

Mandates of the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

REFERENCE:
AL IDN 1/2020

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights of indigenous peoples and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 41/15, 35/15, 42/20 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the significant number of indigenous internally displaced persons in the central highlands of Papua province, namely the Mimika, Intan Jaya, Puncak, Lanny Jaya and Nduga regencies, due to the escalation of the armed conflict. We further would like to draw attention to the humanitarian situation of these internally displaced persons, including lack of access to adequate humanitarian relief, as well as allegations of extrajudicial killings of indigenous civilian villagers, and deaths of other villagers related to their displacement.

The situation of indigenous Papuans from the Papua province, was already brought to the attention of your Excellency's Government in March 2019 (Reference: AL IDN 6/2019) to which we note the response received on 3 April 2019. While we welcome the initial reply received, we note the response denied the ongoing military operations in the region, however did not respond to the substantive allegations made, including making no mention of the humanitarian situation of those displaced.

Allegations of use of excessive force, torture and killings against indigenous Papuans by the police or military have also been the subject of multiple previous special procedures communications, including most recently IDN 3/2019, IDN 7/2018, IDN 1/2017, IDN 1/2016 and IDN 8/2015.

According to the information received:

Since the killing of 19 government contracted road workers in Nduga regency on 2 December 2018 by the West Papua Liberation Army, there has been a significant increase in armed clashes between Indonesian Joint Security Forces and the West Papua National Liberation Army (TPN PB) in particular in multiple regencies of the central highlands of West Papua. These areas are extremely isolated and are populated predominantly by indigenous peoples.

The clashes are having a direct impact on the villagers, resulting in the internal displacement of local indigenous populations. Data received indicates that over 41,000 people from the regencies of Intan Jaya, Lanny Jaya, Mimika, Nduga and Puncak have been internally displaced between 4 December 2018 and early March 2020. The Papuan Ombudsman Office has reportedly estimated that 50,000 people may have been displaced as of August 2019 in Nduga regency alone.

In some of the affected regencies, displaced populations have received ad hoc or temporary aid from civil solidarity movements or/and local government agencies. However, it appears that the majority of displaced persons are left to their own resources, and have not been receiving coordinated or systematic humanitarian assistance. Furthermore, the central Government has not set up designated camps in areas of acute need to help coordinate effective provisions of humanitarian services such as shelter, fundamental healthcare and education to the displaced communities.

Security forces operations in and around villages often reportedly also involve other human rights abuses. Local houses in indigenous villages have been demolished or burned to the ground. Furthermore, since the beginning of 2020 at least seven indigenous civilians have reportedly been killed by Indonesian security forces during such operations. Others have been subjected to torture for suspected association with the West Papua Liberation Army. Armed clashes in the regencies of Nduga, Intan Jaya and Mimika are ongoing.

It is reported that more than 500 civilians have died as a result of the armed conflict, most of them women and children, including older persons. The deceased have predominantly died of hunger as well as untreated conflict related injuries including bullet wounds.

It has further been reported that the Indonesian government has failed to carry out impartial investigations into credible allegations of killings of indigenous civilians by Indonesian security forces. Rather, military and state officials have made numerous public statements claiming indigenous villagers are fleeing their villages due to fear of the armed West Papua Liberation Army groups, and have also attributed the killing of indigenous civilians to those groups.

Military operations and internal displacement in the Mimika Regency

An escalation of armed clashes in the Mimika regency is ongoing since early March 2020. Indonesian police and military deployed additional troops to the Tembagapura district after West Papua Liberation Army forces killed a police officer in the village of Arwanop on 29 February 2020. Subsequent armed clashes between the TPN PB and Indonesian Joint Security Forces in multiple locations resulted in the destruction of infrastructure and fatalities on both sides. As of

15 April 2020, three civilians have reportedly been killed in Mimika since the operation was launched.

It is reported that 1,531 indigenous Amungme people from the villages Banti 1, Banti 2, Opitawak and Kimbeli fled to the town of Tembagapura on 6 March 2020. On 9 March 2020 buses belonging to the mining company PT Freeport Indonesia reportedly transported 917 internally displaced persons to the city of Timika, where they stayed with relatives or sought shelter in churches. On 8 March 2020, it was reported a further 614 internally displaced persons travelled from Tembagapura to the city of Timika.

Military operations and internal displacement in the Intan Jaya Regency

Ongoing armed clashes have been ongoing in the regency of Intan Jaya after TPN PB fighters killed two military members during an armed attack on 17 December 2019. Since the beginning of the operation, three indigenous Papuans were reportedly killed by security forces members during armed attacks in the Sugapa district, among them an eleven-year-old boy. The XVII Cenderawasih Military Commander later claimed in an interview that his men opened fire at the boy because he was allegedly carrying a fire arm. Moreover, the Indonesian security forces reportedly injured two minors and two adult Papuans with bullets.

At least 15 villages in the districts of Sugapa, Ugimba and Hitadipa have been affected by the ongoing clashes, causing indigenous residents to flee their homes. Data indicates that 1,237 indigenous peoples have been internally displaced from this region, including 331 women and children. Some have sought shelter in a catholic church in Sugapa. Others have fled to the regencies of Nabire and Mimika.

Military operations and internal displacement in the Puncak Regency

Between 24 and 26 August 2019, joint government security forces conducted raids in multiple villages in the Gome district of the regency Puncak with the reported goal of arresting two high-ranking TPN PB commanders. These operations resulted in the internal displacement of over 1,500 indigenous peoples from eight villages, predominantly women and children. During the operation, two indigenous villagers were reportedly killed by government security forces. On 17 September 2019, joint security forces allegedly shot dead another indigenous villager and two children in the village of Olengki. Four indigenous women were injured by bullets during the incident.

While some villagers sought temporary shelter in the surrounding forests and neighbouring districts, approximately 1,500 villagers were displaced to the village of Yenggernok, where they were accommodated in tents in front of the Gome Presbyterial Office of the KINGMI Papua Church, where there is reportedly not enough food for the incoming displaced persons. Food supplies donated by the

Gome Sub-district police, the local health centre (Puskesmas), the Women's Empowerment Agency and the Social Affairs Agency in Puncak had already diminished by 5 September 2019, while the armed clashes in Gome were still ongoing. Two indigenous villagers reportedly died in August 2019 after being displaced from their villages.

Military operations and internal displacement in the Lanny Jaya Regency

Following a reported exchange of fire between the Indonesian Infantry (TNI-AD) and TPN-PB forces in the village of Timonikime on 1 December 2019, there was a further military operation in the Balingga District of Lanny Jaya Regency, Papua Province. Subsequently, the TNI-AD launched several attacks against the TPN-PB near Timonikime on 2 and 4 December 2019. The military members reportedly searched multiple houses in Timonikime. Seven houses belonging to villagers were allegedly burned to the ground and two indigenous villagers killed during the raid.

Indigenous Papuans from the villages Timonikime and Manggalome reportedly fled to the surrounding forests. The total number of displaced persons in relation to the incident is not known. The local government reportedly evacuated non-indigenous motorcycle taxi drivers and teachers from the districts Malagai, Balingga, Popome and Pirime to the town of Tiom.

Update on situation of military operations and internal displacement in the Nduga Regency

The security forces operation in the regency of Nduga has been ongoing since 4 December 2018. There have been a reported 182 civilian fatalities between 4 December 2018 and July 2019, consisting of 21 adult females, 69 adult males, 21 female minors, 20 male minors, 14 female toddlers (below the age of 5 years), 12 male toddlers, 17 female and 25 male babies – all indigenous Papuans. The figures have risen to a total number of 243 fatalities as of 27 December 2019. The majority died as a result of exhaustion, sickness and hypothermia. Twenty-two indigenous victims were allegedly killed by security forces members, seventeen Government contractors were executed by the TPN-PB. The most recent case of extra-judicial killing and torture of indigenous residents occurred on 24 February 2020 in the town of Kenyam. To date, the Government agencies have reportedly not taken any measures to investigate these killings or provide humanitarian aid to the displaced populations.

A voluntary humanitarian aid team estimated that a total number of over 37,000 people originating from 16 districts in Nduga have been internally displaced as a result of the armed conflict. In August 2019, the Papuan Ombudsman Office visited refugees from Nduga in Wamena. The Ombudsman estimated that 50,000 people were displaced in Nduga alone to date. The armed conflict in the Nduga Regency has been ongoing for more than 16 months,

preventing indigenous displaced persons from returning to their villages. Schools, healthcare centers (Puskesmas) and churches in Nduga are deserted as health workers and teachers have not returned to their assigned places of work.

In July 2019, the Social Ministry Department prepared aid deliveries with a total value of € 44,079 (IDR 740,449,000) for displaced persons from Nduga regency. The deliveries contained 50 tons of rice, toys, school supplies, sport supplies and supplies. The representatives of the Indonesian ministry for social affairs (Kementerian Sosial RI) came to the town of Wamena to coordinate the distribution of the humanitarian goods. On 29 July 2019, a meeting between representatives of the local Government, the social ministry and the military was held at the KODIM 1702 military base. However, as an agreement was reached that the distribution of goods was to be executed by the military, the displaced people rejected the humanitarian goods. In the end, the humanitarian goods were not distributed.

The local Government in Nduga has reportedly been providing displaced persons in the districts of Mbua, Dal and Yal with basic foods, such as rice, instant noodles, cooking oil, sugar and salt. Displaced people in the regencies of Jayawijaya and Lanny Jaya reportedly received occasional visits for the provision of health services by the health department of Papua Province. The majority of displaced persons from Nduga regency, however, have not received any humanitarian aid supplies from the Government.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concern regarding the forced displacement of thousands of indigenous Papuans as a result of ongoing military operations in the above-named regencies.

We further express our most serious concern about the impact of these clashes on indigenous civilians, including alleged killings of indigenous Papuan by Indonesian security forces as well as deaths of other villagers following their displacement. We are concerned that the military operations by Indonesian security forces in indigenous communities in Papua, together with the alleged killings of indigenous Papuans, appear to reflect a broader pattern of racism and intolerance targeting indigenous Papuans. Finally, we wish to express our serious concern regarding the lack of coordinated government support to the internally displaced indigenous Papuans. We are also concerned about the allegations that the Indonesian military is denying access for humanitarian organisations, journalists, human rights defenders and independent observers into the region.

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 your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation carried out in relation to the allegations of killings of the indigenous Papuans during the security operations.
3. Please provide detailed information on measures taken to protect the human rights of indigenous peoples throughout the country, including in West Papua and Papua province, including their right to life, liberty and security, to be protected against arbitrary displacement and to be free from discrimination.
4. Please indicate what measures your Excellency's Government has taken to ensure the full respect and protections of internally displaced persons and of persons belonging to an indigenous group, specifically in relation to the indigenous Papuans.
5. Please provide information on measures taken by the Government to guarantee that internally displaced persons in the province of Papua receive humanitarian assistance. Please indicate what measures your Excellency's Government is taking to provide support for those forced to flee, and specifically how you will ensure that durable solutions according to international standards are achieved for these IDPs meaning they no longer have specific assistance and protection needs linked to the displacement and can enjoy their human rights without discrimination resulting from their displacement.
6. Please describe what measures the Government has taken to ensure the full respect and protection of indigenous peoples

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.

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Special Rapporteur on the human rights of internally displaced persons

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw your Excellency's attention to the following principles: Article 6(1) of the International Convention on Civil and Political Rights (ICCPR), to which Indonesia acceded on 23 February 2006, provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In General Comment No. 31, the Committee has observed that there is a positive obligation on States Parties to ensure protection of Covenant rights of individuals against violations by its own security forces. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13).

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which are of particular relevance to the case at hand, as they establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, 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). As stated in Principle 3, national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons. 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 other groups with a special dependency on and attachment to their lands.

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. Moreover, Guiding Principle 29 states that "[c]ompetent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another

form of just reparation.”. Furthermore, Principle 8 of the Pinheiro Principles explicitly calls on states to alleviate the situation of displaced persons living in inadequate housing. In regard to the requirement to ensure durable solutions for IDPs, we furthermore recall the provisions of the IASC Framework on Durable Solutions for Internally Displaced Persons.

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). Article 2 of the Convention 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 the full and equal enjoyment of human rights and fundamental freedoms. States have a responsibility to combat prejudices, which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups (Article 7).

We furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 with the affirmative vote of Indonesia, which elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.