

Indonesia Country-wide Risk: Low / West Papua: High

Indonesia is generally at low risk of atrocity crimes but there are specific risks in West Papua. Indonesia's COVID-19 numbers have decreased, with cases that were close to 50,000 new infections in February 2022, reducing to approximately 6,000 in the first week of April. This has meant that restrictions on international travel have been lifted, though reports are that tourism has been slow to recover and this economic sector also slow to recover as a result.¹ Yet atrocity and human right violation risks that were prominent in the early stages of the pandemic have also greatly reduced.

There has also been long awaited legislative reform around gender and sexual violence, with a bill to tackle the country's sexual violence about to become an Act. This means that prosecuting sexual violence will be easier, as in the past there was no dedicated legislation. As an example, and as reported in Reuters, 6,000 cases reporting SGBV had been filed in courts since 2018, and only 300 of these have been settled in court. The new legislation aims to lessen Indonesia's ever-increasing numbers of sexual violence.² According to multiple news sources, the reporting of sexual violence against women rose by over 50 per cent over the past twelve months, and the proposed legislation is, in part, a response to this increase.³

In recent weeks there was a move towards cultural and historical healing as the Dutch government issued an apology to the Indonesian people for having committed egregious human rights abuses during the 1945-1949 war of independence. In February 2022, Dutch Prime Minister, Mark Rutte, made the apology for the Dutch having used "extreme violence" against the Indonesians, including torture, executions, and arson.⁴ While there have been apologies made in the past by Dutch representatives, including the Dutch King in 2020, this is the first apology that acknowledges widespread criminality, stating that these crimes were "condoned at every level: political, military and legal."⁵ This apology has been seen as a restorative act hoping to mend past grievance between the colonised and the coloniser.

While much progress has therefore been made to alleviate the risks of abuses and violations that could lead to atrocity, there were still instances of decision making at government and private sector levels that risk the escalation of violence, including the proposal to open a large gold mine in the Papua province. Human Rights Watch believes this mine is a risk that could fuel further violence in the region as it violates land rights, forcing Papuans from their land and villages.⁶

RecommendationsThe Indonesian Government should:

- Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
- Ensure legislative decisions do not compromise Indonesia's democracy and will not lead to human rights abuse across all regions.
- Implement legislation to stop hate speech and discrimination, and to effectively eliminate sexual and gender-based violence via the implementing of the proposed anti-sexual violence bill.

The Australian government should:

- Encourage Indonesia to take active steps to fulfil its responsibility to protect.
- Continue to explore avenues for cooperation with the Indonesian government and society in the areas of combatting sexual violence and encourage the signing of the anti-sexual violence bill.

West Papua – High Risk

The region of West Papua is at high risk of atrocity crimes. Tensions between the Indonesia government and West Papuans remains very high with reports of extrajudicial killings and armed conflict in the region. These human rights abuses have been made prominent in a recent United Nations report released in February 2022 in which the authors mention reports of “extrajudicial killings, including of young children, enforced disappearances, torture, and the enforced displacement of at least 5,000 Papuans.”⁷ Killings in the region are an ongoing source of tension between Indigenous Papuans and Indonesian military forces, with two West Papuans shot dead in late March 2022 by security services.⁸

Killings are not restricted to West Papuans. On 3 March there were reports that a West Papuan independence group had killed 8 telecommunications technicians who had been working on a cell phone tower in a remote sector of West Papua. One technician escaped, and it is believed the killers were members of the West Papua National Liberation Army, though this identification is speculative.⁹ As reported in *The Diplomat*, “the attack is the latest incident in a spiral of reaction and counter-reaction between the OPM and the Indonesian state”, something that has been playing out in the region since the 1960s when the struggle for independence began.¹⁰

There have also been concerns raised over the lack of access to humanitarian aid by those who have fled the conflict. As outlined in a speech during a World Council of Churches, WCC Director of International Affairs, Peter Prove, revealed witnessing a group of minors who had fled conflict and taken shelter in a church compound, yet had no access to agencies such as the Red Cross or Amnesty International as these were not approved by the Indonesian forces. This is one example of restrictions placed on the tens of thousands of refugees who have fled villages due to violence by Indonesian forces.¹¹ The UN report also noted that only “ad hoc” deliveries of aid were making it to those who had been displaced, the report stating that “We are particularly disturbed by reports that humanitarian aid to displaced Papuans is being obstructed by the authorities”, this depravation leading to malnutrition in children, and a general lack of access to food and health services for those displaced.¹²

Recommendations

The Indonesian Government should:

1. Address entrenched racial discrimination, hate speech and incitement against West Papuans, and provide clear advice to security forces to abide by international law and refrain from the use of violence and torture.
2. As a member of the UN Human Rights Council, ensure human rights are protected in all Indonesian territories, including freedom to protest and gather and freedom of speech.
3. Refrain from using racist and inciteful language.
4. Consider the aspirations of West Papuans and the underlying issues fuelling the protests, and endeavour to take into account these aspirations in future dealings with the province.
5. Allow humanitarian aid to IDPs, including access to the Red Cross and Amnesty International.

¹ Sebastian Strangio, “Indonesia Lifts Quarantine Requirements for International Travelers,” *The Diplomat*, March 22, 2022, <https://thediplomat.com/tag/indonesia-covid-19/>

² Stanley Widiyanto, “In Indonesia, Hopes Rising for Long-awaited Sexual Violence Bill,” *Reuters*, March 17, 2022, <https://www.reuters.com/world/asia-pacific/indonesia-hopes-rising-long-awaited-sexual-violence-bill-2022-03-17/>

³ Katharina R. Lestari, “Indonesia Records Sharp Rise in Violence Against Women,” *UCA News*, March 9, 2022, <https://www.ucanews.com/news/indonesia-records-sharp-rise-in-violence-against-women/96404>

⁴ Linda van Patten, “How the Netherlands Systematically Used Extreme Violence in Indonesia and Concealed This Afterwards,” Universiteit Leiden, February 12, 2022, <https://www.universiteitleiden.nl/en/news/2022/02/how-the-netherlands-systematically-used-extreme-violence-in-indonesia-and-hushed-this-up-afterwards>

⁵ Anon. “Netherlands Apologizes to Indonesia Over War Crimes,” *DW News*, March 17, 2022, <https://www.dw.com/en/netherlands-apologizes-to-indonesia-over-war-crimes/a-60817847>

⁶ Anon. “Indonesia: Proposed Gold Mine is a ‘Recipe for Disaster’ Amid Repression of Indigenous Papuans,” Amnesty International, March 21, 2022, <https://www.amnesty.org/en/latest/news/2022/03/indonesia-gold-mine-papua/>

⁷ Sebastian Strangio, “UN Experts Call Out ‘Shocking Abuses’ in Indonesia’s Papua Region,” *The Diplomat*, March 3, 2022, <https://thediplomat.com/2022/03/un-experts-call-out-shocking-abuses-in-indonesias-papua-region/>

⁸ Anon. “Reports West Papuans Shot Dead by Indonesian Forces,” *RNZ*, March 22, 2022, <https://www.rnz.co.nz/international/pacific-news/463762/reports-west-papuans-shot-dead-by-indonesian-forces>

⁹ Sebastian Strangio, “Separatist Fighters Kill 8 Telecom Technicians in Papua Province,” *The Diplomat*, March 4, 2022, <https://thediplomat.com/2022/03/separatist-fighters-kill-8-telecom-technicians-in-papua-province/>

¹⁰ Ibid.

¹¹ Peter Prove, “WCC Interview Describes Human Rights Crisis in West Papua,” World Council of Churches, January 13, 2022, <https://pres-outlook.org/2022/01/wcc-video-interview-describes-human-rights-crisis-in-west-papua/>

¹² Anon. “UN Experts Call for Probe Into Rights Abuses in Indonesia’s East,” *Vatican News*, March 3, 2022, <https://www.vaticannews.va/en/world/news/2022-03/indonesia-un-experts-rights-abuse-papua-west-papua.html>