

The Torture of Children in Puncak Papua is Evidence that the State is Not Serious About Protecting Children in Papua

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The Advocacy Team for Human Rights in Papua (Tim Advokasi HAM untuk Papua) strongly condemns acts of persecution and torture of seven minors, causing one of them to die. Based on a timeline of events that we have verified, it is suspected that the deceased child was heavily persecuted and tortured by the military (TNI), because they were accused of stealing weapons from Pos PT Modern Tapulunik Sinak, Puncak Regency, Papua. This event certainly adds to the long list of violence committed by the security forces in Papua.

This is the verified timeline:

- The weapons theft occurred in Sinak on 22 February 2022 at 22:15 East Indonesia Time (WIT) at Pos PT. Modern Tapulunik Sinak Airport, Puncak Regency.
- This had occurred on a night where the airport team and community around Tapalunik airport were playing the card and dice games Togel and Dadu, which had been commenced by a member of Pos PT Modern.
- The event occurred whilst several children were watching TV in Pos PT Modern. In this situation, three individuals saw the weapons in front of them that had been left by the staff from Pos PT Modern. With this opportunity, the three individuals took the weapons and ran off with them.

After finding that the weapons in Pos PT Modern were missing, the staff accused the children who were watching the television in Pos PT Modern as being responsible for the theft of the weapons.

But they did not know anything at all about the theft of the weapons.

Nevertheless, the staff in Pos PT Modern directly committed violent acts and torture against the seven minors. The children are:

1. DM (Primary School Class 5)
2. DK (Primary School Class 4)
3. FW
4. EM
5. AM
6. WM
7. Makilon Tabuni (Primary School Class 6)

- The torture that occurred had the effect of wounding the children, as well as killing one of them. The child who died was named Makilon Tabuni.
- The corpse of the deceased was then cremated in front of the Police Station in Sinak.
- The other six victims are now being treated in Sinak Clinic. A few of the children that sustained severe injuries were taken to the hospital.

This incident of the torture of seven minors in Puncak Regency, Papua, again strongly highlights an intensifying culture of military and police violence in Papua. Apart from adding to the long list of human rights abuses, this event also strengthens the suggestion that the state is not able to end the systematic problems that have taken root in Papua. Instead of stopping these violent events and human rights abuses in a just way, the government has proven resistant and has continued to use the same approach.

Alleged torturous acts can be seen at the international level to constitute a part of *ius cogens* so that it is forbidden under any circumstances. These norms are also consistent with constitutional mandates that mention the right to not be tortured as a right that is not able to be derogated. Moreover, Indonesia has also ratified the Anti-Torture Convention as part of Law No.5 of the Year 1998. Unfortunately, torture, punishment and harsh actions, which are not humane, are degrading to human dignity and still happen often and also involve state actors.

Moreover, these acts by the security forces also violate the spirit of protecting children and wishing the best for their life, body, development and participation and for them to be appropriate for human flourishing and dignity, as well as protection from violence and discrimination. Even if the accusation of theft was actually true, the approach used has to be a system where criminal prosecution is regulated through the Criminal Code (KUHP) and not by actors 'playing the judge themselves' through the use of torture.

The seven children who have been victims of persecution and torture are certainly not the first to have had this happen. Children in Papua are often victims and 'black sheep' in the humanitarian conflict that has arisen there to the present day. The case of two young children who were mistakenly shot in a firefight is still fresh in the memory. Until now, the details of this case have never been disclosed in full. This sequence of violent events also highlights the lack of seriousness of the state in the protection and feeling of safety of children in Papua.

Based on this, we urge that:

First, the State takes responsibility by investigating the torture of seven children which led to the death of one of them, in a transparent and accountable way.

Second, that the military and police bring to justice every one of their members that have been proven to be involved in the torture.

Third, that the government support the optimal recovery of the six child victims currently receiving care, both physically and mentally, and the effective restitution for the family of the child who died.

Fourth, the National Human Rights Committee must immediately investigate and discuss the human rights abuses which occurred, and begin the process of punishment for every member of the military that was involved.

Fifth, the Victims and Witness Protection Agency (LPSK) and the Indonesian Child Protection Commission (KPAI) be proactive and accompany and protect families, including children, whilst moving forward with effective restitution.

The Advocacy Team for Human Rights in Papua (Tim Advokasi HAM untuk Papua)

KontraS - YLBHI - Make West Papua Safe Campaign - Asia Justice and Rights - Southeast Asia Freedom of Expression Network - Elsham Papua - LP3BH Manokwari - Amnesty International Indonesia - TAPOL - KPKC SINODE GKI TP - Imparsial - Yayasan Pusaka Bentala Rakyat - Yayasan Keadilan dan Keutuhan Manusia Papua (YKKMP)