



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

Geneva, 18 December 2024

No: 227/POL-II/XII/2024

Madame and Sirs,

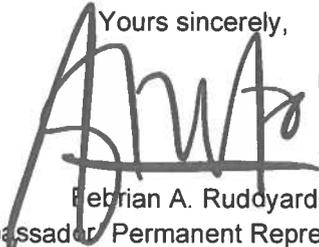
With reference to your letter Ref.: AL IDN 5/2024 dated 7 October 2024, I have the honor to transmit herewith my Government's response to the Joint Communication of the Special Procedures Mandate Holders regarding allegations raised therein.

As detailed in the attached response, the Government of Indonesia reiterates its unwavering commitment to upholding the principles of human rights. This includes ensuring the protection of human rights defenders and fostering a safe and enabling environment for them to carry out their legitimate work. The Government has carefully addressed the specific allegations related to Ms. Lamberti Faan, Ms. Tineke Runkabu, and Mr. Yan Christian Warinussy, as highlighted in the communication, and has provided clarifications based on verified information from relevant authorities.

We respectfully underscore the importance of relying on objective, accurate, and credible information to avoid any misunderstanding and misrepresentation of facts, which may lead to unnecessary concerns.

The Government of Indonesia reaffirms its steadfast support for the Special Procedures Mandate Holders in carrying out their roles as independent and impartial experts. We look forward to maintaining constructive engagement and open dialogue to fulfill Indonesia's international human rights obligations.

Please accept the assurances of my highest consideration.

Yours sincerely,

Febrian A. Ruddyard
Ambassador Permanent Representatives

Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders
Mr. Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary, or arbitrary executions
Ms. Gina Romero, Special Rapporteur on the rights to freedom of peaceful assembly and of association
Mr. José Francisco Cali Tzay, Special Rapporteur on the rights of Indigenous Peoples

**Reply of the Government of Indonesia
to the Joint Communication of the Special Procedures Mandate Holders
Ref.: AL IDN 5/2024 of 7 October 2024**

In responding to the Mandate Holders' Joint Communication, Ref.: AL IDN 5/2024 of 7 October 2024, the Government of Indonesia ("GoI") reiterates its unwavering commitment to uphold the principles of human rights. Further, the GoI would like to underline that the protection of freedom of speech and freedom of expression for all, including human rights defenders, is a constitutional mandate. Indonesia guarantees this right, as guided by the International Covenant on Civil and Political Rights (ICCPR) and places it as one of GoI's top priorities.

As a member of the Human Rights Council, Indonesia remains steadfast in its continued commitment to work together with the Mandate Holders to advance the promotion and protection of human rights. The 1945 Constitution of Indonesia ensures equal protection of human rights and equality before the law for all Indonesians, regardless of socio-cultural, religious, or economic background.

According to our national regulations, all allegations of criminal acts must be thoroughly investigated and prosecuted in accordance with national legislation, underscoring that no one is above the law. Investigations must be impartial, free from assumptions or prejudices, to fully uncover the motives behind criminal acts, including those involving human rights defenders.

The GoI has consistently demonstrated its commitment to addressing alleged cases in accordance with the rule of law, prioritizing justice for victims, combating impunity, and ensuring that the entire judicial process upholds the principles of a fair trial and delivers a sense of justice.

Having said this, we would like to provide clarification and share information regarding the issues and allegations raised in the Joint Communication.

1. Allegation of Intimidation and Threats against Ms. Lamberti Faan

Indonesia places high value on the important role of civil society in the promotion and protection of human rights. This commitment is clearly demonstrated through free and active participation of Indonesian civil society at both the national level and international forums, without intervention or hindrance from the state, as exemplified by the case of Ms. Lamberti Faan.

The GoI took note of the statement delivered by Ms. Lamberti Faan the 56th session of the Human Rights Council in Geneva, and will consider them seriously to prevent human rights abuses and address related concerns.

As of the submission of this letter, no information or reports have been received by the Police regarding allegations of intimidation against Ms. Lamberti Faan by security forces. This includes claims of repeated phone calls to family members, visits by unidentified individuals, surveillance using drones, and other similar accusations. These claims have been clarified with the Maybrat Police and the West Papua Regional Police, confirming no such incidents occurred.

Additionally, there has not been any report on the allegation that Ms. Lamberti Faan and her family were forcibly displaced from their home in Maybrat Regency and that her house has been occupied by the military as a post.. The Indonesian National Armed Forces (TNI) consistently prioritize community engagement and avoid military actions that disrupt civilian life, ensuring no operations or confiscation of local property take place.

The Gol remains committed to taking these allegations seriously. It is also important to highlight that a national mechanism is in place for individuals who feel intimidated or threatened due to their activities. Such individuals are encouraged to report the matter to law enforcement authorities and seek support or assistance from *Komnas HAM*, Indonesia's National Human Rights Institution (NHRI) or legal aid foundations.

2. Information on the Progress of the Investigation into Mr. Yan Christian Warinussy's Case

The Government of Indonesia acknowledges and deeply regrets the shooting incident involving a human rights lawyer, Mr. Yan Christian Warinussy, by an unknown individual on July 17, 2024, in Manokwari, West Papua. The victim reportedly sustained a chest injury from an air rifle and was promptly taken to the emergency room of the Manokwari Regional General Hospital (RSUD) for treatment. After receiving medical care, the victim has since returned home to his family.

Acknowledging the public attention surrounding this case, the West Papua Regional Police (*Polda Papua Barat*), the Manokwari District Police (*Polres Manokwari*), and the Manokwari District Prosecutor's Office (*Kejaksaan Negeri Manokwari*) are intensifying their investigative efforts. The authorities have classified the case as a high priority, reflecting its seriousness and the need for swift action. As part of their investigation, they have interviewed eight witnesses to gather crucial testimonies, secured a medical examination report to document the victim's injuries, and systematically collected both physical and circumstantial evidence. These measures underscore their commitment to ensuring a thorough and transparent investigation.

Currently, this case is being investigated under charges of "attempted premeditated murder and/or premeditated assault", as stipulated in Article 340 of the Indonesian Criminal Code (KUHP) *jo.* Article 51(1) and/or Article 353 of the KUHP. This is detailed in Letter No. SPDP/115/VII/RES.1.24/2024/Reskrim dated July 25, 2024 by the Manokwari District Police. Furthermore, the Manokwari Prosecutor's Office continues to follow up on the case by periodically sending letters requesting updates on the investigation's progress to the Manokwari District Police.

At present, the perpetrator remains unidentified and at large, with the motive for the attack still unclear. Law enforcement authorities are actively working to resolve the case, adhering strictly to established legal protocols. However, their efforts are hindered by significant challenges, including the remote and difficult-to-access terrain of the area and ongoing security instability, which complicates both investigative operations and the pursuit of justice. These obstacles underscore the complexities faced by law enforcement in addressing such incidents in regions with unique geographical and security dynamics.

The Government of Indonesia reaffirms its commitment to resolving this case and delivering justice in accordance with applicable laws.

3. Allegation of Intimidation and Threats against Ms. Tineke Rumkabu's

Regarding reports of visits by security officers to Ms. Rumkabu's house, the Government acknowledges the importance of addressing such concerns to prevent misunderstanding and the spread of one-sided narratives or unfounded assumptions.

According to information from the Biak District Police, a visit by police officers to Ms. Rumkabu's home on July 4, 2024, was conducted with the specific purpose of meeting her husband, [REDACTED]. The visit was [REDACTED], aimed at fostering coordination and addressing administrative or public matters. Importantly, the visit was not in any way intended as an act of intimidation or to pressure Ms. Rumkabu or her family.

During the visit, Ms. Rumkabu reportedly chose not to meet with the officers, a decision that was respected without issue. Instead, the officers engaged solely with her husband, with discussions described as constructive and conducted in a respectful atmosphere. Both parties involved in the interaction raised no objections, and there were no indications of any inappropriate behavior or undue pressure from the police. Furthermore, several friends or acquaintances of the family were also present during the interaction, providing further transparency to the encounter. We regret that this encounter has been misinterpreted resulting in unfounded accusations and avoidable misunderstandings.

Beyond the said meeting on July 4, 2024, no further records of interaction or allegations of intimidation against Ms. Rumkabu or her family have been recorded.

While no further records or reports of intimidation have been received, we stress the importance of addressing any genuine concerns or feelings of intimidation appropriately. In accordance with the law, we encourage Ms. Rumkabu or any affected individuals to file an official report with the Police to ensure proper follow-up and resolution. This will allow law enforcement authorities to investigate the matter thoroughly and take any necessary actions to safeguard the well-being of all parties involved.

Additionally, in the context of the Biak Incident commemoration on July 6, 2024, no evidence or reports have suggested any confrontational actions by the police. The Government underscores the need to rely on verified information to prevent the spread of unsubstantiated claims or narratives.

Protection of Human Rights Defenders in Indonesia

- Indonesia's constitution, UUD 1945, firmly guarantees the freedom of speech and freedom of expression of all citizens, including the human rights defenders, as stipulated on Article 28, Article 28E (2), and Article 28E (3).
- The Government of Indonesia deeply values the work of human rights defenders, recognizing them as essential partners in advancing the protection and promotion of

human rights. Their work serves as an important pillar in Indonesia's efforts to uphold human dignity and foster an inclusive society grounded in equality and justice.

- Therefore, the Government of Indonesia is committed to protecting 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.

Closing

The Gol acknowledges the importance of addressing the concerns raised by the Mandate Holders and expresses the need for accurate and reliable information in assessing such allegations. Indonesia reaffirms its steadfast support for the Special Procedures Mandate Holders (SPMH) in carrying out their duties as independent and impartial experts. This support is rooted in the principles of objectivity, non-politicization, and a comprehensive approach in reviewing information about human rights violations. Indonesia emphasizes the need for constructive and cooperative engagement between the SPMH and member states to ensure the effectiveness and credibility of their mandates.

Furthermore, Indonesia reiterates its strong commitment to protecting human rights defenders and fostering collaboration with them and other stakeholders to advance human rights in the country. Any criminal acts targeting individuals, including human rights defenders, will be thoroughly investigated and prosecuted under Indonesia's national laws. The Gol is also committed to maintaining security and safety in the Papua region, particularly against threats posed by separatist armed groups. Indonesia underscores the importance of accountability, preventing impunity, and upholding the principles of an independent and impartial judiciary. These efforts reflect Indonesia's dedication to strengthening the rule of law and promoting justice as core pillars of human rights protection.

We urge the Mandate Holders to establish facts based on objective, reliable information from credible sources, ensuring thorough cross-checking and in-depth assessments before seeking clarification from member states.

Indonesia looks forward to continued constructive engagement with the Special Procedures Mandate Holders and other UN officials to fulfill its international human rights obligations. The Gol remains committed to preventing human rights abuses and taking appropriate actions to address past violations.

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