

ORAL STATEMENT FOR THE UPR PRE-SESSION FOR INDONESIA
The Commission for the Disappeared and Victims of Violence (KontraS)

Geneva, August 31, 2022

Chairperson and all distinguished delegates,

On behalf of the civil society organizations in Indonesia, the Commission for the Disappeared and Victims of Violence (KontraS) would like to thank you for this opportunity to speak about the urgent human rights situations happening in our country.

CHANGER SLIDE

First, in the third cycle of UPR in 2017, the Indonesian government supported the recommendations on protecting human rights defenders, particularly human rights defenders in Papua. To date, these recommendations were not been fully implemented. In Indonesia, we still don't have a comprehensive regulation on the work of human rights defenders and how they can be protected. Since the work of human rights defenders often involves criticism of government policies and actions, their work most of the time is justified as a threat, resulting in reprisals.

In the last five years, according to KontraS' documentation, there have been more than 687 incidents of violence against human rights defenders. The state has been arresting them arbitrarily, repressing them to disband their activities, criminalizing, intimidating them to the extent of hacking their social media accounts and doxxing their personal information online.

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This situation contributes to the state of civil liberties in Indonesia, which have been shrinking for the last few years. Many regulations have been misused to intimidate human rights defenders and pro-democracy activists; hate speech, defamation, and internet shutdown articles in the Criminal Code and the Electronic Information Law. Furthermore, during the pandemic, these regulations were used to issue a repressive policy against the freedom of expression.

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Second, we believe it's essential to address the past gross human rights violations, where their impunity remains to date and is manifested to become the unaccountability of the human rights violations in the present day.

In December 2014, the Indonesian security forces allegedly killed four individuals and injured 21 others in Paniai Regency, Papua Province. Two years later, the Indonesian National Commission of Human Rights (Komnas HAM) started a preliminary examination of the case and later decided the acts were gross human rights violations. Only in December 2021, the Attorney General's Office formed an investigation team to investigate the case.

They claimed that they had questioned 61 civilians and members of the police and the military. However, to this day, there has been no communication from the Attorney General's Office with the victims and their families or the lawyers for the investigation process. Moreover, the Attorney General did not exercise their authority to appoint ad-hoc investigators from civil society representatives as mandated in the Human Rights Court Law.

In April 2022, the Attorney General publicly named one suspect, a liaison officer at the Military District Command in Paniai Regency at the time of the incident. This suspect was charged with the crime against humanity under international law, as provided by the Human Rights Court Law. In this case, the identification of only one single suspect became a concern for us. A crime against humanity, by definition, is committed as part of a "widespread or systematic

attack” against the civilian population and often involves more than one perpetrator. Having charged one suspect with command responsibility for the murders, those accused of directly committing the crimes must also be brought to justice in fair trials before ordinary civilian courts and without recourse to the death penalty. We find it hard to believe that only one suspect was the only military personnel that could have committed violence against all victims during the tragedy.

We are also concerned about the failure of the authorities to ensure the meaningful participation of victims and their families in the proceedings at the Human Rights Court for the 2014 Paniai Case. Their involvement is essential as proof of respect for their dignity and ensuring justice, truth, and reparation. The chosen location for the Human Rights Court for this case also has further hindered the participation of victims and their families and their ability to access justice.

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Hence, according to the situations mentioned above, we would like to give recommendations to the Government of Indonesia, to:

- Immediately revise the Law on Human Rights to include the protection for Human Rights Defenders
- Revise the problematic articles and regulations that limiting the works of human rights defenders such as the Electronic Information & Transaction Law
- Guarantee the freedom of speech and assembly for Papuan activists including anti-discrimination against Papuan expressions
- Conduct Police institution reform
- Immediately conduct a transparent, impartial and fair court process for gross human rights violations according to Human Rights Court Law
- Conduct investigation and truth-telling process according to Human Rights Court Law
- Immediately ratify the ICPPED as committed in the last UPR
- Conduct remedy according to the law and revoke all derai

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We thank you for your time and attention.