds its request to: on the 4th of May also commemorate those Chinese victims.

MINISTER DI ENSEÑANSA, SIENSIA, KULTURA I DEPORTE

K O N S I D E R A N D O

Ku ta tarea di tur gobièrnu pa pone atenshon na su héroenan, baluartenan, akontesimentunan i fecha históriko;

Ku gobièrnu ta komprometé su mes pa reskatá i rekobrá akontesimentunan i personanan di balor históriko ku pa un òf otro motibu a keda lubidá i no a haña e balor ku nan meresé;

Ku ta importante pa tene e lucha pa emansipashon di pueblo di Kòrsou bibu, konmemorando diferente momentu ku tabata di importansha kardinal pa su emansipashon;

Ku dia 20 di aprel 1942, durante segunda guera mundial, 15 trahadó na SHELL di desendensha chines a keda kruelmente asesiná na momentu ku nan a protestá kontra nan situashon laboral;

Ku danki na e trabounan duru di e viktimanan di desendensha chines e industria petrolero di Refineria di Shell por a krese bira un di e refinieranan mas importante durante Segundo Guera Mundial;

Ku ta importante pa konmemorá e hecho ku 70 aña pasá 15 trahadó di desendensha chines mester a paga ku nan bida, luchando pa mihó sirkunstansha laboral;

Ku ta importante pa duna honor na e viktimanan aki.

T A P R O K L A M Á

Dia 20 di aprel komo DIA NASHONAL pa konmemorá e echo ku riba 20 di aprel 1942 a ehekutá 15 hende di desendensha chines ku tabata hiba un lucha kontra nan situashon inhumano.

Minister di Enseñansa, Siensia, Kultura i Deporte
Sr. Carlos Monk.



MINISTERIO DI
ENSEÑANSA, SIENSIA, KULTURA I DEPORTE

In 2012, the government of Curaçao via this proclamation, named the 20th of April as a national day of remembrance. The Minister of Education, Science and Culture confirmed its execution.

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Datum 10 juli 2013
Betreft Eerherstel Oorlogsslachtoffers Curaçao

Geachte mevrouw Vossenbergh,

Uw kantoor heeft zich namens de Stichting Eerherstel Oorlogsslachtoffers Curaçao (hierna: de Stichting) eind 2011 gewend tot de minister van Buitenlandse Zaken naar aanleiding van de gebeurtenissen op 20 april 1942 in het kamp Suffersant te Curaçao waarbij 15 Chinese contractarbeiders om het leven kwamen. De minister van Buitenlandse Zaken heeft de behandeling van uw brief aan mij overgedragen.

Namens de Stichting verzoekt u of de Staat bereid is: 1) de Chinese slachtoffers te erkennen als oorlogsslachtoffers, 2) te erkennen wat zich destijds heeft afgespeeld dan wel 3) u mee te delen of de Staat voornemens is een onderzoek naar de toedracht van het voorval in te stellen.

Naar aanleiding van uw brief is onderzoek gedaan naar officiële documentatie over deze kwestie in zowel het Rijksarchief als het Nationaal Archief te Curaçao. Het gaat dan met name om het archief van de zogeheten 'Commissie Onderzoek Rechtsverkeer in Oorlogstijd' (CORVO-archief). Daarnaast is geïnformeerd bij het ministerie van Defensie en heeft een zoekslag plaatsgevonden in de archieven van de Algemeen Militair Commandant die zich in het Rijksarchief bevinden. Nog vanuit het semi-statisch archief van Defensie, noch vanuit het Nederlands Instituut voor Militaire Historie is relevant materiaal naar boven gekomen. Verder is, mede op uw suggestie, bezien of bij het NIOD nog nuttige informatie voor handen was. Dit laatste was niet het geval en evenmin bij het Koninklijk Instituut voor de Tropen of het koninklijk Instituut voor Taal-, Land- en Volkenkunde. De laatste pogingen om nog relevant materiaal, met name inzake de betrokkenheid van de Staten van Curaçao, boven water te krijgen hebben helaas geen concreet resultaat opgeleverd. Ik kom hier later nog op terug.

Al met al heeft het onderzoek naar documentatie meer tijd gekost dan aanvankelijk was voorzien. Er is overigens tussentijds wel contact met uw kantoor geweest over de voortgang. Ik begrijp dat uw cliënte de lange duur betreurt, maar ik vertrouw erop dat van uw kant ook begrip is voor prioritering van werkzaamheden die onder omstandigheden geboden is. U bent daar reeds mondeling door de behandelend ambtenaar over geïnformeerd.

Annex 1: Letter from Minister Ronald Plasterk to SEOC

[TRANSLATION]

From: Ministry of the Interior and Kingdom Relations, The Hague
To: law firm Böhler Advocaten, Mrs B. Vossenbergh, Amsterdam

Date: 10 July 2013
Re.: Rehabilitation of war victims Curaçao

Dear Mrs Vossenbergh,

Late 2011, your office, on behalf of the Stichting Eerherstel Oorlogsslachtoffers Curaçao (SEOC) (hereinafter: the Foundation) approached the Minister of the Interior regarding the events of April 20th 1942 in camp Suffisant on Curaçao, during which fifteen Chinese contract labourers lost their lives. The Minister of the Interior has delegated the handling of your letter to me.

On behalf of the Foundation you ask whether the State is willing to: 1) acknowledge the Chinese victims as victims of war, 2) acknowledge what happened at that time, or 3) inform you whether the State intends to start an investigation into the circumstances of the incident.

In response to your letter official documentation was investigated regarding this matter in both the National Archives and the National Archives on Curaçao. In particular the archive of the so-called Judicial Matters in Wartime Committee of Inquiry (CORVO archive). Furthermore, inquiries were made of the Ministry of Defence and a search was conducted of the archives of the General Military Commander (AMC) located in the National Archives. No relevant material was found, either in the semi-static archive of the Ministry of Defence, or in the Netherlands Institute of Military History. Partly at your suggestion, we furthermore investigated whether the NIOD (Institute for War, Genocide and Holocaust Studies) had any useful information. This was not the case, nor was any relevant information found at the Dutch Royal Tropical Institute (KIT) or the Royal Netherlands Institute of Southeast Asian and Caribbean Studies (KITLV). Unfortunately, the latest efforts to recover relevant material, in particular regarding the involvement of the Parliament of Curaçao, have not yielded any concrete results. I will return to this point later.

Annex 1: *Letter from Minister Ronald Plasterk to SEOC*

All in all the search for and investigation of documentation has taken more time than anticipated. There has been contact with your office in the interim regarding progress. I understand that your client regrets that it has taken so much time, but I trust you can understand that the prioritising of activities that is called for. You were informed orally of this by the official handling the case.

Consultation

Also at the request of your client a meeting took place on the 28th of May of this year between yourself, Mr Makdoembaks, the director of Kingdom relations and the director of constitutional affairs and legislation from my Ministry, assisted by the official handling the case. During this meeting the goals pursued by the Foundation were explained by your client. Your client also indicated being convinced there must be additional documents that could shed light on the decisions made at the time, the circumstances and the aftermath of the incident. For example, medical records on the victims should be available. Both sides concluded that what really happened cannot be traced from the currently available information, which was also the basis for the publications mentioned by you in your letter, and that it is therefore not possible to arrive at an unambiguous assessment of what happened.

As a result of the meeting you presented two additional documents. Furthermore, the National Archive has been asked for additional information. I will return to this point at the end of this letter.

Facts

I feel it is important to focus on the relevant facts of this case. Quite a few facts crept in the overview of facts and circumstances in your letter that are not facts, but rather opinions or impressions of the referred to authors that lack relevance for the question whether the qualifications used by you (including deliberately violent) are appropriate. The question therefore remains what the State is supposed to acknowledge regarding the exact events of 71 years ago. I point out the shared conclusion at the abovementioned meeting. As far as the State is concerned only a few facts are relevant to what happened on the 20th of April; the position of the State is based primarily on the official report by the Chief Inspector of Police, W.J. van der Kroef (also included in the State's investigation) of 29 April 1942 which describes events in the camp.

You are aware of the build-up to April 20th. There was a labour conflict on Curaçao between the Chinese employees and the employer, the shipping company NV Curaçaoise

Annex 1: Letter from Minister Ronald Plasterk to SEOC

Scheepvaart Maatschappij (CSM). The employer was obliged to keep the Chinese sailors on board the ships (except for several exceptions that have no relevance here). At the start of the labour conflict the authorities turned a blind eye to the presence on land of the Chinese labourers who were on strike, because it was assumed that the conflict, with the assistance of the Chinese authorities, could be resolved quickly. When this proved not to be the case, at some moment the decision was made to place those who continued to violate the work obligation even after being warned, in a camp as unwilling crew members. This was also deemed advisable from the perspective of public order. The camp, where the British military force had previously been stationed, was located on the grounds of the Curaçaose Petroleum Industrie Maatschappij (CPIM). In charge of surveillance were CPIM guards. The CPIM also arranged food, medical attention, etc. The camp eventually housed some 420 Chinese labourers. As the impression existed that this group consisted of people who were willing to work and those who were not, and the latter obstructed negotiations, the management wanted to separate the two groups with the assistance of the police¹

Against this number of Chinese, a contingent of 22 men² was sent to the camp on the morning of April 20th in order to transport, after a name check, 85 Chinese labourers to a nearby camp. In summary the official report recounts the following.

Both the armed and the unarmed members of the contingent entered the camp. Several men were posted in locations where the Chinese could easily leave the camp. The barracks were checked for any Chinese who had stayed behind. There is no evidence in the official report of a tense or explosive situation. All the Chinese workers are in the square. Mr Van der Kroef takes a seat at a table near the entrance to the camp. The plan is explained to a spokesman for the Chinese and he takes this message to the rest of the group that is gathered in the square. He is also told that they will not be taken to the ships by force. When it becomes clear that he is one of the people who will be taken to another camp and he is to accompany a policeman, he shouts something to the others. The Chinese then begin to move as one and they corner the members of the contingent. A fight ensues in which the Chinese use (building) materials that were apparently

1. An earlier attempt by constable first class Dijkstra to --- almost singlehandedly --- separate non---strikers and strikers failed because the Chinese had made identification impossible (incidentally, there had been no disturbances at this time).
2. Consisting of members of the Military Police (13), officials of the Aliens Department (8) and civilian staff of the CPIM (including some guards).

Annex 1: Letter from Minister Ronald Plasterk to SEOC

available in the camp and their own weapons (knives). Also, weapons are taken from police officers that are subsequently used to shoot or stab. Eventually the armed members of the contingent apparently see no other option to save their lives than firing at the Chinese. The result is 12 dead and 50 wounded, including several severely wounded on the Dutch side. After the dust has settled the Chinese are separated. The wounded are taken away. Dead bodies, including those of the Chinese who died later, are buried at the general cemetery by the employer. Weapons, pieces of iron, etc., are confiscated.

The official reports contain no indication whatsoever that there was “deliberately violent, unnecessary and random action”, let alone the premeditated killing (“murder” of the strikers. It is unclear and it (presently) also cannot be explained why the situation got out of control. I therefore proceed on the assumption this was an extraordinarily unfortunate chain of events. Any other conclusion would amount to speculation.

Investigation of the incident of April 20th 1942

In your request you state that the file on the exact details of the incident was never made public and that the situation was not examined further during the parliamentary inquiry of 1948. To start with the latter, your observation is correct. The focus of the parliamentary inquiry was on the government policy of the successive cabinets in London since the German invasion. In particular it focused on, among other things, the military policy, the continuation of the war and the participation of the Netherlands in it, relations with the occupied territory and preparation for the situation after the war. Also investigated were the financial and procurement policies. In that context the procedures at the Curaçao shipping companies, the labour conflict with the CSM, and the sailors’ strike on Curaçao (among whom the Chinese) did come up for discussion, but not the fateful incident of April 20th 1942. The witness who was heard by the committee[3] observed that there were countless problems with the Chinese and that he had been involved in solving the conflict and had made contact with the Chinese consul-general. As this did not, in the opinion of the chairman of the committee of inquiry, concern an issue related to the policy of the government, the committee did not pursue it.

The (rubricated) file that was sent by the Governor to the Parliament of Curaçao on June 3rd 1942, was handled confidentially by the Parliament of Curaçao and was therefore not released at the time. From the file you refer to - apart from the already discussed official report - one cannot gather the exact reason for the fight that took place.

The documentation (and the authors quoted by you) shows that the Curaçao authorities did indeed conduct an investigation into the events and that they rendered an account to the Parliament of Curaçao.

Annex 1: Letter from Minister Ronald Plasterk to SEOC

First of all, the Attorney General, Mr Van der Laan, and the General Military Commander (AMC), baron Van Asbeck, as the authorised representatives of the Governor (Mr Wouters), attended the session of the Parliament of Curaçao on April 21st 1942 where they outlined the developments preceding the incident and (to the extent possible at that moment) answered questions from the members of the Parliament of Curaçao. The Attorney General for that matter, on behalf of the Administration, already indicated that the incident was deeply regrettable.⁴ After the incident⁵ the Governor installed a fact-finding committee, headed by the President of the Court of Justice (Mr. Süthoff), in order to obtain the required documentation and information from the shipping company. The same committee prepares the response to the letter from the Parliament of Curaçao dated April 30th 1942 to the Governor. This letter, drawn up as a result of the plenary session on April 21st asks for, among other things, the setting up of an independent national committee that is to answer several questions (including the question who could be held accountable).

On June 3rd 1942 Governor Wouters sends the documents gathered by the fact-finding committee to the Parliament of Curaçao. These include reports of the meetings and examinations conducted by the committee. The committee also tried to hear a delegation of Chinese (accompanied by an interpreter and a Dutch lawyer⁶), but the Chinese did not respond to this invitation. The Governor indicates that he had already initiated an investigation of his own accord and that the Parliament of Curaçao, after studying the documentation, will be able to determine whether there are grounds for further investigation.

In a letter dated August 6th 1942 from the Parliament of Curaçao to Governor Kasteel the former indicates it agrees with the confidential report of the committee of the Parliament of Curaçao. The report is based on the (secret) documentation that was sent to the Parliament of Curaçao. Although the Parliament of Curaçao express firm criticism on various matters (in the build-up to the incident), they are nevertheless of the opinion regarding the events of April 20th that “all who were forced by the unavoidable circumstances to participate in the fighting, can in no way be held responsible for the

4. Later Governor Wouters would inform the government in London that the Chinese consul--general had informed him on May 30th 1942 that the Chinese strikers had told him they regretted the incident with the police.

5. Probably on April 22nd or 23rd.

6. Mr. S.W. van der Meer, who is presented in the documentation as “counsel”, but who declares to the fact--finding committee having no professional interest in the matter, and who, after a single and unsuccessful visit to the camp, takes no further steps towards the management or the authorities. 7 Governor Wouters resigned on July 15th 1942.

Annex 1: Letter from Minister Ronald Plasterk to SEOC

unfortunate consequences and that the committee expresses its sympathy to those who fell victim to fulfilling their duty;”.

The Governor is asked how the Administration now views the position of the Chinese and whether any measures were taken against them, and if so, which.

On November 9th 1942 there is a reaction from the Governor to the Parliament of Curaçao report. The Governor communicates that the Chinese are still housed in the camp and which rules apply there. He furthermore states that there had been no reports to the AMC or Attorney General of suspicions among CPIM employees of anticipated resistance. He also sincerely endorses the committee 's expression of sympathy.

As far as I have been able to ascertain on Curaçao, the Parliament of Curaçao found no reason for a further investigation in the Governor's reply and this concluded the matter.

Missing documentation and the role of the National Archives

After our meeting you submitted two additional documents, one authored by Mr. Makdoembaks, in which he lists the types of documents that in his opinion should be available.

Inquiry with the National Archives (NA) has shown that information on residents of Curaçao (after 1865) - possibly including medical records - can be found in the Central Historical Archives in Willemstad (for example the administrative archives and the Registry of Births, Deaths and Marriages). Otherwise, the NA makes all of its archives available for investigation, for example the archive of the parliamentary committee of inquiry into government policy 1940-1945. This archive is held at the NA, is completely public and can be consulted on site (at no cost).

The government (read: the NA) only provides information on the archives that are housed at the NA. If your client is of the opinion that there should be more documents, your client will have to conduct, or have a third party conduct, (historical) research. The NA does not conduct this type of research and will not be able to provide a definitive answer whether any documents regarding the strike are present.

More archives than those mentioned by your client can be searched in [...].

For the record I want to point out that the documents regarding the inquiry of the Parliament of Curaçao at the NA mentioned in this response can be inspected at the NA.

Conclusion

In view of the above I see no reason to initiate an investigation of the final details of the event at this late stage. I also note that most of the people directly involved and any

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eyewitnesses will no longer be alive or - if they are - probably will not be able to recount the facts with the degree of reliability that would allow us to speak of a reasonable application of audi alteram partem (hearing both sides). The conclusion your client attaches to the “witness statements” they present (i.e. a preconceived plan or prior knowledge) I do not share, because there are more obvious explanations. For example, the fact that medical staff was standing at the hospital entrance can be simply explained, for example because the hospital had been contacted immediately after the incident that wounded were on the way.

I also see no realistic possibilities to trace next of kin or start an investigation of the survivors and what happened to them after their stay on Curaçao (even if I were bound to do so).

Recognition as victims of war

Finally, the request from the Stichting Eerherstel Oorlogsslachtoffers Curaçao to recognize the Chinese victims as victims of war. Although this is an issue primarily covered by the portfolio of my fellow Minister of Health, Welfare and Sport (VWS), it seems to me that the current legislation provides no room for such recognition. The victims did not die during hostilities in an armed conflict of any type, or die as a result of acts by or in the name of any occupying forces (see i.a. article 2, paragraph 1, sub a and b, of the Benefit Act for Civilian War Victims 1940-1945 (Wubo-Wet Uitkeringen Burger Oorlogsslachtoffers)).

From the declaration by the Curaçao government presented by you I gather that there is some recognition on the part of Minister of Education, Science, Culture & Sports (OWC&S) of Curaçao of the fateful event and the important role that the Chinese workers fulfilled in the refinery there. However, apart from the formulation he uses, I also do not read that they are any way recognised as victims of war.

I can imagine that the Foundation would have appreciated a different decision. I can only repeat what was at the time expressed by the Administration, namely that this terrible incident is most regrettable.

Respectfully,
The Minister of the Interior and Kingdom Relations,
dr. R.H.A. Plasterk

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STAATSBLAD VAN NEDERLANDSCH-INDIË.

No. 421. KOELIEORDONNANTIES. OOSTKUST VAN SUMATRA. Bepalingen nopens de rechten en verplichtingen van de werkgevers en de werklieden van Inlandschen en daarmede gelijkgestelden landaard in genoemd gewest (Koelieordonnantie Sumatra's Oostkust).

IN NAAM DER KONINGIN!

DE GOUVERNEUR-GENERAAL VAN NEDERLANDSCH-INDIË,

Den Raad van Nederlandsch-Indië gehoord:

Allen, die deze zullen zien of hooren lezen, Saluut!

doet te weten:

Dat Hij, het wenschelijk oordeelende nieuwe bepalingen vast te stellen nopens de rechten en verplichtingen van de werkgevers en de werklieden van Inlandschen en daarmede gelijkgestelden landaard in de residentie Oostkust van Sumatra;

Lettende op de artikelen 20, 29, 31 en 33 van het Reglement op het beleid der Regeering van Nederlandsch-Indië;

Heeft goedgevonden en verstaan:

Ten eerste: Met intrekking, voor zooveel de residentie Oostkust van Sumatra betreft, van de ordonnantie van 13 Juli 1889 (Staatsblad N^o 138), zooals deze sedert is gewijzigd en aangevuld, en van de ordonnantie van 24 December 1891 (Staatsblad N^o 264), te bepalen:

Artikel 1. Onverminderd het bepaalde bij de artikelen 11 en 14 der Wervingsordonnantie (Staatsblad 1914 N^o 613), kunnen, ten behoeve van ondernemingen van handel, landbouw of nijverheid — voor zoover naar het oordeel van den Directeur van Justitie de onderneming niet onder den kleinen land- of tuinbouw gerangschikt of als een kleinbedrijf aangemerkt moet worden —, zoomede ten behoeve van openbare werken en van den aanleg en de exploitatie van spoor- en tramwegen, werklieden in dienst worden genomen krachtens een schriftelijke werkovereenkomst, aangegaan op den voet van en met de gevolgen omschreven in deze ordonnantie.

Artikel 2. Voor de toepassing van deze ordonnantie wordt verstaan onder

a. *werkgever*: de in Nederlandsch-Indië gevestigde natuurlijke of rechtspersoon, die een onderneming drijft als bedoeld in artikel 1, of, indien deze niet in Nederlandsch-Indië gevestigd is, diens aldaar bij authentieke akte aangestelde vertegenwoordiger. Waar in deze ordonnantie de term „onderneming” wordt gebezigd, omvat deze mede „openbare werken” en „aanleg en exploitatie van spoor- en tramwegen”, als bedoeld in artikel 1;

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[TRANSLATION]

STAATSBLAD VAN NEDERLANDSCH-INDIË

(Bulletin of Acts, Orders, and Decrees of the Dutch East Indies)

No. 421. Coolie ordinance Sumatra's East coast. Provisions relating to the rights and obligations of the employers and workers of indigenous or those of equivalent nationalities in said district (Coolie ordinance Sumatra's East coast).

IN THE NAME OF THE QUEEN!

THE GOVERNOR-GENERAL OF THE DUTCH EAST INDIES,

Having heard the Indies Council:

To all who will see or hear read aloud this decree, greetings! announces:

That He, judging it opportune to establish new provisions relating to the rights and obligations of the employers and the workers of indigenous or of equivalent nationality in the Residency of Sumatra's East Coast;

Considering articles 20, 29, 31, and 33 of the Regulations regarding the policy of the Government of the Dutch East Indies; Has approved and ordered:

Firstly: rescinding, as regards the Residency of Sumatra's East Coast, the Decree of 13 July 1889 (*Staatsblad* No. 138) and the amendments and supplements made since that date, and of the Decree of 24 December 1891 (*Staatsblad* No. 264), to decree:

Article 1.

Without prejudice to the provisions of articles 11 and 14 of the Recruitment Decree (*Staatsblad* 1914 No. 613), workers can be employed by trade, agricultural or industrial enterprises - in so far as the Director of Justice deems the enterprise should not be classified as small-scale agriculture or horticulture or should be considered a small business - as well as for public works and for the building and exploitation of railroads and tramlines, under a written labour agreement on the terms and with the consequences as described in this Decree.

Article 2

The following definitions apply to this Decree:

a. *employer*: the natural or legal person established in the Dutch East Indies, who runs an enterprise as referred to in article 1, or - if this enterprise is not established

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in the Dutch East Indies - its certified representative there. When the term “enterprise” is used in this Decree, it also refers to “public works” and “building and exploitation of railways and tramlines”, as referred to in article 1;

b. *manager*: the person who is charged with the direct management of the enterprise in its totality or an independent unit of this enterprise;

c. *worker or workers*: the adult male or female coolies and craftsmen from the Indigenous or equivalent population, who have committed to labour in a contract and who are not part of the indigenous population in the district where the enterprise of the employer is located; considered to belong to the indigenous population are the natives born within the district and descendants of natives from outside the district who have settled within the district;

d. *immigration-contract*: the written labour agreement which is entered into outside the district, or which is signed for the first time in the district with workers who have come or were brought in from a location outside the district;

re-engagement contract: the written labour agreement entered into in all other cases in the district;

e. *family*: the husband and wife who have signed up as spouses as they entered into a labour agreement, including the underage children of one or both of them, as well as the man and woman who are married during the period of their contract, with the underage children of one or both of them.

Article 3.

(1) The contracts are entered into for a particular number of consecutive years or months, starting from the date the contract is signed, for the maximum duration of three years for an immigration contract and a maximum of eighteen months for a re-engagement contract.

(2) The time during which the worker has not worked due to illness, minus one tenth part of the duration of the labour contract, and the time he has missed due to leave or desertion, as well as the days during which he underwent a custodial sentence, are not included in the duration of the performed service or of the agreement. In the calculation of the time as referred to in this paragraph, the year is set at 360 days and the month at 30 days.

(3) The sick days that were not spent in a nursing facility designated by the Head of the district administration will be considered days of leave, except for the cases mentioned in article 4, paragraph 8, sub-paragraph 3.

(4) In no case must the extended duration of the contract exceed the period of one third of the agreed upon contract period.

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(5) The manager will keep record of the days on which no work was done, and the reasons why no work was done, in the manner prescribed by the Head of the district administration, and this will be reported monthly to an official designated by the Head of the administration.

Article 4.

(1) The labour agreements will state:

1. The name, (estimated) age, place or origin, nationality and if possible the tribe of the worker or workers, as well as the name of the spouse.

2. The name of the employer, the name of his enterprise(s) for which the worker is employed, as well as the department(s) the enterprise(s) is (are) located in.

3. The type of labour for which the worker is hired and the amount of working hours, which will be no more than ten per 24 hours, if the work is done between 5.30 am and 6 pm, and eight per 24 hours if the work is carried out totally or partly between 6 pm and 5.30 am, or is carried out completely or partly under ground.

For workers in the railway and tramline exploitation enterprises, who are expected to work shifts on the road, in stations and on the trains, the contract may prescribe a work shift of twelve hours per 24 hours.

The labour agreement entered into for the enterprises referred to in the preceding sub-paragraph, may also imply stipulations for all workers without distinction that oblige them to longer service or working hours in case of accidents or to insure the safety and regularity of the traffic, at hourly wages equal to 15/100 or 15/120 of the regular day wages, depending on whether the working hours determined in the labour agreement amount to ten or twelve hours per 24 hours.

The amount of determined working hours also include the time used by the worker for extra activities such as transports, guard duties etc., as well as the time required to assign the workers and to travel the distance at the start of the working day from the worker's accommodation to the location where he is to work, and after his work is concluded, from the location where he works to his accommodation.

The worker cannot be compelled to work more than 6 consecutive hours; the resting time is at least one hour. With permission of the Head of the district administration it is possible to deviate from this provision in the case of workers in railway and tramline exploitation enterprises.

4. The wages for overtime, being the work done outside the agreed upon amount of hours per 24 hours, which can only be carried out at the request of the manager and with permission from the worker.

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5. The amount of the wages owed to the worker, which must be determined per day of labour and serves as the foundation to calculate day labour, as well as work at piece rate and contracting work, unless otherwise stipulated in the agreement; and otherwise the manner in which the wages are paid out, on the understanding that the worker is entitled to the agreed upon day wages on the days off and holidays established in the agreement, as well as on the days he was willing and able to work, but the manager or his staff did not or could not use him; the latter to be determined by the Head of the local administration or by another official to be assigned by the Head of the district administration.

6. The amount and deduction of advances.

The maximum sum that may be paid out as an advance, is determined by the Head of the district administration.

7. Duration of the labour contract.

8. The days off and the worker's regular religious holidays, on which no work is done, will be at least two days per month.

In the labour contract for railway and tramline exploitation enterprises mentioning the number of days, at least two per month, on which no labour will be demanded from the worker, will suffice.

No labour will furthermore be demanded from the female worker shortly before she is due to give birth, nor within thirty days after this event or after a miscarriage, nor during the first two days of her menstrual periods. These days will be considered sick days, even though they were not spent in a nursing facility.

9. The employer's obligation to provide housing and medical treatment for the worker and his family at his expense, as well as to provide food free of charge to the family that is left behind while the worker is nursed outside his accommodation, if this family is unable to provide for itself, and for the duration of his illness.

10. The employer's obligation in the case of the death of the worker during the period covered by the work agreement to ensure that the worker has a decent burial, at his expense.

11. The employer's obligation to return the worker, together with his family, to the place of his country of origin free of charge, unless the worker wants to stay in the district after his contract expires and there is no objection based on the relevant regulations.

12. The provision that the worker will not be separated from his family against his will.

13. The obligation of the worker to keep the accommodation he is assigned by the manager clean and use it as it is intended to be used.

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14. The time at which the worker is supposed to be at the enterprise and report to the manager.

15. The provision that the labour contract be considered dissolved at the request of the employer, or the manager or the worker, either due to permanent unsuitability for work of the worker, or in other special cases to be assessed by the Head of the local administration or by another official assigned by the Head of the district administration, from the moment that this official will have ruled on the issue in favour of the requesting party; the other party will have to resign itself to this ruling and relinquish all rights and claims which could be derived from such a breaking of the contract.

(2) In the labour contracts provisions may be included other than those mentioned in this decree and the accompanying model-contract on the understanding that non-compliance with these other provisions will not result in criminal liability, and that, insofar as these provisions contravene the provisions of this decree or said model, will be regarded as not written, and the contracts shall remain in force.

Article 5.

In the case of public railway and tramline exploitation enterprises the employer is authorised to apply to the worker who has signed a labour contract on the terms of this decree, the official regulations referred to in article 3 of the General rules and regulations for the railway services in the Dutch East Indies (*Staatsblad* 1895 No. 300) and article 4 of the General rules and regulations regarding the construction and exploitation of mechanically powered public tramlines in the Dutch East Indies (*Staatsblad* 1905 No. 516).

Article 6.

(1) If the enterprise or enterprises the worker has committed to passes or pass to another employer, the work agreement remains valid for the agreed upon duration and the regulations of this decree continue to apply, insofar as the contract concerns the enterprise where the worker was employed during the transfer. The new employer will then take over all rights and obligations regarding the worker, resulting from the work agreement with the first employer.

(2) The transfer referred to in the previous paragraph must be reported by the new employer to the Head of the local administration within three days after it has occurred, stating his name and his place of residence. If the new employer is not an employer in the sense of this decree, then the labour contracts will be considered dissolved from the moment of the transfer referred to.

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Article 7.

(1) With the exception of the legally valid immigration-contracts entered into on the terms of the Recruitment decree for Java and Madura, and subject to the provisions in the following paragraph, the immigration-contracts are not legally valid until their existence is proven by records drawn up before an official designated by the Head of the district administration, who is authorised to sign the records for himself as well as the workers.

(2) The immigration contracts entered into abroad, where sufficient control is exercised on the emigration according to the express and open statement of the Government, must be ratified by an official designated by the Head of the district administration.

This ratification is refused only if the agreement does not comply with the requirements as defined in article 4 of this decree, or if the work agreement has not been presented to the official in question within the appropriate time period.

(3) Similar ratification as referred to in the first sub-paragraph of the previous paragraph is required for the re-engagement contracts.

(4) The official in question will refuse to help accomplish the instruments or the ratification of the contracts referred to in the previous sub-paragraph, if the labour contract does not comply with the requirements set out in this decree, or was not presented to him within the established time period, or if he suspects the presence of coercion, error or deception.

(5) In the event of a refusal as referred to in paragraphs 2 and 4, the employer or the manager can request a decision from the Head of the district administration. If this further decision is not requested within this period or if said Administration head has dismissed the appeal, then article 16 applies.

(6) In case ratification is refused the legal validity of the labour contract ends on the day of the refusal.

(7) The establishment or the ratification of each labour contract is mentioned by the official involved at the bottom of each copy and recorded in a register, the model of which is determined by the Governor-General.

For this registration the employer is charged one guilder per worker.

The Head of the district administration arranges the method by which these sums are deposited in the state coffers.

(8) The Head of the district administration arranges the time period within which the instruments of the labour contracts referred to in paragraphs 2 and 3 of this article must be presented to the official concerned.

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The instruments of the labour contracts are free of stamp duty and are drawn up in duplicate based on a model to be determined by the Governor-General, of which one copy must be stored in the archive of the Head of the local administration.

Article 8.

(1) A worker who has entered into a labour contract as referred to in article 7 cannot be hired by another employer during the term of this agreement.

(2) A work agreement entered into in violation of this provision is null and void.

Article 9.

(1) With the exception of the provisions in the following paragraph, the worker may not stray from the enterprise he works for without a written permit from the manager or someone appointed by him, except on those days that no labour may be expected from the worker pursuant to the contract, or when he is going to bring a complaint of poor treatment against the employer, the manager or his staff.

(2) In the public railway and tramline exploitation enterprise the worker who works on the road, in stations or on the trains, is not permitted under any pretext to leave his assigned post without a permit from his supervisor for the duration of the established working hours. If the worker wants to complain about poor treatment by the employer, the manager or his staff to the relevant authority, he is free to do so on work days and without permission from his supervisor. He must, however, report his intention to lodge a complaint to the master of the nearest station or nearest stop at least 24 hours beforehand, after concluding his shift.

(3) The worker is under an obligation to carry out his work in an orderly fashion, to faithfully fulfil orders from the manager or his staff regarding his contractual obligations, and generally conduct himself in keeping with his contract.

(4) In the event of disasters or imminent danger the worker is obliged to lend assistance, following instructions from the manager or his staff, also outside the working hours agreed upon in the contract and on the days that the worker normally would not work, for which no wages are owed, provided he is at the enterprise on those days.

Article 10.

(1) Workers who during the term of the contract have stood trial or have been imprisoned outside the enterprise, or those who, after an absence due to leave, illness or other reasons, do not return within the time permitted or considered sufficient by the Local Administration, may be brought back to the enterprise by personnel of the

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employer on behalf of the police. In certain cases, to be judged by the Head of the local administration, the police may lend assistance at the expense of the employer.

(2) The employer is also responsible for the costs of sending the worker to the location where he is to stand trial as a result of violating this decree.

Article 11.

Workers who leave the nursing facility where they are hospitalised as referred to in the decree of 6 September 1910 (*Staatsblad* No. 469) without written permission of the medical superintendent, can - at the request of this physician - be escorted back to the aforementioned nursing facility by the police or by the members of the employer's staff on behalf of the police at the expense of the employer.

Article 12.

(1) The employer is required to ensure that all his workers are treated well, that the agreed upon wages are paid out regularly and directly to them, that suitable housing including good bathing and drinking water is provided for the workers and their families free of charge as well as free medical treatment and nursing in a proper nursing facility including the necessary medications, also in the event of injuries not sustained during work.

(2) The worker or the member of his family who is admitted to a nursing facility for treatment, is entitled to free, complete, prepared food for the duration of his stay there.

(3) The employer is required to ensure that the transportation of the workers to the enterprises they have committed to, and to the nursing facilities where they are to be admitted when ill, takes place in the fashion dictated by the Head of the district administration.

(4) The employer is furthermore required to, in the fashion to be determined by the Head of the district administration, enable the workers to regularly consult the state of their account and the number of days of absence; and to provide them with a card based on the specifications of said administration head, on which are recorded the name, nationality or tribe, actual or estimated age, height in centimetres, date of commencement of employment, contract term of the worker concerned, as well as the name of the enterprise he belongs to and his days off.

(5) The workers are obliged to always carry this card when they leave the enterprise and show it to the administration on request.

(6) Of the part of the wages of the worker that is to be paid out in cash, with the exception of the provisions in article 5, only the deductions agreed upon in the labour contract may be made, as well as the taxes the employer has advanced for the worker

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and the payments to which the worker is sentenced by a judge. Fines imposed on the worker by the employer, the manager or his staff may not be deducted.

(7) In no event may the total of the deductions referred to in the previous paragraph exceed one fourth part of the wages earned since the last payment of wages, on the understanding that in the case of the labour contract being dissolved, the taxes advanced for the worker that the latter has not repaid, may be deducted in its entirety from the wages.

Article 13

(1) The employer is obliged to keep the payments book and other books containing the current account of the worker in the manner dictated by the Head of the district administration, and to give the directors and officials of the labour inspectorate access to all documents required by this decree on request.

(2) The officials referred to in the previous paragraph as well as the officers who accompany them will always have access to the locations where these workers are set to work and to the buildings where the workers reside or are being nursed.

Article 14

(1) The employer is obliged to provide the worker with a discharge letter within three days after the dissolution of the labour contract, unless the dissolution of the labour contract is the result of the death of the worker, or his employment with the same employer continues under a new labour contract as per this decree.

(2) In those cases in which a discharge letter must be provided pursuant to the previous paragraph, as well as in the case of the worker's death, the manager will inform the official referred to in article 7, paragraph 7 of the dissolution of the labour contract in writing within eight days, who will then record it in the local register.

(3) The model of the discharge letter is determined by the Head of the district administration.

(4) The employer is obliged to mention in the discharge letter the worker's name, nationality or tribe, actual or estimated age and height in centimetres, as well as any other information deemed necessary by the Head of the district administration.

Article 15

The labour contract ends with the death of the worker, but not with the death of the employer.

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Article 16

(1) When the last labour contract of a worker is dissolved, the employer is obliged to send this worker and his family, or his family upon the death of the worker, back to his country or place of origin free of charge at the earliest possible occasion, unless the worker wishes to stay in the district and he meets the provisions relating to admission and settlement insofar as these apply to him.

(2) Until the occasion as referred to in the previous paragraph arises, the employer remains liable for supporting the worker and his family.

(3) If the worker and his family do not immediately make use of the opportunity to be sent back home as offered under the first paragraph of this article, the employer remains obliged to arrange their return without charge at the request of the worker during one month after the contract is dissolved.

(4) In the event of non-compliance with the obligations referred to in this article, they will be fulfilled by the Head of the local administration at the employer's expense.

Article 17

(1) The manager is generally obliged to do or refrain from doing everything a good steward is supposed to do or refrain from doing in similar circumstances.

(2) The manager is not only responsible for that which is determined in the provisions of this decree as regards the manager, but also, together with and apart from the employer, for compliance with the obligations in this decree imposed upon the latter.

Article 18

Disputes concerning the interpretation of the labour contract are settled amicably and out of court by the Head of the local administration when possible. If this is not possible he will refer parties, when necessary, to the civil or criminal court.

Article 19

(1) Each arbitrary violation of the labour contract is punishable:
on the side of the employer by a fine of no more than Fl. 100,-- (one hundred guilders);
on the side of the worker by a fine of no more than Fl. 50,-- (fifty guilders) or being put to work on public works for board without pay for a period of no more than one month.

(2) The worker who has already been convicted once for arbitrary violation of the labour contract, and who repeats the offence is punished by being put to work on public works for board without pay for a period of no more than three months.

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(3) The facts as a result of which the worker is deemed to arbitrarily violate his labour contract are:

- a. non-compliance with the obligation to be at the enterprise at the time referred to in article 4, no. 14 and report to the manager;
- b. desertion;
- c. continued refusal to carry out the required work.

Article 20

(1) Insofar as facts mentioned below are not punishable, resistance or threats against the employers or their staff will be punished by a fine of no more than Fl. 50,-- (fifty guilders) or with being put to work on public works for board without pay for a period of no more than one month; and insults against these persons, disturbing the peace, refusal to work, inciting to desertion or refusal to carry out the required work, fighting, drunkenness and similar offences against the order will be punished by a fine of no more than Fl. 25,-- (twenty-five guilders) or being put to work on public works for board without pay for a period of no more than twelve days.

(2) Workers who have already been convicted once for resistance or threats against the employers and their staff, and who repeat the offence, will be put to work on public works for board without pay for a period of no more than three months.

Article 21

Encouraging non-compliance with labour contracts or enabling this by means of providing housing to, or employing a worker who has not proved being completely free of work obligations to others by means of an adequately completed discharge letter or by means of a written document handed to him by the administration, is punishable, each violation separately, as regards Europeans or those of equivalent nationalities, by a fine of no more than Fl. 200,-- (two hundred guilders) or a custodial sentence of no more than one month and, as regards natives or those of equivalent nationalities, by a fine of no more than Fl. 50,-- (fifty guilders) or being put to work on public works for board without pay for a period of no more than one month.

Article 22

(1) Every violation of the labour contract by the worker is only prosecuted after complaint of the manager of the enterprise to which the worker belongs.

(2) The punishment for desertion, committed for the first time, is not carried out if the worker has returned to the enterprise within the period permitted by the judge.

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Article 23

Violation of the regulations in this decree and of the provisions agreed upon in the labour contract, against which no punishment is threatened, are punishable, as regards Europeans and those of equivalent nationalities, by a fine of no more than Fl. 100,-- (one hundred guilders), and as regards natives or those of equivalent nationalities by a fine of no more than Fl. 25,-- (twenty--five guilders) or being put to work on public works for board without pay for a period of no more than twelve days.

Article 24

(1) The Governor-General has the authority to reduce, either for all labour contracts or for contracts of a particular type or purpose to be determined by him, the maximum duration of the contracts as referred to in the first paragraph of article 3, either for enterprises in the entire district, or for a specific area.

(2) The provisions in this decree, regarding the threat of punishment against violation of the labour agreement on the part of the workers and against refusal to carry out required labour, as well as regarding returning workers to the enterprise by force, will be rendered inoperative as soon as the Governor-General is of the opinion that the situation allows it, at a moment to be decided by him for enterprises in the entire district, or those in a particular area, either for all labour contracts, or for contracts of a particular type or purpose to be determined by him.

Article 25

The labour contracts based on article 3 of *Staatsblad* 1889 No. 138 in conjunction with *Staatsblad* 1013 No. 523, registered before this decree takes effect will remain in force for the defined term; the regulations in this decree, with the exception of article 7, apply.

Article 26

This decree may be referred to under the title of “Coolie Decree Sumatra’s East Coast”. Secondly: If labour contracts are entered into with workers as referred to under “Firstly” on different terms than determined there, the regulations in the decree of 3 October 1911 sub “Secondly” (*Staatsblad* No. 540) apply to the employer and the employee.

Thirdly: This decree will take effect on 1 August 1915.

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To prohibit any person feigning ignorance, this decree shall be published in the Bulletin of Acts, Orders, and Decrees of the Dutch East Indies (STAATSBLAD VAN NEDERLANDSCH-INDIË), and, to the degree necessary, posted in the native and Chinese languages.

Orders and commands furthermore, that all high and low Colleges and Officials, Officers and

Justiciers, enforce the strict observation of the above, without connivance or discrimination.

Buitenzorg, the 22nd of June, 1915

IDENBURG.

The General Secretary,
HULSHOFF POL.

Published on the twenty ninth of June 1915.

The General Secretary,
HULSHOFF POL.

(Decree of the Governor-General of 22 June 1915, No. 7).

AFSCHRIJF .

Curacao, 10 September 1929.

No. 78.

Aangezien in den laatsten tijd zich meer dan eens het geval heeft voorgedaan, dat ten aanzien van ongevallen met doodelyken afloop, eerst na de begrafenis van het slachtoffer een requisitoir tot het inwinnen van voorloopige informatiën is ingekomen, en aangezien ingevolge artikel 3 van de "Begravenisverordening" (P.B.1919 No.21) in gevallen als hier bedoeld de begraving niet dan met toestemming van U.E.G.A. mag geschieden, zoo mogelyk na voorafgegane gerechtelyke schouwing, heeft het Hof van Justitie de eer U.E.G.A. beleefd te verzoeken:

- 1o. te willen mededeelen, om welke reden in de navolgende gevallen geen gerechtelyke schouwing heeft plaats gehad;
 - a. bij het ongeval met doodelyken afloop, dat op 24 Augustus 1929 den C.P.I.M.arbeider Milton King heeft getroffen;
 - b. bij het ongeval met doodelyken afloop, dat in den nacht van 7 op 8 September 1929 Frans Cornelis Swart, officier van gezondheid aan boord van H.M.de "Hertog Hendrik" heeft getroffen,
- 2o. het daarheen te willen leiden, dat, indien voorloopige informatiën worden ingewonnen, ter richtige toepassing van dat bovengemeld artikel, het desbetreffend requisitoir steeds vóór de begrafenis ingediend wordt.

Het Hof van Justitie in Curacao,

De President,

(get.) Charles Ellis

De Griffier,

(get.) C.A.F.Hellmund.

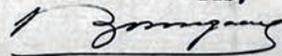
Voor afschrift:

De Griffier voornoemd,

(get.) C.A.F.Hellmund.

Voor afschrift:

De Gouvernements-Secretaris,



Aan den Heer

Procureur-Generaal

Alhier.

Annex 3: Attorney General Van Dijk / Statutory regulations regarding autopsy

[TRANSLATION]

COPY

Curaçao, 10 September 1929

No. 78.

Given that, concerning fatal accidents, a request for preliminary information was submitted only after the victim was buried on more than one occasion recently, and given that, pursuant to article 3 of the 'Burial Act' (Publicatieblad- PB 1919, no. 21) in cases as referred to here burial is not permitted without the approval of Your Honour, if possible after a prior judicial examination, the

Court of Justice has the privilege to respectfully ask Your Honour:

1. to inform us of the reasons why no autopsy was performed in the following cases;
 - a. the fatal accident that befell CIPM-worker Milton King on 24 August 1929;
 - b. the fatal accident that, in the night of 7 to 8 September 1929, befell Frans Cornelis Swart, health officer aboard the H.M. "Hertog Hendrik".
2. to ensure that, for the correct application of the above-mentioned article, when preliminary inquiries are made, the relevant request is always submitted prior to the burial.

The Court of Justice on Curaçao
The President, (signed) Charles Ellis
The Clerk, (signed) C.A.F. Hellmund

Copy certified correct by:
The above-mentioned Clerk,
(signed) C.A.F. Hellmund
Copy certified correct by:
The Government Secretary
(signature)

To the
Attorney-General here

COPY

Office of the Attorney-General Curaçao
No. 1356/2

Willemstad, Curaçao, 25 September 1929

Given that in recent times the situation has occurred more than once, from which I have concluded that the prevailing opinion on your part is that the Attorney-General is subordinate to the Court of Justice or to one or more of its Members, and since I know of no legal regulation that requires the Attorney-General to account for his actions to the Court of Justice, I have the honour

to inform your Court, in response to your letter No. 76 of the 10th of this month, that the consideration of contributing to a smooth course of events in the interest of Justice alone has induced me, after careful consideration, to provide the information as requested sub 1. of your above-mentioned letter.

Before doing so, however, let me state first, in order to prevent a confusion of terms, that “forensic autopsy” in article 3 of the “Burial Act” (Publicatieblad 1919, No.21) can be taken to mean: 1. Medical autopsy pro Justitia without the presence of Justice-officials (Public Prosecutor and/or examining magistrate), and

2. Medical autopsy in the presence of said Justice officials, whereas this autopsy can be: a. external only,

b. in addition, also internal.

Internal post-mortem examination (autopsy) is always avoided by me for reasons of piety, provided the physician who is called in can positively determine the cause of death by means of an external examination only, as this accomplishes the goal of the autopsy from the forensic point of view. This was the case with regard to the late doctor Swart; the external medical examination pro Justitia positively determined the cause of death, of which a sworn visum et repertum is drawn up (included in the documentation) based on which I subsequently gave permission for burial.

In the case of the late King the treating physician told the OM that no internal examination was possible as the body was completely smashed up, but that the cause of death could be positively determined based on a simple external inspection, after which, again, permission for burial was granted.

Annex 3: *Attorney General Van Dijk / Statutory regulations regarding autopsy*

From the request sub 2 in your letter, I gather that by “autopsy” your Court means post-mortem examination in the presence of an examining magistrate, whereas you apparently would appreciate that this is done in all cases, if, that is, a request for preliminary information is made. I have no objections to this, which is the reason why I requested the Advocate-General in his capacity of official of the Public Prosecutor at the cantonal court here, to, if necessary, from now on request immediate preliminary information every time he is made aware of a suspected deadly criminal offence, and in his capacity of Advocate-General, not to give permission for burial before an autopsy, in the sense intended by your Court, has taken place.

It is self-evident that the decision regarding, and responsibility to perform an autopsy or not will then rest completely with the examining magistrate, and the Public Prosecutor will no longer be able to accept any responsibility for it whatsoever, although I do expect that your Court will agree with my understanding as elucidated above.

As there is no permanent examining magistrate for criminal cases here, and he must be appointed ad hoc by the President, your request will also mean that from now on His Honour can receive a request to appoint an examining magistrate at any time of the day or night, on Sundays and holidays, and the latter in turn may have to attend a forensic autopsy at the most inconvenient of times, which I have tried to avoid, out of reverence for your College, but which is apparently not appreciated.

Should things, however, not go smoothly in the future, I will be forced to withdraw this measure, which is instituted at your own request, as it is utterly irresponsible to postpone the burial of dead bodies, even for judicial reasons, any longer than strictly necessary.

The Attorney-General,
(signed) M. van Dijk

To the
Court of Justice here.

Issued as a true copy by
The Clerk of the Court of Justice on Curaçao.
(signed) C.A.F. Hellmund

Issued as a true copy by
the Government Secretary
(signature)

Annex 3: *Attorney General Van Dijk / Statutory regulations regarding autopsy*

COPY
Curaçao, 19 October 1929
No. 89.

With reference to your letter of 25 September 1929, No.1356/2, the Court of Justice has the honour to inform Your Honour of the following.

Pursuant to article 150, second paragraph of the “Government regulations” the Court supervises the orderly disposal of all cases and the proper prosecution of all criminal offences, while the Court according to article 26 of the Code of Criminal Procedure can charge the Attorney--General with an assignment and can order him to carry it out.

The Court cannot consider a medical examination without Justice officials being present, a forensic autopsy.

There is no reason to assume that in a procedure as desired by the Court things will “not go smoothly”, as far as the judiciary is concerned.

The Court of Justice on Curaçao
The President, (signed) Charles Ellis
The Clerk, (signed) C.A.F. Hellmund

Copy certified correct by:
The above-mentioned Clerk,
(signed) C.A.F. Hellmund
Copy certified correct by:
The Government Secretary
(signature)

To the
Attorney-General here
The Court of Justice on Curaçao

Annex 3: *Attorney General Van Dijk / Statutory regulations regarding autopsy*

Annex 3: *Attorney General Van Dijk / Statutory regulations regarding autopsy*



GOUVERNEMENT VAN CURAÇAO
BUREAU GOUVERNEUR

1.86 III 3

549

Geheim

Mye Excellente ^{Stan}
den Gouverneur van Koloniën
Nederlandsche Regterij Randam.

Uw nummer (letter):

Uw brief van:

Ons nummer:

549

Onderwerp:

Intensivering kamp
Bonaire

Bijlagen:

Willemstad, 31 Mei 1940

Bij deen heb ik de eer Uwe Excellentie
te doen toekomen:

- 1^e de „Instructie detachementcommandant Militaire Politie troepen Bonaire“
- 2^e de „Instructie Wacht vregveld Bonaire“
- 3^e een „Bekendmaking voor de gemeenruden op Bonaire“

De Gouverneur,

G. J. J. Winters

Gedrukt bij de Gouverneur van Curaçao. Gelieve bij beantwoording de naam en nummer te vermelden en in elken brief slechts E onderwerp te behandelen.

Annex 4: Shooting instruction Bonaire 1940

[TRANSLATION]

Government of Curacao
Bureau of the Governor

CONFIDENTIAL

To: His Excellency the Minister of Colonies
Dutch Legation in London

Re.: Internment camp Bonaire

Willemstad, 31 May 1940

I hereby have the honour to send to Your Excellency:

1. the "Instruction Detachment commander Military Police troops Bonaire"
2. the "Instruction guards Bonaire airport"
3. a "Notice for the internees in Bonaire"

The Governor,
G.J.J. Wouters

Government of Curacao

POLICE HEADQUARTERS

CONFIDENTIAL

To: His Excellency the Minister of Colonies
Dutch Legation in London

Re.: Internment camp Bonaire

Willemstad, 28 May 1940

I have the honour to send to Your Excellency Copy No 1. of:

1. the "Instruction for Detachment Commander Military Police troops Bonaire"
2. the "Instruction for guards at Bonaire airport"
3. a "Notice for the internees in Bonaire"

The Commander of the Military Police,

[signature]

Annex 4: *Shooting instruction Bonaire 1940*

Copy No I
INSTRUCTION DETACHMENT COMMANDER MILITARY POLICE TROOPS
BONAIRE

1. TROOP STRENGTH

- 1 sergeant-major
- 2 sergeants
- 47 corporals and lower ranks
- 20 marines

2. TASK

- a. Guarding the Germans interned in Bonaire; a distinction is to be made between guarding the camps and guarding Germans during activities outside the camps.
- b. Maintaining discipline in the camps.
- c. Organisation and supervision of the guards at the airport.

Ad 2a. Guarding activities are carried out by the corporals and lower ranks assigned to this task; they are fully armed, carbine (rifle) loaded, bayonet in place.

Ad 2b. Strict discipline is maintained inside the camps; in case of resistance order will be restored, if necessary with the use of weapons. Those who violate any of the regulations as described in the "Notice" are immediately transferred to the detention cells in the fort, where the necessary measures against them will be taken by order of the Lieutenant Governor.

Ad 2c. Referring to the attached instruction for the guards at the airport of Bonaire, the District Commander is in charge of the various particular matters regarding the guards. He arranges the provision of meals, drinking water etc.

He checks or has someone else check the guards at least twice per 24 hours at irregular times.

3. LOCATIONS

- Fort
- Camp I (Girls' school)
- Camp II (Kindergarten)
- Camp III (Brothers' school)
- 3 guard rooms/sentry boxes (airport)

Annex 4: Shooting instruction Bonaire 1940

4. AUTHORITY

Regarding the execution of the guard duty the detachment commander is subordinate to the Lieutenant Governor.

(The military authority on the island of Bonaire is exercised by the Lieutenant Governor for the Governor).

5. INSTRUCTIONS FOR THE GUARD POSTS

The instructions for the guard posts have the following content:

1. Make sure no internees escape; in case of attempted escape shots are fired after giving the order "HALT". Women and children will not be fired upon unless it is absolutely necessary.

2. Make sure no unauthorised persons enter the grounds of the abovementioned localities. Here also, with the same restriction as mentioned under 1., shots will be fired after the escapee has been ordered to stop.

3. The sentries and other persons charged with surveillance closely watch the internees and report any unusual behaviour to the detachment commander as soon as possible. They also ensure that discipline and order are maintained in the camps; that there will be no demonstrations or choral singing that could lead to riots. Each attempt at resistance or riot will be suppressed by force.

4. The guards are forbidden to speak to the internees without good reason.

5. Make sure that those who deliberately fail to adhere to the rules or whose behaviours are contrary to order in the camps, are taken to the detention cells at the fort.

6. They will, within the bounds of their general task, always maintain the authority of the appointed camp chief.

7. They will ensure that the internees, in general, will not come within 5 metres of them.

8. It is prohibited to gratuitously provoke the internees.

9. The alarm signal to be used by all guard posts is the shot.

6. SUPERVISION OF WORK ACTIVITIES

Surveillance of the work by internees is carried out by the guard posts, to the degree that it is carried out in the camp grounds; specific guards are appointed for this duty. The rules for the use of weapons is the same as described above under the instructions for the guard posts. Unnecessary provocation is avoided at all times. If internees refuse to work or cause other disorderliness, the guilty persons will be transferred to the fort as soon as possible, to be incarcerated in the detention cells.

Annex 4: Shooting instruction Bonaire 1940

7. CENSORING OF LETTERS, TELEGRAMMES etc.; EXAMINATION OF PACKAGES

All letters, telegrams etc. are censored by the Lieutenant Governor; to prove that a letter or telegram has been censored it is marked with the Lieutenant Governor's stamp. Unstamped letters may never be handed to internees. The exchange of letters between internees in the different camps is permitted, provided that these letters also go past the censor.

In order to minimise the problems related to the censorship, correspondence will have to be limited for the time being. Before packages are handed out, they are thoroughly examined by the Lieutenant Governor or by order of the Lieutenant Governor, for the presence of weapons, implements, forbidden stimulants such as alcoholic beverages etc.

8. STIMULANTS, EXTRA CLOTHING etc.

Smoking is permitted in the camps, on the understanding that smoking in the sleeping quarters is never allowed. The consumption of alcohol and narcotics is forbidden in the camps; these may not be brought into the camps.

It is permitted to collect money per camp for the provision of extra food, clothing or other necessities.

The provision of such can - in moderation and per camp - be distributed equally among the internees, to which end the detachment commander will keep a cashbook (for each camp separately). The money in this cash fund can, as required and with the permission of the Lieutenant Governor, be made available to the quartermaster, who can spend it on extra provisions.

With the exception of clothing and money, all goods and sweets sent to specific internees, will be distributed equally among all the internees in the camp, if there is occasion to do so. If necessary these can also be used for the sick in all the camps, and the women and children must not be considered less than the men in this respect.

Clothing and money (not exceeding the sum of 50 guilders) sent to the internees will be handed to the addressees.

Requests to purchase stimulants, for example cigarettes, are then directed to the quartermaster by the camp chief. The quartermaster decides whether the purchase will be made or not; the quartermaster then gives purchased items to the camp chief who subsequently arranges equal distribution among the camp residents.

9. VISITORS

Until further notice there will be no visits, either between camps or from elsewhere.

Annex 4: Shooting instruction Bonaire 1940

10. MEALS

The food for internees consist of 2 bread meals and 1 hot meal per day, while adequate quantities of tea or coffee as well as drinking water will be provided. The costs of meals on average are no more than 50 cents per person per day.

On Sundays potatoes are provided as the staple food; the other days pea soup, rice, beans etc.

Exceptions to the menu are not allowed, save on medical advice.

The meals are prepared by the internees themselves. The mess master provides the necessary supplies; he also determines the regular weekly menu.

11. THE RED CROSS

All private consignments of goods, provisions and stimulants are sent to the Red Cross delegate in Willemstad, who forwards the packages to the Lieutenant Governor. These packages are also examined thoroughly before they are distributed.

12. MEDICAL ASSISTANCE

Medical assistance is provided by designated interned physicians. Several facilities can be made available to them if necessary and to the extent that they do not abuse them. The necessary medications and dressing materials are provided by the Red Cross.

13. MEASURES TO MAINTAIN DISCIPLINE AND ORDER AND TO PREVENT DISTURBANCES AND RIOTS

Strict discipline and order, in principle exercised by the interned camp chief, is required to prevent more or less serious problems. Against those internees who do not voluntarily submit to this discipline measures will be taken, which will prevent repetition of the punishable acts. To this end the internee may be incarcerated - if necessary in a more strict form, for example shackled, or on reduced rations - in the detention cells at the Fort.

Each punishment that includes incarceration is registered in the book of punished persons stating the number of days of punishment, the manner of incarceration and the reason for the punishment.

These punishments are always subject to the approval of the Lieutenant Governor.

14. RELIGIOUS SERVICES

Attending religious services outside the camps by internees is not permitted until further notice. Clergy are allowed to hold religious services on the camp grounds, or in the outbuildings, as long as the services do not give cause for disturbances and

Annex 4: Shooting instruction Bonaire 1940

the clergymen observe the conditions regarding place and time set by the Lieutenant Governor. Spiritual assistance to the sick or dying is permitted at all times.

15. MESS FOR THE SECURITY GUARDS DETACHMENT

The meals for the detachments of the Military Police troops may not be prepared by the internees.

Medical assistance for this detachment will be provided by the Government physician.

16. CHANGING INSTRUCTIONS

Changes to these instructions can be made by the Lieutenant Governor and the Commander of the Corps Military Police troops.

Willemstad, 21st May 1940

The Commander of the Military Police troops,

[signature]

SEEN BY

The Lieutenant Governor,

[signature]

1941. No. 693.

IN NAAM DER KONINGIN!

Wij, Rechter in het Gerecht in eersten aanleg, zittingsplaats Curacao;

Gezien de dagvaarding vanwege het Openbaar Ministerie bij dit gerecht op den 16den Juni 1941 beteekend aan YOW CHI, zich thans bevindende in het Huis van Bewaring op Curacao;

Gehoord den beklaagde, volgens diens opgaven genaamd: Yow Chi, oud 42 jaar, van beroep kwartiermeester, geboren te Hongkong, en zich thans bevindende in het Huis van Bewaring op Curacao;

Gehoord de voordracht der zaak door het Openbaar Ministerie;

Gehoord de voorlezing van het bevelschrift dd. 4 Juni 1941, waarbij deze zaak naar de terechtzitting van dit Gerecht is verwezen;

Gelet op de ter terechtzitting voorgelezen en den beklaagde voorgehouden geneeskundige verklaring van Dr. Philip Herman Hartsz;

Gelet op de ter terechtzitting overgelegde stukken;

Gehoord de verklaringen der getuigen;

Gehoord de antwoorden en bezwaren van den beklaagde;

Gehoord het requisitoir door het Openbaar Ministerie genomen en overgelegd, daartoe strekkende, dat de rechter verklaart: dat het feit den beklaagde bij dagvaarding ten laste gelegd, alsmede diens schuld daaraan, wettig en overtuigend zijn bewezen, met dien verstande dat als bewezen wordt aangenomen, dat de beklaagde Ah Je Lee opzettelijk van het leven heeft beroofd, door, met het oogmerk, dien persoon te doden,

[TRANSLATION]

1941. No. 693

IN THE NAME OF THE QUEEN!

We, Judge of the Court of First Instance, seated on Curaçao;

In view of the summons from the Public Prosecutor at this court served to YOW CHI, at present located in the detention centre on Curaçao;

Having heard the accused, according to his own statement named Yow Chi, aged 42, quartermaster by profession, born in Hong Kong and at present located in the detention centre on Curaçao;

Having heard the presentation of the case by the Public Prosecutor;

Having heard the reading of the warrant dated 4 June 1941, where the case was referred to this Court;

In view of the medical report by Dr. Philip Herman Hartsz, read at the trial and presented to the accused;

In view of the documents presented during the trial;

Having heard the statements of the witnesses;

Having heard the responses and objections of the accused;

Having heard the closing speech by the Public Prosecutor, to the effect that the judge declare, that the charges against the accused, as well as his guilt, are legally and convincingly proved, on the understanding that it is deemed proved that the accused deliberately took the life of Ah Je Lee, ... with the intent to kill this person, ...

...

Having heard the defence put forward by the accused;

Considering that the accused was charged: that he, the accused, on the 13th of May 1941 on [board] the ship "Rosalia", sailing under the Dutch flag, located in the Schottegat on the island of Curaçao, intentionally took the life of Ah Je Lee, or intentionally caused grievous bodily harm to said Lee, by deliberately, with the intent to kill, or cause grievous bodily injury to him, Lee, [...] by carrying out his, the accused's, intention to [*inflict*] with a knife, or a sharp object, one [*or more*] injuries, which resulted in said Lee sustaining, among other injuries, a [*stab wound*] to the left of the spinal column near the [*fifth*] thoracic vertebra, which wound continued through the muscles and between the seventh and eighth rib into the left pleura, while at this site the lower lobe of the left lung [was] punctured; as a result of the reported [*injuries*] said Lee died on the 18th of May 1941 on the island of Curaçao.

Annex 5: Autopsies and medical reports in criminal proceedings

Considering the statement that the accused made before, during and after the examination of the witnesses who were heard [...] during the session of this court:

that he acknowledges that on the 13th of May 1941 on board the SS “Rosalia” he did stab and cut the boatswain named Ah Je Lee several times with a [...], as a result of which Lee died; that he was previously fired by the captain of said ship, after which he asked the boatswain to put in a word for [him], which the latter refused; that he then became so angry that he pulled out his knife and stabbed the boatswain with it; that the boatswain furthermore

Annex 5: *Autopsies and medical reports in criminal proceedings*

1941 No.870.

IN THE NAME OF THE QUEEN!

We, Judge of the Court of First Instance, seated on Curaçao;

In view of the summons from the Public Prosecutor at this Court served to ESTEBAN MARTINUS GERARD, at present located in the detention centre on Curaçao;

Having heard the accused, according to his own statement named Esteban Martinus Gerard, 27 years old, fireman by trade, born and residing on Curaçao;

Having heard the presentation of the Public Prosecutor;

In view of the medical statement read at the trial and presented to the accused, by Dr. M.J. Hugenholtz, which reads as follows:

“Johan Pablo Daal was admitted to St. Elisabeth Hospital on 13 April 1940 with a stab wound to the lower left abdomen. In surgery it became clear that the peritoneum has been opened and the omentum had partly penetrated the abdominal wound. For the rest there were no life-threatening injuries to the intestines. On May 8th he was discharged. (Signed) M.J. Hugenholtz”;

In view of the documents presented during the trial;

Having heard the statement of the witness;

Having heard the responses and objections of the accused;

Having heard the closing speech by the Public Prosecutor, to the effect that the judge declare, that the alternative charges against the accused, as well as his guilt, are legally and convincingly proved; that this results in the criminal offence of “grievous bodily harm”,

1941, No. 732.

IN THE NAME OF THE QUEEN!

We, Judge at the Court of First Instance, seated on Curaçao;

In view of the summons from the Public Prosecutor of this Court served on July 7th 1941 to Nicolaas Sling, residing on Curaçao;

Having heard the accused, according to his own statement named NICOLAAS SLING, 55 years old, tailor by trade, born and residing on Curaçao, presently located in the the detention on Curaçao, by order of the judge in the Court of First Instance, seated on Curaçao, acting as examining magistrate, dated 18 June 1941;

Having heard the presentation of the case by the Public Prosecutor;

Having heard the reading of the warrant of the Court of First Instance, seated on Curaçao, dated 1 July 1941, where the case against the accused was referred to trial;

In view of the medical report by Dr. C.G. Aars read at trial and presented to the suspect;

In view of the documents presented at the trial;

Having heard the statements of the witnesses;

Having heard the responses and objections from the accused and his counsel;

Having heard the closing speech by the Public Prosecutor, to the effect that the judge declare: that the alternative charges against the accused sub 1. and sub 2., as well as his guilt, are legally and convincingly proved, on the understanding that the first mentioned fact is considered proved, that the accused, acting as described in the summons, intentionally inflicted serious bodily harm on Horatio Julio Eugenia; that furthermore regarding the second fact it is proved that the accused tried to cause grievous bodily harm to both persons mentioned in the summons; furthermore that the firearm referred to in the summons is a pistol; ...

Annex 5: Autopsies and medical reports in criminal proceedings

Annex 5: *Autopsies and medical reports in criminal proceedings*

Paraphrase

21 April 1942.

GEHEIMCIJFER VAN CURACAO No. No. 177, 178.

Wegens gebrek aan ruimte voor onderbrenging bleek opsluiting van alle stakende Chineezten ten getale van 400 der C.S.M. tankers als onwillige schepelingen niet uitvoerbaar. Waar met het oog op rust en orde en met de kans op relletjes van de 40 stakers passagieren in de stad uitgesloten is en zij bovendien niet toegelaten zijn in het gebiedsdeel, zijn allen ondergebracht in het Chineezenkamp der C.P.I.M. in afwachting repatriëeren. danwel mogelijk hervatten van den arbeid.

Heden (Maandag morgen) toen de Chineezten voor wat betreft legering zouden worden gescheiden in mogelijk-werkwilligen en niet-werkwilligen, waarbij politie op dringend verzoek der C.P.I.M. Directie assisteerde, is plotseling door alle 400 op de politie een onverhoedsche aanval gedaan. De aanval was zoo overrompend, dat de Chineezten die gewapend waren met ijzeren staven en messen. kans zagen enkele karabijnen van de politie te bemachtigen en deze op de politie af te vuren hetgeen door een charge met aan de karabijnen van de politie ontrukte bajonetten werd gevolgd.

slot volgt.

GEHEIMCIJFER VAN CURACAO No. 179 Paraphrase.

Vervolg 177 en 178: Politie zag zich gedwongen van vuurwapenen gebruik te maken waardoor 13 Chineezten werden gedood, 33 zwaar gewond en 6 licht gewond, Politie had 2 zwaar en twee lichtgewonden, bovendien werd nog een bewaker van CPIM licht gewond.

Politie was hierna toestand wederom meester en scheiding werd zonder verdere incidenten voltooid.

Rapport volgt.

WOUTERS

Annex 6: Telegram from Governor Wouters, 21 April 1942

[TRANSLATION]

Paraphrase

21 April 1942

SECRET CIPHER CURACAO No. 177, No. 178.

Due to a lack of accommodation incarceration of all striking Chinese, to the amount of 400, from the C.S.M. tankers as unwilling crew members is not feasible. As, in view of peace and order and because of the risk of disturbances by the 40 strikers, shore leave in town is out of the question, and they furthermore have not been allowed entry to the territory, all have been placed in the C.P.I.M. Chinese camp pending repatriation or possibly resuming their work.

Today (Monday morning), when for the purpose of lodging and with the police assisting at the urgent request of the C.P.I.M. directors, the Chinese were about to be separated into possible non-strikers and strikers, suddenly all 400 of them unexpectedly attacked the police. The attack took the police so completely off guard that the Chinese who were armed with iron bars and knives, were able to obtain several police rifles and fire them at the police, followed by a charge with bayonets taken from the police rifles.

Conclusion will follow.

SECRET CIPHER CURACAO No. 179 Paraphrase

Continued 177 and 178: Police was forced to use fire arms, which resulted in 13 Chinese dead, 33 seriously injured and 6 slightly injured. Police suffered 2 severely injured and 2 slightly injured, and furthermore one CPIM guard was slightly injured.

The police was then again in control of the situation and the separation was concluded without further incident.

Report will follow.

WOUTERS

Annex 6: *Telegram from Governor Wouters, 21 April 1942*

MEMORANDUM. (van directie CPIM)

INZAKE DE IN HET KAMP SUFFISANT ONDERGEBRACHTEN
VAN CSM-TANKERS AFKOMSTIGE CHINEEZEN.

Aanwezigheid Chineezen op Curacao.

Het Gouvernement van Curacao heeft van den aanvang af dat de toelating der Chineez-
zen op Curacao ter sprake werd gebracht, daartegen bezwaar gehad.

Toen de CSM in het midden der twintiger jaren het Gouvernement ervan overtuigde, dat
- teneinde over voldoende enginerroomcrew voor haar tankers te kunnen beschikken - het im-
- porteerden van Chineezen onafwendbaar was, is hierin tenslotte toegestemd. Deze Chineez-
zijn echter nimmer toegelaten op Curacao, zijn van den aanvang af tot heden als onge-
wenschte vreemdelingen beschouwd. Dezen Chineezen werd tijdelijk toegestaan op de tankers
dienst te doen, terwijl de CSM ervoor verantwoordelijk was, dat deze werknemers niet op
Curacao zelf verblijf hielden, tenzij in geval van ziekte, convalescens, verlof.

De CSM is zich steeds ten volle van deze beperkende bepalingen met betrekking tot
het verblijf der Chineezen ahier bewust geweest, heeft dit speciale standpunt tegenover
dit deel harer werknemers nimmer kunnen toejuichen, doch heeft zich hieraan moeten onder-
werpen.

Van de zijde der CSM is er steeds zorgvuldig voor zorggedragen, dat aan bovengenoem-
de beperkende bepalingen met betrekking tot haar Chineesche werknemers zooveel mogelijk
de hand gehouden werd. In den loop der jaren werd vele malen door de Stadspolitie medege-
deeld, dat een of meer Chineezen zonder geldige reden toch in de stad verblijf hielden,
met het verzoek hen direct op eigen terrein - in casu een schip - terug te brengen, waar-
aan steeds gevolg werd gegeven.

Ook de Chinees zelf is zich bewust van zijn uitzonderingspositie. Dit bleek duide-
lijk toen deze Chineezen werden aangeslagen in de Inkomstenbelasting van dit eiland, waar-
op zij, aan de hand van hun niet hier "gevestigd" zijn, direct protesteerden, met het ge-
volg, dat tenslotte de Maatschappij de betaling hunner belasting voor haar rekening nam.

Ook in het huidige conflict hebben het Gouvernement en de CSM het standpunt ingenom-
men, dat deze Chineezen, ingevolge de regelingen niet in Willemstad mochten verblijven en
het een plicht van de Maatschappij is hen uit destad te houden en logies en voeding op
Maatschappij terrein te verstrekken, zoolang zij niet op de tankers werkzaam wilden zijn

-en-

Annex 7: The CPIM Memorandum

[TRANSLATION]

MEMORANDUM (from CPIM board of directors)

REGARDING THE CHINESE FROM GSM-TANKERS
HOUSED IN CAMP SUFFISANT.

Presence of Chinese on Curaçao

The Government of Curaçao, from the first time the subject was brought up, has objected to the admission of the Chinese to Curaçao.

When the CSM in the mid 1920s convinced the Government that - in order to have sufficient engine room crew for its tankers - importing Chinese was unavoidable, it finally agreed. However, these Chinese were never allowed entry to Curaçao, and were regarded as undesirable aliens from the beginning up to the present day. These Chinese were allowed to temporarily work on the tankers, while it was the responsibility of CSM that these employees did not stay on the island of Curaçao, save in event of illness, convalescence, leave.

CSM has always been fully aware of these restrictions regarding the Chinese staying here, has never been happy about this special position regarding this part of its workers, but was forced to submit to these restrictions.

CSM has always taken great care to ensure that the above-mentioned restrictions regarding its Chinese workers were observed as much as possible. Over the years the municipal police reported many times that one or more Chinese workers were in town without a valid reason, and requested to return them immediately to their own territory - in this case a ship -, requests that were complied with every time.

The Chinese himself is also aware of his special position. This was clearly demonstrated when these Chinese persons were taxed for the island's Income Tax, to which they immediately protested,

based on their not having "residence" here. As a result the Company paid their taxes.

In the current conflict also the Government and CSM have taken the position that the regulations prohibited these Chinese from staying in Willemstad and that it is the duty of the Company to keep them away from the town and to provide food and lodging on the Company grounds as long as they were unwilling to work on the tankers and they were still on the island. During the first weeks, that is from 24 February until 18 March, an appeal for clemency was made to the Attorney General, and approximately 200 Chinese stayed in town, awaiting the arrival of and the anticipated negotiations with the Chinese consul in Trinidad.

Annex 7: The CPIM Memorandum

Strike

When on 24 February another attempt was made to resume the service on Maracaibo, the Chinese refused to sail and they left the ships. Influenced by bad leaders and following the regrettable example of others, the Chinese have persisted in their refusal to this day.

An intervention by the Consul in Trinidad, Mr Hing King, who had come to Curaçao partly at the request of the Chinese workers, as well as a telegram from the Chinese ambassador in London, Dr. Wellington Koo, whose positive order was “you can go back to your ships; negotiations are underway in London that also include you and that also take account of your interests”, were in vain. Negotiations, carried out repeatedly, always came up against the problem that, when agreement was apparently possible with a “committee”, this committee suddenly disappeared and a new committee presented itself; negotiations with the members of this new committee initially brought the same success and eventually the same deception.

The initial maximum demands of the Chinese must be formulated as follows:

- a) Fl. 50 increase in monthly pay.
- b) Hotel costs (during the time they were on strike and had not yet been placed in the camp at Suffisant) to be paid by the Company, and pay for the entire period of the strike.
- c) Retroactive war bonus, payable from the 1st of June 1940.
- d) Full pay while waiting for repatriation until arrival in China, in case of invalidity.
- e) Strike not to be considered as an interruption in the assessment of the 10% bonus for 2 years of uninterrupted service.
- f) In those cases where the English law prescribes higher benefits in case of death or invalidity than our provisions indicate, application of this law, but as regards benefits that are to be paid out in China, a lump sum payment with a minimum of £ 300.
- g) Entering into a contract for one year and after the contract expires repatriation to China via the USA.
- h) Instead of a Hop Choon representative the Chinese want a representative appointed by them, to whom the CSM should pay a monthly salary of more than Fl. 200.

Although proposals were made by CSM that met the Chinese demands to a considerable degree, no results were achieved.

The much repeated statement of those among them who want to work or probably want to work was that they were willing to go to work if the “others” did the same; however, it was not possible to establish who these “others” were.

Annex 7: The CPIM Memorandum

It must be mentioned that some of the Chinese workers were due back pay (wages are paid per month with the possibility of cash advances), which was not paid, as they had not observed the one--month notice period. They previously did comply with this condition - which was not mentioned now - in two cases, most recently in December 1941.

Official intervention

On the 12th of March 1942, after Mr Hing King had left, our Marine Superintendent contacted the Aliens Office in order to obtain its cooperation to segregate the so-called rascals, hoping that by removing these elements the remaining persons would become less recalcitrant. It was proposed to accommodate these selected individuals at the Company grounds Suffisant. This was completely in line with long-standing orders that Chinese on strike were not to stay in Willemstad, as they were not entitled to be there. The Aliens Office completely agreed, but they did not want to lend assistance because the Aliens Office felt that as strikers the Chinese came under the G.M.C.

It was stated that cooperation could be obtained from the General Military Commander. We took the position that CSM was not interested in which authority cooperated, but wanted "something" to be done.

We were still prepared to cooperate fully and to take responsibility for locking up these Chinese strikers, provided the authorities took the initiative and it was clear to the Chinese that this ultimately was the wish of the authorities, not of their employer.

All CSM Chinese were summoned to report to the Police station on the 13th of March, where some 18 Chinese sailors (leaders) were officially ordered on behalf of the General Military

Commander to go back to work, which was firmly refused by the Chinese. Subsequently these 18 men were transported to the CPIM camp in Suffisant by military truck and, at the request of the authorities and with the full cooperation of CPIM, placed in one of the barracks. Guarding these men was left to the CPIM guards. It would have been better had it been 50 of them, but we had only provided 18 names to the authorities.

The next day the remaining Chinese workers were summoned to report to the police station. They were expected to be more inclined to go back to work now, but this was not the case. An initial attempt to order these persons back to work failed due to the mass offer of "we go camp". This concerned more than 200 Chinese workers and they all demanded to be put up in the building, that is they requested to be locked up "voluntary".

Annex 7: The CPIM Memorandum

These strikers were then led to the camp by the Police in military trucks and with the assistance of some company trucks and they were placed there. The mistake made here was that the 18 leaders were merged with this new contingent, something we could have prevented. In the following days the police brought some Chinese from town that tried to hide in the Punda and are known to be workshy and did not come forward voluntarily.

The Chinese who later arrived on the tankers returning from Maracaibo - where they had stayed due to a lack of room in the Schottegat - continuously demanded from the authorities in town as well as from our "office", to also be locked up, which also happened.

Eventually camp Suffisant housed approximately 420 Chinese workers, all together in one large barracks.

The camp

The Chinese were all housed in a large barracks, furnished with the necessary modern sanitary fittings. In front of this barracks is a fenced off "square" (where clothes can be washed also), giving the Chinese ample opportunity for physical exercise (see attached sketch).

Two CPIM guards were put in charge of ensuring that the Chinese would stay there. That these guards did not have an "aggressive" nature is shown by the fact that these guards did not carry firearms and that the windows of the barracks did not have bars.

Also, the fencing on one side of the grounds was definitely not such that one could speak of "deprivation of liberty".

Typical of the relations is that several times groups of ten Chinese were permitted to go to town to buy, in their words, much wanted provisions. These expeditions never caused problems. At their request the Company provided, among other things, paper and large quantities of toilet soap.

The food was good, but was not prepared by Chinese. The Company offered the Chinese that they could prepare their own food, an offer that was resolutely rejected. They did not want to do any work under any circumstances. Requests such as to separate rice from meat were of course fulfilled. Many times tobacco and tins of sardines etc., paid for by the Chinese, were allowed into the camp.

Although the Company, from the viewpoint of fire hazard and good sanitary conditions, did have some objections, they ultimately met the wishes as much as possible. Every day one of our health officers visited the camp and Chinese workers who were sick were admitted to the Sanatorium. All in all one can say that the atmosphere was calm and good and the guards posted there never experienced any problems; also, there were no attempts by one or more Chinese to leave the camp.

Annex 7: The CPIM Memorandum

It is, however, very possibly that several Chinese left the camp now and then; there was no roll call.

Attempted selection

Mid-April it was decided that the leaders and decidedly unwilling elements among the 420 Chinese workers had to be separated from the rest, among whom very many were thought to be willing to work, but afraid to sign up because of these leaders. Clear indications regarding the latter were known.

On Friday afternoon, April 17th, the CPIM guards tried to sort the names of the Chinese and to divide them into groups. This attempt was sabotaged by the Chinese who mingled, thereby making selection impossible. The attempt was immediately stopped.

The Chinese clearly demonstrated they did not want to be separated and that pressure would be required. It was decided to accomplish this pressure in the shape of a show of strength.

The selection

The authorities decided that on Monday morning - April 20th - six members of the Aliens Office were to carry out this selection, that 12 members of fully armed military police were to be there as a show of strength and that the CPIM was to make several of its guards and a clerk available.

At 07.30 hours the Aliens Office, Military Police and CPIM guards arrived and almost immediately proceeded with the selection.

After the first Chinese (leader) was identified and separated, this person cried out, which was a signal, as suddenly the entire mass of Chinese onlookers stormed at the people from the Aliens Office, Military Police and the CPIM guards. Stunned for a moment by this unexpected and extremely fierce attack, the Military Police, quickly followed by the other persons under threat who were armed with revolvers, took action by making use of their guns, indeed the only remaining option to prevent literally being slaughtered - in view of the much larger numbers of Chinese.

A brief but frantic shooting ensued, which after a few minutes resulted in the Chinese backing down, leaving behind, however, 12 dead and 40 wounded.

The Chinese using their weapons (pieces of iron hidden under cotton, metal Blackjacks, knives, rods etc.) and the police weapons seized during the battle, managed to wound two military police, one member of the Aliens Office and one CPIM guard, two of them seriously.

As suddenly as this battle began, just as suddenly it was quiet and the Chinese withdrew to one corner of the grounds.

Annex 7: The CPIM Memorandum

The best proof that the selectors and their guides were not prepared for this clash is their placement at the start of the selection; all, including the unarmed individuals, had taken up position inside the fence in a corner of the grounds.

Apparently the leaders of the Chinese had anticipated a repetition of the selection and decided to sabotage it using every means at their disposal. They had therefore prepared themselves for armed resistance, but the “leaders” of the resistance, who apparently noticed the unexpected military force at the last moment, did not have a chance to cancel the planned “resistance”, with the consequences mentioned above.

Soon after this the selection was again resumed. There were no more incidents and all the Chinese passed the Aliens Office officials willingly. After 3 hours the selection was completed and 50 men were separated from the rest and taken to a different camp.

The opportunity was also utilised to inspect the barracks and the surrounding grounds, and also search every Chinese and their luggage. As a result several weapons were found as well as a large number of objects that could be used as such.

Discussion in the Parliament of Curaçao

In a public session of the Parliament of Curaçao on April 21st the event concerning the Chinese at camp Suffisant, and the abovementioned background, was discussed.

One cannot escape the notion that people sometimes spoke “to the gallery” and there were unjust “emotional” appeals.

This debate furthermore proved a welcome subject in several maiden speeches.

As regards several issues of principle we refer to the observations under “Presence of Chinese in Curaçao” earlier in this report and the report on our steps regarding the Aliens Office on pages 3 and 4.

With regard to the actual facts the questions asked included the following.

Were the guards armed?

The CPIM guards on duty there were not armed with firearms.

Also, did the CPIM guards refuse permission to certain persons (including the counsellor of the Chinese) to enter the camp?

The camp in question is not public territory and the guards on duty were instructed not to let third parties enter without orders. In the example mentioned, where the counsel of the Chinese was denied entry, please note that the Director never received a direct request from this counsel to be admitted, whereas such a request to the Directors to arrange entry would have been obvious and it would have been complied with, albeit on the condition that an expert on the Chinese or an interpreter accompany him to prevent misunderstandings.

Annex 7: The CPIM Memorandum

One request did reach me, after passing by many people; by then it was vague, and it was ignored.

Furthermore, the question was asked whether it is true that some of the Chinese were shot in the back and whether it is true that they were shot while they were on the ground?

In shootings like these it is always a possibility that a bullet hits a person - friend or foe - in the back. Of course no shots were fired at Chinese who were lying on the ground, assuming that the Chinese referred to here were unable to successfully participate in the fighting.

The Chinese

In general the Chinese is good and likeable. In large groups, for reasons often incomprehensible to non-Chinese, they can be unexpectedly dangerous as was demonstrated in this case, but it is a misconception to think one can simply compare the "striking CSM Chinese" with the quiet and industrious Chinese of China.

Years of interaction with the Rotterdam harbour quarter and with the Punda in Willemstad have not improved them, on the contrary!

The CSM-tanker Chinese is a so-called Rotterdam-Chinese and would have to spend several years on Chinese soil again to recover from bad influences.

This observation is presented only to combat an inaccurate sentiment, and also to facilitate an assessment of the facts described in the report by "outsiders".

Emmastad, April 27th 1942.

NETHERLAND FOREIGN OFFICE

Afdeling Consulaire-
en Handelszaken.

No. 6687.

Men wordt verzocht bij de aanhaling van
dezen brief dagteekening, nummer
en afdeling nauwkeurig te vermelden.*-Hr. Nieuwehof
20/4**Antwoord Hr. Nieuwehof
van 19 de 4de 1942*

Ik heb de eer Uwer Excellentie mede te deelen, dat zich moeilijkheden met de Chineesche Regeering voordoen naar aanleiding van ongeregelde- den en muitelij van Chineesche zeelieden, dienende aan boord van Nederlandsche schepen. Het Foreign Office is reeds eenigen tijd doende met een muitelij- zaak aan boord van het tankschip "Ovula" te Alexandrië, waarbij dooden en gewonden gevallen zijn, en de Chineesche Gezant bezocht mijn Departement de- zzer dagen teneinde beklag te doen over de behandeling van Chineesche schepelingen niet alleen te Alexandrië maar ook te Liverpool, Freemantle en in Curaçao.

Over het voorgevallene in Curaçao be- reikten mij inlichtingen van het Foreign Office, vol- gens welke daarbij 12 Chineezzen gedood en 40 gewond zouden zijn. Ik heb deze inlichtingen doorgegeven aan onzen Ambtgenoot van Handel, Nijverheid en Scheepvaart in overleg met wiens Departement deze geheele aange- legenheid wordt behandeld. Naar ik saarneem, zal ech- ter ook de Gouverneur van Curaçao aan Uwe Excellentie hierover hebben gerapporteerd. Aangezien het hier een kwestie betreft, welke voor onze verhouding met de Chineesche Regeering van belang is, zal ik het op prijs stellen, indien Uwe Excellentie mij van de be- richten van den Gouverneur in kennis zou willen stel- len.-

Zijner Excellentie
den Heere Minister van Koloniën

DE MINISTER VAN BUITENLANDSCHE ZAKEN,
Voor dezen,
De loco Secretaris-Generaal,

Annex 8: The Minister of Foreign Affairs inquires about events of 20 April 1942, dated 28 April 1942

[TRANSLATION]

To His Excellency the Minister of Colonies

I have the honour of informing your Excellency that there are problems with the Chinese Government due to riots and mutiny of Chinese seamen who serve on board Dutch ships. The Foreign Office has been working on a case of mutiny aboard the tanker "Ovula" in Alexandria, which has resulted in deaths and injuries for some time, and the Chinese ambassador visited my department recently to complain about the treatment of Chinese seamen, not only in Alexandria, but also in Liverpool, Freemantle and Curaçao.

Regarding events on Curaçao, I have received intelligence from the Foreign Office, which said that 12 Chinese were killed and 40 injured. I have passed this information on to our Minister of Trade, Industry and Shipping, in consultation with whose department this entire situation is being dealt with. I assume, however, that the Governor of Curaçao has also reported on the matter to your Excellency. As this concerns a situation that is of importance to our relationship with the Chinese Government, I would appreciate it if your Excellency would keep me informed about the reports from the Governor.

THE MINISTER OF FOREIGN AFFAIRS,
On his behalf,
The deputy Secretary-General

Annex 8: *The Minister of Foreign Affairs inquires about events of 20 April 1942, dated 28 April 1942*

PRO-JUSTITIA.

POLITIE op CURACAO.

Afd. RECHERCHE en VREEM-
DELINGDIENST.

No. /1942.

PROCES - VERBAAL.

Op Maandag 20 April 1942, te omstreeks 7 uur des voormiddags, begaf ik, Willek Johan van der KROEF, Hoofd-Inspecteur van Politie, tevens Hulp-Officier van Justitie op Curacao, mij naar het bij de C.P.I.M. in gebruik zijnde kamp te Suffisant, alwaar ongeveer 425 onwillige Chineesche schepelingen onder bewaking waren ondergebracht.

Ik had op Zaterdag, 18 April 1942, van den Commandant der Militaire Politietroepen de opdracht bekomen ongeveer 85 dezer Chineezen na naamscontrole over te doen brengen naar een ander in de nabijheid gelegen kampement.

Teneinde deze werkzaamheden te verrichten had ik te mijner beschikking een achttal beambten van de afdeling Vreemdelingendienst, te weten: den hoofd-agent van Politie D. DIJKSTRA, de agenten van Politie le.klasse J.S.SCHOUWE en J.A.SUAREZ en de agenten van Politie M.van der MAAREL, J.ROZIER, E.A.PLAZA, J.HASETH en G.R.F.EVERTSZ. Tevens waren aanwezig een dertien-tal manschappen der Militaire Politie, te weten: de S.M.I. WAUBEN, de brigadiers van MAAREN, VISSER, van den HAM, THOMAS, VERZENDAAL, ELTING, MIER, van der VEEN, TIEMENS, STARREVELD, DACOSTA GOMEZ en de infanterist le.klasse ONG A.SWIE. Bovendien wouden bij het controleeren der Chineezen behulpzaam zijn W.INDEN, employe der C.P.I.M. en een aantal bewakers der C.P.I.M.

Voordat ik met mijn werkzaamheden begon liet ik eenige Politie mannen de slaaplocaliteiten doorzoeken, teneinde zeker te zijn, dat alle Chineezen zich bevonden op het open terrein, hetwelk omgeven was door een rasterwerk. Daarna betraden wij dit terreingedeelte en liet ik de toegangspoort open, alwaar zich een tweetal brigadiers opstelde. Ook aan de buitenachterzijde van de slaaplocaliteiten was een tweetal brigadiers opgesteld, daar zich aldaar eenige ramen bevonden. Bovendien bevonden zich nog nabij de poort een aantal C.P.I.M. bewakers en eenige Politie mensen, die zorg zouden dragen voor de personen, die in aanmerking kwamen voor overbrenging naar het nabij gelegen kamp.

Vervolgens nam ik in het kampement achter een tafel plaats en liet mij door een der C.P.I.M.-beambten de kaarten met namen en foto's overhandigen van de Chineezen, die gesepareerd moesten worden. Langs de slaapbarakken stonden binnen het kamp Politie-Mili-

-train-

Annex 9: Official report from Chief Inspector of Police Van der Kroef

[TRANSLATION]

PRO-JUSTITIA POLICE on CURACAO
dpt. of DETECTIVES and ALIENS REGISTRATION

OFFICIAL REPORT

On Monday 20 April 1942, at approximately 7 o'clock in the morning I, Willem Johan van der KROEF, Chief Inspector of Police, and also assistant prosecutor on Curaçao, went to the CIPM camp Suffisant, where some 425 unwilling Chinese seamen were brought under guard.

On Saturday, 18 April 1942, the commander of the Military Police had ordered me to have approximately 85 of these Chinese - after a name check - taken to another camp in the vicinity. In order to do so I had at my disposal eight officials from the department of Aliens Registration, i.e.: senior police officer D.DIJKSTRA, police officers 1st class J.S. SCHOUWE and J.A. SUAREZ and police officers M. van der MAAREL, J. ROZIER, E.A. PLAZA, J. HASETH and G.R.F. EVERTSZ. Also present were some thirteen members of the Military Police, namely: SMI WAUBEN, sergeants van MAAREN, VISSER, Van den HAM, THOMAS, VERZENDAAL, ELTING, MIER, Van der VEEN, TIEMENS, STARREVELD, DACOSTA GOMEZ and infantryman 1st class ON A. AWIE. In addition CPIM--employee W. INDEN and several CIPM guards wanted to help check the Chinese.

Before starting the job I had several police officers search the sleeping quarters, to make sure that all Chinese were in open terrain, which was surrounded by a fence. We subsequently entered this terrain and I left the entrance gate open. Two MP Sergeants took up position there. Also, two police sergeants were posted at the rear of the sleeping quarters, as there were some windows there. In addition, there were several CIPM guards and some police officers near the gate, who would see to the persons who were eligible for transportation to the nearby camp.

I then sat down behind a table in the camp and had one of the CIPM officials hand me the cards with names and photographs of the Chinese who were to be separated. Military police had taken up positions alongside the sleeping barracks in the camp, facing the Chinese who were walking there very calmly. I then ordered senior police officer DIJKSTRA to request the Chinese to send a spokesman to me, so we could clarify our intentions. Shortly after, he came to me voluntarily, a short and stocky Chinese man who spoke very adequate Dutch and Pidgin English. This man initially made a positive,

Annex 9: *Official report from Chief Inspector of Police Van der Kroef*

calm impression on me, as our conversation proceeded very calmly. I then informed this Chinese man that it was our intention to move some of them to another camp and that they were to come to me one by one. I asked him to relay this message to the other Chinese. I asked him if he could understand me, to which he replied affirmatively. He did ask me whether the Chinese would be returned to the ship by force, to which I answered that that was not why I was there. This man then returned to the other Chinese. I saw him talk to his countrymen, and I understood he was relaying my message. Then the same spokesman returned to me, and I told him we would get started now. I asked him for his name, which he gave, after which I told him to wait in a designated location outside the fence. This man was one of the Chinese who were to be separated. After taking a few steps in the direction of the designated location in the company of police officer 1st class SCHOUWE, this man shouted some words we could not understand. Immediately following this shouting nearly all Chinese who were waiting stormed towards the table and the entrance gate. I saw that the Chinese who were storming towards us were carrying pieces of iron, pipes, rocks and sticks and they were brandishing these objects above their heads. The attack was so unexpected and overwhelming that an organised counter-move on the part of the police was already impossible at that moment. Some of the Chinese were already engaged in a fight with one of the soldiers and tried to forcefully take his rifle from him. One of the police officers fell down, after which several Chinese hit him, while he was on the ground, with iron pipes. The situation as a result of these superior numbers was such that every police officer had to fight for his life. I then heard a shot, which shot did not, however, have any effect on the Chinese. Some Chinese already managed to go through the entrance gate. I observed that the Chinese were even in possession of a rifle and bayonet, weapons which they also used against us. After noticing that we were being fired upon from the direction of the Chinese, police officer SCHOUWE, standing near me, informed me that he was injured as a result of a gunshot wound to the lower half of his body. But as the Chinese managed to surround us, our situation became all the more precarious, and the firearms were used several times in self-defence. At some point the situation was such that we could no longer reach the entrance gate because it was blocked by the Chinese there, so we felt surrounded by murderous enemies. It is only by using the weapons we had at our disposal at that time that we managed to stay in control of the situation and save ourselves. Had we not defended ourselves in this way against the Chinese who fought us like madmen, then every policeman in the camp would have fallen victim to their murderousness. As a result of our decisive action the Chinese in question finally withdrew, after which I observed that there were several dead and wounded at the location of the fighting.

Annex 9: *Official report from Chief Inspector of Police Van der Kroef*

The number of dead among the Chinese was twelve, the number of injured Chinese 44, of whom 6 with very light injuries. Of the personnel of the Police and/or employees of the Curaçaosche Petroleum Industrie Maatschappij CPIM the injured were:

1. Police officer 1st class J.S. SCHOUWE, who sustained a gunshot wound to his right thigh, for which he was admitted to the St. Elisabeth hospital, where he is still being nursed;

2. Temporary police officer C.E.F. EVERTSZ who was stabbed in the right palm with a bayonet, a wound that did not incapacitate him;

3. Temporary police officer J. HASETH who was injured as a result of being stabbed with a bayonet in the chest and who was not allowed to return to his duties for 4 days on doctor's orders.

4. Sergeant of the Military Police TIEMENS, who sustained serious injuries to his head and left arm, and who was also hospitalised in St. Elisabeth hospital here and is still being nursed there;

5. Sergeant of the Military Police P. van MAAREN who was wounded in one of his arms, but was sent to his quarters;

6. CPIM guard SCHOONHOVEN who sustained an injury to the head and was admitted to St. Elisabeth hospital and is still being nursed there.

After giving orders to transport the wounded to the hospitals, I contacted the Commander of the Military Police, to whom I reported what had happened. After some time the latter arrived on site, and took charge, after which the separation of the Chinese was concluded without further incidents. I had furthermore confiscated one of the long iron rods that several Chinese had used, a kind of machete, pieces of iron and several knives at the location of the fighting.

During the event in camp Suffisant the following Chinese were killed:

1. HU CHEN LIN, born in Anhwei (China) in 1913;
2. YU SIO KAN, born in Chekiang (China) in 1903;
3. LAN CHUN, born in Kwantung (China) in 1897;
4. TCHOU ZAO, born in Kwantung (China) in 1886;
5. HUANG YU SENG, born in Kwantung (China) in 1894;
6. CHONG FAT, born in Kwantung (China) in 1897;
7. LEE CHUAN, born in Kwantung (China) in 1897;
8. KAUNG KING, born in Canton (China) in 1902;
9. WANG AH KUO, born in Fukiun (China) in 1896;
10. AU LIAN, born in Kwantung (China) in 1895;
11. ASU SEN CHENG, born in Chekiang (China) in 1901;
12. CHAN YAN SI, born in Canton (China) in 1908.

Annex 9: *Official report from Chief Inspector of Police Van der Kroef*

The bodies of these Chinese, after being shown to Johannes F.P. HOLLANDER, shipping master at CPIM, were buried at the cemetery of Cas Chiquito on the morning of 21 April 1942.

For treatment of injuries the following Chinese were admitted to the Sanatorium here:

1. TSJONG PING, born in Kwantung in 1895, passport number 859;
2. FENG CHE YING, born in Chekiang in 1905, passport 1330;
3. KWAK GUT, born in Kwantung in 1908, passport number 1033;
4. LING YIN YO, born in Chekiang in 1918, passport number 1327;
5. TSONG SUN, born in Kwantung in 1901, passport number 886;
6. WEN LIM, born in Kwantung in 1890, passport 318;
7. CHUNG YEN NAM, born in Kwantung in 1907, passport number 762;
8. LIANG YOU, born in Kwantung in 1895, passport number 932;
9. LIN FOO KWAI, born in Kwantung in 1904, passport number 992;
10. CHEUNG PING FAI, born in Chekiang in 1902, passport number 1259;
11. LO MOK, born in Kwantung in 1909, passport number 1210;
12. CHOW GEN, born in Kwantung in 1907, passport number unknown;
13. CHAN MAN, born in Kwantung in 1887, passport number 890;
14. TCHENG TCHIOU, born in Kwantung in 1895, passport number 213;
15. WONG YIN, born in Canton in 1906, passport number 1235;
16. TSAI TCHIE, born in Kwantung in 1908, passport number 946;
17. CHING TAI, born in Kwantung in 1899, passport number 950;
18. CHONG YONG, born in Canton in 1905, passport number 1151;
19. LAM HENG, born in Canton in 1890, passport number 380;
20. CHUNG LAM, born in Kwantung in 1886, passport number 955;
21. CHEUNG KI YIK, born in Kwantung in 1906, passport number 1090;
22. CHOI CHOK, born in Kwantung in 1896, passport number 1172;
23. HOU KING TSAI, born in Chekiang in 1909, passport number 1153.

In the St. Elisabeth hospital here, the following Chinese were admitted with injuries (numbered in consecutive order to those who were admitted to the Sanatorium here):

24. LOW NAM,
25. LIN CHUN SAN,
26. LING YEE,
27. YIN YANG CHANG,
28. TENG AH HAI,
29. CHONG MING,

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30. LOK FONG, born in Kwantung in 1886, passport number 790;
31. YU U HOW, born in Kwantung in 1903, passport number 523;
32. WONG FOCK, born in Canton in 1887, passport number 733;
33. TSENG SCHU, born in Kwantung in 1900, passport number 536;
34. HO YOUNG, born in Kwantung in 1898, passport number unknown;
35. CHAN YU NAM, born in Chekiang in 1913, passport number 1184;
36. CHENG KIN FOU, born in Chekiang in 1911, passport number 1258;
37. YEUN CHENG HO, born in Koochow in 1903, passport number 1314;
38. CHENG TZU CHING, born in Canton in 1886, passport number 953.

The six Chinese who were slightly injured I listed by name.

On 23 April 1942 in the Sanatorium here, the Chinese named under 2. died.

On 25 April 1942 in St. Elisabeth hospital here, the Chinese named under 29. died.

On 25 April 1942 in St. Elisabeth hospital here, the Chinese named under 24. died.

These Chinese were also buried in the General cemetery at Cas Chiquito here by the Curacaosche Scheepvaart Maatschappij CSM, while said company also took care of all formalities. Attached to this official report are five photographs and a situation diagram of the Chinese camp.

Several knives, pieces of iron, bayonet and a rifle that was broken during the fight with one of the Chinese, will be deposited as documentary evidence with the court registry of the Court of First Instance.

Of which I made this official report under the oath I took when accepting this office, which I signed and concluded on 29 April 1942.

[signed]

The Chief Inspector of Police.

W.J. van der KROEF.

Annex 9: *Official report from Chief Inspector of Police Van der Kroef*

VERSLAG van den Procureur-Generaal in zake de
Chineez en - kwestie.

Op 24 Februari 1942 kreeg ik van de Politie bericht, dat er moeilijkheden gerezen waren tusschen de Directie van de C.S.M. en de bij deze maatschappij werkzame Chineez en. In een den vorigen dag gehouden vergadering hadden de Chineez en verschillende vragen en eischen aan genoemde Directie gesteld, welke gedeeltelijk waren ingewilligd en gedeeltelijk van de hand gewezen. De onderhandelingen werden echter voortgezet.

Den volgenden dag vernam ik echter, dat alle chineez en van de in Willemstad aanwezige tankers ten getale van ruim 400 in staking waren gegaan en voor eigen rekening verblijf hadden genomen in de 4 Chineesche logementen hier ter stede. Waar de Chineez en zich voorspands rustig gedroegen en het mij ongewenscht voorkwam de verhitte gemoederen door een stricte handhaving der bestaande overeenkomst met de C.S.M. nog meer te verhitten heb ik, hoewel de Chineez en geen toelating tot verblijf hebben geen aanleiding gevonden terstond maatregelen te treffen, maar wel heb ik met den Hoofd Inspecteur van Politie besproken, dat, indien de staking lang zou duren of, indien er met de Chineez en in de stad moeilijkheden zouden komen of zich ongeregelheden zouden voordoen, ik genoodzaakt zou zijn de Maatschappij op hare verplichtingen te wijzen, dat de Chineez en aan boord van de schepen van de Maatschappij behoorden te zijn ingevolge No.VII van het Rondschrijven van 1 Mei 1929 van den toenmaligen Procureur-Generaal op grond van de Verordening tot uitvoering van artikel 6 van het reglement op het Beleid van de Regeering in de Kolonie Curacao (P.B. 1905 No.14) luidende: "Ten aanzien van Chineez en, die uitgezonden worden om te varen op Curacaosche schepen (Welke Chineez en niet tot verblijf worden toegelaten) worden bijzondereovereenkomsten getroffen met de betrokkene ondernemingen. Deze bijzondere overeenkomsten is in 1923 tot stand gekomen, sindsdien herhaaldelijk gewijzigd en aangevuld, maar bevat nog steeds als grondregel, dat de bewuste Chineez en slechts in geval van ziekte, verlof, overplaatsing enz.tijdelijk aan wal mogen verblijven. Inmiddels werden de onderhandelingen voortgezet, echter zonder resultaat; zelfs de Chineesche Consul en Vice-Consul uit Trinidad, die op 9 Maart 1942 de Chineez en aanspoorden het werk te hervatten, slaagden hierin niet.

Op 12 Maart verzocht de Algemeen Militair Commandant aan de Politie om een 18-tal met name genoemde Chineez en uit de stad op te doen halen, opdat hij met hen conform P.B.1941 No.146 zou kunnen handelen. Aan dit verzoek is gevolg gegeven. Op 13 Maart bereikte de Politie

-eenzelfde-

*Annex 10: Report on 20 April 1942 by Attorney General Van der Laan,
dated 29 April 1942*

[TRANSLATION]

REPORT from the Attorney-general regarding the
Chinese question

On 24 February 1942 the Police informed me that problems had arisen between the CSM Board of Directors and the Chinese who work for the company. In a meeting held the previous day, the Chinese had presented the Board with several questions and demands, which were partly met and partly dismissed. Negotiations were continued, however.

The next day I learned that all the Chinese from the tankers present in Willemstad, to the amount of more than 400, had gone on strike and, at their own expense, had taken up lodgings in the 4 Chinese accommodations in this town. As the Chinese initially conducted themselves in a calm manner and I deemed it undesirable to stir the already heated emotions even more by strictly enforcing the existing agreement with CSM, I did not see cause for immediate measures, even though the Chinese have no residence permits; I did, however, discuss with the Chief Inspector of Police that, if the strike was to last, or if there were problems with the Chinese in the city or unrest occurred, I would be forced to remind the Company of its obligations, that the Chinese were supposed to be on board the ships belonging to the Company, pursuant to No. VII of the circular dated 1 May 1929 from the then Attorney-General based on the execution order of article 6 of the regulations regarding the Policy of the Government in the Colony of Curaçao (PB 1905, No.14), which reads: "As regards the Chinese who are sent to sail on Curaçao-ships (which Chinese have no residence permit), there are specific agreements with the enterprises involved. These special agreements were concluded in 1923, were modified and supplemented repeatedly, but still rest on the ground rule that the Chinese in question are allowed to stay on land temporarily in case of illness, leave, transfer, etc. In the meantime negotiations were continued, albeit without results; even the Chinese consul and vice-consul from Trinidad, who encouraged the Chinese on March 9th, 1942 to return to their work, were not successful.

On March 12th the General Military Commander requested that the Police arrange to pick up 18 specifically named Chinese, so he could act in accordance with PB 1941 No.146. This request was honoured. On March 13th the Police received a similar request regarding all remaining Chinese, a request that was also complied with.

Both times the Chinese, after being summoned by Lieutenant Willemse, refused to resume their work, after which the AMC ordered to have them removed under police

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escort - as I learned later to a barracks on the CPIM grounds that the Company had made available to the AMC.

On April 13th I learned that the AMC had abandoned the procedure laid down in PB 1941 No.146. The Company, knowing this, actually should have moved the Chinese to the ships on which they belong and no longer allow them to remain in the barracks where they were staying. However, I did not want to insist to the Company that they do so, considering that the problems they were having with the Chinese and their other personnel, were already serious enough and it did not really matter much whether the Chinese were placed on board their ships or in barracks on the CPIM grounds, as long as they were not in town, where these idle persons could no longer be tolerated in this time of war, as the police, whose task was considerable added to by the blackout, has its hand full monitoring the strangers who are staying in the territory legally, and cannot be asked to keep an eye on more than 400 Chinese who are roaming the alleys and slums of the Punda, who, when they have nothing to do continuously indulge in opium smoking and playing dice with all the [problems] this brings, the more so as the Hotels that the Chinese stay at, when they are permitted on land, are not designed to accommodate more than 400 guests. It must also be mentioned that the Chinese in question are from the Chinese quarters in Rotterdam, where they have lived for years and have therefore become acquainted with not necessarily the most positive aspects of Western civilisation. On the 18th of April the Director of CSM requested police assistance in order to separate the striking

Chinese into those who are not willing to work and those who might be willing. I subsequently ordered the Chief Inspector of Police to send Senior Police Officer Dijkstra from the Aliens Office to the Chinese and to attempt to realise the desired separation. This mission failed, as the Chinese refused all cooperation and one Police Officer was not able to separate more than 400 men.

The Company Director then asked me for a strong police force for Monday the 20th of this month, to accomplish the separation, if necessary using force.

I then contacted His Excellency the Governor of Curaçao and relayed the request of the Director. The Governor initially preferred persuasion and was of the opinion that perhaps Father Van der Meer would be able to mediate in this question. I conveyed this message to the Director, who told me that he would discuss it with Mr. Panthaleon Baron van Eck and inform me of the result.

On the evening of Saturday the 18th of April the Governor informed me by telephone that he had committed the requested police assistance, as it had been made clear to him that any further attempts at persuasion would have no effect.?

Annex 10: Report on 20 April 1942 by Attorney General Van der Laan, dated 29 April 1942

I then informed the Commander of the Military Police troops of this assignment. As regards what happened during the execution of this assignment I refer you to the report prepared by the Chief Inspector of Police.

The Attorney-General,
Van der Laan

To elucidate: the separation was requested by Mrs Panthaleon Baron van Eck and Noorduyn, because they were sure that, if the Chinese who were definitely not willing to work remained with the others, the new proposals they wanted to put to the Chinese and which implied considerable concessions according to the above-mentioned gentlemen, would not be accepted.

(signed) W.

Annex 10: *Report on 20 April 1942 by Attorney General Van der Laan, dated 29 April 1942*

POLITIE te CURACAO.
Afd. Vreemdelingendienst.

R A P P O R T.

In opdracht van den Hoofd-Inspecteur van Politie, W.J. van der KROEF, heb ik, Douwe DIJKSTRA, hoofdagent van politie, mij hedenmorgen, Dinsdag 5 Mei 1942, begeven naar het hoofdkantoor der Curacaosche Petroleum Industrie Maatschappij en aldaar gehoord de manspersonen W. INDEN en H.A. OEFELMANS, respectievelijk van beroep "Chef Afdeling Arbeidszaken" en "Chef Bewaking" dier Maatschappij, die mij desgevraagd, elk afzonderlijk doch eensluidend, het navolgende verklaarden:

"Betreffende uw vraag inzake bewaking, uitgaan, voeding enzovoorts der chineezers in het kamp, voordat het incident plaats greep", kan ik U het volgende mededeelen: BEWAKING. Deze geschiedde door twee niet bewapende bewakers onzer maatschappij. Indien de Chineezers hadden gewild, hadden zij, althans 's nachts, in het donker weg kunnen komen door de geopende ramen aan de achterzijde van de barak. Mogelijk dat zulks wel eens gebeurd zal zijn, echter zijn zij dan ook steeds weer teruggekeerd. De bewaking was meer pro-forma dan effectief.

UITGAAN. Op verzoek der chineezers is meerdere malen toegestaan dat zij in groepen van tien, met behulp van de maatschappij per voertuigen, zonder bewaking eenige uren in de stad doorbrachten tot het doen van inkoop. Zulks geschiedde steeds in de avonden van 4 à 5 uur tot 9 uur à half tien.

VOEDING. De maatschappij heeft de chineezers aangeboden dat zij zelf hun eten zouden besciden, hetgeen door dezen werd geweigerd. De maatschappij heeft toen daarvoor gezorgd en de bereiding doen geschieden zooals de chineezers wenschten".

Dit rapport opgemaakt en gesloten te

WILLEMSTAD 5 Mei 1942.

De Hoofdagent van Politie,

(w.g.) DIJKSTRA.

[TRANSLATION]

POLICE in CURACAO
Aliens Registration Office

REPORT

By order of the Chief Inspector of Police, W.J. van der KROEF, I, senior police officer Douwe DIJKSTRA, made my way this morning, Tuesday the 5th of May 1942, to the head office of the Curacaosche Petroleum Industrie Maatschappij, where I interviewed Messrs W. INDEN and H.A. OETELMANS, the “Head of the Department of Labour Affairs” and “Head of Security” of this company respectively, who when asked told me separately yet unanimously, the following:

“As regards your question relating to “guard duty, going out, nourishment etc. of the Chinese in the camp before the incident took place”, I can report the following:

GUARD DUTY. This was carried out by two unarmed guards from our company. If the Chinese had wanted to, they could have gotten away - that is, during the night in the dark - through the open windows at the rear of the barracks. This may have happened on occasion, however, they also returned each time. Surveillance was more for appearance’s sake than effective.

GOING OUT. At the request of the Chinese they were allowed on more than one occasion to, in groups of ten, driven in company vehicles, spend some hours in town without guards to shop. This always took place in the evening hours between 4-5 o’clock and 9-9.30.

NOURISHMENT. The company offered the Chinese the opportunity to prepare their own food, which they refused. The company then arranged to have the food prepared in the manner the Chinese wanted.”

This report was drawn up in
WILLEMSTAD, 5 May 1942
The Chief Inspector of Police,
(signed) DIJKSTRA.

Annex 11: Dijkstra Report

I N S T R U C T I E
WACHTCOMMANDANTEN DER CHINEEZENKAMPEN.

Vanaf heden berust de verantwoordelijkheid omtrent de bewaking der in de loodsen 8 en 21 in het Kamp Suffisant ondergebrachte Chineezen bij de wachtcommandanten der Militaire Politietroepen.

Het door de CPM, als buitengewoon agent van Politie gecommisionneerd, te leveren bewakingspersoneel staat onder de bevelen van de wachtcommandanten der Mil.Politietroepen.

In den vervolge is het toegestaan dat bezoekers in de kampen worden toegelaten. Voorloopig zijn de bezoeken als volgt vastgesteld:

des Woensdags en des Zaterdag van 15.00 - 17.00 uur.

De regeling van het bezoek berust bij den wachtcommandant. Uit den aard der zaak kunnen bezoekers slechts in geringen getale tegelijkertijd worden toegelaten. De bezoekers dienen zich te melden bij den wachtcommandant, die hiervan anteekening houdt onder vermelding van naam, voornamen, geboortedatum en geboorteplaats, beroep en woonplaats. Hij is bevoegd bezoekers die naar zijn oordeel niet dienen te worden toegelaten, zulks in verband met de orde en rust in het kamp, te weigeren.

Ook hiervan zal hij anteekening houden.

Aan bezoekers is het niet toegestaan de loodsen te betreden, doch dient het bezoek voor wat loods 8 betreft plaats te vinden op de afgesloten galerij en voor wat loods 21 betreft, buiten, binnen de omheining in de naaste omgeving van het toegangshek.

Een opeenhoping der ingeslotenen bij bezoek zal niet geduld kunnen worden.

De wachtcommandanten zijn bevoegd de bezoekers te fouilleeren op eventuele medegebrachte wapenen, verdoovende middelen, opiumpijpen en in het algemeen op artikelen waar van het in het bezit zijn van de ingeslotenen, niet gewenscht is.

De wachtcommandant is bevoegd den duur van de bezoeken te regelen, c.q. de bezoektijd te beperken.

Voorts kan aan de Chineezen der beide kampen volgens de onderstaande regeling in beperkten getale toestemming gegeven worden zich uit het kamp te begeven en wel van 9.00 - 12.00 v.m., des Maandags aan twee Chineezen uit loods 8, des Dinsdags tot en met des Zaterdag aan twee Chineezen uit loods 21.

Van de uitgaande Chineezen worden door den wachtcommandanten de namen genoteerd alsmede verdere bijzonderheden ten einde bij terugkomst de zekerheid te hebben, dat dezelfde personen in het kamp terugkeeren.

-Bij-

Annex 12: Instruction from AMC regarding remaining Chinese

[TRANSLATION]

INSTRUCTION
WATCH COMMANDERS OF THE CHINESE CAMPS

As of today, responsibility for guarding the Chinese housed in barracks 8 and 21 in camp Suffisant rests with the watch commanders of the Military Police troops.

The guards, commissioned as special police officers, to be supplied by CPIM, are under the command of the watch commanders of the Military Police troops.

From now onwards it is permitted that visitors are allowed into the camps. The following provisional visiting hours have been determined:

Wednesdays and Saturdays from 15.00 - 17.00 hours.

Visiting arrangements are the responsibility of the watch commander. It goes without saying that visitors can only be allowed entry in limited numbers. The visitors must report to the watch commander, who will keep a record stating name, first names, date and place of birth, occupation and residence. He is authorised to refuse entry to visitors who, in his opinion, should not be admitted for reasons of public order and peace in the camp. He will also keep record of such decisions.

The visitors are not permitted to enter the barracks; as regards visits to barracks 8 visits are to take place in the enclosed gallery, and for barracks 21, outside, inside the fencing near the entrance gate.

Congregation of the internees during visits will not be tolerated.

The watch commanders are authorised to search the visitors for any weapons, narcotics, opium pipes and in general for any articles the internees should not have in their possession. The watch commander is authorised to arrange to duration of the visits, or to limit visiting hours.

Furthermore, according to the regulation below permission may be given to the Chinese in both camps, in limited numbers, to leave the camp, that is, between 9.00-12.00am, on to Monday two Chinese from barracks 8, on Tuesdays through Saturdays to two Chinese from barracks 21. The watch commanders record the names and additional specifics of the Chinese who are going out, in order to be sure that the same persons return to the camp.

On leaving the camp it must be impressed on them again, to return at the determined time. The returning Chinese must be searched for the possible possession of weapons, narcotics and other articles they are not supposed to have in their possession.

Annex 12: *Instruction from AMC regarding remaining Chinese*

If the Chinese who are going out do not return at the established time the watch commander must immediately inform the Head of Patrols.

From now on the sergeant will act as watch commander at barracks 21 and the brigadier at barracks 8, while the sergeant also supervises the surveillance of barracks 8 and the implementation of the above-mentioned regulation.

The commander of the Dutch troops at Suffisant ensures that an armed picket, consisting of 6 men, is present at each of the two camps at all times.

This picket is under the command of the watch commander of the Chinese camp in question.

The men of the picket are permitted to sleep during their watch in the designated guardhouse. However, they may not remove their leathers and the weapons must be in their immediate reach.

The watch commanders will make the picket of troops take up the alarm position designated by them twice during their watch.

The firearms are only to be used for reasons of lawful self-defence, as well as in the event of mass attacks on the guards.

In the event of the escape of an individual measures will be taken to retrieve him - as long as he is still in the immediate vicinity of the camp. If the retrieval is unsuccessful, then the Rio-Canario police force and the head guard will be informed.

In the event of commenced or immanent riots the Watch Officer of the Dutch troops at Suffisant must be informed immediately, as well as the corps commander or head of Patrols and the picket officer (POSTMA).

The officer who arrives to lend assistance takes command of the military troops on site, to suppress the riots.

Other specifics are to be reported to the head of Patrols.

Willemstad, Curaçao, 7 May 1942

The Commander of the Military Police troops,
(signed) E.L. VENEMA.

Annex 12: *Instruction from AMC regarding remaining Chinese*

Annex 12: *Instruction from AMC regarding remaining Chinese*

R A P P O R T.

Op Zaterdag, 9 Mei 1942, hoorde ik: Willem Johan van der Kroef, Hoofdinspecteur van Politie op Curacao, tevens Hulp-Officier van Justitie, alsnog W.INDEN, chef afdeling Arbeidszaken der CPIM en H.A.OSTEIMANS, chef Bewaking dier maatschappij, beiden wonende alhier, die mij desgevraagd, elk afzonderlijk doch eensluidend, het navolgende verklaarden:

“Toen op Maandagmorgen, 20 April 1942, de Politie in gevecht geraakte met de in het kamp Suffisant ondergebrachte Chineezzen, bevonden zich in dit kampement ongeveer 420 Chineezzen. Van deze Chineezzen waren er ongeveer 250 gevorderd tot varen vanwege den Algemeen Militair Commandant alhier. Geheel vrijwillig hebben zich naderhand nog aan ons kantoor gemeld ongeveer 170 Chineseesche schepelingen, die verzochten om in hetzelfde kamp opgenomen te worden, daar zij ook niet wenschten te varen. Vanwege de CPIM zijn deze vrijwillige zich meldende Chineezzen toen naar het kampement gebracht en eveneens aldaar opgenomen.

Geen van de Chineezzen werd bij het onderbrengen in het kamp gefouilleerd en zij mochten alles behouden, wat zij in hun bezit hadden. Zodoende bezaten nagenoeg alle Chineezzen sigaretten, versnaperingen en gebruiksvoorwerpen. Hun was eveneens toegestaan om te rooken.

Gedurende den tijd, dat de Chineezzen in het kamp waren ondergebracht, bestond de bewaking uit twee man n.l. twee CPIM bewakers, die slechts bewapend waren met een klewang en een gummistok. Hun orders waren, dat niemand het kamp mocht verlaten of binnenkomen, zonder dat daartoe toestemming was verleend door of namens de Directie van de CPIM. Ware er bijzonderheden, dan moesten deze bewakers deze gegevens melden aan hun wachtcommandant. De bewaking was meer formeel, dan effectief, daar het voor de Chineezzen altijd mogelijk was door de geopende ramen van hun slaaplocaliteiten het kamp te verlaten.

Verscheidene malen kwamen in het kamp personeel der CPIM w.o. twee Chineseesche crew-contractors, teneinde met de Chineezzen te onderhandelen wat betreft de kwestie van het varen, terwijl eveneens gevraagd werd of zij nog wenschen hadden. Toen de Chineezzen klachten over het eten hadden, bood de CPIM aan, dat zij zelf hun eten zouden bereiden, doch dit weigerden zij. Zij kregen voldoende voeding en er waren nimmer klachten, dat de hoeveelheid te gering was.

-Nadat-

Annex 13: Second Report Van der Kroef

[TRANSLATION]

POLICE in CURACAO
Detectives and Aliens Registration Office

REPORT.

On Saturday, 9 May 1942, I, Willem Johan van der Kroef, Chief Inspector of Police on Curaçao, also assistant prosecutor, re-interviewed W.INDEN, Head of the Department of Labour Affairs at CPIM and H.A. OETELMANS, Head of Security of the CPIM, both residing here, who both, separately yet unanimously, stated the following:

“When on Monday morning, 20 April 1942, the police got into a fight with the Chinese who were housed in camp Suffisant, some 420 Chinese were present in this camp. Of these Chinese some 250 had been ordered to sail by the General Military Commander here. Approximately 170 Chinese seamen reported to our office afterwards, completely voluntarily, requesting to be placed in the same camp as they, too, did not wish to sail. These Chinese who reported voluntarily were taken to the camp and also placed there by the CPIM.

None of the Chinese were searched upon arrival in the camp and they were allowed to keep everything they had in their possession. That is why virtually all Chinese seamen had cigarettes, treats and utensils. They were also allowed to smoke.

During the time the Chinese were housed in the camp, the total surveillance consisted of two men, i.e. two CPIM guards, who were only armed with a klewang and a truncheon. Their orders were that no one should leave or enter the camp without permission from or on behalf of the CPIM management. In the event of anything unusual happening these guards were to report this information to their watch commander. Surveillance was formal rather than effective, as the Chinese could always leave the camp by way of the open windows in their sleeping quarters.

Several times the camp was visited by employees of the CPIM, also by two Chinese crew contractors, to negotiate with the Chinese regarding the question of sailing, while they were also asked if they had any other wishes. When the Chinese complained about the food, CPIM offered that they could prepare their own meals, but they refused. They were provided with sufficient nourishment and there were never any complaints about the quantity not being enough.

Annex 13: *Second Report Van der Kroef*

After the Chinese had made it known that they would like to get some supplies in town, the CPIM immediately put a truck at their disposal. This truck took approximately 10 Chinese, who would go shopping in town with no escort or guard. The truck then waited at a particular location in town until the shopping Chinese - sometimes after a period of 4 hours - returned. Their shopping generally consisted of cigarettes, boxes of sardines, treats, blankets and playing cards. These shopping trips occurred several times and as a rule the truck would be fully loaded with purchases on return to the camp.

Every day the camp was also visited by the health officer of the CPIM for medical checks, and in case of illness the Chinese who needed treatment were taken to the bandage room for medical examination. Several times one of the CPIM physicians even visited the camp for the sanitary conditions.

On Friday, 17 April 1942, it was deemed necessary by the CPIM to relocate a number of the Chinese, whom they knew were never going to sail again, to another camp. On that day some CPIM guards appeared in the Chinese camp with a truck, in order to transport these Chinese crewmembers to this camp. Soon, however, this proved impossible because all Chinese started mingling; this made it impossible for us to select the Chinese in question. And so we decided not to proceed.

We, both, witnesses what happened on Monday morning, 20 April 1942. We saw and heard that you first had a conversation with one of the Chinese spokesmen, where you explained to this Chinese what the police intended to do. We also saw that this spokesman returned to his compatriots and informed them of what you had discussed with him. It was all very calm and matter--of-fact, while no trace of excitement could be perceived among the Chinese. You and some other policemen were seated behind a table inside the camp, and you were sorting the cards of the Chinese who were to be transported. Afterwards it became clear to us that the location where you had placed the table was wrong. However, at that point we did not know what was about to transpire.

After the Chinese spokesman returned to you, you informed him that the selection would now start. You informed the spokesman that he should wait in a specific location, after which he went to this location in the company of a policeman. Suddenly this Chinese shouted loudly and before we knew it nearly all of the waiting Chinese stormed towards the table and the entrance gate. They brandished iron bars, pieces of iron above their heads and some had knives. This attack was so unexpected and overwhelming that nearly every policeman was immediately engaged in fights with the Chinese rushing towards them. Two policemen were on the ground when they were attacked with iron bars by the Chinese. After the policemen used their firearms, the Chinese still continued to fight and at a certain point things looked very scary for the policemen, as they were virtually surrounded by these murderous Chinese.

Annex 13: *Second Report Van der Kroef*

As we were unarmed, we were in the gravest mortal danger. Because we were close to the entrance gate when the attack started, we managed to reach safety in time. We did see, however, that you and the policemen near the table were in serious trouble, as you, standing with your back to the barracks, had no way out to escape the Chinese. It was necessary that firearms were used then, as all the policemen were fighting for their life. Had they not done this, then all would have fallen victim to the bloodlust of the Chinese.

The cause of this outburst is incomprehensible to us and it was definitely not the result of the actions of the police. On the contrary, in our opinion the police was tactful, witness the conversation with the spokesman. Nor did the police provoke this resistance by hitting or punching or using harsh words.”

WILLEMSTAD, 12 May 1942
The Chief Inspector of Police,
(signed) DIJKSTRA.

MINISTERIE
VAN
BUITENLANDSCHE ZAKEN
NETHERLAND FOREIGN OFFICE

Afdeeling Consulaire -
en Handelszaken

No. 9121

LONDEN, 1 Juni 1942.

Men wordt verzocht bij de aanhaling van
dezen brief dagtekening, nummer
en afdeeling nauwkeurig te vermelden.

*Mr. King
46*

Ik heb de eer Uwer Excellentie mede te delen, dat de Chineesche Gezant heden mijn departement bezocht in verband met het incident inzake Chineesche schepelingen in Curacao, waarop betrekking had mijn schrijven van 23 Mei j.l., Afdeeling Consulaire- en Handelszaken No 8406.

De Heer Wunsz King deelde mede, dat de Chineesche Consul-Generaal te Havana, die - gelijk Uwer Excellentie bekend is naar Curacao is gekomen om voor zijn regeering een onderzoek naar het gebeurde in te stellen - erin geslaagd zou zijn de Chineezzen over te halen weer te gaan varen. Echter zouden slechts ongeveer 200 Chineezzen, dus ongeveer de helft, weder emplooi kunnen vinden en de rest in de Chineezzenverblijven, waar zij bewegingsvrijheid missen, moeten blijven. Ten einde de verbeterde stemming onder de Chineezzen, welke door het bemiddelend optreden van genoemden Chineeschen consulairen ambtenaar zou zijn bereikt, niet in gevaar te brengen, kwam het den Gezant voor, dat het aanbeveling zou verdienen weder aan alle in Curacao verblijvende Chineesche zeelieden emplooi op schepen te bezorgen. De geallieerde zaak zou volgens hem daardoor slechts gebaat zijn.

Het was den Gezant onbekend, waarom slechts de helft der Chineezzen weder zou kunnen gaan varen. Hem werd echter toegezegd, dat met den Gouverneur van Curacao contact zou worden

- gezocht -

Zijner Excellentie
den Heere Minister van Koloniën

te LONDEN.

Annex 14: Minister of Foreign Affairs on remaining Chinese strikers

[TRANSLATION]

Netherlands Foreign Office

Department of Consular and Trade Affairs, No. 9121

To: His Excellency the Minister of Colonies in London

LONDON, 1 June 1942

I have the honour to inform Your Excellency that the Chinese consul visited my department today regarding the incident with Chinese crew members on Curaçao, referred to in my letter of 23 May of this year, Department of Consular and Trade Affairs No. 8406.

Mr Wunsz King informed me that the Chinese Consul General in Havana, who - as you Excellency knows came to Curaçao to investigate the event on behalf of his government - succeeded in persuading the Chinese to go back to their ships. However, only some 200 Chinese, approximately half, would be able to find employment again and the rest would have to stay in the Chinese quarters where they lack freedom of movement. In order not to jeopardise the improved mood among the Chinese, which was allegedly achieved by the mediating action of said Chinese consular official, the ambassador felt it might be advisable to make sure that all Chinese seamen staying on Curaçao were employed on ships again. In his opinion this could only benefit the allied cause.

The ambassador did not know why only half of the Chinese would be able to go back to sea. He was promised that the Governor of Curaçao would be contacted in order to accomplish, if possible, that all the Chinese would be put to work again.

I would therefore request that your Excellency consider sending the Governor the message in more or less the following vein:

“Chinese ambassador took action at the Foreign Office as he had learned that the mediating action of Chinese Consul-General from Havana who is presently on Curaçao had accomplished Chinese seamen willing to go back to sea, but employment for only about half of them. Improved mood would be ruined if other half had to remain unemployed, which also does not help allied cause. Ambassador therefore requested to promote that all Chinese seamen be employed again on ships. Request you do what is needed if possible and radio result.”

Please inform me of the Governor's answer so I may be able to provide a reply to Mr Wunsz King.

THE MINISTER OF FOREIGN AFFAIRS,

On his behalf,

The deputy Secretary-General

Annex 14: *Minister of Foreign Affairs on remaining Chinese strikers*

- A F S C H R I F T . -

Aan Zijne Excellentie
den Minister van Koloniën
LONDON.

Ons nummer:
2711/128.

Willemstad, 4 Juni 1942.

Hierbij heb ik de eer Uwer Excellentie aan te bieden het volledig
----- dossier inzake het conflict met de C.S.M. Chineezzen alhier, naar den inhoud waarvan het mij vergund zij korthedshalve te mogen verwijzen.

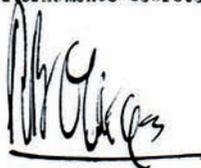
Het dossier geeft mij aanleiding het navolgende op te merken.
Het is mogelijk critiek te leveren op formeele gedragingen, doch dit heeft met de eigenlijke zaak niets uitstaande, aangezien niemand had kunnen vermoeden, dat de Chineezzen, die zich steeds kalm hadden gehouden plotseling een houding zouden aannemen, zooals zij gedaan hebben. De Chineezzen hebben het dan ook naar mijne meening geheel aan zich zelf te danken, dat op hen geschoten is, aangezien uit alles blijkt, dat van de zijde der politie verdedigend is opgetreden. Dat de Chineezzen dit op het oogenblik ook zelf inzien, moge blijken uit de Uwer Excellentie bereids telegrafisch gedane mededeeling van den Consul-Generaal van China, dat de Chineezzen hun optreden tegenover de Politie betreuren.

-/Tm/WV

De Gouverneur van Curacao,

(get.) G.J.J. WOUTERS.

Voor afschrift:
De Gouvernements-Secretaris,



Annex 15: View of governor Wouters on sending dossier

[TRANSLATION]

- C O P Y. -

To His Excellency
The Minister of Colonies in London

Our number:
2711/128

Willemstad, 4 June 1942.

I have the honour to present to Your Excellency the complete dossier regarding the conflict with the CSM Chinese here, the contents of which I may be permitted to refer to.

The dossier gives me cause to observe the following.

It is possible to criticise official conduct, yet this has nothing to do with the actual case, as no person could have suspected that the Chinese, who had been calm all along, would suddenly adopt the attitude they did. In my opinion the Chinese have therefore only themselves to blame that they were shot at, since it is clear from everything that the police acted defensively. That the Chinese now also realise this is illustrated by the telegraphic communication from the Consul-General of China to your Excellency, that the Chinese regret their actions against the police.

The Governor of Curaçao,
(signed) G.J.J. WOUTERS.

Copy certified correct by:
The Government Secretary,

(signature)

Annex 15: *View of governor Wouters on sending dossier*

The text on this note reads:

'Mr Weeber has compiled an overview of the genesis and an outline of the purport of the (...) Businesses Decree.

The 'Publicatiebladen' relate to the said Decree, to the compulsory labour regulations regarding seamen, drawn up earlier in the Dutch East Indies, in the Dutch 'Vaarplichtbesluit'.

Vitali Bergius
~~_____~~ 28/VII '42
De heer Weeber heeft
even een overzicht
samengesteld van de
wondingsgeschiedenis
in korten lijnen van de
de ontwikkeling van het
besl. Vaarplichtbesluit.
De publicatiebladen
hebben betrekking op
het voorn. besluit, op
de regeling van de
aanv. reeds eerder gemaakt,
en het Ned. vaarplicht-
besluit.

Annex 16: 'Genesis of the Businesses Decree' by acting registrar Weeber

I. Background.

The Dutch-Indies Government drew the attention of the Curaçao Administration to the fact that it was to be deemed of the utmost importance, due to the possible transfer of registered offices of shipping companies from the Dutch East Indies to Curaçao, that the legal position of the personnel of shipping companies and related onshore organisations on Curaçao was arranged in a manner similar to the East Indies. It was pointed out that the regulation, applicable to the employees of these companies on Curaçao, and included in the *Publicatiebladen* 1940 nos 73 and 116, regarding compulsory personal services for the shipping industry, was far from complete. It lacked, among other things, a penal sanction, so that its usefulness in actual practice must be deemed problematic. In view of the above it was suggested to promote the introduction of a regulation similar to the “civil duty decree” [Burgerdienstplichtverordening] that applies in the Dutch East Indies, on the understanding that for the sake of expediency the statutory provision to be realised could be limited to the matters discussed in articles 10 through 21 and 26 of said decree. Based on such a regulation one could then proceed to the designation of the shipping companies as “vital businesses”, as was done in the Dutch East Indies.

II. Presentation of draft-National Ordinance.

After ample discussion the Governor, on 15 November 1941, presented for approval to the Parliament of Curaçao a draft-National Ordinance containing provisions regarding compulsory labour in companies. In the Explanatory Memorandum attention was focused mainly on the fact that, although this National Ordinance was definitely also of importance for this territory, the East Indies were the first to experience the disadvantages of the lack of a regulation treating the employees (in the East Indies) under the Curaçao regime less strictly than those employees who, although they work under the same circumstances, fall under the Dutch-East Indies legislation.

III. Decree ex art.32 Curaçao Constitution

The primary discussion in the departments was overtaken by the events in the Dutch East Indies. The hostilities with Japan rendered the problems outlined in the Background urgent, so that the Governor felt obliged to have the regulation, formulated in a draft-National Ordinance, enter into force immediately under article 32 of the Curaçao Constitution, (P.B.1941 no.147).

The most important articles from P.B. 1941 no.147 are:

Article 2. In this article the Governor is granted the authority to designate companies where labour is compulsory, if the turnover of personnel in these companies that are

important for the war effort, is such that it could result in stagnation of activities. This may also be done at the request of the companies, provided they can demonstrate that turnover of personnel is imminent.

Article 3. Which encompasses the scope of this regulation. Breaking the official relationship or the labour agreements on the part of the employee is only possible with the permission of an official body to be appointed by the Governor.

For the oil companies these would be the Boards of Directors, whereas in the case of other companies it was deemed better to designate the Head of the Bureau of Social and Economic Affairs.

Article 4. Here the possibility is created that the company and/or personnel is brought under Government control.

Article 5. This article contains a necessary regulation of the terms of employment because the regulation intervenes unilaterally in the freedom of contract of one of the parties.

IV. Amendments and supplements.

P.B.1942 no.28.

Instead of by "order" the Governor will be able to designate the vital companies by decision. A more expedient application of article 2 was intended here.

P.B.1942 no.34.

The supplements and amendments made here have proved necessary:

a. to also include under the Governor's decision persons who work without a contract - for example the dock workers - of whom it cannot be said that they belong to those designated companies.

b. because the possibility of personnel not only running away but also refusing to work needs to be taken into consideration;

3. to prevent personnel running away before or at the moment the decision is made, thereby avoiding the sanctions of the regulation. P.B.1942 NO.49.

Whereas originally employees-aliens, with the exception of those in the employ of the shipping company with the Dutch nationality, were placed outside the scope of this regulation, in this Decree all aliens were placed under the "Businesses Decree" at the special request of the Lago, by deleting the provision in question. Also in this amendment the name "Businesses Decree 1941" was officially introduced.

V. Applications.

A Designated as vital businesses are:

a. CSM (P.B.1942, no.30)

b. DOW (P.B.1942, no.32)

Annex 16: *'Genesis of the Businesses Decree' by acting registrar Weeber*

- c. All shipping companies and stevedoring companies (P.B. 1942 no.33)
 - d. Bakeries (P.B.1942 no.44)
 - e. Oil companies (P.B.1942 no.67)
 - f. Van Lier's Curacaosche Vatenfabriek (P.B.1941 no.114)
- B. Labour was requisitioned from dock workers, gangwaymen and winchmen under P.B.1942 no.51.

(handwritten: 21 July 1941 , Presently, in addition to the above-mentioned regulations the Vaartplichtbesluit [Decree regarding compulsory labour from seamen] 1912 P.B.1942 no.100, also applies to Curaçao.)

PUBLICATIEBLAD 1942, No.67.

Decree of the 2nd of April, 1942 no.1585 for the execution of articles 1, paragraph 1 and 3, paragraph 1 of the "Businesses Decree 1941" (P.B. 1941 no.147), and the amendments and supplements made since that date.

THE GOVERNOR of Curaçao,

In view of the "Businesses Decree 1941" (P.B. 1941 no.147) and the amendments and supplements made, most recently in the decree of 21 March 1942 (P.B. 1942 No49);
 Considering that the current circumstances regarding the Oil refining companies on Curaçao are such that a turnover of personnel is imminent, which results in the danger as referred to in article 2 paragraph 1 of said decree:

HAS APPROVED:

- A. To designate all oil refining companies on Curaçao as compulsory labour companies.
- B. To designate as the organs referred to in the first paragraph of article 3 in the above--mentioned Decree, the Management of the companies referred to under A.
- C. To determine that this decree will be announced in the Publicatieblad and will enter into force immediately following this announcement.

Willemstad, 2 April 1942. the aforementioned Governor
 (signature)

Issued the 4th of April, 1942.

The Government Secretary,
 (signature)

Annex 16: *'Genesis of the Businesses Decree' by acting registrar Weeber*

Aan Zijne Excellentie
den Heer Minister van Koloniën,
Stratton House,
Stratton Street,
London.W.1.

Geheim.

Uw nummer (letter):

Uw brief van:

Ons nummer:
1701/27

Willemstad, 27 Februari 1943.

Onderwerp:

Bijlagen:

407
1701/27
Hiermede heb ik de eer Uwer Excellentie te
doen toekomen de geheime correspondentie gevoerd
tusschen de Staten van Curacao en mij inzake de Chinees-
zenquaestie.

-/FN/

De Gouverneur van Curaçao,

J. Kestner

GOVERNMENT CLERK'S OFFICE

To His Excellency
The Minister of Colonies
Stratton House
Stratton Street
London W1

Secret

Our reference: 1701/27
Willemstad, 27 February 1943

I hereby have the honour to send to Your Excellency the secret correspondence between the Parliament of Curaçao and myself regarding the Chinese question.

The Governor of Curaçao,
[signature]

PARLIAMENT OF CURACAO

To: His Excellency the Governor of Curaçao

Your reference: 2711
Your letter dated: 3 June 1942
Our reference: 4

Willemstad, the 6th of August, 1942

Re.: Chinese conflict

Annexes: 1.

Annex 17: *The secret report of the Parliament of Curaçao*

Referring to the letter dated 3 June of this year No. 2711 from Your Excellency's predecessor, the Parliament of Curaçao hereby has the honour to present to you a report, made for it by a committee of inquiry consisting of members of Parliament, regarding the secret documents pertaining to the Chinese conflict, presented with the above referred to missive, which should therefore also be considered secret.

The Parliament of Curaçao has the honour to report to your Excellency that it fully supports the content of the report, which must therefore be considered as completely from the Parliament.

The Parliament of Curaçao would like to know how the Administration presently views the position of the Chinese and which measures, if any, have been taken in relation to them.

The President,
J.H. Sprockel.

The Clerk,
G.J. Ferguson

Copy certified correct by: the Government Secretary,
(signature)

The Administration provided to the Parliament of Curaçao, following its request to be informed about the so-called Chinese conflict, the following documents:

1. The minutes of the meetings on 24, 27, and 29 April 1942 of the committee of inquiry to the Governor, consisting of Messrs Dr. C. Suthoff, Baron C.J. van Asbeck, Mr. Th. van der Laan, and committee secretary Miss A.W. van Noortwijk. These minutes are numbered with the letters 1a, 1b, and 1c;
2. A memorandum from the CPIM directors regarding the Chinese from CSM tankers who were taken to camp Suffisant. This memorandum is numbered no.2;
3. A report from the Attorney-General, undated, regarding the Chinese question. Numbered no.3;
4. Report dated 23 April 1942, prepared by Chief Inspector of Police W.J. van der Kroeff, containing a preliminary report on events at the Chinese camp. Numbered no.4;
5. An official report dated 29 April 1942 prepared by Chief Inspector of Police W.J. van der Kroeff, containing a report of events in the Chinese camp on Monday 20 April 1942. Numbered no.5;

Annex 17: *The secret report of the Parliament of Curaçao*

6. A report dated 5 May 1942 prepared by senior police officer D. Dijkstra, of the interview of Messrs W. Inden and H.A. Oetelmans, the “Head of the Department of Labour Affairs” and “Head of Security” at CPIM respectively. Numbered no.6;
7. A report dated 12 May 1942 prepared by the Chief Inspector of Police, W.J. van der Kroef, containing the interviews of Messrs W. Inden and H.A. Oetelmans in their capacities as listed under no.6. Numbered no.7;
8. An instruction dated 7 May 1942 for the watch commanders of the Chinese camps, issued by the Commander of the Military Police troops. Numbered no.8;
9. A letter dated 4 May 1942 from the so-called committee of inquiry to His Excellency the Governor of Curaçao, presenting the official reports (minutes of the meetings of this committee) to His Excellency. Numbered no.9;
10. Four documents attached to each other, containing:
 1. letter dated 2 May 1942 from the Consulate of the Chinese Republic in Port of Spain, Trinidad and addressed to Mr Jan Noorduyn on Curaçao;
 2. copy of telegram, undated, from the Chinese Embassy, probably in London, and addressed to the Chinese Consul in Trinidad;
 3. copy of letter dated 24 February 1942 no. 860, from the N.V. Curaçaosche Scheepvaart Mij. and addressed to Mr NG, Yock On, on Curaçao;
 4. copy of letter dated 10 April 1942 from CSM, and addressed to Mr Ng. Yat Lam, on Curaçao; numbered no.10 and sub-numbered 1-4;
11. Copies of two telegrams sent and one telegram received, i.e.:
 1. from Curaçao Petroleum to the Chinese Consulate-General in Havana, dated 27 Feb. 1942;
 2. from Noorduyn to De Booy Bataafsche London, dated 27 Feb. 1942;
 3. From De Booy to Noorduyn, dated 28 Feb. 1942; Numbered 11, sub-numbered 1-3;
12. Situation diagram of the site, where the striking Chinese are housed in camp Suffisant; Numbered no.12;
13. Five presented photographs, four of which apparently represent an inside and outside view of the Chinese camp in Suffisant, one representing an image of an iron bar, a broken soldier’s gun, a bayonet, a truncheon, a machete, a piece of iron covered partly by a cloth and six pocket knives. Numbered no.13.

In the session of the Department of the State on 1 July 1942 a committee was appointed from their midst, which committee was instructed to, after examining the above mentioned documents, report their findings to the Parliament of Curaçao and

Annex 17: *The secret report of the Parliament of Curaçao*

the conclusions drawn by them, including their recommendation on which further steps, if any, need to be taken by the Parliament of Curaçao.

The committee thought it wise to first of all divide its task into two parts, i.e.: 1) an examination of the purely legal aspect of the case, and 2) a thorough examination of the actual events. The committee has taken as the starting point for the legal part that which was discussed and recorded in the minutes of the sessions of the so-called information committee.

The committee after examination of that which was laid down in the mentioned minutes announces the following:

1. that the term “crew member” in P.B. 1941 no.146 must be interpreted in accordance with the term “crew member” in the Commercial Code, since no other definition is provided in the P.B. in question;

2. that according to article 490 of the Commercial Code only those persons will be regarded as crew members, who have entered into a labour contract with the ship owner;

3. that in accordance with article 492 of the Commercial Code the labour agreement between the ship owner and the crew member must be entered into in writing, under penalty of nullity;

4. that the relevant articles of the Commercial Code (art. 556 and following) must be complied with when crew members are signed on;

5. that the statement included in the minutes “that if these crew members had been sailing for the CSM, also after their contracts expired without being signed on again, for many years, one may speak of a continuous crew member status”, must be rejected as legally incorrect, as the law demands a strict interpretation and it can never be allowed that imperative statutory provisions are violated due to an overly broad interpretation;

6. that when it is established that there were no proper labour agreements between the shipping company and the Chinese in question, or these agreements had expired and the signing on had furthermore not taken place in the manner prescribed by law, the Chinese could not be regarded as unwilling crew members in the sense of P.B.1941 no.146.

The committee is of the opinion that, now that it has been determined that the Chinese could not be regarded as unwilling crew members in the sense of P.B.1941 no.146, the question needs to be answered whether the General Military Commander treated them as unwilling crew members.

The AMC has stated on this subject “that he did consider the Chinese who had not returned to their ships since 24 February 1942, unwilling crew members; that only on 12 March 1942 he ordered 18 of them, at the request of the CPIM, to return to their ship, which the Chinese in question refused, after which they were taken, on his orders, by police to a barracks on the CPIM grounds; that the Chinese without doubt fell under the

Annex 17: *The secret report of the Parliament of Curaçao*

description of the 3rd paragraph of article 1 of P.B.1941 no.146; that he did the same the following day regarding the other Chinese, who also refused, and were subsequently taken by police on his orders to said barracks; that he then started regarding the question as a mass strike, to which, in his opinion, the provisions of the relevant P.B. no longer applied, and he therefore did not have any official reports made". It follows from the statement of the AMC:

1. that on 12 March 1942 18 Chinese were regarded as unwilling crew members and were detained as such; that the legal provisions regarding them were not observed (preparing official reports on refusal after order);

2. that on 13 March 1942 approximately 400 Chinese were taken to the CPIM camp on their refusal after being ordered to sail, as participants in a mass strike, i.e. as strikers;

3. that the orders to detain them came from the AMC;

4. that according to the AMC, from the moment that a large number of Chinese refused to sail, they could no longer be regarded as unwilling crew members in the sense of P.B.1941 no.146;

5. that the question may be raised where the AMC gets the authority to have striking seamen, who cannot be regarded a "unwilling crew members" and according to this authority were not, detained, a question which the Committee will answer in her final conclusions.

The AMC furthermore stated that he said during the weekly conference with the Governor and the Attorney-General on 13 April 1942, when the Chinese question came up for discussion, that as AMC he had nothing to do with the Chinese anymore, because he no longer regarded them as unwilling crew members. At the above-mentioned conference the Attorney-General, Mr van der Laan, remarked that as far as he knew the Chinese were regarded as unwilling crew members and that he for that reason had no interest in the question, an opinion endorsed by His Excellency the Governor.

From the above statements it follows:

1. that the AMC, after the striking Chinese had been detained on his orders, including the first 18 whose status had apparently automatically changed from "unwilling crew members" to "strikers", was of the opinion that he had nothing more to do with these Chinese;

2. that on 13 April 1942, that is one month after the Chinese were detained, the highest authorities in the country, i.e. His Excellency the Governor and the Attorney-General, had not yet been informed of the modified opinion of the AMC and still believed that the Chinese had been placed in the CPIM camp under the jurisdiction of the AMC as "unwilling crew members";

Annex 17: *The secret report of the Parliament of Curaçao*

In conclusion of the legal part of its report the Committee feels it is opportune to address the question whether it should be deemed correct that the Chinese, on any legal ground, were detained in a camp belonging to a private company and guarded by guards of this company.

The Attorney-General stated at the above-mentioned conference of 13 April 1942 to His Excellency the Governor, that under VII of the Circular of 1 May 1929 from the then Attorney-General, on the basis of the decree for the execution of article 6 of the Regulations regarding the policy of the Government in the colony of Curaçao (P.B.1905 no.14) which reads: "as regards Chinese citizens, who are sent out to sail on Curaçao ships (Chinese who are not allowed to reside there), special agreements are entered into with the companies in question", the company is obliged to take care of the Chinese and they may not stay on land; that in his opinion the company is therefore also responsible for ensuring that the Chinese do not come into town and the company must also take care of guarding the Chinese.

The Attorney-General furthermore stated that the above-mentioned special agreement, established in 1933, amended and supplemented repeatedly since then, is still based on the principle that the Chinese in question may only stay on shore temporarily in case of illness, leave, transfer and desertion, in four designated Chinese hotels; that strictly speaking they must therefore stay on board the CSM ships; that he, however, for practical reasons - as it makes little difference whether the Chinese are staying on board their ships or in CSM barracks - did not insist that the agreement with CSM was observed to the letter, a viewpoint he continues to maintain; that for him it is of no importance where these people are, as long as they are not in town, since from the perspective of public order and peace these 400 striking persons must not be allowed to run around the town, where furthermore the hotels do not have enough room to accommodate these people.

Regarding the latter point, the Committee is of the opinion that CSM was indeed obliged to observe the agreement between the company and the Government and will therefore also have to cooperate, that the Chinese as a rule stay on board its ships; that, however, at the time this agreement was entered into, the possibility of an emergency, as has arisen from such a large number of Chinese strikers, was not taken into consideration; that the CSM based on this emergency could have claimed force majeure, forcing the company not to observe the letter of the agreement; that CSM should also have claimed force majeure with regard to guarding the Chinese, as they should have known that they were not permitted to execute this type of guarding on their own initiative, and that they had totally lost sight of the apparent intention of parties in the agreement; that the Government also should never have tolerated this type of detention and should have realised immediately that such detention under guard is a Government task and can

Annex 17: *The secret report of the Parliament of Curaçao*

never be left to a private company, which on top of that is the employer of the detainees.

The Committee has considered it necessary to note the following with regard to the actual events:

1. that the fact that two authorities, i.e. the AMC and the Attorney-General, whose responsibility for the events remains to be determined, were appointed as members of the so-called intelligence committee, was judged to be incorrect;

2. that the “agreements” presented by the CSM directors to the so-called intelligence committee were not found among the documents presented to the Parliament of Curaçao, which made it impossible for the Committee to judge independently whether these “agreements” complied with the requirements for labour agreements;

3. that the special agreement repeatedly mentioned in this report between the Government of Curaçao and the CSM, based on item VII of the circular from the then Attorney-General dated 1 May 1929 and cited in the minutes of the intelligence committee of 24 April 1942, was not presented to the Parliament of Curaçao;

4. that the comment of the Attorney-General, that the police force at his disposal was not sufficient to, in addition to the regular and the irregular shifts, guard 400 Chinese, is never acceptable as an excuse to have fellow human beings treated in an unlawful manner and to perpetuate this situation;

5. that it has surprised the committee that the Attorney-General from the 25th of February 1942 - the date on which the message was received that the Chinese did not want to work anymore - to 12 March 1942 - the date on which the request of the AMC for application of P.B.1941 no.146 was received apparently thinking only of striking Chinese and the implementation of the special agreement between Government and CSM - did not consult with the AMC regarding this question;

6. that it is strange that the Attorney-General, who pursuant to the Regulations regarding the organisation and composition of the Judiciary on Curaçao is in charge of enforcing the general regulations, did not enquire whether, after the AMC had proceeded to execute P.B.1941 no.146, this execution had proceeded in a lawful manner;

7. that it has been established that the guards of the Chinese camp were armed with truncheons and klewangs;

8. that the statement of the Chinese “we go camp” does not mean they requested to be detained voluntarily (memorandum CIM, page 4); that they meant that under these circumstances they were not willing to work and that, when presented with the options to either return to the ship or be transported to the camp, they preferred the latter; that there was no “mass offer”; that they were not given a third option, so they had no other choice;

9. that it remains unclear to the Committee whether the authorities were informed by the CPIM that a relatively large number of definitely unwilling elements were among

Annex 17: *The secret report of the Parliament of Curaçao*

the Chinese, so it was that resistance could reasonably be expected when the good were separated from the bad;

10. that if the authorities had been properly informed, the show of force on Monday April 20th of this year with a strength of 8 persons from the Aliens Office, 12 men Military Police and some CPIM guards was incorrect, having a provoking instead of an authoritative effect, the strategic deployment of the armed force was childish naïve and furthermore the show of force took place in a location where plenty of improvised weapons were available;

11. that the Committee would have liked to see presented an accurate statement of the nature of the injuries of the Chinese victims; the injuries of the other victims were listed;

12. that the Chinese, whose usefulness to the shipping industry is acknowledged, are regarded as undesirable aliens from their arrival in Curacao to the present day;

13. that the Committee is aware that these so-called Rotterdam-Chinese, infected by the fringes of Western civilisation, cannot be ranked among the best of the Chinese nation, but that that is no reason to place them at the level of the lost, as they were in the memorandum of the CPIM directors, and that it is obviously forgotten that these Chinese are still considered good enough to risk and even give their lives for the war effort;

14. that an objective investigation of the events of 20 April 1942 should also have included interviewing some Chinese persons about it.

Summarising the Committee arrives at the following legal final conclusions:

1. that the Chinese could not be considered unwilling crew members in the sense of P.B.1941 no.146;

2. that a very small proportion of the Chinese (i.e. 18) were first regarded as unwilling crew members by the AMC, later together with the other Chinese as strikers;

3. that the AMC had no legal authority to have these strikers detained, so this is a case of “abus de pouvoir”;

4. that the detention of the Chinese in the manner in which it took place must be considered a non-permissible deprivation of liberty.

The Committee is of the opinion that in the facts related it has expressed its conclusions regarding the events.

The Committee is of the opinion that it cannot conclude its report without bringing the following points to your attention, which are to be regarded as more general observations:

Annex 17: *The secret report of the Parliament of Curaçao*

1. that it cannot be held against the AMC that he assumed in the initial application of P.B.1941 no.146, that the relevant authorities had seen to it that the provisions in the Commercial Code vis-à-vis the Chinese were strictly observed;

2. that it must be considered an error that the AMC did not immediately communicate his changed view to either His Excellency the Governor or to the Attorney-General;

3. that the supervision on the proper application of and compliance with the provisions, more specifically the implementation of the Decree as described in P.B.1941 no.146 was not what it should have been, so that the relevant authority has failed in its statutory duties;

4. that the Management of the CSM has been negligent in observing and complying with the statutory provisions with regard to entering into labour agreements with and signing on its Chinese employees;

5. that it is regrettable that no specific decision was made regarding the fate of the Chinese in the repeatedly mentioned conference of 13 April 1942 between His Excellency the Governor, the AMC and the Attorney-General;

6. that the Committee cannot escape the impression that in the period before the sad events of 20 April 1942, the contact and consultation between CPIM and the authorities as well as between the relevant authorities, was less than would have been desirable and necessary;

7. that the Committee has noted with interest the passage in the memorandum of the CPIM directors, which reads: "in a crowd (referring to the Chinese), for reasons generally incomprehensible to non-Chinese, they can be dangerous unexpectedly, as was demonstrated here"; the Committee wonders whether the Board of Directors, being aware of this, took sufficient account of the mentality and the nature of the Chinese;

8. that the Committee is of the opinion that the personnel of the Aliens Registration Office, the military police, and the CPIM guards, in short all who were forced by the exigent circumstances to participate in the fighting on Monday 20 April of this year, cannot be held accountable in any way for the sad consequences and that the Committee here wishes to express its condolences to those who have become victims in the line of duty;

9. that the Committee would like to know how the Administration now views the position of the Chinese and which measures, if any, have been taken against them.

Finally, the Committee has the honour to present its report to your College with the recommendation of presenting it to His Excellency the Governor for inspection.

Annex 17: *The secret report of the Parliament of Curaçao*

GEHEIM.

Curacao, 12 Augustus 1942.

No.4318.

In het voer zienswijze niet ter kennis gebracht van den Gouverneur of Gen. Fr. Terugaangeboden aan Zijne Excellentie den Gouverneur van Curacao, o.a. dat ondergeteekende zich over den juridischen kant van de zaak geen oordeel of advies wil aannemen. Bij de behandeling van de zaak in Maart of April j.l. heeft hij zich daarmede ook niet ingelaten.

Tusschen 24 Februari en 12 Maart zijn geen stappen ondernomen.

Blijkbaar achtte mijn voorganger in het bevel zulks niet noodig tijdens zijn ambtsperiode welke op 1 Maart expireerde, en ik heb zijn zienswijze overgenomen. De schepen lagen stil, niet alleen vanwege de stakende Chineezzen en deze gedroegen zich behoorlijk. Er kwam geen verzoek binnen tot optreden ingevolge art.2 van P.B. 146 en als regel zal slechts op zoodanig verzoek worden gehandeld en niet ambtshalve, waartoe de laatste alinea van art.2 de mogelijkheid opent. Er was alle reden om te hopen dat de hangende geschillen tusschen Directie C.S.M. en Personeel door minnelijke schikking zouden kunnen worden opgelost.

Toen op 12 Maart de Directie der C.S.M. vroeg om handelend op te treden, werd hiertoe overgegaan op 13 Maart. Getracht werd, zooals overal elders te doen gebruikelijk is bij algemeen verzet, om de leiders te isoleeren. Den volgendendag 14 Maart volgden echter alle overige Chineezzen hun leiders.

Als ik deze honderdtallen in barakken op Suffisant had moeten opbergen, zou ik de militairen moeten hebben evacueeren. Dit ware natuurlijk "het paard achter den wagen spannen" geweest.

Het aanbod van de C.S.M.-Directie om een barakter beschikking te stellen werd dankbaar aanvaard.

Toen de Luitenant ter Zee Willemse, die op mijn bureau de zaken der Koopvaardij behandelt, mij vroeg of hij de procedure van Art.4 P.B.146 moest volgen en verhoor afnemen, heb ik hem meegedeeld dat ik dit niet een normaal geval vond voor toepassing van art.4, want dat zeker niet bedoeld kon zijn verhooren af te nemen aan honderdtallen onwilligen.

Ik zeide hem dat ik dit als een massa-staking beschouwde en P.B.146 niet verder van toepassing achtte.

- Ik -

Annex 18: Response of AMC to report Estates of Curaçao

[TRANSLATION]

SECRET.

Curaçao, 12 August 1942.

No.4318.

Responding to His Excellency the Governor of Curaçao, among other things that the undersigned cannot and will not presume to give any judgment or advice about the legal aspect of the matter.

When the matter was discussed in March or April of this year he also did not become involved.

No steps were taken between 24 February and 12 March.

Apparently my predecessor did not think it necessary during his term of office, which expired on March 1st, and I have adopted his view. The ships were not sailing, not only because the Chinese, who were behaving properly, were on strike. No request for action was received under article 2 of P.B.146 and as a rule action will be taken only after such a request, and not ex officio, for which the final paragraph of article 2 provides the possibility. There was every reason to hope that the ongoing disputes between CSM Directors and Personnel could be settled amicably.

When on 12 March the Directors of CSM requested us to take action, we did so on 13 March. Attempts were made to isolate the leaders, as is customary in the case of general resistance. On the following day, 14 March, however, all the Chinese followed their leaders.

Had I been charged with detaining these hundreds of people in barracks in Suffisant, I would have had to evacuate the servicemen. This would obviously have been "putting the cart before the horse."

The offer of the CSM Directors to make one barracks available was gratefully accepted.

When lieutenant Willemse, who in my office deals with Merchant Navy affairs, asked me if he should follow the procedure in Art. 4 P.B.146 and conduct interviews, I told him I did not think this was a normal case to which art. 4 applied, for the intention certainly could not have been that hundreds of unwilling crew members were to be interviewed.

I told him that I regarded the situation as a mass strike and did not consider P.B.146 applicable.

Annex 18: *Response of AMC to report Estates of Curaçao*

I did not communicate this view to the Governor or the Attorney-General before the weekly meeting on 13 April. I later stated to the Governor that this was an omission on my part (see page 13 sub 2e).

As regards sub 5e. on page 14 of the report, there was continuous consultation between the CSM directors, the Attorney-General and the undersigned regarding the conflict. The documents may not reflect this, but it did take place.

About the final conclusions on page 12 the following:

sub 3e.: Where detention was not carried out in the camp for unwilling crew members and the procedure of P.B.146 was not followed, I can only be reproached for using the order to sail to accomplish that the Chinese from town were taken to an enclosed space outside the residential areas, for reasons of maintaining public order and safety. I believe I supported the Attorney-General in this, even if he believed that I still had jurisdiction.

The undersigned feels he needs to abstain from giving advice regarding sub 9e on page 15, to the extent that he maintains his position that these people, apart from all legal considerations, should be regarded not as unwilling crew members, but as mass strikers.

The most senior naval officer present,
General Military Commander, The Naval Captain,
signed C.J. Baron van Asbeck. Copy certified correct by:
The Government-Secretary,

[signature]

Annex 18: *Response of AMC to report Estates of Curaçao*

PAKKET VAN DEN PROCUREUR-GENERAAL

GEHEIM.

Aan:

Zijne Excellentie
den Gouverneur van Curacao.

Ons nummer:
G.S.4787.

Willemstad, 20 Augustus 1942.

Onder terugaanbieding van bijgaand schrijven dd.6 Augustus no.2711 van de Staten van Curacao betreffende het Chineezencnflict heb ik de eer Uwer Excellentie het navolgende te berichten.

Het juridische gedeelte van het bij bovenvermeld schrijven gevoegde rapport richt zich niet tegen ondergeteekende, zoodat ik mij daaromtrent van beschouwingen meen te mogen onthouden, behoudens omtrent hetgeen is opgemerkt omtrent de bewaking der Chineezzen, waaromtrent de Staten mededeelen, dat de opsluiting onder bewaking een taak is van de Overheid die nimmer kan worden overgelaten aan een particuliere maatschappij. De Staten doen het voorkomen als of hier door hen een novum wordt gesteld. Dit is echter geenszins het geval, immers reeds op 5 Mei j.l. is door Gouverneur Wouters beslist, dat de bewaking zou overgaan naar de Politie daarin bijgestaan door bewakers van de C.P.I.M. (buitengewone Agenten van Politie).

De bewaking bestaat momenteel uit 1 man M.P. bijgestaan door 1 bewaker. De Staten hadden derhalve slechts kunnen opmerken, dat de bewaking aanstands in handen van de Politie had moeten worden gesteld. Dat hierdoor het incident zou zijn voorkomen is niet aan te nemen. De uitkomst zou dezelfde zijn geweest. Dit geldt evenzeer voor wat betreft het niet-opvolgen van de wettelijke bepalingen door den Algemeen Militair Commandant, hetgeen ook niets met het tragisch gebeuren zelf heeft uit te staan.

Wat de feiten betreft moet naar mijne meening achteraf den Staten gelijk worden gegeven, dat tusschen 25 Februari en 12 Maart 1942 ten on-

- rechte -

Annex 19: Response of Attorney General Van der Laan to report Estates of Curaçao

[TRANSLATION]

OFFICE OF THE ATTORNEY-GENERAL

SECRET.

To: His Excellency the Governor of Curaçao

Our reference: G.S.4787

Willemstad, 20 August 1942.

Returning the attached the letter dated 6 August no.2711 from the Parliament of Curaçao regarding the Chinese conflict I have the honour to inform your Excellency as follows.

The legal part of the report attached to the above-mentioned letter does not address the undersigned, so I feel I do not need to respond to this, except about the remarks regarding the guarding of the Chinese, about which the Parliament of Curaçao say that detention under guard is a Government task that can never be left to a private company. The Parliament of Curaçao make it sound as if they are presenting a novelty here. This is, however, not the case at all, for as early as 5 May of this year Governor

Wouters decided that the guard duty was to be transferred to the Police, with assistance from CPIM guards (Special police officers).

The guard detail presently consists of 1 MP, assisted by 1 guard. The Parliament of Curaçao could therefore only have remarked that the guard duty should be transferred to the Police immediately. It is unlikely that this would have prevented the incident. The outcome would have been the same. This is also true with regard to the non-compliance of the General Military Commander with the statutory provisions, which also has nothing to do with the tragic event itself.

As regards the facts, I feel that in retrospect the Parliament of Curaçao are correct, that the hesitation to act between 25 February and 12 March 1942 was not justified. However, the AMC thought he would be able to settle the affair amicably and there was, as the General Military Commander writes, every reason to hope that the pending disputes would be resolved. In retrospect I feel this delay was not correct. It would have been better if the authorities had not waited so long, but had immediately set a short time period for CSM to resolve the issue, and, if CSM failed, to resolve the question itself after hearing both sides, treating employer and employee equally.

I do not share the opinion of the Parliament of Curaçao that it is strange that the Attorney General, who pursuant to the Regulations regarding the organisation and composition of the Judiciary on Curaçao is in charge of the enforcement of the general (underlined by me) regulations, did not enquire whether, when the AMC had proceeded

Annex 19: *Response of Attorney General Van der Laan to report Estates of Curaçao*

to implement P.B.1941 no.146, this implementation proceeded in a lawful manner. I wonder whether the Parliament of Curaçao are aware that the martial law was proclaimed in the territory since 10 May 1940: (for P.B.1941 no.146 is not a general order, but a decision of the Governor ex article 31 of the constitution, in which special powers are assigned to the General Military Commander with regard to unwilling crew members during wartime. The Governor, not I, can call the General Military Commander to account regarding its enforcement.

Finally, with regard to the question sub 9 on page 15 the Parliament of Curaçao were informed that the Chinese were still regarded as persons who are not admitted here in any form and for which the company in question acts as guarantor, and therefore must take care of them; that the guard duty is in the hands of 1 MP, assisted by 1 guard of the CPIM (special police officer) and that as of 5 June 1942 the Chinese are allowed to receive visitors every workday between 14.00 and 17.00 hours, while on Tuesday and Thursday 15 Chinese housed in barracks 8, and on Monday, Wednesday, Friday and Saturday 45 Chinese housed in barracks 21 are permitted to leave the camp to go to town between 13.00 and 17.00 hours.

The Attorney-General,
(signed) Th. van der Laan
Copy certified correct by:
The Government-Secretary
(signature)

Annex 19: *Response of Attorney General Van der Laan to report Estates of Curaçao*

Annex 19: *Response of Attorney General Van der Laan to report Estates of Curaçao*

MINISTERIE
VAN
BUITENLANDSCHE ZAKEN
NETHERLAND FOREIGN OFFICE

Afd. Consulaire- en Handelszaken.

No. 15688

Ingekomen stuk No. 3437
Datum 10/9 1942
LONDEN, 8 September 1942.

Men wordt verzocht bij de aanhaling van
dezen brief dagtekening, nummer
en afdeling nauwkeurig te vermelden.

Met verwijzing naar mijn schrijven van 20 Augustus jl.,
Afd. Consulaire- en Handelszaken, No. 12441, betreffende het
Chineez-en-incident in Curaçao, heb ik de eer Uwer Excellentie
mede te deelen, dat de Chineesche Gezant mij op 4 dezer de in
afschrift hierbijgaande nota overhandigde.

In deze nota begint de Chineesche Gezant met de ontvangst
op 17 Juli jl. te erkennen van de nota van Jhr. Michiels van
Verduynen van 9 Juli met bijlage, waarin onze versie van het
gebeurde werd gegeven. De heer Wunsz King handhaaft derhalve de
fictie dat, toen hij zijn nota van 17 Juli deed uitgaan, hij nog
geen kennis droeg van onze nota van 9 Juli.

In verband met het feit, dat de Nederlandsche en
Chineesche opvattingen omtrent het gebeurde totaal van elkander
verschillen, stelt de heer King in zijn nota voor, (naar hij zeide
namens de regeering) dat de Nederlandsche en de Chineesche
Regeeringen tezamen een onderzoek ter plaatse zullen doen instellen,
opdat de zaak zal kunnen worden afgewikkeld op de basis van een
gezamenlijk rapport. De Chineesche Regeering zou daarnaast gaarne
zien dat de Amerikaansche Admiraal die in Curaçao geplaatst is,
aan het onderzoek zou deelnemen.

Vóór de Gezant mij de nota liet lezen, zeide hij
opdracht te hebben ontvangen voor te stellen, dat het incident in
Curaçao, evenals met het incident te Alexandrië is geschied, aan
een gemeenschappelijk onderzoek zou worden onderworpen. Ik
verklaarde mij bereid dit denkbeeld in overweging te nemen, doch

- hem -

Annex 20: Minister of Foreign Affairs on reaction of Chinese consul

[TRANSLATION]

Netherlands Foreign Office

Department of Consular and Trade Affairs

No. 15688

LONDON, 8 September 1942

With reference to my letter of 20 August of this year, Dpt. of Consular and Trade Affairs, No. 12441 regarding the Chinese incident on Curaçao, I have the honour to inform Your Excellency that on the 4th of this month the Chinese ambassador presented me with the memorandum, of which a copy is attached to this letter.

In this memorandum the Chinese ambassador first acknowledges having received on 17 July of this month the memorandum by Michiels van Verduynen Esq., dated 9 July with the attachment containing our version of events. Mr Wunsz King therefore maintains the fiction that, when he issued his memorandum of 17 July, he had no knowledge of our memorandum of 9 July.

Because of the fact that the Dutch and Chinese interpretation of the events are totally different, Mr King proposes in his memorandum (as he said on behalf of the government) that the Dutch and Chinese governments undertake a joint investigation, so the matter can be resolved based on a joint report. In addition the Chinese government would like the American Admiral, who is stationed on Curaçao, to participate in the investigation.

Before the ambassador let me read the memorandum, he said he had received orders to propose that the incident on Curaçao, as was done with the incident in Alexandria, be subjected to a joint investigation. I expressed being prepared to take this suggestion into consideration, but that I was not able to answer him, as this matter needed to be presented to other authorities as well. In response to the communication by Mr King that he was ordered to also suggest that the American flag officer, who is presently stationed on Curaçao, participate in the investigation, I commented that I would have preferred it if this idea had been discussed in private first. I expressed my personal lack of enthusiasm about this second suggestion; I nevertheless promised he would receive a further answer on this matter.

The fact that I do not much like the second idea, is based on the consideration that there is no reason, in my opinion, why an American flag officer, who happens to be on

Annex 20: *Minister of Foreign Affairs on reaction of Chinese consul*

Curaçao, should have a deciding vote in a matter which will prejudice a decision of the national government. This objection applies regardless of the nationality of any foreign flag officer on Curaçao, but in particular, so it would seem to me, to one with the American nationality.

With regard to the issue of the joint investigation I wish to say that the circumstances of the present case are not the same as those of the incident in Alexandria, where we did accept the proposal for a joint on-site investigation. In the latter case the incident took place on board a Dutch tanker that was in an Egyptian harbour, and it involved only the crew members of the ship. In the present case, however, the incident took place on Curaçao, that is, Dutch territory, and the competent authorities were immediately involved in the incident. A full official investigation into events has already been conducted and the results were communicated to the Chinese government. If the Chinese government now presses for a joint investigation, this would imply that it challenges the findings of the official investigation.

I fail to see how a joint investigation could result in a different version of events than was determined after the investigation already conducted by the Curaçao authorities, without repudiating the official reports made under oath by the police personnel that witnessed the events. Several days before the Chinese ambassador handed me his memorandum of 4 September, he let it slip during a visit to my Department, that he was in the process of obtaining legal advice on the question whether or not the Curaçao authorities had been authorised to detain the totally non-malicious Chinese seamen in a prison camp. He was told that this had not been detention in a prison camp; the Chinese were properly housed and their quarters used to be the officers' barracks of the former British complement. The ambassador said he was aware of the latter, which knowledge he must have gotten from the Chinese Consul-General in Havana, who visited Curaçao after the incident, as we did not communicate this to him.

I have the impression that the Chinese government made the proposal of a joint investigation for the purpose of bringing up the entire history of the problems with Chinese seamen on Curaçao. The memorandum of the Chinese ambassador of July 17 already shows that the Chinese government would make it seem like there had been an intention to resolve a labour conflict by force and that that was the only reason for the regrettable bloodshed.

...

Annex 20: *Minister of Foreign Affairs on reaction of Chinese consul*

Annex 20: *Minister of Foreign Affairs on reaction of Chinese consul*

709

11 September 42

709 / g. b.
838 / WZ.

Zijner Excellentie
den Minister van Buitenlandsche Zaken.

In antwoord op Uw brief van 8 dezer No. 15638 (afdeeling Consulaire- en Handelszaken) heb ik de eer Uwer Excellentie het navolgende mede te deelen.

Het van de zijde van den Chineeschen Gezant voorgestelde, gemeenschappelijke onderzoek zou inderdaad, indien het voorstel ongemendeerd werd aanvaard, den indruk kunnen vestigen, dat daarmede het van Nederlandsche zijde ingestelde officiële onderzoek zou worden gedesavoueed, of althans, dat daardoor de juistheid en volledigheid van dat onderzoek in twijfel zouden worden gesteld. Is derhalve dit voorstel reeds moeilijk in den daaraan gegeven vorm te aanvaarden, geheel onaanvaardbaar lijkt het inroepen van de medewerking van den Amerikaanschen Admiraal te Curacao. Dit laatste deel van het voorstel van den heer Wun Sz King ware dan ook geheel af te wijzen; het heeft geen zin derden in dit dispuut te mengen en daardoor beslissenden invloed op de oplossing van het geschil toe te kennen.

Wat het voorstel van een gemeenschappelijk onderzoek betreft, zou kunnen worden geantwoord, dat weliswaar reeds een volledig onderzoek van onze zijde heeft plaats gevonden, van welk onderzoek de resultaten aan den Chineeschen Gezant zijn medegedeeld, doch dat blijkbaar de Chineesche Regeering op grond van ons niet bekende inlichtingen een anderen kijk op het gebeurde heeft gekregen. In verband daarmede zou het inderdaad tot opheldering van het misverstand kunnen bijdragen, wanneer nogmaals de zaak ter plaatse werd gezien in het bijzijn van en in samenwerking met een vertegenwoordiger van de Chineesche Regeering. Dit zou bovendien het voordeel brengen, dat alsdan het resultaat van deze revisie van feiten voor beide regeeringen duidelijk zou komen vast te liggen en dat ook bij verschil van opvatting dat verschil door mondeling overleg onduidelzinnig zou kunnen worden vastgesteld.

Het vraagstuk van de door de Chinese Regeering voorgestelde "settlement" zou kunnen blijven rusten, totdat deze nadere beschouwing van de feiten zal hebben plaats gevonden.

Voor die revisie zelf lijkt het gewenscht onzerzijds aan den Gouverneur van Curacao iemand ter beschikking te stellen, die ten aanzien van dergelijke zaken deskundig is en waarvoor wellicht één van de door de Vereenigde Staten bestaende en uit Oost-Azië * afkomstige tolken (den heer Bos of den heer Kok, beide n.f.sanologen) zou kunnen worden aangewezen.

De Minister van Koloniën,

* *afkomstige tolken*
den heer Bos of den heer Kok

Annex 21: Minister of Colonies responds to Minister of Foreign Affairs on joint investigation

[TRANSLATION]

11 September 1942

To His Excellency,
The Minister of Foreign Affairs.

In response to your letter No.15688 of the 8th of this month (department of Consular and Trade Affairs) I have the honour to inform Your Excellency as follows.

The joint investigation proposed by the Chinese ambassador, if it were accepted without amendments, could indeed create the impression that this implied the Dutch official investigation was challenged, or at least that the correctness and comprehensiveness of this investigation were called into question. Is this proposal therefore already difficult to accept in its present form, it would seem totally unacceptable to enlist the cooperation of the American Admiral on Curaçao. The latter part of the proposal by mister Wun Sz King is to be totally rejected therefore; it is pointless to bring third parties into this dispute and so assign them deciding influence on the resolution of the dispute.

As regards the proposal for a joint investigation, the answer might be that although an exhaustive investigation has already been conducted on our part, the results of which have been communicated to the Chinese ambassador, the Chinese government has apparently, based on intelligence we have no knowledge of, developed a different view of the events. In this regard it might indeed contribute to clearing up the misunderstanding, if the case was re-examined on site in the presence of and in cooperation with a representative of the Chinese government. This would have the added advantage that the result of this revision of facts will then be clearly recorded for both governments and that in the event of a difference of opinion this difference could be determined unequivocally through oral consultation.

The question of the "settlement" proposed by the Chinese government could be left until after this further examination of the facts will have taken place.

For this revision itself it would seem advisable that we make available to the Governor of Curaçao a person who is an expert on these matters; perhaps one of the interpreters from East Asia designated by the United States (Mr Bos or Mr Kok, both sinologists) could be appointed.

The Minister of Colonies,

Annex 21: *Minister of Colonies responds to Minister of Foreign Affairs on joint investigation*

No. 23328

M. T.

*Uwv. met
Buitel. Chinesische
22/12*

Naar aanleiding van Uwer Excellentie's schrijven van 15 dezer, No. 1165/W.Z., heb ik de eer op te merken, dat ik uit het telegram van den Gouverneur van Curaçao meen te mogen opmaken, dat de Chineesche Consul-Generaal te Havana Curaçao bezoekt met het doel om het conflict tusschen de stakende Chineesche zeelieden en hun werkgever te regelen en niet voor een onderzoek in verband met het incident in het kamp "Suffisant", waarbij van bedoelde stakers er een aantal werden gedood en gewond.

De Chineesche Gezant heeft mij niet tevoren van het bezoek van den Consul-Generaal in kennis gesteld en, naar mij voorkomt, zou daarvoor ook geen bepaalde aanleiding zijn geweest, wanneer het bezoek slechts de oplossing van het arbeidsconflict betreft.

Ten einde te voorkomen, dat, hoewel de zaak van het incident gesloten is, de Consul-Generaal dit punt toch bij den Gouverneur ter sprake zou brengen, is het wellicht wenschelijk Dr. Kasteel erop te wijzen, dat, indien dit mocht gebeuren, den Consul-Generaal terstond de mond moet worden gesnoerd.

Wat de uitleiding der 52 Chineesche zeelieden, die weigeren weer te gaan varen, betreft, komt het mij voor, dat de Curaçaosche autoriteiten een regeling moeten zien te vinden om dese personen naar elders te doen vertrekken, waarbij zij met den Chineeschen Consul-Generaal, die thans toch ter plaatse is, overleg zouden kunnen plegen. Ik gevoel niet veel ervoor te dezer zake stappen bij den Chineeschen Gezant te doen, niet alleen omdat ik niet inzie, hoe deze het transport zou kunnen bespoedigen, maar vooral ook, omdat dan ongetwijfeld van wege de Chineesche Regeering wederom allerlei betoogen zullen worden gehouden betreffende de goedgezindheid der Chineesche zeelieden en den onwil van de Nederlandsche Regeering en de scheepvaartmaatschappijen om hen op één lijn met Europeanen te behandelen.

DE MINISTER VAN BUITENLANDSCHE ZAKEN,
voor dezen,
de loco Secretaris-Generaal,

Zijner Excellentie
den Heere Minister van Koloniën

te LONDEN.

M. Lauer

Annex 22: Ministry of Foreign Affairs wants to gag envoy, 17-12-1942

[TRANSLATION]

Netherlands Foreign Office

Department of Consular and Trade Affairs

No. 23328

To His Excellency,
The Minister of Colonies in LONDON

In response to Your Excellency's letter No.1165/W.Z. of the 15th of this month, I have the honour to remark, that I believe the telegram of the Governor of Curaçao suggests that the Chinese Consul-General in Havana is visiting Curaçao for the purpose of resolving the conflict between the striking Chinese seamen and their employer, not for any investigation related to the incident in camp "Suffisant", where several of these strikers were killed and wounded.

The Chinese ambassador did not inform me of the Consul-General's visit in advance and, it would seem to me, would have had no particular reason to do so if the visit was related only to the resolution of the labour dispute.

In order to prevent that, although the case of the incident is closed, the Consul-General brings this issue up for discussion, it might be advisable to point out to Dr. Kasteel that, should this indeed happen, the Consul-General must be silenced immediately.

As regards the deportation of the 52 Chinese seamen who refuse to sail, it seems to me that the Curaçao authorities need to find some arrangement to make these persons leave Curaçao. They could consult with the Chinese Consul-General, who at present is there anyway, on this question. I am not inclined to undertake steps in this matter with the Chinese ambassador, not only because I fail to see how he could expedite the transport, but also especially because the Chinese government will undoubtedly again present many arguments regarding the benevolence of the Chinese seamen and the unwillingness of the Dutch government and the shipping companies to treat them and the Europeans equally.

THE MINISTER OF FOREIGN AFFAIRS, on his behalf,
the deputy Secretary General
(signature)

Annex 22: *Ministry of Foreign Affairs wants to gag envoy, 17-12-1942*

