



Promoting human rights, peace and democracy in Indonesia

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Mr Frank La Rue
Special Rapporteur on the right to freedom of opinion and expression
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
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17 May 2013

Urgent Appeal

Indonesia: Killings, arrests and excessive use of force against peaceful protestors in Papua

We are writing to you on behalf of TAPOL, International Coalition for Papua, Survival International, Franciscans International, West Papua Advocacy Team, East Timor and Indonesia Action Network, West Papua Action Auckland, Australia West Papua Association (Sydney), Peace Movement Aorearoa, Pacific Media Centre and Pacific Scoop in relation to the killings, arrests and excessive use of force against peaceful protestors in Papua during 30 April–13 May 2013, which violated the fundamental rights to freedom of expression and assembly.

On 1 May 2013, Papuans commemorated the 50th anniversary of the administrative transfer of Papua to Indonesia. Peaceful demonstrations went ahead despite a ban issued by Indonesian authorities,¹ in contravention of the right to free expression and assembly. Police opened fire on demonstrators, killing three, seriously injuring others and arresting leaders. When civil society groups gathered on 13 May to peacefully demand accountability, more arrests were made. At least 30 demonstrators were arbitrarily arrested in Timika, Sorong, Biak, Abepura and Jayapura (see Appendix).

The killings and arrests represent a serious deterioration in the environment for free expression and assembly in the Papua region. 1 May is commemorated every year in Papua, however during last year's events the police reaction, though repressive, was far less violent. Around 13 people were arrested for their participation in the raising of the Papuan Morning Star flag during a demonstration on 1 May 2012.² 11 were released without charge, whereas Darius Kogoya and Timur Wakerkwa were convicted of treason and are still serving prison sentences.³

We, the undersigned organisations, are seriously concerned at this deterioration in the situation in Papua, and we urge you to raise the situation with the government of Indonesia and press for the release of all those arrested for peacefully expressing their opinions (see Appendix 1). We support the statement of the UN High Commissioner on Human Rights, Ms Navi Pillay who condemned the ongoing suppression of the right to freedom of expression and the use of excessive force in Papua by the Government of Indonesia.⁴

We further request that you enter into dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on torture, and the Working Group on Arbitrary Detention on the matter.

Facts of the case

On 30 April, at around 17:00 East Indonesia time, community members of Aimas district in Sorong gathered at the house of Isak Klaibin, where they planned to commemorate the 1 May anniversary. Credible reports from human rights sources state that military and police forces in four vehicles arrived a few hours later and surrounded the house. The security forces proceeded to fire several warning shots, which agitated the demonstrators who then proceeded towards the vehicles.⁵ When this happened, the security forces fired into the crowd for twenty minutes, causing the deaths of two activists, Apner Malagawak and Thomas Blesia.⁶ Salomina Klaibin, the sister of Isak Klaibin, was shot in the stomach and shoulder and died in hospital a few days later. At least two other demonstrators were injured, with one reportedly in a critical condition. At least seven activists have been arrested following this incident and charged with treason.⁷ Yan Christian Warinussy, Director of the Institute of Research, Analysis and Development for Legal Aid (LP3BH) which is accompanying the seven activists has stated that the police have attempted to hinder their access to legal counsel, citing Article 115 of the Indonesian Criminal Procedure Code, which states that while lawyers may observe the interrogation of treason suspects, they may not actually hear what is being said. According to Warinussy, police do not normally invoke this Article in such cases.

In Timika on 1 May a group of indigenous Papuans conducted a ceremony at which the Morning Star flag was raised. The flag is a symbol of Papuan identity which is allowed under the Special Autonomy Law governing the Indonesian provinces of Papua and West Papua, but forbidden under government regulation 77/2007. The flag-raising resulted in the arrests of 16 people who are currently at risk of torture,⁸ with reports that ten of the detainees face treason charges.⁹ Five demonstrators were reportedly injured when police opened fire during the flag-raising ceremony.¹⁰

In Biak, a similar flag-raising event led to the arrests of at least six activists, with reports of at least one person hurt when police opened fire into the crowd of 50 people who had gathered at the ceremony commemorating 1 May.¹¹

In Abepura, the West Papua National Committee (*Komisi Nasional Papua Barat*, KNPB) leader for Sorong district, Martinus Yohami, was arrested on 1 May while giving a speech during a peaceful demonstration.¹² It is not known what he is being charged with.

Markus Yenu, a human rights activists and a leader of the West Papua National Authority (WPNA) in Manokwari, has been consistently targeted for his involvement in political activities and leading demonstrations. On 1 May, police moved to arrest him during a commemorative march in Jayapura, but protestors positioned themselves between Yenu and the police, allowing him to disappear into the crowd.¹³ It is believed that he is now in hiding.

On 8 May, another ban on public demonstrations was issued when a coalition of human rights groups and civil society organisations announced their intention to carry out cross-Papua demonstrations on 13 May demanding accountability from the government following the deaths, arrests and injuries of peaceful activists during the events commemorating 1 May.¹⁴

On 13 May, protestors gathered outside the Cenderawasih University in preparation to march. The authorities responded by arresting KNPB leader Victor Yeimo and three other activists; Yongky Ulimpa, Ely Kobak and Marten Manggaprouw, when Yeimo attempted to negotiate with the police to allow the march to proceed. Cenderawasih University student Markus Giban was arrested and has suffered a broken arm from being reportedly tortured by Jayapura police.¹⁵ Three of the activists have reportedly been released however Yeimo has been transferred to Abepura prison, allegedly in relation to a previous case.¹⁶ There have also been reports that following the arrests of the four activists, police used excessive force against the crowd of demonstrators, severely beating them and destroying several motorcycles during an attempt to

disperse the protestors.¹⁷ Local activists also report that since this event, police have been clamping down on civilians in Sentani, Abepura and Jayapura city, mobilising tanks and police vehicles, and are said to be carrying teargas equipment¹⁸ and water cannons.¹⁹

Arbitrary arrest and detention

Of the 30 demonstrators arrested, three have reportedly been released. 22 have reportedly been charged with treason, and Victor Yeimo has been transferred to Abepura prison to continue serving a previous sentence under Article 106 (despite a previous opportunity to follow this up, upon which the police chose not to act).²⁰ The current status of the remaining 7 is still unconfirmed. See Appendix 1.

Risk of torture

People arrested for political activity and protest in Papua are frequently tortured. During 2012 at least 28 political arrests reportedly involved torture, with victims variously blindfolded, beaten, gagged, threatened with death, and subjected to electric shocks.²¹ Many of the cases of torture happen when the detainee is in police detention during interrogation and trial.

Indonesia's human rights abuses disregard its legal obligations

The measures taken by the Indonesian authorities during these two weeks in May are clear violations of the fundamental rights to free expression and assembly. These violations are contrary to the guarantees enshrined in the Indonesian Constitution, as well as in the International Covenant on Civil and Political Rights, to which Indonesia has acceded.

Petition

We are extremely concerned for the safety and liberty of the detainees listed in the Appendix, in particular those detained in connection with a peaceful gathering in Aimas, Sorong. The arrest of protestors for peaceful political activity contravenes the fundamental right to free expression and these arrests are therefore arbitrary. We consider these detainees to be at risk of torture. We would therefore request that you raise the matter with the Indonesian government as a matter of urgency.

Yours sincerely



Paul Barber
Coordinator, TAPOL

International Coalition for Papua
West Papua Advocacy Team
East Timor and Indonesia Action Network
West Papua Action Auckland
Franciscans International
Australia West Papua Association (Sydney)
Survival International
Peace Movement Aorearoa
Pacific Media Centre
Pacific Scoop

cc. Mr Maina Kiai, UN Special Rapporteur on the rights to peaceful assembly and association
Ms Navi Pillay, UN High Commissioner for Human Rights
Mr Juan Mendez, UN Special Rapporteur on torture and other cruel, degrading or inhuman treatment or punishment
The UN Working Group on Arbitrary Detention

Appendix 1

Name	Date of arrest	Reported charges	Case	Detained in
Isak Klaibin	30 April 2013	Treason	Peaceful gathering, Aimas	Sorong police detention
Klemens Kodimko	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Obeth Kamesrar	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Antonius Safuf	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Obaja Kamesrar	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Yordan Magablo	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Hengky Mangamis	30 April 2013	106, 107, 108, 110, 160, 164	Peaceful gathering, Aimas	Sorong police detention
Domi Mom	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Altinus Uamang	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Musa Elas	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Jhoni Niwilingame	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Hari Natal Magai	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Jhon Kum	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Semuil Deikme	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Miryam Stenamun	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Mon Deikme	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Aminus Hagabal	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Yakob Onawame	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Heri Onawame	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Biru Kogoya	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Beanal	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Alpon	1 May 2013	Treason	Flag-raising ceremony	Timika police detention
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Unknown	1 May 2013	Unknown	Flag-raising ceremony	Biak
Martinus Yohani	1 May 2013	Unknown	Peaceful demonstration	Abepura (unclear, police detention or prison)
Victor Yeimo	13 May 2013	160 from a previous case in 2009	Negotiated with police to allow a peaceful demonstration	Abepura prison

Notes

- ¹ ["Gubernur dan Polda Papua Dinilai Langgar HAM,"](#) Tabloid Jubi, 27 April 2013
- ² ["Peristiwa penangkapan 14 Warga Sipil,"](#) KontraS, May 2012
- ³ ["Papuan prisoner: Darius Kogoya,"](#) Papuans Behind Bars
- ⁴ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13287&LangID=E>, 2 May 2013
- ⁵ "Recent Incidents in West Papua related to commemoration of 1 May," report by Justice, Peace and Integrity of Creation (JPIC) Desk of Protestant Church in Tanah Papua (GKI-TP), 4 May 2013
- ⁶ ["Aktivis Papua Kecam Penembakan Sorong,"](#) Aliansi Demokrasi untuk Papua (ALDP), 5 May 2013
- ⁷ ["Enam Tersangka Aimas Dituduh Melakukan Makar,"](#) Suara Papua, 10 May 2013
- ⁸ ["KNPB Serukan Aksi Nasional Bagi Korban 1 Mei 2013,"](#) Suara Papua, 8 May 2013
- ⁹ ["Al Minta Investigasi Independen Untuk Insiden 1 Mei,"](#) Tabloid Jubi, 10 May 2013
- ¹⁰ Ibid.
- ¹¹ Report from local human rights source received by e-mail entitled "Mom Salomina Klaibin demonstran 1 Mei 2013 di Sorong meninggal dunia," 7 May 2013
- ¹² ["Demo & Ibadah KNPB Peringati 50 Tahun Aneksasi di Jayapura,"](#) KNPB News, 1 May 2013
- ¹³ ["Deaths mark 50 years of West Papua occupation,"](#) The Fiji Times, 8 May 2013
- ¹⁴ ["KNPB Serukan Aksi Nasional Bagi Korban 1 Mei 2013,"](#) Suara Papua, 8 May 2013
- ¹⁵ ["Satu Anggota KNPB Disiksa Hingga Patah Tangan,"](#) Suara Papua, 13 May 2013
- ¹⁶ ["Kampanye internasional lewat facebook dan sms minta victor yeimo dibebaskan,"](#) Jubi, 14 May 2013
- ¹⁷ ["Akhirnya, Aparat TNI/Polri "Berhasil" Batalkan Aksi di Kantor MRP,"](#) Suara Papua, 13 May 2013
- ¹⁸ ["Aksi Demo Damai Hari ini Diblokade Polisi, Ketua Umum KNPB dan 3 Demonstran Ditangkap,"](#) KNPB News, 13 May 2013
- ¹⁹ ["Aparat Bubarkan Paksa Massa Aksi, Ketua KNPB Ditangkap,"](#) Majalah Selangkah, 13 May 2013
- ²⁰ ["Papuan prisoner: Victor Yeimo,"](#) Papuans Behind Bars
- ²¹ ["No Political Prisoners? The suppression of political protest in West Papua,"](#) TAPOL, April 2013