



Promoting Human Rights,
Peace and Democracy in Indonesia

WEST PAPUA 2019 FREEDOM OF EXPRESSION AND FREEDOM OF ASSEMBLY REPORT



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WEST PAPUA 2019
FREEDOM OF EXPRESSION AND
FREEDOM OF ASSEMBLY REPORT

Introduction

Between August and September 2019, students, political activists and civilians held mass demonstrations in West Papua, and in Indonesia, against racism and in favour of West Papuan self-determination. These events, collectively known as the ‘West Papua Uprising’ were triggered by racism from state security services and nationalist groups directed against West Papuan students in Java during August 2019. This led to an exodus of West Papuan students who returned from other provinces in Indonesia to West Papua.

The Indonesian Government responded to the West Papua Uprising by deploying more than 6,000 additional security force personnel, dispersing rallies and demonstrations, conducting mass arrests, and levelling charges against those arrested, including ‘treason’. Violent response by the state security services against protestors, and between civilians, resulted in killings and internal displacement of civilians in West Papua. Furthermore, the security services and intelligence agencies conducted campaigns of intimidation and harassment against political activists and students in both Indonesia and West Papua.

In this report, we describe the patterns of violations of freedom of expression and freedom of association during 2019 that took place both in and outside West Papua. We argue that a broad pattern of violations had preceded the Uprising in August 2019, albeit at lower levels. State security services and state-supported nationalist groups were often deployed before then to disperse gatherings and demonstrations, arrest protestors, gather intelligence, and conduct campaigns of intimidation and harassment and criminalisation against West Papuan students and supportive political activists in West Papua and Indonesia more broadly. What happened in 2019 is therefore consistent with broad patterns of violations in the years before then, in particular the authorities’ willingness to commit violations of freedom of expression and assembly.

Here, we present data related to arbitrary arrests, dispersals and violence in 2019, collected mainly from protestors and witness accounts, as well as media reports and reports from human rights defenders’ organisations that monitor and advocate for human rights issues in West Papua and Indonesia.

An Overview of Freedom of Expression and Association Violations in 2019

In West Papua, and in Indonesia in relation to West Papua, violations of freedom of expression and freedom of association and assembly were clearly evident in 2019. There were at least 38 arbitrary dispersals of gatherings and assemblies, 1521 arrests, 188 people named as suspects, 86 treason charges, and dozens of incidents of harassment and intimidation, torture and ill-treatment against civilians, political activists, students and journalists.

The West Papua Uprising from August to September 2019 saw an escalation in the number of incidents of dispersal, arrest, intimidation, torture, criminalisation of activists and other offences by state security services and Indonesian nationalist groups. The events of 2019 continued a long-established pattern by the Indonesian authorities of oppressing freedoms of expression and association of West Papuans. Those whose rights have been violated include political activist groups, student groups, journalists and others who attempted to organise events in West Papua and Indonesia. Key political activist groups targeted include (university) student groups under the Papua Student Alliance (AMP), the West Papua National Committee (KNPB),¹ the United Liberation Movement for West Papua (ULMWP), and the Indonesian People's Front for West Papua (FRI-WP).

Although there has been a history of violations, a distinct pattern of events became evident during 2019. In December 2018, the main armed pro-independence resistance movement, the West Papuan National Liberation Army (TPNPB), had killed 18 road construction workers in the central highlands regency of Nduga. In response, President Joko Widodo sanctioned joint police (POLRI) and military (TNI) operations in remote

Arbitrary Arrests

Total
Arbitrary
Arrests

1,521

Most people were later released
but some detained for further investigations



West Papua

1,348

Outside
West Papua

173

Arbitrary Dispersal

Total
Incidents

38



West Papua

22

Outside
West Papua

16

1. The KNPB was established by current political prisoner Buchtar Tabuni and Victor Yeimo in 2008. The organisation is headquartered in Jayapura and has offices throughout the territory of West Papua. The main aim of this non-violent organisation is to achieve the fulfillment of West Papuans' right to self-determination through a referendum. <https://suarapapua.com/2018/10/30/declaration-of-congress-ii-of-west-papua-national-committee-knpb/>

villages in the Central Highlands against the perpetrators. Tens of thousands of civilians were reportedly displaced and some 243 people reportedly died, through illness, hunger and a lack of access to humanitarian services.² The unacceptable toll that joint security force operations in Nduga took on civilians was the subject of protests throughout 2019; often security forces arbitrarily dispersed and arrested protestors.

In urban areas in West Papua, the authorities also launched a major crackdown on political activists through the early months of 2019. Often these crackdowns were not connected with policing actual demonstrations but rather were intended to intimidate activists. Early in January 2019, for example, POLRI and TNI raided and unlawfully seized KNPB offices in the city of Timika, arresting several of its members. This pattern was also evident in April when Kopassus, (a Special Forces division of the TNI infantry) visited the KNPB offices in Merauke to question the branch Chairman for carrying a 'noken' (traditional bag) bearing the imprint of the West Papuan Morning Star flag.³ In June, TNI and POLRI entered the residence of Forkorus Yaboisembut, Chairman of Dewan Adat Papua (Papua Customary Council), and a former political prisoner who had been imprisoned in 2011 for declaring the establishment of the Federal Republic of West Papua of which he had been elected as the President.⁴

Another development discussed throughout this report are the extensive crackdowns that took place

2. TAPOL, '243 deaths in West Papua: the international community must call for an impartial investigation and an end to the security forces' operations,' 12th February 2020. <https://www.tapol.org/news/243-deaths-west-papua-international-community-must-call-impartial-investigation-and-end>

3. Tribun Arafura, 'Pakai Noken Motif Bintang Kejora, Ketua 1 KNPB Almasuh Didatangi 2 Anggota Kopassus,' 14th April 2019. <https://tribun-arafura.com/2019/04/14/pakai-no-ken-motif-bintang-kejora-ketua-1-knpb-almasuh-didatangi-2-anggota-kopassus/>

4. Papuans Behind Bars, 'Forkorus Yaboisembut Prisoner Profile,' 2011. https://www.papuansbehindbars.org/?prisoner_profile=forkorus-yaboisembut

Intimidation & Harassment

Total Incidents

45



West Papua

26

Outside West Papua

19

Torture & Ill-treatment

Total Incidents

11



West Papua

8

Outside West Papua

3

in other provinces of Indonesia related to West Papua. The activist solidarity groups AMP and FRI-WP conducted various peaceful rallies and assemblies calling on the Government to stop the Nduga joint police and military operations which had begun in December 2018 and to provide humanitarian assistance to the thousands of people who had become displaced as a result of the operations. Many such rallies also called for self-determination for the West Papuan people. In April, the AMP and FRI-WP groups held rallies calling for a boycott of the presidential election. They were then faced with arbitrary dispersals, detention, and monitoring of their activities. Academic authorities also expelled and issued threats of termination of scholarships to Indonesian students who were active in the FRI-WP.

Protests outside West Papua continued throughout July to December 2019. These often corresponded with dates that are significant to the movement for

West Papuan self-determination, such as:

- 1st July (1971 Proclamation of Independence by the OPM (Organisasi Papua Merdeka - Free Papua Movement);
- 2nd August (50 years since 1969 when Indonesia orchestrated a vote for West Papua to remain in Indonesia, named the 'Act of Free Choice');
- 15th August, (to coincide with discussions at the Pacific Island Forum for a United Nations investigation into human rights in West Papua; also the date in 1962, when the New York Agreement was signed between Indonesia and the Netherlands);
- 1st December (1961, manifesto of West Papuan independence).

During this period, there were various dispersals in Bali, South Sulawesi, and the provinces of West and Central Java.

In August, 43 West Papuans were racially discriminated against by an organised nationalist group in the city of Surabaya in East Java. They were attacked and held under siege within the compound of their student dormitory by nationalists in the presence of the police and the military. This incident triggered massive civilian protests inside West Papua which resulted in the 2019 West Papua Uprising. This period also saw a number of alleged extrajudicial killings perpetrated by the security forces: some 28 during forced dispersals at the time of the West Papua Uprising, and another 4 during their joint operations in the field. For example, there were alleged extrajudicial killings during a protest in Wamena, Papua province, where, according to witnesses, the police shot and killed more than 20 people when forcibly dispersing the protest.

Scope of Report, Definitions and Methodology

This report covers incidents which took place in 2019 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 include torture and ill-treatment, arrests (including arbitrary arrests), dispersals (both arbitrary and forced), criminalisation of activities, and intimidation and harassment.

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 they were 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. Of those arrested during the West Papua Uprising, for example, 56 were charged with treason. Both treason charges and other forms of criminalisation directed at human rights defenders, are discussed towards the end of the report, and we conclude by highlighting an important violation of the right to freedom of expression connected with the Uprising, namely the Government's decision to block internet access in West Papua.

Methodology

TAPOL records and compiles incidents of rights violations related to freedom of expression and assembly concerning West Papua. We collect information from several sources: first-hand reports from victims; and also secondary sources such as news reports, local and national human rights and civil society organisations' reports, to corroborate the victim reports and to provide balance and accuracy. For example, we have used data from *Aliansi Demokrasi Untuk Papua* (ALDP, Alliance of Democracy for Papua), among other sources.

We rely on first-hand reports since there are significant challenges in accessing information in West Papua, which is effectively closed off to independent reporting and monitoring. We wish to highlight in particular the contributions of human rights defenders, journalists and civil society organisations in West Papua and in Indonesia, who risk their safety every day to make information available.

For our analysis, we have broken down incidents of rights violations into several different categories. In each category, we reviewed incidents on a case-by-case basis. Oftentimes, we established that multiple violations of rights to freedom of expression and assembly had taken place resulting initially from single 'incidents'. For example, an incident that began with arbitrary arrest may have later led to treason charges. Although we have striven to provide a picture of violations of rights to freedom of expression, association and assembly that is as complete as possible, there are local human rights defenders, community activists/organisations in West Papua with whom we have not been able to corroborate data. Therefore the numbers of violations that we report here may actually be fewer than those committed.

Patterns of FoE/FoA Violations in 2019

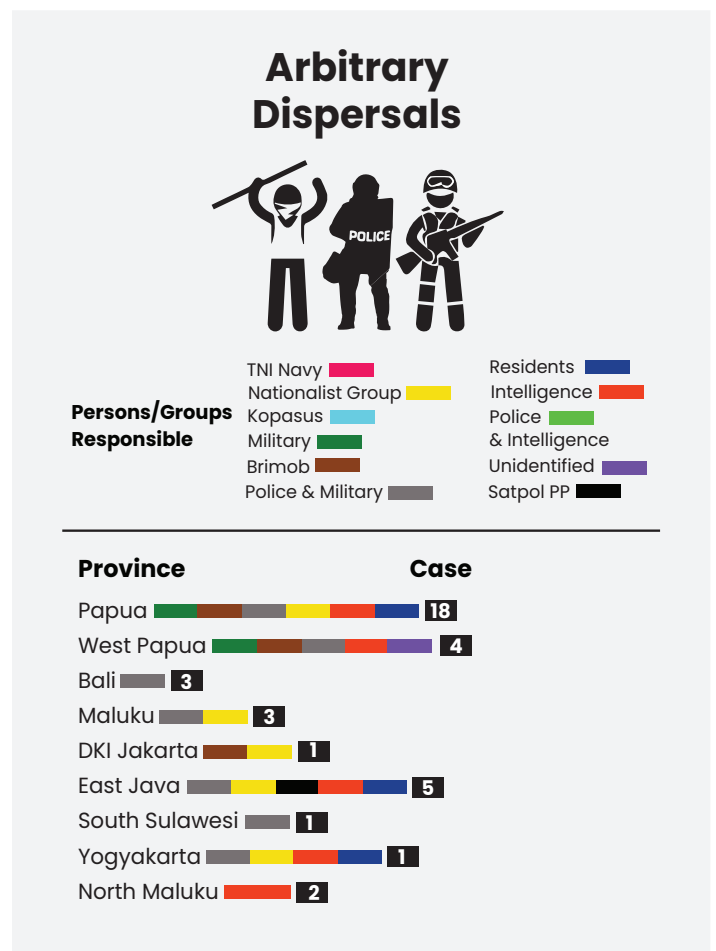
Violations of people’s rights to freedom of expression, freedom of assembly and freedom of association in West Papua and in Indonesia on West Papuan issues fall broadly into five key categories. Each will be discussed in more detail below.

1. Dispersals

TAPOL has documented 38 incidents of dispersals of protests and gatherings that were related to West Papua in 2019. Of those 38 incidents, 22 occurred within West Papua, which covers the provinces of Papua and West Papua, while 16 incidents occurred outside West Papua.

Throughout 2019, political rallies and public discussions held by West Papuan political activists, some of which discussed West Papua’s self-determination, were repeatedly dispersed. Furthermore, a number of peaceful gatherings for prayer ceremonies were stopped and dispersed, and joint police and military operations targeted KNPB activists who experienced persecution including the forcible closure of the KNPB headquarters. Early in 2019, a joint police and military operation shut down one KNPB office in Timika and unlawfully took it over as a police and military post. Later in 2019, West Papuans who gathered for traditional ceremonies were dispersed, as an example in Mimika in September shows.⁵

Nevertheless, throughout 2019, political activists continued to coordinate and organise rallies and public discussions in conjunction with interna-



5. In that incident, Mimika Police forcibly dispersed a traditional customary event that was held in the Amungme Tribal Council yard.

tional solidarity networks. They held demonstrations to commemorate historical events when West Papuan self-determination was asserted or denied. These included: the Melanesian Spearhead Group⁶ Conference (held in Fiji in July); the Pacific Island Forum⁷ in Tuvalu (August); 50 year anniversary activities to remember the so-called 'Act of Free Choice' (August); and West Papua's national day (1st December).

During the Melanesian Spearhead Group conference, the police dispersed a peaceful political rally in the city of Manokwari organised by the West Papua National Authority (WPNA)⁸ who have called for West Papua's independence.⁹ During the Pacific Island Forum in Tuvalu, the ULMWP group organised a peaceful rally in the city of Sentani which was dispersed by the police.¹⁰ Participants were subsequently taken into police custody for questioning. On 1st December 2019, the police dispersed various groups of civilians who participated in flag-raising ceremonies in different locations in Fakfak, West Papua. As many as 54 people were arrested on suspicion of incitement and treason.

The police also dispersed peaceful rallies to commemorate several international days. During a Women's Day rally in Jayapura on 8th March 2019, police, Brimob (Mobile Brigade, paramilitary police) and intelligence officers dispersed a rally by the West Papuan Revolutionary Women's Movement (GPR-WP) which organised a rally calling attention to health emergency issues in West Papua. The police fired three warning shots in the air and five canisters of tear gas towards rally participants to disperse the rally. On 9th August 2019 during a commemoration of World's Indigenous Peoples Day, the police blocked and dispersed two separate peaceful rallies, one organised by the Papuan

6. The Melanesian Spearhead Group is a regional cooperation group among the Melanesian States in the South Pacific which consists of Papua New Guinea, Solomon Islands, Vanuatu and Fiji. It was established in 1986. In 2011, Indonesia and Timor-Leste joined as observers and Indonesia became an Associate Member in 2015 representing five 'Melanesian' Provinces of Indonesia, namely Maluku, North Maluku, Papua, West Papua and East Nusa Tenggara Timur. The West Papuan independence movement under the umbrella of the United Liberation Movement for West Papua (ULMWP) was formed in 2014 on advice from MSG in order for its membership application to be considered. (<https://www.msgsec.info/about-msg/>) ULMWP is currently an observer and Indonesia has associate membership. On 16 July 2019, MSG held a Regional Security Strategy Working Group Meeting in Fiji (<https://www.msgsec.info/msg-regional-security-strategy-meeting-underway-in-nadi-fiji/>) which inspired West Papuan groups in Indonesia to hold rallies encouraging MSG to grant ULMWP membership.

7. The Pacific Island Forum is an inter-governmental organisation for Pacific Island countries and territories. In 2019, it met in Tuvalu where it planned to discuss the issue of West Papua's self-determination. This prompted support from West Papuan political groups which organised rallies around the event.

8. The West Papua National Authority (WPNA) is a West Papuan organisation that declared the establishment of West Papua Federal Republic in 2011. Its President, Forkorus Yaboisembut, is a former Chairperson of the Papuan Customary Council and he declared West Papua's independence in Zakheus Field, Jayapura, in 2011. Dozens were killed by the Indonesian army and police during the declaration, and Yaboisembut was subsequently imprisoned for three years.

9. Papua Barat Online, 'Demo Papua Merdeka di Manokwari dihadang Polisi', 15th July 2019. <http://papuabaratonline.com/2019/07/15/demo-papua-merdeka-di-manokwari-dihadang-polisi/>

10. Cenderawasih Pos Online, 'Tak Kantongi Izin, Aksi Demo Simpatisan ULMWP Dibubar Polisi', 15th August 2019. <https://www.ceposonline.com/2019/08/15/tak-kantongi-izin-aksi-demo-simpatisan-ulmwp-dibubar-polisi/>

Customary Council (Dewan Adat Papua) in Lani Jaya Regency¹¹ and another organised by University of Cenderawasih students in Jayapura, the capital of Papua province. On 10th December 2019, the Jayapura Police blocked a rally on International Human Rights Day on grounds that the organisation that submitted the request was not registered with the National and Political Unity Agency (Kesbangpol) of Papua province.¹²

Protest dispersals outside West Papua

As many as 16 incidents of dispersal occurred outside West Papua in 2019, in the provinces and cities of Bali, Maluku, Jakarta, East Java, Jogjakarta, South Sulawesi, Central Java and North Maluku. Peaceful rallies and protests were largely organised by West Papuan students under the Papuan Student Alliance (AMP) and the Indonesian People's Front for West Papua (FRI-WP).

While the subject of the rallies and other gatherings that were dispersed was broadly the same as those held in West Papua, the main difference was in the additional involvement of Indonesian nationalist groups which engaged in altercations with the protesters, and which had been organised and given material support by the state security services. This can be seen in rallies that were organised by the AMP and FRI-WP groups in January 2019 to protest against the joint police-military operations in the Central Highlands, referred to earlier. In Bali, for example, prior to forcible dispersal by police, students who had organised a demonstration were attacked by nationalist groups.¹³ Later in July 2019, also in Bali, a discussion organised by the AMP and planned to be held in their dormitory was visited by TNI, POLRI and nationalist groups, shutting down the event before it even started.

Another important dimension of the protests outside West Papua, related to the involvement of security services and state-organised nationalist groups, concerned the racial abuse of Papuan students. On 15th-17th August 2019 in Surabaya, East Java, 43 West Papuan students were besieged in their dormitory and subjected to racial abuse, following false rumours that they had disrespected the Indonesian national flag. On 17th August, the police arrested the 43 West Papuan students for questioning. This incident in Surabaya led to mass civilian protests inside West Papua which was a trigger for the West Papua Uprising from 19th August to 30rd September 2019. This protest in turn led to mass forced dispersals, arrests, violence and extrajudicial killings within West Papua.

11. B. Mawell, 'Gagal peringati Hari Masyarakat Adat se-Dunia, DAP mengadu ke PBB', 10th August 2019. https://jubi.co.id/gagal-peringati-hari-masyarakat-adat-se-dunia-dap-mengadu-ke-pbb/?utm_campaign=shareaholic&utm_medium=whatsapp&utm_source=im

12. CNN Indonesia 'Polisi Tak Izinkan Unjuk Rasa Peringati Hari HAM di Jayapura', 10th December 2020. https://www.cnnindonesia.com/nasional/20191210113610-12-455622/polisi-tak-izinkan-unjuk-rasa-peringati-hari-ham-di-jayapura?utm_source=facebook&utm_medium=oa&utm_content=cnnindonesia&utm_campaign=cmsocmed

13. Radio New Zealand, 'Indonesian students protest Papua military action', 21st January 2019. <https://www.rnz.co.nz/international/pacific-news/380447/indonesian-students-protest-papua-military-action>

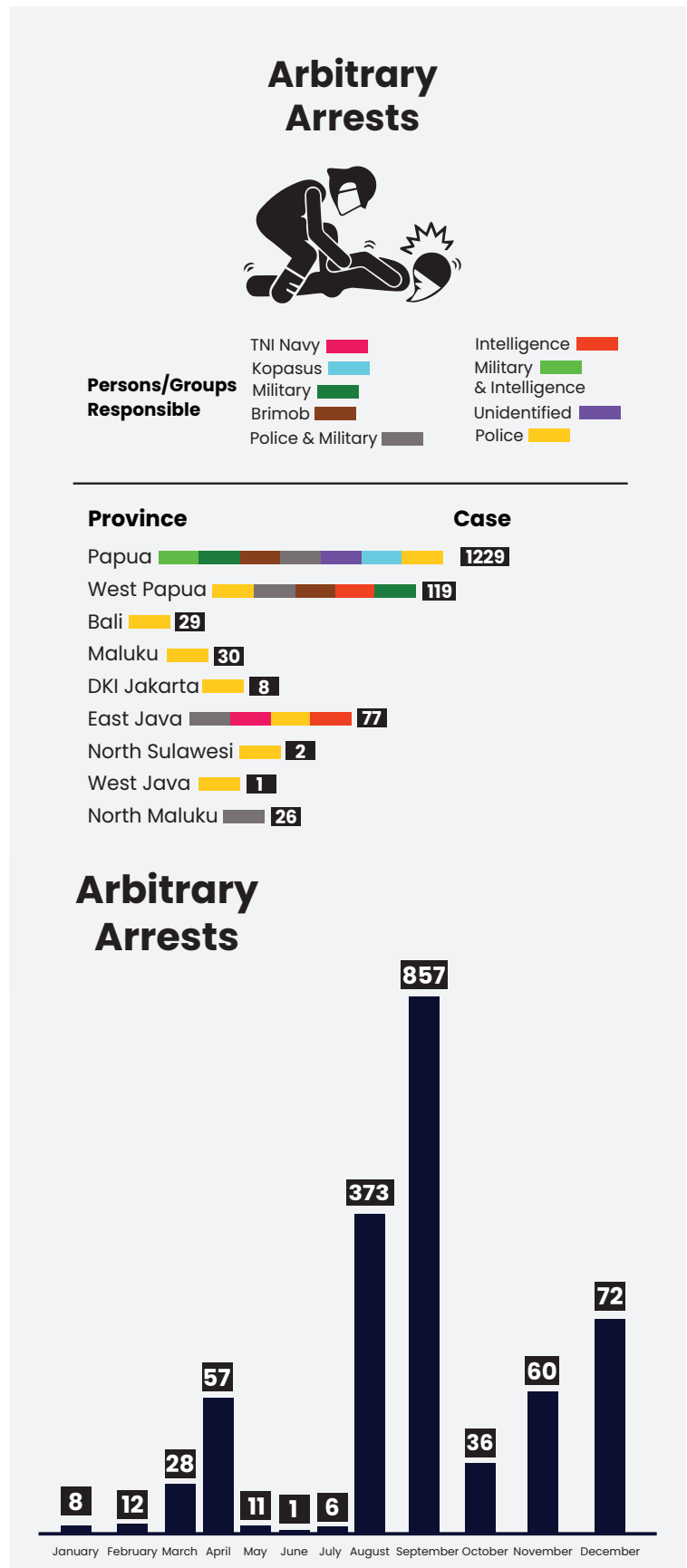
2. Arbitrary Arrests

There were at least 1521¹⁴ arbitrary arrests in 2019 related to violations of rights to freedom of expression and association. Of these, 1348 arrests took place in West Papua and 173 took place outside West Papua. Most arbitrary arrests occurred during or after protest dispersals, while some were made during public gatherings or assemblies, and some were related to activities such as wearing or carrying the Morning Star symbol.

In January, a joint TNI and police operation in Timika arrested eight KNPB activists and closed down and unlawfully seized the KNPB's office for the area. Of the eight arrested, three were charged with treason. In February in Merauke, three members of Kopassus questioned and arrested 10 people, consisting of nine KNPB members and one child under five, while they were walking along a public road. The reason for the arrest was for wearing clothes bearing the Morning Star Logo. They were taken to PolRes (police station) in Merauke for further questioning.

In March, police and intelligence officers from Jayapura Regional Police arrested and tortured two people in the ULMWP office in Sentani. They were Detinus Enumbi (24) and Honi Bahabol (23) who were then taken to a police station in Sentani for further interrogation. No clear explanations were offered for their arrest. While in custody, they received severe beatings resulting in head injuries. Detinus Enumbi was injected with anaesthetic and became unconscious. On 30th May 2019 the Indonesian military arbitrarily arrested and interrogated one fisherman

14. The actual number of arrests for 2019 could be higher than 1521. Our total number was based on data gathered by TAPOL, cross-referenced with ALDP figures that we could verify with other various sources. There were some arrests incidents in 2019 where we could not confirm the numbers of arrests, which we have not included in the total above.



in an effort to locate the ULMWP activists Victoria Moman and a sibling. The fisherman was reportedly blindfolded during the transfer from the location of the interrogation and the location where he was released, near Biak's Frans Kaisepo airport.

Outside West Papua, in February, two West Papuan political activists were arrested in Bitung, North Sulawesi, for wearing t-shirts with the Morning Star logo. In March, 18 people were arrested in Ambon, Maluku, during a fundraising event to support the victims of a flood which had occurred three days earlier in Sentani, Papua. The military took three West Papuans to Kodim (District Military Command) for wearing Morning Star logo t-shirts.

In April, 28 AMP and FRI-WP activists were arrested during a peaceful rally in Malang, East Java, for calling for boycotts of the presidential elections and West Papuan self-determination. 29 people were arrested in Denpasar, Bali for organising a similar rally.

In July, Indonesian marine officers arrested six West Papuan students in Surabaya for holding a rally without a permit. In mid-August, 71 political activists were arrested in various places for coordinating peaceful protests to commemorate the New York Agreement of 1962, and calling for West Papuan self-determination as well as voicing their support for the Pacific Island Forum on the issue. Some incidents outside West Papua culminated in numerous arrests. The most significant of these was the arrest of 43 West Papuan students, again in Surabaya, on 17th August which triggered the West Papua Uprising.

1013 people were arrested during the West Papua Uprising which took place between 19th August and 30th September. The highest number of arrests was in September, when as many as 759 people were arrested across that month. 733 of them were from the dispersal of a mass gathering in the city of Jayapura on 23rd September 2019. Then there were a further 126 arrests between the end of November and the beginning of December which were related to coordination and participation in the 1st December rallies and flag-raising ceremonies.



3. Treason Charges

Of the total number of arrests outlined in Section 2, around 120 people were detained or became subjects of further investigation, with charges ranging from incitement, to vandalism, possession of sharp weapons, possession of the Morning Star flag, coordinating political rallies or treason. Of all these charges, treason (or ‘makar’) represented the highest number of those arrested, with 86 people detained (85 West Papuans and one Indonesian political activist). Some detainees were later released but, by the end of December 2019, 56 treason suspects remained in detention.



Treason Charges

Date of Arrest	Summary Incident	Location	Total Number
08/01/2019	Arrests for holding a traditional prayer assembly to commemorate the anniversary of the establishment of KNPB and New Year	Timika	3
28-29/08/2019	Accused of flying the Morning Star Flag in front of the Presidential Palace	Jakarta	6
02/09/2019	Arrest for possession of small Morning Star flags	Manokwari	1
18/09/2019	Arrests for organising a protest	Sorong	4
5 - 24/09/2019	Arrests for alleged coordination of various mass protests	Jayapura	8
19/09/2019	Arrests for allegedly organising an anti-racism mass protest and flying Morning Star flags during protest	Manokwari	3
26/11/2019	Arrested for encouraging locals to participate in a protest to commemorate the proclamation of independence of West New Guinea Republic	Sorong	11
26/11/2019	Arrested for carrying the Morning Star Flags	Manokwari	7
30/11/2019	Alleged to have planned to attend 1st December flag-raising ceremony	Jayapura	20
01/12/2019	Alleged to have attended 1st December flag-raising ceremony	Fak-Fak	23

4. Intimidation/Harassment

State security forces were responsible for some 56 recorded intimidation and harassment incidents. These included: surveillance; stop and search; unwarranted inspections of offices or residences of political activists; torture or ill-treatment of political activists, prisoners or journalists; and criminal charges (other than treason) brought against political activists and human rights activists in West Papua and Indonesia.

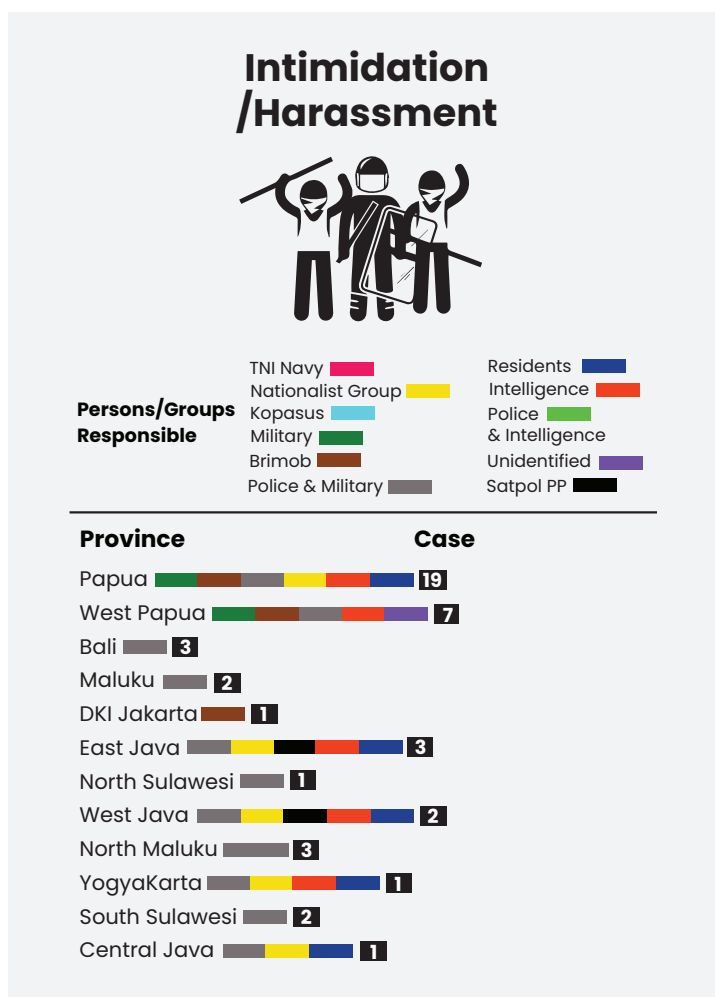
Our data shows that West Papua had the highest numbers of intimidation and harassment incidents (26), followed by torture or ill-treatment incidents (6), of any other area of Indonesia and in fact, exceeded the totals of all other areas combined which were 19 and 5 respectively. It should be noted that:

- Intimidation cases are based on the use of force and violence in interactions with political activists, journalists or civilians.
- Harassment cases involve arbitrary stop and search, unsolicited visits or questioning in residences or offices of political activists.
- Torture/ill-treatment refers to beatings and physical acts which inflicted injury, including emotional damage, done by state authorities on political activists, journalists or civilians.

It is important to note the involvement of various state and non-state actors in carrying out intimidation and harassment in West Papua in 2019.

Inside West Papua, intimidation, harassment, torture and ill-treatment are done mostly by police, military and intelligence agents. Outside West Papua, AMP and FRI-WP activists continued to face harassment and intimidation from the police, military, nationalist groups and intelligence agents. Encounters with nationalist groups occurred in Bali, Surabaya, Makassar and Semarang and often ended in physical altercations.

We have documented eleven cases of torture/ill-treatment that occurred in 2019. Police officers from Mako Brimob Kelapa Dua in Depok, West Java, were also accused of torture, and denying access to treatment for one political prisoner who became severely ill while in detention.



5. Criminalisation of Activists

Meanwhile, the Indonesian Government also targeted non-West Papuan human rights activists who were supporting or speaking out about West Papuan rights to self-determination.

During the West Papua Uprising, the Indonesian Government targeted three human rights activists in particular:

- Veronica Koman, Indonesian human rights lawyer, was charged under four different laws, including the controversial Information and Electronic Transaction Law (UU ITE)¹⁵ after posting on Twitter about the racist attacks and disproportionate measures taken against 43 West Papuan students in Surabaya in August 2019 which triggered the Uprising.
- Surya Anta, political activist and FRI-WP spokesperson, was arrested in Jakarta on 31st August; he was convicted of treason in April 2020 but released on 24th May 2020 after having served his full sentence.
- Dandhy Laksono, Indonesian journalist, documentary filmmaker and human rights activist, was briefly arrested in his home on 26th September 2019; he was questioned by police for a tweet about West Papua earlier that week.

The prosecution of activists has contributed to limitations on their personal lives. For example, four student activists, members of the FRI-WP in Ternate, Maluku province, were expelled from Universitas Khairun on recommendation by police. They were punished for organising and participating in a peaceful protest on 2nd December 2019, commemorating West Papua's national day and calling for an end to the police and military operations in Nduga. The protest was forcefully dispersed by joint police and security forces, causing injury to some students. Having received some donations for their legal fees, they are challenging the state-owned University's decision in the Administrative Court; their first hearing had started on 23rd April 2020.

Similar to what the student activists in Ternate faced, four other student activists in Lampung province were threatened with the termination of their scholarships after participating in a 1st December rally.

15. S. Gerintya "Jerat UU ITE Banyak Dipakai oleh Pejabat Negara", 18th October 2018. <https://tirto.id/c7sk>

6. Internet Shutdown and Cyber Attacks

In response to the growing anti-racism protests and calls for self-determination during the West Papua Uprising, Indonesia's Minister of Communication and Information obstructed internet access in West Papua. The official reason given for this move was to control the spread of fake news. This happened in two phases, consisting first of 'throttling internet bandwidth' on 19th-20th August; and then of terminating all internet access from 21st August to 4th September 2019.

The human rights community and civil society organisations in West Papua and across Indonesia promptly protested against the move, fearing that, with no access to the internet, human rights abuses in the region would go unreported and become even worse. West Papua had already been labelled a 'human rights black hole' by Amnesty International, with restricted access for independent and foreign journalists.

On November 21st, a civil society group calling itself the Press Freedom Defender Team - consisting of the Alliance of Independent Journalists (AJI) and SAFENet as plaintiffs, and LBH Pers, YLBHI, Kontras, Elsam and ICJR as legal counsel - sued the Indonesian President and the Minister of Communication and Information in the Jakarta State Administrative Court (PTUN). The Team asserted that both parties had broken the law and violated the principles of good governance in relation to their decision to clamp down on internet access in West Papua. The Team argued that the Government's decision was arbitrary and only based on requests from security forces but not on applicable law. Furthermore, they stated that *"... the restriction has never been tested that it has an impact on the absence of state accountability and is detrimental to the public, especially journalists who work to ensure the truth of information about what is really happening in Papua, can be known to the public."*¹⁶

The Internet shutdown in West Papua across a timespan of two weeks was unprecedented in Indonesia. However, attacks on websites of organisations and media reporting human rights abuses and corruption are not new. Among those that frequently report cases and news from West Papua is Pusaka, a Jakarta-based NGO advocating the rights of local communities and indigenous peoples in Indonesia, including those in West Papua. Pusaka has experienced several attacks in recent years after they reported cases involving corporations versus community, human

16. Safenet 'President Jokowi is absent from the First Court of Internet Shutdown Lawsuit', 22nd January 2020. <https://safenet.or.id/2020/01/president-jokowi-is-absent-from-the-first-court-of-internet-shutdown-lawsuit/>

rights abuses or maltreatment by the authorities.

Another recent attack involved Papuans Behind Bars, a collective project between human rights defenders in West Papua, Indonesia and abroad, reporting cases of political prisoners in West Papua. Two days after a Papuans Behind Bars Update¹⁷ was published on 20th November, the website was brought down by hackers, along with those of many other clients of the internet provider Greenet. On its website, Greenet explained that the attack was a Distributed Denial of Service (DDoS), with the volume of traffic at one stage equivalent to its data centre's entire traffic with Google. The attacks were repeated, with each lasting almost exactly an hour, indicating that it was likely to be 'DDoS for hire'. Greenet managed to establish strong circumstantial evidence that the intended target was indeed Papuans Behind Bars.¹⁸

Access to West Papua for foreign diplomats was also banned during the protest period, with the Indonesian authorities stating that it was unsafe to go there.¹⁹ Furthermore, West Papua has been closed off to foreign journalists for many years now. Unfortunately, the information they obtain regarding human rights abuses is often filtered through reports from the police and military officials.

Fundamentally, shutting down the internet is another violation of people's rights to freedom of information and expression. The State Administrative Court of Jakarta (PTUN) confirmed this, ruling in June 2020 that the 2019 shutdown had been unlawful.

17. Papuans Behind Bars 'New political prisoners, treason charges and lack of judicial transparency in political prisoner cases' 20th December 2019. <https://www.papuansbehindbars.org/?p=3809>

18. 'Greenet. 'A call to action to defy Internet shutdowns and suppression of political opinion online', 6th December 2019. <https://www.greenet.org.uk/community/blogs/call-action-defy-internet-shutdowns-and-suppression-political-opinion-online>

19. A. Barker, 'Indonesia bans foreign diplomats' access to Papua amid separatist unrest', 9th October 2019. <https://www.abc.net.au/radio/programs/pm/indonesia-ban-foreign-diplomat-access-papua-separatist-unrest/11587840>;

Conclusion

This report has highlighted numerous violations in West Papua and in Indonesia during 2019. As we have argued, 2019 saw marked increases in violations, especially in response to the ‘West Papua Uprising’, followed by security force crackdowns. The Indonesian state also used new methods of restricting freedom of expression by blocking internet access, particularly at the time of the Uprising. The intent behind this move, claimed to prevent ‘fake news’, was to prevent information from West Papua reaching a broader Indonesian and international audience. This violation was therefore both novel but also followed a well-established pattern.

Indeed, 2019 broadly saw a continuation from previous years of more familiar patterns of violations by security forces and authorities ranging from relatively low-level violations such as dispersing peaceful protests, to resorting to punitive violations such as intimidation, harassment and treason charges. More seriously still, the security forces were yet again allegedly involved in killing civilians, which must be investigated as a matter of urgency.

Recommendations

To the Government of Indonesia:

- Assemblies and gatherings must not be prevented from taking place, nor must their organisers and participants be harassed nor intimidated. Under Indonesian law on freedom to express opinion in public spaces, protestors are only required to submit a notification letter, not permit. We therefore strongly encourage the Government to direct police to not use ‘no permit’ to suppress West Papuans’ freedom of expression and association. We also call for an end to the use of nationalist groups to crack down on West Papuans, as it creates horizontal conflict which emerged during the 2019 West Papua Uprising.
- The legitimate expression of political opinions does not and should not involve the military or unaccountable intelligence agencies that operate illegally and at the margins of the state. We condemn the continuing involvement of the military and intelligence agencies in joint operations with the police in harassing, intimidating and participating in the unlawful killing and injury of civilians, journalists, lawyers and activists in West Papua and outside the territory.
- The Government should create a space for West Papuan people to evaluate special autonomy. Despite special autonomy, West Papuan people’s freedom of expression and assembly is clearly not respected by the Indonesian government. Other mandates of the special autonomy law including ‘clarifying history’ and addressing past crimes against the Papuan people, which are root causes of the conflict, have not been implemented.
- We urge the Government of Indonesia to desist from imposing internet shutdowns, respecting the decision of the State Administrative Court (PTUN). Such shutdowns have unacceptable consequences, further restricting already limited information able to be accessed on Papua. Furthermore, internet shutdowns have the effect of creating fear among Papuan communities who regard them with dismay, confusion and uncertainty amidst precarious situations.

To the International Community

- We urge the international community to make representations to the Government of Indonesia to remind it that security forces and prosecutors must not use treason charges for repressive purposes that “may silence freedom of speech in a democratic country”, as set out in a Constitutional Court ruling from 2018. As the Court’s ruling is final and binding under national law, domestic avenues for challenging its decisions have been exhausted. The international community has, we submit, an obligation to scrutinise the implementation of law in accordance with the Constitutional Court’s ruling, which should not be perverted or abused.



This photo shows 23 farmers who were subjected to degrading treatment under Police arrest in Fakfak. The farmers were arrested while allegedly on their way to a flag raising ceremony on 1st December 2019.

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