



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

Geneva, 21 November 2019

No. 167/POL-II/XI/2019

Dear Sir and Madam,

I would like to acknowledge receipt of the Joint Communication from Special Procedures, Ref. No. AL IDN 8/2019 dated 20 November 2019. I appreciate that SPMH acknowledged the response of my Government to the previous Joint Communication. The continuing commitment of the Special Procedures Mandate Holders to communicate with the Government of Indonesia on issues of mutual concern is appreciated.

I have forwarded the Joint Communication to my Capital for their attention. As we await their further response, allow me to take this opportunity to brief you on the developments regarding the issues that have been put forward in the Joint Communication.

Firstly, I wish to point out that several of the issues raised in the present Joint Communication, namely on the large scale demonstrations in several Indonesian provinces; allegations of racist remarks; allegations of harassment faced by journalists; temporary internet restriction; and the demonstrations in Deiyai Regency, have already been raised in the previous Joint Communication (Ref. AL IDN 7/2019 of 4 September 2019). Some of the issues were also raised in the Joint News Release of 13 September 2019, issued by most of the Special Procedures Mandate Holders transmitting the present Joint Communication.

- Ms. Agnes Callamard**, Special Rapporteur on extrajudicial, summary or arbitrary executions
- Mr. David Kaye**, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Mr. Clement Nyaletsossi Voule**, Special Rapporteur on the rights of peaceful assembly and association
- Mr. Michel Forst**, Special Rapporteur on the situation of human rights defenders
- Ms. Victoria Lucia Tauli-Corpuz**, Special Rapporteur on the rights of indigenous peoples
- Ms. Cecilia Jimenez-Damary**, Special Rapporteur on the human rights of internally displaced persons
- Mr. Livingstone Sewanyana**, Independent Expert on the promotion of a democratic and equitable international order
- Ms. E. Tendayi Achiume**, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

In response, I have provided clarification on the issues contained in the previous Joint Communication, through my letter (Ref. No. 133/POL-II/IX/2019), of 12 September 2019. Further, on 16 September 2019, our Mission has also issued a press release in response to the Joint News Release of 13 September 2019, which can be accessed at the Indonesia Mission's website (<https://mission-indonesia.org/2019/09/16/press-release-ptri-jenewa-indonesia-pastikan-status-dan-tindakan-veronika-koman-kepada-special-procedures-and-mandate-holders-ham-pbb-pemegang-mandat-spmh/>).

To provide further clarification, I attach herewith, Indonesia's official response to both the 4 September 2019 and 20 November 2019 Joint Communications. I fervently hope that the attached communication will satisfy both response request made in your previous and present Joint Communication.

Please accept, Sir and Madam, the assurance of my highest consideration.

Yours sincerely,



Hasan Kleib  
Ambassador/Permanent Representative

**Official Communication of the Government of the Republic of Indonesia  
In Response to SPMH Joint Communications  
Ref. No. AL IDN 7/2019 of 4 September 2019  
and  
Ref. No. AL IDN 8/2019 of 20 November 2019**

The following details are aimed at providing further information on the issue raised in the SPMH Joint Communications of 4 September 2019 and 20 November 2019. In general, it reflects Indonesia's commitment to promote and protect human rights, as well as to safeguard public order and the security of its people, including in the Papua and West Papua Provinces, in accordance with prevailing national laws and regulations and in line with international law.

**A. Background Info**

1. The riots that occurred in the Papua and West Papua Provinces in August-September 2019 were triggered by unfortunate incidents in Surabaya and Malang. However, complex and dynamic socio-economic and political issues, including an ongoing separatist movement in Papua must also be taken into account. The Government of the Republic of Indonesia (the Indonesian Government) is committed to address the aforesaid issues in accordance with national laws and regulations. The internet restriction in Papua and West Papua Provinces was a necessary measure taken by the Indonesian Government to restore security and public order in the affected areas.
2. The summons, followed by an arrest warrant issued by Indonesian police to Ms. Veronica Koman was due to sufficient evidence to determine Ms. Koman as a suspect in spreading fake news, inciting hate, and provoking riots through her social media platforms, especially pertaining to the unfortunate incidents in Surabaya.
3. As for the alleged harassment toward Ms. Koman and Mr. Victor Mambor, the Government, however, has never received any report on the harassment from either of them and according to Indonesian law, a judicial process cannot be activated when such cases are not reported or registered. Nevertheless, as a principle, it is a constitutional mandate of the Indonesian Government to protect all Indonesian citizens regardless of their status or background.

**B. Chronology**

4. The August-September demonstrations and riots in Papua and West Papua Provinces were triggered by the incident on 16 August 2019 in Surabaya, East Java. After an alleged incident of the desecration of the Indonesian flag in front a Papuan Student dormitory in Surabaya, local mass organizations sieged the dormitory. During the siege, derogatory remarks were allegedly uttered by security apparatus and leaders of the local mass organizations.
5. Immediately after the incident, high ranking officials including the Governor of East Java and Mayor of Malang and Surabaya have publicly apologized and taken immediate measures to guarantee the safety and well-being of Papuan students living at their territory. Unfortunately, the students have refused to accept dialogue offered by several figures,

among others by the [REDACTED] [REDACTED] on 27<sup>th</sup> August 2019) and with [REDACTED] [REDACTED] on 21 August 2019).

6. There were several peaceful demonstrations and there were also incidents of clashes in the aftermath of the incident. For example, on 23 August 2019, there was a peaceful demonstration held by the Papuan and non-Papuan in Jayapura rejected the unfortunate incidents of 16 August.
7. However, several riots broke out in Manokwari on 19 August 2019, Sorong on 19-20 August 2019, and in Timika on 21 August 2019. As part of the Government's efforts to maintain security, as permitted by law, the Ministry of Communication and Information Technology temporarily limited internet access in Papua and West Papua (a practice that has been implemented in Jakarta during the post-election unrest in May 2019) –it was not in fact total limitation of the use of internet. Short message services (SMS) and telephone networks were still operational during the internet limitation to minimize the disruption to communication service.
8. The Ministry for Communication and Informatics mentioned that there were at least 550.000 URLs spreading hoaxes and incitement to hatred in relation to the situation in Papua in the period of August to September 2019.
9. Unfortunately, on 23 September 2019, the Wamena riot transpired, triggered by the hoax news of a teacher's racist statement made against his students in Wamena in the previous week. The hoax spread through WhatsApp, which is commonly in used in Indonesia. Due to the rapid spread of hoax through the internet, the Indonesian Government decided to slow down the speed of the internet in Wamena during and after the riots to minimize the spread of the fake news or incitement of hatred and/or violence.
10. Demonstrators armed with sharp and blunt weapons burned numbers of local Government buildings, local shops, and people houses. Security personnel deployed to maintain peace and security were also attacked and unable to contain the violence. The riots left at least 31 people dead, 76 injured and around 8,000 people displaced. Police named 7 people as suspects in the riots. The authorities continued to use a persuasive approach to restore public order to Wamena and its surrounding areas.
11. At present time (as of 21 November 2019), the security situation in Wamena has returned to normal. However, not all students have returned to school and not all displaced migrants have returned to their houses in Papua. The President of Indonesia [REDACTED] visited Wamena on 28<sup>th</sup> October 2019 to directly monitor the situation and to order the renovation of the damaged infrastructures and the restoration of the affected areas.
12. With regard to the case of Ms. Veronica Koman, she has been issued arrest warrant for the alleged criminal acts that she has committed, following her failure to response the summons by the police. The Indonesian National Police has gathered sufficient evidence to determine Ms. Koman as a suspect in spreading fake news, inciting hate, and provoking

riots through her social media platforms, particularly in relation to the incidents in Surabaya. One of her twitter posts that became viral included an accusation that “Indonesian police shot Papua students in their dormitory”, an incident that never happened, but yet was used as a talking point to incite many protesters in Papua into violence. Instead of using the legal process as a responsible citizen, Ms Koman decided to use the court of media.

13. Aside from spreading fake news, she also framed the public order enforcement measure taken by the polices on 31 August 2019 in Deiyai as a mere act of violence and failed to provide a balanced perspective that police officers were initially attacked by thousands of armed protestors, who were throwing stones and arrows towards security personnel, resulting in the death of several law enforcement officials and wounded several others. She showed absolutely no sympathy for the fallen officers, as well as to civilian victims who are not Papuan.
14. In relation to the alleged intimidations toward Ms. Koman and Mr. Victor Mambor, we have urged them to report the incident to the Indonesian Police. However, no such report has been received nor registered.

### **C. Government Policy**

15. The policy of the Indonesian Government is to ensure the safety and the security of its citizens. In light of the recent riots, [REDACTED] has instructed to:
  - protect the rights and dignity of all Indonesian citizens.
  - restore security and public order in Papua and West Papua Province.
  - take law enforcement measures against perpetrators of the incident in Surabaya and the subsequent riots in Papua and West Papua.
  - rebuild damaged infrastructures.

### **D. Laws and Regulation**

16. The Indonesian Government has taken legal action against military personnel and civilians involved with the nationalist groups that has made slurs towards Papuan student groups on 16 August 2019. On 30 August 2019, the Police named [REDACTED] as a suspect responsible for the incident in front of the Papuan student dormitory in Surabaya. [REDACTED] is charged with hate speech and distributing false news. Similar action has been taken to security and military personnel who were also involved in the incident. This legal action shows that the Indonesian Government is committed to resolve the alleged racist incident, including under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
17. With regard to the temporary restriction of the internet, the step taken was based on the interest to prevent the spread of contents of false and inciteful information that provoked disunity among Indonesians, as well as to maintain public order and security. The decision is lawful under the Indonesian Constitution and Law No. 11 of 2008 on Electronic Information and Transactions, which guarantee the rights of citizens to enjoy their freedoms insofar as it does not contravene to the rights of others and public interests. The internet

limitation does not expand to the phone call and *short message services* (SMS) to minimize the communication disruption in Papua.

18. Additionally, an internet restriction was also applied during civil unrest in Jakarta on May 2019. Therefore, such policy is not specifically targeted to the Provinces of Papua and West Papua. Furthermore, such decision is not without monitoring and evaluation, including from the public and national human rights mechanisms. As one of the World's largest democracies, Indonesia continues to guarantee the freedom of expression and the freedom of speech.
19. For the case of Ms. Koman as a suspect in spreading fake news, inciting hate, and provoking riots through her social media platforms, the Indonesian National Police has twice summoned Ms. Koman to clarify the criminal allegations made against her on September 2019. Both times, Ms. Koman failed to comply. In accordance to Article 112 Code of Criminal Procedure a person must answer a police summons and if they do not answer the police summons twice, then the police have the right to compel the person to answer the summons. Hence, this prompts the issuance of her arrest warrant. This forms part of the due process of law, applicable to all citizens.
20. The crime conducted by Ms. Koman is not a political crime in nature. Indonesia is a firm believer in the freedom of speech. A right that is enshrined in Article 28E (3) of the Indonesian Constitution. However, limitation to the right of free speech is necessary to ensure public order and security. Therefore, we do not condone the use of freedom of speech as an excuse to spread fake news, inciting hate, and provoking riots. It applies to everyone, without discrimination.
21. The allegations of the crime against Ms. Koman are based on Law No. 19 Year 2016 amending Law No. 11 Year 2008 on Electronic Information and Transactions, Criminal Code, Law No. 1 Year 1946 on the Criminal Law, and Law No. 40 Year 2008 on the Elimination of Racial and Ethnic Discrimination. Several of Ms. Koman's tweets that widely shared on twitter are violating the limit of freedom of speech by spreading fake news, inciting hate, and provoking riots.
22. Ms. Koman and Mr. Mambo may report the alleged online threats, intimidation and other forms of cyber bullying as violations of Law No. 19 Year 2016 amending Law No. 11 Year 2008 on Electronic Information and Transactions. Persons convicted of these crimes can face a punishment of up to 4 (four) years of imprisonment. Indonesia is committed to protect all of its citizens without exception. There have been an innumerable number of online threat and harassment cases against individuals have been prosecuted to the fullest extent of the law. Everyone is equal before the law.

## **E. Way Forward**

23. The Indonesian Government has been and continues to uphold the protection of all its citizens that are ethnically and religiously diverse. The Indonesian Constitution guarantees such freedom. As clearly emphasized under the Universal Declaration on Human Rights and International Covenant on Civil and Political Rights, limitations only occur if such freedom infringes public order, interest, peace and security.
24. The internet limitation imposed in Papua and West Papua Provinces is a limited measure designed to limit the spread of hoax news. The measure only applied in certain area for a specific time frame. If the security condition is getting safer, the internet limitation is revoked. During the imposition of internet limitation, people may still use their phone and SMS as a means to communicate to each other.
25. Indonesia is a country that upholds the rule of law as the rule of the nation. Our nation sees that every person is equal before the law, be it human rights defender or human rights offender. Therefore, it will be difficult for the Indonesian Government to protect the human rights defender if a harassment allegation is not reported to the police in accordance to the applicable laws and regulations.
26. We wish to take this opportunity to state that human rights defenders come in all shape and forms. They include government officials who makes sure that senseless violence due to false and inciteful information can be avoided. They include security personnel who risk their life protecting the right to freedom of expression and freedom of assembly. Indonesia values the work and contributions of human rights defenders and civil society organizations in the promotion and protection of human rights and acknowledges the risks they face in carrying out their works.