

Human Rights Update West Papua – April 2020

covering January – March 2020



Summary

The first quarter of 2020 was marked by the outbreaks of armed clashes in multiple regencies of West Papua and multiple trials in relation to the Papua-wide anti-racism riots throughout August and September 2019, which resulted in imprisonment sentences for protesters. Lawyers deplored that the trials failed to meet the principles of a fair trial. Many defendants were found guilty and sentenced to imprisonment, although witness testimonies and evidence presented in court did not prove the involvement of the defendants in any criminal

acts. Hence, many of the sentenced defendants have appealed against the verdicts. Moreover, human rights observers raised the concern that judges applied double standards. The verdicts for three non-Papuans who had been found guilty of hate speech against indigenous Papuans, and four migrants who collectively killed a Papuan during outbreaks of ethnic violence in Jayapura, were considerably mild.

The low number of arrests - both political and non-political - as well as the absence of violations against journalists or human rights defenders and treason charges against political activists are predominately a result of the repressive Government policies after the Anti-racism Protests in August and September 2019. The civil society in West Papua is still paralyzed. Fear of criminalisation and security force violence is prevailing. Many political figures have been arrested and prosecuted or are standing trial. The police have increased surveillance on movement organisations after the protests and heavily restrict peaceful assemblies, even those with a non-political agenda.

Reports on shootings throughout February and March 2020 indicate a significant increase in armed activity in the regencies Pegunungan Bintang and Intan Jaya in addition to previous known hot spots of armed conflict, such as Nduga and Mimika. The scenarios usually follow a similar logic. Isolated TPN PB attacks against security force members are responded by deployment of police and military units in the affected area. Subsequent security force operations against the TPN PB lead to further armed clashes. These security force operations frequently result in human rights violations and internal displacement of the indigenous population. Simultaneous attacks in multiple regencies of West Papua with fatalities on both sides and recent attacks against civilians in Pegunungan Bintang and Mimika underpin the observation that the level of aggression in the armed conflict is increasing.

Read what [UN mechanisms observe and recommend](#) regarding human rights in West Papua.

The information in this report is collected by local human rights defenders. As human rights defenders face hostile working conditions and legal aid services are lacking in remote areas, this compilation of cases cannot be regarded as complete.

Number of victims	Q2 '19	Q3 '19	Q4 '19	Q1 '20
Extra-judicial executions or killings	6+1	19	4+5	4+1
Torture / Ill-treatment	29	84	7	7
Assaults against / obstruction of journalists	-	4	1	-
Violations of right to health (victims)	-	> 60	9	-
Violations against / obstruction of HRD	-	2	1	-
Violations of Free Prior Informed Consent (FPIC)	-	4	-	-
Non-political arbitrary arrests	1	753	-	1
Political arrests	3	437	156	1
Treason & conspiracy charges (articles 106 & 110 KUHP) no. of accused	-	22	32	-
Violations of the right to fair and impartial trial & independence of judges	3	-	1	36
Internally displaced persons (Conflict), new additional cases	> 5,000	> 1,500	N/A	> 1,500

Update on killing of Government contractors in Nduga – trial against defendant launched in Jakarta

On 6 January 2019, a trial against Mispo Gwijangge was launched at the Central Jakarta District Court. The public prosecutor charged him with multiple articles on premeditated murder, homicide and deprivation of liberty for alleged involvement in the killing of construction workers in the regency of Nduga in early December 2018. He is facing a maximum penalty of 20 years imprisonment or capital punishment. Police officers arbitrarily arrested Mispo Gwijangge and two other suspects in Wamena on 10 May 2019. He is an internally displaced person who fled from his village to the highland town of Wamena in fear of the ongoing military operation in Nduga. Mispo Gwijangge denies any involvement in the killing, claiming that he is just a farmer. Observers have expressed concerns regarding procedural violations during the law enforcement process. According to Mispo Gwijangge's relatives, he is only 16 years old - too young to be legally prosecuted as an adult. Moreover, the lawyers claim that police officers tortured Mispo Gwijangge during his interrogation at the Jayawijaya District Police Station. Mispo Gwijangge does not speak fluent Indonesian. The officers questioned him without interpreter or legal counsel, as mandated by law when the criminal charges are punishable with more than five years imprisonment. Feeling intimidated and threatened by the officers, Mispo Gwijangge signed a confession and followed instructions when the case was reconstructed at the police station in Wamena. Lawyers have requested the judges to allow a forensic examination of his teeth in order to determine his biological age. The trial is still ongoing at the Jakarta District Court.



Police officers at the Sentani Airport in Papua escort Mispo Gwijangge to Jakarta for trial

Read more details on the case [here](#)

Read an update on the case [here](#)

Update on trials and detentions after Anti-racism Protests in West Papua



Six Pro-Papua activists during trial at the Central Jakarta District Court - they have been charged with treason

Statistical data suggests that Indonesian police officers and public prosecutors initiated legal processes against at least 115 suspects. Twenty-two of them have been charged with treason for participating in demonstrations against racism or peacefully advocating for the right to self-determination. In total, there have been multiple trials against anti-racism protesters or activists in relation to eleven anti-racism protests in various cities across West Papua and Indonesia.

Law enforcement institutions initiated two police investigations against alleged perpetrators of racial discrimination and hate speech in Surabaya, as well as the killing of a Papuan man during outbreaks of ethnic violence in Jayapura. The judges at the District Court in **Surabaya** found the three defendants of hate speech and

racial discrimination against Papuan students. They received imprisonment sentences between five and ten months. Human rights observers assessed the sentences as very mild in consideration of the impact of the offense and the maximum statutory punishments as stipulated in the respective articles of the indictments. In **Jayapura**, judges found two defendants guilty of killing a Papuan bystander named Evertin Mofu during the outbreak of ethnic violence on 30 August 2019. They were sentenced to three years imprisonment. In late December 2019, two other perpetrators – both of them still minors – had already been sentenced to 11 months imprisonment in a closed trial for their involvement in this killing.

Twenty-nine defendants were tried in **Jayapura** for alleged participation in the August riots with varying indictments. Twenty-eight of the defendants were sentenced to 6 months imprisonment, although their indictments strongly varied. Seventeen defendants have appealed against the verdict, claiming that they had not been involved in any criminal acts during the unrest. Donny Ilay, a member of the movement organisation West Papua National Committee (KNPB) was sentenced to seven months imprisonment. One legal process was closed after lawyers presented evidence at court that the defendant was still a minor. Four separate trials against twelve defendants in relation to clashes between students and security force members in Jayapura on 23 September 2019 are still ongoing.

The trials against the six political activists in **Jakarta** and seven political activists in **Balikpapan**, Kalimantan Timur Province, are still ongoing. All of them have been charged with treason (Article 106 KUHP) and criminal conspiracy (Article 110 KUHP) in conjunction with other criminal charges. Two defendants in Jakarta, Ambrosius Mulait and Dano Tabuni, attended the trial hearing wearing their traditional attire. The so-called 'Goteka' is used by males in the central highlands of West Papua. It covers the penis with a dried pumpkin shell. The judges felt disturbed and demanded both defendants to wear "polite clothes" at court. Both trials are still ongoing and will continue with the examination of further witnesses.

The trial in **Nabire** against nine defendants who had participated in the anti-racism protest in Waghete, Deiyai Regency, on 23 August 2019 resulted in the imprisonment sentences between five months 22 days and six months and 20 days, equal to the period of detention.

In **Manokwari**, multiple trails against Papuan activists are ongoing. Four defendants have been charged with treason. The Papuan activist Septinus Meidodga was found guilty posting content of alleged hate speech on his Facebook account. The judges sentenced him to four months and 20 days imprisonment. He was released on 6 February 2020. Nine other protesters were arrested and processed for alleged participation in acts of vandalism and arson during riots in Manokwari on 19 August 2019.

In early March 2020, a trial against the four activists was launched in **Sorong**. Similar as in other cases against political activists, they have been charged with treason (Article 106 KUHP) and criminal conspiracy (Article 110 KUHP). They were arrested for waving the morning star flag and carrying banners with the morning star during a peaceful protest against racism in Sorong on 17 and 18 September 2019.

Meanwhile, multiple trails against protesters during the riots in **Wamena** on 23 September 2019 have been launched. In total, the police detained 23 persons in relation to the unrest. Five detainees were released from custody, one of them after serving a sentence of four months for carrying a sharp weapon. Only eleven defendants stand trial at the Jayawijaya District Court in Wamena. Most of the trials have been launched, while six other defendants continue to wait for the beginning of their trials in Biak. The law enforcement process in multiple cases was reportedly accompanied by torture and sexual harassment. Teresta Tega lyaba claimed that police officers at the Jayawijaya District Police Station threatened to kill her at gun point and repeatedly sexually harassed her during detention. Another detainee named Yagarsom Asso was severely tortured during police custody. Officers brought him to the forest and reportedly shot him four times in the left leg, and five times in the right leg.



Yagarsom Asso during medical treatment at the hospital

In the highland town of **Oksibil**, six defendants were arrested in relation to the arson at a local market on 27 September 2019. The police officers accused five of the defendants of being associated with the political pro-independence movement KNPB. The six defendants will stand trial in Biak.

The police press charges against six other protesters of anti-racism rallies in the cities of **Timika** and **Fakfak**. Two defendants in the city of Timika were sentenced to seven months imprisonment.

Read more details on trials in [third update](#), [fourth update](#), [fifth update](#) and [sixth update](#)

One indigenous civilian killed and two injured in Sugapa – 15 villages in Intan Jaya reportedly affected by internal displacement

The human rights desk of Papuan Tabernacle Church (JPIC Kingmi Papua) reported an armed clash between Indonesian Military Forces (TNI) and the West Papua National Liberation Army (TPN-PB) on 26 January 2020 in the district of Sugapa, Intan Jaya Regency. TNI members allegedly shot dead a motorcycle taxi driver named Bugalebega Kobogau. Two other indigenous civilians - Kayus Sani and eight-year-old Jekson Sondegau – sustained bullet injuries during the armed clash. Jekson received medical treatment at a local Health Centre (Puskesmas) whereas Kayus Sani was afraid to go to a hospital and was forced to fall back on traditional treatment inside his house. At least 15 villages in the districts Sugapa, Hitadipa and Ugimba have been affected by the military operation, which has been ongoing since late December 2019. Many internally displaced persons reportedly sought shelter in a catholic church in Sugapa. Others fled to the regencies Nabire and Mimika. A villager named Nggapaneringga Tabuni (60 years), reportedly passed away on 20 December 2019 as a result of acute asthma, after he fled his home in Kulapa Village.



Jekson Sondegau (8 years, sustained a bullet injury in the stomach during the shooting

[Read more details](#)

Freedom of speech in West Papua under threat – Police presses charges against student for Facebook post on Sugapa Shooting



Melianus Duwitau (center) with two LBH Papua lawyers

Members of the Papua Regional Police (Polda Papua) arrested twenty-eight-year-old student Melianus Duwitau in the town of Nabire on 30 January 2020. The police pressed criminal charges on hate speech against him which carry a maximum penalty of six years imprisonment. Melianus Duwitau allegedly uploaded a post on his Facebook account in which he questioned the veracity of a public statement by the Polda Papua Chief regarding the shooting in the town of Sugapa, Intan Jaya Regency. The post showed a picture of the Papuan Police Chief with the words “Papuan Police Chief Waterpauw should immediately take responsibility for spreading false news about Intan Jaya”. Previously, Waterpauw had stated in interviews with multiple national media outlets that security forces killed two members of the West Papua National Liberation Army during an armed clash on 26 January 2020 in Suagapa. Duwitau’s lawyers from the Papuan Legal Aid Institute (LBH Papua) claim that the police officers failed to show a warrant at

the time of arrest, as required under provisions of the Indonesian Criminal Procedure Code (KUHAP). On 28 March, he was released on probation as the investigation continues.

[Read more details](#)

Komnas HAM categorises Paniai incident as serious human rights violation – Case submitted to Attorney General

The National Human Rights Commission (Komnas HAM) has officially categorized the infamous ‘Paniai Case’ of December 2014 as *gross human rights violation*. During a plenary session on 3 February 2020, Komnas HAM discussed the findings of five years investigation with the result that the case meets the criteria of a systematic, widespread attack against the civilian population during the incident. According to Komnas HAM chairperson, Ahmad Taufan Damanik, Komnas HAM submitted the results of the investigation to the Attorney General on 11 February 2020. Komnas HAM observed that obstruction of justice had resulted in the obscuration of facts and a delayed law enforcement process. The Attorney General’s office returned the investigation dossier to Komnas HAM on 19 March 2020, claiming that the dossier failed to meet the requirements for an investigation into a

gross human rights violation.

[Read more details](#)

Joint security forces kill community leader and minor during raid in Intan Jaya



Image of Melki Tipagau

Another security force raid in the Yoparu Village of Sugapa District on 18 February 2019 resulted in the deaths of indigenous leader, Kayus Sani, and an eleven-years-old primary school student named Melki Tipagau. Kayus Sani had already been injured during a previous raid on 26 January 2020. Melki Tipagau's mother, Malopina Sani, and another minor named Martina Sani (12 years) sustained bullet injuries during the incident. The bodies of Melki Tipagau and Kayus Sani were buried on 19 February 2020 in the village of Bulapa, Sugapa District. Witnesses claimed that the security forces searched multiple houses and repeatedly released shots in midst the settlement. The four victims were shot as they were inside their house as the raid took place. The XVII Cenderawasih military commander, Colonel Eko Daryanto, claimed in a media interview that his men found the body of an eighteen-years-old member of the West Papua National Liberation Army (TPN PB). The military member shot him because he allegedly carried a fire arm. The TPN PB denied that Melki Tipagau was a member of the armed resistance.

[Read more details](#)

Police officers fail to protect truck driver during mob attack in Dogiyai Regency

Police officers failed to protect truck driver, Yus Yunus, during a mob attack in the regency of Dogiyai on 23 February 2020. The incident was allegedly triggered by a traffic accident in the village of Ekimani, Kamu Utara District which resulted in the death of a local resident. Police officers of the Kamu Sub-district Police were present at the site of crime but failed to protect Yus Yunus as the angry mob attacked him. He died shortly after as a result of the injuries he sustained during the attack. A [video](#) recorded during the incident shows that Yus Yunus in vain sought protection behind fully armed mobile brigade police officers, as multiple attackers repeatedly hit his head with sticks and stones.



Screenshot of video during the incident: The angry mob attacking Yus Yunus while police officers standing next to him

[Read more details](#)

Public worship in Nduga overshadowed by armed clash – security forces kill one indigenous woman, at least three others injured



Wislina Tabuni lying on the ground after being hit by a projectile in the neck. She passed away shortly after admission to the local hospital

On 26 February 2020, local parliament members of Nduga Regency organised a public worship in the town of Kenyam which was attended by a large number of indigenous people from nearby districts. The public event was overshadowed by an armed clash between members of the West Papua National Liberation Army (TPN PB) and Indonesian Security Forces. During the exchange of fire, the security forces shot dead 25-year-old Wislina Tabuni as she was seeking cover. Another indigenous Papuan named Yosman Wasiangge (20 years) sustained a bullet wound in the lower back during the shooting. According to information from local human rights defenders, military members severely tortured Krianus Uburuangge (23 years) and Nekianus Umangge (32 years) shortly

after the exchange of fire because they were suspected as TPN PB members. The three wounded victims had to be flown to Timika on 27 February 2020, where they were admitted to the general hospital.

[Read more details](#)

Armed conflict in West Papua aggravates throughout past weeks – over 1,500 IDPs flee to Timika

The armed conflict in West Papua has significantly aggravated since end of February 2020. Armed clashes between Indonesian security forces and the West Papua National Liberation Army (TPN PB) reportedly occurred in the regencies Nduga, Pegunungan Bintang, Kerom and Mimika. Since the beginning of the year, at least seven civilians have been killed and thirteen wounded as a direct result of the armed conflict.

The most concerning escalation of the armed conflict occurred in the regency of Mimika where repeated armed clashes between TPN PB and joint security forces (TNI Polri) in multiple locations resulted in the destruction of infrastructure and fatalities on both sides. Various incidents also caused fatalities among civilians. Unknown perpetrators kidnapped and killed an indigenous Papuan named Jance Magai near the gold panning site in Nahangia on 26 February 2020. According to a TPN PB press release, TNI Polri members allegedly tortured and killed Mr Magai. The body showed signs of physical torture, among them bullet wounds in the victim's left leg and knee. Police representatives claimed that the TPN PB had killed Mr Magai for cooperating with the police. On 30 March 2020, a group of TPN PB fighters reportedly attacked PT FI workers in front of the office building in Kuala Kencana. One employee was killed during the attack, two others injured by bullets. Four workers sustained minor injuries



IDPs from the villages Banti 1, Banti 2, Opitawak and Kimbeli arriving in Tembagapura

The armed attacks in Mimika reportedly caused the displacement of over 1,500 indigenous Amungme people from four villages in the Tembagapura District in early March 2020. Other cases of internal displacement due to security force operations in West Papua have been reported from the regencies Intan Jaya, Puncak, Lanny Jaya and Nduga throughout the past year.

Read more details on armed clashes [here](#)

Read more on IDP situation in West Papua [here](#)

Read more details on attack against Freeport office [here](#)

Papuan student arrested in Ambon for wearing a net bag with Morning Star symbol



Military members in civil clothing stop Yakob Kocu on the side of the road

On 15 March 2020, military members intercepted Papuan student, Yakob Kocu, in the city of Ambon, Maluku Province, and arrested him for wearing a traditional net bag with the Morning Star, a symbol of cultural identity in West Papua which is also used by the independence movement. The military members did not respond when Yakob asked them for the reason of the arrest. He was then brought to a nearby police station. The police officers insisted that Yakob Kocu should be brought to the Ambon district police station for further examination, where his net bag was seized. The police argued that the bag "disturbs the Indonesia's sovereignty". The Papuan students in Ambon claim that they are frequently monitored at their boarding houses and when they walk in public.

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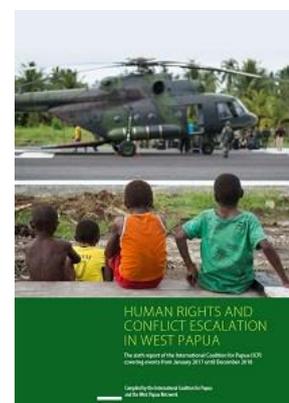
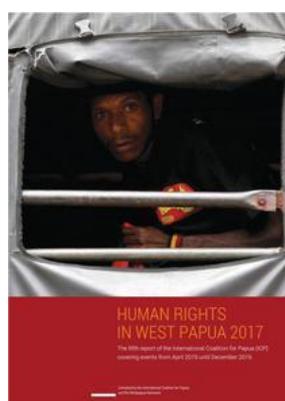
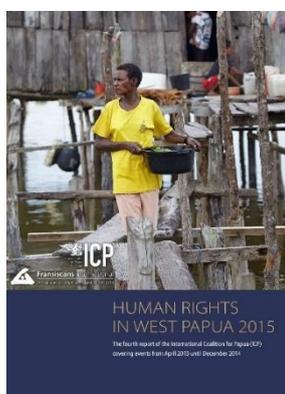
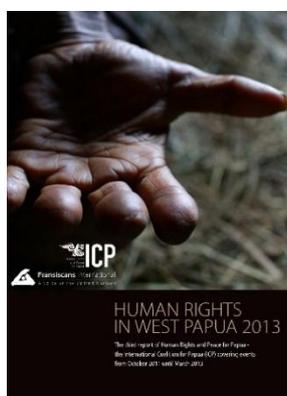
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About the ICP: The International Coalition for Papua (ICP) of faith-based and civil society organisations works to address the serious human rights situation in West Papua and supports a peaceful solution to the conflict there. The Coalition together with its partners supports advocacy work and networking at the international level for Papua as a land of peace and documents human rights violations in the region in cooperation with local sources. The ICP recognises all human rights and their fulfilment through active participation of civil society. Therefore, 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 all 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.

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