

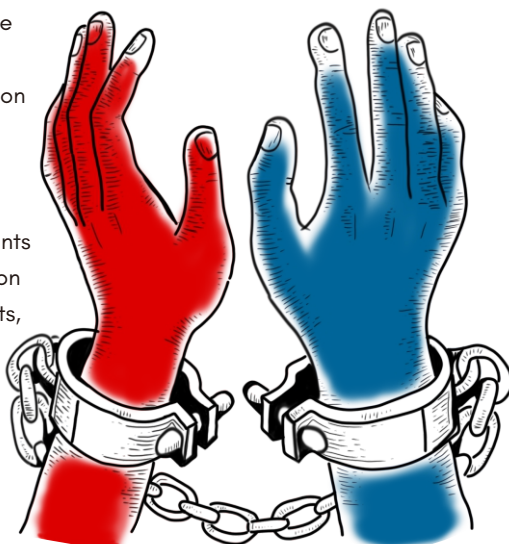
PAPUANS BEHIND BARS



Summary Overview of the period **October 2020 to September 2021**

418 new political prisoners were recorded in the period October 2020 to September 2021. Most new political prisoners have been released after being arrested or detained with **as many as 106** still being held in detention, most of whom have been charged with treason. Some of these 106 prisoners are alleged to have been in possession of firearms or ammunition with intent to supply West Papuan armed pro-independence groups and also charged under the Emergency Law (*Undang-Undang nomor 12 tahun 1951*). There are also those who were suspected of being members of West Papuan armed pro-independence groups, *Tentara Nasional Pembebasan Papua Barat* (TPNPB), for example, especially after the Indonesian Government declared such groups to be ‘terrorists’ after April 2021. Of those detainees who were released between October 2020 and September 2021 there are **at least 16 people** who have been charged with either the repressive treason (*makar*) articles in the Criminal Code, or articles relating to incitement of racial hatred in the Information and Electronic Transaction Law (*Undang-Undang Nomor 11 tahun 2008 tentang Informasi dan Transaksi Elektronik*, commonly known as UU ITE).

Between October 2020 and May 2021, the largest number of arbitrary arrests or detentions by the police occurred in relation to a number of events. The Police made arrests at events to commemorate West Papua's declaration of independence on 1 December 2020. Furthermore, these events were combined with widespread opposition from various West Papuan groups—students, academics, church leaders and indigenous customary groups—against the proposed amendment of the Law on Special Autonomy (*Undang-undang Nomor 21 tahun 2001 tentang Otonomi Khusus bagi Provinsi Papua*), in particular



on funding arrangements, unilaterally approved in Jakarta in July 2021. Most West Papuan groups have rejected the law based on many failures of implementation and criticised the central government's policy of disregarding grassroots voices of the West Papuan people. Protesters in many of West Papua's cities (Manokwari, Sorong and Merauke) instead called for a referendum to solve West Papua's problems. In total there were **118 incidents of arbitrary arrests or detention** surrounding the events with the majority of arrests (**76**) carried out by Merauke's police force.

Victor Yeimo, one of the leaders of the biggest pro-independence West Papuan political movement, KNPB (*Komite Nasional Papua Barat*, National Committee for West Papua), was arrested on 9 May 2021 and has been charged with multiple offences, including treason, with police alleging that he was responsible for riots during anti-racism protests in several cities during the West Papua Uprising in August 2019.

A total of 259 people were arrested between June and September 2021. The arrest of Victor Yeimo sparked many street protests in West Papua leading to forced dispersals which resulted in many arrests and injuries. One person reportedly died from bullet wounds after being shot by the police. The authorities also continued

to use COVID-19 health protocols to arbitrarily disperse and arrest peaceful protesters. Some arrests during this period were made against those suspected of being members of TPNPB. In September this pattern of arrests intensified due to the killing of four members of the Indonesian military in the town of Maybrat. As many as 43 people were arrested and 15 people were named as suspects in September alone. Of the 43 arrested, 21 are currently in detention and 22 have been released. 16 were minors.



Victor Yeimo - International Spokesperson of KNPB
(Original Photo by Foreign Correspondent: Greg Nelson ACS)

Arbitrary Arrests and Detention in Merauke

Similar to previous Papuans Behind Bars reports, there have been persistent patterns of arbitrary arrests or detention and other repressive measures from security forces personnel against protesters surrounding the 1 December commemorations of the Declaration of Independence. During 2020, 118 such arbitrary arrests or detentions occurred in just three cities: Merauke, Manokwari and Sorong. While in 2019 the 1 December commemorations were connected with anti-racism sentiments in the aftermath of the West Papua Uprising

(with protests also occurring in 17 cities across Indonesia outside West Papua and three cities abroad), the 1 December commemoration day in 2020 was linked to the rejection of the planned amendment of the law on special autonomy scheduled to be passed by national lawmakers in 2021. Prior to the 1 December commemorations, the police made arbitrary arrests of protestors demonstrating against the law on Special Autonomy. Responding to this issue, the UN Office of the High Commissioner for Human Rights (OHCHR) had warned the Indonesian Government that the arrests—in particular the arrest in Merauke of 54 people affiliated with the MRP (*Majelis Rakyat Papua*, the Papuan People's Council)—were a violation of rights to freedom of expression, peaceful assembly and association. A renewed call to respect these rights—responding to continued arrests and detentions—were again issued by various UN Special Rapporteurs in February 2021.

In Merauke, where the largest number of arrests occurred, there were 76 arbitrary arrests or detentions against prominent activists from the West Papuan pro-independence group the KNPB (*Komite Nasional Untuk Papua Barat*, the National Committee for West Papua) and ULMWP (United Liberation Movement for West Papua):

- On 17 November 2020, Merauke police arrested 54 people, including two members and staff of MRP, a legislative body formed under the special autonomy law, and the participants of a public hearing, which was supposed to be held on 17 and 18 November in Merauke Archdiocese's church. Initially the police prevented the MRP's public hearing on grounds that the hearing was breaching COVID-19 health protocols, but shortly after arrested the participants and charged them with treason after receiving orders from Merauke's newly-appointed Chief of Police Untung Sangaji Surianta. After being interrogated and detained for more than 24 hours, participants were released without any charges after they signed a letter saying that they would not engage in treasonous acts. In addition, the spokesperson of the Papua Regional Police Headquarters in Jayapura said that police released the 54 detainees because they lacked evidence;
- On 30 November 2020, Merauke police arrested 11 West Papuan activists in two separate places. First, the police arrested Pangkrasia Yem, chairwoman of the ULMWP Merauke branch, along with five other people at Merauke ULMWP's secretariat. They were arrested following their public statement a few days earlier rejecting amendments to the law on special autonomy. The following day, the police released them after interrogating them. Second, the police also arrested five Merauke KNPB activists (Yakobus Charles Sraun, Petrus Paulus Kontempro, Marius Anyum, Kristian Yandum and Yagya) at the KNPB secretariat, seemingly to

prevent their participation in the 1 December commemoration day. It was unclear as to when the KNPB activists were released by the police, but two weeks later almost all of them were re-arrested in the same place;

- On 13 December 2020, Merauke police raided the KNPB Merauke branch office and arrested 14 people in two rounds of arrests in the afternoon and evening. According to one of their lawyers, during the arrest the police beat them with rattan sticks and destroyed some of KNPB's property while failing to show them an arrest warrant. Later on the same day, police charged 13 of them with treason. Among the arrested KNPB activists were Yakobus Charles Sraun, Petrus Paulus Kontempro, Marius Anyum and Kristian Yandum who had also been arrested on 30 November. On 27 November 2020, Kristian Yandum died in a hospital while he was still in police custody. A few weeks earlier, his lawyer had sent a letter to the police requesting special medical treatment regarding his deteriorating health condition. His lawyer also accused the police of committing torture or other ill-treatment during the arrest and detention. On 2 April 2021, the police released the remaining 12 detainees allegedly because it was a gracious act to let them celebrate Easter Day, but still did not drop treason charges against them. However, their lawyers suspected that the police released the detainees because they did not have sufficient evidence to proceed with treason charges. Media reports indicated that the Chief of Police in Merauke, Untung Sangaji, had stated that the ill-treatment against the detainees had been "acceptable" because the detainees had already been warned three times not to commit treason. In addition, Sangaji also stated that: "If there are still people want to commit treason, I will shoot at their leg. I don't care. If they are insolent, just shoot them. This is Indonesia's territory."

Human rights groups in West Papua and Indonesia have been concerned about the chequered human rights record of Untung Sangaji Surianta since the beginning of his appointment as Merauke's Chief of Police in October 2020. In January 2018, while serving as the Chief of Police in North Aceh, Sangaji instructed those under his command to arrest and subsequently torture or maltreat 12 people, assumed to be transgender women. After the National Police Headquarters initiated an internal police disciplinary investigation, Untung Sangaji was dismissed from his post and transferred to a different position in another province as "punishment", before assuming his position in West Papua. His appointment in West Papua is suspected by human rights groups as being a measure to counter political dissent in the region.

Charges against West Papuan Prisoners

The majority of arrests and detentions carried out by police between October 2020 and April 2021 in West Papua relied on the use of treason articles under the criminal code. At least 114 people were charged with treason during the arrests, but subsequently only 15 new treason charges were brought. At the time of writing, there have been no trials against these prisoners. During the same observation period we also documented the first use of treason charges against two Acehnese in Pidie after the 2005 Helsinki Peace Agreement, made by the Indonesian government and Aceh's provincial government, governed by the Free Aceh Movement (Gerakan Aceh Merdeka, GAM). Two men were detained and charged with treason for unfurling a banner with the words "We sympathizers of ASNLF [Aceh Sumatra National Liberation Front] demand separation from Indonesia" written on it, along with the banned red crescent and star symbol in October 2020. This shows the state's increasing use of treason articles to suppress political dissent and indicates that its use in West Papua will increase.

Meanwhile, the repressive "anti-hate speech" articles under the Information and Electronic Transaction Law, (UU ITE) continued to be used against three West Papuans who made a posting on a social media platform. The ITE law has been criticised by human rights groups for being misused to suppress freedom of expression on the pretext of protecting inter-religious or inter-ethnic relations in Indonesia.

During the observation period, Papuans Behind Bars also documented that there were at least seven cases of arrests and detentions that allegedly involved violence through the use of possession or transferring firearms articles under the 1951 Emergency Law. It is worth noting that in the last two years since the killing of at least 19 non-Papuan construction workers and a military soldier in Nduga in early December 2018 there have been increasing numbers of incidents of violent clashes between armed pro-independence groups and the security forces. However, we have also received reports from West Papuan human rights lawyers that many of the arrests and detentions based on these charges also disregarded fair trial safeguards, such as arrestees not having access to a legal defence or police not using arrest warrants.

In late-April 2021, the Indonesian government, through the Coordinating Minister for Politics, Law and Security Affairs, announced that armed West Papuan pro-independence groups would be regarded as terrorists, a new low in terms of the human rights and security situation in the region. Human rights groups had already been concerned with a May 2018 amendment of the counter terrorism law that further reduced safeguards against arbitrary detention and torture and restricted rights of freedom of expression, association and peaceful assembly under the pretext of suppressing a "threat to the state ideology". They have voiced concerns that in the near future the law will be used to arrest and detain West Papuans.

Release of Prisoners

During the period of observation, Papuans Behind Bars documented a number of West Papuan prisoners—on previous Papuans Behind Bars lists—who have been released for completing their prison terms. Among them were Lucky Elopere, Samuel Kurisi, Konius Doga, Manu Marlon Alua and Randis Lokbere who were released between October 2020 and January 2021 and all of whom were convicted for the Wamena riots in September 2019 after being charged with arson under Article 187 of the Criminal Code.

On a very rare occasion, three West Papuan prisoners (Yakobus Assem alias Vovof, Marten Muuk and Simon Sasior) charged with treason, including treason involving violence, were acquitted by a court in Sorong. The acquittals were handed down by the same panel of judges in two separate cases based on a lack of evidence and unfair trial concerns. Papuans Behind Bars has obtained the two court decisions. The treason cases against the three West Papuans related to the police's large-scale operation in early April 2020 in Maybrat, West Papua province, to hunt down the suspected killers of a police officer who also took a gun from the victim.

During the police operation on 23 April 2020, the police arrested a village leader, Marten Muuk along with a civilian, Simon Sasior, in Maybrat district. The police also arrested a third man, Yakobus Assem, in a different location. The police claimed that they had seized ammunition nearby, and a document containing a list of KNPB members or followers who provided firearms or other logistics to the local armed pro-independence group, the National Liberation Army of West Papua (TPNPB, Tentara Pembebasan Nasional Papua Barat) that it alleged was responsible for the killing of the police officer. The police also accused the suspects of being KNPB members who collected funds from the village in support of TPNPB. During the interrogation, none of the suspects were accompanied by a lawyer and all or most of them were illiterate. In the trials, they did not admit to being KNPB members nor of providing firearms or logistical support to the TPNPB. The judge decided that the evidence was not sufficient to prove that all suspects were guilty of treason and also mentioned the lack of due process involved in the arrests.

COVID-19 and Detention Conditions

Papuans Behind Bars has documented a case of at least one detainee dying during the reporting period. Kristian Yandum died in a hospital in Merauke while still in police custody (see further details in the above case).

Despite the fact that the Minister of Law and Human Rights had issued a decree letter releasing at least 62 thousand prisoners as of February 2021, none were West Papuan political prisoners. Prisoners eligible for early release had received less than five years'

imprisonment and had to have fulfilled certain qualifications. This move was not in line with a call from international bodies that the government should prioritise the release of prisoners who were sentenced for non-violent offences during the COVID-19 pandemic.

Some lawyers told Papuans Behind Bars that law enforcement officials had sometimes prevented detainees from accessing their lawyers on the pretext of preventing Covid-19, despite their clients being detained in overcrowded jails.



ⁱ The names of some political prisoners came up twice as they were re-arrested.

ⁱⁱ On the 1 December National Day in 2019, TAPOL recorded 126 arrests in various cities in West Papua and Indonesia. See TAPOL, 'West Papua: 61 new political prisoners on 1 December West Papuan National Day commemoration crackdown', 9 December 2019, available at: <https://www.tapol.org/news/west-papua-61-new-political-prisoners-1st-december-west-papuan-national-day-commemoration>.

ⁱⁱⁱ TAPOL and V. Koman, 'The 2019 West Papua Uprising: Protests against racism and for self determination', September 2020 <https://www.tapol.org/sites/default/files/The%202019%20West%20Papua%20Uprising.pdf>

^{iv} OHCHR, Comment by UN Human Rights Office spokesperson Ravina Shamdasani on Papua and West Papua, Indonesia, 30 November 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26551&LangID=E>.

^v A Joint Statement made by the UN Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Rights of Indigenous Peoples, to the Indonesian Permanent Mission to the United Nations, 22 February 2021, https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=260_29.

^{vi} Kompas.com, '54 Peserta RDP Otsus Papua Ditangkap karena Dugaan Makar di Merauke [54 Participants of the Special Autonomy Papua Public Hearing arrested for alleged treason in Merauke]', 18 November 2020, <https://regional.kompas.com/read/2020/11/18/18100221/54-peserta-rdp-otsus-papua-ditangkap-karena-dugaan-makar-di-merauke?page=all>.

^{vii} CNN Indonesia, 'Kurang Bukti Kasus Makar, Polri Lepas 54 Peserta Rapat MRP [Lack of evidence for treason, police release 54 participants of the MRP's meeting]', 20 November 2020, <https://www.cnnindonesia.com/nasional/20201120063120-12-572166/kurang-bukti-kasus-makar-polri-lepas-54-peserta-rapat-mrp>.

^{viii} ALDP (Alliance of Democracy for Papua), 'The State of Human Rights Situation in Papua Annual Report 2020', 17 March 2020, <https://www.aldp-papua.com/laporan-situasi-umum-hak-asasi-manusia-tahun-2020-di-papua/>.

^{ix} Jubi, *PH sebut 12 tapol di Merauke bebas demi hukum bukan atas kebijakan polisi* [Lawyer said 12 political prisoners in Merauke free not because of police discretion], 4 April 2021, <https://jubi.co.id/ph-sebut-12-tapol-di-merauke-bebas-demi-hukum-bukan-atas-kebijakan-polisi/>. Although released, the treason charges are outstanding.

^x Tirto.id, '13 Aktivis KNPB Merauke: Ditangkap Paksa, Disiksa, Sakit di Penjara [13 Merauke KNPB Activists; Arrested Arbitrarily, Tortured, Sick in Prison]', 14 February 2021, <https://tirto.id/13-aktivis-knpb-merauke-ditangkap-paksa-disiksa-sakit-di-penjara-gadi>.

^{xi} Jubi, *Kapolres Merauke: Kalau masih ada, saya tembak kaki* [Merauke Chief of Police: if there are still any, I will shoot their leg], 14 December 2020, <https://jubi.co.id/papua-kapolres-merauke-kalau-masih-ada-saya-tembak-kaki/>.

^{xii} Amnesty International, Urgent Action, 12 Assumed Transgender People Publicly Tortured, 21 February 2018, <https://www.amnesty.org/en/documents/asa21/7891/2018/en/>.

^{xiii} Reuters, 'Indonesian police investigate detention of transgender women in Aceh', 2 February 2018, <https://www.reuters.com/article/us-indonesia-lgbt-idUSKBN1FM10V>.

^{xiv} Beritakini.co, 'Dijerat Makar, Dua Pria yang Pajang Spanduk Aceh Merdeka di Pidie Terancam hukuman Seumur Hidup [Charged with Treason, Two Men Displaying Free Aceh Banner in Pidie Face Life Imprisonment]' 18 February 2021, <https://beritakini.co/news/dijerat-makar-dua-pria-yang-pajang-spanduk-aceh-merdeka-di-pidie-terancam-hukuman-seumur-hidup/index.html>.

^{xv} Although violence was used during the course of some arrests or detentions, we have taken care to eliminate some cases which are outside the scope of human rights violations (for example, see the cases of Yakobus Assem, Marten Muuk and Simon Sasior below).

^{xvi} The Jakarta Post, 'Indonesia declares Papuan rebels terrorists', 29 April 2021, <https://www.thejakartapost.com/news/2021/04/29/indonesia-declares-papuan-rebels-terrorists.html>.

^{xvii} Undang-Undang No 5/2018 tentang Perubahan atas Undang-undang No. 15/2003 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1/2002 tentang Pemberantasan Tindak Pidana Terorisme Menjadi Undang-Undang.

^{xviii} See for instance Amnesty International's Open Letter to the Chairperson of the House of Representatives of the Republic of Indonesia on the Latest Proposal on Counterterrorism Law Amendment, 24 May 2018, <https://www.amnesty.org/en/documents/asa21/8472/2018/en/>.

^{xix} For more information on the September 2019 Wamena riots, see TAPOL and V. Koman, 'The 2019 West Papua Uprising: Protests against racism and for self-determination', September 2020, pp. 15-16, <https://www.tapol.org/sites/default/files/The%202019%20West%20Papua%20Uprising.p df>.

^{xx} ICP, 'Police operation in Maybrat Regency accompanied by arrests and torture', 26 April 2021, <https://www.humanrightspapua.org/news/32-2020/564-police-operation-in maybrat-regency-accompanied-by-arrests-and-torture>.

^{xxi} Court Decisions of the Sorong District Court No. 231/Pid.B/2020/PN Son (Case of Yakobus Assem) and No. 230/Pid.B/2020/PN Son (Case of Marten Muuk and Simon Sasior), 2 February 2021.

^{xxii} Pikiran Rakyat, 'Hindari Penyebaran Covid-19 di Penjara, Sudah 62.000 Tahanan Bebas karena Program Asimilasi [Preventing Covid-19 in Prisons, 62,000 Prisoners has already been released due to the Assimilation Programme]', 11 February 2021, <https://www.pikiranrakyat.com/nasional/pr-011417767/hindari-penyebaran-covid-19-di-penjara-sudah-62000-tahanan-bebas-karena-program-asimilasi>.

^{xxiii} Joint Statement of UNODC, WHO, UNAIDS and OHCHR on COVID-19 in Prisons and Other Closed Settings, 13 May 2020, available at: <https://www.who.int/news/item/13-05-2020-unodc-who-un aids-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings>.

PAPUANS BEHIND BARS



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 grass roots 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