



18 January 2021

Statement on increasing violations of international law in West Papua

Freedom of Assembly, Association and Expression

Protests are occurring throughout West Papua against renewal of rule from Jakarta via the 'special autonomy' laws that are due to expire this year. During these protests, we call upon the Indonesian authorities to uphold the rights of West Papuans and to consider their obligations under international law.

Abuses against civilians escalated in December 2020, including an Indonesian police attack on West Papuan students peacefully protesting against Indonesian human rights abuses in Nabire, resulting in the arrest of 18 students. Police also arrested members of the National Committee for West Papua (KNPB) in Merauke, accused them of treason and destroyed their office.

2021 began with more arbitrary arrests, as KNPB leader Naftall Tipagau was abducted by police intelligence agents in Intan Jaya. We believe he is still in custody on unknown charges. The arrest may be related to his reporting of devastating Indonesian military activities in the area.

Many of the abuses relate to support for the United Liberation Movement for West Papua (ULMWP) declaration of a Provisional Government. Supporters of the ULMWP's announcement should be allowed to gather and express their opinions freely, without harassment or intimidation.

There are too many incidents of harassment to record each one here. As an example of what is taking place, in Biak and Serui, several individuals have been summoned to police stations and interrogated over their peaceful support for the Provisional Government and their rejection of special autonomy. They include:

- Yusup Daimboa
- Soleman Rumayomi
- Yermias Rabrageri
- Frans Kapisa
- Yonathan Ruwayari
- Alvarez Kapisa
- Yuliana Rumbara



Under international law, the laws to be applied in occupied territories are complex. West Papuans held for the peaceful expression of their political views should be released. At a minimum, others should be promptly brought before a judge, charged with an offense recognised under international law, and have access to legal support.

Martial Law

There is a worrying trend toward martial law throughout West Papua. Martial law refers to the imposition of direct military control of normal civil functions. This military subjugation of civilian functions and civilian life in West Papua should be seen as part of the continued occupation.

Martial law is accompanied by the suspension of rights. In 2003 martial law was imposed in Aceh with devastating consequences.

The deployment of armed troops against peaceful resistance and protest inevitably results in severe human rights abuses. Thousands more soldiers have recently been deployed to West Papua to assist the Indonesian Police. There is an increasing military presence in towns and at checkpoints throughout West Papua and there continue to be allegations of killings of civilians by the Indonesian military.

Responsibilities under international law

In 2006, Indonesia acceded to the International Covenant on Civil and Political Rights (ICCPR), which recognises freedom of speech and freedom of assembly, prohibits arbitrary arrest and detention and protects the right to due process and a fair trial.

A fair trial includes the right to be presumed innocent until proven guilty, to be able to present a legal defence, to be present at your own trial, to not be compelled to testify against yourself or to confess guilt and to be tried before an independent and impartial tribunal. These rights arise out of article 14 and 15 of the ICCPR and are clarified in the UN Human Rights Committee's General Comment 32.

Eighty-three countries are now calling upon the UN High Commissioner for Human Rights to visit West Papua. Indonesia has previously agreed to this visit and should move ahead with it immediately.

As West Papuans reject the renewal of 'special autonomy' or express support for the Provisional Government, fair treatment of protestors, political prisoners and activist leaders will



help de-escalate conflict and tension.

Critical and dangerous work is being done by lawyers and activists on the ground to uphold the rights of West Papuans. On 16 December 2020, International Lawyers for West Papua filed an urgent appeal to UN Special Rapporteurs, after a serious escalation in the threats made by the Indonesian government against the ULMWP, its members and supporters.

The world is watching Indonesia's treatment of West Papuans and violations of international law must be highlighted and responded to. We will document and report abuses of international law. We call upon the Indonesian authorities to uphold the rights of West Papuans and call on other states to also consider their obligations under international law.

Media contact: info@ilwp.org

Twitter: @ILWPHQ

International Lawyers for West Papua

ILWP's mission is to help the indigenous peoples of West Papua to exercise their right to self-determination under international law. ILWP coordinates a broad network of legal professionals and academics to secure and promote the fundamental rights and freedoms of the people of West Papua