



# General Assembly

Distr.: General  
31 May 2022

English only

---

## Human Rights Council

### Fiftieth session

13 June–8 July 2022

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.

[20 May 2022]

---

\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Indonesia: State Curbs Freedom of Expression amidst Non-stop Human Rights Violations in West Papua, Indonesia**

The Asian Legal Resource Centre (ALRC) strongly condemns all forms of police brutality against demonstrators who refused the New Autonomous Province (DOB) in West Papua, Indonesia Island on 10 May 2022. Based on the monitoring and information we received, there were several actions of brutality such as forced dispersal, beatings, pursuits, shootings, and arbitrary arrests. A number of violence and human rights violations occurred in various areas such as Abepura and Heram.

The objection of the new autonomous province voiced by the Papuan people is a legitimate and constitutional expression as regulated under Article 28 of the 1945 Indonesia Constitution (UUD1945). Freedom of public opinion and expression should be responded through dialog processes, not repression against peaceful protesters. The violence that occurred in the field once again demonstrated that the State was not reliable in responding to public criticism, especially related to the West Papua, Indonesia issue.

The case also emphasized that the State is still very discriminatory and often prioritizes a security approach in responding to the aspirations of the Papuan people. Evidently, almost all demands of the Papuan people have always been responded to or ended up with violence. The same patterns also occurred against Special Autonomy in West Papua, Indonesia and racial discrimination.

In addition, the actions of the security forces in the field can also be categorized as systematic, because they are based on orders from the Papuan Police via Telegram Letters. This is clearly a form of excessive use of force. In the telegram, it was stated that several areas such as Jayapura, Jayawijaya Regency, Biak Numfor Regency, Yahukimo Regency and Deiyai Regency were raised to alert I. This proves that the Police view demonstrations as a serious threat.

It is proven, these instructions have real implications for the actions of the Police in the field. The steps taken by the police have caused at least 10 (ten) people to suffer injuries from blows, to tear gas from the police. Even from a number of videos circulating, the police are seen to be brutal in their handling of the action by attacking demonstrators first without clear reasons. This clearly violates the internal police regulations such as Chief Police Regulation Number. 7 of 2012 concerning Procedures for Service Implementation, Security and Handling of Public Opinion Cases. In addition, based on Article 5 of the Chief Police Regulation Number 1 of 2009, the purpose of using force in police action is to prevent, hinder and stop actions suspected of committing unlawful acts. But what happened on the contrary, members of the Police actually used their power to injure the peaceful protesters.

The Jayapura Police also conducted arbitrary arrests against some activists, one of whom was take place inside the KontraS West Papua, Indonesia office. Based on the information we got, at around 01.30 PM the officers had already blocked the road in front of KontraS West Papua, Indonesia. No longer after that, the officers broke into the KontraS West Papua, Indonesia office and took items such as computers, printers, books, and several files. In addition, the Police also immediately arrested several people in the office.

At least we noted that there were seven activists who were arrested for unclear reasons, including:

1. Jefry Wenda
2. Ones Suhuniap
3. Omikzon balingga
4. Max Mangga
5. Esther Haluk (Staff of KontraS West Papua, Indonesia)
6. Iman Kogoya
7. Abbi Douw

The reason applied by the Jayapura Police to arrest a number of people, such as Jefry Wenda, was only because the person involved in the peaceful protest did not have a permit. This is clearly wrong, because the demonstration as stated in Law Number 9 of 1998 regarding Public Opinion does not recognize the concept of permit, but merely notification. In addition, people who were arrested were also charged with alleged violations of the ITE Law—because they had made an appeal to the wider community. Even though the call for peaceful demonstrations is absolutely not a violation of the law because it is not part of hate speech.

The wave of public protest of the indigenous Papuans against the new autonomous province in West Papua, Indonesia island made by the central government has been carried out since 1999, but the policy on additional autonomous province was continued by the central government in 2003, and then legalized in 2021. The rejection of the Papuan people started from a formulation process that did not participatory, because the Orang Asli West Papua, Indonesia/Indigenous Papuans (OAP) are never serious to be invited in to peaceful dialogue. In addition, this new autonomous region has the potential to create a sense of insecurity, because there are fears that a number of security forces will be re-deployed which could increase the occurrence of various human rights violations in West Papua, Indonesia.

Based upon fact and information above, we respectfully request the Council to urge:

1. The government, in particular the President and the Parliament, immediately to cancel the discussion of the Bill on the Province of South Papua, Central Papua Province, and the Papua Central Mountains Province of. In addition, the Special Autonomy Law as the basis for new autonomous regions must also be postponed until the judicial review process at the Constitutional Court is completed;
2. The National Police to immediately withdraw the police officers in West Papua, Indonesia and impose strict sanctions, both discipline, code of ethics, and criminal charges against the police officers who are proven to have committed violence against peaceful demonstrations. As well as the unconditional release of a number of Papuan activists who were arbitrarily arrested;
3. The National Commission on Human Rights (Komnas HAM) must conduct investigation upon allegation of human rights violations in relation with the police's policy and action against peaceful protest on rejection new autonomous province in West Papua, Indonesia.