

Mr. Christof Heyns

Special Rapporteur on extrajudicial and summary execution

c/o Office of the High Commissioner for Human Rights – Palais Wilson

United Nations Office at Geneva

CH 1211 Geneva 10

Switzerland

10th December 2014

Urgent Appeal

Dear Mr. Christof Heyns

Indonesia: Extrajudicial and summary execution of five Indigenous Papuans by Indonesian National Army.

We, the Papuan Customary Council of Paniai (*Dewan Adat Paniai*), the Coalition of Human Rights NGOs in Papua, Franciscans International, VIVAT International and the Human Rights Working Group (HRWG) Indonesia with the support nine other organizations hereby submit an urgent appeal regarding the killing of four Indigenous Papuan civilians on the 8th December 2014 (and the subsequent death of two more indigenous Papuans injured during the incident) in Paniai District, Papua Province by members of The Indonesian National Army.

Chronology of the incident

Date : 8 December 2014

Location : Enarotali, District of Paniai, Papua Province, Indonesia

Time : 1.30am-9am

Around 1.30 am in the morning:

Three young indigenous men who were on guard at a “Christmas hut” in Ipakiye Village, Sub-district of Paniai Timur, Paniai District, Papua Province, yelled at a vehicle (type: ‘Black Fortuner’) passing through the village, calling on them to switch on the headlights. Two members of the 753rd Battalion ‘Arga Vira Tama’ (AVT) Nabire were in the vehicle on their way to their command post in Uwibutu Village in Sub-district Paniai Timur.

Having reached their command post, they quickly returned to the Christmas hut with some other army personnel. When they arrived at the spot, they immediately shot in the air looking for the three young men. Two of them had gone away, so only Mr. Henok Yeimo (a high school student in Enarotali) was present near the Christmas hut. The army personnel then proceeded to beat him badly until he fainted. Later, his family admitted him to the local hospital for medical treatment.

Around 9am in the morning:

Having heard the news about Mr. Yeimo, the villagers of Ipakiye and Madi put road blocks near the Christmas hut in Ipakiye. This action drew further attention from army personnel. They arrived in a ‘Black Fortuner’ vehicle that the villagers believed to be the same vehicle that was involved in the initial incident. The villagers stopped and damaged the vehicle. In response, the army personnel present destroyed the Christmas hut.

The villagers, then marched in *waita* (Papuan traditional marching with songs and chants) towards Enarotali (about 5 kms from Ipakiye) as far as Karel Gobay soccer field in Enarotali. They wanted to ask for clarification from the Local Army Command and the Police Station in Enarotali regarding the case of Mr. Henok Yeimo. Not long afterwards, the crowd were surrounded by the security forces who started to shoot at them. As the result of the shooting, four person were killed at the spot, and several were seriously injured.

Victims

List of victims are as follows:

Name	Age and sex	Occupation	Status	Alleged perpetrator
Alpius Youw	17, Male	High school student of the Catholic High School (YPPK) in Enarotali	Shot dead in Karel Gobay soccer field on the 8 th December.	Members of 753 Batallion Arga Vira Tama (AVT) Nabire, Papua
Yulian Yeimo	17, Male	High school student of the Christian High School (YPPGI) in Enarotali	Shot dead in Karel Gobay soccer field on the 8 th December.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua
Simon Degei	18, Male	High school student of the High School of Paniai Timur in Enarotali	Shot dead in Karel Gobay soccer field on the 8 th December.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua
Alpius Gobai	17, Male	High school student of the High School of Paniai Timur in Enarotali	Shot dead in Karel Gobay soccer field on the 8 th December.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua
Abia Gobai	18, Male	Farmer from Enarotoli	Severely wounded and died in Madi Town Hospital later on the 8 th December.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua
Yulian Tobay	30, Male	Security guard of the Local State Hospital	Seriously wounded and died in Madi hospital on 9 th December.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua
Andreas Dogopia	28, Male	Civil servant	Seriously wounded.	Members of 753 Battalion Arga Vira Tama (AVT) Nabire, Papua

Seventeen other members of the indigenous community were also wounded. Their identities are being confirmed. Immediately after the shooting incident people built a tent in Karel Gobay soccer field to lay out the first four victims who were killed at the spot and are awaiting the Papua Chief of Police and the Army Commander of Papua to visit the scene.

Steps taken by victims' families

In response to the incident, the families of the victims have taken the following actions:

- On behalf of the local community, Mr. Jhon NR Gobay, the Chair of the Papuan Customary Council of Paniai (*Dewan Adat Paniai*), held a press conference in the Papua provincial capital, Jayapura on 8th December 2014 to give an account the incident to the public;
- He demanded that the government pay compensation to the families of the deceased victims the amount of IDR 5 billion for each victim (approx. USD 10, 000) totaling IDR 30 billion, at least for the

- five victims who were killed during the incident (as 10th December, the number of the dead victims increased to 6 persons, as one more seriously wounded victim died on 9th December);
- c) On 9th December 2014, the Coalition and the Papuan Customary Council of Paniai held a press conference in Jayapura to explain the incident and demand the state accountability.

Steps taken by the authorities

- a) On 8th December 2014, the Spokesperson of the Papua Police Headquarter, Commissioner Mr. Sulisty Pudjo, told the press that he was unable to verify who did the shootings;
- b) On 9th December 2014, the Head of Intelligence Section of the Army Ginting and the Head of Intelligence Section of the Police, AKBP Mr. Patris Renwarin visited the crimes scenes while the bodies were still in the tent.

Background and context

Cases of extra judicial and summary execution by Indonesian security forces in the provinces of Papua and West Papua take place regularly. According to the report of the International Coalition on Papua and Franciscan International "*Human Rights in West Papua 2013*¹", the indigenous Papuans do not benefit from the same 'right to live' protection by the Government of Indonesia compared with persons living elsewhere in Indonesia. The same report gives as an example that between October 2011 and April 2013, the majority of extrajudicial killings were related to the excessive or unnecessary use of violence, applied by police forces during arrest or the repression of mass events.

A recent case of extrajudicial execution was documented by the Justice Peace and Integrity of Creation (JPIC) of the GKI Tanah Papua Office². Three persons, Mr. Yenias Wanimbo (20 y.o.), Mr. Demy Kepno (28 y.o) and Mr. Sausek Kabak (24 y.o) were killed by the police force on July 2nd, 2014, in different location around Yotefa Market, Abepura District, Papua Province, following the sweeping against dice gambling.

Indonesia is a state party to the UN International Covenant on Civil and Political Rights (ICCPR). In the Concluding Observation for the review for Indonesia in 2013, the Committee expressed its concern on the use of excessive of force and extra-judicial killings by the police and the military (...) including in Papua. The Committee issued a recommendation that "The State party should take concrete steps to prevent the excessive use of force by law enforcement officers by ensuring that they comply with the 1990 United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials"³.

Recommendations

We expressed our deep concern on the on-going incident of extrajudicial and summary execution in Indonesia. While to the change of administration in Indonesia following the Presidential Election in 2014 was perceived to bring a better human rights situation in Papua, it is proven the situation has not changed. This incident took place only few weeks prior to the first visit of newly elected Indonesian President Joko Widodo to Jayapura, Papua Province on 23rd December 2014 to celebrate Christmas with the Papuans.

Therefore, we would urge you to send a communication to the Government of Indonesia with the following recommendations:

- 1. To take an urgent action to ensure the safety of the Papuan community in the District of Paniai;**

¹ See http://franciscansinternational.org/fileadmin/docs/West_Papua_Report_2012-13/HumanRightsPapua2013-ICP.pdf

²See http://www.humanrightspapua.org/images/Report_Yotefa_Case_English_2.pdf

³ See the ICCPR Concluding observation for Indonesia CCPR/C/IDN/CO/1 para 16

2. To undertake, without delay, a sub-poena investigation by the Indonesian Commission on Human Rights (KOMNAS HAM);
3. To investigate the case without delay and to ensure the witness protection by involving the Indonesian raise the issue with the Indonesian authorities to ensure the safety of witnesses by involving Indonesia's Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban – LPSK*);
4. To provide medical treatment for the victims and counseling for victims' families until they resumes their lives properly.

In addition, in order to find a sustainable solution in Papua, we urge you to recommend to the Indonesian government to 1) Reduce the number of military forces deployed in Papua and ensure the compliance by the security forces with Indonesia's obligations under international human rights laws and standards and 2) to ensure that the National Police applies effective oversight of the provincial police in Papua and ensure that residents of Papua can enjoy a high standard of law enforcement. For this, negligence and corruption within the police should be addressed with serious sanctions and criminal procedures where applicable.

We thank you for your kind attention. Should you have any further questions, please do not hesitate to contact us.

Submitted by the following non-governmental organizations:

1. The Papuan Customary Council of Paniai (Dewan Adat Paniai)

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2. The Coalition of Human Rights NGOs in Papua

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5. Human Rights Working Group (HRWG) Indonesia

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The following organizations also support this appeal:

1. Justice, Peace and Integrity of Creation (JPIC) of Franciscans in Papua, Jayapura, Papua Province, Indonesia
2. Justice, Peace and Integrity of Creation (JPIC) of the Congregation of Order of Friar Minor (OFM), Jakarta, Indonesia
3. Justice, Peace and Integrity of Creation (JPIC) of the Congregation of Missionary of Sacred Heart (MSC), Jakarta, Indonesia
4. Secretariat of Justice and Peace, Diocese of Merauke, Papua Province, Indonesia
5. Secretariat of Justice and Peace, Diocese of Timika, Papua Province, Indonesia
6. Justice, Peace and Integrity of Creation Desk of the Christian Papuan Protestant Church of the Land of Papua (KPKC Sinode GKI Tanah Papua)
7. International Coalition for Papua, Wuppertal, Germany
8. Geneva for Human Rights, Geneva, Switzerland
9. West Papua Netzwerk, Wuppertal, Germany

cc. **Mr. Zeid Ra'ad AL HUSSEIN,**
UN High Commissioner for Human Rights

Ms. Victoria Lucia TAULI-CORPUZ,
UN Special Rapporteur on the rights of indigenous peoples

Mr. Juan Ernesto MENDEZ,
UN Special Rapporteur on torture and other cruel, degrading or inhuman treatment or punishment

Mr. Maina KIAI,
UN Special Rapporteur on the rights to peaceful assembly and association

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