

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda items 2 and 5

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, ***

Report of the Secretary-General

Indonesia

70. It was reported to OHCHR that individuals and communities were threatened, harassed and surveilled by State and non-State actors for cooperation and sharing of information with the UN, in particular on indigenous communities and land-related rights. Past incidents were not included in previous reports due to a fear of further reprisals.

71. Special procedures mandate holders addressed the criminalization and intimidation of human rights defenders in the Papua and West Papua provinces (IDN 2/2020), including **Mr. Wensislaus Fatubun**, adviser of the Papuan People's Assembly, who regularly provides documentation, testimony and analyses to the UN. They also addressed the case of **Mr. Yones Douw**, a member of the indigenous Me tribe, who documents alleged violations in West Papua (IDN 2/2020), and who was targeted for reporting to OHCHR.

72. It was reported to OHCHR that journalist **Mr. Victor Mambor** and human rights lawyer **Ms. Veronica Koman** (IDN 7/2019)¹ faced threats, harassment and intimidation for their reporting on West Papua and Papua provinces, including to UN human rights mechanisms, and for attending UN meetings for which they were questioned by security forces.

73. It was reported to OHCHR that **Mr. Victor Yeimo**, spokesperson of the West Papua National Committee, was arrested in May 2021 and accused of inciting riots and treason following, inter alia, his call for self-determination of the Papuan people at the Human Rights Council in March 2019.²

74. On 12 August 2021, the Government responded.

* Late submission to take into account the latest developments and delays due to the COVID-19 pandemic.

** The annexes to the present report are circulated as received, in the language of submission only.

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34873>.

² <https://media.un.org/en/asset/k15/k15a16ps0l>.

Indonesia

43. OHCHR has received reports of individuals and communities targeted for cooperation and sharing information with the UN. Previous incidents have not been included in the annual report of the Secretary-General due to concerns that once an individual or organization is seen or perceived as cooperating with OHCHR or UN human rights mechanisms, this exposure can lead to further harm. Individuals cooperating with the UN have reportedly been subject to threats, harassment and surveillance by government, non-State and private actors, including business enterprises, and local political actors, especially those individuals reporting on indigenous communities and land-related rights such as extractive, infrastructure, and agribusiness projects.

44. On 26 June 2020, special procedures mandate holders addressed concerns about the criminalization and intimidation of human rights defenders in the Papua and West Papua provinces (IDN 2/2020).³ In particular, they drew attention to the alleged intimidation against **Mr. Wensislaus Fatubun**, human rights defender and advisor for human rights of the Papuan People's Assembly (MRP), who regularly provides documentation, testimony and analyses on human rights issues in West Papua to the UN. In March 2017, Mr. Fatubun cooperated with the Special Rapporteur for the right to health during his visit to Papua. According to information received, on 6 October 2019, personal details were posted about Mr. Fatubun and his family on Facebook, accusing him of affiliation with an armed separatist group, Free Papua Movement. In October 2019, police officers from the Tomohon City Police Precinct and two members of the Indonesian Military Command in Manado, questioned family members about his work.

45. Mr. Fatubun submitted a complaint to the commissioner of the National Commission on Human Rights (Komnas HAM) (IDN 2/2020), which has raised concerns with local authorities, but as of May 2021, surveillance has reportedly continued and no action has been taken. On 17 November 2020, it was reported to OHCHR that 84 people, including Mr. Fatubun, were arrested by Merauke Police ahead of a series of public consultations organized by the Papuan People's Assembly (MRP) to discuss the Special Autonomy Law (OTSUS or Otonomi Khusus bagi Provinsi Papua). He was reportedly questioned about his advocacy and engagement with international mechanisms and released the following day (IDN 2/2020).

46. **Mr. Yones Douw**, a member of the indigenous Me tribe, has been investigating, documenting and advocating against alleged human rights violations in West Papua for over ten years (IDN 2/2020), including with the UN. It was reported to OHCHR that he has been targeted in relation to documentation and reporting of alleged violations to OHCHR. On 7 December 2019, two members of the Maleo regiment of Kopassus, the special forces division of the Indonesian military, reportedly visited Mr. Douw at his home in the town of Nabire in Papua province and questioned him about his family life, human rights work and the work of other human rights defenders in Nabire. In particular, the military officers asked Mr. Douw if he planned to hold a public assembly for International Human Rights Day on 10 December 2019. Following that, Mr. Douw has reportedly been monitored and followed by unidentified individuals wearing motorcycle helmets to conceal their identities (IDN 2/2020).

47. On 9 July 2020, the Government responded,⁴ affirming the right to peaceful protest in Indonesia and rejecting the allegations. Regarding the complaint by Mr. Fatubun to the National Commission on Human Rights (Komnas HAM), the Government noted that it contacted the Commission to seek clarification but that no petition had been received in this regard and that no domestic grievance mechanism had been used or exhausted.

48. It was reported to OHCHR that additional members of civil society faced threats, harassment and intimidation for their reporting on the situation in West Papua and Papua provinces. This included engaging with OHCHR, such as providing documentation of alleged violations to UN human rights mechanisms or attending UN meetings, for which they were questioned on multiple occasions by security forces, including police, military, and intelligence. Specifically, there have been reported acts of harassment, intimidation and threats against journalist **Mr. Victor Mambor**, affiliated with the newspaper *Tabloid Jubi* and *The Jakarta Post*, and human rights lawyer to Papuans, **Ms. Veronica Koman** (see [IDN 7/2019](#)⁵).

49. Ms. Koman has provided legal support to **Mr. Victor Yeimo**, a human rights activist in West Papua who is the international spokesperson of the West Papua National Committee (Komite Nasional Papua Barat/KNPB). Mr. Yeimo had been on the Papua police wanted list (no. LP/317/IX/RES.1.24/2019/Direskrimum of 5 September 2019), reportedly targeted for a statement made during the 2019 anti-racism protests in Papua and West Papua Provinces, where he joined in calling for a referendum on independence. Ms. Koman and another lawyer had submitted appeals to special procedures in 2019 regarding the alleged excessive use of force by security forces, arbitrary arrests, and detention of peaceful protestors following the anti-racism violence in September 2019. It was reported to OHCHR that, on 9 May 2021, Mr. Yeimo was arrested without a warrant and is being charged under the Penal Code, inter alia, accused of incitement (to riots) and treason. It was reported to OHCHR that on 10 May 2021, the Papua Inspector General of the Papua Province Police, in explaining the crimes allegedly committed, made reference to calls by Mr. Yeimo for self-determination of the Papuan people at the UN Human Rights Council in March 2019.⁶

50. On 12 August 2021, the Government responded to the note verbale sent in connection to the present report, affirming their position condemning intimidation and reprisals for cooperation with the UN, including human rights defenders, which they noted they had made clear during the 43rd session of the Human Rights Council. The Government rejected that the arrest of Mr. Yeimo was related to his cooperation with the UN, including the Human Rights Council in 2019, stating that his case strictly concerns his alleged involvement in the incitement of mass riots of Jayapura, Papua Province on 19 August 2019 and his advocacy for separatism and secession for which

⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=35417>.

⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=34873>.

⁶ Item 4, General Debate, 32nd Meeting, 40th Regular Session Human Rights Council, at <https://media.un.org/en/asset/k15/k15a16ps01> (time stamp 02:14:03).