

**Mandates of the Special Rapporteur on the situation of human rights defenders;  
the Special Rapporteur on extrajudicial, summary or arbitrary executions; the  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association and the Special Rapporteur on the rights of Indigenous Peoples**

Ref.: AL IDN 5/2024  
(Please use this reference in your reply)

7 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the rights of Indigenous Peoples, pursuant to Human Rights Council resolutions 52/4, 53/4, 50/17 and 51/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **harassment and intimidation of indigenous West Papuan human rights defenders Ms. Lamberti Faan and Ms. Tineke Rumkabu, and the shooting of Mr. Yan Christian Warinussy.**

Ms. **Lamberti Faan** is an indigenous Papuan human rights defender and was forcibly displaced together with her family from her home in Maybrat Regency, Papua Barat Daya Province (South -West Papua Province), leading her to advocate for the rights of internally displaced persons (IDPs) in West Papua. Her house has since been occupied by the Indonesian military, reportedly for use as a military post. She works closely with the Justice, Peace, and Integrity of Creation (JPIC) office of the Catholic Church in Maybrat. Ms. Faan has been a strong voice in West Papua on the IDP issue calling for the safe return of IDPs back to Maybrat, the provision of basic services in Sorong for displaced persons and the withdrawal of Indonesian security forces from civilian facilities/buildings in Maybrat.

Mr. **Yan Christian Warinussy** is an indigenous Papuan human rights defender, lawyer and the director of the Manokwari Institute for Research, Assessment and Development of Legal Aid (LP3BH Manokwari), an organisation providing legal assistance to victims of human rights violations. He is also the spokesperson for the Papuan Peace Network (JDP). He has received numerous national and international awards for his human rights work, including the John Humphrey Freedom Award in 2005, recognizing his efforts exposing human rights violations in West Papua despite facing repeated intimidation and threats.

Ms. **Tineke Rumkabu** is an indigenous Papuan human rights defender from Biak. She is a survivor of the 1998 Biak Massacre, when on 6 July of that year the Indonesian security forces opened fire on peaceful pro-independence demonstrators on the island of Biak, in response to the raising of the West Papuan Morning Star flag. An estimated 150-200 people were killed, and many of those detained allegedly subjected to torture, rape and sexual mutilation. No criminal prosecutions or

accountability measures have ever been taken by the Indonesian government in response to the Massacre.

Concerns regarding the criminalization and intimidation of human rights defenders in the Papua and West Papua provinces were raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including IDN 2/2023, IDN 1/2023, IDN 10/2021, IDN 8/2021, IDN 6/2021 and IDN 2/2020. We regret that no response has been received from your Excellency's Government.

According to the information received:

*Concerning Ms. Lamiberti Faan*

On 21 June 2024, Ms. Faan participated in the 56<sup>th</sup> Session of the Human Rights Council in Geneva, giving a statement about the conditions faced by IDPs in the Maybrat Regency of West Papua. A video of the statement was shared on social media, which is reportedly how the authorities in Maybrat became aware of her participation at the Council, and began approaching IDPs in the area and asking for Ms. Faan and her relatives.

On 22 June 2024, Ms. Faan returned to Jakarta from Geneva.

On 25 June 2024, the Maybrat Police Chief contacted Ms. Faan's brother and asked about her whereabouts.

On 26 June 2024, Ms. Faan's sister received a call from the Maybrat military chief, who also inquired about her whereabouts.

On 27 June 2024, Ms. Faan's sister was contacted by an individual suspected to be an intelligence officer who sought information about her, including her full name, nickname, religion, occupation and residence.

On 1 July 2024, Ms. Faan noticed a familiar police officer on the same flight as her from Jakarta to Sorong, Papua Barat Daya Province.

On 3 July 2024, Ms. Faan was advised by a friend to move away from Maybrat to a safe place for a month or so, due to the attention the video of her statement had received from the authorities.

On 5 July 2024, the individual suspected to be an intelligence officer contacted Ms. Faan's sister again, asking detailed questions about her and her family.

On 7 July 2024, an unknown man called at the house of Ms. Faan in Sorong, purporting to be looking for vegetables.

On 13 July 2024, Ms. Faan's sister received another call from the suspected intelligence officer, asking to meet and inquire about her children.

On 15 July 2024, a close relative of Ms. Faan was approached by two men while eating at a restaurant in the town Kumurkek, who showed him a video of her statement at the Council and asked questions about her.

On 16 July 2024, drones were spotted flying over Ms. Faan's house in Sorong.

On 17 July 2024, a vendor parked his vehicle outside Ms. Sorong's house for an extended period, adding to Ms Faan and her family's distress and anxiety of being under surveillance.

In response to these incidents, Ms. Faan and her children relocated to a different town in the interest of their safety.

*Concerning Mr. Yan Christian Warinussy*

From 27-29 June 2024, Mr. Warinussy participated in the Permanent Peoples' Tribunal on West Papua in London.

On 17 July 2024 at approximately 4.25 p.m., Mr. Warinussy was shot by an unknown individual with an air rifle in a red minivan, as he was leaving the Mandiri Bank Sanggeng in the town of Manokwari, Papua Barat Province. He sustained a bullet wound on the right side of his chest and was immediately admitted to the Manokwari General Hospital (RSD Manokwari).

Earlier that day, Mr. Warinussy had attended the trial of some local auditors at the Manokwari Anti-Corruption Court in which he was representing the Head of the Representative Office of the Supreme Audit Agency of the Republic of Indonesia. Prior to the attack, Mr. Warinussy and his family had been subjected to acts of intimidation and harassment.

Mr. Warinussy reported the incident to the police, who subsequently opened an investigation. The police have reportedly identified suspects, but at the time of writing are yet to charge or arrest any suspects.

The Papua National Human Rights Commission conducted an investigation into the shooting of Mr. Warinussy, in which it claimed that he had been targeted in connection with a murder case he had previously worked on. This claim is disputed by Mr. Warinussy, who believes the attack is in connection with his role in the corruption trial and his public statements denouncing various cases of corruption over a number of years.

*Concerning Ms. Tineke Rumkabu*

From 27-29 June 2024, Ms. Rumkabu participated in the Permanent Peoples' Tribunal (PPT) on West Papua in London via Zoom, during which she testified about State violence in West Papua during the New Order period under former president Suharto.

On 3 July 2024, plain clothes officers called to Ms. Rumkabu's home and asked after her, however she was not there at the time and so the officers left without providing explanation as to the reason for their visit.

On 4 July 2024, police officers phoned Ms. Rumkabu twice that day, with her son answering both times and informing them that she was not home. Shortly after this, two plainclothes officers parked their motorcycles outside

Ms. Rumkabu's home and called her to come out. Ms. Rumkabu came outside to speak to them, and they alleged they wanted to speak with her about the upcoming elections in Biak. She informed them she was not interested in speaking with them and returned inside her home. A short time later, two more officers arrived to Ms. Rumkabu's house by car, with one of the officers introducing himself as the head of the Intelligence Unit at the Papua Regional Police in Jayapura.

On 6 July 2024, on the anniversary of the 1998 Biak Massacre, Ms. Rumkabu participated in a commemorative event at the water tower near the harbour in Biak, where the 1998 massacre took place. Police officers claimed that they had not been notified about the assembly and reportedly intimidated Ms. Rumkabu and other activists partaking in the commemoration. The officers also reportedly challenged the validity of the allegations of killings during the Massacre, to which Ms. Rumkabu demanded the disclosure of the whereabouts of the victims' bodies. In response to the confrontation, Ms. Rumkabu and the other participants dispersed the gathering and left the area.

From 7 July 2024, plainclothes police and military personnel began appearing outside the home of Ms. Rumkabu in Dafuar village, sitting in a Toyota Avanza Minivan without a police plate number or logo, and appeared to be making phone calls. On one occasion, the officers reportedly coerced Ms. Rumkabu and four other women into accompanying them to the office of the Indonesian Christian Youth Movement (GMKI), under the false pretence that food provisions were being distributed. Upon arriving at the GMKI office and realising that there was no such distribution taking place, Ms. Rumkabu and the other women left and returned home.

On 4 August 2024, two police intelligence officers visited the home of Ms. Rumkabu, under the pretence of offering her a position in the special autonomy parliament. They also reportedly asked about her about her status as a victim of human rights violations. Ms. Rumkabu refused to answer the questions.

On 11 August 2024, Ms. Rumkabu began receiving phone calls and text messages from an unknown number, and unmarked cars have continued to be parked outside her home.

Without prejudging the accuracy of the above allegations, we would like to express our concern regarding the alleged intimidation and harassment by the security forces of indigenous Papuan human rights defenders Ms. Lamiberti Faan and Ms. Tineke Rumkabu, seemingly in reprisal for their engagement with the Human Rights Council and the Permanent Peoples' Tribunal on West Papua, respectively. We are equally concerned by the shooting of Mr. Warinussy, seemingly in connection with his peaceful and legitimate human rights activities and professional legal work, representing an individual in a case of alleged corruption. That Ms. Lamiberti Faan appears to have been subjected to acts of intimidation to an extent that she was forced to relocate for her safety, and that this intimidation is in reprisal for her engagement with UN human rights mechanisms, is cause for grave concern. Similarly, that Ms. Rumkabu appears to have been targeted in connection with her engagement with an international forum to raise awareness of historic human rights violations and

impunity in West Papua, would be in violation of her rights to freedom of association and freedom of expression. We are further concerned regarding the above allegations that the police have identified individuals suspected of the attack on Mr. Warinussy's life, yet have so far failed to make any arrests in connection with these identified suspects, giving rise to concerns that impunity for this attack will prevail, amounting to a violation of the State's obligation to protect Mr. Warinussy's right to life and pursue accountability for those responsible.

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 which reaffirmed the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urged States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts.

Regarding the alleged confrontation by the police of Ms. Rumkabu and other individuals holding a peaceful commemorative demonstration to mark the anniversary of the 1998 Biak Massacre, we are concerned by the reported remarks by the police that they had not received prior notification about the event. In accordance with your Excellency's Government's obligations under international human rights law, specifically article 21 of the ICCPR, lack of prior notification of an assembly never alone constitutes grounds to disperse an assembly.<sup>1</sup>

With regards to allegations that nobody has been held responsible for the 1998 Biak massacre, we remind your Excellency's Government of the obligation to investigate all potentially unlawful deprivations of life including use of lethal force by law enforcement officials (CCPR/C/GC/36). These investigations should comply with international standards including the Minnesota Protocol on the investigation of potentially unlawful death (the Minnesota Protocol). We further remind that the failure of the State promptly to investigate does not relieve it of its duty to investigate at a later time: the duty does not cease even with the passing of significant time (Minnesota Protocol, para 23).

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.

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<sup>1</sup> General comment No. 37 (2020), paras. 70–73 and A/HRC/50/42 Protection of human rights in the context of peaceful protests during crisis situations, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, para 27.

2. Please provide information regarding the alleged phone calls by security officers to Ms. Faan's relatives, inquiring about her, and the purpose and legal basis for these inquiries.
3. Please provide available information regarding the above-mentioned incident on 15 July 2024, whereby a relative of Ms. Faan was approached by two individuals who showed the video of Ms. Faan's statement during the Human Rights Council.
4. With reference to the shooting of Mr. Warinussy, please provide information as to the progress of the investigation and whether any domestic proceedings have been initiated, and in case of affirmative response, what are its outcomes.
5. Please provide information regarding the visits made by security officers to Ms. Rumkabu's house on 4 July, 7 July and 4 August 2024 and the purpose of these visits.
6. Please provide information regarding the alleged confrontation by police of the 1998 Biak Massacre commemorative event on 6 July 2024, and the claim by police that they had not received prior notice of the peaceful assembly
7. Please provide information on any ongoing and concluded investigations into the 1998 Biak Massacre, including whether they complied with international standards including the Minnesota Protocol.

We would appreciate receiving a response within 60 days. Past 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.

In light of the allegations of reprisals for cooperation with the United Nations on human rights in relation to the human rights situation in West Papua, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary-General to lead the efforts within the United Nations system to address this issue.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

José Francisco Cali Tzay  
Special Rapporteur on the rights of Indigenous Peoples

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 6, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia on 23 February 2006.

In addition, we would like to refer to the UN Declaration on the Rights of Indigenous Peoples in its article 1 states that Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. This includes the rights to life, physical and mental integrity, liberty and security of person (article 7). It further provides in article 2 that Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 6(1) of the ICCPR provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In particular, the right to life constitutes a norm of jus cogens and customary international law from which no derogation is permitted under any circumstances (CCPR/C/GC/36, para. 2).

We recall that states must respect the right to life. This entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life. States must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. The obligation of States to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (CCPR/C/GC/36, para 7).

An important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences (CCPR/C/GC/36, para 27).

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (CCPR/C/GC/36, para 27).

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 like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’, subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. An attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19. (GC34 paragraph 23)

The Human Rights Committee stated that “[a]rticle 21 of the Covenant protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches” (CCPR/C/GC/37, para 6).

Notification of an assembly must not be required for spontaneous assemblies, for which there is not enough time to provide notice, and which is often the case during crises. Lack of notification alone never constitutes grounds to disperse an assembly or justify the use of force, the criminalization or arrest of protesters. States remain obligated to facilitate such assemblies and protect the participants.

Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]

Furthermore, we would 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, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and 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.

Likewise, 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 6(a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely 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(1), which provides for the right to benefit from an effective remedy and to be protected in the event of the human rights violations.

Article 9(3)(b), which provides for the right to attend public hearings, proceedings, and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments.

Article 12(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 their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In her report to the 49<sup>th</sup> session of the Human Rights Council, the UN Special Rapporteur on the situation of human rights defenders highlighted the severe risks faced by human rights defenders working against corruption the importance of States' prompt, efficient and transparent investigation and prosecution of violations committed against human rights defenders working against corruption and bringing the perpetrators to justice (A/HRC/49/49).

We would like to note that in March 2024, Indonesia received the [concluding observation of the Second Periodic Report on Indonesia by the Human Rights Committee](#), highlighting the significant reports of harassment, intimidation, surveillance, and the excessive use of force by peaceful protesters and members of civil society. We would like to refer that the recommendations issued on this report include:

The State party should take the measures necessary to ensure the full enjoyment of the right to freedom of opinion and expression, with reference to general comment No. 34 (2011) on the freedoms of opinion and expression. In particular, the State party should:

- a. Adopt measures to effectively protect individuals exercising their freedom of expression, including the adoption of legislation to protect human rights defenders and to guarantee their rights, including their right to effective remedies;

- b. conduct prompt, thorough, and impartial investigations into all reports of harassment, intimidation and reprisals against human rights defenders, ensure that perpetrators are brought to justice, and if convicted, punished with penalties commensurate to the seriousness of the offence, and that defenders are able to carry out their work in a safe and enabling environment.