

JOINT ANALYSIS OF FORUM-ASIA AND KONTRAS ON

THE SITUATION OF HUMAN RIGHTS DEFENDERS IN ASIA



FORUM-ASIA

KontraS

Introduction

This joint analysis in documenting cases of violations against human rights defenders (HRDs) in Asia, with a focus on Indonesia, is a collaboration started in 2020 between the Asian Forum for Human Rights and Development (FORUM-ASIA) and the Commission for Disappeared and Victims of Violence (KontraS).

It is important to note that throughout this report, there are differences in numbers of cases and numbers of HRDs affected, due to differences in documentation methodology. This analysis intends to present and examine the pattern of violations against HRDs and might not reflect the actual numbers of violations happening on the ground, which is likely higher than the cases documented here.

The **Asian Forum for Human Rights and Development (FORUM-ASIA)** is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. www.forum-asia.org

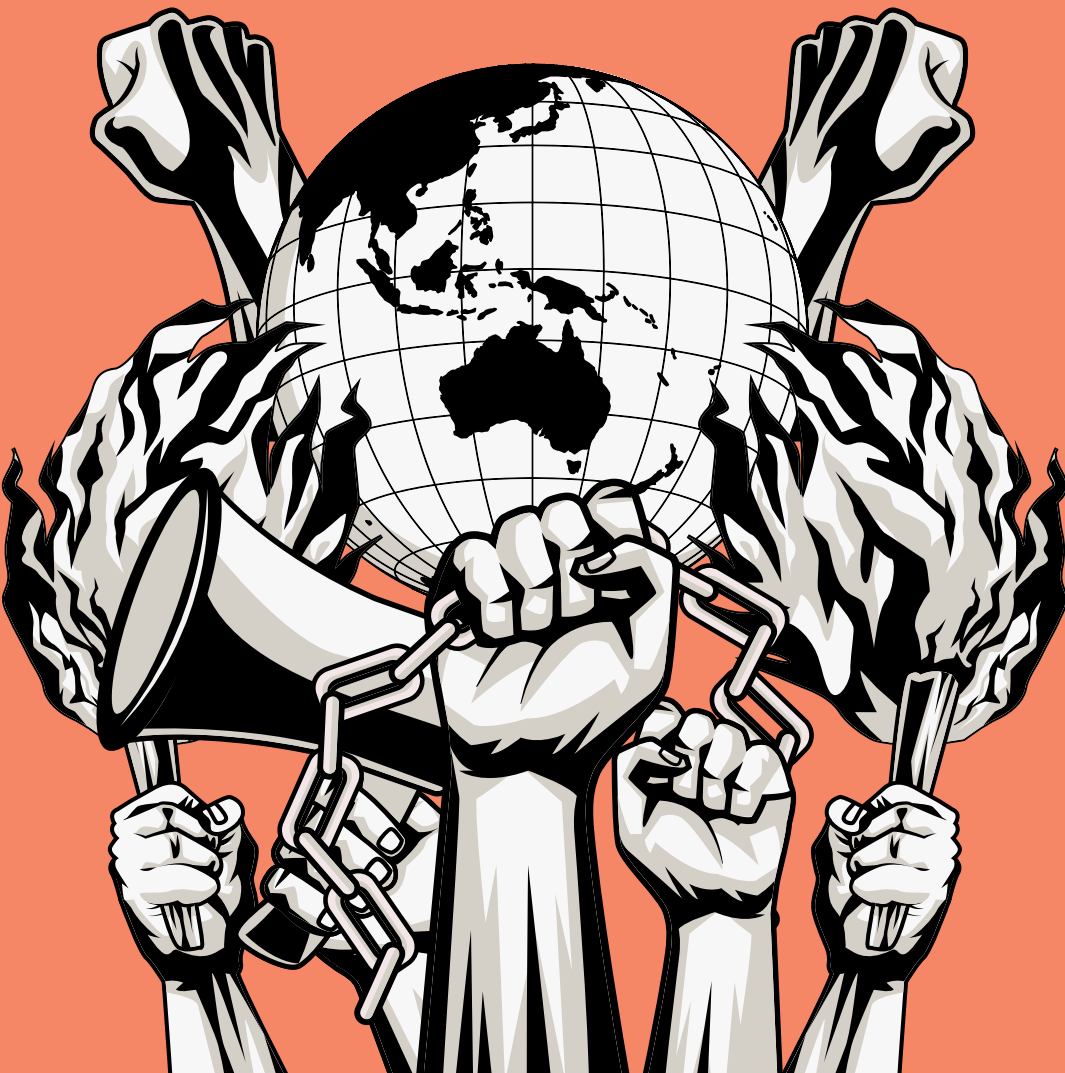
Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS), which was established on March 20, 1998, is a task force formed by a number of civil society organizations and community leaders. KontraS reaffirmed its vision and mission to participate in the defend for democracy and human rights together with other civil society movement entities. More specifically, all the potential and energy possessed by KontraS are directed to encourage the development of the characteristics of a system and state life that is civil and political away from the violence approaches. Both approaches to violence are born from the principles of militarism as a political system, behavior, and culture. www.kontras.org

Regional Analysis

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Regional Overview



From January 2022 to June 2023, the promotion and protection of human rights and democracy in Asia has encountered various challenges.

Recurring patterns of repression posed serious threats to people's fundamental rights and freedoms. Meanwhile, the region also witnessed the emergence of new trends of violations against human rights defenders (HRDs). Countries facing human rights crises remained precarious due to legal vacuums and the lack of accountability among *de facto* authorities.

In such a dynamic landscape, HRDs are at the forefront of movements upholding human rights and democratic values. Amidst many forms of attacks and harassment, Asian HRDs have persisted.

Conflict and post-conflict areas in the region proved to be unsafe for civil society actors, including HRDs. In Myanmar and Afghanistan, for example, the number of recorded violations continued to be significantly higher under the repressive rule of the military junta and the Taliban, respectively. In Kashmir and West Papua, the heavy deployment of military personnel by the Indian and Indonesian governments, respectively, was coupled with a systematic repression of self-determination aims. HRDs, students, and media workers were among the most commonly prosecuted despite the diversity of the civilian population participating in collective calls for greater autonomy and reduced military presence in their respective countries.

This analysis looks at the violations committed against Asian HRDs as documented in FORUM-ASIA's Asian HRD Portal.

From 1 January 2022 to 30 June 2023, FORUM-ASIA documented 1,181 cases of violations against HRDs in 22 monitored Asian countries. A total of 2,779 HRDs—including individuals, organisations, and communities—and their family members were affected as a result. While these figures do not represent the totality of the violations that occurred on the ground, they provide a glimpse of the key patterns of violations endured by defenders. Likewise, these figures help identify the most affected groups of HRDs as well as the perpetrators responsible for such violations.¹

Arbitrary arrest and detention was the most common violation reported by HRDs, with 534 recorded cases. This was equal to 45 per cent of the total violations documented in the period under review. This violation commonly went hand in hand with judicial

1 Please refer to the section below of this analysis on the methodology and its limitations.

harassment, with 523 documented cases. Denial of fair trial (47 cases) and the use of repressive laws and policies against defenders (37 cases) also contributed to the harassment of HRDs by means of legal tools.

Physical violence followed with 273 documented cases. This was mostly prevalent against women human rights defenders (WHRDs), media workers, and students and youth, affecting both individuals and groups. Physical violence typically occurred during peaceful demonstrations. In 36 cases documented, physical violence led to the killing or death of defenders, claiming a total of 46 lives.

Ranking as the third most common violation were intimidation and threats, 215 recorded cases. Oftentimes, it went hand in hand with vilification (45 cases) and online attacks and harassment (38 cases). Family members of HRDs were also affected by intimidation and threats in 30 recorded cases, making it the most common violation recorded against them.

Other common violations included administrative harassment (104 cases), such as in the form of travel ban and restrictions, collective layoffs, and surveillance (48 cases) of defenders or their family members, leading to a violation of their right to a healthy and safe environment.

State actors accounted for 937 of the 1,181 violations recorded in the period under review, which is equal to nearly 80 per cent of the total cases. The police alone was the perpetrator in 575 cases. Meanwhile, non-state actors were responsible for 179 violations, including corporations (39 cases) and other non-state actors (139 cases) such as *de facto* authorities. The perpetrator remained unknown in 53 documented cases, including six cases of killings.

Focus on Southeast Asia



In line with the documentation of the past year, Southeast Asia emerged as the sub-region with the highest number of recorded cases of violations against HRDs.² A total of 606 violations were logged or more than 51 per cent of the cases documented in the whole of Asia. As a result, 1,573 including defenders, their family members, and non-governmental organisations (NGOs) were impacted.

The patterns of violations and the groups of defenders most at risk in Southeast Asia largely resembled the regional picture illustrated above.

Judicial harassment was the most recurrent violation (287 cases), commonly coupled with the arbitrary arrest and detention (254 cases). These violations occurred the most in Myanmar (82 cases) and Viet Nam (73 cases), reflecting the authorities' widespread resort to repressive legislation and vaguely formulated provisions to criminalise and sentence HRDs to prolonged detention. In many cases, defenders endured multiple convictions or were subject to collateral violations such as the transfer to remote detention facilities or the denial of meetings with lawyers and family members.

With 118 cases documented, physical violence ranked second. WHRDs (33 cases) were the most targeted by physical violence, followed by youth and students (28 cases). WHRDs affected by this violation included labour leaders and members of indigenous minorities. Meanwhile, students and youth faced physical violence mostly in relation to their role in collective actions demanding democratic changes and protection of the environment. Physical violence escalated to the killing or death of defenders in 23 cases, claiming the lives of 32 individuals.

Intimidation and threats logged 100 cases in the period reviewed. Once again, WHRDs were the most targeted group of defenders (26 cases) for this type of violation. This violation commonly came in the form of sexual harassment and vilification, including the use of misogynist messages as well as death and rape threats. Worryingly, family members of HRDs were affected by intimidation and threats in 18 cases. Aside from threats of arrest and physical violence, WHRDs faced police summons and monitoring of their movements.

Apart from administrative harassment (60 cases), other recurring violations included raid (19 cases) and online attack and harassment (18 cases). The former were con-

2 For the purpose of this analysis, Southeast Asia includes the following countries: Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor Leste, and Viet Nam.

ducted by police and armed forces, normally in an arbitrary way, in both the homes of defenders and the offices of NGO. Meanwhile, the latter entailed website shutdowns, phone hackings, and online vilification via social media.

Similar to the regional context, state actors remained as the main perpetrator of violations against defenders in Southeast Asia. The police (280 cases), judiciary (175 cases), governments (45 cases), and the military (44 cases) were overall responsible for 517 violations or more than 85 per cent of the total cases documented.

Among non-state actors, corporations were the perpetrator in 28 cases, primarily affecting labour and land rights defenders (11 and 10 cases, respectively). Alarming, the perpetrator was unknown in 32 cases, including 4 killings, confirming that impunity and lack of accountability are still commonplace for violations against defenders. In this picture, state authorities failed to provide the necessary protection to defenders and to investigate those accountable for the violations.

In the period under review, as many as 21 groups of defenders faced violations. Nevertheless, some groups of defenders were disproportionately affected and endured recurring targeting across the sub-region.

WHRDs were the most at risk group of defenders, with 176 violations documented. Thailand (48 cases) and Cambodia (38 cases) were the countries with the highest number of cases recorded related to WHRDs. WHRDs consistently challenge prevailing patriarchal structures and gender-based stereotypes deeply entrenched in society. As a result, they endure multiple threats and violations from both state and non-state actors. WHRDs affected by such violations included young women and members of ethnic minorities. Judicial harassment (93 cases) and arbitrary arrest and detention (70 cases) were the most frequent violations committed against WHRDs, followed by physical violence (33 cases) and intimidation and threats (26 cases). On top of it, gender-based violations against WHRDs were commonplace, as demonstrated by the recurrent cases of vilification (6 cases). Like in the previous year, WHRDs were the group most affected by this violation.

Pro-democracy defenders followed with 157 documented violations. Thailand (69 cases) and Myanmar (60 cases) recorded the most cases. It must be noted that both have national movements calling for the restoration or strengthening of democratic institutions in their respective countries. Among pro-democracy defenders, judicial harassment was the most common violation (93 cases) since they were often charged

under offences carrying hefty penalties like terrorism and sedition or under specific provisions such as royal defamation in Thailand. Physical violence was equally prevalent (27 cases) and the violent disbandment of peaceful protests was widespread in the sub-region. In 9 cases (8 of which occurred in Myanmar), pro-democracy defenders were killed or died as result of the violations they faced. Surveillance (12 cases) was a tactic commonly used to monitor defenders ahead of planned activities such as demonstrations. It was also used to prevent HRDs from carrying out their legitimate work.

Land, environmental, and indigenous peoples' rights defenders ranked third, with 130 recorded violations. This group of defenders includes individuals, communities, and organisations that advocate for the protection of land, the environment, and human rights connected thereto. They strive to secure access to land and natural resources, which are often crucial for their livelihoods. Despite the high number of cases recorded, the actual number of violations against this group of defenders is likely higher due to additional challenges in reporting and documenting such violations. Unsurprisingly, land, environmental, and indigenous peoples' rights defenders were the group most affected by violations committed by corporations (13 cases). It mostly came in the guise of judicial harassment as defenders were criminalised in the context of land disputes or other cases of resource-grabbing. This group of defenders also recorded the highest incidence of violations where the perpetrator was unknown (six cases).

Lastly, data has shown that students and youth were highly impacted by violations during the period under review (128 cases). Their intense targeting across the sub-region came as a direct consequence of their tireless efforts to bring up and mainstream key instances of social changes, catalysing other civil society actors. The highest number of violations were recorded in Thailand (43 cases), Indonesia (36 cases), and Myanmar (30 cases), where youth and students spearheaded peaceful protests demanding to uphold democratic values, preserve the environment and natural resources, and support minorities and other marginalised groups. State actors were the perpetrator in the large majority of violations against this group of defenders, with 113 out of 128 cases or 88 per cent of the documented violations. The police were the perpetrator in 67 cases, primarily in cases involving arbitrary arrest and detention (28 cases) and physical violence (26 cases).

Country Analysis



Indonesia

In the period under review, FORUM-ASIA recorded 111 violations in Indonesia, making it the country with the highest number of documented violations in Southeast Asia. Defenders calling for the self-determination of Papua were disproportionately affected. All over the country, students held peaceful rallies to support the Papua cause and express their dissent against the government. Conversely, land and environmental defenders were targeted by corporations—mostly working on agribusiness and mining sectors—for courageously protecting their land and livelihoods from exploitation.

On 31 March 2022, several students staging a demonstration in Nabiri, Papua, were met with violence by the police who fired warning shots and teargas. The police arrested at least three students. On 3 February 2023, three land rights defenders—Mr. Mulyadi, Mr. Suwarno, and Mr. Untung—were arrested by the authorities in Banyuwangi after being summoned by Bumi Sari Company for their role in a land dispute with the company.

Viet Nam

With 106 cases documented, Viet Nam followed closely after Indonesia and ranked the second country in the sub-region with the highest number of recorded violations. The government and its apparatus continued to enforce a systematic repression of dissent, which virtually led to the total closure of civic spaces in the country, including online spaces. A new tendency emerged wherein environmental defenders—heading NGOs working locally and with communities—were charged with tax evasion charges and forced to stop their activities. Likewise, bloggers and social media activists were sentenced to unusually long prison terms after being found guilty on spurious and catch-all charges, such as the notorious anti-state propaganda under Article 117 of the Vietnam Penal Code.

Dang Dinh Bach—an environmental lawyer and long-time advocate of environmental rights—used to serve as the director of the Law and Policy of Sustainable Development (LPSD), a human rights organisation advocating for the protection of environmental rights and communities through training and policy research. After being arrested in June 2021, Bach was sentenced to 5-year jail term on alleged tax evasion charges in January 2022. Bach's conviction was upheld by the second instance court in August 2022, while Bach's wife, Ms. Tran Phuong Thao—also a WHRD—was repeatedly subject to intimidation and administrative harassment for criticising the authorities' unlawful treatment of Bach. At the time of writing, Bach is still in jail and subject to continuous violations, including the deprivation of his rights as well as inmate and physical violence

at the hands of prison guards and other prisoners.

Myanmar

With 104 cases, Myanmar ranked third in having the most number of recorded violations against HRDs in Southeast Asia. After the first anniversary of the attempted coup, civil society maintained its firm opposition to the military junta. The Civil Disobedience Movement (CDM) continued to gather students, monks, and civil servants in their collective demand to restore democracy in their beloved country. In parallel, the military and its supporters perpetrated atrocities against whoever dared oppose their rule. The use of Section 505 of Myanmar Penal Code became commonplace. In some cases, this led to multiple convictions of defenders to lengthy prison terms.

Incidents of physical violence inside prisons were commonly reported, including torture leading to death or permanent physical damages. The prosecution of pro-democracy defenders and CDM members forced a large number of them to leave Myanmar and relocate in neighbouring countries, where many were able to establish new networks and continue to push their call for the return of democracy in the country.

In April 2022, Ma Wai—a WHRD and CDM member—was apprehended and blindfolded in Yangon by a group of soldiers who arrested her for her involvement in the anti-coup movement. The soldiers also took her son who was at the kindergarten. Wai Moe Nang, a pro-democracy student and prominent protest leader from Monywa, was first arrested in April 2021 after being beaten by the military. He was found guilty of five counts of incitement under Section 505. In April 2023, on top of a 10-year conviction, he was handed an additional 20 years for different baseless charges.

Cambodia

As many as 101 violations were recorded in Cambodia during the period under review. Defenders in the country endured a range of violations, including intimidation and threats and administrative harassment. Women workers and union leaders were at the forefront of workers' movements demanding fair conditions. Collective strikes were held and new unions were created, particularly among workers in the garment and entertainment sectors. Employers responded with collective layoffs and union busting, regularly targeting union leaders. Oftentimes, such employers received the support of state authorities. While the judiciary tried defenders on spurious charges and subjected them to prolonged detentions, the police prevented or halted workers' rallies by using physical violence or threats of legal actions.

Meanwhile, environmental defenders engaged in monitoring illegal activities in protected areas were the regular target of physical attacks and intimidation. A number of land concessions and development projects resulted in the forced eviction of rural communities, including members of indigenous minorities. The latter were met with judicial harassment and arrest for opposing land grabbing and claiming their homes and livelihoods.

In May 2023, nine labour rights defenders—including union leader Chhim Sithar—were convicted on incitement charges upheld by the Phnom Penh Municipal Court. They are members of the Labor Rights Supported Union of Khmer Employees of NagaWorld, which organised a series of strikes in late 2021. The strikes were followed by mass layoffs, repeated detention, physical violence, and intimidation of union members. In June 2022, Deth Huor—a community representative and WHRD from Chi Khor Loeu commune—was sentenced to one-year imprisonment on defamation charges, following a complaint filed by a local owner of sugar plantations. The WHRD shared online about the long-term land dispute resulting in the encroachment of her and other community members' land.

Thailand

In the period under review, Thailand witnessed a total of 97 documented violations. The large majority of these violations (70 cases) affected defenders engaged in the pro-democracy movement and in demanding constitutional reforms in line with democratic principles. Like in the past years, students and youth spearheaded the movement, which maintained a strong youth traction and relied on their firm commitment to the cause.

In Thailand, the most prevalent form of violation was judicial harassment. Many defenders were hit by royal defamation charges, which often led to their pretrial detention. Others faced criminal cases and arrest for their participation in peaceful protests. In nearly half of the documented cases—or 48 out of 97 cases—the defenders' right to protest was affected, highlighting significant restrictions on their fundamental freedoms.

In February 2023, at the age of 15, Thanalop Phalanчай became the youngest person to be charged with royal defamation after she took part in pro-democracy demonstrations in late 2022. The following month, she was held in a Juvenile Vocational Training Center for Girls, where she remained until 18 May 2023. During her detention, she received death threats from the leader of an ultra-royalist group. This illustrates the role played by private citizens in the harassment of pro-democracy defenders. In many cases (including Thanalop's), royal defamation charges are filed based on complaints

submitted by members of royalist groups.

The Philippines

A total of 67 violations against defenders were documented in the Philippines during the period under review. The human rights landscape in the country—specifically the situation of HRDs—did not witness any positive changes after President Ferdinand ‘Bongbong’ Marcos took office on 30 June 2022.

The key violations committed against defenders were judicial harassment and arbitrary arrest and detention, often accompanied by the practice of red-tagging which aimed to vilify defenders and frame false charges against them. Physical violence was also recurring. Most alarmingly, HRDs in the country experienced a prevalence of abductions and killings, with eight cases documented for each violation. The Philippines ranked second in Asia for both violations.

Community-based defenders—including peasant leaders and community organisers—and land and indigenous peoples’ rights defenders were the group of defenders most at risk, accounting for more than half of the documented cases. Likewise, WHRDs were highly affected, with 27 recorded cases. While state actors were the most common perpetrators of these violations, the identity of the perpetrators remained unknown in at least 11 cases, fostering a climate of impunity. The latter continues to be a key challenge in the defence of human rights in the Philippines.

In April 2023, Gene Roz Jamil ‘Bazoo’ de Jesus and Dexter Capuyan—indigenous peoples’ rights defenders from the northern Luzon Island—went missing. Before their abduction, the military and police accused the two of being members of the New People’s Army (NPA), which is classified as a terrorist group in the country. A bounty was put on them. Such baseless allegations linking HRDs to rebel groups are commonplace in the Philippines. This particular case exemplifies how the red-tagging of HRDs expose them to further violations, with virtually no accountability for the perpetrator. As of writing, the two defenders are yet to resurface.

Trends on the rise

From 2022, FORUM-ASIA found a significant increase of cases of transnational repression involving defenders. Transnational repression involves the cooperation between governments of two countries normally through law enforcement agencies, immigration authorities, or even security services. This can lead to serious violations

against the rights of HRDs. Examples include deportations, enforced disappearances, and killings. Transnational repression is against international human rights law. It is conducted by state actors who are rarely held accountable.

The region is not new to this type of violation. A notable case is that of Wanchalearm Satsaksit in 2020.³ The higher number of cases documented since 2022, however, suggests that this practice is becoming more and more common.

In August 2022, Syed Fawad Ali Shah—a Pakistani media worker in exile in Malaysia for more than 10 years—was secretly taken by Malaysian authorities and later deported to Pakistan upon the request of the Pakistani Government. The deportation took place even though the HRD was holding a UNHCR card and was known for his critical reporting of the Pakistani authorities. In February 2023, after being held incommunicado for over five months, the HRD was confirmed to be detained in a Pakistani prison.

In May 2023, Qiao Xinxin (whose birth name is Yang Zewei)—a Chinese pro-democracy defender based in Lao PDR—was held by Chinese police in Vientiane. Qiao Xinxin, who was held incommunicado for some days before his arrest was made public, launched an online campaign to end internet censorship in China before being apprehended.

3 Wanchalearm Satsaksit is a Thai pro-democracy defender self-exiled in Cambodia. He was abducted on 4 June 2020 around his residence in Phnom Penh, Cambodia.

Conclusion



This analysis showcases the several challenges and heightened harassment endured by Asian defenders in their everyday life. Despite the multiple violations stemming from their peaceful, legitimate, and invaluable work, HRDs are still relentlessly pursuing the advancement of human rights and democracy in the region.

Asia has witnessed an increasing solidarity within civil society in the past two years. Major events such as the attempted coup in Myanmar, the Taliban takeover in Afghanistan, and the government overthrow in Sri Lanka have had wide-ranging effects on the safety and well-being of many. In response to the region's highly volatile contexts, the number of those joining the human rights cause has tremendously grown, bringing different segments of civil society together to collectively call for the reinstatement of democracy and the establishment of fair and equitable societies.

Thus, it is essential to continue supporting HRDs by strengthening solidarity across human rights movements to address the daily challenges endured by defenders. In Asia, false narratives portraying defenders negatively are on the rise. Hence, the need to publicly recognise HRDs and their invaluable work and contribution to society. Together, we must call for better protections and support for HRDs

In this regard, one positive achievement is the nomination of Khurram Parvez as a 2023 Martin Ennals Award laureate. Khurram is a prominent HRD from India-administered Kashmir. He is a coordinator of the Association of Parents of Disappeared Persons (APDP), a human rights organisation working on the issue of enforced disappearance in Kashmir. Khurram is also the chairperson of the Asian Federation Against Involuntary Disappearances, a regional federation of organisations providing mutual assistance among its members and international solidarity to families. Additionally, he works as a programme coordinator of the Jammu Kashmir Coalition of Civil Society, a federation of organisations that work on conducting research and documentation on human rights issues and seeking redress for human rights violations through advocacy and campaigns as well as legal assistance for victims. In 2022, Khurram was included in the list of the 100 most influential persons by Time Magazine. Khurram's human rights work exposed him to great risks. In November 2021, he was taken into custody after his home and the APDP office were raided by the Indian National Investigation Agency. The investigation against him on terrorism charges is ongoing. To date, Khurram is still being held in pretrial detention.

Methodology



The Asian HRD Portal

Since 2010, FORUM-ASIA's HRD Programme has been recording violations committed against Asian defenders as part of its monitoring and documentation work.

The Asian HRDs Portal contains a page named 'Cases of HRDs', which features a publicly available database of all recorded cases of violations against HRDs in Asia. Through this database, users can make customised searches by selecting the different tags under each category. This can then be extracted and downloaded by the user. The portal also features a case submission page.

Database

The main sources of information used for the portal's monitoring and documentation include media outlets; communications and reports from United Nations bodies and other national and regional human rights institutions; and FORUM-ASIA's member and partner organisations. In addition, there are cases of violations against HRDs that are shared confidentially with the HRD Programme. In some instances, such cases are shared by the defenders themselves. These cases are recorded internally in the database; however, they are not made public for confidentiality reasons.

The geographical scope of the monitoring primarily covers countries where FORUM-ASIA and its member organisations work. Before encoding a case into the database, the HRD Programme ensures that the following criteria are met:

- ▶ The source of information is credible.
- ▶ The affected HRD, NGO, group, or community is identified.
- ▶ The type of violation is specified.
- ▶ The exact date and location of the violation are reported.
- ▶ As much as possible, biographic information about the affected defender is included such as their status as HRDs, gender, and when relevant, their ethnic or indigenous identity.
- ▶ There is a clear, proximate and documented connection between the HRD's work or status, and the violation.

All the cases of violations that meet the above-mentioned criteria are encoded to the Asian HRDs Portal and added to the database.

The HRD Programme regularly updates the tags used to categorise cases, with the

intent of continuously improving the documentation process and ensuring that it adapts to the constantly evolving human rights landscape. For instance, in 2023, the tag ‘transnational repression’ was added to the list of ‘violations’ as it was a new trend that the HRD Programme noted to have increasingly affected defenders in the region.

Data analysis

To produce this analysis, the cases from the database were extracted—including the sensitive cases that were not published—and their tags were analysed to identify key trends. This publication is based on the cases encoded on the Asian HRD Portal that occurred between 1 January 2022 and 30 June 2023. There were many cases where HRDs were targeted by multiple violations, which were often related to one another in the span of the period under review.

In cases where a new violation against an HRD, who already had a previous case encoded about them in the database, the new case was recorded as an ‘update’ of the original violation. Nevertheless, updates are counted and considered as standalone cases as they constitute an autonomous violation themselves.

Data limitations

Although the HRD Programme monitors the violations committed against Asian HRDs daily, the cases documented and included in this analysis do not represent the total violations happening in Asia. There are key limitations in the documentation of the HRD Programme that should be considered.

Firstly, the daily monitoring conducted by FORUM-ASIA largely relies on what is found in the media, other sources consulted, or information shared by FORUM-ASIA’s network. If a violation was not reported by any of these sources, was reported in a language inaccessible to the HRD Programme team members, or was not otherwise communicated to FORUM-ASIA, the HRD Programme is unable to encode such a case.

Secondly, if the source consulted by the HRD Programme does not provide the specific information required—such as the exact date of the violation, the location, the status of the defender, or other vital information—the HRD Programme will not encode that case. In consideration of these limitations, it should be noted that the purpose of this analysis is to provide a snapshot of the situation of HRDs across Asia and the patterns of violations they endure. This analysis does not claim to provide a comprehensive or ‘complete’ list of violations committed against all HRDs in Asia.

To address some of the aforementioned gaps noted and to improve the quality of FORUM-ASIA's documentation, the HRD Programme has collaborated with some FORUM-ASIA member organisations whose work also includes monitoring violations against HRDs at the national level. Since 2020, for example, the HRD Programme has been partnering with FORUM-ASIA's Indonesian member, the Commission for the Disappeared and Victims of Violence (Komisi untuk Orang Hilang dan Korban Tindak Kekerasan or KontraS), which shares their own documentation of cases of violations recorded against Indonesian HRDs. This analysis represents a joint output of the collaboration between FORUM-ASIA and KontraS.

JOINT ANALYSIS OF FORUM-ASIA AND KONTRAS ON

THE SITUATION OF HUMAN RIGHTS DEFENDERS IN INDONESIA



FORUM-ASIA

KontraS

National Analysis

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I. Introduction



In Indonesia, human rights defenders (HRDs) play an essential role as they defend the values enshrined in the constitution. However, Indonesia is a country that puts HRDs at high risk.

In Indonesia, HRDs endure different forms of harassment such as kidnappings, imprisonment, and even killings. HRDs are silenced for criticising government policies. Unfortunately, such violations are never followed by adequate and accountable legal processes, ultimately disrupting the invaluable human rights work carried out by defenders.

In general, KontraS observes that the crackdown against HRDs is closely linked to the shrinking of civic space. We identified the following main factors behind the perpetuation of attacks against HRDs:

1. The absence of regulations protecting HRDs;
2. The absence of accountability and law enforcement against the perpetrators;
3. The state's tolerance of numerous violations;
4. The negative sentiment of the authorities in viewing the struggle faced by HRDs.

This situation is exacerbated by the recurring patterns of harassment as well as the emergence of new forms of attacks. HRDs are now subjected to a variety of attacks such as online harassment, doxing, phishing, and zoom bombing.⁴

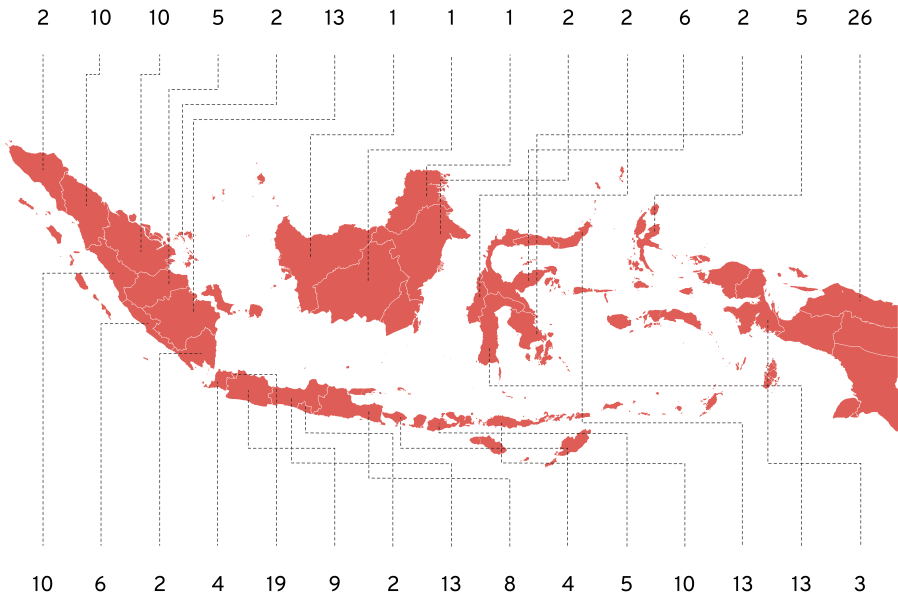
The integration of human rights values into mainstream discourse has implications for expanding the scope of professions that can be identified as Human Rights Defenders. As a result, a variety of professions have become vulnerable to attacks, especially those that express dissent against the government.

According to the constitution, Indonesia is a state of law (*rechtsstaat*). Unfortunately, the law is yet to facilitate and regulate the protection of HRDs. At present, Law No. 39/1999 on Human Rights only regulates public participation. This Human Rights Law, however, does not explicitly regulate the definition and protection of HRDs.

Based on monitoring data from January 2022 to June 2023, at least 183 cases of violations and attacks against HRDs were documented by KontraS. These cases have

4 Bombing refers to the unwanted, disruptive intrusion, generally by internet trolls and hackers into a video conference/meeting, <https://www.dcc.edu/administration/offices/information-technology/zoom/zoom-bombing.aspx>

Distribution of Human Rights Defender Violations by Province January 2022-June 2023



Primary Violators of Human Rights Defenders January 2022 - June 2023



128
Police



4
Indonesian
National Army



24
Private
Company



27
Government



8
Community
Organization



20
Unknown
Person

resulted in 272 injuries and three deaths. In addition, 967 people were arrested.

Looking at the distribution of violations by province, Papua (which includes four new provinces)⁵ remains the epicentre of violence and violations against the rights of HRDs with 26 cases, followed by DKI Jakarta with 19 cases. For years, Papua has had the highest number of violations against HRDs primarily due to the government's adherence to a security-focused approach in addressing the situation in Papua.

The majority of documented violations against HRDs were committed by state actors. The police topped the list of violators with 128 cases.

Apart from state actors, the business sector was also responsible for an alarming number of violations against HRDs. This is closely tied to the government's legal policies that favour investors, offering facilities in the form of licenses while neglecting the rights of the community. Security actors are always prepared to protect business activities if there are perceived disturbances.

Data for this joint analysis was obtained from various sources, including media monitoring, KontraS network data, and advocacy activities from various civil society coalitions.

Data is elaborated through sub-chapters on: 1) the brutality of the state in responding to public voices; 2) the practice of judicial harassment; 3) the continued repression of digital freedom; 4) the situation of Women Human rights defenders (WHRDs) experiencing multiple vulnerabilities; 5) attacks endured by HRDs; 6) attacks on the journalists; 7) the general situation of HRDs fighting for Papuan issues; 8) and HRD projections towards the upcoming General Elections in 2024.

5 Papua Province, South Papua, Mountainous Papua, Central Papua.

II. The Pandemic Ended, but the Repression Against Human Rights Defenders Does Not End



Through Presidential Decree Number 17 of 2023—concerning the ‘Determination of the End of the Coronavirus Disease 2019 (COVID-19) Pandemic Status in Indonesia,’—the government has officially changed the factual status of COVID-19 to an endemic disease.

During the pandemic, Indonesia restricted various activities linked to expressing opinions in the public sphere. The end of the pandemic, however, has not been accompanied by efforts to improve Indonesia’s human rights situation, especially when it comes to the protection of HRDs. In Indonesia, defenders often encounter various forms of attacks and threats committed by both state and non-state actors.

HRDs are among the main driving forces of critical democracy. They defend the interests of human rights, unafraid of criticising the government when needed. HRDs are frequently viewed as threats to national security that must be eradicated. From January 2022 to June 2023, KontraS documented 183 attacks experienced by HRDs spread across several regions in Indonesia.

The end of the pandemic in Indonesia has now allowed the state to carry out various acts of silencing HRDs, as exemplified in the case of Labuan Bajo residents in May 2023. A number of civil society organisations strongly criticised the implementation of the ASEAN Summit in Labuan Bajo, East Nusa Tenggara (NTT). This effort eventually resulted in the summoning of four residents in Labuan Bajo by the West Manggarai Police on charges of criminal incitement. The summons were followed by a notification letter for a demonstration to demand compensation for the land and houses of residents who were relocated in the road project from Labuan Bajo to Golo Mori. In addition, there were also cases of digital attacks against journalists during the incident.⁶

This case demonstrates how spaces for civil liberties have been narrowing following the end of the pandemic in Indonesia. The government addresses the vulnerability experienced by the Labuan Bajo community by suppressing dissent through the criminalization of citizens advocating for their rights. Legal protection efforts for society are yet to be fulfilled by the state. There is no support and guarantee of safety for their HRD’s work in promoting human rights issues in Indonesia.

The state should ensure that HRDs are allowed to carry out their work safely. Nevertheless, the state opts to suppress HRDs and their work, employing both physical and psychological means of silencing.

6 *ibid*

Digital spaces were also silenced during the pandemic. The government now openly carries out a violent approach in limiting the movements of HRDs.

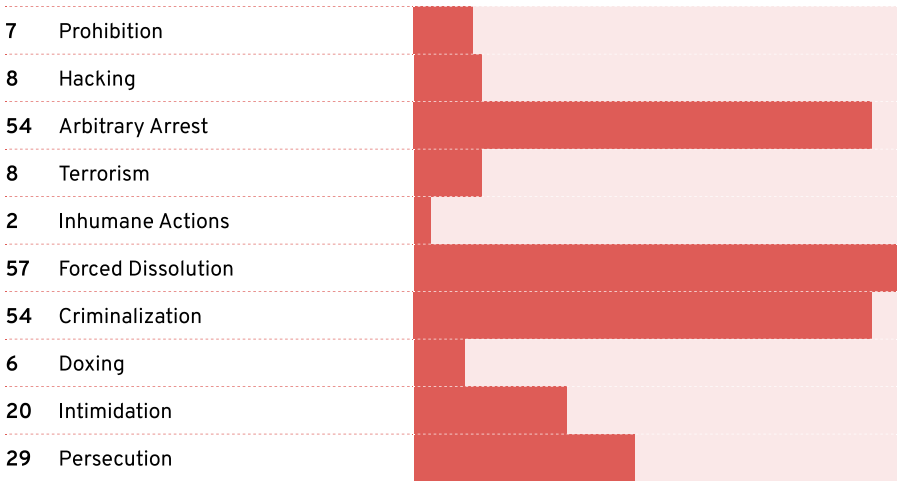
III. Forms of Attacks on Human Rights Defenders



A. The Brutality of the State in Responding to Opinions in Public Spheres

At present, many countries across the globe are facing the shrinking of civic space alongside the emergence of various forms of human rights violations. People's freedom of expression and right to peaceful assembly have been met with brutality. In Indonesia, the government uses repressive methods against voices of dissent.

Violations against Human Rights Defenders from January 2022 to June 2023



At least 57 incidents of forced dispersal in public spaces related to demonstrations were recorded in Indonesia from January 2022 to June 2023. In addition, 54 incidents of arbitrary arrests of demonstrators were also recorded during this period. An instance is the incident that occurred involving the Papuan People's Solidarity Against Racism or Solidaritas Rakyat Papua Melawan Rasisme (SRPMR), whose members experienced acts of violence and arbitrary arrests on 11 April 2023.⁷

The members of SRPMR were forcibly dispersed by the police as they were protesting the case of Victor Yeimo—spokesperson for the West Papua National Committee or *Komite Nasional Papua Barat* (KNPB). Victor Yeimo was charged with treason during an anti-racism demonstration in 2019. The forceful dispersal was carried out by security forces in a repressive manner, resulting in several injuries and one arrest.

⁷ See <https://suarapapua.com/2023/04/11/desak-bebaskan-victor-yeimo-massa-dibubarkan-polisi-1-orang-ditangkap/>

There were also recorded cases of violence committed by the police in the dissolution of the action against the Job Creation Law that occurred in several cities in April 2023.⁸ Students and workers carried out a wave of protests across several cities in Indonesia. Unfortunately, their peaceful protest was met with brutal force, including the police's use of water cannons, tear gas, physical violence, baton sticks, and other crowd control measures documented during mass protests.⁹



Image: Use of Baton Stick by Police in Mass Action¹⁰

The use of these batons, especially when directed at the head as seen in the photo below, can cause serious injuries and can lead to death. Hence, the use of such tools must be limited and in accordance with human rights standards. Among the cases where police officers used baton sticks and caused casualties was documented in Minahasa in November 2022.¹¹ In the incident, eight farmers and two journalists were attacked.

- 8 See <https://kontras.org/2023/04/17/kekerasan-aparat-dalam-aksi-penolakan-uu-cipta-kerja-pembangkangan-konstitusi-diiikuti-represi-kebebasan-sipil/>
- 9 For details, please refer to the KontraS Bhayangkara Report., <https://kontras.org/2023/07/04/rilis-hut-bhayangkara-ke-77-kewenangan-eksesif-kekerasan-dan-penyelewengan-tetap-masif/>
- 10 77th Bhayangkara Day Report, "Excessive Authority, Violence and Abuse Remain Massive", <https://kontras.org/2023/07/04/laporan-hari-bhayangkara-ke-77-kewenangan-eksesif-kekerasan-dan-penyelewengan-tetap-masif/>
- 11 Suara.com, Displacing Farmers' Land, the Ministry of Tourism and Creative Economy and the Police are Suspected of Violating Human Rights, <https://www.suara.com/news/2022/11/09/184916/gusur-lahan-petani-di-minahasa-menparekraf-hingga-polisi-diduga-langgar-ham?page=2>



Image: Police use of water cannon during a demonstration against fuel price increases in Bengkulu¹² | Source: YouTube @Seputar iNews

The police's disproportionate use of force is exemplified by the deployment of water cannons to disperse a peaceful protest. The recurring pattern of the excessive use of force among security forces violates people's right to peaceful assembly and association as well as their freedom of expression. This illustrates how the police could become human rights violators themselves.

B. Judicial Harassment

In addition to physical and digital attacks, another tactic for silencing dissenting voices in Indonesia is the use of legal instruments. This is also known as judicial harassment.

This phenomenon is dangerous since such harassments hide behind an illusion of law enforcement. One emblematic case of judicial harassment is the criminalisation of two HRDs, former KontraS coordinators Fatia Maulidiyanti and Haris Azhar, whose judicial process is still ongoing. Both were reported by the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan, for alleged defamation.

12 77th Bhayangkara Day Report, "Excessive Authority, Violence and Abuse Remain Massive", <https://kontras.org/2023/07/04/laporan-hari-bhayangkara-ke-77-kewenangan-eksesif-ke-kerasan-dan-penyelewengan-tetap-masih>



Source: detik.com

“This case signifies the decay of the legal system in Indonesia. The courts are not there for the people but for the officials. We must not be silent; we must keep fighting.”

Fatia Maulidiyanti (8 June 2023)

This case is just one piece of evidence confirming that the Electronic Information and Transactions Law (EIT law) has become a scourge for freedom of speech in the digital space. The numerous ambiguous interpretations in this law have resulted in claiming numerous victims.

The use of this legal instrument is discriminatory since it only ensnares those who are categorised as not supportive of the government. As the EIT law has never been revised by the government, people are increasingly reluctant to express their opinions on social media platforms for fear of being criminalised. The government’s move to issue implementation guidelines is also ineffective because said guidelines are not binding. The presence of anti-democratic articles in the recently passed Criminal Code, ratified at the end of 2022, exacerbates the issues with this legal framework.

The criminalisation of Fatia and Haris is a serious threat to Indonesia’s democracy and civil liberties.

Judicial harassment includes the use of arbitrary arrest and detention. One notable case is that of the 17 workers of PT Gunbuster Nickel Industry (GNI). In this case, there was conflict between local and foreign workers, involving a strike demanding better working conditions by local workers.



Source: Makassar Legal Aid Institute¹³

After PT GNI terminated the contracts of employees who joined a union and went on strike, Minggu Bulu and Amirullah¹⁴—together with members of PSP SPN PT GNI and other PT GNI workers—carried out another strike on 14 January 2023. Referring to the indictment of the Public Prosecutor (JPU), Minggu Bulu and Amirullah were charged separately under the same article, namely Article 160 paragraph (1) Jo. Article 55 Paragraph (1) To 1 of the Criminal Code or Article 14 Paragraph (1) of Law Number 1 of 1946 concerning Criminal Law Regulations Jo. Article 55 Paragraph (1) To 1 of the Criminal Code.¹⁵

This incident demonstrates the vicious efforts made by both the government and private companies to criminalise HRDs—including labour rights defenders— by suppressing people’s freedom of expression, right to peacefully protest, and right to join unions.

13 LBH Makassar, PT workers. GNI Accused of Fighting for Workers’ Rights, Serious Threat to Human Rights Defenders, <https://lbhmakassar.org/press-release/buruh-pt-gni-didakwa-karena-memperjuangkan-hak-pekerja-ancaman-serius-bagi-pembela-ham/>

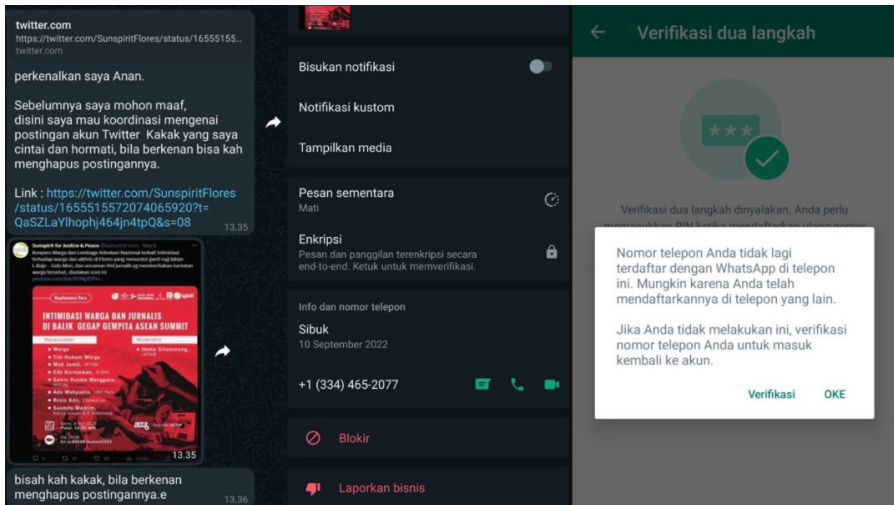
14 two workers from PT GNI

15 Makassar Legal Aid Institute, PT GNI Workers Charged for Fighting for Workers’ Rights, A Serious Threat to Human Rights Defenders, <https://lbhmakassar.org/press-release/buruh-pt-gni-didakwa-karena-memperjuangkan-hak-pekerja-ancaman-serius-bagi-pembela-ham/>

C. Continuing Repression of Digital Freedom

As in previous years, there has also been an increase in the repression of freedoms of expression in the digital space.

Incursions in the digital realm have evolved into a significant issue for HRDs, journalists, women's groups, and vulnerable populations in Indonesia. These digital attacks can be viewed as an extension of the various forms of harassment encountered by HRDs offline.



Screenshots of pressure efforts against several civil society organisations seeking to deliver critical voices in the middle of the ASEAN Summit in Labuan Bajo.

Source: Floresa.co¹⁶

Hacking and doxing are forms of digital attacks often faced by HRDs.¹⁷ An example is

16 Floresa, Pressure on Critical Voices in the Midst of ASEAN Summit Persists, <https://floresa.co/2023/05/11/tekanan-terhadap-mereka-yang-bersuara-kritis-di-tengah-asean-summit-terjadi/>

17 The term 'doxing' comes from the phrase 'dropping documents' or 'dropping dox' on someone, which was a form of revenge in 1990s outlaw hacker culture that involved uncovering and revealing the identity of people who fostered anonymity (Honan 2014). The term is already prominent enough to be included in formal dictionaries. For example, the Oxford British and World English Dictionary defines doxing as to "[s]earch for and publish private or identifying information about (a particular individual) on the Internet, typically with malicious intent" (Oxford Dictionaries 2015). Cited from David M. Douglas, Doxing: a conceptual analysis, *Ethics Inf Technol* (2016) 18:199–210.

the hacking experienced by four staff members of the Mining Advocacy Network or *Jaringan Advokasi Tambang* (Jatam) organisation and the New Indonesia Expedition Team some time ago.¹⁸ The hacking attempt coincided with a press conference—concerning citizens and HRDs—initiated by Jatam in Flores, East Nusa Tenggara.

The press conference demanded land compensation from the government for the Labuan Bajo-Golo Mori road project for the G20 (Group of Twenty) and ASEAN (Association of Southeast Asian Nations) Summit. Aside from experiencing hacking attempts, some members also received messages urging them to delete a tweet published by another CSO, the Sunspirit for Justice and Peace team. According to our documentation, at least eight other hacking attempts alongside six doxing attempts were experienced by other HRDs during this period.

The government must prioritize addressing attacks on people’s digital rights. In the contemporary digital age, the suppression of freedom of expression in digital spaces should not be tolerated. Up to this point, the Indonesian government has not comprehensively and impartially handled any case of such digital attacks against dissenting voices.

18 Flores, Pressure on Critical Voices in the Midst of ASEAN Summit Persists, <https://floresaco/2023/05/11/tekanan-terhadap-mereka-yang-bersuara-kritis-di-tengah-asean-summit-terus-terjadi/>

IV. Subject of Attack



A. Situation of Women Human Rights Defenders and Vulnerable Groups: Multiple Vulnerabilities

In the global struggle for justice and equality, women human rights defenders (WHRDs) play a central role in mainstreaming human rights values. Amidst the dominance of patriarchal norms and gender inequality, WHRDs are often marginalised and discriminated. They face a wide range of vulnerabilities including physical, digital, and psychological attacks. Based on KontraS monitoring, there are at least three common patterns in the attacks faced by WHRDs:

1. gender discrimination and stereotyping;
2. physical threats and digital attacks;
3. stigmatisation and defamation.

One of these instances involves Fatia Maulidiyanti, who was reported for alleged defamation by the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan.

Another example is the hate speech case¹⁹ against Indonesian WHRD Lini Zurlia. The incident took place following the blocking of the ASEAN Queer Advocacy Week, which was supposed to take place from 17 to 21 July 2023 as organised by the ASEAN SOGIE Caucus, Arus Pelangi, and FORUM-ASIA.²⁰

The injustice, gender-based discrimination, and social exclusion experienced by WHRDs are often met with persecution and stigmatisation. And yet the authorities remain silent.

B. Massive Attacks on Environmental Defenders

Towards the end of President Joko Widodo's presidency, his administration was focused on sustainable development. However, during his administration, there has been an increasing number of attacks and threats against environmental defenders. These attacks and threats run parallel to the President's strong desire to open up investment opportunities.²¹ Environmental defenders report experiencing both physical and digital attacks.

19 abusive or threatening speech or writing that expresses prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds.

20 See <https://www.cnnindonesia.com/nasional/20230712125409-20-972500/pertemuan-lgbt-se-asean-batal-digelar-di-jakarta>

21 See <https://setkab.go.id/tekankan-pentingnya-investasi-presiden-minta-daerah-selesaikan-dua-masalah-besar/>

According to KontraS¹ monitoring, the human rights violations experienced by environmental defenders are becoming more serious. The state occasionally uses security-based approaches and violence against communities fighting for their rights. However, this is in contradiction to the protection outlined in Law Number 32 of 2009 concerning Environmental Protection and Management. Article 66 of the law stipulates that anyone advocating for the right to a good and healthy environment cannot be prosecuted criminally or in civil court.

An illustrative case is the arrest of at least 14 residents from Kampung Adat Dingin, Muara Lawa District, West Kutai Regency, East Kalimantan, by the police in April 2023. They were apprehended on charges of allegedly obstructing mining business activities.²² Of the 14 individuals, one is still a minor, and another, a lawyer. In connection with this case, dozens of indigenous people are charged under Article 162 of the Mining Law for obstructing mining activities. Additionally, some residents are also charged under Emergency Law Number 12 of 1951 concerning Sharp Weapons. The state deemed their defense of their land and river as a criminal act. Nevertheless, such criminalization contradicts Article 66 of the Protection and Management of the Environment Law.

This case is not isolated as such problems are shared by many other environmental defenders in Indonesia.

The government should seriously look into this issue, making sure that its desire for equitable development is accompanied by concrete efforts to promote and protect human rights for all.

Although the government has good intentions when it comes to fostering sustainable development and environmental protection, the reality on the ground shows that environmental defenders still encounter serious challenges that disrupt not only their work but also their personal safety. The government must do more to uphold the rights of environmental defenders.

C. Attacks on Journalists

From January 2022 to June 2023, at least 15 violations targeting journalists were recorded. As an example, the Narasi media²³ crew members experienced an attack on

22 See <https://www.cnnindonesia.com/nasional/20230406171126-12-934570/pertahanan-kawasan-adat-dari-tambang-14-warga-kaltim-jadi-tersangka>

23 One of the national media outlets in Indonesia, led by Najwa Shihab, <https://narasi.tv/>

September 24, 2022, during which the media organization's social media accounts—such as WhatsApp, Facebook, Telegram, Instagram—and internal communication platforms were subjected to hacking attempts.

It was assumed that the attack was closely related to the news reported by Narasi media about the involvement of the State Intelligence Agency (BIN), Budi Gunawan and Tito Karnavian in the Lukas Enembe corruption case.²⁴ However, since the Narasi crew officially reported the action to the Police Headquarters Criminal Investigation Unit on 30 September 2022, there has been no news of the investigation.



Source: Kompas.com²⁵

Meanwhile, a similar pattern was experienced by Sasmito Madrim, Chairman of the

24 Previously, Narasi Media reported allegations of the involvement of the State Intelligence Agency (BIN) in the arrest of the Governor of Papua, Lukas Enembe, in a corruption case. Lukas Enembe's lawyer, Stefanus Roy Rening, had earlier stated that his client had been targeted since 2017. He linked these allegations to the visit of Budi Gunawan and Minister of Home Affairs Tito Karnavian to Papua to meet with Lukas Enembe. <https://narasi.tv/read/narasi-daily/bin-bantah-budi-gunawan-terkait-penetapan-status-tersangka-lukas-enembe-di-kpk>

25 Reporting by the Narasi Media lawyers team to Bareskrim for digital attack (hacking). One of the lawyers is Sasmito Madrim.

Alliance of Independent Journalists (AJI), whose communication and social media accounts were hacked. The action of hacking was indicated by the registration of a personal number on another device. Sasmito's cell phone number was unable to receive phone calls and texts. Likewise on Facebook, his profile picture was changed to a pornographic image. Furthermore, misinformation concerning Sasmito's endorsement of the government's position circulated on social media. This included false claims about his supposed support for dissolving the Front Pembela Islam, constructing the Bener Purworejo Dam, and urging the police to arrest HRDs Haris Azhar and Fatia Maulidiyanti.

Journalists also reported experiencing violence and intimidation while performing their duties. For example, two journalists from CNN Indonesia and Detik.com were intimidated by the police while covering the murder of Ferdly Sambo.²⁶ Their cellphones were confiscated and all their interview footage, photos, and videos were also deleted.²⁷

Such actions violate press freedom as regulated by Law No. 40/1999. Every journalist shall be ensured the freedom to seek, obtain, and disseminate ideas and information.

D. Human Rights Defenders on the Papua Issue

HRDs focusing on Papua-related issues have reported numerous attacks and violations. In Indonesia, Papua records the highest number of violations and attacks against HRDs. The escalation of violence in Papua corresponds with an increase in violence against HRDs.

HRDs in Papua have reported enduring stigmatization and accusations of treason, particularly when working on issues related to the extension of special autonomy and regional expansion through the establishment of New Autonomous Regions or Daerah Otonomi Baru (DOB).

From January 2022 to June 2023, at least 29 cases of violations against HRDs were recorded in Papua. The various repressions against Papuans who express their opinions in various regions illustrates how the government has shut down spaces for dialogue.

26 Ferdly Sambo is a former high-ranking Indonesian National Police officer who last served as the Head of the Profession and Security Division of the Indonesian National Police with the rank of Inspector General of Police. He is known for his involvement in the murder of his aide-de-camp, Nofriansyah Yosua Hutabarat.

27 CNN Indonesia, <https://www.cnnindonesia.com/nasional/20220714170649-20-821643/2-jurnalis-diintimidasi-saat-meliput-di-rumah-sambo-rekaman-dihapus>

Oftentimes, the narratives built by native Papuans collide with the ultra nationalist doctrine of 'NKRI *Harga Mati*' (Non-negotiable Sovereignty of the Unitary of the Republic of Indonesia). The indigenous people of Papua have consistently demanded justice, equality, and non-discriminatory policies. Many even call for a referendum for independence or to remain as part of Indonesia. Whenever they voice these concerns, it is all too easy for nationalists to stigmatise them as separatists.

Victor Mambor, a Papuan HRD and senior journalist from Jubi.id reported experiencing such harassment. On 23 January 2023, an explosive device went off next to his house. On 21 April, 2021, Mambor's car was vandalised. None of the perpetrators were ever arrested.²⁸



Victor Mambor after the terrorist bombing near his house | Source: Suara Papua

'Some journalists indeed do their job at risk. Sometimes there are emergency situations when writing about violence, conflict, and human rights. I think there are also journalists who are just playing it safe. So they only write press releases that come from the government and security forces,' Victor Mambor said in his interview with Amnesty International Indonesia.²⁹

28 KontraS, Investigate Thoroughly the Act of terror and Intimidation Experienced by Senior Journalist Jubi Papua, <https://kontras.org/2023/01/25/usut-tuntas-peristiwa-aksi-teror-dan-intimidasi-yang-dialami-jurnalis-senior-jubi-papua/>

29 Journalist Victor Mambor's Story: Unafraid to Reveal the Truth, <https://www.amnesty.id/cerita-jurnalis-victor-mambor-tak-gentar-mengungkap-yang-benar/>

Freedom of expression in Papua is truly in dire straits. Amidst the government's arbitrary policy-setting, public protests are frequently met with violence. This pattern is reflected in the shooting incident involving the police on 15 March 2022 in Dekai District, Yahukimo Papua. Protesters walking from the gathering point while chanting 'rejecting the New Autonomous Region of Papua and West Papua' were blocked by police officers. Their protest materials were also seized. Following this, the police deployed tear gas and hurled stones at the protesters. The situation intensified when the police resorted to firing live bullets, resulting in the deaths of two protesters, Eson Weipsa and Yakok Meklok. Furthermore, another individual sustained a severe bullet wound to the left leg, necessitating amputation. These brutal actions serve as clear examples of human rights violations.

In another case, police officers—who claimed to be in charge of the Jayapura Police, came to the KontraS Papua office to arbitrarily arrest KontraS Papua staff members: Jefry Wenda, Ones Suhuniap, Omikzon Bingga, Max Mangga, Esther Haluk, Iman Kogoya, and Abbi Douw. The police also confiscated books, printers, computer equipment, and files. Such actions are in violation of the Criminal Code Procedures. This incident is still related to the rejection of Second Special Autonomy³⁰ and New Autonomous Region.³¹ The series of repressive actions carried out by several police officers was being executed systematically.

This was proven by the instructions of the Papua Police Chief as stated in a telegram ST/373/V/PAM.2/2022 signed by Deputy Chief of Police of Papua Brigadier General Eko Rudi Sudarto. In the letter, several areas were categorised as 'alert one areas' with potential threats to security and public order: Jayapura, Jayawijaya Regency, Biak Numfor Regency, Yahukimo Regency, and Deiyai Regency. This suggests that demonstrations carried out in the areas mentioned are considered to be a threat by the state.

The state's, particularly through the police, excessive use of force in response to indigenous Papuans demonstrating against problematic policies violates people's freedom of expression and right to protest.

30 special autonomy status granted to the provinces of Papua and West Papua in Indonesia. It is an extension of the initial Special Autonomy status, aiming to provide these provinces with a higher degree of autonomy to address specific needs and challenges.

31 generally refers to the creation of new autonomous regions within a country. In the context of Indonesia, this term might be used to describe the establishment of new administrative regions with a certain degree of autonomy in governance.

Apart from Papua, efforts to prevent the rejection of the DOB also took place in Jakarta. For example, the Papuan Student Alliance or Aliansi Mahasiswa Papua (AMP) Jabodetabek held a protest in front of the Ministry of Home Affairs building on Medan Merdeka Utara Street, Central Jakarta on 11 March 2022. However, before reaching the building, the AMP students were blocked by Indonesian National Defense Forces/Police officers (TNI/Polri). The protesters who tried to continue walking towards the Ministry of Home Affairs building were dragged, sexually harassed, and beaten with baton sticks by police officers. Alpius Wenda³² alongside other protestors suffered bruises and a bump on the forehead. After the clash, all AMP students were arrested, put into a detention car, and immediately taken to the Regional Police Headquarters in Metropolitan Jakarta.

32 One of the Papuan students who was arrested

V. Projections of Human Rights Defenders' Situation Heading into the 2024 Political Year



Based on the gathered data, the outlook for the protection of human rights in 2024 appears unpromising. Human rights issues are not prioritized in Indonesia's political discourse leading up to the 2024 General Elections. The matter of human rights in Indonesia, concerning electoral politics, is no longer a populist notion. .

This is partly caused by President Joko Widodo capitalising on human rights issues to oppose Prabowo Subianto in the two previous elections. However, Jokowi has not made any significant improvements to the human rights situation in Indonesia.

Nevertheless, there remains a possibility of witnessing presidential and legislative candidates who continue to address human rights challenges, particularly regarding the protection of HRDs, during their campaigns. A similar strategy was employed by President Joko Widodo during the 2014 election campaign. In the presidential promise document No. 6, it was stated, "As a state of law, the implementation of government power must be based on the law and the State must be present to provide respect, protection, and fulfilment of citizens' rights and human rights, including a sense of security to all citizens."

In 2014, when Widodo and Prabowo Subianto went head to head, the issue of human rights violations against activists was capitalised to gain votes and bring down the other candidate. This resulted in Widodo's victory, who eventually served for two terms.

HRDs from various organisations will certainly bring their respective issues in 2024. Public campaigns will continue to take place, which will probably include a description of presidential and legislative candidates' track records in relation to human rights.

Civil society organisations will most likely publish their findings related to sensitive issues, including the involvement of officials or candidates in business scandals and other forms of conflicts of interests. However, amid the absence of adequate protection and the challenging situation of civil liberties, such actions have the potential to trigger a backlash by stigmatizing individuals as sympathizers. This was notably evident towards the end of the year in cases such as those involving Rocky Gerung³³ and Aiman Witjacksono³⁴, where supporters of a particular presidential candidate

33 Rocky Gerung is an Indonesian intellectual, philosopher, and public figure known for his views on politics, culture, and philosophy. He is often invited to speak on various media platforms and has gained recognition for his eloquent and articulate expressions of his opinions.

34 Aiman is a senior journalist. Previously, Aiman worked as a reporter, executive producer, and broadcaster. Currently, Aiman is running as a legislative candidate for the 2024 elections.

were reported to the police for expressing their opinions.

It is also predicted that attacks on HRDs would not only come from state actors, but also from non-state actors. The attacks and violations taking place within HRDs' own communities are often assessed as horizontal conflicts because sometimes it is unclear who the actors behind them are. This gives the impression that these incidents are ordinary criminal offences. Persecution and violence—both physically and digitally—against HRDs would most likely intensify without accountability.

The year 2024 will also mark the last year of Widodo's presidency. There is a possibility for Widodo to utilise his power as much as possible to exploit natural resources through mining and agricultural lands. As 2024 marks his final political momentum while in power, he cannot guarantee the continuation of his programs by the next President.

This uncertainty could potentially lead to widespread agrarian conflicts. The increase in conflict escalation could result in an additional number of agrarian conflict victims.

VI. Conclusion and Recommendation



Conclusion

Based on data collected from January 2022 to June 2023, this joint analysis concludes that the general situation of protection for Human Rights Defenders in Indonesia has not shown significant improvement. The government has yet to recognize the existence of Human Rights Defenders up to the present moment.

The government has the pandemic to impose restrictions on people's freedom of expression. Nevertheless, the end of the pandemic has not reversed the situation. Voices of dissent continue to experience different forms of harassment. Peaceful protests are often met with repressive and brutal actions.

Moreover, judicial harassment continues to hinder the work of HRDs. For example, the articles in the EIT Law continue to claim many victims. Similarly, attacks against people's digital rights persist. The state, through the police, needs to do more to bring human rights violators to justice as well as to protect people's right to privacy and freedom of expression.

Women human rights defenders are at the forefront of the struggle for equality, yet they continuously face stigmatisation, gender-based discrimination, and persecution.

Investment flows have also threatened HRDs who defend their environment. Even though journalists are protected under the Press Law, they are not spared from violence and attacks. Likewise, HRDs working on issues related to Papua are regularly experiencing various attacks and violations.

Recommendations

There is an urgent need to protect Human Rights Defenders (HRDs), and this can be achieved by enhancing Indonesia's regulations and policies. Currently, there is a lack of sufficient legal instruments recognising the existence of HRDs in Indonesia. It is crucial to acknowledge their important role in protecting and promoting democracy. Criminalisation of HRDs paired with the absence of efforts to protect HRDs and their work would only further put defenders in a vulnerable position.

In addition to the absence of regulation, the institutional mechanism for protection—such as that of Komnas HAM—is too weak³⁵ because this institution only has the authority

35 <https://kontras.org/wp-content/uploads/2023/12/Catatan-Hari-HAM-KontraS-2023.pdf>

to provide non-binding recommendations. Immediate steps must be taken to protect people working in the human rights sector. The government can start discussing protection regulations through the revision of the Human Rights Law. In addition, the paradigm of law enforcement officers must be built to be more sensitive to the enjoyment of freedom of expression.

