



HUMAN RIGHTS AND PEACE FOR PAPUA

The International Coalition for Papua (ICP)
of faith-based and civil society organisations

The Human Rights Situation in West Papua

Individual Stakeholders' Submission
for the Universal Periodic Review (UPR) of the Republic of Indonesia
at the UN Human Rights Council, 3rd cycle (May – June 2017)

Submitted in September 2016 by the
International Coalition for Papua (ICP)

I. Introduction

1. This stakeholder report is an individual submission of the International Coalition for Papua (ICP). The report highlights key recommendations concerning the human rights situation in West Papua in the following areas: **torture and maltreatment; extra-judicial and arbitrary executions; freedom of expression and freedom of peaceful assembly; human rights defenders; and indigenous peoples.**

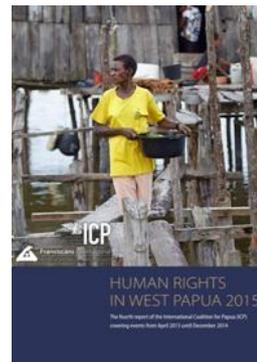
The term West Papua refers to the region comprised of the Indonesian easternmost provinces *Papua* and *Papua Barat*.

2. The ICP was created in March 2003.¹ Its members include human rights, religious and development cooperation organizations in Europe, Asia and Australia, which had been working for many years with partners in West Papua. The ICP works to address the human rights situation in West Papua and supports a peaceful solution to the long lasting conflict in the region.

3. The ICP members include: Asian Human Rights Commission, Christian Solidarity Worldwide, Dominicans for Justice and Peace, Franciscans International, Geneva for Human Rights, Lutheran World Federation, Medecins du Monde, Mensen met een Missie, Mission 21, Mission Eine Welt, Pazifik Netzwerk e.V., Pax Romana, Tapol, United Evangelical Mission, Uniting World, Vivat International, West Papua Network, West Papua Project of the University of Sydney and the World Council of Churches.

II. Recommendations

4. Based on the violations of human rights documented in the ICP reports [Human Rights in West Papua 2013](#) and [Human Rights in West Papua 2015](#) covering the period from October 2011 to December 2014 and based on documentation of the ICP members and partners in 2015 and 2016 (see Table 1), the ICP recommends that the Government of Indonesia



¹ The Coalition was called the Faith based Network on West Papua (FBN) until December 2012

Documented violations, victim numbers and prosecutions in West Papua	2012	2013	2014	2015	Jan-Jul 2016
Cases of violence / arrests / threats against local journalists	12	20	18	6	6
Cases of violence / deportation / intimidation / obstruction of work against foreign Journalists and Observers taking coverage on Papua related issues in Indonesia	2	0	2	5	0
Number of reported torture / ill-treatment incidents / cases	28	30	76	22	15
Number of reported torture / ill-treatment victims	99	67	135	241	54
Number of reported incidents of extra-judicial killings	11	6	8	10	2
Number of reported victims of extra-judicial killings	18	8	12	14	2
Prosecutions of perpetrators from police and military	N/A	N/A	N/A	4	2
Number of political arrests	210	539	370	1096	4462
Number peaceful demonstrations / assemblies / gatherings on Papua related political issues, that were forcefully intervened by security forces	8	29	14	25	20
Number of political prisoners	33	70	55	35	38
Violence / threats against human rights defenders	3	1	5	5	0
Cases prosecuted with treason charges (article 106 and/or 110 KUHP)	22	25	31	14	2

Table 1: summary of documented violations and prosecution

5. **opens access to West Papua for international journalists and independent observers international human rights organizations and the International Red Cross ICC as these observers and organisations continue to face access restriction to independently monitor the conflict and human rights situation and to report from there;**
6. **issues a standing invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on the rights of indigenous peoples as a priority to visit all parts of Indonesia, including the Provinces Papua and Papua Barat;**
7. **invites a delegation from the Committee on the Elimination of Racial Discrimination (CERD) to look at all aspects of discrimination within the society as racial discrimination is an key underlying problem in the practice of security forces, the criminal justice process and the provision of public services such as health and education;**
8. **protects the peaceful expression of political opinions and the peaceful assembly in West Papua and takes measures to ensure that national regulations such as Articles 106 and 110 on treason, Article 160 on incitement of the Indonesian Criminal Code, or the Emergency Law 12/1951, are not misused to intimidate, criminalise, arrest, detain or sentence civil society activists as the number of political arrests have drastically increased in West Papua between 2014 and 2016;**
9. **develops culturally sensitive health care services and education to address the drastic difference in access to education and health care between indigenous Papuans and other residents in West Papua;**

10. **revises bills and regulations that threaten democracy and human rights protection, such as the latest changes adopted on the national law on mass organizations, the Emergency Law 12/1951, Articles 106 and 110 on treason and Article 160 on incitement of the Indonesian Criminal Code KUHP in accordance with international human rights standards;**
11. **develops and enforces policies that ensure the role of the police as a protector of the right to peaceful assembly and expression of political opinions including those different from or opposite to the government's position, particularly in the provinces Papua and Papua Barat as noted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association;²**
12. **ensures that all cases of intimidation, harassment and physical violence 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;**
13. **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;**
14. **ensures that perpetrators of human rights violations from the police and military are held accountable through trials in civilian criminal courts including for cases in West Papua;**
15. **introduces regulations ensuring the exclusion of military personnel from law enforcement operations and reviews Article 4 (2) of the Presidential Decree No. 63 Year 2004, which enables police to request support from the 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;**
16. **introduces the Principle of Free Prior and Informed Consent (FPIC) into national regulations, including legal punishment for companies disrespecting FPIC principles, and the 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;**
17. **introduces regulations ensuring the recognition of customary land rights of indigenous peoples into relevant laws as part of Indonesia's human rights obligation to respect and protect indigenous communities' right to food and right freely practice their to cultural customs;**
18. **disciplines and punishes police officers who unlawfully provide security services to private companies for their personal benefits, in violation of Government Regulation No. 2 Year 2003, particularly Articles 5(d), 6(d), 6(q) and 6(w), and implements as well as monitors Article 39 Year 2004 that prohibits soldiers from getting involved in any business activities ;**
19. **ratifies the Optional Protocol to the Convention against Torture, and 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 or enact a national law to criminalize torture;**

² United Nations, Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, page 18, A/HRC/32/36 (31 May 2016), available from <http://undocs.org/A/HRC/32/36>.

20. **establishs an effective human rights court in West Papua;**
21. **ensures that prosecutions for all gross violations of human rights are carried out within the human rights court and the ad-hoc human rights court, including the mass killings in the Papuan highlands in 1977³, the Wasior case in 2001/2002, the Wamena case in 2003 and the Paniai case in 2014;**
22. **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 General Attorneys Office.**

³ AHRC & ICP, The forgotten genocide, url: <http://www.humanrightspapua.org/hrreport/genocidereport>