

OPEN LETTER TO:

Sint Maarten News
Attn. Ms. Bibi Shaw

Present

Re: *Incorrect, slanderous, and defaming publication about the recruitment process within NV GEBE*

Sint Maarten, February 4th, 2021

Dear Ms. Shaw,

Providing NV GEBE with the opportunity to respond after you made false, incorrect and even defamatory publications, certainly does not constitute independent and objective journalism. Your actions do not meet the threshold for the requisite duty of care and diligence, imposed by law, for media publications. Please note in this respect that the qualification or adjective “*online media blog*” for the website of SMN News that you use for the litigious publications, does not derogate to your personal responsibility, and consequently, liability. The location/country where you and this media house are established furthermore leave unaffected that the tort is committed against, and affects, a corporation established in Sint Maarten. In other words: the consequences play out on Dutch Sint Maarten.

Its established that you have not made absolutely any effort to explain what investigation or independent analysis was conducted that could have possibly justified the disputed media publication. Instead, you present a populist slogan of not divulging your sources and misinterpret a reference to codified law made by the NV GEBE, to show that when it comes to recruitment matters for members of the Management Board, the authority to act on behalf of NV GEBE lies with the Supervisory Board. As such, also the obligation to address incorrect and slanderous publications conducted without any, or at least proper, independent and objective journalistic investigation. Your publication severely violates your duty of care by law.

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The following representations made by you and/or your media blog are factually incorrect:

- (i) The shareholder representative of Government-owned company NV GEBE has declined the offers sent to the Council of Ministers for the candidates for the vacant positions of Chief Executive Officer (CEO) and Chief Financial Officer (CFO);
- (ii) A letter was sent to the Supervisory Board of Directors on Tuesday informing them that the offers do not meet the Jacobs norms and proposed cuts for government-owned companies as outlined by the Dutch Government;
- (iii) The CEO candidate Robert Jan James requested NAF 30,000.00, including severance pay, travel allowance, and six months' vacation pay;
- (iv) The SBOD of NV GEBE offered the CEO candidate NAF 20,000.00 excluding severance pay;
- (v) James also requested two months to notify his current employer SOL while he made clear that he will not take up the position unless he clears the screening process, in the event, he fails then N.V GEBE would have to pay him out 3 years of his contract agreement;
- (vi) The shareholder denied the request made by the candidate CEO;
- (vii) The CFO candidate, Randel Hato requested a salary of Naf 30,000.00, severance pay, travel allowance, and performance appraisal. Hato requested a five-year contract but was offered a three-year contract and a salary of NAF19,000.00 gross salary;
- (viii) Randel Hato declined N.V GEBE's offer when he was told that should he accept the job as an ex-pat then he would not be entitled to any of the other benefits. The source said that right there and then Hato told the legal advisor of the Supervisory Board of Directors that he could keep the position;
- (ix) The negotiations and interviews were done by the legal advisor to the Supervisory Board of Directors. The source said that the members of the Supervisory Board did not engage the candidates when they were each interviewed, and they also did not verify the calculations that were done by the said legal advisor for the incoming candidates. The candidates were told that while they will be receiving a gross salary of NAF19,000.00, another Naf13,000.00 will go their way through the Vidanova payments that were not calculated correctly;
- (x) With the information sent to the Supervisory Board of Directors by the Shareholder on Tuesday, the SBOD of NV GEBE now has to go back to the drawing board.

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This overview is b.t.w. not exhaustive.

Because basically your entire article is a cacophony of factual misrepresentations about nota bene a confidential and ongoing recruitment process, coupled with your refusal to state by which objective and journalistically proper process(es) you derived those assertions and deemed them credible enough for publication, NV GEBE holds that you and/or SMN News have severely violated your duty of care. This constitutes a torturous act and very possible a criminal one also, namely slander.

Unless you and/or SXM News immediately and in any case on or before Friday, February 5th at 1730, rectify the article in question by:

- (i) publishing that the representations therein, quoted above, are factually incorrect;
- (ii) publishing that the publication thereof was done without proper fact checking and following independent and objective journalistic good practices,
- (iii) confirming in writing that you will refrain from making incorrect and slanderous publications about NV GEBE,

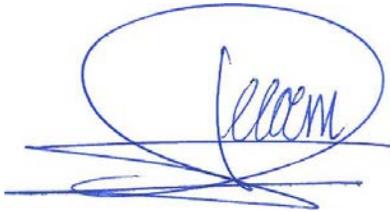
NV GEBE will seek appropriate relief against you and your media blog.

Finally, please note that your decision to publish the first summons of NV GEBE and your response thereon on your media blog are noted. Whilst this is certainly also your prerogative, you are urged to take the content of these summons and specifically the damages that you have and are causing to:

- (i) the recruitment process;
 - (ii) NV GEBE, and
 - (iii) the applicants for functions within NV GEBE,
- seriously.

NV GEBE attends you hereon because so far your actions show a total lack of understanding and consideration for their consequences.

Yours truly,



Jairo Bloem

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