

**The Stagnation of Human Rights Situation in Papua :
The Ongoing Human Rights Violations in Papua
(Torture, Extrajudicial Killing, Criminalization of HRD, & Restriction on Freedom of
Expression)**

Overview

The Commission for the Disappeared and Violence (KontraS), a human rights organization based in Jakarta, along with The Research and Advocacy Center on Human Rights (ELSHAM Papua), a human rights organizations [NGO] based in Papua, note that human rights situation in Papua does not show any better situation. We document that many cases of human rights violations in Papua have been mysterious cases. On the one hand we never knew who the perpetrators are, and on the other hand there is no proper investigation and prosecution have been conducted by the police as well as military institution, therefore the cases remain mysterious.,

The most basic problem of continuing human rights violations in Papua is that the government of Indonesia still committs militaristic-based approach in most of cases happened in Papua. The government of Indonesia still impose military operations in Papua, in which up until now is still going, as a result the human rights violations occur and frequently repeated withoutany preventive and preemptive action of the government.

In recent years, the practice of violence, like terror, prohibition and dissolution of peaceful protest by force, arrests and arbitrary detentions, torture, mysterious shooting and inter-ethnic conflicts continue to happened in Papua, while the and horizontal conflicts caused by cultural differences also does not handled seriously by the government.

KontraS has recorded, between January and June 2014, there were at least 66 human rights violations, namely 26 cases conducted by the police officers, 6 cases conducted by the military officers and 21 other violence conducted by the unknown persons. While in 2013, there were 110 cases occurred in form of shooting (41), intimidation (10), arbitrary arrest, clash (18), the destruction of civilian houses (8), persecution (14), torture (1), extrajudicial killing (3), sexual violence (1), forced dissolution (2), and abduction (2). Similar with 2013, the cases happened in 2012 were 122 cases including those acts of violence mentioned above.

Below is summary of the Extrajudicial Killing, Torture, Arbitrary Arrest and Criminalization against human rights defender in Papua.

1. Extrajudicial Killing, Torture and Arbitrary Arrest Cases

a. Extrajudicial Killing, Torture and Arbitrary Arrest Cases in Yapen Island

The Extrajudicial Killings case in Yapen Island has began following involuntary dissolution of a Conference in Sasawa district, West Yapen, on Februari 1st, 2014. This case happened when the Separatists Group, known as National Army of West Papua (hereinafter referred to as TNPB) with 300 (three hundreds) members around the Yapen Island held a conference in Sasawa Village, West Yapen district. As a response to that conference, Military District Command of Serui and Yapen Police Resort then held a joint military operation involving 15

trucks and 6 speed boat units accommodated them. The gunfire resulted in casualties from TNPB, 3 persons were shot (two from Police and one civilian).

As a result of gunfire, hundreds of residents of seven villages fled to the nearest jungle to seek protection. Most of the residents of the seven villages including from Sasawa, Kiminawa, Kawanda, Wartanen, Tindarek, Saubeba and Yobi were displaced.

This incident is a trigger for 3 (three) extrajudicial killings cases, such as;

First, the Angkaseira's conflict. In the 1st of March, five police were committed to torture against Agus Wondiwoy-Nuboba (22 years old). There were five members of army force to enter into the victim's home and torture him. They were also dragged the victim's out into the yard, stomping on his head and back, and kicked the victim's face. At least 54 family members fled to the forest near the village after this case because of the fear.

Second, the case of Konti Village. In the 22th of March the Mobile Brigade unit conducted sweeping operations to the houses of residents in the village Konti, Angkaseira District in order to seek the alleged member of TNPB, Zaina Sineri. At that time Zaina Sineri was not at home, there was only his mother in the house. The police then killed his mother.

Third, the extrajudicial killing case against Rudi Orarei. The police shot to death Rudi Orarei 5 (five) times from a short distance away on 10th June 2014. He was shot without resisting, and did not carry firearms. The medical officer also said that there were 3 (three) sharp cuts on Rudi's body. After killing Rudi, the police also burnt the house of father-in-law of Rudi, Mr. Obet Warumbay. Mr. Obet Warumbay and his wife then went outside the village to seek refuge.

b. Extrajudicial Killing Cases in Yostefa

The extrajudicial killing cases occurred after the incident in Yostefa Market. A police officer who tried to dissolve a gambling game in Yostefa Market was killed while another had a serious injury because of a resistance and strike back of the people who did the gamble.

Two hours after the incident the police conducted operations to search the people who were involved in the killing incident. At the time of operation, the Police did the omission while the migrant people near the location helped the police persecute three people to death while four (four) others were arbitrarily arrested and subjected to torture while in the interrogation process. The victims who died because of the persecution, inter alia; Sabusek Kabak (22), Yenias Wanimbo (27) and Demi Kepno (28).

Asman Pahabol and Urbanus Pahabol, are two of the victims of arbitrary arrest and torture by police. They were both arrested, a day after a riot at the Central Market Yostefa. Since the arrest, Asman and Urbanus suffered as a subject of torture by the police, in forms of intimidation and death threats. After being arrested from their home, they were taken to an unknown place. They were punched and kicked by several police officers and

asked to reveal the whereabouts of weapons belonging to Mr. Asriadi (the Police) which has been lost in the chaos at the Yostefa Market.

c. Extrajudicial Killing Case Against Arton Kogoya

The extrajudicial killing case against Arton Kogoya happened on 11th May 2013 in Wamena district, Jayawijaya, Papua, Arton Kogoya was shot to death by 6 (six) members of Batalion 756 because of personal problem between the victim and the military. The victim was drunk on that time and was asking question to the military that made them angry. Afterwards the victim shot to death two times.

d. Extrajudicial Killing Case and Arbitrary Detention in Sorong

In 30th April 2013, the society gather for planning the Celebration on May 1, 2013 in order to celebrate the integration of Papua to the Republic of Indonesia in Papua versions. The society built three tents that accommodate people from Moi land. On that night, someone from car was come around the tents and shot randomly to the society. Two victims died after the shooting, named Abner Malagawa and Thomas Blesia, three other people suffered serious injuries : Salomina Kalaibin, Herman Lokden and Andarias Sapisa, while 7 (seven) other people were arbitrary arrested by the police.

Criminalization Against HRDs

a. Criminalization against Mr. Gustav

Mr. Gustaf was reported to the Police by Vice Chairman and Judge of Jayapura Administrative Court because of his speech to the judges previously in trial process of his client on 12 June 2014.

Mr. Gustaf is the lawyer of Mr. Agus Yoku suing chief of National Land Agency (Hereinafter referred as NLA) of Jayapura of Papua Province, regarding indigenous land rights. On the legal process or trial process there were indications that the judge was siding on the head of NLA.

The criminalization occurred on 22 August 2014, when the police from Papua regional police sent him a summons as a witness as the alleged crimes against public authorities accordance with Article 211 and 212 of the Indonesian Criminal Code [known KUHP]. The letter was sent again to Mr. Gustaf through the Jayapura branch office of the Indonesian Advocates Association (hereinafter referred to as Peradi Papua) on 25th August 2014 and the letter stated that Mr. Gusaf shall presented as a witness on the examination on 1st September 2014. The letter was replied by Peradi Papua statement that they would clarify in 14 days. After that, the police announced if there is no clarification stated in 14 days, they will committed arbitrary arrest to Gustaf.

b. Criminalization against Anum

Mrs. Anum Siregar was attacked by an unknown person at about 11pm on 16 September on the way back to her hotel from a court hearing. The attacker, armed with a knife, stole

her bag and injured her hand before fleeing the scene. Mrs. Anum Siregar received treatment for her injuries at Wamena hospital, requiring at least two stitches.

Mrs. Anum Siregar and another lawyer had travelled from Jayapura to Wamena to represent Mr. Areki Wanimbo, the Head of the Lani Besar Tribal Council, at a pre-trial hearing. When they arrived both felt they were being monitored. They were challenging Mr. Areki Wanimbo's arrest and detention which they believe to have been unlawful and in violation of Indonesia's Criminal Procedure Code. Mr. Areki Wanimbo was arrested on 6 August after meeting two foreign journalists who were making a documentary on the separatist movement in the Papuan region. He was accused of supporting separatist activities and charged with "rebellion" under Articles 106 and 110 of Indonesia's Criminal Code.

Mrs. Anum Siregar is a respected human rights lawyer and has represented numerous victims of human rights violations in Papua for over a decade. She is also the Director of Alliance of Democracy for Papua (ALDP), a human rights organization in Papua. There are continued concerns that she might face retaliation for her human rights work.

2. Restriction of the Freedom of Expression

The violations against freedom of expression in Papua happened mostly in form of forced dissolution of a peaceful demonstration. The act of forced dissolution committed even though the demonstration conducted in a peaceful manner, such as when the police use excessive force and the arrest of 16 demonstrators who were commemorating the annexation of Papua in Mimika, on May 1, 2013. In 2012 there was 7 cases of force dissolution, while in 2013 there were 2 cases happened.

Recently, the police also committed the violations against freedom of expression in the form of arbitrary arrest and forced dissolution toward the peaceful demonstration by the National Committee of West Papua (hereinafter referred to as KNPB) in 9 regions in Papua. The peaceful demonstration itself urged the Police to immediately release two arrested French Journalist named Thomas Dandois and Vallenting Bauratt by the Police of Jayawiyaya on 6th August 2014 and give the access to the foreign Journalist to enter Papua.

Recommendations;

1. The new government of Indonesia in order to establish human rights court in Papua, Resolving cases of serious human rights violations in Wamena and Wasior, and ensure effective control on the military, National Intelligence Agency and police in Papua.
2. The government of Indonesia to ensure and guarantee the protection and the fulfillment of civil and political rights of Papuan. Any kind of military operations shall in line with the principles of Human Rights nationally and internationally.¹

¹ There are a number of internal police and military regulations related to human rights such as Police Regulation No. 8 of 2009 on the Implementation of the Principles and Standards on Human Rights in the Implementation of the duty of Police; Regulation, No. 1 of 2009 on the Use of Force in Action Police and Armed Forces Commander Regulations [Perpang] No. 73 / IX / 2010 on Opposition Against Torture and Other Cruel.

3. the government of Indonesia to minimize the use of force that led to the practice violence in the name of law enforcement and security. The act of arrestment, detention and military operation shall not committed if the aim is silencing the right to freedom of expression. Those acts should be based on the clear procedures and regulations.
4. the government of Indonesia to protect civilians from all forms of fear and violence committed by police and military.
5. Police and military have to be fair, professional and transparent law enforcement against members of the police and military personnel who make mistakes and or criminal acts against the people of Papua. If not done, it will prolong and complicate the cycle of violence in Papua.
6. The new President of Indonesia should prioritize the formulation and action - the best way to break the chain of violence in Papua, open space for dialogue, provide security, fulfillment of civil and political rights and economic, social and cultural people of Papua.
7. To ensure to the government of Indonesia for respecting the Human Rights Defender Declaration by protecting all human rights defenders in Indonesia from any threat.
8. To urges the government of Indonesia to open access for foreign journalists to come to Papua.