



## Human Rights Abuses in Papua and West Papua

We, the undersigned organizations, are concerned about the serious and ongoing violations of Human Rights that are taking place with impunity in the easternmost provinces of Indonesia Papua and West Papua. The violations of Human Rights have been well-documented<sup>i</sup> and have been brought to the attention of Indonesia during the second round of the UPR process. Thirteen nations made recommendations to Indonesia with regard to the obligation to respect human rights in Papua and West Papua<sup>ii</sup>.

In 1963 the UN Temporary Executive Authority transferred the administration of Papua to Indonesia. In 1969 Indonesia incorporated Papua through the UN sponsored plebiscite of the so-called “Act of Free Choice”.

Since the beginning of its administration of Papua, Indonesia has committed very serious violations of human rights, similar to those that took place in nearby Timor-Leste<sup>iii</sup>. The actions of the Free Papua Movement (Organisasi Papua Merdeka, or OPM) that was founded in 1965 to pursue autonomy, although normally non-violent, have occasionally been violent. The presence of small groups of armed resistance who have made occasional attacks have been used by the Indonesian Police, National Army, Intelligence Services and paramilitary forces as a justification for periodic massacres, extrajudicial executions, forced disappearances, arbitrary arrest and imprisonment, torture and collective punishment. Additionally, villages have been destroyed and whole communities have been forced to resettle with practical impunity.

The ongoing repression of human rights, in Papua includes the passing of laws that suppress freedom of the press, freedom of speech and association. Peaceful demonstrations are dispersed by force. In many instances non-violent participants have been arrested and tortured, while others have been killed. Many prisoners have died while in detention. According to data from *Papuans Behind Bars*, the number of political arrests has more than doubled in 2013 as compared with the previous year. Reports of torture and ill treatment of political detainees have also increased. Violations of civil, political, economic, social and cultural rights are ongoing<sup>iv</sup>



Policies have been initiated that have made indigenous Papuans disproportionately suffer. Tribal lands have been confiscated; natural resources have been exploited by non-Papuans. From the 1970s Indonesia has also encouraged the large scale transmigration of settlers from other parts of the Indonesian Archipelago to Papua. Nearly 80% of the indigenous people now live in poverty without access to medical care, safe drinking water or education.

Prior to the annexation of Papua in 1969, Indonesia began to negotiate with multinational corporations allowing them access to large tracts of lands to carry out mining, logging, petroleum and gas operations, and to create industrial palm oil plantations. The expropriation of indigenous land has provoked peaceful protests that are often repressed by means that violate their human rights.

We urge the Government of Indonesia to implement the recommendations that Indonesia accepted at its Periodic Review<sup>v</sup> with regard to respecting human rights in Papua and West Papua, and to also reconsider the recommendations that Indonesia rejected.

**We make the following recommendations to the Government of Indonesia:**

- Repeal or amend the articles of the Indonesian Criminal Code that have been used to criminalize freedom of expression (e.g., Articles 106 and 110) to bring them in line with international human rights standards.
- Release all individuals detained or imprisoned solely for the peaceful exercise of their right to freedom of opinion, belief, expression and association, and to expunge any criminal records based on prosecution for such activities.
- Publicly commit to respect the right of all people to peacefully and freely express their opinions and beliefs and to exercise freedom of association.
- To Commission independent investigations into the many allegations of human rights violations in the past in Papua and West Papua. The investigations should be comprehensive based on all the evidence available. The results should be published and made available to local and international media.
- Prosecute individuals against whom there is sufficient evidence of having committed serious violations of human rights in the Indonesia Permanent Human Rights Court.
- Ratify and implement the Optional Protocol to the Convention Against Torture and to harmonize all relevant Indonesian legislation into conformity with this protocol and the Convention itself.
- Endorse Komnas HAM and other independent human rights bodies to investigate all reports of torture and other ill treatment of people in Papua over the last two years.
- Ensure that the standards established by Indonesian law regarding prison conditions and the treatment of prisoners are met, and to bring the Indonesian standards into line with the UN Standard Minimum Rules on the Treatment of Prisoners.

- Issue a standing invitation to the UN Special Rapporteur on Freedom of Expression, as well as other special Rapporteurs who focus on other human rights, to visit Papua and West Papua, with unhindered access.
- Immediately respond to the request of Papuans for dialogue to find a long-term peaceful solution for the ongoing conflicts in Papua.

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<sup>i</sup> For example, *Human Rights in West Papua 2013*, Franciscans International and Human Rights and Peace for Papua-ICP ([www.humanrightspapua.org/images/docs/HumanRightsPapua2013-ICP.pdf](http://www.humanrightspapua.org/images/docs/HumanRightsPapua2013-ICP.pdf)); Amnesty International's *Papua Digest* ([http://www2.amnesty.org.uk/sites/default/files/amnesty\\_international\\_papua\\_digest\\_29-01-2011.pdf](http://www2.amnesty.org.uk/sites/default/files/amnesty_international_papua_digest_29-01-2011.pdf)).

<sup>ii</sup> UPR, 13<sup>th</sup> Session in 2012, *Recommendations and Pledges* ([http://www.upr-info.org/sites/default/files/document/indonesia/session\\_13\\_-\\_may\\_2012/recommendationstoindonesia2012.pdf](http://www.upr-info.org/sites/default/files/document/indonesia/session_13_-_may_2012/recommendationstoindonesia2012.pdf)) Cf. A/HRC/21/7. ([http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-7\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-7_en.pdf)).

New Zealand, Germany, Canada, France, Republic of Korea, Japan, Mexico, Australia, Switzerland, United Kingdom, United States of America, Italy and Norway made direct recommendations regarding Papua and West Papua. Those that were accepted by Indonesia are #108.42, 108.91, 108.95, 108.114, 108.115, 109.10. Among the recommendations that were not accepted by Indonesia are some that refer to respecting Human Rights in Papua/West Papua, such as: 109.15, 109.25, 109.30, 109.33. VIVAT International believes that the rejected recommendations remain valid benchmarks for the Implementation of Human Rights, even if Indonesia formally rejected them as recommendations.

<sup>iii</sup> Cf. *UN Commission on Human Rights resolution 1993/97* ([http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=4187](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=4187))

<sup>iv</sup> Cf. *Human Rights in West Papua, the third report of Human Rights and Peace for Papua – the International Coalition for Papua (ICP) covering events from October 2011 until March 2013*, published by ICP and Franciscans International, in June 2013; Amnesty International, Annual Report 2013 on Indonesia (<http://www.amnesty.org/en/region/indonesia/report-2013>); Indonesia: Stalled Reforms: Impunity, Discrimination and Security Force Violations in Indonesia -- Amnesty International Submission to the UN Universal Periodic Review, May-June 2012 (<http://www.amnesty.org/en/library/asset/ASA21/003/2012/en/10658fe3-4d18-4101-9039-374f7c93e635/asa210032012en.pdf>)

<sup>v</sup> UPR, 13<sup>th</sup> Session in May 2012 (A/HRC/21/7).

### **Submitted by:**

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### **With the support of:**

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**Endorsed by:**

1. Augustinians International
2. Congregations of St. Joseph
3. Christian Solidarity Worldwide
4. East Timor and Indonesia Action Network
5. Foundation Pro Papua
6. Human Rights and Peace for Papua - The International Coalition for Papua (ICP)
7. Int' Presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary
8. JPIC Kalimantan- Indonesia
9. JPIC OFM - Indonesia
10. PADMA Indonesia
11. Papuan Voices
12. Passionists International
13. Pax Romana Asia Pasifik
14. Pax Romana ICMICA/MIIC
15. Pazifik Netzwerk
16. Predikant
17. Society of Catholic Medical Missionaries
18. TAPOL
19. The Grail
20. VIVAT International-Indonesia
21. Watch Indonesia
22. West Papua Netzwerk
23. Yayasan Pusaka