

Human Rights Council

Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your **complaint does not exceed eight pages**, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO Other

Last name:

Klinkers

First name(s):

Leo Eugène Mechtild

Nationality:

Netherlands

Address for correspondence on this complaint:

Haverkamp 118, 2592 BK, The Hague, The Netherlands

Tel and fax: (please indicate country and area code)

+31(0)620083586

E-mail:

klinkers@federalismforpeace.org

Website:

www.federalismforpeace.org

Submitting the complaint:

On the author's own behalf:

President of the Federalism for Peace Foundation

On behalf of other persons: (Please specify)

The people of the Moluccas

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): Indonesië, Regering van Indonesië.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

A. The reason for this Complaint

As one of the members of the Unrepresented Nations and Peoples Organization (UNPO), the Moluccan people have suffered - since 1950 - from occupation, oppression, exploitation and human rights violations by Indonesia. The Federalism for Peace Foundation has undertaken to write a comprehensive report on this subject. In order to avoid this NGO being seen as an extension of a Moluccan action group, no substantive consultations were held with representatives of the Moluccan people. Nevertheless, the Foundation represents the feelings of that people.

The exceptionally large number of crimes committed by Indonesia against the people of the Moluccas cannot be summarised in eight pages. That is why Section VII of this Complaint Form refers to the Appendix to this Complaint, entitled 'From Cold Case to Hot Case. Why and how the United Nations can and should liberate the Moluccan people'.

B. The summary of the report

The report describes in detail:

1. How, after the transfer of sovereignty over Indonesia by the Netherlands to the Federal Republic of the United States of Indonesia on 27 December 1949, President Sukarno immediately from January 1950 - with blatant abuse of the federal constitution - began to dismantle the newly established federal state in favour of the establishment of a centralized unitary state.
2. In this way - inviolable, and thus ruling above the law, with inviolable laws, and thus not subject to judicial review under the constitution, and even with an illegal emergency law - he dismantled the federal democratic structures and procedures and thus began to occupy, oppress and exploit the legally autonomous people of the South Moluccas.
3. How he had already, after eight months, completely destroyed the Federal Republic of the United States of Indonesia in favour of the establishment of the unitary State of the Republic of Indonesia, on 15 August 1950, which was admitted to the United Nations a month later as the 60th member.
4. How thus under the auspices of the United Nations - more specifically under the auspices of the United Nations Commission for Indonesia (UNCI) - the Moluccas

were transferred from one colonizer to another. In doing so, the UN violated its own birth certificate - the fight against injustice and the realization of peace.

5. How the United Nations - on the basis of its own treaties, annexed to international principles of law - can and must free the people of the Moluccas from this occupation, oppression and exploitation that has lasted for seventy years, partly as a clear signal to populist/nationalist autocrats who first master democratic procedures and then destroy democracy.
6. How the free, sovereign, independent people of the South Moluccas, after vigorous action by the United Nations, can still opt for external self-determination, as was legally laid down in the federal constitution of 27 December 1949.
7. How that choice consists of two options: either opting for a unitary Moluccan state of its own or opting for a federal state with partner states from the region/Oceania.
8. What the standards of federalism are and why they lead to the advice to choose for the establishment of a federal state, based on a correct federal constitution, other than the legal monster that, as an alleged federal constitution, heralded the downfall of the Moluccas in December 1949.
9. How the United Nations with the instruments of peacemaking, peacekeeping and peacebuilding can assist the Moluccas on this path of correct federalization.
10. How the Federalism for Peace Foundation can assist the people of the Moluccas if desired.

C. The substantiation of the report

For a proper understanding of this Complaint, we advise the investigators to first to study Chapter 15, the Requisitory. The term 'Requisitory' is legitimized by the seriousness of the crimes Indonesia has been guilty of since 1950. On the basis of 88 facts and considerations, paragraph 89 contains the concrete request to the United Nations to force Indonesia - using the 'actus contrarius' principle - to transfer sovereignty over the Moluccas to the Moluccan people, under penalty of expulsion from the United Nations ex Article 6 of the United Nations Charter. In paragraph 90 follows the request to add the instrument of federalism to the instruments of peacemaking, peacekeeping and peacebuilding of the Human Rights Council. Federalism is a unique instrument for conflict resolution and peacebuilding and is unjustifiably absent from the Human Rights Council's 'toolbox'.

The report mentioned in *Annex VII. The checklist of supporting documents*, contains the detailed foundations of the Requisitory.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies- please provide details on the procedures which have been pursued, including

recourse to the courts and other public authorities as well as national human rights institutions¹, the claims made, at which times, and what the outcome was:

For 70 years, the people of the Moluccas resisted illegal occupation, oppression, exploitation and violation of human rights. From 1950 until April 1966 in the form of a struggle for freedom. After April 12, 1966, the execution of the leader of the resistance, Dr. Chris Soumokil, the resistance became passive. Among other things with numerous petitions and requests to the UN. Also, by stationing a representative of the Moluccan people at the UN in New York. No result. Not even with Karen Parker's report - titled *Republik Maluku. The Case for Self-determination. Presented to the United Nations Commission on Human Rights, March 1996 Session, Geneva* (see the annexes to the report, mentioned in VII). No request for help has ever been granted. That is why this comprehensive report has now been written by this independent NGO, the Federalism for Peace Foundation.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

Every step taken to make use of national resources is punished by Indonesia with imprisonment, torture and disappearance.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

No.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:
.....

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations. Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes No

Please indicate which information you would like to be kept confidential

¹ National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

Date:
April 12th, 2020

Signature:



N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):
- Complaints sent to any other procedure mentioned in section **V** (and any decisions taken under that procedure):
- Any other evidence or supporting documents deemed necessary:

Annex the report:

"From cold case to hot case. Why and how the United Nations can and must liberate the Moluccan people".

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>