

PAPUANS  
BEHIND BARS



Papuans Behind Bars

**QUARTERLY**

**UPDATE**

January–March 2024



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Cover: Indonesian military personnel captured two minors on the bank of Brazza River, Yahukimo,  
Province of Papua Pegunungan, 22 February 2024. Source: Special.

# Papuans Behind Bars

## Quarterly Update

*January–March 2024*

### Summary

Papuans Behind Bars noted that during the first quarter of 2024, there were at least 22 cases of arbitrary arrest involving two minors and one foreigner. These cases included: four who were arrested for treason, 12 people subjected to torture or ill-treatment, and eight arbitrarily detained.

As of 31 March 2024, 11 of the 22 people had been released, while ten others were further prosecuted, one person died, and one person's status is unknown.

This period also saw the conviction of at least 23 people who were named as suspects last year. Of these, two people were acquitted, while the rest were sentenced to ten months to life imprisonment. Among them, seven people were convicted of murder, five people were convicted of possession of firearms, and four people were convicted of treason. The rest were convicted under articles of assault, persecution, and incitement.

### Background

During January to March 2024, there were 22 new cases, most were related to armed conflict. None of the new cases were directly related to the political event, which was the 14 February Election of the president, vice president, and members of the legislature. The new Papuan political prisoners mostly were charged with either possessing firearms or being part of the armed groups; most of the arrests involved military personnel. There were four cases related to the article on treason.

February 2024 marked one year of the hostage taking of New Zealand pilot Mark Phillip Mehrtens by a Papuan pro-independence group. On 7 February 2023, Mehrtens landed his plane with five other passengers at an airport in Nduga Regency. Soon after that local armed group (TPNPB) ambushed them and released the passengers, setting the plane on fire and taking the pilot hostage.<sup>1</sup> Negotiations from both sides have been initiated, but they did not result with the release.

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<sup>1</sup> TAPOL, Statement on the Hostage-Taking in Nduga, West Papua, 8 March 2023, available at <https://www.tapol.org/news/tapol-statement-hostage-taking-nduga-west-papua-0>.

On 14 February, the people of Indonesia went to the polls to choose their members of parliament and new president. The result was a landslide win for presidential candidate Prabowo Subianto who was the Minister of Defence at the time. Prabowo won the presidential election with 58.59 per cent of the vote and took office on 20 October 2024. Before the 2024 election, Prabowo lost twice against Joko Widodo in the 2014 and 2019 elections. The main factor in Prabowo's 2024 election win was that he ran together with President Widodo's son Gibran Rakabumi Raka. Prabowo benefited from association with his popular predecessor (a 'Jokowi effect'), and his campaign spent enormous sums, apparently much higher than either of his main competitors, and may also have used state resources to campaign.

Prabowo's record in many ways speaks for itself: former commander of Kopassus, the special army forces unit that he commanded, stands accused of committing war crimes and crimes against humanity in East Timor, the disappearance of pro-democracy activists in 1997 & 1998, masterminding the May Riot in Jakarta and some other cities in 1998 and some serious human rights violations when serving as military officer in Aceh and West Papua. Following a period in exile, he has faced further ignominy with travel bans, including to the United States, which earlier in his career provided military training and support to Kopassus.

During the presidential candidate debate in December 2023, Prabowo described the main issues in West Papua as the long-standing conflict triggered by the separatism movement with the influence of foreign forces who wanted Indonesia to be disintegrated. Furthermore, Prabowo explained that to end the conflict in West Papua was to strengthen the security forces. As Minister of Defence Prabowo has also encouraged the expansion of the *Koter* (military territorial command) and accused critical observers of 'military phobia'.<sup>2</sup>



Prabowo Subianto during the presidential debate, 12 December 2023. Source: KPU RI on YouTube.

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<sup>2</sup> BBC, *Mengapa rencana penambahan Kodam 'dicurigai' untuk kepentingan Prabowo Subianto di Pilpres 2024? Kemenhan: 'Jangan fobia militer'* [Why the plan to add military command structure 'accused' for the interest of Prabowo Subianto in the 2024 Presidential Election? Minister of Defence: 'Don't be military phobia'.], 23 May 2023, available at <https://www.bbc.com/indonesia/articles/cyxk729044zo>.



The election of Prabowo shows that Indonesia does not need a military coup for human rights, justice and democracy to be thrown into reverse, which has been happening anyway for more than 10 years under Joko Widodo's administration.<sup>3</sup>

In March, a viral video posted to social media showed three Indonesian military personnel brutally beating a young Papuan whose hands were tied behind him and was placed inside a drum filled with water. In the video, the military personnel can be heard taunting the young Papuan with racist slurs whilst repeatedly hitting and kicking him. Days after the video went viral, the military spokesperson admitted that 13 soldiers were being detained for investigation on allegations of torture.<sup>4</sup> Papuan human rights activists surmised that the video was taken during a military raid in a village in Puncak Regency where frequent armed clashes had occurred between the Indonesian forces and armed pro-Papua independence groups.<sup>5</sup>

Until January 2026, torture was not recognized as a criminal offense under Indonesia's Criminal Code. Furthermore, any allegation of military personnel's wrongdoings, including serious human rights violations like torture, can only be investigated by the military police and those charged tried before military courts.

Two UN Treaty Bodies, the CESCR (the Committee on Economic, Social and Cultural Rights) and CCPR (the Human Rights Committee), reviewed Indonesia's human rights compliance under each treaty for the second time in February and March, respectively, in Geneva, Switzerland.

The CESCR and CCPR, deliberating on Indonesia's human rights performance, made some similar recommendations with regard to the effect of the situation in West Papua on the rights of indigenous Papuans. *First*, both the CESCR and CCPR issued a recommendation that Indonesia should combat discrimination by introducing comprehensive anti-discrimination legislation. For decades indigenous Papuans have suffered from discrimination in public and private spheres that undermine their civil, political, economic, social and cultural rights.

*Second*, both treaty bodies highlighted the problem of involuntary displacement in West Papua caused by the armed conflict between Indonesian security forces and Papuan armed pro-independence groups. The CESCR recommended that Indonesia allow national and international humanitarian organizations access to internally displaced persons (IDPs) in West Papua. The CCPR recommended that Indonesia facilitate the safe return of the IDPs based on their consent.

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<sup>3</sup> Kompas.com, *Adu Gagasan Soal Konflik Papua: Prabowo Ingin Perkuat Aparat, Ganjar-Anies Tawarkan Pendekatan Dialog* [Contesting Ideas on Conflict in Papua; Prabowo Wants to Strengthen the Security Forces, Ganjar-Anis Want Dialog Approach], 15 December 2023, available at <https://nasional.kompas.com/read/2023/12/15/10194581/adu-gagasan-capres-soal-konflik-papua-prabowo-ingin-perkuat-aparat-ganjar?page=all>.

<sup>4</sup> The Guardian, Indonesian military apologises after West Papuan man filmed being tortured in water-filled barrel, 25 March 2024, available at <https://www.theguardian.com/australia-news/2024/mar/25/west-papuan-man-footage-torture-water-allegedly-in-donesia>.

<sup>5</sup> Human Rights Monitor, Videos of Indonesian soldiers torturing Papuan go viral – Human rights defenders demand judicial process against perpetrators, 22 March 2024, available at <https://humanrightsmonitor.org/news/videos-of-indonesian-soldiers-torturing-papuan-go-viral-human-rights-defenders-demand-judicial-process-against-perpetrators/>.

*Third*, both treaty bodies issued a large number of recommendations regarding indigenous peoples' rights, a concept that the Indonesian Government has not recognized as being applicable in the country in either review sessions. The CESCR and CCPR recommended that Indonesia introduce national legislation regarding the rights of indigenous peoples. Both treaty bodies furthermore emphasized the right of indigenous peoples to free, prior, informed consent and access to remedy with regard to development and business projects on ancestral or traditional lands, as well as their right to participate in public affairs. Both treaty bodies recommended to Indonesia that it repeal or amend legislation that undermines the rights of indigenous peoples, such as the Omnibus Job Creation Law and Mineral & Mining Law.

*Fourth*, both treaty bodies strongly recommended that human rights defenders be protected, including those working on the rights of indigenous peoples. They recommended that Indonesia improve the operating environment for human rights defenders, so that they are able to carry out their work free from harassment, intimidation, attack and criminalization. Specifically, the treaty bodies asked Indonesia to repeal or amend criminal defamation provisions under the repressive Electronic Information and Transaction Law. The CCPR also recommended that Indonesia introduce legislation protecting human rights defenders.

Other important issues highlighted by CCPR included the rights to freedom of expression, peaceful assembly and association. As compared to other regions, the enjoyment of these rights has been curtailed far more in West Papua. Apart from recommending legislative reforms to ensure civic space is not restricted by repressive provisions in laws and regulations, the CCPR also recommended that Indonesia hold perpetrators accountable, including security forces committing violations in West Papua.

Lastly, the CCPR re-issued previous recommendations to Indonesia on dealing with impunity for past serious human rights violations, including extra-judicial executions and torture, some of which were committed in West Papua. The CCPR urged Indonesia to establish judicial processes to ensure full accountability for past serious human rights violations, particularly in cases that have been investigated by the National Human Rights Commission (Komnas HAM). These cases should go hand in hand, the CCPR stated, with the reparation program and truth-seeking mechanism for victims or their families.

## New Cases

A number of TNI members arrested two civilians in Ayata Village, Middle East Aifat District, Maybrat Regency, 21 January 2024. The two residents, **Dominggus Momao** (local youth figure) and **Wilem Wakom** (former village chief), were arrested and detained by the TNI because they were accused of providing food to armed groups. In fact, according to the survivor's statement, they were ordered by the Acting Maybrat Regent and the Refugee Repatriation Team to negotiate with the leader of the armed group not to attack workers who were repairing the road from Ayata to Aisa. A day after the arrest, soldiers escorted them to the police station in Kumurkek and in the afternoon, they were both released.

Yapen police personnel arrested four people affiliated with Negara Republik Melanesia in South Yapen District, Serui Islands Regency, 22 January 2024. The four people were **Phillips L.**



**Wanggai, Yuflius Frans Kareni, Gad Sendiairora Fonataba, and Soleman Fonataba.** The four of them were arrested while holding a meeting of ‘The National Conference of the Full Government of the Republic of Melanesia’ at a church in Yapen.

At least two children (both aged 15) were part of new Papuan political prisoners. They were arrested by Yahukimo police forces and charged with acts involving violence against a flying airplane and its passengers (Article 479 of the Criminal Code). The police claimed that their arrest was linked to an earlier incident at an airport in Yahukimo Regency where an airplane was shot at, just before landing, by TPNPB members.<sup>6</sup>



Indonesian military personnel captured two minors on the bank of Brazza River, Yahukimo, Province of Papua Pegunungan, 22 February 2024. Source: Special.

On 1 February, military personnel arrested four Papuan students in Sugapa, Intan Jaya Regency. The military claimed that the four students **Elpinus Zanambani, Tenius Wonda, Selianus Sondegau** and **Denias Imanuel Agimba** (all male) brought ammunition, alcohol and a traditional Papuan bag (*noken*) with a Morning Star motive (a banned symbol). The military interrogated them, involving torture or other ill-treatment, before handing them over to the local Sugapa police station where they again suffered further violence.<sup>7</sup> According to a local human rights defender, those detainees had been released after being detained for two weeks.

Security forces arrested a Russian tourist and photographer, **SIA**, around Aikai port, Enarotali, Paniai, 11 March 2024. The authorities were allegedly concerned that the tourist was foreign journalist and human right activist. In fact, he was a tourist and photographer with an interest in cultural life. SIA was arrested and taken to Paniai Timur Police Station and then to Paniai

<sup>6</sup> Detik.com, KKB Tembak Pesawat Wings Air di Bandara Yahukimo, Peluru Tembus ke Kabin, 18 February 2024, available at <https://news.detik.com/berita/d-7199316/kkb-tembak-pesawat-wings-air-di-bandara-yahukimo-peluru-tembus-ke-kabin>.

<sup>7</sup> Human Rights Monitor, Military members alleged of torturing four Papuan students after finding ammunition, 9 February 2024, available at <https://humanrightsmonitor.org/case/military-members-alleged-of-torturing-four-papuan-students-after-finding-ammunition/>.

Police Station. The police deemed his papers incomplete and told him to return to the provincial capital, Nabire.<sup>8</sup>

Dozens of police and military personnel reportedly arbitrarily arrested and searched the home of a farmer and KNPB activist, **Effesus Hisage**. The arrest took place in Timika on 14 March 2024. The reason for the arrest was considered unclear. After being interrogated for 8 hours, Effesus was released.<sup>9</sup>

## Ongoing Case Updates

Twenty three Papuan prisoners were convicted by the court for various criminal charges during this period with two being acquitted. On 8 January 2024, the Jakarta Timur District Court acquitted two prominent Indonesian human rights defenders Haris Azhar and Fatia Maulidiyanti of criminal defamation charges. The Court said that their online statement was based on research. However, the prosecutor filed an appeal against the court decision to the Supreme Court. **Haris Azhar** and **Fatia Maulidiyanti** were placed on trial in Jakarta in April 2023 for criminal defamation.



Human rights activists Haris Azhar and Fatia Maulidiyanti during the verdict reading session by the judges of the Jakarta Timur District Court.

Source: Jakartanicus on YouTube.

The charges were filed under Indonesia's Electronic Information and Transactions Law (ITE Law) pursuant to a complaint by Luhut Binsar Pandjaitan, a very influential minister in President

<sup>8</sup> Suarapapua.com, *Soal Satu WNA di Enarotali, Begini Kata Pakum Satgas dan Kapolres Paniai*, 14 March 2024, available at

<https://suarapapua.com/2024/03/14/soal-satu-wna-di-enarotali-begini-kata-pakum-satgas-dan-kapolres-paniai/>

<sup>9</sup> Human Rights Monitor, *KNPB member arbitrarily detained in Timika*, 10 April 2024, available at

<https://humanrightsmonitor.org/case/knpb-member-arbitrarily-detained-in-timika/>



Jokowi's cabinet. The complaint related to statements they made about Pandjaitan's alleged involvement in a gold mining project in West Papua. The Jakarta Timur District Court acquitted Azhar and Maulidiyanti on 8 January 2024. The Indonesian government has already signaled its intention to appeal the verdict in the Supreme Court. During the trial, the prosecutor sought fines equivalent to USD 7 million for each of them under Law No. 19/2016 on Electronic and Transaction Information (ITE). In 2023 alone, the ITE law was used in at least 37 cases against 46 individuals.<sup>10</sup>

On 29 January, the Sorong District Court convicted **Victor Makamuke** of treason under Articles of 106 and 110 of the Criminal Code (KUHP) and sentenced him to 2.5 years imprisonment.<sup>11</sup> Victor was accused of being the commander of TPNPB for the Papua Barat region. Victor was arrested by the police on 5 July 2023 for raising the Morning Star Flag and calling for Papua independence.<sup>12</sup> On 1 February, the Jayapura District Court convicted two KNPB (the National Committee for West Papua) leaders Agus Kossay and Beni Murib, of incitement to violence under Article 160 of the Criminal Code and were sentenced to 12 and 10 months of imprisonment respectively.<sup>13</sup>



Victor Makamuke being interrogated by security forces. Source: Detik.com.

**Agus Kossay and Benny Murib** were arrested by Jayapura police forces together with two other KNPB activists on 2 September 2023. They were accused of committing violent assault against

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<sup>10</sup> Somad, D. F. A., Abdus. (2023, September 1). *Kebebasan Sipil di Papua Terenggut Pasal Makar dan ITE*. Jaring. <https://jaring.id/kebebasan-sipil-di-papua-terenggut-pasal-makar-dan-ite/>.

<sup>11</sup> Sorongraya.co, *Panglima TPNPB Victor Makamuke Dijatuhi Pidana 2,5 Penjara* [TPNPB Commander Victor Makamuke Sentenced for 2.5 Years' Imprisonment], 29 January 2024, available at <https://sorongraya.co/hukrim/panglima-tnpb-viktor-makamuke-dijatuhi-pidana-25-tahun-pe/>.

<sup>12</sup> Detik.com, *Panglima TPNPB Bomberay Viktor Makamuke Tersangka Makar Diserahkan ke Jaksa* [TPNPB Bomberay Commander Victor Mukamuke Suspect of Treason Transferred to the Prosecutor], 2 November 2023, available at <https://www.detik.com/sulsel/hukum-dan-kriminal/d-7016069/panglima-tnpb-bomberay-viktor-makamuke-terangan-gka-makar-diserahkan-ke-jaksa>.

<sup>13</sup> Human Rights Monitor, *KNPB activists found guilty – Mr Agus Kosay sentenced to 1 year, Mr Beni Murib sentenced to 10 months imprisonment*, 9 February 2024, available at <https://humanrightsmonitor.org/news/knpb-activists-found-guilty-mr-agus-kosay-sentenced-to-1-year-mr-beni-murib-sentenced-to-10-months-imprisonment/>.

other KNPB activists following internal conflict within the organization.<sup>14</sup> The criminal charges were initiated by the police even though both camps in KNPB had settled their own internal affairs and asked the police not to continue the criminal charges.<sup>15</sup> Agus Kossay was the Chairman of KNPB and had been convicted of treason by the Balikpapan District Court and sentenced to 11 months' imprisonment in June 2020 for his involvement in the counter racism mass protest in West Papua in August 2019.<sup>16</sup>



KNPB Chairperson Agus Kossay during his trial at the Jayapura District Court, 16 January 2024. Source: LBH Papua via Jubi.id.

On 7 January, 53 inmates in Sorong prison escaped. Four of them **Fatem Gelek alias Gelek, Alowisius Frabuku alias Alo, Antonius Frabuku alias Anton** and **Yanwaris Sewa** listed in our political prisoners database (Papuan Behind Bars), were among the escapees. The three political prisoners (Fatem Gelek, Alowisius Frabuku and Yanwaris Sewa) were involved in the case of attacks on a military post (Pos Koramil) resulting in the death of four soldiers in Kisor, South Aifat, Maybrat Regency on 2 September 2021. Meanwhile Antonius Frabuku was detained and charged with the murder of a military personnel, Miskel Rumbiak, on 20 January 2022 in East Aifat, Maybrat Regency.

Fatem Gelek, Alowisius Frabuku and Antonius Frabuku were immediately rearrested a few weeks after the prison escape, but Yanwaris Sewa is still at large. Fatem and Alowisius were still being tried for the case of Kisor military post attacks, while Yanwaris had already been sentenced to 18 years' imprisonment. Immediately after their rearrest, the Sorong District Court sentenced both Fatem Gelek and Alowisius Frabuku to life imprisonment on 29 January 2024. Meanwhile, the Sorong District Court sentenced Antonius Frabuku to 15 years' imprisonment on 14 March for the murder of a military personnel.

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> TAPOL, the 2019 West Papua Uprising; Protest against racism and for self-determination, September 2020, p. 118, available at <http://tapol.org/publications/2019-west-papua-uprising-full-report>.



On 14 March, the Nabire District Court convicted **Arnius Kogoya alias Arpin Kogoya alias Artis** of committing arson against houses and properties of a company in Ilaga, Puncak Regency in Papua Tengah Province.<sup>17</sup> The Court sentenced Arnius Kogoya to two years' imprisonment.

## Issues of Concern

On 22 February, Satgas Pamtas, a joint police and military force from Yonif 1 Marinir arrested two Papuan teenagers (**BE** and **MH**) in Brasa River, Dekai, Yahukimo, accused of being part of an armed group on 22nd February 2024. The arrests were a result of the hunt for the perpetrators of the shooting down of a Wings Air commercial plane. Initially the police informed the media that the two teenagers had no connection to the pro-independence armed group, but they were still detained as witnesses, which is illegal under the Criminal Procedure Code (KUHP).<sup>18</sup> The two teenagers could also be subjected to torture or other il-treatments during their arrest and detention.<sup>19</sup>

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<sup>17</sup> For more information about his case, see Papuans Behind Bars (PBB) Annual Overview 2023, p. 12, available at <https://papuansbehindbars.org/annual-overview-2023/>.

<sup>18</sup> BBC, *Dua remaja Papua ditangkap sebagai saksi usai penembakan pesawat di Yahukimo, tindakan aparat disebut 'merendahkan derajat manusia'* [Two Papuan teenagers arrested as witnesses after plane shooting in Yahukimo, authorities' actions called 'degrading'], 24 February 2024, available at <https://www.bbc.com/indonesia/articles/c2qe7e30gpyo>.

<sup>19</sup> Ibid.

**Papuans Behind Bars** aims to provide accurate and transparent data, published in English and Indonesian, to facilitate direct support for prisoners and promote wider debate and campaigning in support of free expression in West Papua.

**Papuans Behind Bars** is a collective effort initiated by Papuan civil society groups working together as the Civil Society Coalition to Uphold Law and Human Rights in Papua. It is a grassroots initiative and represents a broad collaboration between lawyers, human rights groups, adat groups, activists, journalists and individuals in West Papua, as well as Jakarta-based NGOs and international solidarity groups.

Questions, comments and corrections are welcomed, and you can write to us at [info@papuansbehindbars.org](mailto:info@papuansbehindbars.org)

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