

Human Rights Council – 19th Session
9 March 2012
Item 3: General debate

Oral statement

Speakers: Mr. Budi Tjahjono

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Madam President,

Franciscans International, Faith Based Network on West Papua and TAPOL would like to draw the attention on torture and extrajudicial execution still taking place in Papua.

Our organisation is deeply concerned that, despite the fact that Indonesia ratified the UN Convention against Torture in 1998 and is therefore legally bound to prohibit torture and all other forms of ill-treatment, the use of torture continues unabated. Provisions have yet to be made in the military and civilian penal codes to criminalize torture so the Indonesian security forces still carry out this practice with impunity. The military regularly conducts anti-separatist sweeping operations to flush out alleged Free Papua Movement (OPM) supporters. These often involve the burning of villages, killing of livestock, arbitrary arrests, extrajudicial killings and torture. The people who suffer most from this military action are innocent civilians.

We would like to draw your attention to military operations which took place in early December 2011 in the Paniai region of West Papua. A massive sweeping operation conducted by units of the military, including the U.S. and Australian-funded Detachment 88, and the Mobile Police Brigade (Brimob), drove hundreds (possibly thousands) of villagers from their homes as they fled the waves of brutal aerial and ground assaults. At least 15 were shot death and about five hundred inhabitants of Dagouto village in Paniai Regency left home in fear to seek refuge in Enarotali following the deployment of one hundred and fifty Brimob officers to their area.

Considering that Indonesia ratified the UN Convention against Torture fourteen years ago, Article 4 of which requires that “*each State Party shall ensure that all acts of torture are offences under its criminal law,*”

Franciscans International, urge the Government of Indonesia to:

- *Conduct prompt and effective investigations into all cases of human rights violation against Papuans, in particular allegations of torture and extrajudicial executions perpetrated by members of the military; identify and prosecute the culprits; and provide adequate remedies to the victims.*
- *Domesticate the Convention against Torture into national law immediately so as to criminalise the use of torture in accordance with international standards and Indonesia’s obligations as a state party to the Convention.*
- *Amend Military Law No.31, 1997, to ensure that military personnel who commit crimes, including torture, against civilians are tried in a civilian court.*
- *Implement the National Action Plan on Human Rights 2010-2014 in full, with particular priority placed on ratifying the Optional Protocol to the Convention against Torture, and establish the necessary administrative infrastructure for its comprehensive implementation with particular regard to the designation of at least one national prevention mechanism.*

Thank you.