



Permanent Mission
of the Republic of Indonesia to the UN, WTO,
and Other International Organizations
in Geneva

Geneva, 1 July 2020

No. 102/POL-II/VII/2020

Dear Madam and Sir,

I wish to acknowledge receipt of your Joint Communication, Ref. No. AL IDN 1/2020 of 8 June 2020. I appreciate the continuing efforts of mandate holders in communicating issues of common concern to the Indonesian Government, especially during these challenging times. As a member of the Human Rights Council, rest assured of Indonesia's continued commitment to work together with mandate holders in advancing the promotion and protection of human rights.

As requested, I have brought the Joint Communication to the attention of the relevant authorities in Indonesia. While we await their response, allow me to take this opportunity to share with you, preliminary information regarding some of the issues that have been brought forth in the present Joint Communication.

Indonesia's position on indigenous peoples and its Declaration is well-known. We voted in favour of resolution UNGA 61/295, on the Declaration on the Rights of Indigenous Peoples. Indeed, given the fact that the entire population of Indonesia has remained unchanged since the time of its colonization and subsequent independence, and the fact that Indonesia is a multicultural and multi-ethnic nation that does not discriminate against its people on any grounds, the rights stipulated in this Declaration accorded exclusively to indigenous peoples are not applicable in the context of Indonesia.

In this context, Indonesia has been, in accordance with our national laws, promoting and protecting traditional collective rights of the sub-ethnic communities that we call Masyarakat Adat.

Ms. Cecilia Jimenez-Damary, Special Rapporteur on the human rights displaced persons.
Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions
Mr. José Francisco Cali Tzay, Special Rapporteur on the rights of indigenous peoples
Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

With such explanation, I wish to categorically reject your false assessment mentioned in your letter "...the alleged killings of indigenous Papuans, appear to reflect a broader pattern of racism and intolerance targeting indigenous Papuans". As one of the world's largest multi-cultural, multi-lingual, and multi-ethnic nation; as a State party to CERD; as a country that initiated the 1955 Asia-Africa Summit that produced the first multilateral declaration rejecting racism and racial discrimination, Indonesia simply cannot accept such ludicrous allegation.

The fact of the matter is: Indonesia is fighting armed separatism that happens to be located in Papua. Throughout our history, Indonesia has also fought against armed separatists in Sumatera, Java, and Sulawesi, and not once has the issue of "targeting indigenous Sumaterans, indigenous Javanese, and indigenous Sulawesians" ever surfaced. Papuans are Indonesians in the same exact way that Sumaterans, the Javanese, and Sulawesians are Indonesians. Hence, the notion of pivoting this matter into a "race issue" or "indigenous issue" is simply ahistorical and out of context.

In line with the principle of "always seeking to establish the facts, based on objective, reliable information emanating from relevant credible sources, that have duly been cross-checked to the best extent possible" as stipulated in the Human Rights Council Resolution 5/2 on Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, and for your further reference, please note that extensive coverage from sub-national, national and global media channels have broadcasted the news that Indonesian civilians and law enforcement officials that have been involved in cases of racism, particularly against ethnic Papuans, have been tried and sentenced to serve jail time.

This clearly reflects Indonesia's zero tolerance policy against racism. Our stance against racism is leaps and bounds ahead of many other countries that have been treating racism cases with relative impunity.

The murder of 19 innocent civilian road workers in the Nduga regency on 2 December 2018 by armed separatist terrorists (West Papua National Liberation Army/TPN PB) on 2 December 2018 was a devastating tragedy as well as a grave crime against humanity. In order to evacuate the victims and innocent civilians, to hold the perpetrators accountable and to restore public order, the Indonesian National Police, with the assistance of the Indonesian Defence Force, were consequently dispatched to Nduga. It is important to note that this action was conducted strictly in the context of law enforcement and the administration of justice.

Since the beginning of the evacuation process on 5 December 2018, the rescue dispatched to Nduga experienced armed attacks from factions of the TPN PB, forcing them to return fire. Several police and military personnel were injured in these incidents. These attacks caused panic and fear amongst local citizens, forcing them to flee from their residences towards the surrounding highlands.

As early as the end of December 2018, under the coordination of the Ministry of Social Affairs, the Regency of Nduga, Lanny Jaya, and Jayadijaya, critical aid began to be administered to affected areas in Nduga and the surrounding highlands. The extremely difficult terrain posed challenges towards the setting up of humanitarian services posts. At the same time, many of the displaced citizens refused to accept government aid, mainly out of fear of reprisals from TPN PB. Several displaced citizens also cited their unwillingness to accept aid due to the aid being distributed by police or military personnel. In this regard, it must be placed on record, that police and military accompaniment became absolutely necessary in aid distribution efforts, as civilian government officials and volunteers distributing aid became prone to attacks and kidnapping by TPN PB.

Within one month after the Nduga massacre, the Provincial Government of Papua together with the Indonesian Central Government, immediately began rebuilding efforts in the 16 districts where the majority of the displaced persons came from. Focus has been placed in reinstating public services such as healthcare, electricity, education, and adequate housing, -key prerequisites requested by the displaced citizens. However, the rebuilding process has proven to be very challenging, as it became very difficult for the government to recruit essential workers such as contractors, doctors, and teachers, who are willing to take part in the rebuilding process, due to fear of being exposed to physical harm, or even death, especially after the Nduga massacre. Despite these challenges, the rebuilding process remains on-going.

Furthermore, in line with the recommendations made independently by the Indonesian National Human Rights Institution, Komnas HAM, and the Ombudsman of the Republic of Indonesia, since October 2019, the Ministry of Social Affairs has provided trauma healing services for displaced persons in Nduga and the surrounding districts. This essential service is aimed at protecting the mental health of the displaced citizens, particularly children that have been exposed to severe trauma.

From this brief overview, we can already see the complexity of the IDP issue in the Provinces of Papua and West Papua. Nevertheless, one thing has been very clear: meaningful and inclusive development can never be attained in Papua and West Papua for as long as there continues to be attacks and kidnappings against civilians and government officials who work towards achieving those goals. We cannot expect to see progress when those who work towards progress are being massacred. We cannot expect a smooth delivery of essential services and humanitarian aid, when those who deliver them are under constant fear of their lives.

Indonesia's robust human rights mechanism, including its domestic remedies, continue to address the situation to ensure the safety and security of all civilians in the Provinces of Papua and West Papua, as well as the return of the IDPs. With such robust domestic remedies, I do hope that as part of UN human rights mechanism, you could exercise your mandate to the fullest potential for the betterment of human rights, based on facts and by avoiding the spreading of misinformation.

Please accept, Madam and Sir, the assurances of my highest consideration

Yours sincerely,

Hasan Kleib
Ambassador/Permanent Representative