

Mandates of the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of internally displaced persons

Ref.: AL IDN 11/2021
(Please use this reference in your reply)

27 December 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of indigenous peoples, Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the human rights of internally displaced persons, pursuant to Human Rights Council resolutions 42/20, 44/5 and 41/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **excessive use of force against indigenous Papuans in the Indonesian provinces of Papua and West Papua. We have received allegations indicating several instances of extra-judicial killings, including of young children, enforced disappearance, torture and inhuman treatment and the forced displacement of at least 5,000 indigenous Papuans by security forces between April and November 2021.**

Allegations of use of excessive force, extra-judicial killings and torture of indigenous Papuans by the police, military or joint security forces have been the subject of previous Special Procedures communications, including IDN 4/2021, IDN 2/2021, IDN 4/2020, IDN 5/2020, IDN 1/2020, IDN 7/2019, IDN 6/2019, IDN 3/2019 and IDN 7/2018. Allegations of forced displacement of indigenous peoples have been the subject of previous Special Procedures communications, including IDN 1/2020, IDN 8/2019 and IDN 6/2019.

We take this opportunity to thank your Excellency's Government for its responses to these communications, but remain extremely concerned about the situation in Papua and West Papua, as described below.

Her Excellency
Ms. Retno Lestari Priansari Marsudi
Minister for Foreign Affairs

According to the information received:

Increased armed incidents, including clashes between the Indonesian Joint Security Forces (military and police) and the West Papua National Liberation Army (TPN PB), are exacerbating the forced displacement of civilians and causing an unknown number of civilian casualties. The reinforcement of joint security forces since mid-2020 has reportedly aggravated violence against civilians in the Indonesian provinces of Papua and West Papua Province.

The security situation in highland Papua has dramatically deteriorated since the killing of a high-ranking military officer by the TPN PB in West Papua on 26 April 2021. The intensified military-police security operations in the area have resulted in over 5,000 people being displaced and the lack of access to food, water and sanitation are serious concerns.

Extra-judicial killings, enforced disappearance, torture, and excessive use of force against indigenous Papuans

On 26 October 2021 in Sugapa, Intan Jaya regency, a 2-year-old child was shot and killed during an armed clash reportedly between Indonesian security forces and the TPN PB which took place between 7pm and 9pm that day. The child suffered a bullet wound to the stomach causing injuries and he died soon after being shot. During the same clash on 26 October 2021, a 6-year-old suffered a bullet wound to his upper back. The bullets caused the death of the 2-year-old child and wounded the 6-year-old child after piercing the roofs of their respective homes where they were each sheltering with their families during the firefight. Information received indicates that the Indonesian security forces were firing on approaching TPN PB fighters from an elevated position resulting in bullets piercing the roofs of homes below. However, media reports quote Ahmad Musthofa Kamal, the spokesperson of the Papua Regional Police as saying that TPN PB members fired the bullets that killed and wounded the children.

On 5 October 2021, 31-year-old **Semuel Kobogau**, was reportedly the victim of an enforced disappearance in the town of Sugapa, Intan Jaya regency. Mr. Kobogau reportedly visited a store owned by a former member of military, where he remained until around 6 pm when he was forcibly taken from the store, allegedly by four masked members of TNI Raider 501 military command. Witnesses state the Mr. Kobogau was taken to the Raider 501 military post near the Civil Servant's office in Sugapa. No record of the reported arrest nor any information about the whereabouts or fate of Mr. Kobogau have been disclosed despite enquiries. Mr. Kobogau has not been seen or heard from since 5 October 2021.

On 28 September 2021 images appeared on social media showing six indigenous Papuans sitting handcuffed, blindfolded with duct tapes allegedly after being arrested by the joint security forces in Kokas village, Fakfak Regency. Among these six, four are under 18 years old, and were in Kokas village after being displaced following security force operations. According to the information received, quoting a police source, two of the minors arrested are

on a wanted list concerning the attack on a military post in Kisor, Aifat Selatan, on 2 September 2021.

On 3 June 2021, Mr. Patianus Kogoya, his wife Ms. Paitena Murib, 43, and his brother Mr. Erialek Kogoya, 55, were killed by the security members of the 613 Raider Battalion/Garuda Raja Alam and of the Battalion 315 Garuda Infantry unit, both part of the Nemangkawi Task Force. Mr. Kogoya was the head of village. Following a killing of a construction worker allegedly by the TPN-PB members on 3 June 2021, he was trying to make sure the villagers were safe by wearing his civil servant uniform so that the security force would not mistake him or the other villagers as a part of the TPN-PB group. Mr. Kogoya was asked by a soldier to show his ID card. Mr. Kogoya responded that he is the village head and presented his ID card. He was executed by the same group of soldiers together with his wife and his brother.

On 27 April 202 a 24-year-old Papuan, a university graduate, in Jayapura was arbitrarily arrested by a joint security force during a search operation in Maki village, Ilaga Utara District, Puncak Regency. His face was covered with a black cloth following which he was reportedly taken to a security outpost at SD Inpres Desember primary school in the Mayuberi District where he was subject to harsh interrogation and beatings. His hands and legs were tied, and he was allegedly kicked and punched whilst being threatened with a rifle butt to his head. Mr. Wenda sustained bruises on the temple, a bleeding nose and mouth, and bruises under both eyes because of the beatings. He was released after the security personal found his identity card and a student card in the bag he was carrying.

Internal displacement of indigenous Papuans

Since the escalation of violence in December 2018, the armed conflict in West Papua has spread over the seven regencies: Intan Jaya, Pegunungan Bintang, Mimika, Nduga, Maybrat, Yahukimo and Puncak. Intensified confrontations and underlying insecurity have led to thousands of people fleeing their homes, further exacerbating the ongoing displacement of civilians, mostly women, children, and the elderly. Whilst it is difficult to ascertain figures of internally displaced persons (IDPs), estimates indicate that at least 60,000 people have been displaced, while other sources indicate that the number may be up to 100,000 people. The majority of IDPs in West Papua have not returned to their homes due to the heavy security force presence and ongoing armed clashes in the conflict areas. Some IDPs live in temporary shelters or stay with relatives. Thousands of displaced villagers have fled to the forests where they are exposed to the harsh climate in the highlands without access to food, healthcare, and education facilities.

Apart from ad hoc aid deliveries, humanitarian relief agencies, including the Red Cross, have had limited or no access to the IDPs. It is reported that IDPs are left to their own resources and have not received coordinated or systematic humanitarian assistance. There is an acute need to help coordinate effective provisions of humanitarian services such as shelter, food, water, sanitation, healthcare, and education to the displaced communities. Assistance to the IDPs

from local government agencies is lacking. Severe malnutrition has been reported in some areas with lack of access to adequate and timely food and health services. In several incidents church workers have been prevented by security forces from visiting villages where IDPs are seeking shelter.

Military operation and internal displacement in Puncak Regency

The Head of the Papuan Representative Office of the National Human Rights Commission (Komnas HAM Perwakilan Papua), reports that 3,019 IDPs from 23 villages currently live in the towns of Ilaga and Gome. These IDPs come from five districts, namely Ilaga Utara, Ilaga, Gome, Gome Utara and Mabugi.

The Social Affairs Department in the Puncak Regency counted 19,919 IDPs as of 30 May 2021 which reportedly refers to IDPs from the districts Mabugi and Ilaga Utara only. While other observers estimate that the total number of IDPs in the Puncak regency could be around 35,000.

According to the Social Affairs Department in Puncak Regency, a number of 4,862 people from five districts have been internally displaced and sought shelter in villages Paluga and Bogolobak, Ilaga Utara District. A visit in the province by a humanitarian team consisting of humanitarian workers of the Evangelical Church in Indonesia (GIDI) and one member of the Papuan Provincial were conducted from 6 July to 2 July 2021. The humanitarian team took 7 tons of rice to Puncak for distribution among IDPs in Ilaga and Gome districts. It was also reported that the police barred the humanitarian team of GIDI Church to enter four villages where IDPs took shelter. The team was rather asked to drop the rice in front of the district Government office in Ilaga. Later, after negotiations, the church workers managed to provide humanitarian supplies to the Gome District, only.

Government authorities and private donors reportedly distributed rice in Puncak, however information received indicates that sufficient humanitarian facilities are not available in the province to deal with such large number of IDPs. According to reports received, the Social Service Department in Puncak Regency only received 150 tons of rice from the Ministry of Social Affairs in Jakarta.

Reports also indicate that various security force operations have taken place at the IDPs locations. According to witnesses, military operations have been conducted with little or no precautionary measures to ensure that attacks are not being conducted against civilians.

Some nine church buildings in Puncak were reportedly damaged due to explosives by security force in raids against the TPN PB. Multiple IDP witnesses also confirmed that Indonesian security forces opened fire indiscriminately at residential areas during attacks both from helicopters and on the ground.

A surge in military raids/search operations conducted by joint security forces, with the reported goal of arresting TPN PB members pose significant risks to indigenous civilian Papuans of violence, arbitrary arrest and/or detention.

Military operations and internal displacement in Maybrat Regency

As of mid-November 2021, over 3,000 indigenous Papuans from 50 villages in the districts of Aifat Selatan, Aifat Timur, Aifat Timur Jauh, Aifat Timur Tengah and Aifat Timur Selatan have reportedly fled their homes. Among the IDPs are at least 575 children between seven and eighteen years old. Human rights defenders and churches have expressed concerns regarding the situation of the IDPs. Eight IDPs, including a six-year-old girl have reportedly died since being displaced in November.

The Catholic diocese Manokwari-Sorong wrote a letter to the military in Maybrat, calling on the commander to allow the IDPs to return to their homes. The diocese had not received a response as of 26 November 2021. After almost three months of displacement, the IDPs have been striving to survive in their temporary shelters due to limited access to food, healthcare, and education.

Military operations and internal displacement in Pegunungan Bintang Regency or Bintang Mountains Regency

As of 22 October 2021, more than 2,000 indigenous peoples from the districts Kiwirok, Okbemtau, Okhika, Kiwirok Timur and Oklip have been internally displaced.

Since violence recently erupted in Kiriwok, Indonesian security forces have targeted villages suspected to be strongholds of the OPM Free Papua Movement's military wing. An estimated 800 Kiwirok villagers have fled their homes following the burning of public facilities and the killing of a health worker on 13 September. As almost daily clashes continue to be reported villagers, predominantly women and children are seeking temporary shelter in the forest where they have no access to food and are exposed to the harsh weather conditions in the Papuan central highlands, without humanitarian access. Three IDPs have reportedly died since being displaced. At least 180 families have reportedly crossed illegally into Papua New Guinea.

A wave of displacements was observed between 10 and 21 October 2021, shortly after Indonesian security forces allegedly conducted air raids, including allegedly dropping mortar grenades on the villages of Pelebip, Kiwi, Delpem, and Lolim in Kiriwok district.

On 8 November, the National Human Rights Commission (Komnas HAM) initiated an investigation into the killing of a health worker and the alleged bombing of villages in the Kiriwok District. As of 11 November, the Komnas HAM delegates were not permitted to leave the main town of Oksibil, allegedly for security reasons. Two attempts to reach the district of Kiwirok failed as security forces warned that “could not guarantee the safety of the Komnas HAM team”.

Military operations and internal displacement in Nduga Regency

In 2020, the Ombudsman estimated that around 50,000 people from Nduga were internally displaced due to the armed conflict. Recent data from human rights organisations and solidarity groups suggest the number of IDPs is around 46,000 people. The majority of IDPs from Nduga have moved to other Papuan regencies where they continue to lack access to free health care and other basic services. The lack of coordination between the local government in Nduga and other local governments has caused the exclusion of Nduga IDPs from public healthcare services. 400 IDPs reportedly died between December 2018 and November 2020 in the Jayawijaya alone because of diseases and other strains which they face. The number reportedly rose to 621 as of November 2021.

Military operations and internal displacement in Yahukimo Regency

An unknown number of villagers in the Suru-Suru District have reportedly fled their homes after TPN PB members killed a soldier on 20 November 2021. Another soldier was reportedly injured during the firefight.

Given the difficulty to monitor events on the ground in the province, due to security restrictions, we do not wish to prejudge the accuracy and the veracity of these allegations. They are however sufficient reliable to indicate a matter that warrants the most serious attention on the part of the Indonesian Government.

We are gravely alarmed indeed, about the reported increase of violence between the Indonesian security forces and the West Papua National Liberation Army, in the context of which numerous villagers have been killed and injured, and thousands have had to flee their villages, in the context of armed clashes to seek shelter in neighboring locations or in the forest out of fear of reprisals by the security forces. As illustrative instances of what appears to be a growing pattern of abuses, we express our serious concern about the reported extrajudicial execution of Mr. Patianus Kogoya, Ms. Paitena Murib, and Mr. Erialek Kogoya (3 June 2021); the enforced disappearance of Mr. **Semuel Kobogau (5 October, sugapa); the killing of a 2-year-old child on 26 October 2021 in Sugapa village, and the injury by bullet of his elder brother aged 6; the beating of 27 April 202 of a 24 year-old university student in Jayapura in Maki village; the arrest and detention of others, and the forced displacement of thousands of villagers due to the reported brutality and excessive use of force by the joint units of police and army in the province.**

We express also concern that the growing number of internally displaced villagers has reportedly provoked an unknown number of deaths of villagers because of lack of food, medical care and weather conditions; that this situation may make them potentially more vulnerable to Sars-cov-2 infection; that Red Cross, church and other aid organisations have been restricted in delivering basic humanitarian assistance to them; and that members of the National Human Rights Institution, Komnas Ham, have been imposed security restrictions hampering their ability to independently access to and document the situation on the ground. These military restrictions to areas affected by the conflict and related displacement have made it difficult to assess needs and provide help.

While the violence and abuses to which villagers are subject to are primarily resulting from the armed conflict that opposes the Indonesian army and police perceived by some of them as a foreign occupation force, and the existence of an armed national liberation movement, we are concerned that an underlying factor seems to be a pervasive culture of racism on the part of Indonesian police and security officers on the ground towards the native indigenous Papuan population.

Should they be confirmed, the multiple acts of violence reported in Irian Jaya, some of which are described in this letter, would amount to violations of articles 1 (Self-determination), 6 (right to life), 7 (freedom from torture), 9 (right to liberty and security of person), 10 (human treatment of persons deprived of their liberty), 14 (right to due process of law, without discrimination), 16 (right to recognition as a person before the law), 18 (freedom of thought, conscience and religion), 19 (freedom of opinion and expression), 21 and 22 (right to freedom of assembly and association) and 26 (equality before the law and equal protection of the law, without any discrimination on such grounds as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.). These rights constitute the mainstays of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia acceded to in 2006.

In this regard, we would like to highlight that international human rights law norms applies all the time and in all circumstances, including during war, public emergencies, civil strife, or situations of internal disturbances or armed conflict. Both international human rights law and international humanitarian law strictly prohibit intentional killing, disappearance, torture and arbitrary detention of individuals. The rights to life, to personal security, not to be tortured and or detained arbitrarily are non-derogable. International human rights law also requires States to investigate alleged or suspected violations of these rights, and to bring to justice those found responsible – directly or through supervision – to have committed them. We encourage such investigations to be guided by the Minnesota Protocol on the Investigation of Potentially Unlawful Death.¹

We also wish to draw Your Excellency's Government's attention to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 **with the affirmative vote of Indonesia**. The UNDRIP elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. These fundamental human rights include **equality and non-discrimination, life and personal integrity, culture, health and property**, all of which are recognized in the principal human rights treaties ratified by Indonesia and mentioned above. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

In connection with the above alleged facts and concerns, please refer to the **Annex which details applicable international human rights law** and standards relevant to the present allegations.

¹ Available at <https://www.ohchr.org/en/issues/executions/pages/revisiionoftheunmanualpreventionextralegalbitrary.aspx>

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the number of persons killed since the opposition armed movement, including the number of civilians, of armed combatants and of Indonesian security forces since the beginning of counter-insurrection operations against the armed national Papuan movement;
3. Please provide information about the factual and legal basis for the detention of the six indigenous Papuans, among them four under 18 years of age, arrested by the joint security forces in Kokas village on 28 September 2021; please specify their identity, including their name and age, as well as their place of detention; please specify also the charges, if any, that have been brought against them.
4. Please clarify precisely and urgently the fate and whereabouts of 31-year-old Samuel Kobogau who was arrested by Indonesian security units on 5 October 2021 in the town of Sugapa, Intan Jaya regency, and who has disappeared since;
5. Please provide detailed information about the reasons why Mr. Patianus Kogoya, his spouse Ms. Paitena Murib and his brother Mr. Erialek Kogoya were extra-judicially executed by the soldiers who arrested them, while they were not armed? Has any independent investigation been conducted in their arbitrary killing, and in the positive, what has been the result and outcomes of that investigation? Have the authors of that summary execution been sanctioned?
6. Similarly, please provide detailed information about the 2-year-old child who was killed with a bullet in the stomach, and his 6-year-old brother who was injured in the back, during an armed clash that reportedly took place on 26 October 2021 in Sugapa, Intan Jaya regency, between Indonesian security forces and the TPN PB from 7pm and 9pm that day. Has an investigation been conducted into these allegations, and if yes, what has been its conclusions and outcome?
7. Please indicate what are the rules of engagement and precise procedures of the army and police units engaged in counter-insurgency against the Papuan armed movement with regard to the use of lethal force, and the training of these units within the framework of the international human rights norms agreed by Indonesia;
8. Please provide information, regency by regency, on the number of and situation of the IDPs and the measures that have been taken by the

government to ensure the provision of vital humanitarian assistance to these populations.

9. Please explain why the National Human Rights Institution and aid organisations such as the Red Cross and local Christian Church have been restricted access to various groups of internally-displaced persons, thus preventing them from assessing their needs and delivering related humanitarian assistance;
10. Please provide information on what steps have been taken to minimise the spread and impacts of COVID on indigenous Papuans.
11. Please provide information on measures to allow the safe return of IDPs to their homes.

While awaiting a prompt and detailed reply to this communication, we respectfully recommend Your Excellency's Government to review the modus operandi and rules of engagement of its security forces (army and police) in West Papua, in order to reduce to the strict minimum any loss of life or harm that could be averted by using other methods; and to establish an independent and credible mechanism to investigate any allegation of violation of the right to life, to personal security, to integrity and to deprivation of liberty, to ensure accountability for acts of violence, improve justice and regain confidence from local communities. Any disproportionate or abusive use of force, including lethal force, is counter-productive and can only aggravate conflicts.

Given the importance of the situation in West Papua, which in our view requires undivided attention, and in the absence of a considered reply from Your Excellency's Government, we may consider to publicly express our concern to alert the general public to the human rights implications of the conflict in West Papua. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

José Francisco Cali Tzay
Special Rapporteur on the rights of indigenous peoples

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and while we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the international norms and standards applicable to the present case.

We would like to refer your Excellency's Government to articles 1, 2, 6 (1), 9, 19, 20 (2), 21, 22, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), accessed by Indonesia on 23 February 2006, which provide for the right to self-determination, the right to life, the right to liberty and security of person, the right to freedom of expression, that any advocacy of national, racial, religious that constituents incitements or discrimination, hostility or violence shall be prohibited by laws, and the rights to freedom of peaceful assembly and of association, that all persons are equal before the law, and the rights of persons belonging to ethnic, religious or linguistic minorities.

We would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. In its General Comment No. 36, the Human Rights Committee stated that investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the *Minnesota Protocol on the Investigation of Potentially Unlawful Death*, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates. Investigations into allegations of violations of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent.

Without making a judgement on the applicability of international humanitarian law in the Regency, we note that in General Comment 36, the Human Rights Committee stated "article 6 continues to apply also in situations of armed conflict to which the rules of international humanitarian law are applicable, including to the conduct of hostilities. While rules of international humanitarian law may be relevant for the interpretation and application of article 6 when the situation calls for their application, both spheres of law are complementary, not mutually exclusive. Use of lethal force consistent with international humanitarian law and other applicable international law norms is, in general, not arbitrary. By contrast, practices inconsistent with international humanitarian law, entailing a risk to the lives of civilians and other persons protected by international humanitarian law, including the targeting of civilians, civilian objects and objects indispensable to the survival of the civilian population, indiscriminate attacks, failure to apply the principles of precaution and proportionality, and the use of human shields would also violate article 6 of the Covenant. States parties should, in general, disclose the criteria for attacking with lethal force individuals or objects whose targeting is expected to result in deprivation of life, including the legal basis for specific attacks, the process of identification of military targets and combatants or persons taking a direct part in hostilities, the circumstances in which relevant means and methods of warfare have been used, and whether less harmful alternatives were

considered. They must also investigate alleged or suspected violations of article 6 in situations of armed conflict in accordance with the relevant international standards.”

Furthermore, General Comment 36 also highlights that the duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence including displaced persons. It further states that “the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. The measures called for to address adequate conditions for protecting the right to life include, where necessary, measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care, electricity and sanitation, and other measures designed to promote and facilitate adequate general conditions.”

The right to freedom of opinion and expression protects all forms of expression and the means of their dissemination, CCPR/C/GC/34 para. 12. We further remind your Excellency’s Government of the critically important functions that journalists, humanitarian team, observers carry out in society.

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Indonesia in 1999, guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equal treatment before tribunals and all other organs administering justice. It also guarantees equality before the law, to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution. It is worth recalling that any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life constitute racial discrimination (Article 1). The Convention further requires States to implement affirmative measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, with a view to guaranteeing them full and equal enjoyment of all human rights and fundamental freedoms (Article 2). In addition, States have a responsibility to combat and eradicate prejudices and other forms of racial discrimination and to promote, through education and other means, understanding, tolerance and friendship among nations and racial or ethnic groups (Article 7).

Article 9(1) of the ICCPR guarantees the right to liberty and security of all persons, thus safeguarding against arbitrary arrest and detention. Further, all persons deprived of their liberty are required to be treated with humanity and respect for their inherent dignity in accordance with article 10(1) of the ICCPR. Article 14 of the ICCPR provides for right to fair proceedings before an independent and impartial tribunal. The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment is set forth in Article 7 of the International Covenant on Civil and Political Rights (ICCPR) as well as Article 5 of the Universal Declaration of Human Rights (UDHR). We would like to remind your Excellency’s Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment

or punishment, as an international norm of jus cogens, and as mirrored, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

We furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 with the affirmative vote of Indonesia. We would like to emphasize that this instrument provides an authoritative statement of international human rights standards related to indigenous peoples. The UNDRIP elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. These fundamental human rights include equality and non-discrimination, life and personal integrity, culture, health and property, all of which are recognized in the principal human rights treaties ratified by Indonesia and mentioned above. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

Finally, we would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which are of particular relevance to the case at hand, as they establish that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to displacement of persons. We moreover stress that according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home including due to gross human rights violations, discrimination and fear of persecution (Principle 6). As stated in Principle 3, national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons. We would like to particularly draw your attention to Principle 9, which highlights that States are under a particular obligation to protect against the displacement of indigenous peoples and other groups with a special dependency on and attachment to their lands.