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Human rights situations that require the Council's attention

Written statement* submitted by Franciscans International, 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.

[1 February 2021]

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



Human Rights Situation in West Papua, Indonesia

Franciscans International (FI) submits the present written contribution to the work of the Human Rights Council in order to express its continuous concerns about the human rights situation in West Papua, Indonesia.¹

On the occasion of the third review of Indonesia under the Universal Periodic Review (UPR) in 2017, the Indonesian Minister of Foreign Affairs, H.E. Retno Marsudi² asserted, in front of the international community at the United Nations, that three cases of human rights violations in West Papua qualified as gross human rights violations under domestic law.

More specifically, the Law No. 26/2000³ on Human Rights Court provides the legal framework to handle gross human rights violations. It clearly defines the roles and responsibility of the National Commission on Human Rights of Indonesia (KOMNAS HAM) and of the Office of the Attorney General. In addition, Article 45 of Law No. 21/2001 on Special Autonomy for Papua Province imposes the obligation on the Government of Indonesia to enforce, improve, protect and respect human rights throughout West Papua, and for this purpose the Government should ensure the representation of the Commission on Human Rights, the Human Rights Court and Commission of Righteousness and Reconciliation in the province⁴.

In January 2021, the Office of the Attorney General made an announcement on the establishment of a “Special Team” to deal with 13 cases of alleged gross human rights violations in Indonesia, including the three cases which had occurred in West Papua, namely in Wasior (2001), Wamena (2003) and Paniai (2014).

While this decision is to be welcomed and the effort of the Government of Indonesia to be acknowledged, it remains to be seen how effective the work of the Special Team will be. In that regard, it is regrettable that no time frame was set for the Special Team to fulfil its task.

The West Papuan cases had already been qualified and listed for attention by the Attorney General’s office several years ago by KOMNAS HAM. However, it seems that political issues between the parliament and the Attorney General’s Office have been at the origin of delays in the process that is yet to translate into court actions.

In the meantime, new cases of human rights violations are occurring in West Papua. Among others, the Human Rights Council should pay attention to the escalating armed conflict in the Intan Jaya, Puncak Jaya, Puncak, and Nduga regencies.

In November 2020, the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed its concern about the killing of an indigenous Papuan pastor of the Protestant Evangelical Church, Yerimias Zanambani, in Intan Jaya Regency. Four fact finding teams, including the Indonesian government’s team, have investigated the incident and concluded that State actors were behind the killing. Yet, there is no clear follow-up to these findings, and no trial against the alleged perpetrators.

In Puncak Jaya, Puncak and Timika, hundreds of indigenous Papuans had been displaced due to the armed conflict between the Indonesian security forces and members of the West Papua National Liberation Army. In January 2021, hundreds of the displaced people from the Tembagapura area were finally allowed to return after a series of protests. According to

¹ In the present submission, “West Papua” refers to the Provinces of Papua and Papua Barat (West Papua) in Indonesia.

² See the full speech of Indonesian Minister of Foreign Affairs, H.E. Retno Marsudi at the United Nations Webcast of the 3rd Cycle of UPR Indonesia at <http://webtv.un.org/search/indonesia-review-27th-session-of-universal-periodic-review/5420139657001/?term=&lan=english&cat=UPR%2027th&page=2>.

³ See <https://www.balitbangham.go.id/po-content/peraturan/15.%20uu%20no%2026%20tahun%202000.pdf>.

⁴ See Law No 21/2001 at <https://www.refworld.org/docid/46af542e.html>.

FI's information, twenty-five people died during the eleven months of displacement. At the same time, a new wave of displacement has been reported in Intan Jaya this January 2021 following the continuous armed clashes between the "West Papua National Liberation Army" and the Indonesian security forces. Furthermore, the joint police and military operations in Nduga have been ongoing since December 2018. According to volunteers helping the thousands of internally displaced persons in West Papua, several hundreds of civilians already died in displacement.

Concerning the rights to freedom of expression and of peaceful assembly, there are also grounds for serious concerns. Between October 2020 and January 2021, 38 politically motivated arrests against indigenous Papuans were documented. This includes the case of six of the thirteen people in Merauke who are charged with treason for being members of the West Papua National Committee (Komite Nasional Papua Barat - KNPB) and were reportedly subjected to torture and other ill-treatment while in detention. An activist, Naftali Tipagau, a member of the KNPB, who had been key in posting information about the development of the armed conflict in the central highlands including in Intan Jaya, was arrested and subjected to ill-treatment. He has been accused by the Indonesian police of being involved in selling illegal ammunitions to the separatist group in West Papua. FI also received information that a human rights defender, Mr Ronnie Mambrasar, has been detained over a Facebook post.

As questions around the continuation of the Special Autonomy status after November 2021 arise, there has been an increasing resistance against the extension of the status from the grassroot communities. Most of the protests have been subjected to forced dispersal by the Indonesian security forces. The central government has been conducting consultation with a small group of West Papuan politicians appointed by Jakarta called 'FOR Papua'. However, those opposing the Special Autonomy Status claim that FOR Papua cannot be considered as representative of West Papuans, also arguing that the twenty years of Special Autonomy has been a failure.

The Government of Indonesia has also been planning to create new regencies and provinces in West Papua. West Papuan people and civil society criticized this arbitrary decision given that such a step would further militarize West Papua and marginalize the indigenous Papuans. Indeed, this new administrative setting means new police and military headquarters that need to be built. It is also feared that it will encourage the migration from other provinces to West Papua.

FI calls on Indonesia as a member of the Human Rights Council to guarantee prompt and effective investigation, prosecution and remedy in the cases of gross human rights violations in West Papua, in conformity with its own laws and with its obligations under international human rights law. FI also urges the Human Rights Council to give due attention to the general human rights situation in West Papua, affecting in particular the whole spectrum of human rights of indigenous Papuans.
