



**Joint Stakeholders' Submission
for the Universal Periodic Review (Fourth Cycle) of the Republic of Indonesia
the 41st Session UPR Working Group (November 2022)
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by
TAPOL and BUK**

Human Rights and Militarism in West Papua 2017 - 2022

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Introduction

1. This submission is made to the OHCHR by TAPOL and *Bersatu untuk Kebenaran* (BUK; United for Truth). TAPOL is a UK-based NGO formed in 1973 that promotes human rights, peace and democracy in Indonesia. BUK is a West Papuan grassroots organisation founded in Biak in 2008 by West Papuan survivors of violence. It seeks to build the capacity of victims and victims' groups so that they can campaign for their rights, and the rights of their families, in particular to justice and reparations. Members of BUK are spread across West Papua. Both TAPOL and BUK are relevant stakeholders under Human Rights Council Resolution 5/1 of 18 June 2007 and as reaffirmed by Resolution 16/21 of 25 March 2011. Information provided by TAPOL was included in the summary of stakeholders' submissions for the first cycle review of Indonesia in April 2008, the second cycle review in May 2012, and the Third Cycle review in May 2017.
2. The main focus of this submission is: freedom of expression and freedom of association and the use of the Treason Law; militarisation and the Government of Indonesia's 'counter-terrorism' strategy; and the rights of children in the conflict region of West Papua.¹
3. Between 2017-2022, the human rights situation in West Papua in particular has deteriorated markedly. Internal displacement of the civilian population has become a serious problem since late-2018, as a result of militarisation and ongoing security force operations. Internally displaced persons (IDPs) have fled these operations, but have also been targeted in some cases. They have not been provided with coordinated basic services by the state. Humanitarian agencies have not been granted access to West Papua, nor has a promised visit by the Office of the High Commissioner for Human Rights (OHCHR) and Special Rapporteurs taken place.
4. Security force operations have become more intense, and caused more displacement, and therefore severe difficulties to the civilian population, since the Government classified TPNPB as a terrorist organisation.
5. The number of political detainees rose during the period 2017-2022, numbering in the hundreds during and after the 2019 Uprising. The Uprising was triggered by racist incidents against West Papuan students in Java followed by spontaneous protests in West Papua. In the year before these protests, however, the number of political prisoners had been increasing. The number of those detained for treason also rose during the Uprising and 19 people are currently in detention, charged with treason, or are serving prison terms having been found guilty of treason.
6. The special autonomy law governing West Papua was renewed in 2021 and was met with street protests rejecting it. The law acknowledges the marginalisation of Indigenous West Papuan people but measures taken by the state to correct this marginalisation are confined to economic development projects and do not acknowledge structural racism. West Papuan

¹ For the purposes of this submission, the term 'West Papua' refers to the Indonesian provinces of Papua and West Papua, respectively, as one territory. The terms "Papua province" or "West Papua province" will be used when referring to these specific provinces.

political parties have not been legalised unlike in other Indonesian provinces with special autonomy, raising questions as to the validity of existing attempts to represent Indigenous West Papuans through state institutions.

Methodology

7. The information in this submission is based on research and monitoring activities undertaken by TAPOL, BUK, and Papuans Behind Bars (PBB) since 2012. PBB is a collaborative project initiated by West Papuan civil society groups. It is a grassroots initiative and represents a broad collaboration between lawyers, human rights groups, indigenous groups, activists, journalists and individuals in West Papua, as well as Jakarta-based and international NGOs and solidarity groups.
8. We have used sources in the public domain based on records of court cases, information from legal representatives of detainees or individuals with outstanding charges against them, and media reports. Data not in the public domain has been used sparingly and has been provided to us by trusted partners in Indonesia, whose safety would be jeopardised should their identities be revealed.
9. Our data for this submission draws on several TAPOL reports from the period, especially TAPOL's annual Freedom of Expression and Freedom of Association Reports; reports from Papuans Behind Bars; periodic briefings which provide in-depth analyses of issues affecting Indonesia and West Papua (for example, special autonomy legislation, growing security force power and influence; and the Government's counter-terrorism policy in West Papua); and an extensive report on the 2019 West Papua Uprising

Militarisation and counter-terrorism policy in West Papua

10. In response to recommendations made by member states in the Third Cycle UPR (2012-2016), the Government of Indonesia gave assurances that all police and military training curricula now incorporated training on human rights.² The Government also listed some 'programs' undertaken by the military "in cooperation with ICRC" and the Ministry of Defence, in the areas of International Humanitarian Law and Human Rights. Furthermore, it assured member states that the Government was "...committed to implement comprehensive human rights training for all military and police personnel, including in Papua."
11. In March 2021, the Government classified the TPNPB (National Liberation Army of West Papua) as a terrorist organisation which caused heightened tensions in the Central Highlands region³ of West Papua and elsewhere in the territory. The policy has resulted in further human

² "21. Police and military reform continues to be a priority in national agenda. Human rights-based curricula have been introduced and incorporated at all levels of education of the national police and defense forces. Moreover, human rights principles have also been incorporated in the military's rules of engagement. Numerous human rights trainings for police and defense forces officers have been conducted, including those held in cooperation with national stakeholders and international organizations."

³ Comprising seven regencies, most of which have majority-Indigenous-West Papuan populations.

rights violations against the civilian population of this region and an increase in internal displacement. The Government's terrorism classification was made after the killing of the state's top intelligence official in Papua province by TPNPB. Officially, the Government states that it has classified TPNPB as a terrorist group to "protect civilians".⁴

12. However, the rise in what the government calls 'terrorism' is arguably a result of the militarisation of West Papua, seen in the increasing number of police and military bases, and security force personnel, planned and executed in the territory.⁵
13. The internal displacement of civilians predates the terrorism classification, with an increase in security force operations since the TPNPB's killing of 18 road workers in Nduga regency in December 2018. However, security force operations following the terrorism classification has made an already bad situation for local people worse. According to estimates by local independent observers, reported on by UN Special Rapporteurs, as of March 2022, there are an estimated 60,000 - 100,000 internally displaced people (IDPs) in West Papua.⁶
14. Civilians continue to be viewed by the security forces as being suspect, with loyalties to TPNPB. This situation has persisted and has become worse since we noted it in our Cycle 3 submission⁷ and civilians have been reportedly targeted by the security forces.⁸ The Government's official reason for the terrorism classification, of 'protecting civilians', therefore, is having the opposite effect of its stated objectives. Indeed, counter-terrorism operations in Indonesia have previously been guided more by the security forces' economic interests than any objective of protecting civilians.⁹
15. The severity and complexity of displacement has been increased because the Indonesian Government has not permitted the ICRC or other humanitarian agencies to provide basic humanitarian aid such as food, shelter, and water. There has been no coordinated response by the Government at the inter-agency or inter-ministerial level. Due to a failure to recognise their displacement, IDPs have been deprived of basic education and healthcare. Indonesian observers have cautioned that financial costs borne by local governments because of security force operations and displacement have "made the condition of health and education become worse" in those areas where IDPs are hosted, saying that "fearful people" are taking refuge in

⁴ TAPOL 'The Indonesian military and counter-terrorism: new business, same old ways'. 5th October 2021. <https://www.tapol.org/briefings/indonesian-military-and-counter-terrorism-new-business-same-old-ways>.

⁵ TAPOL 'Entrenched militarism, the 'prosperity' approach and governance by exception in West Papua'. December 8th 2020, <https://www.tapol.org/briefings/entrenched-militarism-'prosperity'-approach-and-governance-exception-west-papua%C2%A0>.

⁶ United Nations Human Rights Special Procedures 'Indonesia: UN experts sound alarm on serious Papua abuses, call for urgent aid' 1 March 2022. As a result of fleeing violence, a small number of people have crossed the land border into Papua New Guinea.

⁷ TAPOL and BUK 'Ensuring Freedom of Expression in West Papua' Joint Stakeholders' Submission for the Universal Periodic Review (UPR) of the Republic of Indonesia UN Human Rights Council, 3rd Cycle (27th Session) April - May 2017, point 15.

⁸ The security forces have reportedly shot at and bombed villages during operations, described in TAPOL '243 deaths in West Papua: the international community must call for an impartial investigation and an end to the security forces' operations' 12 February 2020.

⁹ TAPOL 'The Indonesian military and counter-terrorism'.

local government buildings or local government officials' residences.¹⁰

16. In Intan Jaya, a heavily militarised area, in part due to military and police interests in gold mining operations,¹¹ the civilian population has been deprived of basic services. In Hitadipa District of Intan Jaya regency, which has seen a build up of security force personnel over more than two years, the military occupied a school in 2021, ignoring calls from Komnas HAM (the national commission for human rights) to relinquish its occupation.¹²
17. In the same area of Intan Jaya, units of the special forces not normally stationed in West Papua are alleged to have murdered three civilians in the area in two separate incidents in 2020. In the first incident, Pastor Jeremiah Zanambani was killed by the military in September 2020.¹³ In the second incident, nine officers from the military's Kostrad special forces were found by a Military Police enquiry to have been responsible for the abduction and killings of two brothers, Luther and Apinus Zanambani, whose bodies were then burnt.¹⁴ Investigators had not been able to speak to a number of other personnel in connection with the killings, however. There has been no international verification of the findings of any Indonesian investigation into the abductions and murders.
18. The burden of tending to the needs of refugees has fallen disproportionately on local churches where IDPs often take refuge. Church buildings have been hit by security force gunfire and local villages have come under fire,¹⁵ including some which have reportedly been bombed and strafed by gunfire from military helicopters, causing further fear among the displaced and local populations and Church personnel, also seen in security force operations in Nduga in late-2018. In the aftermath of those operations until February 2019, 243 people who had become displaced are reported to have died of starvation, exposure and illness, including children, and in some cases were targeted by the security forces.¹⁶ Attempts made by churches to improve conditions faced by IDPs have not been supported by the state and the police have reportedly obstructed attempted deliveries of small dispensations of food aid in

¹⁰ detik.com 'Sederet Rekomendasi Gugus Tugas UGM Terkait Eskalasi Kekerasan di Papua' 8 June 2021.

<https://news.detik.com/berita-jawa-tengah/d-5597525/sederet-rekomendasi-gugus-tugas-ugm-terkait-eskalasi-kekerasan-di-papua>

¹¹ Amnesty International 'Indonesia: Gold Rush: Indonesia's mining plans risk fueling abuses in Papua' March 22, 2022. <https://www.amnesty.org/en/documents/asa21/5257/2022/en/>; see also, Walhi, Pusaka, Bersihkan Indonesia, Jatam, Greenpeace, Kontras, LBH Papua, YLBHI, Trend Asia 'Political Economy of Military Deployment in Papua. Intan Jaya Case' August 2021.

¹² detik.com 'Komnas HAM Soroti Gedung Sekolah di Hitadipa Papua Dijadikan Pos Koramil' 6 June 2021.

<https://news.detik.com/berita/d-5595640/komnas-ham-soroti-gedung-sekolah-di-hitadipa-papua-dijadikan-pos-koramil>

¹³ jubi.com 'Police to autopsy Pastor Yeremia's body for further investigation' June 7 2021.

<https://en.jubi.co.id/police-to-autopsy-pastor-yeremias-body-for-further-investigation/>

¹⁴ B. U. Putri, 'Puspomad: Prajurit TNI Bakar Jenazah 2 Warga Intan Jaya untuk hilangkan Jejak' 23 December 2020, Tempo.co.id.

¹⁵ OHCHR, 'Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of internally displaced persons' Ref.: AL IDN 11/2021. December 27th 2021, p.4.

¹⁶ TAPOL '243 deaths in West Papua: the international community must call for an impartial investigation and an end to the security forces' operations' 12 February 2020.

Conclusion and recommendations:

19. As noted in paragraph 10, the Government of Indonesia told member states and civil society participants in the Third Cycle that initiatives undertaken to train the security forces in human rights and humanitarian law were an indication of its sincere adherence to international norms in respect of security force conduct.
20. Since then, the record of security force practice has told a very different story. West Papua in particular has been subject to sustained security force operations, purportedly against the TPNPB. The region has seen a sustained build up of security force bases and personnel, to the extent that they are often the most powerful branch of the Government, far more so than civilian authorities in the often remote areas in which they are stationed. Furthermore, many security force personnel continue to be deployed to West Papua from outside the province, making it difficult to ensure their control and accountability.
21. Security force operations have moreover caused extensive internal displacement of 60,000 to 100,000 IDPs. Without inter-agency or inter-ministerial coordination - and indeed without official recognition of the gravity of the problem by the Government of Indonesia - IDPs will continue to suffer from a lack of basic provisions. Food, water, shelter, sanitation and education and healthcare are all lacking.
22. All of these fundamental problems are exacerbated by security force suspicion that the local population supports TPNPB. This has led to targeting of villages, causing further displacement and arbitrary detention of civilians (see for example, the section below on 'Violations of the Rights of Minors'). The reason for classifying TPNPB as terrorist, to 'protect' the local population, is therefore not achieving its professed goals and indeed appears to be making a bad situation worse.

Freedom of Expression and Freedom of Association

23. In the Third Cycle, member states recommended specifically to the Government of Indonesia that freedom of the assembly and the press were "upheld, respected and promoted" along with those of "minorities and women".¹⁸ Further recommendations were made related to "improving trainings and administrative instructions" to the police to ensure that "peaceful assembly is universally respected" with Papua and West Papua province singled out.¹⁹ The Government of Indonesia resisted calls by member states in the Third Cycle to stop prosecutions for treason.²⁰

¹⁷ OHCHR, 'Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of internally displaced persons' Ref.: AL IDN 11/2021. December 27th 2021, p.4.

¹⁸ 139.67 Ensure human rights obligations in Papua are upheld, respected and promoted, including freedom of assembly, freedom of the press and the rights of women and minorities (New Zealand)

¹⁹ 139.51 Improve training and administrative instructions for police and local authorities to ensure that the right to peaceful assembly is universally respected, including in the provinces of Papua and West Papua (Germany).

²⁰ 109.32. End prosecutions under Articles 106 and 110 of your criminal code for exercising the internationally protected right of freedom of expression, and re-evaluate the convictions and sentences of individuals prosecuted for those actions (United States of America).

24. As we noted in our submission in the Third Cycle, violations of the right to Freedom of Expression and Freedom of Association (FoE-FoA) are important because they encompass a number of other human rights violations referred to in this section. One of the most important aspects of FoE-FoA violations in Indonesia is the detention of political prisoners. The continued detention, trial and imprisonment of individuals for expressing political views shows that, despite calls by member states and civil society to desist from the practice, systemic abuse of provisions in the criminal justice system and the criminal code, has not improved. After a brief dip in numbers of arrests of political prisoners in 2017,²¹ numbers again climbed in 2018²² and increased between 2019 and 2021.
25. Over a 20-month period from January 2019 to September 2020, there were 245 new political prisoners. Of this number, in the same period, 103 people were charged with treason in 2019, and six people were charged with treason in 2020. The West Papua Uprising saw the authorities use treason charges often, with 40 treason charges brought in August and September 2019, but significantly more treason charges – 54 - brought after the end of the Uprising. Treason charges have therefore been used to crack down on gatherings where people are exercising the right to express political opinions.²³
26. Of those individuals not set free after arbitrary arrest in 2019, 86 individuals were charged with treason. By the end of 2019, some 56 of these individuals were still in detention.
27. The authorities from October 2020 to September 2021 detained 418 political prisoners, a far greater number even by comparison with the January 2019 - September 2020 period referred to above. There are currently 19 people in detention on charges of treason or having been convicted of treason.²⁴
28. In 2019, there were 38 arbitrary dispersals of protests and other peaceful gatherings in West Papua. The subjects of such gatherings were often the rights of political prisoners, celebrations of West Papua's national day on 1st December, and the right to self-determination. This number of arbitrary dispersals, 38, remained the same in 2020. This is largely because, despite COVID-19 restrictions on gatherings in 2020, many West Papuans held protests and discussions regarding the renewal of the special autonomy law.
29. In 2019, there were 1521 arbitrary arrests, 88 per cent of which took place in West Papua.²⁵ These arrests were closely linked to arbitrary dispersals, happening either during them or directly afterwards. Many of those arrested were subsequently released. This confirms a pattern of using dispersals of protests and arrests to prevent FoE-FoA. The security forces and other state agencies continued to carry out intimidation and harassment, consisting of

²¹ Papuans Behind Bars, 'Intimidation and Harassment of West Papuan Students and Civil Society Groups' December 2017. https://www.papuansbehindbars.org/wp-content/uploads/2018/01/PBB-December-2017-EN.web_.pdf

²² Papuans Behind Bars, 'Political prisoners on the rise' March 2018. https://www.papuansbehindbars.org/wp-content/uploads/2018/07/PBB-June-2018.EN_.pdf

²³ Papuans Behind Bars 'Prisoner Update: Jan 2019 – Sept 2020' <https://www.papuansbehindbars.org/?p=4613>.

²⁴ Of this number: two individuals were arrested in 2018; two were convicted in connection with the 2019 Uprising; seven were arrested after having attended a ceremony in Papua New Guinea; and eight are students who were charged with treason after having attended a December 1st West Papua national day celebration in 2021.

²⁵ TAPOL 'West Papua Freedom of Expression and Freedom of Association Report 2019', p.5.

surveillance, stop and search, unwarranted inspections of offices or residences of political activists, torture and ill-treatment.

30. In 2020, the number of arbitrary arrests dropped to 443 because of COVID-19 restrictions, but also because of the aftermath of security force repression following the 2019 Uprising when many of the more than 6000 extra police and military drafted in to West Papua remained there past the end of the year. Furthermore, COVID-19 restrictions in 2020 were used as a pretext to block and disperse protests against the renewal of the special autonomy law, which was approved by Indonesia's national parliament in 2021, bypassing local elected and unelected bodies.²⁶
31. The trigger of the 2019 West Papua Uprising was racism directed at students in Java by state-backed thugs. But spontaneous protests against racism followed in West Papua involving tens of thousands of people, showing that there are serious underlying problems with discrimination against Indigenous West Papuan people in West Papua.
32. The West Papua Uprising resulted from frustration by Indigenous West Papuan people at structural racism, "resulting from the political, economic and social system which embeds discrimination in everyday relationships between the West Papuans and the authorities and settlers from elsewhere in Indonesia".²⁷ The Government chose to try and contain the protests but after this failed, cracked down on protestors.
33. An example of tensions resulting from this racism can be seen from events in Wamena during the 2019 Uprising when a high school teacher is alleged to have used the racial epithet 'monkey', leading to demonstrations by students at the school. When the authorities failed to take corrective action to quell further discontent, students protested further in the streets of Wamena. In these ensuing demonstrations, school students were subject to intimidation, arbitrary dispersal, arrest, detention and beatings by the security forces. International media sources reported that many minors that sustained wounds were too scared to go to hospital for fear of arrest there by the police.²⁸
34. The 'Morning Star', a symbol used by pro-independence West Papuan groups, often led to treason charges being levelled by the authorities. Of the 86 treason charges in 2019, 17 were specifically related to incidents where the Morning Star Flag had been on display, while a further 43 treason charges were brought after Morning Star flag raising ceremonies during early December, the period of celebrating West Papua's national day.²⁹ The raising of a Morning Star flag on public buildings during the Uprising caused the security forces or state-backed militias to violently intervene in demonstrations. During a demonstration on 23 August 2019 at which the Morning Star flag was raised above a public building, the security forces opened fire indiscriminately on a crowd killing six people.³⁰

²⁶ TAPOL 'West Papua Freedom of Expression and Freedom of Assembly Report 2020', p.15.

²⁷ TAPOL and Veronika Koman, 'The 2019 West Papua Uprising. Protests Against Racism and for Self-determination'. September 2020, p.11.

<https://www.tapol.org/sites/default/files/sites/default/files/pdfs/The%202019%20West%20Papua%20Uprising.pdf>

²⁸ Kate Lamb, 'I feel like I'm dying': West Papua witnesses recount horror of police shootings' 28 September 2019.

<https://www.theguardian.com/world/2019/sep/28/i-feel-like-im-dying-west-papua-witnesses-unrest-indonesia-police>

²⁹ TAPOL 'West Papua Freedom of Expression and Freedom of Association Report 2019' p.15.

³⁰ TAPOL and Veronika Koman, 'The 2019 West Papua Uprising. Protests Against Racism and for Self-determination'. September 2020, pp.101-104

Conclusions and recommendations:

35. Violations of rights to FoE-FoA indicate an intention to silence dissent. This tactic is often aimed at disrupting protests by dispersing them and arresting protesters who may be subsequently released. However, it is generally tolerated by officials in the justice system. Among the most serious violations of FoE-FoA is the detention of political prisoners, especially under treason charges.
36. In light of the assurances given by the Government of Indonesia in the Third Cycle, this dismal record in the interim indicates at best weak implementation of international laws which the Government has signed up to, and at worst, most unfortunately, a disregard of putting these norms into practice.
37. The Government should issue an executive decree forbidding the misuse of treason charges in the justice system. Member states issued recommendations in the Third Cycle to end prosecutions under Articles 106 and 110 of the criminal code, concerning treason, which the Government of Indonesia merely noted.³¹
38. We recommend that UN member states re-double their advocacy to the Indonesian Government to issue an executive order banning the misuse of treason laws.

Violations of the rights of minors

39. Indonesia was one of the signatories of the 1991 UN Convention on the Rights of the Child. It has since passed legislation intending to strengthen its legal framework regarding child rights, including a 'National Strategy for Elimination of Violence Against Children 2016-2020'.³² Under this strategy, the Government pledged to ensure that children are protected from violence.
40. Several UN member states made recommendations to Indonesia in the Third Cycle regarding violence against children, and reforming juvenile justice, "...by treating minors in a manner appropriate to their age...".³³
41. There is evidently still a gulf between passing laws and ensuring that children do not become victims of violence. In the reporting period, as noted in this section, violence has been committed against children by the security forces. Children are also entitled to the right to fair treatment in the justice system.

³¹ 109.32. End prosecutions under Articles 106 and 110 of your criminal code for exercising the internationally protected right of freedom of expression, and re-evaluate the convictions and sentences of individuals prosecuted for those actions (United States of America).

³² Republic of Indonesia, National Strategy on Elimination of Violence Against Children 2016-2020' <https://www.end-violence.org/sites/default/files/paragraphs/download/Indonesia%20strategy.pdf>

³³ The relevant recommendation reads: "Take the necessary measures to guarantee the proper functioning of a juvenile justice system, including, inter alia, by treating minors in a manner appropriate to their age, and abolish all corporal punishment of children in all settings (Liechtenstein) Source of position: A/HRC/36/7 - Para. 139."

42. The rights of children have repeatedly been violated in areas where there is a growing security force presence, especially in West Papua. Throughout the period, minors have been subject to arbitrary detention, torture and extrajudicial killings by the security forces. The treatment of children in areas where there is a high concentration of security force personnel is linked with the treatment of civilians by security forces in those areas.³⁴
43. As noted in paragraph 10 of this submission, the security forces are known to suspect civilians of assisting TPNPB in the Central Highlands region and increasingly, West Papua province. The implications of this are that, the security forces do not make sufficient efforts to distinguish minors from adults and children have also been arrested,³⁵ detained and subject to violence, along with adults.
44. In Merauke in January 2019, for example, 10 people were arrested by Kopassus, a part of the military's special forces. One person arrested was a child under the age of five years old.³⁶ On 1st December 2019 in Sentani, in a clear violation of freedom of expression and association, security forces arrested 34 people, including several teenagers, who had been on their way to raise the Morning Star flag.³⁷
45. In May 2021, security force operations in Intan Jaya regency saw a two-year old killed and his six-year-old brother severely injured by bullets reportedly fired in a firefight between the security forces and TPNPB. The trajectory of the bullets, fired from an elevated position through the roof of the victims' house, suggests that it was fired by the security forces.³⁸
46. In September 2021, tensions increased in Maybrat regency, West Papua province, after TPNPB claimed to have killed four military (TNI) personnel. The military then arrested seven people. Some of those arrested were members of the non-violent political organisation KNPB (Komite Nasional Papua Barat), not the TPNPB. One, LK, was tried first in a juvenile court, accused of assisting TPNPB and sentenced to eight years' imprisonment despite being 14 years old at the time of his conviction. The six subsequently stood trial in a different province.³⁹ Since conviction, LK has been imprisoned in a regular prison, not a detention facility for children. We urge that member states' recommendations in Cycle Three and noted in paragraph 40 of this submission to "...[treat] minors in a manner appropriate to their age...", be acted on without delay.
47. In Sinak district, Puncak regency on February 22nd 2022, children were watching television at a security guard post where military personnel were also present, playing cards with the security guards. The military personnel reportedly left guns unattended which then went missing; the children, some of whom were as young as 10, were accused of their theft. The

³⁴ See for example, TAPOL 'Entrenched militarism, the 'prosperity' approach and governance by exception in West Papua', footnote 31.

³⁵ See for example, TAPOL 'West Papua Freedom of Expression and Freedom of Association Report 2020', p.24.

³⁶ TAPOL 'West Papua Freedom of Expression and Freedom of Association Report 2019', p.13.

³⁷ TAPOL 'West Papua: 61 new political prisoners on 1st December West Papuan National Day commemoration crackdown' 9 December 2019.

³⁸ OHCHR, 'Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of internally displaced persons' Ref.: AL IDN 11/2021. December 27th 2021, p.2.

³⁹ TAPOL 'Militarisation, Conflict and Injustice in Maybrat Regency'. 17 February 2022.

children were then summarily detained and tortured, leaving several requiring hospital treatment. One, Makilon Tabuni, died from his injuries. His body was cremated in front of the local police resort. A statement of protest has been made by a coalition of NGOs, demanding that the state carry out an independent investigation into the crime.⁴⁰

Conclusion and recommendations:

48. Children in West Papua have long been subject to detention by the security forces, with their families, especially in the Central Highlands region. However, children's welfare and access to basic services has become much worse since an increase in security force operations in 2021 and the resultant displacement crisis that followed (see paragraphs 9-12 of this submission).
49. There is a basic inconsistency between Indonesia's 'National Strategy to Eliminate Violence Against Children 2016-2020' and the lived reality of children in areas where security force operations are ongoing. This has led to the injury and death of children, some of whom were deliberately tortured, resulting in death. We note the involvement of the security forces in these incidents and recommend that a swift investigation is carried out with independent international oversight.
50. The security forces have said that a child was involved in the Maybrat case in which four military personnel were attacked and killed. However, instead of showing the child's alleged guilt, the case tells us more about the fate of children in highly militarised areas of West Papua. Children in Maybrat grow up under close military and police watch and may witness their families and others in their communities looked on with suspicion by the security forces. We therefore recommend a process of demilitarisation of West Papua and peace talks between the Government and the TPNPB's representatives.

General Conclusion and Recommendations

51. We have noted that, during the Third Cycle, the Government of Indonesia made assurances to the international community that it was making efforts to comply with international human rights law. Its evidence for this was that it had passed laws and that its security forces had undertaken various trainings of unspecified duration.
52. In this submission we have noted many cases of human rights violations, which have not only persisted but have got worse since Third Cycle submissions. We would therefore advise member states that the Government of Indonesia's existing assurances regarding measures taken to ensure compliance and promotion of international human rights norms are inadequate. Moreover, it would appear that many such assurances may have been undertaken in bad faith.

⁴⁰ Advocacy Team for Human Rights in Papua (Tim Advokasi HAM untuk Papua) 'The Torture of Children in Puncak Papua is Evidence that the State is Not Serious About Protecting Children in Papua' 1 March 2022. <https://www.tapol.org/news/torture-children-puncak-papua-evidence-state-not-serious-about-protecting-children-papua>.

53. Member states should take stock of this situation by addressing the question: in what ways can promises made in Universal Periodic Reviews (UPR) be fulfilled and verified? And in what ways can member states help to improve human rights within the framework of UPRs?
54. Member states can and should again request access to West Papua by the Office of the High Commissioner for Human Rights (OHCHR) and UN Special Rapporteurs, which was promised by the Government of Indonesia as long ago as 2015 but remains to be fulfilled. Free and unimpeded access to West Papua would provide a more accurate view of the situation there with regard to human rights than has been the case so far.
55. Furthermore, in addressing the Government of Indonesia's perfunctory compliance with international human rights norms, moreover, member states must continue to raise the most problematic elements of human rights violations, especially the misuse of treason laws.
56. We would also recommend that if countries provide human rights training to the security forces they do so only if they can commit to auditing the results of training. For example, if there is evidence that trainees have not committed to disseminate results, or if trainees with command responsibility for security force personnel that have committed human rights abuses have not taken appropriate disciplinary action, then further training should be suspended and representations made both to the UN and the Government of Indonesia.
57. To do otherwise may risk conspiring in the notion that human rights trainings are being undertaken by the Government of Indonesia in good faith. Trainings must not be used to bolster Indonesia's public relations strategy on the world stage or provide 'window dressing', designed to disguise the actual record of the security forces.
58. We would also recommend that the UN's Department of Peace Operations (DPO) implements its own Human Rights Due Diligence Policy (HRDDP) with respect to the Indonesian security forces. The UN should not 'soft pedal' on human rights due diligence because the Government of Indonesia has provided military and police personnel to DPO missions. A lack of attention by the UN in this area may give the impression to the Government of Indonesia that adherence to human rights norms are of secondary importance, rather than being integral to the conduct of the security forces.
59. Racism against Indigenous West Papuans caused spontaneous protests during the 2019 West Papua Uprising. West Papua is governed under special autonomy legislation, which acknowledges the 'marginalized' position of Indigenous West Papuans in West Papua. The Government of Indonesia sees Indigenous marginalization as able to be improved by its own development projects. However, this has neither significantly affected West Papuan economic marginalisation nor does it deal with structural racism. Institutions created under special autonomy and meant to represent West Papuans have authority confined to religious and cultural affairs and the Government has reportedly interfered with their membership and work. We would recommend that member states therefore advocate to the government of Indonesia to allow the existence of independent political parties, contained in the special autonomy law but not implemented despite being legalised in other Indonesian provinces with special autonomy. Having genuine political representation may help give voice to Indigenous West Papuans' experiences of racism.

60. A humanitarian crisis has unfolded in West Papua since late-2018, which has become one of the most pressing issues in the province of Papua and increasingly, in West Papua province. This can be seen from the 60,000 to 100,000 IDPs who are too scared to return to their homes and unable to access basic services. Immediate steps should be taken to bring the scale and gravity of this displacement crisis to the attention of the Government of Indonesia. Humanitarian agencies must be admitted to provide basic services to IDPs.
61. Member states must be aware of the causes of West Papua's humanitarian crisis: militarisation. There has been a steady build up of security force bases and personnel in West Papua more than any other region of Indonesia. Such a large concentration of personnel and bases is not viewed by the civilian populations where the security forces are based as protecting civilians, as claimed by the military in regard to its classification of armed pro-independence organisations as terrorists. In fact, the military often perceives local populations as supportive of armed pro-independence movements. For this reason, the security forces have committed numerous human rights violations against civilians.
62. In order to resolve West Papua's humanitarian crisis, there must therefore also be a commitment by the security forces to demilitarise the two provinces of Papua and West Papua and for peace talks between the Government of Indonesia and the TPNPB as a precondition to demilitarisation.

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