



AMBASSADOR / PERMANENT REPRESENTATIVE OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS, WTO, AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA.

No. 148/POL-II/XII/2018

Geneva, 14 December 2018

Dear Special Procedure Mandate Holders (SPMHs),

I would like to acknowledge receipt of your joint communication with reference no. AL IDN 7/2018 dated 7 December 2018, in your capacities as the Special Rapporteur (SR) on extrajudicial, summary or arbitrary executions; SR on the rights of indigenous peoples; SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; SR on torture and other cruel, inhuman or degrading treatment or punishment and SR on the human rights to safe drinking water and sanitation, regarding information received on allegations of extrajudicial killings in 2017 and 2018 as part of a broader pattern of extrajudicial killings to local Papuans.

With regards to the information of the incidents, the dynamic of the situation, the penalty given as received by the SPMHs, I would like to inform you that the concerns pertaining to all of these elements as stated in the joint communication have been conveyed to the Minister for Foreign Affairs as well as transmitted to relevant authorities for further verification and responses. I will update you on the developments once they have been verified.

Given the opportunity, I would like to draw your attention to a number of points raised in your joint communication. Firstly, despite the fact that the Government of Indonesia (GoI)

1. **Ms. Agnes Callamard, SR on extrajudicial, summary or arbitrary executions;**
2. **Ms. Victoria Lucia Tauli-Corpuz, SR on the rights of indigenous peoples;**
3. **Ms. E. Tendayi Achiume, SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;**
4. **Mr. Nils Melzer, SR on torture and other cruel, inhuman or degrading treatment or punishment**
5. **Mr. Leo Heller, SR on the human rights to safe drinking water and sanitation,**

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acknowledges your mandate to articulate concerns regarding allegations of human rights violations to states, the GoI regrets that the joint communication seems to be inappropriately and unevenly crafted. In our view, the joint communication tends to focus more on the alleged deaths of local Papuans while no attention is given to the recent inhumane extrajudicial killings (2 December 2018) of 20 innocent civilians and 1 member of the military in the Nduga Regency, Province of Papua by the West Papua National Liberation Army (WPNLA), an armed military wing of the Free Papua Movement. The GoI believes that all extrajudicial killings are unacceptable and the right to life is non-derogable. Therefore, upon exercising your mandate, UN human rights mechanisms should not differentiate whether extrajudicial killings are committed due to retaliation, torture or excessive use of force as mentioned in your letter and whether the victims are local Papuans, non-local Papuans or members of the security apparatus.

Secondly, your methodology of selecting a number of isolated incidents of alleged extrajudicial killings which happened in Papua to support the assumption of a broader pattern of killings of local Papuans is questionable and tendentious. In this sense, not only are you making assumptions and prejudgements prior to ascertaining the facts and the context on the ground, but you also seem to favour variables that will support your prejudgements based on information provided by unreliable sources which should only be considered as hearsay. For example, variables such as local Papuans who are also member of the Indonesian security apparatus but have also fallen victims of killings are not considered and the context in which members of the armed separatist group in Papua often tend to mingle with civilians when pursued by the security apparatus is also discounted.

Please accept, Sirs and Madams, the assurances of my highest consideration.

Yours sincerely,



Hasan Kleib

Ambassador/ Permanent Representative