

HUMAN RIGHTS WATCH

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**HRW.org**

MEP Barbara Lochbihler
Chair
European Parliament Subcommittee on Human Rights (DROI)

Members of the European Parliament's Subcommittee on Human Rights (DROI)

Brussels, January 16, 2014

Re: DROI Hearing on the Human Rights situation in West Papua and Papua provinces

Dear Chair,
Dear Honourable Members,

We write to you in advance of the forthcoming DROI hearing on rights abuses in Indonesia's West Papua and Papua provinces on January 23, 2014. We believe this hearing is a crucial opportunity to candidly assess recent trends in human rights in West Papua that are deeply worrying, as well as areas in which the Indonesian government's reform efforts have stalled. We urge you to use the occasion of this hearing to seek concrete commitments from the Indonesian government to address these human rights concerns.

While the Indonesian government has said it will bring an end to impunity for abuses in Papua and West Papua provinces, your voice is needed to urge the government to back up its pledge with substantial progress in these areas.

Indonesian military forces have been deployed there since 1963 to counter a long-simmering independence movement. Foreign diplomats, researchers, journalists, tourists, and others are required to obtain a special permit to visit the areas. Such permits are routinely denied or the processing delayed, hampering efforts by journalists and civil society groups to report on breaking events.

Although the Ministry of Foreign Affairs permitted at least three international news organizations to make reporting trips to Papua in 2012 and 2013, they were required to be accompanied by an official minder ("pendampingan" in Indonesian) which can obstruct the ability of reporters to freely report while in Papua. In practice, the media are also required to pay the minder's airfare, hotel and pocket allowance.¹

¹ Human Rights Watch, "Lift Restrictions on Reporting, Access to Papua," June 13, 2012, <http://www.hrw.org/news/2012/06/13/indonesia-lift-restrictions-reporting-access-papua> (accessed on January 10, 2014). These three news organizations showed the permits that the Ministry of Foreign Affairs' Director of Media and Information had given them. A letter explicitly says the journalist should be accompanied by a minder during the visit. The journalists told Human Rights Watch that they had paid for the minders' airfares

Human rights abuses remain rife in Papua. Over the last three years, Human Rights Watch has documented hundreds of cases where police, military, intelligence officers, and prison guards have exercised excessive force when dealing with Papuans exercising their right to peaceful assembly.

In November 2011, the United Nations found Papuan political prisoner Filep Karma's imprisonment in violation of international law and called on the Indonesian government to "immediately" and "unconditionally" release Karma. Karma was sentenced to 15 years imprisonment after he held a flag-raising ceremony in Abepura on December 4, 2001.² In June 2012, the Indonesian government denied it had any political prisoners.³ But the government offered prison reduction to these prisoners. Some prisoners accepted but many, including Filep Karma, rejected the offer as its acceptance would have signified an implicit admission of wrongdoing.

While a handful of military tribunals have been held in Papua, the charges have been inadequate and soldiers that committed abuses continue to serve in the Indonesian military. For instance, in January 2011, a military tribunal in Jayapura, Papua, convicted three soldiers from the Nabire-based Battalion 753 and sentenced them to between eight to twelve months in prison for the brutal torture of two Papuan farmers.⁴ Despite video showing the involvement of six soldiers, the tribunal tried only three of the six soldiers, and on lesser military disciplinary charges instead of torture. None of the convicted soldiers have been discharged from military service.⁵

In August 2011, the Jayapura military tribunal convicted three soldiers from the same battalion after soldiers shot and killed Reverend Kinderman Gire on the suspicion he was a Papuan separatist.⁶ At the trial, the defendants claimed Rev. Gire led them to believe he was a member of the rebel Free Papua Movement (Organisasi Papua Merdeka, OPM) and tried to grab a rifle from one of them, who then shot him in the chest. They dumped the body in a river, after cutting off his head. Again, the tribunal convicted them of a lesser offense of "disobeying orders" and sentenced them respectively to just six, seven, and fifteen months in prison.⁷

In August 2011, internal military documents, mainly from Indonesia's Special Forces, Kopassus, were made public, exposing how the Indonesian military monitors peaceful activists, politicians, and clergy in Papua. Kopassus employs journalists, taxi drivers, hotel staff and many other civilians to gather intelligence.⁸ The documents show the deep military paranoia in Papua that

² United Nations Finds Filep Karma's Imprisonment in Violation of International Law (2011) <http://www.freedom-now.org/news/united-nations-finds-filep-karma%E2%80%99s-imprisonment-in-violation-of-international-law/>

³ Tribune, "Menkumham: Tidak Ada Tahanan Politik di Papua," June 14, 2012 (<http://www.tribunnews.com/nasional/2012/06/14/menkumham-tidak-ada-tahanan-politik-di-papua> accessed on Jan. 10, 2014). Human Rights Watch, *World Report 2013*, (New York: Human Rights Watch, 2013) Indonesia, <http://www.hrw.org/world-report/2013/country-chapters/indonesia?page=2>

⁴ Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch, 2012) Indonesia, <http://www.hrw.org/world-report-2012/world-report-2012-indonesia>.

⁵ Ibid.

⁶ Ibid.

⁷ "Pratu Hasirun Divonis 6 Bulan" Kompas, August 11, 2011, <http://regional.kompas.com/read/2011/08/11/13312520/Pratu.Hasirun.Divonis.6.Bulan> (accessed on February 12, 2013).

⁸ "Indonesia: Military Documents Reveal Unlawful Spying in Papua," Human Rights Watch news release, August 14, 2011, <http://www.hrw.org/news/2011/08/14/indonesia-military-documents-reveal-unlawful-spying-papua>.

conflates peaceful political expression with criminal activity. Several of those named in the documents as targets have faced arbitrary arrest, imprisonment, harassment, or violence.⁹

On October 17, 2011, the Indonesian police, backed by a detachment of military forces in armored personnel carriers, attacked a peaceful gathering of the Papuan People's Congress in Jayapura, killing at least three of the protesters and arresting approximately 300, including several of the event's leaders (one of whom traveled to the United States in 2010 and has attended events with State Department officials and members of Congress).¹⁰ According to witnesses, police and army forces fired military assault weapons over the crowd and later pistol-whipped or beat the participants with rattan canes and batons, resulting in 96 injuries according to Indonesia's Human Rights Commission. Hundreds of the protesters fled into a nearby forest, where at least three were killed under unclear circumstances – two by gunshot wounds.

One case involved an Indonesian army battalion that went on a rampage in Wamena on June 6, 2012, burning down 87 houses, injuring 13 native Papuans and killing one.¹¹ Their attacks came after villagers had beaten two Battalion 756 soldiers, an Army battalion headquartered in Gunung Susu, about 20 kilometers outside Wamena, whose motorcycle had run over a Papuan child.¹² One soldier died in the attack. Police arrested three Papuan suspects.¹³ On June 12, the Indonesian military "resolved" the incident with a traditional stone-burning ceremony in which the Papuan populace was asked to close the case. Witnesses told us that none of them were questioned by the Indonesian military police about the rampage.

Tensions heightened in Papua in 2013 following the February 21 attack on Indonesian military forces by suspected elements of the separatist Free Papua Movement. The attack killed eight soldiers, including a Kopassus officer, the worst act of violence against the Indonesian military in the area in more than ten years.

On April 30, police fired upon a group of Papuans who peacefully gathered in Aimas district, near Sorong, to commemorate the 50th anniversary of the 1963 handover of Papua to Indonesia from Dutch colonial control. Two men, Abner Malagawak and Thomas Blesia, were killed on the spot. A third victim, Salomina Kalaibin, died six days later from gunshot wounds. Police detained at least 22 individuals and charged seven of them with treason: Klemens Kodimko, Obeth Kamesrar, Antonius Saruf, Obaja Kamesrar, Yordan Magablo, Hengky Mangamis, and Isak Klabin. The remaining 15 individuals detained were subsequently released.¹⁴

On May 4, the *Sydney Morning Herald* reported that thousands of Papuan children, mostly Christians, have been tricked into leaving Papua to attend Islamic schools in Java for religious "re-education" over the last decade. The program has resulted in large numbers of Papuan children fleeing the schools and living destitute in major cities, including Jakarta.¹⁵

⁹ Ibid.

¹⁰ Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch, 2012) Indonesia, <http://www.hrw.org/world-report-2012/world-report-2012-indonesia>.

¹¹ "Indonesia: Lift Restrictions on Reporting, Access to Papua," Human Rights Watch news release, June 13, 2012, <http://www.hrw.org/news/2012/06/13/indonesia-lift-restrictions-reporting-access-papua>

¹² Ibid.

¹³ Ibid.

¹⁴ Amnesty International, "Indonesia: Drop charges against 'Freedom Flotilla' supporters in West Papua province," September 3, 2013, <http://www.amnesty.org/fr/library/asset/ASA21/031/2013/en/99580f05-7ade-4869-a9b0-76c2487a73e5/asa210312013en.pdf>.

¹⁵ Michael Bachellard, "They're taking our children," *Sydney Morning Herald*, May 4, 2013, <http://www.smh.com.au/lifestyle/theyre-taking-our-children-20130429-2inhf.html>.

In December 2013, Human Rights Watch and three Indonesian human rights organizations – Asia Justice and Rights, KontraS and Institute of Research, and Analysis and Development for Legal Aid – sent a letter to Indonesia’s Vice President Boediono, requesting that he use the power of his office to lift the decades-long prohibition of free and unfettered foreign media access to Papua. At the time of writing of this letter, Boediono had not responded to that request.

The rising violence and threats to the safety and security of native Papuan human rights defenders has prompted at least three such activists and their families to seek refuge in Jakarta since September 2012. Their concerns are indicative of the deterioration in rule of law in Papua and the challenges facing civil society there.

The increase in rights abuses and impunity in Papua and West Papua only underlines the failing of successive Indonesian governments to conduct credible and impartial inquiries regarding alleged extrajudicial killings in these areas.

Human Rights Watch calls on the European Union (including the European Parliament, External Action Service (EEAS), European Commission and EU Member States) to publicly and privately call on the Indonesian government to take the following urgent steps to address abuses in Papua:

- **Allow international media, civil society groups, diplomats, and aid agencies access to the two provinces to report on violence and rights abuses by all sides. By keeping Papua closed off to the rest of the world, the Indonesian government is fostering impunity among military forces and resentment among Papuans.**
- **Accept calls to permit access to Papua and West Papua provinces and to issue standing invitations to UN human rights experts, including the UN Special Rapporteur on Freedom of Expression, into the areas.**
- **Investigate the performance of recent military tribunals in Papua and the failure to bring those implicated in serious abuses to justice.**
- **Release political prisoners in Papua including Filep Karma, held in the Abepura prison.**
- **Review the discriminatory Government Regulation No. 77 signed by President Susilo Bambang Yudhoyono in 2007 which criminalize Papuans from flying their Morning Star flag.**

We commend you for undertaking this hearing and we sincerely hope that the European Parliament will insist that human rights are a central pillar of EU engagement with Indonesia in the coming years.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Brad Adams' and the signature on the right is 'Lotte Leicht'. Both are written in a cursive, flowing style.

Brad Adams
Asia Director

Lotte Leicht
EU Director

CC.

EU Special Representative for Human Rights, Mr. Stavros Lambrinidis

Head of the EU Delegation to Indonesia, Mr. Olof Skoog

Advisor to the High Representative on Asia, Mr. Miguel Ceballos Baron

Chair of the EU's Working Party on Asia (COASI), Mr. Boguslaw Majewski

Chair of the EU's Working Party on Human Rights (COHOM), Mr. Engelbert Theuermann

Managing Director for Asia, European External Action Service (EEAS), Mr. Viorel Isticioaia-Budura

Director for South and South East Asia, European External Action Service (EEAS), Mr. Ugo Astuto

Head of Division for South-East Asia, European External Action Service (EEAS), Mr. Ranieri Sabatucci

Desk Officer for Indonesia, European External Action Service (EEAS), Mr. Mogan Mc Swiney

President of the European Parliament, Mr. Martin Schulz

Vice-President of the European Parliament responsible for Democracy and Human Rights, Mr. Edward McMillan-Scott

Chair of the European Parliament's Foreign Affairs Committee, Mr. Elmar Brok

Chair of the European Parliament's Development Committee, Ms Eva Joly

Chair of the European Parliament's Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN), Mr. Werner Langen

Head of the Human Rights Unit, Ms. Rosemary Opacic

Members of the European Parliament's Foreign Affairs Committee

Members of the European Parliament's Development Committee

Members of the European Parliament's Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN)