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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation with general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Indonesia: Crack down on freedoms of expression and assembly in West Papua

The Asian Legal Resource Centre and is gravely concerned about the increased number of arrests and detentions on political grounds in the Papuan provinces of Indonesia. In recent months, several incidents were reported in which indigenous Papuan's engaging in peaceful political protests were arrested and charged with subversion and secession.

Following a peaceful protest on October 16, 2008 Mr. Buktar Tabuni a co-organizer of the protest assembly was charged under articles 106, 110, 160, 212 and 216 of the Indonesian Penal Code and arrested on December 3rd, 2008. The arrest took place despite Mr. Tabuni conforming with the requirements of Law No. 9/1998 in Indonesia regarding the exercising of protest actions in public.

Mr. Tabuni was later transferred to the Abepura prison where he was allegedly subjected to torture and ill-treatment along with other political prisoners. The treatment allegedly resulted in physical injuries and included the deprivation of food and water for several days.

Following Mr. Tabuni's arrest, other activists gathered lawfully in the Theys Eluay Memorial Park in Jayapura, Papua, demanding the release of political prisoner Tabuni and the right to exercise the freedoms of expression and assembly. On December 17, 2008, Mr. Seblom Sambom, one of the participants in the gathering, was also arrested and faces charges under article 216 for participating in the protest on October 16. Punishment may be up to 20 years imprisonment.

On October 17, 2008, one day after the October Protest, Mr. Yosias Syet was found dead in his home. Mr. Syet was a known activist in Papua and had helped in the preparation of the lawful protest on October 16, 2008. There is reason to believe that his murder is related to the exercising of his right to freedom of expression and assembly and that the security forces in Papua are involved in his murder.

Since Indonesia took over sovereignty of the western half of the Papuan island after a questionable UN supervised referendum, many indigenous people have experienced a deterioration of their livelihood due to mining activities, exploitation of natural resources, transmigration of non-Papuans into the region and a heavy military presence. Protests by indigenous Papuans and attempts to exercise the right to self-determination as ensured in the UN handover of the province have been answered with armed violence, including massacres, in the past.

Even with the new autonomy law for West Papua, the peaceful expression of political views is met with arrests and torture. The climate for human rights defenders remains hostile and activists are vulnerable to political prosecution and arrests.

The Asian Legal Resource Centre urges the government of Indonesia to suspend any arrests and prosecutions resulting from persons exercising their right to the freedoms of expression of political views and assembly. It also urges the authorities to make changes in the Penal Code of

Indonesia, which provides for the punishment of such activities, which runs contrary to Indonesia's obligations under international law and standards. The ALRC further demands the impartial investigation of all allegations of torture. All political prisoners and prisoners of conscience must be released.
