



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

Geneva, 30 August 2021

No. 119/POL-II/VIII/2021

**Dear Madam and Sir,**

I wish to acknowledge receipt of your Joint Communication, Ref. No. AL IDN 6/2021 of 30 June 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, please find attached, the official response of the Government of Indonesia to the aforementioned Joint Communication. This response aims to clarify the questions contained in the Joint Communication, namely on the cases of Mr. Victor Yeimo; Mr. Roland Levy and Mr. Kelvin Molama; and *Gerakan Buruh Bersama Rakyat*.

As our response and the attached evidence will demonstrate, the cases addressed strictly involve individuals who have been suspected of violating Indonesia's national laws and regulations. Therefore, to insinuate that the cases are beyond the scope of law enforcement would thus be incorrect and unjustified. Indonesia has a robust national and sub-national human rights mechanism to guarantee that the rights and freedoms are respected by duty bearers as well as right holders.

In this opportunity, I wish to particularly call upon you, as Special Procedures Mandate Holders, to take more serious steps in distinguishing between legitimate law enforcement actions against alleged criminal acts and acts of reprisals. Allegations of reprisals is a very serious claim, and therefore should be carefully scrutinized before they are being purported.

**Ms. Mary Lawlor**, Special Rapporteur on the situation of human rights defenders

**Ms. Irene Khan**, 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 to freedom of peaceful assembly and of association

**Ms. E. Tendayi Achiume**, Special Rapporteur on contemporary forms of racism, racial discrimination and related intolerance

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

I would like to make myself very clear: since becoming a full-fledged democracy, the Government of Indonesia has never, nor does it ever plan to, enact a policy of reprisals. As a founding member of the HRC, Indonesia has always valued our interactions with civil society, as well as civil society interaction with the Council, in formal HRC meetings, as well as in side events. As civil society organizations based in Geneva will attest, it has been a continued practice of the Indonesian Mission to interact and engage with any and all parties that have concerns regarding Indonesia. Our Mission holds regular informal meetings and gatherings with CSOs to engage in dialogue on issues of mutual concern, and to garner better understanding on how best to address the challenges in the promotion and protection of human rights at the national, regional and global levels.

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,



Grata E. Werdaningtyas  
Chargée d'Affaires  
Ambassador/Deputy Permanent Representative

**Reply of the Government of Indonesia**  
**to the Joint Communication of the Special Procedures Mandate Holders**  
**Ref. No. AL IDN 6/2021 of 30 June 2021**

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**A. On Mr. Victor Yeimo**

1. Mr. Yeimo is one of the heads of the unlawful organization of the West Papuan National Committee or *Komite Nasional Papua Barat* (KNPB) and also the United Liberation Movement of West Papua (ULMWP). These two organizations are two of the biggest domains for domestic separatist actors, and have played an integral role in inciting violence and riots, as well as fabricating information to the public, nationally and internationally. Inexorably, Mr. Yeimo has contributed to many of the activities of KNPB, since he was appointed as the KNPB General Secretary until 2018, and has been the Spokesperson for Foreign Affairs of KNPB up until his arrest in 2021.
2. Mr. Yeimo was suspected as 1 out of 9 key actors who led a coordinated national scheme of provocation in order to create a wave of violent protests and riots across Indonesia, mainly in Manokwari, Sorong, Fakfak, Timika, Deiyai, Jayapura, and Wamena in 2019. These riots were plotted as subsequent adverse impacts of the Racist Slur Incident in Surabaya, in August 2019.
3. In the next section, the Government of Indonesia (GoI) will respond to the questions and concerns brought forward in the Joint Communication (JC) Letter.

**Legal and factual bases for the charges brought against Mr. Yeimo**

4. Narrated as a response to the Racial Slur Incident in Surabaya, during August 2019 Mr. Yeimo personally led numerous rallies in the city of Jayapura, Papua. These rallies were marked by provocative orations led by Mr. Yeimo; much less on highlighting the issue of discrimination and more on the issue of separatism. Secession-related narratives were also highly used.
5. It was also highly audible that the leaders of the protest incited their followers to commit violence. Also, the protestors were equipped with weapons, such as bows and bladed weapons; wearing, bringing and raising up provocative clothes or banners. When the rally stopped in front of the Papua Province's Governor Office, the already provoked mass broke the gate, entered the Office's courtyard to bring down the Red and White National Flag of Indonesia and to raise the Morning Star Flag in return. The mass then proceeded to occupy the Governor's Office for some time. Moreover, the mass torched the General Elections Commission branch in Jayapura and burned documents related to local representatives elected in the 2019 election; breaking into a prison in the Abepura District in Jayapura; blocked

the road to the Sentani Airport of Jayapura; torched buildings, cars, public facilities, and looted department stores and people's houses.

6. Although Mr. Yeimo personally led the ones in Jayapura, he was also allegedly the conductor of the other rallies and riots in other cities in Papua and in other parts of Indonesia, including in Jakarta, from the mid of August until the first week of September 2019. These waves of riots paralyzed the economy – almost completely in some areas, such as in Manokwari – injured hundreds, caused catastrophic security situations, and even caused death.
7. Through the initial investigation, in the first week of September 2019, the Police determined 9 key actors as suspects behind the aforementioned wave of riots, with one of them being Mr. Yeimo. Soon after, Mr. Yeimo fled to Papua New Guinea to evade investigations. After his attempt to evade investigations, the Indonesian National Police placed Mr. Yeimo on the fugitive list on 9 September 2021. Finally, after 18 months of search efforts, Mr. Yeimo was arrested in Jayapura on 9 May 2021, at 19:30 (Eastern Indonesian Time); 2 weeks after Mr. Yeimo crossed the Indonesia-PNG border.
8. As one of the heads of unlawful separatist organizations for almost a decade, and for the crimes he especially committed in resulting in the wave of violent protests in 2019, Mr. Yeimo is charged on the basis of actions which are in violation of the following laws:
  1. Article 106 jo. Article 55 (1) of the Indonesian Penal Code (Law No. 1/1946), on an attempt undertaken with intent to bring the territory of the state wholly or partially under foreign domination or to separate part thereof.
  2. Article 110 (1) of the Indonesian Penal Code (Law No. 1/1946), on conspiring to undertake attempts with intent to bring the territory of the state wholly or partially under foreign domination or to separate part thereof.
  3. Article 110 (2) of the Indonesian Penal Code (Law No. 1/1946), on attempt undertaken with intent to induce others to commit the crime, to cause others to commit or participate in the commission of the crime, to facilitate the crime or to provide opportunity, means or information relating thereto;
  4. Article 160 jo. Article 55 (1) of the Indonesian Penal Code (Law No. 1/1946), on inciting, orally or in writing, in public to commit a punishable act, a violent action against the public authority or any other disobedience, either to a statutory provision or to an official order issued under a statutory provision
9. The Gol would also like to clarify several wrongful and factually inaccurate allegations contained in the JC, as follows:
  - a. “On 9 May 2021, at 7:15 pm, Mr. Mr. Yeimo was arrested, **without a warrant.**”, on page 2 of the JC.

- The law enforcement officers arrested Mr. Yeimo based on **two warrants** issued on 9 May 2021 by the Director of General Criminal Investigation of the Papua Provincial Police. The first warrant was a general warrant for the related officers to perform their duties (Warrant of Papua Provincial Police No. Sp-Gas/252/V/RES.1.24/2021/Direskrimum), and the second warrant was an arrest warrant (Arrest Warrant of Papua Provincial Police No. Sp-Kap/10/V/RES.1.24/2021/Direskrimum ) [attached on annex].
  - Mr. Yeimo was placed on a fugitive list by the Papua Provincial Police document No. DPO/22/IX/RES.1.24/2019/Ditreskrimum issued on 9 September 2019. Following the fugitive list, investigators were ordered to search for Mr. Yeimo based on the Warrant of Papua Provincial Police No. Sp-Gas/545/IX/RES.1.24/2019/Ditreskrimum, issued on 6 September 2019. [These two documents are attached in the annex].
- b. “Warrants were received by his lawyers the following day at 6pm”, on page 2 of the JC.
- Immediately after the arrest of Mr. Yeimo on 9 May 2021, at 7.15 pm, Mr. Yeimo was moved to the Papua Provincial Police Office to be investigated. Although the Provincial Papuan Police had chosen a lawyer to assist Mr. Yeimo for his investigation, **Mr. Yeimo rejected the offer and chose to pick his own team of lawyers.** Hence, the investigation was halted until 11.10 pm, when his team of lawyers led by Mr. Immanuel Gobay arrived to the Provincial Papuan Police Office.
  - When Mr. Yeimo’s lawyers arrived, again, Mr. Yeimo requested the investigation to be halted and to be continued until the following day. One of his reasons was due to the lack of power of attorney letter in which he had not drafted for his lawyers.
  - The investigation could finally be started on 10 May 2021, at 4.10 pm. Mr. Yeimo was assisted by his lawyers.
  - We would like to highlight that, firstly, the narrative in the JC in this part gives the impression that in order to arrest a person who have allegedly committed crimes, law enforcement officers must first notify the lawyers. The Gol clarifies that the Indonesian criminal procedural law **does not** oblige officers to do so; secondly, based on the sequences mentioned above, Mr. Yeimo was given access to exercise his rights. He was able to halt the investigation process

and to choose his own lawyers. [Documentations related to these sequences are attached to the annex of this document]

- c. “The Mako Brimob detention facility reportedly has higher security, making it more difficult for his family and lawyers to visit him. **His family were not allowed to visit him until 30 May 2021**”, on page 2 of the JC.
- When law enforcement officers officially detained Mr. Yeimo on 10 May 2021 (Provincial Papua Police Detainment Warrant No. SP.Han/68/RES.1.24/2021/Ditreskrimum), the officers issued the Provincial Papua Police Detention Notice No. B/68.a/V/RES.1.24/2021/Ditreskrimum issued on 10 May 2021. This detention notice was received by Mr. Yeimo’s family on the same day, 10 May 2020, at 6 pm.
  - His family visited Mr. Yeimo for the first time on 25 May 2021, on Mr. Yeimo’s birthday, and celebrated his birthday at the guest room of Mako Brimob.

**The ongoing investigation into Mr. Yeimo is not, in any way, a reprisal for remarks he made at the 40<sup>th</sup> Session of the UN Human Rights Council**

10. The Gol categorically rejects the allegation and wrongful inference that the investigations on Mr. Yeimo is in any way connected to his participation and work with the UN Human Rights Council.. The Gol has never, nor does it ever plan to, enact a policy of reprisals. The arrest, investigation, and prosecution of Mr. Yeimo is strictly conducted due to his alleged heavy involvement in the aforementioned wave of riots in August and September 2019, in connection with his advocacy for separatism and secession from the Republic of Indonesia.
11. We would also like to point out, as stipulated in the JC (page 3 and page 6), that **no government official has made any statement** asserting that the legal process on Mr. Yeimo is related in any way to his participation in the Human Rights Council Session in 2019. This is a baseless allegation created by those who wish to ravage the situation, and unfortunately transmitted by the SPMH in the JC.

**Details of the medical care and food provided to Mr. Yeimo due to his medical conditions, as well as condition of his detention cell**

12. Based on the information received by the Papua Provincial Police -- since Mr. Yeimo has been detained in the Police Mobile Brigade Headquarters (Mako Brimob) – Mr. Yeimo was provided with routine medical examinations. Since his arrest on 9 May 2021 up until this letter is drafted, Mr. Yeimo has received at least 3 (three) medical examinations, as follows:

- a. First, on 17 May 2021, a week after his arrest. The examination was conducted by medical workers from Bhayangkara Hospital in Jayapura. Mr. Yeimo was accompanied by his lawyer, [REDACTED].
  - b. Second, on 17 June 2021. It was conducted by medical workers from Bhayangkara Hospital in Jayapura, and again he was accompanied by his lawyer, [REDACTED].
  - c. Third, on 10 August 2021. A specialist (Internist medical doctor) from the Provincial General Hospital Jayapura, [REDACTED], conducted a full health examination to Mr. Yeimo. Again, his lawyer, [REDACTED] accompanied Mr. Yeimo.
  - d. Fourth, on 27 August 2021 and 29 August 2021, doctors from Provincial General Hospital Jayapura conducted medical examinations on Mr. Yeimo. By the time this reply is submitted, information on the results of the examination remains pending. On 30 August 2021, prosecutors moved Mr. Yeimo to Provincial General Hospital Jayapura to receive further examinations as ordered by the District Court of Jayapura.
13. Nevertheless, the Gol will continue to observe Mr. Yeimo's health, through routine medical examinations as required, in order to continue the legal proceeding from Mako Brimob in the future. Moreover, the Gol would also like to clarify the false information contained in the Joint Communication letter, as follows:
- a. "He has specific dietary requirements that have reportedly **not been accommodated** by the prison authorities", on page 3 of the Joint Communication Letter.
    - Apart from the results coming from the routine medical examinations, **Mr. Yeimo has never reported nor requested that he has a special medical condition which requires him to consume some daily specific dietary food.**
  - b. "Mr. Yeimo suffers from a number of medical conditions, which put him at risk of COVID-19, against which he has not yet been vaccinated", on page 3 of the Joint Communication.
    - Apart from the fact that Mr. Yeimo is routinely having medical examinations and the fact that according to the results of those examinations that Mr. Yeimo is healthy, the Gol is still working extremely hard to vaccinate the entire population. Currently, out of the 270 million population of Indonesia, around 61 million people have had their first jab and around 34 million have had their second jab. As an Indonesian citizen, it is Mr. Yeimo's right to get vaccinated, and he will be, along with the millions of others who are still waiting for their turn.
    - It is therefore advisable that the Special Procedures and Mandate Holders can also support the Gol's efforts to ensure equitable,

affordable, timely and universal access for all countries to COVID/19 counter measures, including vaccines.

- c. "He has reportedly been held in poorly ventilated cells and has been held for periods of time in solitary confinement", on page 3 of the Joint Communication Letter.
  - Mr. Yeimo is not detained in solitary confinement. He is detained in a general detention room which is used and standardized for all detainees in Indonesia. It is well ventilated, equipped with iron trellis doors and windows.

## **B. On Mr. Roland Levy and Mr. Kelvin Molama**

14. The allegations placed in the Joint Communication on the matters surrounding Mr. Levy and Mr. Molama provide a heavy insinuation that the Gol has curbed the rights of human rights defenders; freedom of opinion and expression; freedom of peaceful assembly and of association, as well as committed acts of racial discrimination and torture or other inhuman treatment. This insinuation was received thereof, because the Joint Communication was sent by the Special Rapporteurs who handle the aforementioned issues.
15. **On the factual grounds, Mr. Levy and Mr. Molama were charged on the basis of their actions in committing physical violence against ██████████, their fellow student who protested together in front of the People's Consultative Assembly/the House of Representative Building on 27 January 2021.**
16. To provide better clarity, it is important to provide a summary of what happened on 27 January 2021. On that day, around 29 students gathered in front of the People's Consultative Assembly/the House of Representative Building to voice protest on the issues of Special Autonomy law of the Papuan Provinces and the issues related to Block Wabu Special Mining Business. Due to the COVID-19 situation and the health protocols violations committed by the students, a group of police officers disbanded the protest and escorted them with a police truck to an area 10 km away.
17. When the group of students were escorted and were returning back to their homes, a group of unknown people gathered around ██████████ and interviewed him on what happened in front of the People's Consultative Assembly/the House of Representative Building. Witnessing this, Mr. Levy, Mr. Molama, and some others, charged towards ██████████, hitting him in the right eye and tried to forcefully constrain him. ██████████ tried to run away, but was caught again by Mr. Levy and Mr. Molama's group. ██████████ was hit again twice in the face and was choked. He was interrogated and before leaving him, Mr. Levy and Mr. Molama took away ██████████ cellular phone.



18. On that same day after the accident, ██████ went to the nearby police station to file a report. To proceed with the investigation, police officers took him to the hospital to get ██████ examined. The result of the examination issued by the Bhayangkara Hospital Jakarta No. R/41/VER-PPT-KFD/II/2021 issued on 27 January 2021 showed the injuries on ██████ body were caused by other parties. Moreover, the investigators also found a witness who recorded the physical violence accident.
19. Based on the initial investigations, the police officers arrested Mr. Levy and Mr. Molama on 3 March 2021. **They were charged on the basis of intentionally committing violence resulting in physical injuries, as ruled under Article 170 Paragraph 2 (1) of the Criminal Code. Mr. Levy and Mr. Molama's trial commenced on 4 May 2021 at the Eastern Jakarta District Court, and on 22 July 2021, the panel of judges decided that Mr. Levy and Mr. Molama have been proved to have committed the alleged crime. They received a 5 (five) month prison sentence.**
20. The GoI would like to clarify several points made in Joint Communication Letter, as follows:
  - a. On the conduct of procedures in arresting Mr. Levy and Mr. Molama, stating that the arrests were without warrant and their belongings were confiscated during the arrest.
    - The arrest for Mr. Levy was based on the Greater Jakarta Metropolitan Regional Police Warrant No. SP.Kap/453/III/2021/Ditreskrim, issued on 3 March 2021.
    - The arrest for Mr. Molama was based on the Greater Jakarta Metropolitan Regional Police Warrant No. SP.Kap/453/III/2021/Ditreskrim, issued on 3 March 2021.
    - Although the investigators had the Confiscation Warrant during the arrest, no belongings, including both of the suspects' phones, were confiscated.
  - b. **"...and to date, have reportedly not been shown evidence that justify the charges against them"**, on page 4 of the JC.
    - According to Indonesian Criminal Procedural Law (Law No. 8/1981) and to the general principles of law, law enforcement officers are allowed to perform arrests or detention when at least two initial pieces of evidence are presented.
    - In this case, the report of the victim, ██████, which was verified by an official physical and medical examination; as well as the recording of the incident presented by a witness, fulfilled the threshold for law enforcement officers to perform the arrest.

- It is also questionable, on why there is not a single word in the JC on [REDACTED].
- c. “Mr. Molama and Mr. Levy had had little access to their lawyers, who must request special permission to visit them and have been denied alternative means of communication, by video or telephone call. They have reportedly been allowed some family visits”, on page 4 of the JC Letter.
- The investigators and prosecutors have never denied their access to legal aid. Right after their arrest, a lawyer named [REDACTED] was chosen to assist them. Since their families live in Papua, they could not visit Mr. Molama and Mr. Levy.
  - There was no need to request a special permission for the lawyer to visit Mr. Levy and Mr. Molama. Attached with this document are pictures of Mr. Levy and Mr. Molama with their lawyer, in the investigation process and during the court trial. However, due to the COVID-19 situation, physical interactions in detention facilities have been limited to some extent.
  - It is also forbidden for detainees to bring belongings such as cellular phones to the detention facilities.
  - Mr. Levy and Mr. Molama have never requested to perform any communication to their lawyer or families through phone or video call.
- d. “Their lawyers were denied permission to visit them in advance of the hearing. At another hearing on 3 June, the Court rejected the demurrer filed by the lawyers of Mr. Levy and Mr. Molama”, on page 4 of the JC Letter.
- Authorities have never denied any visit by lawyers or relatives, as long as health protocols are observed.
  - The Court rejection to the demurrer was decided strictly according to the judges’ considerations.

### **C. On Gerakan Buruh Bersama Rakyat (GBBR)**

21. As a vibrant democracy, the Gol promotes freedom of opinion, expression, peaceful assembly, and association. People are free to exercise their rights, insofar as it is lawfully exercised, does not impinge the rights of others, and does not pose any harm to public safety.

22. **Due to the COVID-19 pandemic situation, the government has imposed restrictions for people to gather around in large crowds. However, despite the fact that GBBR did not notify the authorities prior to their second march in Greater Jakarta on 3 May 2021, having had the first march on 1 May 2021; the Greater Jakarta Metropolitan Regional Police still allowed the activists to conduct the March.**
23. Yet, the people who marched did not follow the strict health protocols, namely: to keep 2-arms-distance between persons, to wear a mask at all times, and to disband when the time limit ended (5pm). At 5 pm, the police officers urged the people to disband, but the crowd did not heed to these calls. Having urged the crowd three times to disband, the Greater Jakarta Metropolitan Regional Police deployed a unit of hazmat officers to warn the crowd that they did not follow the health protocol and that their actions posed a health risk for others. Following this move by the police, the crowd disbanded.
24. **The dismissal of the crowd was conducted strictly on the basis of the following laws and regulations:**
  - Decree of the Governor of the Special Capital Region of Jakarta No. 478/2021 on the Continuation of the Enforcement of Micro-Based Public Activity Restriction;
  - Regulation of the Governor of the Special Capital Region of Jakarta No. 3/2021 on Implementing Regional Regulation No. 2/2020 on the Containment of Coronavirus Disease 2019;
  - Regulation of the Governor of the Special Capital Region of Jakarta No. 79/2020 on Disciplinary Application and Enforcement of Health Protocol to Prevent and Contain COVID-19 as changed in the Governor Regulation No. 101/2020;
  - Home Minister Instruction No. 9/2021 on the Continuation of Enforcement of Micro-Based Public Activity Restriction and Optimizing Coronavirus Disease 2019 Handling Command Posts at Village and Sub-District Levels for the Containment of the Spread of Coronavirus Disease 2019;
  - Law No. 6/2018 on Health Quarantine;
  - Government Regulation No. 21/2020 on Public Activity Restriction;
  - Minister for Health Regulation No. 9/2020 on Public Activity Restriction in Accelerating COVID-19 Containment;
25. The Gol would also wish to clarify several **wrongful allegations** placed in the Joint Communication, as follows:
  - a. Police officers did arrest 9 suspects who were participating in the march. The arrest was conducted to investigate the allegation of **violations to the COVID-19 health protocols which is regulated in the**

**mentioned laws and regulations.** However, before, during, and after the arrest, police officers did not perform any excessive use of force.

- b. During the investigation, the 9 suspects **were assisted by lawyers.** These assistance can be shown through the power of attorney letter No. SK/TAUD/V/ 2021, issued on the same day, 3 May 2021.
  - c. After the investigations , 9 suspects were released. All the suspects and their lawyers signed the minutes of the release of the suspects.
26. **Finally, the suspects were charged on the basis of intentionally hindering the implementation of the prevention of pandemic outbreaks according to Article 14 Paragraph 1 of Law No. 4/1984 on Infectious Disease Outbreak; intentionally disobeyed command issued under statutory provision according to Article 216 of the Indonesian Penal Code; and as part of a crowd intentionally, did not disperse even after the competent authority had given the third order to disperse according to Article 216 of the Indonesian Penal Code.** However, the prosecutors returned the case investigation files to the investigators on 19 August 2021. The reason being, the files are not yet complete, formally and materially. Hence the case is still under investigation.
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**Annex  
Documentation of Related Issues**

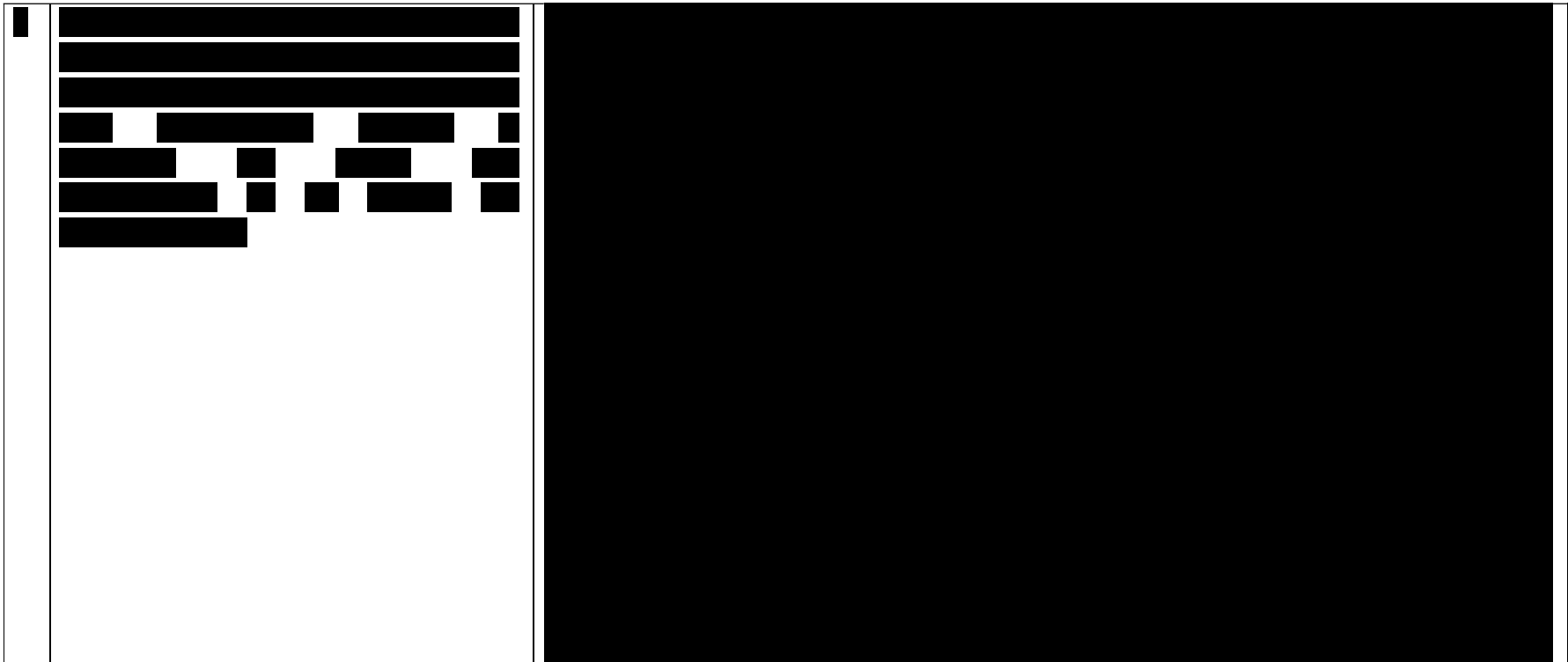


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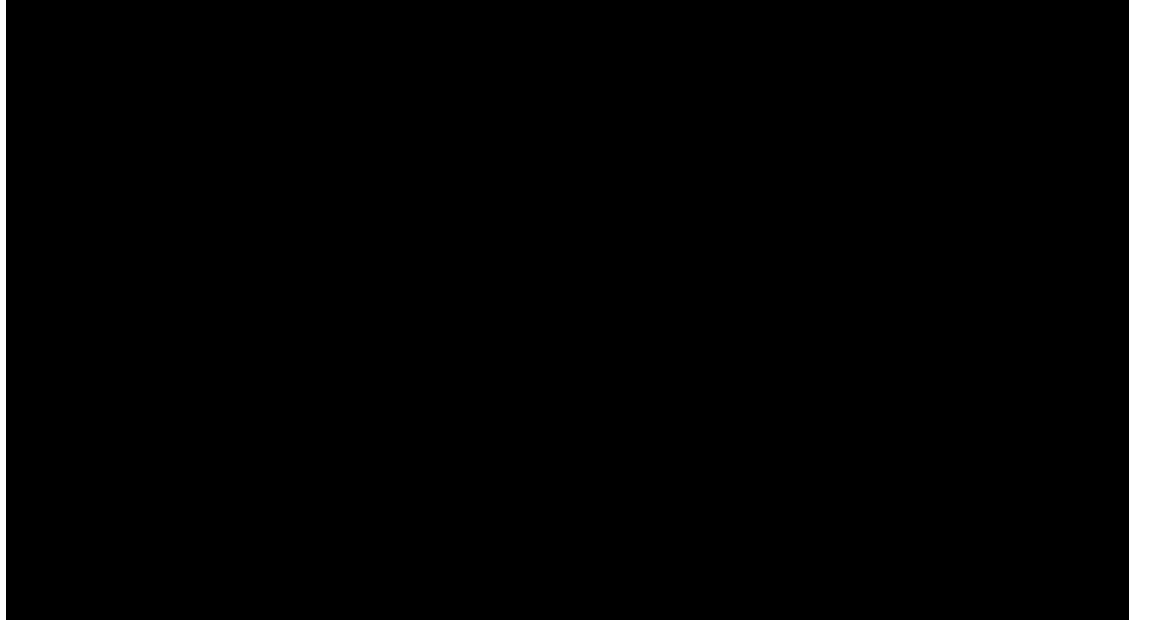
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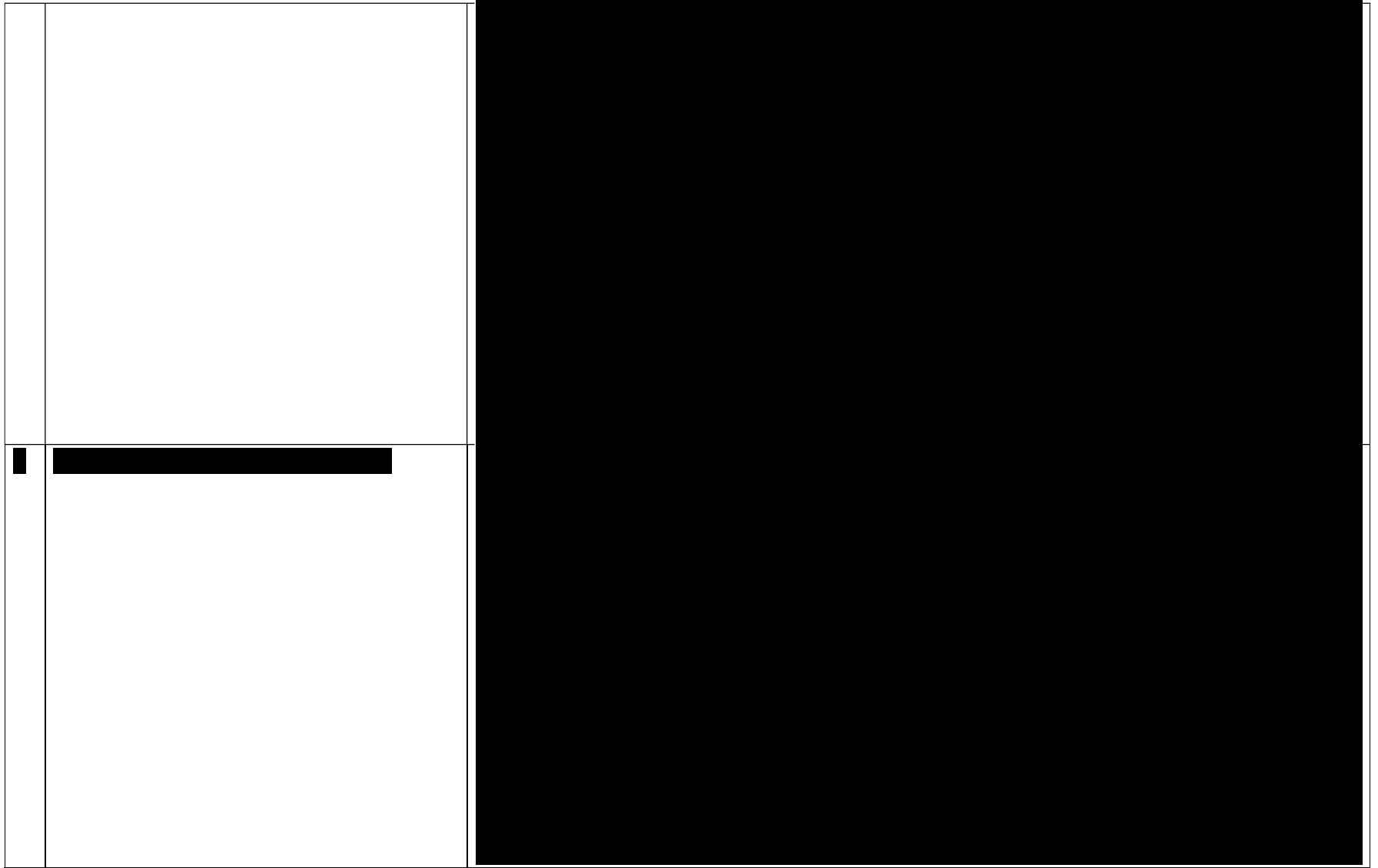








		
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