

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

Indonesia as a whole is at low risk of atrocity crimes. In February 2023, Indonesian law makers voted in a new national criminal code, replacing a similar law that had not changed since Dutch occupation. The new law has caused much debate and concern due to its criminalisation of sex outside of marriage, and not allowing cohabitation between unmarried couples, among other concerns. Regional representatives from places such as Bali have been eager to disassociate any link between their tourist market and the risk of breaking this law. Yet this criminal code has found condemnation from across the globe, including concern expressed by U.S. Secretary of State Anthony Blinken suggesting that the Act could also threaten media freedom, and freedom of expression.¹ Human Rights Watch believes that this law is harmful to women, minorities, and freedom of speech, and called it a “disaster for rights,” seriously violating “international human rights law and standards.”²

Against this backdrop, in January 2023, President Joko Widodo made a public apology to Indonesians, acknowledging that gross human rights violations had been committed in Indonesia over the past fifty years, including the rarely acknowledged 1965/66 anti-Communist killings.³ The President also acknowledged that human rights violations had been committed in the region of Papua, and in the Aceh province, though in the past, bypassing any suggestion of the current friction in West Papua. As part of this apology, the President established an investigative team to “shed light on what happened, but not to bring the perpetrators to justice in a court of law.”⁴ While some have heralded these actions as progressive and much needed, others have questioned the timing, suggesting that perpetrators will be too old to be trialled once any findings are passed on to the government and, similarly, that there is only token effort to compensate victims.⁵ Included as part of compensation is the repatriation of Indonesians in exile who fled the country to places such as Europe, due to the risk of their association with the Indonesian Communist party.

While the country sits at low risk of an atrocity crime being committed, regions in Indonesia, with particular emphasis on West Papua, are still high-risk zones of large-scale criminality and/or human rights abuse. In Sulawesi, for example, two workers at a Chinese-owned nickel smelter were killed in riots and protests between the company and security in recent weeks. These protests erupted over work conditions following other deaths on the mine.⁶

Recommendations

The Indonesian government should:

- Ensure the restricting of human rights abuse in places of occupation where tension between locals and security is already noted.
- Ensure legislative decisions do not compromise Indonesia’s democracy and will not lead to human rights abuse across all regions.
- Work to implement legislation to stop hate speech and discrimination, and to effectively eliminate sexual and gender-based violence.

Other governments 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 disinformation and misinformation related to the pandemic.
- Provide assistance, when requested, to help government and civil society tackle challenges that stem from the admission of past violations.

- Explore the risk of violence due to disagreements between locals and the tourist sector if Indonesia's new criminal law is found to affect the tourism sector.

West Papua is at moderate risk of atrocity crimes.

Tensions between the Indonesian government and West Papuan independence activists remains high, with the latest incident in the region being the kidnapping of a New Zealand pilot by West Papua separatists, The West Papua Liberation Army. According to the group, the pilot was kidnapped in an attempt to halt air or ground assaults by Indonesian military.⁷ The group has threatened to kill the hostage, stating that "he will die here, like the rest of us" should the Indonesian military try and rescue him.⁸ While just one incident, this speaks to the more extreme actions that rebel groups are taking in their quest for West Papuan liberation, in doing so risking their groups being described as terrorist organisations rather than a liberation army. The risk in them being seen as a terrorist group is Indonesian army "justification" for actions committed against the group. Concurrently, Indonesia has been bolstering its security forces in the region, including an increase in security in the lead up to the December 1 anniversary of "the declaration of a sovereign 'West Papua'" by West Papuans in favour of annexation.⁹ Provocation, such as kidnapping, will only see further increase of these Indonesian security forces.

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. 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 fueling the protests, and endeavour to take into account these aspirations in future dealings with the province.

¹ Kanishka Singh and Rami Ayyub, "Blinken Conveys U.S. Concern Over Indonesia Criminal Code," *Reuters*, Feb. 16, 2023, <https://www.usnews.com/news/world/articles/2023-02-16/blinken-conveys-u-s-concern-over-indonesia-criminal-code>

² Anon. "Indonesia: New Criminal Code Disastrous for Rights," *Human Rights Watch*, Dec. 8, 2022, <https://www.hrw.org/news/2022/12/08/indonesia-new-criminal-code-disastrous-rights>

³ Anon. "Indonesia: President's Apology for Past rights Violations a 'Step on the Long Road to Justice'", *UN News*, Jan. 13, 2023, <https://news.un.org/en/story/2023/01/1132422>

⁴ Jonathon Head, "Jokowi Acknowledges Indonesia's Past Human Rights Violations: Analysis," *BBC News*, Jan. 12, 2023, <https://www.bbc.com/news/world-asia-64245668>

⁵ Tria Dianti and Arie Firdaus, "Indonesian Leader Regrets Past Rights Violations, but Activists Demand Justice for Abusers," *Benar News*, Jan. 11, 2023, <https://www.benarnews.org/english/news/indonesian/indonesia-president-apologizes-rights-violations-01112023143608.html>

⁶ Bernadette Christina and Ananada Teresia, “Indonesia Deploys Security Forces After Nickel Smelter Protest Turns Deadly,” *Reuters News*, Jan. 16, 2023, <https://www.reuters.com/world/asia-pacific/violence-indonesia-nickel-smelter-protest-kills-2-dozens-detained-2023-01-16/>

⁷ Anon. “West Papua Rebels Release Photos of Captured New Zealand Pilot,” *Al Jazeera*, Feb. 15, 2023, <https://www.aljazeera.com/news/2023/2/15/west-papua-rebels-release-photos-of-captured-new-zealand-pilot>

⁸ Rachel Bunyan, “Spear-Wielding Rebels Threaten to Execute Hostage New Zealand Pilot if Indonesian Army Tries to Rescue Him From Remote Papua,” *Daily Mail*, Feb. 16, 2023, <https://www.dailymail.co.uk/news/article-11754171/Papua-rebels-threaten-EXECUTE-hostage-New-Zealand-pilot.html>

⁹ Anon. “Indonesia: Officials Increasing Security in Papua and West Papua Provinces for Dec. 1 Separatist Anniversary,” *Crisis 24*, Nov. 28, 2022, <https://crisis24.garda.com/alerts/2022/11/indonesia-officials-increasing-security-in-papua-and-west-papua-provinces-for-dec-1-separatist-anniversary>