



HUMAN RIGHTS AND PEACE FOR PAPUA

The International Coalition for Papua (ICP)
of faith-based and civil society organisations

Submission by the International Coalition for Papua (ICP) to the UN Human Rights Committee Review of Indonesia *Written Contribution for the adoption of the list of issues prior to reporting (LOIPR) in the 129th session of the CCPR*

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This submission was prepared by the International Coalition for Papua (ICP). It highlights important issues concerning the implementation of the Covenant on Civil and Political Rights (ICCPR) in West Papua¹, Indonesia. The submission focusses on the following areas: impunity, freedom of peaceful assembly and association, political prisoners, internal displacement, media freedom, and racial discrimination. The largest part of violence by security forces against unarmed civilians in Indonesia takes place in West Papua – particularly concerning extra-judicial killings, torture and arbitrary arrests and other forms of deprivations of freedoms. While almost 100% of the victims in such cases are indigenous Papuans, this minority makes up only some 40% of the population in the concerned provinces. With the background of a long-lasting unresolved political conflict, widespread racial discrimination, operations by security forces and considerable restrictions for media and civil society assemblies, West Papua remains the main hot spot in Indonesia for human rights violations. The region requires special attention.

The ICP was created in March 2013. Its members² include human rights, religious and development cooperation organisations in Europe, Asia and Australia, which are working for many years with partners in West Papua. The ICP works to address the human rights situation in West Papua and supports a peaceful solution to the long-lasting conflict in the region.

The ICP calls on the Committee to prioritise and to urge the Government of Indonesia to address the following key issues under the Covenant:

1. Impunity for racial violence against the indigenous population (Articles 2, 6 & 7)

The pattern of extra-judicial killings and torture in West Papua is unique because it strongly differs from that of other parts of Indonesia. On one hand the number of such cases - especially those of extra-judicial killings –is by far higher than in the rest of the archipelago. The ICP has documented 246 cases of torture and ill-treatment and 76 cases of extra-judicial killings in West Papua between January 2012 and December

¹ In this submission, the term ‘West Papua’ refers to the Indonesian provinces of Papua and Papua Barat.

² The ICP members include: Asian Human Rights Commission, Christian Solidarity Worldwide, Dominicans for Justice and Peace, Franciscans International, Geneva for Human Rights, Lutheran World Federation, Mediciens du Monde, Mensen met een Missie, Mission 21, Mission eine Welt, Pazifik Netzwerk e.V., Pax Romana, Tapol, United Evangelical Mission, Uniting World, Vivat International, West Papua Network, West Papua Project of the University of Sydney and the World Council of Churches.

2019.³ A report by Amnesty International⁴ and several communications by UN Special Procedures on these cases confirm this pattern.

On the other hand, the cases illustrate an inherent and widespread pattern of racial discrimination which continues to exist among segments of the non-Papuan population in Papuan civil society and also in state institutions. The vast majority of victims of extra-judicial killings and torture are indigenous Papuans. Indigenous Papuans continue to be stigmatized as ‘separatists’ and as ‘traitors of the nation’. As a result, members of the police and military in West Papua – often driven by nationalist attitudes and prejudices – tend to apply excessive use of force against indigenous Papuans in situations, where such measures are not necessary.⁵

Cases of extra-judicial killings and torture are almost equally committed by police and military members. None of the afore-mentioned cases have been criminally investigated by independent institutions. In some of the cases, the police or military launched internal-investigations into allegations of torture and killings by security force personnel.⁶ However, these investigations strongly lack transparency, impartiality, accountability and restoration of justice for the victims. In rare cases, the investigations resulted in lenient disciplinary sanctions or disproportionately low sentences for the perpetrators, which did not reflect the severity of the crime.

The Committee should ask the Government of Indonesia to:

- *Provide information on allegations of extra-judicial killings and torture committed by security force members in West Papua throughout the past decade. The information should comprise outcomes of investigations by the military police (POM), the Military Discipline and Criminal Investigation (PROVOST) or the Police Division for Profession and Security (PROPAM), including the sanctions against the perpetrators;*
- *Provide statistical information on the victims of extra-judicial killings and torture in West Papua throughout the past decades, segregated by ethnic affiliation (indigenous Papuan / non-indigenous).*
- *Provide information on the current status in the legal process of past gross human rights violations, including the cases in Paniai (2014) and Wasior (2001).⁷*

³ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 24, available at:

<https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

⁴ Amnesty International (July 2018): Indonesia: "Don't bother, just let him die", Killing with impunity in Papua <https://www.amnesty.org/en/documents/asa21/8198/2018/en/>

⁵ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, p. 64, available at:

<https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

⁶ Amnesty International (2018): "Don't bother – just let him die“, Killing with impunity in Papua, p. 8 , available at: <https://www.amnesty.org/download/Documents/ASA2181982018ENGLISH.PDF>

⁷ Foreign Affairs Minister, Mrs Retno Marsudi, explained during the 3rd cycle of Indonesia's UPR Review on 3 May 2017 that the Indonesian government had formed a team to investigate past human rights abuses under the lead of the Minister for internal, legal and security affairs and the national Human rights Commission (KOMNAS HAM). According to this ad-hoc team, only three out of twelve investigated cases between 1996 and 2014 – namely the cases in Wasior, Wamena, and Paniai – were identified as serious human rights violations, which would be processed by KOMNAS HAM and the General Attorney. Source: International Coalition for Papua

2. Freedom of peaceful assembly and association (Articles 21 & 22)

In no part of the Indonesian archipelago, the freedom of peaceful assembly and association is subjected to higher restrictions than in West Papua. The Indonesian police prevent certain groups peacefully advocating the right to self-determination and human rights issues from organising demonstrations. Such cases have been reported from West Papua, but also from other parts of the country, where Papuan students and Papua solidarity groups carried out peaceful political protests. The restrictions on the freedom of peaceful assembly and association have been significantly tightened since September 2019, after protests against racial discrimination of indigenous Papuans took place in all major Papuan cities, some of them turning violent.

The Indonesian police fail to respect and protect the freedom of assembly if protestors voice West Papua-related issues in peaceful demonstrations. Human rights activists documented dozens of cases throughout the past years, where police officers failed to protect Papuan protestors from violent and racist assaults by members of nationalist pro-government groups during peaceful demonstrations.

There are two major patterns that are deliberately used by the police to prevent demonstrations voicing criticism of the Indonesian government, human rights issues or self-determination. Firstly, the police in Indonesia continues to use the lack of a “police acknowledgement letter” (“Surat Tanda Terima Pemberitahuan” or STTP) in response to a “notification letter for a demonstration” as justification to declare demonstrations illegal. Police institutions - in and outside of West Papua - refuse to issue STTP letters to prevent particular Papuan civil society groups from the enjoyment of their right to freedom of expression.

Secondly, if protesters decide to conduct a peaceful protest without STTP letter, police forces commonly disperse the demonstrations and carry out mass arrests. Although most protesters were released within 24 hours without criminal charges, the practice violates the freedom of peaceful assembly as guaranteed under the ICCPR. The ICP documented a total of 9,232 political arrests – the majority of them related to mass arrests during peaceful demonstrations on West Papua-related issues – between 2012 and 2018.⁸

The Committee should ask the Government of Indonesia to:

- *Provide information about the procedural legal requirements for the registration of a peaceful demonstration, concerning the necessity of STTP letters for the legality of a peaceful demonstration, particularly as applied in the Papuan provinces;*

(25.05.2017): Human rights in Indonesia under review at the UPR – Eight countries address human rights situation in West Papua, available at: <https://humanrightspapua.org/news/23-2017/235-human-rights-in-indonesia-under-review-at-the-upr-eight-countries-address-human-rights-situation-in-west-papua>

⁸ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 24, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

- *Provide information on government measures to increase the understanding among police officers and promote the human rights obligation to protect and respect the right to peaceful assembly and association.*

3. Political prisoners and detainees (Article 19)

There are currently 104 political detainees and prisoners in Indonesian detention facilities all over the country⁹ who have been prosecuted for expressing their political opinion. The figures include detained members of the West Papuan National Liberation Army (TPNPB) as political prisoners.

The vast majority of political detainees and prisoners have been arrested and penalised for organising or participating in peaceful demonstrations, raising the Morning Star flags¹⁰, being associated with a pro-independence movement organisation, or posting political messages on social media. The police and public prosecutors continue to criminally charge political activists and government critics using vague legal provisions to deter them from expressing their views publicly. The most commonly used provisions are articles 106, 110, and 160 of the Indonesian Criminal Code (KUHP) on treason, criminal conspiracy, and incitement, respectively. The Indonesian authorities also often loosely use article 2 of the Emergency Law No. 12 of 1951¹¹ and article 45A (2) of the controversial hate speech provision in the Electronic Information and Transaction Law. Between 2012 and 2019, the ICP documented 141 prosecutions where the said articles were used against Papuan political activists and sympathizers.¹²

The Committee should ask the Government of Indonesia to:

- *Provide updated statistical data and information about the criminal offenses committed by defendants in the context of West Papua which resulted in the use of articles 106, 110 and 160 of the Indonesian Criminal Code (KUHP) by Indonesian authorities;*
- *Provide information about the measures it has taken, and plans to take, to clarify the legal definitions of the prohibited acts in articles 106 and 110 of KUHP in the upcoming revision to the Penal Code (Rancangan Kitab Undang-Undang Hukum Pidana, RKUHP) to minimise the authorities' arbitrary use of the provisions to restrict the freedom of expression in West Papua.*

4. Internal displacement (Article 12, 6, 9)

Since the killing of 19 road workers in the regency of Nduga, Papua Province in December 2018, human rights organisations have observed a significant rise in armed

⁹ Papuans Behind Bars (22.05.2020): Current Prisoners, available at:

https://www.papuansbehindbars.org/?page_id=17

¹⁰ The Morning Star flag is a symbol of cultural identity for the people of West Papua. It is also used by the West Papua independence movement which considers the Morningstar flag as their national flag and emblem.

¹¹ Political activists are often prosecuted under article 2 on possession or use of slashing, stabbing or thrusting weapons, when their traditional weapons such as bows and arrows or gardening tools such as machetes are seized during house searches or arrests. While Paragraph 2 of Article 2 excludes gardening or working tools from the definition of slashing, stabbing or thrusting weapons, public prosecutors have used this provision against persons owning a machete used for gardening or pig husbandry.

¹² International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 24, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

clashes between the Indonesian Joint Security Forces (TNI-Polri) and the West Papua National Liberation Army (TPN PB). This resulted in an increase in the number of internally displaced persons (IDPs) throughout West Papua. The data collected by the ICP shows that more than 41,268 indigenous Papuans from the regencies of Mimika, Intan Jaya, Puncak, Lanny Jaya and Nduga have been internally displaced between 4 December 2018 and early March 2020 due to security force operations.¹³

The freedom of movement of human rights observers and the indigenous population in many of the affected regencies has been heavily restricted. Many have fled their villages in fear of repressive acts by security force members or because they were unable to safely look for food in their gardens. The Indonesian and the local governments have failed to set up a refugee camp in IDP hotspots such as the highland town of Wamena. Such camps could have assisted with aid distribution and providing humanitarian services such as shelter, fundamental healthcare and education to the IDPs until they are able to return to their villages.

The Committee should ask the Government of Indonesia to:

- *Provide information about the measures it has taken, and plans to take, to provide temporary camps for the Papuan IDPs;*
- *Provide information on the measures it has put, and plans to put in place, to monitor and plan the return of Papuan IDPs to their villages.*

5. Restrictions on media freedom (Article 19)

West Papua continues to be inaccessible by international journalists. Despite President Joko Widodo's announcement in May 2015 promising foreign journalists free access to West Papua, by 2020 there still has been no sign of the promise being fulfilled. Foreign journalists are still required to comply with the *Clearing House* procedure, in which they need to obtain the approvals of twelve state agencies, including the military, if they wish to perform journalistic work in West Papua. Any foreign journalists permitted to work in the region are subject to strict supervision and prevented from conducting critical and investigative reporting.¹⁴

Indonesian journalists are also affected by the government's continued restrictions on the freedom of the media, especially in West Papua, where opposition and government-critical groups use the local media to amplify their aspirations to a broader audience. The ICP documented 75 cases in which local journalists were attacked, arrested or intimidated by security force members while reporting peaceful gatherings, political commemorations or demonstrations advocating for self-determination or the promotion of human rights in West Papua.¹⁵ The Papuan journalists are more likely to be affected by the restrictions.

¹³ International Coalition for Papua (17.03.2020): CSO demands access for the Indonesian red Cross to West Papua, available at: <https://www.humanrightspapua.org/news/32-2020/550-cso-demands-intervention-by-indonesian-red-cross-in-west-papua>

¹⁴ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 217 until December 2018 and an overview of developments in 2019, p. 31, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

¹⁵ Ibid., p. 24

The Committee should ask the Government of Indonesia to:

- *Provide information on the measures it has taken, and plans to take, to revoke the Clearing House procedure, or to substitute it with a transparent visa procedure, allowing international journalists and observers to freely perform journalistic work in West Papua;*
- *Provide information on the measures it has taken to prevent attacks, intimidation, stigmatization, restrictions and obstruction against local journalists, including the prosecution of perpetrators from the police or military who ill-treated journalists.*

6. Racial discrimination (Articles 2, 6, 7, 9, 19, 21, 22, 26 & 27)

Indigenous Papuans continue to face persistent patterns of racial discrimination. The majority of indigenous Papuans live outside of the urban centres of West Papua, with less access to functioning education and health services. This in turn affects their opportunity to access higher or influential positions in private companies and government offices. The underrepresentation of indigenous Papuans in these positions is also caused by widespread prejudices and stigmatization labelling that the Papuans as lazy, trouble makers or separatists. The expansion of extractive industries as well as extensive migration in the region have contributed in widening the economic inequality gap between the Papuans and non-Papuans.

Racial tensions have significantly increased in West Papua since August 2019. A series of racially motivated assaults on Papuan students in Javanese cities led to large demonstrations against racial discrimination of indigenous Papuans in various cities across West Papua. On 15 August 2019, members of nationalist mass organisations (ORMAS) attacked a group of Papuan protesters who had organised a peaceful demonstration in commemoration of the New York Agreement in the city of Malang, Java Timur Province. Members of the military and pro-government ORMAS gathered at the Papuan student dormitory in Surabaya, Java Timur Province, and threatened to kill the Papuan students, while shouting racist insults. In both instances, the authorities failed to arrest and prosecute the majority of the perpetrators.¹⁶ Instead, the police in Surabaya forced its way into the student dormitory and arrested 43 Papuan students.¹⁷

The Committee should ask the Government of Indonesia to:

- *Provide information on the measures it has taken, and plans to take, to prevent and eradicate racial discrimination of indigenous Papuans by non-state actors and government institutions, including the police, military and criminal justice institutions;*
- *Provide updated demographic and census data disaggregated by indigenous/ethnic background of the Papuan provinces and its publication plans;*

¹⁶ Only three perpetrators in Surabaya were prosecuted and given lenient imprisonment sentences of five to ten months.

¹⁷ International Coalition for Papua (08.10.2019): Human Rights Update West Papua – October 2019 covering July – September 2019, available at:

<https://www.humanrightspapua.org/images/docs/Human%20Rights%20Update%20West%20Papua%20October%202019.pdf>

- *Provide information on the measures it has taken, and plans to take, to promote racial and ethnical equality in Indonesia.*

7. Right to self-determination and participation in public affairs (Articles 1 & 25)

The Law No 21/ 2001 on Special Autonomy for the Papua Province ('UU Otsus') requires the local governments in West Papua to regulate and manage the interest of the local people at its own initiative. UU Otsus provides a broader room for the indigenous Papuans to participate in political decision making, determining development processes and making decisions of their ancestral lands and resources. However, the Indonesian Government's inconsistent implementation of UU Otsus and its economic-driven development policies have breached the indigenous peoples' rights to self-determination and participation in public affairs.

Article 28 of UU Otsus states that the residents of Papua may establish a political party, without clarifying whether it refers to a national or local political party. In 2014, the United Papua Party (Partai Papua Bersatu, PPB) was established as a local party. In 2015, the Law and Human Rights Ministry revoked its own decree which acknowledged the establishment of the PPB. Those opposing the participation of local Papuan parties in the election argue that UU Otsus only grants the Papuan residents the right to establish a national political party, and not a local one. The PPB registered to compete in the 2019 general elections, but the General Elections Commission's representatives in Papua determined that the party was not qualified to participate. The United Papua Party claimed that Papuans were granted the right to establish local parties under the Constitution and UU Otsus.¹⁸

West Papua has become an attractive site for national and international investors. Local governments and various state agencies act as facilitators for investors and fail to protect indigenous communities from land-grabbing. There are numerous reported instances in which the local authorities issued business licenses to companies without informing the affected indigenous land rights holders. Although on paper, the companies are required to reach an agreement with the land rights holders, in practice, they apply unlawful approaches to force the indigenous peoples to waive their right to the land. These companies and investors are commonly protected by state security forces.¹⁹

The Committee should ask the Government of Indonesia to:

- *Provide information about the measures it has taken, and plans to take, to harmonize its national law and licensing procedures with the principles of Free, Prior and Informed Consent (FPIC). This should include the measures*

¹⁸ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2017 until December 2018 and an overview of developments in 2019, p. 210, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

¹⁹ International Coalition for Papua (September 2017): Human Rights in West Papua 2017, The fifth report of the International Coalition for Papua (ICP) covering events from January 2015 until December 2016, p. 136f, available at <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

which has been taken or to be taken to allow legal prosecutions of companies disrespecting FPIC principles.

- *Provide information on the establishment of local political parties in West Papua and their participation in local elections. The information should also include an explanation on the pending relevant provincial draft regulations.²⁰*

8. Discrimination against women and gender inequality (Article 3)

Papuan women have limited space to participate in the society and to access their fundamental rights due to the traditional gender concepts, impoverishment, and poor health. Domestic violence, state violence in relation to the political conflict and discrimination are the most common patterns of violations. Papuan women who have been stigmatised or criminalised as separatists face difficulties in accessing government support. In rural areas of West Papua, many indigenous Papuans do not possess official documents, preventing women and their children from accessing important rights and basic Government services.²¹

The participation of women in politics and governance in West Papua is still low. In 2017, women made 6.7% of law makers in the provincial parliament of Papua Barat. The percentage was higher in the province of Papua (14.5%). These numbers are less than a half of the statutory quota of 30%. Women are rarely promoted to powerful government positions. In 2018, the Agency for Social Affairs in the Province of Papua was the only ministerial agency led by a Papuan woman.²²

The Committee should ask the Government of Indonesia to:

- *Provide information on the measures it has taken, or plans to take, to eradicate gender inequality and discrimination against women and to supervise their implementation;*
- *Provide information on state programs offering specialised security and social services support for indigenous Papuan women who experience domestic violence or abuse by state actors.*

9. Right to fair trial, right to liberty and security of the person & treatment of persons deprived of their liberty (Articles 9, 10 & 14)

Despite the fact that the Indonesian Criminal Procedure Code (KUHAP) sets a legal framework for law enforcement operations, law enforcement institutions in West Papua – particularly the police – frequently conduct arrests and house searches without showing warrants. It is known that members of the military act in the role of law enforcement officials and arrest or detain individuals. While unlawful arrests are likely the most common law enforcement procedure violations in the context of West Papua, breaches also occur during later stages of law enforcement²³. Lawyers are often prevented from meeting with arrested suspects and defendants or the communication

²⁰ Raperdasus Tentang Partai Politik, Raperdasus tentang Rekrutmen Politik, Partai Politik di Papua; Provincial Parliament of Papua Province

²¹ International Coalition for Papua (January 2020): Human Rights and Conflict Escalation in West Papua, The sixth report of the International Coalition for Papua (ICP) provides an analysis of violations from January 217 until December 2018 and an overview of developments in 2019, p. 149f, available at: <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

²² Ibid., p. 160

²³ Ibid., p. 47

between lawyers and clients is hampered.²⁴ In 2019, human rights defenders documented several cases where lawyers raised serious concerns regarding the health condition of Papuan political detainees. Access to medical treatment was only allowed after lawyers and human rights defenders had pushed law enforcement authorities to grant medical treatment for the detainees.²⁵ At least six West Papuan minors were detained in 2019. The police and public prosecutors attempted to process them under adult law due to the lack of legal documents demonstrating the suspect's age. Four of them were released.²⁶ The trials against the other two minors were stopped after lawyers proved their age to be below 18 years.²⁷

Human rights activists have called on the Indonesian government and parliament to bring the KUHAP into compliance with international human rights standards. Amongst the most concerning issues under the existing Criminal Procedure Code is the provision for excessively long detention. At the investigation stage alone, a detainee could be detained for up to 60 days, giving ample time for the police to commit all sorts of abuse on the detainee and for physical marks left by the abuse to dissipate. The detention may continue, legally, as the case moves forward. The detention may be extended for an additional 50 and 90 days when the case reaches the prosecution stage and trial, respectively. The Criminal Procedure Code gives the police the authority to detain a criminal suspect or an accused if they have concerns that he will abscond, obstruct evidence, and/or repeat a crime. The legal threshold is alarmingly low, as something as subjective as 'concerns' (Bahasa Indonesia: 'kekhawatiran') - instead of measurable objective reasons - are sufficient to put a criminal suspect in prolonged detention.²⁸

Violations on the right to a fair trial in West Papua occur in multiple forms. Pre-trial hearings are often characterized by the heavy presence of the police. Lawyers stated they understand the police presence as an attempt of intimidation against them and the judges.²⁹ As a result, judges are often hesitant to prosecute police officers for criminal procedure violations. Other fair trial breaches were documented in multiple trials which occurred in relation to the West Papua-wide demonstrations against

²⁴ Ibid., p. 54

²⁵ International Coalition for Papua (01.12.2019): Lawyers express concerns regarding health condition of Papuan political detainees, available at: <https://humanrightspapua.org/news/31-2019/518-lawyers-express-concern-regarding-health-condition-of-papuan-political-detainees>

²⁶ International Coalition for Papua (28.11.2019): Update on trials and detentions after anti-racism riots, available at: <https://www.humanrightspapua.org/news/31-2019/516-update-on-trials-and-detentions-after-anti-racism-riots>

²⁷ International Coalition for Papua (08.04.2020): Trial update on killing of Govt contractors in Nduga Regency – Mispo Gwijange released, available at: <https://humanrightspapua.org/news/32-2020/556-trial-update-on-killing-of-govt-contractors-in-nduga-regency-mispo-gwijange-released> &

International Coalition for Papua (28.11.2019): Update on trials and detentions after anti-racism riots, available at: <https://www.humanrightspapua.org/news/31-2019/516-update-on-trials-and-detentions-after-anti-racism-riots>

International Coalition for Papua (28.11.2019): Update on trials and detentions after anti-racism riots, available at: <https://www.humanrightspapua.org/news/31-2019/516-update-on-trials-and-detentions-after-anti-racism-riots>

²⁸ International Coalition for Papua (September 2017): Human Rights in West Papua 2017, The fifth report of the International Coalition for Papua (ICP) covering events from January 2015 until December 2016, p. 158, available at <https://www.humanrightspapua.org/images/docs/HumanRightsPapua2017-ICP.pdf>

²⁹ International Coalition for Papua (15.02.2019): Heavy police presence during pre-trial against the Mimika District Police Chief – two KNPB activists allegedly ill-treated, available at: <https://www.humanrightspapua.org/news/31-2019/410-heavy-police-presence-during-pre-trial-against-the-mimika-district-police-chief-two-knpb-activists-allegedly-ill-treated>

racism in August 2019. Lawyers complained that judges found the defendants guilty based on alleged video recordings that were never presented as evidence at court. This evidence appeared not to be genuine.³⁰

The Committee should ask the Government of Indonesia to:

- *Provide information on pre-trial hearings in West Papua which resulted in prosecution of police officers who committed violations of the Indonesian Criminal Procedure Code (KUHAP);*
- *Provide information on state measures to harmonize the Indonesian Criminal Procedure Code (KUHAP) with international human rights standards;*
- *Provide information on state measures which protect the right to fair trial in West Papua and monitor the compliance by law enforcement authorities.*

³⁰ International Coalition for Papua (27.02.2020): Fifth Update on trials and detentions after anti-racism riots in West Papua, available at: <https://www.humanrightspapua.org/news/32-2020/546-fifth-update-on-trials-and-detentions-after-anti-racism-riots-in-west-papua>