



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

No: 64/POL-II/V/2023

Geneva, 8 May 2023

Dear Madame and Sirs,

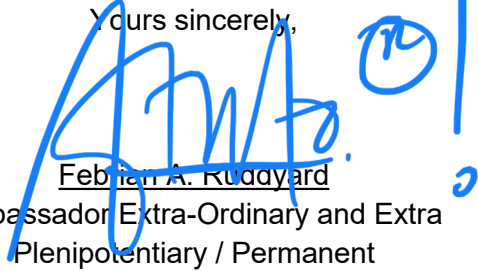
With reference to your letter Ref.: AL IDN 1/2023 dated 10 March 2023, I have the honor to transmit herewith my Government's response to the Joint Communication of Special Procedures that provide clarifications to the allegations of acts of harassment and threat against Mr. Victor Mambor, in connection with his journalistic work.

As you will find in the attached response, with challenges encountered in the investigative process, the authorities are yet to be able to fully conclude the incident, as reported by Mr. Victor Mambor. While we appreciate the dedication and commitment of the mandate holders in responding to various allegations of harassment against human rights defenders, we sincerely request that any assumptions and conclusions regarding alleged offenses against Mr. Mambor must refrain with respect to the ongoing investigation. Rest assured that our national laws constitute that any allegation of criminal acts will be investigated and examined accordingly under applicable national law, and no one is above the law.

I would like to reiterate the Government of Indonesia's commitment to protecting the rights of human rights defenders. We hope that the mandate holders continue to pursue their mandates constructively with Member States through an objective and impartial approach.

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

Yours sincerely,


Febian A. Ruddyard
Ambassador Extra-Ordinary and Extra
Plenipotentiary / Permanent
Representatives

Ms. Irene Khan, Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression

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

**Reply of the Government of Indonesia
to the Joint Communication of the Special Procedures Mandate Holders
Ref.: AL IDN 1/2023 of 10 March 2023**

A. Introduction

Pursuant to your Joint Communication, Ref.: AL IDN 1/2023 of 10 March 2023, the Government of Indonesia would like to underline that the protection of freedom of speech and freedom of expression for all, including human rights defenders, is clearly a constitutional mandate. Indonesia guarantees this right, as it has also guided by the International Covenant on Civil and Political Rights (ICCPR).

As a consequence, our regulations constitute that any allegation of criminal acts should be investigated and examined accordingly under applicable national law, and no one is above the law.

It is important to highlight that such investigation must be conducted **without prior assumptions and prejudices**, in order to obtain thorough and clear understanding of the motives of any criminal acts, including those against human rights defenders.

B. Information on the Explosion in Close Proximity to Mr. Victor Mambor's House on 23 January 2023

1. The North Jayapura Police Precinct had received a report by Mr. Victor Mambor regarding an explosion incident carried out by an unknown person by detonating explosives on the main road in close proximity to Mr. Mambor's house at 04.00 a.m. on Monday, 23 January 2023.
2. Moments before the explosion occurred, there was a sound of a motorbike crossing the main road, scene of the incident, heading towards Pasir 3 area. The sound of an automatic motorbike being started and left soon after was heard on the main road beside Mr. Mambor's house, a brief moment later, a very loud explosion sound was vividly heard from the main road.
3. However, Mr. Mambor only heard the sound of the motorbike and was not able to see the perpetrators because he was inside the house. All 6 (six) witnesses stated that they did not see anyone around the area after the incident happened. It is suspected that the perpetrators were those riding the automatic motorbike.

C. The Investigation of the Case

1. Responding to the report made by Mr. Victor Mambor, a Joint Team consisting of Investigators from North Jayapura District Police, Jayapura City Police, and Papua Regional Police, Indonesia Automatic Fingerprint Identification System (INAFIS) Team of Jayapura City Police, Forensic Laboratory Team of Papua Regional Police, and Detachment 88 Team was directly established to conduct investigation at the crime scene.
2. The Joint Team have examined the location, including forensic test of evidences, and interviewed the aforementioned 6 (six) witnesses to find more information on the explosion. The tests found chemical compound p-Chloronitrobenzene (CHACINO4) in which the nitro compound (NO2-) is a chemical compound that has explosive potential.

The Challenges of the Investigation

3. There are several challenges that the government faces in the investigation of the case, among others:
 - 1) The CCTV footage obtained was inadequate to determine the perpetrators due to the low image quality and very limited lighting at the area, thus, the camera could not record the situation optimally;
 - 2) Those who have been interviewed by the police only heard the sound of an explosion and saw the smoke and fire which had started to dim after the explosion occurred;
4. As of March 2023, the initial conclusions of the investigation are as follow:
 - 1) Based on the results of the examination conducted by the Forensic Laboratory Team and the result of the Hazmald FTIR Instrument, it is concluded that some of the evidences contain chemical compounds that have potential as oxidizing explosives, which have the characteristic of being explosive and flammable.
 - 2) Thus, the incident constitutes as a criminal act as referred to in the Emergency Law of the Republic of Indonesia No. 12 of 1951, Article 1 Paragraph (1): *"Whoever, without the right to import into Indonesia, makes, receives, tries to obtain, gives or attempts to give, controls, carries, has stock of or has in their ownership, stores, transports, hides, or utilizes, firearms, ammunition, or any explosives, is punishable by capital punishment or life imprisonment or a temporary imprisonment of twenty years at the maximum."*

D. The Way Forward of the Investigation of the Case

1. The target and the motive of the offense, whether personal or work-related, are still unidentified. Therefore, any assumptions and conclusions regarding

the offense, as well as its relation to the work of Mr. Mambor in human rights sector, should not be drawn at this stage of investigation.

2. The Joint Team is currently taking actions to accelerate the investigation process, including by tracking down the CCTV footage, further investigation of the witnesses and looking for additional witnesses, and re-examining the evidence found at the crime scene.
3. The Government of Indonesia will continue the investigation process and conduct judicial proceedings in accordance to the national law.

E. Protection of Human Rights Defenders in Indonesia

1. Indonesia's constitution, UUD 1945, firmly guarantees the freedom of speech and freedom of expression of all citizens, including the human rights defenders, on Article 28, Article 28E (2), and Article 28E (3).
2. The Government of Indonesia values the work of human rights defenders and considers them partners in advancing the progress of human rights protection and promotion.
3. Therefore, the Government of Indonesia is committed to protect the rights of human rights defenders to carry out legitimate work in a safe and enabling environment, without fear of any threats, attacks, reprisals and acts of intimidation. This is a position we made clear as a traditional co-sponsor of HRC resolutions related to human rights defenders.

F. Closing

Indonesia will continue to support the works of SPMH in implementing their mandate as ***independent and impartial*** experts, through an **objective, non-politicized, and holistic examination** of any information received concerning allegations of human rights violation. Further, Indonesia would like to highlight the importance of SPMH to always maintain constructive and cooperative engagement with member states in carrying its duty.

To conclude, we would like to reiterate the Government of Indonesia's commitment to protect the rights of human rights defenders and work together with them alongside relevant stakeholders in advancing the protection and promotion of human rights in Indonesia. Any criminal acts targeted towards anyone, including human rights defenders, will be investigated and examined thoroughly in accordance with applied national law of Indonesia.

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