

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Independent Expert on the promotion of a democratic and equitable international order and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

REFERENCE:
AL IDN 8/2019

20 November 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on the human rights of internally displaced persons; Independent Expert on the promotion of a democratic and equitable international order and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 35/15, 34/18, 41/12, 34/5, 42/20, 41/15, 36/4 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of excessive use of force against and killings of indigenous Papuans by the police, military and civil militia in the context of large demonstrations which took place in the provinces of Papua and West Papua, and the displacement of thousands of people due to security operations in the area.

Allegations of excessive use of force, torture and killings against indigenous Papuans and their forced displacement by the police or military have been the subject of previous special procedures communications, including most recently IDN 7/2018, IDN 3/2019, IDN 6/2019 and IDN 7/2019. We take this opportunity to thank your Excellency's Government for its responses to these communications. Nonetheless, we remain seriously concerned about the situation in Papua and West Papua, as described below.

According to the information received:

In August and September 2019, large-scale demonstrations took place in the provinces of Papua and West Papua in Malang, Surabaya, Semarang, Fakfak, Manokwari, Timika, Waghete, Jayapura and Wamena, in response to acts of racism against 43 Papuan students. The protests called for a UN-supervised referendum on self-determination of Papuans, and coincided with the 50-year

anniversary of the “Act of Free Choice”, which concerned the implementation of the right to self-determination under international law in Indonesia.

In response to the spreading protests, troops were deployed to West Papua. In addition, acts of violence by civil militias took place against Papuan populations in different parts of Indonesia, with mobs threatening and slurring indigenous Papuans using dehumanizing terms including “monkeys”.

Security Forces have allegedly used excessive force during the protests, leading to casualties and deaths. The violent crackdown in Waghete Town of Deiyai Regency, Papua Province resulted in the death of at least eight protesters. Fifty other protesters sustained injuries as joint security forces fired live ammunition into the crowd. In Wamena, at least 41 individuals were killed during a protest. Reports indicate that these deaths and allegations of lethal and excessive use of force have not been properly investigated.

Furthermore, journalists and human rights defenders are allegedly facing harassment and intimidation for reporting on the protests and police’s use of force.

Racially motivated attacks against Papuan students

The mid-August assaults, criminalization and intimidation of Papuan students in multiple locations in the island of Java are the latest incidents of a broader context of racial animus toward and discrimination against indigenous Papuans. Members of the military and nationalist mass organizations (ORMAS) reportedly stoked discriminatory sentiment and assaults in the past months. The police failed to prosecute the perpetrators and protect the Papuan population from discriminatory acts.

On 15 August 2019, ORMAS members attacked a group of Papuan protesters in the city of Malang, Java Timur Province. The Papuan protesters organised a peaceful demonstration in commemoration of the ‘New York Agreement’ (an agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea signed on 15 August 1962). Perpetrators of these attacks were not arrested, nor prosecuted.

On 16 August 2019, joint security forces and members of ORMAS gathered in front of a Papuan student dormitory, insulting and threatening to kill them, accusing them of having broken a flagpole with the Indonesian flag in front of the dormitory building. Later, a larger number of ORMAS members gathered in front of the dormitory, shouting racist insults such as ‘animals’, ‘dogs’, ‘pigs’ and ‘monkeys’. A police SWAT team allegedly forced their way into the Papuan student dormitory in Surabaya, Java Timur province, and arrested 43 students. Reportedly, video footage shows Indonesian security officials calling Papuan students “dogs” and “monkeys” in Subaraya.

On 17 August 2019, military personnel, ORMAS members and local residents raised banners in front of the Papuan students' dormitory in the city of Semarang, Java Tengah Province. The banners stated that the residents would forcefully evict Papuan students who engage in activities contradicting the unitary state doctrine of the Indonesian Government. Various government officials reportedly entered the dormitory and documented the students' identities.

These incidents triggered mass demonstrations against racial discrimination of indigenous Papuans in all large cities and towns across the provinces Papua and Papua Barat. The protesters also expressed their aspirations for political self-determination, arguing that indigenous Papuans are treated as 'second-class' citizens in Indonesia. The demonstrations in Fakfak, Jayapura, Manokwari, Timika and Waghete were reportedly accompanied by acts of vandalism and violence by security force against the protesters. A video reportedly shows Indonesian security forces directing and escorting civil militias to attack West Papuan protesters in Fakfak on 21 August 2019. There is also video footage of a teenage whose body was disembowelled after a military attack in Fakfak.

Crackdown on a demonstration in Waghete Town, Deiyai Regency

On 28 August 2019 around 10.30 a.m., several thousand protesters gathered at the soccer field in the town of Waghete. At 11.30 a.m., the protesters walked to the Deiyai regent's office, where several human rights defenders made speeches, condemning the racist acts against Papuan students in multiple cities in Java. The protesters intended to share their message with local Government officials. Meanwhile, a large number of security force members in full attire and full armament gathered at the regent's office.

At 1.50 p.m., a black Toyota Innova vehicle struck a protester, named Yustinus Takimai, killing him instantly. The incident triggered an outbreak of violence. Angry protesters who witnessed the incident allegedly shot arrows at military members inside the vehicle. The soldiers then reportedly shot at the attackers, prompting protesters to begin throwing rocks. Security forces in turn responded by shooting tear gas grenades and firing with live ammunition into the crowd.

Around 3.00 p.m., joint security forces allegedly prevented an ambulance from Deiyai General Hospital from providing medical first aid to injured protesters lying in the yard in front of the regent's office. At 4.30 p.m., the Deiyai General Hospital temporarily closed because the medical staff reportedly feared reprisals from the security forces. This closure required the injured protesters to be transferred to or to seek treatment in Madi General Hospital in the neighbouring Paniai Regency.

After the incident, video footage emerged showing demonstrators standing with their hands in the air while soldiers were firing at the crowd. In contrast, a police spokesperson said that security forces only opened fire after being attacked.

As a result of the confrontations, at least eight protesters were killed and 50 injured; some of them were minors. The majority of killed and injured protesters sustained bullet wounds. Many of the individuals injured remained in critical condition. One army soldier was killed and seven mobile brigade police officers injured.

The seven protestors who died on 28 August and one on 30 August were:

- **Yustinus Takimai**, 24 years-old, was crushed by a Toyota Inova vehicle and died instantly as a result of the injuries he sustained.
- **Alpius Pigai**, 20 years-old, sustained a bullet wound to the chest and died at the scene.
- **Marinus Ikomou**, 37 years-old, was injured and escaped to Yaba Village, where he died.
- **Hans Ukago**, 26 years-old, died in front of the entrance gate of the Regent's Office after sustaining a bullet wound to the back. The bullet was lodged in his chest.
- **Derikson Adii**, 21 years-old, was injured and escaped to Mogouda Village, where he died.
- **Pilemon Waine**, 28 years-old, sustained a bullet wound to the chest and died instantly.
- **Aminadap Kotouki**, 35 years-old, sustained a bullet wound to the abdomen, exiting through the back, and died instantly.
- **Yemi Douw**, 29 years-old, sustained a bullet wound to the abdomen and died in the village of Puyai on 30 August 2019.

Students' demonstrations in Jayapura and Wamena

On 30 August 2019, at least one person was killed as police fired rubber bullets during demonstrations in Jayapura. The demonstrations occurred after residents allegedly attacked Papuan demonstrators. Several people were wounded in the attack.

A video recording allegedly shows security forces which appear to be standing by while non-Papuan attacked West Papuans at dawn of 1 September 2019 in Jayapura. Prior to the attack in Jayapura, the Indonesian chiefs of military, police, and civil militia allegedly held a closed-door meeting at a hotel.

On 1 September 2019, armed militias allegedly backed by police shot students in their dormitories in Jayapura. One student was killed by a bullet to the chest and 28 students were injured. The students were reportedly trying to defend themselves from vigilantes from a pro-Jakarta group calling itself Masyarakat Nusantara (Archipelago Community).

In the morning of 23 September 2019, around 5,000 persons, mainly indigenous Papuan students from different parts of Indonesia who just returned to Jayapura, staged a sit in at Cendrawasih University in Abepura, Jayapura, while calling upon the local university students to join their movement to engage in strike.

Clashes broke between the students and the police, who prevented the students from staging the sit in. The students returned to their assembly point in Expo Waena, Jayapura, at 11 a.m.. Reportedly, they pelted stones at security forces, who later opened fire on the students. The shooting led to the death of three students, wounding 20 others. A soldier was also stabbed to death by protesters during the incident. A family member of one of the wounded was allegedly denied access to the police-owned Bhayangkara hospital in Jayapura. The police arrested 733 students in Jayapura during and after the clashes.

On the same day, on 23 September 2019 in Wamena, a city 260 kilometers away from Jayapura, hundreds of high school students took to the street to protest against a teacher who allegedly used racial language at a local school. The teacher had allegedly reprimanded an indigenous Papuan student who could not read a passage from a book properly, saying that he read like a “monkey”. The police claimed that this was a hoax, but it was reportedly later confirmed that the racist comment had taken place on Saturday 21 September. The angry protesters in Wamena burned down a government office and other buildings as well as disrupted a local airport.

The clashes in Wamena led to the death of at least 41 individuals, while 65 were injured. The Indonesian authorities reported that 31 individuals died and that 14 of the victims were non-indigenous Papuans who died from stab and arrow wounds, and from being trapped in burning buildings. A soldier was reportedly stabbed to death by protesters. However, the precise number of victims is unknown, largely because the police and the military are guarding the Wamena hospital and allegedly blocked the access to those who were willing to independently verify the number of victims.

Current situation in Papua and West Papua

While past crackdowns by Indonesian security forces against indigenous Papuans have resulted in a high number of injuries and fatalities among protesters, the incidents in Waghete and in Wamena appear to be part of a larger development indicating a rapid aggravation of the situation in Papua and West Papua.

After the anti-racism demonstrations took place across Papua and West Papua, the Government of Indonesia has deployed over 6,000 more troops into the region and there has been reports that it might deploy about 2,500 more police and troops in the near future. Searches and raids targeting only the indigenous West Papuans are reported almost on daily basis. Reportedly, thousands of civilian nationalist militias have been activated. Photos of armed paramilitary police patrolling in residential areas are being reported in Jayapura, Wamena, Dogiyai, Deiyai, Nabire and Wamena.

The Papuan Regional Police reacted by adopting a ‘Police Edict for the Protection of Security and Public Order’ on 1 September 2019, which inter alia criminalizes persons and groups participating in demonstrations or undertaking other activities that promote political self-determination. The edict also states that any person

distributing false information or news that may result in anger or hatred among other groups of individuals will be strictly prosecuted.

West Papua could be at risk of further violence as Islamic militia groups enter the Indonesian provinces. It is reported that the Islamic Defenders Front, one of the largest Islamist militias in Java, has started to call on Muslims for “jihad” against Christian Papuans.

Internet shutdown and harassment on journalists and human rights defenders

Journalists and human rights defenders are facing harassment and intimidation for reporting on the protests and government crackdown. There are reports indicating that the police are tracking people on social media, and sweeping operations for Papuans involved in protests

The Government of Indonesia has allegedly interfered with West Papuans’ access to the internet by throttling and through a blanket blocking applied on 21 August 2019, as reported in a previous communication to your Excellency’s Government. Although the internet shutdown was lifted in mid-September, internet blackouts and telecommunications interference continue intermittently. For instance, the Indonesian Government reportedly shut down the internet from 23 to 29 September in the vicinity of Wamena.

The internet shutdown also reportedly creates a context of impunity for the security forces in policing the protests, heightening the risk of excessive use of force, since there are difficulties in verifying and sharing information and reports of abuses, including to look for people reportedly missing after crackdown by security forces or attacked by civil militias.

Members of the National Committee for West Papua (Komite Nasional Papua Barat or KNPB) and the international spokesperson for KNPB, Mr. **Victor Yeimo**, have been allegedly targeted with harassment and intimidation. Further, the fear of a crackdown has had a material effect upon Mr. Victor Yeimo’s ability to conduct his journalistic work and to organise peaceful assemblies with members of the KNPB.

Simultaneous attacks against human rights defenders advocating for West Papua occurred on 29 and 30 August 2019. Civil militias reportedly protested in front of NGOs located in Jakarta, Bandung, Surabaya, and Makassar claiming that their advocacy work had divided the nation. Likewise, a journalist reportedly received death threats at the beginning of September.

On 14 October 2019, more than 100 paramilitary police raided and ransacked the secretariat of the KNPB in Timika. Computer equipment and furnishings were burned by the police. Five occupants were arrested without any charge or legal basis.

Right to peaceful assembly

Peaceful protests continue to be banned or disrupted with unlawful force and disproportionate and unnecessary sanctions or punishment for participation in assembly continue to be imposed. On 19 September 2019, security forces dispersed a public gathering and traditional cooking feast event with warning shots. The local Police Chief stated that “it is not permitted to hold mass gatherings like this in Timika”. Following the incident, four West Papuans posted on Facebook criticising this incident. The four were reportedly arrested and face six years’ imprisonment. On 9 October 2019, the press student association of Politeknik Elektronika Negeri Surabaya in Java held a public discussion titled “Media Framing and Hoax: Papua in the Perspective of Mainstream Media”, which was forcibly dispersed by police. The association was disbanded the following day by the University and the committee students have been threatened with expulsion.

Investigations

As of mid-October 2019, there has reportedly been no independent investigation or arrest of State or private actors in connection with extrajudicial killings and excessive use of force during the months of August and September 2019.

On the other hand, hundreds of West Papuans have been detained and charged in the last two months relating to the protests, and are still in detention. Twenty-two of them were charged with treason.

On 10 October 2019, a grave with three bodies was discovered in Mbua of Nduga regency. The bodies belong to a West Papuan woman and two children who were allegedly shot dead by Indonesian military on 20 September 2019.

Internally displaced persons

There are thousands of civilians displaced as a result of the unrests and related crackdown. Migrants have been fleeing to bigger cities or back to their hometowns in Java or elsewhere in fear of further unrest; whereas indigenous people have been fleeing to neighbouring villages in fear of the security forces.

Since the Special Procedures communication sent on 2 April 2019 on the forced displacements of thousands of indigenous peoples in the Nduga Regency of the Papua province (AL IDN 6/2019), security operations have continued and there are indications that the numbers of persons displaced may be much higher than being reported officially.

As of July 2019, out of 139 displacement-related deaths, 92 were children. Many of those displaced reportedly still hide in forests and have difficulty accessing food, health and education. There are also reports of civilians shot dead and disappeared as a result of the security operations and attacks on a number of public facilities such as schools, houses of worship and auxiliary health centres.

Over the last few months, there have been several concerning developments regarding the displacement of civilians in the region including in relation to the ongoing security operations in the highlands in Nduga and Puncak Regencies and the violence in Wamena on 23 September 2019. Those displaced come from both the indigenous Papuan and the non-Papuan migrant communities.

On 8 October, the Governor of Papua issued a statement deploring the lack of public attention on the “extraordinary humanitarian problem” in Nduga Regency referring to at least 5,000 people displaced as a result of the armed clashes there and the 180 displaced persons who have died there. He questioned the silence both nationally and internationally on the situation and called for greater Government attention to the plight of the displaced.

Since the outbreak of political unrest in Papua in August 2019, there have been ongoing security operations in the highland areas and reports of armed clashes, attacks on civilians, displacement and the destruction of property. In Puncak Regency, authorities confirmed that three civilians, including a toddler, were killed in a shoot-out with separatists. In Gome district, security forces reportedly carried out raids in eight villages which led to between 800 and 1,500 people being displaced. There are reports that as a result of the operations a number of buildings were destroyed and in the ensuing displacement at least three people died from health-related issues.

In the days that followed the violence surrounding the 23 September demonstrations in Wamena, a significant number of people fled the town, possibly about 13,000 (out of a total population of 42,000) although some official figures went as high as 19,000. Many people initially took refuge locally in police and military protected areas of the town, while the authorities launched an airlift operation which reportedly evacuated 11,000 people in total to Jayapura and other parts of Indonesia.

The Head of Jayawijaya District declared an emergency response status on 23 September 2019, that triggered the mobilization of relief assistance from relevant government institutions. The Ministry of Health deployed 40 medical persons from the Ministry, TNI (Indonesian Military Force), and the Indonesian Police. The Ministry of Social Affairs mobilized a team and relief assistance including food, mattress and tents. Similarly, the Indonesian Red Cross mobilized its assistance from Makassar of South Sulawesi and members of Humanitarian Forum Indonesia started a humanitarian needs assessment. Officials noted that dozens of government buildings and schools were badly damaged, while 450 shops and 165 homes were burned during the riot. On 7 October, a Government Minister declared the town safe for returns and media reports described some people returning.

While we do not wish to prejudge the accuracy of these allegations, we express our utmost concerns about what appears to be severe violations of the rights to life, to liberty and security of persons, to non-discrimination, to freedom of expression, freedom

of peaceful assembly and freedom of association of West Papuans. These rights are protected under articles 6 (1), 9, 19, 20(2), 21, 22, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia acceded to on 23 February 2006. These allegations also appear to be in contravention of several provisions of the Convention on the Elimination of racial Discrimination (CERD) ratified by Indonesia in 1999.

We express our most serious concerns about what appears to be widespread excessive use of force by security forces, both civilian and military, as well as related militias, deployed to control protests, which have reportedly resulted in numerous extrajudicial killings and injuries. The repression of students' unrest in Waghete and in Wamena, have reportedly led to the death of eight and 41 individuals respectively. We are also seriously concerned that there seems to have been no serious effort to investigate these killings, either internally or independently.

We further express our concern that the attacks on journalists and the disruption of internet services insulate the regions affected by the protests from outside observation and scrutiny, limit the possibility of holding authorities accountable for their actions, and may contribute to further violence against protesters leading to deaths and injuries and the impunity thereof. These events as well as security operations conducted by the army have led to the forced displacement of thousands of people inside and from Papua province, involving both indigenous Papuan and non-Papuan migrant communities.

We note with concern that the protests, response by the police and mounting violence are taking place in a context where the Papuan community is reportedly subjected to verbal and other racist attacks, as highlighted in previous communications sent to your Excellency's Government. We recommend that unless this situation is promptly addressed so as to discourage the racial discrimination and attacks that seem to be at the origin of these incidents, it runs the risk of spiraling into further and even more widespread violence.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the root causes of the series of protests which have been spreading in the past months among Papuan communities in East Java and in West Papua, and the measures taken by the authorities to address them.

3. Please provide an objective and precise account of the number of deaths and injuries that have thus far resulted in the context of these protests and the related interventions of the various security forces involved to quell them.
4. Please provide the details, and where available the results, of any investigation, judicial or otherwise, which may have been carried out in relation to these incidents. Have any penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators, including security agents and members of ORMAS? If no investigations have taken place, or if they have been inconclusive, please explain why and how this is consistent with the Indonesia's human rights law obligations under the Conventions it has ratified, including ICCPR and CERD.
5. In the cases of the deaths and injuries that have resulted from the use of police or military force during the demonstrations in Papua and West Papua, please provide detailed information, about the cause and circumstances of these deaths and injuries, including any available forensic evidence, and explain how this is consistent with Indonesia's domestic and international human rights obligations.
6. Please, indicate whether compensations have been provided to the victims and their families.
7. Please provide information on the factual and legal basis for the arrest of protesters arrested during demonstrations in Surabaya and Jayapura, as well as for those who were charged with treason.
8. Please provide further information about the measures taken to ensure respect and protection of freedom of peaceful assembly and association, freedom of information as well as freedom of opinion and expression in the provinces of East Java and West Papua.
9. Please provide information on the reason and legal basis for the disruption of internet services, and how this is consistent with Indonesia's international commitments under the ICCPR?
10. Please provide information about the reported attacks, threats and intimidation against journalists reporting about the protests and police action, and information about any investigation conducted in relation to these attacks.
11. Please indicate what measures your Excellency's Government has taken to eliminate racial discrimination against Papuans in law and to encourage racial tolerance in practice. Please also describe what measures the Government has taken to ensure the right of everyone to the equal protection of the law, including people belonging to the Papuan community.

12. Please indicate what measures have been taken to ensure that human rights defenders, including those defending the rights of indigenous peoples in West Papua are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.
13. Please provide information on the number of people forcibly displaced in East Java and West Papua over the past year and the measures taken by the Government to provide them with protection and humanitarian assistance, ensure humanitarian access to them, and enable them to return home safely.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard

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Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer your Excellency's Government to articles 1, 2, 6 (1), 9, 19, 20 (2), 21, 22, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), accessed by Indonesia on 23 February 2006, which provide for the right to self-determination, the right to life, the right to liberty and security of person, the right to freedom of expression, that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, and the rights to freedom of peaceful assembly and of association, that all persons are equal before the law, and the rights of persons belonging to ethnic, religious or linguistic minorities.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. In its General Comment No. 36, the Human Rights Committee stated that investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, and that investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. The Human Rights Council in Resolution 35/5 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" reiterated the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of executions, to identify and bring to justice those responsible; and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of executions. Furthermore, the Minnesota Protocol on the Investigation of Potentially unlawful death (2016) and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989), state that an investigation must be a) prompt, b) effective and thorough, c) independent and impartial, and d) transparent. The Minnesota Protocol also indicates that a decision not to undertake an autopsy should be justified in writing and should be subject to judicial review.

With regards to the excessive use of force the Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Officials provide that Law enforcement officials may only use force when it is strictly necessary and only to the extent required, for the performance of their duties. The use of force and firearms must as far as possible be avoided, using non-violent means before resorting to violent means. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life (principle 9).

The right to freedom of opinion and expression protects all forms of expression and the means of their dissemination, CCPR/C/GC/34 para. 12. The disruption of internet services constitutes a restriction on the rights under Article 19 (2), and must therefore comply with the requirements under Article 19 (3) in that they must be taken in accordance with the law, serve one of the legitimate aims exhaustively listed in Art. 19 (3), and be necessary and proportionate. We further remind your Excellency's Government of the critically important functions that journalists carry out in society. Because of their work, journalists they are often subject to attacks and intimidation. All such incidents should be subject to prompt, effective, independent and impartial investigation, with a view to prosecuting and punishing those responsible. All acts of intimidation and attack on journalists for the exercise of their freedom of expression by State agents or individuals whose acts are attributable to the State are incompatible with the Covenant, CCPR/C/GC/34 para. 23.

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions recommended to States, in their joint report on the proper management of assemblies to ensure that law enforcement officials have the equipment, training and instructions necessary to manage assemblies wherever possible without recourse to use of force (A/HRC/31/66, para. 67 a)) and reminded that indiscriminate firing into a crowd is always unlawful (*idem*, para. 60).

We further wish to underscore that the suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient (A/HRC/20/27, para. 75).

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Indonesia in 1999, guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equal treatment before tribunals and all other organs administering justice. It also guarantees equality before the law, to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. It is worth recalling that any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life constitute racial discrimination (Article 1). The Convention further requires States to implement affirmative measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, with a view to guaranteeing them full and equal enjoyment of all human rights and fundamental freedoms (Article 2). In addition, States have a responsibility to combat and eradicate prejudices and other forms of racial discrimination and to promote, through education and other means, understanding, tolerance and friendship among nations and racial or ethnic groups (Article 7).

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: to meet or assemble peacefully;
- article 6 (b) and c) which provide that everyone has the right, individually and in association with others to freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- article 9 paragraph 1, which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which reflect international human rights law and international humanitarian law. Principle 5 establishes that all authorities shall respect their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to displacement of persons. We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home including due to gross human rights violations, discrimination and fear of persecution (Principle 6). This therefore strongly relates to the allegations above that persons have

been forced to flee due to human rights violations or fear of violations and discriminations. We would like to particularly draw your attention to Principle 9, which highlights that States are under a particular obligation to protect against the displacement of indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

In addition, it is necessary that those persons internally displaced are assisted and supported by the government until such time that they achieve durable solutions. Guiding Principle 28 establishes that “[c]ompetent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.” Where return to places of origin is deemed unsafe, alternative solutions must be found in consultations with affected communities and until such time that safe and dignified return is possible. In regard to the requirement to ensure durable solutions for internally displaced persons, we furthermore recall the provisions of the IASC Framework on Durable Solutions for Internally Displaced Persons.