

Gesloten projecten

Indonesië

Begin 2011 werd het PBI Indonesië Project na bijna 11 officieel gesloten. Lees hieronder meer informatie over het project en over de mensenrechtenverdedigers die PBI ondersteunde in hun werk.

The Indonesia Project: Ten Years on

In August 2009, the PBI Indonesia Project (IP) commemorated its tenth year of service to the people of Indonesia with celebrations in Wamena, Jayapura and Jakarta. Since 1999, nearly two hundred volunteers from twenty-nine countries served with the IP, providing protective accompaniment and peace education services to 27 Indonesian client NGOs, as well as running countless workshops with various other civil society groups and government organizations. Altogether, the IP worked in seven provinces, from the westernmost province of Aceh, to Papua on the far eastern fringe of the archipelago.

PBI first received requests from Indonesian civil society groups for protective services in 1998 and following a two month exploratory visit, established the PBI East Timor Project in Dili in August of 1999. However, later that year, due to widespread violence following the East Timor referendum for independence, the team evacuated to Jakarta, Bali, Flores and West Timor. The IP continued to provide support for client organizations in both East and West Timor, such as TRuK-F and LAP Timoris, until the West Timor sub-team was formally closed in May 2002.

The first year of the new millennium saw the expansion of the IP with the establishment of permanent teams in both Jakarta and Banda Aceh. From Jakarta, PBI could more thoroughly integrate with the international community and the national government of Indonesia. Better integration would lead to better support for PBI clients like Suciwati, who for years has relentlessly sought justice in the case of the 2004 assassination of her husband, human rights defender Munir Sahid Thalib, aboard a Garuda Airlines flight to Amsterdam. Munir's unresolved case is perhaps the highest profile human rights case in Indonesia.

PBI opened a second Aceh team in Lhokseumawe in 2002, and in the same year ran workshops in Flores and West Timor on conflict resolution and conflict management. By the summer of 2003, when the declaration of Martial Law forced the evacuation of both Aceh sub-teams to Medan, PBI was serving seven local NGOs in the province. From Medan and Jakarta, PBI worked hard to provide continued support to clients in Aceh, primarily via frequent check-in-calls to each organization to monitor the safety and situation of clients and the civilian population.

The unspeakable tragedy of the Boxing Day Tsunami in 2004, which left 153,000 Acehnese dead and perhaps a million without homes or livelihoods, added new dimensions and pressing demands to the challenges facing PBI and our clients in Aceh. We were terribly saddened by the loss of some Indonesian colleagues in this disaster, and so hardened our resolve to provide a protective presence for their organizations while they began rebuilding and undertaking the humanitarian and human rights work they were uniquely qualified to do.

PBI was finally able to return to Aceh in January 2005. Eight months later, the Aceh Peace Agreement was signed in Helsinki. This agreement effectively ended the fighting between GAM and the Republic of Indonesia. The agreement also created the Aceh Monitoring Mission (AMM), which was tasked to monitor human rights and the implementation of the terms of peace. The PBI sub-team based in Banda Aceh worked closely with the AMM by

monitoring clients' security while at the same time building up networks in the province to increase cooperation between local and international bodies working on the peace process, in particular between the AMM and our client organizations.

As the situation in Aceh stabilized, PBI received fewer and fewer requests for protective accompaniment so we were able to focus and expand our participatory peace education program. From 2006 onwards, the Aceh sub-team ran numerous youth camps, capacity-building, peace-building, transparency, and gender equality workshops in cooperation with local and international partners. PBI formally closed the Aceh sub-team in 2008 with the consent of our clients. Nevertheless, we continued to stay in close contact and to monitor the peace in Aceh. In January 2009, the Jakarta team conducted a three-week fieldtrip to the province to meet with former client organisations and local authorities in the lead-up to the first local elections since the signing of the peace agreement.

During its last five years, the IP also had field teams in Papua, one of the most conflict-prone regions in Indonesia. In 2004 ElsHam, a Papuan NGO based in Jayapura, asked to become a PBI client. The following year, after an initial exploratory field trip, PBI established the Jayapura sub team. The sub-team began building a security network, raising awareness of PBI with local NGOs and government authorities, and considering the need for another office in Wamena. PBI quickly decided that another Papuan team based in Wamena was necessary to serve the isolated and vulnerable people of the surrounding Baliem Valley, and so in 2006 PBI created the Wamena sub-team.

PBI worked with a number of clients in Papua, including JAPH&HAM, SKP, LP3BH, and FOKER LSM on issues ranging from impunity, access to justice, and security sector reform, to land rights, natural resources and cultural/ traditional rights. Historically, the Jayapura team focused on protective accompaniment, including regular field trips to many different cities and villages around Papua in support of our clients, while the Wamena team focused on participatory peace education activities in partnership with client and local NGOs.

In Wamena, Peace Day holds particular cultural and social importance. PBI helped to develop events around this celebration, culminating in 2009's celebration with a month of peace-related activities, discussions, and debates all planned and carried out by local organizers and PBI client organizations. 2009 also saw the formal re-opening of the Wamena peace library run by two local staff. The staff succeeded in attracting a much wider range of people to the library through an expanded collection of children books, comics, and novels, and a program of activities including handicrafts, beading, short story writing and film screenings.

The Jayapura team throughout its history provided support for PBI clients with offices all around Papua. In 2007, the Jayapura team visited client SKP in Timika for one week to raise awareness with local authorities and reassess SKP's security situation. The following year PBI spent ten days with client organization LP3BH in and around Manokwari, as well as making various other trips with clients to Bituni Bay, Puncak Jaya and Merauke. In 2009, further field trips were made to Merauke and Nabire to provide conscious visibility and to support client organizations based there.

By late 2009, however, the IP was already facing challenges and constraints on its work. A Strategic Review was carried out in August and September 2010 to determine whether the project could continue in its current form. Ultimately, PBI's International Council decided that the current phase of operations in Indonesia should be closed by the end of January 2011. That process is now complete.

PBI Public Statement on IP closure

Peace Brigades International (PBI) has closed its current phase of operations in Indonesia as a result of a series of challenges and constraints during the past year that have severely limited its ability to effectively protect human rights defenders at risk. Our departure means the withdrawal of the last international human rights organisation from Papua after other organisations have had their operations disrupted.

PBI has maintained a presence in Indonesia for over ten years and during this time carried out valuable protection and peace education work with human rights defenders and local NGOs in various parts of the country, including Aceh and Papua. Although we appreciate the cooperation we have received from the Indonesian authorities over the years, we very much regret that it has not been possible to sustain this, with the result that we are no longer able to carry out our programme of protection work.

In making this decision to leave, PBI is aware that human rights defenders may face increased risk. Despite the fact that the Indonesian Government has made progress in the field of human rights over the past twelve years, some of those who defend human rights continue to face threats when carrying out their work, particularly in Papua.

In July 2010, for example, journalist Ardiansyah Matra's, was found dead near his home in Merauke. The cause of death remains unclear although autopsy results at the time revealed signs of physical abuse.[1] For several months prior to his death, Matra's had been subjected to sustained intimidation by unknown actors in the form of threatening text messages, anonymous telephone calls and physical intimidation which he believed was a result of his work, which included investigations into corruption, illegal logging and unresolved cases of human rights violations in Papua.

PBI trusts that the Government of Indonesia will fulfil its obligations as signatory and party to a number of international human rights conventions[2] to protect human rights defenders throughout the country, and give full access to Papua to human rights organisations as well as national and international journalists.

PBI remains committed to the well-being of Indonesian human rights defenders and steadfastly supports the continuing efforts of all those in the international community and our colleagues in the human rights movement who work to ensure their safety and protection. We are currently assessing ways of re-establishing effective operations in Indonesia, should circumstances allow.

Background

The Indonesia Project (IP) began work in 1999 at the request of the country's National Commission on Human Rights (Komnas HAM), with a focus on East Timor (now Timor Leste). In the years that followed, PBI has worked in West Timor (2001), Aceh (2001–08), Jakarta (2001-10) and Papua (2004–10).

Footnotes

1) Following the announcement of the autopsy results, FORUM-ASIA, AJI (Alliance of Independent Journalists) and Imparsial (the Indonesian Human Rights Monitor), concluded that Matra's had been murdered. Joint Press Statement, 26 August 2010.

2) International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman and Degrading Treatment (1984); Convention on the Rights of the Child (1989); International Convention for the Protection of All Persons from Enforced Disappearance (2006): signed in September 2010 but not yet ratified.

PBI Indonesia Project Partners



Observing at a demonstration in Jakarta. Photo: PBI

The Indonesia Project supported human rights defenders as well as organizations dealing with issues related to human rights. The aim of the project was to help develop and strengthen the capacities of local organizations. We didn't just restrict our work to our partners but also tried to form links between civil society NGOs and government bodies. Through such work, PBI tried to facilitate a space in which conflict transformation could occur in the areas in which we worked.

The Indonesia Project had a number of partners who ranged from local grassroots organizations, individual human rights investigators and defenders through to religious groups. PBI established contracts with our Indonesian partners and reviewed them on a bi-annual basis. In the event that the level of threats to an individual or an organization was perceived to be negligible, the partner had the option of not renewing their contracts. In these cases, partners maintained Rapid Response Agreements with PBI which allowed PBI to react in the event that their security situation deteriorated. Below are details of the individuals and organizations with whom PBI had partnership agreements.

PBI partners in Indonesia

The Indonesia Project partnered with human rights defenders to develop strong networks and capacity for conflict transformation among grassroots organizations, civic officials and religious groups.

BUK (Bersatu untuk Kebenaran - United for Truth)



BUK is a solidarity network for survivors of violent human rights abuses throughout Papua, including Wasior, Wamena, Timika, Biak, and Abepura. Peneas Lokbere is the coordinator of BUK, which became a PBI partner in October 2008.

BUK is supported by FOKER LSM and KontraS Papua as well as PBHI, a rare example of cooperation among different Papuan human rights organizations. BUK offers an opportunity for survivors of human rights abuses to work towards reconciliation themselves. This is particularly important, because the Truth and Reconciliation Body defined under the Special Autonomy Law (Undang Undang 21/2001) for Papua has yet to materialize.

FOKER LSM (Forum Kerjasama Lembaga Swadaya Masyarakat Papua, NGO Cooperation Forum of Papua)



FOKER LSM is an umbrella organization representing a growing network of small and large NGOs (currently 118), throughout Papua. FOKER's mandate is to build-up, train, and link grassroots NGOs with the broader goal of creating true participatory democratic government capable of advocating for local issues on a large scale. FOKER's program empowers participants, traditional institutions and civil organizations in a process aimed at strengthening civil society.

As the center of a Papua-wide network, FOKER is one of the few reliable sources of news in the province. FOKER compiles articles from mainstream media into a monthly newsletter and dissects information about public policy, redistributing it in easy-to-read versions for a wide audience.

FOKER work includes organizing workshops on investigating and reporting human rights violations, and conducting field surveys on the state of human rights in outerlying regions of Papua. They also have plans to open a resource centre (FOKER branch office) in Wamena.

Humi Inane (Women's Voice)



Humi Inane is a local NGO that officially became a client on December 10, 2009. Humi Inane work for women's rights in the Central Highlands of Papua. They provide protective accompaniment for victims and witnesses in cases of violence against women and for individuals in women's collectives. Other aspects of the work that they focus on relate to the issue of the reproductive rights of women, the rights of children and the 2004 Domestic Violence law (Number 23). Humi Inane also undertake workshops and discussions at the village level.

JAPH&HAM (Jaringan Advokasi Penegakan Hukum & HAM - Advocacy Network for Upholding Law & Human Rights)



JAPH&HAM became a PBI partner in 2007, replacing the individual partner relationship with the organization's director, Theo Hesegem. Theo had become a PBI partner in 2005 after being subjected to intimidation.

JAPH&HAM investigates and reports on human rights violations in the mountainous area of Wamena. Cases of torture, abuse, unlawful arrest, deaths of prisoners in custody, beatings and alleged poisonings are some examples of cases they investigate. They provide support and legal counsel to relatives of victims of violations and encourage families to bring cases forward through official channels. JAPH&HAM carries out human rights education in rural communities. They also have a program of human rights trainings with the police.

JAPH&HAM director, Theo Hese gem, is one of the original local organizers of the annual International Peace Day and International Human Rights Day. These events have included parades, ceremonial traditional feasts, radio discussions, film screenings, inspection visits to the local jail, commemorations in memory of the victims of human rights violations, and public assemblies.

KontraS Papua (Komisi untuk Orang Hilang dan Korban Tindak Kekerasan - Commission for the Disappeared and Victims of Violence)



KontraS is a human rights NGO whose Papuan branch was established in Jayapura in June 2000. PBI accepted KontraS Papua as a partner organisation for protective services in 2005, following increasing threats against the director and other staff.

The mandate of KontraS is to advocate for ‘disappeared’ persons and for victims of violence. KontraS offers free legal representation to indigenous Papuans, especially those involved in human rights work. By offering free legal services, KontraS Papua mitigates the impact of systemic inequalities and human rights abuses and supports the development of a rights-based justice system. Other activities include fact-finding missions, monitoring of demonstrations and facilitation of dialogue.

LP3BH (Yayasan Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum - The Institute for Research, Investigation and Development of Legal Aid)



In June 2006, PBI signed a partner contract with LP3BH, an NGO based in Manokwari. LP3BH empowers local civil society through education and advocacy about basic human rights and legal aid. LP3BH works throughout the Bird's Head area of West Papua, with special focus on the districts of Manokwari, Teluk Bintuni and Teluk Wondama (Wasior).

LP3BH monitors the environment for human rights and the upholding of law and due process in West Papua. They conduct trainings for communities in legal issues and provide legal assistance to victims of human rights violations. In 2008, LP3BH represented 12 Papuans who were convicted of raising the Bintang Kejora flag at peaceful demonstrations. LP3BH is challenging the legality of Regulation 77/ 2007, that criminalizes such actions.

LP3BH also acts in a monitoring and advisory capacity with the largest economic project in the province, the British Petroleum (BP) Tangguh LNG project.

Yan Christian Warinussy, the Executive Director of LP3BH, was awarded Canada's 'John Humphrey Freedom Award' in 2005. In 2009, he travelled to Europe where he undertook a three-week PBI-sponsored speaking-tour.

In the past, Yan Christian experienced direct threats from authorities, and in 1998 spent three months in jail. Protective services provided by PBI led to a significant decrease in efforts to intimidate LP3BH in carrying out their work.

SKP (Sekretariat Keadilan dan Perdamaian Keuskupan Jayapura - Office for Justice and Peace of the Catholic Diocese in Jayapura)



In September 2006, PBI signed a partner contract with SKP, the Office for Justice and Peace of the Catholic Diocese. SKP is under the Franciscan Order and Franciscan International. Their central office in Jayapura represents the SKP sections in Merauke, Sorong, Timika and Agats. All SKP branches were included in the partner contract, meaning that any of their staff and volunteers could request Protective Accompaniment Services from PBI.

SKP is involved in a broad range of activities including advocacy for victims of human rights abuses; publication and documentation of human rights abuses (including research and investigation); education and awareness programs; peace-building activities; supporting IDPs and expatriates returning from Papua New Guinea; and interfaith dialogue and cooperation. SKP acted as an advisor and a link to authorities on a project to secure a permanent market place for women street vendors ('mama-mama') in Jayapura.

In memory of Emmanuel Goo



Peace Brigades International Indonesia Project is saddened to inform you that Emmanuel Goo a long time friend and client of PBI in Indonesia died in hospital on Monday 24 May 2010, he was 34 years old.

Emmanuel Goo was best known for his work as an independent journalist and author based in Nabire, Papua. He wrote for the weekly SPP (*Suara Perempuan Papua*, Women's Voice Papua), one of the newspapers most critical of district and provincial politics, corrupt practices and illegal extraction of resources. He was also a member of the AJI (*Aliansi Jurnalis Independen, Papua*, Alliance of Independent Journalists, Papua). In 2009 he published a book on local indigenous peace culture in Papua.

In addition to his work as a journalist, Emmanuel Goo was a strong believer in the development of civil society through social work. He was the founder of a peace-building NGO, Elpama (Lembaga Pemberdayaan Masyarakat Papua, Institute for the Empowerment of Papuan Society), which focused on using peace and legal education to resolve social issues such as land rights, human rights and civil rights.

As a result of his work, Emanuel Goo became the subject of intimidation and surveillance by security forces over the last several years of his life. The threats and intimidation he received ranged from directly being 'advised' not to investigate a case to increasing interest in his whereabouts and strange SMS messages and 'phone calls. It was as a result of these threats to his personal safety that in September 2008 Emmanuel Goo became a PBI client.

In recognition of Emanuel's dedication to the cause of human rights, he was nominated for the Dutch Government's Tulip Award in August 2009. The award is given annually to "acknowledge persons who have shown exceptional moral courage in protecting and promoting the rights of fellow citizens."

All of us whose lives and work have been influenced by Emmanuel Goo will remember a dedicated human

rights activist who had time to talk. In the last years of his life he worked prodigiously for the causes that he believed in. He will be sorely missed.

Rapid Response Agreement

Early in 2009, PBI's three Jakarta-based clients - PBHI, WALHI and Suciwati - became the first to have Rapid Response Agreements. Following extensive reassessments and discussions when each of their contracts were about to expire, they all agreed that they no longer needed full-time protective service contracts, as the risks they faced in Jakarta were far less than those faced by their counterparts in more remote areas of the country.

In order that they should still have access to PBI's protective services if needed PBI developed the first of its Rapid Response Agreements which, as the name suggests, would allow PBI volunteers in Jakarta to respond quickly in the event of an emergency.

Suciwati



Suciwati is the widow of Munir Said Thalib. One of Indonesia's leading human rights campaigners, Munir was poisoned on a Garuda Airlines flight in 2004. Since Munir's murder, Suciwati has spearheaded a relentless pursuit for justice. In 2008, Suciwati traveled to Europe on a PBI-organized speaking tour and met with parliamentarians from the UK and Germany, to advocate for the international community to continue pressuring the Indonesian Government. She also participated in a conference on ten years of Security Reform in Indonesia, organized by Watch Indonesia.

Human rights groups and independent observers believe that complex links to the Indonesian state intelligence agency, BIN, lie behind Munir's poisoning. In early 2008, the Supreme Court convicted former Garuda employee, Pollycarpus Budihari Priyanto, and former head of Garuda Airlines, Indra Setiawan, for their involvement. In June 2008, former BIN deputy chief, Muchdi Purwopranjono, was charged with ordering Muni's murder. However, on 31 December 2008, they were acquitted by the trial court panel of judges. Upon appeal by the prosecution team, the Supreme Court ruled that there were no errors in the trial proceedings and, thus, the acquittal would stand.

Suciwati and KASUM (Komite Aksi Solidaritas Untuk Munir, *Action Committee in Solidarity for Munir*), continue the struggle for justice. In addition, Komnas HAM (*the*

National Commission for Human Rights), and the Judicial Commission of the House of Representatives are investigating the verdict.

Although Suciwati receives occasional indirect threats and warnings, her personal security situation has improved over recent years, arguably due to her status as an internationally-known human rights defender.

PBHI (Perhimpunan Bantuan dan Hak Asasi Manusia Indonesia - Indonesian Legal Aid and Human Rights Association)



PBHI promotes and defends human rights without distinction of religion, race, ethnicity, gender, sexual orientation, profession or political and ideological orientation. There are ten PBHI provincial chapters: South Sulawesi, North Sumatera, West Sumatera, West Java, DI Yogyakarta, DKI Jakarta, Lampung, Central Java, Bali and Papua.

PBHI is investigating a number of cases, including human right violations in Maluku. They are also collecting data about violations specifically associated with the implementation of special autonomy in both Aceh and Papua.

WALHI (Wahana Lingkungan Hidup Indonesia - Friends of the Earth Indonesia)



The largest forum of non-governmental, community-based, and environmentally aware organizations in Indonesia, WALHI is represented in 26 provinces and has over 436 member organizations. WALHI promotes social transformation, peoples' sovereignty, and sustainability of the environment, life, and livelihoods. WALHI defends Indonesia's natural world and local communities from injustice carried out in the name of economic

development. In addition to investigating specific cases, WALHI offers regular educational training programs about environmental issues.

Nieuws van of over vroegere partners en over de huidige mensenrechtensituatie in Indonesië

Bintang Papua, 17 June 2011

Human rights defenders in Papua very worried

Acts of violence and terror that have been perpetrated against human rights defenders as well as against journalists have led to a sense of deep concern among human rights NGOs and religious organisations which are members of the Coalition of Human Rights Defenders in the Land of Papua

The following NGOs held a press conference in Jayapura on Friday 17 June, to convey their problems:

KomnasHAM- Papua, the Synod of the Kingmi Church in Papua, the Synod of the Baptist Church in Papua, Foker NGO (NGO Working Group) Papua, Kontras Papua, LBH - Legal Aid Institute in Papua, and BUK, United for Truth.

Foremost among the agencies criticised was the TNI, the Indonesian army whose members were involved in a number of acts of violence. They drew attention in particular to five incidents that had occurred during the past five months in which members of the TNI were involved:

'Up to June this year, there have been at least five incidents which reflect the arrogance and random actions perpetrated by members of the TNI,' said Olga Hamadi, the co-ordinator of Kontras Papua. Others present at the press conference included the Rev. Benny Giay, chairman of the Synod of the Kingmi Church in the Land of Papua, Mathius Murib, representative of Komnas HAM-Papua, Eliezer M, LBH-Papua, Julian Howay of the ALDP, and a number of human rights activists.

They said that the much-vaunted reforms within the TNI were rarely reflected in the activities of members of the TNI on the ground. 'Is this what the commander of the TNI was praising so profusely during his recent visit to Papua,' wondered Rev Giay.

Mathius Murib said that the incident that occurred in Puncak Jaya a few months ago had drawn a great deal of public attention, nationally as well as internationally. [This refers to the acts of torture against Papuans that were circulated by video.]

'All their talk about Love and Peace is far from been applied by members of the security forces on the ground. Isn't it time for them to change their tune?'

They said that the continued occurrence of acts of violence and intimidation by members of the TNI is a clear indication that no actions have been taken against members of the TNI who have violated the law.

'We are concerned about the impact this is having on the reputation of the Indonesian state and wonder what is being done to protect the rights of human rights defenders,' said Olga Hamadi.

She said that in cases where members of the TNI had been involved in acts of violence, all that had happened was that they had been moved sideways. 'Or, in those instances where they had been taken to court, they had appeared before a military tribunal and the verdicts were often unclear or had had little if any effect.,' said Peneas Lokbere, co-ordinator of BUK.

The Coalition of Human Rights Defenders in the Land of Papua therefore issued the following statement:

1. Protection is needed for human rights defenders in Papua in carrying out their humanitarian activities throughout the Land of Papua. Such protection can be provided by the introduction of a special law, while at the same time setting up an independent commission at state level for the purpose of monitoring and advocacy as well as taking sanctions against those individuals who commit violence against human rights defenders.
2. As a short-term measure, we regard it as important to set up a special bureau within Komnas HAM to focus on the protection of human rights defenders.
3. In view the many acts of intimidation and violence perpetrated by members of the armed forces, we urge the military commander of Cenderawasih XVII military command to take firm measures in the law courts and administration against all violations perpetrated by members of the TNI on the ground.
4. To provide moral guidance to all officers of the armed forces as well as disseminate an understanding of human rights so as to ensure that acts of violence perpetrated by members of the armed forces are not committed against civil society or against human rights defenders in the Land of Papua.

[Translated by TAPOL]

AMNESTY INTERNATIONAL PUBLIC STATEMENT

14 June 2011
Index: ASA 21/012/2011

Indonesia must end criminalization of peaceful political protests in Papua

Amnesty International calls today for the immediate and unconditional release of seven prisoners of conscience, arrested and charged merely for their involvement in a peaceful political protest and flag-

raising. Their case highlights the continued failure of the Indonesian government to distinguish between armed groups and peaceful political activists.

A group of activists including students took part in peaceful march on 14 December 2010 protesting against injustice and human rights violations by the Indonesian security forces against Papuans. The march ended at the Penerangan Sanggeng field in Manokwari where other political activists had gathered to commemorate the anniversary of the independence of "West Melanesia". These activists are part of a group that emerged in Papua in the mid-1980s advocating the independence of Papua as "West Melanesia".

During the ceremony the "14 Star Flag", a symbol of West Melanesian independence, was raised. The Manokwari Sub-district Public Order Police (Polres) immediately responded by dispersing the crowd and arresting five students: Jhon Wilson Wader, Penehas Serongon, Yance Sekenyap, Alex Duwiri and Jhon Raweyai. They also arrested Melki Bleskadit and Daniel Yenu, two other political activists at the demonstration.

For several months the activists were forced to sleep on a wet floor in their detention cell at the Manokwari sub-district police headquarters (Mapolres) and all seven activists contracted malaria and lost a significant amount of weight. Their health and conditions of detention have since improved.

All seven men have been charged with "rebellion" under Article 106 of the Indonesian Criminal Code which carries a maximum sentence of life imprisonment, and with "incitement" under Article 160.

The trial of five of the men, all university students, began on 6 June 2011.

The rights to freedom of expression, opinion and peaceful assembly are guaranteed under the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, as well as the Indonesian Constitution. While the Indonesian government has the duty and the right to maintain public order, it must ensure that any restrictions to freedoms of expression and peaceful assembly are no more than is permitted under international human rights law.

Amnesty International calls on the Indonesian authorities to withdraw a 2007 government regulation that bans the display of regional flags which are used by separatist movements. Amnesty International believes that this regulation is contrary to the spirit of the 2001 Special Autonomy Law that granted Papuans the right to express their cultural identity. Furthermore, the ban on waving these flags cannot be considered legitimate grounds for restricting freedoms of expression and association as set out in the ICCPR.

Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However the organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or any other political solutions that do not involve incitement to discrimination, hostility or violence.

Amnesty International has reported on dozens of arrests in recent years of political activists who have peacefully called for independence, particularly in areas where there has been a history of pro-independence movements such as Papua and Maluku. Prisoner of conscience Filep Karma is serving a 15-year prison sentence for taking part in a peaceful ceremony in December 2004 in Abepura, Papua, where the prohibited pro-independence "Morning Star" flag was raised.

Most recently, in August 2010, the police, including the Special Detachment-88 Unit (Densus-88), arbitrarily arrested 21 men in the province of Maluku for planning peaceful political activities. The police reportedly tortured or otherwise ill-treated 15 of them during their arrest, detention and interrogation in order to force them to confess. All 21 were charged with "rebellion" and are serving prison sentences of between nine months and three years.

Link: <http://www.amnesty.org/en/library/info/ASA21/012/2011/en>

Press Release from LP3BH
(27 May 2011)

Law 21/2001 on Special Autonomy for Papua as amended by Law 35/2008 states the following in article 46, para (1): 'In order to strengthen unity of the people in the province of Papua, a Truth and Reconciliation Commission should be set up while Article 46 reads as follows: ' Within the framework of strengthening unity and unanimity, a Truth and Reconciliation shall be set up.'

'The task of the Commission (KKR) shall be (a) to reach a clarification of Papuan history to solidify unity and unanimity of the nation within the Unitary State of the Republic of Indonesia and (b) to draft measures towards reconciliation.'

In further elucidation of Article 46, it states the need for reconciliation which shall include the acknowledgement of errors, the need for apology, the offer of forgiveness, peace, the rule of law, amnesty, rehabilitation or other alternatives necessary to upholding the sense of justice with the community in order to uphold unity and unanimity.

In the opinion of LP3BH-Manokwari, the Association for Research, Advocacy and Development of Legal Aid, a Commission for Truth and Reconciliation is an integral part of the implementation of special autonomy that should as a matter of urgency be implemented the Indonesian Government and the regional government in the Land of Papua, namely the governments of Papua and West Papua.

The formation of the KKR is very urgent. There are four issues that need to be dealt with: first, the marginalisation and effective discrimination against the indigenous Papua people as a result of economic developments; political conflicts; and the mass in-migration into Papua since the 1970s. Affirmative action needs to be taken in order to empower the indigenous Papuan people.

The second problem is the failure of development, especially in education, health and economic empowerment. This requires new paradigms directed towards development that is focussed on improving public services so as to advance the welfare of indigenous Papuans living in the kampungs.

The third issue is the contradiction between the history and political identities of Papua and Indonesia. This problem can only be resolved by means of dialogue such such happened in Aceh.

The fourth issue is the responsibility for state violence committed against Indonesian citizens in Papua. This needs reconciliation between a human rights court and the truth; to uphold the rule of law and justice for the victims, their families and all Indonesian citizens now living in Papua.

The way to resolve the third and fourth issues means, according LP3BH, the formation of a truth and reconciliation commission and the setting up of a human rights court in Papua. This is very urgent and pressing and requires the support both of the Indonesian Government and and the governments of the provinces of Papua and West Papua and the various legislative assemblies (DPRP and DRP PB) Why is this so? Because the historic contradictions and the political identities between Papua and

Jakarta all too frequently become the trigger for social-political conflicts in the Land of Papua. It frequently happens that when Papuans take action to express their political aspirations in the form of peaceful demonstrations or events held to mark the anniversary of Papuan independence day on 1 December or the anniversary of the independence of the West Melanesian Republic on 14 December, these incidents become politicised by the state and treated as criminal acts by the security forces (POLRI) with the arrest of activists of peaceful demonstrators who are then accused of MAKAR or of disturbing the public order and treated as a criminal act in accordance with the criminal code (KUHP).

The security forces frequently use violence amounting to human rights abuses towards victims either in the form of physical violence or violation of their rights as guaranteed in the KUHP - the criminal procedural code.

On the other hand, ever since the Act of Free Choice (PEPERA), gross violations of human rights have been committed by the military against Papuan civilians who are killed, tortured or forcibly disappeared. Anything between 500 and 1,000 Papuan civilians have been murdered, tortured, forcibly disappeared, and subjected to other forms of violence by members of the military forces (TNI) in virtually all the towns and cities such as Jayapura, Merauke, Fakfak, Sorong, Manokwari and Biak. In Biak, a number of Papuans who work in the civil service as teachers, nurses, as well as people working for private enterprises, as well as those who worked during the Dutch period in Serui, Nabire and Biak have been arrested and imprisoned for more than two years at the TNI naval base in Biak.

In addition, properties have been unlawfully and forcibly seized from homes and shops belonging to Chinese inhabitants by members of the armed forces, it being alleged that they are assets owned by the OPM, which is used as justification. The civilian community in the Land of Papua have themselves felt how the Indonesian military security forces entered people's homes and seized people's belongings such as transistor radios, tinned food and drinks from The Netherlands. All these things were confiscated by the Indonesian military apparatus in 1969 and taken off to Java.

All this has left feelings of bitterness and hatred among the civilian population in the Land of Papua going back many years, which are still being felt today. This is what the Rev. Benny Giay calls Memoria Pasionis.

According to the LP3BH, these matters should have been settled many years ago in accordance with international standards and basic human rights principles.

The LP3BH therefore makes the following demands:

1. The Indonesian Government should pay attention to the political need to immediately set up a Commission of Truth and Reconciliation in implementation of Law 21/2001, as well as set up a human rights court in Papua.
2. The provincial governments in Papua and West Papua should immediately introduce regulations with regard to the creation of the KKR, its composition, location, and its mode of operation as well as its funding.
3. The DPRP and the DPR PB should take the initiative and play a key

role in efforts to set up the KKR and the human rights court in Papua as the way to solve the social-political conflicts which have continued to persist from 1969 up to the present day., which should be continued into the future but which have until now been regarded as matters of no importance, and about which nothing has at yet been done to comply with universal legal standards and basic human rights.

Manokwari, 27 May 2011

LP3BH,
Yan Christian Warinussy, SH

Protection manuals for Human Rights Defenders



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