



# HUMAN RIGHTS IN WEST PAPUA

The seventh report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2019 until December 2020

Compiled by the International Coalition for Papua  
and the Westpapua-Netzwerk

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### Contributing Individuals:

Papang Hidayat



Cover: Ayu women in Boven Digoel, Papua, display the tools they use in the forest. They also carry wood to make fires. The embers are used for cooking while they are in the forest or harvesting sago. The forest is their kitchen, as well as their food source. Photo © Albertus Vembrianto

Back cover: Children near a road used for mining operations in Mimika Regency. Photo © Albertus Vembrianto

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Contributing Organisations:





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Underwater photos in Raja Ampat, Papua, Indonesia showing marine life, coral reef damage and plastic pollution. Credit: © Paul Hilton / Greenpeace

# INTRODUCTION



## SECTION 1

# Introduction

## Executive Summary

The human rights situation in West Papua significantly deteriorated throughout 2019 and 2020. This was caused by the aggravation of armed conflict, an increasing number of extra-judicial executions, enforced disappearances, and the internal displacement of thousands of indigenous Papuans in the central highlands. At the same time, ‘the Uprising’<sup>1</sup> led to a wave of legal prosecutions against protesters and the persecution of political activists and human rights defenders using vague criminal provisions such as treason and criminal conspiracy. In addition, the COVID-19 pandemic in West Papua served as a justification for the government to add further restrictions on the right to peaceful assembly, the freedom of movement, and freedom of expression in the province.

Instead of increasing efforts to protect, respect, and fulfil human rights and find a peaceful solution to the long-lasting conflict in West Papua, the central government has continued to deploy its troops. It is thus preventing Papuan civil society from enjoying the fundamental rights and freedoms guaranteed under the Indonesian constitution and international human rights treaties. Furthermore, perpetrators of human rights violations among security forces continue to enjoy impunity. Throughout 2019 and 2020, not a single case of human rights violations involving security forces was brought to a public or a human rights court. Numerous cases of extra-judicial executions and enforced disappearances in this period have not been investigated because police or military representatives claimed that the victims were associated with the West Papua National Liberation Army (TPN PB).

The Human Development Index (HDI) and the Poverty Percentage in the provinces of Papua and Papua Barat continue to fall far short

<sup>1</sup> ‘The Uprising’ refers to a series of protests against the racial discrimination of ethnic Papuans and for self-determination in 23 towns across West Papua and 17 cities in Indonesia between 19 August and 30 September 2019



of the national average in Indonesia. Both figures are an indicator of the shortcomings in the education and healthcare systems in West Papua. The allocation of Special Autonomy funds and the ability to combat healthcare and education deficiencies through local regulations as part of the Special Autonomy status has failed to bring any significant change to these imbalances over the past twenty years. Significant disparities are evident in the availability, accessibility, quality, and adequacy of healthcare and education facilities between urban and rural areas across West Papua. The absence of teachers and medical personnel in remote areas continues to be a significant issue which the central and local governments have not effectively addressed.

In particular, women and indigenous peoples are vulnerable to becoming victims of violence and human rights violations. A large number of women in West Papua continue to find themselves trapped in a circle of domestic violence, economic marginalisation, and exploitation. Despite their essential role in ensuring the family's wellbeing and the preservation of indigenous culture, women are often excluded from decisions over land and resources. They continue to be heavily underrepresented in politics and high positions in the local government.

The expansion of plantation and mining activities across West Papua is causing a large-scale deforestation and has become a major threat to the wellbeing of indigenous communities. They depend on their communal land to maintain their way of life as well as their ancestral traditions and customs. The presence of investors has engendered land tenure conflicts. Major stakeholders in these conflicts are the military and police, both of whom view the plantations and mines as vital assets, creating large revenues for the

government. Hence, indigenous communities often face violence and criminalisation if they protest against a company. Non-transparent licensing procedures and corruption have contributed to a situation in which companies have been granted permits without the free, prior, informed consent (FPIC) of the indigenous land rights holders.

In 2001, Indonesian Government Law No 21/2001 on Special Autonomy for the Papua Province came into force in response to growing aspirations for political self-determination across West Papua. Observers argue that this law has failed to improve the conditions of indigenous Papuans. On the contrary, a small political elite has taken personal advantage. The inconsistent implementation of the Special Autonomy law and the end of Special Autonomy funding in 2021 have revived calls for self-determination, which have been manifested in peaceful protests and solidarity initiatives against the government's plan to amend that law.

The fact that multiple conflicts between various stakeholders continue to take place in West Papua, particularly the aggravation of the armed conflict throughout 2019 and 2020, is a cause for great concern. The deployment of additional troops and the decision to label armed separatist groups and their associated organisations as terrorist groups<sup>2</sup> suggest that the armed conflict will intensify in the future. The warfare has caused a humanitarian crisis in Papuan central highlands, resulting in a significant increase in civilian fatalities since 2018, the majority of whom died as a result of diseases, hypothermia, exhaustion, and malnutrition during internal displacement. Most originated from the regencies of Nduga, Puncak, Intan Jaya, Mimika, and Intan Jaya, which have become the new hotspots of armed conflict.

2 Jakarta Post (29.4.2021): Indonesia declares Papuan rebels terrorists, available at: <https://www.thejakartapost.com/news/2021/04/29/indonesia-declares-papuan-rebels-terrorists.html>

## The International Coalition for Papua

*The International Coalition for Papua (ICP)* is an international coalition of faith-based and civil society organisations addressing the serious human rights condition in West Papua and supporting a peaceful solution to the conflict there. West Papua (Papua) refers to the western half of the New Guinea Island in the Pacific and comprises the eastern most provinces of Indonesia. Indigenous Papuans are suffering from a long and ongoing history of human rights violations and security forces subject them to violence including killings, torture and arbitrary arrests. Impunity prevails. A lack of adequate access to health care and education as well as demographical and economical marginalisation and discrimination mark the living condition for Papuans. A heavy presence of Indonesian security forces, lack of access for international observers such as journalists, corruption and transmigration from other parts of Indonesia aggravate the situation. Political prisoners and the persecution of political activists shows the extent of repression with which freedom of expression and indigenous peoples' rights are being violated. Papua's wealth in natural resources attracts businesses and security forces resulting in exploitation through mining, logging, harmful agricultural projects, and environmental degradation. This dynamic challenges traditional indigenous culture while Papuans demand their right to self-determination.

### What the Coalition does

The Coalition advocates human rights and Papua as a land of peace in which Papuans can fulfil their inalienable right to self-determination through peaceful means. The Coalition supports this with advocacy work and networking at the international level.



The Coalition recognises all human rights for all —Human rights cannot be realised by a government without active participation from civil society. The Coalition recognises that Papuans see the policies put in place by the Indonesian government as failed and misused and that the policies have been rejected. With the failure of Indonesia to respond to the Papuan expectations and demands for a dialogue is not being met, the potential for violence has grown. The Coalition in this antagonized situation sees the need to support partners striving for recognition of basic human rights and seeking peaceful solutions to implement the right to self-determination. The Coalition supports human rights including the freedom to express political opinions peacefully, the right to self-determination and the critical role of human rights defenders for a for a peaceful transformation of the ongoing conflict.

### History of the Coalition

*The Coalition* was created in March 2003. From its launch in 2003 until December 2012, the Coalition was called the *Faith-based Network on West Papua* (FBN). The Coalition was created by religious, development cooperation, social and human rights organisations from different countries working for many years with partners in Papua. With the formation of the coalition, the associated faith-based organisations responded to a call from religious leaders in Papua to help them promote peace, justice and human rights in Papua.

After the end of the Suharto regime and its military oppression in 1998, the people of Papua hoped for democracy, rule of law and the protection of human rights for the indigenous people of Papua. In order to protect and guarantee the rights of the indigenous people of Papua, the Special Autonomy Law for Papua from 2001 was seen as a way forward after Papuans had suffered for decades under military rule and its extrajudicial killings, torture, arbitrary arrests, racial discrimination, exploitation of natural resources and the destruction of livelihoods. The members of the Coalition shared that hope.

However, the Special Autonomy Law has not been implemented. Instead, the Indonesian Government violated the law various times, e.g. by Presidential Decree 01/2003 to divide Papua into three Provinces without consultation of the Papuan people. Faith-

based and civil society organisations in Papua consider the Autonomy law as failed and reject its revised renewal in 2021. The militarisation Papua continues and with it the violations of civil and political as well as economic, social and cultural rights of the Papuan people. Perpetrators of human rights violations are not held accountable.

In that climate of violence and fear, the Papuan religious leaders were committed to making “Papua a land of peace” with the vision to guarantee the human rights of the Papuan people restore their self-esteem and find truth and reconciliation. The Coalition supported the campaign *Papua, land of peace* and the efforts of its religious leaders through various means of advocacy. Participating organisations had created the FBN in solidarity with the Papuan people and in consultation with their Papuan partners.

## Objectives and Methodology

### The major objectives of the coalition are

- To ensure the protection of the right to life and the survival of the Papuan people
- To work towards the end of the human rights violations and impunity in Papua
- To contribute to the establishment of rule of law in Papua
- To promote the search for a peaceful solution of the unsolved conflict by addressing the root causes and upholding the vision of Papua as a land of peace

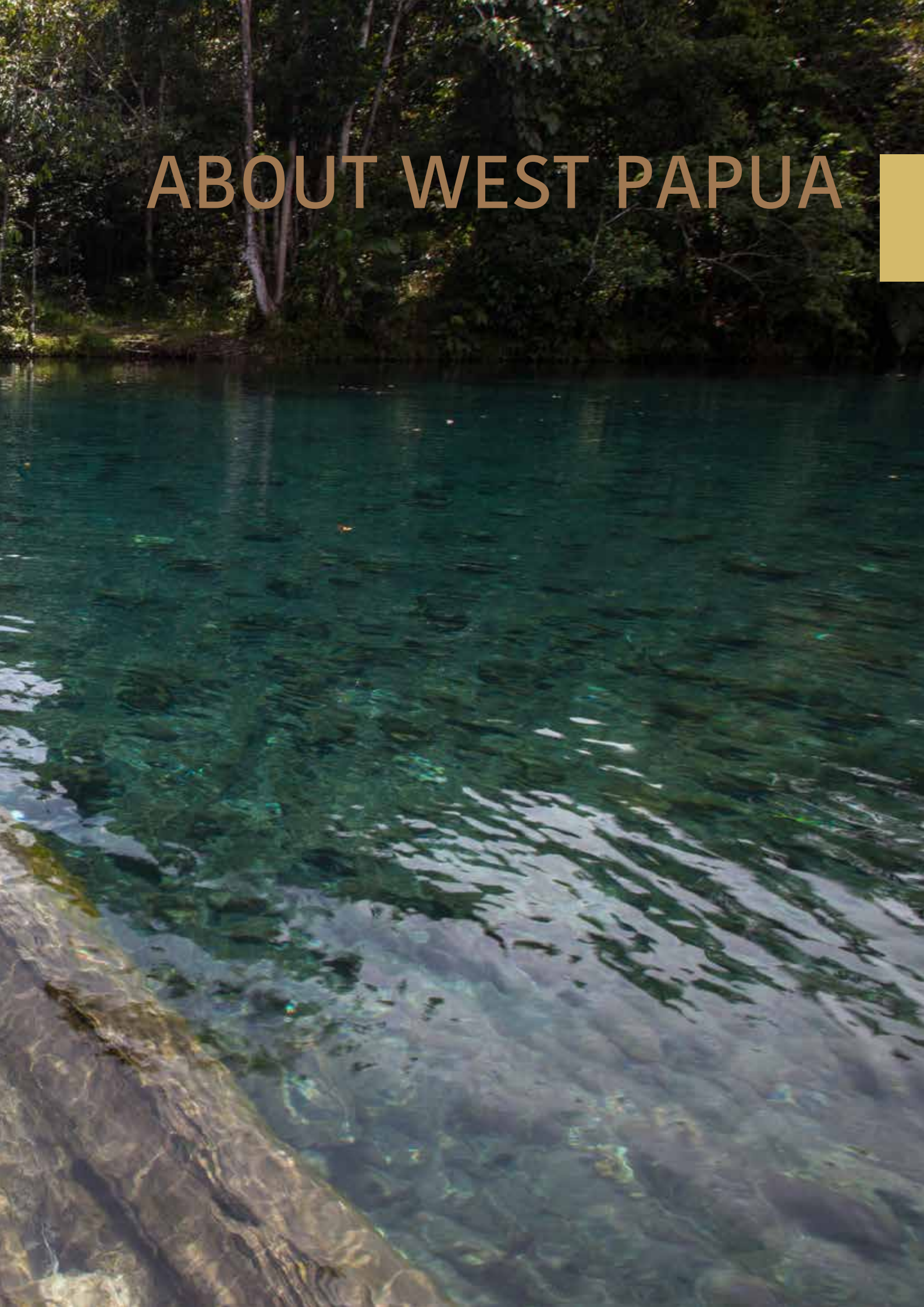
### The coalition works to achieve these aims in close cooperation with relevant partners through its joint initiatives on different levels:

- At the level of national governments of the respective organisations
- At the European Union, its institutions and agencies
- At the United Nations and especially its Human Rights Council
- At the level of international non-governmental organisations as well as religious leaders and organisations
- Through the cooperation and networking with other non-governmental organisations working on human rights, peace and the environment in Papua

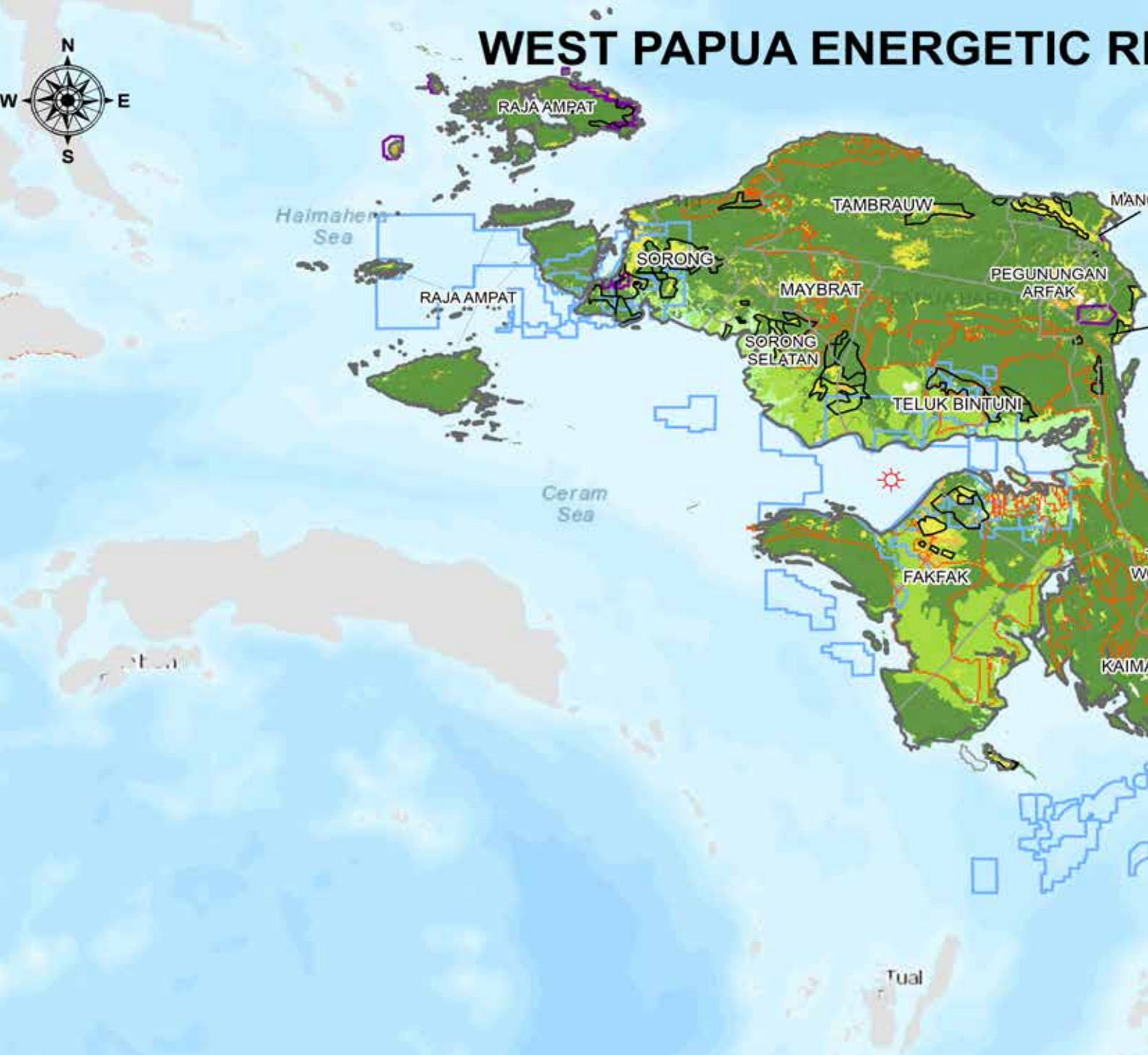


A five year old Papuan girl swims on the Blue River (Kali Biru) located in Teminabuan, South Sorong, West Papua. Photo © Jurnasyanto Sukarno / Greenpeace

# ABOUT WEST PAPUA



# WEST PAPUA ENERGETIC RESOURCES



## Legend

### Land Cover

- Dryland
- Grasslands
- Mangrove
- Others
- Swamp

### Concessions

- IUPHHK - Logging, enrichment, maintenance, and marketing of timber forest products
- Oil Palm
- Wood Fiber
- Mining
- Oil and Gas

### Boundaries

- Regional
- West Papua (Papua Barat)
- Other

### Points of Interest

- BP Bintuni
- Freepoint
- Wabun

# RESOURCES AND LAND COVER



## SECTION 2

# About West Papua

## 2.1 Land and Indigenous People

New Guinea is the world's second-largest island after Greenland. Politically, the western half –commonly referred to as West Papua– comprises the two Indonesian provinces of Papua and Papua Barat. West Papua offers great landscape diversity with mountainous regions in the Central Highlands, swampy inland areas, and savannah grasslands in the south and coastal areas, including multiple offshore islands in the Cenderawasih Bay. At an altitude of 4,884 m, the highest peak in West Papua is the *Puncak Jaya* or *Carstensz Pyramid*, which contains permanent equatorial glaciers.<sup>1</sup>

Most areas are characterised by an equatorial climate throughout the year, with seasonal variations caused by the northwest monsoon and the southeast trade winds. The existence of microclimates means precipitation is less predictable than in other parts of Indonesia and temperature varies significantly with altitude. In the central highlands, night frosts may occur above 4,000 m and periodic snowfalls above 4,500 m.<sup>2</sup>

The natural vegetation of West Papua covers the full range of tropical forests from lowland to alpine, and peat swamp to mangrove. After the Amazon and Congo, New Guinea is home to the third largest rainforest in the world with an area of 288,000 km<sup>2</sup> –about 65% of its land area.<sup>3,4</sup> West Papua's rainforests are characterised by extremely high biodiversity –they are home to various unique endemic species

- 1 Norwegian Department for Development Cooperation (2009): Environmental and Socio-Economic Baseline study – Papua, Indonesia, Study 4/2009, p. 14f, available at: [https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport\\_Indonesia.pdf/@inline](https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport_Indonesia.pdf/@inline)
- 2 Prentice, M.L. and G.S. Hope (2007): Climate of Papua and its recent changes, in Marshall & Beehler eds Part 1, The ecology of Papua, pp 177 - 195
- 3 WWF: The Area: Forests of New Guinea, available at: [https://www.panda.org/discover/knowledge\\_hub/where\\_we\\_work/new\\_guinea\\_forests/area\\_forests\\_new\\_guinea/](https://www.panda.org/discover/knowledge_hub/where_we_work/new_guinea_forests/area_forests_new_guinea/)
- 4 WWF: New Guinea, available at: [http://www.panda.org/knowledge\\_hub/where\\_we\\_work/new\\_guinea\\_forests/area\\_forests\\_new\\_guinea/plants\\_animals\\_new\\_guinea\\_forests/birds\\_forests\\_new\\_guinea/](http://www.panda.org/knowledge_hub/where_we_work/new_guinea_forests/area_forests_new_guinea/plants_animals_new_guinea_forests/birds_forests_new_guinea/)



such as paradise birds, Kasuari birds, and tree kangaroos.<sup>5</sup> Between 1998 and 2008, biologists identified more than a thousand new animal species, which is an indicator of the remoteness of New Guinea.<sup>6</sup> The surrounding seas are one of the world's top priorities for marine conservation with an extraordinary number of hard corals, molluscs, and reef fish. They serve as a nesting site for migratory sea turtles, passages for migrating mammals and mantas, and a feeding ground for large tuna populations.<sup>7</sup>

The Indonesian Forestry Department categorises about half of West Papua's 22 million hectares as "production forest". These areas are particularly vulnerable to deforestation owing to timber production and plantation activities. In particular, palm oil plantations have become a major threat to the flora, fauna, and indigenous communities. Forestry concessions are reported to cover 13 million hectares.<sup>8</sup> Several production forest areas are classified as Conversion Forest, which can be clear-felled and replaced with palm oil plantations, forestry plantations, or rapid-growing wood for pulp production. The majority of conservation areas are located in large-scale agricultural plantations or mountainous areas with low potential for exploitation.<sup>9</sup>

West Papua is rich in mineral resources, the exploitation of which has become a fundamental source of revenues for the Indonesian Government. The largest operations in the sector are the Freeport Gold and Copper Mine in the Mimika Regency and the British Petroleum Tangguh Gas exploitation

project in the Bintuni Bay.<sup>10</sup> Foreign investors have also expressed interest in exploiting West Papua's coal deposits.<sup>11</sup>

A notable feature of West Papua is the extreme ethnic diversity among its indigenous population. Linguistic research indicates there are 276 languages in West Papua, comprising 274 living languages and two second languages with no mother-tongue speakers. If language is used as a benchmark for distinguishing indigenous ethnic groups, there are 274 different indigenous tribes in West Papua. Most of these languages have fewer than 3,000 speakers.<sup>12</sup> Despite this diversity, indigenous Papuans consider themselves Melanesians, sharing a common social organisation, leadership, and livelihood with other Melanesian regions such as Papua-New Guinea, Vanuatu, or the Solomon Islands in the Pacific.

The customary forms of livelihood in West Papua vary strongly between the lowlands and the highlands. The primary staple food in the lowlands is sago, which is harvested from the tree marrow of a swamp palm (*Metroxylon sago*). Sago exploitation is combined with hunting and fishing, as well as the planting of bananas and tubers. In the Central Highlands, food production is based on the cultivation of tubers, primarily sweet potato and taro. Only a few larger animals inhabit highland forests; hence, husbandry of pigs is important for highland communities. Pigs serve not only as a source of protein but are of great importance for ritual exchange and the consolidation of social relations between clans and ethnic groups. Nowadays, many Papuans—particularly

5 Ibid. p. 18f

6 WWF: More than 1000 new species found in New Guinea, available at: [http://wwf.panda.org/wwf\\_news/?2200766/More-than-1000-new-species-found-in-New-Guinea](http://wwf.panda.org/wwf_news/?2200766/More-than-1000-new-species-found-in-New-Guinea)

7 Norwegian Department for Development Cooperation (2009): Environmental and Socio-Economic Baseline study – Papua, Indonesia, Study 4/2009, p. 19, available at: [https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport\\_Indonesia.pdf/@inline](https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport_Indonesia.pdf/@inline)

8 Wahyu Candra Irawan (2011): Natural resources and conflict in Papua, Indonesia, available at: <http://essc.org.ph/content/view/606/163/>

9 Norwegian Department for Development Cooperation (2009): Environmental and Socio-Economic Baseline study – Papua, Indonesia, Study 4/2009, p. 26, available at: [https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport\\_Indonesia.pdf/@inline](https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport_Indonesia.pdf/@inline)

10 Ibid. p. 30

11 Mongabay (11 June 2018): India eyes coal reserves in Indonesian Papua, available at: <https://news.mongabay.com/2018/06/india-eyes-coal-reserves-in-indonesian-papua/>

12 Ethnologue, Languages of the World: Languages of Indonesia (Papua), available at: [https://www.ethnologue.com/16/show\\_country/IDP/](https://www.ethnologue.com/16/show_country/IDP/)

those living near urban settlements– have changed their diet to rice and noodles, which can be bought in supermarkets or supplied to villages through Government food security programs<sup>13,14</sup>.

The most common forms of customary leadership in West Papua are chiefdoms and big-men systems. The latter are found in the central highlands and hinterland areas of West Papua. This type of system is a highly egalitarian form of political organisation in which community leaders emerge through skills and other leadership qualities. Big men use exchange and provision of goods to consolidate political support within their communities. Chiefdoms are the common form of leadership in coastal areas, they are inherited through patrilineal descent, and have a clear hierarchy. The chief has ownership rights over land, makes collective decisions, and plays a significant role in settling disputes within the community.<sup>15</sup>

All indigenous societies in West Papua share a common principle of social organisation, namely patrilineal descent. An ethnic group usually consists of multiple lineage groups or clans that claim collective ownership of land and natural resources. Although the land and resources are generously shared, the basic economic unit of production and consumption is the household, consisting of a married couple and their offspring. Marriages are sealed through the ceremonial payment of a bride-price, which often consists of pigs, food, and ceremonial items that vary between ethnic groups.<sup>16</sup>

Government-driven transmigration programmes and spontaneous migration have caused extreme changes in population growth and the demographic composition of West Papua. A census in 1971 reported a total population of 923,000 inhabitants, consisting of 96% Papuans and only 4%, or 36,000 inhabitants, of non-Papuan descent. By 2010, the population had increased to 3,612,854 people, consisting of 47.9% indigenous Papuans and 52.1% non-Papuans.<sup>17</sup>

## 2.2 History

Early archaeological relics indicate that the first human settlements in New Guinea emerged approximately 45,000 years ago.<sup>18</sup> Some of the oldest agricultural activities in the world are believed to take place in New Guinea. However, the arrival of the sweet potato marked a significant change in the agricultural and demographic development of New Guinea, particularly in the highlands where it continues to be the primary staple food. Originating from central and South America, the sweet potato was brought to New Guinea by European voyagers around 1500 A.D.<sup>19</sup>

Spanish explorer Yñigo Ortiz de Retez was the first explorer to mention New Guinea in written records. He reached its northern coast on 13 June 1545 and commandeered the land for the Spanish Crown. Ortiz de Retez called the island Nueva Guinea because he viewed the outer appearance of the local inhabitants as similar to the peoples of the Guinea coast in West Africa.<sup>20</sup> In the 18th century, the South

13 Jubi (28.7.2019): Sagu dilepas, beras digenggam, available at: <https://jubi.co.id/sagu-dilepas-beras-digenggam/>

14 Norwegian Department for Development Cooperation (2009): Environmental and Socio-Economic Baseline study –Papua, Indonesia, Study 4/2009, p. 20, available at: [https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport\\_Indonesia.pdf/@inline](https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport_Indonesia.pdf/@inline).

15 Ibid.

16 Ibid.

17 Jim Elmslie: The Great Divide: West Papuan Demographics Revisited; Settlers Dominate Coastal Regions but the Highlands Still Overwhelmingly Papuan, in: *The Asia-Pacific Journal: Japan Focus* (January 2017), available at: <http://apjif.org/2017/02/Elmslie.html>

18 Christian Kaufmann (1987): *Geschichte Neuguineas in vor-europäischer Zeit*, in: *Neuguinea - Nutzung und Deutung der Umwelt*, Band 1 (ed. Mark Münzel), p. 81f

19 Tim Denham (2013): Ancient and historic dispersals of sweet potato in Oceania in: *PNAS* vol. 110 (6), p. 1982, available at: <http://www.pnas.org/content/pnas/110/6/1982.full.pdf>

20 Jeff Moran's History Atlas, available at: <http://www.historyatlas.com/spanish-explorer-ynigo-ortiz-de-retez-in-com>

Pacific island of New Guinea became an object of imperial ambition, with the British, German, Dutch, and Japanese laying claim to parts of the island at different times. The independence declaration of the Indonesian Republic in 1945 brought most territories of the former Dutch East Indies under Indonesian sovereignty –except for the western half of the island of New Guinea (at that time known as Nederlands Nieuw Guinea), which remained under Dutch control and is commonly referred to today as West Papua.

In the 1950s, the Dutch government began preparing Nederlands Nieuw Guinea for independence through decolonisation. However, the path to independence was interrupted when the Indonesian government launched a military operation in December 1961 to secure the “return” of West Papua to the Republic of Indonesia. Occurring at a time of intense Cold War politics, Indonesia’s military expansion attracted international attention. Hence, the United States stepped in to broker a deal, which later became known as the “New York Agreement” of 1962. This pressured the Dutch to allow Indonesia to administer West Papua.

Indonesia was mandated to administer a UN-supervised referendum on the future of the territory in 1969, the so-called “Act of Free Choice”. Instead of organising a one-man, one-vote referendum, Indonesia handpicked

a decision-making council consisting of 1,026 tribal leaders from a population of more than 800,000. Faced with coercion and intimidation, the council returned a unanimous decision favouring West Papua’s integration with Indonesia. This amounted to international recognition of Indonesian sovereignty, whereas the majority of Papuans opposed Indonesian rule. Indeed, Papuans describe the 1969 consultation as an “Act of No Choice”. The Indonesian military responded with violence and oppression against both the resistance movement and the civilian population. The historical integration of West Papua is one of the root causes of a conflict that continues until today.

After the downfall of the Suharto regime in 1998, intellectuals and activists in Papua sensed an opportunity to achieve political self-determination. To quell demands for independence, the Indonesian government agreed to adopt a package of autonomy measures to give Papuans greater say over local policy and decision-making and increased control of revenues raised in West Papua. Most of the promised reforms were never implemented. At the same time, the central government enforced other policies without the consent of the Papuan people. Thus, Special Autonomy has not brought about any significant improvements in the welfare and dignity of indigenous Papuans.<sup>21</sup>

21 International Coalition for Papua: A short History of West Papua, taken from Fr Neles’ Tebay (2005): West Papua: The struggle for peace with justice, available at: <http://www.humanrightspapua.org/aboutpapua/8-a-short-history-of-west-papua>.



West Papuan activists scuffle with Indonesian soldiers and police officers who try to confiscate their banner during a rally calling for the remote region's independence in Jakarta, Indonesia, Saturday, Dec. 19, 2020. Photo credit: Picture alliance / Dita Alangkara

# CIVIL AND POLITICAL RIGHTS



## SECTION 3

# Civil and Political Rights

The civil and political rights situation in West Papua experienced significant setbacks throughout 2019 and 2020. This is primarily due to aggravation of the armed conflict in the central highlands and the Uprising, a series of protests opposing the racial discrimination of ethnic Papuans and supporting self-determination in 23 towns across West Papua and 17 cities in Indonesia between 19 August and 30 September 2019.

The armed conflict has significantly increased the number of extra-judicial executions taking place since 2019. The heavy presence of the military in the immediate surroundings of indigenous settlements and the ongoing raids have also led to a rise in the number of enforced disappearances, a relatively new pattern of violation in comparison to previous years (see Table 3.1). Even though the military and police have launched investigations into some cases, no perpetrators have been held accountable in public courts.

Likewise, the significant increase in political prisoners and detainees is a direct outcome of prosecutions following the Uprising. For instance, the number of prosecutions under charges of treason or criminal conspiracy as regulated under articles 106 and 110 of the Indonesian Criminal Code (KUHP) increased from seven in 2018 to 86 in 2019 (see Table 3.1). The Uprising also resulted in a series of violations against human rights defenders. The ICP observed a significant increase in attacks – particularly cyberattacks during a virtual panel discussion on West Papua – throughout 2020 as trials related to the Uprising were held.

The number of protests in which security forces forcefully intervened has risen considerably in the past two years. The enforcement of restrictive policies following the COVID-19 pandemic across Indonesia, including West Papua, in the second half of 2020 had little impact on the statistics on dispersed protests. The government is increasingly restricting access to West Papua for foreign journalists and observers under the pretext of the COVID-19 pandemic and the armed conflict. This has resulted in the absence of violations against foreign observers and journalists in West Papua throughout 2019 and 2020 (see Table 3.1 below).

Table 3.1: Data on the civil and political rights situation in West Papua between 2012 and 2020 (Source: media and first-hand sources of information)

Data on Civil and Political Rights in West Papua	Reporting Period								
	2012	2013	2014	2015	2016	2017	2018	2019	2020
Cases of Violence/Arrests/Threats against local Journalists	12	20	18	5	8	10	2	5	2
Cases of Violence/Deportation/Intimidation/Obstruction against foreign Journalists and Observers providing coverage on Papua related issues in Indonesia	2	0	2	4	0	3	2	0	0
Number of reported Torture/Ill-treatment Cases	28	30	76	19	20	32	21	22	34
Number of reported Torture/Ill-treatment Victims	99	67	135	244	64	184	55	126	89
Number of reported Cases of Extra-judicial Killings	11	6	8	10	6	10	11	16	16
Number of reported Victims of Extra-judicial Killings	18	8	12	14	6	10	23	33	25
Number of reported Cases of Enforced Disappearances	N/A	N/A	N/A	N/A	N/A	N/A	2	2	2
Number of reported Victims of Enforced Disappearances	N/A	N/A	N/A	N/A	N/A	N/A	5	6	4
Sanctions against Perpetrators by Police and Military	0	0	0	1	2	3	0	2	2
Number of Political Arrests	210	539	370	1083	5361	601	1068	619	384
Number of Political Prisoners/Detainees	40	70	55	57	27	0	25	230	19 as of Sept 2020
Number of Peaceful Demonstrations/Assemblies/Gatherings on Papua related to political issues, forcefully intervened by security forces	8	29	14	24	35	13	27	38	37
Violence/threats against Human Rights Defenders	3	1	5	5	2	10	6	8	20
Cases prosecuted with Treason Charges (Article 106 and/or 110 KUHP)	27	25	31	14	15	0	7	86	18

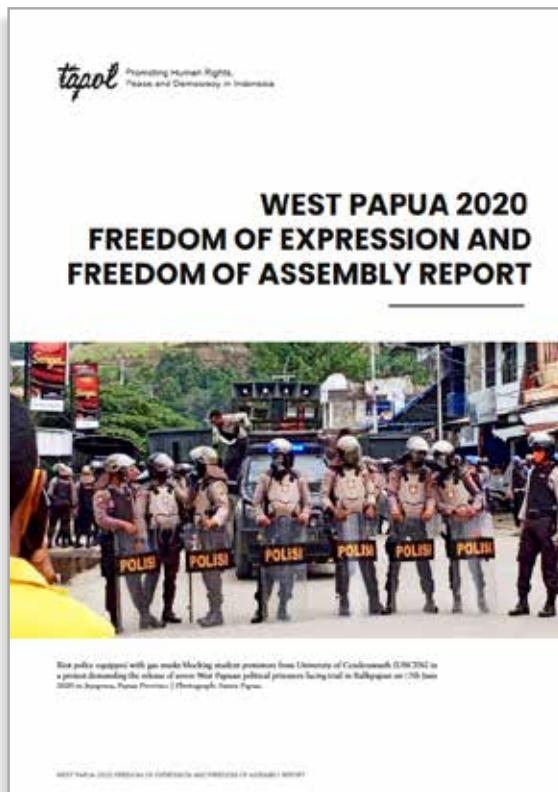
### 3.1 Freedom of Expression & Assembly

The rights to freedom of expression, assembly, and association of West Papuan people were not respected throughout 2019 and 2020.<sup>1</sup> A crackdown, unprecedented in decades, took place as Indonesia crushed the 2019 West Papua Uprising (“The Uprising”). Its impact could still be felt the following year. Law enforcement institutions have since

committed repressive acts under the pretext of preventing the spread of COVID-19.

The West Papua movement, including the solidarity it receives from Indonesian people, has grown stronger each year. Whilst 2019 was notable for The Uprising whilst 2020 was significant for the Papuan Lives Matter movement. However, stronger movement incites stronger repression by the Indonesian state.

<sup>1</sup> A summary of 2019 and 2020 annual reports on the Rights to Freedom of Expression and the Rights to Freedom of Assembly in West Papua by TAPOL



You can download this publication here:

<https://bit.ly/FoEfoAWPTapol2020>



land, but also Indonesians who support their cause. Both state and non-state actors have committed attacks. Students in Timor Leste have also been subjected to arbitrary arrest for expressing solidarity with West Papua in both 2019 and 2020.<sup>3</sup>

## 2019 Overview

Regarding freedom of expression and association, there were 1,521 cases of arbitrary arrest, 38 cases of forced dispersal of gatherings, 45 cases of intimidation and harassment, and 22 cases of torture/illtreatment. Of those arbitrarily arrested, 188 people were charged including 86 for treason. Most of these violations occurred during The Uprising.

The Uprising was triggered by the racist persecution of West Papuan students in Java from 15th to 18th August 2019. It then swept across 23 towns in West Papua and 17 cities in Indonesia between 19th August and 30th September (see Graphic 3.1-1).<sup>4</sup> The three key

A hiatus in the use of treason charges against West Papuan people occurred when President Joko Widodo granted clemency to five West Papuan political prisoners in 2015. However, in 2019 a sudden influx involving 22 key activists of The Uprising took place, since then charges similar to treason have been used regularly.

The Government imposed an Internet and mobile shutdown for the first time in West Papua during The Uprising. This act was ruled unlawful by the state administrative court in Jakarta in June 2020.<sup>2</sup>

Repression is directed not only against West Papuans, who live in and outside their home-

2 Jakarta Post (3.6.2020): Internet ban during Papua antiracist unrest ruled unlawful, available at: <https://www.thejakartapost.com/news/2020/06/03/internet-ban-during-antiracism-unrest-in-papua-deemed-illegal.html>.

3 Asia Pacific Report (28.8.2019): Timor-Leste police arrest 46 West Papuan solidarity protesters, available at: <https://asiapacificreport.nz/2019/08/28/timor-leste-police-arrest-46-west-papuan-solidarity-protesters/>.

4 TAPOL (September 2020): The 2019 West Papua Uprising, Protests against racism and for self-determination, p. 117, available at: <https://www.tapol.org/sites/default/files/The%202019%20West%20Papua%20Uprising.pdf>.





## ■ Human Rights in West Papua

This militarisation further stifled freedom of speech and association. Student dormitories in Jayapura were subjected to frequent random raids to prevent consolidations. The militarisation and its effects continued into the following year.

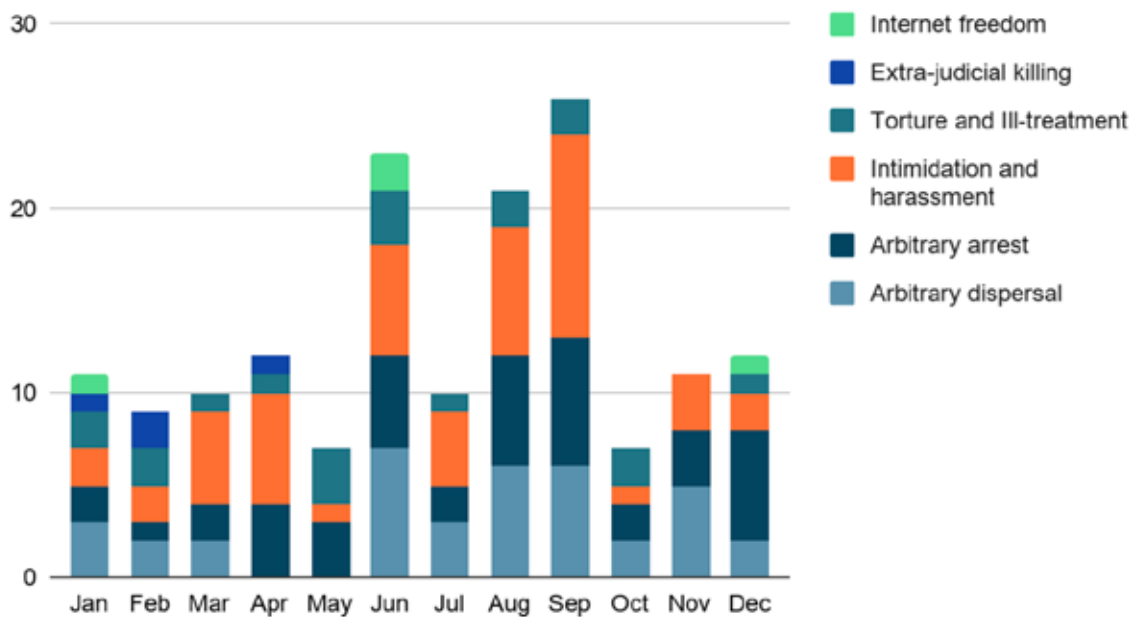
### 2020 Overview

In 2020, there were at least 43 incidents of arbitrary arrest, 37 incidents of forced dispersal, 49 intimidation and harassment incidents, and 34 cases of torture and ill-treatment. Of 19 political prisoners, 18 were charged with treason and one under the controversial internet law (see graphic 3.1-2).

Numerous protests and public discussions have been forcibly terminated in the name of preventing COVID-19. However, this policy has been applied discriminately against people who speak up about West Papua and other dissidents in parts of Indonesia.

In Timor Leste, 14 students were prosecuted for protesting in solidarity with West Papua outside the Indonesian embassy in June. This led to a landmark ruling which stated that the colonial law on demonstrations was invalid and must be revised by parliament. However, in September 2020, sixteen students were prosecuted for a similar protest. They were found guilty of violating Article 244 of the Penal Code on disobedience and fined 45 dollars each.<sup>7</sup>

Numbers and types of incidents by month



Graphic 3.1-2: Violations in relation to the freedom of expression and freedom of peaceful assembly and association in West Papua throughout 2020

<sup>7</sup> Suara Papua (11.9.2020): 16 Aktivist Front Mauber untuk West Papua Dinyatakan Bersalah membayar Denda \$720, available at: <https://suarapapua.com/2020/09/11/16-aktivis-front-mauber-untuk-west-papua-dinyatakan-bersalah-membayar-denda-720/>

## 3.2 Criminalisation of Activists

Indonesian activists face a wide range of reprisals. Over the last two years, the criminalisation of peaceful activists has become the most common form of repression by Indonesian state institutions. Among the groups targeted most often are human rights defenders speaking out about human rights violations in West Papua and political activists advocating the right to self-determination. Since January 2019, at least 67 Indonesian activists inside and outside of West Papua have been prosecuted or are currently under investigation for allegedly committing a criminal offence (see Table 3.2-1).

Indonesian law enforcement institutions employ vague legal provisions to prosecute activists. Throughout the reporting period,

the most common fabricated charge against activists was Article 106 of the Indonesian Criminal Code (KUHP) on treason in the context of West Papua. The article appeared in 74% of the charges or indictments of documented criminalisation cases during this time. Another frequently invoked provision, applied in 57% of cases, was Article 110 of KUHP on criminal conspiracy. Article 160 of KUHP on incitement was employed in 14% of cases. Other vague legal provisions that repeatedly appeared in the context of criminalisation were Article 28 (2) of Electronic Information and Transactions Law No. 11/2008 (ITE Law) on hate speech and Articles 1 and 2 of Emergency Law No. 12/1951 on unlawful possession of sharp weapons and firearms (see Table 3.2-1).

**Table 3.2-1: Trials and attempted criminalisation of activists working in and on West Papua throughout 2019 & 2020**

No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
1	Yanto Awerkion	Article 106/110 KUHP on treason; public prosecutor changed indictment to Article 169 (1) & (3) KUHP on engagement in illegal organisation with criminal intent	Mimika	KNPB	1 year imprisonment
2	Sem Asso	Article 106/110 KUHP on treason; public prosecutor changed indictment to Article 169 (1) & (3) KUHP on engagement in illegal organisation with criminal intent	Mimika	KNPB	10 months imprisonment
3	Edo Dogopia	Article 106/110 KUHP on treason; public prosecutor changed indictment to Article 169 (1) & (3) KUHP on engagement in illegal organisation with criminal intent	Mimika	KNPB	8 months imprisonment
4	Erichzon Mandibar	Article 214 (1) KUHP resisting orders of public authorities	Mimika	KNPB	15 months Imprisonment
5	Yakonias Womsiwor	Article 214 (1) KUHP resisting orders of public authorities	Mimika	KNPB	18 months Imprisonment
6	Sam Lokon	Article 480 KUHP on fencing stolen goods	Jayapura	KNPB	6 months imprisonment
7	Bazoka Logo	Article 266 KUHP on document forgery	Jayapura	ULMWP	1 year imprisonment
8	Dolfinus Hisage	Article 160 of the Indonesian Criminal Code (KUHP) on incitement, article 170 of KUHP on participation in collective violence against persons or objects, and article 365 of KUHP on theft accompanied by violence	Jayapura	Student Activist	6 months Imprisonment
9	Donny Itlay	Article 480 KUHP on fencing stolen goods	Jayapura	KNPB	7 months Imprisonment
10	Paulus Suryanta Ginting	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: Article 110 (1) KUHP on criminal conspiracy	Jakarta	FRI WP	9 months imprisonment

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No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
11	Issay Wenda	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: Article 110 (1) KUHP on criminal conspiracy	Jakarta	Student Activist	8 months imprisonment
12	Arina Lokbere	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: Article 110 (1) KUHP on criminal conspiracy	Jakarta	Student Activist	9 months imprisonment
13	Charles Kossay	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: Article 110 (1) KUHP on criminal conspiracy	Jakarta	Student Activist	9 months imprisonment
14	Ambrosius Mulait	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: Article 110 (1) KUHP on criminal conspiracy	Jakarta	Student Activist	9 months imprisonment
15	Dano Tabuni	1. Indictment: Article 106 KUHP in conjunction with Article 87 KUHP on treason 2. Indictment: article 110 (1) KUHP on criminal conspiracy	Jakarta	Student Activist	9 Months imprisonment
16	Alexander Gobay	1. Indictment: Article 110 (1) KUHP on criminal conspiracy in conjunction with Article 106 KUHP on treason in conjunction with Article 55 (1) 1 KUHP 2. Indictment: Article 106 KUHP in conjunction with article 55 (1) 1 KUHP; Article 55 KUHP elaborates three types of engagement (giving an order for, participating in, or conducting a crime)	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	President of the student representative council at the University for technology and sciences in Jayapura	10 months imprisonment
17	Agus Kossay	1. Indictment: Article 106 KUHP in conjunction with article 55 (1) 1 KUHP 2. Indictment: Article 110 (1) KUHP 3. Indictment: Article 110 (2) 1 KUHP 4. Indictment: Article 82A (2) in conjunction with Article 59 (3) a & b and (4) of Government regulation No. 13/ 2017 on social organisations in conjunction with Article 55 (1) 1 KUHP	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Chairman of the West Papua National Committee (KNPB)	11 months imprisonment
18	Buchtar Tabuni	1. Indictment: Article 106 KUHP in conjunction with Article 55 (1) 1 KUHP 2. Indictment: Article 110 (1) KUHP in conjunction with Article 55 (1) 1 3. Indictment: Article 160 KUHP on incitement	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Vice chairman of the legislative body of the United Liberation Movement for West Papua (ULMWP)	11 months imprisonment
19	Stevanus Itlay	1. Indictment: Article 106 KUHP in conjunction with Article 55 (1) 1 KUHP 2. Indictment: Article 107 (1) KUHP on treason in conjunction with Article 55 (1) 1 KUHP 3. Indictment: Article 107 (2) KUHP in conjunction with Article 55 (1) 1 KUHP 4. Indictment: Article 110 (1) KUHP in conjunction with Article 55 (1) 1 KUHP	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Chairman of the KNPB branch in Timika	11 months imprisonment
20	Hengki Hilapok	1. Indictment: Article 106 KUHP in conjunction with Article 55 (1) 1 KUHP 2. Indictment: Article 110 (1) KUHP in conjunction with Article 106 KUHP 3. Indictment: Article 160 KUHP	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Student activist	10 months imprisonment

No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
21	Ferry Gombo	1. Indictment: Article 106 KUHP in conjunction with Article 55 (1) 1 KUHP 2. Indictment: Article 110 (1) KUHP in conjunction with Article 106 KUHP in conjunction with Article 55 (1) 1 3. Indictment: Article 160 KUHP in conjunction with Article 55 (1) 1 KUHP	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Chairman of the student executive board of Cenderawasih University in Jayapura	10 months imprisonment
22	Irwanus Uropmabin	1. Indictment: Article 106 KUHP in conjunction with Article 55 (1) 1 2. Indictment: Article 160 KUHP in conjunction with Article 55 (1) KUHP	Arrested in Jayapura, trial took place in Balikpapan, Kalimantan Timur Province	Student activist	10 months imprisonment
23	Assa Asso	1. Indictment: Article 106 jo. Article 87 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy 3. Indictment: Article 160 KUHP on incitement 4. Indictment: Article 187 KUHP on deliberate arson. 5. Indictment: Articles 14 paragraph (1), (2), and 15 on dissemination of false news of Law No. 1/1946 regarding criminal law regulations 6. Indictment: article 66 on Desecration of the national flag of Law No. 24/2009 on flags, language, state symbols, and national anthems 7. Indictment: Article 2 on possession or use of slashing, stabbing, or thrusting weapons under Emergency Law No 12/1951 8. Indictment: Article 170 (1) KUHP on public and joint violence against persons or property 9. Indictment: Article 365 KUHP	Jayapura	Film maker and member of the civil society organisation 'Papuan Voices' which makes documentaries about West Papua	10 months imprisonment
24	Septi Meidoga	Indictment: Article 28 (2) in conjunction with article 45A (2) of Law No. 19 /2016 regarding the amendment of Law No. 11/2008 on Electronic Information and Transactions pertaining to hate speech	Manokwari	Activist, not affiliated	4 months and 20 days imprisonment
25	Erik Aliknoe	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy 3. Indictment: Article 160 KUHP on incitement 4. Indictment: Article 212 KUHP in conjunction with article 213 KUHP on committing or threatening violence against state officials on duty	Manokwari	Student Activist	9 months imprisonment
26	Yunus Aliknoe	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy 3. Indictment: Article 160 KUHP on incitement 4. Indictment: Article 212 KUHP in conjunction with article 213 KUHP on committing or threatening violence against state officials on duty	Manokwari	Student Activist	9 months imprisonment
27	Pende Mirin	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy 3. Indictment: Article 160 KUHP on incitement 4. Indictment: Article 212 KUHP in conjunction with article 213 KUHP on committing or threatening violence against state officials on duty	Manokwari	Student Activist	9 months imprisonment
28	Sayang Mandabayon	Indictment: Article 106 KUHP in conjunction with article 110 KUHP on treason, in conjunction with article 55 KUHP on engagement in the crime (whether giving an order for, participating in, or conducting the crime)	Manokwari	Senior political activist	9 months imprisonment

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No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
29	Yoseph Laurens Syufi alias Siway Bofit	1. Indictment: Article 110 (1) KUHP on criminal conspiracy in conjunction with article 87 on treason 2. Indictment: Article 14 paragraph (1) and (2) on dissemination of false news or notifications and Article 15 on broadcasting news that can cause trouble among people under Law 14/1946 regarding Criminal Law Regulations	Sorong	Political activist	8 months and 15 days imprisonment
30	Ethus Paulus Miwak Kareth	1. Indictment: article 110 (1) KUHP on criminal conspiracy in conjunction with article 87 on treason 2. Indictment: Article 14 paragraph (1) and (2) on dissemination of false news or notifications and Article 15 on broadcasting news that can cause trouble among people under Law 14/1946 regarding Criminal Law Regulations	Sorong	Political activist	8 months and 15 days imprisonment
31	Manase Baho	1. Indictment: Article 110 (1) KUHP on criminal conspiracy in conjunction with article 87 on treason 2. Indictment: Article 14 paragraph (1) and (2) on dissemination of false news or notifications and Article 15 on broadcasting news that can cause trouble among people under Law 14/1946 regarding Criminal Law Regulations	Sorong	Political activist	8 months and 15 days imprisonment
32	Herman Sabo alias Rianto Ruruk	1. Indictment: Article 110 (1) KUHP on criminal conspiracy in conjunction with Article 87 on treason 2. Indictment: Article 14 paragraph (1) and (2) on dissemination of false news or notifications and Article 15 on broadcasting news that can cause trouble among people under Law 14/1946 regarding Criminal Law Regulations	Sorong	Political activist	8 months and 15 days imprisonment
33	Veronika Koman	1. Indictment: Article 160 KUHP on incitement 2. Indictment: Provisions of ITE Law	Surabaya	Human rights activist and lawyer	-
34	Dandhi Dwi Laksono	Indictment: Article 28 of the ITE Law	Bekasi	Vice chairman of the legislative body of the United Liberation Movement for West Papua (ULMWP)	-
35	Melianus Duwitau	Charges: Article 45A (2) in conjunction with article 28 (2) of Law No 19/2016 regarding changes in Law 11/2011 on Electronic Information and Transactions (ITE Law). The articles regulate the criminal offence of hate speech and carry a maximum penalty of six years imprisonment.	Nabire	Activist, not affiliated with a political group	case was not forwarded to public prosecutor
36	GM	Charges: Article 28 (2) of Law No. 19 /2016 regarding the amendment of Law No. 11/2008 on Electronic Information and Transactions pertaining to hate speech	Jayapura	Student activist	
37	Adam Sorry	1. Indictment: Article 338 KUHP on homicide 2. Indictment: Article 351 (3) KUHP on physical assault causing death	Maybrat	KNPB	in progress
38	Philipus Robaha	Charges: violation of the Electronic Information and Transactions Law (ITE Law)	Jayapura	Vice-Chairman of West Papua National Student and Youth Solidarity (SONAMAPA)	case was not forwarded to the public prosecutor

No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
39	Daniel Jitmau	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
40	Paulus Syama	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
41	Lukas Nauw	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
42	Simon Aifat	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
43	Berto Tomow	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
44	Frengky Nauw	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
45	Lukas Smass	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
46	Marlinda Mangko	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
47	Silvester Nauw	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
48	Wilson Kofias	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
49	Jhosua Kingho	1. Indictment: Article 106 KUHP on treason 2. Indictment: Article 110 KUHP on criminal conspiracy	Sorong	Political activist	16 months imprisonment
50	Simon Sasior	1. Indictment: Article 110 (2) KUHP on criminal conspiracy 2. Indictment: Article 110 (1) KUHP on criminal conspiracy 3. Indictment: Article 106 KUHP on treason	Sorong	KNPB	in progress
51	Marten Muk	2. Indictment: Article 110 (2) KUHP on criminal conspiracy 2. Indictment: Article 110 (1) KUHP on criminal conspiracy 3. Indictment: Article 106 KUHP on treason	Sorong	KNPB	in progress
52	Yakobus Assem	3. Indictment: Article 110 (2) KUHP on criminal conspiracy 2. Indictment: Article 110 (1) KUHP on criminal conspiracy 3. Indictment: Article 106 KUHP on treason	Sorong	KNPB	in progress
53	Charles Sraun	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
54	Petrus Paulus Kontremko	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
55	Kristian Yandun	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	died during custody
56	Robertus Landa	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
57	Michael Beteop	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
58	Elias Kmur	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
59	Marianus Anyum	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
60	Kristian. M. Anggunop	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
61	Emanuel. T Omba	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
62	Petrus Kutey	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody

No	Name	Indictment/ Charges	Location	Group affiliation victim	Progress and Sentences
63	Linus Pasim	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
64	Salerius Kamogou	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
65	Petrus Koweng	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
66	Yohanes Yawon	Charges: Articles 106 & 107 KUHP on treason & 110 KUHP on criminal conspiracy	Merauke	KNPB	still in custody
67	Jeremias Rabrageri	Charges: to be confirmed	Yapen	WPNA	still in custody

Different forms of criminalisation and prosecution are commonly used against political activists in West Papua. Members or supporters of the 'West Papuan National Committee' (KNPB) were the activists most frequently targeted by law enforcement institutions throughout the reporting period. Other victims of criminalisation were members of Papuan student organisations or the United Liberation Movement for West Papua (ULMWP). In isolated cases, the police also pressed charges against human rights defenders and journalists.

Reports on the conditions of political detainees or prisoners throughout 2019 and 2020 indicate that they were often subjected to ill-treatment and torture throughout all stages of the law enforcement process. Moreover, law enforcement institutions and officers often ignored the health issues experienced by political activists during detention. Cases of negligence were reported in at least three cases, while torture or ill-treatment during arrest or detention was committed against at least 18 activists.

Most significant throughout 2019 and 2020 was the prosecution of activists and protesters who participated in mass demonstrations against the racial discrimination of indigenous Papuans in Indonesia. These protests were triggered by a series of racist assaults on Papuan students in the Javanese cities of Malang and Surabaya on 15 and 16 August

2019. The protests took place in all major cities in the Indonesian provinces of Papua and Papua Barat throughout late August and September 2019. Several demonstrations escalated into civil unrest and violent crackdowns by security forces, resulting in numerous arrests. Following these civil disturbances, the Indonesian police launched a widespread series of prosecutions against political activists, journalists, and human rights defenders.

### Case Study: Series of prosecutions following Papua-wide protests against racism in September and August 2019

The incidents in Java triggered mass demonstrations, not only against racial discrimination but also for self-determination. Although the majority of protests in Papuan cities in late August 2019 were peaceful, several anti-racism and pro-self-determination demonstrations in West Papua were accompanied by violence. Some protesters set public facilities on fire and destroyed government offices. The security forces in multiple locations responded with an excessive use of force. Riots and violent crackdowns by security forces took place in Fak-Fak, Sorong, Jayapura, Manokwari, Timika, Waghete, and Wamena. The protests were also accompanied by inter-ethnic conflict between indigenous Papuans and migrants in Fak-Fak, Jayapura, and Wamena. The inter-ethnic violence and vicious security force crackdowns



on demonstrations and unrest resulted in 59 deaths in less than one month.

Shortly after the anti-racism protests, the police and public prosecutors initiated legal processes against multiple activists, journalists, human rights defenders, and protesters. Law enforcement agencies employed vague legal provisions on conspiracy, treason, and incitement and violation of the ITE Law. Other charges that were primarily pressed against participants in demonstrations were possession of sharp weapons, deliberate arson, theft, and the use of violence against state officials on duty.

The police generally targeted members of the pro-independence organisations ULMWP and KNPB. Lawyers argued that Indonesian law enforcement institutions systematically used these legal provisions to silence their critics and undermine civil society organisations, particularly those peacefully promoting the right to self-determination in West Papua.

The trials took place in all major Papuan cities.<sup>1</sup> Some were transferred to district courts in other parts of West Papua. One trial against seven Papuan political activists was moved to Balikpapan, in the Kalimantan Timur Province.

Statistical data indicate that Indonesian police officers made at least 525 arrests in connection with the protests between 18 August and 25 September 2019. The police and public prosecutors subsequently initiated legal processes against at least 130 suspects (see Table 3.2-2). Twenty-two were charged with treason or criminal conspiracy under Articles 106 and 110 of KUHP for participating in demonstrations against racism or peacefully advocating for the right to self-determination.

Although several of the articles carry maximum penalties of up to twenty years, the sentences imposed were barely longer than

the detention period; consequently, most of the defendants were released within a few days or weeks after the verdict. This supports the impression that the police and public prosecutors initiated the trials to criminalise participants and activists. In most cases, the judges decided to impose a short-term penalty almost equal to the period of detention. None of the defendants were acquitted, even though, in the majority of cases, the witness testimonies and evidence presented in court did not indicate the involvement of defendants in any criminal acts. The judges most probably took the side of police and public prosecutors, rather than ruling according to the facts in court, probably to avoid further claims from defendants. Defendants have the right to demand reparation for an unlawful detention only if they are acquitted at court.

The trials also revealed that police officers tortured defendants during custody and forced them to sign false confessions, admitting criminal offences they did not commit. A large number of the defendants who were sentenced appealed against the verdicts, even those who served minor sentences, and were released shortly afterwards.



Image 3.2-1: Six Papuan activists - Issay Wenda, Charles Kossay, Arina Lokbere, Surya Anta Ginting, Dano Tabuni, and Ambrosius Mulait (left to right), pictured during a court session in Jakarta (source: Jubi)

<sup>1</sup> The trials were held in Jayapura, Manokwari, Timika, Fakfak, Sorong, Wamena, Biak, and Nabire

Table 3.2-2: Overview of legal prosecutions in relation to Papua-wide protests against racism in August and September 2019.

No	Protests against racism and for self-determination	Place of trial	Number of defendants/detainees
1	Anti-racism protests and civil unrest on 29 August 2019 in Jayapura	Jayapura	28
2	Anti-racism protest in front of the State Palace in Central Jakarta on 28 August 2019	Jakarta	6
3	Anti-racism protest in all cities across West Papua on 28 August 2019	Balikpapan	7
4	Anti-racism protest and civil unrest in Waghete, Deiyai Regency, on 28 August 2019	Nabire	9
5	Anti-racism protest by students in Waena, Jayapura City, on 23 September 2020	Jayapura	12
6	Anti-racism protest and civil unrest in Manokwari on 19 August 2019	Manokwari	17
7	Anti-racism protest in Sorong on 18 and 19 September 2019	Sorong	4
8	Anti-racism protest and civil unrest in Wamena on 23 September 2019	Wamena and Biak	34
9	Civil unrest in Oksibil, Pegunungan Bintang Regency, on 27 September 2019	Biak (Oksibil)	6
10	Anti-racism protest and civil unrest in Fakfak on 21 August 2019	Fakfak	4
11	Anti-racism protest in Timika on 21 August 2019	Timika	3
<b>TOTAL</b>			<b>130</b>

### 3.3 Human Rights Defenders

Human rights defenders (HRDs) working in West Papua continue to face the ubiquitous risk of intimidation, harassment, obstruction, or physical assault against themselves or their relatives. This situation significantly deteriorated after West Papua-wide protests against racism triggered a wave of criminalisation of protesters, activists, and human rights defenders in September 2019. Consequently, the number of reported violations against HRDs more than trebled from four in 2019 to thirteen in 2020.

Some actions targeted multiple HRDs during single incidents, such as virtual discussions or litigation work at police stations. In 2019, eight HRDs reported acts of intimidation,

harassment, obstruction, or physical assault. This number more than doubled in 2020 to twenty (see Table 3.3-1).

In previous years, including 2019, the police and the military were the main perpetrators of reported violations. This trend changed in 2020. Of the 13 reported violations, only three were committed by police officers. By contrast, ten were committed by non-government actors (see Table 3.3-1).

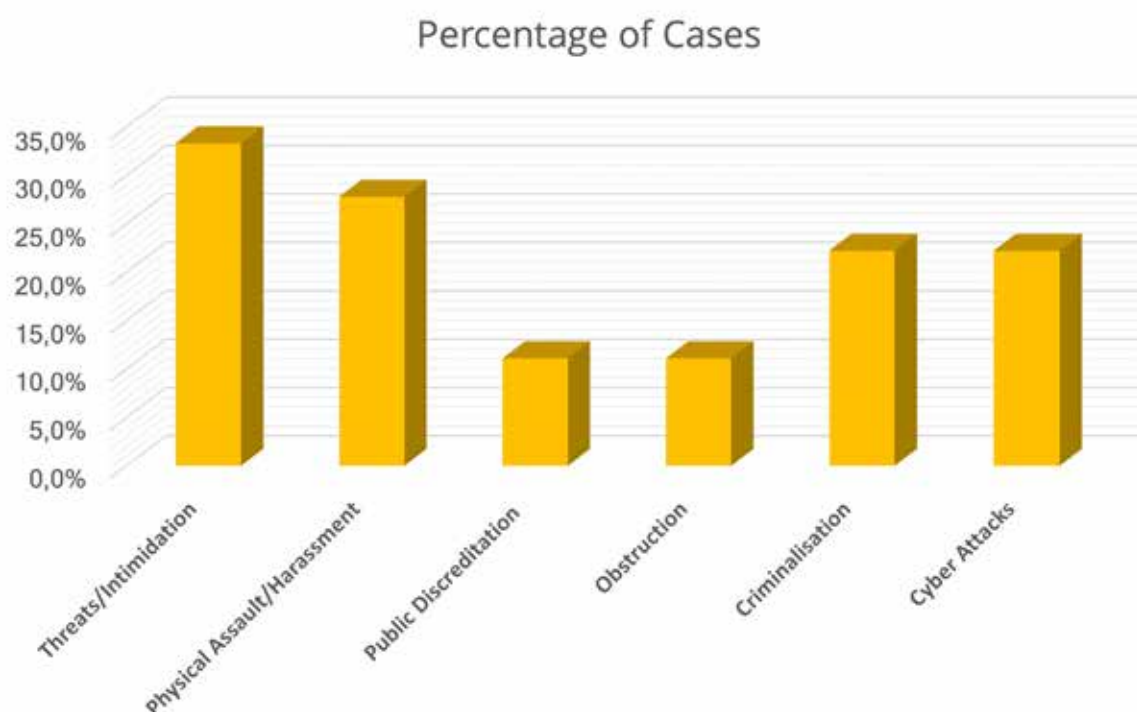
These non-state actors can be divided into two groups. One comprises civil society individuals or groups that appear to have acted on behalf or in cooperation with security forces. The second group comprises unknown organised groups conducting cyberattacks against HRDs.

Table 3.3-1: Statistics on assault, obstruction, intimidation, and harassment of HRDs working in or on West Papua throughout 2019/2020

Assault/obstruction/intimidation/harassment of HRDs in West Papua	2017	2018	2019	2020
Number of targeted HRDs/HR organisations	11	9	8	20
Number of reported violations	10	7	4	13
Perpetrator was a member of the military	3	4	2	0
Perpetrator was a police officer	6	2	1	3
Other actors	1	1	1	10

While the obstruction and threats/intimidation of HRDs were the most common offences reported throughout 2017 and 2018, the years 2019 and 2020 were marked by a decline in obstruction cases and a boom in cyberattacks. Threats/intimidation remained the most common form of violation, followed by physical assault/harassment. Cyberattacks

and criminalisation, each constituting 22.2% of the reported violations, were the third most common. Attempts at public discreditation and obstruction were employed in 11.1% of cases. Lawyers in West Papua are often obstructed when they want to meet with suspects or defendants during police detention (see Graphic 3.3-1).



Graphic 3.3-1: Types of Violations against HRDs in West Papua throughout 2019/2020

Before 2019, cyberattacks targeted Papuan news outlets publishing content on aspirations of self-determination or human rights abuses in West Papua.<sup>1</sup> The rise of cyberattacks against HRDs might be related to a growing disinformation campaign on the internet. This movement has spread rapidly across social media since 2019. It counter-balances information on human rights abuses and aspirations of self-determination in West Papua. Indonesian government institutions are likely to make use of third-party actors offering their services either for payment or out of a shared belief.<sup>2</sup>

### Case Studies:

► After a refugee solidarity group set up a temporary school for IDPs from the Nduga regency in Wamena, members of the police and military repeatedly tried to access the premises between 10 and 14 February 2019 and intimidated the group. On 15 February 2019, the Chief of the Jayawijaya 1702 Military Command admonished the school, arguing that their activities would only draw unwanted attention to the displacements and the conflict situation in Nduga.<sup>3</sup>

► In September 2019, the Surabaya Police accused Veronica Koman of violating Article 160 of the Indonesian Penal Code (KUHP) on incitement by disseminating false information that fuelled the violent protests against racism in West Papua.<sup>4</sup> Moreover, the Indonesian

police attempted to prosecute her through Interpol. Koman denied any wrongdoing and Amnesty International published an urgent appeal. A panel of United Nations Experts urged the Indonesian government to protect her rights as a HRD.<sup>5</sup>

► On 7 December 2019, two members of the military special force division “Kopassus”, affiliated to the Maleo Regiment, intimidated Yones Douw from JPIC Kingmi Papua. They entered his house in Nabire, questioned him about his plans to commemorate the global Human Rights Day, and sought information about his family.<sup>6</sup>

► The web host<sup>7</sup> of Papuans Behind Bars (PBB) was subjected to cyberattacks on 22 and 23 November 2019 to prevent access to a new report by the organisation. The attacks were categorised as Distributed Denial of Service<sup>8</sup> (DDoS) for hire because they lasted precisely one hour.

► On 7 April 2020, police officers arrested Ema Natkime -founder of the human rights organisation ‘Yahamak’- and five of her relatives in Mimika. They brought the detainees to the Kuala Kencana Sub-District Police Station and allegedly beat Ema in order to force a confession.<sup>9</sup> The officers had found large quantities of food supplies inside their car, which they suspected were for the TPN PB.

1 SAFEnet (2019): Jalan Terjal Mempejuangkan Hak-hak Digital, Laporan Tahunan SAFEnet 2018, p. 12, available at: <https://safenet.or.id/wp-content/uploads/2019/06/Laporan-Tahunan-SAFEnet-2018.pdf>

2 The investigative research network Bellingcat scrutinised this campaign, linking the Indonesian start-up company InsightID to a network of bots posting pro-government content on West Papua on social media. Even though the research did not reveal who commissioned the campaign, the client must have had financial resources amounting to hundreds of thousands of dollars and an interest in manipulating political perceptions of West Papua.

3 Tim Relawan Kemanusiaan Untuk Pengungsi Nduga (04.03.2019): Sekolah Darurat untuk Pengungsi Nduga: Update Situasi dan Harapan Solidaritas

4 Asia Pacific Report (05.09.2019): Indonesian police target Veronica Koman for West Papua ‘incitement’, available at: <https://asiapacificreport.nz/2019/09/05/indonesian-police-target-veronica-koman-for-west-papua-incitement/>

5 OHCHR (16.09.2019): Indonesia must protect the rights of Veronica Koman and others reporting on Papua and West Papua protests - UN experts, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24990&LangID=E>

6 JPIC Kingmi Papua (09.12.2019): 2 Orang Anggota Kopassus dari Kompi Maleo Datang Ke Rumah Saya

7 GreenNet (06.12.2019): A call to action to defy Internet shutdowns and suppression of political opinion online, available at: <https://www.greenet.org.uk/community/blogs/call-action-defy-internet-shutdowns-and-suppression-political-opinion-online>

8 Such attacks aim to overwhelm the servers with millions of requests until they run out of capacity and become unavailable.

9 Suara Papua (08.04.2019): Dikabarkan Mama Ema Natkime Ditangkap Polisi Di Timika, available at: <https://www.humanrightspapua.org/news/32-2020/557-police-officers-arrest-six-papuans-in-mimika-regency-five-allegedly-beaten-during-custody>

► On 8 May 2020, the Head of the Criminal Investigation Department, Inspector Vhalio Agafe, reportedly prevented lawyers Fernando Ginuny, Steven Peyon, and Leonardo from entering the Sorong Selatan District Police Office to deliver attorney letters to their defendants for signature.<sup>10</sup>

► An unknown perpetrator physically attacked human rights lawyer Yuliana Yabansabra on 8 June 2020 in Jayapura. She was approached from behind and punched on the helmet whilst driving her motorcycle.<sup>11</sup> Three days prior to this, she had spoken out about the human rights situation in West Papua during a public conference organised by Amnesty International Indonesia.

► On 5 June 2020, human rights defenders experienced intrusion and harassment during a public video conference about human rights in Papua and the forthcoming review of Indonesia by the UN. The meeting was interrupted by “zoom bombing”<sup>12</sup> spam calls to speakers Usman Hamid from Amnesty International Indonesia, Yuliana Yabansabra, and Tigor G. Hutapea from Pusaka.<sup>13</sup>

► Tantowi Anwari from the Journalists Union for Diversity (Sejuk) and Mitha Setiani Asih and Chairul Rahman Arif from the Teknokra Student Press Activities Unit (UKPM) at the University of Lampung (Unila) in South Sumatra received threats from unidentified individuals

prior to holding an online discussion about racial discrimination against Papuans on 11 June 2020. The threats reportedly began on 10 June when Arif received intimidating phone calls from several unknown numbers. The attackers also hacked his social media account. Arif and Anwari received threatening messages depicting screen captures of their ID cards<sup>14</sup> along with voice mail threats.<sup>15</sup>

► On 21 June 2020, Petrus Kinggo was physically attacked by a group of villagers. He had been assisting indigenous community members who refused to convert their customary forest to oil palm plantations in Kali Kao, Boven Digoel. He has been receiving threats since 2018.

► In August 2020, the LPDP demanded human rights lawyer Veronica Koman to reimburse funds (about €44,144) she had received as part of a scholarship programme. The demand was aimed at discouraging her from human rights advocacy for West Papua.<sup>16</sup>

► A member of Polda Papua Barat, Andi Sudirman, prevented three LP3BH Manokwari lawyers from meeting two of their clients on 16 September 2020. The lawyers, Thresje Julianty Gasperzs, Karel Sineri, and Bruce Labobar, presented a court letter signed by the judge. Nevertheless, Sudirman rejected the visit, arguing that it would violate COVID-19 health protocols.<sup>17</sup>

10 Suara Papua (08.05.2020): Kasat Reskrim Polres Sorong Selatan Halang-Halangi PH Ketemu Klien, available at: <https://suarapapua.com/2020/05/08/kasat-reskrim-polres-sorong-selatan-halang-halangi-ph-ketemu-klien/>

11 Jubi (10.06.2020): Dipukul orang tak dikenal, pengacara tapol Papua melapor ke Polisi, available at: <https://jubi.co.id/dipukul-orang-tak-dikenal-pengacara-tapol-papua-melapor-ke-polisi/>

12 A type of cyberattack in which unknown users log into Zoom sessions to interrupt meetings

13 Jubi (10.06.2020): Dipukul orang tak dikenal, pengacara tapol Papua melapor ke polisi, available at: <https://jubi.co.id/dipukul-orang-tak-dikenal-pengacara-tapol-papua-melapor-ke-polisi/>

14 This method, known as doxing, involves efforts to find and disseminate an individual's private information on the internet with the aim of attacking and weakening a person or conducting online persecution. Doxing is one of the threats made against the free press.

15 CNN Indonesia (11.06.2020): Diwarnai Ancaman, Diskusi Papua Teknokra Unila Tetap Digelar, available at: <https://www.cnnindonesia.com/nasional/20200611195649-20-512424/diwarnai-ancaman-diskusi-papua-teknokra-unila-tetap-digelar> & Suara.com (11.06.2020): Polisi Didesak Usut Pelaku Teror Jurnalis dan Aktivistis Saat Diskusi Papua, available at: <https://www.suara.com/news/2020/06/11/224225/polisi-didesak-usut-pelaku-teror-jurnalis-dan-aktivis-saat-diskusi-papua>

16 Suara Papua (14.08.2020): Amnesty Indonesia dan Australia Desak Pemerintah Indonesia Batalkan Sanksi Finansial Kepada Vero Koman, available at: <https://suarapapua.com/2020/08/14/amnesty-indonesia-dan-australia-desak-pemerintah-indonesia-batalan-sanksi-finansial-kepada-vero-koman/>

17 Suara Papua (20.09.2020): Oknum Polisi Penghalang PH LP3BH Manokwari Kasus FA dan PW Akan Diambil Tindakan Hukum, available at: <https://suarapapua.com/2020/09/20/oknum-polisi-penghalang-ph-lp3bh-manokwari-kasus-fa-dan-pw-akan-diambil-tindakan-hukum/>

## ■ Human Rights in West Papua

► On 29 July 2019, Theo Hesezem from YKKMP received intimidating short text messages (SMS) while investigating threats while investigating allegations of extrajudicial killings in Nduga.<sup>18</sup>

► Papuan lawyer and human rights defender, Gustaf Kaver, was physically attacked in the city of Jayapura on 7 November 2020. A red pick-up truck with an unregistered plate number came so close that the side doors and one side mirror were damaged. He believed that the attack was carried out because he spoke out about human rights violations in Papua in a public interview.<sup>19</sup>

► On 15 November 2020, while monitoring a threatening situation at Wamena's airport,<sup>20</sup> members of the government's customary organisation "Lembaga Musyawarah Adat" (LMA) verbally attacked Papuan HRD Theo Hesezem.

► In November 2020, unknown perpetrators used a fake Facebook account - 'Nur Fatatik' - to discredit Theo Hesezem. The posts contained edited images and claims such as "Theo Hesezem has distributed false information to cover up the cruelties committed by the OPM. Papuan people, be careful with him, later he might tell the OPM to kill you while blaming the police/military for it." (see Image 3.3-2).<sup>21</sup>

► On 16 November 2020, at the Boven Digoel District Police Office<sup>22</sup>, supporters of the palm oil company PT Indoasiana Lestari carried out verbal attacks and issued violent threats against members of the "Cinta Tanah Adat Suku Awyu" environmental group for disagreeing with company activities.



Image 3.3-2: Edited image of Theo Hesezem used as part of a disinformation campaign to discredit his work as a human rights defender. (Source: YKKMP)

18 YKKMP (07.08.2020): Pembela HAM Pegunungan Tengah Papua Theo Hesezem Diteror melalui SMS Ketika Berada di Kabupaten Nduga di Kenyam

20 Paham Papua (09.11.2020): Kronologis teror dari org tdk dikenal dgn menggunakan kendaraan dgn nomor polisi palsu

21 YKKMP (16.11.2020): Information about the verbal attack against Theo Hesezem by LMA members

22 YKKMP (19.11.2020): Information about the discreditation campaign against Theo Hesezem on Facebook

23 Pusaka (9.12.2020): Press Statement Pusaka Bentala Rakyat Foundation: Protect Human Rights Defenders, available at: <https://pusaka.or.id/en/2020/12/press-statement-pusaka-bentala-rakyat-foundation-protect-human-rights-defenders/>

### 3.4 Enforced Disappearances

Cases of enforced disappearances have significantly increased since the start of wide-spread military operations in Nduga Regency in December 2018. Human rights defenders documented six such cases between then and December 2020, all of which occurred exclusively during military operations against the West Papua National Liberation Army (TPN PB) in the Intan Jaya and Nduga regencies. Witness testimonies and evidence at the crime sites suggest that enforced disappearances are primarily committed by members of the military.

Between 2019 and 2020, at least 16 persons were reported missing. The victims either got lost attempting to escape military offensives or were arrested by army members and never returned to their homes. All were indigenous Papuans. The reported cases follow two patterns. First, in at least two cases, the perpetrators arrested indigenous Papuans suspected to be members of the TPN PB. Their bodies were never found after the arrest. In the second pattern, army members appeared to open fire at civilians during a combat situation in remote areas and subsequently made the bodies disappear to avoid legal consequences. Cases in this category also included women and children as five victims of enforced disappearances were minors and five were females.

The military launched an internal investigation into the enforced disappearance of two indigenous Papuans, Apianus and Luter Zanambani, in Intan Jaya Regency in April 2020. The perpetrators will stand trial at a military court with no access to the public. Except for that, none of the cases studied were investigated by the police and processed

in civilian courts or through national human rights mechanisms.

#### Cases Studied:

► On 4 December 2018, military personnel launched a military offensive in Bulmu Yalma in Nduga Regency. Leniut Gwijangge, Imanus Nimiangge, Alinus Nimiangge, Anol Nimiangge, 15, and Netes Nimiangge, 16, fled their house in panic and ran into the forest as helicopters attacked their village. They did not return to their home and were not seen again after the raid.<sup>1</sup>

► On 19 December 2018, the Indonesian military launched an attack on Mapenduma, Nduga Regency. Rev. Geyimin Nirigi decided to remain in Mapenduma because he had suffered a knee injury and could only walk with a walking stick. A witness saw Rev. Nirigi for the last time sitting in front of his house at around 6.30 am that day. The military offensive began at approximately 7.00 am. Between 21 and 23 December 2018, three witnesses saw black smoke coming out of Rev. Nirigi's home. They also saw several members of the military gathering inside and outside the house. On 28 December 2018, a group of local parliament members in Nduga visited Mapenduma village and recognised a strong smell of decay around Rev. Nirigi's house. On 4 January 2019, Rev. Nirigi's daughter returned to his home in Mapenduma. All of Rev. Nirigi's belongings, including his glasses, bible, and broken walking stick, were still inside the house, indicating that he had not left his home. Moreover, his daughter found signs of a large fire and the remains of burnt bones behind the house (see image 3.4-1).<sup>2</sup>

1 Nduga Humanitarian Evacuation Team (13.12.2020): Laporan Tim Evakuasi kemanusiaan Nduga, p. 9 ff

2 Ibid, p. 23 ff



Image 3.4-1: Remains of bones found at the camp fireplace behind Rev. Nirigi's house

► On 4 July 2019, joint security forces killed an indigenous woman named Kenmalet Gwijangge while she was gardening near Muruldumu, Nduga Regency. She was killed while carrying her one-year-old baby, Raina Nirigi (female). Although the mother's body was found, the relatives have no information

regarding the whereabouts of her baby.<sup>3</sup> It is believed that the security forces took the baby after they killed the mother.

► On 9 October 2019, a team of human rights defenders, relatives, and members of the military went to Nduga Regency in search of three women Yullana Dorongi, Yulince Bugi, and Masen Kusumbrue, and minors Tolop Bugi, 13, and Hardius Bugi, 15, who had been missing since 20 September 2019. They found a mass grave at the Kanbobo mountain which had been camouflaged with tree branches, moss, grass, and leaves. The team found evidence of an abandoned Indonesian army camp near the grave and two bullet casings next to the grave. Witnesses had seen members of the military near the burial site shortly after the incident. The grave was only partly excavated as most of the bodies had already decomposed. Nevertheless, the victim's relatives were able to identify one of the bodies as Hardius Bugi. (See images 3.4-2 & 3.4-3). The police did not investigate the case.<sup>4</sup>



Image 3.4-2: Team members have removed the top layer of soil from the mass grave.

3 YKKMP (09.07.2019): Penembakan Kembali terjadi di Distrik Mugi Kabupaten Nduga pada 4 Juli 2019

4 YKKMP (4.11.2019): Laporan Situasi HAM Kabupaten Nduga Pasca Insiden Pada 20 September 2019 Di Distrik Iniye, Gunung Kanbobo



► Apianus Zanambani and Luter Zanambani from Janamba, Intan Jaya Regency, have been reported missing since 21 April 2020. Witnesses saw military personnel arresting them along with another man during a military raid in Sugapa, Intan Jaya. On 14 May 2020, relatives and the Head of the Indigenous Peoples' Association LMA (Lembaga Musyawarah Adat) in Intan Jaya reported them missing to the Sugapa Sub-District Police Station.<sup>5</sup> A military internal investigation later concluded that army members had arrested and tortured both men, resulting in their deaths. The perpetrators then burnt the bodies at the Yonif PR 433/JS Kostrad military base and disposed of the ashes in Julai River.<sup>6</sup> On 23 December 2020, military police commander Dodik Widjanarko announced that a military tribunal would be held.

► Tepania Wasiangge and Anle Gwijangge from Kiyabikma, Nduga Regency, were arrested on 28 September 2020 in Gurukwarak Hamlet by members of the military. Witnesses saw military personnel arresting, handcuffing, and ill-treating the victims before taking them to a temporary military camp in a nearby forest. Civil society investigators found evidence of their execution and burning, including bones and victims' belongings.<sup>7</sup>

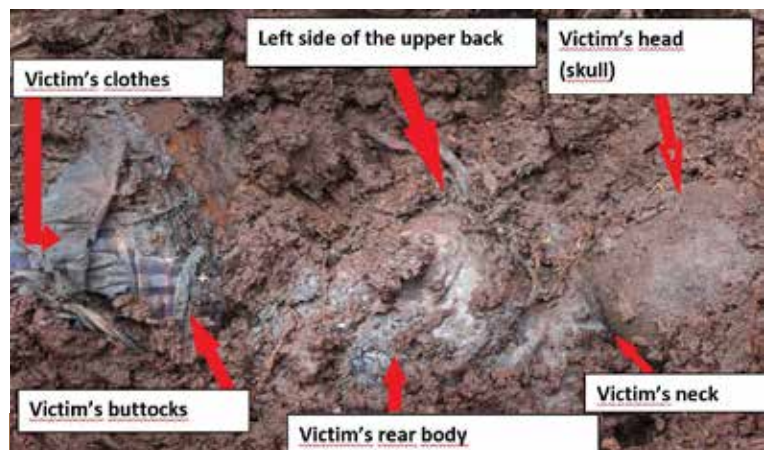


Image 3.4-3: Remains of Hardius Bugi's body inside the mass grave. The relatives were able to identify him from his clothes

### 3.5 Extra-judicial Executions

Extra-judicial executions are human rights violations that are taking place in various parts of Indonesia. Excluding executions related to drug trafficking, the number of such cases in West Papua is significantly higher than in any other region in the country. As in previous years, all victims of documented extra-judicial killings in 2019 and 2020 –with one exception– were indigenous Papuans. The statistics mirror the widespread racial discrimination faced by indigenous Papuans in Indonesia.

Overall, reported cases of extra-judicial executions in West Papua have significantly increased since 2018. While the number of annual cases varied between 6 and 11 between 2012 and 2018<sup>1</sup>, human rights defenders documented 16 cases of extra-judicial executions in 2019 and 16 in 2020.

5 Suara Papua (21.05.2020): Diduga Dua Pemuda Intan Jaya Diculik TNI Sejak 21 April di Sugapa, available at: <https://suarapapua.com/2020/05/21/diduga-dua-pemuda-intan-jaya-diculik-tni-sejak-21-april-di-sugapa/>

6 Jubi (23.12.2020): Danpuspomad sebut kekerasan prajurit TNI di Papua dilakukan dengan keji, available at: <https://jubi.co.id/danpuspomad-sebut-kekerasan-prajurit-tni-di-papua-dilakukan-dengan-keji/>

7 YKKMP (10.10.2020): Laporan Dugaan Upaya Penghilangan Paksa Terhadap 2 (Dua) Orang Aparat Kampung (Desa) – Masyarakat Sipil Oleh TN

1 ICP (January 2020): Human Rights and Conflict Escalation in West Papua. The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 24. It is available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

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A similar observation applies to the number of victims in these cases (see Graphic 3.5-1). Between 2012 and 2018, the number of victims ranged between 6 and 23 a year.<sup>2</sup> The year 2019 recorded the highest number of annual victims of extra-judicial executions over the past decade, with 33 victims. This figure decreased slightly to 25 in 2020.

A report published by the Association of Human Rights Lawyers for Papua (PAHAM Papua) and the Jakarta-based Commission for Disappeared Persons and Victims of Violence (KontraS) documented eleven cases of extra-judicial killings resulting in a total number of 24 victims between January and December 2020.<sup>3</sup> Statistic figures on extra-judicial executions published by Amnesty International Indonesia (All) slightly differ but illustrate a similar overall picture. All documented 19 cases of unlawful killings resulting in 30 victims in West Papua throughout 2020.<sup>4</sup>

The extraordinarily high number of killings in 2019 is related to a wave of Papua-wide unrest over the racial discrimination against indigenous Papuans. In that year, joint security forces killed at least 13 protesters during two incidents in Jayapura and Deiyai. In 13.8% of the cases that occurred throughout 2019 and 2020, the victims were minors.<sup>5</sup> The majority of these cases occurred in the central highlands, often during military raids against the West Papua

National Liberation Army (TPN PB) (see Table 3.5-1).

The majority of extra-judicial executions were committed by joint security forces, with 14 cases reported in 2019 and 2020. This observation is particularly worrying, given the rampant impunity enjoyed by the authorities in West Papua. The police and military have separate internal procedures if complaints of torture or extra-judicial executions are brought against their members. Operations by joint security forces make it difficult for witnesses to clearly distinguish the affiliation of perpetrators, which facilitates impunity. Throughout the reporting period, twelve cases of extra-judicial executions were committed by members of the military and six by members of the police (see Table 3.5-1).



Graphic 3.5-1: Number of reported cases of extra-judicial killings from 2012 to 2020

<sup>2</sup> Ibid.

<sup>3</sup> PAHAM Papua & KontraS (April 2021): *Orang Papua Dilarang Bicara, Laporan Kekerasan Aparat Kepolisian Republik Indonesia dan Tentara Nasional Indonesia terhadap Rakyat Papua Tahun 2020*, p.4

<sup>4</sup> Nasional Kompas (7.4.2021): *Amnesty Catat 19 Dugaan Pembunuhan oleh Aparat di Papua Sepanjang 2020*, available at: <https://nasional.kompas.com/read/2021/04/07/15501201/amnesty-catat-19-dugaan-pembunuhan-oleh-aparat-di-papua-sepanjang-2020>

<sup>5</sup> In this report, the term 'minor' refers to individuals below the age of 18 years

Table 3.5-1: Statistical data on extra-judicial killings in West Papua throughout 2019 and 2020

Statistical data on extra-judicial executions in West Papua	2019	2020	2019/20
<b>Number of reported victims of extra-judicial executions</b>	<b>33</b>	<b>25</b>	<b>58</b>
Number of indigenous Papuan victims	32	25	57
<b>Number of reported cases of extra-judicial executions</b>	<b>16</b>	<b>16</b>	<b>32</b>
Cases of extra-judicial executions committed by members of the police	2	4	6
Cases of extra-judicial executions committed by members of the military	5	7	12
Cases of extra-judicial executions committed by joint security forces	9	5	14
Cases of extra-judicial executions related to political activity	4	0	4
Cases of extra-judicial executions related to non-political activity	12	16	28
<b>Action taken against perpetrators</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Number of reported victims below the age of 18</b>	<b>3</b>	<b>5</b>	<b>8</b>

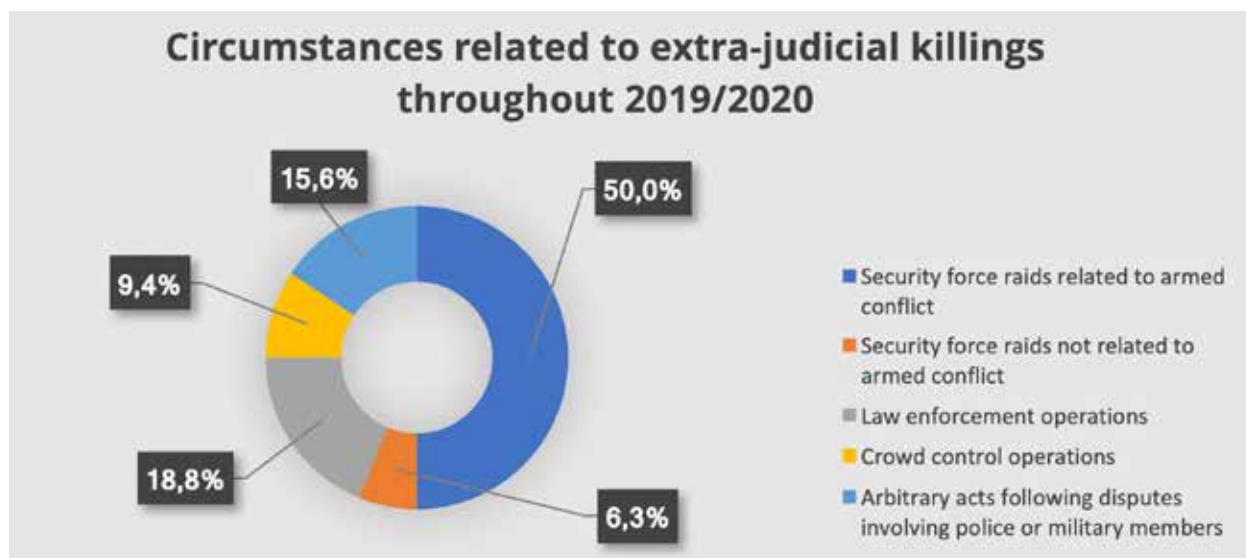
As in previous years, the vast majority of executions were not related to political activity. Only 12.5% of all reported cases of extra-judicial executions occurred because the victims had engaged in a political protest or other forms of peaceful political activism. The vast majority of cases were linked to other circumstances (see Table 3.5-1). Of the 32 reported extra-judicial executions, eight cases were related to torture. The victims died as a result of the injuries they sustained.

Graphic 3.5-2 provides an overview of circumstances surrounding extra-judicial executions throughout 2019 and 2020. Half of the reported cases were related to raids by security forces against the TPN PB. In 18.8% of these cases, extra-judicial executions occurred during law enforcement operations such as arrests, house searches, or police custody. Arbitrary acts following disputes involving police or military personnel were the third most common, making up 15.6% of the cases. These often occurred when members of security forces committed acts of vigilante justice against civilians. Extra-judicial executions relating to non-conflictual raids by security forces or crowd control operations

were less common throughout the reporting period (see Graphic 3.5-2).

Most extra-judicial executions took place in Nduga, Puncak, and Deiyai, each of which reported nine victims. In Deiyai, eight of those victims were killed in a single crowd control operation. The second-largest number of victims, six, was reported in Jayapura, closely followed by Intan Jaya and Mimika, with five extra-judicial executions each. Except for Jayapura, all the regencies mentioned are hotspots of armed conflict in West Papua.

Impunity is still the main reason for the re-occurrence of torture and extra-judicial executions in West Papua. The police and military in Indonesia attempt to settle such cases through internal procedures which lack transparency, accountability and fail to bring justice for the victims. The sentences in the internal procedures are too lenient and often not commensurate with the nature of the crime committed. The ICP is aware of a single case of an extra-judicial execution processed throughout 2019 and 2020. A military tribunal resulted in a sentence of one year and ten months given to a single perpetrator involved in the killing of four Papuans in Asmath Regency.



Graphic 3.5-2: Circumstances related to extra-judicial killings in West Papua throughout 2019 and 2020

The following compilation of case studies does not include victims of extra-judicial killings during the enforced dispersal of a protest against racism and the subsequent outbreak of ethnic violence in Wamena, Jayawijaya Regency, on 23 September 2019. According to police data, 33 people were killed (25 non-Papuans & 8 Papuans) during the riot. Non-governmental sources alleged that 42 people lost their lives –16 of whom were ethnic Papuans. Detailed information about police investigations into the killings of indigenous Papuans during the incident was never published and the perpetrators were never prosecuted. Non-governmental reports indicate a high possibility of extra-judicial killings by members of security forces during the crackdown as most Papuan victims died from bullet injuries.<sup>6</sup>

► On 21 January 2019, members of the Sorong District Police shot dead a student, Indra Wijaya Taran, in Sorong. Evidence indicates that Indra Wijaya Taran was a drug user and was trying to escape as officers wanted to arrest him.<sup>7</sup>

► On 4 March 2019, members of security forces shot dead Ameri Nimiangge, 20, in front of Lambema Primary School in the district of Inikgal during a major security operation against the West Papua National Liberation Army (TPN PB) in Nduga Regency. Kansa Wandikbo, 31, was killed in the district of Mugi on 28 March 2019.<sup>8</sup>

► On 21 May 2019, members of security forces killed Yulius Mote, 18, during a security raid in Waghete, Deiyai Regency, as he walked to the village of Idege.<sup>9</sup> He sustained a lethal bullet wound to the head. (see image 3.5-1)

6 ICP (27.10.2019): Update: Chronology of events and consequences of the riot, available at: <https://humanrightspapua.org/news/31-2019/502-update-riot-in-wamena-chronology-of-events-and-consequences-of-the-riot>

7 Teropong News (23.01.2019): Keluarga Korban Penembakan Bantah Pernyataan Kapolres Sorong Di Media, available at: <https://www.teropongnews.com/keluarga-korban-penembakan-bantah-pernyataan-kapolres-sorong-di-media/>

8 YKKMP (01.08.2019): Daftar nama-nam korban kekerasan dan korban meninggal di pengungsian Kasus Nduga 2018-2019

9 JPIC Kingmi Papua (24.06.2019): Laporan TNI POLRI menembak Mati Yulius Mote (18 thn) dan melukai Melianus Dogopia (18 Tahun) Waghete Desa Waghete Distrik Tigi Kabupaten Deiyai Propinsi Papua



Image 3.5-1: Screenshot taken from a video showing mourning relatives sitting around Yulius Mote's body (Source: JPIC Kingmi Papua).

► On 27 May 2019, three members of the Zeni Tempur 11/Mit Anim military command fired shots at a group of protesters in Basim, Asmath Regency. They killed Xaverius Sai, 40, Nikolaus Tuba, 38, Matias Amunep, 16, and Frederikus Inepi, 35.<sup>10</sup> In September 2020, a military court sentenced first sergeant Fajar to one year and ten months in prison for the killings.<sup>11</sup>

► On 4 June 2019, an intoxicated police officer with the initials RK shot Yohanes Octo Moiwend dead during a dispute in front of a local bar in Wogikel, Merauke Regency.<sup>12</sup>

► On 4 July 2019, joint security forces killed indigenous woman Kenmalet Gwijangge, 26, as she collected crops in her garden near Muruldumu in Nduga Regency. At the time of the incident, she was carrying her one-year-old baby. The whereabouts of the baby, Raina Nirigi, remains unknown (see Chapter 3.4).<sup>13</sup>

► On 15 August 2019, Analok Heselo, 23, died shortly after being hospitalised because of the injuries he sustained (see Image 3.5-2) whilst

being tortured by four soldiers of the 756 Wim Anesili Wouma Battalion inside a military post in the district of Wouma, Jayawijaya Regency.<sup>14</sup>



Image 3.5-2: Analok Heselo's body during the burial ceremony (Source: YKKMP).

► On 24 August 2019, indigenous villager Ginobinok Tabuni, 60, died when security forces set his house on fire during an operation in Tegelobak, Puncak Regency.<sup>15</sup>

► On 28 August 2019, security forces allegedly shot dead Yul Magai, 18, who was walking to school without wearing school uniform in the Upaga Village of Gome District, Puncak Regency (see Image 3.5-3).<sup>16</sup>

10 Catholic Diocese Agats (01.07.2019): Pernyataan Sikap Gereja Katolik Keuskupan Agats Atsa Penembakan Lima Warga Sipil Oleh Aparat Keamanan

11 Warta Plus (28.09.2020): Kasus Pelanggaran HAM Distrik Fayit Berdarah, Serka Fajar Telah Divonis, available at: <https://www.wartaplus.com/read/11530/Kasus-Pelanggaran-HAM-Distrik-Fayit-Berdarah-Serka-Fajar-Telah-Divonis>

12 Jubi (4.06.2019): Mabuk, oknum polisi di Merauke tembak warga hingga tewas, available at: <https://www.jubi.co.id/mabuk-oknum-polisi-di-merauke-tembak-warga-hingga-tewas/>

13 YKKMP (09.07.2019): Penembakan Kembali terjadi di Distrik Mugi Kabupaten Nduga pada 4 Juli 2019

14 YKKMP (28.08.2019): Kasus Penyiksaan di Kampung Wouma

15 Jubi (02.09.2019): Jumlah pengungsi di Distrik Gome terus bertambah, available at: <https://www.jubi.co.id/jumlah-pengungsi-di-distrik-gome-terus-bertambah/>

16 Suara Papua (20.09.2019): Apa yang Terjadi Sebelum Penembakan di Olenki, Puncak Papua?, available at: <https://suarapapua.com/2019/09/20/apa-yang-terjadi-sebelum-penembakan-di-olenki-puncak-papua/>



Image 3.5-3: Yul Magai's body at the site of the crime (Source: Suara Papua).



Image 3.5-4: The bodies of Pilemon Waine, Derikson Adii, Aminadap Kotouki, and Alpius Pigai (clockwise) (Source: JPIC Kingmi Papua)

► On 28 August 2019, joint security forces killed Yustinus Takimai, 24, Alpius Pigai, 20, Marinus Ikomou, 37, Hans Ukago, 26, Derikson Adii, 21, Pilemon Waine, 28, Aminadap Kotouki, 35, and Yemi Douw, 29, as they forcefully dispersed a protest against racism in the town of Waghete, Deiyai Regency (see Image 3.5-4). Yustinus Takimai was crushed by a vehicle and died instantly because of the injuries he sustained. The other victims were killed when members of security forces fired live ammunition at the crowd of protesters.<sup>17</sup>

► On 17 September 2019, joint security forces shot dead Tekiman Wonda, 33, Edison Mom, 10, and one-year-old Rudi Mom in Olenki, Ilaga Utara district, during a military operation against the TPN PB in Puncak Regency (see Image 3.5-5).<sup>18</sup>



Image 3.5-5: Relatives holding Edison Mom shortly after he sustained lethal gunshot wounds (Source: Independent HRD).

17 JPIC Kingmi Papua (08.09.2019): Laporan Verifikasi TNI POLRI Penembak Mati 8 orang Masyarakat Sipil, 1 anggota TNI meninggal dunia dan Melukai 50 orang Masyarakat Sipil dan melukai 7 anggota Brimob pada saat Demo damai Penolahkan Rasisme di Halaman Kantor Bupati Kabupaten Deiyai

18 Kompas (19.09.2019): Kontak Senjata TNI-OPM Tewaskan 3 Warga, Ini Penjelasan Kodam XVII/Cenderawasih, available at: <https://regional.kompas.com/read/2019/09/19/06392061/kontak-senjata-tni-opm-tewaskan-3-warga-ini-penjelasan-kodam-xvii>.

► On 23 September 2019, joint security forces forcefully dispersed a crowd of Papuan students in Waena, Jayapura City. They reportedly killed four students: Ason Mujizau, Jery Murib, Otier Wenda, and Eremanus Wesareak. The students were protesting against racist assaults committed against other Papuan students in the Javanese cities of Malang and Surabaya.<sup>19</sup>

► On 9 November 2019, members of the military shot dead Papuan student Lemitur Wandik, 27, in the highland town of Karubaga, Tolikara Regency. The military personnel reportedly wanted to settle a dispute between migrant traders and a group of indigenous Papuans.<sup>20</sup>

► The corpse of Amos Herietrenggi, 30, was found near Warpah village in Fakfak on 7 December, six days after joint security forces raided the village during an operation against the TPN PB. According to the police, the cause of death was a blow to the head. The police claimed that Amos Herietrenggi was a TPN PB member.<sup>21</sup>

► On 2 and 4 December 2019, Indonesian Military Infantry (TNI-AD) forces launched attacks against the TPN PB in Lanny Jaya Regency. Two indigenous villagers, Abokman Tabuni and Diron Tabuni, were reportedly killed in Timonikime, Balingga District.<sup>22</sup> The police later claimed that both victims were TPN PB members.<sup>23</sup>

► On 20 December 2019, members of the military allegedly executed a Papuan driver, Hendrik Lokbere, in Nduga Regency, as he drove his pick-up truck on Yosema Road to collect a group of indigenous Papuans who had been working in their gardens (see Image 3.5-6).<sup>24</sup>



Image 3.5-6: Lethal bullet injury to the left side of Hendrik Lokbere's neck (Source: YKKMP).

► On 26 January 2020, military personnel reportedly shot dead motor cycle taxi driver Bugalebega Kobogau, 27, during a military operation against the West Papua TPN PB in the district of Sugapa, Intan Jaya Regency (see Image 3.5-7).<sup>25</sup>

19 Jubi (01.10.2019): Gelombang eksodus, 5 mahasiswa/pelajar Papua meninggal dunia, 6 ditahan polisi, available at: <https://jubi.co.id/gelombang-eksodus-5-mahasiswa-pelajar-papua-meninggal-dunia-6-ditahan-polisi/>

20 Jubi (10.11.2019): Insiden Karubaga, TNI akui seorang warga meninggal tertembak, available at: <https://www.jubi.co.id/insiden-karubaga-tni-akui-seorang-warga-meninggal/>

21 Papua Dalam Berita (11.12.2019): Penemuan Janasah Korban 1 Desember Di Fakfak, Polisi Tegaskan Bukan Kena Tembak, available at: <https://papuadalamberita.com/penemuan-jenasah-korban-1-desember-di-fakfak-polisi-tegaskan-bukan-kena-tembak/>

22 ELSHAM Papua (06.12.2019): Dua Orang Ditembak Mati, Tujuh Honai Dibakar, available at: <https://elshampapua.org/2019/12/06/dua-orang-ditembak-mati-tujuh-honai-di-bakar/>

23 Kompas (02.12.2019): Kronologi Kontak Senjata yang Tewaskan 2 Anggota KKB di Lanny Jaya Papua, available at: <https://regional.kompas.com/read/2019/12/02/19105811/kronologi-kontak-senjata-yang-tewaskan-2-anggota-kkb-di-lanny-jaya-papua>

24 Jubi (22.12.2019): Supir angkutan diduga ditembak aparat di Nduga, available at: <https://www.jubi.co.id/supir-angkutan-diduga-ditembak-aparat-di-nduga/>

25 JPIC Kingmi Papua (27.01.2020): Operasi Militer di Intan Jaya dan Pendropan/penambahan Pasukan Organik dan Non Organik di Wilayah Meepagoo Papua Pengantar



Image 3.5-7: The body of Bugalebaga Kobogau outside his house shortly after being shot dead with a sniper rifle (Source: JPIC Kingmi Papua).

► Another security force raid in the Yoparu Village of Intan Jaya Regency on 18 February 2020 resulted in the deaths of indigenous leader Kayus Sani, 51, and an eleven-year-old primary school student, Melki Tipagau.<sup>26</sup>

► On 26 February 2020, Indonesian security forces shot dead indigenous woman, Wislina Tabuni, 25, during an exchange of fire with the TPN PB in Kenyam, Nduga Regency (see Image 3.5-8).<sup>27</sup>



Image 3.5-8: Wislina Tabuni lying on the ground after being hit by a bullet. She died shortly after being admitted to the local hospital (Source: YKKMP)

► On 13 April 2020, members of the border military units Gab YR 712 and YR 900 reportedly shot dead Eden Armando Bebari, 20, and Ronny Wandik, 23, at Mile 34 inside the Freeport concession area in Mimika Regency, where they had wanted to catch fish (see Image 3.5-9).<sup>28</sup>



Image 3.5-9: The bodies of Eden Armando Bebari and Ronny Wandik at the site of the crime at Mile 34 (Source: JPIC Kingmi Papua)

► Witnesses saw military personnel arresting Apianus Zanambani and Luter Zanambani along with another man during a military raid in Sugapa, Intan Jaya on 21 April 2020. Both were reported missing after the arrest.<sup>29</sup> A military investigation later revealed that army members had arrested and tortured both men, resulting in their deaths. The perpetrators then burnt the bodies at the Yonif PR 433/ JS Kostrad military base and disposed of the ashes in Julai River. On 23 December 2020, military police commander Dodik Widjanarko announced that a military tribunal would be held.<sup>30</sup>

► Police officer Melkianus Yowei tortured Marius Betera after he complained about his garden being cleared by excavators of the PT. Tunas Sawa Erma POP Block A palm oil company in Boven Digoel Regency on 16 May 2020. Marius Betera died shortly after being

26 Jubi (18.02.2020): 2 warga sipil tewas ditembak di Sugapa, 2 lainnya terluka, available at: <https://www.jubi.co.id/2-warga-sipil-tewas-ditembak-di-sugapa-2-lainnya-terluka/>

27 YKKMP (21.08.2020): Aksi Baku Tembak Antara OPM/ TPNPB Dan TNI Kembali Terjadi Di Kampung Koteka Kabupaten Nduga, Dua Warga Masyarakat sipil mengalami luka Tembak dan 2 Warga masyarakat lainnya mengalami Penyiksaan

28 Suara Papua (15.04.2020): Aparat Indonesia tembak mati tiga anak muda papua di Timika, available at: <https://suarapapua.com/2020/04/15/aparat-indonesia-tebak-mati-tiga-anak-muda-papua-di-timika/>

29 Suara Papua (21.05.2020): Diduga Dua Pemuda Intan Jaya Diculik TNI Sejak 21 April di Sugapa, available at: <https://suarapapua.com/2020/05/21/diduga-dua-pemuda-intan-jaya-diculik-tni-sejak-21-april-di-sugapa/>

30 Jubi (23.12.2020): Danpuspomad sebut kekerasan prajurit TNI di Papua dilakukan dengan keji, available at: <https://jubi.co.id/danpuspomad-sebut-kekerasan-prajurit-tni-di-papua-dilakukan-dengan-keji/>



tortured inside the company's clinic at Camp 19.<sup>31</sup>

► On 25 May 2020, Justinus Dimara, 35, sustained a lethal head injury when members of the Jayapura municipality police dispersed a group of residents with a water cannon in Hamadi, Jayapura city. He died at the nearby Navy Hospital shortly after the incident.<sup>32</sup>

► On 25 July 2020, members of the 561 Caraka Yudha Kodam Brawijaya unit arrested Oktavianus Warip Betere, 16, at the Asiki Market, Boven Digoel Regency. They detained and tortured him at a nearby military post. Military personnel took Oktavianus to a local health centre (Puskesmas) where he died shortly after admission. Members of the military had arrested him for allegedly stealing several plywood boards.<sup>33</sup>

► On 16 August 2020, joint security forces of the Tindak Nemangkawi Task Force killed Demiana Wanmang, 25, Demu Kiwak, 28, and Uterus Newegalen, 18, at Kabur River at Mile 69, an illegal gold panning site near Grasberg Mine in Mimika Regency (see Image 3.5-10).<sup>34</sup>

► On 18 July 2020, fully armed members of the Yonif 330 task force reportedly executed Selu Karunggu, 20, and his father Elias Karunggu, 40, in the village of Ginit, Nduga Regency. The soldiers killed the victims because they were suspected of being members of the West Papua TPN PB.<sup>35</sup>

► Georg Karel Rumbino, 19, died during detention in the Sorong Municipality Police Headquarters on 27 August 2020. Police officers were interrogating him in relation to a murder case. His relatives believe the officers tortured him during the interrogation because the wounds to his legs appeared to have been caused by firearms.<sup>36</sup>

► On 19 September 2020, members of the Yonif 711/RKS/Brigif 22/OTA, DAM XIII/MDK military unit shot dead and mutilated pastor Rev. Yerimia Zanambani, 68, near Bomba, a small village in the Hitadipa District of Intan Jaya Regency. The incident took place during a routine patrol shortly after a member of the military was shot dead by TPN PB fighters.<sup>37</sup> Teams of investigators from the National Human Rights Commission (Komnas HAM)



Image 3.5-10: The bodies of Demiana Wanmang (left), Demu Kiwak (centre), and Uterus Newegalen (right) at Mile 69 (Source: JPIC Kingmi Papua)

31 SKP Kame & Pusaka (17.05.2020): Statemen Letter on the Violence in Palm Oil Plantation PT. Tunas Sawa Erma, Jair District, Boven Digoel Regency, Papua Province

32 Suara Papua (27.05.2020): Keluarga Almarhum Yustinus Dimara: Kami minta kasus ini diusut tuntas, available at: <https://suarapapua.com/2020/05/27/keluarga-almarhum-yustinus-dimara-kami-minta-kasus-ini-diusut-tuntas/>

33 The Jakarta Post (27.07.2020): Boven Digoel local allegedly tortured to death by TNI personnel, available at: <https://www.thejakartapost.com/news/2020/07/27/boven-digoel-local-allegedly-tortured-to-death-by-tni-personnel.html>

34 JPIC Kingmi Papua (10.09.2020): Pasukan Gabungan TNI POLRI menembak mati 3 orang Masyarakat sipil Papua di Kali Kabur Mile 69 Areal PT.Freeport Tembagapura Timika Papua

35 YKKMP (12.08.2020): Dua Warga Masyarakat Sipil Kabupaten Nduga Ditembak Oleh Anggota TNI (Satgas Yonif 330)

36 Suara Papua (31.08.2020): Edo Kondologit Desak Propam Polda PB Usut Tuntas Meninggalnya Riko di Mapolres Kota Sorong, available at: <https://suarapapua.com/2020/08/31/edo-kondologit-desak-propam-polda-pb-usut-tuntas-meninggalnya-riko-di-mapolres-kota-sorong/>

37 JPIC Kingmi Papua (20.09.2020): Laporan Pendeta Yeremia Zanambani. Sth di tembak Mati oleh Pasukan TNI di Hitadipa Distrik Hitadipa Kabupaten Intan Jaya Papua

## ■ Human Rights in West Papua

and a civil society coalition concluded that Rev. Zanambani was tortured and died due to the injuries he sustained<sup>38</sup> (see Image 3.5-11). The case attracted international attention and at least three fact-finding teams investigated the case. One of them was established by the Indonesian Coordinating Minister for Politics, Law, and Human Rights, Mahfud MD.<sup>39</sup> Due March 2021, none of the investigations resulted in any law enforcement process against the perpetrators.



Image 3.5-11: Rev. Zanambani's body shortly after being evacuated from the site of the crime. The forensic examination concluded that the perpetrators released a shot from a distance of one metre, causing a severe injury to Rev. Zanambani's left forearm (Source: JPIC Kingmi Papua)

► On 21 September 2020, Michael Ipnun was detained and tortured at the Sarmayam Police Post in Merauke Regency after being involved in a traffic accident. Witnesses saw Michael Ipnun's arms, legs, and neck tied to a chair. Michael died on 22 September 2020, shortly after police officers took him to the Tanah Miring District Health Centre.<sup>40</sup>

► Catholic Catechist, Rufinus Tigau, 28, was shot dead by members of the Nemangkawi Joint Security Force Unit during an operation in Jalae, Intan Jaya Regency, on 26 October 2020. Rufinus Tigau was reportedly unarmed and raised his arms as he approached the security force. Members of the security force coerced a group of villagers into burying the body. His relatives excavated (see Image 3.5-12) and reburied the body once the soldiers had left.<sup>41</sup>



Image 3.5-12: Rufinus Tigau's body surrounded by villagers shortly after being shot dead by military personnel (Source: SKP Timika)

38 Komnas HAM (02.11.2020): Penyelidikan Komnas HAM Atas Peristiwa Kematian Pendeta Yeremia Zanambani di Distrik Hitadipa, Intan Jaya, available at: [https://www.komnasham.go.id/files/20201123-keterangan-pers-no-046-humas-kh-\\$8VACE.pdf](https://www.komnasham.go.id/files/20201123-keterangan-pers-no-046-humas-kh-$8VACE.pdf)

39 Jubi (21.10.2020): Laporan TGPF Intan Jaya, Pendeta Yeremia tewas akibat tembakan aparat, available at: <https://jubi.co.id/laporan-tgpf-intan-jaya-pendeta-yeremia-tewas-akibat-tembakan-aparat/>

40 Jubi (21.09.2020): Meninggal di Puskesmas, Michael sebelumnya diperiksa di pos polisi, available at: <https://jubi.co.id/meninggal-di-puskesmas-papua-michael-sebelumnya-diperiksa-di-polsek/>

41 SKP Timika (04.11.2020): Laporan Penembakan Rufinus Tigau Pewarta Gereja Katolik Stase Jalai, Paroki St. Mikael Bilogai, Kabupaten Intan Jaya

► On 4 November 2020, following an argument between a dormitory resident and an army member over a traffic accident, at least 20 members of the Yonif 751 Sentani Military Unit raided the Soloitma Dormitory in Sentani, Jayapura Regency, and tortured eleven residents (see Chapter 3.6 on Torture). Demisien Kobak, 19, was reportedly kicked in the abdomen and both thighs. She died shortly after being admitted to the Yowari Hospital (see Image 3.5-13).<sup>42</sup>



Image 3.5-13: Demisien Kobak's body inside the coffin at the burial ceremony (source: PAHAM Papua)

► Two separate cases of extra-judicial killings were reported at Limbaga Mountain in the Gome District of Puncak Regency on 20 November 2020. At around noon, security forces allegedly executed civil servant Akis Alom, 34, and two students -Wapenus Tabuni, 17, and Warius Murib, 12- at the Limbaga Mountain in Gome, Puncak Regency.<sup>43</sup> Approximately two hours later, the same perpetrators intercepted two seventeen-year-

old Papuan students passing the Mountain and attempted to execute both minors. Manus Murib, 17, sustained three bullet injuries as he escaped the execution, while Atanius Murib, 17, was killed on the spot (see Image 3.5-14).<sup>44</sup>



Caption: Image 3.5-14: The victims' bodies as found at the site of the crime: Warius Murib [top], Akis Alom & Wapenus Tabuni [mid], and Atanius Murib [bottom] (source: JPIC Kingmi Papua)

42 PAHAM Papua (05.11.2020): Kekerasan TNI Terhadap Warga Soloitma Sentani

43 Suara Papua (24.11.2020): 4 Jenazah Ditemukan, Keluarga Desak TNI/Polri Bertanggung Jawab, available at: <https://suarapapua.com/2020/11/24/4-jenazah-ditemukan-keluarga-desak-tni-polri-bertanggung-jawab/>

44 JPIC Kingmi Papua (21.11.2020): Pasukan Gabungan TNI POLRI menembak mati Atanius Murib 17 Tahun Siswa SMU Negeri 1 Ilaga dan melukai Manus Murib 17 Tahun siswa SMK Negeri 1 Ilaga Puncak Jaya Papua Pengantar

## 3.6 Torture and Ill-treatment

The overall data on cases and victims does not suggest there has been any reduction in acts of torture<sup>1</sup> and ill-treatment<sup>2</sup> in recent years. Accordingly, the eradication of torture and ill-treatment remains one of the most urgent human rights issues in West Papua. Like extra-judicial executions, the widespread use of torture and ill-treatment is linked to the impunity granted to perpetrators in the police and the military. Instead of being brought to justice through court trials, the perpetrators are often given lenient sentences and disciplinary sanctions through internal procedures. Both police and military procedures lack independence, transparency, and ignore the victim's right to restitution.

Cases of torture were reported in 22 out of 40 regencies in the provinces of Papua and Papua Barat throughout 2019 and 2020. The distribution of cases highlights geographical hotspots where torture and ill-treatment occur more often than in other regencies. The majority of cases were reported in Jayapura, where most Papuan NGOs documenting cases of torture and ill-treatment have their offices. Another reason why the number of reported cases in this area is relatively high is the increased presence of the police and military, and the extremely high number of student groups and political organisations that actively advocate for human rights and political independence. This explosive combination of stakeholders is manifested in nine documented cases of torture and ill-treatment throughout the reporting period.

Other hotspots of torture are the regencies of Jayawijaya and Nabire, with five cases each, and the regencies of Mimika and Intan Jaya, with four cases each. All cases in Intan Jaya were associated with military raids accompanied by arbitrary acts of violence against indigenous Papuans. Two cases of torture in Boven Digoel regency were associated with disputes over customary land between indigenous community members and investors in large-scale agricultural projects. This remote regency has attracted numerous investors engaged in the exploitation of natural resources, such as palm oil and logging companies, who do not hesitate to meet any form of resistance with the use of violence.

Between 2015 and 2018, the number of torture and ill-treatment cases reported annually varied between 19 and 32.<sup>3</sup> The past two years have seen minimal fluctuations in the relevant statistics, with 22 cases in 2019 and 34 in 2020. However, the number of victims increased notably compared to 2018. Human rights defenders documented 126 victims in 2019 and 89 in 2020. The higher number of victims in 2019 is the result of crowd control operations where officers ill-treated a substantial number of protesters during one single incident (see Table 3.6-1). The Association of Human Rights Lawyers for Papua (PAHAM Papua) and the Jakarta-based Commission for Disappeared Persons and Victims of Violence (KontraS) published a report on human rights violations committed by the police and military in 2020, mentioning 32 cases of torture and ill-treatment and 61

1 Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession, punishing him/her for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions. (CAT, Article 1).

2 The term 'ill-treatment' is used for procedural violations –often characterised by arbitrary acts or the use of excessive force– that do not match the legal definition of torture in international human rights law but cause mental and physical suffering to a person.

3 ICP (January 2020): Human Rights and Conflict Escalation in West Papua. The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 to December 2018 and an overview of developments in 2019 (p. 24). It is available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

Table 3.6-1: Statistical data on Torture and Ill-treatment in West Papua throughout 2019 and 2020

	2019		2020		2019/2020	
	figures	%	figures	%	figures	%
<b>Number of reported cases of torture/ ill-treatment.</b>	<b>22</b>		<b>34</b>		<b>56</b>	
<i>Torture/ ill-treatment committed by members of the police.</i>	13	59,1%	16	47,1%	29	51,8%
<i>Torture/ ill-treatment committed by members of the military.</i>	5	22,7%	7	20,6%	12	21,4%
<i>Torture/ ill-treatment committed by joint security forces.</i>	3	13,6%	9	26,5%	12	21,4%
<i>Torture/ ill-treatment committed by other actors.</i>	1	7,7%	2	5,9%	3	5,4%
<b>Number of reported victims of torture/ ill-treatment.</b>	<b>126</b>		<b>89</b>		<b>215</b>	
<i>Number of indigenous Papuan victims.</i>	126	100,0%	87	97,8%	213	99,1%
<i>Number of non-Papuan victims.</i>	0	0,0%	2	2,2%	2	0,9%
<i>Number of reported victims below the age of 18.</i>	7	5,6%	6	6,7%	13	6,0%

victims.<sup>4</sup> Although these numbers are slightly lower than those compiled by the ICP, they support the observation that torture and ill-treatment continue to be frequently applied by security force members across West Papua.

As in previous years, 99.1% of the victims of torture and ill-treatment between 2019 and 2020 were indigenous Papuans. These statistics reflect the widespread racial discrimination indigenous Papuans face in Indonesia. Six per cent of the victims were below the age of 18, a slight decrease from 7.1% in 2017/2018. Although cases of torture and ill-treatment against minors throughout 2017 and 2018 were documented exclusively in the Papuan highlands,<sup>5</sup> such cases also occurred in low land regencies throughout the reporting period. Cases involving minors occurred more often in the highlands where military operations against the TPN PB frequently take place (see Table 3.6-1).

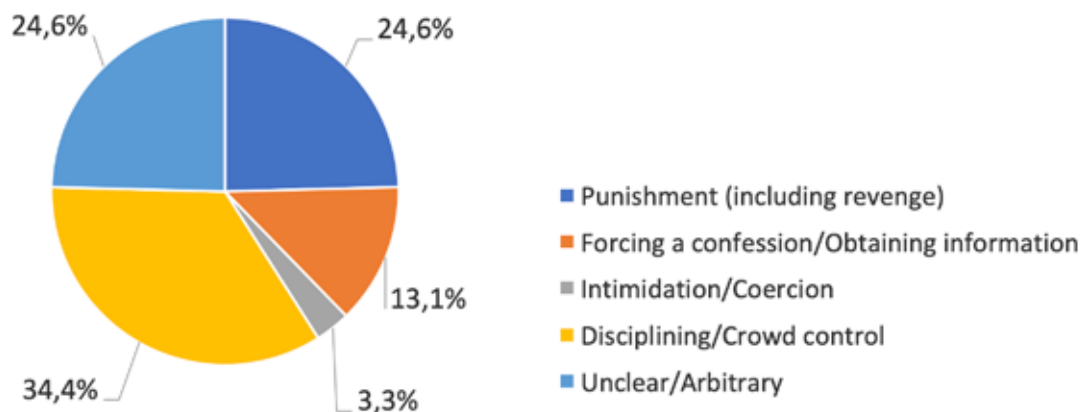
Police officers continued to be the primary perpetrators of torture and ill-treatment throughout 2019 and 2020, responsible for 51.8% of the reported cases. Army members and joint security forces were equally accountable for 21.4% of such violations. Only 5.4% of the cases were attributed to people who appeared to act on behalf of security forces or committed ill-treatment against victims in the presence of members of security forces (see Table 3.6-1). The numbers do not indicate any significant deviations compared with findings throughout 2017 and 2018, apart from the fact that the number of cases committed by joint security forces has almost trebled from four cases in 2017/ 2018 to twelve cases in 2019/ 2020.<sup>6</sup> One reason for this development are ongoing operations conducted by security forces against the TPN PB in the Papuan central highlands, which have resulted in a greater number of violent acts against civilians.

4 PAHAM Papua & KontraS (April 2021): Orang Papua Dilarang Bicara, Laporan Kekerasan Aparat Kepolisian Republik Indonesia dan Tentara Nasional Indonesia terhadap Rakyat Papua Tahun 2020, p.4

5 ICP (January 2020): Human Rights and Conflict Escalation in West Papua. The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 to December 2018 and an overview of developments in 2019 (p. 82), available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

6 Ibid, p. 82

### Patterns of torture and ill-treatment in West Papua throughout 2019 and 2020



Graphic 3.6-1: Patterns resulting in the use of torture and ill-treatment in West Papua throughout 2019 and 2020

The case studies throughout 2019 and 2020 indicate multiple patterns in the use of torture and ill-treatment. The vast majority of cases occurred during crowd control operations or when members of security forces disciplined single victims for disrupting public order. This pattern was identified in 34.4% of cases. The second most common pattern was the use of torture as a punishment for either belonging to a group opposing the government or alleged involvement in a criminal act. In some of these cases, security forces used torture as an act of vigilante justice in response to physical attacks or verbal disputes with their colleagues. In 13.1% of the reported cases, torture was used to obtain information from the victims or to force a suspect to sign a confession letter. The use of torture for intimidation or coercion was the least common pattern, evident in 3.3% of cases (see Graphic 3.6.1-1).

The number of cases in which physical violence was inflicted upon the victim as an arbitrary violent act has almost doubled from 13.8% throughout 2017/2018 to 24.6%

in 2019/2020.<sup>7</sup> The primary reason for this increase was the number of cases in which bullets injured civilian victims during firefights with, or operations against, the TPN PB in the central highlands.

### Case study

► A video<sup>8</sup> depicting two police officers torturing a 17-year-old Papuan boy with a snake while he was held in detention on 6 February 2019 in the city of Wamena, Jayawijaya Regency, went viral on YouTube. The footage showed a handcuffed Papuan minor sitting on the floor in front of a wall while two police officers try to force a confession from him (see Image 3.5-1). The officers threatened to put the snake in the suspect's mouth and trousers, pressuring him to confess to the alleged theft of a mobile phone. The spokesman for the Papuan Regional Police, Ahmad Musthofa Kamal, downplayed the officers' actions, arguing that the snake was not venomous and that the officers had not beaten the suspect.

7 Ibid, p. 83

8 Video available at: [https://www.youtube.com/watch?v=W\\_fBTcxJEL8](https://www.youtube.com/watch?v=W_fBTcxJEL8)

Two officers received disciplinary sanctions and were allegedly relocated to a different police unit. Several UN Special Rapporteurs published a joint press release<sup>9</sup> and requested information from the Indonesian Government regarding the case.<sup>10</sup>



Image 3.6-1: Police officer in Wamena holding a snake to the face of a Papuan suspect whose hands have been handcuffed behind his back (Source: YouTube).

► On 13 February 2019, police officers allegedly ill-treated two members of the West Papua National Committee (KNPB) who wanted to attend a pre-trial hearing at the district court in Timika, Mimika Regency. Police officers forced Sohon Tabuni to take off his shirt and open his trousers. They also cut off two bracelets and a necklace with a morning star symbol before allowing him to enter the courtroom. Police officers allegedly beat another KNPB supporter, Pit Gobay, because he wanted to attend the pre-trial hearing on 15 February 2019.<sup>11</sup>

► Three members of the Indonesian special forces (Kopassus) intercepted nine KNPB activists and a five-year-old girl on 24 February 2019 around Kelapa Lima, in Merauke. They arrested the nine KNPB members. Yukianus Tanden was allegedly ill-treated in a back room at the police station, where a special force member was reported to have held Yukianus by the throat and slapped him on the cheek.<sup>12</sup>

► On 3 March 2019, 53-year-old Anton Muyapa visited his son at the Siritwini Hospital in Nabire, which was heavily guarded by members of Denzipur 112 Military Unit. A military officer allegedly slapped Anton Muyapa multiple times in the face because he did not have a visitor's card. Hearing the noise, eight military personnel rushed into the room. With their combat boots, they kicked Anton Muyapa in the head, chest, and back until he fainted. Anton Muyapa regained consciousness at an emergency unit. He sustained multiple injuries due to the torture: both of his lips burst on the inside, he had a laceration on his right temple, the right side of his forehead was bruised, and his nose was bleeding. He sustained swellings on both cheeks, a bruise above the left eye, and a bleeding wound on the back of the head (see Image 3.5-2).<sup>13</sup>

9 Human Rights Council, Special Procedures (21.02.2019): Indonesia: UN experts condemn racism and police violence against Papuans, and the use of a snake against an arrested boy. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24187&LangID=E>

10 Human Rights Council, Special Procedures (18.02.2019): Special Procedure Communication, AL IDN 3/2019, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24349>

11 Video testimony available at: <https://www.youtube.com/watch?v=DGmONZOb-GY>

12 Information received from JPIC Kingmi Papua (14.03.2019): Video testimonies of victims available at: [https://www.youtube.com/watch?v=VBRuDngYd\\_8&t=2s](https://www.youtube.com/watch?v=VBRuDngYd_8&t=2s)

13 JPIC Kingmi Papua (24.03.2019): TNI AD Denzipur 112 Nabire jaga Rumah Sakit Umum Daerah (RSUD) Siritwini Nabire menganiaya dan menyiksa keluarga pasien/Masyarakat sipil dalam RSUD Siritwini Nabire



Image 3.6-2: Bruises on Anton Muyapa's face after being ill-treated by military members at the Siritwini Hospital (Source: JPIC Kingmi Papua)

► On 22 February 2019, a member of Denzipur 112 punched 22-year-old Naftali Yogi in the face and kicked his legs because he visited relatives at the Siritwini Hospital without a visitor's card. Subsequently, the officer beat Naftali Yogi with a rattan stick, causing bleeding wounds to his mouth and nose.<sup>14</sup>

► On 22 March 2019, two members of the Denzipur 112 Infantry Unit punched farmer Jhon Kamandirai in the face as he passed the parking area of the Siritwini Hospital. He was heading home on his motorcycle after visiting an in-law. The two military officers struck him four times with a rattan stick on the shoulders and twice on the back of the helmet. After the incident, he experienced headaches and pain in both shoulders as a result of the blows.<sup>15</sup>

► On 26 March 2019, 23-year-old Vinsen Kosay sustained a bullet injury to the right foot during a police raid. He stood next to a store in Wamena, Jayawijaya Regency, where four plainclothes officers of the Jayawijaya

district police suspected illegal gambling activities were taking place. The bullet pierced the outside of his foot and exited through the sole.<sup>16</sup>

► On 5 April 2019, police officers arrested 20-year-old Atison Bahabol and Eki Balingga along with his 13-month-old son Namu Balingga in the Soloikma Dormitory in Sentani. They were detained at the Jayapura District police station where officers tortured both men to obtain information regarding the whereabouts of a political activist. The officers punched them in the face, pushed them against the wall, and allegedly hit them on the head with a hammer. Eki Balingga held his son during the torture. He claimed that Namu's head jerked back and banged against a chair as an officer punched him (see images 3.5-3 and 3.5-4).<sup>17</sup> Before the arrests, a political activist had posted pictures of Atison Bahabol and Eki Balingga holding a leaflet in support of a referendum on political independence.



Images 3.6-3 & 3.6-4: Bruises on the face of Eki Balingga (left) and Atison Bahabol (right) after being tortured by police officers (Source: PAHAM Papua)

► On 7 April 2019, a plainclothes police officer arrested Yusup Badii and detained him at the Oyehe Police Post in Nabire. One police officer hit Yusup Badii with a wooden stick until he fell on the floor. Another officer allegedly stabbed Yusup Badii in the head, resulting in a bleeding

14 Ibid.

15 Ibid.

16 Independent human rights defender (27.03.2019): Penembakan terhadap Vinsen Kosay

17 PAHAM Papua (12.04.2019): Polisi Menyiksa Dua Aktivis KNPB Sentani Sampai Babak Belur dan Menahan Seorang Anak Balita



injury. Witnesses stated that Mr Badii's head was covered in blood when he left the police post (see Image 3.5-5).<sup>18</sup>



Image 3.5-5: Cuts and bruises on Yusup Badii's face and head after being tortured by police officers (Source: JPIC Kingmi)

► Police forces cracked down on two peaceful demonstrations by Papuan students against upcoming elections in Denpasar, Bali Province, and Malang, Java Tengah Province. The protest in Denpasar took place on 11 April 2019. Police officers allegedly ill-treated seven protesters during the violent dispersal of the rally. The demonstration in Malang on 7 April 2019 was jointly dispersed by local police and various nationalist mass organisations (Ormas). Ormas members punched the demonstrators and threw hot coffee mixed with chilli onto the Pro-Papua activists. Police officers failed to protect the demonstrators from the violent reprisals. Ten demonstrators reportedly sustained bruises during the beatings.<sup>19</sup>

► On 15 April 2019, Police Brigadier Chief A.K. opened fire on Apner Kaigere, 36, and Anderson Hengga, 17, in Asei Kecil village in Jayapura regency. The shooting occurred when a discussion over a demolished house escalated into a heated dispute. Brigadier Chief A.K reportedly punched Apner Kaigere and fired two shots. Apner Kaigere and Anderson Hengga sustained bullet injuries and had to be hospitalised.<sup>20</sup>

► Police officers severely injured Melianus Dogopia, 18, on 21 May 2019 in the Tigi, Deiyai Regency. Melianus Dogopia and three friends stopped a public vehicle and asked the driver for money to buy cigarettes. When the driver refused, Melianus and his friends damaged the windshield. Police officers followed Melianus Dogopia home, entered his house, and allegedly fired multiple shots. He sustained a bullet wound to his thigh and had to be hospitalised.<sup>21</sup>

► The forceful dispersal of a protest related to local elections resulted in the killing of four indigenous Papuans in the Basim village of Asmath regency on 27 May 2019 (see Chapter 3.5 Extra-judicial Executions). Four other protesters – Jhon Tatai, Salmon Firap, Fitalis Akun and Leo Pakanam – were allegedly injured. Jhon Tatai was hospitalised with two bullet injuries to the left elbow and the right hand (see image 3.5-6). His left arm had to be amputated because the bullet had severely shattered his elbow.<sup>22</sup>

18 JPIC Kingmi Papua (13.04.2019): Yusup Badii Pegawai Negeri Sipil (PNS) Kepala Pegawai sampah oyehe Dinas Kebersihan Kota Nabire di Tikam di dalam Sel Pos Polisi Oyehe Nabire

19 Jubi (15.04.2019): AMP dan YLBHI-LBH Bali kecam pembubaran aksi damai oleh polisi, available at: <https://www.jubi.co.id/amp-dan-ylbhi-lbh-bali-kecam-pembubaran-aksi-damai-oleh-polisi/>; & Jubi (14.04.2019): 10 orang luka-luka, represi aparat Polresta Malang dikecam, available at: <https://www.jubi.co.id/10-orang-luka-luka-represifitas-aparat-polresta-malang-dikecam/>

20 Tribun News (16.04.2019): Gara-gara Masalah Rumah, Oknum Polisi Tembak 2 Anggota keluarganya di Jayapura, available at: <https://video.tribunnews.com/view/79764/gara-gara-masalah-rumah-oknum-polisi-tembak-2-anggota-keluarganya-di-jayapura>

21 JPIC Kingmi Papua (21.05.2019): Laporan TNI POLRI menembak Mati Yulius Mote (18 thn) dan melukai Melianus Dogopia (18 Tahun) Waghete Desa Waghete Distrik Tigi Kabupaten Deiyai Propinsi Papua

22 Tribun Arafura (27.05.2019): Tentara Tembak Masyarakat Asmat Karena Protes Pengalihan Suara Pileg ke Caleg Non Papua, available at: <https://tribun-arafura.com/2019/05/27/tentara-tembak-masyarakat-asmat-karena-protes-pengalihan-suara-pileg-ke-caleg-non-papua/#prettyPhoto> & Jubi (29.05.2019): Masyarakat Asmat diimbau tak terprovokasi tragedi Fayit, available at: <https://www.jubi.co.id/masyarakat-asmat-diimbau-tak-terprovokasi-tragedi-fayit/>



Caption: Image 3.6-6: Jhon Tatai’s left arm had to be amputated because a bullet had severely shattered his elbow (Source: Jubi)

► On 28 August 2019, the forceful dispersal of a demonstration against racism in Waghete, Deiyai Regency, resulted in the deaths of eight protesters (see Chapter 3.5 Extra-judicial Executions). The peaceful demonstration turned violent after a military car rammed into protesters. Fifty protesters were injured when police officers subsequently dispersed the protest by firing ammunition at the crowd, the vast majority of whom sustained bullet injuries (see Table 3.5-2).<sup>23</sup>

Table 3.6-2: Protesters injured during the crackdown on an anti-racism demonstration in Waghete, Deiyai regency (Source: JPIC Kingmi Papua)

No	Name	Age	Additional Information
1	Elisabet Mote	29 years	Sustained a bullet wound to the abdomen
2	Yanto Dogopia	19 years	Sustained a bullet wound to the left thigh
3	Martinus Iyai	30 years	Sustained a bullet wound to the right thigh
4	Yustinus Agapa	17 years	Sustained a wound from a bullet that pierced the right thigh
5	Apilin Mote	32 years	Sustained a wound from a bullet that pierced the right buttock
6	Naomi Pigome	28 years	Sustained bruises to her calves after fainting due to tear gas and falling into a ditch
7	Felex Agapa	26 years	Sustained a bullet wound to the left calf
8	Karel Kotouki	64 years	Sustained a bullet wound to the right calf
9	Alex Douw	23 years	Sustained a bullet wound to the right cheek
10	Andreas Douw	22 years	Sustained a bullet wound below the armpit
11	Irarius Douw	25 years	Sustained a bullet wound to the arm
12	Frengki Pekei	24 years	Sustained a bullet wound to the lower back
13	Fenior Pekei	12 years	Sustained a bullet wound to the right knee
14	Bernadus Kotouki	16 years	Suffered a fractured shinbone after receiving a bullet to the right calf
15	Yohanes Adii	47 years	Sustained a bullet wound to the left calf

26 JPIC Kingmi Papua (08.09.2019): Laporan Verifikasi TNI POLRI Penembak Mati 8 orang Masyarakat Sipil, 1 anggota TNI meninggal dunia dan Melukai 50 orang Masyarakat Sipil dan melukai 7 anggota Brimob pada saat Demo damai Penolahkan Rasisme di Halaman Kantor Bupati Kabupaten Deiyai

No	Name	Age	Additional Information
16	Mikael Bukega	26 years	Sustained multiple bruises after being tortured by security forces on the way to the public hospital in Madi
17	Simon Pakage	29 years	Sustained a bullet wound to the right arm
18	Alex Pakage	28 years	Sustained a bullet wound to the left thigh
19	Yuven Pekey	34 years	Sustained a wound from a bullet that pierced his thigh muscle
20	Gregorius Tekege	29 years	Sustained a bullet wound to the right side of the back
21	Simon Ukago	27 years	Sustained multiple bruises after being tortured by security forces on the way to the public hospital in Madi
22	Leander Doo	30 years	Sustained a bullet wound to the left thigh
23	Yos Iyai	30 years	Sustained a bullet wound to the left calf
24	Stepanus Goo	29 years	Sustained a bullet wound to the left thigh
25	Samuel Edowai	26 years	N/A
26	Step Pigai	26 years	Sustained multiple bruises after being tortured by security forces on the way to the public hospital in Madi
27	Melianus Mote	32 years	Sustained bruises around the right eye after being tortured by security forces
28	Yonas Kayame	28 years	Sustained a bullet wound to the lower back
29	Yul Badii	20 years	Sustained a bullet wound to the right thigh
30	Frans Nawipa	35 years	Sustained a bullet wound to the thigh and genitals
31	Elihut Pigai	21 years	Sustained a bullet wound to the right thigh
32	Yance Dawapa	26 years	Sustained multiple severe head injuries after security forces repeatedly struck his head with rifle butts. The victim did not regain consciousness and is in the ICU in Paniai General Hospital.
33	Agus Mote	20 years	Sustained a wound
34	Ones Badii	N/A	Sustained a bullet wound to the chest
35	Anggel Kotouki	20 years	Sustained a bullet wound to the chest
36	Domin Pakage	25 years	Sustained a bullet wound to the palm of his hand
37	Marthinus Dogopia	21 years	Sustained a bullet wound to the thigh
38	Amos Pakage	24 years	Sustained a bullet wound to the lower abdomen
39	Ukago Mabipai	20 years	Sustained a bullet wound to the right leg
40	Titus Giay	24 years	Sustained a wound from a bullet that pierced the thigh muscle

No	Name	Age	Additional Information
41	Yufri Bobii	21 years	Sustained a bullet wound to the right side of the chest
42	Olis Pekey	19 years	Sustained a bullet wound to the right chest
43	Leander Douw	28 years	Sustained a bullet wound to the left side of the head
44	Yerino Madai	30 years	Sustained a bullet wound to the left leg
45	Lidia Adii	35 years	Sustained a bullet wound to the left calf
46	Paulus Adii	29 years	Sustained a bullet wound to the back
47	Demianus Adii	21 years	Sustained a fractured leg after a car crashed into both him and Yustinus Takimai
48	Yulius Adii	30 years	Sustained a bullet wound to the right calf
49	Leander Waine	29 years	Sustained a bullet wound below the right armpit
50	Yustinus Wandagau	22 years	Sustained a wound from a bullet that pierced their hand

► A wide-scale security operation against the TPN PB in the highland regency of Puncak, Papua Province, resulted in the deaths of three villagers during a fight in Olengki village on 17

September 2019. Security forces injured four female civilians during the battle (see Table 3.5-3), three of whom were hospitalised (see Table 3.5-7).

Table 3.6-3: Number of victims injured during a security raid in Olengki Village, Puncak Regency (Source: Independent human rights defender)

No	Name	Age	Additional information
1	Topina Mom	36 years	Sustained a wound to the right calf
2	Bu Tabuni	37 years	Sustained a wound 2 cm deep and 6 cm long to the right forearm; the bullet hit the bone
3	Herina Kinal	32 years	Sustained a wound 12cm long and 2cm deep to the right side of her waist
4	Yefrina Mom	16 years	A projectile pierced the right side of her chest, 5 cm below the collarbone



Image 3.6-7: Herina Kinal (left) displays the bullet injury on her right forearm which she sustained during the raid. Bu Tabuni receiving medical treatment at the hospital Timika (right).

► On 23 September 2019, a police officer allegedly insulted Ardi Bayage while hitting him on the head. The incident occurred because the journalist wanted to cover a student protest in Jayapura.<sup>24</sup>

► On 23 September 2019, joint security forces forcefully dispersed a protest in Waena, a suburb of Jayapura city. The crackdown followed a peaceful student protest against the racial discrimination of indigenous Papuans at the Cenderawasih University Auditorium. Four students were allegedly killed and at least 24 injured during the crackdown. The injured students received medical treatment at the Bhayangkara Police Hospital.<sup>25</sup>

► Twenty-two-year-old Teresta Tega Iyaba was reportedly intimidated and tortured in police custody. She was arrested on 11 October 2019 in Wamena and detained at the Jayawijaya District Police detention facility until 29 October 2020. At around midnight on 15 October 2019, a police officer came to her cell, pointed his gun at Teresta, and threatened

to shoot her in the leg. On 17 October 2019, another officer threatened to kill her. On 14 November 2019, after being transferred to the police detention facility in Jayapura, Teresta was sexually harassed by a police officer who repeatedly asked her to have sex.<sup>26</sup> On 4 December 2019, lawyers reported allegations of torture and sexual harassment to the Profession and Security Police Division (Propam). Her lawyer received information that one of the perpetrators stood internal code of conduct trial. According to the police, the perpetrator was transferred to another police unit.<sup>27</sup>

► Following arson attacks in multiple stores at the Mabilabol Market in Oksibil on 26 September 2019, the police carried out raids and arbitrarily arrested six indigenous Papuans in various locations. All six detainees were tortured whilst in custody at the Pegunungan Bintang District Police Station. (1) Eight officers forced Karlos Asemki, 20, to confess at gunpoint to the burning of a market in Oksibil. One officer pushed a glowing cigarette into his mouth. Another tortured him with a stun gun. The officers kicked Karlos Asemki in the body, punched him in the face, and repeatedly struck him with a wooden stick until it broke. He sustained multiple bruises to the body and the face. (2) Police officers punched Yhoni Malyo, 24, inside the police car on the way to the district police station. Multiple police officers also kicked him and punched him in the face during interrogation at the district police office. One of the officers tortured Yhoni Malyo with a stun gun – shocking him twelve times. (3) Hermanto Nabyal, 23, was forced to place his hands on the floor while police officers stepped on them with combat boots.

24 Jubi (23.09.2019): FJAP: pelarangan liputan oleh polisi melanggar UU Pers, available at: <https://www.jubi.co.id/fjap-pelarangan-liputan-oleh-polisi-melanggar-uu-pers/>

25 Jubi (25.09.2019): Sejumlah korban luka insiden Expo dipulangkan, sisanya dirawat intensif, available at: <https://jubi.co.id/sejumlah-korban-luka-insiden-expo-dipulangkan-sisanya-dirawat-intensif/>

26 Paham Papua (04.03.2020): Data Keseluruhan Tapol dan Tahanan Rasisme dalam Peristiwa Rasisme Agustus – September 2019

27 Jubi (09.12.2020): Keluarga korban pelecehan minta polisi hentikan proses hukum, available at: <https://www.jubi.co.id/keluarga-korban-pelecehan-minta-polisi-hentikan-proses-hukum/>

(4) Police officers punched and kicked Keyus Balyo, 26, in the body for about five minutes. One of the officers repeatedly electrocuted him with a stun gun. (5) Two police officers, Sesar and Yeheskiel, repeatedly punched and kicked Yenus Deal, 23, during arrest. Police officers also hit him on the head with rifle butts after he refused to sign a confession letter. (6) A further suspect named Yosmin Duyala, 25, was also tortured in custody.<sup>28</sup>

► On 1 November 2019, officers of the Jayawijaya District Police arbitrarily arrested Yagarsom Asso, 46, in his house in Ninabua village of Jayawijaya regency for spearheading a demonstration by a group of villagers, which escalated into unrest in Wamena. Shortly afterwards, police officers took him to a nearby forest and reportedly shot him multiple times in the legs. The torture was probably a punishment for his alleged involvement in the unrest (see image 3.6-8 below).<sup>29</sup>



Image 3.6-8: Yagarsom Asso receiving medical first aid treatment shortly after the police torture (source: Paham Papua)

► Jubi journalist Piter Lokon was allegedly ill-treated by police members in Dekai, Yahukimo Regency, on 18 December 2019. He was covering a protest when a police officer hit him on the hand and waist with his rifle butt.<sup>30</sup>

► On 20 December 2019, members of the Police Mobile Brigade Special Unit (Brimob) opened fire on Fetrik Nepsan and Lefinus Saram. Both men were sitting in front of their house in Dekai Town, Yahukimo Regency. Relatives claimed that the police officers did not fire any warning shots. Fetrik Nepsan and Lefinus Saram sustained severe bullet injuries and were admitted to the Yahukimo General Hospital.<sup>31</sup>

► On 26 January 2020, military personnel injured two indigenous Papuans during an armed clash with TPN PB members in the town of Sugapa, Intan Jaya Regency. Kayus Sani and eight-year-old Jekson Sondegau sustained bullet injuries when army members fired in the midst of the clash.<sup>32</sup> Another civilian was killed during the fight (see Chapter 3.5 Extra-judicial Executions).

► A security raid in Yoparu village of Sugapa district, Intan Jaya Regency, on 18 February 2020 resulted in the death of a customary leader and a minor (see Chapter 3.5 Extra-judicial Executions). Malopina Sani and twelve-year-old Martina Sani sustained bullet injuries during the incident. The four victims were reportedly inside their house when the bullets hit them.<sup>33</sup>

28 Paham Papua (04.03.2020): Data Keseluruhan Tapol dan Tahanan Rasisme dalam Peristiwa Rasisme Agustus – September 2019

29 Ibid.

30 Jubi (18.12.2020): Meliput aksi demonstrasi di Dekai, Jurnalis Jubi dipukul polisi, available at: <https://www.jubi.co.id/meliput-aksi-demonstrasi-di-dekai-jurnalis-jubi-dipukul-polisi/>

31 Suara Papua (20.12.2019): Di Yahukimo dua warga tertembak – satu orang ditembak mati polisi, available at: <https://suarapapua.com/2019/12/20/di-yahukimo-dua-warga-tertembak-satu-orang-ditembak-mati-polisi/>

32 JPIC Kingmi Papua (27.01.2020): Operasi Militer di Intan Jaya dan Pendropan/penambahan Pasukan Organik dan Non Organik di Wilayah Meepagoo Papua

33 Suara Papua (23.02.2020): Video: TNI Tembak Mati Warga Sipil, Bukan Anggota TPNPB, available at: <https://suarapapua.com/2020/02/23/video-tni-tembak-mati-warga-sipil-bukan-anggota-tpnpb/>



Image 3.6-9: Jekson Sondegau showing the bandaged bullet wound on his belly during a video testimony shortly after the incident. (source: independent human rights defender)

► On 23 February 2020, truck driver Yus Yunus was severely injured during a mob attack in Dogiyai regency. The incident was allegedly triggered by a traffic accident in the village of Ekimani, Kamu Utara district, which resulted in a resident's death. A video recorded during the attack showed that Yus Yunus sought protection behind fully armed mobile brigade police officers as multiple attackers repeatedly hit him with sticks and stones. Yus Yunus died shortly after as a result of his injuries.<sup>34</sup>

► On 26 February 2020, an act of public worship in Kenyam, Nduga Regency, was overshadowed by an armed attack against a military post by the TPN PB. A woman died (see Chapter 3.5 Extra-judicial Executions), and a

man, Yosman Wasiangge, sustained a bullet wound to the lower back during the shooting. Military personnel reportedly tortured Krianus Uburuangge, 23, and Nekianus Umangge, 32, shortly after the exchange of fire. The soldiers suspected they were TPN PB members. Members of the military repeatedly struck Nekianus Umangge with a rifle butt in the face and pushed glowing cigarette butts onto his back and thigh. He sustained a deep cut above the right eye as a result of the assault. Subsequently, a military member pushed a rifle barrel into his mouth, causing bruises and cuts. Another soldier struck Nekianus with a wooden beam to the head and hands, resulting in bleeding injuries. He also stomped on him with combat boots, leaving bruises on his chest. Military personnel repeatedly kicked Krianus Umburuangge in the face, causing bruises and open wounds. Another soldier struck him on the back of the head with a rifle butt, inflicting a deep cut. One of the soldiers used pliers in an attempt to extract Krianus's right toenail and remove parts of the skin from other toes. Another military member pushed a glowing electric cigarette lighter into his left shoulder. Another struck his right index finger with a hammer. He sustained bleeding injuries to the lower back, the face, the right hand, the right foot, and bruises to his ribs.<sup>35</sup>

► On 7 April 2020, Papuan human rights activist Ema Natkime and four of her relatives –Yohanis Wamang, Roni Wamang, Nangain Magai, and Emarain Marai– were beaten by police officers whilst in custody at the Kuala Kencana Sub-District Police Station. The family was driving to the village of Jayanti in the Iwaka District of Mimika regency when police officers arrested them and accused them of supplying TPN PB members with food. Police officers tortured the suspects to force a confession.<sup>36</sup>

34 Jubi (27.02.2020): Sopir truk dikeroyok di hadapan Polisi, DPRP minta Kapolda pecat Kapolsek Kamu, available at: <https://www.jubi.co.id/sopir-truk-dikeroyok-di-hadapan-polisi-dprp-minta-kapolda-pecat-kapolsek-kamu/>

35 YKKMP (March 2020): Aksi Tembak Antara OPM/TPNPB dan TNI Kembali Terjadi Di Kampung Koteka Kabupaten Nduga, Dua Warga Masyarakat sipil mengalami luka Tembak dan 2 Warga masyarakat lainnya mengalami Penyiksaan

36 Suara Papua (09.04.2020): Mama Ema Natkime dan empat orang lain dibebaskan, available at: <https://suarapapua.com/2020/04/09/mama->



Image 3.6-10: Krianus Uburuangge (left) and Nekianus Umangge (centre) and Yosman Wasiangge (right) following their admission to the general hospital in Timika (source: YKKMP)

► On 22 April 2020, during a large-scale operation in the regency of Maybrat, police officers allegedly arrested and tortured Edo Lando Sakof, the Siwa area's KNPB Chairperson in Maybrat. The officers stabbed him in the legs, broke one of his fingers, and staged a mock execution. The officers threatened to throw him off a bridge while his hands were tied behind his back. On 23 April 2020, the police officers reportedly searched the KNPB branch office in Kamat village and beat KNPB member Abadur Mate during the raid.<sup>37</sup>

► On 16 May 2020, a police officer tortured Marius Betera after he complained about his garden being cleared by an excavator working for the palm oil company PT Tunas Sawaerma, a Korindo Group subsidiary. The incident occurred at Camp 19 in the Jair District of Boven Digoel regency. A former security guard and police officer, Melkianus Yowei, intercepted Marius Betera in front

of the office and repeatedly punched and kicked him. Witnesses say that the victim was bleeding from the ear after the beating. The torture appeared to be an act of punishment. Marius Betera died shortly after the incident as a result of his injuries (see Chapter 3.5 Extra-judicial Execution).<sup>38</sup>

► On 14 May 2020, police officers tortured Ayub Jr Hutugaol in Wania, Mimika Regency, while investigating illegal alcohol sales. The torture occurred inside his shop and was caught on CCTV. The video<sup>39</sup> shows Ayub Jr Hutugaol sitting on the floor. Plainclothes officers are then shown simultaneously hitting him with a motorcycle helmet and kicking him in the head. One officer beat Ayub Jr Hutugaol with a plastic chair until it broke. The torture was witnessed by at least four other police officers, none of whom intervened.<sup>40</sup>

[ema-natkime-dan-empat-orang-lain-telah-dibebaskan/ & Suara papua \(08.04.2020\): Dikabarkan mama Ema Natkime ditangkap polisi di Timika, available at: https://suarapapua.com/2020/04/08/dikabarkan-mama-ema-natkime-ditangkap-polisi-di-timika/](https://suarapapua.com/2020/04/08/dikabarkan-mama-ema-natkime-ditangkap-polisi-di-timika/)

37 Suara Papua (26.04.2020): Dunia Sibuk Corona, Aparat Sibuk Tangkap dan Teror Masyarakat di Maybrat, available at: <https://suarapapua.com/2020/04/26/dunia-sibuk-corona-aparat-sibuk-tangkap-dan-teror-masyarakat-di-maybrat/>

38 SKP Archdiocese Merauke (17.05.2020): Statemen Letter on the Violence in Palm Oil Plantation PT. Tunas Sawa Erma, Jair District, Boven Digoel Regency, Papua Province &

Jubi (18.05.2020): Diduga sempat dianiaya polisi, 1 warga Asiki meninggal di klinik perusahaan sawit, available at: <https://jubi.co.id/diduga-sempat-dianiaya-polisi-1-warga-asiki-meninggal-di-klinik-perusahaan-sawit/>

39 The video was uploaded on YouTube and is available at: <https://www.youtube.com/watch?v=gKX1-eJcTBY>

40 Jubi (24.05.2020): Polres Mimika proses oknum anggota terlibat penganiayaan warga, available at: <https://jubi.co.id/polres-mimika-proses-oknum-anggota-terlibat-penganiayaan-warga-papua/>





Image 3.6-11: A police officer kicks Ayub Jr Hutagaol in the face during the police raid (source: Screenshot taken from CCTV recording on YouTube)



Image 3.6-12: Sarah Yeimo (left) and Yosia Magai (right) receiving medical treatment at the Uwibutu General Hospital in Paniai (source: ELSHAM Papua)

► On 10 June 2020, security forces ill-treated 29-year-old Sarah Yeimo. They then tortured Yosia Magai and Yupen Magai after bystanders damaged the roadblock of a COVID-19 control post in Wouye Butu village, Paniai Regency. The officers deliberately closed the barrier as Sarah Yeimo walked around the roadblock. She sustained a wound to the left leg when the edge of the iron barrier spiked into her foot. A group of security personnel approached Yupen Magai and collectively beat him after a bystander told the officers that he had allegedly participated in the vandalism. Subsequently, three plainclothes officers approached Yosia Magai inside the hospital. They dragged him outside, where around 20 security force officers kicked and punched him until he lost consciousness.<sup>41</sup>

► On 1 July 2020, police arrested Adam Sorry, the chairman of the local KNPB branch in Kisor village in the regency of Maybrat. According to witnesses, one police officer reportedly punched Adam Sorry to the chin during arrest. A minor named Agustinus Fatem was kicked

and beaten as he hugged Sorry to prevent the arrest. The officers reportedly kicked and punched other KNPB supporters inside the office.<sup>42</sup>

► On 4 July 2020, police officers reportedly arrested and tortured Yudi Kwimi. Four plainclothes police officers handcuffed Yudi without showing a warrant and brought him to the Keerom District Police Station. He was interrogated throughout the night and reportedly beaten. He sustained bruises all over his face, with swelling around the eyes as a result of the torture.<sup>43</sup>

► On 11 July 2020, plainclothes officers punched Sedrik Kaikatu at least seven times while he was handcuffed to a bed in the public hospital's emergency room in Wasior. He was receiving medical treatment for a gunshot wound he sustained when police officers arrested him –at least one bullet reportedly pierced his left arm.<sup>44</sup>

41 ELSHAM Papua (11.06.2020): Laporan Penganiayaan Kabupaten Paniai & Jubi (12.06.2020): Insiden di depan RSUD Paniai harus jadi pembelajaran, available at: <https://jubi.co.id/insiden-di-depan-rsud-paniai-harus-jadi-pembelajaran/>

42 Suara Papua (03.07.2020): Ketua KNPB Maybrat Ditangkap, available at: <https://www.humanrightspapua.org/news/32-2020/610-police-officers-alleged-of-arbitrary-arrest-and-torture-knpb-chairman-in-maybrat-and-minor-taken-into-custody>

43 Suara Papua (06.07.2020): Polisi Diduga Culik dan Aniaya Yudi Kwimi di Keerom –Keluarga Laporkan Ke Elsham Papua, available at: <https://suarapapua.com/2020/07/06/polisi-diduga-culik-dan-aniaya-yudi-kwimi-di-keerom-keluarga-korban-lapor-ke-elsham-papua/>

44 Suara Papua (12.07.2020): Setelah Ditangkap dan Terluka Tembak, Sedrik Diduga Dipukul Polisi di Rumah Sakit, available at: <https://suarapapua.com/2020/07/12/setelah-ditangkap-dan-terluka-tembak-sedrik-diduga-dipukul-polisi-di-rumah-sakit/>



Image 3.6-13: Sedrik Kaikatu at the general hospital in Wasior (source: Suara Papua)

► On 25 July 2020, members of the 561 Caraka Yudha Kodam Brawijaya border control unit arrested and tortured sixteen-year-old Oktavianus Betere inside a military post in the Asiki district of Boven Digoel regency. Later, the army members took him to a community health centre, where he died shortly afterwards. A post-mortem examination at a local clinic confirmed that the victim's body was bruised and wounded (see Chapter 3.5 Extra-judicial Executions).<sup>45</sup>

► On 28 and 29 July 2020, four members of the Kwoor Sub-District Command allegedly tortured four indigenous Papuans during a customary reconciliation meeting in the village

of Orwen, Tambrauw Regency. The military personnel forced Neles Yenjaw, Karlos Yerer, Harun Yewen, and Piter Yengres to take off their shirts and squat in front of the other villagers. The soldiers then shouted at them and kicked them multiple times. The torture was a punishment for allegedly harassing other villagers while being drunk. One of the victims reportedly vomited blood after the torture and had to be treated by relatives for several days at home. On 29 July 2020, after residents had allegedly thrown stones at a COVID-19 control post in the Mubrani district, army members arrested Soleman Kasi and Hengky Mandacan and punched them repeatedly in the face.<sup>46</sup>

► On 15 August 2020, police officers arrested two Papuans in Waena, Jayapura, who had participated in a peaceful protest to commemorate the "New York Agreement". One police officer reportedly beat one of the protesters, Nepi Pahabol, during arrest, as a result of which he sustained bruises and swelling to the face and forehead.<sup>47</sup>

► On 16 August 2020, joint security forces beat Saulus Melkior Wugaje, Dominggus Aifufu, and Chiko Momot whilst they were on their way to Teminabuan town, Sorong Selatan Regency. The three Papuans had been collecting donations from passing cars to remove a tree trunk from the road. The victims sustained bruises to the face and body from the assault.<sup>48</sup>

► On 27 August 2020, police officers allegedly tortured Georg Rumbino whilst in custody at the Sorong District Police Headquarters to force him to confess to involvement in a

45 Jakarta Post (27.07.2020): Boven Digoel local allegedly tortured to death by TNI personnel, available at: <https://www.thejakartapost.com/news/2020/07/27/boven-digoel-local-allegedly-tortured-to-death-by-tni-personnel.html> & Jubi (26.07.2020): Seorang anak tewas, diduga dianiaya anggota Satgas Pamtas pos Asiki-Boven Digoel, available at: <https://jubi.co.id/seorang-anak-tewas-diduga-dianiaya-anggota-satgas-pamtas-pos-asiki-boven-digoel/>

46 Jubi (02.08.2020): Maret- Juli 2020, anggota TNI diduga lakukan intimidasi dan aniaya warga Tambraw, available at: <https://jubi.co.id/maret-juli-2020-anggota-tni-diduga-lakukan-intimidasi-dan-aniaya-warga-tambraw/>

47 Jubi (15.08.2020): 2 unjuk rasa Perjanjian New York di Kota Jayapura dibubarkan, 3 orang ditangkap, available at: <https://jubi.co.id/papua-2-unjuk-rasa-perjanjian-new-york-di-kota-jayapura-dibubarkan-3-orang-ditangkap/>

48 Suara Papua (21.08.2020): Tiga Pemuda di Sorsel Dilumuri Darah Usai Dipukul Aparat Gabungan, available at: <https://suarapapua.com/2020/08/22/knpb-sorong-rama-selamat-datang-kembali-para-pejuang-dan-tapol-rasisme-papua/>

murder case. He died the following day (see Chapter 3.5 Extra-judicial Executions). His relatives claim that they noticed bullet wounds in his legs.<sup>49</sup>

► On 23 August 2020, seven police officers in plainclothes opened fire at a group of young villagers who had consumed alcoholic drinks and were stopping passing cars to beg for money in Ugapuga, Dogiyai Regency. Sixteen-year-old Yan (Keiya Mabipai) Agapa sustained a bullet wound to the left thigh. The torture appeared to be a punishment for disrupting traffic.<sup>50</sup>



Image 3.6-14: Yan Agapa lying on the floor of his house shortly after the incident (source: JPIC Kingmi Papua)

► On 31 August 2020, police officers tortured at least two indigenous Papuans held in police custody at the Yahukimo district police station. They had been arrested during a police raid in the town of Dekai, Yahukimo Regency. Officers beat Yafet Amohoso, causing a bleeding injury to his mouth. Tinus Yalak's hands displayed marks from the tight handcuffs and there were bruises on his face from the beating.<sup>51</sup>

► On 8 September 2020, joint police-military forces allegedly tortured three Papuans from the indigenous Kombai Tribe –one of whom was female– during a routine COVID-19 control in Boven Digoel's largest town, Tanah Merah. The security personnel reportedly stopped them because they were not wearing face masks while riding their motorcycles.<sup>52</sup>

► On 21 September 2020, police officers arrested and detained Michael Ipnun after he was involved in a traffic accident in Sarmayam, Merauke Regency. The officers reportedly tortured him inside a police post. His relatives discovered bruises all over his body that did not appear to be related to the traffic accident. Michael Ipnun's wrists, feet, and neck displayed marks indicating that his extremities had been tied up. He died the next day (see Chapter 3.5 Extra-judicial Executions).<sup>53</sup>

► On 25 September 2020, members of nationalist mass organisations (Ormas) injured five Papuan students of the "Solidarity Forum Caring for the Papuan People" (FSP-RP) in Makassar, South Sulawesi Province. They assaulted them with stones and helmets during a peaceful demonstration against the prolongation of special autonomy status. Police officers witnessed the attacks and did not intervene. Macho Pahabol, Boas Payage, Antonius Boma, Petrus Badi, and Alahesa Kanningga all sustained injuries.<sup>54</sup>

► Fredy Yeimo reportedly sustained multiple injuries as a result of excessive force applied by police officers against protesters during a rally opposing the government's plan to prolong special autonomy status. The demonstration

49 Suara Papua (31.08.2020): Edo Kondologit Desak Propam Polda PB Usut Tuntas Meninggalnya Riko di Mapolres Kota Sorong, available at: <https://suarapapua.com/2020/08/31/edo-kondologit-desak-propam-polda-pb-usut-tuntas-meninggalnya-riko-di-mapolres-kota-sorong>

50 JPIC Kingmi Papua (28.08.2020): Seorang Pemuda Sipil di Tembak oleh 7 orang Anggota Polisi Brimob di Desa Ugapuga Distrik Kamu Timur Kabupaten Deiyai Propinsi Papua

51 Suara Papua (31.08.2020): Warga Dekai Yang Ditahan Sempat Dipukul, available at: <https://suarapapua.com/2020/08/31/warga-dekai-yang-ditahan-secukupnya-dipukul/>

52 RRI (11.09.2020): Pemkab Boven Digoel Bersama Keluarga Korban Insiden Pemukulan Sepakati Denda Adat, available at: [https://rri.co.id/bovendigoel/1653-info-publik/896201/pemkab-boven-digoel-bersama-keluarga-korban-insiden-pemukulan-sepakati-denda-adat?utm\\_source=news\\_main&utm\\_medium=internal\\_link&utm\\_campaign=General%20Campaign](https://rri.co.id/bovendigoel/1653-info-publik/896201/pemkab-boven-digoel-bersama-keluarga-korban-insiden-pemukulan-sepakati-denda-adat?utm_source=news_main&utm_medium=internal_link&utm_campaign=General%20Campaign)

53 Jubi (21.09.2020): Meninggal di Puskesmas, Michael sebelumnya diperiksa di pos polisi, available at: <https://jubi.co.id/meninggal-di-puskesmas-papua-michael-sebelumnya-diperiksa-di-polsek/>

54 Jubi (25.09.2020): Unjuk rasa tolak Otsus Papua Jilid II di Makassar diserang massa ormas, available at: <https://jubi.co.id/unjuk-rasa-tolak-otsus-papua-jilid-ii-di-makassar-diserang-massa-ormas/>

## ■ Human Rights in West Papua

took place in Timika, Mimika Regency, on 23 September 2020.<sup>55</sup>

► On 28 September 2020, joint security forces dispersed a peaceful student demonstration at Cenderawasih University (UNCEN) in Jayapura with teargas and firearms. Students Yabet Lukas Degei and Telius Wanimbo sustained bleeding injuries to the back of the head after security forces struck them with rifle butts.<sup>56</sup>

► On 1 October 2020, joint security forces raided the village of Wuluagaima in the Kurima district, Jayawijaya Regency. Nikson Wetipo, Numbugen Wetipo and Yospan Lokbere were reportedly tortured during the operation (see Table 3.5-4).

► Twenty-three-year-old catholic catechist Agustinus Duwitau was shot by members of the Yonif Raider 400/Brawijaya Military Unit in Domonggau village, Intan Jaya Regency, on 7 October 2020. The army members allegedly

mistook him for a TPN PB member because he was carrying an air rifle used for hunting. The bullet pierced Agustinus Duwitau from the upper back to the left shoulder.<sup>57</sup>



Image 3.6-15: Villagers found Agustinus Duwitau in a garden where he was hiding from further attacks (source: JPIC Kingmi Papua)

**Table 3.6-4: Victims of torture during a security force raid in Wuluagaima Village**

No	Name	Gender	Age	Additional information
1	Nikson Wetipo	Male	23 years	Was forced to lie on the floor while security forces stomped on him and kicked him in the chest and the back until he vomited blood. Other security forces struck him on the head and body with rifle butts.
2	Numbugen Wetipo	Male	23 years	Was forced to lie on the floor while security forces stomped on him and kicked him in the chest and the back until he vomited blood. Other security forces struck him on the head and body with rifle butts.
3	Yospan Lokbere	Male	27 years	Arested arbitrarily, he was repeatedly kicked in the body by security forces wearing combat boots as he was forced to lie on the ground. One security officer struck him on the head with a rifle butt. Another officer repeatedly kicked him in the face while his hands were handcuffed during interrogation in the village. He was also whipped twice on his calves with a rope and twice on the back of the head with an iron wire.

55 Papuan Coalition for the Enforcement of Law and Human Rights (23.09.2020): Kepolisian Resort Mimika Bersama TNI Dilarang Membungkam Ruang Demokrasi Front Rakyat Papua

56 Paham Papua (28.09.2020): Pembubaran Paksa Aksi Mahasiswa Uncen Adalah Tindakan Kejahatan

57 JPIC Kingmi Papua (08.10.2020): Katakis Agustinus Duwitau bersama adiknya di tembak TNI dengan senjata senaiper dari arah Bandara Udara Sokopaki Bilogai Intan Jaya Karena membawah Senapa Anging



Image 3.6-16: Yakobus Guam (left) and Matias Soo whilst at local hospitals in Jayapura (source: JPIC Kingmi Papua)

► On 2 October 2020, three protesters were injured as local police in the Papuan town of Arso in Keerom regency forcefully dispersed public protests triggered by a civil servant recruitment test. Obet Swo sustained bullet injuries to the head and the leg, Robert May was shot in the stomach, and Alan Swo received a rubber bullet to one of his legs.<sup>58</sup>

► On 27 October 2020, joint security forces dispersed a large peaceful assembly in Jayapura with teargas and firearms. The protesters were opposing the government's plan to prolong the funding of special autonomy. One victim, Matias Soo, sustained a bullet injury to the upper right arm. Another, Yakobus Guam, was severely beaten with a stick by police officers and sustained bleeding wounds and bruises all over his face.<sup>59</sup>

► Joint security forces raided the village of Jalae in Intan Jaya regency on 26 October 2020. Catholic Catechist Rufinus Tigau was shot dead by members of the Nemangkawi Joint Security

Force Unit (see Chapter 3.5 Extra-judicial Executions). During the operation, twelve-year-old Meinus Bagubau sustained a bullet wound to the hip when security personnel fired indiscriminately. He had to be evacuated to Timika for medical treatment.<sup>60</sup>

► On 4 November 2020, a group of Yonif 751 Sentani army members raided the Soloitma Dormitory in Sentani, Jayapura Regency, without showing a warrant and tortured eleven residents (see Table 3.6-5). The reason for the raid was a traffic accident between a military member and a dormitory resident. Six victims were brought to the Battalion 751 army base, where they were tortured during interrogation.<sup>61</sup>

58 Jubi (02.10.2020): 3 warga dilaporkan tertembak dalam penanganan amuk massa di Keerom, available at: <https://jubi.co.id/papua-3-warga-dilaporkan-tertembak-dalam-amuk-massa-di-keerom/amp/>

59 CNN Indonesia (28.10.2020): Polisi Akui Sempat Amankan 13 Pedemo Menolak Otsus Papua, available at: <https://www.cnnindonesia.com/nasional/20201028024453-12-563574/polisi-akui-sempat-amankan-13-pedemo-menolak-otsus-papua>

60 SKP Diocese Timika (7.11.2020): Laporan Penembakan Rufinus Tigau Pewarta Gereja Katolik Stase Jalai, Paroki St Mikael Bilogai, Kabupaten Intan Jaya

61 PAHAM Papua (05.11.2020): Kekerasan TNI Terhadap Warga Soloitma Sentani

Table 3.6-5: Victims during the military operation at the Soloitma Dormitory (sources: Paham Papua & LBH Papua)

No	Name	Age	Gender	Additional information
1	Demisien Kobak	19 years	Female	Repeatedly kicked in the abdomen and both thighs while lying in her bed, Demisien died in Yowari Hospital on 5 November 2020 at around 4.00 am. She left behind a three-year-old daughter.
2	Semei Suhuniap	24 years	Male	Repeatedly beaten on the head and kicked to the left and right side of the waist with army boots.
3	Niton Suhun	34 years	Male	Repeatedly beaten on the body and kicked in the face.
4	Mince Kobak	29 years	Female	Was punched by an army member and sustained a cut to both lips.
5	Rev. Niko Pahabol	34 years	Male	Was repeatedly punched by a member of the army and sustained a cut to the upper lip as well as bruises to the cheek.
6	Edi Kobak	31 years	Male	Beaten by several members of the army after being pulled from his motor cycle, Edi was hit on the head with a rifle butt and kicked on the temple with combat boots. He sustained bleeding injuries to the back of the head and forehead as a result of the torture.
7	Jekson Kobak	23 years	Male	Beaten by several members of the army after being pulled from his motor cycle on his way to the army base and also inside the military post at the Yonif 751 army base, Jekson sustained bruises to the forehead and both eyes, as well as a broken nose.
8	Nus Suhuniap	21 years	Male	Repeatedly punched in the abdomen, on his forehead and also the back of the head. He sustained a cut to his temple.
9	Pinet Bahabol	23 years	Male	His hands were tied and he was then repeatedly kicked in the body, punched in the face, and hit on the back of the head with a rifle butt. He sustained bruises around both eyes and his cheeks, a bleeding nose, and a bleeding injury to the back of the head.
10	Laura Yoal	22 years	Female	Repeatedly beaten on her head, an army member brought Laura to the Batalion 751 on a motor cycle while both of her hands were handcuffed behind her back. Following interrogation at the military base, she was brought to the Jayapura police headquarters in Doyo, and released in the early morning on the following day.
11	Esa Pahabol	21 years	Male	Was repeatedly punched by a member of the army, sustaining bruises to the temple as well as cuts to both lips.

► On 20 November 2020, joint security forces opened fire on two students travelling from the town of Ilaga to their home village in the district of Agundugume, Puncak Regency. The fully armed security personnel reportedly tried to execute both minors. Seventeen-year-old Manus Murib sustained three bullet injuries while managing to escape, while his friend, Atanius Murib, 17, was killed on the spot (see Chapter 3.5 Extra-judicial Executions).

► Papuan musician Kris Douw was allegedly tortured by army members at the Kodim Military Complex in the Papuan town of Nabire on 21 November 2020. He was beaten for writing and publishing a song and a video promoting Papuan political independence and supporting the TPN PB. He sustained multiple bruises to his face and body along with several broken teeth.<sup>62</sup>

► On 13 December 2020, members of the local police arrested 14 political activists in the Almasuh area in Merauke regency. The officers tortured them during their arrest and custody at the Merauke District Police detention facility (see Table 3.6-6 and Image 3.6-17).<sup>63</sup>



Image 3.6-17: KNPB activists display the marks of torture on their backs, which they were subjected to inside the detention cell at the Merauke District Police Headquarters (source: Koalisi HAM)

Table 3.6-6: Victims of police torture in Merauke (sources: Koalisi HAM)

No	Name	Age	Additional information
1	Charles Sraun	38 years	beaten with rattan sticks on the body during arrest and detention
2	Petrus Paulus Kontremko	32 years	beaten with rattan sticks on the body during arrest and detention
3	Kristian Yandun	38 years	sustained bleeding head injury after officers repeatedly hit him with rattan sticks on the head and body
4	Robertus Landa	23 years	beaten with rattan sticks on the body during arrest and detention
5	Michael Beteop	24 years	sustained bleeding injury on the back after officers repeatedly hit him with wooden sticks on the body
6	Elias Kmur	38 years	beaten with rattan sticks on the body during arrest and detention
7	Marianus Anyum	25 years	beaten with rattan sticks on the body during arrest and detention

62 Asia Pacific report (23.11.2020): Indonesian security forces attack Papuan musician, say activists. Available at: <https://asiapacificreport.nz/2020/11/23/indonesian-security-forces-attack-papuan-musician-say-activists/>

63 Kolasi Penegakan Hukum dan HAM (20.12.2020): Laporan Kriminalisasi Pasal Makar Terhadap 14 Aktivis Komite Nasional Papua Barat Merauke

No	Name	Age	Additional information
8	Kristian M. Anggunop	24 years	beaten with rattan sticks on the body during arrest and detention
9	Emanuel T. Omba	24 years	beaten on the body with rattan sticks during arrest and detention
10	Petrus Kutey	27 years	beaten on the body with rattan sticks during arrest and detention
11	Linus Pasim	26 years	beaten on the body with rattan sticks during arrest and detention
12	Salerius Kamogou	24 years	beaten on the body with rattan sticks during arrest and detention
13	Petrus Koweng	28 years	beaten on the body with rattan sticks during arrest and detention
14	Yohanes Yawon	23 years	Beaten on the body with rattan sticks during arrest and detention

► Petrus Tebai, 22, was tortured in the village of Mauwa, Dogiyai Regency, on 31 December 2020 when he left his house after hearing other residents arguing. A group of security personnel intercepted Petrus Tebai and allegedly beat him until he lost consciousness. One officer reportedly shot at him, causing a bullet injury.<sup>64</sup>

### 3.7 Internal Displacements

Numerous cases of internal displacement due to security operations in West Papua were reported from the regencies of Maybrat, Mimika, Intan Jaya, Puncak, Lanny Jaya, and Nduga between January 2019 and December 2020. The majority of operations were launched as part of the Government's offensive

against the West Papua National Liberation Army (TPN PB), which took place in response to the killing of 19 government contractors in Nduga in December 2018.<sup>65</sup> In April 2020, the police carried out a raid in Maybrat as part of a law enforcement operation to investigate the killing of a police officer.<sup>66</sup> Data compiled from various media sources and activists indicates that more than 41,837 indigenous Papuans from these six regencies were internally displaced between 2019 and April 2020. During December 2020, approximately 400 IDPs from Nduga regency reportedly died as a result of sickness, malnutrition, exhaustion, and hypothermia in Jayawijaya regency alone.<sup>67</sup>

Since the killing of 19 government contractors in the regency of Nduga, the Government of Indonesia has continued to deploy troops

64 Independent human rights defenders (02.01.2021): Warga Mauwa disiksa oleh aparat keamanan

65 Jakarta Post (3.4.2019): Military operations in Nduga violate human rights: Report, available at: <https://www.thejakartapost.com/news/2019/04/03/military-operations-in-nduga-violate-human-rights-report.html>

66 Suara Papua (8.5.2020): LBH Papua dan mahasiswa desak aparat hentikan aksinya di Maybrat, available at: <https://suarapapua.com/2020/05/08/lbh-papua-dan-mahasiswa-desak-aparat-hentikan-aksinya-di-maybrat/>

67 Jubi (20.01.2021): Ditolak Rumah Sakit, 18 pengungsi Nduga di Jayawijaya meninggal selama sebulan terakhir, available at: <https://jubi.co.id/ditolak-rumah-sakit-18-pengungsi-nduga-di-jayawijaya-meninggal-selama-sebulan-terakhir/amp/>





Map 3.7-1: Number of IDPs in relation to violent armed conflict in West Papua per regency and their village of origin (source: ICP)

in various Papuan regencies in the central highlands in an attempt to prosecute the perpetrators and demonstrate its military strength against the TPN PB.<sup>68</sup> The central highlands, which are largely isolated from public services, are known to be the TPN PB stronghold. The area is mainly populated by indigenous Papuans, except for a few towns where migrants maintain small businesses or work in government positions. The displacement of Papuan villagers was caused by the deployment of additional security forces to the region and must therefore be understood in the context of the long-standing political conflict in West Papua.

The Indonesian Government's approach to managing the conflict through police and military intervention has had far-reaching consequences for the indigenous peoples in the central highlands as it has perpetuated

the cycle of violence in the affected areas. Security operations against the TPN PB have often triggered further armed clashes and initiated the deployment of non-organic troops from other regions in Indonesia. These troops are unfamiliar with the customs and culture of indigenous peoples in West Papua. Security raids in indigenous villages are often accompanied by human rights violations and internal displacement of the indigenous population, whose houses are often demolished or burnt to the ground.<sup>69</sup>

In some of the affected regencies, the IDPs received temporary aid from civil solidarity movements and/or government agencies. The majority of IDPs have been left to themselves and feel neglected by the Indonesian Government. They are trapped in multiple Papuan cities where they live in

68 Kompas (22.12.2020): Ribuan TNI dikerahkan amankan seluruh wilayah Papua – Ad apa? Available at: <https://www.kompas.tv/article/132563/ribuan-tni-dikerahkan-amankan-seluruh-wilayah-papua-ada-apa?page=all>

69 Jakarta Post (25.12.2020): TNI names 9 soldiers suspects for the alleged torture and murder of 2 Papuans in Intan Jaya. Available at: <https://www.thejakartapost.com/news/2020/12/25/tni-names-9-soldiers-suspects-for-alleged-torture-murder-of-2-papuans-in-intan-jaya.html>.

church facilities, temporary shelters, or with relatives. The central government continues to deploy additional military forces to manage the conflict in the provinces of Papua and Papua Barat –which has had devastating consequences for the indigenous population in West Papua. Although this strategy has led to a significant increase in IDPs since early 2019, the Indonesian government has failed to take responsibility for the displacements, for instance through the establishment of refugee camps under the supervision of the Indonesian Red Cross (PMI), as demanded by several local civil society organisations.

Moreover, despite the legal foundation for the provision of humanitarian services during periods of social conflict and natural disasters, the central government has not allowed unrestricted humanitarian access to IDPs in West Papua. Indonesian Law No.1/2018 on the Red Cross requires the PMI to assist displaced persons in times of peace and conflict in accordance with the principles of humanity, equality, neutrality, independence, volunteerism, and universality.<sup>70</sup>

It is common for the police and military to downplay human rights violations and the displacement of indigenous Papuans by making false statements in national media. This strategy serves the purpose of manipulating public opinion on the conflict in Indonesia. On numerous occasions, police and military representatives have stated in interviews with national media outlets that the people fled their villages in fear of armed TPN PB groups.<sup>71</sup> An attempt was made to cover up several extra-judicial killings that took place

in 2020 by publicly claiming that those killed were TPN PB members.<sup>72</sup>

Humanitarian access to IDPs in West Papua is urgently required, especially given that the first cases of COVID-19 in the province of Papua were confirmed in March 2020.<sup>73</sup> A population living in an area affected by armed conflict and weakened by fighting, destruction, and displacement is particularly vulnerable to the spread of COVID-19. The living conditions of IDPs, either in crowded shelters or their relatives' homes, are likely to facilitate rapid transmission of coronavirus and other transmissible diseases. Moreover, the medical infrastructure, already deficient before the arrival of the IDPs, is likely to be quickly overwhelmed.

### Situation of IDPs from Mimika Regency

The armed conflict in the regency of Mimika escalated in early March 2020. The police and military deployed additional troops to the Tembagapura district after TPN PB forces killed a police officer in the village of Arwanop on 29 February 2020.<sup>74</sup> Subsequent armed clashes between TPN PB and Joint Security Forces (TNI Polri) in multiple locations resulted in the destruction of infrastructure and fatalities.

Numerous observers counted approximately 2,000 indigenous Amungme people from the villages of Banti1, Banti 2, Opitawak, and Kimbeli fleeing to the town of Tembagapura on 6 March 2020. On 9 March 2020, buses serving the mining company PT Freeport

70 Suara Papua (12.3.2020): LBH Papua Desak Negara Tangani 40.819 Pengungsi, available at: <https://suarapapua.com/2020/03/12/lbh-papua-desak-negara-tangani-40-819-pengungsi/>

71 CNN Indonesia (9.3.2020): 1.000 Warga Mengungsi, Tembagapura Lumpuh Usai Kontak Senjata, available at: <https://www.cnnindonesia.com/nasional/20200309074201-20-481616/1000-warga-mengungsi-tembagapura-lumpuh-usai-kontak-senjata>

72 Jubi (20.2.2020): Kapendam nyatakan korban penembakan di Intan Jaya anggota kelompok bersenjata, available at: <https://www.jubi.co.id/kapendam-nyatakan-korban-penembakan-di-intan-jaya-anggota-kelompok-bersenjata/>

73 Suara (22.3.2020): Terbaru! Virus Corona Masuk Papua, 2 Orang Positif COVID-19, available at: <https://www.suara.com/news/2020/03/22/165719/terbaru-virus-corona-masuk-papua-2-orang-positif-covid-19>

74 TPN PB (29.2.2020): Komandan Operasi TPNPB Wilayah Tembagapura Gusby Waker dan Pasukannya Bertanggungjawab Atas Tembakan Mati Seorang Anggota Brimob Siaran Pers Markas Pusat Tentara Pembebasan Nasional Papua Barat (TPNPB-OPM) Per 29 Februari 2020

Indonesia brought 917 IDPs to the city of Timika. On 8 March 2020, observers counted 614 IDPs travelling from Tembagapura to Timika.<sup>75</sup> The social affairs agency in Mimika recorded a total of 1,662 IDPs<sup>76</sup> being taken to Timika in several waves of evacuation between 2 and 8 March 2019. Papuan Police Chief Paulus Waterpauw claimed in an interview with national media outlets that the villagers fled their homes because they feared violent acts by armed criminal groups. The armed clashes also caused the internal displacement of villagers from the settlements in Aroanop, Waa, and Tsinga.<sup>77</sup>

In November 2020, human rights observers reported that 1,752 IDPs remained in Timika without any humanitarian support from the central, provincial, or local government. The indigenous villagers live with relatives or in temporary shelters. Some IDPs had sufficient financial means to rent a boarding house. Many have difficulties adjusting to the living conditions in Timika, where food and other essential supplies can only be purchased with money. Some IDPs became sick when they moved to Timika, eight of whom have reportedly died as a result of the pressures they experienced.<sup>78</sup>

The IDPs in Timika have repeatedly urged the government to organise a return to their villages. Mimika Regent Eltinus Omaleng continues to prevent this. According to Omaleng, the security situation in the Tembagapura District remains critical. A news

article dated 25 November 2020 reported that the regent had not visited the IDPs to observe their living conditions on the ground since their displacement.<sup>79</sup> According to the Papuan Representative Office of the National Human Rights Commission, 23 IDPs from the Tembagapura area passed away between March and December 2020.<sup>80</sup>

On 15 November 2020, Lokataru, a Jakarta-based human rights NGO acting as the legal representative of IDPs from the villages of Aroanop, Waa, Banti, and Tsinga, published a press release in which the IDPs presented four demands to the Indonesian Government. They urged the local government, police, and military to take urgent measures to ensure the immediate return of IDPs from Tembagapura to their home villages.<sup>81</sup>

## Situation of IDPs from Intan Jaya Regency

A military operation took place in Intan Jaya regency after TPN PB fighters killed two army members during an armed attack on 17 December 2019. Since the operation began, five indigenous Papuans, among them an eleven-year-old boy, have reportedly been killed by security forces during armed attacks in Intan Jaya. The XVII Cenderawasih Military Commander, Colonel Eko Daryanto, later claimed in an interview that his men had opened fire at the boy because he was allegedly carrying a firearm.<sup>82</sup>

75 CNN Indonesia (9.3.2020): 1.000 Warga Mengungsi, Tembagapura Lumpuh Usai Kontak Senjata, available at: <https://www.cnnindonesia.com/nasional/20200309074201-20-481616/1000-warga-mengungsi-tembagapura-lumpuh-usai-kontak-senjata>

76 Kompas (12.3.2020): Empat kampung di Tembagapura Kosong, Warga mengungsi ke Timika, available at: <https://regional.kompas.com/read/2020/03/12/13380611/empat-kampung-di-tembagapura-kosong-warga-mengungsi-ke-timika?page=all>

77 Jubi (23.3.2020): Pemkab Mimika diingatkan fasilitasi pengungsi yang ingin kembali ke Tembagapura, available at: <https://jubi.co.id/pemkab-mimika-diingatkan-fasilitasi-pengungsi-yang-ingin-kembali-ke-tembagapura/>

78 Suara Papua (25.11.2020): Sejak Maret 2020, 1.752 Warga Kampung Waa Dipaksakan Tinggalkan Kampungnya, available at: <https://suarapapua.com/2020/11/25/sejak-maret-2020-1-752-warga-kampung-waa-dipaksakan-tinggalkan-kampungnya/>

79 Ibid.

80 Jubi (22.12.2020): 23 pengungsi dari Tembagapura meninggal di lokasi pengungsian, available at: <https://jubi.co.id/papua-23-pengungsi-dari-tembagapura-meninggal-di-lokasi-pengungsian/amp/>

81 Salam Papua (15.11.2020): Lokataru Keluarkan 4 Tuntutan Pulangkan Warga Tsingwarop, Ketua DPRD Mimika Persoalkan Fasilitas, available at: <http://www.salampapua.com/2020/11/lokataru-keluarkan-4-tuntutan-pulangkan.html>

82 Jubi (20.2.2020): Kapendam nyatakan korban penembakan di Intan Jaya anggota kelompok bersenjata, available at: <https://www.jubi.co.id/kapendam-nyatakan-korban-penembakan-di-intan-jaya-anggota-kelompok-bersenjata/>

The first internal displacement of 1,237 indigenous Papuans from Intan Jaya<sup>83</sup> occurred in December 2019 after TPN PB fighters killed 2 Indonesian soldiers.<sup>84</sup> A second wave took place in the Hitadipa district, shortly after military personnel allegedly executed Rev. Yeremia Zanambani in Bomba village on 19 September 2020<sup>85</sup> (see Chapter 3.5 on Extra-judicial Executions). A third wave of internal displacement was observed after army members conducted multiple raids in Hitadipa on 2 and 3 October 2020.<sup>86</sup> Since early October, almost all residents have reportedly left Hitadipa District –houses, gardens, and domesticated animals have all been abandoned. The IDPs declared that they would not return to their villages while the police and military continued to operate in Hitadipa. The TNI also occupied a school in Hitadipa and used it as a military outpost, causing the collapse of education services in the district.<sup>87</sup>

The total number of IDPs from Intan Jaya is estimated to be approximately 13,000 people, the vast majority of whom come from the district of Hitadipa. Some of the IDPs have moved to Intan Jaya's largest town, Sugapa, where they live with relatives and friends. Others have moved to neighbouring regencies such as Mimika and Nabire. Sugapa is heavily controlled by the police and military, who closely monitor the activities of indigenous people and have subjected them to threats and acts of intimidation.<sup>88</sup>

For more than two months, the IDPs from Intan Jaya have not received any form of humanitarian support from the government. On 30 November 2020, IDPs from Hitadipa District residing in the town of Sugapa received food supplies from a provincial government humanitarian support team and the Christian Evangelical Church in Indonesia (GKII). The IDPs in other regencies continue to be left without access to food, shelter, and medical supplies from the government.<sup>89</sup>

### Situation of IDPs from Puncak Regency

A security operation in the Gome district of the highland regency of Puncak resulted in the internal displacement of over 1,500 indigenous people from eight villages, most of whom were women and children. Between 24 and 26 August 2019, joint security forces conducted raids in multiple villages to arrest two high-ranking TPN PB commanders. According to local informants, approximately 20 houses in Tegelobak were damaged or burnt to the ground.<sup>90</sup> During the operation, two indigenous villagers were reportedly killed. On 17 September 2019, joint security forces allegedly shot dead an indigenous villager and two children in the village of Olenki. Four indigenous women were injured by bullets during the incident.<sup>91</sup>

While some villagers sought temporary shelter in the surrounding forests and neighbouring districts, approximately 1,500 IDPs fled to

83 Kabar 24 (13.3.2020): Pelanggaran HAM di Intan Jaya dan Paniai Dilaporkan, Warga Tuntut Penarikan Pasukan Nonorganik, available at: <https://kabar24.bisnis.com/read/20200313/15/1212816/pelanggaran-ham-di-intan-jaya-dan-paniai-dilaporkan-warga-tuntut-penarikan-pasukan-nonorganik>

84 Jubi (5.1.2020): Warga sipil di Intan Jaya masih mengungsi, available at: <https://www.jubi.co.id/warga-sipil-di-intan-jaya-masih-mengungsi/>

85 Reuters (21.9.2020): Christian pastor, soldier shot dead in Indonesia's Papua, available at: <https://www.reuters.com/article/us-indonesia-papua-shooting-idUSKCN26C10N>

86 Jubi (9.11.2020): Hitadipa, Tanah Kudus Orang Migani yang hancur oleh senjata, available at: <https://jubi.co.id/hitadipa-tanah-kudus-orang-migani-papua-yang-hancur-oleh-senjata/amp/>

87 Jubi (17.10.2020): Gedung digunakan TNI, ratusan siswa di Hitadipa tak bersekolah, available at: <https://jubi.co.id/gedung-digunakan-tni-ratusan-siswa-di-hitadipa-tak-bersekolah/amp/>

88 JPIC Kingmi Papua (12.11.2020): Info baru tentang pengungsi di Ndugama dan Intan Jaya

89 Jubi (1.12.2020): Pengungsi Intan Jaya menerima bantuan bama, available at: <https://jubi.co.id/pengungsi-intan-jaya-menerima-bantuan-bama/>

90 Suara Papua (20.09.2019): Apa yang Terjadi Sebelum Penembakan di Olenki, Puncak Papua? available at: <https://suarapapua.com/2019/09/20/apa-yang-terjadi-sebelum-penembakan-di-olenki-puncak-papua/>

91 Kompas (19.9.2019): Kontak Senjata TNI-OPM Tewaskan 3 Warga, Ini Penjelasan Kodam VII/Cenderawasih, available at: <https://regional.kompas.com/read/2019/09/19/06392061/kontak-senjata-tni-opm-tewaskan-3-warga-ini-penjelasan-kodam-xvii>



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the village of Yenggernok, where they were accommodated in tents situated in front of the Gome Presbyterial Office of the KINGMI Papua Church. Volunteers from Yenggernok stated they did not have enough food for the IDPs. By 5 September 2020, at a time when the armed clashes in Gome were still ongoing, food supplies donated by the Gome Sub-district police, the local health centre (Puskesmas), the Women Empowerment Agency, and the Social Affairs Agency in Puncak had diminished. Two indigenous villagers reportedly died in August 2020 after being displaced from their villages.<sup>92</sup>

### Situation of IDPs from Nduga Regency

The security operation in the regency of Nduga has continued since 4 December 2018. Human rights observers documented 182 civilian fatalities between 4 December 2018 and July 2019, involving 21 adult females,

69 adult males, 21 female minors, 20 male minors, 14 female toddlers (under five years old), 12 male toddlers, and 17 male and 8 male babies –all indigenous Papuans.<sup>93</sup> The overall number of fatalities increased to a total of 238 as of 27 December 2019, the majority of whom died as a result of exhaustion, sickness, and hypothermia.<sup>94</sup>

Security forces have allegedly killed twenty-two victims, whereas the TPN PB has executed seventeen government contractors. A Wamena-based NGO, Foundation for Justice and the Integrity of the Papuan People (YKKMP), shared the results of its investigation with multiple government agencies, including the President's office in January 2020. None of these agencies have taken any measures to investigate the human rights violations or provide humanitarian aid to the IDPs.

A voluntary humanitarian aid team estimated that over 37,000 IDPs originating from 16

<sup>92</sup> Jubi (2.9.2019): Jumlah pengungsi di Distrik Gome terus bertambah, available at: <https://www.jubi.co.id/jumlah-pengungsi-di-distrik-gome-terus-bertambah/>

<sup>93</sup> YKKMP (1.8.2019): Daftar Nama-Nama Korban Kekerasan dan Korban Meninggal di Pengungsian Kasus Nduga Tahun 2018/2019

<sup>94</sup> Jubi (29.12.2019): Setahun pengungsi Nduga terabaikan, available at: <https://www.jubi.co.id/setahun-pengungsi-nduga-terabaikan/>

districts in Nduga have been internally displaced due to the armed conflict. In August 2019, the Papuan Ombudsman Office visited refugees from Nduga in Wamena. The Ombudsman estimated that 50,000 people have been displaced<sup>95</sup> – a figure that has not yet been verified. The armed conflict in Nduga regency has been ongoing for more than 16 months, preventing indigenous IDPs from returning to their villages. Schools, healthcare centres (Puskesmas), and churches in Nduga are now deserted as health workers and teachers have not returned to their assigned workplaces. Essential government services such as healthcare and education are only functional in the town of Kenyam. However, a large number of IDPs refuse to stay in Kenyam due to the heavy presence of police and military forces.

In July 2019, the Indonesian Ministry for Social Affairs (Kementerian Sosial RI) prepared aid deliveries worth €44,079 (IDR 740,449,000) for IDPs from Nduga. The deliveries included 50 tonnes of rice, toys, school supplies, sports supplies, and supplies for vulnerable groups.<sup>96</sup> Representatives of the Ministry came to the town of Wamena to coordinate the distribution of humanitarian goods. On 29 July 2019, a meeting between representatives of the local government, Ministry for Social Affairs, and the military was held at the KODIM 1702 military base. However, the humanitarian goods because the Ministry of Social Affairs insisted on distributing the products through the military, whom the IDPs regard as “enemy”. Their culture forbids them from receiving help from an enemy.<sup>97</sup>

The local government in Nduga has provided occasional food supplies to IDPs residing in the Nduga area. The majority of IDPs from Nduga who live in other regencies have not received any food supplies from the government and continue to lack access to free health care due to insufficient coordination between the concerned local governments.<sup>98</sup> The central government has failed to set up a refugee camp in conjunction with local governments in IDP hotspots, such as Wamena. Such camps could help facilitate the distribution of aid deliveries and the effective provision of humanitarian services, including shelter, basic healthcare, and education. A large number of IDPs – particularly children – have been traumatised by security operations and fear the presence of police and military personnel in their villages.

Approximately 5,000 IDPs from Nduga have sought shelter in the town of Wamena, Jayawijaya Regency.<sup>99</sup> According to solidarity groups, 400 IDPs died between December 2018 and November 2020 in the Jayawijaya region alone as a result of diseases and other stresses. The IDPs are not able to access free health care in Jayawijaya because most do not have ID cards or any of the other documents hospitals require for free healthcare services.<sup>100</sup> A humanitarian aid team from Cenderawasih University which visited Nduga IDPs in Jayawijaya in late November 2020 reported that many IDPs struggle with health issues. Among the most common of these are skin diseases, which mainly affect children between the age of eight months and 15 years.<sup>101</sup>

95 Ombudsman Republik Indonesia (22.08.2020): Temui Pengungsi Nduga, Ombudsman RI Temukan Fakta Ini, available at: <https://ombudsman.go.id/news/r/temui-pengungsi-nduga-ombudsman-ri-temukan-fakta-ini>

96 Kompas (16.10.2020): Kemensos Salurkan Bantuan untuk Pengungsi Nduga dalam 4 Tahap, available at: <https://nasional.kompas.com/read/2019/10/16/11045701/kemensos-salurkan-bantuan-untuk-pengungsi-nduga-dalam-4-tahap>.

97 Torto ID (1.08.2020): Duduk Perkara Penolakan Bantuan Pemerintah oleh Pengungsi Nduga, available at: <https://torto.id/duduk-perkara-penolakan-bantuan-pemerintah-oleh-pengungsi-nduga-efqf>

98 Jubi (21.1.2021): Kadinkes Jayawijaya sarankan Pemkab Nduga buat MoU tangani kesehatan pengungsi, available at: <https://jubi.co.id/kadinkes-jayawijaya-sarankan-pemkab-nduga-buat-mou-tangani-kesehatan-pengungsi/amp/>

99 Jubi (17.8.2019): Ini saran Ombudsman usai kunjungi pengungsi Nduga di Wamena, available at: <https://jubi.co.id/ini-saran-ombudsman-usai-kunjungi-pengungsi-nduga-di-wamena/>

100 Jubi (20.01.2021): Ditolak Rumah Sakit, 18 pengungsi Nduga di Jayawijaya meninggal selama sebulan terakhir, available at: <https://jubi.co.id/ditolak-rumah-sakit-18-pengungsi-nduga-di-jayawijaya-meninggal-selama-sebulan-terakhir/amp/>

101 Jubi (2.12.2020): KAMI Uncen kirim tim ke sejumlah lokasi pengungsi

## Situation of IDPs from Lanny Jaya Regency

A further military raid took place in the Balingga District of Lanny Jaya Regency, Papua Province. It was carried out in response to an exchange of fire between the Indonesian Infantry (TNI-AD) and TPN PB forces in the village of Timonikime on 1 December 2019 as army members implemented a social aid programme. The TNI-AD subsequently launched several attacks against the TPN PB near Timonikime on 2 and 4 December 2019.<sup>102</sup> The military reportedly searched multiple houses in Timonikime. During this raid, seven homes were allegedly burnt to the ground and two indigenous villagers were killed. Indigenous Papuans from the villages of Timonikime and Manggalome reportedly fled to the surrounding forests as they feared repressive acts by military personnel. The total number of IDPs resulting from the incident is unknown. The local government evacuated non-Papuan motorcycle taxi drivers and teachers from the districts of Malagai, Balingga, Popome, and Pirime to the town of Tiom.<sup>103</sup>

## Situation of IDPs from Maybrat Regency

Police forces conducted a large-scale operation in the regency of Maybrat, Papua Barat Province, between 15 and 23 April 2020. Mobile brigade police officers (Brimob) searched houses and carried out arrests in multiple villages. They primarily targeted members and facilities of the West Papua National Committee (KNPB). The police claimed that KNPB members were involved in the killing of a police officer of the Papua Barat Regional Police (Polda Papua Barat).

On 15 April, twelve pick-up trucks brought a group of fully armed police officers to the village of Aisa in Aifat Timur District. Most villagers, especially women and children, fled their houses and sought shelter in the surrounding forest. More indigenous villagers were internally displaced when police forces raided the villages of Sasior Nafe and Sasior Frabuku in Aifat Timur District on 21 April. In total, more than 100 indigenous people were reportedly displaced. An old man named Joni Aimau was reported to have died shortly after displacement.<sup>104</sup>

Nduga, available at: <https://jubi.co.id/papua-kami-uncen-kirim-tim-ke-lokasi-pengungsi-nduga/amp/>

102 Jubi (3.12.2019): Kontak tembak di Balingga Kabupaten Lanny Jaya, masyarakat mengungsi, available at: <https://www.jubi.co.id/kontak-tembak-di-balingga-kabupaten-lanny-jaya-masyarakat-mengungsi/>

103 ELSHAM Papua (6.12.2019): Dua orang ditembak mati, tujuh honai dibakar, available at: <https://elshampapua.org/2019/12/06/dua-orang-ditembak-mati-tujuh-honai-di-bakar/>

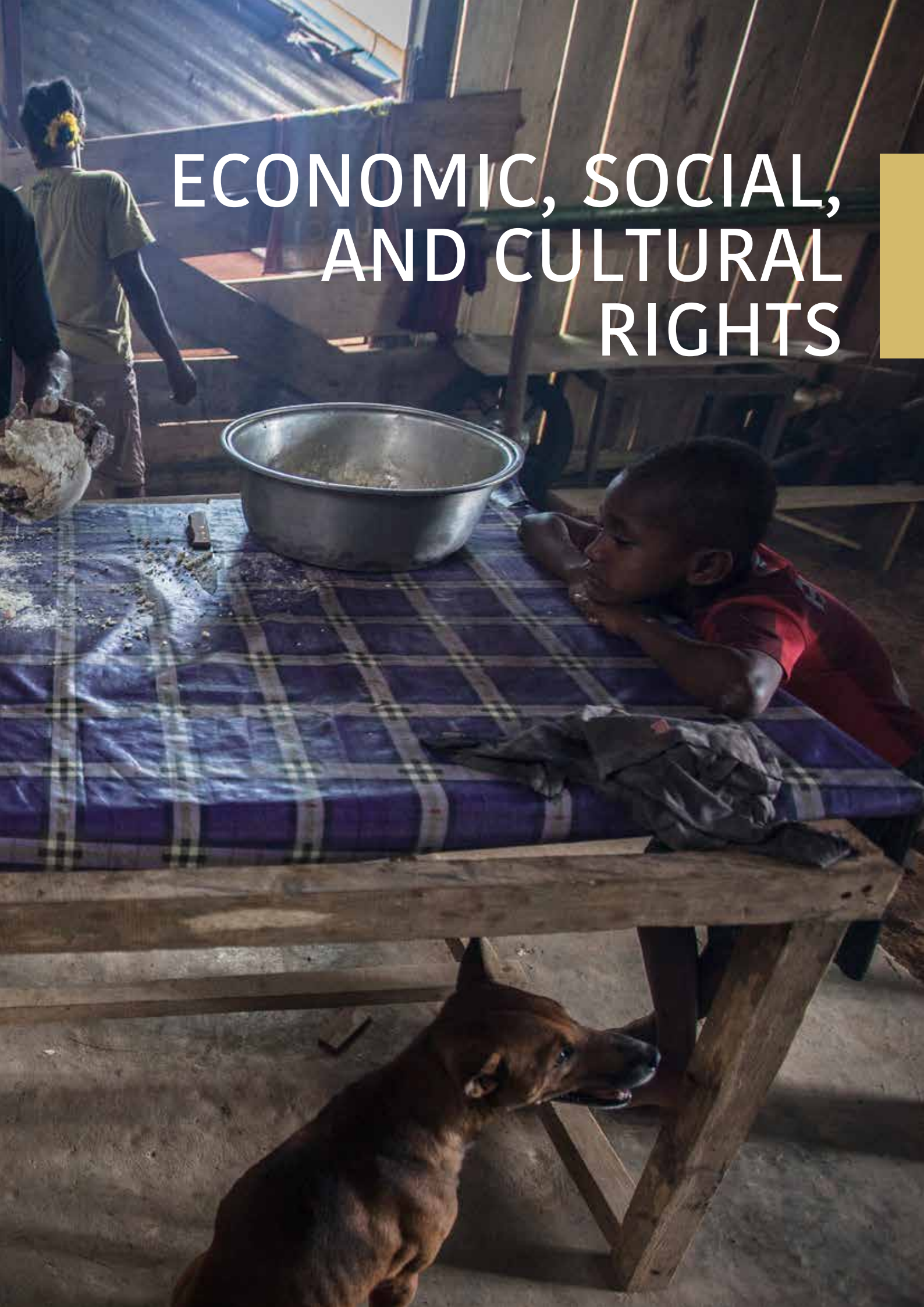
104 Suara Papua (26.4.2020): Dunia sibuk Corona, Aparat sibuk tangkap dan terror masyarakat di Maybrat, available at: <https://suarapapua.com/2020/04/26/dunia-sibuk-corona-aparat-sibuk-tangkap-dan-terror-masyarakat-di-maybrat/>



A Papuan man making sago noodles as his kid looks on, at his house in Sira village, Teminabuan, South Sorong, West Papua. They learnt to process the sago to make it more valuable so it can help boost the economy of their villages. Sago is a starch extracted from the pith of various tropical palm stems. Credit: © Jurnasyanto Sukarno / Greenpeace



# ECONOMIC, SOCIAL, AND CULTURAL RIGHTS



## SECTION 4

# Economic, Social, and Cultural Rights

Under President Joko Widodo, the government has repeatedly strived to increase prosperity and social welfare in West Papua. For instance, the provincial and local governments in Papua and Papua Barat have received substantial funds to develop new infrastructure and improve the healthcare and education systems. Between 2002 and early 2020, the central Government reportedly allocated 92,24 billion rupiahs (about €5.365.572.000) in special autonomy funds to Indonesia's easternmost provinces.<sup>1</sup> However, despite almost 20 years of special autonomy, the health care and education systems in West Papua remain far below the national average.

The government has also tried to improve the healthcare situation in West Papua by increasing the number of facilities. This plan has only been partly successful as some regencies in West Papua still have no hospital. In other regencies, hospitals are only available in the largest towns. Thus, because the majority of indigenous Papuans reside in remote areas of West Papua's hinterland and the central highlands, they must travel far distances or rely on community health centres. These facilities are chronically understaffed and poorly equipped. Most doctors work in the towns, where facilities have higher health standards and are more convenient.

The same pattern can be found in West Papua's education system, where minimum quality standard education can only be found in urban areas. The limited availability of secondary and tertiary education facilities impels many Papuan children to leave their villages and move far away from their relatives to the cities where they live in dormitories. The high absence rates among teachers –particularly those working in remote areas– and the lack of a textual curriculum are significant problems the government has not resolved, despite the substantial special autonomy

<sup>1</sup> Okezone (12.3.2020): Hingga 2020, Pemerintah Anggarkan Rp92,24 Triliun untuk Otsus Papua-Papua Barat, available at: <https://economy.okezone.com/read/2020/03/11/320/2181828/hingga-2020-pemerintah-anggarkan-rp92-24-triliun-untuk-otsus-papua-papua-barat>

funds allocated to the Papuan provincial governments. Over the past two years, the internal displacement of tens of thousands of people in the central highlands has brought new challenges to local governments striving to ensure free and compulsory education for affected children.

As of 2020, the provinces of Papua and Papua Barat have the lowest human development index (HDI) in Indonesia. While the national average HDI was 71.94, the Papua Barat

Province and Papua Province had HDIs of 65.09 and 60.44, respectively.<sup>2</sup>

Fighting poverty, especially in rural areas, remains a crucial undertaking in bringing prosperity to West Papua. According to the Provincial Centre for Statistics, the share of population categorised as poor in the Papua Province and Papua Barat Province in 2019 was 26.8% and 21.7%, respectively, compared with the national percentage of 10.19%.<sup>3</sup>

## 4.1 Right to Education

The right to education is essential for the exercise of other human rights. To ensure this right, international human rights instruments and treaties have compiled a set of requirements to be met by states, including Indonesia. For instance, primary education must be free, compulsory, and universal. Governments must also make secondary education generally available, accessible to all, and progressively free. UNESCO suggests that only higher levels of education should be free and accessible to all, based on individual capacity.<sup>4</sup>

Government statistics indicate Indonesia has employed more teachers and increased the availability of facilities at all education levels over the past few years. This has been a significant step towards reducing down the pupil-teacher ratio (PTR), which measures and compares learning conditions in countries or

regions. The strategy has helped lower the PTR in primary education from 29.04 in 2013 to 20.96 pupils per teacher in 2020<sup>5</sup> (see Table 4.1-1). While this constitutes significant progress, the Government needs to do more to equalise the disparities with other Indonesian provinces. The average PTR in Indonesia was 17 in 2018 at primary education level and 15 at secondary education level.<sup>6</sup> Countries like Malaysia, Sweden, and Bahrain have a PTR of twelve at primary education level.<sup>7</sup>

The PTRs for secondary education were slightly better. In junior high schools across West Papua, the PTR fell from 19.07 in 2013 to 13.72 in 2020. In the same period, the government slightly reduced the PTR at higher secondary education level (senior high schools) from 13.94 in 2013 to 11.75 in 2020 (see Table 4.4-1).

2 Badan Pusat Statistik (2021): Indeks Pembangunan Manusia menurut Provinsi, available at: <https://www.bps.go.id/indicator/26/494/1/-metode-baru-indeks-pembangunan-manusia-menurut-provinsi.html>

3 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 1040, available at:

4 UNESCO (26.11.2020): What you need to know about the right to education, available at: <https://en.unesco.org/news/what-you-need-know-about-right-education>

5 The figures refer to West Papua and were calculated based on pupil-teacher ratios for the provinces of Papua and Papua Barat

6 Lokadata (20.08.2020): Rasio murid-guru cukup, sebaran masih kurang, available at: <https://lokadata.id/artikel/rasio-murid-guru-cukup-sebaran-masih-kurang>

7 The World Bank (February 2020): Pupil-teacher ratio, primary, available at: [https://data.worldbank.org/indicator/SE.PRM.ENRL.TC.ZS?most\\_recent\\_value\\_desc=false](https://data.worldbank.org/indicator/SE.PRM.ENRL.TC.ZS?most_recent_value_desc=false)

Table 4.1-1: The total number of students, schools, and teachers and the pupil-teacher ratio (PTR) in West Papua between 2013 and 2021 (source: BPS of the provinces Papua & Papua Barat)

	2013	2014	2015	2016	2017	2018/2019	2019/2020	2020/2021
<b>Total Number of Students in West Papua</b>								
Primary Schools (SD)	522.324	446.905	544.164	445.243	590.656	582.281	578.889	571.380
Junior High Schools (SMP)	146.575	125.009	158.951	123.823	175.089	173.825	181.921	178.946
Senior High Schools (SMA/SMU) / Vocational High Schools (SMK)	104.166	90.578	114.147	92.270	132.557	89.581 46.674	97.256 51.529	97.113 81.305
<b>Total Number of Teachers in West Papua</b>								
Primary Schools (SD)	17.984	16.307	24.310	25.181	25.302	23.019	26.111	27.264
Junior High Schools (SMP)	7.688	8.811	10.929	11.265	11.655	11.331	12.263	13.046
Senior High Schools (SMA/SMU) / Vocational High Schools (SMK)	7.472	8.040	9.830	10.426	10.733	6.501 3.997	6.778 4.116	7.189 6.920
<b>Total Number of School Facilities in West Papua</b>								
Primary Schools (SD)	3.180	2.850	3.385	3.253	3.359	3.548	3.657	3.635
Junior High Schools (SMP)	796	705	N/A	887	914	971	1.019	1.019
Senior High Schools (SMA/SMU) / Vocational High Schools (SMK)	438	362	489	513	536	351 189	360 192	366 311
<b>Pupil-Teacher Ratio in West Papua</b>								
Primary Schools (SD)	29,04	27,41	22,38	17,68	23,34	25,30	22,17	20,96
Junior High Schools (SMP)	19,07	14,19	14,54	10,99	15,02	15,34	14,83	13,72
Senior High Schools (SMA/SMU) / Vocational High Schools (SMK)	13,94	11,27	11,61	8,85	12,35	13,78 11,68	14,35 12,52	13,51 11,75

In 2020, 61.8% of the population aged between seven and 24 years in the Papua Province were attending school, while 14.7% in this age group had never attended school. The remaining 23.5% had already graduated or dropped out.<sup>8</sup> The Net Enrolment Ratio (NER)<sup>9</sup> in Papua Province at primary school level was 79.27% in 2020. This percentage was lower at higher education levels and lowest at senior high school level, with 44.73%. The primary education sector Gross Enrolment Ratio (GER)<sup>10</sup> of 91.27% in primary schools was

much higher than the senior high school GER, which reached 7.55% in 2020 (see Graphic 4.1-1).<sup>11</sup>

The situation in the Papua Barat Province throughout 2020 was slightly better. The school attendance rate among those aged between seven and 24 years was 74.9%, much higher than in Papua province. Twenty-three-point nine per cent had already graduated or dropped out of school. By contrast, only 1.17% of children between seven and 24 had

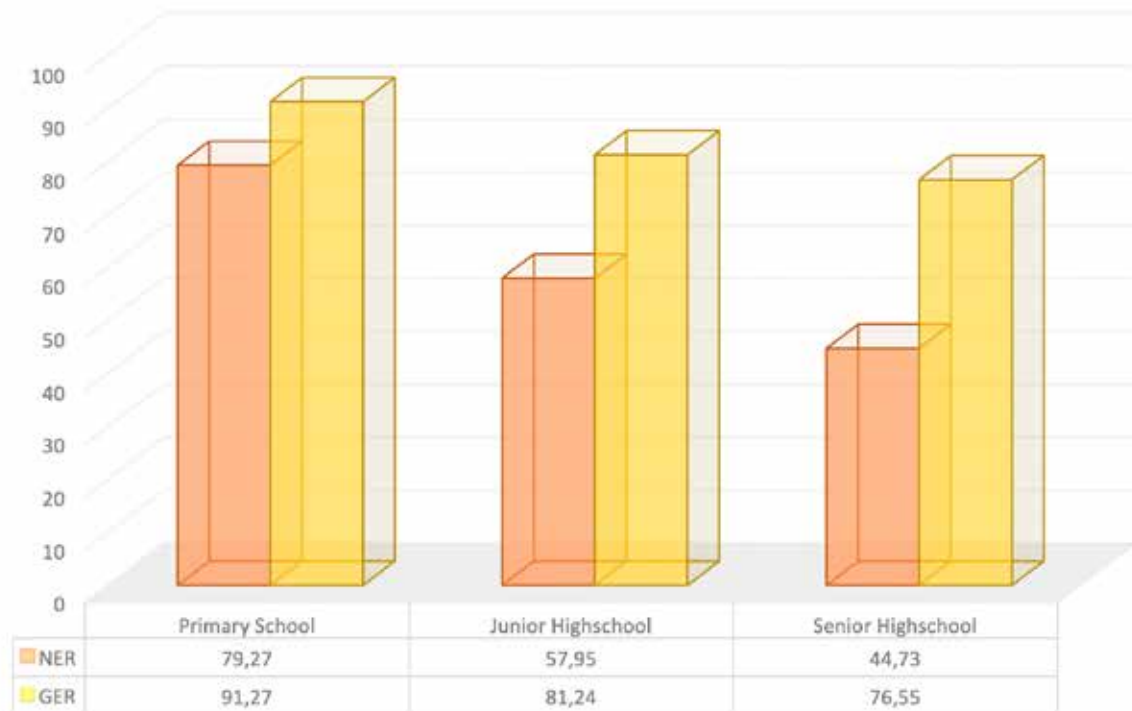
8 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 347, available at: <https://papua.bps.go.id/publication.html?Publikasi%5BtahunJudul%5D=&Publikasi%5BkataKunci%5D=Provinsi+papua+dalam+angka+2021&Publikasi%5BcekJudul%5D=0&yt0=Tampilkan>

9 The Net Enrolment Ratio is the number of students with the age of a particular level of education that are enrolled in that level, expressed as a percentage of the total population in that age group.

10 The Gross Enrolment Ratio is the number of students enrolled in a given

level of education, regardless of age, expressed as a percentage of the official school-age population corresponding to the same level of education.

11 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 348, available at: <https://papua.bps.go.id/publication.html?Publikasi%5BtahunJudul%5D=&Publikasi%5BkataKunci%5D=Provinsi+papua+dalam+angka+2021&Publikasi%5BcekJudul%5D=0&yt0=Tampilkan>



Graphic 4.1-1: Net Enrolment Rate (NER) and Gross Enrolment Rate (GER) in the Papua Province in 2020, segregated by education level (source: BPS of Papua Province)

never attended school.<sup>12</sup> The NER at primary education level in the Papua Barat Province reached 93.76 in 2020. This is more than 10% higher than in the Papua Province but below the average NER of 97.64 in Indonesia for the year 2019.<sup>13</sup> The education gap between both provinces at upper secondary education level is wider. The NER at senior high school level in the Papua Barat Province still reached 63.62%. No data were provided on the GER throughout 2019 and 2020.<sup>14</sup>

A further important indicator of achievement in the education sector is the literacy rate (LR). By 2020, 96% of the Indonesian population

above the age of 15 years were literate. The LR of 97.52% in the Papua Barat Province for this age group therefore exceeds the average LR. By contrast, the situation in the Papua Province is much worse as only 77.9% of Papua's population is literate (Indonesian Centre for Statistics).<sup>15</sup> The situation is particularly concerning for people above 45 years of age living in rural areas, where only 59.1% of the residents can read.<sup>16</sup> The vast majority of the population in these areas are indigenous Papuans. The figures thus highlight the government's failures in the Papuan education system over the past 30 years.

12 Badan Pusat Statistik Provinsi Papua Barat (2021): Provinsi Papua Barat Dalam Angka 2021, West Papua Province in Figures 2021, p. 129, available at: <https://papuabaratsbps.go.id/publication/2021/02/26/aad512e3cfd8b1475b1afaba/provinsi-papua-barat-dalam-angka-2021.html>

13 Badan Pusat Statistik (2021): Angka Partisipasi Murni (APM) menurut Provinsi, 2011-2019, available at: <https://www.bps.go.id/LinkTableDinamis/view/id/1052>

14 Ibid, p. 130

15 Badan Pusat Statistik (2021): Angka Melek Huruf Penduduk Berumur 15 Tahun Ke Atas Menurut Provinsi (Persen), available at: [https://www.bps.go.id/indikator/indikator/view\\_data/0000/data/1458/sdgs\\_4/1](https://www.bps.go.id/indikator/indikator/view_data/0000/data/1458/sdgs_4/1)

16 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 349, available at: <https://papua.bps.go.id/publication.html?Publikasi%5BtahunJudul%5D=&Publikasi%5BkataKunci%5D=Provinsi+papua+dalam+angka+2021&Publikasi%5BcekJudul%5D=0&yt0=Tampilkan>

Nevertheless, the government's approach to building more schools and employing more teachers has significantly improved education conditions in West Papua. However, this fails to address the core issues in the education system. High absence rates and the low educational standard of teachers persists and hampers the provision of appropriate quality education. There is no efficient system in place to monitor teachers in remote areas. Consequently, many teachers in West Papua allow students to proceed to the next education level even if they do not meet the national education standards set by the Indonesian Education Department. Moreover, many school facilities –even those in urban areas– are in devastating condition.<sup>17</sup>

In recent years, NGOs and indigenous groups in West Papua have repeatedly emphasised the need for a contextual curriculum that takes West Papua's cultural diversity into account. This is essential to preserve indigenous knowledge, cultural practices, and tribal languages. Indigenous communities in Indonesia have also established 78 cultural schools across the archipelago. Unfortunately, there is only one such school in West Papua.<sup>18</sup> In 2017, President Joko Widodo issued Presidential Decree No 9/2017 to accelerate development in the provinces of Papua and Papua Barat. This contains an instruction for the minister for culture and education to implement a contextual curriculum.<sup>19</sup>

According to the media, various primary and secondary schools in Manokwari, Papua Barat Province, and Merauke, Papua Province, have used a contextual curriculum since 2019. However, the curriculum has not yet been introduced across West Papua as a whole.<sup>20</sup>

There is an urgent need to ensure vulnerable groups have access to education, particularly neglected children in West Papua. A large number have run away from home after experiencing violence or neglect. The vast majority are addicted to inhaling glue and are begging for money to survive on the streets. Local Governments in West Papua are aware of the issue but have failed to effectively address the exclusion of these children from the education system. Initiatives to reach out to homeless and neglected children have only been reported from churches and civil society groups. Although there are no statistical data on the total number of neglected children in West Papua, it can be assumed that their numbers reach the thousands. An initiative for providing education for neglected children run by a catholic nun in the Paniai Regency revealed there were 115 children in the small town of Enarotali alone.<sup>21</sup> A similar initiative in the city of Merauke identified 90 neglected children in 2019, although observers stated that the actual number was far higher.<sup>22</sup>

17 Jubi (23.09.2020): Di balik tingginya angka buta aksara di Papua, salah siapa?, available at: <https://jubi.co.id/tingginya-angka-buta-aksara-di-papua-salah-siapa/>

18 Jubi (23.3.2021): Hanya satu sekolah adat di Papua dari 78 di Indonesia, available at: <https://jubi.co.id/hanya-satu-sekolah-adat-di-papua-dari-78-di-indonesia/>

19 Inpres No 9/2017 on the Acceleration of Development in the provinces of Papua and Papua Barat, Point 6, available at: <https://peraturan.bpk.go.id/Home/Download/68322/Inpres%20Nomor%209%20Tahun%202017.pdf>

20 Antara News (25.7.2019): Kemendikbud dorong penerapan kurikulum kontekstual di Papua, available at: <https://www.antaranews.com/berita/975720/kemendikbud-dorong-penerapan-kurikulum-kontekstual-di-papua>

21 Jubi (4.3.2021): A 'learning studio' run by nuns teaches Papua's neglected children literacy, available at: <https://en.jubi.co.id/a-learning-studio-run-by-nuns-teaches-papuas-neglected-children-literacy/>

22 Jubi (17.2.2020): Merehabilitasi "anak-anak aibon" di Merauke (1), available at: <https://jubi.co.id/merehabilitasi-anak-anak-aibon-di-merauke-1/>

## 4.2 The Healthcare System and COVID-19

The healthcare system in West Papua has been criticised by both NGOs and international observers over the past decade. For instance, the availability and accessibility of medical facilities in non-urban areas are poor. The quality and adequacy of healthcare services in West Papua –particularly in non-urban areas– also fail to meet international healthcare standards. Medical equipment is often outdated and medication can only be accessed in urban areas. Doctors are rarely available in some regencies and serve only in hospitals located in the largest towns and cities. Some regencies have no hospital at all. Health facilities in rural areas are often dysfunctional due to a lack of medical personnel, medication, and equipment.

### Health Statistics

Since 2001, the government has allocated substantial funds to develop the health care system in West Papua as part of special autonomy funding. However, its effectiveness in coping with the deficiencies in the health care system remains unknown. It has not yet brought significant change, particularly for indigenous Papuans, the majority of whom live in rural areas.

Government statistics indicate that the government has made efforts to increase the availability and accessibility of healthcare institutions in West Papua over the past three years. It has built seven new hospitals since 2018. As of 2020, 19 hospitals are available in the Papua Barat Province and 45 in the Papua

Province. However, there are still no hospitals in the Tambrau, Maybrat, Manokwari Selatan and Pegunungan Arfak regencies in the Papua Barat Province<sup>1</sup>, and the Yalimo, Puncak and Waropen regencies in the Papua Province.<sup>2</sup>

The low number of hospitals implies that West Papua's healthcare system relies heavily on other medical institutions. Polyclinics, healthcare centres (Puskesmas), subsidiary healthcare centres (Puskesmas Pembantu) and maternity hospitals, which should reduce the disparities between rural and urban areas, are essential for ensuring healthcare services are accessible and available to all citizens. Government figures indicate that the number of health care centres has risen from 599 in 2018 to 646 in 2020. In the same year, the number of subsidiary healthcare centres increased from 1,641 in 2018 to 1,792 across West Papua. Only in the Papua Province has the number of Puskesmas Pembantu remained stagnant. By contrast, the number of polyclinics across West Papua fell from 144 in 2018 to 127 in 2020 (see Table 4.2-1).<sup>3</sup>

The statistics also demonstrate that the government neither maintains existing maternity hospitals nor builds additional ones. For instance, there were 12 maternity hospitals available in 2014, only one of which is still operating in 2020 (see Table 4.2-1). The government's failure to build more facilities is particularly concerning. Statistics indicate that almost 23% of women in West Papua still have to give birth without medical support. The absence of medical personnel and healthcare

1 Badan Pusat Statistik Provinsi Papua Barat (2021): Papua Barat dalam Angka, West Papua Province in figures, p. 137, available at: <https://papuabarat.bps.go.id/publication/2021/02/26/aad512e3cfd8b1475b1afaba/provinsi-papua-barat-dalam-angka-2021.html>

2 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 376f, available at: <https://papua.bps.go.id/publication.html?Publikasi%5BtahunJudul%5D=&Publikasi%5BKataKunci%5D=Provinsi+papua+dalam+angka+2021&Publikasi%5BcekJudul%5D=0&yt0=Tampilkan>

3 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 376-381 & Badan Pusat Statistik Provinsi Papua Barat (2021): Papua Barat dalam Angka, West Papua Province in figures, p. 137-141

Table 4.2-1: Medical facilities in West Papua between 2014 and 2020 segregated by province (source: Statistic centres in provinces Papua & Papua Barat)

	2014	2018	2019	2020
<b>Papua Province</b>				
Hospitals	43	41	46	45
Maternity Hospitals	10	1	2	1
Polyclinics	154	115	109	95
Health Centres (Puskesmas)	386	422	439	450
Subsidiary Healths Centres (Puskesmas Pembantu)	983	1.146	1.088	1.146
<b>Papua Barat Province</b>				
Hospitals	14	16	16	19
Maternity Hospitals	2	0	0	0
Polyclinics	30	29	28	32
Health Centres (Puskesmas)	144	177	182	196
Subsidiary Healths Centres (Puskesmas Pembantu)	434	495	427	419
<b>West Papua</b>				
Hospitals	57	57	62	64
Maternity Hospitals	12	1	2	1
Polyclinics	184	144	137	127
Health Centres (Puskesmas)	530	599	621	646
Subsidiary Healths Centres (Puskesmas Pembantu)	1.417	1.641	1.709	1.792

facilities has created higher health risks for the women and their children during the prenatal stage and labour (see Table 4.2-2). According to 2019 Government statistics, more than 50% of women in the Mappi, Asmat, Yahukimo, Pegunungan Bintang, Tolikara, Nduga, Lanny Jaya Dogiyai, Intan Jaya, and Deiyai regencies gave birth without assistance from health workers. The highest percentages of non-medical labour were recorded in the Deiyai (95.70%), Lanny Jaya (94.22%) and Nduga (92.22%) regencies.<sup>4</sup>

Functioning maternity hospitals would also contribute positively to lower malnutrition among babies and toddlers. Such facilities

would benefit regencies such as Merauke, where the malnutrition rate among babies reached 16.2% in 2017. In the same year, the malnutrition rate in the Asmat Regency reached 52.1%.<sup>5</sup> These cases became known after a measles outbreak caused the deaths of 71 villagers between September 2017 and January 2018.<sup>6</sup>

However, figures on the availability and accessibility of healthcare facilities do not provide information regarding the quality and adequacy of medical services. Other indicators, such as the availability and distribution of medical specialists and general practitioners, are needed.

4 Badan Pusat Statistik Provinsi Papua (2021): Provinsi Papua Dalam Angka 2021, Papua Province in Figures 2021, p. 350f, available at: <https://papua.bps.go.id/publication.html?Publikasi%5BtahunJudul%5D=&Publikasi%5BkataKunci%5D=Provinsi+papua+dalam+angka+2021&Publikasi%5BcekJudul%5D=0&yt0=Tampilkan>

5 Ibid., p. 359

6 Merauke Health Ministry (14.3.2018): Menkes: 71 orang meninggal dalam kasus gizi buruk dan campak di Asmat, available at: <https://kpkmerauke.com/berita-20-menkes-71-orang-meninggal-dalam-kasus-gizi-buruk-dan-campak-di-asmat.html>



Table 4.2-2: Percentage of women aged 15–49 who had live births between 2018 and 2020, segregated by birth attendant and province (source: Statistic centres in provinces Papua & Papua Barat)

Birth attended by (in %):	2018	2019	2020
<b>Papua Province</b>			
Doctor	18,87	21,17	22,45
Midwife	38,02	42,51	40,87
Other medical personnel	16,92	5,73	5,17
Traditional birth attendant	23,72	13,49	12,57
Other or no birth attendance	2,47	15,55	18,94
<b>West Papua Province</b>			
Doctor	28,31	33,59	36,59
Midwife	52,76	47,67	64,42
Other medical personnel	1,55	12,90	2,55
Traditional birth attendant	10,36	5,55	9,18
Other or no birth attendance	7,02	0,28	5,26
<b>West Papua</b>			
Doctor	23,59	27,38	29,52
Midwife	45,39	45,09	52,65
Other medical personnel	9,24	9,32	3,86
Traditional birth attendant	17,04	9,52	10,88
Other or no birth attendance	4,75	7,92	12,10

Government data suggest that Puskesmas and Puskesmas Pembantu in the Papua Province do not employ permanent doctors or medical specialists. The people living in the catchment areas of such medical facilities thus rely on visits by doctors who only serve occasionally, if at all.<sup>7</sup> In the Papua Province in 2019, hospitals in the Mamberamo Tengah and Dogiyai regencies only employed one doctor. Just two doctors were working in the Deiyai Regency, Papua Province<sup>8</sup>. In the Papua Barat Province, Maybrat was the only regency with a doctor. The Pegunungan Arfak Regency had two doctors available.<sup>9</sup>

## HIV/ AIDS

On 29 May 2020, the Ministry of Health of the Republic of Indonesia declared that the Papua Province was ranked 3rd for HIV-AIDS cases nationwide with 60,606 cases in total: 36,997 HIV and 23,609 AIDS. The Nabire Regency had the most cases in the Papua Province with 7,436, followed by The Jayapura Municipality with 6,765 cases and the Jayawijaya Regency with 6,242.<sup>10</sup>

A past study by the Indonesian Ministry of Health reported a 3:1 ratio of female to male

7 Badan Pusat Statistik Provinsi Papua (2020): Provinsi Papua Dalam Angka 2020, Papua Province in Figures 2020, p. 349, available at: <https://papua.bps.go.id/publication/2020/05/20/ebf212dd68f6d6905aad626/provinsi-papua-dalam-angka-2020.html>

8 Ibid. p. 319f

9 Badan Pusat Statistik Provinsi Papua Barat (2020): Provinsi Papua Barat

Dalam Angka 2020, West Papua Province in Figures 2020, p. 131, available at: <https://papuabarut.bps.go.id/publication/2020/04/27/52af061106ef37370bcf3d0/provinsi-papua-barat-dalam-angka-2020.html>

10 Kabar Papua (2.7.2020): Meneropong Kasus HIV-AIDS di Papua, available at: <https://kabarpapua.co/meneropong-kasus-hiv-aids-di-papua/>

HIV positive patients in the Papua Province.<sup>11</sup> This means approximately 66% of reported cases in Papua affect women. The risk for Papuan women is significantly higher than in other parts of Indonesia, where the national average is 37%. The majority of HIV positive women in West Papua are infected as a result of unprotected sexual activity among heterosexuals. Many programmes for HIV/AIDS prevention in West Papua focus on certain risk groups such as drug users and prostitutes. However, HIV/AIDS has already affected all population segments and social groups in West Papua: comprehensive strategies are therefore needed to reach a broader audience.<sup>12</sup>

Unfortunately, sexual and reproductive health rights are still considered taboo in West Papua. Most people do not realise the importance of using condoms to help prevent HIV/AIDS. The use of condoms is particularly problematic among couples. A significant reason for this is that the patriarchal culture in West Papuan societies makes it difficult for women to encourage their partners to use condoms.<sup>13</sup> The UN Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health concluded after his visit in 2017 that “Ethnic Papuans are currently twice as likely to have HIV/AIDS compared to the rest of the population, and rates of infection are on the rise in this part of the country.”<sup>14</sup>

## COVID-19 outbreak in West Papua

On 26 March 2020, the Papuan provincial government officially closed access to passengers to prevent the spread of COVID-19 in the Papua Province. The Papua Barat Province also limited passenger traffic, although restrictions on movement were less strict. The majority of COVID-19 cases occurred in the Jayapura and Sorong municipalities, as well as in the Jayapura, Manokwari, and Mimika regencies.<sup>15</sup>

The regency of Mimika with its capital Timika and the Freeport mine was one of the most heavily affected areas. Even though 85 Freeport employees tested positive for COVID-19 on 7 May 2020, the Grasberg Mine continued to operate at total capacity. COVID-19 infections reached 150 cases as of 17 May, including 102 in the district of Tembagapura, where the living quarters of Freeport workers and their families are located. This led Freeport to temporarily cut its workforce and operate the mine with an essential team only.<sup>16</sup>

Although the number of recorded COVID-19 cases among indigenous Papuans in 2020 was not especially high, the death rate was among the highest in Indonesia.<sup>17</sup> This was primarily due to insufficient healthcare infrastructure in the two provinces. The majority of indigenous Papuans live in remote areas with limited access to health facilities. Some COVID-19 patients were reportedly hospitalised in hotels

11 Indonesian Ministry of Health (2016): HIV Epidemiology Review Indonesia 2016, available at: [www.sihg.depkes.go.id/portal/#les\\_upload/HIV\\_EPIDEMIOLOGY\\_REVIEW\\_INDONESIA\\_2016.pdf](http://www.sihg.depkes.go.id/portal/#les_upload/HIV_EPIDEMIOLOGY_REVIEW_INDONESIA_2016.pdf)

12 Ajar et al (2020): Between a Rock and a Hard Place, Vulnerabilities and Patterns Impacting HIV/AIDS and Violence against Women in Papua Province, p. 9, available at: <https://asia-ajar.org/resources/policy-papers/between-rock-and-a-hard-place/>

13 Jurnal Perempuan (23.05.2017): Pendidikan Publik HKSR dan Kebijakan Pembangunan di Jayapura, available at: [www.jurnalperempuan.org/warta-feminis/pendidikan-publik-hksr-dan-kebijakan-pembangunan-di-jayapura](http://www.jurnalperempuan.org/warta-feminis/pendidikan-publik-hksr-dan-kebijakan-pembangunan-di-jayapura)

14 Human Rights Council (05.04.2018): Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on his mission to Indonesia, A/HRC/38/36/Add.1, p.18

15 Papua Province COVID-19 Task Force (25.11.2020): Data COVID-19 Provinsi Papua, available at: <https://covid19.papua.go.id/> & Andrafarm (25.11.2020): Update COVID-19 (Corona) di Provinsi Papua Barat Saat Ini, 25 November 2020, available at: <https://www.andrafarm.com/andra.php?i=daftar-co19-kota&noprovkot=25&corke=311&urut=2&asc=01100000000>

16 Reuters (18.5.2020): Freeport cuts workforce at Grasberg mine as coronavirus cases in area rise, available at: <https://www.reuters.com/article/us-health-coronavirus-indonesia-freeport/freeport-cuts-workforce-at-grasberg-mine-as-coronavirus-cases-in-area-rise-idUKKBN22U05B>

17 CNN Indonesia (3.12.2020): Kasus Covid-19 Pecah Rekor 8.369, Tertinggi di Papua, available at: <https://www.cnnindonesia.com/nasional/20201203163550-20-577655/kasus-covid-19-pecah-rekor-8369-tertinggi-di-papua>

with inadequate treatment due to the limited availability of hospital beds.<sup>18</sup>

The COVID-19 pandemic also widened the existing education gap between West Papua and other parts of Indonesia (see chapter 4.1 on Right to Education). In March 2020, the Papuan education department announced that all schools should be closed to prevent the spread of COVID-19.<sup>19</sup> The teachers were instructed to hold online classes.

This measure is challenging to implement in West Papua given the availability and quality of the internet connection in both provinces, particularly in remote areas. Moreover, a large number of households do not have computers or laptops.<sup>20</sup>

The provincial governments in Papua and Papua Barat reacted to the rising number of infections by introducing social restrictions (PSDD). The enforcement of PSDD in West Papua was widely accompanied by the restriction of fundamental rights and freedoms, increasing the number of violent acts committed against indigenous Papuans.<sup>21</sup> The Papuan police used the health protocols as a pretext to disperse peaceful protests in support of self-determination and other politically sensitive issues.<sup>22</sup>

18 The International Work Group for Indigenous Affairs (April 2001): *The Indigenous World 2021*, 35th Edition, p. 225, available at: [https://iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmxkLTIwMjEtZW5nliwiaWF0IjoxNjE4OTE0NDcyLCJleHAiOiE2MTkwMDA4NzJ9.16jI03Uv-9UUBvVf4xV5yXkXCPIT46vbfKaGwvYvbvA?fbclid=IwAR3pf2BUE5VlqxuTt5P8ZYWSa6zZiYV9StMljVV407SHzZqyONTIsN\\_nV\\_w](https://iwgia.org/doclink/iwgia-book-the-indigenous-world-2021-eng/eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzI1NiJ9.eyJzdWIiOiJpd2dpYS1ib29rLXRoZS1pbmRpZ2Vub3VzLXdvcmxkLTIwMjEtZW5nliwiaWF0IjoxNjE4OTE0NDcyLCJleHAiOiE2MTkwMDA4NzJ9.16jI03Uv-9UUBvVf4xV5yXkXCPIT46vbfKaGwvYvbvA?fbclid=IwAR3pf2BUE5VlqxuTt5P8ZYWSa6zZiYV9StMljVV407SHzZqyONTIsN_nV_w)

19 KBR Indonesia (4.5.2020): Sekolah Ditutup karena Covid-19, Anak Papua Tak Bisa Belajar Online, available at: [https://kbr.id/nusantara/05-2020/sekolah\\_ditutup\\_karena\\_covid\\_19\\_anak\\_papua\\_tak\\_bisa\\_belajar\\_online/103069.html](https://kbr.id/nusantara/05-2020/sekolah_ditutup_karena_covid_19_anak_papua_tak_bisa_belajar_online/103069.html)

20 Jubi (4.6.2021): Covid-19 berdampak pada penurunan mutu pendidikan di Papua, available at: <https://jubi.co.id/covid-19-berdampak-penurunan-mutu-pendidikan-papua/>

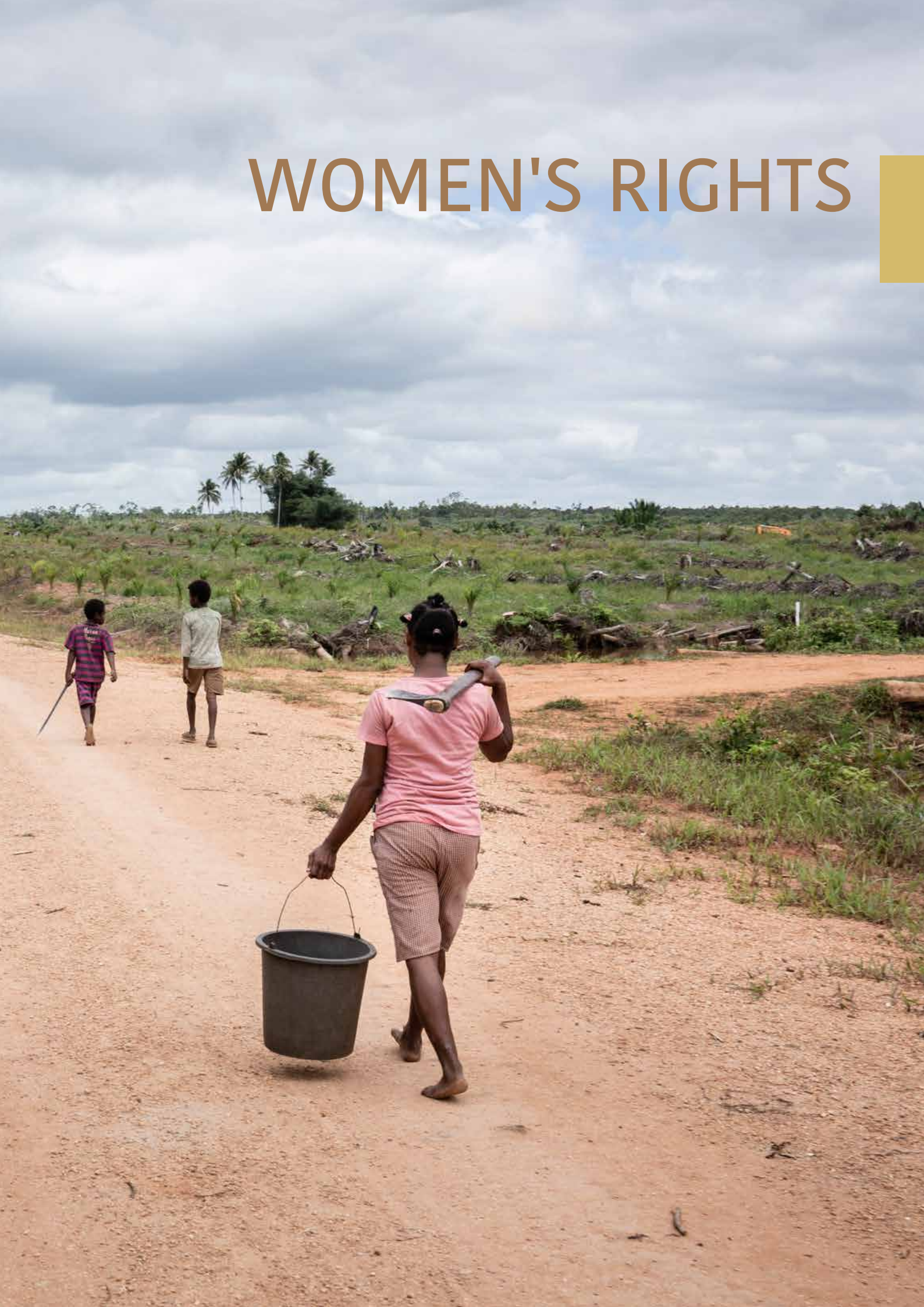
21 Detik News (18.6.2020): Kasus Corona Masih Tinggi, Papua Perpanjang PSDD hingga 3 Juli, available at: <https://news.detik.com/berita/d-5059274/kasus-corona-masih-tinggi-papua-perpanjang-psdd-hingga-3-juli>

22 Suara Papua (21.5.2021): Ratusan Pendemo di Manokwari Ditahan 10 jam di Markas Brimob, available at: <https://suarapapua.com/2021/05/25/ratusan-pendemo-di-manokwari-ditahan-10-jam-di-markas-brimob/>



Palm oil impact in Papua / ©Albertus Vembrianto

# WOMEN'S RIGHTS



## SECTION 5

# Women's Rights

Unfortunately, little has changed for West Papuan women over the last few years. Even though most of their activities are essential for their family's wellbeing and the preservation of their indigenous culture, they remain in society's margins, facing stigmatisation, gender-based violence, and limited access to justice and discrimination. Their participation in governance and politics in West Papua is also the lowest in Indonesia.

Violence against women in West Papua is an immense human right and health concern. The forms of violence suffered, especially by indigenous women, result from armed conflicts between state security forces and armed civilian groups, racial violence from security forces, disputes over claims for natural resources, and discriminatory policies.

The combination of plantation growth and land and forest losses near Papuan communities have impelled women to take up informal, low-paid employment on farms, increasing their long-standing vulnerability. However, there have been several positive examples of women advocating against plantations on indigenous people's land.

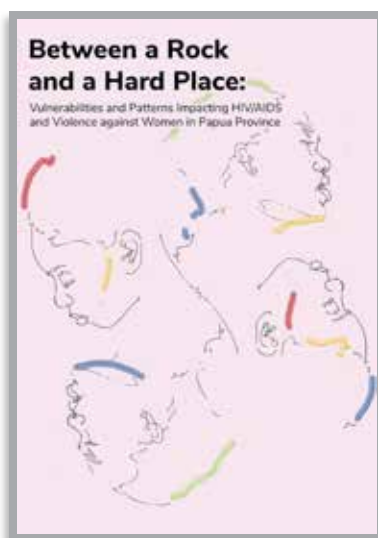
## 5.1 Violence Against Women

Women in West Papua are at high risk of violence. Those living with HIV/AIDS in particular are exposed to various forms of gender-based violence committed by partners, parents, siblings, and other relatives. Many women experience psychological and physical abuse, neglect, and sexual violence even before their HIV status becomes known. The relationship between the disease and the pattern of violence against women is important in developing effective strategies against both. A study by Papua Province Health Agency indicates that more than 40,000 people in Papua were known to be living with HIV/AIDS as of early 2019.

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A 2019 research team established by the NGOs AJAR, Yasanto, eL\_AdPPer, Katane Support Group and Jayapura Support Group found that 41 out of 42 female participants living in West Papua had experienced violence at some point in their lives. The most common form of domestic violence involves physical abuse and neglect.<sup>1</sup> Furthermore, the fact that 32 women had experienced violence from an intimate partner indicates the widespread pattern of domestic violence in West Papua. Eleven participants described being “married off” before the age of 18.<sup>2</sup> In the majority of cases, the women had few ways in which to protect themselves.<sup>3</sup>

The study also found that services for female victims of violence are poorly developed compared with HIV/AIDS health services. AJAR et al. concluded that the lack of a functioning referral mechanism in West Papua makes both services seem like “neighbouring islands unconnected by any bridge”.

The majority of cases of violence against women in Papua province are not reported

to the authorities. In some cases, authorities hamper or fail to process such acts, usually if the perpetrators are the husbands. Of the 32 women who experienced violence from an intimate partner, only 12 reported the cases to the police or authorities. These women are often hesitant to file an official complaint because they fear repressive acts from their partners and relatives. In some cases, the police reportedly refused to process domestic violence cases because the women did not have official marriage certificates. Only seven of the reported cases resulted in detention for the perpetrator. In five cases, the police asked the perpetrator to sign a statement promising not to repeat the abuse.<sup>4</sup>

Papuan women living in conflict-affected areas also have to cope with the constant threat of state violence by security force members. Women living in central highland regencies such as Nduga, Intan Jaya, Puncak, and parts of Mimika Regency are exposed to security force raids that frequently take place in response to armed clashes between the West Papua National Liberation Army (TPN PB) and Indonesian police or military. In 2020 alone, at least seven female victims were tortured and three were killed by security force agents (see Chapters 3.5 on Extra-judicial executions & 3.6 on Torture).

Security force raids have also resulted in the internal displacement of thousands of indigenous Papuans in the central highlands of West Papua. In times of conflict, women and children are vulnerable groups who suffer from the stresses of displacement such as malnutrition, hypothermia, illness, and giving birth without medical attention. Human rights observers documented 182 civilian fatalities

1 Ajar et al (2020): *Between a Rock and a Hard Place, Vulnerabilities and Patterns Impacting HIV/AIDS and Violence against Women in Papua Province*, p. 15, available at: <https://asia-ajar.org/resources/policy-papers/between-rock-and-a-hard-place/>

2 Ibid, p. 5

3 Ibid, p. 3

4 Ibid, p. 4

5 YKKMP (1.8.2019): *Daftar Nama-Nama Korban Kekerasan dan Korban Meninggal di Pengungsian Kasus Nduga Tahun 2018/2019*

between 4 December 2018 and July 2019, among them 21 adult females, 21 female minors, 20 male minors, 14 female toddlers (below the age of five), 12 male toddlers, and 17 female and eight male babies.<sup>5</sup>

The National Commission on Violence Against Women (Komnas Perempuan) highlighted the lack of comprehensive national mechanisms to resolve violations of women's human rights during times of conflict. Consequently, women in conflict areas often suffer collective trauma and mental disturbances. The widespread impunity for perpetrators belonging to security forces results in a loss of security for women because there is no guarantee that the violence they have experienced will not be repeated.<sup>6</sup>

## 5.2 Marginalisation and Participation

The lives of indigenous women in West Papua are pre-determined by gender roles and gender-based labour sharing due to the crucial role they play in sustaining the welfare of the family. Women are responsible for maintaining the gardens, managing the household, collecting firewood and medicinal plants from the forest, taking care of the children, and preparing communal events. The Indonesian NGO Pusaka identified at least 23 activities undertaken by women that are essential for family wellbeing and the preservation of their indigenous culture. However, the listed activities form only a part of women's duties in indigenous communities (see Table 5.2-1).<sup>7</sup>

Despite their essential role, women are often excluded from decision-making. For instance, decisions on land rights issues in West Papua are taken by males as land tenure rights are inherited through patrilineal lineage. This has not stopped women from building alliances to voice their aspirations in their communities. There are positive examples in which women have taken the lead in advocacy activities, rejecting plantations on indigenous peoples' land. Such examples have been reported from the villages of Subur, Aiwat, and Kaisa in Boven Digoel Regency, Papua Province.<sup>8</sup>

Indigenous women are especially affected when a community loses access to forests and other resources to investors. The loss of land hits indigenous women and children particularly hard. Women have to walk long distances to collect crops from the gardens and forest, which they use to create additional income for the family.



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6 Komnas Perempuan (27.9.2019): Independent Report on 25 Years of Implementing the Beijing Platform for Action (BPfA+25), p. 11, available at: <https://ngocsw.org/wp-content/uploads/2019/10/Komnas-Perempuan-Independent-Report-BPFA25.pdf>

7 Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 53ff, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

8 Ibid. p. 50

9 Ibid. p. 58





Papuan women collecting wood and water further away from home, where there are still forests.  
Photo © Albertus Vembrianto

Table 5.2-1: Examples of activities and essential contributions to family welfare by women in Papuan indigenous communities

No	Task	Outcome of work	Use of outcome
1	Planting sago	own consumption, sale on local markets	life necessities & paying children's educational fees
2	Taking care of pigs	own consumption, sale on local markets, fangs are used for arrows	life necessities & paying children's educational fees
3	Working in the gardens	own consumption, sale on local markets	life necessities & paying children's educational fees
4	Fishing	own consumption, sale on local markets	life necessities & paying children's educational fees
5	Collecting Eagle wood	for sale	life necessities & paying children's educational fees
6	Collecting leaves & bark from Genemo Tree	for sale, raw material for netbags, own use and consumption	life necessities & paying children's educational fees
7	Collecting rattan	for wrapping sago, as medicinal plant, and for customary rituals	life and cultural necessities

No	Task	Outcome of work	Use of outcome
8	Planting swamp grass	for traditional clothes	cultural necessity
9	Collecting fire wood	for own use and for sale	life necessities & paying children's educational fees
10	Collecting leave of Gatal plant	for sale and use as traditional medicine	life necessities & paying children's educational fees

Their earnings are used to pay school fees and cover other needs. If access to land is hampered or land is not available, indigenous women living near plantations are forced to work as cheap day labourers because they can no longer provide for their families. The situation in Papuan palm oil plantations has demonstrated that indigenous women are less likely to be employed with a contract than men. Working as day labourers without health insurance and other rights leaves them vulnerable in cases of sickness and accidents during work.<sup>9</sup>

Women's participation in governance across West Papua remains extremely low. The provinces of Papua and Papua Barat are among the regions in Indonesia where gender

inequality in local governments is noticeably high. For instance, in 2019, only 40.4% of civil servants in the province of Papua were females. This is the lowest participation rate in Indonesia, where the average participation rate is 51.5%. Second is Papua Barat province with a percentage of 43.5%.<sup>10</sup>

As of 2019, the same situation applies to women in Papuan politics. In Papua province, 12.7% of the local parliament members were women. The percentage for Papua Barat province was slightly higher at 14.3%. There are also provinces in Indonesia where the rate in local parliaments is much lower, such as Nusa Tenggara Barat province with a participation of only 1.5%. Overall, women's political involvement in West Papua remains far below the national average of 20.5%.<sup>11</sup>

10 Indonesian Ministry for Women Empowerment and Protection of Children: Profil Perempuan Indonesia Tahun 2020, p. 158, available at: <https://www.kemenpppa.go.id/index.php/page/read/26/3057/profil-perempuan-indonesia-tahun-2020>

11 Ibid. p. 166

# INDIGENOUS PEOPLES' RIGHTS



Oil palm plantation development in PT Tunas Sawa Erma (PT TSE),  
part of the Korindo group / ©Ulet Ifansasti - Greenpeace

## SECTION 6

# Indigenous Peoples' Rights

West Papua is home to 274 different indigenous groups, all claiming a specific area as their customary land. Thus, there is not a single square metre in West Papua that does not belong to an indigenous Papuan clan. Without land, indigenous Papuans have no livelihood, no identity, and no means of survival. Land rights conflicts are rampant in areas where mining companies exploit mineral resources or plantation companies have established large-scale plantations. Indeed, palm oil plantations have become the greatest threat to indigenous communities in West Papua.

Local governments often fail to ensure that indigenous communities can give their free, prior informed consent (FPIC) when confronted with investors. Business operations in West Papua are protected by security forces who normally resort to violence, intimidation, and criminalisation of community members when indigenous landowners reject or protest against a company. Indigenous communities commonly blame companies for breaking promises, fraud, inadequate compensation payments, or the clearing of land outside their concession areas.

Deforestation has become a core issue in their struggle. The forest is essential for sustaining their wellbeing and culture. Accordingly, massive deforestation – largely caused by oil palm plantations – poses an immense threat to these indigenous communities. Even though Indonesia has successfully reduced deforestation and carbon emissions since 2015, the highest levels of deforestation in West Papua have been reported in the past six years under the current Minister of Environment and Forestry, Siti Nurbaya, who has held office since 2014.

## 6.1 Protection of Land Rights and FPIC

### Indigenous Peoples' Rights

Violations of land rights are rampant in West Papua and were documented across the provinces of Papua and Papua Barat throughout 2019 and 2020. The majority relate to plantation companies running their business operations on the communal land of indigenous communities. Logging, mining and plantation companies are valuable to the government because they contribute significantly to government revenues and create labour opportunities in remote areas. These businesses are often under the protection of members of security forces, who consider the investments vital “assets” to the state. Accordingly, they often act in the companies’ interests and readily resort to repressive acts when communities conflict with a company. Some companies in West Papua reportedly obtained their operational licences before receiving the Free, Prior and Informed Consent (FPIC) of indigenous communities –indicating an urgent need to overhaul the business licensing scheme for agricultural projects, timber production, and mineral extraction (see Chapter 6.2).

The government has approved concessions for 1,080,1961 hectares across the provinces of Papua and Papua Barat. Currently, there are 60 agricultural companies with operational licences in West Papua. This, along with the number of license areas, is expected to drastically increase in the coming years as the central government continues to support mega agricultural projects such as MIFEE in Papua province. The plan for MIFEE was to cover a total land area of 3.2 million hectares, extending over Merauke, Mappi, and Boven Digoel. However, not all companies have launched their operations.

Major issues associated with private companies are broken promises, fraud, and



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inadequate compensation payments for land. Companies frequently fail to keep their promises to provide jobs, improve infrastructure, and build health care and education facilities. If communities decide to claim their rights, the local government and its responsible institutions often fail to take a neutral position. The same applies to the police and the military, which are among the

most important stakeholders in land rights conflicts. If a conflict between a company and indigenous peoples intensifies, security forces may protect the interests of the company and force indigenous peoples to abandon their plans.

A comparative study of land rights conflicts in West Papua indicates two primary forms of collaboration between state actors and investors. The most common is when security forces directly intervene in the event of conflict with indigenous communities. Repressive acts against indigenous land rights holders or human rights defenders include intimidation, harassment, physical assault, torture, and even killing (see Chapters 3.5 & 3.6). The second pattern of cooperation occurs when non-state actors commit criminal offences against land rights holders in the interests of a company. If the victims decide to report an offence, the police often refuse to process the cases or settle the dispute outside of the law to protect the perpetrators. In isolated cases, the police threaten to prosecute land rights holders who try to protect their land.<sup>1</sup>

### Free, Prior and Informed Consent (FPIC)

Free, Prior and Informed Consent (FPIC) is a principle recognised by international human rights standards under the United Nations Declaration on the Rights Of Indigenous Peoples (UNDRIP) and other international human rights treaties. It is closely linked to the right of self-determination as a fundamental principle in international law, and is embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESC).

#### Article 1. International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

“All peoples have the right of self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.”

The FPIC principle allows indigenous peoples to give or withhold consent to a project that may affect them or their land and resources. Once they have given their consent, they can withdraw it at any stage. The UNDRIP declares that states should harmonise their laws and permit procedures for investors per FPIC principles. Therefore, FPIC provides the legal foundation for indigenous peoples to negotiate the conditions under which a project is designed, implemented, monitored, and evaluated.<sup>2</sup>

Article 43 of Law No 21/2001 on Papuan Special Autonomy stipulates that companies need to reach an agreement with a community through a decision-making council, called *musyawarah*, if they seek access to indigenous communal land (*tanah ulayat*). Plantation companies usually meet this legal requirement and reach arrangements with indigenous communities. However, the procedure and deals are often not in line with the FPIC principle upheld by the UNDRIP and industry bodies such as the Roundtable on Sustainable Palm Oil.

Despite the legal obligation to inform land rights holders about all aspects of a project, numerous companies operating in West Papua do not provide sufficient information about the transfer of land rights to communities. Thus,

1 Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 4, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

2 FAO (2016): Free Prior and Informed Consent, An indigenous peoples' right and a good practice for local communities, p. 14, available at: <http://www.fao.org/3/a-i6190e.pdf>

a large number of indigenous people believe that their customary land will be returned to the owner of the inheritance rights when the cooperation agreement ends. This perception is incorrect. Article 18 (1) of Government Regulation No. 4/1996 on cultivation rights (Hak Guna Usaha, HGU), building rights (Hak Guna Bangunan, HGB) and land rights stipulates: "If the cultivation right is removed and not extended or renewed, the former right holder is obliged to dismantle the buildings and objects on it and hand over the land and plants on the former cultivation area to the State within the time limit set by the Minister."<sup>3</sup> This means that the former cultivation area is handed to the State, rather than being returned to the indigenous community.<sup>4</sup>

### The "Omnibus Law on Job Creation" – A new threat to indigenous communities

In the third quarter of 2019, Indonesia's economic growth decreased to a three-year low due to shrinking exports and investments. President Jokowi reacted by drafting the Job Creation Bill (RUU Cipta Kerja), widely known as the "Omnibus Law", to boost the economy and attract new investors. The draft proposed amendments to 79 laws to reduce bureaucracy and make Indonesia more attractive for investors.<sup>5</sup> It was submitted to the House of Representatives in mid-February 2020. President Jokowi urged parliament to adopt the bill within 100 days. On 2 November 2020, Indonesia's president officially enacted the job creation law, commonly known as

the "Omnibus Law", during the COVID-19 pandemic, a time when people were afraid to participate in demonstrations against the law.<sup>6</sup>

Multiple groups ranging from labour associations to environmental groups and human rights organisations have criticised the bill for promoting non-sustainable economic growth in Indonesia. Areas like the provinces of Papua and Papua Barat, where the central government plans to develop large-scale agricultural projects and mining operations, will be significantly affected by the Omnibus Law. According to the government's "Master Plan for the Acceleration and Expansion of Indonesian Economic Development" (MP3EI)<sup>7</sup>, West Papua is to become Indonesia's production centre for food, fishery, energy and national mining.

The Omnibus Law introduces key amendments in several sectors, particularly in the field of mining and forestry. It simplifies the requirements for Environmental Impact Assessments (Analisis Manajemen Dampak Lingkungan: AMDAL) and licensing procedures, dispenses environmental management, integrates environmental permits and business licences, removes limitations on minimum forest cover for river basins and islands, and gives the central government more power to permit forest concessions.<sup>8</sup>

AMDAL requirements are part of the legal framework established to guarantee the FPIC principle as an internationally agreed standard to protect indigenous peoples' rights. The Omnibus Law will aggravate the situation in

3 Peraturan Pemerintah tentang HGU, HGB dan Hak Atas Tanah No. 4/1996, available at: <https://peraturan.bpk.go.id/Home/Download/46205/PP%20No.%2040%20Th%201996.pdf>

4 Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 25f, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

5 Ibid. p. 21

6 UNCTAD (2.11.2020): "Omnibus Law" on job creation has been enacted, available at: <https://investmentpolicy.unctad.org/investment-policy-monitor/measure/3567/indonesia-omnibus-law-on-job-creation-has-been-enacted>

7 The government under former president Susilo Bambang Yudoyono (SBY) introduced the term MP3EI. Jokowi's government does not use the term, probably because many of the social movements which supported him had campaigned against the MP3EI in 2014. However, Jokowi's policies for economic development are broadly similar to those of the former president SBY.

8 UNCTAD (2.11.2020): "Omnibus Law" on job creation has been enacted, available at: <https://investmentpolicy.unctad.org/investment-policy-monitor/measure/3567/indonesia-omnibus-law-on-job-creation-has-been-enacted>

West Papua, where the marginalisation of indigenous communities, land-grabbing, and environmental pollution by palm oil plantations and mining operations are rampant.

The bill significantly lowers environmental standards for business activities. It proposes amendments to Article 23 of Law 32/2009 on Environmental Protection and Management, which requires an AMDAL for all business operations impacting the natural landscape, social-cultural lives, or conservation as well as cultural heritage. The article lays out the criteria for an AMDAL before operation. The Omnibus Law stipulates that only businesses that “have important effects on the environment, social, economic and culture” will require an AMDAL, which should be subject to control under a Government Regulation (PP).<sup>9</sup>

Moreover, amendments to Article 26 of the same law state that affected communities will no longer be able to appeal an AMDAL. Environmental experts –such as the environment agency, related technical institutions, environment and technical experts, environmental organisations and public representatives– will no longer be involved in the AMDAL process.<sup>10</sup>

### Case Studies:

► In 2013, the palm oil company PT Anugerah Sakti Internusa (ASI) approached the indigenous Tehit communities in the districts of Konda and Teminabuan in Sorong Selatan Regency. It introduced its plan to erect a palm oil plantation, which was rejected by the Tehit communities. In 2013, PT. ASI received its licences and again tried to negotiate with the

indigenous land rights holders. In 2014 and 2015, the company organised several meetings as part of the AMDAL process in which the Tehit communities again rejected the presence of a palm oil plantation on their customary land. They argued that the forest was not large enough to support their livelihoods if cleared for the plantation. In September 2020, the affected Tehit communities demanded that the local government revoke a recommendation letter from the Local Development Planning Authority (Badan Perencana Pembangunan Daerah: BAPPEDA) in Sorong Selatan and a permit issued by the regent as they had never given their consent to the project.<sup>11</sup>

► A police officer named Melkianus Yowei tortured Marius Betera after he complained about his garden being cleared by excavators from the Tunas Sawa Erma POP Block A palm oil company in the Jair District, Boven Digoel Regency, on 16 May 2020. Before the torture, he had met the company's Planning Manager to demand compensation for the loss of his harvest. Thereupon, the manager called upon officer Melkianus Yowei to “handle” the dispute. Officer Yowei intercepted him in front of the company's office, kicked him repeatedly in the stomach, and punched him multiple times to the neck and temple. Witnesses stated that the victim was bleeding from the ear after the beating. Marius Betera died shortly afterwards inside the company's clinic at Camp 19.<sup>12</sup>

9 Jakarta Post (24.02.2020): Guide to omnibus bill on job creation: 1,028 pages in 10 minutes, available at: <https://www.thejakartapost.com/news/2020/02/21/guide-to-omnibus-bill-on-job-creation-1028-pages-in-8-minutes.html>

10 Ibid.

11 PUSAKA (Sept. 2020): Suku Tehit Melindungi Hutan Tersisa, available at: <https://pusaka.or.id/2020/09/suku-tehit-melindungi-hutan-tersisa/>

12 SKP Kame & Pusaka (17.05.2020): Statement Letter on the Violence in Palm Oil Plantation PT. Tunas Sawa Erma, Jair District, Boven Digoel Regency, Papua Province





Image 6.1-1: Land cover and oil palm plantation development in PT Tunas Sawa Erma (PT TSE), part of the Korindo group. Photo credit: ©Ulet Ifansasti / Greenpeace

## 6.2 Ecocide and Deforestation

The provinces of Papua and Papua Barat are home to the largest remaining forest area in Indonesia, with 33,847,928 hectares. Both provinces were granted autonomy in 2001. However, it is unclear how this special status harmonises conflicting national and local regulations and it has not helped to reduce deforestation. Growing deforestation in West Papua also relates to the massive administrative partition that has taken place. Each time a new regency is formed, the lack of definitive administrative boundaries, functional regional governments, and proper development planning contributes to deforestation.

Over the past 20 years, natural forests in the Papua and Papua Barat provinces have

decreased by 663,443 hectares. As much as 71% of this occurred between 2011 and 2019. The most extensive deforestation took place in the Regency of Merauke, covering an area of 123,049 hectares, followed by the Boven Digoel Regency with 51,600 ha.

Eighty-four per cent of the concessions in forest areas in the Papua Province between 1992 and 2019 were granted for palm oil plantations. These plantations are not only responsible for large-scale deforestation; they also encourage human rights violations and conflict with indigenous communities.

Indonesian forestry ministers have issued seventy-two forest estate release decrees (SK PKH) covering a total of 1,549,205 hectares in West Papua between 1992 –



Image 6.2-1: PT Megakarya Jaya Raya (PT MJR) Oil Palm Concession in Papua. Photo © Ulet Ifansasti / Greenpeace

2019. Approximately 1,460,000 hectares of the approved areas were allocated to the agriculture sector. Oil palm estate development comprised 84% of all forest estate released in West Papua, covering a total area of 1,307,780 hectares. Satellite imagery indicates that 1,292,497 hectares or 82% of the total area released for oil palm were covered by natural forest at the time of release. In 2019, 145,595 hectares of this forest were lost to deforestation, accounting for almost one-third of all deforestation in West Papua.

Satellite imagery indicates that 1,488 hectares, more than 2,084 times the size of a football field, have been cleared between March and May 2020 alone. The widest deforestation has occurred within the areas of the following oil palm companies: PT. Medco Papua Hijau

Selaras in the Manokwari Regency, covering an area of 372 hectares; PT. Internusa Jaya Sejahtera in the Merauke Regency, covering an area of 372 hectares; PT. Megakarya Jaya Raya in the Boven Digoel Regency covering an area of 222 hectares; and PT. Subur Karunia Raya in the Teluk Bintuni Regency, covering an area of 110 hectares.<sup>1</sup>

Companies often fail to fulfil their legal requirements. The Indonesian NGO Pusaka documented 13 cases of environmental crimes in West Papua throughout 2020. Companies were running plantation operations without an environmental licence, contravening Law No. 32/2009 on protecting and managing the environment, or conducted illegal clearing of timber, contravening Law No. 41/1999 on

<sup>1</sup> Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 25, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

forestry. Seven of these cases involved mining activities.<sup>2</sup>

Throughout 2020, only two cases of environmental crimes<sup>3</sup> were brought before a court. In both cases the defendants were acquitted. NGOs speculated that the companies bribed the judges and public prosecutor. Such outcomes are indicative of how the state handles such violations. In isolated cases the police terminated business operations, but the perpetrators were either not sued or later acquitted.<sup>4</sup>

Indonesia is continuing to establish an effective licensing scheme for plantation companies. In September 2018, President Jokowi signed a moratorium on new licenses for oil palm plantations. This will remain in place until September 2021. He also instructed the Coordinating Ministry for Economic Affairs to review all existing oil palm licences to re-establish law and order in the plantation sector.<sup>5</sup>

A 2019 government investigation found that 3.1 million hectares, approximately 19 per cent of the country's total oil palm plantations, are operating without permits in forest areas. Furthermore, 81% of the country's oil palm companies had violated state regulations, which included operating in conservation and peatland areas and non-compliance with Indonesian Sustainable Palm Oil standards.<sup>6</sup>

The companies are subsidiaries and belong to conglomerates or groups, which pull strings behind visible field operations. According

to Indonesian plantation regulations,<sup>7</sup> a conglomerate's concession area is limited to 100,000 hectares across the whole of Indonesia for one commodity and 20,000 hectares within one province. An exception exists for the provinces of Papua and Papua Barat, where the land tenure limit is twice the maximum. Observers have identified the following groups operating in West Papua whose palm oil concession areas exceed the maximum of 40,000 hectares per province:

1. Gama Plantation owns two companies in Merauke Regency with a land area of 45,785 hectares
2. Menara Group runs seven companies in Boven Digoel Regency with a land area of 270,095 hectares
3. Korindo Group owns three oil palm companies in Merauke Regency with a land area of 80,931 ha and three companies in Boven Digoel Regency with a land area of 67,706 hectares<sup>8</sup>
4. Salim group owns ten subsidiaries operating in the regencies Tambrau, Teluk Bintuni, Fakfak, Kaimana and Teluk Wondama in Papua Barat province, and the regencies Mimika, Asmath and Jayapura in Papua Province, with a land area of 266.736 hectares<sup>9</sup>

Table 6.2-1 provides data on West Papua companies that have cleared rain forests throughout 2019 and 2020. The largest forest areas were cleared by the palm oil companies PT Medco Papua Selaras in the Manokwari Regency and PT. Rimbun Sawit

2 Ibid. p. 34

3 Cases were reported in relation to business operations by PT. Mitra Silva Lestari, a subsidiary of the Capitol Group, and PT. Bangun Cipta Mandiri

4 Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 32, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

5 Mongabay (20.09.2018): Indonesian president signs 3-year freeze on new oil palm licences, available at: <https://news.mongabay.com/2018/09/indonesian-president-signs-3-year-freeze-on-new-oil-palm-licenses/>

6 The Straits Times (10.10.2019): Indonesia finds one-fifth of oil palm plantations are illegal, available at: <https://www.straitstimes.com/asia/se-asia/indonesia-finds-one-fifth-of-palm-oil-plantations-are-illegal>

7 Article 4 of the regulation of the Minister of Agrarian Affairs / Head of the National Land Agency No 2/1999 concerning Location Permits, subsequently revised by Minister of Agrarian Affairs and Spatial Planning regulation/ Head of the National Land Agency No 5/2015

8 Pusaka (2019): Setahun Moratorium, Mendesak negara untuk memulihkan hak masyarakat, p. 11, available at: <https://pusaka.or.id/assets//2019/09/Laporan-Satu-Tahun-Moratorium-Sept-2019-Final-dikompresi.pdf>

9 Walhi Papua, Pusaka, Yali Papua, Belantara Papua: Expansi Imperium Bisnis SALIM di Tanah Papua

Table 6.2-1: Companies operating in West Papua which have cleared forest throughout 2019 and 2020 (Source: Pusaka & Awas MIFEE)

No	Name of company	Affiliation to Group	Regency	Cleared forest area before 2019 (hectares)	Cleared forest area in 2019/20 (hectares)	Reported violations of IP's rights
1	PT. Internusa Jaya Sejahtera	Indonusa Agromulia Group	Merauke	N/A	2,991	indigenous community was not informed about the transfer of land rights
2	PT. Megakarya Jaya Ray	Menara Group	Boven Digoel	5,309 hectares between 2014 and 2018	918	pollution of the Kiusang and Kiobo rivers, company presence created horizontal conflicts within the Awyu tribe
3	PT. Medco Papua Hijau Selaras	The Capitol Group	Manokwari	2,469 hectares between 2014 and 2018	21,557	pollution of gardens and surrounding forests, failed to implement agreements with local communities (no compensation payments, no erection of education and health care facilities)
4	PT. Rimbun Sawit Papua	Salim Group	Fakfak	4,553 hectares between 2014 and 2018	18,192	creating horizontal conflicts between the indigenous groups Mbaham, Mor and Irarutu, intimidation of the community by security force members
5	PT. Subur Karunia Raya	Salim Group	Teluk Bintuni	1,443 hectares between 2014 and 2019	171	allegations of fraudulent FPIC procedure and compensation payments to landrights holders

Papua in the Fakfak regency, covering a total area of 39,749 hectares. All companies were reportedly responsible for human rights violations or horizontal conflicts in indigenous communities.<sup>10</sup>

## Case Studies

### Use of 'slash and burn' practices – The Korindo case

The Indonesian-South-Korean palm oil conglomerate Korindo has repeatedly been accused of using slash and burn practices to clear rainforests in West Papua. This practice is prohibited under Indonesian law. Since 2001, Korindo has cleared 57,000 hectares of rainforest in the province of Papua alone.

In 2016, a coalition of NGOs, including the Mighty Earth campaign group, published a report that identified at least 30,000 hectares of deforestation and more than 900 fires on Korindo's oil palm plantations in the Papua and North Maluku provinces since 2013.

A subsequent two-year investigation by the Forest Stewardship Council (FSC), the world's leading body for certification of sustainable forestry, reported "evidence without reasonable doubt" that natural forests have been cut down on a large scale in Korindo's concessions. However, the FSC also identified sufficient evidence of deliberate burning, which means Korindo continues to sell its palm oil with the FSC sustainability certificate.<sup>11</sup>

10 Pusaka (January 2021): Tak Surut Meski Pandemi: Potret Perjuangan HAM Atas Lingkungan di Papua dan Kalimantan Tengah Sepanjang Tahun 2020, p. 25ff, available at: <https://pusaka.or.id/assets//2021/02/Catahu-Pusaka-2020-revisi2.pdf>

11 Forest Stewardship Council (2020): Korindo Group, available at: <https://fsc.org/en/unacceptable-activities/cases/korindo-group>



Image 6.2-2: 20 January 2020. Destruction of virgin peatland rainforest by Tanah Merah logging and palm oil project in a remote area of Papua, about 200 miles from the mouth of the Digoel River, providing access to export shipping. New road networks leading into vast areas of untouched, virgin rainforest are shown, indicating where operations are likely to expand. Photo © Greenpeace

In 2020, the NGOs 'Greenpeace' and 'Forensic Architecture' published research on Korindo plantations in West Papua.<sup>12</sup> They examined satellite imagery from October 2011 to January 2016 and aerial photographs taken by Greenpeace International in 2013 to determine the origin and estimate the severity of fires in a concession owned by Korindo subsidiary PT Dongin Prabhawa in Merauke. They concluded that the fires exhibited patterns of consistent, deliberate use. Moreover, villagers living near PT Dongin Prabhawa's plantation have witnessed Korindo employees starting fires on the company's land over several years.

Korindo declared on its website that it has never used and will never use fire to clear land in any of its operations. In a public statement,

the company claimed that the fires were either natural fires caused by extreme drought or a result of villagers hunting giant wild rats hiding under piles of wood.<sup>13</sup>

### **Falsified concessions and non-transparent ownership – The Tanah Merah Project in Boven Digoel**

The Tanah Merah Project is a mega plantation project planned to cover an area of 280,000 hectares of intact rainforest in the remote Papuan regency of Boven Digoel. It is estimated that the project will generate \$ 6 billion in timber and create plantations across an area almost twice the size of London.

12 Greenpeace International (2020): Palm oil in Papua, A burning issue, available at: <https://www.youtube.com/watch?v=tfxFqKX2p-M>

13 Mongabay (12.11.2020): Palm oil giant Korindo accused again of illegally burning Papuan rainforest, available at: <https://news.mongabay.com/2020/11/palm-oil-korindo-papua-rainforest-fire-burn-greenpeace-forensic-architecture/>

Satellite imagery revealed that the Digoel Agri Group had cleared 170 hectares of rainforest in early 2020.<sup>14</sup>

Indonesian government officials alleged that permits for the project were falsified, resulting in the illegal clearing of 83 km<sup>2</sup> of rain forest on the ancestral land of the Auyu tribe. The head of the Papuan investment agency, Jamal Tawurutubun, declared in May 2019 that this happened at a critical stage of the licensing process. According to Tawurutubun, the agency did not have any record of the project in its database. The controversial permits were signed by the former head of the agency, Purnama, who had already raised the issue of falsified signatures in February 2013. In November 2019, the head of the investment office in Boven Digoel regency made a separate allegation, claiming that an essential permit for a sawmill built to harvest timber from the project was also falsified.

While multiple Indonesian ministries are aware of the allegations, officials have allowed PT Megakarya and PT Kartika Cipta Pratama developers to continue operating provided they reapply for their permits. None of the allegations has been reported to a law enforcement agency. The permits of the other five companies were revoked in 2017 and 2018 because they had not yet begun to cultivate the land. Local Government officials claim they allow the plantation companies to keep operating because they act in the Auyu people's interests, which NGOs deny.

Investors have been hiding their identity behind anonymously owned companies. The first permits concerning the Tanah Merah Project were approved to seven shell companies owned by the Menara Group in 2009. In 2011, this group sold majority stakes in all but one of the companies. At this stage, none of the companies had yet started to develop the land. Two companies were sold to the Malaysian logging and property conglomerate Tadmax Resources in 2012. Four others were bought anonymously by companies registered in the United Arab Emirates cities of Dubai and Ras Al Khaimah, where regulations are deliberately designed to hide shareholders' identities.

This is not the only issue that has been reported regarding the Tanah Merah project. Yusak Yaluwo, the regent of Boven Digoel, was alleged to have approved rights for a land area to the Menara Group, which exceeded the legal limit of 40,000 hectares per group in a single province.

One of the anonymously owned companies joined forces with the Malaysian logging and plantation giant Shin Yang to build a sawmill to process the timber from the logging operations. On 5 November 2019, the investment agency in Boven Digoel ordered the sawmill to cease field operations after the head of the Boven Digoel development planning agency, Wempy Hutubessy, declared that the environmental licence had been falsified.<sup>15</sup>

14 The Gecko Project & Mongabay (24.03.2020): The Digoel Agri Group has begun operating in an Indonesia megaproject being fought over by investors from around the world, available at: <https://thegeckoproject.org/new-player-starts-clearing-rainforest-in-worlds-biggest-oil-palm-project-48214e9be21e9>

15 The Gecko Project & Mongabay (10.12.2019): Revealed: Government officials say permits for mega-plantation in Papua were falsified, available at: <https://news.mongabay.com/2019/12/revealed-government-officials-say-permits-for-mega-plantation-in-papua-were-falsified/>

# JUSTICE AND POLITICAL SYSTEM



Demonstrators wearing protective face masks hold signs during a protest demanding Papua's political prisoners to be released without conditions, in front of the Supreme Court building in Jakarta, Indonesia June 15, 2020. Credit: REUTERS/Ajeng Dinar Ulfiana

## SECTION 7

# Justice and Political System

Indonesia has gone through a variety of changes since the downfall of military dictator Suharto in 1998. Thereupon, Indonesia entered the era of 'Reformasi', in which the government strengthened the rule of law, pushed democratisation and banned the military from the political scene. Throughout the past decade, observers have repeatedly argued that the spirit of 'Reformasi' has been lost, as former military officials re-appeared on the political stage. Past gross human rights violations remained unresolved while impunity among perpetrators of these violations belonging to the police and military continues to be rampant, particularly in West Papua.

Indonesia has multiple accountability systems to bring perpetrators of human rights violations to justice. If security force members are alleged of committing a human rights violation, victims or their relatives have the opportunity to file a complaint to internal accountability mechanisms. The reformation era has also given rise to establishing external accountability mechanisms, such as human rights courts, the formation of ad-hoc fact-finding teams or special inquiries and truth and reconciliation commissions. However, there has been no improvement in the past 20 years regarding the impunity situation in West Papua

In 2001, the Indonesian Government Law No 21/2001 on the special autonomy for the Papua Province was stipulated in response to growing aspirations for political self-determination across West Papua. Observers argue that the law has failed to improve the condition of indigenous Papuans. In contrast, a small political elite has taken personal advantage. The inconsistent implementation of the special autonomy law and the end of special autonomy funding in 2021 has revived calls for self-determination, manifesting in peaceful protests and solidarity initiatives against the government's plan to amend that law.

This situation, on top of the already escalating conflict and security deterioration, has drawn significant international attention. UN experts, many states and the Office of the High Commission for Human Rights have publicly stated their support for a visit by the high commissioner to West Papua.



## 7.1 Human Rights Accountability Mechanism

Under international human rights law and standards, the state is obligated to provide accessible and effective remedies to address human rights violations.<sup>1</sup> The notion of an effective remedy refers to the obligation to conduct a prompt, thorough, and effective investigation through independent and impartial bodies and, where evidence is sufficient, hold the perpetrators accountable. In addition, effective remedies must include reparation for the victims or their families. A failure to provide such remedies generates a separate new human rights violation, commonly referred to as impunity.<sup>2</sup> Human rights groups believe the failure to end impunity in West Papua correlates with the ongoing serious human rights violations committed by Indonesian security forces.

The effective remedy framework –consisting of the right to truth, justice, and reparation– is employed to audit the available accountability mechanism in Indonesia.<sup>3</sup>

### A. Internal accountability mechanisms

Multiple internal mechanisms in Indonesia handle allegations of rights violations once

a case has been reported to the police or military. Over the past decade, a significant number of cases in West Papua have not been investigated.<sup>4</sup> In cases where the police or military have decided to proceed with the report, most of those accused of committing the abuses only received disciplinary sanctions, and very few faced criminal proceedings. These mechanisms were established under Indonesia's outdated Criminal Code (KUHP) and Criminal Procedure Code (KUHAP). However, the internal mechanisms among the police and military institutions differ.

### Internal Police Accountability

Human rights reports claim that police members commit most of the reported human rights violations in West Papua and Indonesia.<sup>5</sup> This observation is consistent with previous ICP Reports regarding violations of civil and political rights (extrajudicial killing, torture, arbitrary arrest and detention, attacks against peaceful assembly and human rights defenders).<sup>6</sup>

Indonesia's police endured numerous institutional reforms after their structure

- 1 Committee on Civil and Political Rights (CCPR) General Comment No. 31, para. 15, UN Doc. CCPR/C/21/Rev1/Add.13, 26 May 2004.
- 2 Committee on Civil and Political Rights (CCPR) General Comment No. 31 paras. 15, 16 and 18, UN Doc. CCPR/C/21/Rev1/Add.13, 26 May 2004.
- 3 The rights to truth, justice, and reparation in particular are emphasised by international human rights bodies to highlight the state's obligations to address human rights violations recognised as criminal acts under both domestic and international law, such as torture and other ill-treatments, unlawful killing, and enforced disappearances (crimes commonly committed by the security forces in West Papua) committed both as part of individual or widespread or systematic cases. See CCPR General Comment No. 31 para 18.
- 4 Some example of these are Amnesty International's Report, "Don't Bother, Just Let Him Die": Killing with Impunity in Papua, July 2018, available at: <https://www.amnesty.org/en/documents/asa21/8198/2018/en/>; Human Rights Watch's Report, Out of Sight; Endemic Abuse and Impunity in Papua's Central Highlands, July 2007, available at: <https://www.hrw.org/sites/default/files/reports/papua0707webwcover.pdf>. See also ICP, Human Rights Quarterly Update West Papua –April 2021, available at: [https://humanrightspapua.org/images/docs/Human\\_Rights\\_Update\\_West\\_Papua\\_April\\_2021.pdf](https://humanrightspapua.org/images/docs/Human_Rights_Update_West_Papua_April_2021.pdf); Human Rights Quarterly Update West Papua –October 2020, available at: [https://humanrightspapua.org/images/docs/Human\\_Rights\\_Update\\_West\\_Papua\\_October\\_2020.pdf](https://humanrightspapua.org/images/docs/Human_Rights_Update_West_Papua_October_2020.pdf).
- 5 Komnas HAM's Press Release No. 062/Humas/KH/XII/2020 on Annual Human Rights Report, p.5, 30 December 2020, available at: <https://www.komnasham.go.id/index.php/siaran-pers/2020/12/30/132/keterangan-pers-nomor-062-humas-kh-xii-2020-tentang-catatan-akhir-tahun-hak-asasi-manusia.html>; Annual Report of Komnas HAM Papua Office 2019, Rasisme Tanah Papua Membara [Racism, Papua Burning] p. 101, available at: [https://www.komnasham.go.id/files/20201123-laporan-tahunan-komnas-ham-ri--\\$ZK.pdf](https://www.komnasham.go.id/files/20201123-laporan-tahunan-komnas-ham-ri--$ZK.pdf).
- 6 See ICP, Human Rights and Conflict Escalation in West Papua (the sixth report), January 2020, p. 22-112, available at: <https://humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>; Human Rights in West Papua 2017 (the fifth report), p. 8-78, available at: <https://humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>.

came under military domination during the New Order regime (1965-1998). However, militaristic remnants still linger within the force. For instance, its hierarchical structure is identical to that of the military, excluding the policing arrangement in West Papua from the special autonomy mandate. Indonesia's police have issued their own internal regulations adopted from international human rights laws and standards.<sup>7</sup> However, their implementation is extremely poor, with human rights training carried out only sporadically.

The Internal Disciplinary Division Unit named Propam (*Divisi Profesi dan Pengamanan*, literally the Division of Profession and Security) is responsible for receiving complaints from the public. Propam departments are only situated at the Police Headquarters in Jakarta (Mabes Polri) or the Provincial Police Headquarters (Polda). Victims of police misconduct in West Papua therefore have to lodge their complaint to the Propam Units in Jayapura (Papua Province) or Manokwari (Papua Barat Province). Given the vast territory of West Papua, combined with inadequate public transportation, it is challenging for victims to access the Propam mechanism. In addition, public trust in the effectiveness of police accountability mechanisms is low (and much lower in West Papua) with reports indicating that victims can face further abuse when submitting their complaints.<sup>8</sup>

The main concern of the internal police mechanism under Propam is that most allegations of police misconduct in the context of human rights violations only result in internal disciplinary sanctions.<sup>9</sup> This

practice disregards Indonesia's Police Law (No. 2/2002), according to which any police officers suspected of committing a criminal offence should be prosecuted in a civilian court.<sup>10</sup> On paper, Propam can forward police misconduct cases to the police's Criminal Investigation Department (CID), which can initiate a criminal investigation and file the case to a prosecutor. However, it is rare for police officers accused of committing human rights violations to be tried in a civilian court.<sup>11</sup> Furthermore, no external control body exists to monitor the internal police disciplinary body. Written reports on the results of the internal police process are not made available to the victims, their family, or the public.<sup>12</sup>

### **Military court mechanism**

Under Indonesia's criminal justice system, military personnel can only be tried in military courts, even for criminal offences relating to human rights violations. All parties in the military criminal justice system –from the judges and prosecutors to legal defence– are military officials, although the military court system has been integrated into the country's judiciary institution.

The main concerns regarding the military court mechanism include a lack of transparency from the investigation process to the prosecution stage, light sentences compared with the gravity of the crimes, implicating low-rank personnel while excluding the responsible command, and the conviction not being used as a vetting policy.<sup>13</sup>

7 The highest form of internal regulation is the Chief of National Police Regulation (Perkap). The police force have, among others, Perkap on human rights, the use of force, public information requests, policing public order, and community policing adopted from human rights treaties or other instruments.

8 Amnesty International, *Unfinished Business: Police Accountability in Indonesia*, June 2009, p. 47 and 49, available at: <https://www.amnesty.org/en/documents/asa21/013/2009/en/>.

9 The most common disciplinary sanctions are disciplinary detention, suspended promotion, salary deduction, removal from the current police structure or post, re-education, and dismissal.

10 The technical guideline on how to process any police misconduct to the civilian court mechanism is further regulated by Government Regulation No. 3/2003.

11 Amnesty International, "Don't Bother, Just Let Him Die": Killing with Impunity in Papua, p. 54; see also ICP, *Human Rights in West Papua 2019 and 2017* on the section of Civil and Political Rights.

12 Amnesty International, "Don't Bother, Just Let Him Die": Killing with Impunity in Papua, p. 54.

13 ICTJ (International Center for Transitional Justice) and KontraS (the Commission for the Disappeared and Victims of Violence), *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, March 2011, p. 50-51, available at: <https://www.ictj.org/publication/derailed-transitional-justice-indonesia-fall-soeharto-report>.

Some cases of human rights violations in West Papua have been brought before a military court. Military investigations are usually initiated as a result of public pressure. Case studies illustrate that the outcomes have not been ideal from the perspective of victim's rights. However, several human rights groups regard military prosecutions as an achievement, given the fragile accountability mechanisms available.<sup>14</sup> Despite its weaknesses, prosecutions under the military court system appear to have been more efficient than those for the police over the last few years.<sup>15</sup>

The plan to amend the military court system was officially confirmed in 2004 but never finalised. The Law on Indonesian Military Force (No. 34/2004) mandated the reform in an attempt to bring military personnel committing a criminal offence, including human rights violations, under the civilian court's jurisdiction. The 2004-2009 national parliaments discussed a draft law on the amendment of the military court system. They almost passed this in 2009, but the Minister of Defence asked for a delay.<sup>16</sup> In 2014, President Joko Widodo made a bold commitment to amend the military court system to end all impunity practices in Indonesia.<sup>17</sup> Again, this critical pledge –and other human rights pledges– were never fulfilled.

### Joint military–civilian court (Pengadilan Koneksitas)

On rare occasions, cases of human rights violations have been brought to a joint military-civilian court or *pengadilan koneksitas* in which both military and civilian law enforcement agencies are involved in the criminal investigation, prosecution, and trial. The joint military-civilian court is established if both military personnel and civilian perpetrators commit a criminal offence. A prominent human rights case under the joint military-civilian court concerned the trial of 24 military personnel and one civilian perpetrator implicated in the mass killing of Aceh Muslim cleric, Tengku Bantaqiyah, and around 50 of his followers in July 1999.<sup>18</sup>

The establishment of the joint military-civilian court for cases of human rights violations started after the military regime collapsed in 1998. This court aimed to close the accountability gap between the much-criticised military court and the civilian jurisdiction, and later as an avenue for the military to avoid a more independent human rights court system.<sup>19</sup> In November 2020, Komnas HAM recommended that a joint military and civilian court be established to resolve the murder case of Rev. Yeremia Zanambani in the Nduga Regency.<sup>20</sup>

14 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, p. 51-54; Human Rights Watch's Report, *Out of Sight; Endemic Abuse and Impunity in Papua's Central Highlands*, p. 73; Amnesty International, "Don't Bother, Just Let Him Die": Killing with Impunity in Papua, p. 55-56; ICP, *Human Rights in West Papua 2017*, p. 35, *Human Rights in West Papua 2019*, p. 68, 94 and 204.

15 ICP, *Human Rights in Papua 2019*, p. 64.

16 Amnesty International, "Don't Bother, Just Let Him Die": Killing with Impunity in Papua, p. 56.

17 National Election Commission (KPU), *Visi Misi Program Aksi Joko Widodo dan Jusuf Kalla Pemilu Presiden dan Wakil Presiden 2014* [Vision Mission Action Program of Joko Widodo and Jusuf Kalla in 2014 Presidential Campaign], section on Political Sovereignty, point 11.gg, p. 27, available at: [http://userfiles.hukumonline.com/redaksi/VISI\\_MISI\\_Jokowi-JK.pdf](http://userfiles.hukumonline.com/redaksi/VISI_MISI_Jokowi-JK.pdf).

18 Amnesty International, *Time to Face the Past; Justice for Past Abuses in Indonesia's Aceh Province*, April 2013, p. 33, available at: <https://www.amnesty.org/en/documents/asa21/001/2013/en/>. Other cases of human rights violations brought to the joint military-civilian courts can be seen in KontraS' report, *Menerobos Jalan Buntu: Kajian terhadap Sistem Peradilan Militer di Indonesia* [Breaking Through Dead End: Study on Military Court System in Indonesia], December 2009, p. 64-83, available at: <https://kontras.org/wp-content/uploads/2019/07/menerobos-jalan-buntu.pdf>.

19 KontraS, *Menerobos Jalan Buntu: Kajian terhadap Sistem Peradilan Militer di Indonesia* [Breaking Through Dead End: Study on Military Court System in Indonesia], p. 49. For more information about the murder of Reverend Yeremia Zanambani, see ICP, *Papuan Pastor Yeremia Zanambani killed in Intan Jaya*, 20 September 2020, available at: <https://humanrightspapua.org/news/32-2020/654-violence-in-intan-jaya-continues-military-members-reportedly-kill-papuan-pastor>.

20 Komnas HAM's Press Release No. 046/Humas/KH/XI/2020, *Penyelidikan Komnas HAM atas Peristiwa Kematian Pendeta Yeremia Zanambani di Distrik Hitadipa, Intan Jaya* [Komnas HAM's Investigation on the Murder of Reverend Yeremia Zanambani in Hitadipa District, Intan Jaya], 2 November 2020, available at: <https://www.komnasham.go.id/index.php/siaran-pers/2020/11/23/116/keterangan-pers-no-046-humas-kh-x-2020-penyelidikan-komnas-ham-atas-peristiwa-kematian-pendeta-yeremia-zanambani-di-distrik-hitadipa-intan-jaya.html>.

Since 1998, Indonesia's ongoing legislative and institutional reform has created various oversight bodies to monitor and address human rights problems. These include the National Human Rights Commission (Komnas HAM), National Ombudsman, and the National Police Commission (Kompolnas) for cases related to the police. Although these bodies can receive public complaints and reports of human rights violations and follow these up with their own investigation, their findings cannot be forwarded to a public prosecutor. Instead, they can only provide recommendations to the police or military, who are free to decide whether to accept or ignore them.

## B. External Accountability Mechanisms

### Human Right Court Mechanism

Indonesia's Human Rights Court is a special tribunal established to prosecute and try perpetrators of "gross violations of human rights". This external accountability mechanism was set up under Law No. 26/2000 on Human Rights Courts to address allegations of "gross violations of human rights". The criminal proceedings can override the police internal mechanism and the military court system.<sup>21</sup> However, the HR Court jurisdiction is limited to acts of genocide and crimes against humanity. It does not include other internationally

recognised crimes such as torture, extrajudicial executions, enforced disappearances, or war crimes.

Under the human rights court mechanism, the body charged with conducting preliminary judicial investigations into alleged "gross human rights violations" is the National Human Rights Commission (Komnas HAM). However, a full judicial investigation is conducted solely by the Attorney General Office under the direct control of the executive body. This means that the Attorney General Office is not impartial.<sup>22</sup> Komnas HAM has carried out 15 preliminary judicial investigations into allegations of gross human rights violations, including three cases in West Papua.<sup>23</sup> To date, the Attorney General has refused to initiate any full judicial investigations and proceed with prosecution, with no possibility of reviewing this decision.

Only three cases of gross human rights violations have been brought to the special human rights court (tribunal): East Timor 1999, Tanjung Priok –Jakarta 1984, and Abepura 2000, with zero convictions.<sup>24</sup> Human rights groups have identified various factors responsible for the failure to bring justice through the human rights court mechanism, including a lack of political will to prosecute high ranking military or police officials, a weak prosecution strategy, and inadequate human rights understanding among the prosecutors and judges.<sup>25</sup>

21 The Human Rights Court mechanism was set up by Indonesian lawmakers to deflect the international community's call to set up an international tribunal to address serious human rights violations surrounding the 30 August 1999 referendum in East Timor. See International Crisis Group (ICG), *Indonesia: Impunity Versus Accountability for Gross Human Rights Violations*, February 2001, p. 13-15, available at: <https://www.crisisgroup.org/asia/south-east-asia/indonesia/indonesia-impunity-versus-accountability>.

22 See the Guideline on the Role of Prosecutors, Adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August– 7 September 1990, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfProsecutors.aspx>, para 28; Report of the UN Working Group on Arbitrary Detention on its visit to Indonesia (13 January – 12 February 1999), August 1999, para 28, UN Doc. E/CN.4/2000/4/Add.2; Amnesty International's Comments on the Law on Human Rights Courts (Law No.26/2000), February 2001, p. 5, available at: <https://www.amnesty.org/en/documents/asa21/005/2001/en/>.

23 For the complete list, see Komnas HAM's *Merawat Ingatan Menjemput Keadilan; Ringkasan Eksekutif Peristiwa Pelanggaran HAM yang Berat* [Preserving Memory Getting Justice; Executive Summary of Cases of Gross Violations of Human Rights], November 2020. The list includes 1965 Mass Atrocities, mass killings against Muslim groups in Tanjung Priok, Jakarta 1984 and Talangsari Lampung 1989, May 1998 Riots, three cases in Aceh, etc. The four cases in West Papua are Abepura 2000, Wasior 2001-2 and Wamena 2003 (combined in one dossier) and Paniai 2014.

24 Some convictions were handed down by the first level court (Human Rights Court), but were subsequently overturned by the appeal court or Supreme Court. See ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, p. 41, 49-51.

25 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, March 2011, p. 37-11; Human Rights Watch, *Out of Sight; Endemic Abuse and Impunity in Papua's Central Highlands*, p. 71-73; Amnesty International, *Time to Face the Past; Justice for Past Abuses in Indonesia's Aceh Province*, p. 28-38; Report of the Special Rapporteur on the Independence of Judges and Lawyers on the Mission to Indonesia (15-24 July 2002), para 67, January 2003, UN Doc. E/CN.4/2003/65/Add.2.

Despite the lack of convictions, civil society groups and the victims prefer to bring allegations of human rights violations to this mechanism rather than use police or military accountability mechanisms. This is because Komnas HAM's investigation is considered better than that of the police or military in terms of its impartiality and independence. Almost all of Komnas HAM's investigation team under the human rights court law consists of commission members and independent human rights experts.

### **Fact-Finding Team or Special Inquiry**

Under strong pressure from the international community and the public, Indonesia's government has been able to set up a temporary fact-finding team or special inquiry to investigate allegations of human rights violations; however, these cases are not believed to be gross human rights violations. Such fact-finding teams or special inquiries are usually established through a presidential decision and consisted of representatives of multiple government agencies and public figures. Some examples of these fact-finding teams or special inquiries established in the context of West Papua are as follows:

- ***Fact-Finding Team on the Assassination of Theys Eluay:***

The first fact-finding team in West Papua was established by President Megawati to investigate the murder of Papuan political leader Theys Eluay and the disappearance of his driver in November 2001. She set up the National Investigation Commission

(KPN), comprising retired police and military officials. Human rights groups accused Megawati of establishing the KPN as a shield to block Komnas HAM's investigation under the Human Rights Court mechanism.<sup>26</sup> Although KPN concluded that the murder was committed by members of Special Army Forces (Kopassus), it stated that it was not politically motivated and did not constitute a gross human rights violation.<sup>27</sup> Human rights groups in West Papua and Indonesia criticised the KPN report for failing to establish the whole truth by covering up for high-rank military officials. Eventually, nine Kopassus personnel were tried in the military court. All received lenient sentences. One perpetrator was even promoted to Major General and Head of Military Intelligence Service (Kabais).

- ***Joint Fact-Finding Team on the Murder of Rev. Yeremia Zanambani:***

The most recent fact-finding team was set up to investigate the murder of a Protestant priest in Intan Jaya on 19 September 2020. Killings of church leaders are rare in West Papua. Accordingly, the case drew the attention of local, national, and international groups. The fact-finding team was set up by the Coordinator Minister for Politics, Law and Security Affairs (Menkopolhukam). It consisted of government officials and a few representatives from West Papua.<sup>28</sup> In mid-October 2020, the team concluded that members of military personnel committed the killing. However, the Menkopolhukam stated that the report was not to be made a

26 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, March 2011, p. 20; ICG, *Indonesia: Resource and Conflict in Papua*, September 2002, p.4, available at: <https://www.crisisgroup.org/asia/south-east-asia/indonesia/indonesia-resources-and-conflict-papua>.

27 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, March 2011, p. 20.

28 Initially the government invited Komnas HAM to join the fact-finding team. Komnas HAM rejected this, saying they would initiate their own investigation. Komnas HAM's report eventually concluded that Rev Yeremia had been targeted by the military and subjected to torture before he died. See Komnas HAM's Press Release No. 046/Humas/KH/XI/2020, *Penyelidikan Komnas HAM atas Peristiwa Kematian Pendeta Yeremia Zanambani di Distrik Hitadipa, Intan Jaya* [Komnas HAM's Investigation on the Murder of Reverend Yeremia Zanambani in Hitadipa District, Intan Jaya], 2 November 2020.

criminal investigation.<sup>29</sup> There has been no prosecution or trial concerning this case.

### Truth and Reconciliation Commission

Another important external and independent body that can investigate allegations of serious human rights violations and even seek historical clarification in West Papua is the Truth and Reconciliation Commission (TRC, Bahasa Indonesia: Komisi Kebenaran dan Rekonsiliasi or KKR). The TRC cannot carry out judicial investigations leading to criminal prosecution but can establish an official truth-seeking process and recommend reparation programmes for the victims of past abuses and their families. The establishment of the TRC for West Papua is mandated under Articles 45 and 46 of the Papua Special Autonomy Law (No. 21/2001). However, there is no indication it will be set up in the near future.

Additionally, in Aceh Province, a TRC was established in 2013 by a bylaw as mandated

by the Aceh Governance Law (No. 11/2006).<sup>30</sup> The Commission started operating in 2016. Despite its limitations and lack of support from the central government, the Aceh TRC has managed to conduct public hearings, gather testimonies from victims and witnesses, and set up memorial sites.

Initially, it was argued that the local TRCs (in Aceh and West Papua) could not be established because the (National) TRC Law had been revoked by the Constitutional Court in 2016.<sup>31</sup>

There has been an ongoing initiative in recent years –in the form of an academic draft law– from a human rights NGO in Manokwari (LP3BH), Papua Barat Province. LP3BH is striving to work with the Papua Barat provincial government and lawmakers to establish a TRC in the Papua Barat Province through a local Papua Barat Special Bylaw (*Peraturan Daerah Khusus/Perdadasus*). However, the global trend is that a TRC can only operate after ongoing human rights violations have ceased.<sup>32</sup>

## 7.2 Special Autonomy System

The Indonesian government agreed on a special autonomy status (Otsus) for the Papua Province in 2001 after aspirations for self-determination significantly increased in West Papua, following the downfall of military dictator Suharto in 1998. The legal foundation of the Papuan special autonomy is Law No 21/2001 on the Special Autonomy for the Papua Province. The law mandates

that local governments regulate and manage the interests of the local people, at its own initiative through the enactment of bye-laws and greater authority to decide over revenues raised in the provinces.<sup>33</sup> In 2003, President Megawati Soekarnoputri pushed through the division of West Papua into the provinces Papua and Papua Barat by a presidential instruction. Since 2003 both provinces have

29 CNN Indonesia, *Investigasi Tim Kemanusiaan: Pendeta Yeremia Ditembak TNI* [Humanity Team Investigation: Reverend Yeremia Shot by Military], 30 October 2020, available at: <https://www.cnnindonesia.com/nasional/20201029125036-20-563926/investigasi-tim-kemanusiaan-pendeta-yeremia-ditembak-tni>; BBC Indonesia, *Pendeta Yeremia tewas ditembak di Papua, keluarga menuntut pelakunya diadili di pengadilan HAM*, TNI sebut 'proses penyelidikan masih berlangsung' [Reverend Yeremia shot dead in Papua, family urged the perpetrators be tried before human rights court, Military said 'investigation is still ongoing'], 10 November 2020, <https://www.bbc.com/indonesia/dunia-54883234>.

30 The TRC provision under the Aceh Special Autonomy Law was already part of the 2015 Helsinki Peace Agreement developed by Indonesian government and the Free Aceh Movement (GAM) under an international mediator to end decades of armed conflict in Aceh.

31 ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Soeharto*, March 2011, pp. 29-31.

32 According to CCPR, cessation of an ongoing violation is an essential element of the right to an effective remedy. See CCPR General Comment No. 31 para. 15.

33 Article 4 of Undang-Undang tentang Otonomi Khusus bagi Provinsi Papua, Law No. 21 of 2001

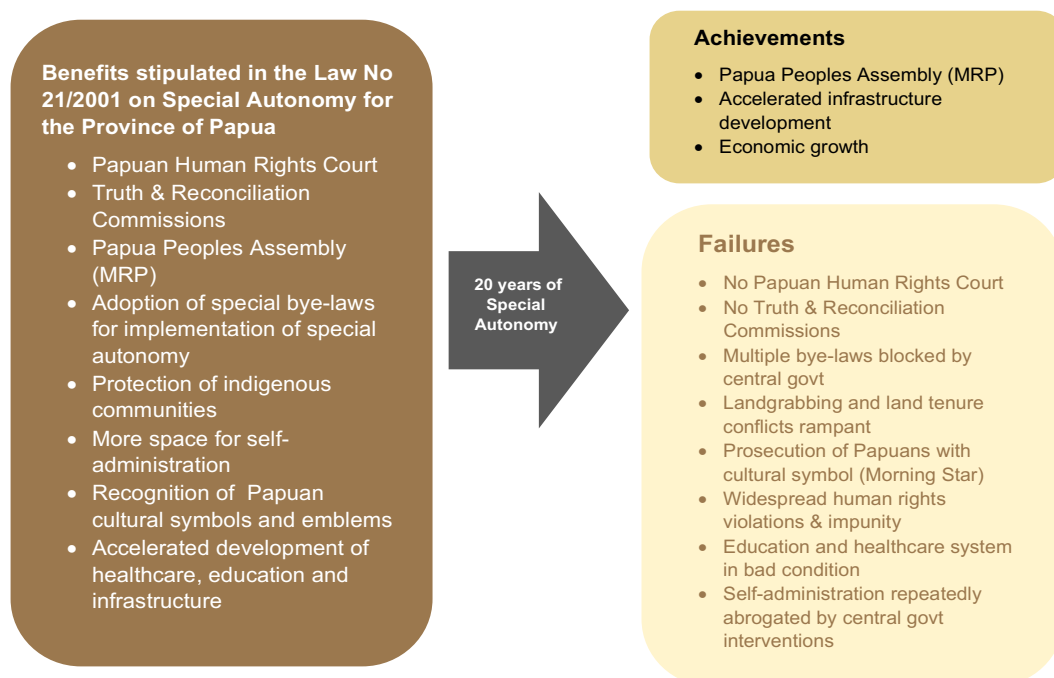
special autonomy status under Indonesian law.

The Governor and the provincial parliaments have the power to enact special provincial bye-laws ('Perdatus') and regular provincial bye-laws ('Perdasi'). The special autonomy law regulates that the central government allocates special autonomy funds to improve health, education and infrastructure to the provincial governments in West Papua. It also contains articles on establishing a human rights court (Pengadilan HAM) and truth and reconciliation commissions (Komisi Kebenaran dan Rekonsiliasi or KKR)<sup>34</sup> in West Papua.

NGOs, local movement organisations and Papuan intellectuals argue that the special autonomy has not only failed to bring

prosperity for indigenous Papuans but also to improve the human rights situation in West Papua. Only a small political elite has benefited from the large special autonomy funds, which do not reach the Papuan people, particularly those living in remote areas of West Papua. This argument is supported by a majority of indigenous Papuans who have expressed their disappointment with the implementation of the special autonomy in public protests throughout the past decade.<sup>35</sup>

The widespread rejection of the Papuan special autonomy is understandable as the law was never fully implemented. Jakarta blocked the enactment of bye-laws which were considered as contradicting national interests, among them a bye-law on the establishment of political parties in West Papua<sup>36</sup> and two other



Graphic 7.2-1: Achievements and failures after twenty years of special autonomy in West Papua

34 Article 45 of Undang-Undang tentang Otonomi Khusus bagi Provinsi Papua, Law No. 21 of 2001

35 Tirta ID (27.1.2021): 15 Demontran Tolak Otsus Papua Jilid II Ditangkap di Kompleks DPR, available at: <https://tirta.id/15-demonstran-tolak-otsus-papua-jilid-ii-ditangkap-di-kompleks-dpr-f9Fg>

36 Jubi (3.12.2018): Registrasi Kemendagri hambat Perdatus Parpol Lokal Papua, available at <https://www.tabloidjubi.com/artikel-21598-registrasi-kemendagri-hambat-perdatus-parpol-lokalpapua.html>

bye-laws concerning Indigenous Papuans and Political Recruitment<sup>37</sup>. A human rights court and the KKR were never established.<sup>38</sup> Moreover, indigenous Papuans continue to face restrictions in the enjoyment of fundamental freedoms guaranteed by the Indonesian institution and human rights as protected under international law. As of today, human rights observers document cases of extra-judicial executions and torture, as well as restrictions on the freedom of expression, freedom of peaceful assembly (see Chapter 3 on Civil and Political Rights). Violations of the principle of free, prior, and informed consent (FPIC) of indigenous communities regarding development projects on customary land are common despite special autonomy provisions requiring investors and local governments to uphold the principles (see Graphic 7.2-1).

While the special autonomy law can only become ineffective if the Indonesian parliament and government repeal law No 21/2001 on the Papuan Special Autonomy, Article 34 (3) of the law contains a provision according to which the special autonomy funds will be allocated for 20 years. The expiration of the legally established timeframe for allocating special autonomy funds in 2021 has triggered a public discourse about the fate of the Papuan special autonomy. In 2020, civil society groups publicly rejected a 'prolongation' of special autonomy, often referred to as 'Otsus jilid II', in public protests and other initiatives. Instead, many groups demanded that the government allows the Papuan People to exercise their right to self-determination through a referendum.<sup>39</sup>

On 4 July 2020, a solidarity group consisting of a few movement organisations and student groups launched a petition (Petisi Rakyat Papua, PRP) against the prolongation of special autonomy funding (Otsus II) for the provinces of Papua and Papua Barat. As of November 2020, 102 organisations joined the 'Peoples' Solidarity for West Papua'.<sup>40</sup>

In November 2020, the Papuan Peoples' Assembly (MRP) launched a series of consultation hearings (Rapat Dengar Pendapat or RDP) to determine the aspirations of the Papuan people regarding a possible prolongation of Special Autonomy funding for the provinces of Papua and Papua Barat. Article 77 of law No. 21/2001 provides the legal foundation for "any proposals regarding the amendment of the Law". It mandates the MRP to hold RDP hearings across West Papua.<sup>41</sup>

The meetings were supposed to occur in all five customary areas of West Papua between 17 and 18 November 2020 but were finally cancelled because MRP members faced intimidation and obstruction by civil groups. Human rights defenders reported that law enforcement institutions widely neglected the obstructions and the potential outbreak of horizontal violence between pro-government and pro-independence groups. There were indications that the pro-government groups –among them civil militias– were facilitated by security forces and local government representatives.<sup>42</sup>

A leaked confidential letter by the state intelligence<sup>43</sup> dated 29 October 2020 reinforces this suspicion. The letter recommends the

37 Jubi (12.03.2017): Bertemu Dubes AS, DPRP angkat isu HAM dan kebebasan berpendapat, available at <http://www.tabloidjubi.com/artikel-4480-bertemu-dubes-as-dprp-angkat-isu-ham-dankebebasan-berpendapat.html>

38 Suara Papua (26.11.2019): Pembentukan Pengadilan HAM dan KKR di Papua Sangat Mendesak, available at: <https://suarapapua.com/2019/11/26/pembentukan-pengadilan-ham-dan-kr-di-papua-sangat-mendesak/>

39 Suara Papua (25.5.2021): Ratusan Pendemo di Manokwari Ditahan 10

41 Jubi (25.11.2020): Penolakan RDP Otsus adalah pembungkaman ruang berpendapat, available at: <https://jubi.co.id/penolakan-rdp-otsus-adalah-pembungkaman-ruang-berpendapat/amp/>

jam di markas Brimob, available at: <https://suarapapua.com/2021/05/25/ratusan-pendemo-di-manokwari-ditahan-10-jam-di-markas-brimob/>

40 Petisi Rakyat Papua (26.11.2020): Konferensi Pers Petisi Rakyat Papua (PRP), available at: <https://www.youtube.com/watch?v=nuhgJePylOg>

42 Suara Papua (17.11.2020): Tim MRP Dihadang di Wamena, DAP: Itu Mempermalukan Diri Sendiri!, available at: <https://suarapapua.com/2020/11/17/tim-mrp-dihadang-di-wamena-dap-itu-mempermalukan-diri-sendiri/>

43 The letter carries the R/052/X/2020 with the subject: Anticipation to security threats in relation to RDP and RDPU consultation hearings by the MRP and MRPB



state intelligence monitor the RDP hearings, consolidate pro-government groups and encourage them to show public presence as counter-initiative to pro-independence activism. The letter also suggests the Papuan Regional Police (Polda Papua) disperse or prevent mass assemblies by pro-independence groups and obstruct their participation in the RDP meetings. Shortly before implementing the RDP hearings, the former Papuan Police Chief, Paulus Waterpauw, issued an edict on the RDP<sup>44</sup>, which demands police officers to enforce the law if participants “engage or incite to treasonous acts”.

On 17 November 2020, local police officers arbitrarily arrested 55 persons, including MRP members, resource persons and civil society representatives who had come to the town of Merauke to participate in the RDP meeting. The officers searched hotels and seized documents, banners and other materials. The arrests were conducted in multiple locations in Merauke after the organising committee had informed the local police, the military and local Government authorities about the event.



Image 7.2-1: MRP member Amatus Ndapits and human rights defender Wensislaus Fatubun during the arrest on 18 November

All arrestees were brought and detained at the Merauke district police headquarters. At least four arrestees, among them MRP member Amatus Ndapits and catholic human rights defender Wensislaus Fatubun, were handcuffed after the arrest (see image 7.2-1). All arrestees were released on 18 November but were summoned for further interrogation on 19 November 2020.<sup>45</sup>

In January 2021, the Indonesian parliament announced plans to revise the Papuan Special Autonomy Law, particularly Article 34,3(e) on special autonomy funds and Article 76, which regulates the requirements and procedure for establishing new autonomy regions. Papuan intellectuals argue that the suggested amendments weaken the mandate and role of local political institutions, giving Jakarta the power to enforce decisions over financial matters and administrative partitions. In September 2020, Jakarta had announced the plan to divide Papua into five provinces. The majority of stakeholders, including the Governor and the Papuan People’s Assembly (MRP), oppose this plan because it ignores the procedure described in the Papuan Special Autonomy Law for forming new autonomous regions.<sup>46</sup>

44 Polda Papua (14.11.2020): Maklumat Polda Papua tentang rencana rapat dengar pendapat pada masa pandemic COVID-19, Mak/1/2020, available at: <https://jurnalintelijen.net/2020/11/22/dukung-pelaksanaan-maklumat-kapolda-papua/>

45 CNN Indonesia (20.11.2020): Kurang Bukti Kasus Makar, Polri Lepas 54 Peserta Rapat MRP, available at: <https://www.cnnindonesia.com/nasional/20201120063120-12-572166/kurang-bukti-kasus-makar-polri-lepas-54-peserta-rapat-mrp>

46 Jubi (1.2.2021): Akademisi: Pasal pemekaran UU Otsus tidak mendesak direvisi, available at: <https://jubi.co.id/papua-pasal-pemekaran-uu-otsus-tidak-mendesak-direvisi/amp/>

## 7.3 West Papua at the United Nations and International Fora

West Papua related human rights issues have become increasingly prominent at United Nations (UN) bodies and mechanisms over the past five years. This is partly related to the aggravation of armed conflict in West Papua, which has resulted in more killings, torture, and internal displacements than in previous years. In addition, states and NGOs have voiced human rights concerns and channelled information on human rights cases to relevant UN mechanisms more frequently.

The citing of human rights issues in press releases published by UN experts or the spokesperson of the UN human rights office is a new phenomenon and happened twice during the reporting period. Moreover, the UN High Commissioner for Human Rights, Michelle Bachelet, commented on the deterioration of the human rights situation in West Papua in response to civil unrests and widespread protests against the racial discrimination of indigenous Papuans in Indonesia in September 2019. In June 2018, Bachelet's predecessor, Zeid Ra'ad Al Hussein, had issued a statement saying he is "concerned that despite positive engagement by the authorities in many respects, the Government's invitation to my Office to visit Papua – which was made during my visit in February – has still not been honoured".<sup>1</sup> The Indonesian government has so far not made good of the invitation promised to the former UN High Commissioner.

Throughout 2019 and 2020, different Special Procedure Mandate Holders initiated nine communications with the Indonesian

government after NGOs had submitted information on human rights violations in West Papua. Civil Society organisations like Geneva for Human Rights, Franciscans International and other ICP member organisations raised the issue of West Papua in statements to the Human Rights Council, in case appeals to Special Procedures, in side-events and other processes.

Besides, various states in the Pacific addressed the human rights situation in West Papua during the 49th and 50th UN General Assemblies, encouraging the Indonesian government to allow the UN Office of the High Commissioner for Human Rights (OHCHR) to visit West Papua. Besides the General Assembly, states made statements on human rights developments in West Papua at UN Human Rights Council sessions during the same period. The most consistent countries whose governments have frequently addressed such issues over the past years were the Pacific states of Vanuatu and The Solomon Islands.

Pacific states have also successfully raised West Papua-related human rights concerns in other inter-governmental regional fora, such as the Melanesian Spearhead Group (MSG) and the Pacific Islands Forum (PIF). The PIF adopted a communique in August 2019 that contained a short section on West Papua in which Pacific leaders formulated their position regarding the conflict and human rights situation in Indonesia's easternmost provinces.

<sup>1</sup> UN OHCHR (18.06.2018): Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E>

## Efforts by UN HR Mechanisms

### *Press statements by the UN Human Rights Office*

The UN Human Rights Office Spokesperson, Ravina Shamdasani, delivered a statement in response to a series of conflict-related extra-judicial killings in the central highlands between August and October 2020, and also the arrest of 84 persons in relation to consultation hearings on extending special autonomy status for the provinces of Papua and Papua Barat. Shamdasani expressed concern “about reports that both armed elements and nationalist militias have been actively involved in the violence. We urge the Government of Indonesia to uphold people’s rights to freedom of expression, peaceful assembly and association in line with its international obligations, particularly ahead of 1st December, when there are often protests, tensions and arrests. We also call on the authorities to pursue thorough, independent and impartial investigations into all acts of violence, particularly killings, and for all perpetrators – regardless of their affiliations – to be held accountable. At a time of ongoing discussions related to the Special Autonomy Law, we urge all sides to prevent further violence. There is an urgent need for a platform for meaningful and inclusive dialogue with the people of Papua and West Papua to address long-standing economic, social and political grievances. There is also a clear need to ensure accountability for past and recent human rights violations and abuses.”<sup>2</sup>

In February 2019, UN experts published a media release in which they condemned racism and police violence against Papuans.

This followed a special procedure submission on the torture of a Papuan boy with a snake by police officers, who recorded the interrogation on their mobile phones. The experts expressed concerns that the case “reflects a widespread pattern of violence, alleged arbitrary arrests and detention as well as methods amounting to torture used by the Indonesian police and military in Papua”. Such tactics are often applied against indigenous Papuans and human rights defenders. The experts urged the Government to “take urgent measures to prevent the excessive use of force by police and military officials involved in law enforcement in Papua. This includes ensuring those who have committed human rights violations against the indigenous population of Papua are held to account”.<sup>3</sup>

## UN Human Rights Council Special Procedures

UN special procedures issued nine communications to report human rights violations in West Papua by the Indonesian Government throughout 2019 and 2020. This is a threefold increase on the three communications published in 2017 and 2018. The 2019 and 2020 communications raised the following incidents:

1. Alleged intentional killing of Reverend Mr Yerimia Zanambani and catholic church worker Mr Rufinos Tigau, injuries to a child and lack of access by IDPs to essential services (2020).<sup>4</sup>
2. Failure to ensure the rights to life and to health of Mr Marious Betera in the context of indigenous peoples and environmental rights defenders (2020).<sup>5</sup>

2 UN OHCHR (30.11.2020): Comment by UN Human Rights Office spokesperson Ravina Shamdasani on Papua and West Papua, Indonesia, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26551&LangID=E>

3 United Nations, Human Rights Council, Indonesia: UN experts condemn racism and police violence against Papuans, and use of snake against arrested boy (21 February 2019), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24187&LangID=E>

4 United Nations, Human Rights Council, Communication by Special Procedures (29 December 2020), AL IDN 5/2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25772>

5 United Nations, Human Rights Council, Communication by Special

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3. Excessive use of force against indigenous Papuans during anti-racism riots in Wamena (2020).<sup>6</sup>
4. Criminalisation of human rights defenders in Papua and West Papua (2020).<sup>7</sup>
5. Internal displacement of indigenous peoples in Mimika, Intan Jaya, Puncak, Lanny Jaya and Nduga (2020).<sup>8</sup>
6. Snake torture during police detention & destruction of KNPB offices (2019).<sup>9</sup>
7. Internal Displacement & military operation in Nduga Regency (2019).<sup>10</sup>
8. Internet shutdown in West Papua & threats against HRDs (2019).<sup>11</sup>
9. Anti-racism demonstrations in West Papua and East Java (2019).<sup>12</sup>

### UN High Commissioner for Human Rights

In September 2019, the UN High Commissioner for Human Rights, Michelle Bachelet, commented on the deteriorating human rights situation in West Papua in response to civil unrests and widespread protests against the racial discrimination of indigenous Papuans in Indonesia.



Michelle Bachelet, United Nations High Commissioner for Human Rights, attends the 42nd Session of the Human Rights Council in September 2019. Photo Credit: UN Library.

“I have been disturbed by escalating violence in the past two weeks in the Indonesian provinces of Papua and West Papua, and especially the deaths of some protestors and security forces personnel. This is part of a trend we have observed since December 2018, and we have been discussing our concerns with the Indonesian authorities. There should be no place for such violence in a democratic and diverse Indonesia, and I encourage the authorities to engage in dialogue with the people of Papua and West Papua on their aspirations and concerns, as well as to restore internet services and refrain from any excessive use of force. Blanket internet

Procedures (7 September 2020), AL IDN 4/2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25413>

- 6 United Nations, Human Rights Council, Communication by Special Procedures (8 July 2020), AL IDN 3/2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25406>
- 7 United Nations, Human Rights Council, Communication by Special Procedures (26 June 2020), AL IDN 2/2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25387>
- 8 United Nations, Human Rights Council, Special Procedures Communication (08 June 2020), AL IDN 1/2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25322>

- 9 United Nations, Human Rights Council, Communication by Special Procedures (18 February 2019), AL IDN 3/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24349>
- 10 United Nations, Human Rights Council, Communication by Special Procedures (02 April 2019), AL IDN 6/2019, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24508>
- 11 United Nations, Human Rights Council, Special Procedures Communication (4 September 2019), AL IDN 7/2019, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24835>
- 12 United Nations, Human Rights Council, Special Procedures Communication (20 November 2019), AL IDN 8/2019, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24919>

shutdowns are likely to contravene freedom of expression and limiting communications may exacerbate tensions.”<sup>13</sup>

“I welcome the appeals made by President Widodo and other high-level figures against racism and discrimination –a long-standing, serious issue in Papua and West Papua provinces–and their calls for dialogue and calm. I note that some arrests have been made, and some members of security forces have been suspended in relation to the original violent attacks on Papuan students in Surabaya and Malang, but I am concerned about reports that nationalist militias and groups are also actively involved in the violence. Local human rights defenders, students and journalists have been facing intimidation and threats and should be protected.”<sup>14</sup>

### Efforts by States

The UN General Assembly (UNGA) is considered the primary deliberative, policy-making, and representative organ of the UN. In 2020, only Vanuatu addressed the human

rights situation in West Papua in a speech at the UNGA's 75<sup>th</sup> session. The Solomon Islands and Tuvalu had earlier supported Vanuatu's position by raising human rights concerns in West Papua during the UNGA 74<sup>th</sup> session in 2019.

### Statement on West Papua by the Republic of Vanuatu during UN General Assembly's 75th Session, 2020

“... widespread human rights violations are happening all around us, and yet it seems the world is taking a selective approach to addressing these. In our region, the indigenous people of West Papua continue to suffer from human rights abuses. Last year, the Pacific Islands Forum respectfully called on the Indonesian government to allow the UN Office of the Human Right Commissioner to visit West Papua province. To date, there has been little progress on this flank. I, therefore, called on the Indonesian government to please answer the previous call of the Pacific Leaders”.<sup>15</sup>



Bob Loughman (on screen), Prime Minister of the Republic of Vanuatu, addresses the general debate of the General Assembly's 75th session. Photo Credit: UN Photo/ Manuel Elías

13 United Nations, United Nations, Human Rights Council, Comment by UN High Commissioner for Human Rights Michelle Bachelet on Indonesia (Papua and West Papua), (04.09.2019), available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24942&LangID=E>

14 Ibid

15 Statement on West Papua presented by Mr Bob Loughman, Prime Minister of the Republic of Vanuatu at General debate of the 75th Session of the General Assembly of the UN (New York, 22 – 29 September 2020, available at: [http://webtv.un.org/live-now/watch/vanuatu-prime-minister-addresses-general-debate-75th-session-76194868679001/?term&fbclid=IwAR2rtERROYfgj5DP2CC9sGS7aNmZIUJ EZ\\_NNaE\\_08sIBdcNSIDA2kWH9zlg](http://webtv.un.org/live-now/watch/vanuatu-prime-minister-addresses-general-debate-75th-session-76194868679001/?term&fbclid=IwAR2rtERROYfgj5DP2CC9sGS7aNmZIUJ EZ_NNaE_08sIBdcNSIDA2kWH9zlg)

### Statement on West Papua by the Republic of Vanuatu during UN General Assembly's 74th Session, 2019

"Human rights violations are taking place in the world today. Vanuatu strongly condemns the human rights violations committed against the indigenous people of West Papua. We call for the United Nations system... to find solutions to these human rights abuses. Accordingly, the resolution of the leaders of the Pacific Islands Forum calls on the Office of the United Nations High Commissioner for Human Rights to visit the province of West Papua to conduct an assessment, supported by concrete evidence, of the human rights situation. Vanuatu supports this resolution and calls on Indonesia, as a neighbouring and partner country in the region, to do the right thing and to act responsibly and authorise such a mission. I would like to recall the principles of the Charter of the United Nations and reaffirm our faith in fundamental human rights, the dignity and worth of a human person and the equal rights of men and women and of nations large and small."<sup>16</sup>

### Statement on West Papua by the Solomon Islands during the UN General Assembly's 74th Session, 2019

"With respect to the issue of West Papua, Solomon Islands aligns itself with the position of the Pacific Islands Forum. We reaffirm Indonesia's sovereignty over Papua. However, we remain concerned about the escalation of violence and the continued allegations of human rights abuses reported in West Papua. We welcome Indonesia's invitation to the

United Nations High Commissioner for Human Rights to visit and conduct an independent assessment of human rights in West Papua. We encourage both parties to agree quickly on a date for such a visit to ensure that the outcome is reached as soon as possible."<sup>17</sup>



Jeremiah Manele, Minister for Foreign Affairs and External Trade of Solomon Islands, addresses the general debate of the General Assembly's 74<sup>th</sup> session. Photo Credit: UN Photo/Cia Pak

### Statement on West Papua by Tuvalu during UN General Assembly's 74th Session, 2019

"Likewise, the United Nations must engage with the people of West Papua to find lasting solutions to their struggle. I want to acknowledge and welcome the invitation by Indonesia for a mission to West Papua by the United Nations High Commissioner for Human Rights."<sup>18</sup>

Throughout 2019 and 2020, Vanuatu and the Solomon Islands also commented or referred to the human rights situation in West Papua during the 42<sup>nd</sup> and 45<sup>th</sup> regular sessions of the UN Human Rights Council.

16 Statement on West Papua by the Republic of Vanuatu presented by Prime Minister of Vanuatu, Mr H.E. Mr. Charlot Salwai Tabimasmass at the 74th Session at the United Nations General Assembly on September 27, 2019 New York, available at <https://undocs.org/en/A/74/PV.10> [Document Code: A/74/P.V.10 (p. 19f)]

17 Statement on West Papua presented by the Minister for Foreign Affairs And External Trade of The Solomon Islands, Mr Jeremiah Manele, at the 74th Session at the United Nations General Assembly on September 29, 2019 New York, available at <https://undocs.org/en/A/74/PV.9> [Document Code: A/74/PV.9 (p. 59)]

18 Statement on West Papua presented by Deputy Prime Minister of Tuvalu, Mr Minute Alapati Taupo, at the 74th Session at the United Nations General Assembly on September 28, 2019 New York, available at <https://undocs.org/en/A/74/PV.11> [Document Code: A/74/P.V.11 (p. 23)]

### **Statement on the human rights situation in West Papua by the Republic of Vanuatu during the 45<sup>th</sup> regular session of the Human Rights Council**

“Vanuatu welcomes the work of the special rapporteur for the discussion and the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples. Vanuatu knows that the Office of the High Commissioner for human rights’ report does not discuss the violence and discrimination of indigenous peoples in West Papua, Province of Indonesia. The indigenous people of West Papua have the right to live a life free from racial discrimination in dignity and according to their culture.

Unfortunately, these rights are being treated by a new wave of violence against West Papuans during the last few weeks. It was reported a few days ago that the pastor of a local church was killed in the province of Intan Jaya by an Indonesian military unit. Sadly, this is not an isolated case. The world must acknowledge this unacceptable situation, and the escalation of violent incidents must be condemned.

In this regard, the human rights committee under the international covenant of all civil and political rights on 2nd September this year requested the Indonesian government to provide information on civil, political and other related human rights issues. Additionally, as read in the Pacific Leaders Forum in 2019, Vanuatu requests Indonesia to live up to its international human rights obligations and urgently facilitate a visit by the High Commissioner for Human Rights so that she can complete her report for the council about the situation in West Papua.”<sup>19</sup>

### **Joint statement on the human rights situation in West Papua by Vanuatu and the Solomon Islands during the 42<sup>nd</sup> regular session of the Human Rights Council**

“Vanuatu makes this statement on behalf of the Republic Vanuatu and the Solomon Islands.

Vanuatu and Solomon Islands would like to thank the High Commissioner for the reporting of human rights violations issues that need to be addressed by the council.

We share the concerns raised by the High Commissioner and urge all states to uphold the fundamental principles of human rights. We are proud to be at the forefront of advocating and engaging with other states to promote and protect human rights.

Related to this agenda, we are concerned about the Indonesian Government’s delay in confirming a time and date for the human rights commissioner to conduct their visit to West Papua. We are deeply concerned about human rights violations through the censoring of freedom of expression and assembly and racial discrimination towards the Melanesian peoples of the provinces of Papua and West Papua. The 2019 Pacific Islands Forum Leaders Communiqué calls on all parties to protect and uphold the human rights of all residents and work to address the root causes of the conflict by peaceful means. The Pacific Islands Forum Leaders also strongly encourage both Indonesia and the High Commissioner for Human Rights to finalise the visit to West Papua and submit an evidence-based report on the situation before the next Pacific Islands Forum Leaders Meeting in 2020.

<sup>19</sup> Statement on the human rights situation in West Papua by the Republic of Vanuatu delivered on 26 September 2020 during the 45th regular session of the UN Human Rights Council.

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We call on the High Commissioner and the Government of Indonesia to expedite this arrangement so an assessment of the current situation can be made and a report submitted to the Human Rights Council for its consideration.”<sup>20</sup>

### **West Papua at other international fora**

The PIF reaffirmed its position on the armed conflict and human rights violations in West Papua during the 50th Pacific Islands Forum in Funafuti, Tuvalu, between 13 and 16 August 2019. The result of the meeting was a communique that contains a brief section on West Papua in which the Pacific leaders “reaffirmed recognition of Indonesia’s sovereignty over West Papua (Papua).

Leaders acknowledged the reported escalation in violence and continued allegations of human rights abuses in West Papua (Papua)

and agreed to re-emphasise and reinforce the Forum’s position of raising its concerns about violence. Leaders called on all parties to protect and uphold the human rights of all residents and to work to address the root causes of the conflict by peaceful means. Further, Leaders agreed to maintain an open and constructive dialogue with Indonesia on alleged human rights abuses and violations in West Papua (Papua).

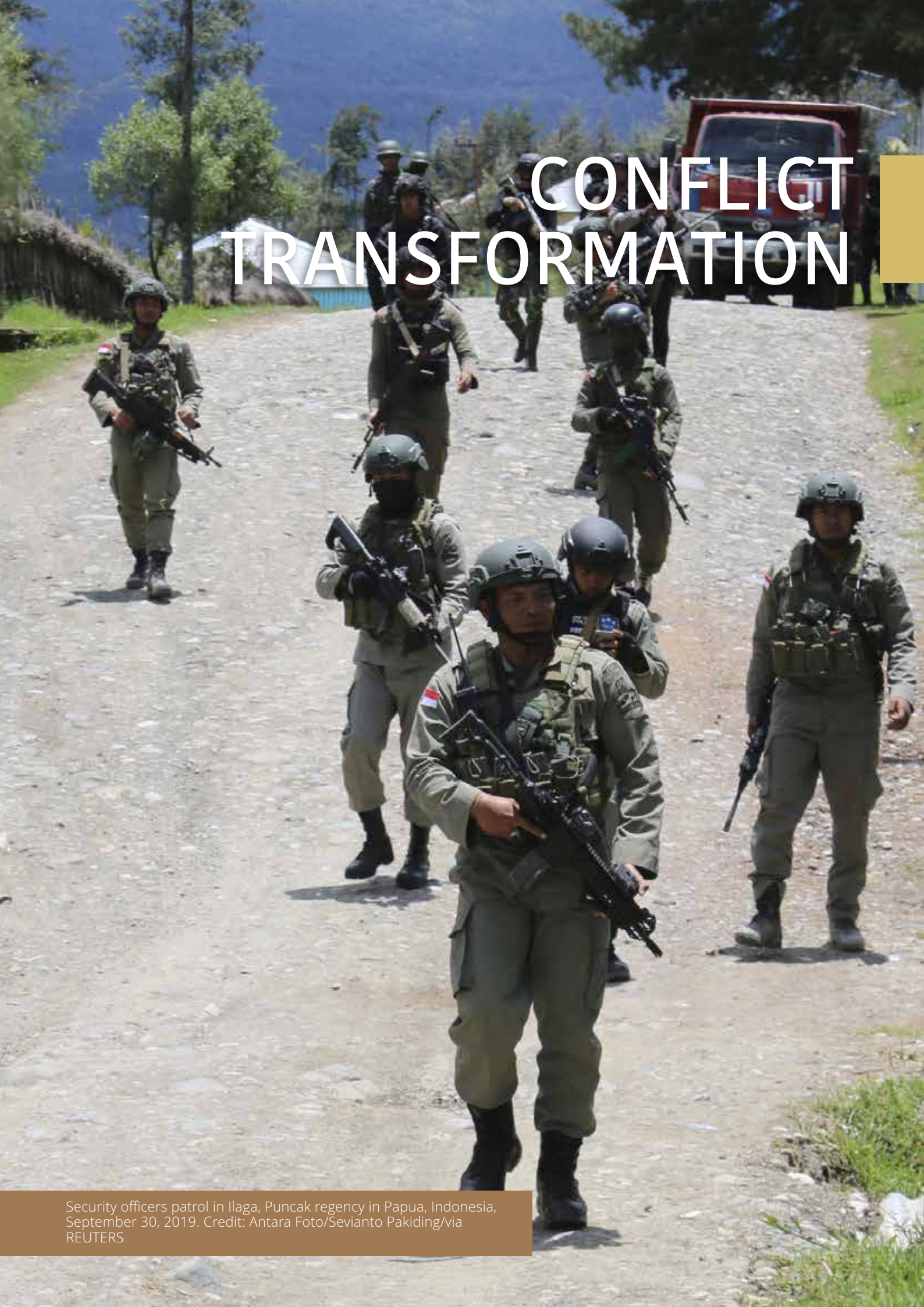
Leaders welcomed the invitation by Indonesia for a mission to West Papua (Papua) by the UN High Commissioner for Human Rights and strongly encouraged both sides to finalise the timing of the visit and for an evidence-based, informed report on the situation to be provided before the next Pacific Islands Forum Leaders meeting in 2020.”<sup>21</sup>

20 Joint Vanuatu and Solomon Islands Statement on the human rights situation in West Papua on 17 September 2019 at the 42nd Regular Session of the UNHRC, available at: <https://www.forumsec.org/wp-content/uploads/2019/08/50th-Pacific-Islands-Forum-Communique.pdf> [p. 6]; Video available at <https://www.youtube.com/watch?v=wuE1ygh9L9U>

21 PIF (August 2019): Forum Communique, 50th Pacific Islands Forum in Funafuti, Tuvalu, 13-17 August 2019, p.6, available at: <https://www.forumsec.org/wp-content/uploads/2019/08/50th-Pacific-Islands-Forum-Communique.pdf>



# CONFLICT TRANSFORMATION



Security officers patrol in Ilaga, Puncak regency in Papua, Indonesia, September 30, 2019. Credit: Antara Foto/Sevianto Pakiding/via REUTERS

## SECTION 8

# Conflict Transformation

The conflict in West Papua is highly complex. West Papua has become the subject of interests by the central government and many other stakeholders, including the military, religious groups, investors and others. At the same time, West Papua is characterised by 274 ethnic groups claiming land rights over their customary area. This composition provides fertile soil for conflicts between the different stakeholders.

Particularly the armed conflict has severely aggravated since December 2018 and became more violent in 2019 and 2020, as the growing number of armed clashes and fatalities illustrate. The new hotspots of armed conflict for this period were the regencies Nduga, Puncak, Intan Jaya, Mimika and Intan Jaya. The warfare has caused a humanitarian crisis in the Papuan central highlands, causing the number of deaths among indigenous civilian Papuans to rise significantly since 2018. These deaths resulted from the diseases, hypothermia, exhaustion and malnutrition experienced during internal displacement due to the armed conflict.

The government continues to hold on to a repressive security approach combined with intensive economic development. It assumes that the main issues in West Papua are lack of development, underdevelopment, ignorance, and poverty. However, a majority of Papuan civil society actors argue that the government's development policies only solve one root of the conflict but ignore other causes, such as unresolved human rights violations of the past, a different understanding of Papuan colonial history and the marginalisation of indigenous Papuans.

Many observers urge the central government to seek new ways to end the long-lasting conflict in West Papua. The deployment of more additional security forces only aggravates the circle of violence and adds to the list of unresolved human rights abuses. Moreover, the government's position in the conflict has resulted in growing support for the political pro-independence movements among many West Papuans throughout the past years.

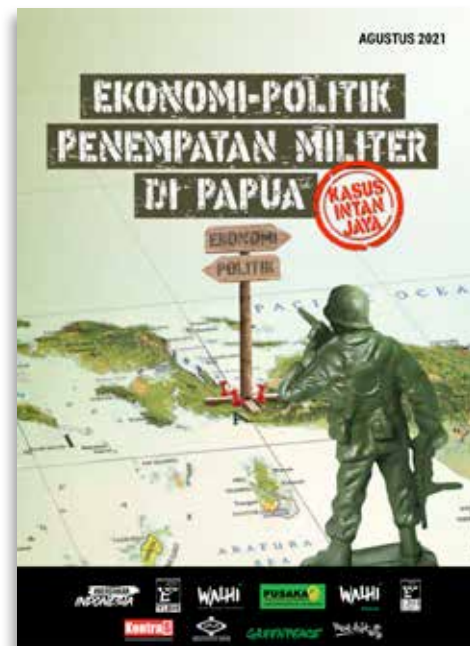
## 8.1 Conflict Violence

The armed conflict between the West Papuan National Liberation Army (TPNPB) and Indonesian security forces has intensified since TPNPB combatants killed 19 government contractors in the regency of Nduga in December 2018.<sup>1</sup> Incidents of armed violence between both actors were exclusively reported from the province of Papua throughout 2019 and 2020. The deterioration of the security situation in the central highlands, known as a TPNPB stronghold, is particularly concerning. The highlands are covered with dense rain forests traversed by steep valleys and rough terrain and mostly untouched by government services. The majority of the inhabitants are indigenous Papuans living in remote villages that can only be accessed with helicopters or small aeroplanes.

The number of reported armed clashes and security force raids reached a new peak in 2020 with 64 reported armed clashes. The highest number in the past decade was recorded in 2018, counting 44 such incidents. In 2019, the number of armed clashes temporarily decreased to 33 incidents (see Table 8.1-1).

The aggravation of armed violence is also visible in the number of conflict-related fatalities. While the figures of fatalities among security forces for the years 2017 and 2018 amounted to three and eight reported fatalities, respectively, the figure more than doubled to 18 in 2019. The number slightly decreased to eleven reported fatalities for 2020 (see Table 8.1-1).

It is interesting in this regard that the figures of security force fatalities do not correspond with the annual number of armed clashes. The same observation applies to the number of



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injured security forces which have continuously decreased from 15 wounded soldiers in 2018 to 12 in 2019 and ten in 2020. In contrast, the highest number of armed clashes was reported in 2020. The numbers of casualties (fatalities and wounded combatants) among TPNPB fighters remained more or less constant between 2018 and 2020 (see Table 8.1-1).

<sup>1</sup> Republika (05.12.2018): Wiranto - Korban Tewas Dibunuh KKS di Papua 19 Orang, available at: <https://www.republika.co.id/berita/nasional/daerah/18/12/05/pj9496409-wiranto-korban-tewasdibunuh-kksb-di-papua-19-orang>

Table 8.1-1: Statistic data on armed conflict in West Papua between 2017 and 2020

Armed clashes in West Papua				
	2017	2018	2019	2020
<b>Number of armed clashes</b>	<b>24</b>	<b>44</b>	<b>33</b>	<b>64</b>
<b>Number of casualties among security forces</b>	<b>3</b>	<b>8</b>	<b>18</b>	<b>11</b>
<b>Number of injured security forces</b>	<b>8</b>	<b>15</b>	<b>12</b>	<b>10</b>
<b>Number of casualties among TPN-PB fighters</b>	<b>2</b>	<b>12</b>	<b>14</b>	<b>14</b>
<b>Number of injured TPN-PB fighters</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>1</b>
<b>Total number of casualties among civilians</b>	<b>3</b>	<b>62</b>	<b>216</b>	<b>213</b>
Number of casualties among civilians caused by security force members	0	17	13	20
Number of casualties among civilians caused by TPN-PB fighters	3	25	7	7
Number victims who died during armed conflict due to consequences of internal displacement	0	20	196	186
<b>Total number of injured civilians</b>	<b>12</b>	<b>15</b>	<b>9</b>	<b>26</b>
Number of injured civilians caused by security force members	9	7	9	10
Number of injured civilians caused by TPN-PB fighters	3	8	0	16

**Sources:**

<https://www.cnnindonesia.com/nasional/20171228133013-20-265219/polisi-kasus-penembakan-di-papua-meningkat-sepanjang-2017>

<https://jubi.co.id/dua-tahun-terakhir-sedikitnya-400-pengungsi-nduga-meninggal/amp/>

The most significant development concerning conflict-related deaths can be observed among civilians, which have risen from three civilian deaths in 2017 to 216 in 2019 and 213 in 2020. The majority of civilian deaths were not directly killed by one of the conflict parties but died due to conflict-related internal displacement (see Table 8.1-1). These civilians died of sickness, malnutrition, hypothermia, and giving birth without access to health facilities (see Chapter 3.7).

The statistics illustrate that civilian deaths, either killed by security force members or TPNPB combatants, have tremendously increased since 2018. In total, direct conflict violence has cost the lives of at least 89 civilians between 2018 and 2020. The annual figures do not show significant fluctuations for both perpetrator groups. Security force members killed 50 civilians between 2017 and 2020.

TPNPB members were responsible for 42 recorded civilian killings throughout the same time frame. The extraordinary high figure of 25 TPNPB-inflicted civilian deaths in 2018 is related to the tragic attack on construction workers in Nduga on 2 December 2018. TPNPB members killed 19 persons in a single incident<sup>2</sup> and had later explained that they did not regard them as civilians but as military related workers. The highest annual number of security force killings was reported in 2020 (see Table 8.1-1).

The highest number of injured civilians throughout the past four years occurred in 2020. Media sources reported a total number of 26 wounded civilians, comprising ten civilians wounded by security force members and 16 civilians injured by TPNPB members. The TPNPB attacks on civilians mostly targeted non-Papuans, who the TPNPB suspected

2 Ibid.

as undercover informants working with the police or military. The annual number of cases involving security force members remained almost constant throughout the past four years, with slight fluctuations between seven and ten. The yearly numbers of civilians injured by the TPNPB indicates that such attacks are less predictable and do not follow any particular pattern. The numbers strongly vary between no wounded civilians in 2019 and 16 injured civilians in 2020 (see Table 8.1-1).

A previous study of armed conflict concluded that 71% of separatist-related killings between 2010 and 2014 occurred in the four highland regencies Puncak Jaya (48 deaths), Paniai (17 deaths), Lanny Jaya (17 deaths) and Puncak (14 deaths)<sup>3</sup>. In 2017, ten out of 20 armed clashes occurred in the regency of Mimika in the Tembagapura district, where PT Freeport Indonesia, a subsidiary of the transnational mining company Freeport McMoRan is running the world's largest mine for combined extraction of gold and copper. A significantly lower number of such incidents occurred in the regencies of Nduga (three), Puncak Jaya (two) and Lanny Jaya (two)<sup>4</sup>. The regency of Puncak Jaya remained a hot spot of armed conflict with ten armed clashes in 2018. The Nduga Regency became a new hot spot of violent conflict, where more than 17 armed clashes took place in 2018. The same observation applies to the district of Tembagapura in the Mimika Regency, counting eleven armed attacks throughout 2018.<sup>5</sup>

Data on armed conflict collected from media sources throughout 2019 and 2020 implies a further geographic shift of combat areas. The

Nduga Regency remained the top hotspot of armed conflict throughout 2019, with 17 armed clashes, followed by the Puncak Regency, with seven reported armed clashes. Three firefights occurred in the regency of Intan Jaya in December 2019. Isolated armed violence incidents were reported from the regencies Puncak Jaya, Jayawijaya, Keerom and Lanny Jaya. Interestingly enough, no armed clashes were reported from the Mimika Regency, which was identified as the top hotspot of armed conflict in 2018.

In 2020, the most significant number of armed clashes was recorded in Intan Jaya Regency, where joint security forces launched repeated raids on indigenous villages in response to the killing of three security force members in December 2019.<sup>6</sup> Moreover, Intan Jaya has also become a target of economic interest for the central Government. The Indonesian Minister of State-owned Enterprises, Mr Erick Thorir, announced in late September 2020 that he is planning to endorse the Indonesian mining company PT Aneka Tambang Tbk (ANTAM) to exploit extensive gold resources under the Wabu Mountain in the Intan Jaya Regency. Experts estimated that the so-called Wabu Block has about 10,700 hectares with a potential of 4.3 million tonnes of gold ore with a potential gold grade of 2.47 grams per tonne.<sup>7</sup>

Other areas with high frequency of armed clashes were the regencies Mimika with 20 clashes and Nduga with nine throughout 2020. The data suggest that the armed conflict has also shifted to new regencies in the central highlands which have not been affected by

3 Anderson, Bobby & A. Morel (March 2018): Violent Death in Indonesian Papua, p. 10f, available at: [https://www.researchgate.net/profile/Bobby-Anderson2/publication/323959995\\_Violent\\_Death\\_in\\_Indonesian\\_Papua/links/5ab4dacc27217100463ab/ViolentDeath-in-Indonesian-Papua.pdf](https://www.researchgate.net/profile/Bobby-Anderson2/publication/323959995_Violent_Death_in_Indonesian_Papua/links/5ab4dacc27217100463ab/ViolentDeath-in-Indonesian-Papua.pdf)

4 ICP (January 2020): Human Rights And Conflict Escalation In West Papua, The sixth report of the International Coalition for Papua provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 223, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

5 Ibid. p. 227

6 Kompas (10.12.2019): Satu Prajurit TNI Gugur Ditembak Kelompok Bersenjata di Intan Jaya, available at: <https://kompas.id/baca/nusantara/2021/01/10/satu-prajurit-tni-gugur-ditembak-kelompok-bersenjata-di-intan-jaya/> & Kompas (18.12.2019): Dua Anggota TNI Gugur di Intan Jaya, available at: <https://kompas.id/baca/nusantara/2019/12/18/dua-anggota-tni-gugur-di-intan-jaya/>

7 Suara Papua (30.09.2020): Pegiat HAM Singgung Emas Blok Wabu Intan Jaya di Tengah Kasus Kekerasan, available at: <https://suarapapua.com/2020/09/30/pegiat-ham-singgung-emas-blok-wabu-intan-jaya-di-tengah-kasus-kekerasan/>

conflict violence before 2020. Among these areas are the Pegunungan Bintang Regency, where four armed clashes took place in March and October 2020. Military representatives assume that TPNPB members in Pegunungan Bintang came into possession of multiple automatic firearms retrieved from a helicopter reported missing after being shot down on 28 June 2019<sup>8</sup> (see Image 8.1-1). In August 2020, two firefights between security forces and the TPNPB were reported from the Yahukimo Regency for the first time. Isolated armed clashes occurred in the regencies Jayawijaya, Paniai, Puncak, Nabire and Keerom.



Image 8.1-1: Members of the Ngalum Kupel TPNPB unit posing with firearms which they retrieved from the crashed helicopter in the Pegunungan Bintang Regency

## Conclusions

The armed conflict has severely aggravated over the years 2019 and 2020. This is not only evident in the growing number of armed clashes and the number of fatalities. The conflict has become much bloodier, first of all, to the detriment of civilians living in affected areas. While the number of documented fatalities among both sides only show few considerable fluctuations, the number of deaths among civilians has significantly

increased since 2018, both those who have been killed by combatants as well as those who have died due to multiple stresses during internal displacement.

The number of conflict-related deceased internally displaced persons (IDPs) has almost reached an annual number of 200 victims for 2019 and 2020. This number is expected to remain constant as long as the Government holds on to a security-based conflict approach and TPNPB fighters do not see non-violent opportunities to make their demands heard or discussed while at the same time local governments continue not to take urgent initiatives to guarantee access to health and other humanitarian services for IDPs.

Statistic data over the past four years (2017 - 2020) indicates that security force attacks lead to more civilian than reported TPNPB combatants' deaths. However, two observations support the conclusion that TPNPB attacks are more unpredictable –the annual figures do not show any recognizable pattern and TPNPB can kill many civilians in single incidents if the attack suits their cause.

The new hotspots of armed conflict are Nduga, Puncak, Intan Jaya, Mimika and Intan Jaya Regencies. Particularly Mimika and Intan Jaya are expected to remain areas of constant armed conflict. Both regencies are of high economic interest for the central Government owing to deposits of valuable ores such as gold and copper.

Although, no clashes were reported from former hotspot areas like Puncak Jaya and Lanny Jaya throughout 2020, the armed clashes may re-appear any time in these areas because TPNPB guerrilla units are characterized by high mobility and may launch attacks against military posts in these areas at any time. The geographic distribution of

<sup>8</sup> Jubi (4.3.2020): Penembak di Pegubin diduga memakai senjata TNI, available at: <https://jubi.co.id/penembak-di-pegubin-diduga-memakai-senjata-tni/>

armed clashes also indicates that the TPNPB has reinforced their commando structures and weaponry in additional areas, such as Pegunungan Bintang and Yahukimo. The TPNPB continues to concentrate its efforts on the central highlands, where the difficult terrain and geographic conditions support TPNPB units to carry out ambush attacks and other forms of guerrilla strategies.

## 8.2 Conflict Dimensions

The conflict in West Papua is multi-layered, composing various interwoven conflicts involving a large variety of actors. Being rich in natural resources, West Papua has become the subject of interest by the central government and many other stakeholders, including the military, religious groups, investors and others. At the same time, West Papua is characterised by a highly high ethnic and religious diversity comprising hundreds of tribal groups and dozens of non-Papuan ethnic groups. The latter came to West Papua, either through government-steered transmigration programs or spontaneous migration. Every single square meter in West Papua belongs to a particular tribe laying claim to its customary area. This composition provides fertile soil for tensions and conflicts of interest between the different stakeholders.

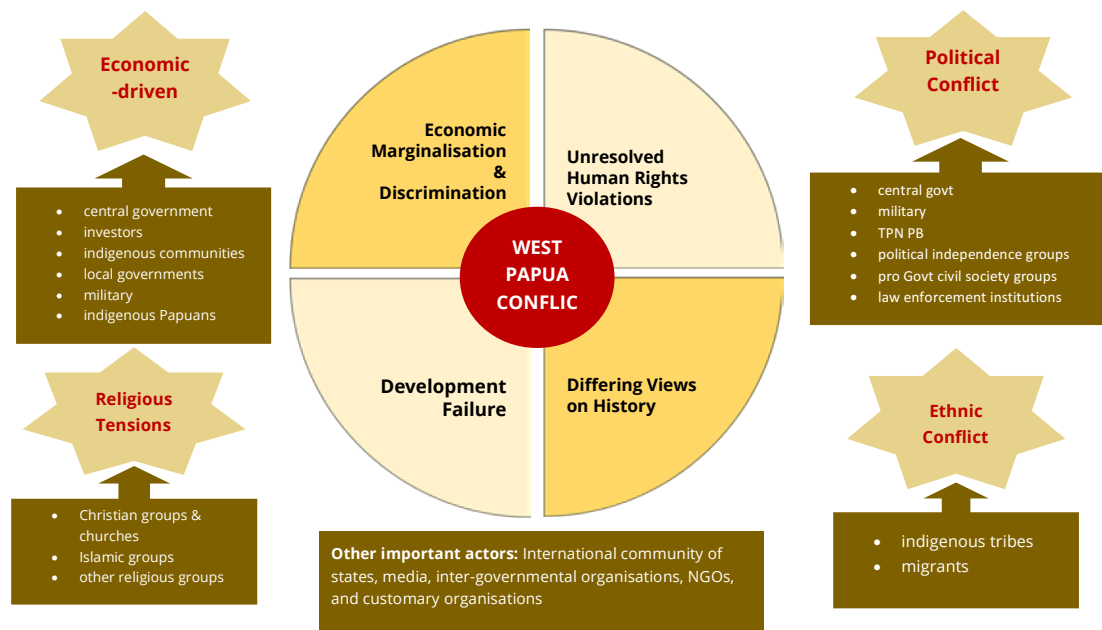
The Papuan Peace Network (Jaringan Damai Papua, JDP), together with the Indonesian Institute of Sciences (Lembaga Ilmu Pengetahuan Indonesia, LIPI), have identified four root causes or key issues of the conflict, namely (1) marginalisation and discrimination of indigenous Papuans, (2) development

This illustrates that the deployment of additional security forces does not meet the expected outcome of securing an area but rather aggravates the circle of violence in these areas, first of all to the detriment of civilian residents. It is therefore essential that the central Government changes its conflict approach from a security-based approach to a dialogic approach aimed for a non-violent solution for the long-standing conflict.

failure, with particular consequences for indigenous Papuans in the field of education, health and economic, (3) contradicting views between Papua and Jakarta about the history and political identity and (4) failure to resolve past human rights violations.<sup>1</sup>

The four root causes of the West Papua conflict have manifested in various layers or dimensions of conflict. Firstly, there is the long-standing political conflict that has its roots in the integration of West Papua into the Indonesian state and perpetuated through ongoing injustice towards indigenous Papuans. Secondly, the rather silent ethnic conflict, which has been nourished through the discrimination of indigenous Papuans but is also related to the immense tribal diversity among indigenous Papuans themselves. Thirdly, the economic-driven conflict as a consequence of growing competition for land resources in West Papua in which indigenous Papuans have been left out or disadvantaged. Fourthly, religious tensions among various population segments of Papuan society arising from the high ethnic-religious diversity (see Graphic 8.2-1).

1 Institute of Sciences (2008): OShort Version papua road map, Negotiating the Past, Improving the Present and Securing the Future, p. 2, available at: <https://cupdf.com/document/papua-road-map.html>



Graphic 8.2-1: Map with relevant actors and conflict dimensions in the West Papua Conflict

## Political Conflict

The conflict over the political status of West Papua has been a constant driver of violence and human rights abuses since 1969 (see Chapter 2.2). Many Papuan civil society groups are demanding a referendum on the political status of West Papua and consider the historical integration of West Papua into the Indonesian State as illegal. Still, the central government has rejected any negotiations about political independence. Instead, it has tried to maintain the political status quo by promoting a special autonomy status, economic development and heavy security force presence.<sup>2</sup> The following section provides an overview of the most relevant actors and their interests:

**Central Government:** It has turned down any negotiations over the political status of West Papua with pro-independence groups. It fears that such talks could jeopardise national unity and encourage separatist movements in Indonesia. In the past decade, the central

government has come forward with various special autonomy solutions, such as Otsus Plus and Otsus II, to avoid discussions over the political status of West Papua. However, it has repeatedly neglected and inconsistently implemented special autonomy provisions to maintain political control and accomplish economic interests in West Papua. Since the presidency of Susilo Bambang Yudhoyono, the central government has tried to substitute its security-based approach to focus on economic development partly. On the one hand, the government attempts to convince the people in Papua of the government's effort to bring prosperity to West Papua. On the other hand, it often refers to its economic development projects in the provinces of Papua and Papua Barat when West Papua is discussed on an international stage, such as the United Nations.<sup>3</sup>

**Military:** After the downfall of military dictator Suharto in 1998 (see Chapter 2.2), the military lost political influence and economic power

2 Yulia Sugandi (2008): Conflict Analysis and Policy Recommendation on Papua, p. 12, available at: <https://library.fes.de/pdf-files/bueros/indonesien/06394.pdf>

3 Ibid. p. 22



in Indonesia. However, West Papua remains a military stronghold, with military facilities in all larger towns. The security situation in West Papua is of high importance for the military. The military does not only receive revenues from private investors for the protection of their operations but also from the central government to secure the border to Papua New Guinea, maintain public order and fight the West Papua National Liberation Army (TPNPB). The military benefit from the unstable security situation in West Papua and have little interest in a peaceful resolution of the political conflict.<sup>4</sup>

**West Papua National Liberation Army (TPNPB):** It has consolidated its organisational structure and reinforced its troops throughout the past years. Its goal is the liberation of West Papua from Indonesian occupation through military intervention and establishing the independent state of West Papua. Although the TPNPB shares a common goal with non-violent pro-independence groups, its leadership has repeatedly declared rejection towards declarations by other pro-independence groups. It rejects any peace talks with the Indonesian government, which exclude the agenda of political independence.<sup>5</sup>

**Political pro-independence groups:** There are many different civil society groups which promote the right to self-determination through peaceful civil resistance activities like mass demonstrations. The most known are the West Papua National Committee (KNPB), National Parliament of West Papua (NPWP) and the Federal Republic of West Papua (NFRPB). Some of these organisations maintain links with the TPNPB, although the

groups do not resort to violence.<sup>6</sup> The most important diaspora groups are the Free West Papua Campaign and the West Papuan National Coalition for Liberation (WPNC). After establishing the United Liberation Movement for West Papua (ULMWP) in December 2014, the highly fractured movement has become more homogenous with common goals and an organisational structure. However, the unity under the umbrella of the ULMWP cracked in late 2020 after announcing a new constitution and government-in-waiting for the Republic of West Papua, with Benny Wenda serving as president. Multiple organisations, including the KNPB, the NFRPB and the TPNPB, declared their rejection of the transitional government and the constitution.<sup>7</sup>

**Pro-Government civil society groups:** There are various groups in West Papua that support the central government. The most known are the Nusantara Group (KN) and the Red White Front (BMP). The organisations recognise themselves as part of a counter-movement to Papuan independence groups. They mainly consist of migrants living in West Papua, sharing the common goal to defend the unitary state ideology. They maintain informal connections with the police and military. Some of the groups are said to have provided military training to their members.<sup>8</sup> Many ethnic Papuan pro-government activists have joined the Customary Deliberation Institution (LMA). This organisation was formed as a counter-organisation to the Papuan Customary Council (DAP). In contrast to the DAP, the LMA is acknowledged by the government and its institutions but enjoys little credibility among most indigenous Papuans.<sup>9</sup>

4 Ibid. p. 21

5 ABC News (3.7.2019): West Papua rebel groups join forces in bid for independence from Indonesia: separatist group, available at: <https://www.abc.net.au/news/2019-07-03/three-armed-separatist-groups-unite-in-west-papua/11273382>

6 Indonesian Institute of Sciences LIPI (August 2017): Updating Papua Road Map, Peace Process, Youth Politics and Papuan Diaspora, p. 20f, available at: <http://www.politik.lipi.go.id/downloadpap/newsletter-preview/Exsum%20Updating%20Papua%20Road%20Map%20-%20LIPI%202017.pdf>

7 Ibid., p. 24f

8 ICP (12.9.2019): Jayapura Police alleged of neglect – Nationalist militant groups attack indigenous Papuans, available at: <https://humanrightspapua.org/news/31-2019/477-jayapura-police-alleged-of-neglect-nationalist-militant-groups-attack-indigenous-papuans>

9 Rosita Dewi (13.7.2017): Hijacking Adat Recognition Through the Establishment of New Customary Community Council in Papua, Indonesia, published in: Asia & the Pacific Policy Studies, vol. 4, no. 3, pp. 555–568, available at: <https://onlinelibrary.wiley.com/doi/epdf/10.1002/app5.193>

**Law enforcement institutions:** Law enforcement institutions are part of the jurisdiction and therefore supposed to act independently from the legislative and executive branches of the government. However, the police and public prosecutors in West Papua often appear to act as extended arms of the government. The prosecution with vague legal provisions of political pro-independence activists has increased - a strong indicator for the lack of independence of law enforcement institutions in West Papua (see Chapter 3.2). Mainly the police are restricting civil rights and fundamental freedoms of those groups promoting the right to self-determination.<sup>10</sup>

## Ethnic Conflict

The extreme ethnic diversity in West Papua has ever since caused conflicts and tribal warfare between indigenous groups. Since the integration of West Papua into the Republic of Indonesia, racial discrimination, competition for land and resources, economic inequalities between Papuans and non-Papuans, and government-driven programs like the 'Transmigrasi Program' have increased tensions among ethnic groups and the potential for ethnic violence outbreaks.<sup>11</sup> While heavy security force presence prevents ethnic violence in most parts of West Papua, the events in Wamena on 23 September 2019 exemplify how quickly peaceful co-existence between Papuans and migrants can turn into ethnic violence. Non-government sources alleged that the riots cost the lives of 42 persons.<sup>12</sup> Conflicts based on ethnic affiliation do not only exist between Papuans and

migrants but also between Papuan groups.<sup>13</sup>

**Indigenous Tribes:** There are 274 different indigenous tribes in West Papua (see Chapter 2.1), which differ in culture, language and customs. Apart from the affiliation to an indigenous tribe or clan, indigenous Papuans often identify themselves with other ethnic groups, which are instead based on cultural concepts than ancestral relations. Conflicts between indigenous Papuans from the highlands and those from the coastal areas have often escalated into unrests in urban centres, which have become a melting pot of different cultures and tribes. Identifying with highland and coastal people is based on differences in economic practices, leadership systems and customs. Although West Papuans seem highly fragmented in terms of tribal affiliation, they share a strong identity as Melanesians, sharing a common social organisation pattern, leadership and ways of livelihood.<sup>14</sup>

**Migrants:** Migrants often maintain small businesses in West Papua or hold positions in local government institutions. Many originated from overpopulated and poor areas in Indonesia and came to West Papua to seek prosperity. They have either migrated spontaneously or descend from families who have participated in the government's Transmigrasi Program<sup>15</sup> under president Suharto. Many are living already in the third generation in West Papua. Originating from different parts of Indonesia, the group of migrants in West Papua are far from homogenous. However, life as non-Papuans

10 ICP (28.5.2020): Submission by the International Coalition for Papua (ICP) to the UN Human Rights Committee Review of Indonesia Written Contribution for the adoption of the list of issues prior to reporting (LOIPR) in the 129th session of the CCPR, p. 9f, available at: [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IDN/INT\\_CCPR\\_ICJ\\_IDN\\_42310\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IDN/INT_CCPR_ICJ_IDN_42310_E.pdf)

11 Yulia Sugandi (2008): Conflict Analysis and Policy Recommendation on Papua, p. 16f, available at: <https://library.fes.de/pdf-files/bueros/indonesien/06394.pdf>

12 ICP (27.10.2019): Update: Chronology of events and consequences of the riot, available at: <https://humanrightspapua.org/news/31-2019/502-update-riot-in-wamena-chronology-of-events-and-consequences-of-the-riot>

13 Liputan6 (14.3.2021): Kapolda Papua: Tidak Boleh Ada Lagi Perang Suku, available at: <https://www.liputan6.com/news/read/4505904/kapolda-papua-tidak-boleh-ada-lagi-perang-suku>

14 Norwegian Department for Development Cooperation (2009): Environmental and Socio-Economic Baseline study – Papua, Indonesia, Study 4/2009, p. 20f, available at: [https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport\\_Indonesia.pdf/@inlinelink](https://evalueringsportalen.no/evaluering/norwegian-environmental-action-plan-baseline-study/FinalReport_Indonesia.pdf/@inlinelink)

15 Government program for the relocation of citizens from overpopulated developed areas to sparsely populated underdeveloped areas. The program also serves the purpose of building national sentiment among Indonesian citizens by mixing population segments with different ethnic background.

–often in Transmigration settlements– has formed a sense of solidarity among many migrants. From a macro-ethnic perspective, the vast majority of migrants –except for parts of the Moluccans– are Asians, differing in customs, language and culture from Melanesian cultures.<sup>16</sup>

## Economy-driven conflict

There is a growing competition for land resources in West Papua. The central government, local government institutions, and investors want to access the forest, marine resources and minerals, which promise high revenues for these actors. On the other side, indigenous communities hold claims for the customary land that they need as a source of livelihood and an inherent part of their cultural identity. Besides, there is also a competition for economic participation in local markets and small-scale businesses, which are largely in the hands of migrants, particularly in the conurbations across West Papua. Indigenous Papuans become increasingly marginalised and have fewer opportunities to access good positions in the local labour market.<sup>17</sup>

**Central government:** The Indonesian government has introduced a national long-term and large-scale economic development policy named “the master plan for accelerating and expanding Indonesian economic development” (MP3EI). The MP3EI suggests that the economic corridor Papua-Maluku is supposed to become a production centre for food, fishery, energy and national mining. Accordingly, the central government encourages investors in agriculture and extractive industries to operate in West Papua,

bringing large revenues to the government through permit and tax payments.<sup>18</sup>

**Investors:** Most investors in Papua are mining, logging or plantation companies. Particularly the palm oil and the timber industry are rapidly growing in West Papua. Although investors must meet specific corporate social responsibility standards and environmental protection, they are driven by strong commercial interests. Many investors create labour opportunities but prefer to employ professional workers from outside of Papua instead of training local indigenous peoples. Hence, high positions are mainly occupied by migrants, while the lower positions are given to indigenous Papuans.<sup>19</sup>

**Indigenous communities:** Many indigenous communities are caught in the dilemma between prosperity and maintaining their indigenous way of life. Investors abuse the communities’ desire for economic development and trick them with false promises to release their customary land to a company. Papuan communities often find themselves against investors, local governments and the military, which profit from the business operations.<sup>20</sup>

**Local governments and their institutions:** Local governments depend on the revenues which they receive from business operations. Regents and local government institutions, therefore, approve licenses without obtaining the consent of local communities or act negligently if a company does not meet labour, environmental or other legal standards.<sup>21</sup>

**Military:** Observers estimate that a considerable share of military revenues is generated through involvement in agricultural

16 ICP (January 2020): Human Rights And Conflict Escalation In West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019., p. 173f, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

17 Yulia Sugandi (2008): Conflict Analysis and Policy Recommendation on Papua, p. 11, available at: <https://library.fes.de/pdf-files/bueros/indonesien/06394.pdf>

18 Ibid. p. 22

19 ICP (September 2017): Human Rights in West Papua 2017, The fifth report of the International Coalition for Papua (ICP) covering events from January 2015 until December 2016, p. 136, available at: <https://humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

20 Ibid. p. 137

21 Ibid. p. 145

projects and extractive natural resource exploitation by private companies. Coercive measures like intimidation and physical assaults are used against indigenous communities who oppose business operations on their ancestral land.<sup>22</sup>

**Indigenous Papuans:** Indigenous Papuans are often disadvantaged in comparison to Non-Papuans. One reason for this is a wide range of prejudices against indigenous Papuans. Others are related to the lack of access to quality education in many areas across West Papua. Many Papuan families have a somewhat unstable and small income – they plant crops in their gardens consumed by the family or sold in local markets. Their lives are often determined by the efforts to overcome the daily challenges of ‘surviving’ and often lack the financial means to launch a business.<sup>23</sup>

### Religious Tensions

The vast majority of indigenous Papuans are Christians, whereas most migrants from other parts of Indonesia are Muslims. Throughout the past years, indigenous Papuans have become the minority in Papuan cities. The majority of businesses and trading venues in Papuan cities are in the hands of migrants. The economic success of migrant families has also resulted in a cityscape change in urban areas across Papua. The establishment of new mosques and Islamic boarding schools (Pesantren) are nourishing fear of Islamisation among many Christians in West Papua. These developments have led to horizontal tensions

between Christians and Muslims. Over the past decade, the presence of radical Islamic groups but also a competition in missionising the indigenous population in West Papua has repeatedly caused tensions between Christians and Muslim organisations.<sup>24</sup>

**Christian groups and churches:** The landscape of churches and Christian groups in West Papua is highly diverse. The relation between the different denominations is more or less harmonic. However, believers strictly follow their religious practices, teachings and beliefs. The vast majority of people living in West Papua are Christians, either Protestants or Catholics. This religious composition in West Papua is particular in a country with the largest Muslim population in the world. Christians in West Papua share the endeavour to uphold and protect Christian traditions as the first Missionaries brought to West Papua in the 18<sup>th</sup> century.<sup>25</sup>

**Islamic groups:** There are multiple Islamic organisations in West Papua. The largest groups are the Nahdlatul Ulama (NU) and the Muhammadiyah. Both organisations are considered moderate. Their leaders join interfaith groups with Christians and other religions to safeguard religious freedom and tolerance among believers. However, some radical Islamist organisations –among them the militant organisation Laskar Jihad– have begun implementing their programs in West Papua, posing a threat to the religious diversity and inter-religious tolerance.<sup>26</sup>

**Other religious groups:** There is a small minority of Hindus, Buddhists and Confu-

22 ICP (January 2020): Human Rights And Conflict Escalation In West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 214, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapbid.145ua2019-ICP.pdf>

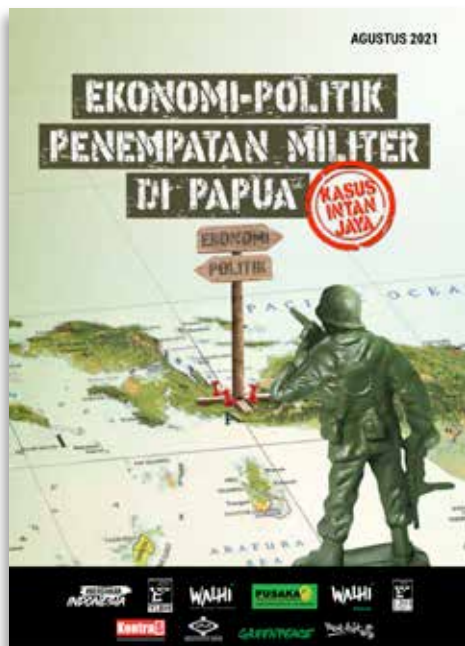
23 AJAR (01.03.2019): I am here, Voices of Papuan Women in the Face of Unrelenting Violence, p. 30f, available at: <https://asia-ajar.org/wp-content/uploads/2019/04/I-am-Here-Voices-of-Papuan-Women-2019.pdf>

24 International Crisis Group ICG (16.6.2008): Indonesia: Communal Tensions in Papua, available at: <https://www.crisisgroup.org/asia/south-east-asia/indonesia/indonesia-communal-tensions-papua>

25 ICP (January 2020): Human Rights And Conflict Escalation In West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019., p. 230, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

26 Ibid. p. 231

cianists in West Papua. These religious minorities co-exist peacefully with Christians and Muslims. Religious representatives of these groups also joined interfaith groups for the promotion of religious tolerance in West Papua.<sup>27</sup>



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## 8.3 Conflict Dialogue

The Indonesian government has adopted various policies in the Land of Papua over the last two years. Several policies have received much attention from the Papuan public, including Presidential Instruction No. 9/2020 concerning the acceleration of welfare and development in the provinces of Papua and Papua Barat. Although there are different emphases, this policy has the same spirit as previous policies such as Inpres 5/2007, Perpres 65/2011, and Inpres 9/2017. The difference is that during the Joko Widodo administration, the word 'development' was supplemented with 'welfare'. There was also an emphasis on building physical infrastructure such as trans-Papua roads. The latest Presidential Instruction, 9/2020, mentions establishing a new design and development action plan in the spirit of Special Autonomy transformation that focuses on accelerating: human resource development, quality, and just economy, necessary infrastructure, environmental preservation, and bureaucratic reform. However, all these policies assume that lack of development, underdevelopment, ignorance, and poverty are the main problems in the Papua conflict. When linked to the four root problems identified in the Papua Road Map (2008)<sup>28</sup>, this series of development policies only solves one root of the conflict but ignores other causes such as the political identity of indigenous Papuans, political violence, and the marginalisation of indigenous Papuans.

Moreover, the government has planned to revise Law no. 21/2001 regarding Special Autonomy. Based on the President's Letter to the parliament (DPR) on 4 December 2020, there are two changes regarding the submission of the second amendment to Law

27 Jubi (4.3.2019): FKUB minta JUT segera keluar dari Papua, available at: <https://jubi.co.id/fkub-minta-jut-segera-keluar-dari-papua/>

28 Indonesian Institute of Sciences, LIPI (2008): Papua road map : negotiating the past, improving the present, and securing the future

21/2001. Firstly, Article 34 of the law regarding special revenues amounting to 2.25% of the general allocation fund. Secondly, the revisions concern Article 76. One of the paragraphs states, "The government can divide the province into new autonomous regions to accelerate equitable development, improve public services and community welfare by considering the socio-cultural unity, the availability of human resources as well as economic capacities and future developments." This policy ignores the voices of various civil society organisations and movements in West Papua, which have declared their objection to Special Autonomy.

Meanwhile, the more moderate Papuan intellectuals asked for an evaluation of the special autonomy. However, none of them demanded a division of the province despite the bureaucratic elites and traditional leaders close to the government. The central government did not dialogue with the Papuan People's Assembly (MRP), the Papuan provincial parliament (DPRP) other the Papua Customary Council stakeholders. These civil society representatives are crucial for the dialogue because they know the history, culture, and territorial boundaries of indigenous peoples in West Papua.

The two policies are likely to create more suspicion and distrust towards the existing government among the Papuan people. This distrust is more significant than ever due to the government's failure to control the cycle of political violence. The security forces' efforts to fight the armed separatist movement in Nduga and Intan Jaya have resulted in casualties on both sides, displacement, and civilian casualties. For example, the murder of the GKII Pastor, Yeremia Zanambani, on 19 September 2020, and the Catholic catechist, Rufinus Tigau, on 26 October 2020, both taking place in the Intan Jaya Regency. Various useful investigative

reports from the Government, the National Commission on Human Rights (Komnas HAM), and the Provincial Government of Papua stated that members of the military killed pastor Yeremia. However, it is still unclear if and how the perpetrators will be prosecuted; hence the cases are likely to share the same fate as other political violence cases. Impunity of security forces and injustice will continue to foster a cycle of political violence in West Papua because the government's paradigm has not changed. Research by the Indonesian Institute of Sciences (LIPI)<sup>29</sup> states that security officials represent the view that the separatist movement must be considered as the state's enemy, which needs to be counteracted through military interventions. This thinking arises from the concept of 'army' nationalism, which has an imperial and regressive character. However, there are examples of countries successfully resolving secession conflicts through dialogue with separatist movements, such as the Philippines with the Moro Islamic Liberation Front (MILF) or Britain with the Irish Republican Army (IRA). In other democratic countries with civilian supremacy, such as in Britain and Spain, the military is not involved in resolving secession conflicts but rather civilians and diplomats acting in the framework of a dialogue.

The possibility of a peaceful conflict resolution through dialogue seems challenging in Joko Widodo's second presidential term. On the one hand, the government continues to hold on to a repressive security approach combined with intensive economic development. It is unlikely that President Jokowi will pursue significant political policy changes in the Papua conflict in his second term. On the other hand, political movements in West Papua, spearheaded by the United Liberation Movement for West Papua (ULMWP), the West Papua National Committee (KNPB), and the West Papua National Liberation Army (TPNPB) are gaining

29 Indonesian Institute of Sciences, LIPI (2004):

more legitimacy and support. Especially from the educated young generation, such as university students who feel they have no future in the Indonesian state.

Therefore, to prevent potential political conflicts that arise in the future and further escalation of violent clashes in the Central Highlands, the Papua Conflict requires various policies such as the following. Firstly, a humanitarian pause is needed to stop military and police operations on the one hand and allow civilians to return to their hometowns or to allow them access to humanitarian aid. A humanitarian pause will also prevent the possibility of more civilian casualties and a humanitarian crisis. Secondly, all stakeholders in West Papua, such as indigenous peoples, churches, the MRP, DPRP, and various non-governmental organisations, must be involved to evaluate the implementation of Special Autonomy objectively and as a whole. The government should postpone the planned revision of the Special Autonomy Law. The revision of the Special Autonomy should ideally be the result of dialogue with all groups wishing to become independent. A

modification of the Special Autonomy Law should accommodate the Papuan indigenous people's aspirations, the church, women, the MRP / PB, the DPRP / PB, and the Papua / West Papua Provincial Government. An autonomy solution resulting from such a dialogue will have greater legitimacy and strengthen the conflicting parties' political commitment to implement it.

The failure to resolve the Papuan conflict peacefully at this point will probably encourage aspirations for self-determination and change the meaning of the word 'independence' (Bahasa Indonesia: 'merdeka') among many indigenous Papuans. Various previous studies have illustrated that indigenous Papuans understand the word 'independence' culturally as freedom from helplessness, backwardness, and poverty. It could be that the meaning of 'independence' in the minds of the indigenous Papuans will shift to becoming independent from "internal colonialism." This is less likely to happen if the government successfully manages and transforms the conflict, as it has happened in Aceh.





# Glossary

ABRI	(Angkatan Bersenjata Republik Indonesia) – Indonesian Armed Forces.	BKO	(Bawah Kendali Operasi) - Operationally Assigned Units.
ACP	Africa, Caribbean and Pacific Group of States.	BKPM	(Badan Koordinasi Penanaman Modal) - Indonesian Investment Coordinating Board.
AMDAL	(Analisis Dampak Lingkungan) - Environmental Impact Analysis (EIA).	BMP	(Barisan Merah Putih) – Read-White Front
AIDS	Acquired Immune Deficiency Syndrome.	BPJS	(Badan Penyelenggara Jaminan Sosial Kesehatan) – Government Health Insurance Scheme.
AJI	(Aliansi Jurnalis Independen) - Indonesian Association of Independent Journalists.	BPKP	(Buku Pelajaran Kontekstual Papua) – Papuan Contextual Text-books.
AMP	(Aliansi Mahasiswa Papua) - Papuan Student Alliance.	BPS	(Badan Pusat Statistik) - Indonesian Center for Statistics.
APS	(Angka Partisipasi Sekolah) - School participation number.	BRIMOB	(Brigade Mobil) - Mobile Brigades – Police Special Forces.
ART	Anti-Retroviral Treatment.	C-24	'UN Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples', consisting of 24 member states.
ARV	Anti-Retro Viral.	CLA	Collective Labor Agreement.
AURI	(Angkatan Udara Republik Indonesia) – Indonesian Air Force.	COVID-19	Coronavirus Disease 2019. Official name for the disease caused by the SARS-CoV-2 coronavirus.
BAP	(Berita Acara Pemeriksaan) – Police Investigation Report.	CoW	Contract of Work.
BAPPEDA	(Badan Perencanaan Pembangunan Daerah) - Special Planning Agency.		
BAPPENAS	(Badan Perencanaan Pembangunan Nasional) - Indonesian Ministry of National Development Planning.		
BARESKRIM	(Badan Reserse Kriminal) - Criminal Investigation Unit.		
BIN	(Badan Intelijen Negara) - National Intelligence Agency.		

## ■ Human Rights in West Papua

DALMAS	(Pengendalian Massa) – Police Crowd Control Unit.	GARDA Papua	(Gerakan Rakyat Demokratik Papua) - Papua People's Democratic Movement.
DAP	(Dewan Adat Papua) - Papuan Customary Council.	GEMPAR	(Gerakan Mahasiswa, Pemuda dan Rakyat) - Movement for University Students and the Papuan People.
DDoS	Distributed Denial of Service	GER	Gross Enrolment Ratio
DENPOM	(Detasemen Polisi Militer) – Military Police Detachment.	GGD	(Guru Garis Depan) - Indonesian Government program for teachers in rural or remote areas.
DINAS	Government agencies acting as sub-institutions of ministries in Indonesia.	GKI-TP	(Gereja Kristen Injili di Tanah Papua) – Christian Evangelical Church in Papua
DISNAKERTRANS	(Dinas Tenaga Kerja dan Transmigrasi) - Department of Manpower and Transmigration.	GKII	(Gereja Kristen Injili Indonesia) - Christian Evangelical Church in Indonesia
DPD	(Dewan Perwakilan Daerah) - Regional Representative Council.	GPMI	(Gerakan Pelajar dan Mahasiswa Indonesia) - Indonesian Pupils and Students Movement.
DPR	(Dewan Perwakilan Rakyat) - People's Representative Council.	HDI	Human Development Index.
DPRP	(Dewan Perwakilan Rakyat Papua) – Papuan Provincial Parliament.	HGB	(Hak Guna Bangunan) – Building rights
ECREA	Ecumenical Center for Research for Education and Advocacy.	HGU	(Hak Guna Usaha) – Plantation rights
EGRA	Early Grade Reading Assessment.	HIV	Human Immunodeficiency Virus.
EJK	Extra-judicial Killing.	HRD	Human rights defender
EU	European Union.	ICCPR	International Covenant on Civil and Political Rights
FKPPA	(Forum Konsultasi Para Pemimpin Agama) - Religious Leaders' Consultative Forum.	ICESC	International Covenant on Economic, Social and Cultural Rights
FKUB	(Forum Kerukunan Umat Beragama) - Forum for Religious Cooperation.	ICP	International Coalition for Papua.
FMJ-PTP	(Forum Masyarakat Jayawijaya-Pegunungan Tengah Papua) - Papuan Central Highlands and Jayawijaya Society Forum.	ICRC	International Committee of the Red Cross.
FMN	(Front Mahasiswa Nasional) – National Student Front.	IDPs	Internally Displaced Persons.
FPI	(Front Pembela Islam) – Islamic Defenders' Front.	ILWP	International Lawyers for West Papua.
FPIC	Free Prior and Informed Consent.	IPK-MA	(Izin Pemungutan Kayu Masyarakat Adat) - Timber Utilisation Permit for Indigenous Peoples.
FRWP	Federal Republic of West Papua (see also NFRPB).	IPWP	International Politicians for West Papua.
FRI-WP	(Front Rakyat Republik Indonesia untuk West Papua) - Indonesian Peoples' Front for West Papua.		

ITE Law	Law on Electronic Information and Transaction.	KOMNAS Perempuan	National Commission on Violence Against Women
IUPHHK-HTI	(Izin Usaha Pemanfaatan Hasil Hutan Kayu – Hutan Tanaman Industri) – Industrial timber estate permits.	KOMPOLNAS	(Komisi Polisi Nasional) - National Police Commission.
IUPHHK-HA	(Izin Usaha Pemanfaatan Hasil Hutan Kayu – Hutan Alam) - Natural forest products usage permits.	KOPASSUS	(Komando Pasukan Khusus) – Special Forces Unit of the Indonesian Military.
IUPHHK-MHA	(Izin Usaha Pemanfaatan Hasil Hutan Kayu – Masyarakat Hukum Adat) - Customary Forest Concession Licencing Scheme for Indigenous Peoples.	KOREM	(Komando Resor Militer) - Military Region Command.
JAMSOSTEK	(Jaminan Sosial Tenaga Kerja) – Social Security Scheme for Workers.	KPP	(Konferensi Perdamaian Papua) - Papua Peace Conference.
JAPH-HAM	Pegunungan Tengah Papua (Jaringan Advokasi Penegakan Hukum dan Hak Asasi Manusia) – Papuan Central Highlands Advocacy Network for the Enforcement of Law and Human Rights.	KPK	(Komisi Pemberantasan Korupsi) - Commission for the Eradication of Corruption.
JDP	(Jaringan Damai Papua) - Papua Peace Network.	KPU	(Komisi Pemilihan Umum) – Election Commission.
KDRT	(Kekerasan Dalam Rumah Tangga) – Domestic Violence.	KP3U	(Kesatuan Pelaksana Pengamanan Pelabuhan) – Airport Security Executive Unit.
Kingmi Papua	(Gereja Kemah Injil Papua) – Papuan Tabernacle Church	KSAD	(Kerja Sama Antar Daerah) – Cooperation between provinces or regencies in Indonesia.
KKSB	(Kelompok Kriminal Separatis Bersenjata) or KKB (Kelompok Kriminal Bersenjata) – Term often used by the Indonesian police for armed criminal (separatist) groups.	KSP	(Kantor Staf Presiden) – Staff of the Presidential Office.
KN	(Kelompok Nusantara) – Nusantara Group	KSU	(Koperasi Serba Usaha) – All-round Cooperative.
KNPB	(Komite Nasional Papua Barat) - West Papua National Committee.	KTM	(Kota Terpadu Mandiri) – ‘Independent Integrated City’ in transmigration areas.
KODAM	(Komando Daerah Militer) - Military Area Command.	KUHAP	(Kitab Undang-Undang Hukum Acara Pidana) - Indonesian Criminal Procedure Code.
KOMNAS HAM	(Komisi Nasional Hak Asasi Manusia) – National Human Rights Commission.	KUHP	(Kitab Undang-Undang Hukum Pidana) - Indonesian Criminal Code/Penal Code.
		KWI	(Konferensi Waligereja Indonesia) - Bishops Conference of Indonesia.
		LANUD	(Pangkalan TNI-Angkatan Udara) - Air Force Base.
		LBH	(Lembaga Bantuan Hukum) – Legal Aid Institute.

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LGBTI	Lesbian, Gay, Bisexual, Trans and Inter-sex.	NPWP	National Parliament of West Papua
LIPI	(Lembaga Ilmu Pengetahuan Indonesia) - Indonesian Institute of Social Sciences.	NU	(Nahdlatul Ulama) – One of the biggest Indonesian Islamic umbrella organization Nahdlatul Ulama
LR	Literacy Rate	OPM	(Organisasi Papua Merdeka) - Papua Freedom Organization.
LKIN	(Lembaga Koordinasi Intelijen Negara) - State Intelligence Coordinating Agency.	ORMAS	(Organisasi Massa) – Mass Organization.
LMA	(Lembaga Musyawarah Adat) - Indigenous People’s Association.	OTSUS	(Otonomi Khusus) - Special Autonomy
LPDP	(Lembaga Pengelola Dana Pendidikan) - Indonesian Education Fund Management Institution or Indonesia Endowment Fund for Education	OTSUS II	(Otonomis Khusus Jild Kedua) – The continuation of Papua’s Special Autonomy after 2021
MFCI	Media Freedom Committee Indonesia.	OTSUS PLUS	(Otonomi Khusus Plus) – Special Autonomy Plus Law for Papua.
MIFEE	Merauke Integrated Food and Energy Estate.	P2TPA	(Pusat Pelayanan Terpadu Perempuan dan Anak) - Integrated Service Center for Protection of Women and Children.
MIREE	Merauke Integrated Rice and Energy Estate.	PANGDAM	(Panglima Komando Daerah Militer) - Commander of a Military Command Area.
MP3EI	(Masterplan Percepatan dan Perluasan Pembangunan Ekonomi Indonesia) - Master Plan for Indonesia’s Acceleration of Economic Development.	PASKHAS	(Pasukan Khas) – Special Forces.
MPR	(Majelis Permusyawaratan Rakyat) – Peoples’ Consultative Assembly.	PBB	(Papuan Behind Bars) – Human rights initiative in support of Papuan political prisoners and detainees
MRP	(Majelis Rakyat Papua) - Papuan People’s Council.	PDSM	Pacific Decolonization Solidarity Movement.
MRPB	(Majelis Rakyat Papua Barat) - Papuan People’s Council of West Papua Province.	PERDASI	(Peraturan Daerah Khusus) - Special Provincial Bye-laws.
MSG	Melanesian Spearhead Group.	PERDASUS	(Peraturan Daerah Provinsi) - Regular Provincial Bye-laws.
MUI	(Majelis Ulama Indonesia) - Indonesian Ulema Muslim Council	PERPRES	(Peraturan Presiden) - Presidential Regulation.
NER	Net Enrolment Ratio	PERPU	(Pemerintah Pengganti Undang-Undang) - Government Regulation in Lieu of Law.
NFRPB	(Negara Federal Republik Papua Barat) - National Federal Republic of West Papua.	PCC	Pacific Council of Churches.
NGO	Non-Governmental Organization.	PGGP	(Persekutuan Gereja-Gereja Papua) - Association of Churches in Papua.
NKRI	(Negara Kesatuan Republik Indonesia) - Unitary State of the Indonesian Republic.		

PIANGO	The Pacific Islands Association of Non-Governmental Organizations.	RAWP	Revolutionary Army of West Papua.
PIFS	Pacific Islands Forum Secretariat.	RKT	(Rencana Kerja Tahunan) – Annual Work Plan.
PMI	(Palang Merah Indonesia) – Indonesian Red Cross	RKU	(Rencana Kerja Usaha) – Business Work Plan.
PNG	Papua New Guinea.	RRI	(Radio Republik Indonesia) – Radio station of the Republic of Indonesia.
PNWP	(Parlaman Nasional West Papua) – West Papuan National Parliament.	SATPOL PP	(Satuan Polisi Pamong Praja) – Municipality Police Unit for Enforcement of Public Order.
POLDA	(Polisi Daerah) - Regional Police.	SIPUHH	(Sistem Informasi Penatausahaan Hasil Hutan) - Information System for Administrative Governance of Forestry Products.
POLRESTA	(Kepolisian Resor Kota) - Municipality Police.	SKJM	(Solidaritas Korban Jiwa Mbua) – Solidarity Movement for the Victims in Mbua District, Nduga Regency in Papua Province.
POLRI	(Polisi Republik Indonesia) – National Police of the Republic of Indonesia.	SKM3T	(Sarjana Mendidik di Daerah Terluar, Terdepan, Tertinggal) - Special training program for teachers working in remote or rural areas in Indonesia.
POLSEK	(Kepolisian Sektor) – Sub-district Police.	SPM	Suspended Particular Matter.
POM	(Polisi Militer) – Military police.	STTP	(Surat Tanda Terima Polisi) - Police Acknowledgement Letter.
POMDAM	(Polisi Militer Daerah Militer) - Military Area Command Military Police.	TEU	Twenty-foot Equivalent Unit for shipping containers.
PP	(Peraturan Pemerintah) – Government Regulation.	TNI	(Tentara Nasional Indonesia) – Indonesian National Military.
PROLEGDA	(Program Legislasi Daerah) - Local Legislation Program.	TNI-AD	(Tentara Nasional Indonesia Angkatan Darat) – Indonesian Infantry.
PROPAM	(Profesi dan Pengamanan) – Internal Police Investigative Body.	TNI-AL	(Tentara Nasional Indonesia Angkatan Laut) – Indonesian Navy.
PROVOST	Special Unit for Security, Military Discipline and Criminal Investigation.	TNI-AU	(Tentara Nasional Indonesia Angkatan Udara) – Indonesian Air Force.
PSDD	(Pembatasan Sosial yang Diperluas dan Diperketat) - Expanded and Tightened Social Restrictions	TPN PB	(Tentara Pembebasan Nasional Papua Barat) – Armed wing of the Papua Freedom Organisation or West Papua National Liberation Army.
PTC	Pacific Theological College.	UKPM	(Unit Kegiatan Pers Mahasiswa) - Student Press Activities Unit
PTSD	Post Traumatic Stress Disorder.		
PT	(Perseroan Terbatas) – Limited Liability Company.		
PTR	Pupil-Teacher-Ratio		
PUSTU	(Pusat Kesehatan Masyarakat Pembantu) – Health Service Point.		
PUSKESMAS	(Pusat Kesehatan Masyarakat) – Health Center.		
RASKIN	(Beras Miskin) – Indonesian food aid program named ‘Rice for the Poor’		

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ULMWP	United Liberation Movement for West Papua.	UU P3	(Undang-undang Pembentukan Peraturan Perundang-undangan) - Law on the Formation of Legislative Regulations.
UN	United Nations.	VCT	Voluntary Consultation and Testing (for HIV/AIDS)
UNDRIP	United Nations Declaration on The Rights of Indigenous Peoples	WAN-IFRA	The World Association of Newspapers and News Publisher.
UNESCO	United Nations Educational, Scientific and Cultural Organization	WHO	World Health Organization.
UNGA	United Nations General Assembly	WIT	(Waktu Indonesia Timur) – East Indonesia Time (EIT).
UPR	Universal periodic Review.	WPNA	West Papua National Authority.
UUITE	(Undang-Undang Informasi dan Transaksi Elektronik) – Law on Electronic Information and Transaction.	WPNCL	West Papua National Coalition for Liberation.
UU OTSUS	(Undang-undang Otonomi Khusus) – Special Autonomy Law.		





This human rights reports detail violations of civil and political rights as well as economic, social and cultural rights. It explains the situation of indigenous peoples in West Papua and seeks to make a contribution to a change, that will end violations and impunity in Papua and enable a sustainable and peaceful development of Papua as a land of peace.

The International Coalition for Papua works to address the serious human rights condition in West Papua and supports a peaceful solution to the conflict there. West Papua (Papua) refers to the half of the New Guinea Island in the Pacific and comprises the eastern-most provinces of Indonesia. Indigenous Papuans are suffering from a long and ongoing history of human rights violations, in which the security forces subject them to violence including killings, torture and arbitrary arrests. Impunity prevails. A lack of adequate access to health-care and education as well as demographic and economic marginalization and discrimination undermine Papuans' living conditions. The heavy presence of the Indonesian security forces, a lack of access for international observers such as journalist, as well as corruption and transmigration from other parts of Indonesia, aggravate the situation. Political prisoners and the persecution of political activists show the extent of repression with which freedom of expression and indigenous peoples' rights are being violated. Papua's wealth in natural resources attracts businesses and (sometimes illegal) business units of the security forces, resulting in exploitation through mining, logging, harmful agricultural projects and environmental degradation. This dynamic threatens traditional Papuan indigenous culture, and underpins Papuans' struggle for their right to self-determination.

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