



JOINT STATEMENT

UN GENERAL ASSEMBLY 73: CORRECTING THE RECORD ON HUMAN RIGHTS VIOLATIONS IN WEST PAPUA AND THE 1969 UN RESOLUTION REGARDING 'ACT OF FREE CHOICE'

London, New York, 2 October 2018

TAPOL and the East Timor and Indonesia *Action Network* (ETAN) condemn yet another wave of mass arrests¹ during the opening week of the 73rd session of the United Nations General Assembly (UNGA). The mass arrests clearly contradict the statement of the Republic of Indonesia in their first “right of reply” during the General Assembly that there are not “frequent and systematic human rights violations” in West Papua.² We also disagree with Indonesia’s claim that UN Resolution 2504 of 1969³ has settled the issue of West Papua’s political status.

In late September, Indonesian security forces arrested 89 West Papuans and many more were beaten.⁴ One West Papuan is being investigated for treason. Their alleged crime was to have peacefully demonstrated their support for the United Liberation Movement of West Papua and for the Republic of Vanuatu which planned to speak about human rights and the right to self-determination at the UNGA session. (An additional 39 Papuans were detained in Malang, East Java on 30 September for demonstrating in support of self-determination.⁵) This problematic trend of unlawful mass arrests of peaceful protesters was highlighted two years ago, when the UN Committee on the Elimination of Racial Discrimination delivered two early

¹<http://humanrightspapua.org/news/28-2018/365-67-ulmwp-supporters-arrested-during-peaceful-demonstration-in-jayapura>

² <https://www.unmultimedia.org/avlibrary/asset/2249/2249806/> The reply was in response to statements by the Prime Minister of Vanuatu: <https://gadebate.un.org/en/73/vanuatu>

³<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/256/38/IMG/NR025638.pdf>

⁴ <https://www.ceposonline.com/2018/09/28/aksi-di-ustj-dibubarkan-22-orang-diamankan/> and <https://asiapacificreport.nz/2018/09/26/indonesia-arrests-67-papuan-students-in-jayapura-backing-vanuatu-un-bid/>

⁵<http://www.arahjuang.com/2018/10/01/kronologi-dan-pernyataan-sikap-pembubaran-paksa-aksi-damai-front-rakyat-indonesia-untuk-west-papua-dan-aliansi-mahasiswa-papua-dengan-tema-roma-agreement-ilegal-30-september-2018/>

warnings to Indonesia.⁶ These warnings arose from 5,361 unlawful arrests of West Papuan peaceful protesters in just one year alone.⁷ No other group has suffered such treatment at the hands of the Indonesian state. Hence, there have been systematic human rights violations in West Papua in the past, but they continue.

A total of 221 West Papuans were arbitrarily arrested this past September.⁸ Five people were tortured by Indonesia's security forces,⁹ including one killed while in police custody in the same month.¹⁰

West Papuans are not only discriminated against in their own ancestral territory of Papua, but in other provinces of Indonesia. There have been racially motivated attacks by state-backed gangs against West Papuan student dormitories in Surabaya,¹¹ Yogyakarta¹² and Malang,¹³ as well as assaults by security forces in Manado and Tomohon.¹⁴ West Papuans are routinely prevented from holding public discussions and peaceful protests in Java and other non-Papuan parts of Indonesia.

Those who seek to document violations and defend the victims of human rights in West Papua live in fear. These human rights defenders face a range of physical threats and other measures, aimed at obstructing their work. Indigenous human rights activist, seeking to protect ancestral lands in South Sorong¹⁵ or Boven Digoel¹⁶, expose illegal mining in Koroway, or publicising military sweeps, house-burnings and other severe human rights violations in remote villages in Mimika or Nduga risk criminalization by Indonesian authorities.¹⁷

⁶https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/IDN/8093&Lang=en and

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CERD/ALE/IDN/8134&Lang=en

⁷ http://humanrightspapua.org/images/images/Infographic_WP_Arrests_2016_2K.jpg

⁸<http://www.tapol.org/news/condemning-clampdown-freedom-expression-indonesia-nearly-one-hundred-west-papuans-arrested-two>, and see n 3.

⁹<http://humanrightspapua.org/news/28-2018/367-six-air-force-members-collectively-torture-papuan-man-in-jayapura>

¹⁰ <https://www.amnesty.org/en/documents/asa21/9125/2018/en/> and

<https://suarapapua.com/2018/09/26/seorang-warga-mengaku-dianiaya-enam-anggota-paskhas-tni-lanud-jayapura/>

¹¹<https://suarapapua.com/2018/08/15/asrama-papua-di-surabaya-dikepung-49-penghuni-diangkut-ke-poltabes/>

¹² <https://www.rappler.com/indonesia/140261-kronologi-represi-aparat-papua-yogyakarta>

¹³ <https://tirto.id/komnas-ham-kecam-pembubaran-diskusi-mahasiswa-papua-di-jawa-timur-cNP6>

¹⁴ <http://www.papuansbehindbars.org/?p=3694>

¹⁵ <http://pusaka.or.id/2017/11/kronologis-kasus-kekerasan-aparat-brimob-di-areal-pt-ppm-sorong-selatan/>

¹⁶<http://pusaka.or.id/2016/11/perwakilan-masyarakat-adat-di-boven-digoel-menuntut-pemerintah-selesaikan-permasalahan-secara-adil/>

¹⁷<https://www.wartaplus.com/read/2468/Surat-Terbuka-Pdt-Trevor-Johnson-Kepada-Penjabat-Gubernur-Papua-Sudarmo> and

<http://humanrightspapua.org/news/23-2017/288-human-rights-defenders-face-intimidation-and-discreditation-after-press-release-on-security-force-raids-in-nduga-regency>

Several past cases of serious human rights violations in West Papua have been highlighted by Indonesian President Joko Widodo for resolution. These have been investigated by Indonesia's own National Commission on Human Rights, yet those responsible have gone unpunished. These include the 1998 Biak Massacre of more than 150¹⁸; the torture, rape and killing of 50 West Papuan in Wasior in 2001¹⁹; and the military sweeping of villages in Wamena in 2003²⁰.

Indonesia has also failed to protect the social, economic, and cultural rights of West Papuans. Five tribes in Papua's Keerom Regency were declared extinct in August.²¹ Earlier this year, the Indonesian government reported that almost one hundred West Papuan children had died from malnutrition²² and an estimated 15,000 West Papuans currently suffer from malnutrition.²³ A BBC journalist was expelled from West Papua while she was covering this tragedy.²⁴ Not long after that, an Australian student was blacklisted from entering Indonesia due to her previous study on West Papua.²⁵ A Polish tourist charged with treason is currently sitting in jail in Jayapura awaiting trial²⁶, and a West Papuan is facing the same charge merely for meeting him.²⁷

Indonesia has still not fulfilled its promise to invite a team of UN Human Rights investigators to visit West Papua.²⁸

It is long-overdue for the UN to revisit its unfulfilled obligation to ensure a proper decolonization of all peoples with regards to West Papua. Contrary to Indonesia's delegate claim, the 1969 UN Resolution on West Papua²⁹ did not have universal support. It was debated at great length over three sessions and the final vote was marked by 30 abstentions. This was because the coerced 'Act of Free Choice'³⁰ was recognised to have been procedurally flawed. UN members voted to acknowledge the agreement between Indonesia and the Netherlands regarding West Papua.

¹⁸ <http://www.biak-tribunal.org/west-papua-massacre-cover-up-controversy-in-australia/>

¹⁹ <http://www.tapol.org/news/press-release-gross-human-rights-violation-wasior-17-years-and-still-looking-justice>

²⁰ <http://www.tapol.org/id/news/pres-release-12-tahun-peristiwa-wamena-4-april-2003>

²¹ <https://www.republika.co.id/berita/nasional/daerah/18/08/28/pe6001368-5-suku-di-kabupaten-keerom-papua-punah>

²² <https://www.straitstimes.com/asia/measles-kill-100-malnourished-people-in-indonesias-papua>

²³ <https://www.radionz.co.nz/international/pacific-news/348986/number-of-malnutrition-victims-in-papua-s-asmats-surpasses-10-000>

²⁴ <http://www.abc.net.au/news/2018-02-03/australian-journalist-expelled-from-papua/9393520>

²⁵ <https://www.theguardian.com/world/2018/aug/04/australian-student-barred-from-indonesia-and-blacklisted-by-government>

²⁶ https://www.washingtonpost.com/world/asia_pacific/polish-globe-trotter-blunders-into-indonesia-papua-conflict/2018/09/24/552e663e-c05f-11e8-9f4f-a1b7af255aa5_story.html?utm_term=.a69c51bb03ae

²⁷ <http://www.tapol.org/news/joint-statement-call-immediate-release-simon-magal-and-jakub-skrzypski-west-papuan-and-polish>

²⁸ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E>

²⁹ <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/256/38/IMG/NR025638.pdf?OpenElement>

³⁰ <https://www.ipwp.org/background/act-of-free-choice/> and

https://law.yale.edu/system/files/documents/pdf/Intellectual_Life/West_Papua_final_report.pdf page 14

The process allowed West Papua's fate to be dictated by two foreign colonising governments. The West Papuans were props in a charade; no real effort was allowed to ascertain their true wishes.

The UN has an obligation to revisit this morally unacceptable outcome, arrived at through an event in which only 1,026 handpicked West Papuans were pressured to raise their hands in assent to a proposition they had no hand in drafting.³¹ That deeply flawed process was a stark abrogation of the United Nations Temporary Executive Authority's responsibility to oversee a just decolonisation. The UN should have ensured that process adhered to the universally recognised standard of one person, one vote.

TAPOL and ETAN take no official position on the political status of West Papua. We support the right and aspirations for West Papuan people to decide their own future.

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³¹<https://www.theguardian.com/world/2013/aug/29/west-papua-independence-history>