



## ADOPTION REGULATION INDIVIDUAL MORAL RESTITUTION FOR INTERNEES FROM THE DUTCH EAST INDIES AND FORMATION OF THE ADVISORY COMMITTEE

The Mayor and Alderman

Whereas:

- *The Municipal Council decided on 15 February 2018 to grant individual moral restitution in respect of ground rent and street tax levied for internees from the Dutch East Indies;*
- *The Municipality wishes to adopt a procedure for submitting applications and for the advice and decision-making in that regard;*
- *The Municipality wishes to be advised by an expert committee that is supported by the Dutch East Indies when assessing the applications for individual moral restitution.*

Decision:

- I. That applications for individual moral restitution can be submitted from 1 June 2018 to 31 May 2019;
- II. That the enclosed form with explanation can be used to submit applications;
- III. To form the Advisory Committee for Individual Moral Restitution for internees in the Dutch East Indies, which will issue advice concerning the applications that are submitted;
- IV. To appoint as chairman of the committee Mr S. Delhaye RA (from the Dutch East Indies community) and as members Ms A.W. Everts-Kuik (from the Dutch East Indies community) and Ms E. van der Waerden MA (municipal archivist from The Hague);
- V. To designate as official secretary of the committee the Director of Administrative and Legal Affairs of the Public Administration Division, with the power of substitution;
- VI. That the committee is bound by the enclosed working instruction and otherwise determines its own procedures;
- VII. To grant a mandate to the secretary of the committee to conduct correspondence with interested parties and to make use in this connection of the powers laid down in chapters 2 up to and including 4 of the General Administrative Law Act;
- VIII. To grant a mandate, with the possibility of a sub-mandate, to the Mayor to decide on applications that have been submitted, while taking account of the advice from the Advisory Committee for Individual Moral Restitution for prisoners in the Dutch East Indies;
- IX. That the decisions on the applications are made at the latest on 1 August 2019;
- X. That this decision enters into effect on 31 May 2018.

The Hague, 29 May 2018

The Municipal Executive,  
the secretary,

the mayor,

Peter Hennephof

Pauline Krikke

Appendix 1: Application form (individual moral restitution for internees from the Dutch East Indies for ground rent and/or street tax)

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| <p><b>1. Applicant:</b><br/>Name:<br/>Address:<br/>Postcode and place of residence:<br/>E-mail:<br/>Would you like somebody to explain to you over the telephone how to fill in the claim form?<br/>Yes/no. If yes, what is your telephone number:</p>  |
| <p><b>2. Immovable property:</b><br/>For which address/addresses was an additional levy of ground/land rent and/or street tax paid to the Municipality of The Hague after the Second World War?</p>   |
| <p><b>3. Private owner:</b><br/>Who was the owner/on whom was the assessment imposed at the time?<br/><br/>Did the owner reside in the Dutch East Indies and was the owner interned as a citizen or prisoner of war by the Japanese authorities during (a part of) the period between 8 March 1942 and 15 August 1945?</p>  |
| <p><b>4. Relationship with the owner:</b><br/>Who resided in the building during the Second World War and what was the relationship with the owner? Had the owner appointed a manager of his affairs?<br/><br/>If the levy was imposed on a person other than the one who now submits the application, what is the relationship between the applicant and the former owner and are there any other potentially entitled parties (surviving relatives)?</p>  |
| <p><b>5. Amount in compensation:</b><br/>Original amount of the ground rent paid (in guilders):<br/>Original amount of the street tax paid (in guilders):<br/>Total amount in guilders:<br/><br/>Was the additional levy set off in any way? Yes/no</p>   |
| <p><b>6. Signatures:</b><br/>The undersigned:<br/><br/>- declares that he/she has completed this form truthfully and as completely as possible, <b>provided with items of evidence</b>;<br/>- undertakes to provide all information;<br/>- authorises organisations, agencies and persons to provide to the Municipality of The Hague the information that is required for the assessment of the application;<br/>- declares that he/she was not convicted of collaboration with the Japanese and that he/she did not have the Japanese nationality during the Japanese occupation (note: this is declared on behalf of the interested party in case of an application as a beneficiary);<br/>- grants consent to disclose his/her personal data to the other applicants in case several applications are submitted for one address.<br/><br/>Name:<br/>City/town: Date:<br/>Signature:</p> |

Explanation concerning applications for individual moral restitution for internees from the Dutch East Indies for ground rent and/or street tax

### Background

The Municipality of The Hague imposed additional levies for ground rent and/or street tax in the years after the Second World War. When addressing the council proposal regarding moral restitution for Jewish owners of stolen property in The Hague, the possibility that internees from the Dutch East Indies were also confronted with the same actions by the Municipality of The Hague was discussed.

NIOD concluded in its investigation conducted in September 2017 (on behalf of the Municipality of The Hague) that there are no indications that the abovementioned levies were imposed on internees from the Dutch East Indies. At the same time, NIOD also states emphatically that, in view of the limited sources from that time, the possibility of such an incident cannot be excluded.

The Municipal Council therefore reserved a budget of €150,000 on 15 February 2018 for individual moral restitution for internees from the Dutch East Indies. The Municipality of The Hague wishes to state what went wrong and wishes to rectify the ground rent and/or street tax that was levied immorally. This means that it does not concern a legal right - the levies were lawful at the time and any claims have since prescribed - but rather a moral restitution. The Municipality formed the Advisory Committee for Individual Moral Restitution for internees in the Dutch East Indies to assess the applications.

### Who qualifies

In order to become eligible for individual moral restitution, the following must apply:

1. Privately-owned immovable property in The Hague;
2. Whose owner was in the Dutch East Indies and was interned as a citizen or prisoner of war by the Japanese authorities during (part of) the period between 8 March 1942 and 15 August 1945;
3. Payment of overdue ground rent and/or street tax for the years 1942 - 1945 to the Municipality of The Hague shortly after the war;
4. Which payment has not already been compensated in some way.

### Time schedule

Individual interested parties and their surviving relatives can submit an application for individual moral restitution from 1 June 2018 to 31 May 2019. The Municipality aims to have handled all applications by 1 August 2019 at the latest.

In case of applications that are granted, the amount in guilders that was paid at the time is multiplied by a factor of 13 and paid in euros. Payment will likely take place as from August 2019. In view of the age, payment will be prioritised if the former owner on whom the levy was imposed registers.

### How to establish whether you qualify for individual moral restitution

The available inventories of the archives and the collections of the archive of the Municipality of The Hague contain very little archive material with respect to the practical implementation by the Municipality of The Hague of regulations concerning ground rent and street tax during the war period. The background is that the administrative documents and implementation files have a limited retention period after which they must be destroyed. This means that it is extremely difficult to establish which consequences these schemes have for individual households. In the event that in a limited number of cases some documentation has remained, this is because in these cases an objection had been lodged against the overdue payment of street tax. The NIOD investigation shows that none of these cases concerned people who were in the Dutch East Indies during the war.

It is up to you to demonstrate by means of evidence that you qualify for individual moral restitution. You can use documents from your personal records for this purpose. Since municipal archive documents concerning (the implementation of) the levy of ground rent and/or street tax have not survived, other sources have to be found. In order to assist you, we will give you some guidance for each question about the possible sources you could use. Once again: you are expressly invited to submit an application, as completely as possibly.

Explanation per question

*- How can you establish whether ground rent was levied in respect of a building or buildings? (question 2)*

This is possible via your personal records.

If you have any questions about this you can also contact the secretariat of the Advisory Committee at [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl). You e-mail the address (street name and house number) of which you want to know whether your family owned it. The Municipality of The Hague will then search the administration of the Municipal Ground Rent Department that was saved whether this was the case and inform you of this.

*- How can you establish whether street tax was levied in respect of a building or buildings? (question 2, see also question 5)*

This is possible via your personal records.

*- How can I establish that my family was the owner of a certain building during the Second World War? (question 3)*

This is possible via your personal records (copy of the original proof of title).

If you have any questions about this you can also contact the secretariat of the Advisory Committee at [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl). Requesting a copy of a proof of title from the Land Registry Office could be subject to cost.

*- How can you establish that the owner resided in the Dutch East Indies and was interned as a citizen or prisoner of war by the Japanese authorities during (part of) the period between 8 March 1942 and 15 August 1945? (question 3)*

This is possible via your personal records.

It is up to you to make it plausible that the owner was in the Dutch East Indies and was interned as a citizen or prisoner of war by the Japanese authorities during (part of) the period between 8 March 1942 and 15 August 1945. We request you to provide in any event information by providing a (brief) statement of facts with places and dates. If you have any questions, please contact the secretariat of the Advisory Committee [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl).

Note: Those persons who were convicted of collaboration with the Japanese occupiers as evident from a court judgment, and those who held the Japanese nationality during (part of) the occupation are excluded.

*- What do you know about the use or occupation of the building during the Second World War (question 4)*

Do you have knowledge about the use or occupation of the building during the Second World War and do you have any documents in this regard in your personal records?

*- How can you demonstrate that you are a beneficiary of the then owner and that you are authorised to submit this application for individual moral restitution (question 4, see also question 5)*

You are able to demonstrate that you are an interested party by submitting a certificate of Inheritance, for example. Note: if you live abroad and your parent(s) died there, it will have to be established first according to the law in the relevant country (and possibly the relevant state or federal law if these matters are not regulated unambiguously at the national level) that you are the legal heir before a Dutch certificate of inheritance can be applied for.

You may have other evidence that demonstrates your relationship with the owner of the building during the Second World War (such as your birth certificate or an obituary notice which mentions you as a surviving relative). If you have any questions, please contact the secretariat of the Advisory Committee [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl).

- How can you establish whether an additional levy on ground rent and/or street tax was imposed in respect of a building? (question 5)

This is possible via your personal records.

As stated above, the municipal archive does not contain any information about this because the implementation files concerning ground rent and/or street tax were not preserved by the Municipality of The Hague. You may have a copy of the original levy or a copy of a receipt. It might be possible to demonstrate the additional levy in a different manner, such as:

- an objection was lodged at the time and you have kept documents about this;
- the building was sold after the war and you still have the completion statement drawn up with the transfer deed. This statement may include information about unpaid ground rent and/or street tax. This completion statement was not kept with the deed and therefore cannot be retrieved via a civil-law notary.
- the owner died shortly before or immediately after the end of the Second World War and an Estate Inventory was drawn up. Estate Inventories sometimes report a debt resulting from unpaid ground rent or street tax during the Second World War. The Tax and Customs Administration, which can be contacted via the secretariat of the Advisory committee ([indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl)), can establish this for you.

#### Submission of applications

An application may be submitted by completing the application form as much as possible, printing it, and sending it along with the required evidence to:

Municipality of The Hague  
Advisory Committee for Individual Moral Restitution for internees in the Dutch East Indies  
attn. A.J.M. Sieben  
PO Box 12600  
2500 DJ The Hague

Would you prefer to supply the documents digitally? If so, you can scan the documents and e-mail them to [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl).

#### Questions

Any questions? Please send an e-mail to [indischmoreelrechtsherstel@denhaag.nl](mailto:indischmoreelrechtsherstel@denhaag.nl).

If you provide your phone number in your e-mail, the Municipality will contact you within 2 working days.

## Appendix 2:

### Working instruction Advisory Committee for Individual Moral Restitution for internees in the Dutch East Indies

#### 1 composition

The committee consists of a chairman and at most two members. The chairman and one member come from the Dutch East Indies community. The chairman is currently the chairman of *Indisch Platform*. The member is a former board member of *Stichting Pelita* and a former Pensions and Benefits Council chamber member. The other member is the municipal archivist of The Hague. The committee issues advice to the Mayor and Aldermen. The committee is supported by an official secretary (the Director of Administrative and Legal Affairs of the Public Administration Division, with the power of substitution).

#### 2 procedure

The committee generally meets once per month at the city hall in The Hague unless there are no applications to be handled. The chairman determines the day, time and place of the meeting.

The committee assesses the applications that are received. Applications must be completed on the application form determined for this purpose and as completely as possible. If applications are submitted in a different format or incompletely, the secretary will ask for supplementation (Section 4:5 of the General Administrative Law Act). The opportunity of a (telephone) meeting with the secretary of the committee is offered in this connection in order to discuss what information is exactly required. If the applicant indicates that certain questions cannot be answered/certain evidence cannot be provided, the committee is authorised to decide to handle the application anyway, but only if there are compelling reasons for doing so, which will then also be laid down in writing by the committee.

The committee is also authorised to conduct an additional investigation or request information from third parties or obtain advice from an external expert if it considers this necessary for a proper assessment of the application. All municipal officers are obliged to comply with a request for information from or on behalf of the chairman within a term to be determined by him. This expressly concerns an additional investigation. The committee cannot be requested to provide an application with evidence. That responsibility lies primarily with the applicant. The application is not handled if the information is too limited to be able to form a substantive judgment. The committee consults and decides behind closed doors concerning the advice to be issued by it. The deliberations and the decision require that the chairman and both members are present. The advice is determined by a majority of the votes. The advice is signed by the chairman and the secretary.

#### 3 provisional judgment

The committee renders a provisional judgment concerning the applications submitted as soon as possible. This is subject to the overall list of all applications (see under 4). The provisional judgment is announced to the Mayor and Aldermen and the applicant.

If the advice is not to handle or reject the application, this will be a final assessment and no provisional judgement will be granted. A final judgment is also rendered immediately when the former owner on whom a levy was imposed personally submits the application. Payment is also made as soon as possible in such cases.

#### 4 final judgment

The final judgment is in line with the provisional judgment but does contain additional criteria. For example, several applications may be submitted for a single building. If this is the case, the secretary of the committee contacts the applicants involved. This could mean that one or more applications are rejected or that multiple applicants each receive part of the compensation. Such in accordance with Dutch inheritance law. Naturally, the committee is bound by the amount reserved by the Municipal Council (€150,000).

Whether multiple applications have been submitted for the same building and whether the budget is sufficient to grant all applications a positive provisional judgment will not become clear until all applications have been assessed (so definitely not before July 2019). Positive final judgments are not issued until that time.

#### 5 decision, payment and legal protection

The committee's final judgments are issued to the Mayor and Aldermen in the form of advice. The final judgment includes possible responses from applicants who indicated on the application form that they wish to take the opportunity of being heard (by the secretary) in the shape of a report of that meeting, as regards the provisional assessment. A decision is made by the Mayor on behalf of the Mayor and Aldermen on the basis of the advice with the possibility of a sub-mandate. The decision is open to appeal and this is stated in the decision. Any notices of objection are handled by the (regular) Objections Advisory Committee. The associated payment is made within 6 weeks after the decision has been made.

#### 6 confidential information

If the chairman, the members and/or the secretary are provided with data they know or should suspect within reason to be confidential, they will be obliged to keep these secret.

The committee will report on the progress of the activities in a way in which this information cannot be traced back to individual persons. These progress reports are public.