



INDONESIA: SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

140TH SESSION (4 MARCH 2024 - 28 MARCH 2024)

Introduction

CIVICUS: World Alliance for Citizen Participation provides the following information with respect to the human rights situation in Indonesia to the United Nations (UN) Human Rights Committee (the Committee) in advance of its sixth periodic review of Indonesia's obligations under the International Covenant on Civil and Political Rights (ICCPR) at the Committee's 140th session.

In this document, CIVICUS sets out its main concerns regarding the implementation of the ICCPR by Indonesia, focusing on civic space issues, and specifically, the rights to freedoms of expression (Article 19), peaceful assembly (Article 21) and association (Article 22).

Freedom of expression (Article 19)

ICCPR Article 19, which has been acceded to by Indonesia through Law No. 12/2005, guarantees the right to freedoms of expression and opinion. Article 25 of the Constitution also guarantees the right to freedom of expression, including to express opinions in public. However, in practice, CIVICUS has documented restrictions including the use of criminal defamation laws, the use of treason charges against political activists, reprisals against journalists and internet blockades.

Laws criminalising defamation and silencing dissent

The Electronic Information and Transaction (*Informasi dan Transaksi Elektronik* or ITE) Law was passed in 2008. Article 27(3) of the ITE Law has been mostly used to prosecute defamation and applies to 'any person who deliberately and without right distributes and/or transmits and/or makes electronic information and/or documents accessible that contains insulting and/or defaming content'. The vague and overly broad provision has been used to arrest, harass, prosecute and punish people for peacefully exercising their freedom of speech, including activists and journalists. Another provision used to criminalise speech is Article 28(2) of the ITE Law, which criminalises hate speech and prohibits 'intentionally and without rights spreading information intended to result in hatred or enmity toward individuals or groups in society based on their ethnicity, religion, race or group'.

According to Amnesty Indonesia's data, at least 535 individuals were charged under the ITE Law from 2019 to 2023.¹ Revisions of the Law in 2016 and most recently in 2023 did not amend provisions that can be used to criminalise expression.²

In December 2019, an activist who reported a ban on Christmas celebrations in a conservative Muslim province was charged with online defamation. Sudarto, from the Inter-Community Studies Centre (Pusaka), posted on Facebook that local authorities in a West Sumatra community had banned a Catholic congregation from performing Christmas mass. He was charged under Article 28(2) of the ITE Law.³

Police arrested eight members of the Save Indonesia Coalition on 13 October 2020, under Article 28(2) of the ITE Law, for their social media posts in support of protests against the Job Creation Law.⁴ The law - which revises 79 existing laws - aims to improve bureaucratic efficiency and cut red tape, particularly in regard to business permits. However, critics say it erodes workers' protections, increases job insecurity and removes environmental safeguards.

In November 2020, an Indonesian musician was sentenced to 14 months in jail for criticising the country's medical association on his Instagram account over its handling of the COVID-19 pandemic. I Gede Ari Astina, better known by his stage name Jerinx, was found guilty of violating Article 28(2) of the ITE Law. The charges sprang from a post on his Instagram account in which he criticised the Indonesian Medical Association and called it a 'lackey' of the World Health Organization.⁵

Dr Saiful Mahdi, a university lecturer at Syiah Kuala University in Aceh, was sentenced to three months' imprisonment and a fine of 10 million rupiah (approx. US\$680) in September 2021 on defamation charges. Criminal defamation charges were brought against Dr Mahdi under Article 27(3) of the ITE Law for criticising the process for selecting successful candidates from the civil service test to join the Faculty of Engineering and questioning the conduct of the 'leadership ranks' in his university.⁶

Moeldoko, the Presidential Chief of Staff, filed cases against two Indonesia Corruption Watch researchers, Miftah and Egi Primayogha, on allegations of defamation under Article 27(3) of the ITE Law in September 2021 for accusing him of being involved with

¹ 'Indonesia: acquittal of human rights defenders gives new hope for human rights', Amnesty International Indonesia, 8 January 2024, <https://www.amnesty.id/indonesia-two-defenders-acquittal-new-hope-for-human-rights>.

² 'Indonesia: newly revised ITE Law threatens freedom of expression and must be amended', International Commission of Jurists, 6 December 2023, <https://www.icj.org/indonesia-newly-revised-ite-law-threatens-freedom-of-expression-and-must-be-amended>.

³ 'Protests in Indonesia against weakening of labour laws as activists and critics are silenced', CIVICUS Monitor, 16 April 2020, <https://monitor.civicus.org/explore/protests-indonesia-against-weakening-labour-laws-activists-and-critics-are-silenced>.

⁴ 'Critical voices silenced, impunity for excessive force and unlawful killings in Indonesia', CIVICUS Monitor, 1 February 2021, <https://monitor.civicus.org/explore/critical-voices-silenced-impunity-excessive-force-and-unlawful-killings-indonesia>.

⁵ CIVICUS Monitor, 1 February 2021, op. cit.

⁶ 'Human rights defenders, critics targeted in Indonesia while protests on Papua repressed', CIVICUS Monitor, 21 September 2021, <https://monitor.civicus.org/explore/human-rights-defenders-critics-targeted-indonesia-while-protests-papua-repressed>.

PT Harsen Laboratories, the producer of the drug Ivermectin. The group stated that he was also seeking profit from the rice business while serving at the Indonesian Farmers Harmony Association.⁷ At the time of writing, they have not been charged.

In November 2021, an Indonesian official reported two Greenpeace Indonesia activists to the police for criticising President Joko Widodo's deforestation and environmental policies and alleged that they violated Article 28(2) the ITE Law. The move to file the report drew much criticism online, leading to the police report being withdrawn.⁸

Articles 156 and 156(a) of the Criminal Code have also been used to prosecute and imprison people for 'defamation' of religion for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedoms of thought, conscience or religion.

In September 2023, an Indonesian court sentenced a woman to two years in jail for posting a viral TikTok video where she uttered an Islamic phrase before eating pork. Lina Lutfiawati was found guilty of religious defamation against religious individuals and groups under Article 156a of the Criminal Code. She was also ordered to pay a 250 million rupiah (approx. US\$16,250) fine.⁹

Indonesia passed a new Criminal Code on 6 December 2022, containing provisions that are inconsistent with international human rights law and standards.¹⁰ Among the many concerns were new provisions that ban insulting the president, the vice president, state institutions, Indonesia's national ideology known as 'Pancasila' and the national flag. The new code comes into effect in 2026.

Arrest and prosecution of political activists on treason charges

The Indonesian authorities have used Article 106 (treason) and Article 110 (conspiracy to commit treason) of the Criminal Code to prosecute dozens of pro-independence political activists for their peaceful expression. According to Amnesty International Indonesia, from 2019 to 2022, at least 90 people in the Papua region faced criminal charges and prosecution for allegedly violating treason articles under the Criminal Code.¹¹

On 23 October 2020, the Ambon District Court in Maluku convicted Abner Litamahuputty, Jannies Pattiasina and Simon Taihutu for taking part in a peaceful protest in Ambon on 25 April 2020. Pattiasina and Taihutu received a two-year sentence, while Litamahuputty

⁷ CIVICUS Monitor, 21 September 2021, op. cit.

⁸ 'Ongoing harassment, threats and criminalisation of activists and journalists in Indonesia', CIVICUS Monitor, 26 January 2022, <https://monitor.civicus.org/explore/ongoing-harassment-threats-and-criminalisation-activists-and-journalists-indonesia>.

⁹ 'Indonesia: crackdown on activists, expression and protests including in Papua as government seeks Human Rights Council membership', CIVICUS Monitor, 6 October 2023, <https://monitor.civicus.org/explore/indonesia-crackdown-on-activists-expression-and-protests-including-in-papua-as-government-seeks-human-rights-council-membership>.

¹⁰ 'Indonesia Criminal Code 2023 (UU Nomor 1 Tahun 2023)', <https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023>.

¹¹ 'Indonesia: unconditionally release three Papuans imprisoned', Amnesty Indonesia, 12 June 2023, <https://www.amnesty.id/indonesia-unconditionally-release-three-papuans-imprisoned>.

received a three-year sentence. All three were found guilty of violating Article 106 of the Criminal Code. They had allegedly participated in peaceful flag-raising ceremonies in different locations in the province to commemorate the 70th anniversary of the declaration of independence of the Republic of South Maluku (Republik Maluku Selatan) in 1950.¹²

In October 2020, the Fak-Fak District Court, West Papua, convicted and sentenced 23 people to between 11 and 18 months' imprisonment for their involvement in anti-racism protests in December 2019. They were found guilty of committing treason and violating Article 106 of the Criminal Code.¹³

Seven Papuan students were convicted and sentenced to 10 months' imprisonment on 30 August 2022 for raising the banned Morning Star flag, a symbol of Papuan independence, on 1 December 2021. They were charged with treason under Articles 106 and 110 of the Criminal Code.¹⁴

Three Papuans were convicted and sentenced to two years in prison on 12 June 2023 for committing treason after holding a prayer gathering in Manokwari in October 2022 to celebrate the 11th anniversary of the Federal Republic of West Papua, which is deemed a Papua separatist movement.¹⁵

On 14 June 2023, three Papuan political activists were convicted of treason in Makassar, South Sulawesi province. The men, who were linked to the Federal Republic of West Papua, deemed a Papua separatist movement, were sentenced to prison under Articles 106 and 110 of the Criminal Code for delivering peaceful speeches and displaying banners with the Morning Star symbol at the airport in Sorong on 13 September 2022.¹⁶

On 8 August 2023, three Papuan students were found guilty of treason and given a 10-month prison sentence by the Jayapura District Court. They were charged over their involvement in an event held at the Jayapura University of Science and Technology in November 2022, where they waved the Morning Star flag.¹⁷

Reprisals against journalists

CIVICUS has also documented that journalists undertaking their work to report on state abuses have been targeted, including by being criminalised, attacked and deported, to silence them and block their reporting.

¹² While the Republic of South Maluku, an armed pro-independence rebellion, officially ended in Maluku in 1966, some political activists continue to raise the 'Benang Raja' flag there as a peaceful political act of protest against the central government. See CIVICUS Monitor, 1 February 2021, op. cit.

¹³ CIVICUS Monitor, 1 February 2021, op. cit.

¹⁴ 'Crackdown on activists and protests persist in Indonesia while draft criminal code revisions could further curtail dissent', CIVICUS Monitor, 23 September 2022, <https://monitor.civicus.org/explore/crackdown-activists-and-protests-persist-indonesia-while-draft-criminal-code-revisions-could-further-curtail-dissent>.

¹⁵ 'Indonesia: government continues to jail Papuan activists, criminalise dissent and target journalists', CIVICUS Monitor, 28 June 2023, <https://monitor.civicus.org/explore/indonesia-government-continues-to-jail-papuan-activists-criminalise-dissent-and-target-journalists>.

¹⁶ CIVICUS Monitor, 28 June 2023, op. cit.

¹⁷ CIVICUS Monitor, 6 October 2023, op. cit.

In September 2019, Muh Darwin Fatir, a reporter at Indonesian national news agency Antara News, was beaten and kicked by a riot police officer while covering a protest at the parliament building in Makassar, the capital of Indonesia's South Sulawesi province. At least two other journalists, Ishak Pasa'buana of local outlet Makassar Today and Muh Saiful Rania of news website Inikata.com, were also beaten by police.¹⁸

Philip Jacobson, a US journalist who worked with the environmental news organisation Mongabay, was arrested in December 2019 under Article 122 of the 2011 Immigration Law for misuse of his residence permit. He was later jailed for three days in January 2020. Though Jacobson was not working as a journalist during his stay in Indonesia, he was detained after attending a public meeting and was accused of violating the terms of his business visa. He was deported on 1 February 2020.¹⁹

Diananta Putra Sumedi, the editor of the local news website BanjarHits.id and correspondent for the investigative newspaper Tempo, was charged with 'information causing enmity' under Article 28.2 of the ITE Law. He was arrested on 4 May 2020 in response to a criminal complaint made by the Indonesian palm oil giant, the Jhonlin Group, about an article he posted on BanjarHits.id and then on the collaborative news platform Kumparan in November 2019 about a dispute over land that a Jhonlin Group subsidiary allegedly took from three villages inhabited by members of the Dayak, an Indigenous people in southern Borneo.²⁰ In August he was found guilty and sentenced to three months and 15 days jail.²¹

Nirmala Moulana, a journalist with Kompas.com, was assaulted by members of the military and had his phone confiscated on 20 November 2020 while covering the removal of banners depicting controversial Islam Defenders Front Leader Rizieq Shihab in the capital, Jakarta.²²

Muhammad Asrul, a journalist in South Sulawesi province, was sentenced to three months in prison in a criminal defamation case on 23 November 2021 under section 27(3) of the ITE Law. He was convicted in connection with a story in May 2019 about alleged embezzlement by local officials in three building projects: repairs to a hydroelectric dam, the revitalisation of the Palopo Pancasila industrial zone and construction of a bypass in the west of the city.²³

¹⁸ 'Lack of accountability for police violence, attacks on journalists and activists in Indonesia', CIVICUS Monitor, 21 November 2019, <https://monitor.civicus.org/explore/lack-accountability-police-violence-attacks-journalists-and-activists-indonesia>.

¹⁹ CIVICUS Monitor, 16 April 2020, op. cit.

²⁰ 'Papuan activists prosecuted while critics face judicial harassment and digital attacks', CIVICUS Monitor, 10 August 2020, <https://monitor.civicus.org/explore/papuan-activists-prosecuted-while-critics-face-judicial-harassment-and-digital-attacks>.

²¹ 'Indonesia: Press Council by-passed as journalist found guilty of inciting hatred', International Federation of Journalists, 11 August 2020, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/indonesia-press-council-by-passed-as-journalist-found-guilty-of-inciting-hatred>.

²² CIVICUS Monitor, 1 February 2021, op. cit.

²³ 'Ongoing harassment, threats and criminalisation of activists and journalists in Indonesia', CIVICUS Monitor, 22 January 2022, <https://monitor.civicus.org/explore/ongoing-harassment-threats-and-criminalisation-activists-and-journalists-indonesia>.

An improvised explosive device was detonated outside journalist Victor Mambor's house in Jayapura, Papua province, on 23 January 2023. Victor has faced persistent harassment over his reporting on human rights issues associated with the long-running conflict between Indonesian security forces and the secessionist West Papua National Liberation Army. He has previously faced intimidation when his car, which was parked in a road near his home in Jayapura, was vandalised by unknown people on 21 April 2021.²⁴

On 22 May 2023, police confiscated and destroyed a video by journalist Robi Firmansyah from TribunLombok.com while he was covering a demonstration by the National Student League for Democracy (Liga Mahasiswa Nasional untuk Demokrasi) in West Nusa Tenggara province.²⁵

Five journalists were intimidated by judicial officers while carrying out their work in Kendari, southeast Sulawesi on 30 May 2023. The five – Edo from Edisi Indonesia.com, Mail from Media Kendari, Muamar from HarianPublik, Naufal Fajrin from Tribunnews Sultra and Utta from Inews – were reporting on the escape of prisoners. Their mobile phones were confiscated by the authorities and they were forced to delete their photos and videos.²⁶

Internet blackouts in the Papua region

There have been a number of telecommunications outages in the Papua region that have blocked the flow of information about the situation in the region, notorious for state-sponsored rights abuses. The communications disruptions impact on human rights activists and journalists who are trying to document and report on violations against Papuans and the pro-independence movement by the authorities.

On 21 August 2019, the government imposed an internet blackout during weeks of anti-racism protests in Papua and West Papua provinces. The blockade prevented journalists from sending pictures and videos to their news desks and being able to verify news and information in the region. Internet services were partly restored on 4 September 2019. In June 2020, a panel of judges at the Jakarta State Administrative Court declared that the government's decision to impose an internet blockade violated the law, following a lawsuit filed by civil society groups.²⁷

In April 2021, the internet Jayapura became dysfunctional. Indonesian telecommunications company PT Telkom's Pujo Pramono claimed that a damaged submarine fibre cable caused the internet disruption along West Papua's northern coast. In June 2021, users reported that the internet connection in Jayapura was partly restored.²⁸ However, media observers and human rights activists suspect that the

²⁴ 'Human rights defenders, journalists and Papuan protesters targeted in Indonesia despite UN human rights review', CIVICUS Monitor, 14 February 2023, <https://monitor.civicus.org/explore/human-rights-defenders-journalists-and-papuan-protesters-targeted-indonesia-despite-un-human-rights-review>.

²⁵ CIVICUS Monitor, 28 June 2023, op. cit.

²⁶ Ibid.

²⁷ CIVICUS Monitor, 10 August 2020, op. cit.

²⁸ 'Freedom on the Internet 2021', Freedom House, 21 September 2021, <https://freedomhouse.org/country/indonesia/freedom-net/2021>.

government deliberately shut down the internet to impede the flow of information on the conflict situation in the region.²⁹

The Human Rights Committee should recommend that the Indonesian government:

- Ensure freedom of expression and media freedom by bringing all national legislation, particularly the new Criminal Code, into line with international law and standards.
- Repeal laws around criminal defamation, including Article 27 para (3) on defamation of the ITE Law and Article 156a of the Criminal Code, in order to bring them into line with ICCPR Article 19 and other international law and standards in the area of freedom of expression.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive and bring to justice perpetrators of attacks against them, including police officers, to stop impunity.
- Refrain from introducing laws and provisions that will curb or restrict freedom of expression, including on defamation against the president, vice president, parliament and other state institutions in the revised Criminal Code.
- Repeal or substantially amend Criminal Code Articles 106 and 110 regarding treason, ensuring that these provisions can no longer be used to criminalise people who express critical opinions or protest peacefully.
- End the practice of slowing down or shutting down the internet, particularly in Papua, and be more transparent in the issuance and extension of shutdown orders.

Freedom of peaceful assembly (Article 21)

Article 28E(3) of the Constitution guarantees the right to freedom of peaceful assembly. ICCPR Article 21 also guarantees this right. However, in practice, the authorities continue to restrict freedom of assembly through the use of restrictive laws that curb the right to protest. Further, protesters have been arrested and prosecuted, particularly in the Papua region, and excessive force is used to disperse peaceful protesters. Killings have also been reported.

Restrictions in law and regulations against holding protests

Law No. 9 of 1998 on Freedom of Expression in Public regulates the right to peaceful assembly. Article 10 stipulates the requirement to submit advance notification to the police 24 hours before an assembly. Article 11 also requires the submission of the name and address of the organisation, group or individuals organising an assembly, details of

²⁹ 'Activists at risk as repression in Papua escalates while Indonesia imposes further net restrictions', CIVICUS Monitor, 10 June 2021, <https://monitor.civicus.org/explore/activists-risk-repression-papua-escalates-while-indonesia-imposes-further-net-restrictions>.

any equipment that will be used and the number of participants. Due to this, spontaneous assemblies are not allowed. In practice, the requirement to submit a notification is often interpreted by the police as a requirement to seek mandatory approval from the authorities.

The law also prohibits protests from taking place in specific areas, including the presidential palace, religious spaces and military installations, and the time when assemblies are allowed, limiting them to between 6am and 6pm, with no assemblies permitted on public holidays.

Further, the Regulation of the Head of the State Police of the Republic of Indonesia No. 9 of 2008 on Procedures for Providing Services, Security and Handling Cases of Public Expressions of Opinion includes the requirement for the submission of notification and information on the size of protests to police.³⁰

The Criminal Code passed in December 2022 outlaws unsanctioned public demonstrations deemed to be disturbing public order. Article 256 criminalises individuals who organise peaceful protests without notification with fines and up to six months' imprisonment.³¹

Forcible dispersal, arrests and excessive use of force around protests

CIVICUS has documented numerous incidents where the authorities have forcibly dispersed protests and arbitrarily arrested protesters. In some, unnecessary and excessive force and firearms were used, leading to injuries and deaths. In most cases, no one has been held accountable or only administrative sanctions have been imposed.

In September 2019, thousands of student protesters took to the streets for two weeks after parliament passed amendments to the law governing the Corruption Eradication Commission, which would weaken it. Students also protested against the new Criminal Code, complaining that it will violate the rights of women, religious minorities and LGBTQI+ people, as well as freedoms of association and expression, among other issues. Students gathered outside the parliament building in Jakarta and in other major cities.³²

In response, police fired teargas and water cannon to disperse protesters and also beat them with clubs. Hundreds were injured. Police also arrested hundreds and harassed medical personnel, activists, students and journalists. At least three protesters were allegedly killed by the police. In Kendari, Southeast Sulawesi, a student protester, Randy, received a gunshot wound to the chest and died when he arrived at a hospital, while another, Muhammad Yusuf Kardawi, suffered a gunshot wound to his head, dying in hospital the next day.³³

³⁰ 'Republic of Indonesia Joint Submission To The UN Universal Periodic Review 41st Session Of The UPR Working Group', CIVICUS, 31 March 2022, https://www.civicus.org/documents/UPR41_JointCIVICUS_Indonesia.pdf.

³¹ 'Indonesia: Draft law of criminal code negatively impacts fundamental freedoms', CIVICUS, 14 July 2022, <https://www.civicus.org/index.php/media-resources/news/5912-indonesia-draft-law-of-criminal-code-negatively-impacts-fundamental-freedoms>.

³² CIVICUS Monitor, 21 November 2019, op. cit.

³³ Ibid.

Six Indonesian police officers involved in the deaths of two student protesters in Kendari were given only the mildest of administrative punishments for the killings. The six officers received written warnings, had their promotions and salary increases suspended for a year and were given 21 days' detention.³⁴

About 50,000 workers and students joined protests in Jakarta in October 2020 to protest against the controversial Job Creation Law. Thousands of high school and university students and factory workers in Indonesia's main industrial zones on the island of Java held strikes between 6 and 8 October 2020 to protest against the law. There were also mass protests in numerous other major cities, including Bandung, Makassar, Manado, Medan and Yogyakarta. According to reports, almost 6,000 protesters were arrested and police deployed teargas and water cannon during protests, with hundreds of reported cases of alleged physical assault by the security forces and of missing protesters.³⁵

On 8 February 2022, dozens of farmers and activists were arrested for protesting against a mining project in West Java province. At least 64 people were rounded up, 13 of them children, and taken away when police moved in to break up the peaceful protest against a proposed mine near Wadas, a village in Purworejo district in Central Java province. A preliminary investigation by the National Commission on Human Rights (Komnas HAM) found that the police had used physical violence against the protesters.³⁶

On 20 July 2023, police arrested farmers from a village in Jambi province who were protesting in front of a company demanding the release of five villagers who had been arrested. Police used force while dispersing the protesters and at least 27 people were arrested, two of them children, and detained at the Jambi regional police station. They were subsequently released without charge.³⁷

On 4 August 2023, a peaceful protest was forcibly dispersed in West Pasaman regency of West Sumatra province and protesters were arrested. Thousands of people were protesting against the plan to build an oil refinery in Air Bangis and over a recent spate of land conflicts between palm oil farmers and the local administration. 14 protesters were unlawfully arrested and journalists were also harassed and intimidated during the incident.³⁸

Police used excessive force and arrested dozens of people who protested in September 2023 against government plans to evict around 7,500 people in the Riau Islands province to make way for a multibillion-dollar Chinese-owned glass factory and 'Eco-City'. On 11

³⁴ CIVICUS Monitor, 21 November 2019, op. cit.

³⁵ 'Arbitrary arrests, excessive force, attacks on media in mass protests in Indonesia against jobs law', CIVICUS Monitor, 12 October 2020, <https://monitor.civicus.org/explore/arbitrary-arrests-excessive-force-attacks-media-mass-protests-indonesia-against-jobs-law>.

³⁶ 'Indonesian authorities criminalise activists, violently suppress protests around Papua', CIVICUS Monitor, 19 May 2022, <https://monitor.civicus.org/explore/indonesian-authorities-criminalise-activists-violently-suppress-protests-around-papua>.

³⁷ 'Indonesia: crackdown on activists, expression and protests including in Papua as government seeks Human Rights Council membership', CIVICUS Monitor, 6 October 2020, <https://monitor.civicus.org/explore/indonesia-crackdown-on-activists-expression-and-protests-including-in-papua-as-government-seeks-human-rights-council-membership>.

³⁸ CIVICUS Monitor, 6 October 2020, op. cit.

September 2023, at least 43 people were arrested by the Bareleng police after they fired teargas and water cannon to disperse the protesters.³⁹

Targeting of Papuan activists around protests

In the Papua region (the provinces of Papua and West Papua), located at the east end of the Indonesian archipelago, there have been gross human rights violations, including extrajudicial killings, torture and arbitrary arrest of activists by the Indonesian security forces under the pretext of suppressing separatism. Despite continued promises by previous administrations and the current government to address the grievances, Papuan people face ongoing discrimination, exploitation and repression. The crackdown on protests by Papuan activists both in the region or outside has been much more severe due to this.

In June 2020, seven Papuan activists were found guilty of treason and sentenced to up to 11 months' imprisonment for their involvement in anti-racism rallies in August 2019. The activists, known as the Balikpapan Seven, were convicted over protests sparked by a viral video in which Papuan students were called 'monkeys' and subjected to other racist taunts. Thousands of people took part in the protests in at least 30 cities across Indonesia, including in Jakarta.⁴⁰

On 8 March 2021, dozens of students were detained by police in Denpasar, Bali. The students, calling themselves the Papua-Bali Concerned People's Front (Front Masyarakat Peduli Papua-Bali), were demanding an end to military operations in Papua and calling on the government to address past human rights violations in the province.⁴¹

On 1 May 2021, police arbitrarily detained 15 Papuan students among scores arrested at a May Day rally in central Jakarta, citing that they did not have a permit to demonstrate. The students were arrested as they marched past the US Embassy. They were subsequently released.⁴²

Around a hundred protesters in Manokwari were arrested and temporarily detained at the Police Mobile Brigade (Brimob) headquarters on 25 May 2021. They had gathered to hand over a list of demands to the Papua Barat People's Assembly. The main demands were for the rejection of the renewal of the Papua Special Autonomy Law⁴³ and the release of Papuan political prisoners. Some protesters reportedly sustained injuries as a result of excessive use of force by police officers during their arrest.⁴⁴

Protests against the unilateral renewal of the Papua Special Autonomy Law took place in several cities in July and August 2021 and were met with excessive force. Police arrested

³⁹ CIVICUS Monitor, 6 October 2020, op. cit.

⁴⁰ CIVICUS Monitor, 10 August 2020, op. cit.

⁴¹ CIVICUS Monitor, 10 June 2021, op. cit.

⁴² Ibid.

⁴³ The Special Autonomy Law in Papua was first enacted in 2001 and has long been rejected by many Papuans as failing to realise meaningful autonomy. In 2021 it was amended without consultation to further strip critical aspects of decentralisation and autonomy for the region. Papuans because it could lead to further marginalisation and militarisation in the region.

⁴⁴ Ibid.

23 students and activists in Jayapura on 14 July 2021, and four protesters were injured. On 15 July 2021, 18 protesters were arrested in Kaimana, West Papua, and a protest in Manokwari was blocked. Another 50 protesters were arrested and beaten outside the House of Representatives in Jakarta on 15 July 2021.⁴⁵

Indonesian police arrested at least 90 Papuan students on 11 March 2022 during a protest action near the Presidential Palace complex in Jakarta.⁴⁶ The demonstration by Papuan students was to oppose plans to divide Papua into six provinces. Some of the protesters were injured.⁴⁷

On 15 March 2022, Indonesian security forces killed two people and wounded several others when they fired into a crowd of hundreds of people in the Yahukimo regency who were protesting to oppose the government's move to create new provinces in the Papua region. Thousands of Indigenous Papuans have staged peaceful protests against the plan to create new provinces in Papua since 11 March 2022.⁴⁸

In June 2022, peaceful protests against the central government's plans to create new provinces in Papua were once again met with obstruction and excessive use of force from the police. At least 44 protesters were arrested and at least 25 people injured after police forcibly dispersed them in four towns in the region.⁴⁹

Seven students in Papua were arrested by police over a protest action on 10 November 2022 that included the flying of banned Morning Star flags, as part of their commemoration of the 22nd anniversary of the death of Papua independence leader Theys Hiyo Eluay.⁵⁰

Several students were injured when security forces forcibly dispersed a protest against the G20 summit in Abepura in Papua on 16 November 2022. The security forces used teargas to disperse protesters who were marching to the Papuan People's Representative Council building and seven people were arrested.⁵¹

Lack of accountability over 2014 protest killings

There has been a continued lack of accountability over the killing of four teenagers during a protest in Paniai in 2014. This comes despite the National Human Rights Commission, which initially led the investigation into the Paniai killings, having found credible evidence that at least four different branches of the Indonesian security forces were involved in the killings, including army infantry and air force officers. The evidence also included videos of military personnel carrying assault rifles, eyewitness testimony and internal communications up the chain of command.

⁴⁵ CIVICUS Monitor, 21 September 2021, op. cit.

⁴⁶ CIVICUS Monitor, 19 May 2022, op. cit.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ CIVICUS Monitor, 23 September 2022, op. cit.

⁵⁰ CIVICUS Monitor, 14 February 2023, op. cit.

⁵¹ Ibid.

The only individual to be charged was former military officer Isak Sattu. However, he was acquitted of all charges of crimes against humanity and of murder based on command responsibility by the Human Rights Court in Makassar. Sattu served as a liaison officer at the Military District Command in Paniai Regency during the time of the incident. In the verdict, the five-panel bench confirmed that the murders committed by military personnel against civilians in Paniai were 'systematic attacks' and thus constituted crimes against humanity. However, the court argued that Sattu, as a liaison officer, had no effective authority to command and control the forces when the shootings occurred.⁵²

Victims and families of victims had previously criticised the legal proceedings, on the grounds that the Attorney General's Office brought only one suspect to trial while no charges have been brought against high-ranking security officials and those suspected of being the direct perpetrators. They also refused to take part in the trial.⁵³

The Human Rights Committee should recommend that the Indonesian government:

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Take steps to instruct police personnel at all levels, particularly units facilitating protests, that requirements for the notification of assemblies are not interpreted as requiring permission from the authorities.
- Repeal Article 256 of the new Criminal Code and amend Law No. 9 of 1998 on Freedom of Expressing Opinions in Public and the Regulation of the Head of the State Police of the Republic of Indonesia No. 9 of 2008 in order to guarantee fully the right to freedom of peaceful assembly.
- Unconditionally and immediately release all protesters detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killings and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent civil society organisations (CSOs), to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

⁵² Ibid.

⁵³ 'Indonesia: verdict in 2014 Paniai tragedy a 'slap in the face' for victims', Amnesty International Indonesia, 8 December 2022, <https://www.amnesty.id/indonesia-verdict-in-2014-paniai-tragedy-a-slap-in-the-face-for-victims>.

- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.

Freedom of association (Article 21)

Article 28(E) of the Indonesian Constitution guarantees the right to freedom of association. It states that everyone shall have the right to freedom of association and assembly and express opinions. The right is also guaranteed under Law No. 39/1999 on Human Rights, Article 24. Moreover, Article 22 of the ICCPR, to which Indonesia is a state party, also guarantees freedom of association.

In March 2023, the UN Human Rights Council adopted the Universal Periodic Review outcomes for Indonesia.⁵⁴ Among the recommendations the Government of Indonesia accepted were to adopt legislation and implement comprehensive policies for the protection of human rights defenders (HRDs), including environmental defenders, activists and journalists, and review and modify, in accordance with international standards, laws that currently impose undue restrictions on civil society and the media and ensure that all attacks, threats and intimidation towards CSOs and HRDs are investigated promptly, independently, impartially and effectively.⁵⁵

Despite these commitments, laws related to freedom of association fall short of international standards and the authorities have continued to prosecute HRDs and threaten and harass CSOs.

Restrictive laws and regulations impacting on freedom of association

Law No. 17/2013 on Societal Organisations regulates CSOs' rights to association. Article 59 prohibits organisations from conducting certain activities, including the use of the flags and symbols of any separatist movements or forbidden organisations; activities related to disturbing public order, separatism, or hatred against any ethnicity, religion, race, or group; law enforcement activities; or subscribing promoting, or spreading ideologies contradictory to the state ideology of Pancasila.

Article 59, however, does not provide further explanation on what activities might conflict with these categories. The government can selectively interpret these vague provisions to target CSOs.

Further, in July 2017 the government adopted Government Regulation in lieu of Law No. 2/2017 (Perppu No. 2/2017) to supplement Law No. 17/2013 on Societal Organisations. This law gives the government the power to revoke an organisation's registration certificate and legal status without the Supreme Court's judicial oversight. Under the new

⁵⁴ 'Indonesia – Universal Periodic Review', Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/hr-bodies/upr/id-index>.

⁵⁵ 'Report of the Working Group on the Universal Periodic Review – A/HRC/52/8/Add.1', Human Rights Council, 17 March 2023, https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session41/id/A_HRC_52_8_Add.1_AV_Indonesia_E.docx.

law, once three ministries decide that a societal organisation is a ‘threat to the government’ or is ‘anti-Pancasila’, the organisation is immediately dissolved.⁵⁶

Criminalisation of human rights defenders

CIVICUS has documented the ongoing criminalisation of HRDs in reaction to their work.

In September 2019, police brought charges of ‘incitement’ and racial discrimination against human rights lawyer Veronica Koman for her activism against human rights violations in West Papua. The online abuses against Koman have increased since the charges were brought against her, including death threats, incitement to sexual assault, racist slurs and the publication of personal information about her and her family.⁵⁷ Koman is currently in self-imposed exile in Australia since she faces considerable risks to her security in Indonesia. She has advocated extensively for human rights in West Papua and is a member of International Lawyers for West Papua, an international network of lawyers working to strengthen the human rights of people in West Papua.

West Papuan HRDs Roland Levy and Kelvin Molama were forcibly taken from their student dormitories in Jakarta by a group of plainclothes people on 3 March 2021. It was only later confirmed that the people who detained them were part of the Criminal Research Unit of the Metro Jaya regional police. The two HRDs were accused of violence and theft under Article 170 and Article 365 of the Criminal Code for their role in a demonstration against the extension of special autonomy for Papua.⁵⁸ They were convicted and sentenced to five months’ imprisonment.⁵⁹

Victor Yeimo, a Papuan activist and international spokesperson of the West Papua National Committee (Komite Nasional Papua Barat), was arrested by the police on 9 May 2021. He has been vocal about human rights violations perpetrated by Indonesian security forces in Papua. The Public Prosecutor charged Yeimo under Criminal Code Article 106 and 110 concerning treason and Article 160 on sedition for his involvement in 2019 anti-racism protests in the province and across Indonesia. On 5 May 2023, Yeimo was sentenced to eight months’ imprisonment. The Jayapura District Court convicted Yeimo of violating Article 155(1) of the Criminal Code related to ‘broadcasting or showing letters or pictures that contain expressions of feelings of hostility, hatred, contempt or humiliation against the government’. This is despite the fact that the Constitutional Court revoked Article 155 in 2007 after finding it unconstitutional.⁶⁰ His sentence was extended to one year upon appeal.⁶¹

Environmental activist Heri Budiawan, known as Budi Pego, was jailed for the second time in Banyuwangi, East Java, on 24 March 2023, for ‘crimes against state security’ after

⁵⁶ CIVICUS, 31 March 2022, op. cit.

⁵⁷ CIVICUS Monitor, 21 November 2019, op. cit.

⁵⁸ CIVICUS Monitor, 10 June 2021, op. cit.

⁵⁹ ‘Roland Levy and Kelvin Molama released’, Front Line Defenders, 29 September 2021, <https://www.frontlinedefenders.org/en/case/roland-levy-and-kelvin-molama-released>.

⁶⁰ CIVICUS Monitor, 28 June 2023, op. cit.

⁶¹ ‘Jayapura court finds Yeimo guilty of ‘treason’ in appeal – longer sentence’, Asia Pacific Report, 8 July 2023, <https://asiapacificreport.nz/2023/07/08/jayapura-court-finds-yeimo-guilty-of-treason-in-appeal-longer-sentence>.

the Supreme Court rejected his appeal and decided to increase his punishment from 10 months to four years in prison. In 2018, he was sentenced to 10 months' imprisonment by the Banyuwangi district court for 'spreading Communist ideology'. He was charged after organising a peaceful protest against the Tumpang Pitu goldmine on Salakan Mountain, where community members believe the mining company has caused ecological destruction.⁶²

On 30 May 2023, police investigators arrested human rights advocate Leo Ijie as a suspect, charging him under Article 45A (2) in conjunction with Article 28 (2) of the ITE law and/or Article 156 and/or 156a of the Criminal Code. In January 2022, Ijie criticised the Sorong District Attorney's Office and the Sorong District Court for transferring a trial of his clients from Sorong to the Makassar District Court. The transfer was carried out without the knowledge of Ijie and his colleagues.⁶³

Two prominent HRDs, Haris Azhar and Fatia Maulidiyanti, were prosecuted on defamation charges under Article 310(1) of the Criminal Code, criminal defamation under Article 27(3) of the ITE Law, and spreading false statements that 'may cause chaos within society' under Article 14(2) of the 1946 False News Law (Law 1/1946). Haris and Fatia were charged over comments they made during an online talk show on YouTube about links between the military and mining concessions in Papua province. In the video published in August 2021, the two discussed the results of research undertaken by several human rights organisations on the involvement of current and retired army personnel in a goldmining business in Papua. During the video discussion, they referenced one of the mining companies whose shares are owned by the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan.⁶⁴ The court acquitted them of all charges on 8 January 2023.⁶⁵

Harassment, threats and attacks against civil society

In February 2020, LBH APIK (Indonesia Legal Aid Association for Women) one of the leading organisations in Indonesia that focus on women's rights, was subjected to multiple visits by police officers without any warrants. On 3 February 2020, dozens of people forcefully entered the group's office in East Jakarta, searched it and threatened to damage it. Four of them claimed to be police but were not in their uniforms and no search warrant was provided. Police officers undertook two more visits to LBH APIK offices on 2 February 2020 and 12 February 2020. It is believed the raids were linked to a domestic violence case the organisation was handling⁶⁶

Lawyer and woman HRD Veronica Koman and her family have faced continued threats and harassment. According to Front Line Defenders, on 7 November 2021, two unidentified people threw a package containing explosives at her parents' house in West

⁶² CIVICUS Monitor, 28 June 2023, op. cit.

⁶³ Ibid.

⁶⁴ CIVICUS Monitor, 21 September 2021, op. cit.

⁶⁵ 'Indonesia: acquittal of human rights defenders a victory for freedom of expression', CIVICUS, 8 January 2024, <https://www.civicus.org/index.php/media-resources/news/6766-indonesia-acquittal-of-human-rights-defenders-a-victory-for-freedom-of-expression>.

⁶⁶ CIVICUS Monitor, 10 August 2020, op. cit.

Jakarta. On the same day, another of her relatives received a package containing a dead chicken.⁶⁷

On 17 March 2022, hundreds of people from Laskar Merah Putih, a mass pro-government organisation, held a protest outside the office of Amnesty International Indonesia to demand the government expel the organisation from the country. In an act of intimidation, protesters held posters of executive director Usman Hamid calling him a 'traitor'. The actions were linked to calls from the organisation to conduct a full investigation into human rights abuses in the Papua region.⁶⁸

LGBTQI+ conference cancelled due to harassment and threats

In July 2023, civil society groups cancelled a regional meeting of LGBTQI+ activists in Jakarta in response to harassment and death threats from Muslim conservatives.

The ASEAN SOGIE Caucus, a regional organisation based in the Philippines, had planned to hold its annual ASEAN Queer Advocacy Week in Jakarta in coordination with Arus Pelangi, an Indonesian group, and the Asian Forum for Human Rights and Development, based in Thailand.

Religious conservatives and Indonesia anti-LGBTQI+ groups publicly called for the government to prevent the conference from taking place, demonised LGBTQI+ people in the press and on social media, and targeted organisers and participants with harassment, doxing and death threats.⁶⁹

Restrictions around the G20 summit

Around the G20 summit in Bali, Indonesia in November 2022, the authorities took action to prevent the activities of civil society groups and harass their organisers.

Ahead of the summit, the Indonesian government imposed several measures under the pretext of ensuring safety and security. These included enforcing restrictions on public activities in Bali and tightening security in the province. Activists said the authorities disproportionately targeted activities conducted by civil society groups, even those that were located far from the G20 summit.

In one incident on 9 November 2022, a team of cyclists from Greenpeace Indonesia conducting a bike rally campaign, 'Chasing the Shadow', from Jakarta to Bali to voice their concerns on climate change during the G20 summit, were stopped and barred from entering Bali by the authorities in Probolinggo, East Java. The organisers were also physically intimidated and forced to sign an agreement not to travel to Bali or conduct any campaign activities in the province during the summit.

On 12 November 2022, a closed-door internal meeting conducted by the Indonesia Legal Aid Foundation in Sanur, Bali, at a venue located far from the G20 summit and in an event

⁶⁷ CIVICUS Monitor, 26 January 2022, op. cit.

⁶⁸ CIVICUS Monitor, 19 May 2022, op. cit.

⁶⁹ CIVICUS Monitor, 6 October 2023, op. cit.

not on the list of restricted activities, was raided by local police and village authorities, who demanded that the organisers end the event. The authorities also insisted on checking ID cards and the electronic devices of participants without a warrant, which the organisers resisted as it violated their rights to privacy. Some of the organisers were not allowed to leave the venue and were questioned. They were put under heavy surveillance before they were allowed to leave the venue.⁷⁰

Digital attacks against government critics

Human rights groups have reported digital attacks against students, academics, journalists and activists carried out by unidentified parties to spread fear and silence critical voices.

On 22 April 2020, public policy analyst and government critic Ravio Patra fell victim when his WhatsApp account was taken over by unidentified parties who then used his account to broadcast calls for national riots. Hours after the incident, he was arrested by the police and interrogated without a lawyer over these messages. Despite his pleas that his account had been hacked, Patra was forced to sign two investigation reports during the interrogation in Jakarta Police Headquarters, one of which stated that he was an incitement 'suspect'. While in police custody, Patra was not able to contact anyone, including a lawyer, for more than 12 hours. Prior to the hacking incident, Patra posted tweets criticising the government's handling of the COVID-19 outbreak and alleged a conflict of interests involving a presidential staffer and a project run by his private company operating in Papua.

On 29 May 2020, an online seminar initiated by the Constitutional Law Society of the Law Faculty of the University of Gadjah Mada (UGM) was cancelled after its organisers and speakers received death threats and other forms of intimidation. The webinar, which was to be held to discuss whether President Joko Widodo could be impeached during a pandemic, had drawn public controversy, particularly among ardent supporters of President Widodo, himself a UGM alumnus. On the day the webinar was supposed to be held, the WhatsApp account of the event's contact person was taken over by hackers. The hacker then used the WhatsApp account to inform participants that the planned discussion had been cancelled.

In the same month, there were digital attacks targeting independent media groups [konde.com](#) and [magdalene.co](#). Both media outlets are among the leading online news portals promoting women's and minority rights and had posted articles on misogyny and the controversy surrounding sex work. Magdalene announced on its social media accounts that it had been a victim of a distributed denial-of-service attack, which prevented its readers from accessing its website. According to the Alliance of Independent Journalists, [konde.com](#) could not access its official Twitter account after 15 May 2020.

⁷⁰ CIVICUS Monitor, 14 February 2023, op. cit.

On 31 May 2020, Budi Setyarso, the editor-in-chief of Koran Tempo daily, found that his Instagram account had been taken over by hackers while he hosted a webinar on the state of freedom of expression in Indonesia.⁷¹

The chairperson of press freedom group Alliance of Independent Journalists, Sasmito Madrim, was also targeted in hacking and disinformation attacks. On 23 February 2022, an unknown party simultaneously hacked his Facebook, Instagram and WhatsApp accounts and his personal mobile number.⁷²

On the evening of 30 July 2022, several CSO members and members of the public held a Twitter Space discussion, titled #BlokirKominfo, to respond to the blocking of a number of websites that had not been registered as Electronic System Operators with the Ministry of Communication and Information Technology. During and after the Twitter Space discussion, at least 10 people were subjected to attempted hacking and intimidation via WhatsApp. They included threats against the individuals and their families.⁷³

The Human Rights Committee should recommend that the Indonesian government:

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures and practices that unwarrantedly limit freedom of association.
- Repeal restrictive provisions of the Law on Societal Organisations to remove undue restrictions on freedom of association, to bring it into compliance with the principles of due process of law and ICCPR Articles 21 and 22.
- Undertake a consolidated process of repeal or amendment of legalisation and decrees that unwarrantedly restrict the legitimate work of HRDs, including provisions under the Criminal Code and the ITE Law, in line with the UN Declaration on Human Rights Defenders.
- Provide civil society members, activists, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.

⁷¹ CIVICUS Monitor, 10 August 2020, op. cit.

⁷² CIVICUS Monitor, 19 May 2022, op. cit.

⁷³ CIVICUS Monitor, 23 September 2022, op. cit.