



HUMAN RIGHTS IN WEST PAPUA 2017

The fifth report of the International Coalition for Papua (ICP)
covering events from January 2015 until December 2016

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

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September 2017
Wuppertal, Geneva
www.humanrightspapua.org

English Edition

Published by: International Coalition for Papua (ICP), Rudolfstr. 137, 42285 Wuppertal, Germany

Editing: ICP Secretariat

ISBN: 978-3-921900-40-6

Indonesian Edition

Published by: International Coalition for Papua (ICP), Rudolfstr. 137, 42285 Wuppertal, Germany

Co-published by: Franciscans International, Rue de Vermont 37, 1202 Geneva, Switzerland

Editing: ICP Secretariat & Budi Tjahjono

Translation: Fransisca K.

ISBN: 978-3-921900-41-3

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Teguh Prastowo - www.teguhprastowo.com

Print:

English version Druckerei Brandt

Contributing Organisations:

Asian Human Rights Commission (AHRC)
awasMIFEE!

Democratic Alliance for Papua (AIDP)

Inter-Peoples Workshop for Learning (BELANTARA Papua)

Organisation for Women Advocacy (eL_adPPer)

Institute of Policy Research and Advocacy (ELSAM)

Papuan Institute for Human Rights Studies and Advocacy of Papua (ELSHAM Papua)

Franciscans International (FI)

Geneva for Human Rights (GHR)

Women's Voices HUMI INANE Foundation (HUMI INANE)

Independent Human Rights Lawyer (IHRL)

Human Rights Advocacy Network on Law Enforcement and

Human Rights of the Papuan Central Highlands (JAPH-HAM)

Papuan Peoples Network for Natural Resources and ECOSOC Rights (JERAT)

Justice, Peace and Integrity of Creation Desk of the Evangelical Christian Church in Papua (JPIC GKI-TP)

Justice, Peace and Integrity of Creation Desk of the Papuan

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Indonesian Institute of Sciences (LIPI)

Manokwari Institute for Research Study and Development of Legal Aid (LP3BH Manokwari)

Center for Women Empowerment and Development of the Christian Evangelical Church in Papua (P3W-GKI-TP)

Pasifika (PASIFIKA)

Pacific Islands Association of Non-Governmental Organisations (PIANGO)

Center for Study, Documentation and Advocacy on Peoples Rights (PUSAKA)

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Cover photo: A Papuan protester is seen inside a police vehicle after he was detained following a rally to commemorate the West Papuan declaration of independence from Dutch rule in Jakarta, Indonesia December 1, 2015. Indonesian police fired teargas to disperse more than 100 protesters who gathered to rally against Indonesia's rule over the remote eastern Indonesian province of Papua. ©REUTERS/Darren Whiteside.

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and others.

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INTRODUCTION

Papuan children playing in a harbour in the city of Jayapura, Papua. (Photo: Carol Reckinger)

SECTION 1

Introduction

1.1 Executive Summary

The years 2015 and 2016 were characterized by a significant aggravation of the human rights situation in West Papua¹ compared to previous years. Reports by local human rights defenders describe an alarming shrinking of democratic space. Although Indonesian President Joko Widodo pushed economic development and granted clemency to five long-term political prisoners, the police strictly limited even the most peaceful dissident political activities.

Indigenous Papuans, particularly women, continued to have a high risk of becoming victims of human rights violations. Racist attitudes toward West Papuans among the police and military, insufficient legal protection, the lack of proper law enforcement, inconsistent policy implementation and corruptive practices amongst government officials contributed to the impunity of security forces.

Government critics and activists faced legal prosecution with varying charges. Using a charge of treason ('makar') remained common against non-violent offenders. West Papuan political activists also faced an increasing number of charges incitement or violence despite the non-violence of protest and almost all activism. The deterioration of the political and civil rights situation in West Papua during the past two years was most obvious in the sheer number of political arrests. Those arrests drastically increased to 1083 in 2015, and then quadrupled in 2016 to 5361 arrests, in tandem with growing political protest for self-determination. Almost all of the arrests came during peaceful protest in support of the United Liberation Movement for West Papua (ULMWP). In addition, the Indonesian government and the regional police in West Papua increasingly restricted the right to freedom of opinion and expression using official statements (Makhlumat) issued by the Papuan Regional Police in 2016.

Local journalists in West Papua faced continued intimidation and obstruction from the security forces. In comparison to previous years, the number of reported cases against local journalists has slightly decreased throughout the reporting period 2015 and 2016. President Joko Widodo's promise in May 2015, to make West Papua freely accessible to foreign journalists and

1 The term West Papua refers to the Indonesian easternmost provinces of 'Papua' and 'Papua Barat'

international observers was not implemented. Foreign journalists were in an increasing number of cases prevented from entering West Papua or when permitted to enter, they faced obstruction, surveillance, intimidation and physical violence. International human rights organisations and humanitarian organisations such as the International Committee of the Red Cross (ICRC) remained banned from freely accessing West Papua.

Human rights defenders in West Papua had to work under fear of being monitored, threatened and obstructed by the security forces. The killing of well-known human rights defender Joberth Jitmau, marked the sad highlight of attacks against human rights defenders during these two years. The police termed Jitmau's killing a traffic accident and did not conduct a criminal investigation. Jitmau's case was a representative example of the widespread impunity in West Papua.

Only in rare instances were security forces prosecuted in public or military trials. Two of the three cases of prosecution resulted in considerably low sentences for the perpetrators in view of the severity of the criminal offences. Security force members also continued to use torture and ill-treatment as a common response to political protest or incidents of alleged disturbance of public order. Extra-judicial killings occurred particularly often as an act of revenge or retaliation for violent acts or other non-violent interactions with members of the security forces.

The situation with regard to economic, social and cultural rights in West Papua was stagnant. The quality of education in West Papua remained considerably low, due to poor management of the education system, inadequate competencies, high absence rates amongst teachers, and inadequate funding. (Less than 1% of Papua Province's annual budget goes to education.) There is still no culturally appropriate curriculum in place, which is capable of improving the educational situation of indigenous Papuan children and of preserving local cultures.

Health care and education remained in a devastating condition, far below the national average, despite the large amount of special autonomy funds that flow to the two administrative provinces Papua and Papua Barat. There is a strong imbalance in the fulfillment of minimum standards in terms of health, education, food and labor rights between the urban areas and the remote inland areas of West Papua. Indigenous Papuans, who mostly reside outside the urban centres, suffer the most of this imbalance. Both Papuan provinces are amongst the regions with the highest prevalence rate for HIV/AIDS infections and child mortality of any 'Indonesian province', whilst the quality of health services is alarmingly low. Insufficient equipment in rural health care institutions and a lack of adequate health monitoring and response mechanisms remained strikingly evident. These shortcomings were highlighted when a pertussis epidemic broke out in the remote highland regency of Nduga, killing least 51 children and three adults within a span of three months in late 2015. Malnutrition enabled the rapid spread of the epidemic.

The case also mirrors the government's growing challenge to guarantee indigenous Papuans right to food. Palm oil plantations and other agricultural mega-projects have led to the destruction of local food sources, livestock and access to clean drinking water.

Cases of domestic violence are often settled in non-legal ways, which fail to bring justice for the victims and lack a deterrent effect for perpetrators. Women living with HIV/AIDS are particularly often facing discrimination and stigmatization.

The very existence of West Papuans is threatened by the uncontrolled migration from other parts of Indonesia. This particularly applies to the urban centers where they have largely become a marginalized minority facing strong economic competition. In most rural areas, where indigenous Papuans are still the majority, government-promoted large-scale natural

resource exploitation projects attract migrants and continue to cause severe environmental degradation as well as the destruction of livestock of indigenous communities. Government institutions continued to facilitate the interests of private Indonesian and foreign companies. This practice negatively impacts indigenous people's right to their ancestral lands and resources as well as their right to determine their development. Resource extraction often means clearing large forest areas and polluting of water resources, thereby forcing indigenous communities to change their very way of life. Destruction of forests and hunting grounds as a life source puts an additional burden on women, in particular.

A significant development throughout 2016 was the growing international attention for the human rights situation in West Papua. The formation of the United Liberation Movement for West Papua (ULMWP) and the regional support group, Pacific Decolonization Solidarity Movement (PDSM) brought a new dynamic to

the international human rights advocacy work. MSG member states, such as, the Solomon Islands, Tonga, Vanuatu, Palau, the Republic of the Marshall Islands and other pacific states have all expressed their concerns regarding ongoing human rights violations against the indigenous Papuan population in the UN General Assembly in 2016. Vanuatu also addressed the human rights situation in West Papua during the UN Human Rights Council Sessions in 2015. In response, the government of Indonesia accused pacific countries of the miss-use of allegations of human rights violations to support the Papuan pro-independence movement. Indonesia further emphasized the functionality of national human rights mechanisms and their achievements in the field of economic development in West Papua. The human rights situation in West Papua was additionally addressed by other United Nations bodies, among them the Committee on the Elimination of Racial Discrimination (CERD) which issued an Early Warning to the Government of Indonesia.

About West Papua

The western part of New Guinea Island, commonly referred to as West Papua, is one of the regions in the Asia-Pacific area, which remains strongly affected by human rights violations. A long-running political conflict and the exploitation of natural resources in West Papua have resulted in numerous human rights abuses over the past 50 years. While West Papua is politically part of the Republic of Indonesia, its indigenous societies together with other indigenous cultures across the pacific region have a self-understanding and claim their identity as Melanesians. The Indonesian government has split West Papua into the two provinces of Papua and Papua Barat. Its indigenous population remains the most vulnerable population segment in West Papua. They face discrimination, economic marginalization, and state violence.

1.2 About the Coalition

The International Coalition for Papua (the Coalition) works to address the serious human rights situation in West Papua and supports 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, 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 marginalisation and discrimination undermine Papuans' living conditions. The heavy presence of the Indonesian security forces, a lack of access for international observers such as journalists, 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.

What the Coalition does

The Coalition advocates for human rights and for 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 the active participation of civil society. The Coalition recognises that Papuans see the policies put in place by the Indonesian Government as having failed and being misused and that these policies have therefore been rejected. With the failure of Indonesia to respond to Papuan expectations and demands for a dialogue, the potential for violence has grown. Given this, the Coalition sees the need to support partners striving for the recognition of basic human rights and seeking peaceful solutions to the implementation of 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 in a peaceful transformation of the ongoing conflict.

History of the Coalition

The International Coalition for Papua (ICP) was created in March 2003. From its launch 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 that had been 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.

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. In order to protect and guarantee

the rights of Papua's indigenous people, the 2001 Special Autonomy Law for Papua was seen as a way forward after Papuans had suffered for decades under military rule and resultant 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 as expected. Instead, the Indonesian Government has violated the law a number of times, for example under Presidential Decree 01/2003 which divides Papua into three Provinces without consultation with the Papuan people. Faith-based and civil society organisations in Papua consider that

the Autonomy law has failed. Militarisation in Papua continues as do violations of the Papuan people's civil and political, as well as economic, social and cultural rights. Perpetrators of human rights violations are not being held accountable.

In this climate of violence and fear, Papuan religious leaders are committed to making "Papua a land of peace" with the aim of guaranteeing the human rights of the Papuan people, restoring their self-esteem and achieving truth and reconciliation. The Coalition supports the *Papua, land of peace* campaign and the efforts of its religious leaders through various means, including advocacy. Participating organisations created the FBN in consultation with their Papuan partners and in solidarity with the Papuan people.



CIVIL AND POLITICAL RIGHTS

"We want to free" poster at KNPB demonstration on 31 May 2016. (Source: ELSHAM Papua)

SECTION 2

Civil and Political Rights

The civil and political rights situation in West Papua still remains of great concern. The fact that almost all victims of violence are from the indigenous demographic minority of Papuans reveals the practice of racial violence and racial discrimination. Based on the collected data throughout 2015 and 2016, political space in West Papua, is quickly shrinking. Simultaneously, international West Papuan pro-independence campaigns, particularly those in the Pacific region, have drawn the attention of many Papuans, resulting in an increase of peaceful political civil society activity such as demonstrations and prayer sessions in West Papua throughout 2016.

In May 2015 President Joko Widodo released five long-term political prisoners and announced the opening of West Papua for international journalists and observers. The annual number of political prisoners during the reporting period has decreased slightly in comparison with 2013 and 2014. The variety of political cases in West Papua throughout 2015 and 2016 indicate that there was a tendency amongst public prosecutors to substitute the charge of '*makar*' (treason), with other criminal charges such as incitement or violence to prosecute political activists.

The Indonesian government has severely restricted the freedom of assembly and freedom of expression in order to control peaceful political activism in West Papua. The strong limitations on freedom of assembly have caused the number of political arrests to increase drastically in 2015 and 2016. These dynamics had consequences for media freedom. The overall, annual number of reported attacks on national journalists have decreased compared to previous years. Simultaneously, there is an increase of cases, where foreign journalists were obstructed or attacked by members of the Indonesian security forces. Attacks against local journalists, of indigenous Papuan origin in particular have often occurred during coverage of political protests.

Despite the president's promises to open the isolated region, various case examples indicate that the central government continues to limit access to West Papua for international human rights organizations and observers as well as humanitarian institutions such as the International Committee of the Red Cross. Human rights defenders in West Papua are vulnerable

to intimidation, attacks and obstruction during their work. Particularly human rights lawyers providing legal services to political activists are at risk of being threatened and obstructed.

Security forces continue to use torture, ill-treatment and extra-judicial killings as a response to drunkenness in public, minor criminal offenses or peaceful political activity. In particular extra-judicial killings often occur during sweeping operations. Human rights defenders continue to report a regular annual number of cases of

torture, ill-treatment and extra-judicial killings in West Papua throughout the reporting period. These numbers have not noticeably gone down over the course of the last few years. Major reasons for the lack of improvements are the climate of impunity and the lack of professionalism amongst security forces in West Papua. The new pattern of mysterious deaths of indigenous Papuans allegedly due to traffic accidents or suicides is of particular concern.

Table 2-1: Statistic data on civil and political rights situation in West Papua between 2012 and 2016.

Data on Civil and Political Rights in West Papua	Reporting Period				
	2012	2013	2014	2015	2016
Cases of Violence/Arrests/Threats against local Journalists	12	20	18	5	8
Cases of Violence/Deportation/Intimidation/ Obstruction against foreign Journalists and Observers providing coverage on Papua related issues in Indonesia	2	0	2	4	0
Number of reported Torture/Maltreatment Cases	28	30	76	19	20
Number of reported Torture/Maltreatment Victims	99	67	135	244	64
Number of reported Cases of Extra-judicial Killings	11	6	8	10	6
Number of reported Victims of Extra-judicial Killings	18	8	12	14	6
Prosecution of Perpetrators (Police and Military)	0	0	0	1	2
Number of Political Arrests	210	548	370	1083	5361
Number of Political Prisoners/Detainees	40	70	55	57	27
Number of Public Peaceful Assemblies/Gatherings on Papua-related issues, forcefully intervened by security forces	8	29	14	24	35
Violence/Threats against Human Rights Defenders	3	1	5	5	2
Cases prosecuted with Treason Charges (Article 106 and/or 110 KUHP)	27	25	31	14	15

2.1 Freedom of Expression

2.1.1 Political Prisoners & Detainees

The years 2015-2016 marked many significant developments for human rights in Indonesia's easternmost provinces of Papua and Papua Barat, hereafter referred to as 'West Papua'. In May 2015, following his second visit to West Papua, Mr. Joko Widodo, as president of Indonesia released five long-term political prisoners and announced the opening up of access to West Papua for foreign journalists. National civil society and the international community welcomed these changes, which were largely unexpected. Many observers saw these steps as a turning point in the Indonesian government's approach to West Papua, and as encouraging political commitment to interdependent issues of political prisoners, human rights, and freedom of expression.¹ Evidence suggests a degree of reform from using the charge of '*makar*'² (treason; Article 106 in the Indonesian Criminal Code), though being replaced with other criminal charges still leaves civil society actors with a high risk of criminalisation for exercising civil and political rights. By 31 December 2016 there were at least 10 political prisoners in West Papua and 7 persons under city arrest.

Papuan political prisoners in numbers

Over the period covered by this report, Papuans Behind Bars (PBB) documented 68 political prisoners imprisoned in West Papua.³ This represents those who were either serving sentences, or held while awaiting formal indictment and/or trial. It does not include the thousands of civil society members who were detained temporarily, and later released without charge (see chapter 2.2 Freedom of Assembly). Meanwhile, dozens of ex-political prisoners and other activists are at risk of intimidation or re-arrest.

In 2015, PBB documented at least 24 Papuans who were arrested and indicted or charged, versus just four in 2016 in relation to exercising their socio-political rights. While the number of prisoners was higher in 2015, most releases also took place in that year. In total, 37 people were released. (see Table 2.1.1 below) In contrast with the drop in the number imprisoned, 2015 and 2016 saw an increase in mass arrests following demonstrations on important dates such 1st May and 1st December.⁴ Few protesters were formally charged and the others were released within approximately 24 hours. This is consistent with observations showing a trend of utilising

1 Papuans Behind Bars (2015) 'Rising Voices, Rising Arrests: A look at West Papua in 2015', p.5

2 The offense of '*makar*' (treason) was introduced into Indonesian law as part of the Criminal Code that came into force under the Dutch colonial administration in the early twentieth century. Since the downfall of the 'New Order' regime under former president Soeharto, Indonesia has made commendable efforts to remove repressive colonial and New Order-era legislation from its statute book. The 1969 Anti-Subversion law was repealed in 1999 while the notorious "hate-sowing" articles (154 and 155 of the Criminal Code) were declared unconstitutional by the Indonesian Constitutional Court in 2007. However, Indonesia has so far failed to complete its review of the Criminal Code.

3 Papuans Behind Bars is a collective project initiated by Papuan civil society groups working together as a human rights coalition in West Papua. It is a grassroots initiative and represents a broad collaboration between lawyers, human rights groups, indigenous groups, activists, journalists and individuals in West Papua, as well as Jakarta-based and international NGOs and solidarity groups.

4 Peaceful commemorative activities such as demonstrations, social gatherings, and prayer sessions are often held on significant dates such as 1 May and 1 December. These dates are historic importance to Papuans. On 1 December 1961, the West Papuan parliament under Dutch colonial rule, the New Guinea Council, raised the Morning Star flag for the first time, signaling recognition by the Dutch of West Papuan statehood. The Morning Star has since

short-term detention tactics as a means to counter social-political dissent. The drop in the number of charges may indicate that security forces consider arrest as sufficient a deterrent, or it signifies an increase in public awareness and concern relating to the historic incidents which further deters formal charges, or both.

In 2016, most of the 11 prisoners released, including 3 on parole, had almost served their complete term between 10 months to 8 years. Four people were arrested in Timika in May 2016, in connection with a demonstration supporting West Papua's full inclusion into the Melanesian Spearhead Group. As of 30th September 2016, one of these (Yus Wenda) was sentenced to 10 months in prison (under Article 351 of the Indonesian Penal Code KUHP) while the other three (Y. Awerkion, Sem Ukago, Steven Itlay) were awaiting trial or a verdict after their trial.

Patterns of criminal charges

Analysis of the pattern of criminal charges against political detainees since January 2015 suggests that the Indonesian authorities have begun to modestly reform the use of treason charges in the realm of curbing rights to freedom of expression and peaceful assembly. While it is an achievement that such arbitrary charges seem to be lessening, their replacement with other charges (such as incitement or violence) mean those arrested under political motives, or otherwise exercising their rights to freedom of expression and assembly, for example, remain significantly at risk of criminalization.

West Papuan civil society actors are regularly arrested and detained for peaceful actions, such as raising the West Papuan "Morning Star"

flag or attending demonstrations and public events that are associated with West Papuan nationalism. They are frequently charged with 'makar' and face prison sentences of up to twenty years or life. From January 2015 through December 2016, there were at least 61 West Papuans in prison awaiting trial or serving time for charges of 'makar' and related offences,⁵ at least 27 of whom have been charged over that 22-month period.

Landmark releases

On the 9th May 2015, Apotnalogolik Lokobal, Numbunga Telenggen, Kimanus Wenda, Linus Hiluka and Jefrai Murib were granted presidential clemencies. President Joko Widodo told the newspaper Kompas that the pardons were "granted as part of a reconciliatory framework to create a peaceful Papua". The five men who were released had spent 12 years each in prison for their alleged role in a 2003 weapons arsenal raid in Wamena, in the Papuan highlands.

The release of these five long-term political prisoners in May was followed in November by the release of Filep Karma, arguably Papua's most well-known political prisoner. While he was given remission on his sentence (clemency), and not an amnesty as many human rights defenders and organisations have campaigned for, it is worth noting that developments in May 2015 were perceived by many as a critical spark in national human rights conversations on the release of other Papuan political prisoners still remaining behind bars, and the current state of democratic, civil, and political rights in Indonesia. More than a year on from Filep Karma's release, it remains to be seen whether these developments prove to be significant ones in changing the narrative

been considered a symbol of West Papuan independence. Under Indonesian rule however, its possession and/or use has been met with arbitrary arrest, ill-treatment, criminalisation, and even torture. In September 1962, authority over West New Guinea (as West Papua was then known) was transferred to the United Nations Temporary Executive Authority (UNTEA). On 1 May 1963, UNTEA transferred the administration of West Papua to Indonesia. Many West Papuans consider this date to be the start of Indonesia's annexation of West Papua.

5 Articles 106 and 110 on Indonesian Criminal Code on treason; Article 160 on incitement/provocation, Article 212 on acts against the state.

on political prisoners in Indonesia, and the overall space of engagement for human rights defenders.

On the 8th May 2015, Areki Wanimbo was acquitted of conspiracy to commit treason and released from Wamena Prison, a verdict many have considered historic. He was the first treason suspect to be acquitted since Papuan leader Theys Eluay, 14 years ago.

Prisoners' conditions and treatment

In 2015, the number of cases of ill-treatment of detainees was more than 4.5 times higher than in 2014. This can in part be explained by the large increase in the number of arrests.⁶ The more frequent use of torture indicated a greater willingness on the part of security forces to silence political protest at all costs.⁷ Such trends held, throughout 2016 as well.⁸

Before returning to their home villages in Wamena on the 23rd May, the five men who were released (in May 2015) underwent medical examinations. They experienced torture and ill-treatment in detention, and as a result have suffered serious and long-term damage to their health.⁹

Since the beginning of 2015, concerns that were frequently reported by political prisoners included: blocked access to family; insufficient healthcare; poor quality of food; lack of clean water; intimidation; and feelings of lack of security and personal safety related to being spied on by inmates and prison authorities.

Some political prisoners also described the impact their detention has had on their families, including reports of family members facing stigmatization, harassment, or intimidation. Detainees reported having experienced the following methods of torture and ill-treatment: shot with firearms, shot with teargas bullets, having nails hammered into forearms, sexual assault and beating with a variety of tools including rattan canes, batons, knuckleduster gloves, rifle butts and wooden beams. However, the above mentioned figures only take into consideration cases of Papuans who faced arbitrary detention. While cases of torture among detainees have decreased, cases of police and military brutality against Papuans, including the use of torture, firearms, and excessive use of force, in general are frequently reported.

The Government of Indonesia has been working to improve correctional services with support of countries such as Sweden and Norway. Hundreds of decision-makers and prison officials attended trainings on human rights.¹⁰ However, reports collected by Papuans Behind Bars show very little change in Papuan prisons. Ill-treatment and torture continue. Adding to the concern about inadequate conditions faced by persecuted political prisoners is a plan to recruit retired army personnel to work in correctional services such as prisons. The Directorate General of Corrections puts emphasis on Papua province to receive those new recruits in response to the lack of human resources.¹¹ Effectively, the move would seem to put the abused in the care of the abuser.

6 Papuans Behind Bars (2015) 'Rising Voices, Rising Arrests: A look at West Papua in 2015', <http://www.papuansbehindbars.org/wp-content/uploads/2016/08/2015-Rising-Voices-Rising-Arrests.screen.pdf> (accessed 19 September 2016) p.5

7 Papuans Behind Bars (2014) 'Political Arrests in West Papua from 2012-2014 (Briefing Paper)', http://tapol.org/sites/default/files/sites/default/files/pdfs/PBB%20Briefing%20Paper_1.pdf (accessed 19 September 2016) p.10

8 PBB Annual report 2016 (forthcoming)

9 PBB Update - May 2015, <http://www.papuansbehindbars.org/?p=3461>

10 <http://rwi.lu.se/2015/01/conditions-indonesian-prisons-improve/>

11 <http://papua.kemendikham.go.id/berita/berita-utama/774-atasi-kekurangan-pegawai-lembaga-direktur-jenderal-pemasyarakatan-meminta-pensiunan-tni-dialih-statusmenjadi-pegawai-lapas>

Table 2.1.1: Political prisoners in West Papua between January 2015 and December 2016.
(Source: Data was collected and compiled by Papuans Behind Bars team from multiple sources).

No	Prisoner Name	Date Arrested	Charges	Sentence	Case	Accused of violence?	Concerns reported re legal process?	Prison/Place of Detention	Released
1	Apotnalogolik Lokobal	10.4.03	Article 160 Indonesian Criminal Code	20 years	Wamena ammunition store raid	Yes	Yes	Biak	Released 9 May 2015 - Presidential Clemency
2	Numbunga Telenggen	11.4.03	Article 160 Indonesian Criminal Code	Life	Wamena ammunition store raid	Yes	Yes	Biak	Released 9 May 2015 - Presidential Clemency
3	Kimanus Wenda	12.4.03	Article 160 Indonesian Criminal Code	19 years and 10 months	Wamena ammunition store raid	Yes	Yes	Nabire	Released 9 May 2015 - Presidential Clemency
4	Jefrai Murib	12.4.03	Article 160 Indonesian Criminal Code	Life	Wamena ammunition store raid	Yes	Yes	Abepura	Released 9 May 2015 - Presidential Clemency
5	Linus Hiel Hiluka	27.5.03	Article 160 Indonesian Criminal Code	19 years and 10 months	Wamena ammunition store raid	Yes	Yes	Nabire	Released 9 May 2015 - Presidential Clemency
6	Yusanur Wenda	30.4.04	Article 160 Indonesian Criminal Code	17 years	Wunin arrests	Yes	No	Wamena	Released on parole 20 January 2016
7	Filep Karma	1.12.04	Article 160 Indonesian Criminal Code	15 years	Abepura flag-raising 2004	No	Yes	Abepura	Released 19 November 2015
8	Wiki Meaga	20.11.10	Article 160 Indonesian Criminal Code	8 years	Yalengga flag-raising	No	Yes	Wamena	Released on parole, July 2016
9	Meki Elosak	20.11.10	Article 160 Indonesian Criminal Code	8 years	Yalengga flag-raising	No	Yes	Wamena	Released on parole, July 2016
10	Darius Kogoya	1.5.12	Article 160 Indonesian Criminal Code	3 years	1 May demo and flag-raising	No	No	Abepura	Released 12 May 2015
11	Jefri Wandikbo	7.6.12	Articles 340, 56, Law 8/1981	8 years	KNPB activist tortured in	Yes	Yes	Abepura	10 November 2016
12	Yoseph Arwakon	1.5.13	Articles 106, 110, Emergency Law 12/1951	2 years and 6 months	Biak flag-raising, 1 May commemoration	Yes	Yes	Biak	Released 17 August 2015 - remission
13	Piethein Manggaprouw	19.10.13	Articles 106, 110	3 years	Third Papuan Congress demo in Biak	No	Yes	Biak	Released 23 May 2016
14	Edison Werimon	13.12.13	Articles 106, 110)1, 53, 55	1.5 years city arrest, appeal pending	Sarmi 2013 Melanesian flag arrests	Uncertain	No	Sarmi	City arrest ends on 23 January 2016
15	Soleman Fonataba	17.12.13	Articles 106, 110)1, 53, 55	1.5 years city arrest, appeal pending	Sarmi 2013 Melanesian flag arrests	Uncertain	No	Sarmi	City arrest ends on 23 January 2016
16	Isak Demetouw (alias Alex Makaboni)	3.3.13	Article 110; Article 2, Emergency 12/1951	2 years 2 months	Sarmi treason	No	Yes	Abepura	Released April 2015 at the end of term
17	Niko Sasomar	3.3.13	Article 110; Article 2, Emergency 12/1951	2 years 2 months	Sarmi treason	No	Yes	Abepura	Released April 2015 at the end of term
18	Sileman Teno	3.3.13	Article 110; Article 2, Emergency 12/1951	2 years 2 months	Sarmi treason	No	Yes	Abepura	Released April 2015 at the end of term
19	Isak Klaibin	30.4.13	Articles 106, 107, 108, 110, 160 and 164	3 years and 6 months	Aimas 1 May commemoration	No	Yes	Sorong	30 Oktober 2016
20	Jantje Wamaer	1.5.13	Articles 106, 110, Emergency Law 12/1951	2 years and 6 months	Biak flag-raising, 1 May commemoration	Yes	Yes	Biak	Reportedly released October 2015 - end of prison term
21	Oktovianus Warnares	1.5.13	Articles 106, 110, Emergency Law 12/1951	7 years	Biak flag-raising, 1 May commemoration	Yes	Yes	Biak	
22	Markus Sawias	1.5.13	Articles 106, 110, Emergency Law 12/1951	4 years	Biak flag-raising, 1 May commemoration	Yes	Yes	Biak	released
23	George Syors Simyapen	1.5.13	Articles 106, 110, Emergency Law 12/1951	4 years and 6 months	Biak flag-raising, 1 May commemoration	Yes	Yes	Biak	released
24	Jemi Yermias Kapanai	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
25	Septinus Wonawoi	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
26	Rudi Otis Barangkea	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
27	Kornelius Woniana	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
28	Peneas Reri	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
29	Salmon Windesi	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
30	Obeth Kayoi	1.2.14	Articles 106, 108, 110 and Emergency Law 12/1951	3 years and 6 months	Sasawa military raid arrests	Yes	Yes	Serui	7 November 2016
31	Alapia Yalak	4.6.14	Uncertain	none	Tribal chief supporting Papua independence	Yes	Yes	Papua Police Headquarters	Escaped prison oin February 2014 and had been re-arrested on 5 May 2015.

32	Lendeng Omu	21.5.14	Article 351	1 year	Yahukimo arrests	Uncertain	Yes	Yahukimo Regional police station	Released 22 March 2015
33	Joseph Siep	9.7.14	Articles 187, 164	Supreme Court appeal being considered	Pisugi Election Boycott	Yes	Yes	Released pending appeal	May 2015 released following completion of prison term. Appeal to extend detention denied by Supreme Court
34	Marthen Marian	9.7.14	Articles 187, 164	1 year	Pisugi Election Boycott	Yes	Yes	Released pending appeal	May 2015 released following completion of prison term. Appeal to extend detention denied by Supreme Court
35	Jhoni Marian (alias Yosasam Serabut)	9.7.14	Articles 187, 164	1 year	Pisugi Election Boycott	Yes	Yes	Released pending appeal	May 2015 released following completion of prison term. Appeal to extend detention denied by Supreme Court
36	Yali Walio	9.7.14	Articles 187, 164	Supreme Court appeal being considered	Pisugi Election Boycott	Yes	Yes	Released pending appeal	May 2015 released following completion of prison term. Appeal to extend detention denied by Supreme Court
37	Yance Walilo	9.7.14	Articles 187, 164	1 year	Pisugi Election Boycott	Yes	Yes	Wamena	Reportedly escaped Wamena prison - May 2015
38	Areki Wanimbo	6.8.14	Articles 106 and 110	9 months	French journalists arrests in Wamena	Uncertain	Yes	Wamena	Acquitted of conspiracy to commit treason and released from Wamena prison on 8 May 2015
39	Kamori Murib	9.12.14	Emergency Law 12/1951	3 years	Lanny Jaya torture	Yes	Yes	Wamena	Reportedly escaped Wamena prison on in October 2015
40	Kelpis Wenda	17.3.15	Emergency Law 12/1951	3 years	Lanny Jaya torture	Yes	Yes	Wamena	Reportedly escaped Wamena prison on 23 August 2015
41	Dr Don Flassy	14.4.15	Articles 106, 55(1), 53(1)	On bail	KIP treason arrests	Uncertain	Uncertain	Bailed, city arrest, cannot leave Jayapura	Removed from PBB prisoner list December 2015. Considered unlikely that their cases would be brought to trial.
42	Dr Lawrence Mehue	14.4.15	Articles 106, 55(1), 53(1)	On bail	KIP treason arrests	Uncertain	Uncertain	Bailed, city arrest, cannot leave Jayapura	Removed from PBB prisoner list December 2015. Considered unlikely that their cases would be brought to trial.
43	Mas Jhon Ebied Suebu	14.4.15	Articles 106, 108(2), 55(1), 53(1)	On bail	KIP treason arrests	Uncertain	Uncertain	Bailed, city arrest, cannot leave Jayapura	Removed from PBB prisoner list December 2015. Considered unlikely that their cases would be brought to trial.
44	Onesimus Banundi	14.4.15	Articles 106, 108(2), 55(1), 53(1)	On bail	KIP treason arrests	Uncertain	Uncertain	Bailed, city arrest, cannot leave Jayapura	Removed from PBB prisoner list December 2015. Considered unlikely that their cases would be brought to trial.
45	Elias Ayakeding	14.4.15	Articles 106, 160	On bail	KIP treason arrests	Uncertain	Uncertain	Bailed, city arrest, cannot leave Jayapura	Removed from PBB prisoner list December 2015. Considered unlikely that their cases would be brought to trial.
46	Ruben Furay	1.5.15	Uncertain	none	Kaimana 1 May 2015	Uncertain	Uncertain	Kaimana	Released May 2015
47	Sepi Surbay	1.5.15	Uncertain	none	Kaimana 1 May 2015	Uncertain	Uncertain	Kaimana	Released May 2015
48	Domingus Babika	1.5.15	Uncertain	Police investigation pending	Manokwari 1 May 2015	Uncertain	Uncertain	Manokwari Regional Police Station	Released May 2015
49	Odie Aitago	15.5.15	Article 170	7 months	Sorong demo against PT PPM	Yes	Uncertain	Sorong	Released 15 December 2015 - end of prison term
50	Obed Korie	15.5.15	Article 170	5 months	Sorong demo against PT PPM	Yes	Uncertain	Sorong	Released 15 October 2015 - end of prison term
51	Apolos Sroyer	20.5.15	Article 160 Indonesian Criminal Code	10 months	MSG demo in Biak	Uncertain	Yes	Biak	Released 16 March 2016
52	Dorteus Bonsapia	20.5.15	Article 160 Indonesian Criminal Code	10 months	MSG demo in Biak	Uncertain	Yes	Biak	Released 16 March 2016
53	Narko Murib (alias Novi Umawak)	20.5.15	Article 160	1 year 6 months	MSG demo in Manokwari	Uncertain	Yes	Manokwari	Released 3 September 2016
54	Alexander Nakenem	20.5.15	Article 160	1 year 6 months	MSG demo in Manokwari	Uncertain	Yes	Manokwari	Released 3 September 2016
55	Yoram Magai	20.5.15	Article 160	1 year 6 months	MSG demo in Manokwari	Uncertain	Yes	Manokwari	Released 3 September 2016
56	Othen Gombo	20.5.15	Article 160	1 year 6 months	MSG demo in Manokwari	Uncertain	Yes	Manokwari	Released 3 September 2016
57	Wamoka Yudas Kossay	22.5.15	Article 160 Indonesian Criminal Code	10 months	MSG demo in Biak	Uncertain	Yes	Biak	Released 17 March 2016
58	Yafet Keiya	28.5.15	Uncertain	none	MSG demo in Nabire	Uncertain	Uncertain	Nabire	Released June 2015
59	Ottis Munipa	28.5.15	Uncertain	none	MSG demo in Nabire	Uncertain	Uncertain	Nabire	Released June 2015
60	Arnes Silak	15.6.15	Uncertain	none	KNPB Sentani Airport arrest	Uncertain	Uncertain	Jayapura	Released June 2015
61	Apnel Hegemur	3.7.15	Uncertain	Awaiting trial	Fak Fak ULMWP arrests	Uncertain	Uncertain	Fakfak	Released without charge July 2015
62	Roy Marten Mury	3.7.15	Uncertain	Awaiting trial	Fak Fak ULMWP arrests	Uncertain	Uncertain	Fakfak	Released without charge July 2015
63	Daniel Hegemur	3.7.15	Uncertain	Awaiting trial	Fak Fak ULMWP arrests	Uncertain	Uncertain	Fakfak	Released without charge July 2015
64	Philips Wanggai	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	

65	Sostenes Wandumi	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	
66	Wilson Loho	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	
67	Gustaf Matofa	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	
68	Teddy John Nutia	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	
69	Elieser Suweni	27.11.15	Article 106, 160 jo 55	1 year and 6 months (sentenced on 15.8.16)	Saluting Waropen State of Melanesia Republic	No	No	Serui	
70	Enos Suhun	1.12.15	Article 160, 214 ayat (2) ke-2, 213 ayat (2), 212, 170, and 351	On bail	1 December demo	Yes	No	Jakarta	Released 4 December 2015
71	Eliakim Itlay	1.12.15	Article 160, 214 ayat (2) ke-2, 213 ayat (2), 212, 170, and 351	on bail	1 December demo	Yes	No	Jakarta	Released 4 December 2015
72	Steven Itlay	5.4.16	Article 106, 110 (2.1), 160	1 year	MSG Demo in Timika	No	Yes	Timika	(17 February 2017)
73	Yus Wenda	5.4.16	Article 351 (1)	10 months	MSG Demo in Timika	Yes	Yes	Timika	(31 January 2017)
74	Barnabas Mansoben (aka Batiste Mansoben)	2.5.16	Emergency Law 12/1951	2 years, 1 month	Biak KNPB	Uncertain	Yes	Biak	
75	Yanto Awerkion	12.7.16	Articles 106, 110	Police investigation	MSG Demo in Timika	Uncertain	Yes	Timika	8 Nopember 2016
76	Sem Ukago	12.7.16	Articles 106, 110	Police investigation	MSG Demo in Timika	Uncertain	Yes	Timika	8 Nopember 2016
77	Obby Kogoya	15.7.16	Article 211 jo 213 sub 351	Under city arrest and suspension of detention	Saluting Waropen State of Melanesia Republic			Yogya	
78	Hiskia Meage	19.12.16	Article 106	Under city arrest and suspension of detention	Trikora Day protest	No		Polresta Manado	
79	William	19.12.16	Article 106	Under city arrest and suspension of detention	Trikora Day protest	No		Polresta Manado	
80	Emanuel	19.12.16	Article 106	Under city arrest and suspension of detention	Trikora Day protest	No		Polresta Manado	
81	Panus	19.12.16	Article 106	Under city arrest and suspension of detention	Trikora Day protest	No		Polresta Manado	
82	Ismael Alua	20.12.16	Articles 106, 110	Under city arrest and suspension of detention	Trikora Day protest	No		Jayapura	
83	Hosea Yeimo	20.12.16	Articles 106, 110	Under city arrest and suspension of detention	Trikora Day protest	No		Jayapura	

2.1.2 Media Freedom

Despite the Indonesian President's public statement in May 2015 to open West Papua to international journalists and observers, the central government and local state agencies actively limit Media Freedom in the region. In 2015, local media activists reported five cases of intimidation, arrest and physical violence against local journalists. In 2016 the number of reported attacks has risen to eight cases between January and October 2016. While the number of reported violations against local journalists has decreased in comparison with previous years, human rights organisations observed an increase in attacks, obstructions and intimidations against foreign journalists. A majority of these acts against journalists were committed by police officers in an attempt to prevent media coverage of political demonstrations. Media and civil society reports referring to injustice may not be freely distributed in public. The Indonesian Association of Independent Journalists (AJI) criticized that such incidents still frequently occur because perpetrators are not held accountable for such violations.

The protection and fulfillment of media freedom is an important component in realizing 'freedom of expression' in West Papua. According to the Indonesian Association of Independent Journalists (AJI), the acts of violence and intimidation against journalists in the provinces of Papua and Papua Barat still frequently occur because such incidents are generally not processed by law¹. As a consequence most cases of violence against journalists during media coverage end with impunity for the perpetrators and tend to re-occur. According to data from AJI Papua, most of such cases in West Papua were committed by members of the police.

The strong limitations on the freedom of expression in West Papua are reflected in the annual number of intimidations and attacks against local journalists. The number of cases between 2012 and 2015 in which local journalists were intimidated, arrested and attacked varied from twelve cases in 2012, to over 20 cases in 2013, to 18 cases in 2014. The number of cases decreased in 2015 to five reported cases.

Throughout 2016, further eight cases were documented. Local journalists, particularly those of indigenous Papuan origin, are at high risk of becoming victims of intimidation, threat and arrest because security force members often stigmatize them as separatists during coverage of political related activities. This stigma is reflected in a statement by the head of Papua Regional Police, Paulus Waterpauw, during a public interview on the 18th February 2016. Waterpauw made the accusation that some local Papuan journalists act as informants for foreign countries and stated that the police would still gather more evidence for a legal prosecution.²

The Indonesian government still restricts access to West Papua for foreign journalists and international observers. Indonesian government agencies still hinder foreign journalists from conducting media coverage in West Papua. Throughout 2015 and 2016, authorities used various repressive strategies against foreign journalists including intimidation, bureaucratic obstruction and physical attacks to prevent

1 Data Kekerasan terhadap Jurnalis di Papua oleh Aliansi Jurnalis Independen Papua <https://www.dropbox.com/s/0akeyoix1r8of3f/Tabel%20Kekerasan%20thdp%20Jurnalis%202013.pdf>

2 Elaenews (18.02.2016): Kapolda Sebut Ada Wartawan di Papua Jadi Informan Bagi Negara Asing, e-document: <https://www.elaenews.com/berita/detail/32192/Kapolda-Sebut-Ada-Wartawan-di-Papua-Jadi-Informan-Bagi-Negara-Asing>

journalists from covering politically sensitive events (see case details below). This picture contradicts President Joko Widodo's statement on the 10th May 2015 after a grand harvest in Merauke regency, that West Papua would be opened to foreign journalists. President Joko Widodo reiterated the opening of West Papua during his official speech on Indonesia's Independence Day on the 14th August 2015³. However, he failed to ensure the implementation until today.

The practice so far had been that the Indonesian government required foreign journalists to fulfill a large number of requirements. The clearing house process was supervised by the Indonesian ministry of foreign affairs. The mandatory bureaucratic procedures were not transparent and involved 18 working units from 12 ministries, including intelligence agencies from the military and the police. The requirements included detailed information on persons, to be interviewed, time schedules and locations. Moreover, government agencies made it clear that reporting on human rights-related or political issues in West Papua was prohibited.⁴

President Joko Widodo's statement was not elaborated on through a presidential instruction, which may be a major reason for the ongoing confusion regarding the implementation of President Widodo's statement. Contradictory information given by multiple state representatives and security force commanders indicate a lack of a coherent and unified government policy to repeal restrictions on foreign media access to West Papua.⁵ On the 17th June 2015,

the general director of information in the Ministry of Foreign Affairs, Ms. Esti Andayani, said during an interview with Radio New Zealand that the government had abolished the clearing house system, without providing any clear information on the new procedures which had replaced the former control mechanism. She further stated that foreign journalists would still be screened with regard to the fulfillment of visa requirements. The Foreign Ministry emphasized that all foreigners including foreign correspondents would still need a permission letter (*surat jalan*) from the police intelligence unit, if they intend to travel to West Papua.⁶ The alleged change in bureaucratic procedure had little impact on the situation in the field. If foreign journalists receive permission to cover West Papua, they still face obstructions by local government agencies and strict surveillance by the local police and intelligence. In May 2016, HRW reported that according to the Ministry of Foreign Affairs, the clearing house process continues to operate unchanged.⁷ Persons interviewed by foreign journalists are at risk of being interrogated, arrested and prosecuted, particularly if journalistic coverage includes political and human rights-related issues (see case of foreign Journalist Marie Dhumieres below).

In November 2015, a delegation of International Partnership Mission to Indonesia (IPMI) consisting of Jose Antonio Belo (SEAJU), Kulachada Chaipipat (SEAPA), Céline Cornereau (Media Legal Defence Initiative), Sumit Galhotra (Committee to Protect Journalists) Esben Q.

3 Detik (14.08.2015): Ini Pidato Kenegaraan Perdana Presiden Jokowi Selengkapnya, e-document: <http://news.detik.com/berita/2991893/ini-pidato-kenegaraan-perdana-presiden-jokowi-selengkapnya>

4 Human Rights Watch (November 2015): Something To Hide? Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua, p. 14f.

5 The Coordinating Minister for Political, Legal and Security Affairs Mr. Tedjo Edhie Purdijatno stated on the 11th May 2015 that foreign correspondents would continue to require special access permits to Papua and that foreign journalists working in the region would be screened. On the 19th May 2015, the commander of Indonesia's armed forces, General Moeldoko, publicly stated that foreign journalists still need access permits for West Papua from the clearing house. On the 26th May Minister of Defence, Ryamizard Ryacudu

said that foreign media access to West Papua was conditional on an obligation to produce "good reports", that would not contradict the government's position regarding the Papua conflict.

6 Human Rights Watch (November 2015): Something To Hide? Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua, p. 24f.

7 Human Rights Watch (May 2016): Indonesia Still Restricting Foreign Media From Papua,

Harboe (International Media Support), Andrew Heslop (World Association of Newspapers and News Publishers), Michael Karanicolas (Centre for Law and Democracy), Edward Pittman (Open Society Foundations Program on Independent Journalism), Oliver Spencer-Shrestha (ARTICLE 19) and Jane Worthington (International Federation of Journalists) came to West Papua to investigate developments on press freedom after President Joko Widodo's promise to open access to the region for foreign journalists and observers. The mission had received an official recommendation by the central government's ministry for politics, law and security in Jakarta. The head of Papuan regional police and the commander (PANGDAM) of Cenderawasih local military command rejected a request for a meeting with the delegation, reasoning that IPMI should have informed the headquarters of the Indonesian police and military about their arrival.⁸

In 2016, the central government harshly reacted to various Papuan websites and blogs by blocking the access to these sites, among them 'infopapua.org', 'tabloid-wani.com', 'papuapost.com', 'freepapua.com' and the news platform of the Papuan Student Alliance (AMP) 'ampnews.org'. The restrictions also affected the Jayapura-based news website 'suarapapua.com', which became temporarily subjected to internet censorship on 4 November 2016.⁹

Cases:

► On the 29th January, 2015, Cahaya Papua journalist Risaldi was maltreated by a group of unknown perpetrators, as he covered the activities of a group of people who had built a road block in Manokwari. The perpetrators took his mobile phone which he was using to cover the

event. During the incident the perpetrators also maltreated Nadap, a camera man employed by the local media company Tasindo TV Manokwari¹⁰.

► On the 30th April 2015, at 12.00, East Indonesia Time (EIT) members of the Papuan Regional Police and Nabire District Police arrested journalist Yohanes Kuayo from Selangkah Magazine at Nabire General Hospital, where he intended collecting information on the arrest of a Papuan resistance leader named Leonardus Magai Yogi and two other TPN guerilla fighters. The arrest was carried out even though Yohanes Kuayo repeatedly told the officers that he was a journalist. During the arrest the officers took his mobile phone and bag. At 12.30 Yohanes was brought to Nabire District police station where he was handcuffed until the director of Selangkah Magazine came to the police station. The officers in charge stated that they had arrested Yohanes because he was wearing a shirt with the writing "Free West Papua". The officer in charge furthermore requested Yohanes Kuayo to change his shirt before he was allowed to leave the police station.¹¹



Image 2.1.2-1: Yohanes Kuayo being arrested by police officers. (Source: Jubi)

► On the 9th May 2015, at 15.00, (EIT) the regent of Biak Numfor, Thomas Alfa Edison Ondy, hit Cenderawasih Post journalist Viktor Palembang

8 Southeast Asian Press Alliance (13.11.2015): [Indonesia] International Delegation calls on Indonesian President to Address Media Freedom Concerns, e-document: <https://www.seapa.org/11490/>

9 Suara Papua (18.04.2017): Blokir Lima Situs di Papua, Indonesia Dinilai Bungkam Ekspresi Maya Rakyat Papua, e-document: <http://suarapapua.com/2017/04/18/blokir-lima-situs-di-papua-indonesia-dinilai-bungkam-ekspresi-maya-rakyat-papua/>

10 Suara (03.05.2015): Awal 2015 sudah Terjadi 12 Kasus Kekerasan terhadap Orang Pers, e-document: <http://www.suara.com/news/2015/05/03/150412/awal-2015-sudah-terjadi-12-kasus-kekerasan-terhadap-orang-pers>

11 Tabloid Jubi (01.05.2015): Nasib Wartawan di Papua Mau Liput Korban Baku Tembak, Malah Ditangkap Polisi, e-document: <http://tabloidjubi.com/2015/05/01/nasib-wartawan-di-papua-mau-liput-korban-penembakan-malah-ditangkap-polisi/>

at the SKB Rigge Residential Estate in Biak. The government official was angry about Viktor's article on a fire at the local market in Biak, which, according to him, did not sufficiently appreciate the local governments efforts to help the victims of the fire. The article was published the day before this incident, on the 8th May 2015.¹²

► The French radio journalist Marie Dhumieres visited Papua between the 29th September and the 4th October 2015, where she wanted to provide media coverage on the general situation and living conditions in West Papua. She had already received a permit from the Indonesian government for journalistic work in the region prior to her arrival. Nevertheless, the Papuan regional police in Jayapura approved a travel permit which was limited to Jayapura regency. When Marie went to an interior region using a small airplane from the Associated Mission Aviation (AMA), police and intelligence officers came to the AMA office, searching for her and a Papuan man who had helped her with travel arrangements. Subsequently, police officers questioned two other Papuans, that AMA employees had identified as Marie's friends. After some local residents had informed Marie about the incident, she returned from the interior to Jayapura and immediately took a connecting flight to Jakarta.¹³

► On the 8th October, 2015, an officer from the crowd control unit DALMAS of Jayapura district police obstructed Tabloid Jubi journalist Abeth You during his coverage of a speech by the solidarity group for victims of human rights violations. The officers forced Abeth You to enter a truck, seized his camera at gunpoint and deleted all pictures. The police officer took the camera despite Abeth showing his press ID card and explaining to him that he was a journalist.

During the same event other journalists faced similar obstructive treatment. Police officers prohibited Cenderawasih Pos journalist Abdel Gamel Naser from taking pictures of the demonstration. Abdel also witnessed his colleague from newspaper Suara Papua, Julian Howay, being chased by plainclothes officers as he tried to cover the rally.¹⁴

► The French (Bangkok-based) reporter Cyril Payen, who visited West Papua in mid-2015, after obtaining all the necessary authorizations, made a documentary entitled "Forgotten war of the Papuans", which was broadcasted on October 18, 2015. The French ambassador in Jakarta was summoned to the Indonesian foreign ministry after the documentary. Indonesian officials in Bangkok then told Payen in November 2015 that he was now persona non grata in Indonesia and that his request for a visa to make another documentary had been turned down.¹⁵



Image 2.1.2-2: Cyril Payen collecting footage for his documentary "Forgotten war of the Papuans".

► On the 1st December 2015, joint police forces from Jakarta Metro police (Polda Metro Jaya), intelligence unit and Mobile Brigades (Brigade Mobil.) cracked down on a demonstration at Bundaran HI Jakarta, which was organized by

12 Association of Independent Journalists in Indonesia AJI (11.05.2015): Pemukulan, e-document: <http://advokasi.aji.or.id/read/data-kekerasan/591.html?y=2014&m=1&ye=2015&me=7&jenis=Kekerasan%20Fisik>

13 Jakarta Post (06.11.2015): Three Questioned on French Journalist's visit to Papua, e-document: <http://www.thejakartapost.com/news/2015/11/06/three-questioned-french-journalist-s-visit-papua.html>

14 Merdeka.com (12.10.2015): Polisi rampas kamera dan ancam jurnalis di Papua saat liput demo, e-document: <http://www.merdeka.com/peristiwa/polisi-rampas-kamera-dan-ancam-jurnalis-di-papua-saat-liput-demo.html>

15 Reporters Without Borders (08.03.2016): RSF urges Indonesia to lift ban on French reporter Cyril Payen, E-document: <https://rsf.org/en/news/rsf-urges-indonesia-lift-ban-french-reporter-cyril-payen>

the Papuan Student Alliance (AMP) for the commemoration of the 1st December. During the crackdown two foreign journalists faced intimidation and harassment while covering the AMP demonstration in Jakarta. Archicco Guillianio from Australia Broadcasting Corporation (ABC) was struck by police officers when he refused to erase footage on police violence against demonstrators. Stephanie Vaessen from Al Jazeera was recording the demonstration with her mobile phone as five police officers approached her and forced her to delete the video file. When she refused, the police officers reportedly snatched her phone and deleted the footage before returning it to her.¹⁶

► On the 1st December 2015, five police officers ill-treated Topilus B. Tebai, the editor of Papuan online magazine –*majalaselangkah.com*– at the heroes cemetery in Nabire, as he took pictures of police officers who stopped and examined vehicles. The police check was conducted in relation to the planned commemoration of the 1st December. As the officers approached Topilus, he showed his press ID card and told the officers that he works for Selangkah Magazine. The officers asked Topilus who had given him permission to take pictures, and then forcefully took his camera and deleted the pictures. One of the police officers kicked Topilus from behind while a second officer escorted him out of the cemetery.¹⁷

► On the 23th March 2016, police officers from Jayapura city district police station intimidated Papuan journalist Benny Mawel, as he tried to cover a demonstration by university students in front of the new campus of Cenderawasih University. The students were protesting against the planned visit to Papua of Luhut Panjaitan, the Indonesian Coordinating Minister for Political,

Legal and Security Affairs. A group of police officers suddenly approached Benny and said that he should immediately stop taking pictures of the protest. After Benny Mawel had shown his press ID card, police officers allowed him to continue his work. However, some police officers kept on intimidating Benny, asking him whether he wanted to challenge them by continuing to take pictures of the demonstration.¹⁸



Image 2.1.2-3: Benny Mawel being surrounded by police officers. (Source: Jubi)

► On the 1st May 2016, around 9.30, (EIT) police officers arbitrarily arrested Ardi Bayage (Suara Papua journalist), as he attempted to cover police arrests during a demonstration in support of the ULMWP (United Liberation Movement for West Papua) at the roundabout in Abepura, Jayapura. Police officers approached Ardi, forcefully took his mobile phone and his press ID, smashed both items on the ground and repeatedly stomped on them until the mobile phone was broken. Subsequently, he was arrested and taken to the Sub-district police station in Abepura. Thirty minutes later police officers brought Ardi to a large field at the Mobile Brigade (Brimob) Headquarters in Kota Raja, Jayapura, where he was placed with a large number of demonstrators. He was interrogated and forced to take off his shirt. During the interrogation one mobile brigade officer took his flash drive and smacked Ardis right cheek three times.¹⁹

16 Merdeka.com (02.12.2015): LBH Jakarta kecam pemukulan wartawan asing saat liput demo Papua, e-document: <http://www.merdeka.com/peristiwa/lbh-jakarta-kecam-pemukulan-wartawan-asing-saat-liput-demo-papua.html>

17 International Federation of Journalists (03.12.2015): Journalists attacked in two separate incidents in Indonesia, e-document: <http://www.ifj.org/nc/news-single-view/backpid/33/article/journalists-attacked-in-two-separate-incidents-in-indonesia-1/>

18 Tabloid Jubi (24.03.2016): Polisi Larang Jurnalis Memotret Aksi Demo, e-document: <http://tabloidjubi.com/16/2016/03/24/polisi-larang-jurnalis-memotret-aksi-demo/>

19 Warta Plus.com (02.05.2016): Dikira Pendemo Jurnalis Dipukul, Ditangkap, Tanda Pengenal Diinjak oleh Aparat, e-document: <http://www.wartaplus.com/2016/05/02/dikira-pendemo-jurnalis-dipukul-ditangkap-tanda-pengenal-diinjak-oleh-aparat.html>

Other Journalists had been banned from the Mobile Brigade headquarters, where hundreds of protesters were grouped and asked to remove their clothes while being exposed to the midday sun. Twenty Police officers who guarded the entrance gate with wood batons, prevented journalists from entering the police station and covering the mass interrogations. One of the officers named Romansyah said they were acting on a direct order from Mobile Brigade Chief, Senior Police Commissioner Mathius Fakhiri.²⁰



Image 2.1.2-4: Suara Papua journalist Ardi Bayage. (Source: Jubi)

► On the 1st May 2016, a police officer from Fakfak district police with the initials E.R. struck Metro TV journalist Morten Kabes, as he took pictures of KNPB members at the district police station in Fakfak. According to Morten, the police officer threatened him and punched him on the chin because he was wearing a hat inside the district police station. The beating was witnessed by other police officers who didn't try to intervene.²¹

► On the 28th April 2016, Jubi journalist, Islami Adisubrata, was questioned about the reported death of Arnold Alua and a fire at Baliem Cottage (place name) by police officers and the secretary of Jayawijaya regency in Wamena. Islami was

accused of making untrue reports regarding the killing of Arnold Alua by local police officers and an arson attack at Baliem Cottage, where the police failed to find the perpetrators.

► By the end of May 2016, eight journalists reported Jubi journalist Abeth You to the police for a post regarding the recent burning of a morning star flag in Jayapura on facebook. He did not mention any names, but there was another facebook user named John Eguwai Mitto, who uploaded a picture of the eight journalists as a comment to his post. The picture shows the journalists in Bagus Pandang restaurant as a group of protesters set the Morning Star flag on fire. Abeth was interrogated on June 6th, 2016 and could face a sentence of six years in prison (if convicted) or a fine of one billion rupiahs.²²

► On the 15th June 2016, an officer of the Jayapura district police intimidated Jubi journalists Benny Mawel and Zely Ariane, telling them to stop coverage during a KNPB demonstration, reasoning that their journalistic activity was considered intrusive. Mawel explained that, based on the Press Law, journalists have the right to do their job without restrictions. Nevertheless, the officer requested both to go to the Police station to talk with Jayapura Police spokesperson, Inspector Imam Rubianto. At the police station Benny and Zely's ID and press cards were photocopied. The Jayapura Deputy Chief Police Commissioner Arnold Tata requested that both journalists report their activities to the police if they intend to cover a political demonstration. He further stated that the KNPB rally was illegal, therefore reporting on it was not necessary.²³

► On the 1st July 2016, members of the police mobile brigade maltreated Missael Maisini a journalist of Tabloid Intant Jaya in Sugapa,

20 Pacific media Center (07.05.2016): WEST PAPUA: Mobile police ban media from covering mass Papuan arrests, e-document: <http://www.pmc.aut.ac.nz/pacific-media-watch/west-papua-mobile-police-ban-media-covering-mass-papuan-arrests-9654>

21 Tabloid Jubi (03.05.2016): Aji Jayapura Kecam Sikap Reaktif Aparat Keamanan Terhadap Wartawan, e-document: <http://tabloidjubi.com/2016/05/03/aji-jayapura-kecam-sikap-reaktif-aparat-keamanan-terhadap-wartawan/>

22 Information provided by independent Human Rights Activist on 08.07.2016.

23 Tabloid Jubi (16.06.2016): Jubi Journalists Told to Coordinate Reporting Agenda with Police, e-document: <http://tabloidjubi.com/eng/jubi-journalists-told-to-coordinate-reporting-agenda-with-police/>

Intan Jaya regency as he wanted to claim funds which had not yet been contributed to a joint media project between Tabloid Intan Jaya and the public relations department of Intan Jaya regency. As Maisini's request was rejected, he refused to leave until the missing funds had been paid, whereupon some civil servants reported Maisini to the local mobile brigade. When the officers arrived at the location they punched Missael Maisini in the face, causing a burst lip. Maisini also stated that the officers, at gunpoint threatened to kill him.²⁴



Image 2.1.2-5: Missael Maissini during interview with Tabloid Jubi journalists. (Source: Jubi)

► On the 26th August 2016, at 16.15, (EIT) a plain clothes officer and a uniformed police officer entered the studio of Indonesian radio broadcaster RRI (Radio Republik Indonesia) in Wamena during a radio show broadcast. The RRI had invited several civil society activists from the Papuan Central Highlands and Jayawijaya

Society Forum (FMJ-PTP) and the Papuan Lotus Heart foundation to discuss social problems in Jayawijaya. The police officers took pictures of the civil society activists and left the studio after five minutes. According to RRI staff such incidents frequently occur at the radio station. The head of the Jayawijaya district police stated that the visit by police officers was part of their patrol routines to collect information on recent incidents including activities by civil society organizations. He also said that the activity was permitted by the RRI radio station, which was denied by the head of RRI Wamena.²⁵



Image 2.1.2-6: Police officers entering the broadcast room during the RRI Wamena radio show.

Recommendations:

- **Open access to West Papua to international human rights organizations, journalists and international observers.**
- **Ensure that all such cases of intimidation, harassment and physical violence that is being perpetrated against human rights defenders and journalists in West Papua are effectively and impartially investigated and that the perpetrators of such acts are brought to justice.**
- **Issue a standing invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.**

24 Tabloid Jubi (02.07.2016): Brimob Aniaya Satu Warga Sipil di Sugapa, Intan Jaya, e-document: <http://tabloidjubi.com/2015/07/02/brimob-aniaya-satu-warga-sipil-di-sugapa-intan-jaya/>

25 Kompas (27.08.2016): Seorang Oknum Polisi Menerobos Masuk ke Acara Dialog RRI Wamena, e-document: <http://regional.kompas.com/read/2016/08/27/17483141/seorang.oknum.polisi.menerobos.masuk.ke.acara.dialog.rri.wamena>

2.2 Freedom of Assembly

At the end of the year 2016, the Indonesian government still restricts freedom of expression and peaceful assembly in West Papua. Repressive measures and criminalization are institutionalized tactics amongst law enforcement agencies in West Papua and are frequently applied in response to peaceful demonstrations about politically sensitive issues. Accordingly, the Papuan Regional Police (POLDA Papua) issued an edict (Maklumat) in 2016 as an attempt to limit democratic space for indigenous Papuans and criminalize members and supporters of pro-independence civil society organizations. The number of political arrests has drastically increased to 1083 in 2015, and then peaking at a record high of 5361 arrests between 1st January and 31st December 2016.



Graphic 2.2-1: Number of political arrests related to West Papua between 2012 and 2016.

The Indonesian government continues to place strong restrictions on freedom of expression and peaceful assembly in West Papua, particularly with regard to demonstrations on politically sensitive issues, but also to Papua-related political demonstrations outside of the provinces Papua and Papua Barat. Since 2014, one can observe a continuous increase in the number of peaceful demonstrations in which indigenous Papuans expressed their dissatisfaction regarding various issues in West Papua. While ICP documented 14 public assemblies in 2014, the number increased to 24 public assemblies in 2015 and 35 public assemblies in 2016. Simultaneously, the number of political arrests¹ between 2012 and July 2016 has drastically increased from 223 arrests in 2012, to 548 arrests in 2013 and to 1083 arrests in 2015 (see Graphic 2.2-1 above). Out of these 1083 political arrests in 2015, 1015 were related to participation or engagement in peaceful demonstrations. In 2016 the number of arrests related to peaceful assembly peaked at a record high of 5361 between 01 January and 31 December 2016 (see Table 2.2-1 below). The arrests not only occurred during mass

¹ The term political arrest refers to arrests which appear to be politically motivated, and can include arrests which happen in political contexts such as demonstrations or places used by politically active organisations and people; arrests of politically active people or their relatives; arrests of people because of their alleged political affiliations; arrests for political activities such as raising a flag or engaging in civil resistance activities, mass arrests, and politically-motivated arrests under manipulated criminal charges.

demonstrations, but also during gatherings in preparation for demonstrations or as activists were distributing leaflets for peaceful protests. The drastic increase of political arrests in 2016 is, on the one hand related to the aggravation of the government's security policy in West Papua, and on the other hand by an increase in peaceful activities by civil society in the region.

Mass arrests and forceful dispersals² remain security forces' common response to political demonstrations. Thus, ignoring the fact that almost all protests were conducted peacefully and had been registered beforehand at the local police authorities in accordance with national regulations. Many peaceful protests ended with repressive interventions by Indonesian security forces and resulted in unlawful mass arrests. Security forces also committed acts of violence and torture against the protesters during arrest and detention at local police stations. In numerous cases, law enforcement officers targeted university students and journalists, during forceful crack downs on demonstrations (see chapter 2.1.2 on Media Freedom). In 2015, human rights activists reported a case, in which police officers applied excessive force against several catholic priests and journalists during a peaceful demonstration³.

Indonesian law, guarantees freedom of assembly for demonstrations. It requires demonstrators to inform the police beforehand but does not require a permit from the police. However, in

West Papua, the police usually uses the lack of a "police acknowledgement letter" ("Surat Tanda Terima Pemberitahuan" STTP)⁴ in response to a "notification letter for a demonstration" as reason to declare demonstrations illegal. Human rights activists reported a large number of cases, in which the police did not issue a "police acknowledgement letter" (STTP) in order to prevent particular Papuan civil society groups from the enjoyment of their right to freedom of expression. If demonstrations take place without the "acknowledgement letter", security forces frequently disperse protests with the reason that the organizing entity did not receive the STTP. During the reporting period, police officers repeatedly refused to issue acknowledgement letters to Papuan civil society groups, particularly the United Liberation Movement for West Papua (ULMWP), the West Papua National Committee (KNPB), the West Papua National Authority (WPNA), the West Papua National Parliament (PNWP) and the West Papua National Coalition for Liberation (WPNCCL). Members and supporters of these organisations were arrested as they conducted peaceful demonstrations, some of them being tortured, ill-treated and criminally prosecuted. In multiple cases, activists were arbitrarily arrested as they submitted the information letter to the local police station (see table).

On the 1st July 2016, the Papuan Regional Police (POLDA Papua) issued an edict (Maklumat) to limit democratic space and freedom of expression for indigenous Papuans. The edict categorizes various Papuan civil society

2 Forceful dispersals have frequently occurred during the reporting period, e.g. the violent dispersal of a Demonstration by Papuan Students in Jakarta on January the 1st, 2015, and the forceful dispersal of a KNPB Worship gathering in Dekai on March the 13th, 2015, or the KNPB Demonstrations in Jayapura on May the 2nd, 2016.

3 In October 2015 six catholic monks had organized a demonstration in which they demanded a law enforcement process against the security force perpetrators in the Paniai shooting, which caused the death of four students. The monks and other protesters were arrested and intimidated by police officers. They were finally released after police officers detained the monks for one hour in a police truck.

4 Indonesian Government Regulation No. 9/1998 about the Freedom to Expression in Public.

5 POLDA Papua listed the following organizations: Komite Nasional Papua Barat (KNPB), Parlemen Rakyat Daerah (PRD), Negara Republik Federal Papua Barat (NRFPPB), Parlemen Nasional West Papua (PNWP), Organisasi Papua Merdeka (OPM), Tentara Pembebasan Nasional (TPN) and the United Liberation Movement for West Papua (ULMWP)



Image 2.2-1: Protesters during a KNPB demonstration on 31 May 2016. (Source: ELSHAM Papua)

organizations as separatist organizations⁵ in an attempt to criminalize members and supporters of the listed groups.⁶ The edict states that anyone who participates in a demonstration with separatist content may be charged with treason and will receive a criminal record in cases where there is a legal process. The edict has far reaching consequences, particularly for high school or university students, where a criminal record may seriously limit future opportunities with regard to education and employment. The aggravation of the government's security policy in West Papua has affected Papuan student movements such as the Alliance of Papuan University Students (AMP) and the Movement for University Students and the Papuan People (GEMPAR), whose supporters and leaders have repeatedly become victims of intimidation and arrest.

The criminalization of peaceful civil society activists with treason charges is very common in West Papua. Articles 106 and 110 of the Indonesian Criminal Code (KUHP), regulating the crime of treason, are frequently used in cases of prosecution of civil society activists who organize peaceful demonstrations. For 2012, 27 documented cases show how political arrestees were processed according to articles 106 and 110 of the Indonesian penal code (KUHP). The number of prosecutions remained almost constant with 25 cases in 2013 and then raised to 31 cases in 2014. Throughout the past two years, the number of prosecutions under articles 106 and 110 remained constant with 14 cases in 2015 and 15 cases in 2016.

6 E-document: Inilah Isi Maklumat Kapolda Papua Tentang Penyampaian Pendapat Di Muka Umum Yang Resmi Berlaku 1 Juli 2016, Link: <http://www.nabire.net/inilah-isi-maklumat-kapolda-papua-tentang-penyampaian-pendapat-di-muka-umum-yang-resmi-berlaku-1-juli-2016/>

Table 2.2-1: Table of forcefully dispersed demonstrations and peaceful assemblies throughout 2015 and 2016.

Nr. of public Assemblies	Date	Dispersed Demonstrations /Assemblies/Activities	Location(s)	Arrests	Reported Violations
2015					
1	02.03.2015	ULMWP Seminar	Asrama Timika Waena, Jayapura	3	arbitrary arrests
	13.03.2015	raising funds for Cyclone Pam victims in Vanuatu	Timika, Mimika Regency	3	arbitrary arrests
	19.03.2015 to 22.03.2015	Prayer session in commemoration of cyclone victims in Vanuatu	Dekai, Yahukimo Regency	36	arbitrary arrests, torture/ill-treatments, use of excessive force, extra-judicial
2	29.04.2015	demonstration calling for free and open access to Papua for international journalists, human rights observers and humanitarian agencies	Manokwari	4	arbitrary arrests
3	30.04.2015	Arrest during distributions of leaflets for upcoming KNPB Demonstrations	Manokwari	11	arbitrary arrests
	01.05.2015	KNPB Demonstration on Commemoration of 1 Mai 1963	UNCEN Campus Waena, Jayapura	30	arbitrary arrests, torture/ill-treatments
4	01.05.2015	KNPB Demonstration on Commemoration of 1 Mai 1963	Manokwari	217	arbitrary arrests
5	01.05.2015	KNPB Demonstration on Commemoration of 1 Mai 1964	Merauke	15	arbitrary arrests, torture/ill-treatments
6	01.05.2015	KNPB Demonstration on Commemoration of 1 Mai 1965	Kaimana	2	arbitrary arrests
7	15.05.2015	demonstration against palm oil plantation company PT Permata Putera Mandiri (PPM)	Sorong	2	arbitrary arrests
8	20.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Biak	2	arbitrary arrests
9	20.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Jayapura	6	arbitrary arrest
10	20.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Manokwari	75	arbitrary arrests, torture/ill-treatments
11	21.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Biak	17	arbitrary arrests
12	21.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Sentani, Jayapura	27	arbitrary arrests
13	21.05.2015	participation in public discussion related to ULMWP membership status at MSG	Tomohon, North Sulawesi	1	arbitrary arrests, torture/ill-treatments
	28.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Dekai, Yahukimo	2	arbitrary arrests
	28.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Nabire	8	arbitrary arrests
15	28.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Jayapura	52	arbitrary arrests, ill-treatment /torture during arrest
16	28.05.2015	KNPB Demonstration for ULMWP membership status at MSG	Wamena	33	arbitrary arrests
17	03.06.2015	arrest occurred during an indigenous council meeting	Sinapuk	23	arbitrary arrests
	04.06.2015	KNPB Demonstration for ULMWP membership status at MSG	Kaimana	5	arbitrary arrests
	16.06.2015	KNPB Demonstration for ULMWP membership status at MSG	Sorong	1	arbitrary arrest
19	22.06.2015	Collecting donations for KOMNAS HAM investigation on Bloody Paniai Case	Waena, Jayapura	14	arbitrary arrest
	03.07.2015	Prayer Session for ULMWP	Fakfak	40	arbitrary arrest
20	13.08.2015	Demonstration criticizing the poor education system in Papua	Sorong	13	arbitrary arrests
21	08.10.2015	Demonstration by solidarity group for victims of Human Rights violations	Jayapura	18	arbitrary arrests, maltreatment/torture during arrest

22	16.11.2015	demonstration calling for democracy and media freedom	Waena, Jayapura	0	forcefully dispersed, maltreatments
	28.11.2015	Preparation of commemoration prayer session	Oyehe Field, Nabire Regency	17	arbitrary arrests
23	01.12.2015	prayer session in commemoration of 1 December	Oyehe Field, Nabire Regency	32	arbitrary arrests, use of excessive force, torture/ maltreatment
24	01.12.2015	Long march in commemoration of 1 st December	Bundaran HI, Jakarta City	306	Arbitrary arrests, use of excessive force, sexual assault, torture/ maltreatment
2016					
1	05.04.2016	Prayer session for ULMWP participation in MSG meeting	Golgota Church Timika, Mimika regency	15	arbitrary arrests
	12.04.2016	arrests of KNPB members as the group distributed leaflets for an upcoming KNPB demonstration	Dekai, Yahukimo	6	arbitrary arrest
	12.04.2016	preparation meeting for KNPB Demonstration	Kaimana	15	arbitrary arrests
2	13.04.2016	KNPB Demonstration for ULMWP participation in MSG meeting	Provincial Parliament, Jayapura	11	arbitrary arrests
3	13.04.2016	KNPB Demonstration for ULMWP participation in MSG meeting	Sorong	3	arbitrary arrests
	13.04.2016	Arrest occurred during assembly at the KNPB Anim Ha office in	Merauke	13	arbitrary arrests
	25.04.2016	Arrest of KNPB members during registration of planned demonstration at Merauke district police station	Merauke	2	arbitrary arrests
	29.04.2016	arrested as they were distributing leaflets for the KNPB demonstration on May 2, 2016	Jayapura	41	arbitrary arrests
	01.05.2016	Arrest occurred at the KNPB Anim Ha office in Merauke	Merauke	5	arbitrary arrests
4	02.05.2016	KNPB Demonstration in support of ULMWP full membership at MSG, Meeting of ILWP/IPWP forum in London, Commemoration of 1 st May	Merauke	118	arbitrary arrests
5	02.05.2016		Jayapura	1.449	arbitrary arrests, torture/ill-treatments
6	02.05.2016		Wamena	14	arbitrary arrests
7	02.05.2016		Sorong	27	arbitrary arrests
8	02.05.2016		Makassar	42	arbitrary arrests
9	02.05.2016		Semarang	45	arbitrary arrests
10	02.05.2016		Fakfak	40	arbitrary arrests
	28.05.2016	arrests of KNPB members at Dok 2 as the group distributed leaflets for the demonstration on May 31, 2016	Jayapura City	26	arbitrary arrests
	28.05.2016	arrests of KNPB members at Sentani new market as the group distributed leaflets for the demonstration on May 31, 2016	Sentani	24	arbitrary arrests
	30.05.2016	mass arrests during meeting of KNPB members for the preparation of the May 31 st demonstration	Wamena	21	arbitrary arrests, ill-treatment /torture during arrest
	30.05.2016	arrests of KNPB members near the former regency office as they distributed leaflets for the demonstration on May 31, 2016	Dekai, Yahukimo Regency	3	arbitrary arrests, torture/ill-treatment
11	31.05.2016	KNPB Demonstration in support of ULMWP full membership at MSG and release of political prisoners in West Papua	Wamena	112	arbitrary arrests
12	31.05.2016		Sentani	455	arbitrary arrests
13	31.05.2016		Manado, North Sulawesi Province	7	arbitrary arrests, torture/ill-treatments
	10.06.2016	arrests of KNPB members at Dok 2 as the group distributed leaflets for the demonstration on June 15, 2016	Jayapura City	31	arbitrary arrests
	13.06.2016	arrests of KNPB members as the group distributed leaflets for the demonstration on June 15, 2016	Sentani	65	arbitrary arrests, ill-treatment during arrest

	13.06.2016	Arrest of local KNPB members when the group submitted the information letter to the local police	Nabire	4	arbitrary arrest
14	15.06.2016	KNPB Demonstration for the rejection of government human rights investigation team	Jayapura	1004	arbitrary arrests, torture/ill-treatment
15	15.06.2016		Malang, Jawa Timur Province	32	arbitrary arrest
16	15.06.2016		Dekai, Yahukimo Regency	5	arbitrary arrest
17	15.06.2016		Wamena	100	arbitrary arrest
18	15.06.2016		Nabire	4	arbitrary arrest
	12.07.2016	arrests of KNPB members as the group distributed leaflets for the demonstration on July 13, 2016	Mimika Regency	69	arbitrary arrest
19	13.07.2016	demonstration in support of the full membership status for ULMWP in the Melanesian Spearhead Group (MSG)	Merauke	221	arbitrary arrest
20	13.07.2016		Timika City	178	arbitrary arrest, ill-treatment/torture
21	13.07.2016		Sorong	5	arbitrary arrest
22	13.07.2016		Kaimana	15	arbitrary arrest
23	13.07.2016		Dekai, Yahukimo	5	arbitrary arrest
24	15.07.2016	demonstration in support of the full membership status for ULMWP in the Melanesian Spearhead Group (MSG)	Yogyakarta, Jawa Tengah Province	7	arbitrary arrests, torture/ill-treatments, police negligence towards racial discrimination
25	13.08.2016	demonstration criticizing education situation in Sorong	Sorong	13	arbitrary arrest
	13.08.2016	arrests of KNPB members at Entrop and Jayapura city as the group distributed leaflets for the demonstration on August 15, 2016	Jayapura City	44	arbitrary arrest
26	15.08.2016	demonstration in commemoration of the "New York Agreement" on West Papua	Jayapura	100	arbitrary arrests, torture/ ill-treatment
27	15.08.2016	demonstration in commemoration of the "New York Agreement" on West Papua	Jakarta	22	arbitrary arrest
	17.09.2016	arrests of KNPB members at Pasar Lama Dekai, Jl Sudirman city as the group distributed leaflets for the demonstration on September 19, 2016	Dekai, Yahukimo Regency	31	arbitrary arrest, torture/ ill-treatment
28	19.11.2016	Prayer session for the Anniversary of KNPB Sorong	Sorong Municipality	109	arbitrary arrest
29	01.12.2016	Long march in commemoration of 1 st December	Jakarta	203	arbitrary arrest, torture/ ill-treatment
	01.12.2016	Arrest occurred as the KNPB members were painting the inner walls of the local KNPB office using the colors of the morning star flag	Sentani, Jayapura Regency	5	arbitrary arrest
30	01.12.2016	Demonstration for the commemoration of 1 st December	Yogyakarta, Jawa Tengah Province	14	arbitrary arrest
	09.12.2016	Arrests as activists were distributing leaflets for the commemoration of international human rights day	Jayapura municipality	31	arbitrary arrest
	18.12.2016	arrest of KNPB members and their families including women and children in the local KNPB office	Wamena, Jayawijaya Regency	62	arbitrary arrest, torture/ill-treatment
	19.12.2016	arrest of KNPB members and their families including women and children in the local KNPB office	Wamena, Jayawijaya Regency	165	arbitrary arrest, torture/ill-treatment
31	19.12.2016	arrest of Papuan protestors during peaceful demonstration for the commemoration of the first Indonesian military invasion in 1961.	Nabire	75	arbitrary arrest

32	19.12.2016	and in support of full membership status of the ULMWP	Merauke	126	arbitrary arrest
33	19.12.2016		EXPO Waena, Jayapura Municipality	37	arbitrary arrest, torture/ill-treatment
34	19.12.2016		Manado, Sulawesi Utara	85	arbitrary arrest
35	19.12.2016		Gorontalo, Sulawesi Utara		arbitrary arrest
				TOTAL 2015	1015
				TOTAL 2016	5361
				TOTAL	6376

Recommendations

- Issue a standing invitation to the UN Special Rapporteur on the Freedom of Expression. The invitation should allow the special procedures mandate holder to visit West Papua for an assesment regarding the situation of freedom of expression in the region.
- Recognize the freedom of expression, opinion and peaceful assembly as stated in the International Covenant on Civil and Political Rights.
- Conduct adequate trainings to civil servants working in government institutions and administration which should aim to increase the understanding of the government's obligation to respect, protect and fulfill the freedom of expression, opinion and peaceful assembly as well as the right to self determination.
- Develop and enforce policies that ensure the role of the police as protector of the right to peaceful assembly and expression of political opinions, particularly in the provinces of Papua and Papua Barat
- Revise bills and regulations that threaten democracy and human rights protection, such as the latest changes adopted to the national law on mass organizations, Emergency Law 12/1951, Articles 106 and 110 on treason, and Article 160 on incitement of the Indonesian Criminal Code KUHP.
- Take measures to ensure that national regulations such as Articles 106 and 110 on treason, Article 160 on incitement of the Indonesian Criminal Code, and Emergency Law 12/1951, are not misused to limit freedom of information, freedom of peaceful assembly, freedom of expression and freedom of opinion in West Papua or to criminalize civil society activists.
- Review Article 4 (2) of Presidential Decree No. 63 Year 2004, which enables police to request support from military in law enforcement operations, since this practice is obstructing the legal prosecution of perpetrators from security forces and contributes to a climate of impunity in West Papua.

2.3 Human Rights Defenders

The pattern of cases throughout 2015 and 2016 shows that the government has not yet achieved any significant improvement in the protection of human rights defenders. Even though the number of reported cases decreased in 2016, human rights defenders in West Papua live in fear of being subjected to coercive measures, aiming to obstruct their work, including surveillance, criminalization, treason-stigmatization and threats to physical integrity. This restrictive environment for human rights defenders in West Papua is fueled by widespread impunity and the lack of adequate government policies protecting human rights defenders. Perpetrators responsible for acts of intimidation and threats are not held accountable by the respective government agencies. A high number of cases in remote areas remain unreported due to a lack of infrastructure and missing links to human rights advocacy and legal aid services. These resources exist only in urban areas. Up to now international human rights organizations face considerable access restrictions.

During the past four years the number of cases of intimidation and attacks against human rights defenders increased from three in 2012 to five in 2014. In 2015, ICP documented five such cases. Human rights defenders reported two such cases throughout 2016. The killing of Papuan human rights defender Roberth Jitmau in 2016 (see below) was the most violent act against a human rights defender during the reporting period and drew the attention of the local media in West Papua. However, all the above mentioned cases were reported in large cities of West Papua, where many local human rights organisations are based and the network of human rights defenders is better developed. This indicates the probability that a high number of cases in remote areas remain unreported due to a lack of infrastructure and missing links to human rights advocacy and legal aid services, which exist only in urban areas. In remote areas of West Papua, human rights defenders have to deal with a shortage of basic resources and

a particularly high risk due to a heavy military presence. Moreover, international human rights organizations, which could contribute to increase the effectiveness in addressing violations against human rights workers, are still banned from West Papua.

Human rights defenders in West Papua are subjected to various coercive measures, aimed at obstructing their work. These measures include surveillance, criminalization, treason-stigmatization, threats and attacks on their physical integrity. Similar acts may be applied to journalists, public figures, religious leaders, university students and civil society activists. Especially lawyers, providing legal services to Papuan activists being charged with treason, have become victims of intimidation and physical attacks during the past few years. It is conspicuous that the majority of such cases occurred in Wamena, Jayawijaya Regency¹. In none of the cases did the Wamena district police take serious measures to prosecute the

¹ The most severe cases of threats and physical violence against human rights defenders during the past several years were reported from Wamena, such as the knife attack against Human rights lawyer Anum Siregar in September 2014 and the threat against human rights lawyer Olga Hamadi in 2012. Repeated attempts to lawsuit Wamena police members for their involvement in human rights violations have ended to the advantage of state agents.

perpetrators. This failure on the part of the police is representative of the widespread impunity that exists in West Papua.

Common measures used to criminalize human rights defenders are often camouflaged by misusing article 310 of the Indonesian criminal code (KUHP) regulating humiliation, or law No. 11/2008 on Electronic Information and Transaction (UU ITE). Both laws have negative impacts on the safety of human rights defenders and the effectiveness of their work. During these past years, regulations covering human rights defenders have become more strict whilst the government is actively restricting access to West Papua for international NGOs, journalists and humanitarian organizations. Moreover, there is a deficit in particular legal protections through adequate government policies and laws to safeguard human rights defenders against repressive acts.

In May 2016, Papuan human rights defender Robert Jitmau, commonly known as “Rojit” together with Nehemia Yarinap and Melianus Duwita —two other human rights activists— was hit by a car in Jayapura. Rojit died instantly. The perpetrator was later arrested by the police, but the incident was legally processed as a traffic accident. Many human rights activists suspect that the police tried to cover-up a deliberate attack against a human rights defender as a traffic accident. The suspicion was additionally fueled by multiple inconsistencies during the police investigation and law enforcement process² (see also chapter 2.4).

Cases:

► In May 2015, Wamena based human rights defender Theo Hesegem received multiple threatening text messages from an unknown number and phone calls from the Chief of the Jayawijaya Regional Police, Semmy Ronny

Thabaa, after he protested against the arrest and torture of a Papuan man named Serry Logo. One unknown text message stated “Don’t expose the torture case. Just because you are a human rights defender, you don’t know when it’s going to be your turn to be tortured and experience the same misery.” When Hesegem complained about the torture case, the police chief himself threatened to torture him and demanded that he should not interfere in the case.

► On the 21st June 2015, Theo Hesegem was threatened after he assisted Roby Erik Pekei, who was shot down by members of Jayawijaya district police. Roby’s family had asked Theo Hesegem to accompany them during a hospital visit, where they met with the Deputy Chief of Jayawijaya Police. Later, the Head of Jayawijaya Regional Police, Semmy Ronny Thabaa, arrived at the hospital and ordered Theo to leave. On the 4th July 2015, Thabaa was quoted in an article in the local newspaper Cenderawasih Post, in which he commented on the hospital visit and called Theo Hesegem a “provocateur”.

► On the 28th June 2015, Theo Hesegem was denied to visit several members of the West Papua National Committee (KNPB), who were detained at the Jayawijaya regional police station in Wamena. Theo Hesegem intended to provide para-legal assistance to the KNPB members. The arrest occurred because the political activists had planned to organize a peaceful demonstration in Wamena, Jayawijaya regency. Theo Hesegem, along with three other activists were asked to leave by the Jayawijaya police chief. They were driven out of the police station for not having a lawyer’s license.³

► On the 22nd July 2015, police officers blocked the office of human rights organisation Papua Lotus Heart Foundation (YTHP), and reportedly threatened Rev. John Jongga, the organisation’s Director.

2 Antara News (23.05.2016): Kapolres Jayapura Kota tegaskan Robert Jitmau tewas akibat lakalantas, e-document: <http://www.antarapapua.com/berita/455527/kapolres-jayapura-kota-tegaskan-robert-jitmau-tewas-akibat-lakalantas>

3 Papuans behind Bars (04.08.2015): Papuan HRD threatened by local Police, e-document: <http://tapol.org/news/papuan-hrd-threatened-local-police>

► On the 28th July 2015, Mrs Anum Siregar, a lawyer of the local human rights organisation Democratic Alliance for Papua (ALDP) and human rights defenders from the Central Papuan Highlands Coalition for Peace, Law and Human Rights (JAPH-HAM) accompanied a victim named Roby Pekey during a pre-trial hearing in Wamena District Court. Information received from JAPH-HAM stated that the pre-trial hearing was attended by dozens of police officers, reportedly set up to intimidate Roby Pekey's lawyers and other human rights defenders at the court. Police investigators publicly stated that they "had to finish" human rights lawyer Anum Siregar prior to the trial⁴. During the trial this statement was simply downplayed, regardless of the fact that Anum Siregar had already been attacked and injured with a knife in September 2014. The incident occurred, as Anum Siregar was handling a high profile pre-trial hearing against the head of district police Jayawijaya in Wamena.



Image 2.3-1: Pre-trial at the District Court in Wamena.

► On the 20th May 2016, around 05.00, Dolfinus Abrami Zeifan (28 years) crashed into Papuan human rights activist Roberth Jitmau, commonly known as "Rojit", as he was sitting on the road side with two other human rights activists named Nehemia Yarinap and Melianus Duwita at the ring road in Hamadi, Jayapura City. The crash caused the instant death of Roberth

Jitmau. Nehemia Yarinap and Melianus Duwita were seriously injured during the incident. Many human rights activists suspect that the police tried to cover-up the incident as a traffic accident. The suspicion was fueled by multiple inconsistencies during the police investigation and law enforcement process (see also chapter 2.4 on Extra-judicial Executions).⁵

► On the 3rd September 2016, several police officers in leading positions bothered human rights lawyer Yan Christian Warinussy while he was accompanying four KNPB activists named Alexander Nekenem, Maikel Aso alias Othen Gombo, Narko Murib alias Nopinus Humawak, and Yoram Magay. The political activists were released from state prison IIB Manokwari that day. Warinussy and companions were on their way from the prison to the office of a local human rights organisation LP3BH, when the head of the sub-district police, AKP Suroto and another police officer named Nirwan Fakaubun, approached them and requested that they follow them to Gunung Salju Fanindi Street, where police forces had intercepted KNPB supporters and the activists' family on their way to the prison. Yan Christian Warinussy rejected the request because he had already planned to hold a press conference at the LP3BH office. During the press conference Mr Warinussy was bothered a second time by the head of Manokwari District Police, Mr Christina Roni Putra, who called Warinussy on his phone, demanding that the press conference be shortened.

4 Papuans Behind Bars (01.08.2015): Human rights defenders and lawyers from Coalition threatened, e-document: <http://www.papuansbehindbars.org/?p=3546&lang=en>

5 *Antara News* (23.05.2016): Kapolres Jayapura Kota tegaskan Robert Jitmau tewas akibat lakalantas, e-document: <http://www.antarapapua.com/berita/455527/kapolres-jayapura-kota-tegaskan-robert-jitmau-tewas-akibat-lakalantas>

Recommendations:

1. Take active steps to stop all acts of intimidation, harassment and physical violence against human rights defenders and journalists in West Papua and ensure that all perpetrators are held prosecuted in public and fair trials.
2. Implement the following recommendations issued by the UN Special Representative of the Secretary-General on the Situation of Human Rights Defenders, after her visit to Papua in 2007, namely:
 - “90. The Special Representative recommends that legislation and procedures be instituted to prevent the prosecution of human rights defenders aimed at their harassment for conducting activities that are legitimately a part of their function for the defence of human rights. For this purpose, it is important also to sensitize judicial and prosecutorial officials as well as the police so that human rights activities are not criminalized.”
 - “92. The Special Representative particularly recommends that better system of coordination and support be created within Komnas HAM in order to ensure that regional representatives are able to operate effectively. They must receive full and timely support of the Commission if there is interference in their functioning or they are at risk in their regions.”
 - “93. The Special Representative notes that there are no standard operating procedures that ensure interaction with civil society in the work of Komnas HAM. By involving civil society and using its expertise in inquiries, national human rights institutions would endorse the legitimacy of the work of human rights defenders and contribute to recognition of their role.”
 - “96. The Special Representative urges the Ministry for Law and Human Rights to give more visibility to local human rights committees and to allow interaction with human rights defenders whose voices should be heard before these committees.”
 - “99. [...] The Special Representative is concerned that the draft Intelligence Act may not sufficiently address the lack of accountability of intelligence services in order to ensure prevention of abuse. She therefore urges a review of the draft law to ensure its efficacy in this regard.”
 - “100. The Special Representative also urges the Government to review administrative procedures in order to remove restrictive regulations that impede the right of defenders to freedom of assembly and of association.”⁶

⁶ Human Rights Council, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Ms. Hina Jilani, A/HRC/7/28/Add.2 (28th January 2008) , p. 52f

2.4 Extra-judicial and Arbitrary Executions

During the years 2015 and 2016 local human rights defenders reported a total number of 16 cases of extra-judicial and arbitrary executions, resulting in the deaths of 20 victims. In comparison to the previous years the number of annual cases and victims remained constant. These numbers indicate that the human rights situation with regard to extra-judicial killings has barely changed throughout 2015 and 2016. Of the 16 reported cases, only three cases resulted in the prosecution of perpetrators. The low number of legal prosecutions is a clear sign that the government of Indonesia still fails to implement an effective legal framework to hold perpetrators of extra-judicial killings accountable.

Excessive use of force and the inappropriate use of firearms by security forces remain the major reason for the majority of extra-judicial and arbitrary executions throughout 2015 and 2016. Physical violence is often applied as punishment or in revenge for acts against security force members. A smaller number of cases occurred in response to peaceful political activity or political affiliation of the victims to pro-independence groups¹. The annual number of reported extra-judicial and arbitrary executions between 2012 and 2016 did not show significant changes, although the number of annual documented cases varied slightly². The Indonesian government and its national law enforcement and human rights mechanisms still fail to tackle the widespread climate of impunity in West Papua. Hence, security force perpetrators do not hesitate to use fire arms and weapons in situations, which could be handled by means of de-escalation, without leading to fatalities. Victims of state violence are often taken to police or military hospitals. Police and military in Papua make use of these facilities to cover up cases of extra-judicial killings and torture. In the past,

victims and family members have repeatedly complained about insufficient medical services for injured victims and restricted access for their family members.

During the reporting period local human rights defenders reported a total number of 16 cases of extra-judicial killings, resulting in the deaths of 20 victims. The cases were committed equally by members of military and the police. In various cases, it was unclear whether perpetrators were police officers or military personnel, since the malpractice of deploying police and military personnel in joint security operations is still commonly applied in West Papua. Especially the so called “sweeping operations” are carried out by joint security forces and frequently lead to arbitrary executions and torture. The security forces affiliation of perpetrators is relevant for the legal process, since military personnel are excluded from prosecution in public trials. Accordingly, the deployment of joint security forces obstructs the legal prosecution of security force perpetrators and contributes to the climate of impunity in West Papua.

1 Some major case examples of extra-judicial killings due to excessive use of force by security forces were the killing of KNPB activist Deni Pahabol in Dekai on March the 6th, 2015, the sweeping operations in Dekai on March the 20th, 2015, the torture of Ricko Wambo which resulted in the death of the victim in November 2015, the crack-down on a flag raising ceremony in Yapen on December 1st, 2015, and the Killing of Owen Pekey in Nabire on May the 27th, 2016.

2 ICP documented 11 cases of extra-judicial killings in 2012, 6 cases in 2013, 8 cases in 2014, 10 cases in 2015 and 6 cases in 2016

Of the 16 reported cases of extra-judicial killings between 2015 and 2016, only one case was legally processed by a military court.³ Considering the low number of prosecutions throughout the reporting period and during previous years, Indonesia still fails to implement an effective legal framework, holding perpetrators of torture and extra-judicial killings in West Papua accountable. The majority of extra-judicial and arbitrary executions in 2015 and 2016 were not investigated by the national human rights commission KOMNAS HAM RI or legally processed by the national human rights court (Pengadilan HAM). This is related to its mandate, stating that only cases which have been part of a systematic, structured and widespread attack against civilians may be processed.⁴ For this reason, cases of extra-judicial and arbitrary executions by police members are regarded as common criminal offenses and are therefore investigated by the police itself. Such investigations may not be considered as independent and impartial because security force perpetrators enjoy the protection of their respective state agencies. As a result, police and military investigations on human rights violations usually do not lead to the prosecution of perpetrators.

During the past four years more than 10 pupils, most of them minors, have been killed by Indonesian police and military members,

e.g. during incidents in Timika⁵, Paniai and Sugapa.⁶ Promises by state agencies and law enforcement bodies to handle such cases and hold perpetrators accountable have not been fulfilled. In all reported cases of extra-judicial executions throughout the reporting period, the victims were indigenous Papuans. This indicates that the indigenous population is more likely at risk of becoming victims of state violence due to racial discriminative prejudices amongst Indonesian security forces in West Papua.⁷ The authorities cover up these cases by forwarding them to criminal investigation police units or non-transparent internal investigation bodies, such as PROPAM in the case of the police.

The majority of cases of arbitrary and extra-judicial executions throughout 2015 and 2016 were not related to political activity seeking Papuan independence. The “overall picture of cases” is dominated by a general pattern in which incidents were initiated by complaints from civil society members to the police or military.⁸ Commonly, non-Papuan residents making complaints against indigenous Papuans who were drunk and considered as disturbing public safety and public order. Heavy ill-treatment and extra-judicial executions most commonly occur because police and military members fail to respond professionally in such situations.⁹

3 During the trial at the military court III-19 in Jayapura, the perpetrator Sergeant Anshar was sentenced to nine years in prison and Imanuel Imbiri to a three year prison sentence. Two other perpetrators, first Pvt. Makher Rehatta and Chief Pvt. Gregorius B Geta, were sentenced to twelve and three years imprisonment respectively. All perpetrators were dismissed from military service.

4 The definition is stated in article 9 of regulation UU No. 26 tahun 2000 tentang pengadilan Hak Asasi Manusia (UU Pengadilan HAM)

5 On the 28th September 2015 Indonesian police officers killed vocational high school student Kalep Zera Bagau (18) and seriously injured his class mate Efrando I.S. Sabarofek (17) with bullets in Timika City, Papua province.

6 On the 25th August 2016, senior high school student Otinus Sondegau was deadly injured by bullets the highland city Sugapa, Intan Jaya regency. Members of the police mobile brigade had opened fire at Otinus and three other friends because they were drunk in public. The officers killed Otinus in front of his house after he had tried to run away.

7 On the 17th July 2015, at 08.30, an unknown number of military members opened fire on a group of approximately eleven youth members of the GIDI Church, as they wanted to discuss the use of speakers with the local muslim community, whose members were currently praying. The shooting caused the death of Endi Wanimbo. (15 years), ten other youth members were seriously injured by bullets, namely Amaten Yikwa, Keratas Togolom, Erandinus Yikwa, Yulianus Lambe, Perinus Wanimbo, Aitelu Wenda, Ares Kogoya, Alesi, Yetimbuluk Yikwa, Edison Pagawak.

8 On the 18th September 2014, John Agapa was shot dead by a military person in Nabire. According to an eyewitness a truck driver had reported John Agapa to the local military base, because he and a friend had set up a road block, asking passing vehicles for compensation payments for John's pig, which had been hit by passing vehicle.

9 On the 30th April 2013 local residents in Aimas, Sorong regency, had gathered to commemorate the 1st May, when West Papua was firstly integrated into the Indonesian state. At 20.00 security forces approached the location and dispersed the assembly while releasing warning shots. Later security force officers indiscriminately opened fire at the crowd killing Abner Malagawak and Thomas Blesias who both died on the spot. Another resident died several days later in the hospital due to bullet injuries.

The cases indicate that security force members try to resolve disputes by using exaggerated authoritarian behavior and violence instead of following a de-escalating approach. In multiple cases this behavior has led to conflict escalation and resulted in the unnecessary use of fire arms¹⁰.

Cases:

► On the 6th March 2015, 17-year-old high school student and KNPB activist Deni Pahabol was murdered and his body dumped in a river in Yahukimo regency. Two days prior to the incident, Deni Pahabol had led a peaceful KNPB march in support of Free West Papua Campaign advocacy activities in South Africa. It is believed that Deni Pahabol was attacked by Kopassus special forces while he was on his way to the KNPB Secretariat in Yahukimo. Local activists reported that he was tortured and beaten with stones. His body was then dumped in the Brazza river, where a fisherman found Deni Pahabol's body four days later at Patipi village, near the border of the neighboring Asmat regency.¹¹



Image 2.4-1: Deni Bahabol's body after being found at Patipi Village.

► On the 20th March 2015, joint security forces repeatedly opened fire during a large sweeping operation in Dekai, the regional capital of Yahukimo regency. Security forces shot Obangma Sekenil (58 years) in the left leg as they searched his house at Paradiso residential area. The incident happened at 14.00 approximately. Subsequently, Obangma Sekenil was brought to Dekai General Hospital, where he died the same day. The sweeping operation was conducted to track down members of the political pro-independence movement KNPB. The operation was related to the crackdown on a worship ceremony for the victims of cyclone Pam in Vanuatu, which had been organized by KNPB members the previous day.¹²



Image 2.4-2: Obangma Sekenil at General Hospital in Dekai.

10 On the 28th August 2015, two military personnel named Makher and Ashar released shots at a group of indigenous Papuans in Ahmad Yani Street, Timika City, Mimika Regency, Papua Province. The shooting was an act of revenge because one of their comrades was beaten by several residents in Koperapoka village because the man had disturbed a tribal ceremony. The retaliation resulted in the deaths of Imanuel Herman Mairimau (23) and Yulianus Okoware (23). Five other persons named Sedangkan Thomas Apoka (24), Martinus Imaputa (17), Moses Emepu (24), Martinus Afukafi (24) and Amalia Apoka (female, 19) were seriously injured by bullets.

11 Papuans Behind Bars (March 2015): March 2015: Plans for increased Brimob presence as new cases of violence emerge, e-document: <http://www.papuansbehindbars.org/?p=3414> & Local Human Rights Defenders (12.03.2015): Pembunuhan Misterius Anggota KNPB Wilayah Yahukimo, e-document: <https://ericsonsuhun.wordpress.com/2015/03/12/pembunuhan-misterius-anggota- knpb-wilayah-yahukimo/>

12 Local Human Rights Defenders (01.04.2015): Laporan Kronologi, Pembubaran Paksa Aksi Ppenggalangan Dana Kemanusiaan Bencana Di Vanuatu Oleh BRIMOB Dan Polisi Pada 19-25 Maret 2015, e-document: http://suarabintangtimur.blogspot.co.id/2015/05/laporan-resmi-knpb-yahukimo-terkait_38.html

► On the 25th June 2015, Yoteni Agapa (19 years), Melianus Mote and four friends were setting up a roadblock near Ugapuga Village, Kamu Timur District, Dogiyai Regency, because they intended to collect donations as compensation for their dog which had been killed the same day by a passing vehicle. At approximately 22.00, several mobile brigade members in plainclothes approached the road block in a black Toyota Avanza. One of the police officers directly opened fire on Yoteni Agapa, hitting him in the chest twice. As his friends tried to escape, the officer released several further shots, two of them hitting Yoteni Agapa in the right hand and his friend Melianus Mote (21 years) in the right wrist. After going 20 meters Yoteni Agapa collapsed in the middle of the main road, while his other friends managed to flee into the jungle. One of Yoteni Agapa's friends witnessed that the mobile brigade officers surrounded Yoteni Agapa and began to kick and hit him with their rifle butts. One officer stabbed Yoteni Agapa with his bayonet into the bullet wounds, to manipulate the bullet tracks.¹³

► On the 17th July, 2015, at 20.30, military personnel of the Koramil 1702 Military Base opened fire on a group of Papuans consisting of members of the Evangelical Church in Indonesia (GIDI). The group had come to the military base to discuss the use of speakers for Idul Fitri prayers, which was being held nearby and simultaneously to a GIDI youth gathering. Endi Wanimbo, a 15 year old youth was shot and died on the spot. The bullet pierced the boy from behind, entering his lower back and exiting through his lower abdomen. Ten other victims were shot and seriously wounded (see chapter 2.5 Torture and Ill-treatment) and had to be evacuated to Jayapura Dok II Public Hospital for medical treatment.¹⁴



Image 2.4-3: Yoteni Agapa's body and one of the bullet cases which his friends found at the site of crime.

► On the 28th August 2015, at 02.00 East Indonesia Time (EIT), Sergeant Asher an infantry military person from Military District Command 1710 opened fire on a group of Kamoro tribesmen during a customary drum ceremony carried out at a church yard in Timika City. The shooting caused the deaths of Imanuel Herman Mairimau (23 years) and Yulianus Okoware (23 years). These arbitrary executions were carried out as acts of revenge for two military members, who had been beaten by some Kamoro members because the soldiers were drunk and disturbed the tribal ceremony. Imanuel Herman Mairimau's neck was pierced by a bullet leading to instant death. Yulianus Okoware died the same day at Mimika General Hospital due to blood loss caused by a

13 JPIC KINGMI Papua (26.06,2015): Aparat polisi Brimob yang menggunakan Pakai Preman dari Waghete Kabupaten Deiyai menembak Mati Yoteni Agapa 19 Tahun di Kotubado, Desa Ugapuga, Distrik Kamu Timur, Kabupaten Dogiyai, Propinsi Papua.

14 JPIC Desk of GKI Di Tanah Papua (18.01.2016): Laporan Naratif Insiden Tolikara Pembakaran dan Penembakan



Image 2.4-4: Imanuel Herman Mairimau and Yulianus Okoware's dead bodies at the mortuary of Timika General Hospital.

bullet wound in his lower abdomen. Five other tribesmen named Martinus Apokapo, Thomas Apoka, Moses Impu, Martinus Imaputa and Amalia Apoka were seriously injured by bullets (see chapter 2.5 Torture and Ill-treatment).¹⁵

► On the 28th September 2015, at 19.00, EIT Indonesian Police Forces killed a vocational high school student named Kaleb Zera Bagau (18 years) at a residential area in Timika, known as Biak complex. The incident occurred as a group of young men were vandalizing the house of a police officer, who had tortured one of the young men at the Timika District police station due to allegations of theft. As three police officers approached the location, the group attacked the officers with stones, upon which the police officers opened fire on the young men. Kaleb Zera Bagau was hit by a bullet in the chest and died on the spot. Six other men

named Efrando Sabarofek, Yanto, Bastian Korwa, Dewina Selegani, Hebel Jagani and Koni Bagau were seriously injured with bullet wounds (see chapter 2.5 Torture and Ill-treatment).¹⁶



Image 2.4-5: Kaleb Zera bagau's dead body in the mortuary of Mimika General Hospital.

15 JPIC GKI (03.12.2015): Indonesian Military Member Shoots 2 Papuans and severely injures 4 Papuans from Kamoro Tribe in Timika.

16 Independent human Rights Defender (08.01.2016): *Kasus Penembakan Polisi Terhadap Warga Sipil di Gorong-Gorong Timika 28th September 2015*, e-document: <https://seruivoicenews.wordpress.com/tag/ham/>

► On the 30th October 2015, at 14.00, EIT officers from Merauke District Police shot Emerikus Konakaimu (19 years) at Yobar residential area. The bullet pierced Emerikus' legs from his left to his right thigh as he attempted to run away from the police officers. Later Emerikus died of blood loss in the public hospital. The officers came to Yobar because they had received a complaint from a motorcycle owner whose motorbike had been forcefully taken by Emerikus and his friends. The group of young men had stopped the owner of the motor cycle under the influence of alcohol and used the bike to buy drinks. Even though Emerikus and his friends returned the bike and paid him some money, the owner filed a complaint at the local police station.¹⁷



Image 2.4-6: Burial of Emerikus Konakaimu.

► On the 9th November 2015, at 17.00, EIT Ricko Wambo the head of the political pro-independence movement KNPB for Mamberamo Tengah, died at Abepura Hospital due to effects of severe torture. Ricko Wambo was tortured by members of the police mobile brigade in Kobakma village, Mamberamo Tengah Regency three months prior to the date of his death. The officers had accused him of planning a boycott of an Indonesian independence day commemoration. Mobile Brigade officers stopped Ricko Wambo as he was riding his motor cycle and dragged him off the bike. The perpetrators punched and kicked Ricko until he had bruises all over his

17 Independent human Rights Defender (31.10.2015): Seorang Pemuda Asal Suku Boupram (Mappi) Ditembak mati Oleh Anggota Polisi, e-document: <http://nestasuhunfree.blogspot.co.id/2015/10/seorang-pemuda-asal-suku-boupram-mappi.html>



Image 2.4-7: Picture of Ricko Wambo taken at the burial ceremony.

body. One officer hit Ricko on his head and his back repeatedly with his rifle butt.¹⁸

► On the 1st December 2015, at 06:00, EIT, joint security force members from Yapen Regional Police and Military District Command 1709 conducted a patrol in Wanampompi village in Angkaisera District, Yapen Island Regency. Yonas Manitori, a local villager, was shot and died on the spot when he approached the convoy and asked about the purpose of the patrol. When other villagers attempted to help Yonas Manitori, security forces reacted by firing shots at them. Two villagers named Herik Manitori

18 Independent human Rights Defender (10.11.2015): Ricko Meninggal Karena Penyiksaan Yang Di Alami dan Telah Makamkan di Pekuburan Umum Tanah Hitam, e-document: <http://suarapasema.blogspot.co.id/2015/11/ricko-meninggalkarena-penyiksaan-yang.html>

and Yulius Robaha were hit by bullets and died later. Herik Manitori and Yulianus Robaha were both dragged onto police trucks and tortured to death. Herik Manitori's stomach was torn open with a bayonet blade and his eyes were damaged by an unknown instrument of torture.

The type of torture faced by Yulianus Robaha is also unknown. The shooting also caused the death of another villager named Darius Andiribi. During the incident eight other villagers were seriously injured (see chapter 2.5 Torture and Ill-treatment).¹⁹

Table 2.4-1: Table of dead victims at shooting in Wanapompi.
(Source: JPIC GKI Di Tanah Papua)

No.	Name of Victims	Age	Gender	Information
1	Yonas Manitori	42	male	bullet wound in the lower abdomen
2	Darius Andirini	56	male	shot in the chest
3	Herik Manitori	45	male	shot in the leg, forced onto a truck and tortured. His stomach was torn open and his eyes were damaged by an unknown method of torture
4	Yulianus Robaha	56	male	shot at close range on both thighs, dragged onto a truck and tortured



Image 2.4-8: Herik Manitori's body at Mortuary of Serui General Hospital.



Image 2.4-9: Yulianus Robaha's body after the shooting.



Image 2.4-10: Picture of Darius Andiribi's body, taken at the burial ceremony.



Image 2.4-11: Picture of Yonas Manitori's body, taken at the burial ceremony. (Source: Independent Human Rights Defenders)

19 JPIC GKI Di Tanah Papua (21.01.2016): Penembakan di kampung Wanapompi-Yapen 1 Desember 2015 dan Aparat Gabungan TNI POLRI Memukul dan Menangkap Puluhan Masyarakat Asli Papua di Oyehe Nabire Papua & Independent Human Rights Defenders (17.01.2015): Kronologis Penembakan Negosiasi oleh Aparat Militer Gabungan TNI/POLRI di Kampung Wanapompi Distrik Anggaisera-Kabupaten Kepulauan Yapen Saat Memperingati HUT Kemerdekaan Bangsa Papua Barat ke 54 (01 Des 1961–01 Des 2015).

► On the 20th December 2015, at 22.00, EIT a member of the Indonesian military unit Yonif 411/Raider killed palm oil laborer Marvel Doga (22 years) near the office of the Indonesian Palm Oil Company, PT. Tandan Sawita Papua in Kebun 5 Raflesia, Arso Timur District, Kerom Regency. Marvel Doga and other protesters had gathered in front of the company's head office to protest about their unpaid Christmas holiday allowance. As company representatives were unable to de-escalate the situation, they reported the incident to the nearby military post. Thereupon, a group of approximately ten military personnel approached the location and opened fire on the protesters. One of the bullets hit Marvel Doga in the thigh. Marvel died of blood loss on the way to Kwaingga hospital in Arso Swarkasa.²⁰

► On the 24th April 2016, around midnight, several members of the Wamena district police and satpol PP police unit severely maltreated Arnold Alua (23 years) at Balim Cottage housing compound, Wamena, Jayawijaya Regency. A witness saw the officers as they dragged Arnold Alua out of a house while punching him. After that he was taken outside the housing compound, where the police officers continued their ill-treatment of him. Arnold Alua died on the 25th April 2016 due to the injuries he suffered from the maltreatment. When the family took his body from the hospital, they found a severe wound and blood on the back of Arnold Alua's head. Mr. Rustam Haji Musa, the Chief of Satpol PP police unit in Jayawijaya Regency made a statement denying that his men had ill-treated Arnold Alua.²¹



Image 2.4-12: Picture of Arnold Alua's body, taken at the burial ceremony. (Source: Jubi)

► On the 4th August, 2016, Nambiek Balingga (45 years) was allegedly killed by an officer of the Police Mobile Brigade near the junction of Mangkelik Bahabol street and Kurima street in Yahukimo regency. A Brimob truck had collided with a black Toyota Avanza in which Nambiek Balingga was one of the passengers. Subsequently, two mobile brigade officers jumped out of the truck and began to beat Nambiek Balingga causing the victim's death on the spot. A medical examination of Balingga's body the Yahukimo General hospital came to the result that his death was caused by a strike to the temple area of his head using a blunt object. The examination revealed that Nambiek Balingga also suffered a broken jaw and a broken rib.²²

► On 27th August 2016, at 10 am, four high school students, Noverianus Belau, Luter Japugau, Hans Belau and Otinus Sondegau were drinking alcohol near the Trans-Papua road in Sugapa. As a motorcycle taxi passed them, the young men stopped the motorbike and asked the driver for cigarettes. The driver reported the incident to the local police mobile brigade unit (Brimob) upon which five Brimob officers went to the location of the incident. A heated argument between the pupils and the officers occurred. Instead of de-escalating the situation, the Brimob officers

20 Antara News (21.12.2015): Seorang warga Papua tewas ditembak oknum TNI, e-document: <http://papua.antaranews.com/berita/453309/seorang-warga-papua-tewas-ditembak-oknum-tni>

21 Franciscans International (03.05.2016): Urgent Appeal, Indonesia: The arbitrary arrest of activists in West Papua

22 Tabloid Jubi (16.08.2016): Keluarga Menduga Nambiek Balingga Dibunuh Oknum Brimob, e-document: <http://tabloidjubi.com/2016/08/16/keluarga-menduga-nambiek-balingga-dibunuh-oknum-brimob/>



Image 2.4-13 and 2.4-14: Otinus Sondegau after being shot by Brimob Police officers. (Source: JPIC KINGMI Papua)

drew their guns, threatening to shoot the high school students. Luter and Hans succeeded in escaping to safety, whereas Noverianus Belau was shot in the hand.

Otinus Sondegau ran towards his house in Yogasiga, while the Brimob guards chased after him. As Otinus Sondegau reached the yard of his house the police officers released four shots: Three bullets hit Otinus in the back. A further bullet pierced his right shoulder causing Otinus' death on the spot. After the incident the Brimob officers continued to shoot indiscriminately at

bystanders, almost hitting Felex Sondegau and other local residents. The victim's family and the local community reacted to the incident by burning the Sugapa Police Station to the ground.²³

On the 7th October 2016, five police officers from the local mobile Brigade unit were sentenced to minor detention sentences for the "inappropriate use of firearms". Jackson Simbiak, Eduardo Ansanay, Thom Mathias Wanmarina and Yudi Sahi were sentenced to 21 days of detention while their colleague Jefri Irianto Yohanes received

23 KPKC Kingmi Papua (31.08.2016): Laporan Verifikasi Penembakan Siswa Otinus Sondegau oleh Brimob Detasemen C Biak yang ditugas Sugapa di Halaman Rumahnya Yogasiga di Sugapa, Intan Jaya, Papua

a one year imprisonment sentence. Several officers lost their rank as commanders. None of the perpetrators was released from their office as law enforcement agents.²⁴

► On October the 26th, 2016, at approximately 23.00, EIT, Police forces from Manokwari local police opened fire at a group of protesters who had built a roadblock and burned car tires at Yos Sudarso Street, Sanggeng area, Manokwari. Local residents of Papuan origin had built the roadblock after a community member, named Vigal Pauspaus, was stabbed by an unknown perpetrator because he did not bring enough money to fully pay the bill. When police forces arrived at the location to open the roadblock, the

protesters obstructed the officers. Thereupon, police officers fired with live ammunition at the crowd and killed one person. Eight other victims were seriously injured six of them by bullets (see chapter 2.5 Torture and Illtreatment). Onesimus Rumayom (45 years) died on the spot after being shot in front of Sanggeng police post at Yos Sudarso Street. It is unclear whether the police officers deliberately killed Onesimus, since Onesimus was known as an activist of the West Papua National Authority (WPNA) and the United Liberation Movement for West Papua (ULMWP), both of which the government considers as separatist organisations.²⁵

Mysterious Killings

Throughout 2015 and 2016, local human rights defenders have reported a growing number of mysterious killings. Such killings have also taken place during the New Order era under President Suharto. These mysterious killings occurred in various urban centers of West Papua and have spread fear amongst the indigenous population since victims were indigenous Papuans. In various cases investigating police units classified the incidents as traffic accidents. At least two cases strongly indicate that this is part of a strategy to cover-up the killings, which may have been conducted with the involvement of state agencies.

► On the 15th July 2015, Elias Marani (27 years) did not return home from his work at the Buddhist Monastery in Sorong. His dead body was found two days later at 10.00 near the monastery. Elias body was found next to a coconut palm tree with a coconut lying next to his head, as if he fell off the palm. According to local human rights defenders his death was staged as an accident because Elias' face was covered in bruises. The

police brought his body for an autopsy to the hospital in Kampung Baru in Sorong, but the results of the examination were not released.²⁶

► On the 25th July 2015, at 02.30, EIT, an unknown perpetrator killed Nius Lokobol (22 years) a Papuan student with a knife in Pulau Peleng Street, Malalayang District of Manado, North Sulawesi Province. The Manado district police were not able to find the perpetrators.²⁷

24 Tabloid Jubi (08.10.2016): 21 hari penjara untuk pelaku penembakan Otinus Sondegau, e-document: <http://tabloidjubi.com/artikel-755-21-hari-penjara-untuk-pelaku-penembakan-otinus-sondegau.html>

25 Independent Human Rights Defenders (27.10.2016): Manokwari 3 korban Penembakan, 1 Tewas Aktivis Papua, Bermula dari Anak Fakfak Yang Ditikam, e-document: <http://suarawiyaimana.blogspot.co.id/2016/10/manokwari-3-korban-penembakan-1-tewas.html>

26 Independent Human Rights Defender (18.07.2015): Pembunuhan Misterius Terjadi Menjelang Hari Raya Idul Fitri, e-document: <http://bystevenpeyon.blogspot.co.id/2015/07/pembunuhan-misterius-terjadi-menjelang.html>

27 Tribun News (30.07.2015): Tak Ada Saksi Mata, Polisi Kesulitan Ungkap Pembunuh Mahasiswa Papua e-document: <http://www.tribunnews.com/regional/2015/07/30/tak-ada-saksi-mata-polisi-kesulitan-ungkap-pembunuh-mahasiswa-papua>

► On the 24th September 2015, at 19.00, EIT, Yames Kogoya left his house because he wanted to buy some betel nuts at the Bus terminal in Entrop, Jayapura City. After that Yames did not return to his house again. The following day, Yames Kogoya's family received a phone call from the General Hospital in Abepura, asking them to come to the mortuary to identify their son's body. When the family demanded information on the perpetrator, the cause of Yames' death and the identity of the person who had admitted Yames's body to the hospital, the medical personnel did not provide the requested information.²⁸



Image 2.4-15: Picture of Yames Kogoya at the Mortuary of Abepura General Hospital.

► On the 7th January 2016, around 22.00, EIT, Victor Ariks' dead body was found on Pasir Putih main road in Manokwari. His death was caused by a stab wound and several cuts to the body which he sustained during a fight with the

perpetrator. Even though police summoned and questioned twelve witnesses, the perpetrators' identity has not been revealed.²⁹

► On the 26th January 2016, two Papuans were killed at Cembra beach in Nabire, Papua Barat Province. The victims' bodies were mutilated. The hands, legs and heads were removed from the body.³⁰

► On the 20th May 2016, around 05.00, EIT, Dolfinus Abrami Zeifan (28 years) crashed into the Papuan human rights activist Roberth Jitmau, commonly known as "Rojit", as he was sitting on the road side with two other human rights activists named Nehemia Yarinap and Melianus Duwita on the ring road in Hamadi, Jayapura City. According to the police, Dolfinus Abrami Zeifan was drunk and took over the steering wheel as the driver left the car to urinate. As Dolfinus Zeifan wanted to turn the car, he lost control of the vehicle and crashed into the three activists, sitting on the side of the road. The crash caused the instant death of Roberth Jitmau. Nehemia Yarinap and Melianus Duwita were seriously injured during the incident. The Jayapura district police considered the case a violation of traffic regulations.

Many human rights activists suspect that the police tried to cover-up the incident as a traffic accident. The suspicion was fueled by multiple inconsistencies during the police investigation and law enforcement process³¹. Rojit's friends stated that there was a group of people inside the car who also beat up the three activists after the vehicle collided with them. However, several key witnesses and medical experts were not summoned and questioned in court. Activists carried out a protest, demanding that the judges

28 Independent Human Rights Defenders (September 2015): Pembunuhan Misterius Kembali Terjadi Di Jayapura, e- document: <http://www.wene-papua.com/2015/09/pebunuhan-misterius-kembali-terjadi-di.html>

29 Cahaya Papua (21.01.2016): Pembunuh Ariks masih misterius, e-document: <http://www.cahayapapua.com/10470-2/>

30 Independent Human Rights Defenders (05.05.2016): Pembunuhan Misterius Semakin Meningkat Di Nabire, e-document: <http://www.papualives.com/pembunuhan-misterius-semakin-meningkat-di-nabire/>

31 Antara News (23.05.2016): Kapolres Jayapura Kota tegaskan Robert Jitmau tewas akibat lakalantas, e-document: <http://www.antarapapua.com/berita/455527/kapolres-jayapura-kota-tegaskan-robert-jitmau-tewas-akibat-lakalantas>

and public prosecutor summon all witnesses and forensic experts to assess the cause of Roberth's death.³²

► On the 27th May 2016, at 16.30 East Indonesia Time, Owen Pekey, a 17 year old Senior high School student was riding his motorcycle, when a police patrol car with fully armed members of the Nabire Police Mobile Brigade (BRIMOB) and three police motor cycles approached Owen from behind and started to chase him. As Owen reached the statue in front of the regent's office, witnesses saw that Owen suddenly fell off his bike. According to local sources Owen was hit by a bullet and died on the spot. Subsequently, traffic police and mobile brigade members brought the dead body to the mortuary at Siriwini General Hospital, from where they called Owen's parents and informed them that their son had died in a traffic accident. As the parents arrived at the hospital, police officers in charge told his parents that Owen was drunk and steered the motorcycle against a wall, causing his instant death.

After his parents had brought Owen's body to their house, they called several local human rights defenders because they suspected that the police officers had made a false statement regarding Owen's death since Owen never drank alcohol. Local human rights defenders examined Owen's body but did not find any bruises, fractures or injuries. However, they identified

a bullet entry wound on Owen's right temple and an exit hole next to his ear. According to local human rights defenders, the flesh around the bullet entry wound had been deliberately opened to cover the traces. The parents and human rights defenders concluded that police officers had chased Owen because he wore a traditional net bag with a morning star flag.³³



Images 2.4-16 and image 2.4-17: Picture of the wound on Owen Pekey's right temple (upper) and Owen Pekey's netbag with the Morning Star Flag (lower). (Source: JPIC KINGMI Papua)

32 Bintang Papua (06.10.2016): Sidang Tewasnya Aktifis Rojit, Ricuh, e-document: <http://bintangpapua.com/sidang-tewasnya-aktifis-rojit-ricuh/>

33 JPIC KINGMI Papua (28.05.2016): Owen Pekey siswa SMU YPPGI di Nabire di kejar Brimob sampai mati

Recommendations:

- Ensure that the police conduct professional and effective criminal investigations into all cases of violence, irrespective of the institutional status of the alleged perpetrators, the ethnicity of victims or non-judicial complaint mechanisms such as PROPAM that may run in parallel;
- Introduce regulations ensuring the exclusion of military personnel in law enforcement operation and review Article 4 (2) of the Presidential Decree No. 63 Year 2004, which enables police to request support from military in law enforcement operations, since this practice is obstructing legal prosecution of perpetrators from security forces and contributes to a climate of impunity in West Papua;
- Ensure that prosecutions are carried out within the human rights court and the ad-hoc human rights court processes for all gross violations of human rights, including the Wasior case from 2001/2002 and the Wamena case from 2003;
- Ensure effective civilian oversight of the military by reforming the Military Court Law.
- Revise the Social Conflict Management Law regarding the deployment of the military to ensure that the military is only involved in issues of external threats and not in internal social conflicts, in accordance with human rights principles;
- Establish a human rights court in West Papua and ensure the courts effectivity by extending its mandate to process all human rights cases, not only those meeting the criteria of systematic and widespread attacks against civilians;
- Put a halt to policies and practices within the security forces that enable violations of human rights of civilians, in particular those used for intimidation and retaliation. Current policies and practices are only deepening conflict tensions and result in the escalation of violence. Members of the security forces who apply such practices should face serious sanctions, in line with international standards.

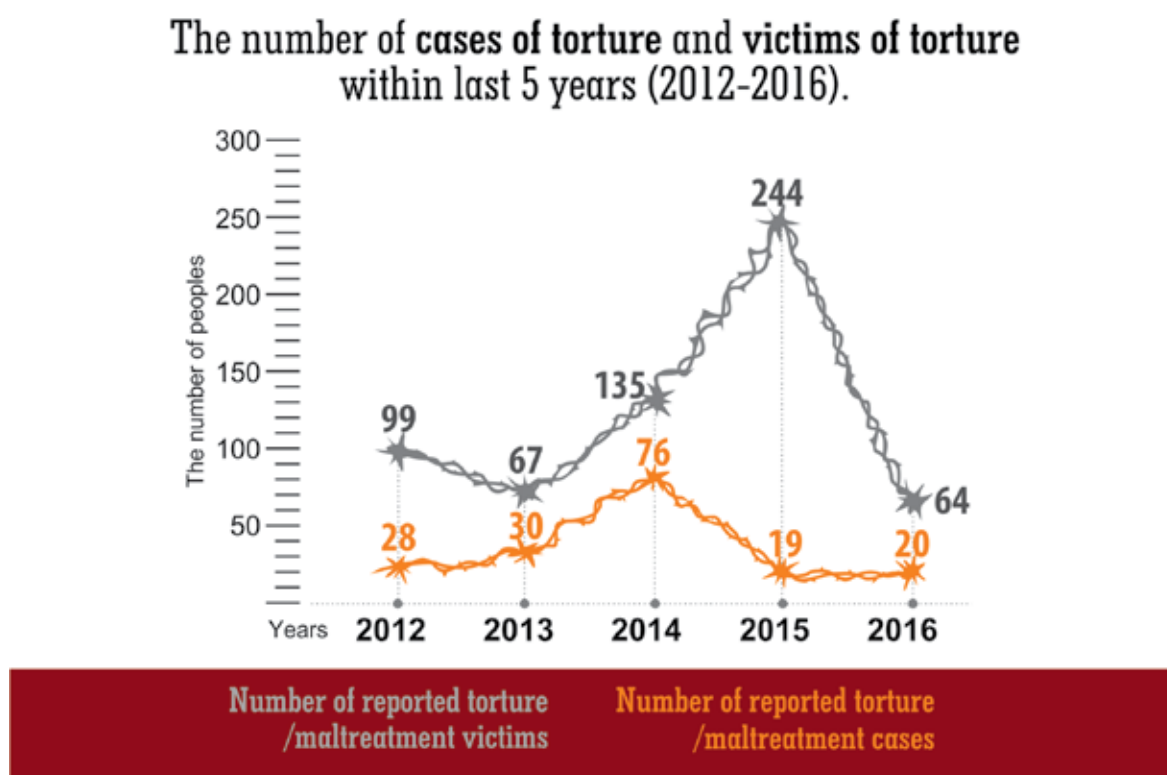




Image 2.4-18: Security forces controlling boarding of a ship in Manokwari.

2.5 Torture and Ill-treatment

The number of reported victims of torture and ill-treatment has reached a record high with 244 victims in 2015. The number then dropped to 64 victims in 2016, whilst the annual number of reported cases during the reporting period remained constant. The high number of victims in 2015 is related to a number of violent mass crackdowns on peaceful mass demonstrations. As one observes growing political activity amongst Papuan civil society and an increasing number of political mass demonstrations in 2016, peaceful protests were characterized by more mass arrests, but less violence than in 2015. The majority of reported cases of ill-treatment and torture were committed by police forces, particularly and often by members of the Police Mobile Brigade (Brimob). The pattern of reported cases throughout 2015 and 2016 leads to the conclusion that security force members most frequently apply torture and ill-treatment as punishment for minor criminal offenses, involvement in political activism or as retaliation for acts against security state agents. The climate of widespread impunity continues to fuel the use of excessive force, ill-treatment and torture during mass arrests and dispersals of peaceful demonstrations. Out of all the reported cases, two cases only in 2016 resulted in the prosecution of police officers in a public trial. A further prosecution of four military perpetrators was documented in 2015. These perpetrators were sentenced in a military trial.



Data on Civil and Political Rights in West Papua © 2017 ICP

Graphic 2.5-1: Number of cases and victims of torture within last five years (2012-2016).

Torture and ill-treatment remain institutionalized practices amongst military and law-enforcement personnel in West Papua. The annual number of victims of torture and ill-treatment have significantly increased from 99 in 2012 to 244 in 2015, and then dropped to 64 victims in 2016. The number of reported annual cases has remained almost constant with 19 reported cases in 2015 and 20 cases in 2016. In 2012, ICP documented 28 cases, in 2013 the number increased to 30 cases. 2014 was a particularly bad year, in which the number of torture and ill-treatment cases increased to 76 reported cases. The high number of victims in 2015 is the result of several mass demonstrations, which were forcefully dispersed by security forces. Such crack downs were reported from various regencies located in the central highlands of West Papua, such as Yahukimo¹, Tolikara² and Intan Jaya³.

The majority of cases were reported from the larger cities of West Papua, where most local human rights organisations are based. Considering the absence of an organized human rights network in remote areas, one can assume that a large number of cases in West Papua remain unreported. Furthermore, many victims of torture are afraid to report the perpetrators to the relevant law enforcement mechanisms. The fact that lawyers and human rights defenders are based in the urban centers of West Papua and often lack the capacity to investigate cases in remote areas indicates that the number of reported torture and ill-treatment cases is only the tip of an iceberg.

Between January 2015 and December 2016, human rights defenders reported a total number of 39 cases of torture and ill-treatment. The majority of cases were committed by members of the regional police or the police mobile

brigade (Brimob), with a total count of 24 cases. Members of the Indonesian military committed eleven such violations during the reporting period. In four cases the perpetrators' institutional background could not be clearly identified, due to the deployment of joint security force units, or because the perpetrators did not use uniforms. The pattern of torture cases between 2015 and 2016 indicates that torture and ill-treatment during the reporting period were most commonly applied as punishment for a criminal offense, engagement of political activities or as retaliation for acts against security force members. A smaller number of cases occurred due to the use of excessive force in crackdowns on peaceful demonstrations, assemblies or gatherings. Some cases revealed that torture is still used by police officers to force confessions from people during interrogations or arrest.

The Indonesian government has introduced several national human rights mechanisms, which have a mandate to investigate cases of torture and ill-treatment. Such institutions are the police internal investigative body (PROPAM), the national police commission (KOMPOLNAS) and the national human rights commission KOMNAS HAM RI. The past has shown that these institutions lack transparency and commonly fail in prosecuting the perpetrators or restoring justice for victims. Major reasons for the lack of effectiveness are caused by inadequate cooperation between investigative and prosecution state bodies. Another cause is insufficient mandates, preventing mechanisms from investigating human rights violations which do not meet specific requirements set by national regulations. The national human rights court's mandate reduces the institutions responsibility to cases which have been part of a systematic, structured and widespread

1 Between March the 19th and 24th, 2015, joint security forces violently dispersed a prayer session in Dekai, Yahukimo Regency and carried out various violent sweeping operations.

2 On July the 17th, 2015, military members of the Koramil 1702 Military Base opened fire on a group of Papuan GIDI church members, killing a minor and seriously injuring ten other protesters with bullets.

3 On August the 17th, 2015, police officers from Detachment C Biak Mobile Brigade unit tortured 15 students of Indonesian Pupils and Students Movement GPPI at Sogopaki Airstrip, Intan Jaya Regency, as they conducted a peaceful protest in which they criticized the regent's lack of commitment to the local population.

attack against civilians⁴. The low effectiveness of national human rights mechanisms is reflected in the widespread impunity for state violence perpetrators. The number of prosecutions of security force perpetrators in public or national human rights courts during the past several years remains very low. Recent torture cases indicate that the prosecution of police perpetrators is more likely to happen if victims take a lawyer and initiate a criminal complaint instead of reporting the case to PROPAM, KOMPOLNAS or KOMNAS HAM. However, such trials still fail to result in appropriate sentences for the perpetrators⁵.

Throughout 2015 and 2016, Indonesia has neither taken legal measures to introduce torture as a criminal act in its national criminal code KUHP, nor has the government ratified the optional protocol of the convention against torture and inhuman or degrading treatment (OP-CAT). The government's lack of commitment in combating torture strongly contributes to the climate of impunity, which is particularly high in West Papua. The common practice to deploy joint military and police forces in law enforcement operations additionally impedes the prosecution of perpetrators. Throughout 2015 and 2016, local human rights defenders documented two cases in which police officers were sentenced in a public trial (see cases below). According to Indonesian law, military members can only be prosecuted in military courts, even though the victims are civilians. Most military trials are opened for media coverage, but it remains un-transparent as to whether perpetrators serve their sentences or not. Local human

rights defenders documented one case, in which military members were legally prosecuted in 2015.⁶

Cases:

► On 6th January 2015, a joint police and military task force raided Utikini village. During the sweeping operation security forces conducted acts of torture, ill-treatment and used firearms against the villagers. Two men from the village, Narogay Ela and Yondiman Waker, reportedly suffered gunshot injuries. Another Papuan, Merson Waker, is reported to have suffered serious stab wounds. According to a report by the Baptist Voice of Human Rights in West Papua (Suara Baptis Papua), 30-year-old Seribu Kogoya was tortured after he protested against police officers, who had severely beaten Senimela Waker, a Lanny Jaya tribal chief. Security forces allegedly slashed his head and sprayed salt water on his wounds while interrogating him.

According to witness testimonies, security forces burned down 439 homes and confiscated pigs belonging to the villagers. A human rights activist of the Tabernacle Church in Papua (Kingmi Papua), stated that approximately 5,000 villagers have fled the village to escape the violence. The sweeping operation was carried out in response to the death of Brigadier Officers Riyan Hariansyah, M. Adpriadi and Freeport security officer Suko Miartono. The police officers were attacked by members of the armed independence army TPN as they were passing through Utikini village.⁷

4 The definition is stated in article 9 of regulation UU No. 26 tahun 2000 tentang Pengadilan Hak Asasi Manusia (UU Pengadilan HAM).

5 In 2016, two police officers named Bripka Suherman and Briptu Jarius Triyono Damik were sentenced to 18 months imprisonment in a public trial at Jayapura District Court. Despite the imprisonment sentences, both officers were only transferred to a different police station. Lawyers suspected that the perpetrators had bribed the victim's families to demand the reduction of the sentence. On August the 27th, 2015, the police officers had arbitrarily arrested, tortured and attempted to execute three Papuan men in Jayapura. On October the 7th, 2016, five police officers from the local mobile Brigade unit were sentenced to minor detention sentences for "inappropriate use of firearms". Jackson Simbiak, Eduardo Ansanay, Thom Mathias Wanarina and Yudi Sahi were sentenced to 21 days of detention while their colleague Jefri Irianto Yohanes received a one year prison sentence.

6 In 2015, four soldiers from the military units Yonif 754/ENK and Kodim 1710/Mimika were sentenced for the murder of two Papuan men and severe persecution of five Papuans from Kamoro tribe. Makher Mathijs Rehatta was sentenced to twelve years imprisonment, Gergorius Bernadus Geta was sentenced to three years imprisonment, Anshar was sentenced to nine years and Imanuel Imbiri was sentenced to three years imprisonment.

7 Papuans Behind Bars (31.01.2015): January 2015: Heavy security presence destabilizes indigenous Papuan communities, e-document: <http://www.papuansbehindbars.org/?s=January+2015>



Image 2.5-1: Security force members gather male villagers during sweeping operation in Utikini Village.

► On the 10th January 2015, at around 19:30 EIT, a Police Mobile Brigade (Brimob) member shot Meki Nawipa (19 years) in the right chest in Gorong-gorong, Mimika Regency. Meki and some of his friends had ordered food in a small street restaurant but were able to pay only half of the requested amount. Although Meki and his friends promised to pay the remainder the following day, the owner directly reported the young men to a nearby police post. Thereupon, the Brimob officer went to the location and ill-treated Meki and his friends. As the young men picked up stones to defend themselves, the officer drew his gun and fired shots aimed at the teenagers, one of them hitting Meki's chest. Meki had to receive instant medical care at the local general hospital.⁸



Image 2.5-2: Meki Nawipa in Mimika General Hospital.

⁸ Independent human rights defenders (25.01.2016): Laporan Resmi KNPB tentang Pembunuhan, Penyiksaan, Teror dan Intimidasi Warga Sipil oleh TNI-POLRI Tahun 2015 dan awal Tahun 2016 di West Papua, e-document: <http://ttttssmnews.blogspot.co.id/2016/01/25-kasus-pembunuhan-dan-penyiksaan.html>

► On the 18th March 2015, at around 23:00 East Indonesian Time (EIT), eleven armed Brimob officers dressed in plain clothes attacked four Papuan youths in Kotaraja, Jayapura. The reason for the attack remains unclear. Timotius Tabuni (17 years) was stopped in front of Cigombong market in Kotaraja and forced to hand over his motorcycle keys to one Brimob officer. He was beaten with rifle butts and slashed with a bayonet blade. As a result of the beatings, he suffered a deep gash on his head, slash wounds on his back, bruises on his face and knees, and lost a front tooth. Two friends of Timotius Tabuni named Lesman Jigibalom (23 years) and Eldy Kogoya (17 years) were stopped in front of Kotaraja Mosque and threatened at gunpoint to walk in a squatting position. When they refused to do so, the officers forced them to lay on the ground. Eldy Kogoya was beaten and dragged a few meters by the legs along the asphalt road. He suffered a cracked rib and bruises on his back and knees. Lesman Jigibalom was stabbed with a bayonet blade and suffered bruises all over his body. He underwent an operation the following day. Mies Tabo (14 years), who witnessed the incident and attempted to call for help, was kicked and beaten by the Brimob officers. Brimob Deputy Head of Unit, Assistant Police Commissioner Tono Budiarto, publicly stated that the Brimob officers had saved the four youths from a mob attack.⁹



Image 2.5-3: One of the victims during medical treatment at the hospital.

⁹ Majalah Selangkah (20.03.2015): 4 Pelajar dan Mahasiswa di Jayapura Dianiaya Brimob Polda Papua, e-document: <http://suarawiyaimana.blogspot.co.id/2015/03/4-pelajar-dan-mahasiswa-di-jayapura.html>

► On the 19th March 2015, at 09:30 a police mobile brigade and military forces forcefully dispersed a peaceful devotion service in Dekai, capital of Yahukimo Regency. The worship was organized by the political pro-independence movement KNPB in support of the victims of cyclone Pam in Vanuatu. The arbitrary security force intervention triggered anger amongst participants, and resulted in clashes between the KNPB supporters and security forces. Thereupon, security forces repeatedly fired with live ammunition at KNPB supporters. Shootings were reported in the area around the old and the new market complex around 10:00 and later at 11:00 at Paradiso Road. During the shootings security forces injured Isay Dapla (37), Elias Kabak (40), and Salmon Bahabol (47).

On the 20th March 2015, between 09:00 and 17:00, joint security forces arbitrarily tortured local residents and repeatedly opened fire as they combed the area and searched houses around the old market, the new market, the Bambu Dua area and the residential housing area at Paradiso Road in Dekai. During the operation security force members killed Obangma Sekenil (see chapter 2.4 Extra-judicial Killings). Joint security forces continued to carry out various sweeping operations between the 21st and the 24th March 2015. These operations led to the ill-treatment and torture of at least 38 persons.

In response to the sweeping operations, many residents fled into the surrounding forests to seek shelter. Detailed information on the victims is listed in the following table (see table 2.5-1).¹⁰



Image 2.5-4: Security force officers during sweeping operations in Dekai.



Image 2.5-5: A group of residents seeking shelter in the forest after the sweepings.



Images 2.5-6 to 2.5-8 (left to right): Victims undergoing medical treatment at the general hospital .

10 Local Human Rights Defenders (01.04.2015): Laporan Kronologi, Pembubaran Paksa Aksi Penggalangan Dana Kemanusiaan Bencana Alam Di Vanuatu Oleh Brimob dan Polisi Pada 19-25 Maret 2015, e-document: http://suarabintangtimur.blogspot.co.id/2015/05/laporan-resmi-knpb-yahukimo-terkait_38.html

Table 2.5-1: Table of victims at the Dekai shooting.

No	Name of Victim	Age	Gender	Information
1	Isay Dapla	37	male	shot in the right shoulder
2	Salmon Pahabol	47	male	shot in the left thigh
3	Elias Kabak	40	male	beaten during arrest, was tortured with boiling water on the head because he had dreadlocks, hit with rifle butt to the head, cut on the head was sewed with 16 stitches
4	Yon Pahabol	27	male	was kicked and hit to the back of the head with a rifle butt
5	Iner Sekenil	22	male	shot in the left and right hand
6	Titus Giban	39	male	Bullet pierced victim's torso from ribs to the abdomen
7	Simson Giban	32	male	shot in the abdomen and left hand
8	Yulianus Payage	29	male	Arrested in Paradiso housing estate
9	Pion Yalemaken	17	male	Arrested in Paradiso housing estate
10	Dukni Sobolim	35	male	repeatedly beaten during custody
11	Diana Roma	-	female	Repeatedly kicked to head and the stomach,
12	Seletike Kambui	-	female	beaten up by military members because she refused to answer their questions,
13	Aton Pahabol	22	male	repeatedly beaten during custody
14	Era Kobak	25	female	hit with a rifle butt to the head and repeatedly beaten during custody
15	Arnes Silak	38	male	repeatedly beaten during custody
16	Ika Dona Kobak	25	female	repeatedly beaten during custody
17	Yurat Sigap	18	male	repeatedly beaten during custody
18	Esiet Payage	21	male	repeatedly beaten during custody
19	Siton Kobak	18	male	repeatedly beaten during custody
20	Penius Sigap	21	male	repeatedly beaten during custody
21	Lamek Pahabol	35	male	hit with a rifle butt to the head and repeatedly beaten during custody
22	Tius Balingga	35	male	repeatedly beaten during custody
23	Amon Pahabol	50	male	repeatedly beaten during custody
24	Yopet Pahabol	35	male	repeatedly beaten during custody
25	Nius Kobak	50	male	repeatedly beaten during custody
26	Nataniel Kobak	50	male	repeatedly beaten during custody
27	Bernard Yahuli	50	male	repeatedly beaten during custody
28	Obet Sobolim	51	male	hit with a rifle butt to the head
29	Seri Silak	40	female	was beaten up inside her house
30	Ilera Yahuli	40	female	was beaten up inside her house
31	Seperien Kobak	40	female	repeatedly beaten during custody
32	Zakius Kobak	52	male	repeatedly beaten during custody
33	Nitina Pahabol	39	female	repeatedly beaten during custody
34	Kobak Balingga	28	male	repeatedly beaten during custody
35	Yason Balingga	29	male	repeatedly beaten during custody
36	Iliam Balingga	21	male	repeatedly beaten during custody
37	Mael Balingga	30	male	repeatedly beaten during custody
38	Yakub Kobak	27	male	repeatedly beaten during custody

► On the 5th June 2015, at 14.20, members of the local air force base kicked and punched Amsal Marandof (22 years) at Rafat Village, Samofa District, Biak Regency. The beating was triggered because one air force member engaged in a fight with Amsal in which he kicked Amsal in the face, leading to an injury above his right eyebrow. As Amsal fought back using a gardening tool the army members called for backup upon which approximately 50 military members approached the location and started to bash up Amsal in front of the Arafat workshop. As Amsal's elder sister named Ida Marandof (26 years) intervened during the beating to help her brother, she was severely beaten on the chest by one Air Force member causing the victim to lose consciousness. Ida Marandoff had to be brought to Biak General Hospital and was released after treatment the following day.¹¹



Image 2.5-9: Amsal Marandof during detention at the Biak district police station. (Source: JPIC-GKI di Tanah Papua)

► On the 21th June 2015, at 16.30, a group of plain clothes police officers chased Roby Pekay (21 years) on a motor cycle in Wamena, Jayawijaya Regency, because the officers suspected him

of having stolen a motorcycle. Near Ari workshop, the police officers released two shots at Roby, hitting his right ankle and left thigh. Subsequently, one officer again fired a shot from close range hitting Roby's left leg. After that the officers harshly lifted him on the loading area of a white pick-up truck and brought Roby to Wamena General Hospital. On the way to the hospital two police officers kicked Roby in the face, causing bruises near his eye and mouth.

At the hospital, Roby's parents requested a nurse to carry out immediate medical care because the bullet wounds were bleeding heavily. Hearing the family's request, one police officer commented "No need, you [referring to the nurse] can serve the other patients first". As Roby and his family were waiting for the doctors, the police officers deliberately shook his injured legs to cause him more pain.¹²



Image 2.5-10: Roby Pekey at Wamena General Hospital (Source: JAPH-HAM)

11 JPIC GKI Di Tanah Papua (23.11.2015): Indonesian Air Force Members Torture Amsal Marandof and Ida Marandof at the Arafat Village, Biak, Samofa District.

12 Koalisi Untuk Perdamaian, Hukum dan HAM Pegunungan Tengah Papua (08.07.2015): Laporan Kasus Penembakan Roby Pekay

► On the 17th July 2015, at 20.30, some military members of the Koramil 1702 Military Base opened fire at a group of Papuan GIDI church members. The group had come to the military base to discuss the use of speakers for the Idul Fitri prayers, which was held simultaneously with a nearby GIDI youth gathering. Ten other victims were seriously wounded from bullets and had to be evacuated to Jayapura Dok II Public Hospital for medical treatment. The shootings also caused the death of a 15 years old boy (see chapter 2.4 Extra-judicial Killings).¹³



Images 2.5-11 (upper) and 2.5-12 (lower): Two victims of the Tolikara shooting at the Dok II General Hospital in Jayapura. (Source of Image 2.5-11: tabloidjubi.com, image 2.5-12: Yulan Lantipo)



Images 2.5-13: One of the alleged perpetrators, who had brought a gun to the Idul Fitri Prayer at the Koramil 1702 Military Base. (Source: JPIC-GKI di Tanah Papua)

13 JPIC GKI Di Tanah Papua (18.01.2016): *Laporan Naratif Insiden Tolikara Pembakaran dan Penembakan*

Table 2.5-2: Table of victims of the Tolikara shooting. (Source: JPIC GKI di Tanah Papua)

No	Name of Victim	Gender	Information
1	Amaten Yikwa	male	shot in the leg
2	Keratas Togolom	male	shot in the right thigh
3	Erandinus Yikwa	male	shot in the thigh
4	Yulianus Lambe	male	shot in the left thigh
5	Perinus Wanimbo	male	shot in the left foot
6	Aitelu Wenda	male	shot in the left thigh
7	Ares Kogoya	male	shot in the left knee
8	Alesi	male	shot in the left thigh
9	Yetimbuluk Yikwa	male	bullet pierced victim's buttocks and entered in genital area
10	Edison Pagawak	male	shot in the left leg

► On the 17th August 2015, at 11.30, police officers from Detachment C Biak Mobile Brigade unit tortured 15 students of the Indonesian Pupils and Students Movement GPMI at Sogopaki Airstrip, Intan Jaya Regency. The students were conducting a peaceful protest criticizing local government representatives for their lack of commitment to the people in Intan Jaya. Some GPMI members had informed the local military command and the district police of Intan Jaya Regency about the demonstration prior to

the protest. The Brimob members forcefully dispersed the peaceful protest by releasing 5 warning shots. Moreover, the officers forced some of the protesters to crawl along the airfield while punching them, kicking them with jack boots and beating them with rifle butts. One woman named Maria Belau, who suffers with mental problems and did not participate in the protest, but was smacked in the face by an officer as she tried to intervene and prevent the torture treatment.¹⁴

Table 2.5-3: Table of victims at Sogopaki airstrip.

No	Name of Victim	Gender	Status	Information
1	Viky Yohanes Belau	male	student	cuts in the eyebrow and lip, swelling at the testicles, unable to chew food for several days
2	Venus Sondegau	male	student	broken tooth, bruises and swelling all over the face and his arms
3	Elias Mujijau	male	student	beaten with rifle butt to the head causing blood coming out of victim's ear
4	Servianus Bagubau	male	student	beaten with rifle butt to the head, unable to chew food for several days
5	Dominikus Dendegau	male	student	swellings and bruises in the face, was beaten to the jaw causing cuts at the lips and tooth flesh
6	Meky Tipagau	male	student	broken teeth
7	Tianus Bagau	male	student	beaten with rifle butt on the back, bruises in the face
8	Raimon Ugipa	male	student	broken arm, bruises all over the body, unable to chew food for several days
9	Nikanor Miagoni	male	student	Was repeatedly kicked with jack boots in the face and back, swellings in the face and the back

14 Independent Human Rights Defender (18.08.2015):Kriminal Murni Perlakuan Kekerasan Brimob Terhadap (GPMI) Gerakan Pelajar Mahasiswa Se-Indonesia, Peduli Kabupaten Intan jaya, e-document: <http://kabaramugikibah.blogspot.co.id/2015/08/kriminal-murni-17-agustus-terhadap.html>

10	Melianus Duwitau	male	student	Was repeatedly kicked with jack boots in the face
11	Januarius Sani	male	-	beaten with rifle butt on the back, bruises on the back
12	Rupinus Tipaggau	male	student	Repeatedly beaten to the body
13	Maria Belau	female	-	smacked in the face
14	Deselinus Sani	male	student	Repeatedly beaten to the body
15	Aten Japugau	male	pupil	was also forced to crawl along the airfield with the other victims

► On the 28th August 2015, at 02.00 East Indonesian Time (EIT), an infantry military member Sergeant Anshar opened fire on a group of Kamoro tribesmen during a customary drum ceremony carried out at a church yard in Timika City. The shooting was an act of revenge for the earlier beating up of two drunken military members by some Kamoro members because

they disturbed the tribal ceremony. Martinus Apokapo (24 years), Thomas Apoka, Moses Imipu (23 years), Martinus Imaputa (17 years) and Amalia Apoka (19 years) were seriously injured by bullets. The shooting caused the death of Imanuel Herman Mairimau (23 years) and Yulianus Okoware (23 years) [see chapter 2.4 Extra-judicial Executions].¹⁵



Image 2.5-14: Martinus Imaputa at the General Hospital in Timika.

15 JPIC GKI Di Tanah Papua (03.12.2015): Indonesian Military Member Shoots two Papuans and severely injures four Papuans from the Kamoro Tribe in Timika

Table 2.5-4: Table of victims at the Timika shooting. (Source: JPIC GKI di Tanah Papua)

No.	Names of Victims	Gender	Age	Tribe	Information
1	Martinus Apokapo	male	24	Kamoro, Nawaripi	Bullet wound at the left waist
2	Thomas Apoka	male	?	Kamoro	Bullet wound at the right foot
3	Moses Imipu	male	23	Kamoro	Bullet wound at the inner right thigh
4	Martinus Imaputa	male	17	Kamoro	Bullet pierced victim's left chest
5	Amalia Apoka	female	19	Kamoro	Bullet pierced victim's right leg

► On the 27th August 2015, at around 23.00 hours, four police officers in civil clothing arbitrarily arrested three Papuan men named Elieser Awom (26 years), Yafeth Awom (18 years) and Soleman Yom (24 years) in Deplat, Base-G Beach, Jayapura Municipality. The police officers forced the three men to enter their car and brought them to West Sentani. On the way all were severely tortured inside the car. All victims were brought to a remote place on the outskirts of Sentani City, where the police officers staged a mock execution in order to force the men to admit that they had stolen a motorcycle¹⁶. The torture incident constitutes an exceptional case with regard to the widespread impunity amongst perpetrators from the police and military: Two police officers named Bripka Suherman and Briptu Jarius Triyono Damik were sentenced in a public trial, resulting from the above mentioned incident at Jayapura District Court to 18 months imprisonment.¹⁷ However, despite the imprisonment sentences given by the court, the perpetrators never served their sentences. Both officers were only transferred to a different police station after the victims family had asked the judges to lower the sentences. Lawyers suspected that the perpetrators had bribed the victim's families to approach the judges and demand the reduction or modification of the sentence.

**Image 2.5-15: Bruised face of Elieser Awom after the torture.****Image 2.5-16: Soleman Yom during the interview with local human rights defenders.**

16 JPIC GKI (03.12.2016): Police arbitrarily arrest three Papuans in Menin Deplat, Jayapura

17 Tabloid Jubi (03.03.2016): Keluarga Korban Salah Tangkap, Desak POLDA Pecat Anggotanya, e-document: <http://tabloidjubi.com/2016/03/03/keluarga-korban-salah-tangkap-desak-polda-pecat-anggotanya/>

Table 2.5-5: Table of victims of the Base-G torture case. (Source: JPIC-GKI di Tanah Papua)

No	Name of Victims	Age	Information
1	Elieser Awom	26	Victim was beaten and cut with a knife in the face near his eye
2	Yafeth Awom	18	Victim was beaten with a wire and burned with a cigarette
3	Soleman Yom	24	Stabbed with a knife and beaten with the back of the knife



Image 2.5-17: Yafeth Awom during the interview with local human rights defenders.

► On the 28th September 2015, at 19.00 hours, the Indonesian Police Forces opened fire at a group of young men in a residential area in Timika, known as the Biak complex. The incident occurred after a group of young men had been vandalizing a house at the complex because the owner, a police officer from Timika District police, had tortured one of the young men named Billy Yoku (20 years) at the police station due to allegations of theft. Previously, the officer had beaten Billy with his bare hands and his rifle butt until he had bruises on his face and all over his body. As the three police officers approached the location, Billy's friends began to throw stones at the officers, upon which they opened fire at the young men. Efrando I.S. Sabarofek (17 years), Yanto (20 years), Bastian Korwa (19 years), Dewina Selegani (18 years), Hebel Jagani (24 years) and Koni Bagau (28 years) were seriously injured by bullets as they tried to escape. Kaleb Zera Bagau (18 years) was killed during the incident (see also chapter 2.4 Extra-judicial Executions).¹⁸

Table 2.5-6: Table of victims during the shooting in Timika.

No	Names of Victims	Age	Information
1	Efrandus Sabarofek	17	shot in the chest and the left thigh
2	Yanto	20	shot in the leg
3	Bastian	19	shot in the chest
4	Dewina Selegani	18	shot in the right hand
5	Hebel Jagani	24	shot in the knee
6	Koni Bagau	28	shot in the waist
7	Billy Yoku	20	heavily beaten with bare hands and rifle butts all over the body

¹⁸ Independent human Rights defender (08.01.2016): Kasus Penembakan Polisit Terhadap Warga Sipil Di Gorong-Gorong Timika 28 September 2015, e-document: <https://seruivoicenews.wordpress.com/tag/ham/>

► On the 28th September 2015, at 20.00 hours, two military personnel shot Niko Bedes (21 years) in Timika, Mimika regency, as he and his friend were on their way back home. Niko's friend somehow lost control of the motorcycle and collided with a vehicle on Yos Sudarso street. After the collision, Niko's friend ran away, while Niko Bedes himself was injured and remained lying on the road. Two army officers stepped out of the vehicle, one of them firing his gun at Niko. The bullet hit Niko's left calf. When the police arrived at the location, the officers brought him to Mimika Baru District Police Station, where they detained Niko in an isolated cell, separated from other detainees. Niko Bedes was detained over night and was denied any medical service. The next morning, at 08:00 hours, the police officers told him that he could return home. Later Niko Bede's wife had to bring Niko to Timika General Hospital. On 30th September, family members went to the police station and complained about this incident of torture. Police officers reportedly denied the shooting and any act of torture, stating that Niko had fallen down from his motor cycle and collided with a metal beam on the side of the road.¹⁹

► On the 2nd October 2015, a Kopassus officer with the initials 'MK' severely beat Kaspar Merom, in Merauke, after accusing him of theft. The officer, who was reportedly under the influence of alcohol, beat Kaspar Merom with a wooden baton as he denied any wrongdoing, causing a deep cut around his mouth. When Kaspar's friend approached the location and defended Kaspar, the Kopassus officer ran away to a nearby security post. Subsequently, the officer reportedly returned with a pistol, but failed to find the two young men. As he could not find Kaspar Merom, the Kopassus officer severely beat another resident named Eric Mayona. He

also reportedly attempted to choke another young man, Theo Torip, and threatened him at gunpoint to reveal the whereabouts of Merom and his friend. According to witness reports the officer indiscriminately fired several shots in the local residential area. The following day, several Kopassus officers returned to the area and threatened local residents not to report the incident.²⁰



Images 2.5-18 & 2.5-19: Kaspar Merom at the General Hospital in Merauke.

► On the 25th October, 2015, at 10.20, seven police from the local police beat up Andembo Kobak (24 years) and Yanus Giban (27 years) at Paradiso residential area in Dekai, Yahukimo Regency. The

19 Papuans Behind Bars (01.09.2015): Army officers shoot Papuan man over roadside accident, e-document: <http://www.papuansbehindbars.org/?p=3553>

20 Papuans Behind Bars (01.12.2015): Kopassus officer opens fire and beats villagers while intoxicated, e-document: <http://www.papuansbehindbars.org/?s=october&submit=Search> & report by Independent human Rights defender (02.10.2015): *Tanpa Alasan Yang Jelas Tiga Pemuda Dianiaya Oleh Seorang Anggota Kopasus Yang Sedang Mabuk*, e-document: <https://www.facebook.com/218956064783209/photos/pcb.1072181016127372/1072180866127387/?type=3>



Images 2.5-20 & 2.5.21: Andembo Kobak (left) and Yanus Giban (right) at Dekai general hospital.

incident occurred when Andemo and Yanus requested the officers to stop gambling on cock fights at the residential area, since Paradiso is mainly populated by indigenous Papuans, who may be tempted to engage in gambling. Thereupon, the seven officers ill-treated Andemo and Yanus. Both men suffered bruises all over their bodies due to the ill-treatment and had to be admitted to the general hospital at Dekai.²¹

► On the 29th November 2015, around 20:00 EIT, two members of the Indonesian special forces unit Kopassus approached Kornelis Tapung Kambana (38 years) at Kelapa II road, Merauke. Prior to the incident Kornelis Kambana had an argument with a relative. The relative then reported Kornelis Kambana to the Kopassus post at Kelapa Lima district Merauke. The two Kopassus members tortured Kornelis Kambana at gunpoint with a rubber hose, which they had filled with sand. The officers whipped Kornelis to the left temple while kicking him in the lower

back. Subsequently, the officers forced Kornelis Kambana to lay on the ground, where they whipped him several more times with the hose on the back.²²



Image: 2.5.22: Scarfs on Kornelis Tapung's left temple and his back after the torture.

21 Independent human rights defender (25.10.2015): Polisi Kembali Siksa Dua Aktivis KNPB Yahukimo Sedang Kritis Di UGD Dekai Yahukimo, e-document: <https://www.facebook.com/nesta.gimbal/posts/964559093625399>

22 Independent human rights defender (01.12.2015): Lagi Masyarakat Sipil Ditodong Senjata Api, Dianiaya oleh 2 Anggota Kopassus, e-document: <http://pacepapushare.blogspot.co.id/2015/12/lagi-masyarakat-sipil-ditodong-senyata.html>

Table 2.5-7: Table of victims in the Wanapompi shooting, Yapen Island.

No	Name of Victims	Age	Gender	Information
1	Paulinus Wororoai	48	male	shot in the ribs and penetrated through the waist
2	Zakarias Torobi	35	male	shot in the leg and thigh
3	Yance Manitori	38	male	shot in the right ankle and knee
4	Agus Manitori	48	male	shot in the legs
5	Daud Ayomi	48	male	shot in the right hand
6	Pilemon Ayomi	50	male	shot in the shoulder
7	Arius Karimati	48	male	shot in the hand
8	Anton Runaweri	50	male	shot in the back of the neck, which penetrated through the jaw



Images 2.5-23 to 2.5-30: The eight injured villagers from Wanapompi shortly after the incident.

► On the 1st December 2015, at 06:00EIT, joint security force members from Yapen Regional Police and Military District Command 1709 conducted a patrol in Wanampompi village in Anggaibera District, Yapen Island Regency. The local police had received information about the raising of the morning star flag, the symbol used by the independence movement OPM. Three local villagers Yonas Manitori, Herik Manitori and Yulius Robaha, were shot and died on the spot when they approached the security forces to ask about the purpose of the patrol (see also chapter 2.4 Extra-judicial Executions). When other villagers attempted to help the three men, security forces opened fire on them. Eight villagers were seriously injured by bullets. Another Villager named Darius Andiribi died later due to bullet wounds, which he had sustained during the incident.²³

► On the 1st December 2015, members from Nabire Regional Police carried out arbitrary arrests as local residents gathered at Bunga Bangsa Papua Field to participate in a commemorative prayer session for 1st December, which many West Papuans consider to be their national day. Police officers forcefully dispersed the crowd and ill-treated some participants with rifle butts and wooden beams. Mikhael Zonggenau (45 years), Zeth Giay (42 years), Samuel Kotouki (23 years), Martinus Adii (23 years) suffered injuries due to police beatings.²⁴



Image 2.5-31: Martinus Adii during interview with human rights defenders. (Source: KINGMI Papua)

Table 2.5-8: Table of victims during forceful dispersal at the Oyehe field, Nabire.

No.	Name of Victim	Age	Gender	Information
1	Mikhael Zonggenau	45	male	wounds on nose and lips caused with wooden beam and rifle butt
2	Zeth Giay	42	male	wound on the head caused with wooden beam
3	Samuel Kotouki	23	male	swellings on the back and wound on the lips caused with rifle butts and wooden beam
4	Marthinus Adii	23	male	cut on the lips caused with rifle butt

23 JPIC GKI Di Tanah Papua (21.01.2016): Penembakan di kampung Wanampompi – Yapen 1 Desember 2015 dan Aparat Gabungan TNI POLRI Memukul dan Menangkap Puluhan Masyarakat Asli Papua di Oyehe Nabire Papua & Independent Human Rights Defenders (17.01.2015): Kronologis Penembakan Negosiasi oleh Aparat Militer Gabungan TNI/POLRI di Kampung Wanampompi Distrik Anggaibera – Kabupaten Kepulauan Yapen Saat Memperingati HUT Kemerdekaan Bangsa Papua Barat ke 54

24 JPIC KINGMI Papua (12.01.2015): Aparat Gabungan TNI POLRI memukul dan menangkap puluhan masyarakat asli Papua di Oyehe Nabire Papua



Image 2.5-32: AMP protesters sitting on the ground and listening to an oration. (Source: Papuan Student Alliance AMP)

► On the 1st December 2015, the Papuan Student Alliance (Aliansi Mahasiswa Papua, AMP) organized a long march to commemorate the 1st December which West Papuans consider to be their national day. According to comprehensive reports from AMP, at least 133 people suffered injuries and/or health complications when Jakarta Metro police officers (Polda Metro Jaya), plainclothes intelligence officers and Mobile Brigades (Brimob) members forcibly dispersed the peaceful commemoration. The police forces beat protesters and fired teargas at them. The crackdown occurred in different locations near the roundabout at Hotel Indonesia in Central Jakarta around 11.00 West Indonesian Time after demonstrators attempted to break out of a police blockade. At least five of the 133 injured suffered serious injuries.

Police reacted by firing tear gas, throwing stones and releasing shots at the demonstrators. Niko Suhun, a 23-year-old Papuan student and AMP member, was hit by a rubber bullet on the head and collapsed on the spot. Police officers continued to beat him with their batons while he was unconscious. When Zet Tabuni (26 years) attempted to help Niko Suhun a police officer punched him on the temple, using a knuckleduster ring. Reports stated that from 11:00 to 12:20, police continued to contain the group of demonstrators, kicking and beating them with rattan sticks. Local sources collected detailed information on thirteen demonstrators who suffered ill-treatment during the demonstration. Two female students faced sexual assault and harassment when police officers stopped them on the way to the demonstration.²⁵

25 Komite Pusat Aliansi Mahasiswa Papua (1.12.2015): Kronologis Aksi 1 Desember di Bundaran HI & Komite Pusat Aliansi Mahasiswa Papua (1.12.2015): Data-Data Korban Masa Demonstrasi Aliansi Mahasiswa Papua [AMP] di Bundaran Hotel Indonesia (HI), Jakarta Pusat



Image 2.5-33: Papuan students carrying injured protester.



Image 2.5-34: Police officers collectively beat a protester on the ground. (Source: Pictures taken by Liputan 6)

► On the evening of the 31st December 2015, officers from the local Police mobile brigade (BRIMOB) ill-treated Marinus Albert Msen (38 years) and Daniel Wanma near Tempat Garam on the road to Suprauw, Sorong Regency. Prior to the incident, the three men had pushed a broken car to the side of the road because the vehicle was blocking the road, causing a traffic jam. As a police convoy passed the location, a group of brimob members stopped their truck, jumped down and ill-treated Marinus Msen, Daniel Wanma and the vehicle driver using their rifle butts, bare hands, feet and helmets. Subsequently, the police officers threatened the men at gunpoint not to report the incident

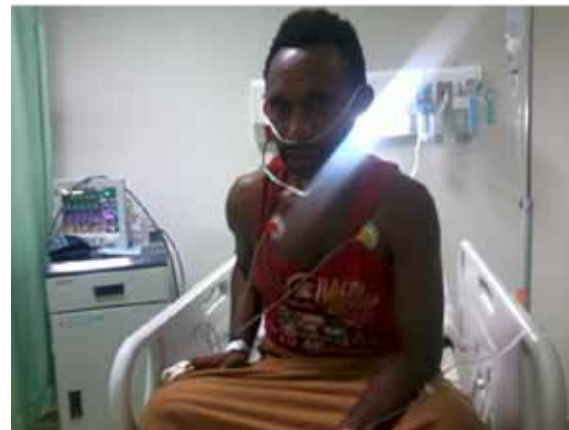


Image 2.5-35: Niko Suhun at a general hospital in Jakarta. (Source: Papuan Student Alliance AMP)

Table 2.5-9: Table of victims with serious injuries due to ill-treatments during demonstration in Jakarta. (Source: Papuan Student Alliance AMP)

No.	Name of Victim	Age	Gender	Information
1	Zet Tabuni	26	male	cut on the temple, beaten by multiple officers with rattan canes, knuckleduster ring, fists and kicked with jack boots
2	Niko Suhun	23	male	Suffered serious head injuries, fainted when shot with rubber bullet, subsequently beaten on the head with fists and batons as he was unconscious
3	Sander Togotili	24	male	deep head wound, cuts on the left ear and right hand caused by punches, batons and kicks with jack boots
4	Arif Nugroho	25	male	deep knee wound caused by punches and kicks with jack boots
5	Rini Murib	21	female	fainted due to tear gas inhalation
6	Jhon Gobai	20	male	bruises due to punches and kicks with jack boots
7	Frans Nawipa	30	male	bruises due to punches and kicks with jack boots
8	Mikael Kudiai	22	male	bruises due to punches and kicks with jack boots
9	Steven Walela	24	male	bruises due to punches and kicks with jack boots
10	Zayu Bingga	24	male	bruises due to punches and kicks with jack boots, clothes

11	Domin Yoi	24	male	clothes torn, beaten on the back with fists and rattan cane while defending female activist
12	Eka Kosay	20	female	was forced to take her clothes off, subsequently molested by police officers
13	Martina Douw	22	female	forced to take off her top to expose her breasts

to the police authorities. However, Marinus Msens' family reported the incident to the local Brimob headquarters at 23.00 EIT. On January the 1st, 2016, at 00.30 EIT a group of plain clothes Brimob officers drove to Marinus Msen's house in a police vehicle. As the officers could not find Marinus Msen at home, the officers ill-treated his son Ismael Msen (19 years) as an act of revenge²⁶.

► On the 3rd January 2016, at 15.20 EIT, Five plain cloth officers released shots at Marten Pase (22 years), Yanes Giban (19 years), Epinus Giban (20 years) and Zet Giban (18 years) at Abepura Beach, Jayapura City. Marten Pase sustained a bullet wound to the head, Yanes Giban was shot in the hand. Prior to the incident, as the four friends were driving on two motor cycles, one of the motorcycles was hit by a car. The accident resulted in an argument and a brawl, upon which the driver reported the incident to a nearby security post, located at Tanah Hitam junction.²⁷

► On the 27th January 2016, at 03.00 EIT, Yeremias Salambau (29 years) and Toni Palu were returning from a ceremony in their village and tried to get a motor cycle taxi at the Ifaar motor taxi meeting point in Sentani. As they were waiting, a passing military truck stopped next to them, a group of military personnel jumped out of the vehicle, covered their faces with plastic bags and forced Yeremias and Toni into the military truck. Inside the truck the military personnel collectively kicked the men to the body and head. Yeremias and Toni were brought to a place which they identified as the Rindam military base Sentani.

The torture continued for approximately an hour before Yeremias and Toni were brought to the Sentani Subdistrict police station. Yeremias and Toni were locked in a cell for several hours before they were finally released in the morning.²⁸

► On the night of the 2nd February 2016, at 00.00, EIT approximately 25 members from the Rindam VXII Cendrawasih Ifar Gunung military unit severely tortured Herold Wepa (31 years) in front of a small store at Toladan, Flafouw. The military personnel used rifle butts, electricity cables, rubber batons and an iron bar as instruments of torture. Herold Wepa's face was covered with a plastic bag and forced into the military truck. In the truck the military personnel continued to kick Herold Wepa. The perpetrators whipped his back with an electricity cable and hit him on the head with a metal bar until Herold Wepa sustained a severely bleeding injury to the head. He was then brought to the Sentani Subdistrict police station. The wound on Herold Wepa's had to be stitched at Yowari Hospital the following day.

On the 3rd February 2016, around 00.15, Doni Roberth Alexander Kellem (38 years) and three of his friends named Patrik, Taime and Dani were also kidnapped by the same unit as the friends were sitting in front of Doni's house. The military truck approached them and a group of military personnel with masks jumped out of the truck, and started to beat the four men without any clear reason. The perpetrators dragged Doni, Patrik and Dani into the military truck where their heads were covered with plastic bags. Doni

26 JPIC GKI Di Tanah Papua (01.06.2016): Papua Hari Ini

27 Independent human rights activists (03.01.2016): Aparat Kembali Melukai 4 Warga Sipil Di Jayapura Papua, e-document: <https://wekonws.wordpress.com/2016/01/03/aparat-kembali-melukai-4-warga-sipil-di-jayapura-papua/>

28 Ibid.

sustained a bleeding head injury on his temple after a member of the military unit punched and kicked him to the head. According to the victims, there was already a group of other arrestees in the truck. Military personnel indiscriminately whipped the victims with electricity cables and delivered beatings to the men inside the truck. All arrestees were brought to Sentani subdistrict police station.

As the truck was heading back to the military base, the military force members also kidnapped Billy Kabey (21 years) and Paul Yoku (26 years) around 0.20 at Flafouw street. The military members attacked Billy and Paul while they were sleeping inside their car in front of their uncle's house. The military personnel forced open the car, dragged them out of the vehicle and forced them into the truck. The military members covered the men's heads with black plastic bags and tortured them inside the truck. Paul Yoku was whipped with an electricity cable on the back and beaten with a rubber baton on the head, while his friend Billy Kabey was kicked with jack boots on his chest. At 3.00 Billy and Paul were brought to the Sentani Subdistrict police station, where they were forced to do squats. According to Billy and Paul there were twenty one other young Papuan men at the police station, all with bruises on their faces and some of them bleeding. One of the military personnel intimidated the men further by stating that all of them would be executed the following day. At 05.00 all arrestees were released. On 5 February 2016, two military officers named I Wayan and Firman came to the house of the victims' uncle and offered them medical treatment at the military clinic.²⁹



Images 2.5-36 (upper) & 2.5-37 (lower): Scarfs caused by the torture on Herold Wepa's arm and head. (Source: JPIC-GKI di Tanah Papua)



Image 2.5-38: Marks on Paul Yoku's back after being whipped with an electricity cable. (Source: JPIC-GKI di Tanah Papua)

29 JPIC GKI Di Tanah Papua (01.06.2016): Papua Hari Ini

► On the 17th February, 2016, military personnel beat Welem Waita at Lokbon Village, Arguni District, in Kaimana Regency. The beating occurred after Welem Waita had complained that the military were not allowed to hunt animals on their tribal land without the consent of the landowning indigenous community. According to Welem, the military person carries out security duties for the logging company PT. Wana Kayu, and had repeatedly come to their land for hunting.³⁰

► On the 18th March 2016, at 23.30, EIT a police officer from the Crime Resort unit of District Police Mappi shot Titus Sagaimu (28). The incident occurred during a police patrol in front of Silo Congregation at Kepi, Mappi Regency. A local resident had called the police officers because Titus Sagaimu was disturbing public order under the influence of alcohol. According to the police, Titus Sagaimu resisted arrest and tried to attack the police officers. One of the officers released a warning shot, followed by a second shot that hit Titus Sagaimu in the stomach. Titus Sagaimu had to be taken to the General Hospital in Merauke for medical treatment.³¹



Image 2.5-39: Titus Sagaimu at Merauke General Hospital. (Source: Jubi)

► On the 12th April 2016, at 12.00, EIT joint police forces from the regional mobile brigade unit and Yahukimo District Police arbitrarily arrested eight Papuans in Dekai, Yahukimo Regency after they had distributed leaflets for an upcoming demonstration in support of ULMWP. The six KNPB supporters Yupi Sobolim, Unyil Kobak, Erson Suhun, Natu Dapla, Lendeng Omu, dan Leni Busup were arrested and brought to Dekai District Police Station. At the police station the six men were forced to stand in the sun, do squats in the police yard and eat money and soil. Police officers also threatened the six men to hang them. Subsequently, the officers tied the KNPB supporter's legs, dragged them around while kicking them with jack boots on the back and in the stomach. One perpetrator hit each of the men's head twice using a hammer. The torture lasted for approximately one and a half hours and was meant as punishment because the KNPB supporters refused to sing the Indonesian National Anthem.³²

► On the 2nd May 2016, police officers tortured at least 9 protesters and a journalist during arrest and interrogation at the Mobile Brigade headquarter in Kota Raja (see also chapter 2.1.2 Press Freedom). The arrests occurred in various places during the 2nd May demonstration in Jayapura. Subsequently, all arrestees were transferred to the mobile brigade headquarter in Kota Raja, where the security forces delivered beatings, and forced the arrestees to take off their shirts.

Warpo Wetipo was punched on the ear by a police officer causing temporary loss of consciousness. As he woke up, blood came out of his ear. Moreover, police officers kicked him on the back and chest and hit his head repeatedly with a rifle butt. Arim Tabuni was arrested at the roundabout in Abepura. On the way to the police

30 Independent Human Rights Defender (18.02.2016): Oknum Anggota TNI teror warga sipil, e-document: <http://nestasuhunfree.blogspot.co.id/2016/02/oknum-anggota-tni-teror-warga-sipil-di.html>

31 Tabloid Jubi (21.03.2016): Di Mappi, Oknum Polisi Tembak Residivis Di Perut, e-document: <http://tabloidjubi.com/2016/03/21/di-mappi-oknum-polisi-tembak-residivis-di-perut/>

32 Suara Papua (21.04.2016): Laporan Penangkapan 63 Anggota KNPB Periode 5-13 April 2016, e-document: <http://suarapapua.com/read/2016/04/21/3281/>

station, police officers repeatedly beat him and other demonstrators. The arrestees were ordered to lift their arms as they were in the police truck while police officers were punching them on the chest. During the interrogation police officers threatened Arim Tabuni and three of his friends to execute them and dump their bodies in the sea. Goty Tabuni stated that police officers forcefully dragged her to the police truck. One officer pulled her bra until the string broke and her breasts were exposed.³³



Image 2.5-40: Warpo Wetipo sustained a bleeding injury on his left temple.

► On the 31st May 2016, Jayawijaya District Police officers arrested Kelenak Telenggen (29 years), a member of the armed Papuan independence movement OPM at his brother's boarding house in SD Percobaan Street. As police officers forced their way into the boarding house, they threatened Kelenak Telenggen's relatives at gunpoint and forced them to show them the hideout of Kelenak Telenggen. One of the police members shot Kelenak Telenggen in the leg to prevent him from attempting to escape. After that Kelenak was brought to Wamena hospital, where he received medical treatment. Police denied family members and human rights defenders the opportunity to visit Kelenak Telenggen after his arrest. Two family members who wanted to visit Kelenak in the hospital, were detained by police officers and interrogated for approximately eight hours at the Jayawijaya district police station.³⁴

► On the 1st July 2016, members of the Police mobile brigade maltreated Tabloid Intant Jaya journalist Missael Maisini in Sugapa, Intan Jaya Regency (see chapter 2.1.2 Press Freedom)

Table 2.5-10: Table of victims tortured after mass protest in Jayapura.
(Source: ELSHAM Papua)

No.	Name of victims	Age	Gender	Information
1	Warpo Wetipo	31	male	was punched on the ear by a police officer causing temporary loss of consciousness, kicked him on the back and chest and hit his head repeatedly with a rifle butt
2	Doli Ubruangge	27	male	beaten during interrogation and arrest
3	Arim Tabuni	21	male	punched on the chest, officers threatened to kill him and throw his remains in the sea
4	Matias Suu	21	male	beaten during interrogation and arrest
5	Goty Gobay	23	female	officers pulled her bra until the string broke and her breasts were exposed
6	Kombawe Wanimbo	25	male	beaten during interrogation and arrest
7	Elias Mujijau	19	male	beaten during interrogation and arrest
8	Agust Pahabol	23	male	beaten during interrogation and arrest
9	Izon Kobak	23	male	beaten during interrogation and arrest
10	Ardi Bayage	-	male	smacked three times on the right cheek

33 ELSHAM Papua (03.05.2016): Penangkapan Massal Warnai Perayaan Hardiknas Di Papua, e-document: <http://elshampapua.org/2016/05/03/penangkapan-massal-warnai-perayaan-hardiknas-di-papua/> & Tabloid Jubi (05.05.2016): 7 Aktivis KNPB Mengaku Disiksa Di Ruang Tahanan Brimob Kota Raja.

34 Jaringan Advokasi Penegakan Hukum dan HAM di Pegunungan Tengah Papua (June 2016): Penangkapan serta Penembakan terhadap Kelenak Telenggen

► On the 15th July 2016, at 09.40 West Indonesia Time, plain cloth police officers tortured Obby Kogoya as he tried to enter the Papuan student dormitory. The incident occurred during a peaceful demonstration by members of the Papuan Student Alliance (AMP) and a political student group named the West Papua Liberation Union (PRPPB) in Yogyakarta, Central Java province. When Obby arrived at the dormitory, several officers stopped him and confiscated his motorcycle without reason, stating “do you think the police are afraid?! We can finish you”. As Obby Kogoya tried to escape to Kusumanegara Street, one of the plain clothes officers released a warning shot. Subsequently, the surrounding officers dragged him to the ground, and began to torture the student, using kicks and punches. One plain clothes officer pushed his fingers into Obby’s nose holes, pulling him by the nose. Another officer stepped on Obby’s head pushing his face into the dirt.³⁵



Images 2.5.-41 (upper) & 2.5-42 (lower): Obby Kogoya being tortured by plain cloth police officers.



► On the 15th August 2016, Jayapura regional police and mobile Brigade forces forcefully dispersed a peaceful KNPB demonstration using rubber bullets. The incident occurred in front of the Mimika Dormitory at Perumnas I Waena, Jayapura. Two demonstrators named Bayaem Keroman and Berina Magai were beaten by police officers during arrest and four demonstrators were injured by rubber bullets (see table).³⁶



Image 2.5-43: Bruises on Berina Magai's face after being hit by a rubber bullet.



Image 2.5-44: Bleeding injury on Noperina Kbak's forehead.



2.5-45: A protester showing his head injury which he sustained during the police crack down.

35 Independent human rights defender (16.07.2016): PRPPB: Ini Kronologi Represi Terhadap Mahasiswa Papua di Yogyakarta, e-document: <http://www.wenaskobogau.com/2016/07/prppb-ini-kronologi-represi-terhadap.html>

36 Independent human rights activist (16.08.2016): Polisi menembak rakyat Papua di depan Asrama Mimika Perumnas I Waena Jayapura Papua, e-document: <https://umaginews.blogspot.ro/2016/08/polisi-menembak-rakyat-papua-di-depan.html>

Table 2.5.11: Table of victims being hit rubber bullets during the crack down.

Nr	Victim's Name	Gender	Information
1	Bayaem Keroman	male	was beaten by police officers during arrest
2	Berina Magai	female	Bruises and swellings on the victim's forehead after officer hit her with a rifle butt
3	Noperina Kibak	female	victim' s head was hit by a rubber bullet
4	Elmin Kemon	male	victim' s chest was hit by a rubber bullet, whereabouts of Elmin are unknown since the incident
5	Yulinus Murib	male	victim' s chest was hit by a rubber bullet
6	Wenus Siep	male	victim' s stomach was hit by a rubber bullet

► On the 21st August 2016, police officers from Biak Numfor District police tortured Simon Warikar (43 years) during detention at the Biak Numfor district police station. Police officers had arrested Simon Warikar because the owner of his boarding house had reported Simon to the police after having damaged two windows under the influence of alcohol. According to the police officers the arrest was a measure taken to de-escalate the situation and prevent further damage until Simon Warikar was no longer under the influence of alcohol. At the police station police officers threw Simon Warikar forcefully to the floor inside his cell. When the victim protested against the rough treatment, several police officers approached Simon and ill-treated him further. The ill-treatments resulted in three broken ribs, a broken temple, a ruptured spleen and bruises all over his body. Simon Warikar had to undergo surgery the following day.³⁷



Image 2.5-46: Simon Warikar after his spleen operation at the general Hospital, Biak. (Source: Jubi)

► On the 27th August 2016, at 10 am, EIT four high school students, Noverianus Belau, Luter Japugau, Hans Belau and Otinus Sondegau were drinking alcohol near the Trans-Papua road in Sugapa. As a motorcycle taxi passed them, the young men stopped the motorbike and asked the driver for cigarettes. The driver reported the incident to the local police mobile brigade (Brimob) station upon which five Brimob officers headed to the location. A heated argument

³⁷ Tabloid Jubi (28.08.2016): Diamankan, Ternyata Simon Warikar Dianiaya di Polres Biak, e-document: <http://tabloidjubi.com/16/2016/08/28/diamankan-ternyata-simon-warikar-dianiaya-di-polres-biak/>

between the pupils and the officers occurred. Instead of de-escalating the situation, the Brimob officers drew their guns, threatening to shoot the high school students. Luter and Hans succeeded in escaping safely, whereas Noverianus Belau was shot in the hand and Otinus Sondegau was killed during the incident (see chapter 2.4 Extra-judicial and arbitrary Executions).³⁸ On October the 7th, 2016, five police officers from the local mobile Brigade unit were sentenced to minor imprisonment sentences between 21 days and one year for “inappropriate use of firearms.”³⁹

► On the 7th September, 2016, approximately 15 members of the crowd control unit (Dalmas) of Madi district Police severely maltreated Sony Yeimo (23 years) and Rev. Yunus Yogi (55 years) in Ipakiye Village, Paniai Regency. The incident occurred in the afternoon, after an argument between villagers and a non-Papuan shop owner in Ipakiye Village. The villagers requested that the shop owner must close his store after several villagers sustained electric shocks due to a defective electricity cable. Thereupon the owner called the police and military personnel from the 753 Arvita Nabire Batalyon. A police officer beat Sony Yeimo because he insisted that the owner would have to close his business and leave Ipakiye village. As Sony defended himself, approximately 15 police officers collectively hit Sony with rifle butts and kicked him with jackboots, causing a burst lip and bruises in Sony’s face. When Rev. Yunus Yogi tried to help the victim and intervened in the mob beating, police officers beat both men with rifle butts, causing a bleeding injury to Rev. Yunus’ temple.⁴⁰

► On the 13th September 2016, at 20.30 EIT, five military members of KODIM 1702 Jayawijaya military unit severely tortured Endius Wenda and attempted to drown him in the Aikima river, Wamena, Jayawijaya Regency. Previously, the owner of a street restaurant had called the military, because Endius Wenda refused to pay his bill of 15.000 Rupiah. According to Endius the chicken he received was already rotten and inedible, so he rejected the food and refused to pay. As the five military personnel arrived at the street restaurant, they collectively punched and kicked Endius Wenda until he fell to the ground. The military members then dragged him into their car, where they continued to hit him with a metal wire and their bare hands. When the car reached Pikhe river the military members forcefully pushed Endius out of the car and kicked him several times in the stomach. Subsequently, they continued driving to a bridge at Aikima river, where they again collectively punched Eduis Wenda on the head before they threw him off the bridge into the water.

The strong current washed Edius approximately 150 meters downstream before he succeeded in getting himself to safety. Edius’ family reported the case to a military superior officer. Both parties finally agreed to settle the issue by customary law, through payment of material and financial compensation to the victim’s family. On the 15th October both sides agreed on a compensation payment of 1 billion rupiah, to be paid on October the 23rd 2016. On October the 26th, representatives of the KODIM 1702 Jayawijaya military base handed over 150 million rupiah and three pigs to the victim’s family, after Edius had agreed on the military superior’s request to lower the compensation payment.⁴¹

38 KPKC Kingmi Papua (31.08.2016): Laporan Verifikasi Penembakan Siswa Otinus Sondegau oleh Brimob Detasemen C Biak yang ditugas Sugapa di Halaman Rumahnya Yogasiga di Sugapa, Intan Jaya, Papua

39 Tabloid Jubi (08.10.2016): 21 hari penjara untuk pelaku penembakan Otinus Sondegau, e-document: <http://tabloidjubi.com/artikel-755-21-hari-penjara-untuk-pelaku-penembakan-otinus-sondegau.html>

40 JPIC KINGMI Papua (07.09.2016): Polisi Dalmas Polres Madi Paniai pukul Pendeta Yunus Yogi dengan Popol senjata di Testa

41 Jaringan Advokasi Penegakan Hukum dan HAM Pegunungan Tengah Papua (04.10.2016): Endius Wenda Diculik oleh 3 Anggota Militer KODIM 1702, Dan Dibunag Ke Kali Aikima, Dalam Keadaan Hidup pada 13 September 2016



Image 2.5-47: Endius Wenda at the Aikima river bridge. (Source: JAPH-HAM)

► On the 14th September 2016, at 19.00 EIT, two police officers named Briptu Diram and Yayan from the marine and air police unit beat Melky Balagaize (19 years) and shot the victim into his left buttock. The incident occurred at a police post near Wogikel residential area at Wanam village, Ilwayab District, Merauke Regency. Melky, his brother and a group of friends were on their way home when a dispute between the two police officers and Melky escalated. Briptu Diram rushed inside the police post, returned with an AK 47 and released one shot, hitting Melky's left buttock. When Melky and his friends escaped from the post, police officer Yayan chased after Melky and hit him with the rifle butt on the right temple. According to the police officers Melky was drunk, and attacked one of the officers with his machete. Melky's brother, Seimon Petrus Balagaize, denied the police's statement, saying that both officers were also drunk.⁴²



Images 2.5-48 (upper) & 2.5-49 (lower): Melky Balagaize at Merauke general Hospital. (Source: Jubi)

42 Tabloid Jubi (17.09.2016): Keluarga Bantah Penembakan di Wanam-Merauke versi Polisi, e-document: <http://tabloidjubi.com/16/2016/09/17/penembakan-di-wanam-merauke-versi-polisi-dibantah-keluarga-korban/>

► On the 17th September 2016, an unknown number of police officers from Yahukimo District police severely maltreated Anto Soll (26 years) in front of the district police station in Dekai, as he was joining a demonstration. The protesters demanded the release of 10 KNPB members, who had been arbitrarily arrested in the morning as they were distributing leaflets for an upcoming KNPB demonstration. Police officers forcefully dispersed the protest after an unknown man had thrown a stone at the police station. Police officers arrested Anto Soll and beat him with rubber batons and rifle butts to his forehead, the back of his head, his temple, as well as on his back and ribs. Anto Soll suffered severe injuries and had to receive medical treatment at the Dekai General Hospital.⁴³



Image 2.5-50: Anto Soll after the ill-treatment. (Source: Jubi)

► On the 18th October 2016, a group of military personnel of the Kodim 1707/Merauke military unit collectively tortured Xaferus Tambaip (43 years) and Ronald Amunggun (24 years) at the KODIM 1707/Merauke military base. The incident occurred after a police officer with the initials YK seriously injured a military person with a knife. In response, a group of Kodim 1707/Merauke military carried out a sweeping operation at Mangga II Road and Bakti Road, Kelapa Lima District, Merauke, in which they unlawfully arrested Xaferus Tambaip and Ronald Amunggun.

The military personnel repeatedly hit Xaferus with rifle butts to the jaw and forehead. Other perpetrators hit Xaferus with wooden sticks to the body and kicked him with jackboots on the back and in the stomach. After the torture military members brought Xaferus and Ronald to the Merauke District Police station. Later a lawyer visited the victims during detention and requested that both men receive medical treatment at Merauke general hospital. Xaferus could not chew solid food and was unable to sit upright for more than seven days due to the injuries he sustained during the torture. When the victim's family reported the incident to a superior at 1707/Merauke named Major Bobby, the military officer rejected the request to process the perpetrators via an internal military investigation.⁴⁴

43 Tabloid Jubi (17.09.2016): Jelang Aksi Damai 19 September, 21 Anggota KNPB Yahukimo Ditangkap, e-document: <http://tabloidjubi.com/artikel-160-jelang-aksi-damai-19-september-21-anggota-knpb-yahukimo-ditangkap.html>

44 Independent Human Rights Defenders (25.10.2016): Dua Orang Masyarakat Sipil (OAP) Dianiaya Oleh Puluhan Anggota TNI, e-document: <http://suarawiyaimana.blogspot.co.id/2016/10/dua-orang-masyarakat-sipil-oap-dianiaya.html>



Images 2.5-51 & 2.5-52: Xaferus Tambaip at Merauke General Hospital.

► On October the 26th, 2016, at approximately 23.00 EIT, Police forces opened fire at a group of protesters who had built a roadblock and burned car tires at Yos Sodarso Street, Sanggeng area, Manokwari. Local residents of Papuan origin had built the roadblock after a community member, named Vigal Pauspaus, was stabbed by an unknown perpetrator from Makassar because he did not bring enough money to fully pay the bill. When police forces arrived at the location to open the roadblock, the protesters obstructed the officers. Thereupon, police officers fired with live ammunition at the crowd and killed one

person. Five other victims were seriously injured by bullets. Eyewitnesses reported that the police forces were backed-up by a group of migrants carrying various sharp weapons.

Police officers shot dead Onesimus Rumayom (45 years) in front of Sanggeng police post at Yos Sudarso Street (see also chapter 2.4 Extra-judicial Executions). Five other protesters were seriously injured with bullets. Erik Inggabouw Yomaki (25 years) was hit by bullets in the neck and chest. He had to be taken to the hospital where he had to receive intensive treatment at the ICU. Martinus Urbinas (44 years) sustained a bullet wound to his left wrist. A high school student named Agustinus Wakum (17 years) was hit by a bullet to the right arm. Ruben Eppa (32 years) sustained a bullet wound in the lower back. Paskal Mayor Sroyer (19 years) was hit by a bullet to the right thigh in front of Sanggeng Manokwari Store. All victims had to be brought to the Marines Army hospital in Manokwari, where they received medical treatment. Furthermore, police officers ill-treated and arbitrarily arrested Dominggus Rumayom (30 years) and two other men whose identity remains unclear.

► On the 27th October 2016, at 10.00 EIT, members of the Manokwari District police and Police Mobile Brigade began to carry out sweeping operations. Police officers punched and kicked Obed Arik Ayok Rumburen (63 years) and his son Anthonius H. Rumburen (25 years) in front of the GKI Sion congregational church in Ciliwung Street. A Brimob officer hit Anthonius Rumburen's on the head and mouth with a rifle butt. According to local NGO LP3BH Manokwari the torture was witnessed by the head of Manokwari District police and the head of the Papua Barat Regional Brimob unit. Another victim named Orgenes Asaribab (40 years) was severely injured to the temple and left buttocks by bullets at Ciliwung Street. A further victim named Kiki Suabey (35 years) was severely ill-treated and had to be rushed to the hospital.⁴⁵

45 LP3BH Manokwari (29.10.2016):Kronologis Kasus Manokwari: 22, 26 Dan 27 Oktober 2016



Image 2.5-53: Agus Wakum



Image 2.5-57: Martinus Urbinas



Image 2.5-54: Erik Inggabouw Yomaki



Image 2.5-58: Orgenes Asaribab



Image 2.5-55: Paskal Mayor Sroyer



Image 2.5-59: Antonius H. Rumbruren



Image 2.5-56: Ruben Eppa

Table 2.5-12: Table of victims at the Manokwari shooting. (Source: LP3BH Manokwari)

No.	Victim's Name	Age	Information
1	Agus Wakum	17	bullet pierced victim's the right hand
2	Ruben Eppa	32	bullet wound in the lower back
3	Antonius H Rumburen	25	bruises on the head and libs
4	Orgenes Asaribab	40	injury on the temple and bullet wound on the left thigh
5	Paskal Mayor Sroyer	19	Bullet wound on the right thigh
6	Martinus Urbinas	44	bullet wound on the left wrist
7	Kiki Suabey	35	bruises allover the body after being collectively beaten
8	Erikson Inggabouw Yomaki	29	bullet wound in the right side of the neck

► On the 19th December 2016, at 09.30 EIT, joint police and military forces from various local units in Wamena arbitrarily arrested 62 members of West Papua National Committee (KNPB) at the local KNPB office in Irian Street, Wamena, Jayawijaya regency. All arrestees were forced to crawl from the office to the police truck. Police officers punched and kicked the arrestees inside the police vehicle and also at the police station. Several victims of torture stated that the police officers had beaten them with wooden sticks. At least eight arrestees sustained injuries due to the police torture (see table 2.5-13).



Image 2.5-62: Bruised face of Samuel Wenda



Image 2.5-63: Bleeding injury above Dispon Kogoya's left eye

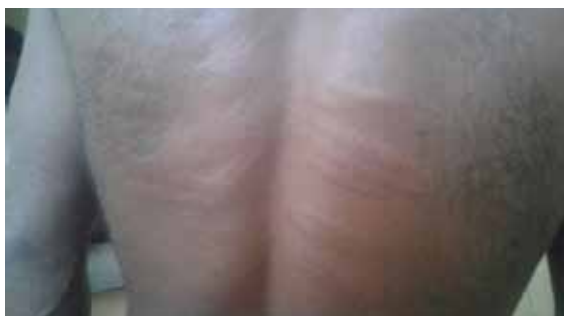


Image 2.5-60: Bruises on Jemi Wenda's back



Image 2.5-61: Bruises in Steven Peyon's face



Image 2.5-64: Severe injury on Aman Dabi's right waist after being beaten with a wooden stick

Table 2.5-13: Table of victims who experienced torture at the Jayawijaya District Police Station. (Source: JAPH-HAM)

No.	Victim's Name	Information
1	Simion Dabi	bleeding injury above the left eye
2	Stanus Kosay	bruises on the left ear
3	Samuel Wenda	bruises below the left eye
4	Jimi Wenda	bruises and swellings on the back
5	Steven Peyon	bruises and swellings on the left cheek, thighs and left side of his back
6	Dispon Kogoya	bleeding injury above the left eye, was collectively beaten by police officers at the Jayawijaya police
7	Aman Dabi	Severe bruises on his right waist and injury at above the right eye

Recommendations:

- Ratify the Optional Protocol to the Convention against Torture (OP-CAT), and Ensure that the Indonesian Criminal Code (KUHP) is reviewed to include the crime of torture as defined in the UN 'Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment', which was ratified by Indonesia in 1998. The government could alternatively enact a national law to criminalize torture.
- Increase the efficiency of the national complaint mechanisms for victims of torture and maltreatment by strengthening the institutions' mandate, e.g. grant unlimited access for family members and human rights defenders to all military and police detention facilities and link complaint mechanisms with enforcement institutions. The mechanisms should ensure follow-up, independent investigations, the prosecution of perpetrators and provide adequate remedies to victims.
- Introduce regulations ensuring the exclusion of military personnel from law enforcement operations.
- Establish a human rights court in West Papua and extend its mandate to process all human rights cases, not only those meeting the criteria of systematic and widespread attacks against civilians.

A photograph of three elderly women sitting on the ground in a market stall. They are surrounded by various fresh produce, including tomatoes, cucumbers, and leafy greens. The woman on the left wears a yellow shirt and a red headscarf. The woman in the middle wears a red shirt. The woman on the right wears a black shirt and a blue headscarf. They are all looking towards the camera. The background shows other market stalls and people.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Market women at the Nayak Market, Wamena. (Doc. ICP)

SECTION 3

Economic, Social and Cultural Rights

The situation of economic, social and cultural rights in West Papua is dominated by violations of the right to health, the right to education, the right to food and labor rights. There is a strong imbalance in the fulfillment of minimum standards in terms of health, education, food and labor rights between the urban areas and the remote inland areas of West Papua. It is in these inland areas that the majority of the local populations consisting of indigenous Papuans still live.

The Provinces of Papua and Papua Barat continue to be amongst the regions with the highest prevalence rate for HIV/AIDS infections, and child mortality in Indonesia, whilst the quality of health services is alarmingly low. Health facilities do not reach international health standards with regard to medical equipment, human resources and hygiene. General hospitals are only available in urban areas, while health services in rural areas are provided by small clinics, so-called PUSKESMAS (Pusat Kesehatan Masyarakat), which often lack personnel capacities, adequate medication and equipment. Despite the general challenges presented by a Pertussis epidemic between November 2015 and February 2016, it has also shown that neither the provincial nor the central government has adequate monitoring and response mechanisms regarding the health situation in remote areas. There are no effective strategies or preventive mechanisms in place to avoid and deal with outbreaks of transmittable diseases in remote areas.

Despite a growing number of schools, and government efforts to increase the availability of primary education facilities, the quality of education in West Papua remains considerably low. The reasons for this are multiple: poor management of the education system and facilities, inadequate competences and high absence rates amongst teachers, as well as the lack of a culturally appropriate curriculum. The provincial government of Papua continued to use less than one percent of the annual special autonomy budget in 2016 for education. Illiteracy in Papua Province continues to be the highest in Indonesia.

Large scale resource exploitation in West Papua has led to the destruction of indigenous communities livestock and is a major threat for their food sustainability. The governments continue to facilitate agricultural projects in order to improve economic development and national food security. The presence of companies and various government programs has had a severe impact on indigenous peoples' food sustainability, habits and right to food.

Loss of customary lands has put pressure on indigenous communities' food supplies and has forced many affected groups to look for labor in palm oil plantations, where they work for low incomes. Palm oil companies use indigenous Papuans preferably as day laborers, leaving them with fewer benefits in terms of social security and long term employment. Labor associations and the struggle for labor rights are suppressed by police and military personnel who are hired by companies to provide security for their plantations.

3.1 The Right to Health

The chapters on the right to health in former editions of this report have focused on limitations with regard to accessible, affordable, appropriate and qualitative health care. It highlighted the problems of the stigmatization and marginalization of people living with HIV-AIDS, and accessibility to affordable treatment. There has been attention given to reproductive health problems and the violation of sexual and reproductive rights, related to demographic changes in the region. While these pressing issues should not be neglected, as they remain chronic health challenges requiring sustained attention and monitoring, this present chapter highlights the crucial link between environmental changes, climatic effects and how these have impacted on the health of indigenous Papuan's living in the highlands. The epidemic outbreak in Nduga regency in November 2015 must be regarded as the tip of the iceberg of a situation in which food security, malnutrition, and extreme climatic weather events have increased the risk of disease and ill health, even leading to increased mortality and premature deaths. Part of the indigenous population is more vulnerable now to these situations of environmental stress as the traditional buffer capacity for food security (e.g. temporary migration, alternative nutritional sources being traded and consumed, stock availability of proteins and carbohydrates such as livestock, sweet potatoes and vegetables) has been reduced. There are several reasons for this but a major reason of concern is the reduced accessibility to traditional lands by the indigenous populations, as well as the modern food market, which is to a large extent not in the control of the indigenous population. Reliability on this modern market leaves children and adults vulnerable to under-nutrition, a reduced immune system and limited health reserves to deal with environmental stresses as they occur.

Environmental challenges and their impact on the health situation of indigenous communities.

Drought, failed crops and hunger have traditionally occurred, and will occur with regularity, in the highlands over the years. This is related to the natural El Nino pacific climatic effect. Nevertheless, the frequency and intensity of these events have increased. It must be regarded as somewhat similar to the risks faced by the pacific low-lying island states that are in danger of being washed away by rising sea levels. The highlands across the New Guinean island (including PNG) face reduced crop output and more land becoming inhabitable due to climate change. It is mainly the indigenous population, that carry the burden of these stresses. This situation requires close monitoring, not only to understand the trends and severity of these malnutrition and infectious disease 'epidemics', but also to learn from indigenous customary practices and more sustainable, circular, forms of agriculture being in balance between nature and human pressure. The food security situation has improved nationwide, but Papua remains vulnerable due to its location and the neglect of some areas.¹ The situation in Papua New Guinea (PNG) in relation to the effects of El nino must have been similar to West-Papua but received much more attention and support by the humanitarian community.² ³It indicates the continuous neglect and marginalization of the indigenous population in West Papua, including their health and wellbeing.

Health care services in the central highlands –example of Nduga Regency.

Nduga regency is one of the most remote regencies in the central highlands of Papua province, whose population consists largely of indigenous Papuans, living in small villages surrounded by primary mountain rain forests. The only way to access most of the villages remains by mountain footpaths, small airplanes and helicopters, which are able to land on the small unpaved airstrips in the central highlands.

Most villages lack even the most basic medical services. Apart from the lack of health centers (PUSKESMAS) and medical equipment, there are hardly any medical personnel working in these remote areas, which are almost entirely populated by indigenous communities. If community members face serious diseases, they have to be flown out or risk a several days hike through difficult passable mountain terrain until they reach the next health service center, which is in most cases poorly equipped with medication, facilities and medical personnel. General vaccination services that include immunization for the Pertussis bacteria are not consistently being provided in the area.

West Papua, consisting of the two Indonesian provinces Papua and Papua Barat, has been given special autonomy status by the Indonesian government. All local governments in West Papua receive sufficient funds for the improvement of infrastructure, health and education. The central government allocated seven billion Indonesian Rupiahs (IDR) in 2015 and another 7.7 billion IDR in 2016⁴. In fact, despite the availability of resources local observers report a deterioration

1 ACAPS. 2016, El Nino Impact on Indonesia: Scenarios. Possible developments in Indonesia over the next 10 months (to end 2016). ReliefWeb <http://reliefweb.int/sites/reliefweb.int/files/resources/s-el-nino-la-nina-impact-on-indonesia-scenarios.pdf>

2 UNOCHA. Asia-Pacific Region: El Niño Snapshot (as of January 2016) <http://reliefweb.int/report/world/asia-pacific-region-el-ni-o-snapshot-january-2016>

3 IOM. El Nino Affects a Million People in PNG highlands. 2015 <http://reliefweb.int/report/papua-new-guinea/el-nino-affects-million-people-png-highlands>

4 E-document (03.02.2016): <http://news.detik.com/berita/2994198/jokowi-naikkan-dana-otsus-papua-papua-barat-dan-aceh-rp-1-t,18.08.2015>

of the availability of health care over the past years due to financial and administrative mismanagement.

An unresolved long-standing conflict about the political status of West Papua, the regions status as a military operation zone within Indonesia and racial discrimination in the practice of public services and security forces result in violence against indigenous Papuans and public services not being delivered in an equitable manner for the indigenous community as for non-indigenous residents.

Case Study: Pertussis epidemic in Nduga Regency.

Non-Government Organisations, a civil society solidarity group and local media have reported the deaths of at least 51 children and three adults due to Pertussis (whooping cough) in the districts of Mbua, Dal and Mbulmu Yalma, in Nduga Regency, Papua Province, Indonesia since November 2015. As the government's social and health institutions did not respond to the serious situation of malnutrition and hard weather conditions in the affected areas, many children died of otherwise manageable infections. As a result of this negligence, the Indonesian government failed to fulfill its obligations to protect the health and life of its people, as stated in the International Covenant on Economic, Social and Cultural Rights in article 11/1,2 and article 12/1, 2 (a), (c) and (d).



The people in the districts of Mbua, Dal and Mbulmu Yalma were severely affected by the El Nino climatic effect, which resulted in extremely dry and cold weather in the West Papua region. The cold and dry climate damaged crops, and caused the death of livestock and wild animals which led to a shortage of food in the Nduga Regency. The extremely cold weather and food shortage in October 2015 worsened the existing chronic malnutrition of the population in Nduga and weakened the indigenous peoples' immune systems. Combined with limited access to clean water and the lack of proper ventilation inside the traditional huts, the malnutrition facilitated a fast spreading of the airborne Bordetella Pertussis bacteria, which caused pneumonia and eventually the deaths of 51 children, all of them under the age of 10 years. In addition three adults have died during the Pertussis outbreak.

According to local sources, government health institutions have failed to provide preventive immunization and medical treatment to those living in the districts of Dal and Mbulmu Yalma. Furthermore, the government social agencies did not take sufficient humanitarian measures in all three districts to counter the food shortage and provide medication in all affected areas. The failure of government services is violating the fundamental right to the enjoyment of the highest attainable standard of physical and mental health.

Image: 3.1-1: Burial in one of the villages affected by the Pertussis epidemic. Source: Solidaritas Korban Jiwa Wilayah Mbua Kabupaten Nduga Tahun 2015.



Image: 3.1-2: Villager points at the dead chicken. The first signs of the climatic changes were indicated by the sudden deaths of wild animals and frogs, later pigs and chicken. (Source: Solidaritas Korban Jiwa Wilayah Mbua Kabupaten Nduga, 2015)

The first data about the epidemic outbreak was collected by the victim solidarity group Mbua SKJM ('Solidaritas Korban Jiwa Mbua'). The deaths were confirmed by various local news media and a government health agency. According to the results of a survey by the government health agency 'DINAS Kesehatan' in October 2015 the cause of death was Pertussis. In general cases of Pertussis are not deadly but the extremely cold weather and food shortage in October 2015 worsened the existing chronic malnutrition in Nduga and weakened the indigenous peoples' immune systems, leading to a fast spreading of the disease. The extreme weather conditions also lead to the destruction of crops and the death of livestock, such as pigs, chickens and

rabbits, which remain the main source of protein for Papuan indigenous highland communities. SKJM explains that neither the local government, nor national health institutions have seriously responded to stop the epidemic, despite the epidemic being declared a health emergency by the Ministry of Health.

According to SKJM first indications were already recognized between August and October 2015 with the sudden deaths of wild animals and frogs, later on pigs and chickens died. Between November 2015 and 5th January 2016 the disease killed 51 children and three adults in the remote districts of Mbua, Dal and Mbulmu Yalma of Nduga Regency. SKJM has repeatedly collected data on the progression of the epidemic outbreak and shared its result with the Health Agencies of Nduga Regency, Papua Province and the National Ministry of Health. However, the solidarity group stated that the health institutions did not collect data and did not provide medical care to patients in all affected districts. The health institutions in charge would not have taken any further steps to stop the outbreak of pertussis, to address the chronic malnutrition and to provide medical treatment to the people in the districts of Mbua, Dal and Mbumu Yalma.

All three districts lack functioning health centers (PUSKESMAS) and medical personnel –only the district of Dal has a health service point (PUSTU). SKJM furthermore provided detailed information on various basic medications at the service point, which were already expired but were still prescribed to patients.

SKJM also reported that since the epidemic outbreak, 25 fully armed members of the XVII Cenderawasih military unit were deployed to Mbua district. The soldiers' presence intimidated local indigenous communities and caused some residents to leave their villages and temporarily settle down in the surrounding forests. This in turn exposed them to a further higher risk of health problems.

Table: 3.1-1: Table of victims who died during the Pertussis epidemic in Nduga Regency between November 2015 and February 2016. (Source: Solidaritas Korban Jiwa Wilayah Mbua Kabupaten Nduga, 2015.)

No	Name	Village	Gender	Date of death	Age	Duration	Symptoms
1	Febrian Lokbere	Mbua	M	13/11/2015	3 years	3 days	diarrhea, dizziness, fever, vomiting, coughing mucus
2	Tersina Lokbere	Mbua	F	16/11/2015	9 months	3 days	high fever, chills, vomiting, coughing mucus
3	Tomina Lokbere	Mbua	F	11/04/2015	3 months	4 days	high fever, sweats, vomiting, coughing mucus
4	Aterina Lokbere	Mbua	F	11/07/2015	1 year	4 days	diarrhea, dizziness, fever, vomiting, coughing mucus
5	Dorina Lokbere	Mbua	F	11/12/2015	7 months	3 days	high fever, sweats, vomiting, coughing mucus
6	Peterina Lokbere	Mbua	F	11/04/2015	3 months	4 days	diarrhea, dizziness, fever, vomiting, coughing mucus
7	Pimiye Lokbere	Mbua	M	11/09/2015	39 years	3 days	Strong cough, high fever, vomiting, coughing mucus
8	Debelina Lokbere	Mbua	F	11/09/2015	3 months	4 days	diarrhea, high fever, vomiting, coughing mucus
9	Komambiri Lokbere	Mbua	F	11/08/2015	2 years	12 days	high fever, diarrhea with blood, strong cough
10	Temince Gwijangge	Arugia	F	11/08/2015	2 years	12 days	high fever, diarrhea with blood, strong cough
11	Belly Lokbere	Diggilmu	F	10/02/2015	1 year	3 days	high fever, diarrhea with blood, strong cough
12	Kebalince Kusumbrue	Diggilmu	F	13/11/2015	6 years	3 days	high fever, sweats, vomiting, coughing mucus
13	Anisa Kusumbrue	Diggilmu	M	15/11/2015	5 months	4 days	Strong cough, diarrhea high fever, vomiting, coughing mucus.
14	Anita Kusumbrue	Diggilmu	F	16/11/2015	3 months	3 days	Strong cough, high fever, vomiting, coughing mucus.
15	Ganti Kusumbrue	Diggilmu	M	15/11/2015	9 months	4 days	high fever, sweats, vomiting, coughing mucus.
16	Yanti Lokbere	Diggilmu	F	11/06/2015	3 years	4 days	high fever, sweats, vomiting, coughing mucus.
17	Yorina Lokbere	Diggilmu	F	11/11/2015	4 months	7 days	high fever, sweats, vomiting, coughing mucus.
18	Yudis Kusumbrue	Diggilmu	M	16/11/2015	3 months	3 days	high fever, sweats, vomiting, coughing mucus.
19	Asugilek Lokbere	Diggilmu	F	18/10/2015	6 years	5 days	high fever, sweats, vomiting, coughing mucus.
20	Pesina Kusumbrue	Diggilmu	F	26/11/2015	7 years	4 days	high fever, sweats, vomiting, coughing mucus.
21	Polistina Lokbere	Diggilmu	F	11/08/2015	3 months	4 days	high fever, diarrhea with blood, strong cough.
22	Teria Kusumbrue	Diggilmu	M	01/03/2016	2 years	3 days	high fever, diarrhea with blood, strong cough.
23	Is Gwijangge	Diggilmu	M	30/12/2015	3 years	1 week	Chills, flu, cough, vomiting
24	Erincena Lokbere	Diggilmu	F	10/03/2015	10 years	3 months	diarrhea, dizziness, high fever, vomiting, coughing mucus
25	Erius Lokbere	Diggilmu	M	10/10/2015	5 months	3 days	high fever, diarrhea with blood, strong cough.
26	Peto Umangge	Diggilmu	M	13/10/2015	19 years	1 day	high fever, diarrhea with blood, strong cough
27	Alinus Kelnea	Diggilmu	M	11/03/2015	2 months	4 days	high fever, diarrhea, strong cough
28	Omin Lokbere	Otalama	F	10/06/2015	3 years	4 days	high fever, diarrhea with blood strong cough.
29	Oprinus Lokbere	Otalama	M	15/11/2015	6 months	7 days	high fever, diarrhea with blood, strong cough
30	Froince Tabuni	Otalama	F	19/11/2015	1 year	3 days	high fever, diarrhea with blood, strong cough.
31	Menis Tabuni	Opmo	M	27/11/2015	3 years	4 days	high fever, diarrhea, vomiting.
32	Menius Tabuni	Opmo	M	11/12/2015	2 years	5 days	high fever, diarrhea with blood, vomiting.
33	Lingginus Wasiangge	Opmo	M	26/10/2015	5 years	4 days	high fever, diarrhea, vomiting.
34	Prante Tabuni	Opmo	M	11/11/2015	3 years	3 days	high fever, diarrhea, vomiting.
35	Doklak Tabuni	Opmo	M	28/11/2015	1 year	4 days	high fever, diarrhea, vomiting.

36	Setinus Tabuni	Opmo	M	23/11/2015	1 month	3 days	high fever, diarrhea, vomiting.
37	Namina Lokbere	Opmo	F	10/12/2015	2 years	5 days	high fever, diarrhea, vomiting.
38	Nermince Tabuni	Opmo	F	11/01/2015	1 year	4 days	high fever, diarrhea with blood, vomiting.
39	Yusup Tabuni	Opmo	M	10/05/2015	37 years	5 days	high fever, diarrhea with blood, strong cough.
40	Ribeka Lokbere	Opmo	F	11/07/2015	15 years	4 days	high fever, diarrhea with blood, strong cough.
41	Ris Gwijangge	Opmo	F	15/11/2015	2 months	3 days	high fever, diarrhea with blood, vomiting.
42	Herlius Wasiangge	Laibrik	M	25/11/2015	1 year	3 days	diarrhea, high fever, vomiting, coughing mucus.
43	Diron Nimiangge	Laibrik	M	28/11/2015	2 years	3 days	diarrhea, high fever, vomiting, coughing mucus.
44	Nelsiana Wasiangge	Laibrik	F	11/11/2015	3 years	2 days	diarrhea, high fever, vomiting, coughing mucus.
45	Sisilea Kelnea	Laibrik	F	15/11/2015	3 years	4 days	high fever, diarrhea with blood, vomiting.
46	Yuden Umangge	Laibrik	M	18/11/2015	6 months	3 days	high fever, diarrhea with blood, vomiting.
47	Merlinus Tabuni	Yeriko	M	30/12/2015	15 years	4 days	high fever, diarrhea with blood, vomiting.
48	Yestian Lokbere	Yeriko	M	24/11/2015	3 years	4 days	high fever, diarrhea with blood, vomiting.
49	Yolinggen Wasiangge	Yeriko	M	25/11/2015	4 years	3 days	high fever, diarrhea with blood, vomiting.
50	Yerius Wasiangge	Kolma	M	26/11/2015	3 years	5 days	Pain in the esophagus, high fever, diarrhea with blood, strong cough.
51	Rutina Kusumbrue	Kolma	F	10/03/2015	39 years	12 days	Pain in the esophagus, high fever, diarrhea with blood, strong cough.
52	Yantina Lokbere	Kolma	F	11/06/2015	4 years	12 days	Pain in the esophagus, high fever, diarrhea with blood, strong cough.
53	Dimince Lokbere	Kolma	F	21/11/2015	4 years	3 days	Pain in the esophagus, high fever, diarrhea with blood, strong cough.
54	Marlince Umangge	Kolma	F	11/06/2015	17 months	4 days	Pain in the esophagus, high fever, diarrhea with blood, strong cough.

Recommendations:

The central government should

- Immediately enter into communication with the appropriate state institutions at the provincial and district level in order to launch effective health-based aid programs in remote regencies of West Papua. These programs should include the provision of food supplements and staple food as well as appropriate medication, medical personnel and medical equipment for local treatment on the spot.
- Take measures for the prevention of such outbreaks in the future, e.g. through vaccination programs and sustainable, contextually appropriate, nutritional programs to counter chronic malnutrition. The measures should include a program for the building of health service centers (PUSKESMAS), as well as a food and nutritional strategy for the indigenous highland communities as they are disproportionately affected by the environmental effects of climate change.
- Allow international humanitarian & health organizations, such as the International Committee of the Red Cross to operate freely in West Papua.
- Stop the engagement of military personnel in the implementation of health care programs, particularly in conflict-affected areas in West Papua, where a military presence has led to human rights violations against and the displacement of indigenous Papuans.

3.2 Right to Education

Data on education from 2015 and 2016 indicates that the government has put some effort into improving the physical infrastructure of the education system in West Papua. Local government education agencies have increased the number of teachers in both provinces, causing pupil-teacher ratios to drop to an average of 22 primary school students per teacher. However, the allocation of funds for education by both provincial governments is still less than one percent of the special autonomy fund. Both provinces keep struggling with the same issues that have already been identified for many years: such as the lack of a special curriculum adapted to the indigenous culture of West Papua, inadequate competencies and high absentee rates amongst teachers. The quality and availability of educational facilities varies significantly between different regions and among different levels of the education system. An 'Early Grade Reading Assessment' (EGRA) study conducted in 2015 revealed that the quality of primary education in West Papua is still far below the national average. In some remote regencies such as Jayawijaya, only 0,58 % of the students in grades one to three were able to read fluently with a clear understanding of the text, while 71.15 % of students in the same grades were not able to read at all. In 2015, the rate of illiteracy in the Papua Province remains the highest in Indonesia, with 28.47 % amongst residents, aged between 15 and 44 years, and 31.57 % amongst people over the age of 45.

Education in West Papua

According to international human rights standards, everyone should have access to primary education, as the most fundamental segment regarding the fulfillment of the right to education. Figures collected by the Papuan Provincial Center for Statistics between 2013 and 2015 indicate that local governments in West Papua have

increased the quantity of educational facilities and teachers in the primary education sector. Simultaneously, the total number of primary students in West Papua has risen throughout the reporting period. The employment of more teachers resulted in a statistical improvement of the pupil-teacher ratio¹ from 27.08 in 2013 to 21.07 in 2015 for the entire West Papua region (see table below).

Table 3.2-1: The situation of primary education in the Provinces Papua and Papua Barat between 2013 and 2015. (Source: *Provinsi Papua dalam Angka – Papua Province in Figures 2016, 2015, 2014 & Papua Barat dalam Angka – Papua Barat Province in Figures 2014, 2015, 2014*)

Primary Education (SD)	Schools	Pupils	Teachers	Pupil-Teacher Ratio
Papua Province				
2013	2.289	399.444	12.348	32,35
2014	2.400	382.292	13.176	29,01
2015	2.369	412.187	16.825	24,50

¹ The pupil-teacher ratio is one of several quantitative indicators to measure and evaluate the condition of the learning environment in educational facilities.

Papua Barat Province				
2013	891	122.880	5.636	21,80
2014	450	64.613	3.131	20,64
2015	1.016	131.977	7.485	17,63
West Papua				
2013	3.180	522.324	17.984	27,08
2014	2.850	446.905	16.307	24,83
2015	3.385	544.164	24.310	21,07

Figures collected in 2015 show that pupil-teacher ratios for secondary and tertiary education are lower than those for the primary education level. The average ratio amongst junior high schools in West Papua was 14 pupils per teacher, whereas

the ratio in senior high schools was 13 pupils per teacher. Vocational high schools in West Papua had an average ratio of 10 pupils per teacher. Despite the increasing number of students, the ratios of teachers to students indicate an improvement in educational (see tables below).²

Table 3.2-2: Pupil-teacher ratios for primary, secondary and tertiary education levels in the Provinces Papua and Papua Barat between 2013 and 2015. (Source: *Provinsi Papua dalam Angka – Papua Province in Figures 2016, 2015, 2014 & Papua Barat dalam Angka – Papua Barat Province in Figures 2014, 2015, 2014*)

Pupil-Teacher Ratio	2013	2014	2015
Papua Province			
Primary	32,35	29,01	24,50
Junior High Schools (SMP)	21,04	14,30	15,73
Senior High Schools (SMA)	19,05	13,22	13,56
Vocational High School (SMK)	11,60	8,51	10,23
Papua Barat Province			
Primary	21,80	20,64	17,63
Junior High Schools (SMP)	15,26	13,71	12,13
Senior High Schools (SMA)	11,17	13,14	10,97
Vocational High School (SMK)	9,19	10,78	9,17
West Papua			
Primary	27,08	24,83	21,07
Junior High Schools (SMP)	18,15	14,01	13,93
Senior High Schools (SMA)	15,11	13,18	12,27
Vocational High School (SMK)	10,40	9,65	9,70

² The tables and data are based on figures from the provincial statistics body (BPS) in the Provinces Papua and Papua Barat. The figures were published in the institutions' annual reports between 2014 and 2016 (Papua dalam Angka 2014, 2015, 2016 and Papua Barat dalam Angka 2014, 2015, 2016)

However, the improvements with regard to availability of facilities and personnel are inconsistent with a number of other findings concerning the quality of education in West Papua. Local governments still prioritize programs focusing on physical development instead of improving human resources in the region. An 'Early Grade Reading Assessment' (EGRA) study conducted in 2015 reflects the government's priority for physical development over qualitative improvement and human resource mana-

gement. The data for this research was collected from 2934 primary students in the regencies of Biak, Jayapura, Mimika, Jayawijaya, Sorong and Manokwari. Its results reveal that the quality of primary education in West Papua is still very low. In all tested fields of primary level reading and writing education, West Papua was far below the Indonesian average. The smallest difference between Papuan students and the national average was recognized in the field of oral vocabulary. (see table below)

Table 3.2-3: Results of the EGRA study in Indonesia, comparing results in West Papua with the national average. (Source: UNICEF Study on Education in Indonesia)

Assignments	National average	West Papua
Knowledge of alphabetic pronunciation (letters/minute)	75,00	31,54
Reading Words without meaning (words/minute)	29,90	5,83
Oral Reading (words/minute)	52,10	9,55
Understanding of the Text (% correct)	62,80	14,61
Listening Comprehension (% correct)	53,70	29,07
Oral Vocabulary (% correct)	87,87	83,64
Dictation (% correct)	72,80	24,59

The research showed that 48.47 % of the students in primary grades one, two and three were not able to read, 38.55 % could read with limited understanding and 5.35 % were able to read with a clear understanding. Only 7.63 % of Papuan students were categorized as "fluent in reading with a clear understanding of the text". The numbers differ greatly between different regencies. The best results were achieved in some better developed regencies like Jayapura and Sorong, whereas the remote regency Jayawijaya showed the worst results. In Jayawijaya only 0.58 % of the students in grades one to three were able to read fluently with a clear understanding of the text and 71.15 % of the students were not able to read at all.³

One reason for the low EGRA results in the provinces of Papua and Papua Barat is the national curriculum and Indonesian text books. Both are based on education conditions and living standards as one finds them in West and Central Indonesia. The national curriculum does not take the Melanesian cultural context into consideration and lacks adaptation to the lived reality in West Papua. The introduction of contextual text-books (Buku Paket Kontekstual Papua BPKP) based on a modern educational approach with a contextual adjusted language has shown great success in improving the reading and math skills of primary students. A survey showed that students using the new textbooks were reading about five times faster

³ UNICEF Study on Education in Indonesia: EGRA Research Power-point Presentation.

and calculating about three times faster in average⁴. The contextual books have received provincial acknowledgement, but lack active support from local governments at regency (*Kabupaten*) level.

Despite the lack of basic educational foundations at the primary school level such as reading, writing, basic accounting and language skills in Indonesian and foreign languages, a high percentage of students are promoted to the next educational level and may even graduate in this way from senior high school. This is a widespread problem in all levels of the educational system in West Papua. Teachers frequently grant certificates or pass on answers for exams to students who have not been able to meet educational requirements. This practice is particularly common in remote areas, where the teachers may only come twice a year to carry out the exams, while the lessons are taught by substitute or honorary teachers.

Under the Papua Special Autonomy Law No. 21/2001 article 36(2), 30% of the income of natural oil and gas mining of the regions Balance Fund should be allocated for education. Past surveys have shown that the provincial governments do not meet the financial obligations mentioned in article 36(2). On the 15th July 2016, the Indonesian Minister for Education, Anies Baswedan, criticized the Papuan provincial government. Of a total annual budget of more than 11 trillion rupiahs, the local government had allocated only 100 billion rupiahs for education –

this is less than 1 % of its annual budget.⁵ Moreover, a large percentage of the allocated funds is utilized to finance administration and maintenance of bureaucratic structures, such as administration expenses, salaries, travel expenditures and consumption expenditures for employees. Between 2006-2009, 85% of the allocated education budget was used for bureaucratic expenditures and only 15 % had been utilized for the improvement of the education system on the ground⁶.

In 2013, the government developed a special program for accelerated eradication of illiteracy in West Papua. According to the government, the program was successful in reducing the problem of illiteracy to 34.38% ⁷. Government data from 2015 states that the illiteracy rate in Papua Province has dropped to 29.74 %. However, this rate is still, by far the highest amongst all provinces in Indonesia⁸. Data from 2013 revealed that literacy rates in remote regencies like Nduga, Puncak and Intan Jaya were only around 30 %⁹. These numbers indicate that many indigenous Papuans, who mainly reside in the non-urban areas, have limited access to education. The low educational standard amongst many indigenous Papuans has consequences for their employment opportunities later in life. In remote regions most employment is provided by the extractive industries. Companies tend to prefer the recruitment of migrants instead of local indigenous Papuans due to the low level of education among indigenous Papuans.

4 Information on the contextual text books for Papua are taken from: <http://www.bukupaketkontekstualpapua.com/about.html>. The figures for the results of the utilization of the contextual books were taken from e-document <https://nebula.wsimg.com/6154acace77db28d5fe5ce64e5d2acd7?AccessKeyId=A5894ACE1D481DAF8C52&disposition=0&alloworigin=1>

5 KBR Indonesia (15.07.2016): Angka Buta Huruf di Papua 30 Persen, Anggaran Pendidikan dari APBD Terendah se-Indonesia, e-document: http://kbr.id/berita/07-2016/angka_buta_huruf_di_papua_30_persen_anggaran_pendidikan_dari_apbd_terendah_se_indonesia/83137.html

6 Assessment ICS Papua and FITRA Jakarta in cooperation with Uni Eropa (2009): Hasil pemetaan Permasalahan dan Kebutuhan dalam Pengelolaan Dana OTSUS untuk Pendidikan, p. 50

7 The program was implemented in 14 regencies of Papua province, namely Jayawijaya, Lanny Jaya, Yakuimo, Puncak Jaya, Tolikara, Paniai, Nduga, Mountain Star, Deiyai, Yalimo, Asmat, Dogiyai, Intan Jaya, and Memberamo Central. In Papua Barat province the same program was carried out in the regencies of Manokwari, Teluk Bintuni, Sorong, South Sorong and the municipality of Sorong. Electronic data source: <http://www.jeratpapua.org/2015/03/21/tinggi-buta-aksara-pr-besar-pemerintah/>

8 Badan Pusat Statistik Indonesia (2015): Persentase Penduduk Buta Huruf, e-document: <http://data.go.id/dataset/persentase-penduduk-buta-huruf/resource/3e89671a-3199-4716-ba05-b39e00162b54>

9 Badan Pusat Statistik Provinsi Papua (2013): Angka Melek Huruf Provinsi Papua 1996-2013, e-document: <http://papua.bps.go.id/linkTabelStatistik/view/id/18>

Teacher Attendance

There are various reasons for the low quality of education in West Papua. A major reason is the high absentee rate of teachers in the Provinces Papua and Papua Barat. A study of teacher absenteeism in West Papua showed that the absentee rate in Papua Barat province was 26% and 37% in Papua Province. The absentee

rates amongst teachers is directly related to the geographic location of the educational facilities. Almost one out of four teachers in easy-to-access lowland schools were absent. In the highland districts the figures show that 48.7 % of the teachers were not fulfilling their duties. The research showed a similar figure of 44.2 % teacher absentee rate for lowland areas that were hard to access (see table below).

Table 3.2-4: Teacher absence on district level by geographic location of educational facilities. (Source: UNCEN-UNIPA-SMERU-BPS-UNICEF (2012): “We like being taught”, A Study on Teacher Absenteeism in Papua and West Papua, p. 11)

	Easy-to-access		Hard-to-access		Highlands		Total	
	n	%	n	%	n	%	n	%
Present	528	77,4	237	55,8	97	51,3	862	66,5
Absent	154	22,6	188	44,2	92	48,7	434	33,5
Total	682	100	425	100	189	100	1.296	100

The high absentee rates lead to the conclusion that a “culture of absenteeism” has developed amongst teachers in West Papua. This phenomenon is made worse by a high absentee rate of school principals, who are supposed to manage the teachers’ schedules, monitor their absence from class and apply sanctions for teachers who do not fulfill their duties¹⁰.

Further interesting findings showed a co-relation between teachers’ absentee rates and teachers’ educational background, as well as gender, and the teachers’ category of employment. In the highland districts, university-trained teachers were absent in 15% of cases, while ‘non-diploma’ teachers tended to be more often absent, as in 50% of cases. Unexpectedly, absentee rates of teachers with the better paid civil service status were higher than those of substitute teachers. Across all geographic categories, male teachers tended to be significantly more often absent than their female colleagues.

There are multiple reasons for the high absentee rates amongst teachers. In many areas of West Papua the teachers have to deal with additional challenges, such as difficult living conditions, low quality of educational facilities and a high number of students. In highland districts, the teacher-pupil ratio may be as high as 1:40. Living conditions (health, access to government services and housing) are generally of low quality for teachers in remote areas. The most significant ‘welfare’ variable that emerged as strongly linked to teacher absenteeism was the availability of government housing and the quality of that housing¹¹. Other common reasons for teacher absence were teaching-related duties such as attendance at meetings and seminars which contributed 9% to the national absentee rate¹².

Many teachers in West Papua –particularly those working in rural indigenous communities– named, safety and land issues as major challenges. Land and safety issues are of general concern,

10 UNCEN – UNIPA – SMERU – BPS – UNICEF(2012): “We like being taught”, A Study on Teacher Absenteeism in Papua and West Papua, p. 10 f

11 Ibid, p.12 f

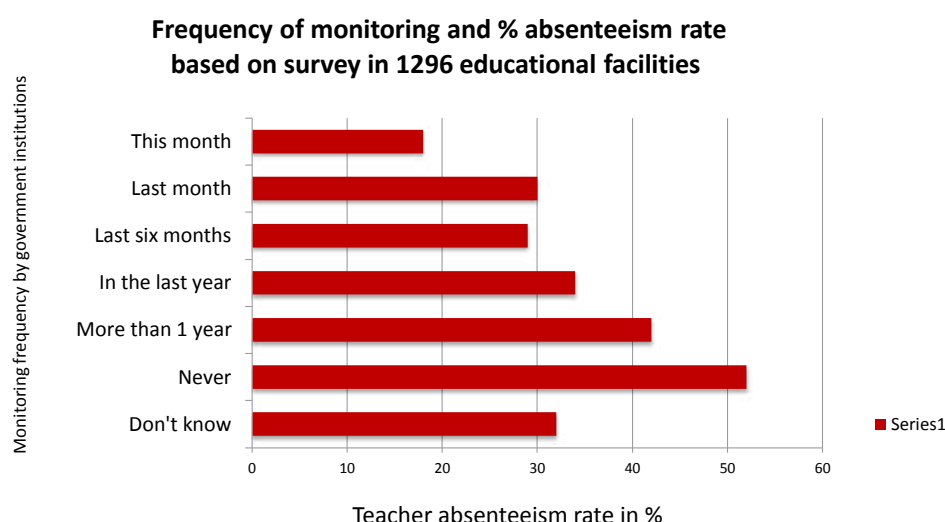
12 Education Sector Analytical and Capacity Development Partnership (ACDP), Ministry of Education and Culture, “Study on Teacher Absenteeism in Indonesia 2014, p.xiii

particularly for non-Papuan teachers who often struggle with living conditions in remote areas. The government has introduced a number of programs to improve the quality of teachers. This must be considered as a promising approach to the education crisis in West Papua, where many teachers lack teaching skills and a knowledge of basic teaching methods.

The management of educational facilities as well as the frequency of government-based monitoring was found to have a strong impact on teacher absentee rates. Schools that applied

effective management measures such as teacher attendance books, incentives for good teacher practice, professional school leadership and involvement of local community members in monitoring processes, only had absenteeism rates of 12%¹³. According to the study the government's role in monitoring the teachers attendance played an additional and significant role in the reduction of teacher absenteeism rates. Schools that had been monitored more recently tended to experience lower rates of absenteeism (see table below).

Graphic 3.2-1: Correlation between monitoring frequency and teacher absenteeism.
(Source: UNCEN-UNIPA-SMERU-BPS-UNICEF(2012): *"We like being taught"*, A Study on Teacher Absenteeism in Papua and West Papua, p. 15)



Case study:

Education in the districts Edera, Syaha Me, Bamgi, Yakomi, Venaha of Mappi regency

Civil Society activists have collected data on primary schools in the Districts of Edera, Syaha Me, Bamgi, Yakomi and Venaha in Mappi regency. The data reveals the malfunctioning of primary schools in the districts due to mismanagement

regarding the placement of teachers, provision of sufficient funds and infrastructural challenges, causing a high absentee rate of teachers. The majority of teachers in most districts did not have civil service status or a regular income based on government civil service standards. Accordingly, most schools were forced to employ honorary teachers, who often lack an academically adequate education. The honorary teachers received their monthly payment from the village government¹⁴. The salaries of such

¹³ Ibid, p. 14

¹⁴ According to Indonesian Regulations on Education all teachers need a minimum academic graduation of D4 (Vocational Diploma Degree) or S1 (bachelor degree)

teachers are extremely low and are not enough to cover living expenses for themselves. The low wages and challenging living conditions have induced teachers to be absent from lessons – many teachers moved to Merauke city, where the development of infrastructure and the quality of basic services is higher. Several communities reported that retired teachers were not replaced by the regional education department in Mappi.

Out of 34 Primary schools, civil society activists labeled 18 schools as dysfunctional, 10 as partly functional and only six schools as properly functional. Only 52 teachers in the research area were categorized as “regularly fulfilling their tasks as teachers”. Moreover, the teachers were unevenly distributed amongst the schools. The research results showed that educational facilities in the area would have needed at least 75 teachers to guarantee the proper implementation of the primary school curriculum.¹⁵

International education norms applicable to West Papua

In 2006 Indonesia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which constitutes the foundation of the country’s obligations towards the right to education from the perspective of international law. The document specifies this right and devotes two articles to the right to education: Articles 13 (right to education) and 14 (plan of action for primary education). The Committee (CESCR) monitoring the ICESCR has adopted two General Comments (GC) specific to the right to education; GC 11 (on article 14) and GC 13 (on article 13).

The General Comment No. 13 by CESCR of 1999 generally characterises the Right to Education by the following key words: empowerment, vehicle to overcome marginalization and

poverty, full participation in public affairs, non-discrimination (fully and immediately), safeguard against exploitative and hazardous labour and sexual exploitation, promotion of democracy, protecting the environment, and controlling population growth. With regard to the objectives for the implementation of education on national levels, all countries should ensure that the education system is directed to the human personality’s sense of dignity and enabling all persons to participate effectively in a free society. Accordingly, education shall promote understanding among all ethnic groups, as well as nations and racial and religious groups.

Minimum standards for education may be measured taking into account the following criteria of

- availability (sufficient quantity of educational facilities, teaching materials/facilities, trained teachers receiving domestically competitive salaries)
- accessibility (physical accessibility, non-discriminatory accessibility with regard to gender and vulnerable groups, economic accessibility with free primary education)
- acceptability (form and substance of education, curricula and teaching methods)
- adaptability (needs of students within their diverse social and cultural settings)

In its Concluding Observations to the initial report by the Indonesian Government on the implementation of ICESCR in 2012, the Committee on Economic, Social and Cultural Rights (CESCR) in 2014 criticised the government, saying. ‘that the minimum essential levels of economic, social and cultural rights are generally not guaranteed in remote islands and areas such as in Papua, due to unavailability and the poor quality of public services, including education’. CESCR was further concerned about the lack of educational services and the poor quality in

¹⁵ Pastor Paroki of the Arch Diocese Merauke (06.02.2015): Kadaan Umum Pendidikan di Paroki Santo Antonius Padua Bade Suatu Kajian dan Keprihatinan.

certain areas, leaving a large number of illiterate persons, or high drop-out rates among girls. In addition, measures taken by the government, such as the deployment of less qualified teachers in remote areas, perpetuate the discriminatory situation. The Committee recommended the government to ensure quality and culturally

adequate education, especially in remote areas. The Committee also recommended to ensure that primary education is free of charge and measures are taken to address school drop-out among girls. In consultation with local communities, the government should consider education in local languages where appropriate.

Recommendations:

- **Reduce absenteeism of teachers through improvements in personnel management (e.g. by introducing teacher attendance books), and enforce applicable sanctions for teachers who do not fulfill their duties. Moreover, respective government agencies should increase attention for teachers' needs and introduce incentives in appreciation of good practice amongst teachers.**
- **Develop specialized substitute teacher incentive programs, ensuring that a substitute teacher is always available if a regular teacher is absent from school.**
- **Provide incentives and support to contract teachers working in rural and remote schools, such as higher remuneration to cover travel expenses.**
- **Improve the quality and availability of housing facilities for teachers.**
- **Local education departments and local communities should monitor teacher attendance rates in government and private education facilities on a regular basis.**
- **Strengthen teacher recruitment guidelines to ensure a minimum standard for the quality of education, as well as teacher promotion systems.**
- **Monitor and evaluate the implementation of article 36(2) of the Papuan Special Autonomy Law No. 21/2001, to ensure that education budgets meet the required level.**
- **Develop an education system for West Papua, which is oriented towards Papuan culture and support its implementation amongst all 7 customary regions in West Papua.**
- **Take firm action against officials who have misused education funds.**

3.3 Right to Food

Violations of the right to food in West Papua are mainly related to large scale agriculture and mining activities driven by government programs on food security and economic growth. Especially, palm oil plantations are a growing threat to tropical rain forests, forests which supports the raising of livestock for local indigenous communities. The conversion of forest into plantations has lead to the destruction of sago stocks and hunting grounds. Palm oil plantations and mining operations reportedly caused pollution or desiccation of drinking water resources in various places. This has forced many indigenous communities to change their cultural habits with regard to food. Affected indigenous households develop dependencies on commercial food products like rice and instant noodles instead of preserving traditional sustainable ways of local food production.

Right to food and land grabbing

Large-scale investment projects in West Papua had multiple adverse impacts on the environment and the land right situation of indigenous Papuans. The conversion of forest areas into palm oil plantations or logging areas has led to the destruction of local livestock while causing impoverishment amongst indigenous communities. This situation has forced affected indigenous peoples to apply for jobs in companies, where they mostly work as temporary day laborers (see chapter 3.4 on Labour Rights). The income as laborer on plantations is often not enough to cover indigenous families' basic living expenses if they no longer have access to traditional food sources. This situation bears health consequences for affected communities. In Nduga regency, chronic malnutrition had opened the way for an outbreak of the Bordetella Pertussis Bacteria, causing the death of 51 children and 3 adults between October 2015 and February 2016¹.

For most lowland Papuan cultures, sago is a staple food². Mature sago palms are felled, split open and the inside is pounded to produce a starch

which can then be prepared for consumption in several different ways. The trees grow in groves in swamps and humid areas in the forest, and although they occur naturally, the groves are maintained and tended by humans over many generations, to ensure a continuing source of food. This link with the ancestors means that sago groves also are regarded as sacred places by many Papuan peoples. There is also an economic factor as sago can provide a source of income if sold in the city.

The cultural and spiritual importance of sago groves as well as their vital role in subsistence and commercial economies means that their destruction would have a major impact on local communities. In several cases plantation companies have promised to set aside sago groves from plantation development, but have later gone on to clear them, or have failed to leave a buffer zone to protect the sago trees. Testimonies from local people indicate that sago stocks and other sources of food are becoming increasingly scarce near plantations. Accounts of difficulties finding animals to hunt are common. Populations of fish species in rivers are also reportedly decreasing.

1 ICP (16.02.2016): Urgent Appeal, - At least 54 Children Have Died of Pertussis in Nduga Regency, Papua Province, Indonesia During Past Months After Government Neglect

2 Sago is the major staple food in the lowland areas while sweet potatoes is the most important staple food in the highlands of West Papua.

Case Studies:

► The Merauke Food and Energy Estate (**MIFEE Project**) program is supposed to cover 1.2 million ha of customary land, of which a majority belongs to the Malind tribe. The government has planned to use the land for the production of palm oil, rice, corn and soybeans. The Malind people are hunters and gatherers - they exploit wild sago stocks and therefore highly depend on the forest. So far the MIFEE project has caused the clearing of 228.022 hectares of land, mostly covered with savanna grassland and forests.

In many areas of Merauke regency the implementation of the MIFEE project has resulted in violations of indigenous peoples' right to food. The clearing of land areas caused the destruction of sago stocks, local indigenous Papuans' staple food source. Such cases have been reported from Zenegi Village, Animha District, Merauke. Surrounding forests have been depleted and wild animals such as deer, wild pigs, kangaroo, and cassowary have been displaced. PT Selaras Inti Semesta which is a subsidiary of the Medco Group has obtained concessions for an area of more than 169 400 ha. The company has cleared large areas of land including sago stocks, which are the staple food of local indigenous communities.³

► The following is a case in Nabire, where PT Nabire Baru, a company which has met with significant local opposition from the Yerisiam Gua people since it started clearing forests in 2012, wished to clear a further 5000 hectares to meet its obligations to develop a smallholder

scheme. On February the 7th 2016 a meeting took place between the company and the community, in which community members expressed their opposition to the company felling the Jarai and Manawari sago groves, an area which the community estimates to be about five square kilometres, and is the site of their ancestral village and an area they regard as sacred.⁴ Nevertheless, two months later, on April 12th, the company's bulldozers moved in and started to clear the Manawari sago grove. The work continued for several days. Although community members went to the area each day to protest, armed Police Mobile Brigade officers were protecting the clearance work.⁵

► A similar situation has also occurred in Robate, South Sorong, where PT Putera Manunggal Perkasa (ANJ Group) has been clearing land for an oil palm plantation since 2014. In 2015 community members from the Maybrat ethnic group were shocked that seven sago groves had been cleared on their land.⁶ In reaction to this, the community erected signs around the area to indicate that they were withholding their consent as customary landowners for continued forest clearance.⁷

► Pollution of water resources and a steep decline of fish stocks have been reported from the area near the Bian River watershed in Merauke. Six large plantation companies have started planting oil palms since 2012, and levels of pollution have increased.⁸ Residents of villages in the upper Bian River have also reported fish-kills and that children bathing in the river have suffered from skin complaints.⁹ They no longer

3 Dede Ilham Sugiarto (05.02.2016): MIFEE Adalah Bencana Untuk Masyarakat Adat Merauke, Pangan Dan Energi, Electronic data source: <http://pembebasan.org/miffee-adalah-bencana-untuk-masyarakat-adat-merauke-pangan-dan-energi.html>

7 E-document: <http://pusaka.or.id/palang-areal-sawit-anj-demi-das-sungai-dan-dusun-tempat-keramat/>

8 E-document: <http://pusaka.or.id/sawit-marak-sagu-di-merauke-mulai-hilang/>

9 Tabloid Jubi (21.12.2012): The Impact of MIFEE presence at Bian River and Maro River, e-document: <http://tabloidjubi.com/16/2012/12/21/the-impact-of-miffee-presence-at-bian-river-and-maros-river/>

4 E-document: <http://pusaka.or.id/suku-besar-yerisiam-tolak-plasma-sawit-demi-lindungi-dusun-sagu-keramat-jarai-dan-manawari/>

5 E-document: <http://pusaka.or.id/brimob-dan-pembongkaran-dusun-sagu-suku-besar-yerisiam-gua/>

6 E-document: <http://pusaka.or.id/riwayat-dusun-sagu-tempat-mencari-makan-suku-maybrat-kaiso-dan-awe-di-bongkar-perkebunan-sawit-anj/> & <http://pusaka.or.id/kebun-sawit-group-anj-gusur-dusun-sagu/>

drink the water and are reliant on buying expensive bottled water, or boiling water from wells.¹⁰

► Indigenous peoples in the districts Mbua, Dal and Mbulmu Yalma of Nduga regency were severely affected by the El Nino climatic effect, which resulted in extremely dry and cold weather in the West Papua region. The cold and dry climate had damaged crops, and caused the death of livestock and wild animals which led to a shortage of food in Nduga Regency. The extremely cold weather and food shortage in October 2015 worsened existing chronic malnutrition of the population in Nduga and weakened the indigenous peoples' immune systems. In combination with limited access to water and proper ventilation, the malnutrition facilitated the fast spreading of the airborne Bordetella Pertussis Bacteria, which caused pneumonia and eventually the death of 51 children, all of them under the age of 10 years. In addition, three adults have died due to the same Pertussis outbreak.¹¹

Government food security programs and its negative impact on indigenous communities

The Indonesian government has introduced a national long-term and large scale economic development policy named "the master plan for the acceleration and expansion of Indonesian economic development" (MP3EI). The MP3EI document suggests a partition of Indonesia into six economic corridors - one of them is the economic corridor Papua-Maluku. The area is supposed to become a production center for food, fishery, energy and national mining. The province Papua should be developed for the production of a national food buffer¹². One of the programs under the framework of MP3EI is

the Merauke Integrated Food and Energy Estate (MIFEE) Project.

Instead of protecting traditional staple food sources of local communities, the government's ambitious food security program is entirely limited to rice production. So far, the government did not introduce any policy regarding the diversification of local foods in West Papua. This situation has led to the impression that the Government of Indonesia –either deliberately or unintentionally– ignores Papuan staple food customs or creates dependencies amongst indigenous Papuan people to eat rice instead of traditional staple foods like sago, taro, sweet potatoes and cassava.

Today a growing number of indigenous peoples in West Papua are consuming rice instead of traditional staple foods like sago and sweet potato. This phenomenon is aggravated by the government's food aid program named Rice for the Poor (*Raskin*). The rice for the RASKIN food aid program is imported from outside of Indonesia. The central and provincial governments freely distribute the low quality rice to all regencies in West Papua. Since the government has started to introduce the subsidized rice in indigenous villages, a growing number of Papuans in various areas have abandoned their gardens. Such cases have been reported from several highland areas of Pegunungan Bintang and Paniai Regency, where the traditional foods are consumed as "food of second choice", if rice and instant noodles are not available or affordable.

Food Security in National Policies

In Indonesia, the fulfillment of the right to food is mainly regulated by Law No. 7/1996 on Food. The regulation states that food is a basic human

10 Documentary film by Watchdoc: The Mahuzes, e- data source: <https://www.youtube.com/watch?v=Pch7efib8qo>

11 ICP (16.02.2016): Urgent Appeal, At least 54 Children Have Died of Pertussis in Nduga Regency, Papua Province, Indonesia During Past Months After Government Neglect

12 MP3EI dan Ketahanan Pangan, Electronic data source: <http://setkab.go.id/mp3ei-dan-ketahanan-pangan-2/>

need and its fulfillment is the right of every Indonesian citizen. The law declares that food safety, quality, nutrition, and sufficient availability are the main prerequisites for the establishment of a food system, which protects the national health interests and the improvement of peoples' prosperity. Article 33 of the Indonesian

Constitution, states that the state has obligations to ensure economic, social and cultural rights, in particular the right to food. Accordingly, food production must be controlled by the state as one of the production branches that greatly contributes to the welfare of many people.

Recommendations:

- **Develop programs for the diversification of local foods as part of the national food security strategy to stop the increasing destruction of local staple food sources in West Papua.**
- **Develop respective local food potentials in each of the different customary areas of West Papua in accordance with the culture and lifestyle of indigenous Papuans.**
- **Introduce and enforce or strict legal punishment for companies which destroy or contaminate any source of local food of indigenous Papuans including fresh water.**

3.4 Labour Rights

In West Papua labour rights' violations are most often reported from palm oil plantations. If indigenous communities lose their land they are often forced to apply to work as labourers on palm oil plantations, where they work for low salaries that can sometimes be below the provincial minimum wage. Indigenous Papuans have reportedly experienced discrimination during the employment process. Most Papuans are employed only as day labourers with less social security benefits and with little prospects for long-term employment. Moreover, health and safety conditions at the plantations are also of concern. If workers demand better conditions, they may often face acts of violence by the security forces, which commonly support palm oil companies in West Papua.

Violations of labour rights in West Papua have been mainly reported from the agricultural sector, particularly from various palm oil plantations. Working conditions on plantations in Papua often fail to meet acceptable standards, especially for indigenous Papuans. This issue is closely related to the lack of genuine Free, Prior and Informed Consent when companies acquire indigenous lands. If indigenous communities are not able to freely choose whether to accept a plantation, they will lose access to the forest they previously depended on for their subsistence. A lack of education and suitable skills have forced affected indigenous communities into a situation where they have no other option but to look for work with these same companies. This employment is therefore also described as forced labour by NGOs.¹

Labour income at palm-oil plantations can be significantly lower than the incomes from a combination of cash crops like rubber or sago, or from the sale of forest products such as meat and fish, and occasionally from the sale

of logs or eagle wood (kayu gaharu). Workers from Gententiri village near Korindo PT Tunas Sawaerma's (Korindo Group) plantation in Boven Digoel Regency have reported a 40-50% drop in incomes. The company had managed to convince some village leaders to agree on the expansion of the plantation. As a result the villagers had to abandon their rubber farms.² Wages are around the same as the provincial minimum wage, sometimes slightly below.³ However, this is insufficient to meet basic needs of the people in the remote areas where the plantations are located. The prices in remote areas are much higher than in the cities due to transportation. Many villages in the interior can only be accessed by airplane or water ways.⁴

Papuans have reportedly experienced discrimination in the work place, with non-Papuan migrants being preferred. In PT Megakarya Jaya Raya's (Pacific Inter-link Group)⁵ plantation in Boven Digoel, an indigenous villager who had applied for a job with the company made the following

1 Forest People's Programme submission to the UN Committee on the Elimination of Racial Discrimination, e-document: <http://www.forestpeoples.org/sites/fpp/files/publication/2013/08/cerduamifeejuly2013english.pdf>

2 E-document: <http://pusaka.or.id/suara-buruh-papua-perusahaan-masuk-pendapatan-menurun/>

3 In the case of Papua Province for 2016, this was 2.43 million Rupiah or 180 US\$ per month

4 Antara News: Ongkos Transportasi Tinggi Bikin Harga Barang di Papua Mahal, e-document: <http://www.antaranews.com/print/152139/ongkos-transportasi-tinggi-bikin-harga-barang-di-papua-mahal>

5 Although there is ample evidence to establish a connection, it should be noted that Pacific Inter-link has not formally claimed ownership of PT Megakarya Jaya Raya

statement: *"For us as indigenous Papuans, if we want to work for the company we have to pass through several steps and meet various conditions, such as bringing a letter from the village head, from the clan chief, school certificates and identity card, and only then will the human resource department take you on, but for non-Papuans, if you arrive at the plantation one day, you'll be working the next"*⁶

Across Papua, indigenous Papuans are often not given permanent contracts but employed as casual day labourers. This means, that as well as having fewer social security benefits, they also run the risk of not having long-term employment after the initial phase of plantation development. During this stage companies require more labour for land-clearance, working in the nursery and planting out the young palm trees. This has been the case in Zanegi village in Merauke where PT Selaras Inti Semesta (Medco Group) started an industrial forestry plantation in 2010. The company initially employed 30 people from the village. By 2016, no more villagers were employed by PT Selaras Inti Semesta, despite repeatedly asking for work. As the natural forest disappears, it becomes increasingly difficult to survive from forest-based activities, for example it has become harder to hunt deer and cassowaries (see chapter 3,3 right to food).⁷

Health and safety issues are also a concern on some plantations. Local Papuan workers in PT Nabire Baru's plantation (Carson Cumberbatch Group) in Nabire have reported that several people suffered serious skin complaints while working in the nursery, causing painful boils to break out.⁸

Complicity between plantation companies and state security forces can mean workers face violence when demanding better conditions. Community leaders have claimed that Brimob guards were responsible for seven cases of physical violence and a further eight cases of intimidation around PT Nabire Baru's concession in the period 2011-2015.⁹ This has reportedly included threats against workers who had taken action after late payment of salaries and arbitrary dismissals.¹⁰

On December 21st 2015, Marvel Doga, a 22 year-old employee of PT Tandan Sawita Papua (Eagle High Plantations) was shot dead by army guards after going to the company offices to demand his Christmas bonus.¹¹ Although Mr Doga was reportedly drunk and a risk of violence may therefore have been perceived, responding with live ammunition is clearly an excessive use of force.

6 "Kami orang asli Papua kalau mau menjadi buruh perusahaan harus melewati beberapa tahapan dan syarat-syarat seperti surat dari Kepala Kampung, Ketua Marga, Ijasah dan KTP, lalu bisa diterima HRD, tetapi kalau orang non Papua, hari ini sampai dilokasi perusahaan, besok bisa langsung kerja" E-document: <http://pusaka.or.id/suara-buruh-papua-perusahaan-masuk-pendapatan-menurun/>

7 E-document: <http://tabloidjubi.com/16/2016/03/24/pt-sis-beroperasi-masyarakat-kampung-sanegi-tak-diberdayakan/>

8 E-document: <http://tabloidjubi.com/artikel-1281-perempuan-yerisiam-gua-dusun-sagu-ini-hidup-kami.html>

9 E-document: <http://tabloidjubi.com/16/2015/11/15/empat-tahun-brimob-sebabkan-15-kasus-kekerasan-di-area-kelapa-sawit-nabire/>

10 E-document: <http://www.nabire.net/pt-nabire-baru-phk-abaikan-hak-180-buruh/>

11 Cenderawasih Post (22/12/2015):Kehabisan Darah, Karyawan Perkebunan Kelapa Sawit Tewas, d-document: <http://www.cenderawasihpos.com/index.php?mib=berita.detail&id=8744> see also Pacific Pos (22.12.2015): Buruh Sawit Keerom Tewas Ditembak Oknum TNI, e-document: <https://www.pacificpos.com/headline/7087-buruh-sawit-keerom-tewas-ditembak-oknum-tni>

A close-up photograph of a Papuan woman with dark, curly hair, smiling warmly. She is wearing a bright pink, textured knit top and several colorful beaded necklaces. She is holding a small, brown and white puppy in her arms. A large, red, textured object is resting on her shoulder. The background is slightly blurred, showing another person in traditional attire.

WOMEN'S RIGHTS

Papuan woman with her lovely pet. (Photo: Carol Reckinger)

SECTION 4

Women's Rights

Women constitute one of the most vulnerable groups in West Papua, facing particular challenges such as economic marginalization, gender based violence, limited access to justice and discrimination. Women living with HIV/AIDS have to face additional obstacles in West Papua, created by the social environment as part of stigmatization and social exclusion.

Large scale development projects are among the key causes for economic marginalization of women. These result in limited access to resources. The destruction of forests and hunting grounds as a source of livelihood for indigenous communities puts an additional burden on the lives of affected Papuan women. A further point of concern is the strong economic competition with Non-Papuan traders at local markets and other economic fields in West Papua.

Gender based violence puts women in positions with limited access to justice. Especially, when cases of domestic violence are settled in non-legal ways by police-mediated negotiations or customary law even though victims reported the incidents to the police. Solutions achieved by non-legal mechanisms fail to provide justice for the victims and lack the deterrent effect for the perpetrators.

Women living with HIV/AIDS are particularly vulnerable to multiple types of discrimination and stigmatization from health care workers and their own relatives. Local human rights groups have alleged cases where victims were forced to undergo sterilization, abortion or separation from their partner because their families feared social marginalization and exclusion.

West Papuan society is strongly dominated by men, indicating a large gap between the implementation of gender equality in regulations and real life. Women are visibly under-represented in politics and leading government positions. This applies also to customary leadership and decision making systems from which women are excluded.

4.1 The Economic Marginalisation of Women

A series of factors causes the economic marginalisation of Papuan women. The presence of large scale development projects results in limited access to resources. Economic neglect by a husband in cases of divorce or separation is another key concern. The absence of local regulations and initiatives to strengthen indigenous Papuans' economic position has not allowed for any visible improvement. The increasing competition with migrants from other parts of Indonesia causes additional challenges.

Several large scale development projects have turned out to threaten the existence of forests and indigenous peoples in West Papua. Among others, these include the Merauke Integrated Food and Energy Estate (MIFEE) which is still in its first stage of implementation. It has already lead to the clearing of 228.022 hectares of land, mostly covered with savanna grassland and forests. Other large scale projects are the palm oil plantations in Sidey (Manokwari regency), owned by PT MEDCO and covering an area of 45.000 hectares, in Klamono (Sorong Regency) owned by PT. Hendrison Iriana covering an area of 21.500 hectares, and in Yetti (Keerom regency) owned by PT. Raja Wali Group/PT. Bunches Sawita Papua covering an area of 18.337 hectares. The local government's procedures in approving concessions are unclear. Once projects are established, the government agencies in charge fail to properly monitor their compliance.

The above mentioned agricultural projects have blocked indigenous peoples access to land and resources or have caused irreparable damage to forests, which are the source of livelihoods and culture for indigenous communities in West Papua. Indigenous women are particularly affected by the presence of large scale

plantations. According to the customary division of labor, women are in charge of taking care of the gardens, harvesting food and collecting firewood, organic materials and traditional medicine from the forests. The loss of land rights forces women to walk longer distances to the gardens and forests to supply their families with food.

Data collected by ELSHAM Papua, JPIC-GKI and several other local NGO's working on women's rights, has shown that the food situation of indigenous peoples - particularly for women and children - in villages near sites of natural resource exploitation is of great concern. A survey was conducted in nine villages of Merauke, Keerom, Paniai and Jayapura regency, near agricultural projects or mining sites. In the survey, women stated that they experienced difficulties to provide food for their families because they had insufficient land for gardening, and collecting food was no longer available. The increasing distances between villages and the food sources due to the establishment of mines and plantations had a severe impact on indigenous peoples' way of live. In most cases families were forced to rely on commercial food products like tinned food, rice and instant noodles¹. This has

¹ Such examples were even found in really remote areas like Degeuwo, Paniai regency, where small scale entrepreneurs and individual gold miners have build dozens of illegal gold mines. The presence of gold miners has severely affected indigenous communities lives in the area. Indigenous peoples are now highly

led to additional economic pressure for women and their families and negatively affected the nutrition, and the health of local residents. The government has failed to provide protection for their traditional food sources, and lack of easy access to clean fresh water has affected indigenous communities.

In most plantations and other agricultural companies, indigenous Papuan women are only employed as cheap labourers. Employers in this field of labour rarely care about the bad working conditions, and neither do they provide safety clothing, proper equipment for work or health insurance. Labourers working at the oil production factory in Keerom have to work in a polluted environment, causing headache and stomach ache. Many labourers and affected villages in the area do not have access to clean drinking water and therefore rely on rain water. If rain water is not available, the women often rely on contaminated river water from the plantation. Plantation water is often polluted with chemicals and industrial waste. The majority of companies do not provide clean fresh water for the affected communities and employees living at the plantations².

In general, many Papuan women still struggle to meet their economic needs. This applies not only to the situation of women in remote areas, but also to women in the cities, where many indigenous women seek a small income for their families by selling local products in the market. Papuan women often lack business knowledge and capital to set up efficient businesses but have to face strong economic competition with Non-Papuan traders who use and own a large share of the market facilities. As a result of economic discrimination, most Papuan women have to sell their products in less strategic sites while migrants from other parts of Indonesia use

more lucrative locations in the local markets³. Moreover, a majority of Papuan women do not meet the necessary standards to receive micro business funds from private providers or banks and cannot apply for funds to set up a local business⁴.

The dominance of non-Papuan traders in local markets is a common sight in many parts of West Papua except in the rural areas, which are mainly populated by indigenous Papuans. Most local medium size economic centers, especially traditional food markets, are dominated by traders from outside Papua who have significant advantages with regard to capital and entrepreneurial skills. Papuan women selling fish and garden crops such as potatoes, corn, vegetables, fruit and nuts do not have the financial means to rent market facilities and are therefore forced to sell their products on plastic tarpaulins on the ground. Similar observations can be made with regard to small shops, stores, mobile food supply services in all urban and suburban areas of West Papua. Therefore, the improvement of facilities for indigenous market women at traditional markets is a key strategy for the fulfillment of economic rights of women in all areas of Papua and West Papua.

President Joko Widodo has promoted and pushed for the quick establishment of a local market, especially for indigenous Papuan traders in Jayapura and Sentani. This is the so called "Pasar Mama-Mama Papua" (Papuan Women's Market). On 30th April 2016, president Jokowi himself inaugurated the construction of the traditional market for Papuan Market Women in Percetakan Street, Jayapura. Jokowi stated that the building was planned to be finished in February 2017⁵. President Jokowi also ordered the construction of a new market building in Sentani, which has been built by a task force

dependent of rice and instant noodles, work as gold panners, have abandoned their gardens and came in contact with prostitution and gambling

2 Papuan Civil Society Working Group on CEDAW Implementation (2016): Fulfillment of Human Rights Obligations towards Papuan Women; Fact sheet 3

3 Ibid.

4 Ibid.

5 BBC Indonesia (30.04.2016): Jokowi penuhi janji bangun pasar, para mama Papua sisakan kekecewaan, e-document: http://www.bbc.com/indonesia/berita_indonesia/2016/04/160430_indonesia_jokowi_mama_papua



Image 4.1-1: Activists and Papuan market women in Jayapura fought for the establishment of a separate traditional market where Papuan women can sell their products. They face a growing economic competition with Non-Papuan traders who use and own a large share of the public market facilities. (Photo: Jaco Klamer)

under president Jokowi. The new building was promoted as being reserved for Papuan market women. While Jokowi's commitment to the establishment of a local market building for indigenous Papuan traders received much appreciation amongst many Papuans, other groups such as the Ecumenical Forum of Papuan Church Leaders remained skeptical. The forum criticized Jokowi, saying that he only used the project to promote his image.⁶

6 Ecumenical Forum of Papuan Church Leaders (15.08.2016): Public Statement, Clean Your Lectern Before Your Speech

4.2 Violence against Women and Access to Justice

Women in West Papua are exposed to multiple forms of violence, consisting of physical, psychological, sexual violence and economic neglect. Female political activists, supporters of independence groups and human rights defenders are at very high risk of becoming victims of physical violence and intimidation. The most common form of violence in West Papua remains domestic violence. The majority of such cases are settled in non-legal ways by police-mediated negotiations or customary law even though victims reported the incidents to the police. Non-legal conflict resolution fails to bring justice and protection to the female victims and it lacks the deterrent effect. Out of 35 documented cases of domestic violence during the past years, only ten cases were processed by law.

Freedom of expression violations affecting women

There has been no significant improvements regarding the situation of Papuan women during the past two years. The growing restrictions on the freedom of expression and freedom of association in West Papua are generally accompanied by political stigmatization. The loss of democratic space has an increasing impact on the lives of Papuan women. Once women have become stigmatized as separatists, government institution intentionally block access to justice¹. During the past five years, forceful dispersal of peaceful demonstrations in support of Papuan pro-independence groups or as commemorations of historic political events has repeatedly been accompanied by sexual harassment against female protesters². Security forces still consider the participation and organisation of such demonstrations as an act of treason, so arrests during these events

are frequently accompanied by arbitrary violent acts, torture and even extra-judicial killings.

The situation of women human rights defenders

Female human rights defenders, especially human rights lawyers providing legal assistance to political pro-independence activists, often have to face intimidation and physical violence. Until now, there is no legal framework for the protection of human rights defenders in Indonesia, despite violence, threats of violence and intimidation against human rights defenders in the state. The vulnerability of female human rights defenders has not been widely discussed in Indonesia. The various cases of threats and intimidation against female human rights defenders in West Papua strongly indicate that they face a bigger risk of intimidation and

¹ Report of KPKC Sinode GKI di Tanah Papua (2013); During the commemoration of the International Indigenous Peoples Day in Sorong, Papua Barat Regency on May 7, 2013, security forces forcefully dispersed the peaceful gathering and conducted sweepings. During the sweeping one Papuan woman was shot, and died later in the hospital. Police did not carry out any criminal investigation in the killing.

² Report of Elsham Papua (2013); Tabloidjubi.com Papua News – Siaran pers Elsham Papua 2013; On August 14, 2013, two female police officers arrested six Papuan women who were participating in a peaceful demonstration in Fak-Fak regency, which was held in support of the Free West Papua Campaign, which had opened a new office in Den Haag. The six women were taken into custody at the local police station, where they forced to undress until they only wore underwear. Other cases of sexual harassment against female Papuan protesters occurred during a demonstration of Papuan Students in Jakarta on 1st December 2015, and during a KNPB demonstration in Jayapura on 2nd May 2016

physical violence than their male colleagues³. In the past few years local human rights organizations documented three serious cases of threat, intimidation and physical violence against female human rights lawyers⁴. In none of the cases, where state authorities initiated a legal process, did it result in the prosecution of the perpetrators.

Domestic violence

The most common pattern of violence against women is related to domestic violence. Domestic violence against women occurs in all areas of West Papua, but only a few cases are reported to the authorities, and even fewer cases result in legal prosecution. In 80 % of the reported cases, violent acts are accompanied by alcohol consumption prior to the offense. Wives, female life partners and children are the victim group that is mostly affected by domestic violence. The victims often do not report the offense because they fear acts of revenge by their husband, boyfriend or father. Many women do not expose domestic violence because they feel ashamed or fear economic neglect in case of divorce or separation. A majority of people witnessing cases of domestic violence do not report incidents to the authorities because in traditional Papuan communities such cases are still regarded as an internal family issue. Sometimes witnesses do not interfere because they fear becoming victims of physical violence themselves. Most of the reported cases of domestic violence included acts of physical abuse such as beatings

and severe pain inflicted with hands, sharp weapons or blunt objects.

Problems in non-legal case settlements of domestic violence

There are various examples where cases of domestic violence have been peacefully resolved through indigenous conflict resolution systems. This type of conflict resolution usually involves a compensation payment or fine to the victim and her family. A negative side effect of this conflict resolution approach is the lack of a deterrent effect for the offender. Some wealthy perpetrators may even convince themselves to commit acts of domestic violence because they can afford to pay the fine. In general, non-legal conflict resolution through customary law or police mediation fails to bring justice and protection for female victims. In 2016, the head of the Papuan Provincial Department for Empowerment of Women stated that the situation of domestic violence in West Papua is still full of challenges. The eradication of domestic violence may only be achieved through engagement of multiple parties⁵.

Institutional approaches to domestic violence

The Coalition for Enforcement of Law and Human Rights in Papua documented that out of 35 reported cases of domestic violence during the past several years, only about ten cases were processed by law. Most cases were settled by

- 3 Tablooid Jubi, (25.09.2012): Pengacara diintimidasi, Kapolres Jayawijaya akan dilaporkan ke Propam dan Kapolda; e-document: <http://tablooidjubi.com/arch/2012/09/25/pengacara-diintimidasi-kapolres-jayawijaya-akan-dilaporkan-ke-propam-dan-kapolda/>
- 4 In 2012 Human rights lawyer Olga Hamadi, working for non-governmental organization KontraS (Commission for the Disappeared and Victims of Violence) Papua, was repeatedly threatened as she investigated a case in which five men accused of a murder were allegedly tortured and ill-treated by the police in Wamena. In 2014, Ms Anum Siregar, a human rights lawyer of the Democracy Alliance for Papua (ALDP), was attacked with a knife as she returned to her hotel following a high profile pre-trial hearing against the head of district police Jayawijaya in Wamena. On 28th July 2015, female ALDP lawyer Anum Siregar was threatened by police officers as she provided legal assistance to Roby Pekey during a pre-trial in Wamena. Police investigators publicly stated that they "had to finish" Anum Siregar prior to the trial.

- 5 Antara News (29.05. 2016): Melindungi Perempuan dan Anak Papua, e-document: <http://www.antarapapua.com/berita/455629/melindungi-perempuan-dan-anak-papua>

police-mediated negotiations or customary law. If victims of domestic violence lack adequate legal aid during the first law enforcement stage, families, customary communities and state officials often hinder the victims in seeking justice through a legal process. The government of Indonesia has established the Integrated Service Center for Protection of Women and Children (P2TPA) in order to improve protection for women. The institution was additionally strengthened through special regulations at the provincial level. In reality, the P2TPA and the implementation of related regulations is far from what is needed, because the institution failed to adapt to the specific conditions of West Papua. Moreover, most women do not know about the institution's existence and its mandate. Particularly those victims living in non-urban areas may have difficulties in accessing the P2TPA services.

Case examples

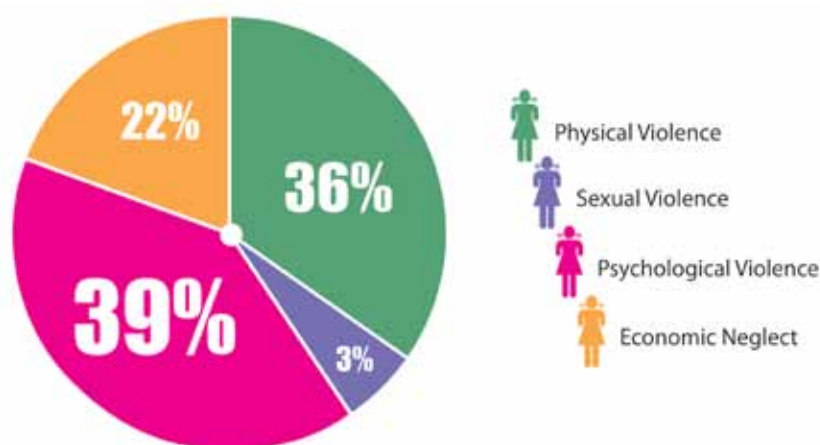
- PK had to work in slavery-like conditions and was regularly forced by her husband to illegally produce alcoholic drinks for commercial sale. One day, her husband stabbed her with a knife close to her vagina, causing a severe bleeding injury and the death of her unborn child. She was reviled and her husband did not allow PK to meet her parents. PK was threatened not to speak to other people in public. The husband regularly forbids her to harvest sufficient garden crops for cooking. One day PK ran away and had to hide in the jungle for two days. When police officers brought her to a doctor for medical examination the officers asked her to pay IDR 225.000. The victim suffered post traumatic stress disorder (PTSD) which has not been cured until now. The case was finally settled through the indigenous conflict resolution system without any legal prosecution of the perpetrator.
- MI was locked inside a room, where her husband beat her with a helmet on the head and threatened to ill-treat her if she refused to sign a credit request form. Moreover, the husband repeatedly committed adultery and refused to provide sufficient money for basic needs and groceries. When the wife decided to return to her parent's home, the husband refused to provide alimony payments to her.
- SM was frequently beaten, threatened and forced by her husband to have sex on a daily basis except during menstruation. When she opened up a small business, her husband restricted her to sell at the local market.

Between 1980 and 2015 the Coalition for the Enforcement of Law and Human Rights in West Papua compiled a total number of 42 cases of domestic violence against women, which were reported to legal authorities but did not end in legal prosecution of the perpetrators. Despite the severity of criminal offenses, most cases were settled through indigenous conflict resolution systems or directly between the offender's and victim's families.

Types of violations of domestic violence.

The following graphic shows the frequency and types of violations related to cases of domestic violence between 1980 and 2015:

Types of violence against women related to domestic violence between 1980 and 2015



Graphic 4.2-1: Types of violence against women related to domestic violence between 1980 and 2015.

In fact, most cases of domestic violence cannot be clearly distinguished according to the type of violence involved, but may include several categories of violence. The categories are closely related to each other. Physical violence is often accompanied or preceded by psychological violence and often results in economic neglect of the woman in cases of divorce or separation. Sexual violence may be regarded as a manifestation of physical strength and power relations of men over women and children. Sexual violence⁶ is understood as a violent act that threatens the integrity of one's body and includes practices of forcing sexual intercourse in marital relations or against someone within the scope of the household for commercial or other purposes.

Sexual violence against women

Between 1986 and 2015 the Coalition for the Enforcement of Law and Human Rights in West Papua compiled a total number of 18 cases of sexual violence against Papuan women, which were reported to the legal authorities but did not end in legal prosecution of the perpetrators. Most cases were settled through indigenous conflict resolution systems or directly between the offender's and victim's families. The severity of the criminal offense did not have any effect on whether cases were legally processed or settled in non-legal ways.

6 In Indonesia sexual offenses are often categorized with the term "crimes of decency" ("kejahatan kesusilaan"). The term "sexual violence" ("Kekerasan seksual") more clearly addresses the issue and supports the legal understanding amongst people in West Papua than the commonly used term.

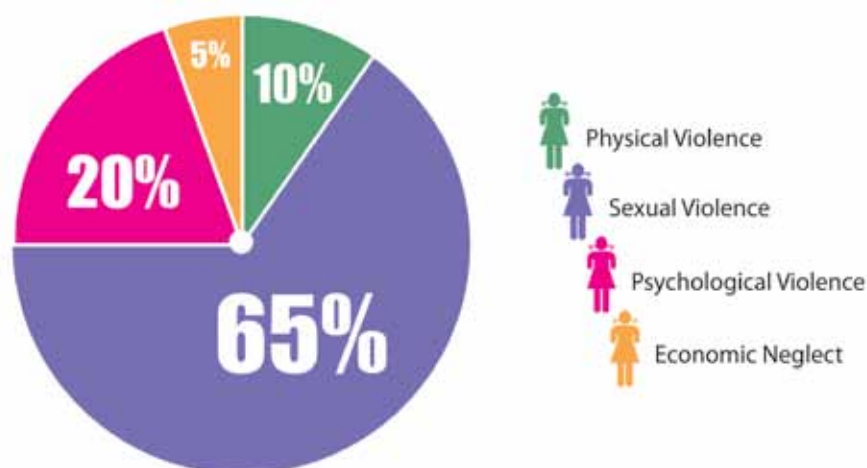
Case example

- NT lived as a street child separated from her relatives. One day, a man invited her to drink alcohol. Subsequently the perpetrator raped NT and took her material belongings. After NT reported the case to the authorities, she was physically examined. During the examination a health care worker made an indecent statement as the victim was hesitating during the examination, by commenting: "This is a normal procedure – You are afraid of this medical tool, but other things can penetrate?"

General Criminal Offences against women

The following graphic shows the frequency and types of violations against Papuan women between 1986 and 2015:

**Categories of criminal offenses against women
between 1986 and 2015**



Graphic 4.2-2: Categories of criminal offenses against women between 1986 and 2015

4.3 Women and HIV/AIDS

Women living with HIV/AIDS are particularly vulnerable to being victims of discrimination and stigmatization. Women living with HIV/AIDS may be forced to undergo sterilization, abortion or separation from their partner because their families fear social marginalization and exclusion. Other common patterns of violence include physical violence, sexual violence, psychological violence and economic neglect. Especially young Papuan women, who have reached a sexually active age, are at high risk of being infected with HIV/AIDS. HIV/AIDS infections amongst women are closely related to domestic violence as a cause or effect of the disease.

HIV/AIDS and its affect on women

The high number of HIV-AIDS cases in West Papua, has attracted the government's attention. The situation of HIV in West Papua has reached a level where the disease has spread to a high percentage of the population. This is consistent with the results of an integrated survey on behavior (IBBS) in 2013, revealing a HIV prevalence rate of 2.3% in West Papua. The HIV prevalence of 2.9% amongst indigenous Papuans is higher than amongst Non-Papuan residents with a prevalence rate of 0.4 %. Moreover, the number of HIV/AIDS infections amongst women was higher than amongst men. Ninety per cent of HIV transmission in Indonesia happens through unprotected sexual activity among heterosexuals as indicated by the increasing number of infected women. Based on the report from the Ministry of Health, the number of HIV infections amongst women in Indonesia has increased since 2011. While this public data gives an account of the spread of HIV/AIDS, the actual numbers are estimated to be considerably higher.

One of the most vulnerable groups in West Papua is young Papuan women, who have just reached a sexually active age. Data collected by

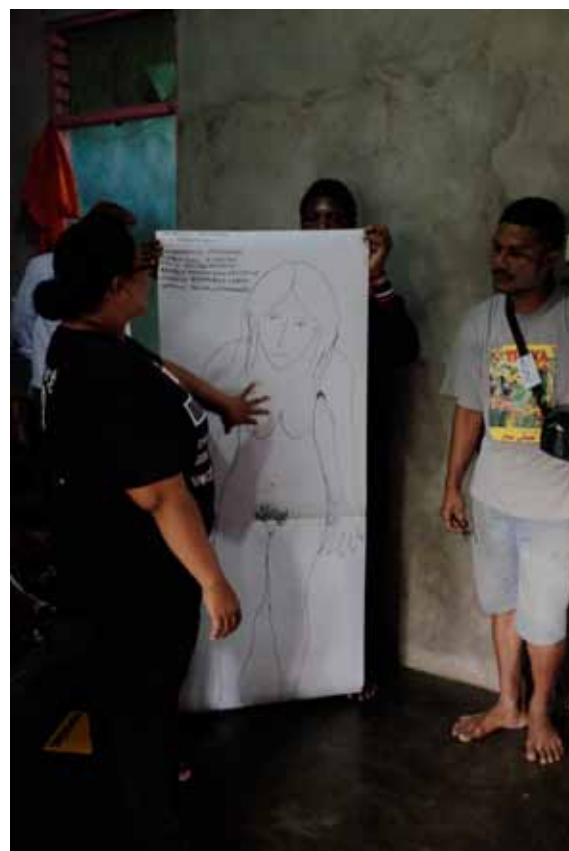


Image 4.3-1: Awareness trainings are of great importance in combating HIV/AIDS in West Papua.

the Papuan Provincial Health Department (Dinas Kesehatan Provinsi Papua) in 2014 shows a rapid increase in cases of infections amongst those who have reached a reproductive age between 25-49 years. In this age group more women are infected with HIV than men¹. Young women are at high risk of getting infected due to cultural-based unequal perceptions towards men and women.

Another reason is that many young Papuans still ignore the risk of HIV and have no clear understanding of the disease. In particular those living in rural areas have limited access to information on HIV/AIDS. In March 2016, the number of publicly recorded HIV/AIDS cases had reached a total of 25,233 in the Papuan Province. This again shows the higher number of infections amongst women compared to men (see Table 4.3-1).

Table 4.3-1: Data of HIV and AIDS cases between 2012 and 2014 segregated by sex. Source: Papuan Provincial Health Department.

No	Cases	Σ 2012	Σ 2013	Σ 2014
1	HIV amongst men	2.415	2.719	3.277
2	AIDS amongst men	4.341	5.127	6.393
3	HIV amongst women	2.874	3.308	3.979
4	AIDS amongst women	3.535	4.312	5.454
TOTAL		13.165	15.466	19.103

Offenses against women living with HIV/AIDS

The risk and vulnerability of being infected with HIV is particularly high for women in West Papua due to the local culture, poverty, domestic violence and gender discrimination. Regulation No. 23 (KDRT) of 2004 about the eradication of domestic violence provides legal protection for women. However, women who have been infected with HIV/AIDS lack sufficient and adequate legal protection. Worldwide studies on the issue have shown that HIV infections do not only cause health problems, but affect almost all aspects of human life. The discrimination and stigmatization of people living with HIV/AIDS may even be found amongst health care workers during the provision of medical support and examinations, as revealed in research done

by the health service management centre (PKMK) of the medical faculty of the Gadjah Mada University in 10 provinces of Indonesia.²

Violence against women with HIV and AIDS needs the government's special attention. A survey on violence against HIV positive women conducted by the Association of Indonesian Positive Women (IPPI) provides an important insight regarding the level of vulnerability and the types of violations against HIV positive women. The categories of violence, include physical violence, sexual violence, psychological violence, economic violence and even cases of forced sterilization and abortion.³ Women living with HIV/AIDS often face discrimination resulting in limited access to health care services. The fear of discrimination and stigmatization is the main reason why many women living with

1 HIV/AIDS study by PHO Papua in 2014

2 PKMK FK UGM, Integrasi Penanggulangan AIDS Ke Sistem Kesehatan, 2015

3 IPPI, Pendokumentasian Kekerasan Terhadap Perempuan dengan HIV, 2012

HIV/AIDS decide not to expose the fact that they are infected.

Violence against women living with HIV/AIDS often leaves victims marginalized and neglected. The reality has shown that the government should increase attention to the legal protection for HIV/AIDS affected women in West Papua. This victim group is facing discrimination, stigmatization and lack of access to fair trial and justice. Adequate measures must include programs strengthening the social and cultural status of women.

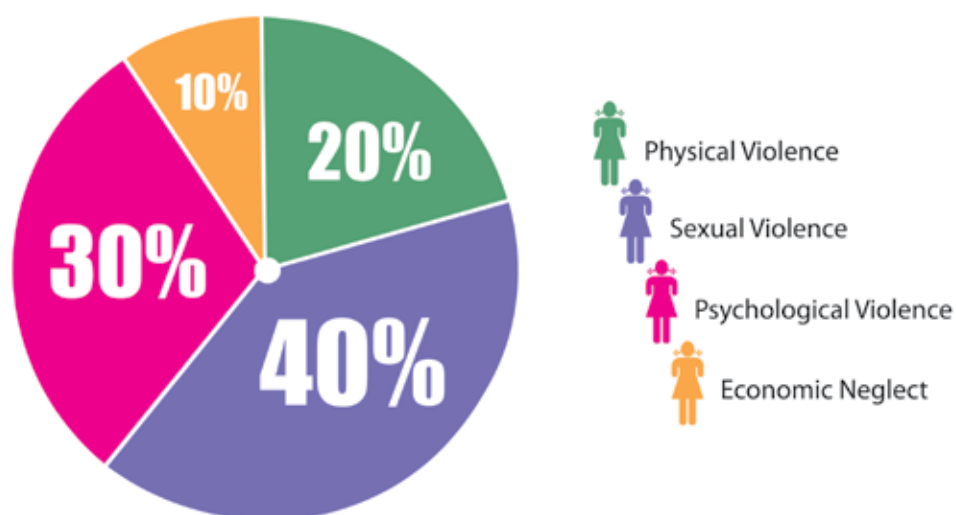
Between 2008 and 2015 the Coalition for the Enforcement of Law and Human Rights in West Papua compiled five cases, where women living with HIV/AIDS faced physical and psychological violence, as well as economic neglect.

Case examples

- AN was infected with HIV. When her family found out about her sickness, relatives forced her to separate from her husband.
- MAS (15 years), a student at Senior High School in Hetuma Village, Sinapuk District of Jayawijaya Regency, was raped by a class mate. Other pupils teased and stigmatized her by saying that she had been infected with HIV/AIDS. The victim was severely traumatized, dropped out of school and refuses to continue her studies. The case was reported to the local police and investigated by the criminal investigation unit. The victim's family finally withdrew the complaint and requested that the issue would be resolved between the offender's and victim's families.

The following graphic shows the frequency and types of violations against Papuan women living with HIV/AIDS between 2008 and 2014

Violence Againsts Women Living with HIV/AIDS 2008-2014.



Graphic 4.3-1: Types of violence against women living with HIV/AIDS between 2008 and 2014.

4.4 Equal Participation of Women and their Role in Papuan Society

Despite local regulations supporting the participation of women in politics, women are underrepresented in political parties and on local election commissions. Female civil servants are not promoted to higher leadership positions in local government agencies regardless of their skills, experience and adequate qualifications. In indigenous communities and following customary leadership systems, men still occupy a dominant role. Women are excluded from indigenous customary decision-making mechanisms due to preservation of traditional views on gender roles and their perception.

Women in politics

A large gap remains between theory and living reality regarding the provision of rights and equal participation of women in Papuan society. Political parties, for instance, have agreed on a standard quota of at least 30% women among political candidates in elections. In reality this regulation is hardly implemented. Women still lack support from local party leaders and are recruited in low positions to meet the minimum gender standards. The few existing female candidates do not push a gender mainstreaming agenda during elections because they have to prioritize the interests of their political parties. The Indonesian Election Commission (KPU) has failed to promote the 30% quota for female party candidates. Women are also underrepresented in the Papuan provincial KPU itself, which is dominated by men. Male KPU members in leading positions employ female relatives as subordinates for their personal support, as has happened in Paniai Regency¹.

Women in local government agencies

Other forms of structural discrimination against women was reported from various government agencies. Despite long term employment, sufficient experience and adequate qualifications, many female civil servants are not promoted to higher leadership positions in the local government structure. Papuan female civil servants with academic degrees are not strategically employed in government positions or in sufficient numbers. Such discrimination against female civil servants was observed in local state agencies in the regencies of Asmat, Boven Digul, Dogiyai, Merauke, Nabire, Mimika, Sorong and Yalimo. Papuan activists in cooperation with the National Commission for Women (KOMNAS Perempuan) reported the lack of gender equality in recruitment procedures and staff management from local government agencies in the regencies of Merauke, Boven Digul, Jayapura, Biak and Mimika in 2007. KOMNAS Perempuan filed a report with these findings to the respective government institutions. Despite this report, the local governments failed to introduce gender policies until August 2016.

¹ JT received more than 1,000 votes as confirmed during the plenary meeting by the regional election committee for the local parliament elections. However, later not a single woman received a seat in the local parliament.



Image 4.4-1: Village scene in the central Papuan highlands.

Women in the customary leadership system

The unequal participation of women in society may also be observed in Papuan customary leadership systems, which are still dominated by traditional views on gender roles. Women are not equally involved in customary decision-making processes due to the role of women as

determined by culture in indigenous societies. The customary system of land ownership does not involve women in the decision-making processes. If land is sold, the decision is usually made by the most influential men in a clan or by tribal chiefs. Women are excluded from these decision-making processes and may only influence men through personal relationships, such as a wife or family relative.





INDIGENOUS PEOPLES' RIGHTS

Large earth oven for pig feast ceremony in Wamena. (Doc. ICP)

SECTION 5

Indigenous Peoples' Rights

West Papua is home to more than 274 indigenous tribes, who have occupied New Guinea for at least 40,000 years, a long time before the first European explorers discovered the island. Today, indigenous peoples are to be considered as one of the most vulnerable groups in West Papua, facing marginalization due to the expansion of extractive industries, development projects and transmigration.

Transmigration is a major concern of many indigenous peoples. Nowadays, indigenous Papuans constitute a minority of the total population in West Papua. The urban centers in the coastal regions of West Papua are demographically dominated by migrants from other parts of Indonesia, while most residents in the highlands and remote interior regions are indigenous Papuans. The demographic transition in West Papua has resulted in growing pressure on available resources and increased competition between both population groups in multiple areas of life. Indigenous Papuans are falling behind as the economy, employment and administration are increasingly controlled by migrants. Indigenous Papuans' discontent regarding the human rights situation and marginalization is growing, and therefore nourishes the desire for political independence.

Throughout 2015 and 2016, growing aspirations for political but also personal self-determination could be observed. This development is on the one hand closely linked to the shrinking space for indigenous communities to give their free, prior and informed consent for the utilization of their ancestral lands and resources. On the other hand, claims for external self-determination are being fueled by the government's lack of commitment to finding solutions for the long-lasting conflict in West Papua. Since the new order era under President Suharto, Indonesian governments have upheld a security based conflict approach instead of choosing alternative non-violent conflict resolution strategies. Furthermore, ongoing human rights violations and widespread impunity fuel Papuan aspirations in support for international interventions, which has given rise to the United Liberation Movement for West Papua (ULMWP).

West Papua has become an attractive site for national and international investors. Local governments and various state agencies act as facilitators for investors and fail to protect indigenous communities from land-grabbing. Companies use various strategies in convincing indigenous land rights holders to release their ancestral lands. Such strategies may include fraud, breaking of promises, creating horizontal conflicts within indigenous communities and intimidation by third parties. Commonly, investors are being backed-up by state security forces.

Palm oil plantations, cash crop production as well as timber and mineral exploitation in West

Papua have led to the clearance of large primary rain-forest areas and the pollution of rivers. In various areas of West Papua, deforestation had irreversible consequences for indigenous peoples' food resources as well as animal habitats. Palm oil plantations remain the main cause of deforestation in West Papua. Other palm oil-related phenomena that are of concern were forest fires and floods, both having serious impacts on communities near the plantations. Mining and logging industries are contributing to environmental degradation and deforestation in the region.

5.1 Demographic changes and their effects on the indigenous population

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Throughout 2015 and 2016, the proportion of Papuan people as a percentage of the entire population continued to decline. This process varies widely between different regencies. While some have a strong majority of non-Papuan people other regencies are still overwhelmingly Papuan. This dichotomy is closely linked with topography – the mountainous interior, outside of urban areas, having a Papuan majority and the accessible lowlands a non-Papuan majority. The consequences of this dichotomy – a large chunk of West Papua about the size of Great Britain is peopled almost exclusively by Melanesian people, even as some of the coastal regions become non-Papuan majority – are profound. Overall, there are twelve regencies/municipalities in West Papua, where indigenous Papuans have become a minority. Indigenous Papuans of the interior have kept their lands and cultures largely intact, which continues to underpin calls for an independent West Papua and conflict with the Indonesian government and its security forces. Coastal regions continue to receive large numbers of non-Papuan migrants resulting in the increasing minoritisation of the Papuan people and their concomitant militarization, marginalization and dispossession. This process is also occurring in the highlands due to the expansion of the oil, gas and mining sectors; and because of the proliferation of new regencies with new bureaucracies and the continuing development of new roads, all of which alienate traditional lands and draw in migrants.

Historic developments and their influence on the actual population composition.

The territory of West Papua makes up about 24% of Indonesia's total landmass but contains only 1.7% of the nation's population. It is also Indonesia's richest region in terms of natural resources with the largest extant tracts of rainforest in south-east Asia; vast oil and gas reserves, and possibly the world's largest deposits of copper and gold.¹ The Indonesian government under President Soekarno introduced the transmigration program in the 1950s in order to decentralize Indonesia's population, which was mainly residing in Java and other islands of West Indonesia. The program reached its peak in the 1980s and continued as part of the government's decentralization policy until today. Nowadays, the transmigration program also serves the purpose of accelerating development in rural areas of Indonesia and to utilize the natural resource potential of such areas.²

West Papuan demographic transition and its effects

There was a significant demographic transition that has taken place in West Papua following Indonesian takeover in 1962-63, and especially since the census of 1971. According to this census, the total population was 923,000, consisting of 96% Papuan and only 4%, or 36,000 people, non-Papuan residents³. The basis of this argument is that the non-Papuan sector of the population is growing faster than the Papuan sector due to large scale inward migration of non-Papuans from other parts of Indonesia.

Other reasons for this development are the vastly substandard living conditions of indigenous Papuans, including high infant and maternal mortality rates that cause a lower overall fertility rate. Due to patchy statistical information the rate of growth of the two population sectors had to be estimated from different censuses data and then extrapolated as a projection of a possible future demographic break down.

While the trends are clear and unambiguous the actual population growth rates vary depending on assumptions about future inward migration and respective fertility rates. It also must be presumed that in a region as vast and rugged as West Papua, census data will always be incomplete, as well as containing certain inaccuracies. Therefore while the data allows one to establish trends with great confidence, the precise number of future population segments should be taken as indicative. Nonetheless the population of West Papua continues to grow and the percentage of the non-Papuan population also continues to rise. This is a driver of conflict: newcomers take resources such as land, forests and minerals from traditional land owners; the Indonesian security apparatus continues to grow to maintain control over the territory and resource extraction in particular is increasing; Papuan people are further marginalized and more likely to become victims of human rights violations than non-papuan residents. Hence, indigenous Papuans' discontent regarding these developments continues to grow and with it the desire for independence. Therefore understanding the demographic transition that is underway is highly important to comprehend the nature of the conflict in West Papua.⁴

1 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)

2 Government agency for labour and social affairs of Depok city, e-document: <http://disnakersos.depok.go.id/?p=1913>

3 For instance, West Papua: Genocide, Demographic Change, the Issue of 'Intent' and the Australia-Indonesia Security Treaty, Australia Institute of International Affairs, Adelaide, 23/10/06; Not Just a Disaster, Papuan Claims of Genocide Deserve to be taken

Seriously, Inside Indonesia Issue 97, July-Sept. 2009; West Papuan Demographic Transition and the 2010 Indonesian Census: "Slow Motion Genocide" or Not?, Papua Papers No. 1, CPACS, University of Sydney, September, 2010. More recently with Camellia Webb-Gannon, A Slow Motion Genocide: Indonesian Rule in West Papua, Griffith Journal of Law and Human Dignity, Vol. 1(2), 2013, pp. 142-165.

4 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)

Previous analysis revealed that the long term annual growth rate for the Papuan population was 1.84% and that of the non-Papuan population 10.82%⁵ for the period from 1971 up to 2000. From calculations this meant that indigenous Papuans comprised about 48%⁶ of the entire population of West Papua (Papua and Papua Barat provinces) in 2010. The figures received from the Indonesian Center for Statistics (*Badan Pusat Statistik*-BPS) are from the 2010 census and identify the inhabitants of Papua province as either *Suku Papua* (Papuan tribe) or *Suku Bukan Papua*⁷ (non-Papuan tribe). According to these figures out of a total population of 2,883,381 in Papua Province, some 2,121,436 were Papuan (73.57%) and 658,708 Non-Papuan (22.84%), the remainder being unknown. The BPS figures for Papua Barat Province show that the total population is 753,399 of which 51.49% is Papuan⁸.

Thus these BPS figures differ somewhat from previous figures, which estimated that in 2010 for a combined population of Papua Province and Papua Barat Province of 3,612,854 some 1,730,336 (47.89%) were Papuan and 1,882,517 (52.10%) were non-Papuan. The new BPS figures now indicate that the Papuan proportion of the total population of Papua and Papua Barat provinces is 66.26%, or 2,409,670 Papuans out of a total population of 3,612,854⁹. This means (according to the BPS figures) that the historical growth rate of the Papuans for the period 1971-2000 (1.84%) and the non-Papuans (10.82%) have changed. However, the total number of Papuans in the 2000 Indonesian census, where there was a breakdown of tribal populations, was 1,505,405 while the number of Papuans in the 2010 Indonesian census (Papua and Papua Barat provinces) was 2,409,670. This seems hard to

believe as it implies a Papuan population growth rate of nearly 5%. The historical Papuan growth rate was 1.84% (1971 to 2000). The current estimated growth rate for the whole of Indonesia is 1.40%¹⁰. The 2013 estimate for the growth rate of PNG is 2.1%. How can a growth rate of 5% for the Papuan population be explained?

One explanation is that previous and current Indonesian governments have deliberately pursued a policy that researcher and analyst, Emil Ola Kleden describes as the 'uncertainty of ethnic composition in Papua [that] reflected Indonesia's lasting political stand on this issue. Both Old and New Order regimes held the view that knowing the 'truth' about ethnic composition could result in social and political instability'¹¹. One example of this policy of 'uncertainty' is that the BPS documents from the 2010 census relating to ethnicity quoted in this paper were only briefly displayed on the provincial BPS website before being taken down.

Besides any deliberate Indonesian government policy other possible explanations for the confusion over the Papuan population growth rate and the subsequent total Papuan population lies in the uncertainty of the data collected by BPS over various census periods. A further possible reason may be related to a government incentive for local regents (bupati), other local leaders and politicians to inflate the number of people in villages and tribes. The incentive is supposed to leverage more resources from the provincial government –funds allocated for health and education services for instance. This may possibly have had an effect on census data.

Besides actual difficulties in data collection there are also assumptions embodied in the data that

5 See West Papuan Demographic Transition and the 2010 Indonesian Census: "Slow Motion genocide" or not? Op. cit.

6 Ibid.

7 *Suku* meaning 'tribe' and *bukan* meaning 'not' in Bahasa Indonesia

8 Statistics on Ethnic Diversity in the Land of Papua, Indonesia, Aris Ananta; Dwi Retno Wilujeng Wahyu Utami; Nur Budi Handayani, Asia & Pacific Policy Studies, Vol. 3, Issue 3, September 2016, p. 3.

9 There is some variance in the figures from the Badan Pusat Statistik of total populations etc. although these are statistically insignificant.

10 www.bps.go.id/linkTabelStatis/print/id/1268

11 This quote is from a paper presented by Emil Ola Kleden, 'Papua, Indonesia and Climate Change' for the conference, At The Intersection: Climate Change in the Pacific and Resource Exploitation in West Papua, organized by the West Papua Project at the University of Western Sydney on November 3-4, 2016. Kleden refers to Ananta, A., Evi Nurvidya Arifin, M. Sairi Hasbullah, Nur Budi Handayani, Agus Pramono, Demography of Indonesia's Ethnicity, Institute of Southeast Asian Studies, Singapore, 2015, p.10.

Table 5.1-1: Average annual population growth rates by decade.
(Source: Badan Pusat Statistik BPS)

Provinsi	Laju Pertumbuhan Penduduk per Tahun				
	1971-1980	1980-1990	1990-2000	2000-2010	2010-2014 ²
Aceh	2,93	2,72	1,46	2.36 ¹	2,06
Sumatera Utara	2,60	2,06	1,32	1,10	1,39
Sumatera Barat	2,21	1,62	0,63	1,34	1,34
Riau	3,11	4,30	4,35	3,58	2,64
Jambi	4,07	3,40	1,84	2,56	1,85
Sumatera Selatan	3,32	3,15	2,39	1,85	1,50
Bengkulu	4,39	4,38	2,97	1,67	1,74
Lampung	5,77	2,67	1,17	1,24	1,26
Kepulauan Bangka Belitung	-	-	0,97	3,14	2,23
Kepulauan Riau	-	-	-	4,95	3,16
DKI Jakarta	3,93	2,42	0,17	1,41	1,11
Jawa Barat	2,66	2,57	2,03	1,90	1,58
Jawa Tengah	1,64	1,18	0,94	0,37	0,82
DI Yogyakarta	1,10	0,57	0,72	1,04	1,20
Jawa Timur	1,49	1,08	0,70	0,76	0,69
Banten	-	-	3,21	2,78	2,30
Bali	1,69	1,18	1,31	2,15	1,24
Nusa Tenggara Barat	2,36	2,15	1,82	1,17	1,40
Nusa Tenggara Timur	1,95	1,79	1,64	2,07	1,71
Kalimantan Barat	2,31	2,65	2,29	0,91	1,68
Kalimantan Tengah	3,43	3,88	2,99	1,79	2,38
Kalimantan Selatan	2,16	2,32	1,45	1,99	1,87
Kalimantan Timur	5,73	4,42	2,81	3,81	2.64 ³
Sulawesi Utara	2,31	1,60	1,33	1,28	1,17
Sulawesi Tengah	3,86	2,87	2,57	1,95	1,71
Sulawesi Selatan	1,74	1,42	1,49	1,17	1,13
Sulawesi Tenggara	3,09	3,66	3,15	2,08	2,20
Gorontalo	-	-	1,59	2,26	1,65
Sulawesi Barat	-	-	-	2,68	1,95
Maluku	2,88	2,79	0,08	2,80	1,82
Maluku Utara	-	-	0,48	2,47	2,21
Papua Barat	-	-	-	3,71	2,65
Papua	2,67	3,46	3,22	5,39	1,99
INDONESIA	2,31	1,98	1,49	1,49	1,40

Notes:

- During 2000 to 2010, the average of population growth for Aceh province has been counted based on Aceh Nias residence census (SPAN) 2005 and SP2010.
- The projection of Indonesian residents 2010-2035 (mid year/June)
- During 2010 to 2014, the average of population growth for East Kalimantan was summarized from East Kalimantan and North Kalimantan.

may impact the outcome –either intentionally or unintentionally. For instance Table 5.1-1 shows the average annual population growth rates for Indonesian provinces going back to 1971 by decade. For Papua (and previously Irian Jaya Province) the growth rates have been 2.31% (1971-1980); 3.46% (1980-1990); 3.22% (1990-2000); 5.39% (2000-2010) but just 1.99% for 2010-2014. This last figure is an estimate as censuses are conducted every ten years. This is counter intuitive as the population growth rate has been growing for four decades in a solid trend, inward migration of non-Papuans into Papua has been strong in recent years. The reason for the increasing inward migration is the massive development in the oil palm sector that has brought in many workers, and a rapid non-Papuan dominated growth in urban areas.¹²

Together the points from the table mean that the data provided by BPS must be used with a degree of caution. However, even if precise numbers might be elusive, trends can clearly be established from the BPS data which hold, even when the exact numbers of respective population groups are unclear. By examining the data from the 2010 census it is apparent that:

1. The percentage of Papuans as a proportion of the total population of the Papua and Papua Barat is falling over time, primarily due to inward migration. This process is ongoing.
2. In some regions the percentage of Papuans as a proportion of the population has fallen catastrophically. This is particularly true in most urban centres such as Jayapura and Sorong, and in the flat coastal areas such as Merauke and Keerom. This process is ongoing (see below).
3. In large areas of the highlands and remote regions of both Papua and Papua Barat pro-

vinces Papuan people still make up in excess of 90% of the total population.

Figures from the BPS publication, *Profil Penduduk Menurut Suku Hasil SP 2010 di Papua*, (Population Profile Result According to Tribe in Papua 2010), show that most of the Non-Papuan population resides in only a few of Papua Province's 28 regencies (kabupaten). According to the document 556,422 Non-Papuans (84.47%) out of the total 658,708 are found in seven of Papua's 28 regencies, leaving 102,286 non-Papuans spread out in the remaining 21 regencies.

It is clear that the trend of an increasing proportion of non-Papuans in the overall population of Papua and Papua Barat provinces is continuing. The data shows that the non-Papuans are concentrated in a few regencies, most of which are located in the border region close to neighbouring PNG; in Mimika near the Freeport Mine; on Biak Island and in the urban centre of Nabire. Table 5.1-2 shows the actual breakdown for each regency in Papua Province by ethnic group. This table shows that there are five regencies with a majority of non-Papuans: Merauke (62.73%); Nabire (52.46%); Mimika (57.49%); Keerom (58.68%), and Jayapura City (65.09%). This means that there are still 23 regencies where Papuans are in the majority although there are another six with substantial non-Papuan populations: Jayapura (rural) (38.52%); Yapen Waropen (21.91%); Biak Numfor (26.18%); Boven Digoel (33.04%); Sarmi (29.75%), and Waropen (20.41%). The remaining 17 regencies are all overwhelmingly Papuan in their ethnic composition, although with a non-Papuan presence concentrated heavily in the towns. For instance Lanny Jaya is 99.89% Papuan; Tolikara 99.04%; Yahukimo 98.57%; Paniai 97.58%, and Jayawijaya 90.79% Papuan. This dramatic population disparity is shown in graph 5.1-3.¹³

12 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)

13 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)

Table 5.1-2: Ethnic breakdown of regencies into Papuan and Bukan Papuan (non-Papuan) charts in 2010. (Source: Badan Pusat Statistik BPS)

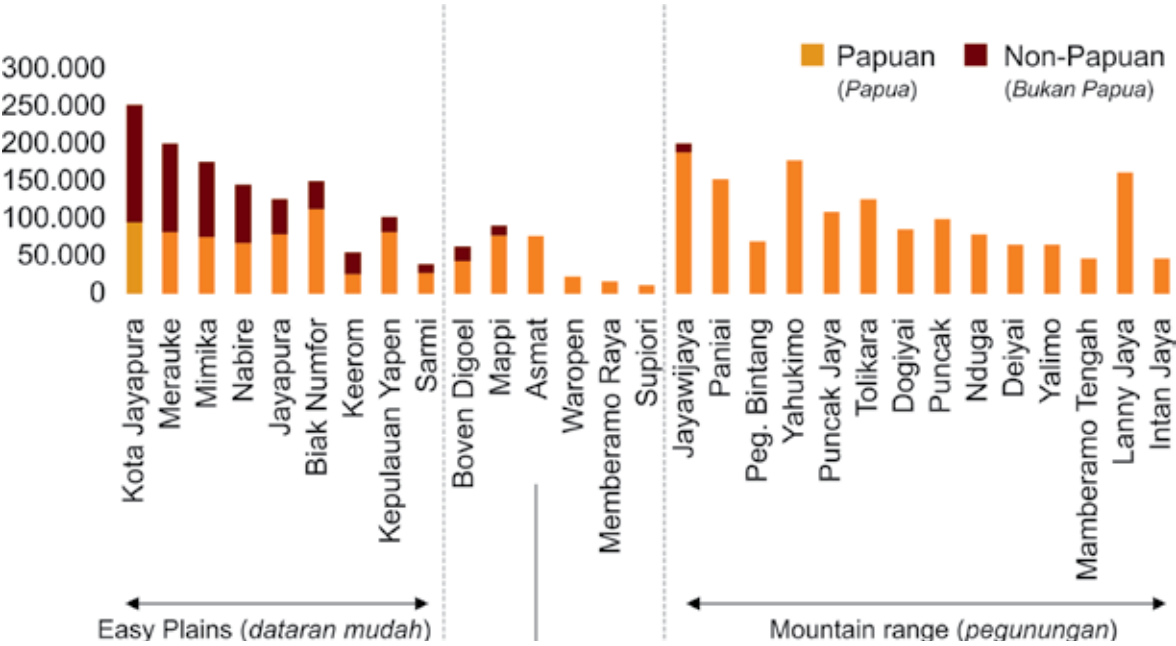
Code	Districs	Tribes		Total population
		Papuan	Non Papuan	
(1)	(2)	(3)	(4)	(5)
[01]	Merauke	72.554	122.130	194.684
[02]	Jayawijaya	177.581	18.025	195.606
[03]	Jayapura	68.116	42.684	110.800
[04]	Nabire	61.364	67.705	129.069
[08]	Yapen Waropen	64.034	17.969	82.003
[09]	Biak Numfor	93.340	33.102	126.442
[10]	Paniai	136.456	3.389	139.845
[11]	Puncak Jaya	99.368	1.780	101.148
[12]	Mimika	71.533	96.725	168.258
[13]	Boven Digoel	36.659	18.091	54.750
[14]	Mappi	72.134	9.259	81.393
[15]	Asmat	68.425	7.948	76.373
[16]	Yahukimo	160.620	2.320	162.940
[17]	Pegunungan Bintang	62.343	3.067	65.410
[18]	Tolikara	113.226	1.090	114.316
[19]	Sarmi	22.890	9.695	32.585
[20]	Keerom	19.609	27.851	47.460
[26]	Waropen	16.597	4.257	20.854
[27]	Supiori	15.297	558	15.855
[28]	Mamberamo	17.092	1.273	18.365
[29]	Nduga	78.389	664	79.053
[30]	Lanny Jaya	148.367	155	148.522
[31]	Mamberamo	39.329	208	39.537
[32]	Yalimo	50.355	408	50.763
[33]	Puncak	92.532	686	93.218
[34]	Dogiyai	83.400	830	84.230
[35]	Intan Jaya	40.413	76	40.489
[36]	Deiyai	50.249	538	50.787
[71]	Kota Jayapura	89.164	166.225	255.389
PAPUA		2.121.436	658.708	2.780.144

*Note: not including the unknown/not asked.

Graph 5.1-3 is quite staggering in revealing the incredible inconsistency in the ethnic makeup of the various regencies in Papua Province. The table divides the regencies of Papua Province into three geographical zones: *Dataran Mudah* (easy plains); *Dataran Sulit* (difficult plains) and *Pegunungan* (mountain range). It is immediately apparent that the non-Papuan population is predominant in the hospitable ‘easy plains’, significant in the ‘difficult plains’, but very sparse

in the ‘mountain ranges’. The non-Papuan population has moved to and settled in regions most conducive to the types of agriculture and industrial development in line with the economic models seen elsewhere in Indonesia. They have not moved in large numbers to the mountainous regions –with some exceptions such as the fertile agricultural lands of the Baliem Valley in Jayawijaya Regency, where much land has been ‘bought’ from traditional Dani subsistence farmers.¹⁴

Graphic 5.1-3: Total population according to topography in Papua Province in 2010. The regency populations were broken down into Papuan and *Bukan Papua* (non-Papuan) population cohorts and by geographic region into *Dataran Mudah* (easy plains); *Dataran Sulit* (difficult plains) and *Pegunungan* (mountain range). Note that the non-Papuan population cohort is indicated by the darker shaded portion of the bar graphs and is predominantly in the *Dataran Mudah* (easy plains) region of Papua province. Relatively few non-Papuan people live in the *Pegunungan* (mountain range) regions of the highlands. (Source: Badan Pusat Statistik BPS)



14 Ibid.

In Papua Barat province the population divide similarly runs between urban and remote areas. In Sorong regency Papuans make up only 36.07% of the population and non-Papuans 73.93% with Javanese being the single biggest ethnic group at 41.46%. Meanwhile the mountainous regencies of Trambrau and Maybrat both have Papuan populations in excess of 95% of the total populations¹⁵. There are seven regencies in Papua Barat Province, where indigenous Papuans have become a minority, namely the regencies Manokwari, Sorong, Pegunungan Arfak, Manokwari Selatan, Fak-Fak, Teluk Bintuni and the Municipality of Sorong. There are twelve regencies/municipalities in the entire West Papua, where indigenous Papuans have become a minority¹⁶.

The projection that the non-Papuan sector of the population would come to dominate the Papuan sector and comprise a majority is correct in certain regencies, but clearly not yet happening in other regencies, especially in the highlands. The non-Papuan sector of the population now clearly dominates the richest areas and the urban centres of power, with all the benefits this brings such as education and health services.

The fact that only relatively small numbers of migrants have moved into the highland regions of Papua and Papua Barat means the highland Papuan groups, such as the Dani and the Mee, are not in imminent danger of becoming a 'small and rapidly dwindling minority', even as their lowland brothers and sisters suffer that fate. Migrants are increasingly drawn to the economic advantages, and relative safety, of the lowland regions where they can work on oil palm plantations or 'own' their own small agricultural blocks, as well as working as traders, public servants and participants in the rapid

economic expansion that is underway. These opportunities are more limited in the highlands but growing as new regencies are created and new roads and settlements built, and as mining and oil/gas projects proliferate.

While some regions are Papuan dominated and others migrant dominated, regions such as Sarmi, Biak Numfor and Jayapura (rural) still have a Papuan majority but are receiving large numbers of migrants. If these trends continue they will end up in the same pernicious situation as the migrant dominated areas discussed above where the Papuans become marginalised and their future existence is put in peril.¹⁷

Consequences of demographic changes

The consequences of these new findings are profound. The Papuan people living in regencies such as Sorong, Merauke, Jayapura City, Keerom and Mimika are already a minority and are set to become further marginalized as non-Papuan migrants continue to arrive to work in the agricultural sector and pursue other economic opportunities. Non-Papuan migrants clash with the Papuan population due to: loss of traditional lands; discrimination in employment, health and education services; religious tensions, and by the increasing suppression and human rights abuses inflicted by Indonesian security forces, especially in response to perceived 'separatist' activity. This is set to continue and grow as more non-Papuan migrants arrive, fueling ethnic tensions and laying the ground for violent, even genocidal, conflict.

The Papuan people living in regencies in the mountainous interior of the country are still the overwhelming majority. The relatively small number of non-Papuan migrants in these areas are involved in trade, the civil service, the construction industry and the security

15 Statistics on Ethnic Diversity, op. cit.

16 Profil Penduduk Menurut Suku hasil Sensus Penduduk Tahun 2010 Propinsi Papua, BPS Propinsi Papua, 2012. p. 16).

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)

forces. While new roads, airports and industrial developments are underway, large numbers of migrants will only arrive when economic opportunities are present, such as palm oil or other plantations (where possible); mines; gas and oil fields are expanded or other projects are established. It seems likely that this will occur, at least in some areas, as the economic imperative driving development reaches ever further into remote areas. Conflict over such resource development and the ongoing security response with 'sweeping' operations and military reprisals seems likely to continue under current Indonesian government policies. The situation can be described as ongoing insurgency which is now characterized by non-violent resistance on the part of the Papuans demanding not just their basic human rights but also that of self-determination (see Section 5.2 Right to Self-determination).¹⁸

Case Studies:

► One region where the demographic transition has been well researched is Keerom, where non-Papuan made up around 60% of the population in 2010 (this figure would be significantly higher in 2017). From being 100% Papuan in 1963 the authors' predict on current trends that the Papuan percentage of the population will fall to 15-20% within the next decade or so¹⁹. The Papuans are systematically discriminated against by having manifestly inferior health and education services, greatly reduced access to sealed roads, piped water and electricity and have lost large areas of land to migrant 'land grabbing' for both small scale agriculture and large scale palm oil projects²⁰. Besides the racial divide the two populations are also divided by religion – Papuans being predominantly Christian and migrants predominantly Muslim.

Fear and mistrust characterize relations between the two communities. As migrants continue to encroach on Papuan land tension continues to simmer. Such conditions are a breeding ground for inter-ethnic violence, up to and including genocide, which have been discussed in various publications regarding the human rights situation in West Papua²¹.

► Another region where non-Papuan domination has already become entrenched is in Merauke Regency, in the southern region of Papua province, where the Papuans comprised less than 40 percent of the population in 2010 (this figure would be lower in 2017). This is a region where huge palm oil development is proceeding as part of the Merauke Integrated Food and Energy Estate (MIFEE). Millions of hectares of plantations are underway or in the planning stages –all on land taken from traditional owners, often under coercion and with little or no compensation (see Chapters 5.3 Land-grabbing and 5.4 Deforestation and Natural Resources). Papuans are even deprived of employment as labourers on these plantations as workers are being brought in from Java. The Javanese are seen as more reliable and dedicated workers than the Papuans –which may be true as the Papuans are used to the more relaxed lifestyle of subsistence farming.²² Apparently these Javanese settlers have themselves been forced off their land in Java due to large scale industrial developments, for example, the expansion of Java's network of freeways; there is therefore an economic imperative to resettle them elsewhere and Papua is still seen as largely 'empty'.

► Ethnic tension in Merauke is high and minor incidents, such as traffic accidents, easily escalate into violent stand offs where the (predominantly non-Papuan) police side with the migrants. There

18 Ibid.

19 Cypri J. P. Dale and John Djonga, *The Papuan Paradox: The Patterns of Social Injustice, the Violations of Right to Development, and the Failure of Affirmative Policies in Kabupaten Keerom, Papua*, Yayasan Teratai Hati Papua, Arso, Keerom, Papua, and Sunspirit for Justice and Peace, Flores, NTT, Indonesia, 2011, slide 45.

20 Ibid.

21 See Jim Elmslie and Cammi Webb-Gannon, *A Slow-Motion Genocide: Indonesian Rule in West Papua*, *Griffith Journal of Law & Human Dignity*, Vol. 1[2] 2013, pp. 142-165.

22 Personal comment from a Papuan source who related that many Papuan people are unused to the controlled and repetitive regime of industrial agriculture, and intensely bored from such occupations as security 'guards'.

are reports that police are also arming migrants, who are fearful of the Papuans' 'primitiveness'²³ and believe them to be uncivilized and violent. Further exacerbated by religious differences this situation is a powder keg contained only by a repressive military and police presence. It is a situation where everyday life is one of oppression and misery for many of the indigenous Papuan population: Loss of customary lands; discrimination in employment; very poor levels

of health and education services and strong limitations on the freedoms of expression and association. Violence meted out to Papuans suspected of supporting 'separatism' is swift and ranges from beatings, incarceration and torture to extra-judicial killings. The police and military act with impunity and the legal system is effectively an arm of the security apparatus (see Section 2 on Civil and Political Rights).²⁴

Recommendations:

- **Collect accurate population data in West Papua which must be disaggregated by ethnic origin (indigenous Papuans and Non-Papuan residents). The data will assist stakeholders in the empowering process of indigenous Papuans through adoption of affirmative Special Autonomy Policies.**
- **Adopt policies on population control which may help local governments in regulating the migration to the provinces Papua and Papua Barat.**

23 Ibid.

24 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)

5.2 Right to Self-Determination

Self-determination can be divided into external self-determination, referring to political independence, and internal self-determination as part of a person's or group's right to freely decide about its own personal destiny. While the central and provincial governments still promote the special autonomy law as an alternative to external self-determination, the formation of the United Liberation Movement for West Papua (ULMWP) has consolidated the independence movement in West Papua. The lack of an adequate strategy for a conflict resolution as well as the absence of effective mechanisms to deal with ongoing human rights violations has fueled the aspirations for political self-determination. With regard to internal self-determination, national policies and local governments do not allow the appropriate implementation of Free, Prior and Informed Consent (FPIC) standards as upheld in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The lack of government control mechanisms for the implementation of FPIC standards has strongly contributed to the impoverishment of many indigenous communities. Companies in West Papua are being backed up by police and military, which puts indigenous communities in situations where they are no longer able to freely decide about their way of life and property.

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Right to self-determination

The right to self-determination is a fundamental principle in international law embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights (hereinafter referred to as "ICCPR") and the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "ICESCR").¹ The right to self-determination has also been recognized in other international and regional human rights instruments such as; the United Nations Human Rights Committee and the Committee on the Elimination of Racial

Discrimination; the Helsinki Final Act 1975, Part VII; the African Charter of Human and Peoples' Rights, Article 20; as well as the Declaration on the Granting of Independence to Colonial Territories and Peoples; and has been endorsed by the International Court of Justice.

Self-determination is distinguished between internal and external self-determination. Internal self-determination refers to a person's freedom to decide freely about an individual's or a group's destiny with regard to a way of life, one's belongings and property. It is closely linked to a number of rights and freedoms guaranteed by

¹ Common Article 1, paragraph 1 stated that; "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefits, and international law. In no case may a people be deprived of its own means of subsistence. The State parties to the present covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

national law and international human rights law. External self-determination refers to the concept of political independence. The Papuan peoples' aspiration for external self-determination has been promoted by various political groups, such as KNPB (West Papua National Committee), WPNA (West Papua National Authority) and the NFRPB (Federal Republic West Papua).

Special autonomy vs. external self-determination

In 2001, the Indonesian government introduced the special autonomy law (OTSUS Papua) as a response to Papuan peoples' long-lasting demand for external self-determination throughout the New Order period. Under former president Suharto, the Indonesian government had ignored and suppressed Papuan peoples' political aspirations for independence for decades. The special autonomy law for West Papua was supposed to increase the space for Papuan peoples' internal self-determination as an alternative to political independence. The special autonomy law constitutes the legal foundation for a number of freedoms and rights for indigenous Papuans, but its implementation was a disappointment to many Papuans. During the past several years, the inconsistent implementation of the Papuan OTSUS law as well as the strong limitation of democratic rights and freedoms has re-fueled aspirations for external self-determination in West Papua.

The provincial government has promoted the idea of a Special Autonomy Plus Law (OTSUS PLUS) as a solution. The OTSUS PLUS concept is heavily criticized because it was drafted without the participation of civil society. Furthermore, the provincial government has not yet conducted an evaluation and assessment of the original special autonomy law. However, both special autonomy laws lack effective mechanisms to control the development process in West Papua.

United Liberation Movement for West Papua and its struggle for external self-determination

Under Jokowi's presidency, mobilization and political organizing has increased dramatically. People's commitment to the cause of self-determination is deepening and participation in the West Papuan movement for self-determination is broadening, reaching far out to the Pacific region. The formation of the ULMWP has accelerated this dynamic. The past failures of the state to address human rights issues as well as the lack of commitment to solve the conflict in West Papua has increased support for the ULMWP amongst many Papuans.

Through the ULMWP, the West Papuan independence factions united to seek recognition from other Melanesian countries in the region by applying for full membership to the Melanesian Spearhead Group (MSG). West Papuans want the MSG to accommodate their political aspirations and to recognize their identity as Melanesians. The Indonesian government, on the other hand, views the peaceful ULMWP lobby activities as acts of separatism. Consequently, the Indonesian government looks to foreign governments in the Pacific, including Australia and New Zealand, to calibrate their policies in West Papua in line with the Indonesian government's assertion of their sovereignty over West Papua. However, the ULMWP's activities have convinced many indigenous Papuans to re-experience their ethnic identity. West Papuan cultural roots as Melanesians have grown stronger, in line with the political movement for self-determination.

Growing aspirations for external self-determination

The Papuan peoples' growing aspirations for external self-determination are an indicator for the necessity for peace talks between the Indonesian government and the ULMWP. The dialogue approach between West Papua and Jakarta was the most promising peace initiative during the past years. So far, the Indonesian

government has not taken a clear position towards the dialogue. There is still a strong mistrust amongst both conflict parties, so the peace talks remain stagnant. The government's mistrust is partly related to its security-based conflict strategy. Government decisions on West Papua are often based on one-sided information from government security agencies such as the police, intelligence and military. These agencies lack the capacity to neutrally assess and provide objective information on the conflict in Papua –most agencies occupy a rather conservative position characterized by strong nationalist attitudes.

Throughout 2015 and 2016, the Indonesian central government continued to follow a security-based approach to the conflict in West Papua. Activists and intellectuals are criticizing the government's lack of commitment to finding an alternative peaceful conflict resolution strategy. Strong stigmatization and prejudice amongst government agencies at all government levels, especially security force agencies, consider Papuans engaging in peaceful political activities not as citizens with rights, but as state enemies and separatists. Until now the government has not come up with a proper strategy to address the conflict in West Papua. In addition, many Papuans feel that the government has failed in its obligation to guarantee the enjoyment of constitutional rights to Indonesian citizens of Papuan origin. The stagnation in finding peaceful solutions has fueled political aspirations for independence and increased peaceful political activity while democratic space is decreasing. This situation has resulted in growing tensions throughout 2016.

The Special Rapporteur on freedom of assembly conducted a thematic study on fundamentalism and its impact on the freedom of assembly and expression. The special procedures mandate holder stated in his report "that authorities' enforcement of the nationalist 'Unitary State' ideology extends to the repression of demonstrations by ethnic West Papuans". He further stressed, "that the State has the responsibility to protect and facilitate protests that advocate for political and cultural views that differ from, and even oppose, those espoused by the Government."²

The Indonesian state does not formally recognize the existence of indigenous people or adequately guarantee their right to land. Land and military backed resource exploitation in West Papua is facilitated by Article 33 of the Indonesian constitution, which does not recognize the existence of indigenous people, let alone indigenous land rights. In theory, indigenous land owners have the right to legal recourse through the Basic Agrarian Law 1960 but can only attempt to claim land if the court deems that such a claim would not impede national interest. As a result there is no provision of legal protection for indigenous communities by the state. Other Indonesian laws like the Forestry Law of 1999 and the Village Law of 2014 combined with local regulations based on international declarations like the Declaration of the Rights of Indigenous People have not provided any additional protection of indigenous land rights in West Papua. There are plenty of cases where indigenous Papuans have been stigmatized as separatists simply because they expressed their identity through practicing their culture, wearing traditional costumes or by stating that they are Melanesian by ethnicity.

2 UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/32/36, 31st May 2016, p.18

Indigenous Peoples and Cultural Identity: International Definitions and Norms

The Special Rapporteur of the sub-commission of indigenous peoples, Jose Martinez Cobo, in his study about “the Problem of Discrimination Against Indigenous Population” in 1986 formulated a working definition of Indigenous Peoples. He defined indigenous peoples as a group of individuals or community that: (1) occupy their ancestral lands, or at least a part of them; (2) have common ancestry with the original occupants of the lands; (3) have similarity of culture in general, or in specific manifestations, (4) similar language; and, (5) reside in certain parts of the country, or in certain regions of the world.

In the context of cultural self-determination, the Declaration of the Principles of International Cultural Cooperation, adopted by the General Conference of UNESCO, recognizes the right and duty to develop its culture, and mentions in its preamble as the most important United Nations resolutions relating to the recognition of the right of peoples to self-determination. This implies recognition of its right to regain, to practice, enjoy and enrich its cultural heritage, and affirm the right of all its members to education and culture. The cultural rights identified by indigenous peoples are fundamental to the survival of indigenous peoples. Indigenous peoples attempt to prevent their heritage, values, cultural identity and way of life from being destroyed by external forces.

Free, Prior and Informed Consent (FPIC) – fundamental principle of internal self-determination

The right to freely dispose of its own natural wealth and resources is an inherent part of indigenous peoples internal self-determination. The issue of land and resource rights is one of the most important roots of conflict for the majority of the indigenous peoples in the world, including the indigenous people of West Papua. Access and rights over their land and resources is an integral part of their right to self-determination. However, the Indonesian government in practice does not fully recognize this right in order to maintain control over customary lands and natural resources. This situation has resulted in limited access to natural resources and violations of indigenous people's right to determine their own way of living. Critical voices in West Papua have accused the government of Indonesia of deliberately eliminating West Papuan cultural and spiritual connections to their land and nature.

Indonesia, as a State is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples issued in September 2007 and other

international human rights treaties. International law requests the Government of Indonesia to legislate in support of Free Prior and Informed Consent. A formal procedure protected in law should grant indigenous people with the right to participate actively in any decision making process relating to the exploitation of their land and resources. This includes the right to reject development or economic investment. Land and resources in West Papua are being exploited by destructive large-scale development projects, especially mines, oil and gas projects, logging, and palm oil plantations. Although Plantation companies in general do reach some arrangement with indigenous communities, the procedure often falls far short of standards of Free, Prior and Informed Consent. These arrangements are often not in accordance with FPIC principles as upheld by the United Nations Declaration. The lack of government control mechanisms for the implementation of FPIC standards has strongly contributed to the impoverishment of many Papuan indigenous communities. They have been forced off their land by multi-national and Indonesian timber, mining and gas companies.

In 2012, the Indonesian Constitutional Court (Mahkamah Konstitusi) has come to an important decision regarding customary land and resources. According to the constitutional court decision No. 35/PUU-X/2012 (MK35), indigenous forests are excluded from state forests, but remain in control of the State. The decision, underlines the recognition of indigenous peoples on forests and indigenous communal land in Indonesia. Before the decision, state institutions had entirely ignored the rights of indigenous peoples over communal forests, and legally justified utilization of communal land by Law No. 41 of 1999 on Forestry. According to the constitutional court decision, the discriminative perception regarding indigenous peoples' rights over their forests in the Forestry Act is considered as disregarding the rights of indigenous people. However, arbitrary acts by government institutions and non-transparent approval of concessions for private companies are the main reasons for ongoing violations of indigenous peoples' rights and deforestation in West Papua.

The Special Autonomy Law was meant to provide more "legal space" for indigenous peoples in the provinces of Papua and Papua Barat. The Papuan Provincial Government has adopted special local regulation (perdasus) No. 22/2008 on the Protection and Management of Indigenous Peoples Natural Resources, which positions indigenous communities in West Papua as legitimate owners over their natural resources. Accordingly, indigenous communities have the right to freely decide over its utilization. In reality, the policy could not be implemented because most companies in West Papua are being backed up by the police and military. Both government institutions commonly use intimidation and violence to force indigenous land rights owners' approval and to release customary lands to private companies and individual investors (case studies of FPIC violations may be found in chapters 5.3 Land-grabbing and 5.4 Deforestation and Natural Resources).

Recommendations:

- **Strengthen existing laws and their implementation particularly those guaranteeing the freedom of expression as a constitutional right and the special autonomy law.**
- **Introduce FPIC principles into national regulations, including legal prosecution of companies disrespecting FPIC principles.**
- **Improvement of procedures for granting permits for agro-, timber and mining companies in order to guarantee West Papuan indigenous minorities' right to food and self-determination over their ancestral land and resources.**
- **Review development policies and large scale agriculture, mining and logging projects leading to the destruction of indigenous community forests and culture.**
- **Ensure that the implementation of massive agricultural projects does not prevent indigenous peoples from fully practicing their culture and having access to natural resources on their ancestral lands, as part of their identity and livelihood.**
- **Invite the UN Special Rapporteur on the rights of indigenous peoples and the UN Special Rapporteur on the right to food to assess the situation in West Papua and conduct a comprehensive study on the impact of large-scale development projects on the enjoyment of indigenous peoples' rights.**

- Urge all companies to respect the decision of the Constitutional Court Number 35/PUU-X/2012 on the Recognition of Customary Forest; the government should reinforce and increase protection and recognition of all Indigenous Peoples in Indonesia.
- Urge all companies operating in West Papua to respect the principles of Free, Prior and Informed Consent (FPIC) and to comply with the UN guiding principles on business and human rights.
- The government should develop new participative approaches in collecting information and developing conflict strategies for West Papua. The approaches should involve Papuan civil society stakeholders.
- Allow the West Papuan people to express their cultural identity as Papuans and Melanesians and fully recognize their identity. West Papuans should be freely permitted to associate with other Melanesian countries based on their similarities and shared identities in addition to their right to self-determination and association.
- Uphold the principles enshrined in the UN Declaration on the Rights of Indigenous Peoples.

5.3 Land-grabbing

West Papua has been for long, and still is, the target of companies and investors operating in the context of palm oil plantations, the timber industry as well as mining and forest plantation concessions. Company activities in West Papua are facilitated by the Indonesian government and supported by the security apparatus of the Indonesian military (TNI) and the police (POLRI). Large-scale investment projects in West Papua have multiple adverse impacts on the environment and on the land right situation of indigenous Papuans. The conversion of forest areas into palm oil plantations or logging and mining areas have led to the loss of ancestral lands by many indigenous communities and are now facing poverty and malnutrition as a direct consequence. Land seizures in West Papua occur systematically. They are carried out by private companies, and often facilitated by national programs which have been designed and implemented by the Government of Indonesia.

Caption: General Definition of Land-grabbing

In general, land grabbing describes processes by which private or state-owned enterprises buy or lease huge amounts of agricultural land to produce and use natural resources. Often, international investors' involved in these deals act in legal twilight areas. The deals target remote areas in which land rights are regulated by customary communal laws, often inferior to (western) concepts of individual property. Not uncommon is that the land is used to cultivate so called boom crops: cocoa, coffee, palm oil, etc. Most companies investing in land deals in the so-called Global South originate from the Global North. Indonesia and West Papua are hence no exception to being affected by land grabs. The deals and speculations are often accompanied by eviction, human rights violations and environmental degradation.

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Governmental development plans as domestic land grabs

Kalimantan and Sumatra have experienced massive land grabs, where the government has implemented large scale mining and agricultural projects. Both islands are strongly affected by land rights issues because local governments approve concessions in inhabited areas, which results in an increasing annual number of land conflicts. An increase on agricultural development induced land conflicts in Papua, which follow a similar logic.

One of the most ambitious government programs in West Papua is the "Master Plan for the Acceleration and Expansion of Indonesian Economic Development" (MP3EI). According to the MP3EI¹, West Papua is supposed to become Indonesia's center of production for food, fishery, energy and national mining. The program should also speed up the construction of roads, ports and open up remote regions. The recent past has shown that the program has caused lots of damage in West Papua. Once remote areas may be accessed by roads, they

¹ The government under former president Susilo Bambang Yudoyono (SBY) introduced the term MP3EI. Jokowi's government doesn't 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 by the former president SBY

become interesting for plantations and mining companies, whose presence frequently result in negative consequences for the environment and local indigenous communities. One of the negative impacts caused by agricultural projects and palm oil plantations are floods as an effect of large scale logging operations. The Merauke Integrated Food and Energy Estate (MIFEE) is one of the fastest growing government projects in West Papua. It is a representative example of disregard for indigenous peoples' rights and environmental degradation. Areas of the Bird's Head peninsula are also experiencing intense pressure from industrial investors.

Amongst the most important stakeholders in terms of land grabbing are the police and military. Both state institutions often play an additional role as security personnel for private companies. Other stakeholders are companies, which commonly lack respect for the principles of Free, Prior and Informed Consent (FPIC). Major issues in relation to private companies are broken promises, fraud, as well as inadequate compensation payments for land. Indigenous land rights are frequently ignored during the establishment of new plantations. Although

some indigenous groups have successfully resisted estate plans, the majority of indigenous communities which come to an agreement with investors have collected multiple bitter experiences. They have been intimidated, manipulated by fast cash payments and other strategies, or have become victims of fraud due to lack of legal understanding and professional assistance by lawyers. Companies frequently do not keep their promises to provide jobs, health care, and education facilities. Once land clearance has started, many indigenous communities begin to realize that they can no longer live their traditional way of life. As a result, most indigenous communities become "bystanders" on their ancestral lands, facing an uncertain future characterized by poverty and loss of cultural roots.

The following table underpins the spatial dimension of these land acquisitions. While the total area of the provinces of Papua and West Papua taken together amount to 42.198 hectares, the area under exploitation permits (either right to forest exploitation, mining, oil palm or timber) amounts to more than half of the total area available.

Table 5.3-1: Approved investment licenses in the provinces Papua and Papua Barat.²

Province	Companies	Hectares	Number of licenses
Papua	Logging permits (HPH)	7.945,277	41
	Mining	5.932,071	125
	Palm Oil	2.453,484	83
	Forest plantation concession (HTI)	4.321,118	39
Total 1		20.651,950	288
Papua Barat	Mining	3.178,722	115
	Logging permits (HPH)	5.388,983	38
Total 2		8.567,705	153
Grand Total 1+2		29.219,655	441

² Source: Yayasan Pusaka based on Data Konsesi Sawit 2010-2016, Data HPH Dephut 2016, Data HTI BKPM 2016 dan Data Migas dan Minerba 2015-2016.

It is also worth taking a closer look at the companies which received logging permits. While these permits are granted on a total area of 13,334 hectares, almost half of this area is managed by eight dominating companies.

Table 5.3-2: Eight major companies holding the rights to forest exploitation in the provinces Papua and Papua Barat.³

No	Name of the company	Hectares
1	Djayanti Group	926.000
2	Alas Kusuma	863.700
3	Wapoga Mutiara Timber Group	783.050
4	Kayu Lapis Indonesia	781.865
5	Korindo Group	677.535
6	Barito Pacific Timber Group	575.300
7	Sinar Wijaya Group	469.410
8	Arta Graha	181.090
Total		5.257,950

Land-grabbing related to plantation activity

According to the Papuan Special Autonomy Law, companies seeking to access land which is claimed as indigenous communal land (*tanah ulayat*), an agreement needs to be reached through a decision making council, called *musyawarah*. Although plantation companies in general do reach some arrangement with certain communities, the procedure often falls far short of standards of Free, Prior and Informed Consent (FPIC). These arrangements are often not in accordance with FPIC principles as upheld by the United Nations Declaration on the Rights of Indigenous People and industry bodies such as the Roundtable on Sustainable Palm Oil.

Instead of allowing communities time and space to collectively decide whether or not a plantation would be in their best interests, companies in Papua are often accused of manipulation. Commonly, companies target certain administrative or tradi-

tional village leaders or clan chiefs to gain their support and consent, while other parts of the community remain in opposition. This risks the emergence of horizontal conflict within the community, creating serious divisions and a breakdown in trust.

Coercive means are also used to gain land. Members of the police and military are often present when a company presents its plans to local people. This practice, coupled with a lack of information about their rights, can lead indigenous people to believe that they have no choice but to accept the company. In some cases, military or police personnel work for the companies as security guards, and so will use their authority to support the company's interests. Local activists in various areas have reported acts of intimidation or direct physical violence by security force members who protected companies' private property or prevented labourers and local residents from peaceful protest.

3 Source: Data HPH Dephut 2016

Case Studies:

Case 1: Muting, Merauke

By 2015 the only industry which was actually clearing large amounts of land for plantation development in Merauke Regency was the palm oil industry, with development concentrated in the Muting area. Plantation development in Muting has taken place at an exceptional pace, rapidly transforming the lives of the local community. Since 2012, six plantation companies⁴ have started converting forest to palm oil plantations. Within the community there have been reports of concern and opposition since at least 2011, before clearance work started.⁵ In February 2015 members of the Mahuze clan enacted a blockade under customary law in which they prohibited the companies from clearing their land.⁶ This practice, known as *sasi*, is common to many cultures throughout Papua and Maluku, and breaking the blockade is strictly taboo. Nevertheless PT Agriprima Cipta Persada, one of the companies which started clearing land in the area in early 2015, has uprooted the *sasi* markers and continued working.⁷

Further deforestation in areas where a *sasi* ritual had been held, has caused tension and suspicion within the clans. Such clan-internal conflicts happen because clan members may suspect that other clan members have come to an individual deal with the company and had privately given permission on behalf of the whole clan, against the will of other clan members.⁸ A major dispute has also broken out between the ethnic groups Marind and Mandobo over land cultivated by PT Bio Inti Agrindo and PT Berkat Cipta Abadi. The

companies had approached individuals from the two ethnic groups rather than convening open discussions.⁹

On the 5th August 2016, members of the Mandobo ethnic group from Subur, Aiwat, Naga and Selil villages near Muting erected customary blockades on land which they claimed as customary lands owned by several Mandobo clans. The company had not held meetings with them about the land, but had only met with people from the Marind ethnic group. A Kopassus army special forces commander turned up with two soldiers, alongside a local military official, workers for the company, and individuals from the Marind ethnic group. A tense exchange followed, after which a Mandobo man called Linus Omba took a flagpole bearing an Indonesian flag and pushed it into the ground, saying "Let's group together under the Indonesian flag. If they're going to shoot us dead, let it be under the Indonesian flag".¹⁰ Subsequently, the soldiers uprooted the flag and fired several shots towards the peoples feet, and into the air. The military members also struck the leader of the Wambon Tekamerop Indigenous People's Association (LMA), Yosep Omba, in the head and hit Gabriel Wauk and two people from Tanah Merah. They took Titus Kambutengga's mobile phone and smashed it on the ground, saying that he was not allowed to take photographs. The Kopassus soldiers forced the protesters to get back into their vehicle and return to Division 6. They intimidated the driver, shouting at him, pointing their guns and saying "drive or you're dead"¹¹ Several shots continued to be fired towards the vehicle.¹²

4 PT Bio Inti Agrindo (Daewoo International Corporation), PT Berkat Cipta Abadi and PT Papua Agro Lestari (Korindo Group), PT Agriprima Cipta Persada and PT Agrinusa Persada Mulia (AMS Ganda Group) and PT Internusa Jaya Sejahtera (Indonusa Agromulia Group).

5 E-documents: <http://blog.insist.or.id/sorak/archives/293> & <http://blog.insist.or.id/sorak/archives/1228>

6 E-documents: <https://www.youtube.com/watch?v=IYUCEzDcS54> & https://www.youtube.com/watch?v=8gpAR7h_530

7 E-document: <http://pusaka.or.id/pt-acp-menggusur-tanah-hutan-adat-marga-mahuze-besar-secara-paksa/>

8 The Mahuzes, film by Watchdoc, <https://www.youtube.com/watch?v=Pch7efb8qo>

9 E-document: <http://tabloidjubi.com/artikel-2221-masyarakat-adat-mandobomalind-pemerintah-jangan-hanya-tinggal-bicara-di-ruangan-saja.html>

10 "Mari kita kumpul dibawah bendera Indonesia. Jika kita ditembak mati, biar dibawah bendera Indonesia"

11 "Jalan atau mati!"

12 Kronologis Kasus Kekerasan dan Penembakan Anggota TNI AD terhadap Masyarakat di Areal Perkebunan Kelapa Sawit PT. Bio Inti Agrindo, Blok I, (Pusaka Documentation)

There is a considerable military presence in Muting as it is close to the border with Papua New Guinea. It has been reported that members of Kopassus have been acting as security guards for companies including PT Agriprima Cipta Persada, and possibly participated in the action to uproot sasi markers.¹³ On the 16th July 2016, soldiers from the sub-district military command post in Muting came looking for the head of the Mahuze clan in Muting, Agustinus Dayo Mahuze. The military members informed him that a military co-operative, Kartika Setya Jaya,¹⁴ was going to clear land for palm oil on Mahuze land within PT Agriprima Cipta Persada's plantation. They further stated that the company would compensate his clan for crops they had planted in the area. Agustinus Mahuze felt threatened by the soldiers' behaviour, as he had already experienced intimidation from members of the military in the past.¹⁵

Case 2: South Sorong

In South Sorong, the presence of two new palm oil plantations managed by subsidiaries of the Austindo Nusantara Jaya (ANJ Group) (see table 4.3-2) group has caused conflicts with local indigenous Papuans. Between February and May 2015, members of the Iwaro ethnic group held a series of protests in Teminabuan and Sorong as well as a *sasi* blockade on the land. They allege that the company had given a token amount, referred to as '*uang ketuk pintu*' (knock on the door money) to seven clans in Puragi village. Five clans in Saga village who also had a claim on the land had received nothing. According to the community, they were not given the chance to sit down together and discuss their response to

the company's plans.¹⁶ The affected indigenous communities demanded a much higher level of compensation, and requested the withdrawal of army and police mobile brigade organic units from the area. On one of the demonstrations in Sorong City on the 15th May 2015, dozens of participants were arrested.¹⁷ Most were released the next day, but two men, Obet Korie and Odi Aitago were charged with criminal damage and detained at Sorong police headquarters. Both men were sentenced to seven months and five months in prison respectively.¹⁸

In a separate case relating to the company's other plantation, PT Putera Manunggal Perkasa, two village officials from Kokodo sub-district named Ayub Aume and Daud Duge, were arrested in December 2014. The two men were also charged with criminal damage and held in police detention in Sorong awaiting trial for at least nine months.¹⁹

If, as is alleged, members of the police force have not been neutral in the land disputes²⁰ but have actually backed up the company, then these criminal cases are especially concerning. Irrespective of whether or not the arrested individuals did break the law, the use of police powers to detain individuals in cases where the institution has its own vested interests would be a serious abuse of state authority.

Expansion of Rice Cultivation

In August 2010 a vast agricultural development project was launched in Merauke Regency, known as the Merauke Integrated Food and Energy Estate (MIFEE) mentioned above.²¹ More

13 The Mahuzes, film by Watchdoc, Electronic data source: <https://www.youtube.com/watch?v=Pch7efib8qo>

14 This co-operative is a private enterprise run by the military. Military business was permitted and common during the Suharto dictatorship, but was supposedly outlawed by a law passed in 2004 (Law 34/2004) which stated that the government must take over all business activities owned by the military within five years. However, as the deadline approached in 2009, then-President Susilo Bambang Yudhoyono issued a set of regulations which would allow the military to continue to control businesses, as long as they were in the guise of co-operatives or foundations.

15 E-document: <https://awasmifee.potager.org/?p=1440>

16 E-document: <http://pusaka.or.id/warga-kampung-saga-masih-palang-jalan-pt-ppm/> (English translation <https://awasmifee.potager.org/?p=1162>)

17 E-document: <http://pusaka.or.id/demo-pt-ppm-warga-menuntut-keadilan-ditahan-polresta-sorong/>

18 E-document: <http://pusaka.or.id/dalam-waktu-9-bulan-4-warga-jadi-korban-kriminalisasi-dari-lahan-perkebunan-sawit-anj/>

19 E-document: <http://pusaka.or.id/dalam-waktu-9-bulan-4-warga-jadi-korban-kriminalisasi-dari-lahan-perkebunan-sawit-anj/>

20 E-document: <http://pusaka.or.id/warga-demo-pt-anj-agri-papua/>

21 E-document: http://awasmifee.potager.org/uploads/2012/03/mifee_en.pdf

than one million hectares of forest and savanna are to be converted for agricultural production purposes, with at least half of the area intended for crops such as rice, corn and soya, with palm oil and sugar cane comprising the remainder. The scheme ran into difficulties, as the basic infrastructure did not prove attractive to investors in large-scale rice production. Furthermore, there was significant resistance to the developments from the Marind people living in the area who refused to release their customary land to the companies.²²

Indonesia remains highly concerned regarding the sufficient production of rice, which constitutes the foundation of its national food security. Therefore, President Joko Widodo traveled to Merauke in May 2015, where he participated in a harvest of 300 hectares of rice fields, planted by PT Parama Pangan Papua (Medco Group), as one of the few companies to be actively pursuing mechanized rice agriculture. The same day, the President told journalists that he wanted 1.2 million hectares in Merauke to be developed as rice fields within the next three years.²³ He did not address either the technical challenges of such a rapid development, or the fact that there had been considerable opposition to MIFEE from indigenous Papuans during the previous five years.

The rice estate remains on the government agenda, with targets and time-scales varying between government agencies,²⁴ although progress is expected to be considerably slower than the President's initial announcement. To provide incentives for this plan, the Merauke regency has

been proposed as a Special Economic Zone for agricultural development.²⁵

The Indonesian military has been involved in preparing new rice fields in Padang Raharja village in Merauke,²⁶ and indeed in up to fourteen regencies in Papua.²⁷ This is part of a nationwide program known as Indonesian Army Supporting Food Security (*TNI-AD Mendukung Ketahanan Pangan or TMKP*). The program was the result of a 2014 agreement between the Agriculture Ministry and the Indonesian Army to bring more land under cultivation in an attempt to increase production of basic foods and reduce Indonesia's dependence on imports.²⁸

The ICP is not aware of any specific reports of human rights violations by military officers engaged in this work or use of coercion to obtain land. It is nevertheless of concern that the military is involved in such a task in West Papua, given its record of intimidation and violence towards indigenous Papuans in support of private investors' interests. It is one of several programs where soldiers are engaged in civil duties unrelated to national defense, which serve to legitimize military presence at the village level.²⁹ This provides an opportunity for surveillance and control of village society, which in Papua is likely to mean increased monitoring of those who sympathize with the independence movement. A similar program, called *ABRI Masuk Desa* was implemented during the Suharto years, when the military was officially given the dual function of national defense and involvement in running the country.

22 E-document: <https://awasmiffee.potager.org/?p=584>

23 E-document: <https://awasmiffee.potager.org/?p=1210>

24 The agriculture ministry claimed that 2115 hectares of new rice fields were dug in 2015 and set a target of 20,000 hectares for 2016. <http://tanamanpangan.pertanian.go.id/informasi/114>

25 <http://kek.ekon.go.id/pemerintah-setuju-sorong-jadi-kawasan-ekonomi-khusus/>

26 <http://www.korem174atw.com/berita/umum/merauke-sebagai-lumbung-pangan-nasional-wilayah-indonesia-timur>

27 <http://psp.pertanian.go.id/assets/file/c275e77ce9038aa3a89b578edb40c755.pdf>

28 [http://m.tabloidsinartani.com/index.php?id=148&tx_ttnews\[tt_news\]=3106&cHash=73f93b30d03f547c8a56d71dc04a842a](http://m.tabloidsinartani.com/index.php?id=148&tx_ttnews[tt_news]=3106&cHash=73f93b30d03f547c8a56d71dc04a842a)

29 Another is known as *TNI Manunggal Masuk Desa*.

5.4 Deforestation and Natural Resources

Resource Extraction Industries, particularly palm oil plantations and mining projects remain a major threat to indigenous peoples and the ecosystem in West Papua. In 2010, there were just nine operational plantations and by 2015 the number had increased to 28. In 2016, the total number of granted resource exploitation permits in the two provinces has increased to 441 (see Chapter 5.3 Land-grabbing). Even though this figure includes permit applications and areas under operation alike, the increase in the total number of permits is of serious concern with regard to the consequences for the indigenous population and the ecosystem in West Papua.

Deforestation and environmental damage linked to palm oil plantations

Although the first palm oil plantations in Papua were established in the early 1980s, there has been a rapid increase in palm oil production sites during recent years. The palm oil industry is now the prime cause of deforestation in West Papua, and is also linked to a range of human rights concerns affecting indigenous Papuans living near the plantations.

Palm oil plantations hence remain the biggest threat to indigenous communities and Primary Rain Forests in West Papua. Some indigenous peoples living in villages near the plantations have difficulties in getting access to clean drinking water because the palm oil production requires large quantities of water for irrigation. People in such affected areas rely mainly on rain water. People in affected communities are often forced to use water from the rivers for cooking and drinking. Nearby rivers tend to be contaminated with chemicals and industrial waste from the plantations.

Some of the largest palm oil plantations in West Papua are located in South Sorong Regency, owned by Austindo Nusantara Jaya which has

permits covering an area of 82,468 ha, Klamono (Sorong Regency) owned by PT. Henrison Inti Persada (Noble Group) covering an area of 32,546 ha, and Muting District (Merauke regency) owned by PT. Agriprima Cipta Persada and PT Agrinusa Persada Mulia (Ganda Group) covering a total area of 73,540 ha. These figures refer to the total areas of issued concessions, not only to areas already under cultivation. The largest group by planted area is Korindo, while the largest total concession area belongs Pacific Inter-link. A majority of companies work under the umbrella of large, often international groups. Such groups have various subsidiaries in multiple fields of agriculture, mineral exploitation and timber production.¹ All large scale agricultural projects in West Papua have resulted in the clearing of vast forest areas. Particularly the Boven Digoel Regency, which to a large extent is still covered by primary rain forests has become an area of interest for investors in the palm oil sector (see Table 4.4-1 below). The agricultural activities during the past years have increasingly led to the expulsion of wild animals and the destruction of wild sago stocks. Many affected indigenous lands have been cleared by logging companies and have become a wasteland for the accumulation of timber logs.

¹ Y.L. Franky & S. Morgan (2015): Atlas Sawit Papua, Dibawah Kendali Pengusaha Modal, p. 3

Table 5.4-1: Palm oil companies applying for or holding operational concessions in West Papua. (Source: Y.L Franky & S. Morgan (2015): *Atlas Sawit Papua, Dibawah Kendali Penguasa Modal*, p. 59 ff)

No.	Company Name	Location	Area in hectares	Ownership	Status
1	PT Pusaka Agro Lestari	Mimika	35.759	Noble Group	Operational since 2012
2	PT Tunas Agung Sejahtera	Mimika	40.000	Pusaka Agro Sejahtera	State forest land released in 2014
3	PT Prima Sarana Graha	Mimika	28.774		In-principle permit for forest release 2014
4	PT Nabire Baru	Nabire	13.600	Carson Cumberbatch	Operating since 2012
5	PT Sariwana Adi Perkasa	Nabire	7.160	Carson Cumberbatch	Operating since 2014
6	PT Indo Primadona Perkasa	Nabire	14.000	Kim Hyeong Geun	Unclear
7	PT Sawit Makmur Abadi	Nabire	40.000	Unknown	Believed to have obtained business licence in 2014
8	PT Artanusa Agrindo	Nabire	19.377	Artanusa Group (unconfirmed)	Believed to have obtained business licence in 2014
9	PT Dharma Buana Lestari	Sarmi	16.726	Dharma Satya Nusantara	Current Status Unclear
10	PT Gaharu Prima Lestari	Sarmi	31.738	Acapalm Group (unconfirmed)	Key permits obtained
11	PT Brazza Sarmi Sejahtera	Sarmi, Pantai Barat District	50.000	Unknown	Unclear
12	PT Kebun Indah Nusantara	Sarmi, Pantai Barat District	50.000	Unknown	Unclear
13	PT Botani Sawit Lestari	Sarmi, Pantai Barat District	50.000	Unknown	Unclear
14	PT Artha Indojava Sejahtera	Sarmi	40.000	Hang Po Investment Indonesia (unconfirmed)	Believed to have obtained business licence in 2014
15	PT Ransiki Utama	Sarmi	19.615	Pusaka Agro Sejahtera (unconfirmed)	Initial location permit granted 2013
16	PT Sinar Abadi Wijaya	Sarmi	40.000	Unknown	Initial location permit granted 2014
17	PT Sinar Kencana Inti Perkasa	Jayapura regency, Kaure District	20.535	Sinar Mas (Golden Agri Resources)	Operational since 1994
18	PT Permata Nusa Mandiri	Jayapura regency, Districts Unurum Guay, Namblong, Nimboran, Nimbokrang, Kemtuk Kemtuk Gresi	32.000	PT Pusaka Agro Sejahtera (unconfirmed)	Unclear
19	PT Rimba Matoa Lestari	Jayapura regency	29.589	Acapalm Group (unconfirmed)	operating since 2013
20	PT Paloway Abadi	Keerom		Unknown	Unclear
21	PT PN 2	Keerom	17.974	State-owned company	Operating since 1982
22	PT Bumi Irian Perkasa	Keerom	1.068	PT Bumi Irian Perkasa	Operational
23	PT Bio Budidaya Nabati	Keerom, Senggi District	7.400	Unclear	Unclear
24	PT Patria Agri Lestari	Keerom		Patria Group	Unclear
25	PT Semarak Agri Lestari	Keerom, Senggi District		Patria Group	Unclear
26	PT Victory Cemerlang Indonesia Wood Industries	Keerom, Arso Timur District	4.885	PT Victory	Unclear
27	PT Tandan Sawita Papua	Keerom, Arso Timur District	18.337	Eagle High Plantations	Operating since 2010
28	PT Berkat Cipta Abadi	Merauke, Uilil District	14.525	Korindo	Operating since 2012
29	PT Bio Inti Agrindo	Merauke, Uilil District	36.401	Posco Daewoo Corp	Operating since 2011

30	PT Dongin Prabhawa	Merauke, Ngguti District	34.058	Korindo	Operating since 2011
31	PT Papua Agro Lestari	Merauke, Ulilin District	32.347	Korindo	Operating since 2015
32	PT Hardaya Sawit Papua	Merauke, Jagebob District	62.150	Hardaya Inti Plantations	Unknown
33	PT Agriprima Cipta Persada	Merauke, Muting District	33.540	AMS Plantations/Ganda Group	Operating since 2012
34	PT Agrinusa Persada Mulia	Merauke, Muting District	40.000	AMS Plantations/Ganda Group	Operating since 2014
35	PT Cahaya Bone Lestari	Merauke, Muting District	403	Merauke Regional Government	Operating since 2013
36	PT Internusa Jaya Sejahtera	Merauke	18.587	Indonusa Agromulia Group	Operating since 2015
37	PT Usaha Nabati Terpadu	Boven Digoel	37.467	Menara Group	Forest area for plantation released 2013
38	PT Megakarya Jaya Raya	Boven Digoel	39.338	Pacific Interlink	Operating since 2014
39	PT Energi Samudera Kencana	Boven Digoel	36.206	Pacific Interlink	Forest area for plantation released 2012
40	PT Graha Kencana Mulia	Boven Digoel	39.478	Pacific Interlink	Forest area for plantation released 2012
41	PT Kartika Cipta Pratama	Boven Digoel	39.505	Pacific Interlink	Operating since 2016
42	PT Visi Hijau Indonesia	Boven Digoel	24.180	Unknown	Forest area for plantation released 2014
43	PT Wahana Agri Karya	Boven Digoel	14.915	Unknown	Forest area for plantation released 2014
44	PT Duta Visi Global	Boven Digoel	33.970	Unknown	Forest area for plantation released 2014
45	PT Trimegah Karya Utama	Boven Digoel	39.716	Tadmax Resources Bhd	Forest area for plantation released 2011
46	PT Manunggal Sukses Mandiri	Boven Digoel	38.552	Tadmax Resources Bhd	Forest area for plantation released 2011
47	PT Tunas Sawaerma (existing)	Boven Digoel	14.461	Korindo	Operating since 1998
48	PT Tunas Sawaerma (new)	Boven Digoel	19.335	Korindo	Forest area for plantation released 2014
49	PT Perkebunan Bovendigoel Abadi	Boven Digoel	37.010	Bumi Mitratrans Marjaya Group (unconfirmed)	Initial location permit granted 2015
50	PT Bovendigoel Budidaya Sentosa	Boven Digoel	30.190	Bumi Mitratrans Marjaya Group (unconfirmed)	Initial location permit granted 2015
51	PT Perkebunan Bovendigoel Sejahtera	Boven Digoel	39.440	Bumi Mitratrans Marjaya Group (unconfirmed)	Initial location permit granted 2015
52	PT Bangun Mappi Mandiri	Mappi	20.000	Himalaya Everest Jaya	Requested the release of forest
53	PT Mappi Sejahtera Bersama	Mappi	20.000	Himalaya Everest Jaya	Requested the release of forest
54	PT Himagro Sukses Selalu	Mappi	40.000	Himalaya Everest Jaya	Requested the release of forest
55	PT Putra Palma Cemerlang	Mappi	33.775	linked to Salim Group	Initial location permit granted 2013
56	PT Ekolindo Palm Nusantara	Mappi	33.225	linked to Salim Group	Initial location permit granted 2013
57	PT Ekolindo Palm Lestari	Mappi	34.500	Salim Group	Initial location permit granted 2013
58	PT Remboken Sawit	Mappi	40.000	linked to Salim Group	Initial location permit granted 2013
59	PT Dewi Graha Indah	Yahukimo			Unclear
60	PT Henrison Inti Persada	Sorong (Klamono District)	32.546	Noble Group	Operating since 2006
61	PT Inti Kebun Sejahtera	Sorong (Districts Seget & Salawati)	23.205	Kayu Lapis Indonesia Group	Operating since 2008

62	PT Papua Barat Inti Kebun Sawit	Sorong (Districts Seget)	13.351	Kayu Lapis Indonesia Group	Operating since 2016
63	PT Inti Kebun Lestari	Sorong (Districts Seget)	14.377	Kayu Lapis Indonesia Group	Forest area for plantation has been released
64	PT Inti Kebun Makmur	Sorong (Seget District)	20.000	Kayu Lapis Indonesia Group	Unclear
65	PT Papua Lestari Abadi	Sorong (Segun District)	15.631	Mega Masindo Group (unconfirmed)	Agreement for the release of forest for plantation
66	PT Sorong Agro Sawitindo	Sorong (Districts Klamono, Beraur,	18.070	Mega Masindo Group (unconfirmed)	Agreement for the release of forest for plantation
67	PT Mega Mustika Plantation	Sorong Municipality	9.835	Ciptana Group (unconfirmed)	Unclear
68	PT Cipta Papua Plantation	Sorong Municipality	15.971	Ciptana Group (unconfirmed)	Unclear
69	PT Semesta Bintang Sentosa	Sorong			Unclear
70	PT Permata Putera Mandiri	Sorong Selatan	34.147	Austindo Nusantara Jaya	Operating since 2014
71	PT Putera Manunggal Perkasa	Sorong Selatan/Maybrat	23.424	Austindo Nusantara Jaya	Operating since 2014
72	PT Varia Mitra Andalan	Sorong Selatan (Districts Moswaren & Wayer)	20.325	Eagle High Plantations	Operating since 2014
73	PT Julong Agro Plantation	Sorong Selatan (Districts Saifi & Seremuk)		Tianjin Julong Group	Unclear
74	PT Anugerah Sakti Internusa	Sorong Selatan	16.055	Indonusa Agromulia Group	In-principle permit for forest release 2014
75	PT Internusa Jaya Sejahtera	Sorong Selatan	4.950	Indonusa Agromulia Group	In-principle permit for forest release 2014
76	PT Dinamika Agro Lestari	Sorong Selatan	35.000	Indonusa Agromulia Group	Unclear
77	PT Persada Utama Agromulia	Sorong Selatan	12.340	Indonusa Agromulia Group	In-principle permit for forest release 2014
78	PT Rimbun Sawit Papua	Fak-Fak	30.596	linked to Salim Group	Operating since 2015
79	PT Pusaka Agro Makmur	Maybrat	24.897	Austindo Nusantara Jaya	Forest area for plantation has been released
80	PT Varita Majutama	Bintuni	17.270	Genting Berhad	Operating since 1996
81	PT Varita Majutama (II)	Bintuni	35.371	Genting Berhad	Forest area for plantation has been released
82	PT Subur Karunia Raya	Bintuni	38.620	linked to Salim Group	Operating since 2015
83	PT HCW Papua Plantation	Bintuni	24.000	Ciptana Group (unconfirmed)	Unclear
84	PTPN II	Manokwari Prafi District	17.974	Yong Jing Investment	Operating since 1980, currently replanting
85	PT Medco Papua Hijau Selaras	Manokwari Sidey District	18.000	Medco	Operating since 2008
86	PT Anugerah Papua Investindo Utama	Manokwari Selatan	17.312	Unknown	Unclear
87	PT Berkas Setiakawan Abadi	Teluk Wondama	8.937	Unknown	Forest area for plantation released 2014
TOTAL AREA TARGETED FOR PALMOIL PLANTATIONS			2.148.015		

Procedural requirements and concession policies

The procedures and requirements for plantation companies in Indonesia are regulated by Law 39/2014 on Plantations. Article 45 lists various requirements, such as whether or not the plantation and its location conforms with the regional government spatial plan (*rencana tata ruang wilayah*).²

Pusaka, a local NGO working on palm oil plantations in West Papua, has carried out research in 2014 and 2015. Results of the research show that companies often do not follow the procedural requirements. Despite violations against administrative procedures and legal requirements, local government institutions in West Papua still approve the necessary permits to private companies. Companies intending to run a palm oil plantation usually approach the regent to get an initial in-principle permit. If the company is able to convince the regent, the local government will choose a location with consideration of its spatial planning. Once the regional government and the company have agreed on a certain location, the provincial governor's approval is needed to obtain further permits. If the location is classified as state forest (*hutan negara*), the company needs a further permission from the Minister of Forestry, stating that the requested location will be released and converted from state forest area to "farmland" utilized for agricultural purposes.

Location permits as well as related permits granted by regional governments are often approved at the end of legislative periods. This observation leads to the impression that political actors in high government positions abuse their power for the fulfillment of personal interests. Technical surveys often deliberately classify forest areas as secondary forests in order to bypass

provisions as stipulated in the moratorium on the release of Forests. Furthermore, there have been cases throughout the past years, where palm oil plantations had already received plantation business licences before they had conducted an environmental impact analysis. Such procedural violations have been reported from PT Nabire Baru in Nabire regency.³

Even though companies need the agreement from indigenous communities as the legitimate customary land rights holders, the regulatory government procedures prior to the establishment of large scale agricultural operations still insufficiently include local residents. According to international standards, affected indigenous communities must give their free, prior and informed consent (FPIC) for the utilization of their land (see Chapter 5.2 on the Right to Self-Determination). In fact, most companies already receive concessions before they start to get in contact with the local indigenous communities. This practice is not only contrary to international law, but also violates government regulation No. 12/2012 on the involvement of local communities in the environmental impact analysis. The EIA is a mandatory requirement, which must be conducted prior to the implementation of any large scale project. A majority of companies in West Papua use fraudulent or manipulative techniques to persuade local communities into releasing ancestral lands to the companies. Companies are frequently backed-up by state institutions and the military, who intimidate and force agreements from indigenous land rights holders. The presence of companies often leads to internal conflicts amongst communities which companies often use to their advantage (see Chapter 5.3 on Land-grabbing).⁴

2 John Gobai (08.02.2016): Aspek Hukum Kelemahan IUP PT Nabire Baru, e-document: <http://www.jeratpapua.org/2016/02/08/aspek-hukum-kelemahan-iup-pt-nabire-baru/>

3 John Gobai (08.02.2016): Aspek Hukum Kelemahan IUP PT Nabire Baru, e-document: <http://www.jeratpapua.org/2016/02/08/aspek-hukum-kelemahan-iup-pt-nabire-baru/>

4 Y.L. Franky & S. Morgan (2015): Atlas Sawit Papua, Dibawah Kendali Penguasa Modal, p. 2



Image 5.4-1: Palm oil plantations and mining projects remain a major threat to indigenous peoples and the ecosystem in West Papua (Photo: Alemaire).

Logging and other reasons for deforestation

No accurate figures are available for the annual rate of deforestation in Papua, nor whether it is accelerating. Analysis of, land cover data, from satellites developed by the University of Maryland and available on the globalforestwatch.org website indicates that deforestation is far lower than in Kalimantan, Sumatra or Sulawesi, and that the majority of clear felling takes place for palm oil plantations. The impact of the logging industry is also visible, close to forest roads, but is more selective and does not clear large areas. No comprehensive studies are known to have been carried out into changes in biodiversity in the Papuan forest, much of which remains little-explored by conservationists.

During the dry season of 2015 a large number of forest fires occurred in the southern part of Papua province, particularly in the regencies Merauke and Mappi, where the dominant ecosystem is savanna. Haze from the fires drifted as far as Micronesia, and required the cancellation of flights to cities through Papua province.⁵ Although such dry season fires have become a regular occurrence in Kalimantan and Sumatra, where they regularly cause widespread respiratory problems, they have never occurred on such a scale in Papua. This has been leading to speculation that the fires were deliberately started to clear rain forest areas for agricultural development.

In most areas where fires occurred, no direct evidence of a link to plantation development has emerged. However, the highest concentration

5 <https://news.mongabay.com/2015/10/papua-fires-send-haze-to-micronesia-indonesia-elections-commissions-hints-at-environment-debate/>

of fires occurred in palm oil plantations under development in Merauke and Boven Digoel, notably belonging to the Korindo Group (PT Dongin Prabhawa, PT Berkas Cipta Abadi, PT Papua Agro Lestari, PT Tunas Sawaerma)⁶ and Daewoo International Corporation (PT Bio Inti Agrindo) (see also Table 4.4-1).⁷ Because of the risk to human health and of environmental destruction due to uncontrolled fire expansion, it is illegal to use fire to clear forest for plantations in Indonesia.

Case studies:

Deforestation due to palm oil plantations

- ▶ PT Korindo is the second biggest palm oil investor in West Papua and has established oil palm plantations on 149.000 hectares of land in Papua Province. Korindo has cleared an area of 50.000 hectares covered with tropical rain forests in the Provinces of Papua and Maluku. At least 12.000 hectares of the cleared areas since 2013 were of primary rain forests, which are particularly valuable with regard to the reduction of worldwide carbon dioxide emissions. Korindo has allegedly pushed the opening of new plantation areas by systematic burning of forests in West Papua.⁸
- ▶ PT Nabire Baru is a subsidiary of Goodhope Asia Holding LTC and part of the Carson Cumberbatch Group. The Carson Cumberbatch Group owns 150.000 hectares of palm oil plantations in Indonesia and Malaysia. The plantation on the Yerisiam's ancestral land has a total area of 13.600 hectares.⁹

Flooding due to palm oil plantations

- ▶ There have been at least three cases of serious flooding in areas downstream of palm oil plantations in recent years. On 16th February 2014 the Wariori river in Manokwari burst its banks, inundating the homes of local residents, who then had to be evacuated from the area.¹⁰ Flooding has become more frequent since PT Medcopapua Hijau Selaras (Medco Group) cleared the forest. The faster run-off after heavy tropical rains has also eroded the riverbanks, creating a river bed which is several hundred meters wide.¹¹
- ▶ In October 2014, Miyoko and Aikawapuka, two villages on the coast of Mimika Regency inhabited by members of the Kamoro ethnic group, were flooded. The two villages are located downstream from the area where PT Pusaka Agro Lestari has been clearing forest since 2012.¹² Some of the Kamoro people who were forced to leave the area had reportedly not returned to their villages by mid-2015¹³.
- ▶ On the 25th March 2016, Sima village, within PT Nabire Baru's concession area, suffered severe flooding which inundated 56 houses, requiring the residents to evacuate the village.¹⁴ Local people attributed the flooding to deforestation for the palm oil plantation, claiming that flooding had occurred repeatedly since forest clearance began.¹⁵

6 Burning Paradise, the oil palm practices of Korindo in Papua and North Maluku, AidEnvironment for Mighty, KFEM, Pusaka, SKP KAME https://www.dropbox.com/sh/z8ytqxnrl1g1oy6/AAAv2FaCNOB-8IMn8IkO_TbKa/2016-08-25%20FINAL%20Korindo%20report%20-%20English.pdf?dl=0

7 <https://awasmiffee.potager.org/?p=1346>

8 Tabloid Jubi (09.09.2016): Belum Ada Sumbangsih Berarti PT Korindo untuk Papua, e-document: <http://tabloidjubi.com/16/2016/09/09/tak-ada-sumbangsih-berarti-pt-korindo-untuk-papua/>

9 Independent Human Rights Defender (29.09.2016): Menantang Sawit Demi Dusun Sagu Keramat, e-document: <http://papuaitukita.net/2016/09/menantang-sawit-demi-dusun-sagu-keramat/>

10 <http://jasoilpapua.blogspot.com/2014/02/pahitnya-sawit-baru-terasa-di-manokwari.html>

11 <https://awasmiffee.potager.org/?p=754>

12 Korban Banjir di Mimika Tengah Butuh Bantuan, Tabloid Jubi, 07/10/2014, <http://tabloidjubi.com/2014/10/07/korban-banjir-di-mimika-tengah-butuh-bantuan/>

13 How Oil Palm companies are threatening the livelihood of the Kamoro and Amungme indigenous peoples in Timika, awas MIFEE, 23/08/2015, <https://awasmiffee.potager.org/?p=1297>

14 Siaran Pers, Koalisi Peduli Korban Sawit Nabire, 25/03/2016, Konsorsium Pembaruan Agraria, <http://www.kpa.or.id/news/blog/siaran-pers-koalisi-peduli-korban-sawit-nabire/>

15 Perkebunan Sawit Penyebab Banjir di Kampung Sima dan Wauri, 07/04/2016 Jerat Papua, <http://www.jeratpapua.org/2016/04/07/perkebunan-sawit-penyebab-banjir-di-kampung-sima-dan-wauri/>

Mining and its impact on the social and environmental landscape

With the exception of Freeport's Grasberg copper and gold mine near Timika, the mining industry is still in its infancy in Papua, and few companies have managed to commercially exploit reserves. However, valuable minerals are to be found in various parts of West Papua including potential gold reserves throughout the central highlands. Exploration permits have been issued to many companies, including Freeport, but definitive maps and up-to-date permit data are not available in the public domain. In the regencies Paniai and Nabire, several companies and individuals are running small to medium-sized enterprises to search for alluvial gold. For some local Papuans this might be simple gold-panning, but the larger enterprises use machinery to process a larger amount of rock.

These operations are often described by critics as illegal, but the situation is complicated by the fact that some companies do have some kind of permit, at least for exploration if not exploitation. It is difficult to determine exactly how these companies might be contravening regulations, given the lack of transparency in permits and lack of co-ordination between different layers of government.

Case studies:

Case 1: Nifasi

A potential new conflict emerged in October 2016 at Nifasi, on the Mosairo river near the city of Nabire. A company named PT Kristalin Eka Lestari, which had previously explored for gold in the area between 2007 and 2012, returned to the area as a contractor to another company, PT Tunas Anugerah Papua, which has been operating since 2014. However, members of the military (Yonif 753 Raider) who supported PT Kristalin Eka Lestari then moved in and set up a

military post. The post was established in a hut, which was built by members of the Wate ethnic group. The company also brought a group of Dani people (a ethnic group from the highlands) to help them secure the area. Such a use of force in this dispute between the two companies made the local Wate people nervous. They feared that the situation could trigger a wider conflict between their ethnic group and the Dani people in the Nabire area.

Case 2: Gold mining at the Degeuwo River in Paniai Regency

The largest site where alluvial gold exploitation takes place is Degeuwo in Paniai Regency, where individuals and small companies have concentrated along the course of the Derewo River since 2003. Some of the operations do have exploration permits, including PT Madinah Qurrata'ain, which is a subsidiary of Australian mining company West Wits Mining. In 2015 West Wits Mining announced that it had appointed retired police general Rudiard M.L. Tampubolon to PT Madinah Qurrata'ain's board of commissioners. Loyalty within the police force is likely to mean that the company will enjoy protection from the police and any irregularities it may commit may be overlooked. Moreover, the police has a history of violence against indigenous Papuans in Degeuwo. In 2012, members of the police mobile brigade shot dead one man and critically injured four others.

Degeuwo is only accessible by helicopter, or a long journey on foot from Enarotali. The presence of gold has been the catalyst for a complex array of conflicts, both between indigenous Papuans and companies and horizontal conflicts between different Papuan tribes. The arrival of the gold industry has also brought new social problems into this previously undeveloped area, as the miners have brought alcohol which has had a disruptive effect on the local indigenous community. The arrival of sex workers has also triggered an epidemic of HIV/AIDS amongst

the indigenous people. Although there was no comprehensive data, and no health clinic in the area, local people estimate that between 30 and 40 people had died of AIDS by late 2014.

The mining activities have caused severe damage to the surrounding environment, which is populated by various indigenous tribes like the Mee, Wolani and Moni. Major environmental damages include deforestation and the pollution of soil around the mining sites which can no longer be used for gardening. The chemicals have contaminated the Degeuwo River, which indigenous communities use for drinking water supply. The pollution of rivers has cut off local communities from its water supply. Locals who still use the river water for cooking and drinking seriously jeopardize their health. Some mining companies, amongst them one Australia-based mining company named West Wits Mining, as well as PT. Martha Mining have been accused of discharging mercury into the Degeuwo river.¹⁶

Since 2009 the local population, in support of activists have demanded from the local government at province and regency level to close down the illegal gold mining camps at the Degeuwo River. Even though the government has repeatedly called on the mining companies in the Degeuwo area to stop its operations, the illegal mining operations have not been stopped throughout 2015 and 2016.¹⁷ Mines and amusement establishments in the area are protected by police and military personnel, receiving protection money from the mining companies. Official letters from state institutions and government policies regarding the closure of the illegal gold exploitation site have simply been ignored by companies and security forces in Degeuwo.

Letters by government officials and institution calling for a stop to the illegal mining operations at Degeuwo River

2009

- Information letter from the Regent of Paniai Regency to the Mining Entrepreneurs about the temporary closure of gold mining location (No. 543/207/PAN/2009).
- Instruction from the Regent of Paniai Regency No. 53/2009 (August 27, 2009) about temporary closure of gold mining location.
- Official letter from the Papua Peoples Assembly (MRP) No. 540/MRP/2009 on August 05, 2009, about a lawsuit against the illegal gold mines in Degeuwo.
- Investigation report of the Papua representative of the National Human Rights Commission (KOMNAS HAM Perwakilan Papua) on November the 15th, 2009, about Gold Mining in Degeuwo and its potential to inflict human rights violations.
- Official Letter from the Head of the Paniai District Police No. B/114/X/2009/Respan on October the 22nd, 2009, to all mining entrepreneurs in Degeuwo to follow the instruction of the Regent of Paniai Regency

2011

- Official letter from the Papuan Governor No.1/2011, about the closure of all mining sites without appropriate concession (PETI) in Papua Province.
- Official letter from the Papuan Governor No.53/3123/Set on October the 15th, 2011,

16 Walhi (04.06.2016): Masyarakat Adat Desak Pemerintah Tutup Pertambangan di Sungai Degeuwo, electronic data source: <http://lama.walhi.or.id/masyarakat-adat-desak-pemerintah-tutup-pertambangan-di-sungai-degeuwo.html>

17 Tabloid Jubi (06.09.2016): LPMA Swamemo: Ada SK Gubernur Hentikan Tambang Emas di Degeuwo, electronic data source: <http://tabloidjubi.com/16/2016/09/06/lmpa-swamemo-ada-sk-gubernur-hentikan-tambang-emas-di-degeuwo/>

about the rejection of Degeuwo to become a community mining site.

2014

- Official letter from the Regent of Paniai Regency No. 20/2014, about the closure

of all mining sites without appropriate concession (PETI) in Nomouwodide Village, Bogobaida District, Paniai Regency.

Recommendations:

- **Government institutions at the regency, provincial and Indonesian national level should implement changes to ensure greater transparency in the issuance of permits, as part of giving indigenous communities the full and timely information they need to make decisions.**
- **Immediately stop the expansion of plantations to protect air and water quality, biodiversity and indigenous peoples who depend on natural resources and the remaining forests in West Papua.**
- **Reevaluate the concessions approved to large-scale plantation companies, who are responsible for violations of human rights and the destruction of the environment.**
- **The government immediately needs to review and revoke the licenses to companies which contradict with the constitutional legislation and regulations which harm the rights of the indigenous Papua people.**
- **To the producer and consumer, -not to use and consume products resulting from the exploitation of natural resources in Papua which have been produced under unfair circumstances, under human rights violations and by destroying the environment.**



GOVERNANCE, THE LEGAL SYSTEM AND SECURITY SECTOR

The road system has a purpose to connect the coastal urban centers of West Papua with remote interior areas. (Photo: Carol Reckinger)

SECTION 6

Governance, the Legal System and Security Sector

West Papua is facing multiple challenges with regard to its development, governance, jurisdiction and security. Human rights violations, an outdated legal system with weak law enforcement, over-emphasis of the security sector, corruption, underdeveloped infrastructure - all these issues have an impact on the conflict dynamics and the development progress. The unique conditions prevailing in West Papua, characterized by the long-lasting multi-layered conflict in the region, the remoteness and size as well as the existence of indigenous peoples all over the island, leaves the government in a difficult position in finding adequate solutions. Accordingly, the situation in terms of development, governance, the legal system and security differs significantly from other parts of Indonesia.

Many people in West Papua hoped that the election of President Joko Widodo in 2014 would bring about positive changes in the region. Even though Joko Widodo has introduced several programs to accelerate the infrastructural development in the provinces Papua and Papua Barat, major issues such as past and present human rights abuses including violations of indigenous peoples' economic, social and cultural rights remain unaddressed. Lack of commitment in processing past and present human rights violations and the ongoing deployment of military and intelligence forces in West Papua indicate that little has changed under the Joko Widodo government.

With regard to the legal system, there is an urgent need to review parts of the Indonesian Penal Code (KUHP) and the Criminal Procedure Code. Major concerns include the criminalization of torture as an important step in combating impunity, and the revision of treason related articles in the penal code, which continues to be used by state authorities to criminalize peaceful political activism. Another shortcoming in the legal system is the detention provision of the criminal procedure code (KUHAP).

Corruption is an omnipresent problem in the entirety of Indonesia. Numerous cases against government and public officials in West Papua show that the problem of corruption is more severe in West Papua. The availability of large amounts of special autonomy funds and the lack of monitoring bodies contribute to corruption conducive conditions in both provinces. The problem is closely related to the government's administrative partition policy. Police and state prosecution fail to process corruption cases fast and in an efficient manner.

West Papua has experienced a rapid growth of administrative government units on regency, district and village levels during the past few years. The central government welcomes the administrative partition in the provinces of Papua and Papua Barat, regardless of the various negative effects of this policy. The growth of government entities has resulted in increased expenses for the creation and maintenance of

bureaucratic administrative institutions, with a high number of civil servants. In Papua Province by 2014 every 32nd citizen and in Papua Barat Province every 25th citizen was a civil servant.

The Indonesian Government under President Joko Widodo intends to implement an ambitious rail road and road project in West Papua. A trans-Papua road system is planned to be completed by 2019. The infrastructure projects are supposed to improve the local economy in Indonesia's easternmost provinces and reduce transportation costs and the price of commodities. Both projects will be implemented with the help of the military, whose presence is a critical factor for human rights violations and illegal businesses in the project areas. Furthermore, the government has developed a policy for an Indonesian-wide unification of fuel prices, as part of a national campaign for social justice to bring positive economic changes to West Papua.

6.1 Development and Security Approach in West Papua

Reality in West Papua throughout the past two years has shown that President Joko Widodo has achieved very little in bringing significant changes for the indigenous people of West Papua. Human rights violations remain unaddressed by the state and the exploitation of West Papua's natural resources without protection of local indigenous communities receives support from local and central governments. The central government continues to deploy new troops, expand the military infrastructure and engage military forces in large scale development projects. This indicates that the current government continues to follow a security-based approach with regard to its development and conflict policies.

Joko Widodo's election as President in 2014 was expected to provide fresh air for the people of West Papua. Many Papuans hoped that the new president could find an alternative solution for the ongoing human rights violations, inequality of development and inadequate natural resource management in West Papua. Papuan people's hopes were raised with Joko Widodo's statement

at the Christmas celebrations in December 2014 –one month after his election. Joko Widodo declared that his visit to Papua was intended to listen to the Papuan people's voice. "The spirit of listening, and to have a dialogue from the heart. This is what I want to use as a foundation to look forward to the future of Papua." President Widodo stated that he would use a holistic approach in

conducting development in Papua. He asserted that human rights values and local culture should be the cornerstones of development in West Papua, unlike previous presidents who emphasized a security and economic approach. The Papuan people should be involved in every process of development, and not only mere spectators.¹

However, two years into Joko Widodo's presidency, the human rights situation and the development process do not appear to reflect his promises or the expectations of the Papuan people. Various cases of human rights violations with civil rights and political dimensions remain unsolved, such as the Bloody Wamena case of 6 October 2000; the murder of Arnold C. Ap (26 April 1984), the case of the shooting of Steven Suripati (27 July 1998), taking of hostages in Mapenduma (1996), the Bloody Biak Incident (1998), the enforced disappearance of Aristoteles Masoka (2001), the murder of Papuan Leader Theys Hiyo Eluay (2001), the incidents in Abepura (7th December 2000), Wasior (13th June 2001), Wamena (4th April 2003), and Paniai (8th December 2014). This indicates that the spirit of building a foundation for the future of West Papua is limited to rhetoric in President Jokowi's administration. The situation is compounded by the continuing violence and suppression of demonstrations and arrests of people considered separatists or supporters of separatism.

Meanwhile, the government continues to approve permits and concessions for development projects in West Papua without engaging with the affected indigenous land rights holders. The work in many estates, mines and forest exploitation companies results in the loss of livelihood and access to natural resources by indigenous Papuans. Such practices constitute a violation of indigenous Papuans' economic, social and cultural rights including their right

to free, prior and informed consent (see Section 5 on Indigenous Peoples' Rights). The findings and conclusions of the National Inquiry by the Indonesian Human Rights Commission (KOMNAS HAM) in 2014 showed that various Papuan indigenous groups –such as Daiget (Arso); Wolani, Mee, Moi, Yerisiam, Malind and Wondama– have been strongly affected by exploitation of natural resources which has had an extraordinary impact on the lives of indigenous peoples. Besides environmental degradation and pollution, the extractive businesses are protected by state security forces whose presence frequently result in physical conflicts, torture and intimidation.

The above facts indicate that the Government under Joko Widodo apparently does not intend seeking a settlement of cases of human rights violations as has been demanded by the people of West Papua. The government's approach under President Joko Widodo in solving the problems of human rights and the implementation of development programs in West Papua remains unchanged. The Indonesian government continues to maintain a security-based approach instead of changing the course towards a humanist dialogical approach, as it had been repeatedly expressed by the Papuan people. This is reinforced by the increasing number of military and police personnel, as well as operationally assigned units (BKO) and intelligence units under the radar of Papuan civil society and local governments. Formally deployed troops in West Papua consist of one Military Regional Command (Kodam), with four Military Resort Commands (Korem), 14 District Military Commands (Kodim), and 113 Military Rayon Commands (Koramil) with an estimated number of personnel reaching 14,842 (13,000 Infantry, 1,272 Navy, and 570 Air Force). This number is expected to increase with the

1 CNN Indonesia (28.12.2016): Orang Papua dan Orde Baru ala Jokowi, e-document: <http://www.cnnindonesia.com/politik/20161228092006-32-182546/orang-papua-dan-orde-baru-ala-jokowi/>



Image 6.1-1: The Combat Engineering Detachment (*Detasemen Zeni Tempur*) involved to built the construction of the Trans Papua road.

establishment of the Military Regional Command in Manokwari, which is currently in progress.²

Security forces, particularly the military, are usually involved in implementing and overseeing massive infrastructural development programs. For example, the construction of the Trans Papua road from Wamena to Mamugu, which was initially supposed to be built by PT. Modern, is instead being done by soldiers from the Combat Engineering Detachment.³ Similarly,

Koramil personnel are involved in Muting, Merauke, associated with the acquisition of land rights and land clearing done for the oil palm company PT. Agriprima Cipta Persada (ACP). In this case, the engagement of Koramil personnel was stated in a letter by the Chairman of Kartika Setya Jaya Primary Cooperative, Kodim 1707/ Merauke, No. 8/16/VII/2016 dated 11th July 2016, about the Notice of Work Implementation of Land Clearance for Oil Palm Plantation of PT. ACP.⁴

2 For further information see Dekolonisasi ke Marjinalisasi: Potret Kebijakan Pemerintah di Tanah Papua selama 46 tahun terakhir, ELSAM 2015 and e-document: <http://news.okezone.com/read/2016/11/08/340/1535580/kodam-xviii-kasuari-papua-barat-akan-diresmikan-bulan-ini>

3 *Kompas.com* (24.08.2016): Pembangunan Jalan Trans Papua dari Wamena ke Mamugu yang dikerjakan anggota TNI dari Detasemen Zeni Tempur, e-document: <http://regional.kompas.com/read/2016/08/24/15184141/antisipasi.serangan.opm.pembangunan.jalan.trans.papua.sinak.dikawal.tni>

4 Press Release of the Civil Society Coalition: Stop Military Business and Respect Rights of Papuan Indigenous Peoples, 22 July 2016

6.2 Criminal Code and Law Enforcement

The need to reform the Indonesian criminal justice system –including the Penal Code (KUHP) and the Criminal Procedure Code (KUHAP)– persists, as Papuans continue to be subjected to treason charges, unlawful arrest, torture and prolonged detention. With regard to the Penal Code, the lack of articles referring to torture as a criminal offence, as well as outdated articles on the act of treason are of particular concern. Similar to the Criminal Code (KUHP), the Criminal Procedure Code KUHAP is in urgent need of revision. Provisions of the KUHAP allow for excessively long periods of detention by law enforcement institutions.

Revising the Indonesian Penal Code (KUHP)

In late December 2016, the Institute for Criminal Justice System (ICJR) filed a constitutional review complaint about a number of provisions concerning treason in the Indonesian Penal Code.¹ Amongst the provisions being challenged before the Constitutional Court is Article 106, in which treason is punishable by life imprisonment or a maximum imprisonment of twenty years.

The ICJR is not aiming at the total revocation of treason provisions. Rather, it is clarity that the organization is seeking. The Jakarta-based organisation is hoping that the review will result in the Court declaring the provisions to be conditionally constitutional, meaning that treason provisions are in line with the country's 1945 Constitution only if they are used for treasonous acts involving physical assaults.

Outside West Papua, the public discourse on the vagueness of treason provisions surfaced only at the end of 2016 as several Indonesian public figures were accused of attempting to bring

down President Joko Widodo's administration. But for the West Papuans, the vagueness of treason provisions and the ordeal it brings are nothing new.

In July 2016 alone, the police arrested 69 activists of the West Papua National Committee (*Komite Nasional Papua Barat*, KNPB) in Timika under suspicion of treason, after expressing their support for the United Liberation Movement for West Papua (ULMWP).² Additionally, 18 KNPB activists were arrested in early December of the same year for creating pro-West Papua independence graffiti on the walls of Abepura. As reported by *Tabloid Jubi*, the activists were accused of violating Article 106 of the Penal Code.³ A few days later, just before Christmas day, four Papuan students in the capital of North Sulawesi province, were named suspects in a treason case, for merely participating in a peaceful protest at the Regional Legislative Council office.⁴

Makar, the Indonesian term for treason, is not defined in the Penal Code or other Indonesian law. According to the Penal Code, the commencement of the act (as opposed to merely

1 'ICJR Ajukan Uji Materi Pasal Makar ke MK', Kompas.com, 16 December 2016, available on <http://nasional.kompas.com/read/2016/12/16/12332001/icjr.ajukan.uji.materi.pasal.makar.ke.mk>

2 'Polisi Tangkap 69 Aktivis Papua atas Tuduhan Makar', CNN Indonesia, 13 July 2016, available on <http://www.cnnindonesia.com/nasional/20160713134054-12-144505/polisi-tangkap-69-aktivis-papua-atas-tuduhan-makar/>

3 'Lakukan 'aksi grafiti', delapan belas anggota KNPB ditangkap dan diancam makar', Tabloid Jubi, 9 December 2016, available on <http://tabloidjubi.com/artikel-2376-lakukan-%E2%80%98aksi-grafiti%E2%80%99-delapan-belas-anggota-knpb-ditangkap-dan-diancam-makar-.html>

4 'Sejumlah Mahasiswa Papua di Manado Jadi Tersangka Makar', Gatranews, 24 December 2016, available on <http://www.gatra.com/nusantara/sulawesi/235713-sejumlah-mahasiswa-papua-di-manado-jadi-tersangka-makar>

planning) is required for treason provisions to be applicable.⁵ The other legal test to be met is the intention underlying the act. For Article 106 to be applicable, for example, the intention ‘to bring the territory of the state wholly or partially under foreign domination or to separate part thereof’ has to be met. Other than these tests, there are no clear legal parameters for treason under the law, allowing the Indonesian authorities to arbitrarily interpret the provisions and to arrest, prosecute, and punish non-harmful acts such as creating graffiti or carrying the Morning Star flags and posters.

As of the time of writing, the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) is deliberating the draft Penal Code which will substitute the existing one. However, to Papuans’ and West Papuan supporters’ dismay, the draft contains treason provisions that are as vague as what the Penal Code has at the moment. The draft revision also carries a minimum imprisonment of 5 years—in addition to the existing life and maximum of 20 years of imprisonments—for anyone violating the provision equivalent to Article 106.⁶

Similarly, the draft Penal Code does not sign any meaningful improvement on incitement provisions, one of which is currently set out in Article 160 of the Penal Code. Like the treason provisions, Article 160 is overwhelmingly vague—the Penal Code offers little guidance what incitement means. Like the treason provisions, Article 160 is often used by the Indonesian authorities to restrain Papuans from expressing their supports for West Papua independence. At times, if not often, Article 160 is used together with the treason provisions as grounds for arrest and prosecution.

The provision in the draft Penal Code equivalent to Article 160 carries a lighter penalty: a maximum punishment of four—as opposed to six—

years imprisonment.⁷ A closer look, however, reveals that the incitement provision in the draft Penal Code is not much of an improvement.

Back in 2009, the Constitutional Court ruled that Article 160 to be applicable only when the incitement *actually* resulted in the commission of crimes or violence against public officials.⁸ What the Court effectively did was, it set a higher legal threshold, in an attempt to prevent the arbitrary use of Article 160 by the authorities against individuals expressing discontent against the government. Prior to the Court’s ruling, Article 160 was to be interpreted (and used) broadly. With this broad interpretation, a peaceful protest calling for the separation of West Papua from Indonesia could easily be taken by the authorities as inciting others to commit treason, even when no one actually had conducted the act as a result of the protest.

This broad interpretation, and not the Court’s, seems to be what the legislators will adopt in the provision in the revised Penal Code equivalent of Article 160.

In addition to ensuring that treason and incitement provisions are revised (or formulated) according to international human rights standards, efforts to reform the Penal Code should be focused on the criminalization of torture. As pointed out elsewhere in this report, torture is still commonly experienced by Papuans arrested and detained by the authorities. Most of the time, public officials engaging in torture and ill-treatment are not criminally punished and only subjected to administrative punishment for breaching their code of conduct. The impunity is in part attributed to the fact that torture, as defined under the UN Convention against Torture, is not a crime under the existing Indonesian Penal Code.

5 See Article 87 of the Penal Code

6 To access the draft Penal Code in Indonesian, visit <http://reformasikuhp.org/r-kuhp/> Article 223 of the draft Penal Code is equivalent to Article 160 of the existing Penal Code

7 See Article 290 of the draft Penal Code

8 See the Constitutional Court’s decision No. 7/PUU-VII/2009, available on http://hukum.unsrat.ac.id/mk/mk_7_2009.pdf

The draft Penal Code being deliberated by the House of Representatives has a provision on torture almost identical to that of the UN Convention.⁹ It carries a maximum punishment of 15 years imprisonment. However, the provision also carries a minimum punishment of three years imprisonment which, for a crime as grave as torture, is arguably lenient.

Revisiting the detention provisions in the Criminal Procedure Code (KUHAP)

While the draft Penal Code is being deliberated by the DPR, there have been no signs of the Government and the DPR taking any meaningful steps to revise the Criminal Procedure Code. Unlike its sister law the Penal Code, the Criminal Procedure Code was written after Indonesian independence. Yet, just like the Penal Code, major work is required to bring the Criminal Procedure Code into compliance with international human rights standards.

Amongst the most concerning issue under the existing Criminal Procedure Code is the provision for excessively long detention. At the investigation stage alone, a detainee could be detained for up to 60 days¹⁰, giving ample time for the police to commit all sorts of abuse on the detainee and for physical marks left by the abuse to dissipate. The detention may continue, legally, as the case moves forward. The detention may be extended for additional 50 and 90 days when the case reaches the prosecution stage and trial, respectively.¹¹

The Criminal Procedure Code gives the police the authority to detain a criminal suspect or an accused if they have *concerns* that he will abscond, obstruct evidence, and/or repeat a crime.¹² The legal threshold is alarmingly low, as something as subjective as ‘concerns’ (*kekhawatiran*)—instead of measurable objective reasons—are sufficient to put a criminal suspect in prolonged detention.

9 See Article 669 of the draft Penal Code

10 See Articles 24(1) and (2) of the Criminal Procedure Code

11 See Articles 25(1) and (2) as well as 26(1) and (2) of the Criminal Procedure Code

12 See Article 21(1) of the Criminal Procedure Code

6.3 Corruption

Corruption has affected vital parts of the local government and law enforcement apparatus in West Papua. During the past several years the Commission for the Eradication of Corruption has initiated multiple investigations against Papuan government officials due to alleged misappropriation of government development funds. Corrupt practices may also be found amongst law enforcement agencies, such as the police. Until now police and state prosecutors fail to process cases quickly and in an efficient manner. Hence, legal processing of corruption cases in West Papua may take up to several years. Corruption in West Papua is driven by the government's policy of creating new administrative units at provincial and regency levels, where corruption commonly occurs in relation to building projects in new regencies. Customary forms of leadership such as chiefdoms and big man systems may also be a contributing factor to corruption.

Since the establishment of the Commission for the Eradication of Corruption (KPK), numerous investigations against high government officials and civil servants have drawn the national media's attention to corruption. In the wake of the national anti-corruption campaign, multiple investigations have been initiated against Papuan government officials. However, the law enforcement agencies in West Papua, particularly the police criminal investigation units and public prosecutors lack the capacity to ensure quick and efficient legal processing. Hence, corruption cases may take up to 5 years from the moment an allegation is reported to the police, until the sentence is given through a corruption court (Pengadilan Tipikor).

Throughout 2015 and 2016, the criminal investigation special unit of the Papuan regional police (Polda Papua) completed investigations in only four corruption cases out of a total of 95 cases, leading to the prosecution of six defendants. According to the police, 26 out of the 95 cases were arrears from 2015 which still required further investigation. The remaining 69

cases had already been filed to the police before 2015 and were still waiting to be investigated.¹ Similar conditions have been reported from the state prosecutor's office in Papua. 59 corruption cases from a period between 2009 and 2015 wait to be processed for trial. According to the head of the Papuan state prosecution Mr. Fachruddin Siregar, the delays occurred due to negligent work attitude amongst many public prosecutors.²

Various Indonesian intellectuals have warned that the administrative partition of West Papua into new provinces and regencies creates "fertile ground" for corruption. The implementation of new administrative units goes hand in hand with development of new public infrastructure and building projects. Such projects make it easy for project holders to misappropriate government funds. The administrative partition is promoted by a small political elite in West Papua, hoping for high government positions in local parliaments or government agencies, where they may have influence on the allocation

1 Suluh Papua (25.01.2016): Tahun Lalu Hanya Tuntaskan 6 Kasus Korupsi, Polda Papua Punya Hutang 89 Kasus di Tahun ini, e-document: <http://suluhpapua.co/read/134227/2016/01/25/tahun-lalu-hanya-tuntaskan-6-kasus-korupsi-polda-papua-punya-hutang-89-kasus-di-tahun-ini/>

2 Kompas (18.07.2016): Kejati Papua Tunggak 59 Kasus Korupsi Selama Lima Tahun Terakhir, e-document: <http://regional.kompas.com/read/2016/07/18/16195391/kejati.papua.tunggak.59.kasus.korupsi.selama.lima.tahun.terakhir>

of government funds. Such positions make it easy to abuse power for one's personal benefit.³

According to Papuan intellectual Mr. John Nr. Gobai, the high corruption level in West Papua is also related to cultural leadership systems in West Papua, particularly big man systems or chiefdoms. Once, a Papuan has taken a high position in a government agency of local parliament, his tribesmen and relatives will expect him to provide prosperity for his kin and members of his ethnic group. Social pressure by the tribal community may encourage Papuan leaders to engage in misappropriation of government funds. The corrupted funds are shared with other officials and amongst their clansmen and close relatives with the intention to increase the social network of influence and consolidate their leadership.⁴

Major corruption cases during past years:

► In November 2015 the former governor of Papua Province, Mr. Barnabas Suebu, was sentenced to four years and six months imprisonment. According to the KPK Suebu had misappropriated 43.36 billion rupiahs of government funds for building projects in the regencies of Paniai, Mamberamo and Sentani during his legislative term. In 2008, 2009 and 2010, Mr. Barnabas Suebu had allocated funds to his own company PT Konsultasi Pembangunan Irian Jaya (KPIJ) for the establishment of water power plants. The company had been appointed to implement the projects although they did not have the necessary capacity or resources. The public prosecution had demanded an imprison-

ment sentence of seven years and six months, considering the very high level of state losses.⁵

► Previously, a trial had been launched in May 2015 against the regent of Sarmi Regency, Mr. Mesak Manibor due to corruption allegations. According to KPK, Mr. Mesak Manibor allegedly used 4.5 billion rupiahs of government funds for the renovation and enlargement of his private house. The trial had already began in mid-2015 but was repeatedly delayed because of the defendant's health situation. On 19th October 2016, the Indonesian Supreme Court sentenced Mr. Mesak Manibor to two years and six months imprisonment.⁶ The case is one of several corruption trials against regents in West Papua. In 2014, Mr. Bernard Sagrim, the regent of Maybrat regency was sentenced to one year and three months imprisonment because he had misappropriated 3 billion rupiahs of government funds which were allocated for the improvement of the infrastructure in Maybrat regency.⁷

► In 2013, Mr. Isaias Douw was reported to the police with allegations of having misappropriated 2 billion rupiahs for the erection of an airport in Nabire. The police had questioned five witnesses in 2013 and found sufficient evidence for misuse of social development government funds (Bansos). However, until February 2016, the Papuan regional Police did not take any action to press legal charges against Mr. Douw. On the 9th December 2015, Mr. Isaias Douw was re-elected as regent of Nabire Regency for the legislative period 2016 until 2021. On 2nd February 2016 a civil society forum for corruption had demonstrated in front of the KPK office in Jakarta, to accelerate the investigation process against Mr. Isaias Douw.⁸

3 Mudidan Widjojo (14.02.2008): Pemekaran Meluaskan Medan Korupsi (Bagian 2), e-document: <http://politik.lipi.go.id/kolom/kolom-1/kolom-papua-2/73-pemekaran-meluaskan-medan-korupsi-bagian-2->

4 John Gobai (25.02.2016): Pengaruh Budaya Pada Fenomena Korupsi, e-document: <http://www.jeratpapua.org/2016/02/25/pengaruh-budaya-pada-fenomena-korupsi/>

5 *Berita Satu* (19.11.2015): Mantan Gubernur Papua Barnabas Suebu Divonis 4 Tahun 6 Bulan Penjara, e-document: <http://www.beritasatu.com/nasional/323397-mantan-gubernur-papua-barnabas-suebu-divonis-4-tahun-6-bulan-penjara.html>

6 *Antara News Papua* (17.12.2016): Polda dan KPU Papua bahas kasus Bupati Sarmi, e-document: http://papua.antaranews.com/berita/458539/polda-dan-kpu-papua-bahas-kasus-bupati-sarmi?utm_source=topnews&utm_medium=home&utm_campaign=news

7 *Cahaya Papua* (4.11.2014): Bernard Sagrim Terima Vonis Pengadilan Tipikor, e-document: <http://www.cahayapapua.com/bernard-sagrim-terima-vonis-pengadilan-tipikor/>

8 *Sulu Papua* (04.02.2016): Menang Pilkada, Kasus Korupsi Bupati Nabire 'Didorong' ke KPK, e-document: <http://suluhpapua.co/read/162416/2016/02/04/menang-pilkada-kasus-korupsi-bupati-nabire-didorong-ke-kpk/>

► On the 26th February 2016, the regent of Dogiyai regency Mr. Thomas Tigi was sentenced to one year imprisonment and a fine of 50 million rupiah because he had misappropriated 3.7 billion rupiah of social aid government funds in 2013. The public prosecutor had demanded a four years imprisonment. The judge finally decided to apply a milder sentence because Mr. Thomas Tigi was willing to reimburse the misappropriated funds and was cooperative during the trial.⁹ Previously, the Papuan Regional Police had launched investigations against further suspects due to allegations of bribery. According to the police, officers had found possible evidence that Thomas Tigi had tried to bribe officials in order to stop legal investigations.¹⁰

► Corruption in West Papua is not only of great concern amongst high government officials. In 2014, the corruption case of police officer Mr. Labora Sitorus had drawn attention from all over Indonesia. Mr. Labora Sitorus worked at the district police of Raja Ampat Regency, where he misused his position to accumulate trillions of rupiahs, mainly through facilitation of illegal logging. He then laundered the illegal income using multiple small businesses. Tax officers recognized that an amount of one and a half trillion rupaihs had been saved in his private bank accounts. During his arrest the police was able to seize material goods, valuables and timber with a total value of more than 6 billion rupiahs (about 400.000 EUR). Mr. Sitorus Labora was sentenced to 15 years imprisonment in Cipinang state prison.¹¹

9 *Radar Sorong* (26.02.2016): Divonis 1 Tahun Penjara, Thomas Tigi Banding, e-document: <http://www.radarsorong.com/read/2016/02/26/43934/Divonis-1-Tahun-Penjara-Thomas-Tigi-Banding>

10 *Suluh Papua* (23.01.2016): Tersangkut Korupsi Bansos, Mau Sogok Polisi, Bupati Dogiyai Akan Dijemput Paksa, e-document: <http://suluhpapua.co/read/132118/2016/01/23/tersangkut-korupsi-bansos-mau-sogok-polisi-bupati-dogiyai-akan-dijemput-paksa/>

11 *Okezone News* (19.09.2014): 15 Tahun Penjara, Hasil Rekening Gendut Aiptu Labora Sitorus, edocument: <http://news.okezone.com/read/2014/09/19/339/1041407/15-tahun-penjara-hasil-rekening-gendut-aiptu-labora-sitorus>

6.4 Administrative Partition

Indonesia is one of the countries, which has constantly enlarged its government structures through the division into a growing number of administrative units at provincial, regency, district, and village levels. This policy was more frequently implemented in East Indonesia, where many provinces are still below the national development average. This particularly applies to West Papua, where the number of units has increased tremendously at all administrative levels during the past decade. While the number of residents per regency in West Papua is ten times less than in Javanese regencies, the sparsely populated regencies in West Papua were further split up. The administrative partitions had negative effects like corruption, large expenses for administration and increasing migrant influx —moreover, it failed to improve the lives of indigenous Papuans. The Provinces of Papua and Papua Barat together with the provinces of Nusa Tenggara Barat and Nusa Tenggara Timur remain back marking provinces in terms of the human development index.¹

The Partition of West Papua on the Provincial Level.

The division of 'West Papua', also referred to as 'Tanah Papua', into the Provinces of Papua and Papua Barat marks the most significant splitting of administrative units in West Papua so far. The legal basis for the splitting was Law 45/1999, which was enacted by the national parliament under the Habibie administration. The law proclaimed the division of Irian Jaya² and the establishment of the provinces Central Irian Jaya and West Irian Jaya. The enactment caused mass protests in West Papua —its implementation was therefore stopped temporarily under the administration of President Abdurahman Wahid, commonly known as Gus Dur. Nevertheless, the law 45/1999 was never repealed and remained in a state of legal limbo.

In 2000, the Indonesian Government under President Gus Dur passed Law 21/2001, which legally granted special autonomy status to its

easternmost province of Papua. The law was drafted by Papuan intellectuals and civil society activists —the main reason why many Papuans had put great hopes on the special autonomy law. Contrary to Law 45/1999, article 76 of the special autonomy law, states that the division of West Papua into more provinces must be approved by the Papuan Provincial Parliament (Dewan Perwakilan Rakyat Papua DPRD) and the Papuan Peoples Assembly (Majelis Rakyat Papua MRP). Regardless of article 76, President Megawati Soekarnoputri pushed through the division of West Papua by a presidential instruction on the 'Acceleration of the implementation of law 45/1999 in January 2001.

In 2003, the head of the Papuan Provincial Parliament filed an appeal at the Indonesian Constitutional Court in an attempt to sue Law 45/1999. The verdict was announced one year later, rejecting the plaintiff's appeal for a judicial review of law 45/1999 and declaring that all matters arising as a result of the law are valid³.

1 E-Document (18.02.2016): <http://www.bps.go.id/linkTabelStatis/view/id/1516%3E#>

2 Before the adoption of the Special autonomy law West Papua was called Irian Jaya. The term 'Papua' was considered as a separatist expression and its use prosecuted under the Indonesian Penal Code

3 E-Document (24.11.2004): http://www.watchindonesia.org/papuapartition_24.11.04.htm

Twelve years later, in November 2015, commission A of the Papua Barat Provincial Parliament has publicly suggested a further partition of Papua Barat into the provinces of Papua Barat Daya, Kepulauan Raja Ampat and Nueva. If these three regions were to meet the requirements necessary to become separate provinces with regard to area, number of residents and available resources, then the divisions will be recommended for the central government's strategic master plan 2025.⁴ Almost simultaneously the Papuan Provincial Parliament had recommended to split up Papua Province into the new Provinces of Papua, Papua Selatan (South Papua) and Papua Tengah (Central Papua). The central government has scheduled the implementation of the partition for sometime between 2016 and 2025.⁵

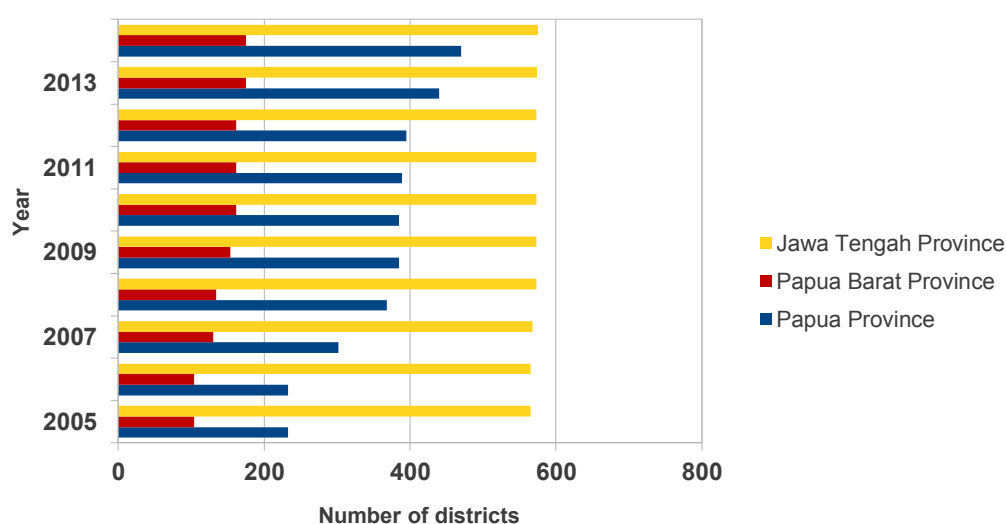
Administrative splittings in West Papua at regency/municipality, district and village level.

In 2005, the province of Papua consisted of 20 regencies/municipalities and the province of

Papua Barat, of nine regencies/municipalities. In 2014, the number of regencies and municipalities in Papua Province had increased to 29, in Papua Barat Province the number went up to 13 regencies and municipalities. This resulted in a rapid growth rate of 45% for Papua Province and 44.4 % for Papua Barat during the past decade —other provinces in Indonesia such as Jawa Tengah⁶ haven't formed any new regencies at all during the same time period.

During its plenary session on 24th October 2013, the Indonesian National Parliament had agreed to recommend the establishment of 65 new autonomy regions to the president, most of them in the Provinces of Papua and Papua Barat. According to data published by Tabloid Jubi in 2013, Papua would be divided into 21 additional regencies/municipalities, and Papua Barat Province into a further nine regencies/municipalities. So far these plans have not been implemented.⁷

Graphic 6.4-1: Number of districts in the provinces Papua, Papua Barat and Jawa Tengah between 2005 and 2014.⁸



4 E-Document (18.11.2015): <http://www.antaranews.com/berita/530151/dpr-papua-barat-usul-pemekaran-tiga-provinsi>

5 E-document (02.12.2015): <http://www.jawapos.com/read/2015/12/02/12270/optimis-akan-terbentuk-provinsi-papua-tengah>

6 In the following text Jawa Tengah province will be used as a reference to compare developments in Tanah Papua with other parts of Indonesia. The Javanese province only has approximately 50% of the area of the province Papua Barat, but has 40 times

more residents than the province Papua Barat, and 11 times more residents than the province Papua

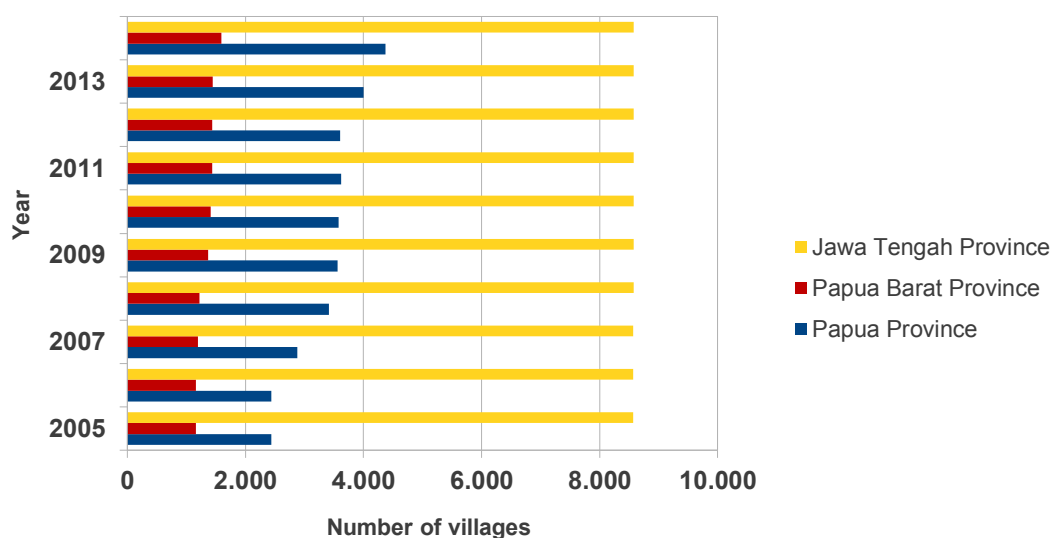
7 E-Document (25.10.2013): <http://tabloidjubi.com/2013/10/25/inilah-33-pemekaran-dob-di-tanah-papua-yang-disepakati-dpr-ri/>

8 Central for statistics bodies of the provinces Papua, Papua Barat and Jawa Tengah

A similar development may be observed with regard to the divisions at district and village levels. Graphics 6.4-1 and 6.4-2 visualize how the numbers of districts and villages kept on growing in the provinces of Papua and Papua Barat, whereas the figures for the same period in Jawa Tengah Province remain steady. The data

reveals a growth rate of 101,7 % for Papua, 68,3 % for Papua Barat and 1,8 % for Jawa Tengah Province at the district level during the past ten years. At the village level, the data for the number of villages showed growth rates of 97,2 % for Papua, 36,4 % for Papua Barat and 0,1 % for Jawa Tengah during the past decade.

Graphic 6.4-2: Number of villages in the provinces Papua, Papua Barat and Jawa Tengah between 2005 and 2014.⁹



With consideration of the above mentioned growth rates and figures for administrative units on all levels, it becomes obvious that governing structures on all administrative levels in the provinces of Papua and Papua Barat have grown unreasonably fast during the past years, whereas such growth may not be observed in other parts of the country. These administrative divisions were not initiated by the Papuan people themselves, but were promoted by a small elite within the local and provincial parliaments in West Papua. So far the central government welcomes the approach of encouraging administrative partition, reasoning that it will increase development and prosperity in West Papua. At the same time the division serves the central government's hidden agenda to limit political

strength in West Papua through division of power.

From a demographic perspective, the administrative partition in e.g. Jawa Tengah Province kept a more or less constant number of around 58.000 residents per regency (kabupaten) over the last ten years. However, in West Papua, the creation of new districts has dramatically reduced the already very low number of residents per regency. In Papua Barat Province the ten times lower number of originally 6269 residents in 2005 was further reduced to 4856 residents per district in 2014. In Papua province the number of residents per district has been reduced from 8.049 in 2005 to 6.577 residents in 2014 (see Table 6.4-1).

⁹ Central for statistics bodies of the provinces Papua, Papua Barat and Jawa Tengah

Table 6.4-1: Number of residents per district in the provinces Papua, Papua Barat and Jawa Tengah between 2005 and 2014.¹⁰

	Papua Province	Papua Barat Province	Jawa Tengah Province
2005	8.049	6.269	58.246
2006	8.476	6.752	56.952
2007	6.674	5.561	57.008
2008	5.588	5.447	56.940
2009	5.448	4.592	57.355
2010	7.359	4.724	56.514
2011	7.529	4.852	56.514
2012	7.961	4.981	58.063
2013	6.892	4.733	57.952
2014	6.577	4.856	58.300

Consequences of the administrative division policy in Tanah Papua.

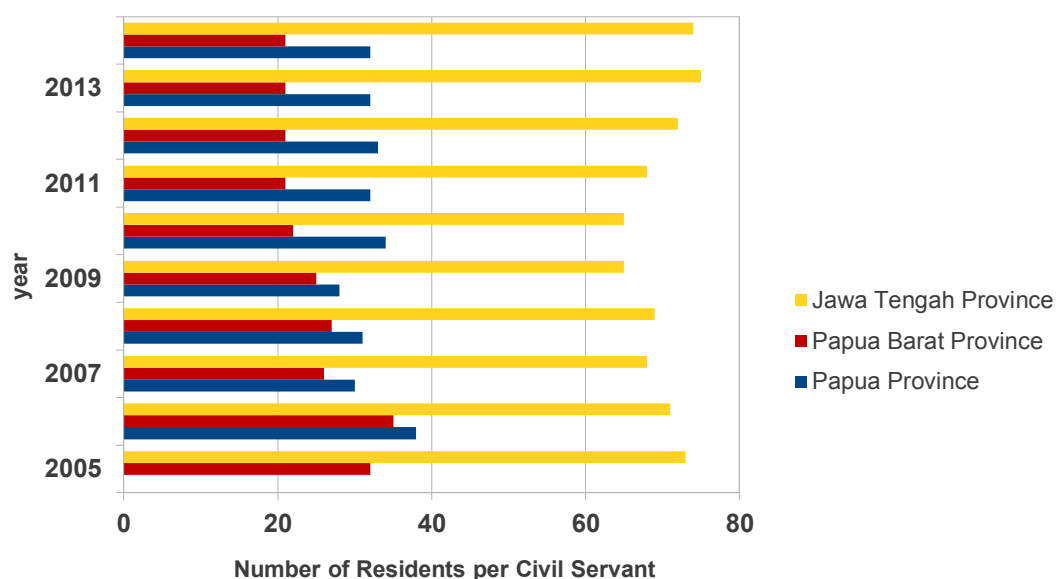
Such a rapidly growing number of government units at all administrative levels have far reaching consequences. Every government unit consists of numerous positions which must be filled with civil servants to provide the smooth execution of bureaucratic procedures in accordance with government regulations. Particularly the establishment of new regencies and provinces require the introduction of large governing structures, including local parliaments (DPRD), provincial parliaments (DPRP) as well as regency and provincial level government agencies. The payment of civil servants and building of new administrative government facilities is very costly and is a major reason why development in the education, health and infrastructure sectors remain poor, despite a sufficient amount of special autonomy funds available for the provinces of Papua and Papua Barat.

The number of employed civil servants in West Papua during the past decade has tremendously grown. The numbers of civil servants between 2005 and 2014 indicate a growth rate of 85,9 % for Papua, 98,5 % for Papua Barat and a comparatively low rate of 0.3 % in Jawa Tengah for the past ten years. The total number of civil servants in Jawa Tengah grew only until 2009, but was then decreased again until 2013, with the result that the total number of civil servants in 2014 differs only marginally from those in 2005. The developments in the provinces Papua and Papua Barat are contrary to President Joko Widodo's policy of reducing the bureaucracy and administrative structures.¹¹

¹⁰ Central for statistics bodies of the provinces Papua, Papua Barat and Jawa Tengah

¹¹ E-document (1.12.2014): <http://nasional.kompas.com/read/2014/12/01/12502811/Presiden.Minta.Struktur.Pemerintahan.Harus.Dirampingkan>

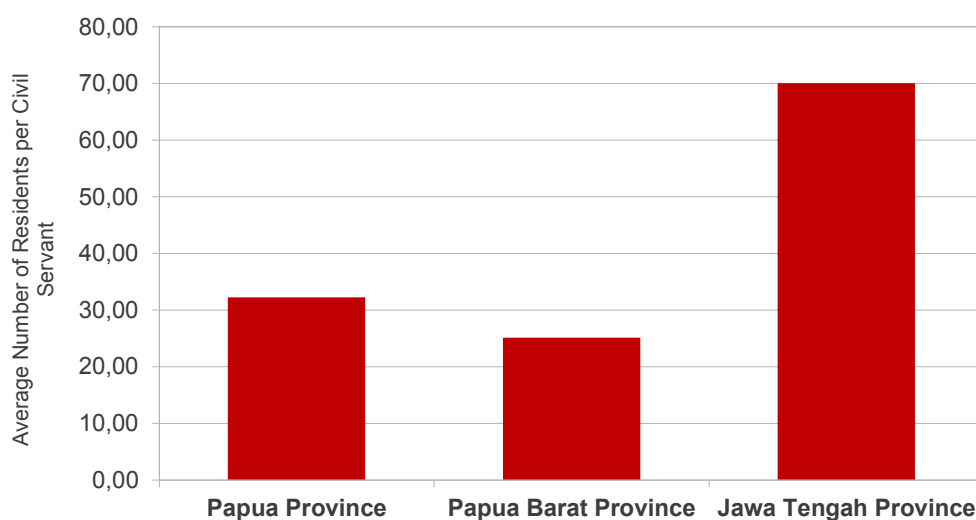
Graphic 6.4-3: Number of residents per civil servant in the provinces Papua, Papua Barat and Jawa Tengah between 2005 and 2014.¹²



The unreasonable growth of governing structures in West Papua becomes even more clear when relating the total number of residents to the number of civil servants in the three Provinces over the past ten years, as visualized in Graphic 6.4-3. The average number of residents per civil servant for the same time span is shown

in Graphic 6.4-4. In Jawa Tengah Province in average one civil servant is responsible for the administration of 70 citizens. In Papua Province on average one civil servant is responsible for only 32 citizens, in Papua Barat Province it is one for only 25 citizens.

Graphic 6.4-4: Average number of residents per civil servant in the provinces Papua, Papua Barat and Jawa Tengah for time span 2005 to 2014.¹³



¹² Central for statistics bodies of the provinces Papua, Papua Barat and Jawa Tengah

¹³ Central for statistics bodies of the provinces Papua, Papua Barat and Jawa Tengah

The theoretic figures have diversely manifested in Papuan reality, particularly on regency and district levels. In many new regencies and small towns one can find poorly equipped government facilities, which have been built from scratch in remote inland areas. Moreover, most civil servants in the sparsely populated interior of West Papua are not present in government agencies due to a lack of disciplinary measures for absent staff and poor human resource management. In many cases non-qualified staff are employed in long term public service positions, suggesting that the prospects for the performance of public services in the coming decades is not good. The growing number of government facilities and civil servants in West Papua due to administrative partition has led to the disproportionate utilization of special autonomy funds for administration instead of development purposes.

The relation between administrative division and its impacts on the education sector in West Papua is well documented in a study, conducted by the Papuan Institute for Civil Society Strengthening (ICS Papua) and the Jakarta Forum for Budget Transparency (FITRA Jakarta). The research clearly shows that too many funds are utilized to finance administration and maintenance of bureaucratic structures (administration expenses, salaries, travel expenditures for employees): The report reveals that between 2006 and 2009, 85% of the allocated education budget was used for

bureaucratic expenditures and only 15% was utilized for the actual improvement of the education system on the ground.¹⁴ Apart from that, the special autonomy auditing body has reported an amount of 4.81 billion rupiahs of unreported financial expenditures at the Papua Province Educational Department.¹⁵

The unreasonable utilization of funds for administration is only one negative outcome of the partition policy in West Papua. Mr. Muridan Widjojo, who had worked for the 'Indonesian Institute of Sciences' LIPI, has predicted that the governments administrative partition policy will increase the number of corruption cases in West Papua and push migration from other areas to West Papua, leading to additional economic and cultural marginalization of indigenous Papuans.¹⁶ The rapid population growth from 2.527.346 residents in 2005 to 3.940.856 residents in 2014 for the entire territory of West Papua clearly indicates that such an increase cannot be reached through the natural reproduction process but by large-scale migration from other parts of Indonesia to the provinces of Papua and Papua Barat. The migration will result in an increase of already existing horizontal conflicts between migrants and the indigenous population as a direct result of the growing marginalization. In the long run, the implementation of further administrative partitions will cause indigenous people to lose trust in the government and will therefore further increase the aspirations of the people for independence.

14 Assessment ICS Papua and FITRA Jakarta in cooperation with Uni Eropa (2009): Hasil pemetaan Permasalahan dan Kebutuhan dalam Pengelolaan Dana OTSUS untuk Pendidikan, p. 50

15 Ibid. p. 4

16 E-document (09.02.2008): <http://www.politik.lipi.go.id/kolom/72-pemekaran-demi-keutuhan-nkri-bagian-1-.html>

Table 6.4-2: Comparison of statistical data of the provinces Papua, Papua Barat, and Jawa Tengah for time span 2005 to 2014.

Papua Barat Province

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Regencies/Municipalities	9	9	9	9	11	11	11	11	13	13
Districts	104	104	130	134	154	162	162	162	175	175
Villages	1.166	1.166	1.199	1.224	1.367	1.410	1.438	1.442	1.447	1.590
Residents	651.958	702.202	722.981	729.962	743.860	765.258	785.979	806.995	828.293	849.809
Civil Servants	20.169	20.260	27.910	26.954	29.201	34.234	37.151	39.032	39.230	40.042
Residents/Civil Servant	32	35	26	27	25	22	21	21	21	21

Papua Province

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Regencies/Municipalities	20	20	20	20	22	29	29	29	29	29
Districts	233	233	302	368	385	385	389	395	440	470
Villages	2.442	2.442	2.882	3.416	3.561	3.579	3.619	3.601	4.003	4.375
Residents	1.875.388	1.974.932	2.015.616	2.056.517	2.097.482	2.833.381	2.928.750	3.144.581	3.032.488	3.091.047
Civil Servants	-	52.119	68.268	66.847	74.425	83.958	91.499	96.650	95.335	96.846
Residents/Civil Servant	-	38	30	31	28	34	32	33	32	32

Tanah Papua

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Regencies/Municipalities	29	29	29	29	33	40	40	40	42	42
Districts	337	337	432	502	539	547	551	557	615	645
Villages	3.608	3.608	4.081	4.640	4.928	4.989	5.057	5.043	5.450	5.965
Residents	2.527.346	2.677.134	2.738.597	2.786.479	2.841.342	3.598.639	3.714.729	3.951.576	3.860.781	3.940.856
Civil Servants	-	72.379	96.178	93.801	103.626	118.192	128.650	135.682	134.565	136.888
Residents/Civil Servant	-	37	28	30	27	30	29	29	29	29

Jawa Tengah Province

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Regencies/Municipalities	35	35	35	35	35	35	35	35	35	35
Districts	565	565	568	573	573	573	573	573	573	573
Villages	8.566	8.566	8.573	8.574	8.574	8.576	8.577	8.578	8.578	8.578
Residents	32.908.850	32.177.730	32.380.279	32.626.390	32.864.563	32.382.657	32.643.612	33.270.207	33.264.339	33.522.663
Civil Servants	449.993	450.772	473.654	472.095	498.261	496.205	480.629	464.108	444.442	451.310
Residents/Civil Servant	73	71	68	69	65	65	68	72	75	74

Sources:

- Papua dalam Angka, Papua in Figures 2010 - 2015
- Papua Barat dalam Angka, Papua Barat in Figures 2008 - 2015
- Jawa Tengah dalam Angka, Central Java in Figures 2008, 2009, 2014
- E-document (6.02.2016): <http://www.bps.go.id/linkTabelStatis/view/id/1163>
- E-document (15.02.2016): <http://www.bps.go.id/linkTableDinamis/view/id/858>
- E-document (15.02.2016): <http://www.bps.go.id/linkTableDinamis/view/id/857>
- E-document (15.02.2016): <http://jateng.bps.go.id/linkTabelStatis/view/id/1035>

6.5 Development and Infrastructure

The Indonesian Government has plans for the infrastructural development of West Papua through the implementation of ambitious rail-way and road projects. The projects aim to lower the cost of transportation for people and goods. The Indonesian President Joko Widodo has publicly stated, that he intends to finish the trans-Papua Road by 2019. Furthermore, he has passed plans for the construction of a rail-way, which should connect the Papuan cities of Sorong, Manokwari, Nabire, Timika, Sarmi and Jayapura. The government's plans for the development of infrastructure is supposed to improve the local economy in Indonesia's easternmost provinces, reduce the price of basic goods and increase access to remote areas of West Papua. In 2016, President Joko Widodo announced a government policy for the Indonesian-wide unification of fuel prices, as part of a national campaign for social justice, which will have a major impact on many interior areas in West Papua.

Papua railroad project

The construction of the 390km railroad from Sorong to Manokwari, is supposed to be finished in 2019. First surveys and an environmental impact assessment for this railroad were scheduled to be carried out by the end of 2016. According to the project planning of the Indonesian Ministry of Transportation, construction-related land te-

nure issues should be clarified and resolved between 2017 and 2019. The construction itself is planned to take two years beginning in 2018. (see graphic 5.5-1 below) Moreover, a 205 km railroad connection line from Sarmi to Jayapura should be build in 2020. The construction of both railroad tracks is estimated to cost 10.3 trillion rupiahs and will be financed from the national development budget.¹

Graphic 6.5-1: Rail road construction as planned by the Ministry of Transportation²



Road system

The central government has similar plans for the completion of a trans-Papua road, of about 4.300 km length. The implementation of the road project is estimated to cost around 15 trillion rupiahs. According to the head of the road building department for the provinces Papua and Papua Barat Mr. Oesman Marbun, 827 km of the entire trans-Papua road are still covered with primary rain forest and need to be cleared by 2018. The road will connect the urban centers in West Papua through a main road along the northern coast line. The cities in the central highlands and the south will be accessed

1 Tempo (28.09.2015): Jalur Kereta Trans Papua, Tahap Konstruksi Akan Dimulai 2018, e-document: <http://bisnis.tempo.co/read/news/2015/09/28/090704457/jalur-kereta-trans-papua-tahap-konstruksi-akan-dimulai-2018>

2 http://tranpapua.blogspot.co.id/2015_09_01_archive.html

by connecting roads. Parts of the trans-Papua road have already been finished in recent years but had to be stopped repeatedly due to a lack of funds and various geographic challenges in

the project area. The gaps between the already existing parts of the road should be closed by 2019 (see Table 5.5-1).³

Table 6.5-1: Table with existing parts and implementation status of the trans-Papua road.⁴

Connection	Length in km	Status	Additional Information
Merauke-Tanah Merah-Waropko	534	100 % completed	479 km have been paved with asphalt
Waropko - Oksibil	136	56 % completed	70 km have been built; 5 km have been paved with asphalt
Dekai - Oksibil	225	88 % completed	197 km have been built; 12 km have been paved with asphalt
Kenyam-Dekai	180	6 % completed	10 km have been built; road is not paved yet
Wamena-Habema-Kenyam-Mamug	295	87 % completed	258 km have been built; 25 km have been paved with asphalt
Wamena-Elelim-Jayapura	585	80 % completed	470 km have been built; 342 km have been paved with asphalt
Wamena-Mulia-Illaga-Enarotali	466	51 % completed	237 km have been built; 51 km have been paved with asphalt
Wagete-Timika	196	88 % completed	172 km have been built; 81 km have been paved with asphalt
Enarotali-Wagete-Nabire	285	100 % completed	Entire road has been paved with asphalt
Nabire-Windesi-Manokwari	827	84 % completed	700 km have been built; 259 km have been paved with asphalt
Manokwari-Kambuaya-Sorong	596	95 % completed	566 km have been built; 537 km have been paved with asphalt
T O T A L	4325		

Presidential regulation (Perpres) No. 40 of 2013 about the acceleration of development in the provinces Papua and Papua Barat⁵, states that parts of the duty and authority for the completion of the road are handed over to the Indonesian military, whereas the rest of the road system will be established under the responsibility of the Indonesian Ministry of Public Works. The involvement of the Indonesian military, which has been held responsible for numerous human rights violations in West Papua and involved in illegal logging, is widely criticized amongst civil society in West Papua.⁶

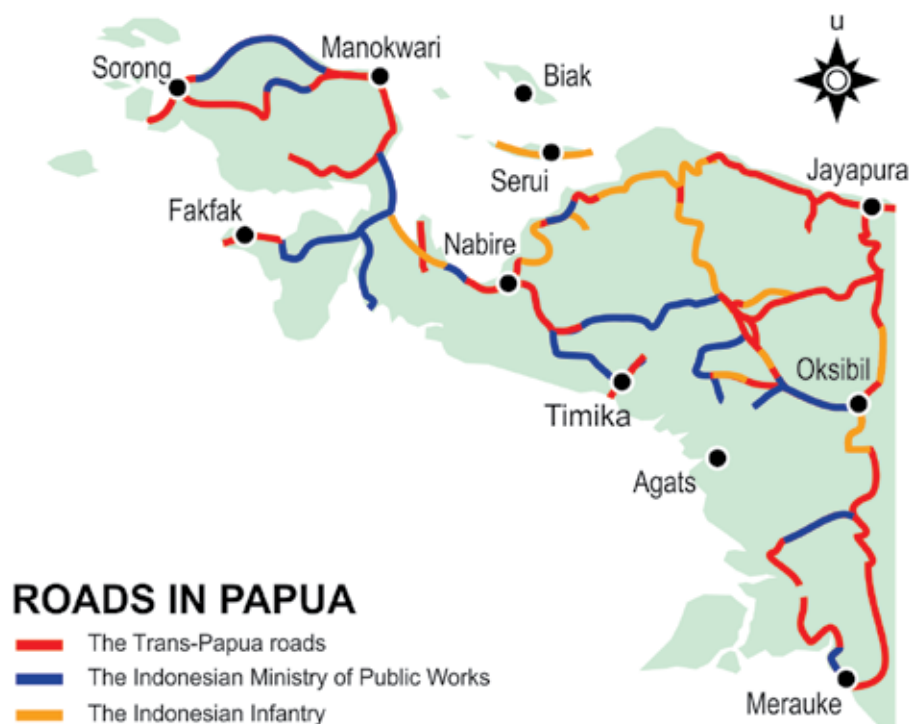
3 Tempo (09.09.2015): 827 Kilometer Jalan Trans Papua Hutan Belantara, edocument: <http://bisnis.tempo.co/read/news/2015/09/09/090698982/827-kilometer-jalan-trans-papua-hutan-belantara>

4 <http://finance.detik.com/read/2015/05/19/080804/2918163/4/ini-penampakan-kondisi-terkini-jalan-trans-papua>

5 Presidential Decree Number 40 in 2013 about the construction of roads for the purpose to accelerate Development in the provinces Papua and Papua Barat.

6 Article 3 (1), (4) and (5) of the Presidential presidential Decree describe the sharing of tasks and responsibilities in the establishment of the road system in the provinces Papua and Papua Barat

Graphic 6.5-2: Map showing existing parts of the trans-Papua roads (red). The finalization of connecting roads will be shared between the Indonesian Ministry of Public Works (blue) and the Indonesian Infantry (yellow).⁷



Many indigenous communities fear that the presence of military personnel for the purpose of development projects might result in more frequent human rights violations. Violence related to land rights is expected, particularly in indigenous communities, due to a reluctant reaction to the government's plans. For most parts of the trans-Papua road, the clarification of land tenure and related issues shall be coordinated by the local governments at the regency level.⁸ Existing large scale government projects like the MIFEE project have shown that the implementation of development projects can easily lead to human rights violations and the marginalization of indigenous communities in West Papua.

Land transportation and its impact

The finalization of the road and railroad system will have a strong impact on the development process in West Papua. The transportation of goods and persons will become cheaper. The road system will connect the coastal urban centers of West Papua with remote interior areas, which will have a severe impact not only on the price of commodities, but also on the demographic composition of interior areas. Trade-related influx of migrants to remote interior areas in West Papua will increase economic competition between indigenous peoples and non-Papuans and competition for limited local resources such

7 <https://anekainfounik.net/2016/01/04/medan-yang-berat-jadi-tantangan-bangun-jalan-trans-papua-4-325-km/>

8 Tempo (09.09.2015): 827 Kilometer Jalan Trans Papua Hutan Belantara, edocument: <http://bisnis.tempo.co/read/news/2015/09/09/090698982/827-kilometer-jalan-trans-papua-hutan-belantara>

as clean drinking water with the potential for horizontal conflicts.

On the other hand, the finalization of the Trans-Papua Road will certainly result in lower prices of staple foods and other goods. A past research on staple food products shows that the prices for basic food products in urban centers of West Papua may be up to 138% higher than in Javanese cities (see Table 5.5-2). The difference in prices between Java and remote interior areas

in West Papua may differ by several hundred percent. A major reason for high prices in West Papua is the distribution of manufacturing industries, of which 80% are located in Java, 12-13% in Sumatra and less than 10% in other areas of Indonesia. The centralized distribution of productive industries in West Indonesia, forces the distributors to add higher costs for transportation as the goods have to be shipped to the eastern provinces in Indonesia, such as Papua and Papua Barat.⁹

Table 6.5-2: Comparison of prices for staple foods in Bandung and Manokwari.¹⁰

No	Staple Food	Prices in Rupiah (Rp)		Price Difference in %
		Bandung (West Java)	Manokwari (Papua Barat)	
1	Rice (Rp./Kg)	8.600	11.000	27,91%
2	Sugar (Rp/Kg)	11.100	15.000	35,14%
3	Cooking Oil (Rp/liter)	11.400	14.000	22,81%
4	Chicken (Rp/Kg)	35.600	45.000	26,40%
5	Chicken Eggs (Rp/Kg)	19.600	22.500	14,80%
6	Onions (Rp/Kg)	23.600	45.000	90,68%
7	Salt (Rp/Kg)	3.360	8.000	138,10%
8	Fish (Rp/Kg)	53.000	75.000	41,51%
9	Instant Noodles (Rp/Pack)	1.740	2.500	43,68%
10	Soy beans (Rp/Kg)	18.000	20.000	11,11%

Unification of fuel prices

On 18th October 2016, President Jokowi in the presence of the Minister for State-owned Enterprises, Mrs Rini Soemarno, the Minister of Transportation, Mr. Budi Karya Sumadi, the Executive Director of the state-owned Pertamina Company, Mr. Dwi Soetjipto, and the Papuan Governor Mr. Lukas Enembe, announced the new state policy, that the fuel prices in all regencies of the provinces of Papua and Papua Barat should be unified. During his statement the president mentioned the national price of

Rp 6.450 per litre fuel. He further stated that the policy would be the government's commitment for social justice in Indonesia because fuel prices in the interior parts of West Papua had become very expensive.¹¹

Most interior regencies are not yet connected by road to the urban centers of West Papua, which are mainly located along the coastline. The transportation of fuel and other goods by plane have caused large differences in the prices between the remote and urban areas. On average fuel prices in West Papua may be

9 Executive Body of Gaja Madah University, Technical Faculty (2014): Rilis Kajian Umum KM/HM FT-UGM : Suara Teknik untuk Presiden, e-document: <http://www.bemkmtugm.org/2014/06/rilis-kajian-umum-kmh-m-ft-ugm-suara.html>

10 <http://www.bemkmtugm.org/2014/06/rilis-kajian-umum-kmh-m-ft-ugm-suara.html>

11 BBC Indonesia (18.10.2016): Presiden Jokowi tetapkan kebijakan 'Satu Harga BBM' di Papua, e-document: http://www.bbc.com/indonesia/indonesia/2016/10/161018_indonesia_jokowi_papua_kunjungan



Image 6.5-1: Papuan women selling water spinach in Sentani. (Doc. ICP)

between seven and 14 times higher than in Java, with fuel prices between 50.000 and 100.000 Rp per litre.¹² The government plans to manage fuel distribution to the interior highland areas with smaller planes of the type Air Tractor AT-802. This plane type will be capable of transporting 4.000 liters of fuel per flight. The first planes of this type were used in 1990 in the United States, mainly for agricultural purposes.¹³ The implementation of President Jokowi's plan to unify fuel prices in West Papua will result in annual costs of 800 billion rupiah. State-owned gas and fuel company Pertamina will cover additional costs mainly through government subsidies.¹⁴

12 BBC (19.10.2016): 'Satu Harga BBM' di Papua bisa jadi beban keuangan, e-document: http://www.bbc.com/indonesia/indonesia/2016/10/161018_indonesia_bbm_papua

13 Aktualita (18.10.2016): Mengenal Pesawat Air Tractor AT-802 Pembawa BBM di Papua, e-document: <http://www.aktualita.co/mengenal-pesawat-air-tractor-at-802-pembawa-bbm-di-papua/11477/>

14 BBC (19.10.2016): 'Satu Harga BBM' di Papua bisa jadi beban keuangan, e-document: http://www.bbc.com/indonesia/indonesia/2016/10/161018_indonesia_bbm_papua



A group of children in a village setting, wearing green and yellow shirts and white skirts, are playing musical instruments. In the foreground, a boy plays a large white drum. Behind him, several girls play long wooden flutes. To the right, another child is partially visible, playing a large, dark, cylindrical drum. The background shows traditional wooden houses with corrugated metal roofs and thatched huts. Two tall, colorful flags are visible in the distance. The scene is outdoors on a dirt path.

CONFLICT TRANSFORMATION AND INTERNATIONAL ATTENTION

Children music choir in Papuan village. (Photo: Jan Lukac)

SECTION 7

Conflict Transformation and International Attention

The conflict in West Papua has a long history which has its roots in the year 1969, when the former Dutch New Guinea was integrated into the unitary state of Indonesia after a UN supervised process that the Indonesian administration called a “referendum” (PEPERA). In 1962, Dutch New Guinea had been under United Nations Temporary Executive Authority (UNTEA) in order to ensure a smooth administrative transfer. After the UNTEA period, the administration over the former Dutch colony was transferred to Indonesia, which subsequently banned all oppositional political activity, initiated control over the free press, and imposed restrictions on the freedom of assembly, movement and opinion. As a response to the Indonesian takeover, indigenous Papuans founded the OPM (Organisation for an Independent Papua) with its armed resistance, which is commonly referred to as the Papuan National Liberation Army (TPN).

The conflict in West Papua, particularly during the ‘New Order’ period under President Suharto, is characterized by a wide range of human rights violations in multiple fields. With the beginning of the reformation era in 2000, Indonesia established by law human rights courts, a national human rights commission (KOMNAS HAM) as well as several institutional complaint mechanisms for victims of human rights violations. However, these mechanisms are barely efficient. Numerous past cases of human rights violations have been investigated but only a few of these cases have resulted in the legal prosecution of the perpetrators. Lack of coordination and cooperation between KOMNAS HAM and the attorney general, insufficient mandates of KOMNAS HAM and human rights courts and a lack of commitment amongst law enforcement institutions remain major reasons for the widespread impunity that exists in West Papua.

The human rights situation in West Papua has attracted increasing attention among the international community, particularly in the Pacific region. Throughout 2015 and 2016, the setting up of the United Liberation Movement

for West Papua (ULMWP) and the regional support group, Pacific Decolonization Solidarity Movement (PDSM) have put the Indonesian government under pressure to take active steps in addressing the human rights situation and therefore brought a new dynamic to the West Papua conflict. Most of the advocacy activities in the Pacific targeted sub-regional and regional inter-governmental bodies like the Melanesian Spearhead Group (MSG) and the Pacific Islands Forum Secretariat (PIFS). Currently the ULMWP has observer status at the MSG. Several of its member countries like Fiji and Papua New Guinea are seeking economic cooperation with the Indonesian government and therefore do not support the full membership status of the ULMWP. In response, some Pacific states, such as, the Solomon Islands, Tonga, Vanuatu, Kanaky and the Republic of the Marshall Islands have formed the Pacific Coalition on West Papua (PCWP).

In 2008, the Indonesian Institute of Sciences (LIPI) published a road map with guidelines for a dialogue between West Papua and Jakarta. LIPI has recently updated its road map due to the changes in the conflict dynamics and the establishment of new actors such as the Papua Peace Network (JDP) and the ULMWP. However, until the end of 2016 the Indonesian government

under President Joko Widodo continues to prioritize the issue of development in West Papua, without touching political or human rights related issues. Many people in West Papua have expressed their support for the ULMWP through mass demonstrations. It can therefore be regarded as a possible representing umbrella organisation for West Papua in a possible dialogue with the Indonesian Government. However, statements by high government representatives indicate that Jakarta does not recognize the ULMWP as a possible dialogue partner and regards the movement as representing the Papuan diaspora, rather than the Papuan people.

The growing support for West Papua in the Pacific region is also reflected in the increasing numbers of Pacific states, which have addressed the human rights situation in Indonesia's eastern most provinces. Some of the states declared their willingness to act as conflict mediators during the United Nations General Assembly sessions as well as during Human Rights Council meetings in 2015 and 2016. Other United Nations bodies which expressed their concerns regarding the human rights situation in West Papua throughout the reporting period were the Committee on the Elimination of Racial Discrimination (CERD) and the UN Special Rapporteur on Freedom of Peaceful Assembly and Association.

7.1 Impunity and the Human Rights Court System

During the past two years the government has not made significant progress to fight impunity and enforce the legal prosecution of security force perpetrators responsible for human rights violations in West Papua. Throughout 2015 and 2016, only three cases which resulted in the prosecution of security force perpetrators by public or military trials were noted. National human rights mechanisms remain weak and are not capable of fighting the widespread impunity in West Papua. An Insufficient mandate for the national human rights institutions and a lack of coordination between the general attorney and the national human rights commission (KOMNAS HAM) are major reasons why many cases of human rights violation are not processed and perpetrators do not face prosecution.

Past initiatives

The period of past human rights violations in West Papua after 1963 has been documented by multiple human rights institutions in Indonesia. The range of violations covered cases of arrest, arbitrary detention, extra-judicial killings, shootings, disappearances, sexual violence¹, and destruction of houses and livestock. Victims of human rights violations in West Papua experienced the full impact of political stigmatization, reproductive health problems for female victims of sexual violence, prolonged trauma, and exclusion from public services in remote areas, —such as access to education, economic support programs and health².

Since President Suharto stepped down in 1998, Indonesian governments have pushed the implementation of political reforms for the past 18 years. West Papua has not yet enjoyed real reforms like other provinces in Indonesia. There were initiatives to address human rights issues in the provinces of Papua and Papua Barat, for instance the initiative conducted by former President Abdurrahman Wahid (Gus Dur). Former President Gus Dur changed the name of Irian Jaya province to Papua province. The name Irian is an acronym for "*Ikut Republik Indonesia, Anti Nederland*" (join the Republic of Indonesia, reject the Netherlands).

The government under President Susilo Bambang Yudhoyono's administration expressed its willingness for a peaceful dialogue between Papua and Jakarta. However, the government

failed to take tangible action in the establishment of a peace process. President Yudhoyono also established a special unit for West Papua, namely the Unit for the Acceleration of Development in Papua and Papua Barat (UP4B). The UP4B is an ad hoc unit merely concerned with the improvement of infrastructure and economic development. There was no program related to law enforcement and human rights issues faced by indigenous Papuans, since the province became part of the Unitary State of Indonesia (NKRI). The new president Joko Widodo (Jokowi) and his government decided to discontinue the UP4B program.

Present initiatives under President Jokowi

Many West Papuans had high expectation for a brighter future when Mr. Joko Widodo became the new president, because he visited Papua province during his presidential campaign. President Joko Widodo has shown some commitment for the provinces of Papua and Papua Barat, particularly for the acceleration of the development process. He visited West Papua several times after the elections, pushed for the establishment of a market for local Papuan traders and released several political prisoners (see chapter 2.1.1 Political Prisoners). However, in the last two years, President Widodo has yet to show any serious effort to address human rights-related issues in West Papua. There is no clear agenda and policy in place in this matter.

1 In 1983 Ms. Naomi Masa was arbitrarily arrested after her husband was interrogated and tortured in an Indonesian Military post at Besum Village, Jayapura regency, because he was accused of being a member of the Papuan Independence Movement OPM. When her husband was released he went to the jungle to hide in the forest. Later the security force members forced Ms. Naomi to lead them to her husband's hide-out. Ms. Naomi was tortured in a military truck on the way to the forest. She was detained in a military post for more than 10 hours, where Ms. Naomi was beaten, electrocuted, tied up and raped by five soldiers. As a result of the sexual violence, she suffered an injury to her genitals. The violence Ms. Naomi experienced has influenced her entire life since then. In 2005 her husband divorced Ms. Naomi and remarried another woman. Ms. Naomi believes that her husband divorced her because she was raped. A few years ago her daughters died due to lung disease, which according to Ms. Naomi first appeared after the soldiers had arrested and detained Naomi and her children.

2 Ms. Tineke Rumkahu was one of the victims and witness of sexual violence committed by Indonesian military personnel during the dispersal of a peaceful demonstration on 6th July 1998 in Biak, which ended with the raising of the Papuan morning star flag. She was burned with fire during arrest until she lost consciousness. She was blindfolded and handcuffed. When the security personnel removed the blindfold she realized that she was sitting in a puddle of blood, surrounded by other victims who were either dead or suffered serious injuries due to torture. Ms. Tineke saw how other women's breasts were mutilated by Indonesian soldiers. Tineke is still traumatized, suffers psychological and physical disorders and is in urgent need of therapy.

One of the cases which occurred during President Widodo's administration and has drawn public attention is the Paniai case. In December 2014, four students were killed and 17 other victims seriously injured by bullets in Paniai regency, when police and military forces allegedly attacked local residents. Komnas HAM established an investigation team (pro justitia) based on law No 26/2000 on Human Rights Courts, and the decree by the chair of the National Commission on Human Rights No 009/Komnas HAM/III/2016. However, Komnas HAM has not issued an investigation report about the case up to December 2016.

The investigation team for the Paniai case began its work on the 1st May 2016. The military and police have not yet shown their seriousness and commitment to cooperate with Komnas HAM. This situation is contrary to president Widodo's statement during the celebration of Christmas in Papua province on the 28th December 2014. President Widodo stated "I want this case [Paniai case] resolved as quickly as possible, so it does not reoccur in the future".³

In 2016, the Indonesian Coordinating Minister for Political, Legal and Security Affairs formed a team to investigate past and recent cases of human rights violations in West Papua. The formation of the team was severely criticized and does not meet general human rights criteria e.g. the participation and involvement of victims. Furthermore, the establishment of this team was widely considered to weaken the position of the National Commission on Human Rights, which has the legal mandate to investigate and process human rights cases in Indonesia. Many Papuan intellectuals, human rights defenders and victims

hold the position that the establishment of this team has no legal foundation and is contrary to Law No. 39/1999 on Human Rights and Law No. 26/2000 on Human Rights Courts.

Impunity in West Papua

The perpetrators of past human rights abuses in West Papua continue to enjoy impunity despite serious allegations of mass killings and even genocide. Major cases of concern occurred in Puncak Jaya 1977-1978, Wasior and Wamena in 2001 and 2003, as well as in Abepura in 2000. Court proceedings on the Abepura case of 2000 took place at the Makassar district court in 2005, but the judges concluded that there was insufficient evidence to proceed and finally released all perpetrators. The government also failed to address various recent cases, such as the Paniai case in 2014,⁴ and the Sanggeng Manokwari case in 2016.⁵

In the past year, the National Commission on Human Rights (Komnas HAM) collected references and case reports concerning human rights violations in West Papua. One example is the report concerning the allegation of Genocide around the Baliem Valley 1977-1978, which was published by the Asian Human Rights Commission (AHRC).⁶ Nonetheless, Komnas HAM's initiative has not been followed up by the Attorney General or other government institutions who consider the results of the investigations as insufficient for the initiation of a legal process.

Of the 16 reported cases of extra-judicial killings that occurred between 2015 and 2016, only one case was legally processed by a military

3 Ministry of State Secretariat of the Republic of Indonesia (27.12.2017): *Deploring Violence in Paniai, President Invites Residents to Realize Papua as Land of Peace*, e-document: http://www.setneg.go.id/index.php?option=com_content&task=view&lang=en&id=8472

4 AHRC (22.07.2015): *The police and military attack and kill 5 (this number needs to be checked) teenagers and injure 17 others, in Papua*, e-document: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-089-2015>

5 AHRC (14.11.2016): *Indigenous Papuans attacked and shot by Police in Sanggeng, Manokwari West Papua*, e-document: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-144-2016>

6 AHRC (2013): *'The Neglected Genocide' – a report detailing a series of abuses in 1977–1978 in Papua is launched*, e-document: <http://www.humanrights.asia/news/press-releases/AHRC-PRL-017-2013>

court⁷ and one case in a public trial. One further prosecution of perpetrators from the police was related to allegations of torture.⁸ Considering the low number of prosecutions throughout the reporting period and during previous years, Indonesia still fails to implement an effective legal framework, holding perpetrators of torture and extra-judicial killings in West Papua accountable. Moreover, the sentences for security force perpetrators responsible for human rights violations are often disproportionate to the severity of the crime.

A recent example for the lack of adequate sanctions for perpetrators was the killing of Mr. Otinus Sondegau by several police officers on 27th August 2016 in Sugapa (see chapter 2.4 Extra-judicial and Arbitrary Executions). A further victim named Mr. Noverianus Belau was injured by a bullet. The five police officers from the local mobile Brigade unit were given minor detention sentences for the “inappropriate use of firearms”. Mr. Jackson Simbiak, Mr. Eduardo Ansanay, Mr. Thom Mathias Wanarina and Mr. Yudi Sahi were sentenced to 21 days detention while their colleague Mr. Jefri Irianto Yohanes received a one year prison sentence. Several officers lost their rank as commanders. None of the perpetrators were released from their office as law enforcement agents.⁹

National human rights court and other human rights mechanisms

The Indonesian government has introduced several national human rights mechanisms, which

have a mandate to investigate human rights violations. Such institutions are: the police internal investigative body (PROPAM), the national police commission (KOMPOLNAS) and the national human rights commission KOMNAS HAM RI. The past has shown that all national human rights mechanisms lack transparency and commonly fail in prosecuting the perpetrators or restoring justice for victims. Major reasons for the low effectiveness are related to the lack of coordination and cooperation between investigative and prosecution state bodies.

A further obstacle preventing national human rights mechanisms from effective prosecution of perpetrators is their insufficient mandate. Accordingly, human rights violations which do not meet specific mandate requirements will not be processed. The national human rights court’s mandate reduces the institutions responsibility to cases which have been part of a systematic, structured and widespread attack against civilians.¹⁰ The failure of national human rights mechanisms is reflected in the widespread impunity for state violence perpetrators. The number of prosecutions of security force perpetrators in public or national human rights courts during the past several years remains very low. Recent human rights cases indicate that the prosecution of police perpetrators is more likely to happen if victims take a lawyer and initiate a criminal complaint instead of reporting the case to PROPAM, KOMPOLNAS or KOMNAS HAM. However, such trials still fail to result in appropriate sentences for the perpetrators.

7 During the trial at the military court III-19 in Jayapura, the perpetrator Sergeant Anshar was sentenced to nine years in prison and Imanuel Imbiri to a three year prison sentence. Two other perpetrators, first Pvt. Makher Rehatta and Chief Pvt. Gregorius B Geta, were sentenced to twelve and three years imprisonment respectively. All perpetrators were dismissed from military service.

8 In 2016, two police officers named Bripta Suherman and Bripta Jarius Triyono Damik were sentenced to 18 months imprisonment in a public trial at Jayapura District Court. On August the 27th, 2015, the police officers had arbitrarily arrested, tortured and attempted to execute three Papuan men in Jayapura. On October the 7th, 2016, five police officers from the local mobile Brigade unit were sentenced to minor detention terms for “inappropriate use of firearms”. Jackson Simbiak, Eduardo Ansanay, Thom Mathias Wanarina and Yudi Sahi were sentenced to 21 days detention while their colleague Jefri Irianto Yohanes received a one year prison sentence.

9 Tabloid Jubi (08.10.2016): 21 hari penjara untuk pelaku penembakan Otinus Sondegau, e-document: <http://tabloidjubi.com/artikel-755-21-hari-penjara-untuk-pelaku-penembakan-otinus-sondegau.html>

10 The definition is stated in article 9 of regulation UU No. 26 tahun 2000 tentang Pengadilan Hak Asasi Manusia (UU Pengadilan HAM)

The majority of extra-judicial and arbitrary executions in 2015 and 2016 were not investigated by the national human rights commission. Out of the few investigated cases, none were legally processed by the national human rights court (Pengadilan HAM). Cases of extra-judicial and arbitrary executions by police members are regarded as common criminal offenses and are therefore investigated by the police itself. Such investigations may not be considered as independent and impartial because security force perpetrators enjoy the protection of their respective state agencies. As a result, police and military investigations on human rights violations usually do not lead to the prosecution of perpetrators.

The existence of the national human rights court is based on Law No. 39/1999 on Human Rights

and Law, and No. 26/2000 on Human Rights Courts. The nature of this human right law is retroactive, which means it requires a strong political will on the part of the executive to make decisions for the legal processing of past human rights violations. Concerns regarding the current government's lack of commitment in taking effective steps for the prosecution of past and present human rights violations in West Papua have been raised by seven Pacific states, namely, Solomon Islands, Vanuatu, Nauru, the Marshall Islands, Tuvalu, Tonga and Palau during the General Debate of the General Assembly's 71st Session, on 26th September 2016 in New York. The seven Pacific countries called for the Indonesian government to address human rights violations in West Papua and respect West Papuan's right to self-determination (see chapter 7.4 Papua in UN Human Rights Mechanisms).

7.2 Regional Support from the Pacific

Amongst the international community, the Pacific states have become important stakeholders in voicing concern about the human rights situation in West Papua, but also in supporting Papuan pro-independence groups in their demand for decolonization. The West Papuan advocacy in the Pacific gained efficiency on the one hand by the formation of the United Liberation Movement for West Papua (ULMWP), and on the other hand through the establishment of the Pacific Decolonization Solidarity Movement (PDSM), consisting of civil society actors from multiple pacific countries. During the past years the PDSM has switched its strategy from a political approach on decolonization to a rights-based approach, voicing indigenous Papuans right to self-determination. Besides the Melanesian Spearhead Group (MSG), the solidarity group has targeted the Pacific Islands Forum Secretariat (PIFS) and the United Nations as important international platforms for West Papuan advocacy.

Decolonization is a multi-faceted issue including both, political and legal components. The term decolonization generally refers to the political component while the issue may also be regarded from a legal or human rights-based perspective which is based on the fundamental right and freedom to self-determination. The decolonization of West Papua has drawn international attention, particularly in the pacific region, where many Pacific islanders have experienced colonial rule and can therefore identify with the need for self-determination. Apart from that, decolonization in general is a widely discussed issue in the pacific region because there are many other Pacific Islands people that want to re-determine their self and decolonize. It is probably the serious human rights situation in West Papua which has gained international solidarity, supporting the campaign that West Papua should top the list of territories awaiting decolonization.¹

Advocacy for West Papua in the Pacific Region

The Pacific Islands Association of Non-Governmental Organizations (PIANGO), Social Empowerment Education Program (SEEP), Pacific Theological College (PTC), Pacific Council of Churches (PCC) and Ecumenical Center for Research for Education and Advocacy (ECREA) are all regional organizations based in Fiji. The above named organizations formed a solidarity movement in Fiji named Pacific Decolonization Solidarity Movement (PDSM), which was also joined by other organizations in Vanuatu, Solomon Islands, New Caledonia, Papua New Guinea (PNG), Tonga, the Federated States of Micronesia and West Papua itself. One of the peculiar issues within the pro-West Papua movement is that PNG, which was initially part of the solidarity movement -has backed out officially. Despite the fact that PNG is a

¹ The relevant administering powers are, respectively, the United Kingdom (UK) for Pitcairn Islands, New Zealand for Tokelau, the United States of America (USA) for American Samoa, Hawaii and Guam, France for New Caledonia and Tahiti, Indonesia in West Papua and Papua New Guinea in Bougainville.

strong Melanesian and very pro-Pacific country, its government has decided to back out, considering that PNG holds Bougainville as a colony. Bougainville is therefore seeking decolonization from PNG. However, civil society organizations based in PNG are nevertheless still active in the movement.

In the meantime, recent regional and Fiji advocacy activities took place at:

a. The Melanesian Spearhead Group (MSG)

From 2014 to 2016, the PDSM followed the MSG meetings in PNG, Solomon Islands and Vanuatu lobbying for full membership status of the United Liberation Movement for West Papua (ULMWP) in the MSG. The lobbying included public rallies and marches seeking public attention and support through campaigns for political decolonization in support of the ULMWP. Once the MSG has granted full membership to the ULMWP, the ULMWP can then gain access to the Pacific Islands Forum Secretariat (PIFS) where it can lobby Pacific leaders to engage in advocacy at the United Nations (UN) and other international organizations. ULMWP membership at the MSG became and has remained a complex issue. According to the latest information from a PDSM Adviser to the MSG, ULMWP's membership of the MSG is no longer a viable option. The movement has decided to continue and seek MSG membership to complete and claim success before engaging in further advocacy activities.

The MSG meeting in the Solomon Islands in 2016 was of great importance as from there, PIANGO changed its approach by not pursuing decolonization alone but also advocating decolonization as the Papuan peoples' fundamental right to self-determination. As the MSG again postponed the decision regarding ULMWP's full membership status, countries like Solomon Islands, Tonga, Vanuatu, Kanaky and the Republic of the Marshall Islands came together to form a new regional political body called Pacific Coalition on West Papua (PCWP). The coalition enjoys a wider membership of the

MSG. Its aim is to champion the cause of the indigenous Papuans in the Pacific region.

b. ULMWP visit to Solidarity Movement offices

The PDSM regional and national offices of the solidarity movement like PIANGO, PTC, ECREA and PCC have all hosted meetings with the West Papua delegation during their visit to the Pacific. Development Services Exchange (DSE) hosted the Solomon Islands solidarity campaign in 2016. In 2016, Papuan women who came for a Women's Crisis Center training insisted on visiting the solidarity movement partners, where they gave gifts and made special remarks. At the PIANGO office the group of Papuan women paid special tribute for the PIANGO Executive Directors' efforts for their cause.

Resistance faced by the PDSM

The PDSM faced multiple challenges during their West Papuan advocacy. However, it is the personal desire and commitment of its member organizations that keeps the movement going.

- I. The Pacific Network on Globalisation (PANG), which had been very vocal on West Papuan advocacy, faced physical damage and cyber-attacks. In 2016, unknown perpetrators broke into their office and hacked their computer systems.
- II. Fijian Police forced the PCC to lower the Morning Star after the Indonesian embassy launched a complaint to the Government. The Morning Star flag had been raised in the Fijian capital Suva during the MSG meeting in the Solomon Islands in 2016.
- III. ECREA had temporarily withdrawn from the movement but has since returned to the forefront as the Chair of the PDSM
- IV. DSE and the other organizations in the Solomon Islands were repeatedly stopped by the Police as they carried the Morning Star flag with vehicles and raised it in selected locations around Honiara. The Police repeatedly removed flags and banners in

Honiara when the solidarity people were not present.

- V. Following immense pressure by the Indonesian government through the promise of funding and the threat to withdraw funding, MSG member countries which stood for decolonization could no longer support the ULMWP in its quest for membership of the MSG since 2014.
- VI. In the beginning of 2017, the MSG itself advised the PDSM that pursuing MSG membership is no longer viable for the ULMWP. Despite the controversial advice given by the MSG, the PDSM will continue to support the ULMWP membership of the MSG.

Additional Activities

West Papua is of major importance to Indonesia due to its vast resources such as gold and copper, as well as gas, timber and gas. It is obvious that Indonesia would strongly defend their hold on West Papua as it provides vital resources for itself and its neighbors, even though this hold is understood as illegal by Papuans and several Pacific states. It was also realized that Indonesia was the gate keeper for many other bigger stakeholders. These realizations mobilized PDSM to take on additional advocacy activities as follows:

1. Additional campaigns:

- a. Making a Universal Periodic Review (UPR) submission to the United Nations Human Rights Council (UNHRC) asking for a review of the human rights situation in West Papua by the Indonesian government. Topics raised under the UPR include: Domestic implementation of international human rights instruments; Promotion and protection of human rights on the ground; The right to self-determination; Equality

and Non-discrimination; The right to life, security and liberty; Administration of Justice and the Rule of Law; Freedom of Religion or belief, association and peaceful assembly; Minority and indigenous rights; Prohibition of Torture, cruel, inhumane and degrading treatment; Conditions of detention; Forced disappearances; Freedom of opinion and expression; Discrimination against women; Protection of Human Rights Defenders

- b. Amongst multiple serious and inhumane human rights violations in West Papua, the PDSM asked the UNHRC to realize that the root cause of the unrest in West Papua lies in their claim for the fundamental right to self-determination
- c. Citing the failure of the Indonesian government to submit its report on CAT and the CERD Committee, PDSM wrote letters of concern regarding discriminatory violent attacks on indigenous Papuans to the Indonesian Government and asked the UNHRC to invoke the Special Procedures processes by delegating a special rapporteur to West Papua with the purpose of verifying the allegations of human rights violations and the denials by the Indonesian government

2. Continue to seek ULMWP full membership of the MSG.

3. Approaching the UN Committee of 24 on decolonization.

The lobby focuses on the implementation of a Vote of Free Choice. The referendum should be carried out by indigenous Papuans only and exclude non-Papuans who have migrated to West Papua from other parts of Indonesia.

7.3 Updated Papua Road Map: Dialogue and Papua Diaspora

Due to various recent developments in relation to the West Papua conflict, the Indonesian Institute of Sciences (LIPI) updated its Papua Road Map in an attempt to re-adjust their conflict resolution approach to recent changes in the conflict context. A major development is the establishment of the United Liberation Movement for West Papua (ULMWP) which is currently the only organisation which represents a broad range of generations, tribes and religions in West Papua. Furthermore, the ULMWP has received international recognition and is considered the only current umbrella group holding a political mandate to represent civil society in West Papua. However, until now the Indonesian government has neither taken a clear position about the dialogue approach, nor has it recognized the ULMWP as a possible counterpart for peace talks.

Updated Papua Road Map

Following the publication of the Papua Road Map in 2008, LIPI developed several policy-based advocacy programs, encouraging the national government to resolve the West Papua conflict, particularly, through a national dialogue. The Papua Road Map suggests a dialogue between the Indonesian government and the Papuan people to produce a Memorandum of Understanding (MoU) with an acceptable solution for both conflict parties. This approach should resemble the past dialogue between the national government and the Free Aceh Movement (GAM)¹. As a follow up to the Papua Road Map, LIPI carried out various activities, such as exploratory meetings, public consultations, the Papuan Peace Conference, as well as diplomat, and media briefings. The programs promote the dialogue as a peaceful conflict resolution approach for West Papua. As a result, the road map has increasingly been discussed in West Papua, Jakarta and in international political discourse.

Since 2009, the national government, both under President Susilo Bambang Yudhoyono (SBY) and

President Joko Widodo, has repeatedly expressed its support for the dialogue as a promising approach to resolve the West Papua conflict peacefully. However, until now, the government did not adopt a clear position as to whether it supports a political dialogue with the separatist movement or only effective communication between the government and the people of West Papua². Apparently, the government's understanding of a dialogue seems to prioritize the issue of development in West Papua, without touching political issues and past human rights violations. Therefore, LIPI conducted a study to update the Papua Road Map, in order to clarify the meaning of the dialogue.

The update of the Papua Road Map also aims to shed light on recent social changes in West Papua, analyze the conflict dynamics and the relevance of the "Papua Road Map" for the present situation in the region. LIPI re-identified important actors in the West Papua conflict and dialogue process. Both issues have become the focus of the study, as there were significant changes during the past eight years. Meanwhile, the root of the conflict and its solutions (except the dialogue) are still considered to be the same as described

1 Widjojo et al., 2009, 160-163

2 ICG, 2010

in the Papua Road Map. Differing views on history and political status, as well as human rights violations, the failure of development, and the marginalization of indigenous Papuans are still relevant as the root of the conflict in Papua. Three solutions to the Papua conflict are still relevant to the situation in Papua today, namely, recognition of a new paradigm of development, as well as reconciliation through involvement of human rights courts. Only the dialogue as a political solution has been widely considered as a solution to resolve major conflict-related problems.

The updated Papua Road Map describes the development of political actors in West Papua, such as the emergence of the Papua Peace Network (*Jaringan Damai Papua*, JDP), the rise of political youth groups and the consolidation of the Papuan diaspora. JDP is not included in the Papua Road Map because the network had not yet been established, when the first research was conducted between 2004 and 2008. The JDP was founded later on, after the idea of dialogue was discussed and supported by civil society movements in West Papua. On the other hand, youth groups and the Papuan diaspora have not been discussed in the Papua Road Map because both stakeholders were not consolidated and did not have a significant effect on the social and political situation in West Papua prior to 2008. Currently, the Papuan diaspora is united under a new structure, namely the United Liberation Movement for West Papua (ULMWP).

The updated Papua Road Map also analyzes the definition of peaceful dialogue in West Papua. Some changes in Jakarta and West Papua enable the re-definition of the dialogue. One change is the acceptance of 'dialogue' as a concept of problem-solving for the West Papua conflict. While dialogue was a 'taboo' subject for many conflict parties in the past, it is now discussed and accepted amongst stakeholders as a possible way to resolve the conflict. There is a need for a paradigm shift from the 'dialogue as a solution' to the 'dialogue as an approach'.

Dialogue and the West Papua Diaspora

The position of the Papuan Diaspora was consolidated after the three main factions of the Free Papua Movement united under ULMWP. Major figures of the Papuan diaspora were mandated by the West Papua National Coalition for Liberation (WPNCL), Federal Republic State of West Papua (NRFPB), and the National Parliament of West Papua (PNWP), to form the executive committee. They are Mr. Octovianus Mote (United States) as general secretary, Mr. Benny Wenda (England) as spokesman, and Mr. Jacob Rumbiak (Vanuatu), Mr. Rex Rumakiek (Australia), and Ms. Leonie Tanggahma (Netherlands). The ULMWP received recognition after it was granted observer status in the Melanesian Spearhead Group (MSG) in 2015. The political campaigns of ULMWP are not only performed in the MSG, but also in the Pacific Islands Forum (PIF) and the United Nations (UN). The reunification of these Papuan political forces both within and outside Indonesia are a key to determining the future of West Papua. A major question is how the Indonesian government responds to this movement. The government should embrace the Papua diaspora as a representation of the Papuans. From a legal point of view, the ULMWP is a legal organization under international law because it has a certain membership status in the MSG, as does Indonesia. LIPI suggests that the Indonesian government should encourage the MSG to engage in constructive dialogue with the ULMWP.

Responses to the recognition of ULMWP in MSG are diverse. The then Indonesian Coordinating Minister for Political, Legal, and Security Affairs, Mr. Luhut Pandjaitan, said that Indonesia could not accept the membership status of the ULMWP in MSG because West Papua is part of Indonesia. He further stated that integration had been set in a UN resolution. Indonesia's membership of the MSG represents predominantly Melanesians of Papua, West Papua, Maluku, North Maluku, and East Nusa Tenggara (NTT), which he

called the Melanesian-Indonesia. Almost the same response was given by officials of the Coordinating Ministry for Politics mentioning that the ULMWP represents Papuan diaspora outside the country and not the people of Papua. As a result, the Government does not formally consider that the ULMWP is a legitimate representation of the people of West Papua. According to LIPI's observations, officials of the national government seemed reluctant to talk about the ULMWP. The government justified its reluctance by stating that the position of the Indonesian government is unequal to the ULMWP because Indonesia is an associate member while the ULMWP was given observer status.

In response, civil society organizations in West Papua have stated their position in relation to the ULMWP. Multiple interviews with leaders of religious organizations, tribal groups, and NGOs showed that only the United Liberation Movement for West Papua (ULMWP) is currently considered as holding the political mandate of the Papuan people to fight for their aspirations. The ULMWP is rooted in Papuan traditional communities and encompasses a broad range of generations, tribes and religions in West Papua. Hence, the organization receives wide political recognition as representative of the Papuan people in dialogue with the Indonesian government and the international community.

7.4 Human Rights in West Papua at the United Nations

Throughout 2015 and 2016, there was an increase in advocacy activities regarding the human rights situation in West Papua at the level of the UN. State efforts in drawing international attention to the issue were primarily undertaken by Pacific States during General Assembly and Human Rights Council meetings. The growing commitment to the human rights situation in West Papua is closely linked to the formation of the United Liberation Movement for West Papua (ULMWP), which was granted observer status by the Melanesian Spearhead Group (MSG). International civil society organisations have pushed human rights advocacy at the UN through special procedures of the Human rights Council and treaty body mechanisms. Major achievements were the 'Early Warning' appeal regarding '*Papuan indigenous people in West Papua*' and a study on fundamentalism by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association, in which he referred to the strong limitation on democratic rights due to the authorities' enforcement of the nationalist 'Unitary State' ideology.

Diplomatic Efforts by States.

Human rights violations in West Papua remain one of the key challenges for Indonesian international diplomacy, especially at the United Nations. The rights of indigenous Papuans, particularly the right to freedom of expression, assembly, opinion as well as the right to health, education, livelihood were among the concerns expressed at the UN meetings by the international community, not only non-governmental organisations, but also several Heads of States. The Indonesian delegation at the UN could not provide satisfactory responses to these allegations. Instead, the delegation argued that the development policy adopted by the Indonesian government would provide an adequate solution to the on-going violations.

In the last few years, there has been an interesting development with regard to the increasing participation of the Pacific States in addressing the situation in West Papua at the UN. This positive response from the Pacific followed the establishment of the United Liberation Move-

ment of West Papua (ULMWP) in 2014 in Port Villa, Vanuatu. The ULMWP is considered as a body representing the key resistance organisations inside and outside of West Papua. It made an historical breakthrough when it was granted observer status by the Melanesian Spearhead Group (MSG), a sub-regional group of Pacific States in Melanesia.

During the 70th Session of the UN General Assembly (UNGA) in 2015, two heads of States from the Pacific, namely the Solomon Islands and the Kingdom of Tonga, spoke strongly about the human rights situation in West Papua. Hon. Manasseh Sogavare, Prime Minister of the Solomon Islands called on the Indonesian government to end the human rights abuses in West Papua. In order to find a solution, the Solomon Islands also requested a dialogue and cooperation with the Indonesian government.

"Solomon Islands together with the Pacific Islands Forum are seeking genuine dialogue and cooperation with Indonesia. The outreach is to resolve and dissolve reported allegations

of human rights violations occurring on two of Indonesia's ethnic Melanesian regions namely Papua and West Papua. Solomon Islands further calls on the Geneva based Human Rights Council to do more in investigating and monitoring of allegations of human rights abuse and violence on ethnic Melanesians in the concerned regions of Indonesia."

Hon. Akilisi Pohiva, Prime Minister of the Kingdom of Tonga, spoke about the injustice and cruel human rights violations in West Papua. Further, he reminded all that the "United Nations has a duty to closely follow up this West Papua case and necessary action be taken to stop this brutal and inhuman activities."

Following these two strong political statements, the delegation of the Solomon Islands continued their commitment to address the situation of West Papua at the UN Human Rights Council (HRC) in Geneva. During the 31st Session of HRC in March 2016, the Solomon Islands emphasised the importance of a peaceful dialogue between the Indonesian government with the representatives of West Papua. It also acknowledged some efforts by the Indonesian President to address the situation in West Papua. The Solomon Islands, as the incumbent chairperson of the MSG, expressed its concern regarding the situation of their fellow Melanesian Papuans, who continue to experience discrimination in their own land.

During the 32nd Session of the HRC in June 2016, the delegations of the Solomon Islands and Vanuatu spoke about human rights violations in Papua. The delegations particularly addressed the arbitrary arrests of more than 2000 people, mainly indigenous Papuans, while participating in peaceful protests in West Papua and other cities in Indonesia. The issue of access for the international human rights community, especially the UN Special Rapporteur on freedom of expression and international journalists to West Papua was also highlighted. Both delegations requested Indonesia to find a sustainable solution by engaging in a constructive dialogue with the Papuans.

In its right of reply, the Indonesian delegation accused the Solomon Islands and Vanuatu of wanting to "politicise" the human rights issues in West Papua and of supporting the cause of separatism. In addition, Indonesia explained its efforts to address these allegations, which in a way is a recognition of the on-going violations of human rights in Papua. In their response, the Indonesian delegation again returned to the development discourse, by saying that the per capita budget allocated to the provinces of Papua and West Papua are among the highest in Indonesia.

In September during the 33rd Session of the HRC, the delegation of the Solomon Islands delivered another statement on West Papua. Similar to the previous statement, it emphasised the need for the Indonesian government to allow access, to international journalists and human rights organisations to West Papua. At the same time, the Solomon Islands also informed the Council about the formation of the Pacific Coalition for West Papua due to the growing concern among the Pacific island countries about the human rights situation in West Papua.

During the 71st Session of the UNGA in New York, seven heads of state from Pacific countries delivered statements on the human rights situation in West Papua. The Pacific Island Forum has put the issue of the situation of West Papua as a concern. Through the establishment of the Pacific Coalition for West Papua the Pacific states tried to advance the issue at the international level. It is important to note that the statement came not only from the members of the MSG, but also Pacific states coming from Micronesia and Polynesia.

Hon. Baron Divavesi Waqa, the President of Nauru was the first Pacific head of state to make a statement on West Papua. He expressed his deep concern regarding the allegation of human rights violations in West Papua. He ended with a proposal for the Indonesian government to open up a constructive dialogue with the West Papuans. Despite the fact that Nauru is a small



Image 7.4-1: Manasseh Sogavare, Prime Minister of Solomon Islands, addresses the general debate of the General Assembly's seventy-first session. (Source: UN Media)

state, the voice of Nauru increased the notion that the Pacific States are paying close attention to the situation in West Papua. Another statement on West Papua was made by the Micronesian state of the Marshall Islands through its President Hilda Heine. The Marshall Islands asked the UN Human Rights Council to initiate a credible and independent investigation of alleged human rights violations in West Papua.

In a different way, Prime Minister Hon. Enele Sosome Sopoaga from Tuvalu, a Polynesian State, emphasised the importance of respecting and honouring the principle of the right to self-determination of the West Papuans. He also contested the principle of non-interference and sovereignty, which is often used by states including Indonesia as their response to criticism about human rights records. Further, he reminded the UNGA not to ignore the situation which he considered as deplorable. He ended up by urging the UN to, "... act on this issue and find a workable solution to give autonomy to the Indigenous Peoples of West Papua."

Two other Polynesian states which delivered statements at the UNGA were Tonga and Palau. Prime Minister Hon. Samiuela 'Akilisi Pohiva from Tonga addressed the human rights situation in West Papua in the UNGA for the second time. This time he highlighted human rights abuses committed by Indonesia in West Papua and the fact that the situation did not improve in the past year. Through its Permanent Representative to the UN, Dr Caleb Tyndale Okauchi Otto, Palau expressed its support for a conflict resolution in West Papua through in-depth and constructive dialogue, as other Pacific states had previously stated.

The Prime Minister of the Solomon Islands, Hon Manasseh Sogavare, who is also a chair of the MSG, spoke for the second time at the UNGA. He stated that "Solomon Islands is gravely concerned about the human rights violations against Melanesians in West Papua. Human rights violations in West Papua and the pursuit for self-determination of West Papua are two sides of the same coin. Many reports on human

rights violations in West Papua emphasize the inherent corroboration between the right to self-determination, that results in direct violations of human rights by Indonesia in its attempts to smother any form of opposition”

In a clear way, he also challenged and questioned the legality of the New York Agreement and the Act of Free Choice. Both historical events are used as legal arguments by the Indonesian government for the annexation of West Papua as part of Indonesia. This can be considered as one of the strongest statements made by a head of state which openly challenged the legitimacy of Indonesia’s claim over West Papua. However, at the end of his statement, Prime Minister Sogavare still considered the importance of having a constructive engagement with Indonesia. Cooperation with Indonesia was a major prerequisite to address human rights violations in West Papua.

Prime Minister Hon. Charlot Salwai Tabimasmas from Vanuatu, another Melanesian state, made a shorter statement on West Papua. He urged the UN to take concrete measures in order to address human rights concerns in West Papua.

During the 71st Session of the UN General Assembly, the Solomon Islands also exercised its first right to reply to a previous statement by Indonesia made on the 24th of September 2016. In its right of reply, the Solomon Islands expressed its concerns over the atrocities and the deaths of 500.000 West Papuans over the past 50 years. The Solomon Islands delegation underlined that it “can not stand behind the argument of sovereignty and integrity of any country and watch such atrocities take place”. Since neither the Pacific states nor Indonesia were able to resolve the urgent human rights

situation in West Papua, the “matter needs to be brought to the attention of the body of the United Nations”. Moreover, the Solomon Islands criticized Indonesia that had neither submitted its periodic report to the committee against torture since 2008, nor taken active measures to criminalize and punish torture, even though Indonesia had ratified the Convention against Torture in 1998.¹

Indonesia used its second right of reply towards the statement by the Solomon Islands, stating that the Solomon Islands misused “allegations of human rights to support a separatism movement and it is only reaffirming the persisting violation to principles and purposes of the UN charter by blatantly interfering in internal affairs of other states, sovereignty and territorial integrity of other nations. This also shows their continuous ignorance of the facts on the ground and falls into the trap of trash information from the separatist groups.”²



Image 7.4-2: Delegation of Indonesia using its second right to reply towards a previous statement by Solomon Islands at the the General Debate of the 71st Session of the UN General Assembly (New York, 20-26 September 2016). (Source: UN Media)

1 The entire reply by Solomon Islands may be found on <http://webtv.un.org/watch/solomon-islands-first-right-of-reply-/5141621665001>

2 The entire reply by Indonesia may be found on <http://webtv.un.org/watch/indonesia-second-right-of-reply/5141621680001>

Efforts by civil society organisations.

“Early Warning” appeal by the Committee on the Elimination of Racial Discrimination (CERD)

On the 3rd October 2016, by letter of its Chairperson, Professor Anastasia Crickley, CERD addressed an ‘*Early Warning*’ appeal to Indonesia regarding the situation of ‘*Papuan indigenous people in West Papua*’. In her letter, Chairperson Crickley requested the Government of Indonesia ‘*to submit information on all of the issues and concerns as outlined above by 14 November 2016, as well as on any action already taken to address these concerns*’.

Main concerns referred to in the letter of the CERD Chairperson were: repression by security forces during Papuan flag-raising ceremonies and demonstrations; excessive use of force and killings during peaceful demonstrations since 2013; massive arrests in May 2014 during demonstrations against extraction and plantation activities; numerous arbitrary arrests and detention since the beginning of 2016, amounting to 4000 between April and June 2016, including human rights activists and

journalists; large scale impunity; State’s policy consisting of favouring the migration of non-indigenous persons from other parts of Indonesia to West Papua, ‘which leads to the decline in representation of the population of Papuans in comparison to the general population in their territory’; poor educational standards resulting in very low rates of literacy.³

Study on fundamentalism by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association

The repression against indigenous Papuans was also reflected in a study of the UN Special Rapporteur on freedom of peaceful assembly and association (A/HRC/32/36) which focused on the issue of fundamentalism. With regard to Indonesia, the rapporteur criticised that the Indonesian authorities’ enforcement of the nationalist ‘Unitary State’ ideology extends to the repression of demonstrations by ethnic West Papuans. He further stated that the State has the responsibility to protect and facilitate protests that advocate for political and cultural views which differ from, and even oppose, those espoused by the Government.⁴

3 United Nations, Committee for the Elimination of Racial Discrimination, Early Warning Procedure, CERD/90th/EWUAP/GH/MJA/ks (3 October 2016), available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IDN/INT_CERD_ALE_IDN_8093_E.pdf

4 United Nations, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/32/36 (31 May 2016), available from <http://undocs.org/A/HRC/32/36>



RECOMMENDATIONS

Indigenous Papuan women and children gathering near the airstrip at Kossarek village. (Doc. ICP)

SECTION 8

Recommendations

The recommendations collected here are drawn from the contributions by more than 30 organisations and experts in West Papua, in other parts of Indonesia and abroad.

8.1 Recommendations for the Government of Indonesia

a) In order to end impunity and violence by the security forces we recommend that the Government of Indonesia:

- Ensures that the police conduct professional and effective criminal investigations into all cases of violence, irrespective of the institutional status of the alleged perpetrators, the ethnicity of victims or non-judicial complaint mechanisms such as the internal police mechanism PROPAM that may run in parallel.
- Reviews Article 4 (2) of Presidential Decree No. 63/2004, which enables police to request support from military in law enforcement operations, since this practice is obstructing the legal prosecution of perpetrators from security forces and contributes to a climate of impunity in West Papua.
- Develops new participative approaches in collecting information on human rights cases as well as new conflict resolution strategies for West Papua. The approaches should involve representatives from Papuan civil society.
- Ensures that prosecutions are carried out within the human rights court and the ad-hoc human rights court, for all gross violations of human rights, including the Wasior case from 2001/2002 and the Wamena case from 2003.
- Reduces the number of military forces deployed in West Papua and ensures the compliance by the security forces with Indonesia's obligations under international human rights laws and standards. New military commands must not be established.
- Takes effective measures to eradicate corruption in the judicial system and ensures the independence of the judiciary from political control and interference by government officials.

- Ensures effective civilian oversight of the military by reforming the Military Court Law.
- Ensures that perpetrators of human rights violations from the military are held accountable through trials in civilian criminal courts.
- Ensures that the Criminal Code is reviewed to include the crime of torture as defined in the UN 'Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment', which was ratified by Indonesia in 1998. The government should enact a national law to criminalize torture.
- Revises the Social Conflict Management Law regarding the deployment of the military to ensure that the military is only involved in issues of external threats and not in internal social conflicts, in accordance with human rights principles.
- Develops independent and effective complaint mechanisms for victims concerning human rights violations by the security forces, which can ensure follow-up, independent investigations and prosecutions of perpetrators and provide adequate remedies to victims.
- Issues policies that will end the arbitrary stigmatisation of Papuans as separatists or terrorists.
- Establishes a human rights court in West Papua and ensures the court's effectiveness by extending its mandate to process all human rights cases, and not only those meeting the criteria of systematic and widespread attacks against civilians.
- Puts a halt to policies and practices within the security forces that enable violations of human rights of civilians, in particular those used for intimidation and retaliation. Current policies and practices are only deepening conflict tensions and result in the escalation of violence. Members of the security forces who apply such practices should face serious sanctions, in line with international standards.
- Ensures that the National Police applies effective oversight of the provincial police in Papua and Papua Barat to guarantee that the residents of West Papua can enjoy a high standard of law enforcement. The negligence and corruption within the police needs to be addressed with serious sanctions and criminal procedures where applicable.
- Implements and monitors Government Regulation No. 2/2003, particularly Articles 5 (d), 6 (d), 6 (q) and 6 (w), and implements and monitors Article 39 of Law No. 34/2004, stating that soldiers are prohibited from getting involved in any business activities to prevent police, military and state executive personnel to work in security positions for plantation companies.
- Introduces regulations ensuring the exclusion of military personnel in law enforcement operation and review Article 4 (2) of the Presidential Decree No. 63/2004, which enables police to request support from the military in law enforcement operations, since the existing practice is obstructing legal prosecution of perpetrators from security forces and contributes to a climate of impunity in West Papua;

- Strengthens the Papuan representative's office of the National Human Rights Commission through financial resources as well as the enhancement of its mandate including the authorization to carry out independent investigations and the ability to conduct direct coordination with the Attorney General's Office.
- Supports the National Human Rights Commission (Komnas HAM) to increase monitoring of places of detention across Papua, particularly prioritizing the central highlands and the bird's head region.

b) To ensure the protection of freedom of expression, we recommend that the Government of Indonesia:

- Releases all political prisoners and all other persons that have been arrested or sentenced for the peaceful expression of political opinions.
- Revokes Presidential Regulation 77/2007 that prohibits the use of the Morning Star flag and respect the flag as a symbol of indigenous and regional identity as stipulated under the Special Autonomy Law.
- Revises bills and regulations that threaten democracy and human rights protection, such as the changes adopted to the national law on mass organizations, Emergency Law 12/1951, Articles 106 and 110 on treason, and Article 160 on incitement, of the Indonesian Criminal Code KUHP (Kitab Undang-Undang Hukum Pidana).
- Ensures that national regulations such as Law 9/1998 on the freedom of expression in public, Articles 106 and 110 on treason, Article 160 on incitement of the Indonesian Criminal Code KUHP or the Emergency law 12/1951, and regulations that impede freedom of expression, such as government regulations 77/ 2007 on regional symbols, as well as Makhlumat KAPOLDA PAPUA No. 245/VII/2016 on freedom of expression in public, are in accordance with ratified international human rights treaties and may not be used to criminalize peaceful civil society activists in West Papua;
- Ceases the application of Articles 106 and 110 of the Indonesian Criminal Code on treason, as well as Article 160 on incitement, until the Code has been reviewed and release all those currently detained under these articles.
- Abrogates Emergency Law 12/1951.
- Amends Government Regulation 99/2012 to remove the parole requirement for loyalty statements in the case of crimes against the state, and/or consider regulating prisoners detained under such charges separately from those convicted of terrorism, corruption and drug crimes.
- Strengthens the independence and the mandate of Komnas HAM, including unfettered access to conduct monitoring of places of detention, without advance notification.
- Provides adequate training for people working in government and administrative agencies to foster understanding, respect and protection

of the rights to freedom of expression and opinion, peaceful assembly and self-determination, while they perform their duties.

- Develops and enforces policies that ensure the role of police as protector of the right to peaceful assembly and expression of political opinions, including those different from or opposed to the government's position, particularly in the provinces of Papua and Papua Barat, as noted by the Special Rapporteur on the Freedom of Assembly and of Association.¹
- Stops the punishment of people expressing peaceful resistance against plantation companies which are violating their rights.
- Allows the Papuan people to express their cultural identity as Papuans and Melanesians and fully recognizes their identity. West Papuans should be freely permitted to associate with other Melanesian countries based on their similarities and shared identities in addition to their right to self-determination and association.

c) To ensure the protection of human rights defenders, we recommend that the Government of Indonesia:

- Implements the recommendations made by the Special Rapporteur of the Secretary General on the Situation of Human Rights Defender, after her visit to West Papua in 2007.²
- Ensures legal protection by human rights defenders, particularly for females, who face an even higher risk of physical violence and intimidation in areas with a heavy security force presence such as the provinces of Papua and Papua Barat.
- Designs adequate human rights training for law enforcement officials, in collaboration with civil society actors, the effectiveness of which should

1 United Nations, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/32/36 (31 May 2016), available from <http://undocs.org/A/HRC/32/36>

2 The Special Rapporteur of the Secretary General on the Situation of Human Rights Defender made the following recommendations in the context of West Papua:

"90. The Special Representative recommends that legislation and procedures be instituted to prevent the prosecution of human rights defenders aimed at their harassment for conducting activities that are legitimately a part of their function for the defence of human rights. For this purpose, it is important also to sensitize judicial and prosecutorial officials as well as the police so that human rights activities are not criminalized."

"92. The Special Representative particularly recommends that a better system of coordination and support be created within Komnas HAM in order to ensure that regional representatives are able to operate effectively. They must receive full and timely support of the Commission if there is interference in their functioning or they are at risk in their regions."

"93. The Special Representative notes that there are no standard operating procedures that ensure interaction with civil society in the work of Komnas HAM. By involving civil society and using its expertise in inquiries, national human rights institutions would endorse the legitimacy of the work of human rights defenders and contribute to recognition of their role."

"96. The Special Representative urges the Ministry for Law and Human Rights to give more visibility to local human rights committees and to allow interaction with human rights defenders whose voices should be heard before these committees."

"99. [...] The Special Representative is concerned that the draft Intelligence Act may not sufficiently address the lack of accountability of intelligence services in order to ensure prevention of abuse. She therefore urges a review of the draft law to ensure its efficacy in this regard."

"100. The Special Representative also urges the Government to review administrative procedures in order to remove restrictive regulations that impede the right of defenders to freedom of assembly and of association."

be constantly evaluated through the creation of a specific monitoring body.

- Ceases the intimidation, harassment and physical violence that is being perpetrated against human rights defenders and journalists in Papua, and ensures that all such cases are effectively and impartially investigated, in order to enable the legal prosecution of perpetrators of such acts.
- Reviews the National Intelligence Law to ensure that the definition of state secrets is clear enough to avoid the application of the law against journalists and activists, and ensure oversight and accountability of the agency in order to prevent cases of human rights violations.

d) To ensure the protection of indigenous people's rights, we recommend that the Government of Indonesia:

- Provides reliable statistical data regarding fundamental components of society in the Papuan provinces, such as demography, education, governance and administration, education, health, employment, and income, together with disaggregated data on indigenous Papuans.
- Recognises the freedoms of expression and opinion, of assembly, and of self-determination of the peoples, as fundamental rights according to the UN Declaration on the Rights of Indigenous Peoples and the ICCPR;
- Ensures through legislation and programs that companies operating in Papua respect the Principle of Free, Prior and Informed Consent (FPIC) and comply with the UN guiding principles on business and human rights. This should include the introduction of FPIC principles into national and local regulations.
- Ensures justice for past land dispossession in Papua and punishment for companies not respecting the principle of FPIC; past land confiscation should be punished and victims compensated. Where possible, the land should be given back to the former owners with additional financial compensation, depending on the victims' preference. Implement effective systems to control and monitor activities of companies holding concessions. Withdrawal of concessions should be used as a punishment for serious violations of human rights and government regulations.
- Modifies existing legislation and practices which discriminate against and violate the rights of indigenous peoples, especially Investment Law No 25/2007 and Presidential Regulation 65/2006.
- Upholds the principles enshrined in the UN Declaration on the rights of Indigenous Peoples and ensures the right of indigenous Papuans to the resources that are the source of their livelihood, including forests and land.
- Reviews licenses that have already been issued with regard to their impact on customary indigenous rights. Such reviews should be conducted through the respective state institutions such as the Department of

Forestry, the Ministry for Mining and the Department for Agriculture in close cooperation with provincial and regency governments.

- Implements a long term constructive dialogue with the indigenous people so that the central government will understand the basic and actual needs of the people of Papua.
- Resolves human rights cases as a priority for a peaceful conflict resolution.

e) To ensure the effective provision of public services for the protection of economic, social and cultural rights, we recommend that the Government of Indonesia:

- Monitors, evaluates, and intervenes in the execution of existing and failing health and education services in the highland districts; the solution is not to direct more funds, migrant staff or new programs to the region. Instead, the national health authorities should hold the districts accountable regarding their responsibility to provide essential health services. The current laissez-faire attitude of the government legitimizes the poor functioning of health services.
- Holds health district authorities accountable by law for the misappropriation of health funds provided under the rules of special autonomy.
- Disaggregates data for different ethnic groups in its demographic, health and education services statistics, e.g. non-indigenous Papuan and indigenous Papuan inhabitants; This data would provide insight into existing health inequalities and could be the basis for a specific provincial Papuan health strategy where challenges such as HIV/AIDS, sexual and reproductive health, substance abuse and human resource issues can be addressed, programmed and funded.

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f) To Tackle Land-grabbing and the Protection of Natural Resources, we recommend that the Government of Indonesia:

- Immediately stops the expansion of plantations, in order to protect water and air quality, biodiversity and the traditional communities which rely on them.
- Reviews development policies which cause the destruction of indigenous community forests and culture.
- Develops programs for the diversification of the national food security strategy which should promote local staple foods and stop the increasing destruction of local food sources in West Papua. The programs should develop local food potentials in each of the different customary areas of West Papua in accordance with the culture and lifestyle of indigenous Papuans.

- Disciplines and punishes police officers who unlawfully provide security services to private companies for their personal benefits in violation of Government Regulation No. 2/2003, particularly Articles 5 (d), 6 (d), 6 (q) and 6 (w), and implements and monitors Article 39 of Law No. 34/2004, stating that soldiers are prohibited from getting involved in any business activities.
- Stops the conversion into plantations of the remaining forests in West Papua. Kalimantan and Sumatra stand as examples of the impact of land rights issues developing as a result of awarding concessions in a populated area. In both islands the rates of land conflicts are increasing from year to year.
- Implements an effective moratorium on deforestation. In West Papua the last primary forests of Indonesia are threatened by plantation expansion. The government of Indonesia can protect them with a permanent moratorium, excluding all remaining primary forests from development and protecting disturbed forests so that they can recover from exploitation. The moratorium should be enforced with monitoring and trained personnel.
- Implements transparent concession permits. The system of concession permits is very complicated and leaves space for bribery and other forms of illegality. A transparent system should be introduced, one that is accessible online and easy for indigenous persons in remote areas to locate and understand. The principle of FPIC and land rights must be guaranteed in a form that meets the needs of the communities. In Papua especially, lack of education and information is an obstacle. Decisions should be made in accordance with customs and traditions and special measures should be taken to include vulnerable groups in negotiations and decision-making.³
- Stops Mega-projects. MIFEE and other mega-projects are heavily influencing the social structure of Papua. With the influx of employees, the population of Merauke Regency will change so that more than half of the population is made up of migrants, diminishing the presence and power of indigenous peoples. Furthermore, agricultural mega-projects in Papua cause environmental changes such as a higher risk of flooding and lower water and air quality.
- Introduces and enforces strict legal punishment for companies which destroy or contaminate any source of local food of indigenous Papuans including, fresh water resources.
- Stops the punishment of people for expressing peaceful resistance against plantation companies which are violating their rights.

3 See also Guidelines for Free, Prior and Informed Consent, 2013 by UN http://www.unredd.net/index.php?option=com; See also REDD, Guidelines for Free, Prior and Informed Consent, 2013 by UN REDD, http://www.unredd.net/index.php?option=com_docman&task=doc_docman&task=doc_download&gid=8717&Itemid=53

g) To ensure the protection of women's rights, we recommend that the Government of Indonesia:

- Guarantees the adequate and full implementation of all national laws and policies on women's rights in all parts of Indonesia, including the provinces of Papua and Papua Barat.
- Implements a zero tolerance policy on domestic violence and increases the number of female police officers.

h) To fulfill its obligation towards victims of human rights violations, we recommend that the Government of Indonesia:

- Ensures victims' *restitution*, namely the reestablishment of the victim's condition to the situation prior to the violation, including the right to freedom, fundamental rights, identity, family life, citizenship, place of residence, employment, and property;
- Ensures *compensation* for economic losses proportionate to the gravity of the violation.
- Ensures the victims' *rehabilitation*, namely medical, psychological, legal and social services.
- Ensures the victims' right to satisfaction that includes the ending of the violation, the recognition of truth, the search for missing persons, including excavation.

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i) To further its cooperation with and application of international norms and mechanisms we recommend that the Government of Indonesia:

- Extends a standing invitation to all Special Procedures, and ensure that any requests for visits are enabled without obstruction or delay, including unlimited access to and within the Papuan provinces. Cooperation with the following mandates must be a priority, given the current situation in West Papua:
 1. The UN Special Rapporteur on extra-judicial, summary or arbitrary executions.
 2. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
 3. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.
 4. The UN Special Rapporteur on the right to health's recommendations following his visit in March 2013 need dedicated implementation
 5. The UN Special Rapporteur on the situation of human rights defenders.
 6. The UN Special Rapporteur on the rights of indigenous peoples –this mandate should be allowed to visit and assess the situation in Papua and

conduct a comprehensive study on the large-scale development projects in Papua, including palm oil estates and on the enjoyment of the human rights of indigenous Papuans.

7. The UN Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit and assess the situation of human rights in West Papua.
 8. The UN Special Rapporteur on violence against women, its causes and consequences.
- Accepts that international human rights definitions and standards on Indigenous Peoples are applicable within Indonesia, and ensure the protection of these rights, notably for Indigenous Papuans.
 - Invites a delegation from the Committee on the Elimination of Racial Discrimination (CERD) to look at all aspects of discrimination within society as racial discrimination is a key underlying problem in the practices of the security forces, the criminal justice process and the provision of public services such as health and education.
 - For the greater promotion and protection of all human rights and to make more international mechanisms available for victims of human rights in Indonesia ratify the:
 1. Rome Statute of the International Criminal Court..
 2. Optional Protocol on the Convention against Torture, Cruel, Inhuman and Other Degrading Treatment.
 3. Optional Protocols 1 and 2 of the International Covenant on Civil and Political Rights.
 4. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
 5. Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.
 6. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
 7. International Convention on the Protection of All Persons from Enforced Disappearance.
 - Ends the practice of isolation of West Papua from international scrutiny and provides unrestricted access to West Papua for all human rights organisations, humanitarian organisations, foreign journalists, foreign parliamentarians and other relevant human rights and humanitarian observers.
 - Provides access to places of detention in West Papua for human rights monitoring institutions including the International Committee of the Red Cross.

8.2 Recommendations to the Governors and Administrations of the Papuan Provinces and their Regencies

As a matter of urgency, to end impunity and violence, we recommend that:

- The Papua Regional Police (Polda Papua) should work together with local human rights organisations and bar associations to provide effective training for police on human rights obligations throughout the arrest, interrogation and trial process, including guaranteeing the right to a fair trial, the right to have access to a lawyer, family visits, health care, the right to freedom from torture, and training in UN basic principles on the use of force and firearms. These efforts must be backed up by urgent efforts to eradicate impunity.
- The provincial office of the Ministry for Law and Human Rights together with Polda Papua work to strengthen the function of the provincial Professional and Security Division (Profesi dan Pengamanan, PROPAM), by building collaboration with the Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban, LPSK) so that witnesses and victims of rights violations in detention can give evidence in safety without fear of retribution whilst still in detention, or when they are released.
- The central, provincial and regency governments, including the Department of Forestry, the Ministry for Mining and the Department of Agriculture, review licenses that they have already issued, with regard to their impact on customary indigenous rights.

To ensure access, availability and quality of education, we recommend that the Provincial and Regency Authorities.

- Reduce absenteeism of teachers through improvements in personnel management (e.g. by introducing teacher mandatory attendance books), and enforce applicable sanctions for teachers who do not fulfill their duties. And that the respective government agencies increase attention to the needs of teachers and introduce incentives in appreciation of good practice amongst teachers.
- Develop specialized substitute teacher incentive programs, ensuring that a sufficient number of substitute teachers is always available if a regular teacher is absent from school.

- Provide incentives and support to schools in rural and remote areas, for the employment of contract teachers and higher remuneration to cover travel expenses of teachers and the improvement of housing facilities for teachers.
- Evaluate, improve and monitor the quality and distribution of education in every regency and municipality in West Papua.
- Take firm action against officials who have misused education funds.
- Strengthen teacher recruitment guidelines to ensure a minimum standard for the quality of education, as well as teacher promotion systems.
- Monitor and evaluate the implementation of article 36(2) of the Papuan Special Autonomy Law No.21/2001, stating that 30% of special autonomy money should be allocated for education.
- Develop and implement an educational system for West Papua, which is oriented towards Papuan culture, in particular indigenous languages, and which supports an even implementation process across all regions of West Papua.
- Take firm action against officials who have misused education funds.

To ensure access to health care, we recommend that the provincial and regency authorities:

- Create a health and education policy forum at provincial and highland district level, where participatory policy making can be made with direct input from the concerned communities so that their grievances, expectations, and solutions can be sought for any future education and health strategies.
- Urgently address the mental health and substance abuse challenges in the Papuan highlands, this can be done through culturally sensitive and appropriate psychosocial services.
- Ensure that salaries for teachers and health workers are adequate and paid regularly, and that absences from work are sanctioned with serious disciplinary measures, including the termination of employment where appropriate.
- Establish culturally sensitive health care services and hospitals in West Papua, with a professional focus on communicable diseases, particularly for HIV/AIDS, tuberculosis, leprosy, as well as mother and child health care, and ensure their functionality with adequate human resources and medical facilities.
- Provide specialized security and social support services for indigenous Papuan women who experience violence and abuse.

To fulfill, protect and promote the rights of indigenous peoples, we recommend that the provincial and regency authorities:

- Collect accurate population data in West Papua which must be disaggregated by ethnic origin (indigenous Papuans and Non-indigenous Papuan residents), in order to assist stakeholders in the empowering process of indigenous Papuans through adoption of affirmatives special autonomy policies.
- Adopt policies on population control, which may help local governments to regulate migration to the provinces of Papua and Papua Barat.
- Facilitate the establishment and strengthening of indigenous cultural institutions, including customs and customary law.
- Ensure that public life and development policies are in line with the culture in West Papua.

To fulfill, protect and promote the rights of women, we recommend that the provincial and regency authorities:

- Ensure the full implementation of local regulations in the Papuan provinces, particularly those protecting female victims of human rights violations.
- Introduce effective and culturally sensitive programs for HIV prevention, testing and treatment, which particularly targets young Papuan women in remote areas of West Papua.
- Ensure that women in West Papua have maximum access to health care services without being discriminated against during HIV/AIDS examinations.

8.3 Recommendations for Investing Companies

We recommend that Companies:

- Be obliged to have human rights policies, and that company leadership develop detailed corporate policies on human rights and land rights that are consistent with international standards. All staff in their companies, subsidiaries and contracted firms should participate in human rights trainings. Company leaders then hold staff, subsidiaries and contractors accountable for their performance in relation to these new policies on human rights.
- Give meaningful recognition to customary land rights and facilitate cooperation with international environmental NGOs. The companies should commit to and prioritise the implementation of programs to

formally recognise the customary land rights of indigenous peoples and communities. Correspondingly, companies must return confiscated lands, which was obtained not in accordance with indigenous peoples' rights standards, or renegotiate contracts, if that is the desire of local communities. The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests, of which Indonesia is a signatory, is a suitable framework to adopt.

- Provide transparent audits of company performance, and commit to conducting regular, independent and fully transparent audits of their performance on human and land rights issues by international human rights organizations. Leading forestry, food and agriculture companies have conducted such assessments across their multi-national holdings in recent years. This has proven that it is not only possible, but in some cases advantageous for their companies to do so.
- Ensure to respect the decision of the Constitutional Court Number 35/PUU-X/2012 on the Recognition of Customary Forest and adjust investment practices and policies accordingly. In the Context of West Papua this particularly refers to the principle of Free, Prior and Informed Consent (FPIC). The UN guiding principles on business and human rights is a suitable instrument in developing corporate social responsibility for the well-being of investor and indigenous land right owners.

8.4 Recommendations to other States and Intergovernmental Organisations

The international community is urged to:

- Advocate for visits by: the UN Special Rapporteur on freedom of opinion and expression, the UN Special Rapporteur on extra-judicial, summary or arbitrary executions and a follow-up visit by the UN Special Rapporteur on torture.
- Strengthen the capacity of civil society actors in Papua including that of young Papuans to participate in and engage with international indigenous peoples' mechanisms.
- Support calls for the unconditional release of political prisoners, as a step towards peaceful dialogue between the Government of Indonesia and the Papuan community.
- Raise issues of humanitarian concern regarding political prisoners with the Law and Human Rights Ministry.

- Support Indonesia's declared aim to conduct a dialogue between Papua and Jakarta as a peaceful conflict resolution mechanism.
- Reject palm oil and other products being produced by companies not respecting human rights and primary forests. The use of biofuels is still subject to debate in Europe, despite awareness of associated human rights problems and the massive carbon and methane emissions caused by palm oil.

The EU and its members are urged to:

- Abolish the import of tropical wood for instruments and art in order to protect primary forests. European governments must ensure the punishment of companies which do not respect the principle of FPIC and human rights by placing sanctions on their products.
- Raise the problem of human rights violations in the Papuan provinces of Indonesia within the context of the on-going Human Rights Dialogue between the European Union and the Government of Indonesia, with a particular focus on the issue of impunity and violence.
- Support the Government of Indonesia in fulfilling its international obligations and implementing the recommendations issued by the relevant UN bodies and procedures, notably those concerning access for independent monitors such as foreign journalists to Papua, the release of all political prisoners and the end of excessive use of force by the security forces against civilians.
- Halt all deliveries of arms and military equipment to the Indonesian army until independent mechanisms are developed that are evidently and effectively holding to account through fair trials in civilian courts, the members of the military who have perpetrated serious human rights violations such as torture and extra-judicial killings. The lack of external scrutiny of the human rights and humanitarian law violations taking place in Papua makes any arms sales to the Indonesian military irresponsible at this time, and risk fueling further violations.
- Provide technical assistance to strengthen the capacity of government officials to conduct prompt and effective investigations into human rights violations and to ensure the effective prosecution of offenders;

To the United Nations Economic and Social Council, we recommend that it:

- Assesses and follows-up on the government's progress in the provision of disaggregated data on health statistics and community based policy making for health reforms.

Glossary

ABRI	(<i>Angkatan Bersenjata Republik Indonesia</i>) – Indonesian Armed Forces.
AMDAL	(<i>Analisis Dampak Lingkungan</i>) – Environmental Impact Analysis (EIA).
AJI	(<i>Aliansi Jurnalis Independen</i>) – Indonesian Association of Independent Journalists.
AMP	(<i>Aliansi Mahasiswa Papua</i>) – Papuan Student Alliance.
APS	(<i>Angka Partisipasi Sekolah</i>) – School participation number.
ART	Anti-Retroviral Treatment.
ARV	Anti-Retro Viral.
BIN	(<i>Badan Intelijen Negara</i>) – National Intelligence Agency.
BKO	(<i>Bawah Kendali Operasi</i>) – Operationally Assigned Units.
BPKP	(<i>Buku Pelajaran Kontekstual Papua</i>) – Papuan Contextual Text-books.
BPS	(<i>Badan Pusat Statistik</i>) – Indonesian Center for Statistics.
BRIMOB	(<i>Brigade Mobil</i>) – Mobile Brigades/Police Special Forces.
BUPATI	Regent of a district/regency
DALMAS	(<i>Pengendalian Massa</i>) – Police Crowd Control Unit.
DAP	(<i>Dewan Adat Papua</i>) – Papuan Customary Council.
DPD	(<i>Dewan Perwakilan Daerah</i>) – Regional Representative Council.
DPR	(<i>Dewan Perwakilan Rakyat</i>) – People’s Representative Council.
DPRP	(<i>Dewan Perwakilan Rakyat Papua</i>) – Papuan Provincial Parliament.
ECREA	Ecumenical Center for Research for Education and Advocacy.
EGRA	Early Grade Reading Assessment.
FKPPA	(<i>Forum Konsultasi Para Pemimpin Agama</i>) – Religious Leaders’ Consultative Forum.
FKUB	(<i>Forum Kerukunan Umat Beragama</i>) – Forum for Religious Cooperation.
FMJ-PTP	(<i>Forum Masyarakat Jayawijaya-Pegunungan Tengah Papua</i>) – Papuan Central Highlands and Jayawijaya Society Forum.
FPIC	Free Prior and Informed Consent.
FRWP	Federal Republic of West Papua (also NFRPB).
GEMPAR	(<i>Gerakan Mahasiswa, Pemuda, dan Rakyat</i>) – Movement for University Students and the Papuan People.
GPMI	(<i>Gerakan Pelajar dan Mahasiswa Indonesia</i>) – Indonesian Pupils and Students Movement.

ICP	International Coalition for Papua.
ICRC	International Committee of the Red Cross.
IDPs	Internally displaced persons.
ILWP	International Lawyers for West Papua.
IPWP	International Politicians for West Papua.
JAPH-HAM Pegunungan Tengah Papua	<i>(Jaringan Advokasi Penegakan Hukum dan Hak Asasi Manusia)</i> – Papuan Central Highlands Advocacy Network for the Enforcement of Law and Human Rights.
JDP	<i>(Jaringan Damai Papua)</i> – Papua Peace Network.
KDRT	<i>(Kekerasan Dalam Rumah Tangga)</i> – Domestic Violence.
KNPB	<i>(Komite Nasional Papua Barat)</i> – West Papua National Committee.
KODAM	<i>(Komando Daerah Militer)</i> – Military Area Command.
KOMNAS HAM	<i>(Komisi Nasional Hak Asasi Manusia)</i> – National Human Rights Commission.
KOMPOLNAS	<i>(Komisi Polisi Nasional)</i> – National Police Commission.
KOPASSUS	<i>(Komando Pasukan Khusus)</i> – Special Forces Unit of the Indonesian Military.
KOREM	<i>(Komando Resor Militer)</i> – Military Region Command.
KPP	<i>(Konferensi Perdamaian Papua)</i> – Papua Peace Conference.
KPK	<i>(Komisi Pemberantasan Korupsi)</i> – Commission for the Eradication of Corruption.
KPU	<i>(Komisi Pemilihan Umum)</i> – Election Commission.
KUHAP	<i>(Kitab Undang-Undang Hukum Acara Pidana)</i> – Indonesian Criminal Procedure Code.
KUHP	<i>(Kitab Undang-Undang Hukum Pidana)</i> – Indonesian Criminal Code/Penal Code.
KWI	<i>(Konferensi Waligereja Indonesia)</i> – Bishops Conference of Indonesia.
LIPI	<i>(Lembaga Ilmu Pengetahuan Indonesia)</i> – Indonesian Institute of Social Sciences.
LKIN	<i>(Lembaga Koordinasi Intelijen Negara)</i> – State Intelligence Coordinating Agency.
LMA	<i>(Lembaga Masyarakat Adat)</i> – Indigenous People's Associations.
MIFEE	Merauke Integrated Food and Energy Estate.
MP3EI	<i>(Masterplan Percepatan dan Perluasan Pembangunan Ekonomi Indonesia)</i> – Master Plan for Indonesia's Acceleration of Economic Development.
MRP	<i>(Majelis Rakyat Papua)</i> – Papuan People's Council.
MRPB	<i>(Majelis Rakyat Papua Barat)</i> – Papuan People's Council of West Papua Province.
MSG	Melanesian Spearhead Group.
NFRPB	<i>(Negara Federal Republik Papua Barat)</i> – National Federal Republic of West Papua.
NKRI	<i>(Negara Kesatuan Republik Indonesia)</i> – Unitary State of the Indonesian Republic.

OPM	(<i>Organisasi Papua Merdeka</i>) – Papua Freedom Organisation.
OTSUS PLUS	(<i>Otonomi Khusus Plus</i>) – Special Autonomy Plus Law for Papua.
P2TPA	(<i>Pusat Pelayanan Terpadu Perempuan dan Anak</i>) – Integrated Service Center for Protection of Women and Children.
PANGDAM	(<i>Panglima Komando Daerah Militer</i>) – Commander of a military command area.
PDSM	Pacific Decolonization Solidarity Movement.
PCC	Pacific Council of Churches.
PGGP	(<i>Persekutuan Gereja-Gereja Papua</i>) – Association of Churches in Papua.
PIANGO	The Pacific Islands Association of Non-Governmental Organizations.
PIFS	Pacific Islands Forum Secretariat.
PNWP	(<i>Parlemen Nasional West Papua</i>) – West Papuan National Parliament.
POLDA	(<i>Polisi Daerah</i>) – Regional Police.
POLRI	(<i>Polisi Republik Indonesia</i>) – National Police of the Republic of Indonesia.
PROPAM	(<i>Profesi dan Pengamanan</i>) – Internal Police Investigative Body.
PTC	Pacific Theological College.
PTSD	Post Traumatic Stress Disorder.
PUSTU	(<i>Pusat Kesehatan Masyarakat Pembantu</i>) – Health Service Point.
PUSKESMAS	(<i>Pusat Kesehatan Masyarakat</i>) – Health Center.
RRI	(<i>Radio Republik Indonesia</i>) – Radio station of the Republic of Indonesia.
SKJM	(<i>Solidaritas Korban Jiwa Mbua</i>) – Solidarity Movement for the Victims in Mbua District, Nduga Regency in Papua Province.
STTP	(<i>Surat Tanda Terima Polisi</i>) – Police Acknowledgement Letter.
TNI	(<i>Tentara Nasional Indonesia</i>) – Indonesian National Military.
TNI-AD	(<i>Tentara Nasional Indonesia Angkatan Darat</i>) – Indonesian Infantry.
TNI-AL	(<i>Tentara Nasional Indonesia Angkatan Laut</i>) – Indonesian Navy.
TNI-AU	(<i>Tentara Nasional Indonesia Angkatan Udara</i>) – Indonesian Air Force.
TPN	(<i>Tentara Pembebasan Nasional</i>) – Armed wing of the Papua Freedom Organisation.
ULMWP	United Liberation Movement for West Papua.
UP4B	(<i>Unit Percepatan Pembangunan Papua dan Papua Barat</i>) – Unit for the Acceleration of Development in Papua and Papua Barat.
UUITE	(<i>Undang-Undang Informasi dan Transaksi Elektronik</i>) – Law on Electronic Information and Transaction.
WIT	(<i>Waktu Indonesia Timur</i>) – East Indonesia Time (EIT).
WPNA	West Papua National Authority.
WPNCL	West Papua National Coalition for Liberation.



This human rights report details 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 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, 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 marginalisation and discrimination undermine Papuans' living conditions. The heavy presence of the Indonesian security forces, a lack of access for international observers such as journalists, 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.

Published by:
International Coalition for Papua (ICP)
Rudolfstr. 137
42285 Wuppertal
Germany

ISBN 978-3-921900-40-6



www.humanrightspapua.org