



Amnesty International

PAPUA DIGEST



The people of Papua are subject to severe human rights violations at the hands of the Indonesian authorities. Their rights to freedom of expression and peaceful assembly are heavily curtailed. Many people are imprisoned simply for having taken part in non-violent demonstrations, or having expressed their opinions.

The region of Papua is made up of two Indonesian provinces – Papua and West Papua – which together form the western half of New Guinea, a large tropical island north of Australia. The provincial capital of Papua province, Jayapura, is 200 miles south of the equator and nearly 2,500 miles east of Indonesia's capital, Jakarta.

Formerly a Dutch colony, the region was briefly transferred to the United Nations Temporary Executive Authority in 1962 before being handed to Indonesia in 1963. It officially became the Indonesian province of Irian Jaya following a UN-supervised referendum in 1969, which is considered to have been fraudulent by most Papuans. Its name changed yet again, to Papua, in 2002. It should not be confused with the independent state of Papua New Guinea, which takes up the eastern half of the island.

With an area of 163,000 square miles of mountains, tropical rainforest, agricultural land and marsh, Papua is rich in resources, including copper, oil, gold, timber and fish. It is home to just over 3.5 million people, including some 250 indigenous groups. Indigenous Papuans are Melanesians and ethnically distinct from the majority of Indonesians, who are Malay. Christianity is the dominant religion in Papua. Hundreds of thousands of people, principally Malay Muslims from other parts of Indonesia, have settled in Papua.

Despite its natural wealth, Papua remains one of the least economically developed regions of Indonesia, with standards of health and education lagging behind other parts of the country.



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INDONESIA

PAPUA

PAPUA
NEW
GUINEA

People in the Papua highlands.

Various groups have opposed Indonesian rule by both violent and non-violent means since the 1960s. The main armed opposition group is the Free Papua Movement (Organisasi Papua Merdeka, or OPM). A 2002 Amnesty International Report (*Indonesia: Grave Human Rights Violations in Wasior, Papua*) found that counter-insurgency operations by the Indonesian security forces against the OPM had resulted in gross human rights violations, including extrajudicial executions, enforced disappearances, torture and arbitrary detentions. The 2002 report also found that the OPM had carried out sporadic attacks mainly on military and police targets, although civilians had also on occasions been targeted and suffered human rights abuses.

Within this context, anyone suspected of supporting Papuan independence can become subject to human rights violations by police and security forces, including unlawful killing, torture and beating. Such treatment is meted out to non-violent as well as violent opponents of the status quo. International human rights organisations and journalists face severe restrictions on their ability to work freely and visit the area.

Although the government has a duty to protect its citizens, Indonesian authorities have often reacted excessively in Papua. This, and the authorities' persistent failure to bring those responsible for human rights abuses to account, fuels feelings of resentment and injustice.

MISTREATMENT OF SUSPECTS AND TORTURE

Police torture or other ill-treatment is widespread during arrest, interrogation and detention in Indonesia. Those from poor and marginalised communities are particularly vulnerable to violations by police and security forces. So too are peaceful political activists in areas where there are historic pro-independence movements, such as Papua.

In recent years, Amnesty International has received reports indicating that mistreatment of suspects is frequent in Papua.

At least nine individuals were tortured and ill-treated by police or military between May and November 2007; at least six of them died as a result. Ill-treatment includes beatings, threats, piercing with needles (*'disuntik'*) and shooting at close range. Amnesty International cannot confirm all such allegations, but is unaware of any independent and impartial investigation having been conducted, although complaints in relation to some cases have either been submitted to the police or military, or to Komnas HAM, the Indonesian Human Rights Commission (see page 4).

A video published online in October 2010 showed Papuans being kicked and physically abused, in some instances by men in uniform. Another recent police video obtained by human rights groups showed the Papuan political activist Yawan Wayeni, who had severe abdominal injuries, receiving no assistance from police officials just before his death. Yawan Wayeni had reportedly been arrested by members of the Police Mobile

ABDUCTION AND TORTURE: THE CASE OF YANE WAROMI

On 26 September 2007, Yane Waromi, 19, was reportedly abducted from the street in Abepura by three men from the intelligence services. According to reports, the student at the Law Faculty of Cenderawasih University was detained for 18 hours in a private house in Jayapura during which he was tortured. He was reportedly threatened at gunpoint, and his body, including his fingers, feet, wrists, elbows, knees, back and stomach were repeatedly pierced with needles. Yane was forced to confess about the alleged

pro-Papuan independence activities of his father, Edison Waromi. The intelligence agents reportedly telephoned Yane's mother to make her listen to her son being tortured, threatening to kill him unless his father ceased his alleged activities. Yane was forced into close proximity with a hot oven to be 'cooked'. He eventually managed to escape. Although reports indicate that Yane has physically recovered, he is still traumatised by the experience and has not returned to university. One of his friends submitted a formal complaint to the Abepura police, but the investigation has been halted because Yane was too frightened to pursue the process.

Brigade in August 2009 at his house on Yapen Island.

In December 2009, Amnesty International wrote to the national head of police about a pattern of police abuse in the town of Nabire. Between December 2008 and April 2009, police allegedly used unnecessary and excessive force against demonstrators, injuring at least 21 people. Police also repeatedly beat and otherwise ill-treated at least 17 people during and after arrests in the same period. Amnesty received further credible information on two cases of unlawful killings by security forces in Papua in April and June 2009.

To date, Amnesty has still not received a written response to this letter, and is unaware of any independent and impartial investigation into these reports.

In January 2009, the Indonesian police issued a new regulation on the use of force, largely in line with the UN Basic Principles on the Use of Force and Firearms. In June 2009, the police issued a further regulation on the implementation of human rights principles. However, internal and external accountability mechanisms to deal with police abuse remain weak, and reports of torture by members of the security forces often go unchecked and unpunished, without any independent investigation.

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), Indonesia is legally bound to prohibit torture and other ill-treatment in all circumstances. The National Constitution and the 1999 Human Rights Act also prohibit torture. However,

Indonesia's Criminal Code has yet to incorporate a definition of torture that is in line with the UNCAT, or to clarify sanctions against it.

Amnesty International recognises that there is some armed violence in Papua and that the Indonesian government has an obligation to protect its citizens. Nevertheless, there is an absolute prohibition on torture and other ill-treatment under international law.

IMPUNITY

There continues to be a lack of effort to fully investigate and try before civilian courts police officials accused of human rights violations in Papua, and elsewhere in Indonesia, past and present.

Despite commitments at the national level for police reform, this situation nurtures a climate of impunity, which may give the impression that Indonesian authorities tolerate or even condone human rights violations committed by its police and security forces. Allegations of human rights violations committed by the military often go unchecked or are dealt with before military tribunals without transparency. Many victims of human rights violations are still awaiting justice.

In September 2009, the Special Committee on Disappearances 1997-1998 of the House of People's Representatives urged the government to create an *ad hoc* human rights court to try those responsible for enforced disappearances. They also urged the

CLIMATE OF FEAR

On 6 April 2009, police opened fire on a protest in the city of Nabire, injuring at least seven people including a 10-year-old boy who was shot as he walked home from school. A police officer was also injured by an arrow. Police beat and otherwise ill-treated Monika Zonggonau, Abet Nego Keiya and 15 other political activists during and after their arrest. On 9 April, the body of Abet Nego Keiya was found at Waharia village, Nabire district.

'I am innocent. For now I want my rights as a Papuan. I am hurt and wounded... we are not guilty but... we have never had justice.'

Monika Zonggonau, imprisoned for peaceful protest in Nabire, 4 August 2009.

INDONESIAN HUMAN RIGHTS COMMISSION: KOMNAS HAM

Komnas HAM, the National Human Rights Commission created by Presidential Decree No. 50 in 1993, is the main external complaints mechanism. Komnas HAM's mandate, as laid out in Decree 50, is to 'monitor and investigate the implementation of human rights and present views, considerations and suggestions to state institutions on the implementation of human rights' (Article 5c). The Human Rights Act clarifies that Komnas HAM 'functions to study, research, disseminate, monitor and mediate human rights

issues' (Article 16). At the time of its inception, critics were concerned that Komnas HAM had been founded as a means of deflecting international political pressure regarding human rights violations in Indonesia. However Komnas HAM has to some extent managed to gain some legitimacy both within Indonesia and abroad and have carried out numerous inquiries into cases of human rights violations as well as written a range of reports on human rights issues in the country. Nevertheless its weak mandate and attempts by the authorities to erode further power has severely limited its capacity and ability to play an effective oversight role.

government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. The government signed the treaty in September 2010.

Amnesty International is concerned at the lack of independent complaint and investigation mechanisms in place. This is aggravated in practice by the inadequate protection received by staff working for Komnas HAM, the national human rights commission (see box above). The former head of the Papuan branch of Komnas HAM, Albert Rumbekwan, received persistent threats in 2007, during a period in which alleged cases of torture and ill-treatment took place. This climate of fear, coupled with the lack of a strong and independent complaints and investigation mechanism, means that victims and their families are unable or unwilling to make complaints and get effective access to justice.

FREEDOM OF EXPRESSION

Amnesty International has documented dozens of arrests over the years of political activists who have peacefully called for independence from Indonesia, particularly in areas where there has been a history of pro-independence movements such as Papua. Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However the organisation believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions.

Human rights defenders are regularly intimidated and harassed in Papua. Since late 1998, hundreds of people have been tried in connection with activities in support of independence. At least 38 people are currently imprisoned for peaceful activities, including organising or



Filep Karma
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IMPRISONED FOR PEACEFUL PROTEST: FILEP KARMA AND YUSAK PAKAGE

Former civil servant Filep Karma and student Yusak Pakage were among approximately 200 people who took part in a peaceful ceremony in Abepura, Papua Province on 1 December 2004. In commemoration of the declaration of Papuan independence in 1962, the Morning Star flag was raised. Police advanced on the crowd, firing warning shots and beating people with batons. Filep was arrested at the demonstration and was reportedly beaten on the way to the police station. Yusak was arrested when he went to protest over Filep's detention.



Yusak Pakage
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The pair were convicted of treason on 26 May 2005, receiving prison sentences of 15 (Filep) and

10 years (Yusak).

Yusak was granted a presidential pardon and released in July 2010, having served half his sentence, but Filep remains in prison. Amnesty International considers him to be a prisoner of conscience.

During their trial, police responded with extreme force to large demonstrations outside the courthouse on 10 May 2005. Many people were injured. A senior police officer was dismissed as a result, but did not face criminal charges. There has been no formal inquiry.

Conditions in Abepura prison are reportedly poor. According to prisoners food is inadequate, and some prisoners have complained that there is insufficient access to drinking water.

Filep Karma was allowed medical treatment in July 2010 and was able to travel to Jakarta with his family and some friends to undergo prostate laser surgery. He returned to prison at the end of July.

CRIMES AGAINST HUMANITY? THE WASIOR AND WAMENA CASES

In 2001 a counter-insurgency operation in Wasior sub-district displaced hundreds of villagers and destroyed dozens of houses. Local human rights organisations estimate that over 140 people were detained, tortured or otherwise ill-treated. One person died in custody as a result of torture, while at least seven people are believed to have been extrajudicially executed.

In a series of police raids in Wamena sub-district in 2003, nine civilians were killed, 38 tortured, 15 arbitrarily arrested and thousands displaced from their villages to refugee camps, where 42 people died from exhaustion and hunger.

In September 2004, Komnas HAM submitted inquiry reports to the Indonesian attorney general's office indicating that it had found initial evidence suggesting that security forces had committed crimes against humanity, including acts of torture, in Wasior in June 2001 and Wamena in 2003. The files in both cases were reportedly returned by the attorney general's office to Komnas HAM in late December because they were deemed to be incomplete. Amnesty International has been told that the files have since been resubmitted by Komnas HAM to the attorney general. In April 2005 the attorney general's office started a follow-up investigation into the Wasior case, but could not advance it because there was no budget to send a team to the field to conduct further investigations. To date there have been no new developments.

attending meetings in which the political status of Papua has been discussed, or at which the Morning Star flag, a symbol of Papuan independence, has been raised.

The rights to free expression, opinion and peaceful assembly are guaranteed under the National Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a party. While the Indonesian government has the duty and the right to protect life and to maintain public order within its jurisdiction, it must ensure that any restrictions to freedoms of expression and peaceful assembly are no more than is permitted under international human rights law.

Repressive legislation continues to be used throughout Indonesia to limit freedom of expression, in violation of articles of the ICCPR. Indonesia has now ratified the ICCPR, which came into force in the country on 23 May 2006. However, to Amnesty's knowledge, no steps have been taken to amend the Indonesian Criminal Code to bring it into line with such international standards.

MATERNAL HEALTH

Standards of health in Papua are lower than the average for other regions of Indonesia.

The maternal mortality rate is among the highest in Indonesia, particularly in poor and marginalised communities. Many women die through complications during pregnancy and childbirth, or because of unsafe abortions.

In September 2009 a new health law was passed in Indonesia, permitting abortion in certain circumstances – if the pregnancy can harm the mother and/or infant or if it results from a rape which causes psychological trauma to the victim. Local non-governmental organisations criticised the new law because it discriminates against unmarried women, particularly concerning access to information on sexuality and reproduction.

An Amnesty report released in November 2010 *Left Without a Choice: Barriers to Reproductive Health in Indonesia* details the consequences of denying access to sexual health services for women in Indonesia. It describes how government restriction and discriminatory traditions threaten the lives of many Indonesian women and girls by putting reproductive services out of their reach.

At 228 per 100,000 live births, Indonesia's maternal mortality rate is at least four times higher than in neighbouring countries such as China (56), Malaysia (41) and Thailand (44). According to official government figures, unsafe abortions are responsible for between five and 11 per cent of maternal deaths in Indonesia. A woman or girl seeking an abortion (the legal age for criminal responsibility in Indonesia is eight), or a health worker providing one, may be sentenced to up to four and 10 years' imprisonment respectively.

Domestic violence in Indonesia is a serious problem. In 2010, Indonesia's National Commission on Violence against Women reported a 263 per cent increase in the number of reported cases (143,586 cases) of violence against women compared with the previous year (54,425 cases).



Women from the highlands of Papua © Rob Huibers/Panos

AMNESTY'S CAMPAIGN

Amnesty International urges the Indonesian government to:

- Initiate an independent investigation, to be led by the Komnas HAM, into reports of torture and other ill-treatment in Papua over the last two years.
- Immediately and unconditionally release all individuals detained or imprisoned solely for the peaceful exercise of their right to freedom of opinion, belief, expression and association.
- Make public commitments that there will be no further arrest of people engaging in the peaceful exercise of their right to freedom of opinion, belief, expression and association.
- Ensure that prison conditions and the treatment of prisoners meet standards set in Indonesian law as well as UN Standard Minimum Rules on the Treatment of Prisoners.
- Undertake comprehensive, effective and independent investigations into the many allegations of human rights violations in the past in Papua. The results of these should be made public and individuals against whom there is sufficient evidence should be brought to trial.
- Repeal or amend Articles 106 and 110 of the Criminal Code so that these articles are no longer used to criminalise freedom of expression.
- Issue a standing invitation to the UN Special Rapporteur on Freedom of Expression.
- Ratify and implement the Optional Protocol to the Convention Against Torture which is intended to establish a preventive system of regular visits to places of detention.

GUIDANCE FOR ACTIVISTS

Amnesty International does not take a position on claims of self-determination in Indonesia or in any other state. Amnesty International's work on Papua and West Papua provinces should not be construed as supporting the independence aspirations of Papuan activists. However, consistent with international law and basic human rights, Amnesty International supports the right of all individuals, including Papuan independence supporters, to peacefully exercise their right to freedom of opinion, belief, expression and association. They should be able to exercise this right free from intimidation and without fear of arrest or detention.

When taking action on this issue, remember and reiterate this to members of the public, the media, or other activists. Make this clear if your campaigning activity is in collaboration with (or perceived to be in collaboration with) any other group or persons that publicly support the independence aspirations of Papuan activists.

Please speak to the Indonesia country coordinator Paul Hainsworth (PA.Hainsworth@ulster.ac.uk) or Amnesty

International UK staff for further guidance if you are unsure about your campaigning plans.

TAKE ACTION

Release Filep Karma

Amnesty International takes no position on the political status of any province of Indonesia, but believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions. Amnesty International therefore considers Filep Karma to be a prisoner of conscience and is calling for him to be released immediately and unconditionally.

Send the appeal below to the Indonesian authorities, by post or fax, urging them to release Filep Karma.

Mr Basrief Arief
Attorney General
Office of the Attorney General of the Republic of Indonesia
Jl. Sultan Hasanuddin No.1
Kebayoran Baru
Jakarta Selatan 12130
Indonesia
Fax: + 62 21 725 0213

SAMPLE LETTER

I welcome the news that after months of delay Filep Karma was finally given access to medical treatment.

As you are no doubt aware, Filep was arrested in 2004 after participating in a peaceful ceremony. He is a prisoner of conscience detained in breach of his right, under international law, to peacefully demonstrate.

Please now take immediate steps to secure his release.

AMNESTY INTERNATIONAL REPORTS

- **Left without a choice: Barriers to reproductive health in Indonesia**
(ASA 21/013/2010)
- **Indonesia: Jailed for waving a flag – Prisoners of conscience in Maluku**
(ASA 21/008/2009)
- **Unfinished business: Police accountability in Indonesia**
(ASA 21/013/2009)
- **Indonesia: Briefing to the UN Committee Against Torture**
(ASA 21/003/2008)
- **Indonesia: Impunity and human rights violations in Papua**
(ASA 21/015/2002)
- **Indonesia: Appeal cases on Wasior, Papua**
(ASA 21/035/2002)

REPUBLIC OF INDONESIA: FACTS

Head of state and government

Susilo Bambang Yudhoyono

Death penalty

Retentionist

Population

232.5 million

Life expectancy

71.5 years

Under 5-mortality (m/f)

37/27 per 1,000

Adult literacy

92 per cent

www.amnesty.org.uk/papua

‘While Amnesty International takes no position on the political status of any province of Indonesia, the right to freedom of expression, including the right to peacefully advocate referenda, independence or other political solutions, must be upheld.’

Isabelle Arradon, Amnesty International’s Indonesia Researcher.

Indonesian police officers arrest Papuan pro-independence activists before a rally in Jayapura, October 2008 © AP



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