

## **Humanity in Action Fellowship 2015 by Raphael, Angel and Luke**

### **"Recipe" for Reconciliation: A Tale for Reparations**

*Three hundred and fifty years of gradually intensifying colonization, interrupted by World War II, followed by "police actions" to regain control over Indonesia. Nearly 70 years later, neither side has a full account of what happened in 1945 - 1949.*

Scattered throughout Amsterdam are various Indonesian *tokos* and *warungs*, a leftover from the Dutch colonial history. The Netherlands has a long history of involvement in the "spice islands," dating as far back as 1602 with the establishment of the Dutch East India Company (VOC). Three hundred and fifty years of colonization, the first two hundred focused mainly on doing business via strongholds and the like, were interrupted by World War II and Japanese occupation of Indonesia. Two days after the Japanese surrendered, Indonesia declared its independence; shortly thereafter, as of March 1946, the Dutch military instigated "police actions" as the Dutch government attempted to reclaim the former crown jewel of its empire. Although official records are lacking, the scale of the "police actions" can be (partly) inferred from considering that [about six thousand Dutch soldiers died](#), while [the number of Indonesian casualties is said to lie around one hundred thousand](#). But what exactly happened during the conflict between 1945 - 1949 has largely remained a mystery. Recently, the 2011 [Rawagede case](#) and [the 2015 ruling on the South Sulawesi case](#) helped shed light on some of the atrocities committed under the guise of "police actions." In June 2015, a [Dutch journalist discovered a list containing the names of 180 individuals who were killed during the 1947 police action](#). Today, nearly seventy years after these events, neither the Dutch nor the Indonesian government are willing to investigate what happened during this time.

#### **1. "It was a Dutch tragedy"**

Indonesia declared its independence on August 17, 1945. It would not be until December 27, 1949 that The Netherlands, under intense international pressure, formally recognized Indonesian independence. In 2005, former Dutch Foreign Minister Bernard Rudolf Bot participated in the sixtieth celebration of Indonesian independence in Jakarta. Bot expressed regret, [stating that The Netherlands had stood "on the wrong side of history"](#) by opposing Indonesia's struggle for independence. This formulation was political parlance at its best; expressing regret does not, of course, equate to a formal apology, which, legally, would allow the aggrieved Indonesians, then Dutch "nationals," to demand reparations in the form of damages for what the Dutch government had done during the "police actions."

Shortly after Bot's statement, [members of Dutch civil society asked](#) the Dutch government to legally recognize Indonesia's declaration of independence on August 17, 1945 as a legitimate act. The Dutch foreign ministry [responded that](#) the "actual transfer of sovereignty took place on December 27, 1949.... This is an established historical fact that can not be changed 60 years later." Yet, as Jeffry M. Pondaag, Chairman of the foundation Committee for Dutch Honor Debts ([Stichting K.U.K.B.](#)), an interest group making a stand for (Indonesian) civilian casualties during Dutch colonial rule, points out, there are important legal implications behind the Dutch government's unwillingness to legally recognize August 17, 1945 as Indonesia's independence.

Pondaag has worked closely with [Liesbeth Zegveld](#), a renowned human rights lawyer and Professor in War Reparations at the University of Amsterdam, [on the Rawagede reparation case](#). In our phone conversation with Pondaag, he notes that Dutch recognition of December 27, 1949 as the date of Indonesian independence meant that the 1945 - 1949 "police actions" in Indonesia should be considered as a civil war. If The Netherlands legally acknowledges Indonesia's independence on August 17, 1945, then it would logically follow, Pondaag argues, that "The Netherlands actually attacked a sovereign state, without any justificatory grounds in international law, meaning that all war veterans are war criminals." In that regard, it is important to stress that the Dutch courts, who ruled over the Rawagede case and the South Sulawesi case, in 2011 and 2015 respectively, spoke of "nationals" when referring to the Indonesians, taking the view that the "police actions" amounted to a civil war.

We also spoke to Ad van Liempt, noted journalist and author of *The Netherlands Attacks: On the way Towards War with Indonesia in 1947* (*Nederland valt aan: Op weg naar oorlog met Indonesië 1947*). We met van Liempt on a sunny Tuesday morning in Cafe Le Journal, in Utrecht. Amidst the bustle and clinking of cups, we began our chat with Van Liempt about "police actions" in Indonesia. Van Liempt began by arguing that the "police actions" were an internal struggle between The Netherlands and its colony. In this sense, Van Liempt also understood the conflict as civil war, rather than a war between The Netherlands and Indonesia.

According to Van Liempt, economic interests were the driving force behind the Dutch government's decision to send the Royal Netherlands East Indies Army (KNIL) to Indonesia. The Dutch economy was devastated after World War II; as Van Liempt puts it, "We didn't have anything. We had no money, we couldn't buy anything on the world market. There were no resources for buying. And so there was panic in our country." Shortly after the capitulation of Japan, rumors emerged in The Netherlands that there was

an independence movement in Indonesia. Van Liempt remarks that, “10 or 15 percent of the [Dutch] economy came from Indonesia and we were almost bankrupt. We had to keep this resource [Indonesia] alive.” The Netherlands was reluctant to lose the jewel of its empire: according to Van Liempt, 90 percent of the Dutch population supported the government’s “police actions” in Indonesia.

In March 1947, the Dutch and Indonesian nationalist representatives formally signed the Linggadjati Agreement in Batavia (present-day Jakarta). By mid-July 1947, however, [conflict between the two parties erupted once again](#). On July 20, 1947, the Dutch launched its first “police actions,” involving 100,000 KNIL troops. This provoked international condemnation. By August 1, 1947, the United Nations Security Council [issued a resolution](#) recognizing that the “continued occupation of the territory of the Republic of Indonesia by the armed forces of The Netherlands is incompatible with the restoration of good relations between the parties,” and [calling](#) for the cessation of military operations by the Dutch government and guerrilla warfare by the Indonesian republic.

The Dutch responded to the UN Security Council resolution with disbelief: “Nobody in The Netherlands understood anything about this resolution. It [Indonesia] was our country. The world does not have anything to say about this country,” says Van Liempt. In hindsight, however, Van Liempt noted that the Dutch policy of “police actions” was like “swimming into a net and not being able to get out. Every day they [the Dutch] swam further and it was difficult to get out. It was a tragedy, really a Dutch tragedy, that they never realized that it was a policy without any chance, without any future.”

## **2. On the Wrong Side of History**

With the exception of reparations paid by Germany in the aftermath of World War Two, reparations have rarely been a part of the process of decolonization in the twentieth century. In those rare cases where former colonizers have [apologized](#) and paid for specific atrocities, the governments involved have gone to great lengths to distance themselves from taking responsibility for colonialism more generally. After a landmark [settlement](#) granted compensation to 5000 Mau-Mau fighters tortured by British imperial forces in Kenya, for instance, the British Foreign Minister rejected the idea that the settlement imputed that Britain could be held responsible for colonialism more generally, stating that he did “not believe that this settlement establishes a precedent in relation to any other former British colonial administration.” Similarly, the compensation the Dutch state owed to the widows of the infamous Rawagede massacre in Indonesia was [limited](#) to the nine surviving widows of the victims.

Where reparations have affected some form of reconciliation, they have generally revolved first and foremost around seeking truth or creating some form of public memory around the atrocities in question. Truth commissions represent one such avenue for the creation of public memory and the investigation of past crimes; the potential of such commissions was most famously demonstrated by South Africa's [Truth and Reconciliation Commission](#), which is sometimes credited with having helped the country [reckon](#) with the legacy of apartheid. Truth-seeking can also be achieved through the creation of [museums](#) or other monuments that seek to create a public memory of traumatic events. Thus, while the term reparations often calls to mind the provision monetary compensation to victims, an official investigation or acknowledgment of past wrongdoings on the part of the responsible actor is often a more effective manner of achieving, in whole or in part, some form of reconciliation. As Frederiek de Vlaming, a Professor of International Law at the University of Amsterdam, noted in an interview, victims generally sue for monetary compensation only after having exhausted the possibility of attaining official acknowledgment or investigation through other means.

With the exception of providing compensation to the relatives of victims of the Rawagede massacre, the Dutch government has not taken any of these steps in addressing the colonial legacy and its aftermath in Indonesia. The Dutch government has not apologized formally; it has not only refused to compensate the victims of its colonial war in Indonesia, it has not even entertained the possibility except when compelled by organs of international justice; and it has not engaged in a sustained investigation of events that took place in Indonesia from 1945 to 1949. This reluctance to confront the past is particularly puzzling in light of the fact that The Netherlands generally considers itself a bastion of international and transitional justice: the International Court of Justice, the International Criminal Court, and the International Criminal Tribunal for Yugoslavia are all housed in the Hague. How is it possible that the Dutch government, purportedly a leader in efforts to find the truth behind global atrocities, could so steadfastly refuse to investigate their own alleged war crimes for so long?

### **3. “The period from 1945 to 1949 had to be forgotten”**

Speaking to our interviewees, Van Liempt, Van Bodegom, De Vlaming, and Pondaag, one of the most pressing questions we asked them was why a full account and acknowledgement of what happened in the period from 1945 to 1949 is still lacking. Even though the silence has been broken every now and then during the last 65 years, the sporadic attention never brought about a more comprehensive and substantive public interest to come to terms with what is generally considered as a black page in Dutch history. Pondaag, the initiator of the recent court cases against the Dutch state, explains that in 1968 the former

Dutch Prime Minister Joop den Uyl proposed to initiate a [parliamentary inquiry](#) with regard to the “police actions,” but the request was turned down and never picked up again by any successive Dutch government.

An oft-repeated argument for the current Dutch reluctance to examine the “police actions” is that starting a large-scale investigation to create a historical record of that which has happened in the Dutch East Indies cannot count on the support of Indonesia. Indeed, both Ad van Liempt and Joost van Bodegom, a former mayor of Opsterland who grew up in Java during the time of Dutch rule, underlined that the Indonesian state does not see the good of unlocking the truth in association with the Dutch. Underlying the Indonesian government’s unwillingness to do so is the concern that an in-depth study of 1945 - 1949 will lead to demands by the Indonesian people to equally divulge all the details pertaining to a black page of Indonesian history, that is, the killings of 1965 - 1966. So, to “let sleeping dogs lie,” the Indonesian government prefers to let bygones be bygones, something the Dutch respect and seize upon to do the same.

Although the Dutch standpoint may come across as reasonable, particularly to avoid any accusations of neocolonialist meddling in Indonesian affairs, Dr. de Vlaming holds that studying the “police actions” is primarily a matter of understanding what the Dutch did. In this sense, a unilateral inquiry which leaves the role of the Indonesians undiscussed might be a sufficient start to creating an historical record of the “police actions.” Then, de Vlaming claims, the role of the Indonesians should be looked at too, since “of course, all crimes should be looked at!” Pondaag also stresses that as long as the Dutch continue to refuse to recognize Indonesia’s independence of 1945, the civil war of 1945 - 1949 forms a part of Dutch history. Or, in his words, “the crux is that it is a civil war belonging to Dutch history, not Indonesian history. We are talking here about the Dutch East Indies, not Indonesia.”

This silence can also be attributed in part to historical factors and a longstanding reluctance to understand the war as an internal conflict. The Dutch state has always insisted on the framing of “[police actions](#),” a phrasing that Ad van Liempt attributes to then-Dutch Minister of Foreign Affairs Eelco van Kleffens. Van Kleffens made sure that initially the military intervention was never called a war, but rather understood as an internal conflict, wherein the Dutch were simply restoring peace and order in their own country. As Van Liempt drily noted in our interview, “it worked.” As a result of the strategic choice of words, the events from 1945 - 1949 became a trivial matter for the Dutch people. By framing the military interference as “police actions,” the seriousness of the matter did not penetrate Dutch public consciousness. Due to the Dutch government’s censure of the media at that time, it was widely held in the

Netherlands that the Indonesian people welcomed the “police actions.” In consequence, the conflict has [not been visualized in iconic images](#). Without those images being etched in public memory, the application of a discourse of war to describe the “police actions” has never really found a sympathetic ear in The Netherlands.

Moreover, the Dutch state has always been careful not to upset the veterans that executed the “police actions” in the Dutch East Indies. After The Netherlands was liberated from the yoke of German rule in 1945, the veterans were told that the Dutch East Indies needed to be freed from the Japanese, so as to bring Indonesia back into the hands of The Netherlands. Ignoring the Indonesian struggle for true independence, [the Dutch army thus headed to Indonesia to fight for a “good” cause](#). That, later on, the “police actions” assumed the form of a civil war, let alone that war crimes were committed during those “police actions,” does not fit well into the postwar narrative of Dutch resistance. According to Pondaag, the 150,000 veterans involved in the “police actions” of 1945 - 1949 have formed a significant obstacle in revealing the whole truth: “To protect the Dutch veterans, the period from 1945 to 1949 had to be forgotten. To illustrate, in 1973 the Dutch passed a law which stated that all war criminals of crimes committed in the context of World War II cannot be barred. In the case of Indonesia, however, the Dutch have not promulgated a similar law, which is a sign of the Dutch reluctance to fully acknowledge what happened in the Dutch East Indies.”

Apart from the issue of veterans, there also seems to be a lack of political will in The Netherlands to take a firm stance with respect to the “police actions,” notably in the form of formal apologies to the Indonesian people, who were, after all, Dutch nationals when the “police actions” took place. Similarly, [only regrets](#) have been voiced in regard to the colonization of Indonesia, whereas the Dutch state expressed [deep remorse](#) for the slavery past of The Netherlands. Furthermore, it was recently discovered that the Dutch national archives contains [lists of Indonesians who were executed during the “police actions](#),” lists which were officially said to have been left behind in Indonesia by accident. “What we, the Indonesian people, want are official apologies made by the Dutch royal house for what occurred in 1945 - 1950. Naturally, if those apologies are being made, then consequences should be tied to them in the form of damages,” says Pondaag. Broaching the problem of financial reparations following apologies, Joost van Bodegom remarks that “in people’s terms, apologizing means [saying] ‘here’s the money.’” To avoid a similar procedure, in 2005, the Dutch state eventually expressed regret for what happened in Indonesia, yet merely in diplomatic terms, stating that the Dutch were “on the [wrong side of history](#).” Although arguably a move in the right direction, the expression of regret is by no means sufficient to meet the demands of Pondaag and his sympathizers, leaving the Dutch colonial past in Indonesia a contentious

topic for the time being.

#### **4. “Recipe” for Reconciliation**

Given the complexities and contradictions of his- and herstories, there is, admittedly, no precise “recipe” for the reconciliation process. As reconciliation is a process, it demands a contextual and structural understanding of how and why these “police actions” occurred. Indeed, the importance of the reconciliation process cannot be underestimated. It is an important process for the family members of the Indonesian victims, for Indonesian survivors, for subsequent generations of Indonesians, for the Dutch military personnel who either participated or were complicit in these atrocities and their subsequent family members, for the Dutch government as well as the Indonesian government. Furthermore, if we understand human rights as interconnected rights and responsibilities -- that is, my humanity is intricately bound up with your humanity -- then we all have a moral responsibility to make sense of The Netherlands and Indonesia’s convoluted and interconnected his- and herstories.

Reparations are an important part of the reconciliation process. Under the broader framework of transitional justice, reparations can take many different forms such as, but not limited to: conducting an investigation of what occurred; formal apology; establishing a truth commission; compensation and rehabilitation; and, symbolic gestures. All of these measures are of equal importance and ideally, are meant to be implemented simultaneously. These measures are discussed below.

##### **Step 1: Conduct an investigation**

While there is a growing consensus that, at least morally if not legally, The Netherlands owes something to those Indonesians who suffered at the hands of the Dutch military from 1945 -1949, there is still broad disagreement over precisely what that something is. Under [international human rights norms](#), family members of survivors have a right to truth. Getting to the singular “truth,” however, can prove difficult and evasive.

A common agreement among all of our interviewees was that there needed to be a general investigation into what the Dutch government and military did in Indonesia during that time. When we asked Van Bodegom about the Dutch government’s reluctance to investigate atrocities that occurred between 1945 and 1949, he didn’t mince his words: “It’s a bloody shame...they [the government] are ashamed that they misled the people all those years. The more you wait, the worse it gets.” Van Bodegom added that while

veterans were reluctant to share their stories with the general public-- or, oftentimes, their families -- they could nonetheless contribute to the creation of a public record. He told the story of a diary he received from the daughter of a veteran who had passed away. The veteran's diary contained no detail of any "police action." Tucked into the back cover, however, were several handwritten patrol reports. "These patrol reports should have gone to his commander. I think they never did," Van Bodegom explains. "They showed what really happened during some of these patrols." While most of the reports were mundane, one described how the soldiers murdered prisoners of war -- in other words, it documented Dutch soldiers committing war crimes.

While obtaining a full account of wrongdoing during the war in Indonesia is not feasible, Dr. de Vlaming made the case for investigating seemingly isolated incidents within the context of the larger framework of the war in Indonesia: "Even if you do [go to court] on behalf of two or three people, an incident always represents a larger picture...You will not get the truth. But you will get bits and pieces, and slowly you get a record." From this perspective, investigations into events such as the Rawagede massacre offer an opportunity not only to seek justice for those directly involved; it also creates a broader sense that the Dutch government and Dutch society are, slowly, attempting to come to terms with the legacy of the war. From our interviews, it became clear that for many, such investigations are a necessary condition for the success of any broader reconciliation effort.

## **Step 2: Formal apology**

Given the reluctance of the Dutch government to investigate the events of 1947 - 1949, it is perhaps not surprising that the Dutch government has also refused to apologize for the wrongdoings that resulted from "police actions" in Indonesia. In 2005, the Dutch Foreign Minister admitted "political moral regret" that The Netherlands was "on the wrong side of history" during the war in Indonesia. Such a statement, Van Liempt noted in our interview, was a way of "apologizing without really apologizing." Indeed, this formulation was politically expedient, as it allowed the Dutch government to express remorse over what happened while at the same time implying that any responsibility for being on the wrong side of history belonged to previous governments.

The absence of an apology for the Dutch government's actions in Indonesia between 1945 and 1949 is striking, because such apologies can indeed make a difference to victims' families. In the case of the Rawagede massacre, the government's official apology, at least anecdotally, appears to have made some inroads to giving victims' families a sense of [justice](#):

After the apology, the crowd erupted in cheers. Tears rolled down the cheeks of surviving widows, now in their late 80s and early 90s, some of whom had started to doubt they would ever hear the words. ‘It makes me feel my struggle for justice was not useless,’ said Cawi Binti Baisa, who was 20 when her husband of two years headed to the rice paddy in the morning never to return.

Yet, Van Liempt noted, the government will not take responsibility for the actions of Dutch soldiers in the war more generally for fear of setting a precedent whereby they might be responsible to all survivors -- hence the careful formulation of expressions of “remorse” and “regret.”

### **Step 3: Establish a truth commission**

Breaking the silence is another way of reconciling with the past. In that connection, Van Bodegom suggested that the establishment of a truth commission might be a manner through which a safe space for dialogue can materialize. As previously mentioned, South Africa’s Truth and Reconciliation Commission, which [granted amnesty for political crimes](#), helped facilitate the gathering of information regarding the fate of victims.

In the same manner, creating a truth commission for the veterans that served in the former Dutch East Indies will help break the silence and taboo on this topic. Moreover, a platform would be created wherein the veterans can finally clear their conscience. Instead of having to rely on diaries and *a posteriori* interpretations thereof, a truth commission could start a veritable dialogue during the lifetime of the concerned veterans, allowing the stakeholders involved to speak for themselves. From those individual accounts, it will be possible to draw a general record of what happened during the “police actions.”

### **Step 4: Compensation and rehabilitation**

Compensation is one aspect of reparation that can be undertaken during the reconciliation process. Drawing upon the [international human rights norms](#), compensation “should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case... such as physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earning, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services.” While assessing the economic impact for the damage is the most difficult and controversial aspect of compensation programs, compensation helps family members of

victims and/or survivors manage their short- or long-term survival needs after suffering a loss. In the case of the Rawagede widows, for example, losing their husbands meant that they not only lost a loved one but also a family member who was able to contribute and sustain the family.

Similar to compensation, rehabilitation [includes](#) “medical and physical care as well as legal and social services.” Rehabilitation should apply to both survivors, family members of victims, as well as the veterans who were involved and/or complicit in the atrocities. After all, violence is a double-edged sword that affects both the wielder and the receiver. It is important, therefore, to extend medical, physical, social and legal rehabilitation to war veterans to reduce the feelings of shame and guilt and therefore, help uncover what happened during 1945 - 1949. Furthermore, given that [Post-Traumatic Stress Disorder \(PTSD\) is common among war veterans](#), it is important for war veterans to receive the help that they need.

#### **Step 5: Public education programs**

The establishment of a full investigation and truth commission could also assist in the development of Dutch public education programs on the issue of the former Dutch East Indies in 1945 - 1949. So far, Pondaag’s efforts to change the Dutch curriculum have been to no avail. He said, “We send a letter to the Ministers of Defense, Education and Foreign Affairs to demand more attention for this period of time in the Dutch curriculum. But all of them basically ignored us.”

Education was a determining factor in Jeffrey Pondaag’s understanding of the ‘police actions’ as a civil war. Recalling his youth in Indonesia, he remembers that in the period of office of Soekarno, this was still an intensively discussed topic. “We called it the ‘police aggressions’, rather than the ‘police actions’.” Now, in Indonesian education the period of 1945 -1949 has watered-down too. “Indonesia also wants to get rid of the issue, but I believe we can actually learn from it. Revealing and learning from the truth is not just relevant for the Indonesians concerned (who used to be Dutch), but also for the general Dutch population,” hence the need for educational reforms as a form of reconciliatory reparations.

#### **Step 6: Symbolic measures**

Last but not least, symbolic measures, such as constructing a monument or museum or holding a memorial for the victims, constitute important reparation measures as well. The public nature of similar

symbolic measures can help prevent denial or historical revisionism. Furthermore, the creation of these symbolic measures may be related to, or help develop, the educational programs described above.

### **5. “Otherwise, it never happened”**

Dutch society is slowly coming to terms with the fact that the “police actions” were a war and that these actions necessitate a re-examination of Dutch colonial history in Indonesia. An aggregation of small victories -- the landmark Rawagede settlement, the decision of the Indies Heritage Museum Bronbeek to label their exhibit on the conflict in Indonesia “War,” and the small but growing number of firsthand accounts of veterans of and witnesses to the war -- might engender optimism that Dutch society can finally come to terms with this history. The publication of the graphic novel “The Return,” commissioned by the Indies Heritage Museum Bronbeek, is a brave and major contribution to tell children in high school what really happened in Indonesia from 1930 until 1950. Yet, the public record of events in Indonesia from 1945 to 1949 remains scattered, and with each passing day, the opportunity for the Dutch and Indonesian parties to engage in a meaningful reconciliation process becomes narrower. The events in question become more distant, and the relatively few remaining survivors and veterans who can contribute to the public record of such events continue to age. Reconciliation is important for those whose lives have been (in)directly touched by violence, regardless of whether they were on the right or wrong [side of history](#).

Many survivors and veterans remain unwilling to recount their experience, and inevitably important parts of this history will soon be lost to posterity. Joost van Bodegom recounts the story of one friend who worked as an intelligence officer in Sumatra. As an intelligence officer at the time, this friend knew a great deal about what happened during the war. Van Bodegom begged his friend to recount his experience or at least write it down for the record. The friend responded, “Joost: never, ever.” With ever fewer survivors around to recount the events of this war, it is now more essential than ever that a framework be created where these stories can -- and will -- be told. “Otherwise,” Van Bodegom adds, “it never happened.”

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