

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL IDN 4/2025
(Please use this reference in your reply)

8 July 2025

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 and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4, 53/4 and 52/9.

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 Papuan human rights defender Mr. Marcho Pahabol in Dekai, Yahukimo Regency, Papua Pegunungan Province since March 2025.**

Mr. **Marcho Pahabol** is a human rights defender who has been vocal on the continuing violence in the Papua region, including the occurrence of extrajudicial and summary executions and the lack of adequate and transparent investigations in these killings. He is a member of the Justice Front for Tobias Silak (FJFTS), a solidarity group formed in August 2024 in Dekai following the alleged extrajudicial killing of Mr. Tobias Silak, an indigenous Papuan and a staff member of the election supervisory agency (Bawaslu) who was reportedly shot dead by para-military police Mobile Brigade (Brimob) officers in 24 August 2024 in front of the Yahukimo District Police Headquarters in Dekai. Mr. Marcho Pahabol and the FJFTS have been strongly advocating for an investigation into the alleged killing of Mr. Silak.

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 5/2024, IDN 2/2023, IDN 1/2023, IDN 10/2021, IDN 8/2021, IDN 6/2021, and IDN 2/2020. We thank your Excellency's Government for the replies received in relation to IDN 5/2024 on 18 December 2024, IDN 1/2023 on 8 May 2023, IDN 10/2021 on 9 February 2022, IDN 8/2021 on 24 December 2021, IDN 6/2021 on 30 August 2021 and IDN 2/2020 on 9 July 2020. However, we remain concerned about the situation.

According to the information received:

On 16 December 2024, the FJFTS coordinated peaceful protests in different parts of Indonesia, including in Jayapura, Jakarta, Deiyi and Makassar protesting the slow progress of the investigation into the shooting and alleged extrajudicial killing of two civilians by the Papua Regional Police (Polda) including Mr. Tobias Silak.

On the same date, 16 December 2014, in Jayapura, a peaceful protest was held in front of the Waena Expo portal, where a statement was read out from the Waena expo stage by various youth and student organisations. A similar peaceful action was held by the FJFTS in Jakarta. The action, which took place in front of the National Human Rights Commission (Komnas HAM)'s office, was marked by the burning of a tyre which was referred to as a symbol of lighting the fire of justice for Mr. Tobias Silak.

In Makassar, organisations including FJFTS urged Indonesian President Prabowo Subianto and Human Rights Minister (Menham) Mr. Natalius Pigai to take immediate and meaningful steps to resolve all cases of human rights violation in Papua, including the shooting and alleged extrajudicial killing of Mr. Tobias Silak.

On 24 December 2024, following their investigation into the killing of Mr. Silak, Komnas HAM made its findings into the shooting incident in Dekai public, identifying four BRIMOB Officers as the alleged perpetrators. Komnas HAM's findings also stated that the killing and injuries were a human rights violation, in particular the right to life and the right to justice.

On 25 January 2025, Mr. Macho Pahabol organised open discussions and strategic meetings with youth community representatives in Dekai calling on the Yahukimo District Police to take cognisance of Komnas HAM's findings and investigate the alleged extrajudicial killing of Mr. Tobias Silak.

On 21 February 2025, the FJFTS held a public protest in Deyai where Mr. Pahabol delivered a speech calling on the Papuan Regional Police to take cognisance of recommendations issued by Komnas HAM and to arrest and investigate the four BRIMOB officers. They also called for the trial to be relocated to Jayapura.

At approximately 9 p.m. on 26 March 2025, Mr. Pahabol was attacked and assaulted on his way home by seven to eight unidentified men. As a result of this incident, the human rights defender was injured on his face, legs and hands and continues to have pain in the back of his head.

On 29 March 2025, Mr. Pahabol was attacked again on his way home by an unidentified individual on a motorcycle who reportedly attempted to stab him in a residential area of Dekai. He was able to escape from the attacker but was wounded by the knife on his arm and right shoulder. No police complaint was filed regarding the incident.

On 2 April 2025, at around 7 p.m., Mr. Pahabol was approached by a man whilst he was sitting on the roadside along Paradiso Road in Dekai. According to Mr. Pahabol, he had previously seen the man at the local police station and also during many of the peaceful demonstrations organised by FJFTS over the past months. Mr. Pahabol reportedly asked the man why he was standing so close to him and if he was a police officer. The man responded by saying that his occupation "was not your (Mr. Pahabol's) business" and began beating and punching Mr. Pahabol. Mr. Pahabol was punched and beaten several times,

receiving multiple blows and bruises to his head, eyes and temples. The man also reportedly stabbed him with a knife in the right shoulder. Mr. Pahabol managed to free himself and escape.

Following the incident, Mr. Pahabol experienced severe headache for several days but did not go to a hospital for treatment nor did he report the case to the police as he feared further reprisals. A few days after the incident, he left Dekai.

Until his departure from Dekai, Mr. Pahabol reportedly faced surveillance and harassment including by a number of vehicles, which would stay parked outside his boarding house at night and honk loudly for extended period of time in an apparent attempt to intimidate him and/or lure him outside.

On 28 May 2025, the Papua Regional Police reportedly submitted the case dossier concerning the alleged extrajudicial killing of Mr. Tobias Silak to the Prosecution Service of Indonesia/Prosecutor's Office in Jayawijaya, Wamena identifying four BRIMOB officers as the alleged perpetrators of the shooting and extrajudicial killing. The public prosecutor, as per rules of procedures, composed the results the criminal investigation to be the criminal prosecution against the defendants. On 2 June 2025, the four BRIMOB officers, were transferred to Wamena.

Without prejudging the accuracy of the above allegations, we would like to express our concern about reports of intimidation and threats made against human rights defender Mr. Macho Pahabol. These acts of harassment and intimidation are seemingly connected to his peaceful and legitimate human rights activities and exercise of the rights to freedom of expression and freedom of peaceful assembly, which are guaranteed by international law. We are deeply concerned that Mr. Pahabol has been targeted because of his prominent work covering and denouncing human rights violations in Papua. Such actions not only undermine the rights of human rights defenders but also create a harmful "chilling effect" on civil society more broadly, deterring individuals and groups from exercising their rights to freedom of peaceful assembly and freedom of expression, and advocating for justice and resulting in a curtailment of the civic space, essential for any democracy. We also express concern about the alleged extrajudicial killing of Mr. Tobias Silak.

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. With reference to the reports of harassment and physical attacks suffered by Mr. Pahabol, please provide information on whether any steps have been taken to investigate these allegations, including any possible

involvement or acquiescence by State officials.

3. Please provide information on steps taken by your Excellency's Government to ensure that Mr. Pahabol and other human rights defenders, including those working on Papua, are able to carry out their legitimate human rights work in a safe and enabling environment without fear of any intimidation, threats or reprisals. Please provide details on the measures that have been put in place or are planned to be undertaken to prevent further attacks and intimidation against Mr. Pahabol and other human rights defenders and protect them from harassment, arbitrary arrests, attacks, threats and killings.
4. With reference to the killing of Mr. Tobias Salik, please provide information as to the progress of the investigation, including its compliance with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and what are its outcomes.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to of the International Covenant on Civil and Political Rights, ratified by the Indonesia on 28 October 2005.

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).

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious

discourse” (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23). 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 (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. ([CCPR/C/GC/34, para. 34](#)).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HCR/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“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). The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

Further, 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 the 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 based on their indigenous origin or identity.

In relation to the allegations indicating that Mr. Marcho Pahabol is being targeted because of his activities defending human rights, we would like to remind Your Excellency's Government that the legitimate role of human rights defenders is recognised by international law and referred to 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, articles 1 and 2 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.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of 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 2, which highlights that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;
- Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point(a) and (b), which provides for the right of all persons to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms and freely to publish, impart or disseminate to others views on these matters;
- 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.