

Date: 26 April 2023

To: Senator the Hon. Penny Wong
Minister for Foreign Affairs
Parliament House
Canberra ACT 2600

ICJ GENEVA

President

Prof. Robert Goldman, USA

Secretary-General

Santiago Canton

Australian Commissioners

The Hon John O'Meally AM RFD

Dr Elizabeth Biok

Re: **Humanitarian Crisis in West Papua**

Dear Minister Wong

The International Commission of Jurists (Australian Section) [ICJ(AS)] has a long-standing interest in monitoring human rights in the Papuan provinces of Indonesia (hereafter referred to as West Papua). The ICJ(AS) sent three missions to the border region of Papua New Guinea and West Papua in 1984, 1986 and 2003 to report on the situation of West Papuans who crossed the border to seek safety from the Indonesian authorities. The ICJ(AS) monitors news reports on legal and humanitarian events and ICJ(AS) members are in regular contact with Indonesian human rights defenders and civil society groups.

The ICJ(AS) is concerned about escalating retaliatory armed conflicts across West Papua, resulting in gross human rights violations and mass displacement of the indigenous population. Violent conflict between Indonesian security forces and the National Liberation Army of the Free West Papua Movement (TPNWP) has continued since 2018. Civilians are at risk from both sides as the Indonesian security forces label Papuan villagers as independence fighters, while the TPNWP members consider non-Papuan residents to be spies for the military. A recent example of the retaliatory violence was in the Dekai area of Yahukimo regency in early March 2023. Three Indonesian soldiers were killed by the TPNWP, then four Papuans were killed in reprisal actions. Non-Papuan civilians were transported out of the region by military aircraft, while over 400 Papuan villagers fled their homes fearing arrest or military violence.

Militarization is increasing in both urban and remote areas of all five Papuan provinces of Indonesia. Troops from other Indonesian provinces are sent to the central highland regencies of Intan Jaya, Nduga, Puncak and the border regencies of Yahukimo and Star Mountains. An additional 2,355 security personnel were deployed to the resource rich Timika region and the Star Mountain regency near the PNG border as

ICJ (AUSTRALIAN SECTION)

President

Nicholas Cowdery AO KC

Vice-President

The Hon Justice Lesley Taylor

Supreme Court of Victoria

Chairperson

Steve Mark AM

Secretary-General

Dr Elizabeth Biok

Treasurer

Rodney Lewis AM

STATE BRANCH PRESIDENTS

New South Wales

The Hon John O'Meally AM RFD

Northern Territory

Sally Gearin

Queensland

Clara Klease

South Australia

The Hon Justice Bleby

Supreme Court of SA

Tasmania

The Hon Justice Alan Blow AO

Supreme Court of Tasmania

Victoria

The Hon Justice Lesley Taylor

Supreme Court of Victoria

Western Australia

Adjunct Professor Greg McIntyre SC

recently as March 2023. The Indonesian military are using helicopters in these areas and there are reports of bombs being dropped onto villages. Soldiers are stationed in schools and tasked with promoting Indonesian nationalism.

There is no attempt to open dialogue between Indonesian security forces and the TPNWP. Independent investigations and monitoring are not permitted. The Indonesian government has not granted the Special Procedures of the UN Human Rights Council access to West Papua, therefore the true extent of displacement and violence against civilians is unknown. Even the Indonesian National Human Rights Commission was refused permission to send an investigative team to the Star Mountains regency in November 2021.

The West Papuan Council of Churches estimated in December 2022 that there are at least 60,000 Papuans who have been displaced.¹ The actual numbers could be as high as 100,000 with villagers hiding in jungle areas, or secretly with relatives or church groups in highland towns. There is limited access to shelter, food, fresh water, and medical care.² Children lack access to education and appropriate food.

Neither the United Nations High Commissioner for Refugees nor the International Committee of the Red Cross has been granted access to the Papuan provinces.

The lack of access for UN monitoring bodies and humanitarian agencies must be raised at the international level.

The High Commissioner for Human Rights Zeid Ra'ad Al Hussein wrote to Indonesia in October 2017 to take up some issues arising from the 2017 Universal Periodic Review. The issues which he considered needed particular attention included: "increase interaction with international human rights mechanisms, including issuing a standing invitation to all special procedures mandate holders". He visited Indonesia in February 2018, but was not granted access to West Papua. He expressed concern "about increasing reports of the excessive use of force by security forces, harassment, arbitrary arrests and detentions in Papua."

In September 2019 the UN High Commissioner for Human Rights Michelle Bachelet indicated that she had not been granted access to the Papuan provinces.

In September 2022 the Acting UN High Commissioner for Human Rights Nada Al-Nashaf noted reports of intensified violence in West Papua with unknown numbers of civilian fatalities, and urged independent and thorough investigations.

The ICJ(AS) commends the Australian government on its recommendation to Indonesia during the Universal Periodic Review in November 2022. The recommendation urged Indonesia to 'ensure access including by credible independent observers.' Australian government representatives need to follow up on this recommendation forcefully and consistently. As indicated above, the Indonesian government has been consistent in denying access to West Papua of international monitors.

¹ West Papuan Council of Churches, 'Moral call from the West Papuan Council of Churches', 8 December 2021, <https://www.oikoumene.org/sites/default/files/2021-12/Statement-for-International-Meeting-WP-Dec21.pdf>.

² Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the rights of indigenous peoples, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, footnote 4 above, at 2.

The ICJ(AS) asks Australian government representatives to raise the ongoing humanitarian crisis in West Papua with counterparts in the Indonesian government. The key issue should be permission for Indonesian and international humanitarian agencies to enter the Papuan provinces to monitor the human rights situation and provide humanitarian relief. The Australian government should use its good offices to encourage Indonesia to issue a standing invitation to all the Special Procedures of the UN Human Rights Council and to ensure that all UN mandate holders are permitted to visit the Papuan provinces.

Australian representatives could also encourage the Indonesian government to commence constructive dialogue with West Papuan civil society leaders through an international mediator in order to reduce the level of tension and violence.

These events are taking place in one of Australia's nearest neighbours and the ICJ(AS) considers that the Australian government should play a leading role in bringing the situation to world attention and enabling the proper international agencies to carry out their mandates.

Yours faithfully



Nicholas Cowdery AO KC

President

ncowdery@optusnet.com.au