



12 May 2021

Statement on Indonesia's Crackdown in West Papua

International Lawyers for West Papua (ILWP) calls on the United Nations (UN), the international community, the media and civil society to pay urgent attention to the current crackdown in West Papua by the Indonesian authorities, including mass military operations, extra-judicial killings, arbitrary and unlawful arrests, and forced displacement of civilians.

We are calling for an urgent visit by the United Nations Human Rights Commissioner, as called for by 83 states, including member states of the Pacific Islands Forum (PIF) and the Organisation of African, Caribbean and Pacific States (OACPS) and as accepted but stalled by Indonesia. Over 120 countries have open invitations to the UN Special Procedures and access issues are rarely encountered. As a UN member state, Indonesia is subject to the same human rights monitoring as other states. Indonesia's refusal to enable a visit, places the country in the company of Iran, Syria and Venezuela, and should raise grave concerns about the example Indonesia is setting as a member of the UN Human Rights Council (2020-2022).

This military crackdown follows the Indonesian government's illegitimate listing of "all organisations and armed groups" in West Papua as "terrorists", which human rights groups state is being used to justify targeting civilians and has fuelled further conflict in the already over-militarised, occupied territory. Indonesia has now commenced a "sweeping operation". These have historically involved significant civilian casualties. The Governor of Papua has urged the Indonesian government to review its decision on "terrorist" designation due to potential "psychosocial and stigmatizing effects on Papuans" as well as the danger to innocent civilians.

"There is a human rights emergency unfolding in West Papua. We urge the UN, the international community and the media to pay urgent attention. Indonesia has launched a military crackdown in West Papua and an internet blackout, with reports of civilians being forcibly displaced and targeted. We urge states to pressure Indonesia to allow the UN High Commissioner for Human Rights to visit West Papua, which has the support of 83 states, including the Pacific Islands Forum and the Organisation of African, Caribbean and Pacific States", said Jennifer Robinson, a barrister at Doughty Street Chambers and lead counsel for ILWP.

The people of West Papua have the right to self-determination, a right which was denied to them in the 1960s. Based on international law principles set down by the International Court of Justice (ICJ), Indonesia is unlawfully occupying West Papua and has an obligation to immediately give effect to the West Papuan people's rights. All states have an obligation to assist to end colonisation and unlawful subjugation and assist the West Papuan people to give effect to their right to self-determination, a "sacred right" protected under the UN Charter. The West Papuan people are entitled, under international law, to protest this unlawful occupation and take action to give effect to their rights.

In recent weeks, the conflict in West Papua has escalated as a result of the actions of the Indonesian authorities. ILWP wishes to highlight and express concern about the following incidents.



The military crackdown and internet blackout

Since mid-April and after the killing of a high-ranking Indonesian military officer by elements of the West Papua National Liberation Army (TPNPB), more than 1,000 additional soldiers have been deployed to West Papua. There are already reports of villagers being internally displaced and forced to flee as a result of the sweeping operations.

Indonesian President Joko Widodo [told the media](#) that he had ordered security forces to “chase and arrest all rebels”, while Bambang Soesatyo, chairman of the People’s Consultative Assembly (MPR), [told the government](#) to “destroy them first. We will discuss human rights matters later.” These public statements from officials raise serious concerns about imminent violations of international humanitarian law and human rights law.

An internet blackout has also been reported, raising concerns about the ability of journalists and human rights defenders to report upon and document the conduct of Indonesian forces during the crackdown.

The Indonesian government enforced an internet blackout in 2019 during the West Papua Uprising protest movement – a peaceful protest movement against racism towards indigenous West Papuans. The blackout was criticised by civil society groups as an effort to allow impunity for Indonesian forces and to prevent reporting on the crackdown. The move was criticised by [the UN High Commissioner for Human Rights](#) and [was later found to be unlawful by an Indonesian court](#).

The terrorist listing for West Papuan organisations and armed groups

The Indonesian government has listed “all organisations and armed groups” in West Papua as “terrorists”, asserting that their activities violate the criteria in the 2018 amendments to the Eradication of Criminal Acts of Terrorism Law 2003 (CT Law). The vagueness of this labelling goes against basic ‘rule of law’ principles.

The designation is said to permit the application of the Counter Terrorism law, which has long been criticised for provisions that violate international human rights norms, including (a) arbitrary application of prolonged detention for up to 290 days for those who are suspected of terrorism-related offences; (b) greater involvement of the national armed forces in legal proceedings involving terrorism offences; and (c) the lack of a definition of “de-radicalization”. The Indonesian state must be cognisant of its international law obligations in relation to its conduct in West Papua, an occupied territory.

Amnesty International has criticised the terrorist designation, saying: “The government should focus on investigating these cases and stopping extrajudicial killings and other human rights violations in Papua and West Papua by law enforcement officials, rather than focusing on the terrorist label.”

ILWP emphasises that this is a domestic designation which does not have effect outside of Indonesia. Legal challenges to the listing in Indonesia are currently being investigated. Although international law on terrorism is complex and fractured, we should note that many self-determination movements have been labelled as ‘terrorists’ by their oppressors.



We are concerned that this terrorism labelling will lead to further stigmatisation and harassment of self-determination supporters as well as a general increase in racial attacks and dehumanisation, which we know from history is a necessary condition for the continuation of a slow-motion genocide.

The unlawful and arbitrary arrest of movement leader, Victor Yeimo

Victor Yeimo, an important leader of the peaceful movement for self-determination for West Papua has been unlawfully and arbitrarily arrested and detained. Mr Yeimo had previously made a complaint to the UN on behalf of the West Papua National Committee, the organisation he leads, in relation to the crackdown on the West Papua Uprising protests in 2019. Media reports suggest that he is being charged with treason for his role in the protests.

Consistent with the case law of the UN Working Group on Arbitrary Detention, the arrest and detention of West Papuans organising and/or engaging in protests – an internationally protected right – renders their detention arbitrary and unlawful. Mr Yeimo should be immediately and unconditionally released.

His case requires urgent international intervention.

Media contact: info@ilwp.org

Twitter: @ILWPHQ

International Lawyers for West Papua

International Lawyers for West Papua (ILWP) is a network of legal professionals who work towards the realisation of West Papua's right to independence, as well as the strengthening and preservation of other human rights. We help the indigenous people of West Papua exercise their rights.