

RISING VOICES, RISING ARRESTS



A look at West Papua in 2015

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This report is dedicated to Oktovianus Pogau, who was fearless and committed in his work as a reporter, editor and advocate for change in West Papua.

Papuan Behind Bars is a collective project initiated by Papuan civil society groups working together as the Civil Society Coalition to Uphold Law and Human Rights in Papua. It is a grassroots initiative and represents a broad collaboration between lawyers, human rights groups, *adat* groups, activists, journalists and individuals in West Papua, as well as Jakarta-based and international NGOs and solidarity groups.

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EXECUTIVE SUMMARY

The year 2015 marked many significant developments for human rights in Indonesia's easternmost provinces of Papua and West Papua (hereafter referred to as 'West Papua' – see page 7). Following his second visit to West Papua as President of Indonesia, in May 2015 Joko Widodo released five long-term political prisoners and announced the opening of access to West Papua for foreign journalists. National civil society and the international community welcomed these changes, which were largely unexpected. Many observers saw these steps as a turning point in the Indonesian government's approach to West Papua, and as encouraging political commitment to human rights issues.

However, the data collected by *Papuans Behind Bars* in 2015 paints a varied picture. While the number of cases of torture of detainees on arrest and in detention has decreased significantly, reports of torture outside of detainee cases remain frequent. The number of cases of ill-treatment of detainees was more than 4.5 times higher than in 2014, this can in part be explained by the large increase in number of arrests. In 2015, at least 1083 Papuans were arbitrarily arrested across Indonesia – the highest recorded number of arbitrary arrests since comprehensive records began in 2012. This figure is at least three times the number of arbitrary arrests in 2014.

This significant increase in the number of arbitrary arrests, 80% of which were of peaceful demonstrators, signals a deterioration of freedom of expression and assembly in Indonesia. Increasingly creative methods were employed, particularly by police, in efforts to shut down demonstrations and social gatherings. In 2015, Papuan civil society groups regularly reported examples where police cited the lack of permits and notifications to demonstrate as reasons for detention or to crack down on protests. Such rationales clearly contradict Indonesia's own national law protecting the freedom to assemble and peacefully express opinions¹.

In comparison to recent years, the 2015 data also showed that the use of treason charges against political detainees significantly decreased, while the use of the outdated and controversial Emergency Law 12/1951 ceased altogether. While this is a step in the right direction, serious concerns remain over the use of Article 160, which punishes incitement, to criminalise peaceful political protest amongst Papuan civil society.

The year 2015 also saw the strengthening of the Melanesian solidarity towards West Papuans. The granting of observer status to the United Liberation of West Papua (ULMWP) by and to the Melanesian Spearhead Group (MSG), coupled with increasing concern amongst Pacific states on human rights violations in West Papua, has contributed to the growing support for West Papuans by their Melanesian and wider Pacific neighbours. Indonesia had previously criticized the lack of unity amongst West Papuans as a reason hindering dialogue, the formation of the ULMWP runs counter to this argument. This development seems to have alarmed Indonesian security forces: at least nine new political prisoners were detained in 2015 because they had expressed support for the ULMWP.

¹ Law No. 9 of 1998 on Freedom of Expression in Public stipulates the right to freedom to associate and to assemble.

Testimonies were collected from 16 political prisoners involved in four separate cases. Concerns that were frequently reported by respondents included: blocked access to family; insufficient healthcare; poor quality of food; lack of clean water; intimidation; and feelings of lack of security and personal safety related to being spied on by inmates and prison authorities. Some political prisoners also described the impact their detention has had on their families, including reports of family members facing stigmatisation, harassment, or intimidation.

This report also provides an overview of cases of state violence that took place in West Papua in 2015. Although there was a strong backlash from national and international civil society groups following the fatal shooting of four teenagers in Paniai regency in Papua province in December 2014, the perpetrators have still not been brought to trial. In 2015 alone, at least 11 people died as a result of state violence in West Papua. Reports of state violence remain frequent, and a culture of impunity remains embedded among security forces in West Papua. Unless the Indonesian government undertakes concrete steps to address this issue, state violence will continue to fuel fear and further propagate distrust that indigenous Papuans have for Indonesian authorities. Most significantly, continuing impunity will undermine any effort to promote peace, human rights and dialogue in West Papua.



PAPUA^{OR} WEST PAPUA?

West Papua is the western half of the island of New Guinea. It borders independent Papua New Guinea and became part of Indonesia in 1969 following a discredited process known as the 'Act of Free Choice.'

West Papua has previously been known as West New Guinea, West Irian and Irian Jaya. In 2003, the territory was separated into two provinces, Papua and West Papua, by the Indonesian government. However, both provinces together are commonly referred to by Papuan people as West Papua. This is because of their shared identity, history and cultures, as well as a sense of the wholeness of the island of New Guinea and the common bonds with ethnic Papuans in the eastern half of the island.



INTRODUCTION

This report presents the data collected by *Papuans Behind Bars* on arbitrary arrests, ill-treatment, torture and other human rights violations faced by political detainees in 2015. The report includes comparative analysis of data collected in recent years, and charts emerging patterns in violations associated with political arrests.

It also aims to provide a look into the lives of political prisoners by featuring testimonies provided by several detainees who remain in detention. Although these interviews provide only a small glimpse into the hardships detainees face in prison, they nonetheless demonstrate that the issue of political prisoners remains a serious human rights concern that the Indonesian government needs to resolve urgently.

By highlighting the deteriorating state of freedom of expression and assembly in Indonesia, particularly in response to peaceful Papuan political dissent, this report also to serve as a tool to urge the Indonesian government to take immediate steps to effectively address serious ongoing violations perpetrated by security forces in West Papua, including summary executions and torture.

METHODOLOGY

Research and information received from human rights organisations, church groups, independent lawyers and researchers, *adat* groups, student groups, activist groups and individuals in West Papua for the basis of this report. Much of the information and data was received in the form of investigative reports, testimonies, photographs, videos, articles and press statements. These reports were analysed and then verified via phone and/or email communication to clarify information on specific cases to ensure they are accurately reported.

Information was also collected by monitoring Papuan, Indonesian and international news, as well as other online sources. These included but were not limited to local and international blogs, and social media feeds administered by local civil society groups and human rights researchers. Such online sources provide real-time access to very localized information that is often hard to come by, in large part due to issues of restricted media access, as well as to limited internet availability in West Papua.

Data gathered on arbitrary arrests and human rights violations was recorded annually in databases which allowed for cases to be analysed quantitatively. Primary source material, such as witness statements and in-depth investigations, was prioritised where available.

Primarily Indonesian language sources were referred to, although at times reports that had already been translated into English were used. In cases with more than one source of information, multiple secondary sources were analysed to verify information as accurately as possible.

Testimonies from political prisoners were collected through interviews conducted in Indonesian. The interviews contributed to the corroboration of previously collected data on human rights violations faced by some of the detainees.

All information recorded by *Papuans Behind Bars* is publically available or on file and available on request.

2015 FINDINGS

In 2015, at least 1083 people were arbitrarily arrested. This is the highest number of arbitrary arrests in a year since records started, and nearly three times the number of arrests recorded in 2014. More than half the total number of arrests were made during the commemorative dates of 1 May and 1 December. At least 264 people were detained for commemorating 1 May while 355 people were detained for 1 December activities. Please refer to the next section 'Significant Dates' for in-depth information on the 1 May and 1 December cases.

In 2015, at least 22 demonstrations were dispersed or disallowed with a total of 873 people, or 80% of the total number of detainees in 2015, arrested because they either planned or took part in peaceful demonstrations. This is a 374% increase from 2014 figures, where 184 Papuans were arbitrarily arrested for their involvement in demonstrations. Data shows that since 2012, participation in peaceful demonstrations accounts for the majority of arbitrary arrests of Papuans across Indonesia.

The average age of detainees arrested in 2015 was 23, and the overwhelming majority (97%) of detainees were male. The significant increase in arbitrary arrests also explains the spike in cases of ill-treatment on arrest or detention. In 2015, 690 cases of ill-treatment on arrest or in detention were recorded among detainees. This is a significant increase from previous years' figures, where there were 148 cases of ill-treatment in 2014 and 159 cases in 2013. However, in 2015 the recorded number of cases of torture on arrest and in detention decreased to 4 cases from 66 cases in 2014 and 30 cases in 2013.

Treason² charges continued to be used to repress free expression amongst Papuan activists and civil society members. However, in 2015, the number of people charged with treason or conspiracy to commit treason decreased. In 2015, there were five cases of treason, a significant drop from 31 cases in 2014, 25 cases in 2013, and 27 cases in 2012. Incitement charges have continued to be used to criminalise Papuans who engage in peaceful political dissent, with eight cases recorded in 2015. A notable development in 2015 is that charges under Emergency Law 12/1951, which punishes the possession of sharp weapons, firearms and ammunition, were not invoked against Papuan political detainees. Considering that this law has been widely criticized as outdated³, this is a step in the right direction.

The use and possession of the Morning Star flag, a symbol of Papuan independence, continues to be used as a basis for arrest, interrogation, and intimidation. In 2015, at least five such cases were recorded. In one of them, a 15-year-old boy in Sorong was questioned and threatened by police officers for wearing a t-shirt with an image of the Morning Star and a slogan stating "Free West Papua."⁴

²Treason is defined under Article 106 of the Indonesian Criminal Code as "The attempt undertaken with intent to bring the territory of the state wholly or partially under foreign domination or to separate part thereof, shall be punished by life imprisonment or a maximum imprisonment of twenty years."

³In its 1999 visit to Indonesia, the UN Working Group on Arbitrary Detention highlighted that Emergency Law 12/1951 was outdated and should be abrogated. Please refer to United Nations, Commission on Human Rights, *Civil and Political Rights, Including Questions of Torture and Detention: Report of the Working Group on Arbitrary Detention on its visit to Indonesia (31 January-12 February 1999)*, E/CN.4/2000/4/Add.2 12 August 1999, available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/147/03/PDF/G9914703.pdf>

⁴Papuans Behind Bars, October/November 2015 update: <http://www.papuansbehindbars.org/?p=3587>

2015 PAPUANS BEHIND BARS DATA



1083 Highest recorded number of Papuans arrested a year. This is almost 3x the number of arrests in 2014.

80% of the detainees were arrested because they had participated in or planned

DEMONSTRATIONS

57% of arrests were made on **1 MAY OR 1 DECEMBER**

2014 **183 arrests**

2015 **873 arrests**

More people are being arrested for their participation in demonstrations.

IN fact, it's a **374%** increase from 2014

690 cases of ill-treatment on arrest and in detention

22 DEMONSTRATIONS DISPERSED

Article **106** → Article **160**

Even though treason charges have decreased, incitement charges continue to be used.

23 years old Average age of detainees

SIGNIFICANT DATES

Peaceful commemorative activities such as demonstrations, social gatherings, and prayer sessions are sometimes held on significant dates such as 1 May and 1 December. These two dates are of particular historic importance to Papuans. On 1 December 1961, the West Papuan parliament under Dutch colonial rule, the New Guinea Council, raised the Morning Star flag for the first time, signalling recognition by the Dutch of West Papuan statehood. The Morning Star has since been considered a symbol of West Papuan independence. Under Indonesian rule however, its possession and/or use has been met with arbitrary arrest, ill-treatment, criminalisation, and even torture. In September 1962, authority over West New Guinea (as West Papua was then known) was transferred to the United Nations Temporary Executive Authority (UNTEA). On 1 May 1963, UNTEA transferred the administration of West Papua to Indonesia. Many West Papuans consider this date to be the start of Indonesia's annexation of West Papua.

Data recorded in recent years reveal a sharp increase in the number of arbitrary arrests, cases of excessive use of force, and even torture against participants in these commemorative events. From 2012 to 2014, 42 people were arrested for participating in events related to 1 May, while 11 people were arrested for commemorating 1 December. In 2015 alone, 264 people were arrested for 1 May activities and 355 people were arrested for 1 December activities. Further, four people were killed as a result of shootings and torture, and at least 145 people were injured due to excessive use of force by state authorities in connection to 1 December activities. As stated in the previous section, 57% of the total numbers of arrests made were in relation to activities commemorating 1 May and 1 December.

While mass arrests of Papuan activists occur frequently every year, the scale of arrests in 2015 far exceeds that of recent years. This may be related to an increase in coordinated political activity by Papuan grassroots activists, and particularly to the emergence of the Papuan student movement across Indonesia. Nevertheless, it shows that as demonstrations grow bigger, so do the number of arrests, indicating that Indonesian authorities are not about to let up on crackdowns against Papuan political dissent. Records show that bigger crackdowns also result in more cases of ill treatment by Indonesian security forces.

1 May 2015

264 people were arrested in Manokwari, Jayapura, Merauke and Kaimana for participating in activities commemorating the 52nd anniversary of the administrative transfer of Papua to Indonesia.

MANOKWARI

On 30 April, 12 members of the West Papua National Committee (*Komite Nasional Papua Barat*, KNPB) were detained for distributing leaflets about an action planned for 1 May. The following day, a demonstration led by the KNPB and joined by other Manokwari-based groups was forcibly dispersed by Manokwari police and their more heavily armed Mobile Brigades (*Brigade Mobil*, Brimob). 126 people were detained and beaten on arrest. The majority of those detained were university students. One of the students, Domingus Babika, was briefly detained in Manokwari Regional police station. He was reportedly singled out for allegedly carrying sharp weapons.

JAYAPURA

A demonstration in front of Cenderawasih University (*Universitas Cenderawasih*, UNCEN) campus in Waena on 1 May was forcibly dispersed by Jayapura City police (*Polresta Jayapura*). 30 people were detained, with three KNPB members separated from the group and brought to the Papua Provincial Police Headquarters (*POLDA Papua*). They were released later in the day.

MERAUKE

On 1 May, 15 people were arrested in Merauke in relation to 1 May commemorative activities. At 01:00, Merauke Regional police raided KNPB Merauke offices and arrested 13 KNPB members and two community leaders, including Mrs Panggresia Yeem, the Head of the Merauke People's Local Parliament (*Parlemen Rakyat Daerah*, PRD). They were released shortly thereafter without charge.

KAIMANA

On 1 May, KNPB and PRD demonstrators who had gathered to commemorate 1 May were forcibly dispersed by Kaimana Regional police. Police raided the secretariat office and fired warning shots. Police allegedly attempted to burn down the secretariat office, but KNPB members put out the fire. Police arrested two KNPB leaders, Ruben Furay and Sepi Surbay.

1 December 2015

355 people were arrested, four people were killed as a result of shootings and torture and at least 145 people were injured due to excessive use of force by state security forces in reaction to activities commemorating 1 December.

YAPEN ISLAND

Four people were killed and eight others seriously injured by military officers from Military District Command 1709 and Yapen Regional Police during a security patrol in Wanampompi village in Anggaisera District, Yapen Island regency. Yonas Manitori and Darius Andiribi died on the spot after being shot, while Herik Manitori and Yulianus Robaha were tortured to death after suffering initial gunshot wounds. Eight other villagers also suffered serious injuries as a result of security officers opening fire. According to local reports, villagers had held a prayer session and a flag-raising ceremony where the Morning Star flag was flown to commemorate 1 December.

JAKARTA

306 people were arrested in Jakarta after attempting to conduct a long march to commemorate the date which West Papuans consider to be their national day (see photos opposite). Most of those arrested were Papuan student members of the Papuan Student Alliance (AMP). According to comprehensive reports from AMP, at least 133 people suffered injuries and/or health complications when Jakarta Metro police officers, uniformed and plainclothes intelligence officers, and Brimob personel attempted to forcibly disperse demonstrators by beating them and firing teargas in their direction. At least five of the 133 injured suffered serious injuries. Two female protestors faced sexual abuse by police officers when they were stopped on their way to join the demonstration.

NABIRE

49 people were arrested in two separate incidents in Nabire. On 28 November 2015, 17 Papuans were detained overnight and released the following day. On 1 December 2015, 32 more people were arrested when they assembled at Bunga Bangsa Papua Field to participate in the commemorative prayer session. Police officers forcibly dispersed the crowd, reportedly beating people with rifle butts and wooden beams. Those arrested were interrogated for several hours before being released without charge. At least four of the detainees sustained injuries due to police beatings. During the arrests, Topilus Tebai, the editor of Papuan news site Majalah Selangkah, was intimidated and harassed by Nabire Regional police officers while reporting on the planned commemorative prayer session.



Photos taken during demonstrations in Jakarta on 1 December 2015;
Source: Papua Student Alliance (Aliansi Mahasiswa Papua, AMP)

TESTIMONIES

Meki Elosak and Wiki Meaga have been imprisoned for more than five years. On 20 November 2010, they were both arrested alongside at least six other men in Piramid village near Bokondini in the Central Highlands of West Papua. They were on their way to a funeral, but were arrested because they had reportedly raised the Morning Star flag in Yalengga village before they left.

In April 2014, lawyers from the Democracy Alliance for West Papua (*Aliansi Demokrasi untuk Papua, AIDP*) revealed photographic evidence of the degrading treatment faced by the men on arrest. The photo showed the group of men, including Meki Elosak and Wiki Meaga, lying in a ditch while being watched by police officers and other people. Meki Elosak has verified the photograph during an interview with AIDP, with whom he gave an account of the torture and degrading treatment they endured on arrest. He explained that they were repeatedly made to roll around in a wide muddy ditch by police from Bolakme district in Jayawijaya regency. Following this, they were forced to lie in a dry ditch. Meki Elosak explained that it was at this point that police beat him using their rifle butts, and broke his nose. He also stated that a few police officers recorded the event on their phones.

Six of the detainees arrested were later sentenced to eight years' imprisonment for committing treason. Meki Elosak and Wiki Meaga are the only two men left in Wamena prison. The four other detainees have since reportedly escaped from the prison.

Meki Elosak: *"The most difficult thing [about imprisonment] is the lack of communication with my family. Detention has really impacted my family. They feel unsafe and frightened. Until now they think they'll be murdered by the military. To the international community, we ask for support for the immediate end of human rights violations committed by Indonesia. The killing of civilians must be stopped."*

Wiki Meaga: *"Life in prison has not been peaceful. [It's] full of suffering and I don't feel safe. The hardest thing is not being able to meet with my family. Prison conditions are not good. The quality of the food is bad, the taste is bland. There is no clean water. Up until now we use water from the well and rainwater. Medical services are very bad and neglected."*

At the time of writing this report, the two men were under consideration for release on parole.

"The most difficult thing [about imprisonment] is the lack of communication with my family. Detention has really impacted my family. They feel unsafe and frightened."

~ Meki Elosak



Wiki Meaga (left) and Meki Elosak (right)

Source: Andreas Harsono

"In prison, I feel like I've lost everything I possessed and I feel oppressed because I'm not treated well."

~ Septinus Wonawoai

The 'Sasawa Seven' are Jemi Yermias Kapanai, Septinus Wonawoai, Rudi Otis Barangkea, Kornelius Woniana, Peneas Reri, Salmon Windesi and Obeth Kayoi. On 1 February 2014, they were arrested alongside at least 10 other men, women and children during a large-scale joint police and military raid in Sasawa village in Yapen island.

Police and military officers tortured the seven men on arrest. Security forces chained the men together and forced them to crawl on the ground. Peneas Reri stated: *"Two police officers and one army officer took turns kicking and beating me. The army officer electrocuted me in the mouth. My hands were tied to my back and I was electrocuted repeatedly."* Security forces also stamped on Jemi Yermias Kapanai's ear repeatedly until it bled. Rudi Otis Barangkea testified: *"I was also electrocuted and beaten until I was bleeding. When we were in the truck heading towards the police station, an army officer put a bayonet blade to my cheek and neck. He threatened me, saying 'I will slice your neck until it snaps.'"*

Septinus Wonawoai: *"In prison, I feel like I've lost everything I possessed and I feel oppressed because I'm not treated well. The impact on my family is that they don't feel safe up till now. My parents are consistently terrorized in the villages. My hope is for the issue of Papua to be quickly resolved ... so that our grandchildren can go to school safely."*

Peneas Reri: *"The hardest thing [about detention] is that I have never been able to meet with my family. Even though we've asked for permission [for family visits], we've never been allowed to. My family are always terrorized by Kopassus (Komando Pasukan Khusus, Special Forces Command) and military officers who come to our home every night. My wife, who is also a teacher, feels unsafe at the school [where she teaches] ... My parents have also become victims. People have come to their home and told them "if you make trouble we will arrest you like we arrested your child." I don't know who these people are."*

Salmon Windesi: *"The two years I've been in prison, I've felt hardship and suffering. Relatives have passed away but I was not given permission to attend their funerals. I have also not been able to visit my sick child. My family has been terrorised by intelligence and Kopassus."*

Human rights lawyers reported that the seven men were not members of the armed group headed by Fernando Worawoai, as accused, but were ordinary civilians of Sasawa village. According to lawyers, the trial could not be considered fair as it used falsified police reports as key evidence in their conviction. The men were each sentenced to three and a half years imprisonment for conspiracy to commit treason, rebellion, and possession of sharp weapons.

On 20 May 2015, 75 demonstrators were detained at Manokwari Brimob Headquarters. They were arrested for participating in a demonstration in support of an application by the ULMWP for membership in the MSG. Several of the people detained reported being subjected to ill-treatment.

Police investigators hit some of those detained on the back of their necks and forced those covered in body paint to remove it with paint thinner. Police reportedly threatened that they would remove the paint with grindstones or razorblades if the detainees refused to follow their instructions. The detainees were also reportedly subjected to racist taunts by police officers who said that "All Papuan men are drunks who beat women," and that Papuan women were better off marrying Javanese men "so that their children would be intelligent."

While most of the detainees were released, four men, Alexander Nekenem, Yoram Magai, Othen Gombo and Narko Murib, were charged with incitement. While awaiting trial, they were detained at the Brimob headquarters, instead of the holding cell at Manokwari Regional Police Station. Lawyers reported that this made access to healthcare, family, and lawyers particularly difficult for the four detainees.



The 'Sasawa Seven.' Left to right: Kornelius Woniana, Rudi Otis Barangkea, Jemi Yermias Kapanai, Obeth Kayoi, Septinus Wonawoai, Peneas Reri, Salmon Windesi

Source: Democracy Alliance for Papua (Aliansi Demokrasi untuk Papua, AIDP)

"The conditions in detention are terrible. The capacity [of the prison] is around 200 but there are around 400 detainees. In a small cell there can be up to eight to 11 people."

~ Alexander Nekenem



The Manokwari detainees.

Source: Institute for Research, Investigation and Development of Legal Aid, (Lembaga Penelitian, Pengkajian dan Pengembangan, LP3BH)

Narko Murib, one of the four detainees, is reported to have suffered from malaria and did not receive adequate medical treatment.

Alexander Nekenem: *"The reason stated by the police [behind our arrests] was that we did not have a permit from the police for our demonstration ... I carried out a peaceful action to speak out for the people of Papua and the risk was arrest. That was what I had to carry out. The conditions in detention are terrible. The capacity [of the prison] is around 200 but there are around 400 detainees. In a small cell there can be up to eight to 11 people."*

Narko Murib: *"The quarters in Manokwari prison are very small, so much so that we feel very hot in the detention cells."*

On 27 November 2015, the four men were sentenced to one and a half years imprisonment each. They are expected to be released in November 2016.

In May 2015, Apolos Sroyer, Dorteus Bonsapia and Wamoka Yudas Kossay were arrested for planning a demonstration expressing their support for the ULMWP membership of the MSG. Apolos Sroyer and Dorteus Bonsapia were summoned by Biak police in relation to a letter they had signed notifying authorities regarding the planned demonstration. Upon arrival at the police station, they were detained and interrogated overnight. Wamoka Yudas Kossay was detained shortly after, when he was asked to report to the police. The three men were charged with incitement and sentenced to 10 months' imprisonment each.

Dorteus Bonsapia: *"[We] are constantly monitored and under surveillance by officers and by other detainees used by the officers. Our family is forbidden from visiting us. The officers treat us political prisoners very*



The Biak detainees

Source: KNPB

differently from other detainees. Our rights are ignored. Medical treatment here is very bad; in fact, we are not given permission to seek treatment at the hospital. I think the real reason [behind our arrests] is that we were peacefully asserting for our rights as indigenous Papuans on our own land and country. I'd like to ask [the international community] to send a monitoring team to see firsthand [the situation] in Papua."

Apolos Sroyer: *"Conditions in detention are uncomfortable. Unhygienic, so much so that it's easy to contract diseases within such a small space. The food given to us is not decent. The rice [given] is hard and dirty. Not suitable for consumption. Medical attention is so bad and in fact, unavailable, that we had to ask for medicine from friends or relatives. But the medicine they brought were forbidden and confiscated by prison officers. This country has laws but the law is flawed and not in favour of the truth. The laws are only written on paper, but not applied."*

Wamoka Yudas Kossay: *"Even though we submitted a letter notifying our demonstration, it wasn't responded to and we were then arrested. [This is] contrary to the legislation passed in this country."*

In March 2016, the three men were released following the end of their prison sentences.

"This country has laws but the law is flawed and not in favour of the truth. The laws are only written on paper, but not applied."
~ Apolos Sroyer

STATE VIOLENCE AND IMPUNITY

In December 2014, four teenagers were shot dead in Paniai in an incident now widely known as “Bloody Paniai” (*Paniai Berdarah*). The shootings invoked a strong backlash from national civil society groups and international observers, prompting multiple separate investigations by the police and military on one hand, and the National Human Rights Commission (*Komisi Nasional HAM*, Komnas HAM) on the other. More than a year on from Bloody Paniai, little progress has been made by way of convictions. After four months of investigations, Komnas HAM recommended the formation of a *pro-justicia* inquiry team, but soon after, investigations reportedly stalled due to a shortage in funding and an unwillingness from victims’ families to conduct exhumations and allow autopsies. In addition, results of the internal fact-finding investigations by the police and military have not been made public.

In 2004, Komnas HAM completed the *pro-justicia* inquiries of two separate cases – the 2001-2002 Wasior incidents and the 2003 Wamena incident. Even though the result of the inquiries were submitted to the Attorney General’s office, investigations into this case have not, to this day, taken place.

As reported under ‘2015 Findings,’ the number of cases of ill-treatment among detainees significantly increased to 690 cases in 2015 from 148 cases in 2014, and 159 cases in 2013. On the other hand, cases of torture among detainees in 2015 had decreased considerably to 4 cases from 66 cases in 2014, and 30 cases in 2013. In 2015, detainees reported the following methods of torture and ill-treatment: shot with firearms, shot with teargas bullets, having nails hammered into forearms, sexual assault and beating with a variety of tools including rattan canes, batons, knuckleduster gloves, rifle butts and wooden beams.

However, the abovementioned figures only take into consideration cases of Papuans who faced arbitrary detention. While cases of torture among detainees have decreased, cases of police and military brutality against Papuans, including the use of torture, firearms, and excessive use of force, in general are frequently reported.

Targetting Papuan Youth

In 2015, at least 11 Papuans died as a result of shootings or torture by Indonesian security forces. Seven out of the 11 victims were young men aged between 16 to 24 years old.

On 6 March, Deni Pahabol, a 17-year-old high school student and KNPB activist was murdered and his body dumped in a river in Yahukimo regency. On 25 June, 19-year-old Yoteni Agapa was shot dead by Brimob officers after an argument broke out between himself and them. On 28 August, two 23-year-old men were fatally shot in Timika by Indonesian soldiers who were under the influence of alcohol. On 28 September, 18-year-old Kalep Bagau was shot in the chest, reportedly because he was suspected of committing an act of vandalism, he died shortly after.

Excessive Force

At least 31 Papuans suffered serious injuries due to gunshot or stab wounds inflicted by security forces, and at least three Papuans were tortured. Reports show that in 2015, Papuans have been shot or tortured on account of causes including that they had verbally argued with security forces, been accused of theft, been involved in a roadside accident or because officers had been under the influence of alcohol.

The willingness by police and military officers to resort to excessive use of force not only demonstrates a low standard of professionalism and discipline within security forces, but also shows a lack of respect for the basic human rights of Papuans. The tendency of Indonesian security forces to overreact to situations involving young Papuan men highlights a particular discriminatory bias.

Impunity Persists

Reports of a police hospital in Jayapura being used as a place of torture under the total control of the police illustrates the entrenched culture of impunity in Papua. Since 2013, *Papuans Behind Bars* has recorded three cases where detainees faced torture or received dire medical treatment at Bhayangkara Police Hospital. Furthermore, this dynamic of public torture perpetuates a culture of fear and domination that breeds distrust among Papuans towards state institutions.

The sentencing of four soldiers and two police officers in two separate brutality cases that took place in 2015 are steps in the right direction for state accountability in Papua. However, the light sentences received by the perpetrators shows that punishment serves merely as a slap on the wrist rather than to secure justice for victims. The light sentences received by officers, particularly the sentences of 18-months each for two Jayapura City police officers found guilty of torture in a case from August 2015, sends the wrong message in the face of continual abuses. Further, the overwhelming majority of cases of state violence are not subject to thorough, impartial and independent investigations, with victims rarely receiving justice or obtaining reparations.

Internal Displacement

State violence in more remote areas in West Papua, such as in Lanny Jaya and Yahukimo regencies, has caused the displacement of thousands of Papuans. According to reports from Papuan human rights groups, up to 20,000 people have been displaced by violence perpetrated by police and military forces in recent years. Forcibly uprooted communities are reported to have fled to forests to seek temporary shelter from the violence and as a result are facing starvation and illness. Such conflict areas are often remote and heavily controlled by security forces, making it difficult for independent reporting on human rights violations. Furthermore, the complex system imposed by the Indonesian government in order for humanitarian agencies such as the UN High Commission for Refugees and the International Committee of the Red Cross to gain access to Papua restricts the availability of aid to displaced communities. Additionally, the lack of free and open access for international humanitarian agencies makes it impossible to get timely and accurate information on the scale of the problem of internally displaced persons in Papua. According to information received from Papuan civil society groups, displacement is causing a growing humanitarian crisis in these remote conflict areas.

RECOMMENDATIONS

To the Government of Indonesia:

- Order the unconditional release of all Papuan political prisoners as part of a comprehensive policy to end the punishment of free expression and association, and expunge any associated criminal records.
- Repeal or amend the articles of the Indonesian Criminal Code that have been used to criminalize freedom of expression, particularly Articles 106 and 110.
- Expedite the deliberation on the Bill of Amendment on the Criminal Code and the Bill on the Crime of Torture to strengthen the legal framework around torture. The Bill of Amendment on the Criminal Code must include provisions requiring effective punishment of perpetrators, while the Bill on the Crime of Torture should include comprehensive protection and prevention of torture and redress for victims.
- Revoke Article 6 of Government Regulation 77/2007 on Regional Symbols, which prohibits the display of separatist flags or logos, or amend it in accordance to international human rights standards.
- Repeal Emergency Law 12/1951, as recommended by the UN Working Group on Arbitrary Detention after its 1999 visit to Indonesia.
- Order the Attorney General's office to form an *ad hoc* prosecution team to conduct follow-up investigations into the 2001-2002 Wasior case and the 2003 Wamena case.
- Support the National Commission of Human Rights to begin *pro-justicia* investigations into the Bloody Paniai case without delay.
- Evaluate and review operational security management in Papua, including reviewing structures within the security forces to ensure greater accountability and protection of human rights.
- Revise the Law 39/1999 on Human Rights to strengthen the mandate of the National Human Rights Commission to investigate and prosecute perpetrations of human rights violations in Papua, and integrate a special provision on the recognition and protection of Human Rights Defenders.
- Strengthen the mandate and authority of the Representative Office of the National Human Rights Commission in Papua, in particular its powers to respond and investigate in a more robust and effective manner.
- Provide access for foreign journalists, international humanitarian and human rights organisations to conduct their work, without fear of restriction, harassment or arrest and in accordance with international human rights standards.
- Allow free and unrestricted access for all UN Special Rapporteurs wishing to visit and report on Papua. In particular, the Government of Indonesia should issue an invitation to Mr David Kaye, the current UN Special Rapporteur on Freedom of Opinion and Expression, as was pledged during the Universal Periodic Review of the UN Human Rights Council in Geneva in 2012.

To the International Community:

- Continue engagement with the Government of Indonesia on the issues of political prisoners, freedom of expression and assembly.
- Urge the Government to review and repeal laws that criminalise free speech, as well as convictions secured under those laws.
- Support efforts to promote the protection and recognition of Human Rights Defenders in West Papua.
- Encourage the Government of Indonesia to support Komnas HAM and other independent human rights bodies to conduct impartial, thorough and transparent investigations into allegations of human rights violations in Papua.
- Urge the Government of Indonesia to issue an invitation to the UN Special Rapporteur on Freedom of Opinion and Expression to visit and report on Papua.
- Support diplomatic representatives, including UN Special Rapporteurs, to make regular visits to Papua and encourage the Government of Indonesia to provide free and open access to West Papua for foreign journalists and international human rights and humanitarian organisations without fear of intimidation or arrest, particularly providing access to remote areas where affected communities have little recourse to seek redress.

ABBREVIATIONS

AIDP	<i>Aliansi Demokrasi untuk Papua, Democracy Alliance for Papua</i>
AMP	<i>Aliansi Mahasiswa Papua, Papuan Student Alliance</i>
Brimob	<i>Brigade Mobil, Mobile Brigades</i>
BUK	<i>Bersatu untuk Kebenaran, United for Truth</i>
GKI	<i>Gereja Kristen Indonesia, Evangelical Christian Church of Indonesia</i>
JAPHAM	<i>Jaringan Advokasi Penegakan Hukum dan HAM Pegunungan Tengah Papua, Advocacy Network for Upholding Law and Human Rights of Central Highlands in Papua</i>
Komnas HAM	<i>Komisi Nasional HAM, National Human Rights Commission</i>
KontraS Papua	<i>Komisi Untuk Orang Hilang dan Tindak Kekerasan, Papua Commission for the Disappeared and Victims of Violence</i>
Kopassus	<i>Komando Pasukan Khusus, Special Forces Command</i>
KPKC	<i>Keadilan, Perdamaian, dan Keutuhan Ciptaan, Office of Justice, Peace and Integrity of Creation (Evangelical Christian Church of Indonesia)</i>
KNPB	<i>Komite Nasional Papua Barat, West Papua National Committee</i>
LBH Jakarta	<i>Lembaga Bantuan Hukum Jakarta, Jakarta Institute for Legal Aid</i>
LBH Papua	<i>Lembaga Bantuan Hukum Papua, Papua Institute for Legal Aid</i>
LP3BH	<i>Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum, Institute for Research, Investigation and Development of Legal Aid</i>
MSG	<i>Melanesian Spearhead Group</i>
PRD	<i>Parlemen Rakyat Daerah, People's Local Parliament</i>
SKPKC	<i>Sekretariat Keadilan Perdamaian dan Keutuhan Ciptaan, Franciscans of Papua Office for Justice, Peace and Integrity of Creation of Franciscans of Papua</i>
ULMWP	<i>United Liberation Movement of West Papua</i>
UNCEN	<i>Universitas Cenderawasih, Cenderawasih University</i>
UNTEA	<i>United Nations Temporary Executive Authority</i>
YTHP	<i>Yayasan Teratai Hati Papua, Papua Lotus Heart Foundation</i>

Papuans Behind Bars aims to provide accurate and transparent data, published in English and Indonesian, to facilitate direct support for prisoners and promote wider debate and campaigning in support of free expression in West Papua.

Papuans Behind Bars is a collective effort initiated by Papuan civil society groups working together as the Civil Society Coalition to Uphold Law and Human Rights in Papua. It is a grassroots initiative and represents a broad collaboration between lawyers, human rights groups, adat groups, activists, journalists and individuals in West Papua, as well as Jakarta-based NGOs and international solidarity groups.

Questions, comments and corrections are welcomed, and you can write to us at: info@papuansbehindbars.org

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