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Allansi Demokrasi untuk Papua

Oral Statement - 30th Session of the UN Human Rights Council
14 September 2015 - Item 3: ID with the Working Group on Arbitrary Detention
Speaker: Mr Budi Tjahjono

Increasing Arbitrary Arrests in West Papua, Indonesia

Thank you Mr. President,

We, the International Coalition for Papua would like to draw the Council's attention to the record high number of arbitrary arrests in West Papua, Indonesia this year. In the first seven months of 2015 alone, 689 people have been arbitrarily detained in Papua. This is an 86% increase to the previous year and highest since records began.

In May this year, in a move hailed by mainstream Indonesian and international press as a 'breakthrough', President Joko Widodo granted clemencies to five Papuan political prisoners. However, shortly after their release, security forces clamped down on peaceful political activity by arresting at least 224 Papuans in Jayapura, Manokwari, Wamena, Biak and Nabire. These mass arrests targeted Papuans who supported a bid by the United Liberation Movement of West Papua (ULMWP) to become an associate member of the Melanesian Spearhead Group (MSG).

Alexander Nekenem, one of the detainees arrested in Manokwari for leading a prayer session in support of the ULMWP, was tortured by Mobile Brigades (*Brigade Mobil*, Brimob) officers in detention. Nekenem, alongside at least two other detainees, are currently kept in an isolation cell in Manokwari Regional Police Station and are reportedly not allowed access to proper sanitation or toilets. They are also reportedly being blocked access to their lawyers.

At the end of July 2015, there were at least 51 political prisoners in Papuan jails¹. In 2014, the number of detainees tortured or ill-treated for participating in demonstrations and other peaceful activity sharply increased fivefold as compared to the previous year. Additionally, the number of cases of political detainees being denied access to lawyers has also risen in recent years.

From 2012 to 2014, treason laws continued to be used to repress free expression in Papua. Charges of treason under Article 106 or conspiracy to commit treason under Articles 106 and 110 were the most frequently used against political detainees. While there has been a decrease in the number of detainees charged under Emergency Law 12/1951, which punishes the possession of sharp weapons, firearms and ammunition, there appears to be a substitution of this law with charges Article 187 of the Criminal Code.

Many of those who were charged with Emergency Law 12/1951 were instead initially detained due to their involvement in demonstrations or peaceful political activity. Data collected shows that this law was sometimes added to charges of treason to secure convictions against activists or used to criminalise indigenous Papuans who carried machetes and knives for their personal use for farming and daily activities. The vast majority of cases in which detainees faced charges of violent crime were built on false allegations, politically motivated or both.

On 20 March 2015, 21 people were arbitrarily detained, one person fatally shot and at least six others injured for taking part in a donation drive collecting funds for victims of Cyclone Pam in Vanuatu. Perpetrators of the shootings from the Yahukimo police and Brimob officers have so far not been held to account.

We recommend that the Indonesian government should:

1. 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.
2. Repeal or amend the articles of the Indonesian Criminal Code that have been used to criminalise freedom of expression, particularly Articles 106 and 110.
3. Repeal Emergency Law 12/1951, as recommended by the UN Working Group on Arbitrary Detention after its 1999 visit to Indonesia.
4. Evaluate and review operational security management in Papua, including reviewing structures within the security forces to ensure greater accountability and protection of human rights.
5. Allow free and unrestricted access to 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.

¹ See <http://www.papuansbehindbars.org/?p=2895>