



Promoting Human Rights,
Peace and Democracy in Indonesia

WEST PAPUA 2020 FREEDOM OF EXPRESSION AND FREEDOM OF ASSEMBLY REPORT



Riot police equipped with gas masks blocking student protestors from University of Cenderawasih (UNCEN) in a protest demanding the release of seven West Papuan political prisoners facing trial in Balikpapan on 17th June 2020 in Jayapura, Papua Province | Photograph: Suara Papua.

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Introduction

In West Papua and Indonesia, protests and public discussions on issues related to West Papua continued to take place in 2020 despite the COVID-19 pandemic. Widespread street protests and peaceful rallies took place during the commemoration of significant days for West Papua, with protests demanding the release of political prisoners in Indonesia and West Papua, and rejecting special autonomy arrangements (*otonomi khusus*, otsus) in West Papua (used here to refer to Papua and Papua Barat Provinces). A lot of discussions were also taking place online. In Indonesia in general, there were also mass protests against the controversial Omnibus Law.¹ These protests were repressed heavily by the Indonesian security forces, which used regulations against the spread of COVID-19 as a reason to clamp down on protests.

The COVID-19 pandemic provided the Indonesian security forces with a new excuse to further restrict demonstrations and public discussions about West Papua.² The United Nations and many human rights organisations have observed a worldwide trend of COVID-19 being used as a pretext by states to stifle freedom of speech.³ This is also the case in Indonesia, where measures have been implemented in a rather discriminatory fashion - not only in relation to West Papua, but also against any opposition to the Government. This bad faith can be seen with regard to online attacks against civil society organisations, which have adapted to the circumstances of the pandemic by holding webinars. These systematic attacks have been left uninvestigated, hence failing to dispel the impression that the State was behind these attacks. Speakers at webinars were frequently ‘zoombombed’⁴ and received dozens of calls from overseas unknown numbers aiming to disrupt the connection. In conclusion, online and offline repression in 2020 left almost no space in which West Papuans or West Papua-related issues, or protest in general, could be freely conducted.

In 2020, verdicts were delivered in cases of people arrested during the 2019 West Papua Uprising. All 23 West Papuans charged with treason (*makar*) over their peaceful participation in demonstrations - meaning they faced a possible maximum life prison term - were sentenced to less than a year. Most of them were in fact freed after less than a week after verdicts had been handed down, due to time

1. TAPOL, ‘Recent changes to Indonesian labour law: why the country’s workers are protesting’ 19th October 2020. <https://www.tapol.org/news/indonesia-new-omnibus-law>

2. In an extreme case of abuse of regulations to control the COVID-19 pandemic, the Indonesian military abducted and murdered Luter Zanambani (23) and Apinus Zanambani (22) in Intan Jaya district. They were last seen when taken away by soldiers on the pretext of a COVID-19 inspection on 21th April 2020. Later in December, the Indonesian army admitted that the two young men were tortured to death with the bodies then burnt to hide the crimes.

3. OHCHR, “States responses to Covid 19 threat should not halt freedoms of assembly and association” – UN expert on the rights to freedoms of peaceful assembly and of association, Mr. Clément Voule, 14th April 2020. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>; UNDRR, ‘Asia Pacific COVID-19 Brief: The Human Rights Dimensions of the COVID-19 Pandemic’, 19th June 2020. <https://reliefweb.int/sites/reliefweb.int/files/resources/UNDRR%20Asia-Pacific%20Brief%20Human%20Rights%2019June2020.pdf>; Human Rights Watch, ‘Covid-19 Triggers Wave of Free Speech Abuse’, 11th February 2021. <https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>

4. G. Ghaliya, ‘Speakers in ‘#PapuanLivesMatter’ discussion hit by spam calls, Zoombombed in live event’, 5th June 2020. <https://www.thejakartapost.com/news/2020/06/05/speakers-in-papuanlivesmatter-discussion-hit-by-spam-calls-zoombombed-in-live-event.html>. Also see Amnesty International, ‘Indonesia: End Wave Of Digital Attacks On Students, Journalists, Activists’, 17th June 2020. <https://www.amnesty.org/download/Documents/ASA2125362020ENGLISH.PDF>

already spent in jail. Due to short sentences, there is the strong possibility that these cases involved political intervention. Hope arising from this phenomenon, however, did not last long. Treason articles were again used in Merauke in November when 54 people - representatives in the Papuan People's Assembly (MRP, *Majelis Rakyat Papua*) - were briefly arrested over their participation in a hearing on evaluation of special autonomy status and again in December when fourteen people were arrested merely for being members of the non-violent West Papua National Committee (KNPB, *Komite Nasional Papua Barat*).

In April and May of 2020, there was a hiatus of political activity as West Papuans adjusted to the pandemic as it began to rage. Soon after, West Papuans returned to the streets and held offline and online public discussions. These were conducted largely on West Papua commemorative days, to demand the release of West Papuan political prisoners arrested during the 2019 West Papua Uprising, and to demand an end to the special autonomy law and military operations in West Papua. As an illustration of how military operations continued during the pandemic, the head of Serambakon district in Intan Jaya where military operations were taking place stated, "We are not afraid to die of the coronavirus, we are afraid to die from the bullets." In almost all protests taking place, there were also calls for a referendum on independence.

The following report contains information on violations of the right to freedom of expression and freedom of assembly on issues relating to West Papua. The report contains information and testimonies from victims of repression including political activist groups, civil society organisations, human rights organisations, and also news reports, which were used to cross-check information from other sources. The information provided is based on cases of arbitrary dispersals, arbitrary arrests and detention, intimidation and harassment and internet shutdowns and other interference in online activities. The cases occurred across 14 different provinces of Indonesia, including West Papua, as well as in Timor-Leste, information on which is provided in a special section below.

An Overview of Freedom of Expression and Assembly Violations in West Papua and Indonesia in 2020

Types of FoA/FoE incidents in 2020



Infographic 1

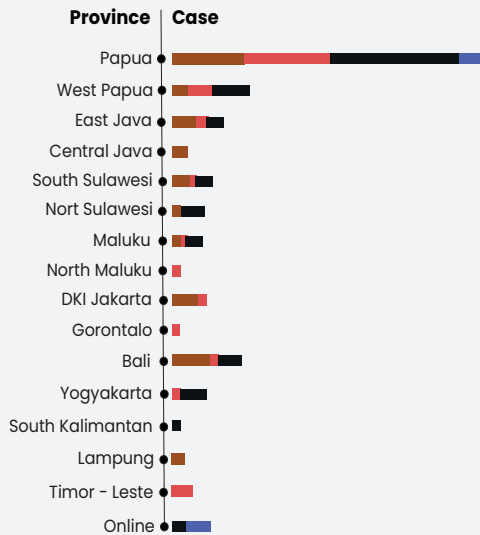
As many as 38 incidents of arbitrary dispersals, 41 incidents of arbitrary arrests, 61 incidents of intimidation and harassment and several cases of internet shutdowns and cyber attacks were reported in West Papua and on West Papua-related issues in 2020. An estimated 460 people were arrested in West Papua and Indonesia. From this number, 19 were detained (all of whom were West Papuans), 18 were charged with treason and one was charged with a violation of the Information and Electronic Transaction law (*UU ITE*).⁵

Protests and discussions related to West Papua became more extensive in Indonesia as well as outside Indonesia. In TAPOL's West Papua 2019 Freedom of Expression and Freedom of Assembly Report,⁶ we recorded incidents from 12 provinces in Indonesia, the majority of which took place in Papua and West Papua provinces. In 2020, the number of provinces in which incidents took place was 14 (see infographic 2) and Timor-Leste. Two arrests took place in Timor-Leste in relation to protests outside

5. Undang-Undang Nomor 11 tahun 2008 tentang Informasi dan Transaksi Elektronik

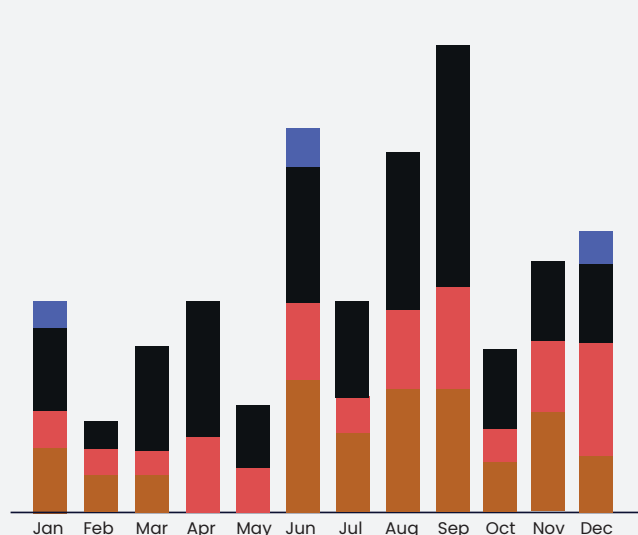
6. TAPOL, 'West Papua 2019 Freedom of Expression and Freedom of Assembly Report', 12th August 2020. [https:// www.tapol.org/reports/west-papua-2019-freedom-expression-and-freedom-assembly-report-tapol](https://www.tapol.org/reports/west-papua-2019-freedom-expression-and-freedom-assembly-report-tapol)

West Papua Freedom Of Expression and Assembly 2020



Infographic 2

Numbers and Types of Incidents by Month



Infographic 3

the Indonesian Embassy in the nation's capital Dili, with protestors arrested by Timor-Leste's national police.

As shown in infographic 2, incidents that occurred inside West Papua (Papua and West Papua provinces) were higher than those outside West Papua. Incidents of arbitrary arrests and intimidation and harassment occurred throughout 2020, and incidents of arbitrary dispersals occurred almost every month, as shown in infographic 3.

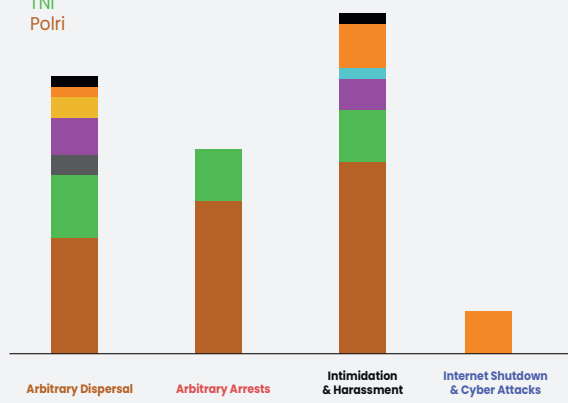
A small number of internet shutdowns and cyber attacks were recorded. However, this relatively small number may be because we have not tracked these incidents closely, meaning that there are likely to have been more than reflected in this report. In 2019 the Indonesian Government shut down internet access⁷ to West Papua during the West Papua Uprising.⁸ In addition, and as reported in our previous submission to the UK Parliament, disinformation on West Papua has increased in recent

7. NETBLOCKS, 'Internet disrupted in Papua, Indonesia amid protests and calls for independence', 21st August 2019. <https://netblocks.org/reports/internet-disrupted-in-papua-indonesia-amid-mass-protests-and-calls-for-independence-eBOgrDBZ>

8. TAPOL, 'The 2019 Uprising Report: Protests Against Racism and Self-determination', 30th September 2020. <https://www.tapol.org/sites/default/files/sites/default/files/pdfs/The%202019%20West%20Papua%20Uprising.pdf>

Incidents by Persons or groups Responsible

Local Administrative Authorities
Unidentified
High School Authorities
Civilian Security Guards
Right Wing Reactionary Militia
University Authorities
TNI
Polri



Infographic 4

years, aimed at disrupting legitimate local news sources⁹ (see also this Bellingcat report from 2019).¹⁰ According to Bellingcat, social media campaigns were used to specifically target pro-independence discourse over West Papua during 2020.

Both State and non-State actors were involved in violations of the right to freedom of expression in West Papua. The police were responsible for most cases of arbitrary dispersals, arrests, intimidation and harassment, including various police agencies: POLRI, Brimob, ('mobile brigade' paramilitary police), and police intelligence agencies. The military (TNI, *Tentara Nasional Indonesia*) were also involved in some cases in 2020. We continued to observe the involvement of non-State actors such as right-wing reactionary militia¹¹ who were involved in the dispersals of peaceful rallies outside West Papua. In a small number of cases, we also observed university authorities¹² taking part in the dismissal of rallies or discussions particularly on topics related to West Papua.

In the wake of the increasing number of webinars following the COVID-19 pandemic, many public discussions on West Papua-related issues were targeted by zoombombing, with speakers receiving dozens of unknown calls aimed at disrupting connections.¹³

9. TAPOL and Jubi, 'Media Freedom in West Papua: Submission to the House of Commons Foreign Affairs Committee Inquiry', 11th June 2019. <https://www.tapol.org/news/media-freedom-west-papua-submission-house-commons-foreign-affairs-committee-inquiry>

10. B. Strick & E. Thomas, 'Investigating Information Operations in West Papua: A Digital Forensic Case Study of Cross-Platform Network Analysis' 11th October 2019. <https://www.bellingcat.com/news/rest-of-world/2019/10/11/investigating-information-operations-in-west-papua-a-digital-forensic-case-study-of-cross-platform-network-analysis/>

11. 'Right-wing reactionary militia' is a term that was used in TAPOL's 2019 West Papua Uprising Report to refer to the ultra-nationalist groups who appear throughout protests outside of West Papua. They played a key role in intimidation, harassment and racist treatment of West Papuan students in Surabaya which led to the Uprising in West Papua in 2019.

12. For example, the University of Indonesia which disavowed an online discussion hosted by its Student Council on West Papua. Amnesty International, 'Indonesia: End Wave Of Digital Attacks On Students, Journalists, Activists', 17th June 2020. <https://www.amnesty.org/download/Documents/ASA2125362020ENGLISH.PDF>. Meanwhile, in Lampung, university authorities asked that an online discussion regarding Papuan Lives Matter be postponed after the organisers received various messages and calls from unknown individuals who claimed to be from the National Intelligence Agency (BIN, *Badan Intelijen Nasional*). A.P. Abdi, 'Di Balik Dugaan BIN Merecoki Diskusi Papua di Universitas Lampung', 14th June 2020. <https://tirto.id/fHhR>

13. G. Ghaliya, 'Speakers in '#PapuanLivesMatter' discussion hit by spam calls, Zoombombed in live event', 5th June 2020. <https://www.thejakartapost.com/news/2020/06/05/speakers-in-papuanlivesmatter-discussion-hit-by-spam-calls-zoombombed-in-live-event.html>. See also Amnesty International, 'Indonesia: End Wave Of Digital Attacks On Students, Journalists, Activists', 17th June 2020. <https://www.amnesty.org/download/Documents/ASA2125362020ENGLISH.PDF>

Scope, Definitions and Methodology

The scope of this report includes incidents which took place in 2020 relating to violations of the right to freedom of expression and freedom of assembly in and related to West Papua. The key types of violations that we document are: arrests; dispersals (forced and arbitrary); intimidation and harassment; and internet freedoms.

Definitions

In using the terms ‘freedom of expression’ and ‘freedom of association and assembly’, this report adopts definitions used in the Universal Declaration of Human Rights. Article 19 states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Article 20 defines Freedom of Assembly and Association as universal, furthermore affirming that “No one may be compelled to belong to an association.” These broad definitions apply to all states which are signatories to this Declaration, including Indonesia. Furthermore, Article 28 of Indonesia’s Constitution affirms that its citizens hold rights in respect of freedom of expression and association/assembly.

Furthermore, Article 5 of the Universal Declaration of Human Rights states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines Torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...”. This report also adopts these definitions and uses the terms Torture and Ill-treatment to refer to these categories of violations.

Dispersals, which we discuss in Section 1, involved mainly the prevention of assembly prior to gatherings and the dispersal of assemblies while ongoing. There are two categories of dispersals presented in this section: arbitrary and forced dispersals.

We next discuss arbitrary arrests, a more specific form of violation which criminalises those exercising rights to expression and assembly. Arbitrary arrests mainly took place during or immediately following dispersals of assemblies and demonstrations. We then describe the more serious criminal charge of treason. While the majority of those attending assemblies and demonstrations were not charged with offences, some of those arrested had treason charges levelled against them.

Methodology

Information used in this report has been gathered from first and second-hand accounts of incidents which occurred in West Papua, Indonesia and outside these territories related to people's rights to express themselves or assemble. Having compiled this information in a database, we then cross referenced it with other sources including human rights activists on the ground in order to verify our findings. The COVID-19 pandemic made data collection and verification difficult, affecting the work of human rights defenders on the ground and our communication with them. In addition, West Papua remained restricted to foreign journalists.

We would like to acknowledge the work of these human rights defenders and their organisations including journalists on the ground who helped us despite these obstacles. Our aim has been to present the most accurate picture of the situation with regard to the right to freedom of expression and assembly and we would have not been able to do so without their contributions.

Patterns of Freedom of Expression and violations

Arbitrary Dispersals

Even taking into account restrictions imposed due to the COVID-19 pandemic, numbers of arbitrary dispersals of protests and assemblies were still very high. TAPOL has documented 38 incidents of arbitrary dispersals of protests, gatherings or public discussions on issues related to West Papua in 2020 inside and outside West Papua. 20 incidents took place in West Papua and 18 incidents took place outside of West Papua. The numbers of forced dispersals in 2019 and 2020 are similar. This is because practically no significant protests were organised after the 2019 West Papua Uprising was brutally ended on 30 September 2019. Increasing militarisation prevented activists from even holding meetings, and also political activities were paused for a few months in 2020 due to the pandemic.

Incidents of arbitrary dispersals took place throughout 2020 except for April and May, because these were the months in which the pandemic started to take hold in Indonesia, and there were also no significant political gatherings taking place in this period. Various state and non-state actors were

responsible for the above-mentioned arbitrary dispersal incidents. The Indonesian National Police (POLRI, *Kepolisian Republik Indonesia*) was responsible for the majority of incidents, followed by the Indonesian National Army (TNI, *Tentara Nasional Indonesia*) who often acted in conjunction with POLRI, followed by right-wing reactionary groups, civilian security guards, academic institutions and, to a lesser extent, local administrative officials. In the case of forced dispersals, protestors often suffered beatings and heavy handedness by state security forces.



Arbitrary Dispersals

Persons/Groups Responsible

Local Administrative Authorities
 Unidentified
 Civilian Security Guards
 Right Wing Reactionary Militia
 University Officials
 TNI
 Polri

Province

Case

Papua		17
West Papua		2
Bali		4
Maluku		1
DKIJakarta		3
East Java		4
South Sulawesi		2
Central Java		2
North Sulawesi		1
Yogyakarta		1
Lampung		1

Infographic 5

Arbitrary dispersals inside West Papua

In total, nineteen arbitrary dispersals took place in West Papua in 2020. Police were responsible for most dispersal incidents in West Papua, followed by joint police and military interventions and other non-state actors.

In January, police in Timika forcibly dispersed a protest that was organised by ‘exodus’¹⁴ students who had returned from other parts of Indonesia during the 2019 West Papua Uprising. The students had gathered to demand clarity from the office of a university Vice-Regent in Mimika district regarding the future of their studies¹⁵. Members of Mimika Police Resort (*Polres Mimika*) and the Municipal Police (SatpolPP, *Satuan Polisi Pamong Praja*) forcibly dispersed the protest by discharging teargas, and briefly arrested three protestors.¹⁶ The three students also suffered beatings during the arrest.

In February, the Jayawijaya police, backed by members of the military, intervened in a planned demonstration by indigenous Papuan traders (*para pedagang asli Papua*) demanding their rights for flight subsidies from the Office of Labour, Industry and Trade (*Dinas Tenaga Kerja, Perindustrian dan Perdagangan*).¹⁷ Police from Polres Jayawijaya backed by the military commander of KODIM 1702¹⁸ told the parties involved not to conduct mass demonstrations so as to prevent a repeat of the incident in September 2019.

In March, a protest by Freeport workers in Tembagapura to demand that mining operations stop due to COVID-19 and security concerns¹⁹ was dispersed by the security forces and the company’s own security guards.

In June, two silent protests led by student groups to demand the release of the ‘Balikpapan Seven’²⁰ political prisoners were dispersed by joint police and military personnel in Jayapura. The police also forcibly dispersed a protest in Kaimana where protestors gathered to demand the release of the Balikpapan Seven political prisoners and for better management of COVID-19 in detention.

In August, four peaceful demonstrations were arbitrarily dispersed by the security forces. Three of the protestors were held in Jayapura and one in Intan Jaya. On 3rd August, a demonstration organised

14. See V. Koman and TAPOL, ‘The 2019 West Papua Uprising: Protests against racism and for self-determination’, 30th September 2020, p.11. <https://www.tapol.org/sites/default/files/sites/default/files/pdfs/The%202019%20West%20Papua%20Uprising.pdf>

15. Tabuka News, ‘Pelajar dan Mahasiswa Eksodus Gelar Aksi Demo Depan Kantor Pemkab Mimika’, 25th January 2020. <http://tabukanews.com/read/pelajar-dan-mahasiswa-eksodus-gelar-aksi-demo-depan-kantor-pemkab-mimika.html>

16. E. Supar, ‘Polisi amankan 3 pendemo di Kantor Bupati Mimika’, 24th January 2020. <https://www.antaranews.com/berita/1263761/polisi-amankan-3-pendemo-di-kantor-bupati-mimika>

17. I. Adisubrata, ‘Polres Jayawijaya larang warga protes libatkan massa’, 10th February 2020. <https://jubi.co.id/polres-jayawijaya-larang-warga-protes-libatkan-massa/>

18. Komando Distrik Militer or District Military Command. KODIM 1702 is based in Jayawijaya.

19. Reuters, ‘Hundreds of residents flee clashes near mine in Indonesia’s Papua’, 9th March 2020. <https://www.reuters.com/article/us-indonesia-papua-idUSKBN20W1NA>

20. Balikpapan Seven refers to the seven West Papuan Political Prisoners who were arrested between 6-17th September 2019 in Jayapura during the West Papua Uprising. They were accused of being masterminds of the Uprising and controversially transferred to Balikpapan, East Kalimantan from West Papua, and where they underwent trial. <https://www.papuansbehindbars.org/?case=balikpapan-seven-political-prisoners-on-treason-charges>

by students from Cenderawasih University (UNCEN, *Universitas Cenderawasih*), rejecting the otsus evaluation and extension, was dispersed by local police. On 15th August, two separate protests in Jayapura to commemorate the New York Agreement were forcibly dispersed by the security forces. During the earlier protest, 29 people were arrested²¹ and in the later afternoon's protest three people were arrested.²² In Intan Jaya, a similar protest to commemorate the New York Agreement, organised by students, was forcibly dispersed by the security forces, resulting in 11 injuries.

In September, three dispersal incidents took place in Timika, Yapen and Nabire. In Timika, seven people were arrested after a protest rejecting otsus, organised by the Papuan People's Front (FRP, *Front Rakyat Papua*) was forcibly dispersed by both POLRI and TNI.²³ One person was injured.²⁴ In Yapen, POLRI and TNI forcibly dispersed a protest against otsus in which 10 protestors were arrested.²⁵ Meanwhile, in Nabire, the police forcibly dispersed a mass demonstration for rejecting otsus and arrested around 100 protestors.²⁶

Two more incidents of forced dispersals were reported for the month of October which took place in Keerom and Jayapura. In Keerom, the security forces intervened in a protest where a group of people expressed dissatisfaction regarding the outcome of civil service entry exam results.²⁷ Protestors torched the Keerom Border Agency office in the town of Arso.²⁸ Three participants were reportedly shot by the police.²⁹ In Jayapura, protestors who gathered to reject otsus were forcibly dispersed by police and military.³⁰ The security forces used live rounds to disperse the protest: one protest participant was shot, and another was beaten, with 13 participants briefly arrested.³¹

In November, three otsus-related gatherings were dispersed by the security forces. Two of the incidents were protests, one in Manokwari and one in Jayapura. The other gathering was conducted by MRP members, forcibly dispersed by the security forces, with participants arrested for treason (see arbitrary dispersals, above). Another non-otsus-related dismissal by state authorities occurred in Sentani where a group of students, who had gathered to clean the tomb of prominent West Papuan political activist Theys Eluay, were dismissed by the police. Theys Eluay was a community leader and independence activist who was assassinated by the Indonesian army's special forces in November 2001.³²

21. B. Mawel, 'Demonstrasi tolak New York Agreement dibubarkan aparat, 29 orang ditahan', 15th August 2020. <https://jubi.co.id/papua-demonstrasi-tolak-new-york-agreement/>

22. B. Mawel, '2 unjuk rasa Perjanjian New York di Kota Jayapura dibubarkan, 3 orang ditangkap', 15th August 2020. <https://jubi.co.id/papua-2-unjuk-rasa-perjanjian-new-york-di-kota-jayapura-dibubarkan-3-orang-ditangkap/>

23. Seputar Papua, 'Koalisi Penegak Hukum dan HAM Papua Bereaksi Terkait Pembubaran Demo di Timika', 23rd September 2020. <https://seputarpapua.com/view/koalisi-penegak-hukum-dan-ham-papua-bereaksi-terkait-pembubaran-demo-di-timika.html>

24. Ibid.

25. C. Maniani, 'Sepuluh Orang Massa Aksi Tolak Otsus Jilid II di Yapen Ditangkap Aparat', 4th October 2020. <https://suarapapua.com/2020/10/04/sepuluh-orang-massa-aksi-tolak-otsus-jilid-ii-di-yapen-ditangkap-aparat/>

26. A. Briantika, 'Represi Polisi terhadap Demonstran Tolak Otsus dan Desak Referendum', 26th September 2020. <https://tirtoid/f5b1>

27. B. Mawel, '3 warga dilaporkan tertembak dalam penanganan amuk massa di Keerom', 2nd October 2020. <https://jubi.co.id/papua-3-warga-dilaporkan-tertembak-dalam-amuk-massa-di-keerom/amp/>

28. Ibid.

29. Ibid.

30. PAHAM Papua, 'Laporan: Pembubaran Paksa Aksi Mahasiswa Uncen Tolak OTSUS', 28th October 2020.

31. Ibid.

32. Human Rights Watch, 'Indonesia: Investigate Death of Papuan Leader', 11th November 2001. <https://www.hrw.org/news/2001/11/11/indonesia-investigate-death-papuan-leader>

Arbitrary dispersals outside West Papua

A total of 19 dispersals occurred in various provinces outside West Papua. As described in the cases below, more parties besides police and military were involved in arbitrary dispersals outside West Papua.

In January, the police in Malang, East Java province, and Makassar, South Sulawesi province, forcibly dispersed peaceful rallies by West Papuan and Indonesian students to demand the release of West Papuan political prisoners.

In February, students from the Papuan Student Alliance (AMP, *Aliansi Mahasiswa Papua*) planned to hold a discussion about otsus inside a rented house of students from Paniai (West Papua) in Yogyakarta. However, the meeting was broken up by a local neighbourhood official and several other unidentified individuals, suspected of being members of police intelligence.³³

In March, police officers, including members of intelligence and Brimob units, forcibly dispersed a rally on West Papuan self-determination organised by the Indonesian People's Front for West Papua (FRI-WP, *Front Rakyat Indonesia untuk West Papua*) and AMP activists in Malang. Dozens of rally participants were arrested and police injured four people.

In June, an online discussion regarding Papuan Lives Matter and West Papuan political prisoners organised by the University of Indonesia's Student Executive Body, (BEM, *Badan Eksekutif Mahasiswa*) was disavowed by the university authorities reportedly because members of the panel of speakers were not suitable.³⁴ The speakers were Gustaf Kawer (West Papuan human rights lawyer), Sayang Mandabayan (Papuan ex-political prisoner, released in June 2020) and Veronica Koman (Indonesian exiled human rights lawyer). The online discussion which was moderated by the Head of the BEM discussed the trial of the Balikpapan Seven who had been charged with treason and were facing the harshest possible prison sentences. Several hours before the event, a small group of people whose identities are unclear, held a press conference to call for the arrest of the committee for holding the discussion. Also in June, in Surabaya and Bali, two separate protests demanding the release of the Balikpapan seven were forcibly dispersed by police and *Pecalang* (Balinese traditional guards) respectively.

In July, two separate incidents of dismissals by the authorities took place in Semarang. In one incident, the authorities banned West Papuan students from holding discussions; in another, West Papuan students that had been holding a discussion on militarism in West Papua were dispersed by police. The students were labelled "separatists" by the police.

33. The local official was the head of an RT (Rukun Tetangga, the lowest administrative division in Indonesia)

34. F. Arigi, 'UI Tuding Pembicara Diskusi BEM UI soal Papua Tidak Layak', 7th June 2020. <https://nasional.tempo.co/read/1350690/ui-tuding-pembicara-diskusi-bem-ui-soal-papua-tidak-layak>

In Bali the police used water cannons to disperse a protest which was organised by West Papuan students to commemorate the 20th anniversary of the Biak Massacre.³⁵ Three students experienced beatings when they were briefly held by the police.

In August, protests held during the commemoration of the “New York Agreement” in Ambon and Bali were dispersed by police and Indonesian right wing reactionary groups. In September peaceful rallies and gatherings in Malang, Manado (North Sulawesi province), and Makassar were forcibly dispersed by police, military and Indonesian right-wing reactionary militia. In Malang, a peaceful protest organised by pro-democracy activists were forcibly dispersed by police and the military. 29 protestors were arrested. In Manado, police, including Brimob officers and Indonesian ultra-nationalist groups forcibly dispersed a protest that was organised by students and solidarity groups to reject otsus in West Papua. In Makassar, a peaceful gathering to reject otsus organised by Papuan People’s Care Solidarity Forum (*Forum Solidaritas Peduli Rakyat Papua*) was forcibly dispersed by police and Indonesian ultra-nationalist groups.³⁶ Eight participants were injured, two participants (women) experienced sexual harassment during the dispersal.³⁷

In November, one rally rejecting otsus in Jakarta was dispersed by the state authorities. In December, again in Jakarta, a peaceful rally to commemorate Trikora Day organised by West Papuan university students and the FRI-WP groups was forcibly dispersed by police, military and Indonesian right-wing reactionary groups.³⁸ Similarly in Bali, a rally held on Trikora Day was dispersed by security forces.

Incidents of arbitrary dispersals related to West Papua protests, rallies and gatherings consisted of forced dispersals, dispersals and dismissals. Incidents of forced dispersals were the highest among the three categories and these incidents also resulted in other violations of freedom of expression and assembly such as arbitrary arrests, intimidation and harassment, beating and sexual harassment to a lesser extent.

Solidarity movements for West Papua continue to grow in Indonesia. These solidarity movements however are faced with the challenge of crackdowns on protests and gatherings by the state and non-state actors. The participation of police, military and Indonesian right-wing reactionary groups in arbitrary dispersals is consistent with patterns from previous years. In West Papua, most dispersals were carried out by police and military officers. Involvement of Indonesian right-wing reactionary groups was more common in provinces outside of West Papua. But it is the involvement of local administrative representatives that shows how space for public discussions is tightening, including in academic forums. These incidents included the intervention of the RT head in Surabaya in February, the involvement of traditional security guards in Bali as well as the actions of university officials.

35. Biak Massacre (or Biak Berdarah, ‘bloody Biak’) refers to the torture and killings of civilians by state security forces in July 1998. They were killed for taking part in demonstrations for independence on the island of Biak and their bodies were dumped at sea. Perpetrators of the massacre have still not been prosecuted.

36. A. You, ‘Unjuk rasa tolak Otsus Papua Jilid II di Makassar diserang massa ormas’, 25th September 2020. <https://jubi.co.id/unjuk-rasa-tolak-otsus-papua-jilid-ii-di-makassar-diserang-massa-ormas/>

37. Ibid.

38. To understand the significance of Trikora day for West Papua see Chauvel, ‘Constructing Papuan Nationalism: History, Ethnicity and Adaption’, 2005, p.15. <https://www.eastwestcenter.org/system/tdf/private/PS014.pdf?file=1&type=node&id=32048>

Arbitrary Arrests

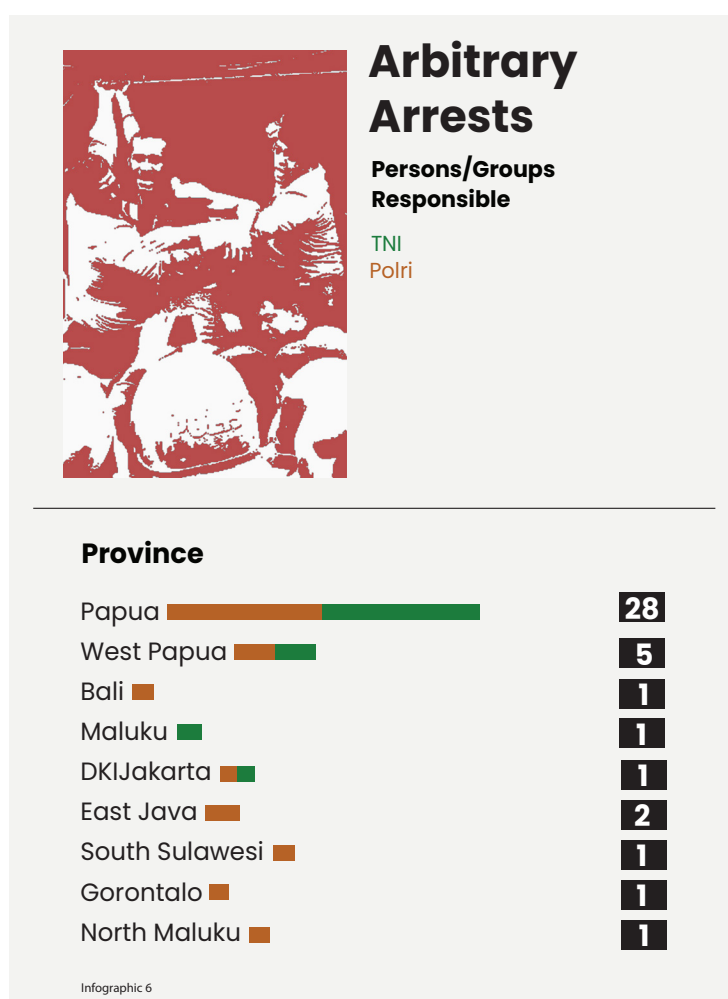
Arbitrary arrests were used as a tactic to control events regarded as politically sensitive, such as demonstrations about the special autonomy law's evaluation, and also in the aftermath of armed conflict. However, less than five percent of arrests led to criminal charges being brought: most arrestees were released after briefly being held for questioning³⁹.

TAPOL recorded at least 43 incidents of arbitrary arrests in relation to West Papua throughout 2020. Of these, 33 incidents occurred in West Papua, eight occurred in other provinces of Indonesia and two arrest incidents in Timor-Leste. Approximately 443 people were arrested during these incidents. Of this number 297 people were arrested in West Papua, and 146 people were arrested outside of West Papua.

Arrests inside West Papua

Inside West Papua, incidents of arbitrary arrests in April, September, November and December resulted in the criminalisation of arrestees. These months correlate with key incidents that took place in West Papua.

On 30th March, a West Papua National Liberation Army (TPNPB, *Tentara Pembebasan Nasional Papua Barat*) group carried out an attack at a Freeport office in Timika.⁴⁰ The shooting attack killed one New Zealand national, a PT Freeport employee, and injured several people.⁴¹ In April, police and military were seeking those responsible for the shooting, who were reportedly hiding in the jungle following the attack.⁴² Between 7th and 9th April, Polres Timika arrested and detained seven people in connection with the attack at Freeport. Four women



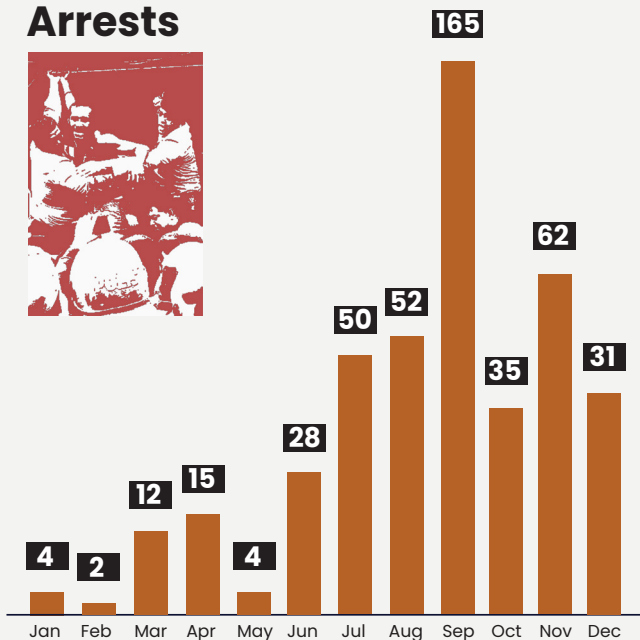
39. 19 people were criminalised under charges including treason (18) with one charge under the ITE law. All 19 of these political prisoners were West Papuans.

40. J. Blades, 'NZer killed in shooting attack in West Papua', 1st April 2020. <https://www.rnz.co.nz/international/pacific-news/413012/nzer-killed-in-shooting-attack-in-west-papua>

41. Ibid.

42. Ibid.

Arbitrary Arrests



Infographic 7

(three adults and one minor) and three men, all civilians, were detained and charged with treason. The authorities suspected six (four women and two men) people of allegedly supplying food to the TPNPB's leadership. The other man, Ivan Sambom, who worked as a security guard for PT Freeport Indonesia, was accused of aiding the attack.⁴³ In March 2021, he was found guilty of possessing weapons by the District Court in Timika and sentenced to one year and eight months in jail.⁴⁴ He maintained that he was innocent and his lawyer claimed that the verdict was not in line with evidence presented during trial.

In April, members of the security forces from a Brimob unit in West Papua province (*Polda Papua Barat*) arrested three people when conducting a manhunt operation in Maybrat to apprehend the perpetrator of the killing of one of their officers.⁴⁵ The security forces arrested Marten Muuk (headman of

Aimau village), Simon Sasior and Ferdinand Sasior.⁴⁶ The officers stated that they arrested Marten Muuk because he had supported KNPB activities in Aifat district, while the other two were arrested for being members of KNPB.⁴⁷ Ferdinand Sasior managed to escape during the arrest.⁴⁸ The security forces then conducted a search of local residents' houses to find the location of the KNPB's office and Adam Sory, the head of KNPB in Maybrat.⁴⁹ Having failed to arrest Adam Sory, the authorities arrested a different KNPB member by the name of Yakobus Asem instead⁵⁰. All three people have been charged with treason.⁵¹

During the month of September, protests against otsus in Papua heightened. On 23 September, the police arrested seven people in Timika, Papua province, for taking part in a protest. The police questioned them and asked them to make a declaration to not participate in similar political activity again before releasing them. On 24th September, the Police arrested approximately 100 people during

43. F. Faqih, 'Anggota KKB Ivan Sambom Ditetapkan Sebagai Tersangka Kasus Makar', 11th April 2020. <https://m.merdeka.com/peristiwa/anggota-kkb-ivan-sambom-ditetapkan-sebagai-tersangka-kasus-makar.html?page=2>

44. B. Mawel, 'Ivan Sambom divonis 1 tahun dan 8 bulan penjara', 11th March 2021. <https://jubi.co.id/papua-ivan-sambom-divonis-1-tahun-dan-8-bulan-penjara/>

45. LBH-Kaki Abu, 'Kronologi Penangkapan 3 Orang Tapol di Aifat', 16th April 2020.

46. Ibid

47. Ibid

48. Ibid

49. M. Baru, 'Dunia Sibuk Corona, Aparat Sibuk Tangkap dan Teror Masyarakat di Maybrat', 26th April 2020. <https://suarapapua.com/2020/04/26/dunia-sibuk-corona-aparat-sibuk-tangkap-dan-teror-masyarakat-di-maybrat/>

50. LBH-Kaki Abu, 'Kronologi Penangkapan 3 Orang Tapol Di Aifat', 16th April 2020.

51. Ibid

an anti-otsus protest in Nabire. All 100 protestors were later released. In a separate incident, two people were arrested on 27th September and detained for treason on suspicion of being members of TPNPB (see Treason section, below). On 28th September, the police arrested three people during protests against otsus at UNCEN university campuses in Abepura and Wamena⁵². The authorities also reportedly tortured protest participants during the forced dispersal.⁵³

On 27th October, the police forcibly dispersed a protest rejecting otsus by university students from UNCEN and community members who live near the campus in Jayapura.⁵⁴ The authorities arrested 13 protest participants while five people were injured, allegedly from being shot by police during dispersal.⁵⁵

On 18th November, 54 members of the MRP of West Papua province were arrested in Merauke for conducting a hearing with the community regarding the extension of otsus.⁵⁶ They were arrested and accused of treason, but the authorities later released them after questioning due to a lack of evidence⁵⁷ and to public outrage. On 30th November, the police arrested six people - five United Liberation Movement for West Papua (ULMWP) members and one visitor - in the ULMWP Merauke office.⁵⁸ They were suspected of treason and questioned by the police⁵⁹ regarding the organisation's statement opposing otsus, but were released on 1st December.

On 13th December, the police in Merauke arrested 14 people, all of whom were KNPB members except one person, while they were sitting down at the KNPB Secretariat⁶⁰. The police also threatened to shoot treason suspects if they discovered more after the arrests⁶¹.

On 15th December, Ronnie Mabrasar, a West Papuan activist from National Solidarity of Papuan Students and Youth (SONAMAPPA, *Solidaritas Nasional Mahasiswa dan Pemuda Papua*), was arrested for allegedly violating the ITE law. He had made a post on his Facebook account regarding the death of a West Papuan-born Indonesian army general, Herman Asaribab. In late December, the head of Waropen West Papuan National Authority (WPNA) Jeremias Rabrageri, was arrested with his son Reiner Rabrageri. The pair were questioned regarding their statement of support for prominent West Papuan independence leader, Benny Wenda, who had announced the Republic of West Papua government-in-waiting.

52. A. Briantika, 'Aksi Tolak Otsus Papua Jilid II: Dibubarkan Aparat, 13 Ditangkap', 27th October 2020. <https://tirto.id/f6pf>

53. Ibid

54. Ibid

55. Ibid

56. K. Ans, 'Puluhan masyarakat yang ditahan polisi belum dipulangkan', 18th November 2020. <https://jubi.co.id/papua-masyarakat-yang-ditahan-polisi-belum-dipulangkan/>

57. CNN Indonesia, 'Kurang Bukti Kasus Makar, Polri Lepas 54 Peserta Rapat MRP', 20th November 2020. <http://cnn.id/572166>

58. Kumparan News, 'Jelang HUT OPM, 6 Orang Ditangkap di Merauke Papua', 30th November 2020. <https://kumparan.com/bumi-papua/jelang-hut-opm-6-orang-ditangkap-di-merauke-papua-lugrYmWR8gz/full>

59. K. Ans, 'Dituding makar, 6 warga ditahan di Merauke', 30th November 2020. <https://jubi.co.id/dituding-makar-6-warga-ditahan-di-merauke-papua/>

60. A. Briantika, '13 Aktivis KNPB Merauke: Ditangkap Paksa, Disiksa, Sakit di Penjara', 14th February 2021. <https://tirto.id/gadi>

61. K. Ans, 'Kapolres Merauke: Kalau masih ada, saya tembak kaki', 14th December 2020. <https://jubi.co.id/papua-kapolres-merauke-kalau-masih-ada-saya-tembak-kaki>

Arrests outside West Papua

As many as eight arrest incidents took place in provinces of Indonesia other than Papua and West Papua. These provinces were East Java, South Sulawesi, North Maluku, Maluku, Jakarta, Gorontalo and Bali. The protest participants targeted were West Papuan university students⁶² who are affiliated with AMP or other groups such as the FRI-WP.

Many arbitrary arrests were part of dispersal tactics. Although the numbers of people arrested in 2020 were not as high as in 2019, the frequency of arrests remained consistent, as arrests occurred in every month of 2020, from January to December. The police were responsible for most arrests, followed by arrests by the police and military jointly. As mentioned above, solidarity with West Papuan activists continued to grow in Indonesia during 2020.

Arbitrary arrests in Timor-Leste

Two incidents of arrests occurred in Timor-Leste in 2020 which were related to peaceful protests outside the Indonesian Embassy in Dili, Timor-Leste. In both incidents, the protesters were arrested and detained by the Timorese authorities.

In June, 14 Timorese student activists were arrested by the Timorese National Police (PNTL, *Polícia Nacional de Timor-Leste*), for staging a protest outside the Indonesian Embassy in the capital city Dili.⁶³ The protestors were demanding the release of the Balikpapan Seven, the seven West Papuan political prisoners who were then in detention and facing trial in Balikpapan, Indonesia.⁶⁴ During the trial proceedings, prosecutors sought two years in jail for five of the student activists, and one year for the nine others. However, in a landmark ruling, the court found the 14 activists not guilty. The authorities had used the law on demonstrations from the Indonesian penal code. But in 2009 Timor Leste had enacted its own penal code which stipulated that laws from the colonial period must thereafter be adjusted. According to the judges, the law used by prosecutors contradicted the new penal code and was hence invalid.

In September, 16 activists from Maubere People's Front for West Papua (FRM-WP, *Front Rakyat Maubere untuk West Papua*) were arrested by PNTL in Dili for holding a rally in front of the Indonesian Embassy demanding West Papua's independence. They were found guilty of violating Article 244 of the Penal Code on disobedience and fined US\$45 each.⁶⁵

62. A. Briantika, 'Peringatan 1 Desember Papua: Dikepung, Dibubarkan, Ditangkap', 2nd December 2020. <https://tirto.id/f7CG>

63. West Papua News, 'Saksi Sakit, Sidang 14 Aktivis Front Maubere Untuk Papua di Timor Leste Ditunda', 23rd June 2020. <https://westpapuanews.org/saksi-sakit-sidang-14-aktivis-front-maubere-untuk-papua-di-timor-leste-ditunda>

64. Ibid

65. ICP, 'East Timor - 16 people on trial for peacefully protesting in solidarity with West Papua' 12th September 2020. <https://www.humanrightspapua.org/news/32-2020/648-16-protesters-in-east-timor-stand-trial-for-launching-peaceful-protest-in-solidarity-of-humanitarian-crisis-in-west-papuan>

Treason Charges

In total, 18 treason charges were brought against individuals in West Papua. Two developments can be seen with regard to these charges. A number of arrests were made in 2020, in April and September, related to allegedly providing assistance to the TPNPB. Later in the year, in December, 13 treason charges were brought against several individuals for their involvement in the non-violent organisation, KNPB. In contrast, all political prisoners charged with treason during 2019 were released during 2020; all remaining prisoners still awaiting trial who had been arrested during the Uprising were not being held on charges of treason.

Six civilians were detained in Timika's Polres on 7th April. Ema Natkime, Yohanis Wamang, Roni Wamang, Nangain Magai, Emarain Marai, IM (daughter of Nangain Magai, a minor) were arrested over the allegation that they aided the OPM. All six were charged with treason. Meanwhile, Ivan Sambom alias Indius Sambom was arrested on 9th April accused of killing a New Zealand national and Freeport employee mentioned earlier. He was also charged with supplying guns to OPM as well as treason. His trial was conducted at long distance by the North Jakarta District Court using teleconference, starting on 27th October 2020. His trial ended on 10th March 2021 and he was sentenced to one year and eight months in prison for a violation of Article 1 of the Emergency Law 12/1951.

In September, two civilians Kalep Marup and Peres Murup were detained at Polres Jayawijaya, Wamena, detention center and charged with treason.⁶⁶ They were suspected of being members of the TPNPB. Their trial began on 16th February 2021.

In December, 14 people were arrested in Merauke solely based on their membership of KNPB.⁶⁷ 13 were detained and charged with treason,⁶⁸ while one who is not a KNPB member was released after questioning. Six of these detainees were tortured during arrest, including Kristianus Yandum who later died of sickness while in detention.⁶⁹ The remaining KNPB members were all freed in April 2021 due to a lack of evidence.

In addition to those charged with treason, many more were arrested under the suspicion of treason, including the 54 MRP members in Merauke in November referred to above.

The police continued to use treason charges to target civilians or activists outside West Papua. In 2019, four Indonesian students in Ternate had faced the threat of criminalisation for their participation in the West Papuan anti-racism protest in front of a university in Ternate. The students were expelled by state-owned Khairun University not long after, based on a report by police. The students then challenged this expulsion in an administrative court. During this process they learned that they were also being investigated by the police on suspicion of committing treason. They lost the case and are challenging the verdict at the high court.

66. SIPP PN Wamena, 'Data Seluruh Perkara', 10th February 2021. http://sipp.pn-wamena.go.id/index.php/detil_perkara

67. B. Mawel 'Saksi ahli: penangkapan 14 aktivis KNPB Merauke ilegal', 23rd January 2021. <https://jubi.co.id/papua-saksi-ahli-penangkapan-14-aktivis-knpb-merauke-ilegal/>

68. A. Briantika, '13 Aktivis KNPB Merauke: Ditangkap Paksa, Disiksa, Sakit di Penjara', 14th February 2021. <https://tirto.id/gadi>

69. Ibid

These examples show that the police continued to use serious treason charges when arresting people in 2020, particularly in cases related to West Papua protests or self-determination movements. Those found guilty of treason can face jail sentences of up to 20 years. However, those charged with treason for street protests in relation to West Papua during the Uprising of 2019 received lighter sentences of up to two years in prison. This proves that the police were using treason charges to deal heavy-handedly with freedom of expression and assembly on West Papua issues without substantive evidence of any treason having actually been committed. It is clearly being used as an attempt to criminalise political activists or citizens who are simply expressing their rights to opinion and assembly. This tactic is widely used by authoritarian governments around the world and against the democratic principles that Indonesia stands for. It also reflects an inherent racism in the Indonesian justice system because West Papuans are extremely likely to be found guilty by Indonesian courts, no matter how weak the evidence against them.

Intimidation and Harassment

There were a total of 61 incidents of intimidation and harassment in relation to West Papua-related protests in 2020, two of which involved sexual harassment. These incidents also overlapped with other incidents such as arbitrary arrests and/or arbitrary dispersals due to the nature of the security forces interventions when they took place. The incidents inside West Papua were higher compared to the total number of incidents from provinces outside of West Papua.

Intimidation and harassment inside West Papua

As many as 44 incidents of intimidation and harassment occurred inside West Papua in 2020. 35 incidents occurred in Papua province and nine occurred in West Papua province.

Intimidation and harassment inside West Papua was perpetrated by security force and non-security force personnel as well as by unidentified individuals. Indonesian police were responsible for the majority of incidents of intimidation and harassment, followed by the military.

In January, three West Papuan students who were arrested during a dispersal of a rally in Mimika reported that they received beatings from members of the military who took part in the dispersal of the protest. On a different occasion, police officers from Polres Jayapura conducted a search of the Papua province office of the Legal Aid Foundation (*Lembaga Bantuan Hukum*, LBH) without a warrant.⁷⁰ The police reportedly were looking for an individual by the name of Oscar Gie who allegedly had distributed a video recording containing information about the registration of university students who had returned to West Papua (known as ‘exodus students’) from other



Intimidation /Harassment

Persons/Groups Responsible

Local Administrative Authorities
Unidentified
High School Authorities
Right Wing Reactionary Militia
TNI
Polri

Province

Case

Papua		35
West Papua		9
Bali		3
Maluku		3
East Java		2
South Sulawesi		2
North Sulawesi		3
Online		2
Yogyakarta		1
South Kalimantan		1

Infographic 8

70. T. Ruban, ‘Cari Oscar Gie, polisi datang Kantor LBH Papua’, 14th January 2020. <https://jubi.co.id/cari-oscar-gie-polisi-datangi-kantor-lbh-papua/>

parts of Indonesia during the 2019 West Papua Uprising⁷¹. In a separate incident in Nabire, activist Melianus Duwitu was arrested over his Facebook post questioning the Chief of Papua Police's public statement on armed conflict in Intan Jaya.⁷² He was accused of hate speech under the ITE Law but was then released on 28th March and placed under city arrest.⁷³ At the time of writing, his charge had not been terminated.

In March, police and military personnel conducted a large-scale 'sweeping' operation in anticipation of a planned protest to reject the development of new Brimob headquarters in Wamena. News reports had suggested that the local community was objecting to the new headquarters.⁷⁴ On 20th March, activist Surya Hari Wirawan reported that he had been beaten by the Regent of Biak and his entourage. The group had confiscated his mobile phone and accused him of subversion. Meanwhile, on 30th and 31st March, in Boven Digoel and Merauke police intimidated and harassed individuals and KNPB activists for wearing the Papuan traditional bag (*Noken*) and the Morning Star emblem.

In April, the authorities continued to target West Papuan activists with arrests and intimidation in several towns and cities in West Papua such as Timika, Manokwari, Aifat and Maybrat. In Timika, police and military personnel targeted people who were wearing the Morning Star emblem, or had long beards or dreadlocks. Those who fitted the profile were asked to present their IDs and, if they failed to do so, they would be detained. The situation caused fear among local residents who opted to stay home instead of carrying out their economic activities. In Manokwari, the Governor of West Papua reported a human rights activist, Alvo Reba, to police for writing a Facebook post criticising the Governor's decision to keep ports and airports open despite the COVID-19 epidemic. In Maybrat, security forces conducted an operation targeting KNPB activists arresting and beating them, with the security forces also reportedly destroying KNPB assets.⁷⁵

In May, unknown individuals used drones to take photos of the house of a prominent West Papuan human rights activist, Yones Douw.⁷⁶

In June, various individuals experienced intimidation and harassment at the hands of the authorities. In Yapen, the security forces held an indigenous West Papuan at gunpoint in an attempt to stop him from travelling back to his hometown. The security forces said he could not travel because of COVID-19 but then stole 100 litres of fuel from his boat and left him adrift in the ocean without the means to reach his destination. In Jayapura, one of the West Papuan lawyers in the Balikpapan Seven case, Yuliana Yabansabra, was hit on the head and pushed while travelling on her motorbike and wearing a helmet. A week earlier, Yabansabra had received threats via phone calls and text messages when participating in a webinar. Also in Jayapura, students of the University of Science

71. Ibid

72. A. You, 'Melianus Duwitu dikeluarkan dari Rutan Polda Papua, jadi tahanan kota', 29th March 2020. <https://jubi.co.id/melianus-duwitu-dikeluarkan-dari-rutan-polda-papua-jadi-tahanan-kota/>

73. Ibid

74. O. Lokobal, 'Masyarakat Pisugai Tolak Pembangunan Mako Brimob', 25th February 2020. <https://suarapapua.com/2020/02/25/masyarakat-pisugai-tolak-pembangunan-mako-brimob/>

75. LBH-Kaki Abu, 'Kronologi Penangkapan 3 Orang Tapol di Aifat', 16th April 2020.

76. This wasn't the first time. In 2019 Yones Douw (head of the Justice and Peace Department of KINGMI church) reported that his house in Nabire was targeted by drone surveillance for many evenings. At that time he was responsible for the comprehensive reporting on police shooting the civilians during the Uprising protest in Deiyai. <https://www.tapol.org/sites/default/files/sites/default/files/pdfs/The%202019%20West%20Papua%20Uprising.pdf>

and Technology Jayapura (USTJ, *Universitas Sains dan Teknologi Jayapura*) reported that Brimob officers were conducting searches and questioning both inside and outside of the university's campus. In Manokwari, the lawyer of the three Manokwari political prisoners from the 2019 West Papua Uprising revealed that the political prisoners were harassed and discriminated against when they were held in a cell at West Papua province's regional police command (*Polda Papua Barat*) while awaiting trial. On one occasion, police officers allegedly made the political prisoners strip and stand naked in their cell for 30 minutes.

In July, police and intelligence officers from the police sector (*Kapolsek*) of Kuala Kencana visited the village chief of Pioka Kencana/Jayanti and pressured him to appear in a video to make a statement in support of the extension of otsus. The chief, who was sick at the time, was left terrified by the visit. In Arfak, another West Papuan human rights activist's family was subjected to an intimidating visit by the security forces at his residence at 1 am in the morning.⁷⁷ It was reported that unmarked vehicles had driven around the residence prior to this incident.

In August, political and human rights activists and students continued to be subject to intimidation by the security forces. In Nduga, human rights defender Theo Hesegem was terrorised and subjected to intimidation via phone calls and messages. In Jayapura, police entered a student dormitory at Pegunungan Bintang unannounced, and confiscated residents' belongings without providing a reason. In a separate incident, another student's residence in Asmat was visited by members of the military. Members of the military forced the student to buy the Indonesian flag to display in front of their residence. In Intan Jaya, eleven student rally participants were injured after their protest was dispersed by police and military. In Dekai, three civilians were arbitrarily arrested by the police. One was beaten while in custody. In detention they also encountered three other civilians who had been arrested and who also appeared to have been beaten in custody.⁷⁸

Intimidation and harassment by the security forces against civilians, activists and university students continued from September to December.

In September, seven incidents were reported separately to have occurred in Timika, Yahukimo, Manokwari and Jayapura. In Timika, an activist from Community Care Institute of Environmental Concern Far East Mimika (Lepemawi, *Institut Perawatan Komunitas Peduli Lingkungan Mimika Timur Jauh*),⁷⁹ who had been working on issues related to PT Freeport and otsus, reported that police were tailing the activist on the way home. In Yahukimo, a West Papuan journalist, Ruland Kabak from Radio Bumi Sumohai Dekai, was harassed and intimidated by members of Yahukimo's police resort when he went to the police station to verify information regarding the killing of a civilian in

77. M. Womnowi, 'Hentikan Teror Pada Aktivis Papua, Septi Meidodga', 5th August 2020. <https://gerakanhambersatu.blogspot.com/2020/08/hentikan-teror-pada-aktivis-papua-septi.html?m=1>

78. A. Kepno, 'Warga Dekai Yang Ditahan Sempita Di Pukul', 31st August 2020. <https://suarapapua.com/2020/08/31/warga-dekai-yang-ditahan-sempat-dipukul/>

79. Lepemawi, short for Institut Perawatan Komunitas Peduli Lingkungan Mimika Timur Jauh or Mimika Far East Community Care Institute (English) is an institute that campaigns against the impact of extractive industries on Indonesian rivers, Freeport in particular based in Timika Indonesia. <https://womensearthalliance.org/2020-indonesia-womens-earth-alliance-accelerator/adolfina-kuum/>. Lepemawi is one of the 17 West Papuan grassroots organisations that established Papuan People's Petition (Petisi Rakyat Papua) formed in July 2020 in order to call for the rejection of otsus and a referendum on the future of West Papua. <https://www.arahjuang.com/2020/07/07/tolak-otsus-17-organisasi-luncurkan-petisi-rakyat-papua/>

Yahukimo several days earlier. The police also denied Kabak access to information.⁸⁰ In Manokwari, eight people were beaten by members of Brimob when participating in a protest regarding the results of a civil service entrance test in Manokwari Regency. There was another report of an unknown individual attacking Yonatan Womnowi, chairman of the Papuan Peoples' Youth Student Movement (GEMPAR, *Gerakan Mahasiswa Pemuda Rakyat*), in Manokwari. A masked assailant on a motorcycle kicked Womnowi from behind, resulting in him falling and injuring his knee and toes. In Manokwari, a police officer disguised as a KNPB member participated in a KNPB meeting and made a recording of the meeting. The officer was identified by KNPB members while in the meeting. In another incident, during a peaceful march in favour of a referendum and rejecting otsus in Manokwari, police were present in numbers disproportionate to the size of the march. In Timika, Indonesian soldiers visited a church to deliver food packages along with T-shirts which said 'I Love Indonesia' and 'Sa Papua Sa Indonesia' (I am Papua, I am Indonesia); they then asked for photos with the recipients. In Jayapura, a police officer sexually harassed an indigenous West Papuan woman when she was protesting against the forced closure of her mother's betelnut kiosk due to Covid-19 restrictions. Civilians in Boven Digoel town held a protest because TNI, POLRI and PEMDA⁸¹ members, who conducted a mask-wearing enforcement operation, tortured some civilians in Boven Digoel. Victims were suffering from bleeding from their mouths due to beatings. A member of the TNI was reportedly responsible for the beatings.

In October, intelligence operatives from Sentani police went uninvited to the fourth Papuan Central Highland Student Association - Indonesia (AMPTPI, *Asosiasi Mahasiswa Pegunungan Tengah Papua se-Indonesia*) Congress in Sentani, asking for information regarding the purpose of the organisation's activities. Three civilians were reportedly shot when the police tried to disperse a protest related to the announcement of the result of the candidate for a civil service exam. Protesters torched the Keerom Border Agency office (*Kantor Dinas Perbatasan Keerom*) in the town of Arso.⁸² Meanwhile in Jayapura, a protest rejecting otsus was forcibly dispersed. One participant was shot, and one was severely beaten.⁸³ Security forces reportedly used live rounds and teargas to disperse the protest. Some students were briefly arrested.⁸⁴

In November, police and military personnel raided the ULMWP's offices in Merauke and arrested one person.

In December in Nduga, a mother and three school children accompanying her were stopped and questioned by the security forces while crossing the river in Kenyam district. They were questioned for two hours because the security forces claimed they were suspected of being couriers for the TPNPB.

It was also reported that former political prisoner Mispo Gwijangge had suffered severe internal injuries as a result of torture and beatings sustained while in detention in Wamena prior to his

80. A. Bayage, 'Wartawan Radio BS Sempat Dihalangi Aparat Ketika Meliput di Polres Yahukimo', 3rd September 2020. <https://suarapapua.com/2020/09/03/wartawan-radio-bs-sempat-dihalangi-aparat-ketika-meliput-di-polres-yahukimo/>

81. Pemerintah Daerah (PEMDA) or Regional Government consists of governors, regents or mayors and the regional apparatus.

82. A. Loen, 'Aula Kantor Dinas Perbatasan Kabupaten Keerom dibakar massa', 1st October 2020. <https://jubi.co.id/papua-aula-kantor-dinas-perbatasan-kabupaten-keerom-dibakar-massa/>

83. Suara Papua, 'In Rejection Against Otsus March, One Was Shot and 13 Others Were Arrested by the Authorities', 13th October 2020. <https://suarapapua.com/2020/10/28/in-rejection-against-otsus-march-one-was-shot-and-13-others-were-arrested-by-the-authorities/>

84. Ibid

transfer to Jakarta. He had been accused of taking part in the killing of 18 construction workers in December 2018 in Nduga Regency. He was arrested and detained in May 2019 and transferred to Jakarta in December 2019 to undergo trial which ended in April 2020. His case was thrown out as he was wrongfully accused and because he was 15 at the time of his arrest and during the detention and trial process. In news reports, Gwijangge said that he had been beaten repeatedly while in detention in Wamena and began to fall ill.⁸⁵

Intimidation and harassment outside West Papua

Incidents of intimidation and harassment also took place outside West Papua in various cities in Indonesia. Some were subject to verbal intimidation and harassment while on other occasions West Papuan students and political activists were intimidated at their residences, during discussions without invitation, or during peaceful rallies. These incidents occurred throughout the year but less frequently than those that occurred inside West Papua.

There were a total of 15 incidents of intimidation and harassment recorded outside of West Papua and two further incidents occurred online. Indonesian Police were responsible for most cases, followed by the military and right-wing reactionary groups.

In March, Indonesian army officers in plain clothes intimidated West Papuan students in Ambon for wearing noken bags bearing the Morning Star emblem on the grounds that it 'disturbs' sovereignty. They also carried out an arrest and brought the students to a police station in Ambon.

In Bali in April, intelligence officers conducted harassing surveillance on West Papuan students inside the students' residences.

In June, speakers in an online discussion about Papuan Lives Matter were harassed by unknown individuals through live chat during the event. In Balikpapan, some West Papuan students reported that they were pressured by the security forces to record videos saying, 'Papua is Indonesia, Indonesia is Papua' for their campaigns and propaganda.

In July, in two separate incidents in Manado and Bali, intelligence officers conducted surveillance of West Papuan student residences. In Manado, four intelligence officials conducted surveillance at a West Papuan students' dormitory on 22nd July. In Bali on 27th July, an anniversary celebration of the establishment of AMP at a university residence was disrupted by intelligence officers. Also in Bali in July, the police used water cannon to disperse a rally commemorating the 'Bloody Biak' incident⁸⁶ organised by West Papuan students. Three protestors were beaten and briefly taken into a police truck.

In August, some West Papuan students in Surabaya, East Java, reported that they had been forced by military personnel to record videos supporting the extension of OTSUS in West Papua. In Ambon,

85. West Papua Daily, 'A victim of criminalisation is sick, allegedly effect of being beaten in custody', 5th December 2020. <https://en.jubi.co.id/a-victim-of-criminalisation-is-sick-allegedly-effect-of-being-beaten-in-custody/>

86. See footnote 32.

a rally organised by AMP, FRI-WP and pro-democracy activists to commemorate the “New York Agreement” was disbanded by the security forces using force. Meanwhile, the exiled human rights lawyer Veronica Koman was further intimidated by being asked to return scholarship money in the amount of US\$50,000 to Indonesia’s Ministry of Finance.⁸⁷

In September, several peaceful rallies were dispersed; during these dispersals several participants were intimidated and harassed. A peaceful rally in Malang, organised by pro-democracy activists under the Alliance of Democratic Struggle (*Aliansi Perjuangan Demokrasi*), was dispersed by the police and military. The security forces were physically aggressive during the dispersal and intimidated participants. The incident resulted in mass arrests, and two women participants were sexually assaulted. In Manado, West Papuan students organised a peaceful rally to reject the extension of otsus. The rally was blocked by state security forces from various agencies such as the military, police, intelligence officers, Brimob as well as non-state actors such as members of right-wing reactionary groups.

In Manado in November, West Papuan students received a letter addressed to their residence from a group called the North Sulawesi People’s Guards of the Republic of Indonesia (MSPN, *Masyarakat Sulut Pengawal NKRI*) stating that West Papuan students could not carry out activities that threatened the integrity of the Republic of Indonesia. Meanwhile in Makassar, armed Brimob officers visited a West Papuan students’ residence in Universitas Pattimura Ambon in order to take pictures of the residence.

In December, a rally in Makassar to commemorate Trikora Day was attacked by right-wing reactionary groups.

While intimidation and harassment took place both inside West Papua and outside of West Papua throughout the year, more incidents occurred inside West Papua, faced by West Papuan activists (including university students), and by human rights activists, lawyers from civil society organisations, the media and civilians. Meanwhile, outside West Papua, such incidents also targeted West Papuan students as well as Indonesian solidarity activists who joined with West Papuans students in rallies and peaceful protests in various cities across the country. Although the state security forces were responsible for the majority of incidents of intimidation and harassment, there were increasingly cases which involved non-state actors such as those involving right-wing reactionary groups.

Incidents of Intimidation and harassment of political activists were already a regularly anticipated occurrence. They were intimidated simply because of their association with activists or participation in West Papua-related protests. Similarly, threats against civil society organisations, human rights activists, lawyers, and West Papuan journalists were not new. Those who speak out against injustices committed by the authorities continued to be targets of intimidation and harassment. This has resulted in a progressive deterioration of civil liberties in West Papua and elsewhere in Indonesia.

87. In August 2019 human rights lawyer Veronica Koman posted information regarding the racist attack against West Papuan students in Surabaya on her social media page. The attack triggered the 2019 West Papua Uprising which resulted in mass protests all over West Papua. Many people were arrested and Koman was among those who were targeted for arrest for posting information regarding the protests. At the time of the Uprising, Koman was studying in Australia with an Indonesian Government scholarship. She was accused of many other charges and was threatened with being placed on Interpol’s Red List, resulting in her exile in Australia.

Internet Shutdowns and Cyber Attacks

Reports indicated that West Papua continued to experience internet shutdowns and cyber attacks in 2020. The cases below highlight how internet shutdowns and cyber attacks are used against media organisations as tactics of repression.

In January, the Jayapura-based West Papuan news agency Suara Papua reported that they experienced cyber attacks targeting their website suarapapua.com. Its IT personnel confirmed that the website experienced over 200 attacks in three days. The attacks continued again in April and May when they experienced more than 24 million DDoS attacks on the website.

In June, two West Papua online events, one a press conference and the other a live discussion, were disrupted by trolls, with speakers for the live discussion harassed. In Jayapura, one of the lawyers for the Balikpapan Seven was intimidated by unknown individuals, receiving dozens of calls from anonymous numbers when participating in an online discussion.

In July, internet access to Nduga, Maybrat and West Papua Province was cut off for one week. This action is believed to have been motivated by the conflict between West Papuan armed groups and Indonesian military in these areas.

Reports have also suggested that ‘bandwidth-throttling’ occurred in West Papua on 15th August, 7th October and 1st December. 15th August was the commemoration of the first anniversary of the West Papua Uprising. 7th October coincided with the UN Human Rights Council’s meeting which mentioned West Papua. 1st December is the commemoration of West Papua’s National Day when West Papuans gather to raise the Morning Star flag.

In December, West Papuan human rights defender Ronnie Mambrasar was arrested in Jayapura for writing a facebook post. He was detained and charged with violations of Electronic Information and Transaction (UU ITE) law.

Internet freedom in West Papua continues to be an issue of concern. There are significant barriers to access, with Freedom House reporting that access to the internet remains challenging in some parts of Indonesia



including West Papua.⁸⁸ However, the internet has become a valuable resource for those who can access it. Many civil society organisations, human rights activists, political activists and media use the internet to transmit information to a wider audience outside of West Papua, as the region continues to be restricted to foreign journalists and human rights NGOs. But internet users are increasingly facing the challenge of being criminalised for using it.

In 2019, during the West Papua Uprising, the Indonesian Government, through the Ministry of Communication and Information Technology, blocked internet access to West Papua. Several NGOs sued the Government immediately for this action⁸⁹. In June 2020, the Jakarta State Administrative Court (*PTUN, Pengadilan Tata Usaha Negara*) determined that the Government had violated the law by blocking internet access to West Papua.⁹⁰ The Court also ruled that the use of the Electronic Information and Transaction (UU ITE) law should only be used to restrict distribution of unlawful information and documents, not to stop internet access. In 2019, four people were charged under the ITE law for publishing information about the Uprising on their social media posts. In 2020, as described in the example above, one person was charged under the ITE law.

In addition to criminalisation, civil society organisations, the media, human rights defenders and political activists also face challenges of censorship, personal attacks, cyber attacks, and disinformation campaigns to undermine their work. As the 2020 internet freedom situation above exemplifies, West Papuan newspapers and individuals whose work is to provide information in a law abiding manner continue to be subjected to online attacks.

Also, West Papua continues to be the subject of online disinformation campaigns. In 2019, the Indonesian army proudly celebrated an award that Corporal Yunanto Nugroho received in the field of IT.⁹¹ It was reported that Nugroho is connected to a network of websites that publishes pro-government propaganda and runs disinformation campaigns under the guise of independent media facilitated and financed by the military, with the aim of curbing the independence movement in West Papua.⁹²

88. Freedom House, 'Freedom on the net 2020-Indonesia', 20th June 2021. <https://freedomhouse.org/country/indonesia/freedom-net/2020#A>

89. Ibid

90. Accessnow, 'Court rules the internet shutdowns in Papua and West Papua were illegal', 3rd June 2020. <https://www.accessnow.org/court-rules-the-internet-shutdowns-in-papua-and-west-papua-are-illegal/>

91. T. Allard and J. Stubbs, 'Indonesian army wields internet 'news' as a weapon in Papua', 8th January 2020. <https://www.reuters.com/article/us-indonesia-military-websites-insight-idUSKBN1Z7001>

92. Ibid

Conclusion

In 2020, violations of the right to freedom of expression and assembly on West Papua-related issues generally followed similar patterns to previous years. The security forces continued to repress the rights of those protesting and regularly intimidated and harassed West Papuan students, political activists, journalists and others.

However, there were also distinctive aspects of protest and repression. First, there were restrictions on freedoms after the West Papua Uprising in 2019. This carried on from September 2019 into 2020 and led to many arbitrary dispersals. The number of arbitrary dispersals in 2020 was very similar to 2019, a year when very many had taken place as a result of the Uprising.

Second, the number of arbitrary dispersals and other violations of freedom of expression in 2020 increased as a result of COVID-19 restrictions imposed by the Government. COVID-19 was regularly used by the authorities as a reason to disperse protests. In April and May, there were virtually no protests while the full implications of the COVID-19 crisis – and the authorities response to it – became apparent.

Third, despite the lack of protests in April and May, several treason charges were still brought by the authorities during these months. These charges were brought against people accused of having assisted the TPNPB. Further arrests and treason charges were also brought in September on similar grounds. The security forces continued to use treason to control and silence nonviolent activists in various incidents throughout the year. Some of these charges were brought against people who legitimately held discussions regarding West Papua's special autonomy (otsus) arrangements, the law for which was again imposed without the democratic consent of West Papuans in 2021. The process of evaluating the law, which bypassed local institutions supposed to represent West Papuans, had been opposed by the signatories of the Papuan People's Petition (PRP, *Petisi Rakyat Papua*). By the end of 2020, the petition had some 500,000 signatories.

Fourth, support for West Papua continued to grow outside West Papua. In Indonesia, there were many protests, which this report has detailed. This support was consolidated after the 2019 Uprising through street protests and online activity. As this report has also shown, the authorities continued to attempt to disrupt online events, including through internet shutdowns, in effect leaving activists with very little public space in which to exercise the right to freedom of expression online or offline. There were several short internet shutdowns in 2020, following a larger shutdown seen during the West Papua Uprising, as also seen in other countries where governments have used COVID-19 as a pretext to clamp down on public expressions of dissent. Where public events were held, local officials sometimes participated in their disruption and dispersal alongside the security forces and criminalised protestors.⁹³

93. Human Rights Watch, 'Indonesia: Reinstate Students Expelled Over Papua Protest, As Students Await Their Appeal, One Charged with Treason', 6th August 2020. <https://www.hrw.org/news/2020/08/06/indonesia-reinstate-students-expelled-over-papua-protest>, M. Palatino, 'Indonesian students expelled from school face treason charges for joining a protest on Papua', 17th August 2020. <https://advox.globalvoices.org/2020/08/17/indonesian-students-expelled-from-school-face-treason-charges-for-joining-a-protest-on-papua/>

Recommendations

To the Government of Indonesia:

- We urge the Government not to use COVID-19 restrictions as a pretext to stop legitimate public assembly where it is safe to do so. While COVID-19 inevitably involved some limitations on assembly, these same restrictions should not be applied on freedom of expression. Such regulations were used in West Papua and Indonesia to stop legitimate free expression in 2020 against several kinds of protests, whether those motivated by the Omnibus law, or those rejecting otsus, which reflected a lack of proper grassroots public consultation on the future of West Papua under special autonomy.
- We urge the Government to stop using internet and mobile phone restrictions in West Papua. As this report has noted, a lack of physical protests and restrictions on them because of the pandemic meant that many people were forced to 'assemble' online. The internet became a valuable way for human rights advocates, civil society organisations and news agencies to provide information to the public, especially during the COVID-19 pandemic. It is also a space where individual citizens in a democratic society can express their opinion or conduct assemblies which are fundamental to their rights to freedom of expression and assembly. We ask the Government to respect and protect these rights even where they contain critical views: the government should end all attempts to criminalise those voicing dissent.
- We strongly condemn further use of ultra-nationalist militias in restricting protests, which occurred especially outside West Papua. The appearance of ultra-nationalists alongside the security forces at protests is not a coincidence and strongly suggests collusion. This deliberately intimidatory practice has no place in a democratic society and must be stopped.

To the international community:

- We urge diplomats, human rights advocates and officials of international institutions to take up the issue of continuing abuse of treason laws against West Papuans. The sustained use of treason charges to silence legitimate debate in and on West Papua is an abuse of the Indonesian State's power and domestic laws and should be taken up at the highest levels by the international community.

