

BURGERS DEFENCE LAWYER'S CASE : COLOMBO COURT MARTIAL, CEYLON

A TRANSLATION OF THE DUTCH RECORD OF WHAT WAS SAID IN COURT IN DEFENCE OF SERGEANT H.J. BURGERS

In June, 1937, at the age of 19 (this should be 17), Burgers commenced his military service with the Royal Dutch Engineers, in the Colonial Reserve. After 3 months basic training in Nijmegen, Holland, he was posted to the Netherlands East Indies where he joined the 3rd Battalion Engineers in Tjimahi, training as a radio operator.

In February, 1940, he transferred to the Dutch Airforce in Andir, where he qualified as a radio operator air gunner.

In November, after being promoted to Corporal, he was posted to the 3rd Flight Group at Tjililitan.

In January, 1942, while serving with Naval Officer Tousbeek, at Palembang, Sumatra, he carried out various scouting and reconnaissance flights including some to Singapore.

Following consultation with Officer Tousbeek, such a flight was made with Officer Gascard in command. This flight resulted in an accident due to engine failure. The plane, a Glenn-Martin 510, was forced to make a crash landing at sea near the island of Billiton, south of Singapore. Upon being rescued, Gascard reported that Burgers had acted faultlessly at all times.

Until February, 1942, Burgers served with a bomber squadron which carried out various raids near Muntok, Sumatra. Several planes were lost during these raids.

On day Burgers gave 5 bottles of beer to another radio operator as a bribe so that he could go on a mission to destroy the oil installations at Pladjo near Palembang. On the way, the three Glenn-Martins were attacked by 3 Japanese Zeroes. Burgers was awarded the Bronze Cross for shooting down one of the Zeroes, which allowed the bombers to climb to the safety of cloud cover. This medal has not yet been officially presented to him.

At the end of February, Burgers was given the task, along with several others, to collect new B-25 Mitchell bombers from British India. Following delivery of these bombers, Burgers could not return to Java because the Netherlands East Indies had fallen to the Japanese by early March.

As a result, the B-25's were allocated to the Americans.

In May, 1942, Burgers was ordered to Australia where he was posted to the newly formed 18 Squadron, NEI in Canberra, where he was promoted to Sergeant.

In November, 1942, Burgers was arrested by Major Simon Spoor, for not reporting a rumoured conspiracy by 3 Dutch pilots, Lt. Will Burck, Sgt. Henry Kelder, and Sgt. Erich de Lyon, to commandeer a B-25 and initially fly it to Melbourne to drop bombs on the Dutch Headquarters, and then to proceed to enemy occupied Java to collect their wives and families and return to Australia.

I am not suggesting that Burgers is completely free of wrongdoing, because he chose not to report facts known to him to his superiors. What I am saying is that Burgers didn't realise the significance of the situation, so he, like many others, did nothing. I can't accept that Burgers was the only one singled out for punishment. Therefore, gentlemen, I feel it would be highly unjust if Burgers is subjected to a heavy penalty while so many others, including officers such as Hagers, Hartvelt, Niewpoort and Barenrecht, remain free.

The witness statement made by Capt. Jesserun on 15th February, 1943 supports the fact that the C.O. of 18 Squadron, Major Fiedeldij, was well aware of the wild rumours that Burck and his two friends were planning to desert to Java.

Capt. Jesserun even declared that Adrian Scholte had revealed the plot to him. The only difference in the story was that Burck and Hartevelt were going to use two B-25's, not one. I will expand on this later.

The situation is that the C.O. of the Squadron knew of the plans and did nothing about them, yet one lowly Sergeant gets singled out and hauled before a court-martial for the same thing.

Major Fiedeldij also knew that a Lt. Wetters was rumoured to be planning to return to Java by submarine. It was said that Major Fiedeldij handled this by questioning Lt. Wetters with:

"Do I have to keep an eye on you too, Lt. Wetters?"

Burgers was even present when this occurred, and although Burgers was not 100% certain that Fiedeldij was aware of the Burck, Kelder and de Lyon plan, he was sure that both Lt. Hagers and Lt. Hartevelt were well and truly informed.

How was Burgers to know that these men would do nothing and that he, himself, would be expected to do the reporting?

Gentlemen, don't you find it unbelievable that if such a plan was widely known throughout the Squadron, it would not be known to the leaders of the unit? If so, then there is something seriously wrong with the leadership !!!

How can you support a story that maybe Burck, Kelder and de Lyon were planning to desert to the enemy, if you can't prove it beyond a shadow of doubt?