



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

March 2019

No. 39/POL-II/III/2019

Dear Special Procedure Mandate Holders,

Through this letter, I would like to acknowledge receipt of your joint communication No. AL IDN 3/2019 dated 18 February 2019 regarding the use of a snake by the police in the Papua Province, while interrogating [REDACTED]

It is regrettable despite the wide coverage of news regarding the open formal apology by the Indonesian National Police and the internal human rights mechanism which has been in place to further respect the rights of individuals and communities, the joint communication is still issued. While we await the response from the capital, I would like to provide temporary clarifications on a number of points raised in your joint communication.

Firstly, I would like draw your attention to the fact that the usage of a snake by the local police is not and has never been part of our criminal code procedure to interrogate a person. I must also emphasise that the act was an individual act, not an institutional one nor was it endorsed by the Government of Indonesia. Like in any other countries, the act has also been sanctioned as an unprofessional act which entails punishment for the perpetrator.

Secondly, referring to the importance of maintaining the principles of objectivity and impartiality contained in the Human Rights Council Resolution 5/2 (SPMHs' code of conduct), I would also like to advise the SPMHs to avoid the use of tendentious language and assumptions in assessing a case which often leads to a prejudgement of the case before official explanations are made by the government. On such note, I would, therefore, denounce the assumption already made in your joint communication which states:

1. Ms. Elina Steinerte, Vice Chair of the Working Group on Arbitrary Detention;
2. Mr. Michele Forst, Special Rapporteur on the situation of human rights defenders;
3. Ms. Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples;
4. Ms. E. Tendaye Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
5. Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Attn: Beatriz Balbin, Chief of Special Procedures Branch, OHCHR
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"the incidents appear to reflect a broader culture of racism and intolerance, as well as an alleged general practice of using torture, violence and killings by the Indonesian police and security officers in Papua and in particular targeted at indigenous Papuans, amongst them human rights defenders and indigenous rights defenders. We additionally express our deepest concern about the reported systematic lack of thorough, prompt and impartial investigations into these cases of torture and killings."

Thirdly, I wish to inform you that in the Indonesian provinces of Papua and West Papua, not only the local population manage to become the leaders, members of the local government and parliaments, but they are also often become members of the security apparatus of the Government of Indonesia, including police officers. Hence, it would be almost impossible for the government to apply a broader pattern of discrimination and intolerance as the applied laws and bylaws have been agreed and executed by the locals themselves.

Finally, I also would like to point out that, despite of our acknowledgement of the unprofessional and indiscipline act committed by a state apparatus, however, the reported crime [REDACTED], namely a mobile phone theft, is still the underlying cause for interrogation and because he was a minor, he was immediately released. This does not have anything to do with human rights defenders, *Komite Nasional Papua Barat* or KNPB, restriction of freedom of expression, or self-determination aspirations. Hence it would be a grave mistake to portray as if the two separate incidents are embroiled together as you have arranged in your letter while the exaggeration made for the two cases is certainly misleading.

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

Sincerely yours,



Hasan Kleib
Ambassador/Permanent Representative