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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Human rights situations that require the Council's attention

Written statement* submitted by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status

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

[14 February 2011]

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

Situation of human rights defenders in Papua, Indonesia

The Asian Forum for Human Rights and Development (FORUM-ASIA), together with two of its member organizations in Indonesia, the Indonesian Human Rights Monitor (IMPARSIAL) and the Alliance of Independent Journalists Indonesia-Papua (AJI-Kota Jayapura), conducted a fact-finding mission in Jayapura, Papua, from 17 to 24 May 2010. The main purpose of this mission was to look into the updated trends, developments and challenges on the situation faced by human rights defenders and women human rights defenders in Papua since the official country visit to Indonesia was undertaken by Ms. Hina Jilani, the former UN Special Representative of the Secretary-General on the situation of human rights defenders in June 2007 (A/HRC/7/28/Add.2).

As Ms. Jilani has observed in her report, a climate of fear continues to prevail in Papua as legitimate activities of defenders are targeted with extensive harassment through surveillance. In particular, the evidence gathered during the NGO fact-finding mission indicates that the security apparatus of the Indonesian government, including police, military (Tentara Nasional Indonesia or TNI) and intelligence officers, continue to attack, threaten and intimidate defenders. The interviews reveal that human rights defenders are often followed by the police or military intelligence, which constitutes a threat to defenders in conducting their work free from interference. These surveillance and intimidation practices impose a chilling effect on the working methods of defenders, including by creating a culture of mistrust amongst the human rights community as intelligence officers have been known to sit as moles in these networks.

Findings of the mission have also shown that there are attempts from the government of Indonesia to isolate Papua from the international community by restricting the work of international organizations and imposing travel restrictions on journalists and human rights activists who seek to carry out visits and investigations in Papua. As such, there is a notable lack of access to Papua, particularly by international humanitarian and aid organizations, thus hindering them from implementing projects. For instance, in 2009, the government of Indonesia ordered the International Committee of the Red Cross (ICRC) to close down its regional office in Papua.¹

Human rights defenders who work in isolated areas often receive threats. According to the ELSHAM, a human rights organization based in Jayapura, threats are often made by phone or through text messages. One of the defenders interviewed, Mr. Markus Haluk received a phone call in October 2008 from an unknown person seven hours before a scheduled public protest and was threatened not to join the said protest. Fr. Yohanes Jonga, a Roman Catholic priest working with victims of human rights violations in a border town, received death threats from 2007 to 2008 allegedly from the Kopassus.² He sought protection from police authorities of Papua, but was informed and advised by the police that for issues related to military personnel, he needed to seek protection from the head of the military (TNI). In 2009, Fr. Jonga acted as mediator between Mr. Lambert Pkikir, a leader of the Organisasi Papua Merdeka or the Free Papua Movement (OPM), and the chief of the Papua police. The chief of the Papua police had ordered Mr. Lambert Pkikir to take down the Morning Star flag, the pro-independence flag, that Mr. Pkikir's group raised. Fr. Jonga was asked by the chief of police of Papua to mediate and eventually, Mr. Pkikir consented to

¹ The Jakarta Post, "ICRC Closing Its Offices in Papua and Aceh", 25 April 2009, available at: <http://www.thejakartapost.com/news/2009/04/25/icrc-closing-its-offices-papua-and-aceh.html>

² The Komando Pasukan Khusus (Kopassus) or the Special Forces Command is the Indonesian Army's special forces group that conducts special operations for the government of Indonesia.

take down the flag in deference to Fr. Jonga. During this time, Fr. Jonga again received threatening text messages that his head will be chopped off and buried 20 meters below the ground. Allegedly, these text messages again came from the Kopassus.

Meanwhile, continued stigmatization and criminalization of defenders in Papua, which contributes to a pervasive culture of impunity, harassment and violence, is of particular concern, as the NGO fact-finding mission uncovered the same situation as observed by Ms. Jilani that “when defenders expose abuse of authority or other forms of human rights violations committed by the security apparatus, they are labeled as separatist in order to undermine their credibility.” This stigma of separatism is regularly imposed by the security sector on individuals or organisations who advocate for greater accountability and transparency of the government’s actions but are labeled as “separatists” and “traitors” to Indonesia in order to silence their critical or dissenting voices. For instance, the AJI-Kota Jayapura was labeled by the TNI as an “intellectual separatist” merely for documenting incidents involving the flag-raising of the pro-independence flag of political activists.

Furthermore, Articles 106 and 110 of the Indonesia’s Criminal Code, provisions on rebellion and treason (makar) are frequently used to charge, arrest, and detain defenders who organise or participate in non-violent political events. This is illustrated in the case of Mr. Filep Karma, a prominent Papuan leader and human rights defender, who is currently in detention after being charged with treason by the government in May 2005. Mr. Filep Karma said, in the interview during the fact-finding mission, that he has suffered punching, kicking and mental torture while in detention. Mr. Filep Karma is still currently serving his 15-year sentence for treason in Abepura-Jayapura. A few months after the fact-finding mission, on 3 December 2010, Mr. Filep Karma was charged with incitement and destruction of prison goods, after a riot broke out in the prison where he is being detained.

In conclusion, FORUM-ASIA calls upon the government of Indonesia:

- To take immediate measures to stop unlawful arbitrary surveillance of defenders including women human rights defenders by police forces and the TNI in Papua;
- To conduct independent investigations on all allegations of threats committed by its security apparatus stationed in Papua and initiate prosecutions of perpetrators, where necessary;
- To address the issue of stigmatization of defenders as “separatists” by taking immediate steps to sensitize its security apparatus stationed in Papua on the rights of defenders, particularly as enshrined in the 1998 UN Declaration on Human Rights Defenders, with the view to recognising the rights of defenders as legitimate ways to facilitate democratization and peace-building in Papua;
- To allow full access of international humanitarian and aid organisations to Papua; and
- To communicate with the Special Rapporteur on the situation of human rights defenders, on the measures taken to implement the recommendations outlined in the 2008 report of Ms. Hina Jilani, particularly on the creation of special complaint cells for registering and redressing incidents of harm or threats to defenders as well as regarding the review of the draft Intelligence Act for addressing the lack of accountability vis-à-vis surveillances against defenders.