



PERMANENT MISSION OF THE  
REPUBLIC OF INDONESIA TO THE UNITED NATIONS  
WORLD TRADE ORGANIZATION (WTO)  
AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

Geneva, 17 May 2021

No. 38/POL-II/I/2021

**Dear Madam and Sir,**

I wish to acknowledge receipt of your Joint Communication, Ref. No. AL IDN 2/2021 of 1 February 2021. I appreciate the continuing efforts of mandate holders in communicating and highlighting issues of common concern to the Government of Indonesia, 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 transmitted the Joint Communication to the relevant authorities in Indonesia. At this juncture, allow me to share information that we have gathered regarding some of the issues presented in the Joint Communication.

**The deaths of Mr. Apinus Zanambani and Mr. Luther Zanambani**

On 1 October 2020, the Government of Indonesia established a Joint Fact-finding Team ("*Tim Gabungan Pencari Fakta*" (TGPF)), tasked with investigating incidents of violence and shootings in the Intan Jaya Regency, Province of Papua, Indonesia. On 17 October 2020, the TGPF concluded its mission and reported its findings to the Coordinating Minister for Political, Legal, and Security Affairs.

The report of the TGPF among others indicated the possible involvement of members of the Indonesian security forces in the disappearance of Mr. Apinus Zanambani and Mr. Luther Zanambani. Upon receiving the TGPF's findings, the Coordinating Minister for Political, Legal, and Security Affairs reiterated the Government's commitment to continue the legal process pertaining to the cases under investigation. In his statement, the Coordinating Minister also instructed the Indonesian National Police and Attorney General's Office to resolve the case, and for the National Police Commission to closely monitor the process.

**Mr. Tae-Ung Baik**, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

**Ms. Agnes Callamard**, Special Rapporteur on extrajudicial, summary or arbitrary executions

**Mr. José Fransico Cali Tzay**, Special Rapporteur on the rights of indigenous peoples

**Mr. Ahmed Shaheed**, Special Rapporteur on freedom of religion or belief

**Mr. Nils Melzer**, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Pursuant to these findings, and in line with the findings of *Komnas HAM* - Indonesia's National Human Rights Institution, on 22 October 2020, the Indonesian Army established an investigation team ("*Tim Penguatan Proses Hukum*"), to among others conduct investigations on the alleged involvement of members of the Indonesian Army in relation to the disappearance of Mr. Apinus Zanambani and Mr. Luther Zanambani.

On 23 December 2020, the Commander of the Indonesian Army Military Police ("*Danpuspomad*"), Lt. General Dodik Widjanarko, issued a press release regarding the findings of the investigation team. With regard to the disappearance of Mr. Apinus Zanambani and Mr. Luther Zanambani, the following statement was issued:

- On 21 April 2021, the Yonif PR 433/JS unit of the Army Strategic Reserve Command (Kostrad) detained two persons believed to be armed separatist group members. An interrogation process was then conducted at the 1705/Sugapa Kodim/Paniai Military District Command Sector.
- During the interrogation, a member, or members, of the army unit committed excessive actions that lead to the death of Mr. Apinus Zanambani, and which left Mr. Luther Zanambani in critical condition.
- Mr. Luther Zanambani died as both victims were being transported to Tactical Command Yonif PR433/JS Kostrad.
- Upon arriving at the Tactical Command Yonif PR433/JS Kostrad, with the intention of eliminating evidence of involvement, both victims were incinerated, and their ashes were disposed in the Julai river in the Sugapa District.

With a view to ensure accountability in regards to the above actions, pursuant to the investigations, the Army has taken the following legal actions:

- Opened an investigation against 21 persons, consisting of 19 Army personnel and 2 civilians.
- Based on the investigations, including through interviews with eyewitnesses and examination of available evidence, the investigators named 9 Army personnel as suspects, namely
- The charges brought against the suspects are as follows:
  - a. Article 55 (1) of the Criminal Code on sanctions against perpetrators, accomplices, and instructors of crime.
  - b. Article 170 (1) on the use of force against a person or persons.
  - c. Article 170 (2) on the use of force that leads to the death of a person or persons.
  - d. Article 351 (3) on the use of torture that leads to the death of a person or persons.
  - e. Article 181 on the withholding or burying of human corpses with the intent to conceal the death or birth.
  - f. Article 132 of the Military Criminal Code on military personnel allowing subordinates to commit crimes.

The legal proceedings against the suspects are presently on-going.

As per the usual practice, I have brought the other questions contained in the Joint Communication to the attention of the relevant stakeholders, and will revert back to you in due course.

Despite the difficulties in organizing a multi-stakeholder coordination in preparing a comprehensive response to your joint communication amidst this difficult time of pandemic, we remain committed to do our best to constructively engage with you on all issues of mutual concern.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Grata E. Werdaningtyas', is written over a horizontal line. The signature is stylized and cursive.

Grata E. Werdaningtyas  
Ambassador/Deputy Permanent Representative