



## Human Rights Situation in the midst of Covid-19 in West Papua January – May 2020

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### A. General Overview<sup>1</sup> of Human Rights Situation in West Papua

- The armed conflict between Indonesian military and West Papua National Liberation Army is still active to this day since its escalation on the 2<sup>nd</sup> of December, 2018 lasted almost a year and a half. It was started in Nduga regency and spread throughout the highlands region of West Papua, the other three active conflict zones are Pegunungan Bintang regency, Intan Jaya regency and Mimika in the Freeport Mining zone with sporadic shoot outs in Paniai and in the Arfak mountain regions of West Papua.
- People died of the application of excessive force<sup>2</sup> include; an health worker died of gunshot wounds by the Indonesian military in Intan Jaya, a farmer died of police beating in Boven Digoel, a man died of targeted water cannon spray in Jayapura by Police, a man died of gunshot wounds in Timika by West Papua National Liberation Army, two students died of gunshot wounds by Indonesian military in Timika<sup>3</sup> and two boys kidnapped by the Indonesian military in Intan Jaya are still missing.
- The number of Internally Displaced People (IDPs) has increased from an estimated 50, 000 during the first half of the conflict, their present condition is still unchecked during the period of Covid-19 which is expected to be worsened as we write this report.
- West Papuans death during the Covid-19 period has increased not because of Covid-19 but died as a result of brutal military operations during the Covid-19 lockdown period as well as the armed conflict. West Papuans are afraid of Indonesian military more than Covid-19, it has been a surprise decrease of general West Papuan deaths daily from the hospitals throughout West Papua during the Covid-19 period.
- High numbers of political prisoners are still detained throughout Indonesia amidst Covid-19 pandemic and new arrests are being made targeting KNPB activists, general arresting and beating people who have Morning Star flag armbands, wrist bands and bags.

### B. Covid-19<sup>4</sup> and its impact in West Papua

Generally, the information about ethnicity of the Covid-19 positive patients is not publicised in West Papua keeping the people in the dark which led West Papuans into thinking that ‘black skinned’ people are immune to the disease, a conspiracy theory being circulated in the social media. The

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<sup>1</sup> This report contains a brief report of Human rights situation in Papua and West Papua provinces prepared by SIP.

<sup>2</sup> Three students shot could be found here; <https://suarapapua.com/2020/04/15/aparat-indonesia-tembak-mati-tiga-anak-muda-papua-di-timika/>

<sup>3</sup> Info about two students death; <https://m.detik.com/news/berita/d-4971853/baku-tembak-dengan-aparat-di-timika-2-kkb-tewas-1-ditangkap-hidup>

<sup>4</sup> More about Covid-19 in Papua is found here; <https://m.detik.com/news/berita/d-5029370/dprd-akses-keluar-masuk-papua-ditutup-tapi-kasus-corona-tambah-signifikan>

government has to be urged to publicise all the information to avoid unnecessary confusion among the West Papuan population many of whom even do not use masks when going around in public putting themselves and others at risk.

- As of 26<sup>th</sup> May 2020 at 12: 00 noon, the national statistics for Covid-19 stood at 23, 165 an increase of 415 positive cases, 5, 877 cured an increase of 235 and 1, 418 deaths an increase of 27 daily record for the week.
- In Papua province alone 567 positive cases<sup>5</sup>, 68 recovered and 6 deaths as of 26<sup>th</sup> May, 2020 putting the Province under 9<sup>th</sup> highest placement throughout Indonesia with the highest in Jakarta over 6, 000 positive cases. There were 34 medical personnel who were infected, 2 people recovered from the disease. In West Papua province there were 132 positive cases, 35 recovered and 2 deaths. This puts the overall tally for both Papua and West Papua provinces as of 26<sup>th</sup> May 2020 at 699 positive cases, 103 recovered and 8 deaths.
- Medical professionals who are handling Covid-19 in both provinces are at risk of being shot at by the Indonesian military especially up in the highlands where the armed conflict is on-going. Two medical officers were shot at point blank by the Indonesian military killing one and wounded the other in Intan Jaya<sup>6</sup> regency while they were on their way to deliver Covid-19 supplies in a remote district.
- Lockdown measures in West Papua are inhuman and militaristic in nature, Justinus Silas Dimara a 36 year old West Papuan man died as a result of targeted water cannon spray. The victim was pronounced death on arrival by the doctors at around 6: 30 pm, police hand over the body of the deceased to the relatives on the 25<sup>th</sup> of May 2020 in Jayapura. There were no witnesses for the case and police are concealing the perpetrators from investigation.
- The province has been under lockdown since March 2020, strict lockdown was implemented as of 20<sup>th</sup> May 2020 in Jayapura and other areas. The movement is still allowed for cargo and medical personnel to travel from one place to another. Indonesian military has been defying the orders continue to move personnel and supplies directly from Jakarta to Papua and into the remote conflict zones putting the West Papuans at high risk.
- Red zones<sup>7</sup> in West Papua include; Merauke, Jayapura, Mimika, Biak Numfor and Sorong. Freeport mining employees are at high risk due to many positive cases reported from the mining area. The provincial government is calling for the mine to stop for a while on health reasons but the national government and the investor do not want to do so.
- Food and medical supplies distribution in major towns are also rationed due to short supply of both food and medicine including shortage of medical officers. University students are mostly affected by the lock down especially those in the student dormitories throughout the country.

### **C. Measures Taken by the authorities**

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<sup>5</sup> More info could be found here; <https://regional.kompas.com/read/2020/05/26/17030031/update-covid-19-di-sulteng-sultra-maluku-malut-papua-dan-papua-barat-26-mei?page=2>

<sup>6</sup> More stories from Intan Jaya; <https://www.benarnews.org/indonesian/berita/konflik-papua-intan-jaya-02202020153307.html>

<sup>7</sup> Info about high risk zones in Papua; <https://www.google.com/amp/s/papua.tribunnews.com/amp/2020/04/30/update-virus-corona-di-papua-12-kabupaten-dan-kota-jadi-zona-merah-covid-19>

- Papua provincial government<sup>8</sup> under Circular No. 440/3705 SET among other rules stopped ships and aeroplanes from outside Papua to enter the province as of 31<sup>st</sup> March, 2020. The same circular also stopped internal travels within Papua limiting to only cargo and medical supplies and personnel.
- Strict restrictions on movements within the main towns were imposed in Jayapura and other main centres as of 18<sup>th</sup> May, 2020. Daily activities were allowed to operate from 6: 00 am to 2: 00 pm, Police were allowed to set up road blocks at 2: 00 pm and up.
- Food distributions were done from time to time by the business community, Churches, NGOs as well as Provincial and regional governments to students and needy population within Jayapura and other major towns.
- People are being encouraged by the Government, NGOs and Churches to go back to farm their land for food crops due to unpredictable end time for Covid-19 pandemic.

#### **D. Conclusion and Recommendations**

Human rights issues at stake in West Papua are the armed conflict between West Papua National Liberation Army and Indonesian military, Internally Displaced People (IDPs) that are neglected in the midst of Covid-19 pandemic, Police crackdown on suspected sympathisers of the Liberation movement taking advantage of Covid-19 lockdown measures and maltreatment of West Papuan political prisoners throughout the country. Impoverished health system throughout the province is also exposing the population to Covid-19 pandemic and other curable diseases. Some recommendations that the Government should be reminded are that;

- Indonesian government should be urged to release West Papuan political prisoners because it is not fair when the government released other prisoners but not the West Papuan prisoners, it's a clear discrimination.
- Indonesian government should also consider peaceful approach to the armed conflict in West Papua. The West Papua National Liberation Army is willing to settle the dispute peacefully through International third party mediation which the government have to be urged to consider given the mounting economic crisis and the international community pressure to settle the West Papua conflict via peaceful means.
- The national government should also consider assisting the IDPs who are spread throughout the regencies in terms food and other essentials during the Covid-19 pandemic.
- The health workers in the conflict zones are at risk of being shot at by both Indonesian military and West Papua National Liberation Army, government should guarantee the safety of health workers in the conflict regencies in West Papua.
- Police crackdown<sup>9</sup> on people in West Papua are harsh and inhuman, the government should be urged to apply force necessarily and bring to justice the police and military personnel that were involve in the death of civilians.
- The government should be urged to allow independent investigations into West Papua include the opening of access to journalists and human rights workers for independent reporting.
- The government should consider shutting down Freeport Mine in Timika due to Covid-19 and armed conflict in the area by the West Papua National Liberation to shut down the mine.

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<sup>8</sup> Lockdown measures; <https://m.mediaindonesia.com/read/detail/300282-papua-terapkan-pembatasan-sosial-bukan-lockdown>

<sup>9</sup> Read more in the attachment, written by Ira Rumkabu attached with this report.

## **Attachment**

*By Ira Rumkabu*

### **Social Restriction Policy and Public Compliance in Papua Province**

On the 25<sup>th</sup> of March 2020, Governor Enembe issued a Collective Statement in consultation with Forkopimda (a regional leadership coordination forum), regents/mayors, and other related stakeholders in the government highlighted the prevention and handling strategies conducted by the Papua provincial government in responding the corona virus pandemic. Besides restricting social movement and promoting health measures to the public, the provincial government went further by prohibiting air and sea travel into Papua from the outer provinces. The latter policy has succeeded in curtailing the possible rise of imported cases into the province. However, the government is now facing difficulties in controlling the local transmission. With the background of poor health infrastructure in the region, public's willingness to voluntarily comply with the regulated policies would become a key element in slowing down the spread of Corona Virus in West Papua.

However, as of 24<sup>th</sup> May, 2020 there were 619 positive cases of Covid-19 in the region. This substantial increase leads us to discuss as to why social restriction instructions were not followed by some people. This will also briefly questioned the effectiveness of enforcement measures being used to ensure public compliance. Jayapura the capital city of Papua province will be our case study that will be applied in assessing the relation between the government instructions and public compliance during the pandemic.

#### **Problems of Policy**

One of the strict yet controversial rules adopted by the provincial government is to allow people 'fulfilling their basic daily needs between 6 am and 2 pm'<sup>10</sup>. For the government, the policy was crucial in limiting people's movement. To ensure people obey

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<sup>10</sup> <https://suarapapua.com/2020/03/24/ini-kesepakatan-bersama-tentang-pembatasan-sosial-di-papua/>

police and the military to maintain public order and ‘take firm measures’ against non-compliance by the people<sup>11</sup>.

Jayapura’s mayor Tommy Mano, however, did not fully comply with the hours restricted for movement. Even though His administration is still under the Provincial government’s authority, he resisted the rules saying that: *“the city (Jayapura) is so crowded. Don’t make my people panic and afraid because of that time restriction. I know my city...Let’s fight the virus with health protocols”*<sup>12</sup>. Therefore, the city’s residents were allowed to do the activities between 6am and 8pm. To slow the transmission, the city government also took some prevention measures such as closing the schools and offices, requiring hotels and shops to provide water for washing hands and spraying the disinfectants around public areas and other preventive measures.

The regional police head’s Paulus Waterpauw later claimed that curfew is not effective in limiting people’s movement<sup>13</sup>. During a coordination meeting led by the vice governor and Waterpauw on the 11<sup>th</sup> of May 2020, they agreed to restrict people’s movement between 2pm to 6am. The policy was in effect from 18<sup>th</sup> May to 6<sup>th</sup> June, 2020. There were 5 days of awareness throughout the city before they implemented the rules. To maintain public order, Waterpauw also emphasized the use of enforcement measures such as water cannon to disperse crowds and setting up road blocks. The police and other law enforcement agencies were also placed in certain areas to stop people from moving around after 2 pm.

Strict rules and preventive pressures, however, did not correlate positively with public compliance. Based on the field observation from 12<sup>th</sup> May to 24<sup>th</sup> May, crowds were seen in the malls and usual market stalls as usual without applying newly introduced social distancing norms. The roads were also filled with all modes of transport carrying people with no signs of the application of social distancing measures.

Even after 2 pm, people were observed doing business as usual, still outside their homes minding their own business unconscious of what is going on in the city. Some people admitted that they didn’t realize about the new policy citing 8 pm as the agreed time not 2 pm. Whereas others believe that the police would not be strict as long as they have ‘valid reasons’. Meanwhile, others have to rush home as early as 1: 00 pm in fear of police. It shows

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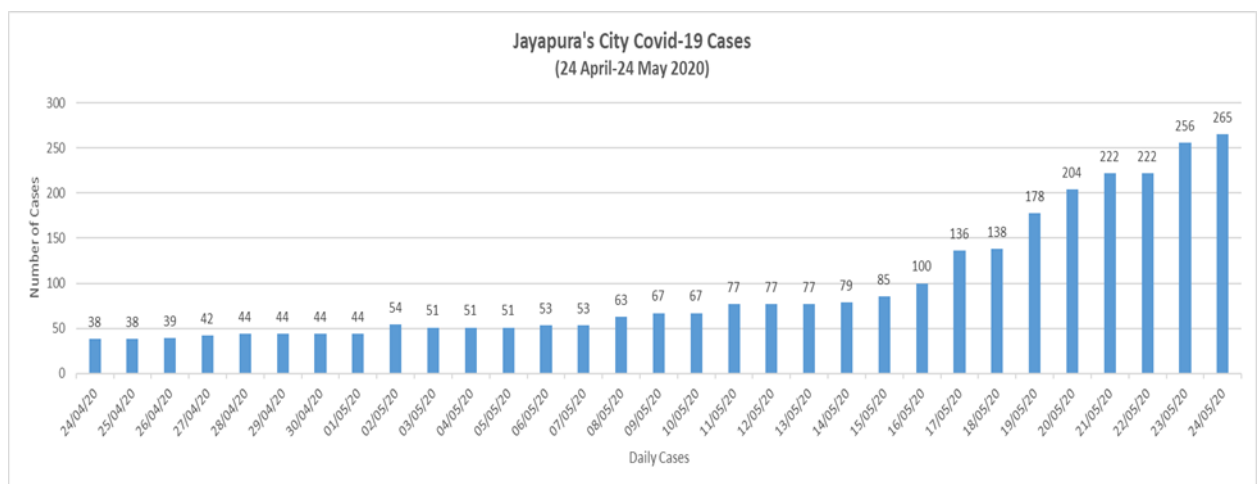
<sup>11</sup> <https://suarapapua.com/2020/03/24/ini-kesepakatan-bersama-tentang-pembatasan-sosial-di-papua/>

<sup>12</sup> <https://www.ceposonline.com/2020/04/23/punya-pertimbangan-sendiri-pemkot-tidak-ikuti-kebijakan-pemprov-soal-pembatasan-waktu-kegiatan/>

<sup>13</sup> <https://www.ceposonline.com/2020/05/08/kapolda-pemberlakuan-jam-malam-tidak-efektif/>

that there were no exact rules and policy instrument that is being applied to regulate people's behavior. That inconsistencies lead to the public distrust towards the government.

These non-compliant behaviors may possibly contribute to the rise of coronavirus cases in the city. Looking at the data for coronavirus cases, Jayapura city is higher than other centers, due to the fact that number of cases in Jayapura rose before the implementation of restriction measures which became even worse after the restrictions were in place. Surely, we cannot generally state that the rise was after the implementation, but there were correlations between the cases found and public compliance. As can be seen below, the cases reached 265 as of 24<sup>th</sup> May, with 225 treated, 34 recovered and 6 died.



### Why are people disobedient?

The corona virus cases might increase in the future but it all depends on the public compliance. To understand as to why some people are not obedient to the temporary measures in place, more structural problems need to be discussed. There are a number of interrelated elements that lead to the public' displaying non-compliance attitude. First element is that, there is an uncertainty in the legal instrument used by the provincial and city governments to enforce the restriction measures. Papua provincial government does not have any existing clear legally-binding instrument to deal with Covid-19. The province's large-scale social restriction (PSBB) policy was also unilaterally announced without the approval of the Ministry of Health. Based on the Minister's Regulation Number 9 Year 2020, PSBB could only be implemented with some strict and measurable guidance. Even though the Papua government did not use the term PSBB in the Joint Statement, yet the implementation remain the same. The absence of legal framework led to the inconsistencies in the policy

implementation. This explains the existing policy coordination problems between the provincial and city governments, also creating confusion among residents.

Secondly, the Joint Statement that now become the prominent instruction, lacks guidance on how they are implemented. It is crucial for a policy framework to clearly state what people are allowed to do and what the government (and police) should do to enforce the policy. Therefore there has to be measures to make people stay alert and safe during the challenging environment.

Despite the policy and legal problem, Provincial government has already implemented strict social restrictions and applied the enforcement measures. It leaves us questioned as to how far they will apply enforcement measures to ensure public obedience.

In the context of Papua with long history of violence, the uncertainty of enforcement measures would likely threaten the already conflict stricken indigenous people. On the 25<sup>th</sup> of May 2020, Justinus Silas Dimara, a 35 year old indigenous Papuan men found dead after being sprayed to death by a police' Water Cannon during their patrol around Hamadi, Jayapura<sup>14</sup>. The repressive force taken by the authorities are unacceptable. We know that police have the powers to enforce the law – including through fines and dispersing gatherings but only with clear measurement. Just the day after the incident, the deputy of regional police told journalist that the police would set the standard operation procedures in maintaining public order to prevent the misuse of force during the pandemic.

What is needed to be understood by the public is that violence culture in Papua has embedded in the state's institutional structures is justified and enforced through exclusive policies. This incident showed how easy the power can be misused in Papua. This is why questioning the authorities' policies and powers especially during the crisis are crucial for Papuan people's survival.

Lastly, public compliance is often followed by the public based trust. People and the government are now facing the same problems: corona virus. What makes the difference is that the government has all the authority to make the decision to influence people's existence. Therefore, People cannot be forced to be isolated and be obedient especially when the state could not ensure their rights to live as citizens. They can comply with the government if their interest and security are being maintained during the crisis. When the government ignored

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<sup>14</sup> <https://jubi.co.id/semprotan-water-canon-satgas-covid-19-tewaskan-warga-papua-butuh-payung-hukum/>

their obligations as rights' protector, then they tend to disobey the rules. Simply, the government needs to govern well.

## **Conclusion**

Public disobedience reflects the government failure over building trust with the people, during the Covid-19 crisis. Therefore, the provincial government is required to build the legal framework to not only to ensure the public compliance in fighting Covid-19 but also to protect the people's rights to life. Secondly, whilst the enforcement measures are crucial in ensuring public compliance, the clear instruments have to be elaborated. This is important to avoid the misuse of power by authorities. Lastly, we need to move forward from logics of security that put the authorities with unlimited power and the people as the controlled. All stakeholders; government, police, military, and people are now facing the same crisis. Our enemies are unseen therefore collaborative work need to be pushed forward. Repressive actions that justified by the existing policy would not stop the virus from spreading. The authorities, therefore, are required to see the public not as object to be 'obedient and isolated' but as the equal partners in a collaborative work against the pandemic.