



## JOINT STATEMENT

### **CALL FOR IMMEDIATE RELEASE OF SIMON MAGAL AND JAKUB SKRZYPSKI The West Papuan and Polish pair have been charged with treason in Indonesia**

*London, New York, 7 September 2018*

TAPOL and the East Timor and Indonesia *Action* Network (ETAN) call for immediate release of Simon Carlos Magal and Jakub Fabian Skrzypski. In the event that Mr. Skrzypski is prosecuted, we call on all representative parties to ensure that he is afforded a fair trial.

Indonesian police arrested West Papuan student Simon Carlos Magal, 29, on 1 September 2018 in Timika, in connection with the arrest of Jakub Fabian Skrzypski several days earlier.<sup>1</sup> According to news reports, Mr. Skrzypski, a Polish citizen, was visiting West Papua as a tourist when he was detained by police in Wamena. He was arrested on suspicion of being a journalist, and for reportedly meeting with alleged members of an armed independence group in West Papua.<sup>2</sup> The two men have been charged with treason and are currently in jail awaiting trial in Jayapura.

The opinions and facts included below are based on information collected from media reports, human rights defenders on the ground, and families and friends of those affected. We understand the complications of the subject matter at hand. We also recognise the sensitivity of the issues and the Indonesian police's role in investigating any activities not in accordance with the law, particularly relating to the dealing and possession of arms. The following findings have not yet been published in any media. Our aim is to shine more light on this case and to encourage Indonesian law enforcement agencies and the general public to maintain the presumption of innocence towards both Mr. Magal and Mr. Skrzypski.

Before his arrest, Mr. Magal was preparing to depart for post-graduate studies in Australia. A well-respected West Papuan lecturer, MY, has publicly condemned the arrest and expressed his frustration. Mr. Magal planned to join MY as a lecturer at the most prominent state university in West Papua once Mr. Magal finishes his studies. Mr. Magal's contacts with Mr. Skrzypski

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<sup>1</sup> <https://www.ucanews.com/news/indonesian-police-arrest-papuan-student-on-treason-charge/83229>

<sup>2</sup> <https://www.nytimes.com/aponline/2018/08/31/world/asia/ap-as-indonesia-poland.html>

were limited and Mr. Magal has no capacity to carry out the weapons negotiations that he is being accused.

Charging Mr. Magal with treason for having met Mr. Skrzypski and communicated with him on Facebook is excessive and not commensurate with Mr. Magal's actions. We believe that Mr. Magal has simply been dragged in by the actions of Mr. Skrzypski. Our findings show that Mr. Skrzypski is merely a tourist who may have been acting recklessly and irresponsibly in a conflict area. As a result, local people like Mr. Magal are left to face superfluous consequences.

Close friends of Mr. Skrzypski that we interviewed describe him as an avid 'extreme' traveller with a passion for other cultures, languages, and humanitarian issues. He had previously travelled to Armenia, Myanmar, and Iraq to learn about their cultures and respective histories of genocide. Before finally visiting West Papua, he had travelled multiple times to many places in Indonesia. He can speak Indonesian and, to a lesser degree, some local languages including Javanese, Ambonese, and Sumbanese.

Sources indicate that Indonesian police used Mr. Skrzypski's photos of him holding guns as evidence of him being an arms dealer. A clarification that we received from one of Mr. Skrzypski's travelmates, alias AS, is that some of the photos was taken at an indoor sport shooting range located in Vaud, Switzerland, where Mr. Skrzypski had been living since 2008. Police confiscated all of Mr. Skrzypski's belongings, including the *Liberté et Patrie*, Vaud's cantonal flag.

As an 'extreme' traveller, the West Papua Liberation Army is not the first armed independence group that he has met for the sake of adventure. He had also visited the Kurdish Liberation Army in the troubled Qandil mountains region in Iraq in Spring 2017, before the liberation of Mosul from ISIS. His intention to learn about West Papua's struggle is indeed easily misinterpreted by the Indonesian government. While Mr. Skrzypski's choices may have been irresponsible and regrettable, his circumstances appear those of an idealistic and naive traveller, and not one of a criminal. By being accused of multiple counts of treason, we feel he has been unfairly charged.

According to people that Mr. Skrzypski met in West Papua, he told them that he wished to learn about West Papuan culture, language, and their struggle for self-determination. He did document his travel and meetings, as many tourists do, which ought not to be confused with "journalistic activities."

Reports indicate that Indonesian police were concerned about videos obtained from Mr. Skrzypski's phone. Some videos allegedly depict several West Papuans thanking the Republic of Poland for Mr. Skrzypski's visit. We feel this should not cause an over-reaction. Expressions of thanks to an individual's State, instead of towards the individuals themselves, is a way West Papuans commonly express thanks for international solidarity.

Two other West Papuans, EW and AW, were arrested for possession of ammunition at a similar time and location as Mr. Skrzypski's arrest. A prominent local human rights defender, GK, who had met EW, AW, and Mr. Skrzypski, found that the ammunition belonged to EW and AW and not Mr. Skrzypski. He believes that the two separate cases have been confused.

Convictions for treason charges can carry maximum sentence of life imprisonment or 20 years in Indonesia. The charge has long been used in West Papua to intimidate those who oppose or question Indonesian rule there, and to criminalise rights to freedom of expression. These latest charges against Mr. Magal and Mr. Skrzypski jeopardize the Indonesian government's efforts to strengthen national democracy, and reverses a trend which showed fewer cases tried for treason over the past few years.

### Recommendations

We call for:

1. The immediate release of Simon Carlos Magal
2. The immediate release of Jakub Fabian Skrzypski

We believe that Mr. Skrzypski has been unfairly charged. In the event he is prosecuted, we call on all representative parties to:

3. ensure that Mr. Skrzypski is afforded a fair trial.

We call on the Indonesian government to:

4. stop using highly problematic treason charges that have long been used in excess to both intimidate peaceful dissent and to criminalise rights to the freedom of expression.

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