

Republik Maluku Selatan



In the hands of
Dr.J.Borrell Fontelles
High Representative of
EU foreign policy and security
Vice-President of the European Commission
Rue de La Loi 100
1049 Brussel
Belgium

Amsterdam, 17 August 2021

Subject: Notification of the entry into force of the EU/Indonesia CEPA
not applicable to occupied territory
of the Republic of the South Moluccas
Human rights violations in the South Moluccas

Excellency,

On 24 April 2021, the Government in Exile of the Republic of the South Moluccas wrote to Mr Vincet Piket, EU Ambassador to Indonesia e n Brunei Darussalam. A copy of this letter is enclosed.

For the sake of brevity, we refer you to the contents of our letter dated 24 April 2021. We assume that you have taken note of our position regarding the negotiations between the EU and the Republic of Indonesia on the conclusion of the so-called CEPA Convention in respect of the territory occupied by Indonesia in the Republic of the South Moluccas.

After our letter of 24 April 2021, you visited Jakarta (Indonesia) from 1 June to 4 June 2021 and spoke there, among others, with Indonesian President Jokowi Widodo and the Minister of Foreign Affairs, Mrs Retno Marsudi.¹

We gather from the statement you have issued that you consider the conclusion of the CEPA agreement between the EU and the Republic of Indonesia to be of great importance. Despite the large-scale violation of human rights in the southern Moluccas, Western Papua and Aceh over decades. Also, Indonesia's continued production of palm oil at the expense of the indigenous population does not seem, for the time being, to constitute an obstacle to the conclusion of the CEPA.

However, we would like to emphasise that the concerns expressed in our letter of 24 April 2021 cannot be ignored in the process of drawing up the CEPA Convention.

In summary, we reiterate the following:

CEPA treaty violates the sovereignty of the Republic of the South Moluccas

The Republic of the South Moluccas came into being on 25 April 1950 and, after years of armed resistance, was annexed by the Republic of Indonesia on 17 August 1950.

The occupation of the Republic of the South Moluccas is in violation of Article 2(4) of the UN Charter. The occupation of the territory of the Republic of the South Moluccas is, therefore, to be regarded as contrary to international law. The Republic of Indonesia took away the right to self-determination of the South Moluccan people by force. This is still the case. The people of Southern Moluccas are oppressed and live in abject poverty, while the land of the Southern Moluccas possesses great natural resources. For the sake of completeness, we would like to point out that, despite the occupation of the territory - the Republic of the South Moluccas - has continued to exist as a state. In support of this position, we refer to the enclosed "legal opinions" of Prof. Dr. E. de Brabandere and Dr. N. Higgins. The foregoing legal opinions are derived from, among others, the views of the late Prof. Dr. Crawford, a

¹ https://eeas.europa.eu/headquarters/headquarters-homepage/99613/why-i-went-jakarta-and-why-indo-pacific-matters-europe_en

pre-eminent expert in the field of the creation and continuation of States.² Prof. Crawford was a member of the International Court of Justice in The Hague.

CEPA agreement between EU and Republic of Indonesia violates international fundamental human rights and EU fundamental rights

In the South Moluccas, human rights have been grossly violated since Indonesia annexed them. The same applies to the people of Western Papua. There too, the Republic of Indonesia is constantly violating human rights.

In 2021, supporters of the Republic of the South Moluccas are still being persecuted and condemned by the Indonesian occupying forces.

Below we bring to your attention the names of supporters of the RMS who are being prosecuted and sentenced to lengthy prison terms merely for possessing the national flag of the RMS or documents such as the above-mentioned legal opinions by Prof. E. de Brabandere and Dr. N. Higgins. According to the Republic of Indonesia, they are being prosecuted because they supposedly committed an attack - "**Makar**" - against the Indonesian occupying power. It goes without saying that this is exclusively about locking up and convicting RMS supporters under criminal law. At the same time, this approach terrorises the South Moluccan people and prevents them from standing up for their right to self-determination.

Following a conviction by the court in Ambon, the following RMS supporters are currently in detention in Ambon:

Names

- | | |
|------------------------|--------------------------|
| 1. Abner Litamahuputty | 6. Janes Pattiasiana |
| 2. Agus Matatula | 7. Dominggus Saya |
| 3. Basten Noya | 8. Ishak Josias Siahaya |
| 4. Johan Noya | 9. Simon Victor Taihuttu |
| 5. Markus Noya | 10. Pelpina Werinussa |

² The creation of States in international law by James Crawford, Oxford, Clarendon Press University Press 1979

The following RMS supporters are in detention awaiting trial in Piru(Ceram):

Names

11. Pieter Likumahua
12. Benjamin Neine
13. Alexander Dominggus Workala

The following RMS supporters are in detention awaiting trial in Ambon:

Names

14. Michael Latumaerissa
15. Agustinus Pattipeilohy
16. Enan Patty

Article 19 of the BUPO Convention guarantees the right to free political expression to every citizen of a State Party. The Indonesian occupier of the RMS territory has ratified this convention.

The Republic of Indonesia has been continuously and flagrantly violating the right to self-determination and the internationally guaranteed right to free political expression of the South Moluccan people since 1950. Protests by the above-mentioned human rights organisations - such as Amnesty International³ and Human Rights Watch⁴ - have unfortunately not been able to change this situation to date.

Indonesia not only persecutes RMS supporters, but also those who stand up against the violation of “adat rights” - rights of the indigenous people of Republic of the South Moluccas - are victims of repression. Those who oppose illegal exploitation of adat lands (forests) by investors are arrested and threatened with imprisonment. In this context, we mention, in particular, the arrests of (17.) Stevanus Ahwalam and (18.) Kaleb Yamaruadam, who have

³ <https://www.amnesty.org/en/documents/ASA21/008/2009/en/>

"Indonesia : jailed for waiving a flag. Prisoners of conscience in Moluccas".

⁴ <https://www.hrw.org/news/2020/05/04/indonesia-new-arrests-peaceful-political-expression>

"Indonesia: new arrest for peaceful political expression" (4 May 2020)

been resisting deforestation in the village of Sabuai and its surroundings (East Ceram). They have been arrested for this reason and are in detention awaiting trial.

The foregoing is important to mention, because on the occasion of the Indigenous Peoples Day on 9 August, your excellency - as Vice-President of the EU – stated to ensure respect, protection and fulfilment of the rights of Indigenous Peoples, as set out in the UN Declaration of the Rights of the Indigenous Peoples.⁵

Also, recently, (19.) Risman Souliisa - a prominent leader of the student organisation Himpunan Mahasiswa Islam (HMI) - was arrested in Ambon. He has been detained and is awaiting trial. The only accusation that can be made against him is that he led protests against the effects of the Covid measures on the "small citizens", who are deprived of their primary means of livelihood by these measures without any proper compensation.

In this context, we would also like to bring to your attention the following inhumane behaviour of the Republic of Indonesia.

On 12 April 1966, by order of the Republic of Indonesia, the 2nd President of RMS, Mr. dr. Christiaan Robert Soumokil, was executed by a firing squad. To date, the Republic of Indonesia has refused to divulge the whereabouts of the late Mr. dr. Soumokil to his wife and son, who reside in the Netherlands. The Dutch Government has tried to persuade the Indonesian Government to make public the location of Mr. dr. Soumokil's last resting place. However, in a reaction to a letter from the government in exile of the RMS of April 12, Mr. M. Rutte - demissionary Prime Minister of the Dutch government - informed Mr. J.G. Wattilete - president of the government in exile of the RMS - that Indonesia still has not answered a request dated of the year 2015 from the Dutch government until now.⁶

It follows from the above that the Republic of Indonesia has seriously violated the human rights of the South Moluccan people since 1950. The planned CEPA between the EU and the Republic of Indonesia cannot stand up to scrutiny in the light of universally applicable human rights, to which all EU Member States have committed themselves.

⁵ Declaration by High Representative Joseph Borrell on behalf of the European Union, 9 August 2021 Brussels, 08/08-2021.

⁶ Reactie hoofd Rijksvoorlichtingsdienst namens demissionair minister-president drs. Rutte van 4 juni 2021.

Economic exploitation of the people of the South Moluccas

The South Moluccan people are not only oppressed. The economic exploitation of the land and people of the Southern Moluccas also continues unabated. The South Moluccan people have been exploited by their colonisers for centuries. A country that has unprecedented mineral wealth (gas, gold, nickel, oil, etc.), but whose people have been living in abject poverty for decades. This fate is shared by the people of the South Moluccas and their Melanesian brothers of West Papua.

The CEPA agreement will result in major economic benefits for the EU and the Republic of Indonesia. The profits from the exploitation of the natural resources of the Southern Moluccas will undoubtedly increase. The consequences of the deforestation, the further exploitation of the seas, the consequences of pollution of the land and the waters of the South Moluccas will only be borne by the South Moluccan people.

The incumbent political and military elite will continue to enrich themselves at the expense of the people. Life of the people in abject poverty and oppression will continue. This outcome of the CEPA treaty is the only thing that is certain.

In the context of negotiations with the Republic of Indonesia, the assessment of CEPA in relation to EU fundamental rights and international human rights is a prerequisite.

This is all the more important as the Republic of the South Moluccas has been annexed by the Republic of Indonesia, and the occupation continues. This must stop. The application of the CEPA Convention to occupied territory is unacceptable.

Repeated request

The RMS government hereby requests the European Commission and all EU Member States to examine the conclusion of the CEPA Treaty in the light of international human rights and EU fundamental rights. In particular, we draw your attention to the fact that the Republic of Indonesia has illegally annexed the territory of the Republic of the South Moluccas since 1950. The right to self-determination of the South Moluccan people is therefore continuously

violated. Further economic exploitation of the Southern Moluccas as a result of the CEPA treaty will not benefit the Southern Moluccan people.

We also urge you to inform the government of the Republic of Indonesia - that all convicted political prisoners of the RMS must be released and that those who are currently awaiting trial will also be released from detention. This also applies to the other prisoners Risman Soulisa, Stevanus Ahwalam and Kaleb Yamaruadam. Also, the continuous suffering of the widow and son of Mr.dr Soumokil should be ended. For this, it is only necessary - and no more - that the Republic of Indonesia makes the last resting place of the 2nd President of the Republic of the South Moluccas public to his relatives and the South Moluccan people.

We ask you to confirm receipt of the letters dated 24 April and 17 August 2021.

We would also like to know the procedure by which the objections and requests contained in our letters of 24 April and 17 August 2021 will be dealt with.

We await your reply.

Yours sincerely,

The government in exile
of the Republic of the South Moluccas,

President

Mr. J.G. Wattilete,

Minister of Foreign Affairs

Umar Santi