



# General Assembly

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## Human Rights Council

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Agenda item 3

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

## **Written statement\* submitted by Asian Legal Resource Centre, a non-governmental organization in 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.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.



## **Indonesia: Protection of peaceful assembly and association needs serious evaluation**

Under the Indonesian Constitution (UUD) of 1945, the right to peaceful assembly and association is fully protected and guaranteed without any distinction. Moreover, Indonesia also has national laws that govern and ensure protection of peaceful assembly and association such as Law No. 39 of 1999 on Human Rights, and Law No. 9 of 1998 on Freedom of Speech in Public. Further, the police also have an internal police regulation in favour of human rights such as the National Chief Police Regulation No. 8 of 2009 on the implementation of human rights principles for the Police.

Despite all this protection on paper, Indonesia sees many cases of violations of the rights to assembly and association. Furthermore, since the government's ratification of the International Covenant on Civil and Political Rights in 2005, no effective mechanism to examine serious violations against peaceful assembly and association has been put in place.

In the past year, the Indonesian police remain the most frequent actors violating the right to peaceful assembly and association. In particular, the police are prone to forcibly dissolve peaceful public protests. Several such incidents occurred against indigenous students who organized peaceful public protests to advocate and promote human rights in Papua and West Papua province. The latest case occurred on April 15, 2019 in Bali, where the Papuan Students Alliance (AMP) called for the public to abstain from voting in the presidential and legislative elections on April 17. This protest was part of a reflection of the human rights situation in Papua and West Papua, with students concerned about impunity and rampant human rights violations committed by the Indonesian police and armed forces.

Previously, on April 7, indigenous students associated with the Indonesian Peoples Front for West Papua (FRI WP) also organized a peaceful public protest in Malang regency, East Java province. The students called for self-determination and to stop the Freeport mining company in Papua and West Papua Province. Suddenly police officers from the Malang Police Office (Polres Malang) and some people wearing civilian clothes (some also wearing masks) attacked, beat, kicked, pushed and threw stones at the protesters. They also threw coffee mixed with chili at the students. Then, the police forced the protesters to board police vehicles and brought them to the bus terminal at Landungsari.

A similar case also occurred on Friday, 6 July 2018. At 6 p.m., students of Papua and West Papua Province living in the student dormitory in Jalan Kalasan, Surabaya, East Java province organized a movie screening on the bloody tragedy in Biak Papua 1998 (Tragedi Biak Berdarah). While the discussion regarding the movie was ongoing, police intelligence officers came to the dormitory, immediately followed by other police officers and personnel of the Civil Service Police Unit (Satpol PP). The police officers and Satpol PP suddenly stood in front of the dormitory's door and told the students that they will break the door. Two Papuan students standing near the door tried to speak with the police and inform them about the discussion, but a student named Hendri was dragged out and intimidated by the police. Hendri was even asked by one of the police to fight, but Hendri did not respond.

The above-mentioned cases are merely a small sample of violations against the right to peaceful assembly and association. In the last one year, according to the Commission for the Disappearances and Victims of Violence (KontraS), a prominent national human rights organization, there have been 22 cases of force dissolution, violence and discrimination against peaceful public protest organized by Papuan students across the island of Indonesia.

In order to ensure that violations against peaceful assembly and association are seriously addressed, the Council must urge the Government to:

- Ensure protection and guarantee to all people to exercise the right to peaceful assembly and association without any discrimination.
- Stop dissolution and various patterns of human rights violations against the right to peaceful assembly and association.

- Ensure that any pattern and form of human rights violation against the right to peaceful assembly and association must be investigated and prosecuted before the criminal court.
  - Invite and cooperate with the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
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