

**Papuans
Behind Bars
Annual
Overview 2022**

Papuans Behind Bars Annual Overview 2022

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PBB Annual Overview 2022

The data

We recorded that there were 679 political arrests so far this year. Out of that, 2 people were named as suspects.

Of those arrested, 50 were charged, of whom 17 were successfully convicted and sentenced throughout the year, with prison sentences ranging from 5 months and 10 days, up to 6 years' imprisonment. 635 of those arrested (and/or detained) were released.

Most were charged under articles of the Indonesian penal code which campaigners argue are repressive. 26 people were charged with treason, eight were charged under the Emergency Law (*Undang-Undang nomor 12 tahun 1951*), and two were charged under the Electronic Information and Transactions (EIT) Law. Two activists suspected of trespassing, although local police admitted the real motive for arrest was suspicion of planning a demonstration against the law on Special Autonomy.

As of the end of December 2022, 29 political prisoners were in detention for trial in West Papua and Sulawesi and another 10 were serving prison sentences in West Papua. Six political prisoners were arrested, tried, convicted and released in the same year. Two Papuan political prisoners (one of whom was arrested in 2021) and one well-known former Papuan political prisoner died in 2022.

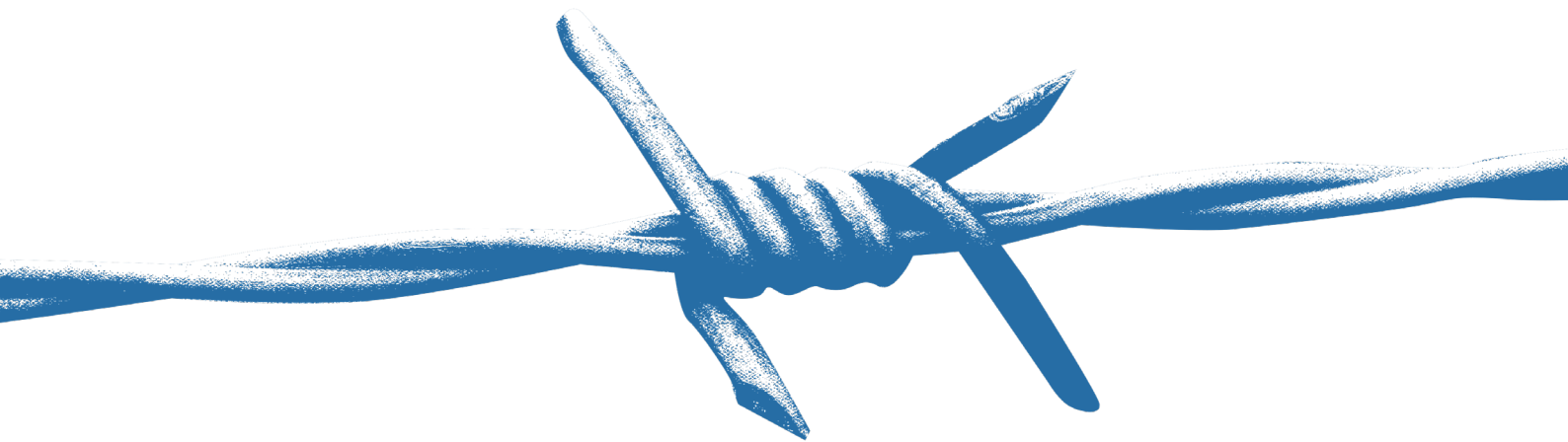
Who was arrested?

Of those arrested, 40 were female, 327 were male, and the sex of the remainder could not be determined. Where it was possible to determine the age of arrestees, the majority were young adults aged between 18 and 24 years old. 95 per cent of those arrested were either activists, students, or both.

Why were they arrested?

The vast majority of political arrests related to specific events which are either political in nature, or have become politicised within the framework of the ongoing struggle for self-determination in West Papua. The largest number of arrests (215) related to protests against the Special Autonomy Law and against the subdivision of Papua into further provinces. There were 112 arrests in connection with 10 December celebrations of Human Rights Day, in which West Papuan students, activists and citizens hoped to call attention to human rights abuses and violations in West Papua. A large number of arrests (103) related to commemorations of the assassination

and death of Papuan leaders, as well as the death from ill health of a prominent activist. 68 arrests related to the commemoration of politically significant dates in the West Papuan struggle for self-determination, and a smaller number of arrests (7) were at protests linked to the G20 summit. While in the past, politically significant dates have been most frequently associated with police crackdowns and mass arbitrary arrests, the 2022 data suggests a shift in how the desire for self-determination is being expressed in West Papua, showing a stronger engagement with national and international political and legal frameworks. The way that these expressions are controlled, however, remains repressive, and the rights to freedom of expression and assembly remain severely restricted.



Criminal Justice Process in Indonesia: A brief introduction

Inquiry and Investigation

This stage is conducted by the police in order to explore, assess, and determine whether an event is a criminal offence or not. If, in the inquiry (*penyelidikan*) process, the police finally find (a) criminal offence(s), then the police advance to investigation (*penyidikan*). At this stage, the police are authorised to name the alleged perpetrator as a suspect (*tersangka*) and take steps such as arrest, detention, search, seizure, and examination of documents. In naming a person as a suspect, there is also a list of the articles they are accused of having violated (*pasal-pasal yang disangkakan*). These articles must be contained in the warrant of arrest and/or detention.

Prosecution

Once the case file and evidence are deemed sufficient, the police will submit the results of their investigation to the public prosecutor. If the public prosecutor deems the police file to be eligible, the public prosecutor will refer the case to the district court accompanied by an indictment (*surat dakwaan*) made by the public prosecutor. The indictment contains the articles charged against the defendant (*terdakwa*) —who is no longer called as suspect.

Court hearing

After receiving the indictment and related files from the public prosecutor, the district court appoints judges to hear the case. At the trial, the panel of judges listens to and examines the indictment read by the public prosecutor, the response of the defendant or his lawyer, as well as the evidence and testimony of witnesses. Before the panel of judges deliberates on the verdict, the public prosecutor will be asked to present the prosecution's case (*tuntutan*, a request to the judge regarding the verdict and punishment of the defendant). The defendant is also asked to respond to the prosecution's demands or to defend himself.

It is not uncommon for the prosecution's case to differ from what was read out in the indictment. From the many articles charged at the beginning, for example, it can become only one article.

Reading out the judge's verdict

After examining all charges, defences, evidence and witnesses, the panel of judges will deliberate and read out their decision on the case. It is not unusual for a judge's verdict (*putusan*) to differ from that of what the public prosecutor demanded. The panel of judges may even find the defendant guilty but for another criminal offence (another article) that was not in the indictment and prosecution.

The decision of the panel of judges of the district courts can be appealed before the high courts and the Supreme Court. After that, as the remaining legal avenues, the prosecutor and defendant/their lawyer can apply to the Supreme Court —via the district court which tried the case in the first instance— for a case review (*peninjauan kembali*, PK) if they have new evidence (that has not been presented in previous courts) or found contradictory judgements or judicial errors.

Additional notes

The introduction above refers to the Indonesian Criminal Procedure Code (KUHP), which was passed in 1981. Much of its content was adopted from the Dutch colonial criminal procedure code. While the law has many sections that protect the rights of suspects and defendants, there are a number of sections that fall short of international fair trial standards.¹ For example, to name a few, the half-hearted application of habeas corpus, lengthy detention periods, the right not to be compelled to testify or confess guilt and the prohibition of torture and ill-treatment are not explicitly regulated.

¹ See Amnesty International, "Indonesia: Comments on the draft revised Criminal Procedure Code", 6 September 2006 (<https://www.amnesty.org/en/documents/ASA21/005/2006/en/>).

Key dynamics in Indonesia

There were some important key events in 2022 at a national and international level that affected directly or indirectly the dynamics of Papuan political prisoners. In April 2022, Indonesia's Attorney General announced that they were preparing prosecution of a suspect – a low rank retired military personnel - allegedly responsible for unlawful killings in Pania, Papua in 2014,² under the 'Human Rights Court' mechanism (under Law No. 26/2000). This mechanism is the country's special criminal tribunal dealing with cases of gross violations of human rights.³ Since the beginning human rights groups were concerned that for these serious crimes, the Attorney General Office had only named one suspect, disregarding the National Human Rights Commission's (Komnas HAM) findings that eight individuals from the police and military forces, including those who held command responsibility, should be tried by the Human Rights Court.⁴ In December 2022, the Human Rights Court's judges acquitted the defendant.

In late June 2022, Indonesian national parliament (DPR RI) passed three laws establishing three new provinces in West Papua (Law No. 14/2022 for Papua Selatan Province, Law No. 15/2022 for Papua Tengah Province and Law No. 16/2022 for Papua Pegunungan Province). In November, DPR RI passed Law No. 29/2022 for the establishment of Papua Barat Daya Province. The whole legislation process of these new laws together with the plan to renew the Papua Special Autonomy Law disregarded meaningful participation from Papuan representatives.⁵ In some instances the security forces in West Papua took unnecessary and excessive use of forces against peaceful protesters criticising or rejecting the legislations. Furthermore, many Papuan protesters became new political prisoners as explained in the other section of this report.

On 26 August 2022, President Joko Widodo signed Presidential Decree No. 17/2022 on the Establishment of the Non-Judicial Settlement Team for Past Gross Human Rights Violations which was later named the PPHAM Team. The main mandate of the Team was to set up a national reparation program for the victims of past atrocities and their families. The PPHAM Team consisted of both government officials and representatives from civil society groups.⁶

On 22 September 2022, during the opening of the UN Human Rights Council's 51st session

² The 2014 Paniai case was about unlawful killings by Indonesian security forces against Papuan protesters in the town square of Enarotali in Paniai District, Papua Province on 8 December 2014 that became the first major human rights violation in West Papua under the administration of newly appointed President Joko Widodo. The protest was a response to a violent incident the day before when some military personnel allegedly beat and kicked 11 Papuan children. When protesters started throwing stones and pieces of wood at some state buildings, members of the security forces opened fire on the crowd from different directions, killing four people and injuring dozens of others.

³ The same mechanism was held to try perpetrators of the 1999 East Timor Atrocities, unlawful killings against Muslim protesters in Tanjung Priok Jakarta 1984 and unlawful killings against Papuans in Abepura, Papua 2000. The Human Rights Court's jurisdiction is to deal with only two special crimes which are genocide and crimes against humanity. The result of all the trials has been zero conviction. See TAPOL, AJAR (Asia Justice and Rights) and KontraS (the Commission for the Disappeared and Victims of Violence) Joint Briefing on Human Rights Court Mechanism and the 2014 Paniai Papua Case, August 2022, available at <https://www.tapol.org/publications/human-rights-court-mechanism-and-2014-paniai-papua-case>.

⁴ Komnas HAM's Summary Briefing of Gross Violations of Human Rights Cases, *Merawat Ingatan Menjemput Keadilan: Ringkasan Eksekutif Peristiwa Pelanggaran HAM Yang Berat*, November 2020, p. 686.

⁵ Comment by UN Human Rights Office spokesperson Ravina Shamdasani on Papua and West Papua, Indonesia, 30 November 2020, available at <https://www.ohchr.org/en/statements/2020/11/comment-un-human-rights-office-spokesperson-ravina-shamdasani-papua-and-west>.

⁶ The Presidential Decree (Keppres) No. 17/2022 is available at <https://peraturan.bpk.go.id/Details/226936/keppres-no-17-tahun-2022>.

in Geneva, the UN Acting High Commissioner for Human Rights (Nada Al-Nashif) delivered a speech to highlight the global human rights situation. In the opening statement, she mentioned her concern on two alleged human rights violations cases in West Papua; civilian casualties, fatalities and internal displacement of Papuans as the result of intensified armed clashes between Indonesian security forces and Papuan armed groups and the case of mutilation of four Papuans in Timika in August 2022.⁷

On 9 November 2022, Indonesia was reviewed by the UN Human Rights Council under its Universal Periodic Review (UPR) for the fourth time.⁸ TAPOL together with BUK (*Bersatu Untuk Kebenaran* or United for Truth) an association of Papuan human rights victims and survivors issued an alternative report highlighting the right to freedom of expression and association, the use of treason (*makar*) laws and militarism in West Papua.⁹

In its 4th Cycle UPR, Indonesia received 269 recommendations from other states and supported 205 of them. Meanwhile, Indonesia received 11 recommendations from other states on specific issues on West Papua and supported only 5 of them.¹⁰ However, Indonesia did not support specific recommendations to open up access for international human rights observers to the region and to ensure the visit of the UN High Commissioner for Human Rights to West Papua as promised by President Joko Widodo when he met with then High Commissioner Zeid Ra'ad Al Hussein in early 2018.¹¹

On 16 November 2022, members of local Balinese mass organisations attacked and disbanded a peaceful protest organised by the Papuan Students Alliance (AMP) during the G20 Summit in Bali. The Papuan students organised the protest to express their rejection of the summit and call for the G20 leaders to call for the right to self-determination. Some Papuan students got injured because of the attack, but no one had been charged with any offences. A few days earlier, similar members of Balinese mass organisations harassed and intimidated members of the national human rights organisations YLBHI (Indonesian Legal Aid Foundation) who had a national meeting to criticise some of the Indonesian government's national strategic projects and regression of democracy. The mobs surrounded YLBHI meeting's compound and did not allow any of them to leave the venue. In both incidents, the local police forces did not prevent the attacks and intimidation.

7 Global Update - Statement by Nada Al-Nashif UN Acting High Commissioner for Human Rights at 51st session of the UN Human Rights Council, 22 September 2022, available at <https://www.ohchr.org/en/statements/2022/09/global-update-statement-nada-al-nashif-un-acting-high-commissioner-human-rights>.

8 The other UPR review on Indonesia took place in April 2008, May 2012 and May 2017.

9 See TAPOL and BUK's UPR submission for the 4th Cycle (November 2022), Human Rights and Militarism in West Papua 31 March 2022, available at <https://www.ohchr.org/en/hr-bodies/upr/id-stakeholders-info-s41> (Joint Submission 44).

10 These included generic recommendations to ensure accountability and prevention of impunity for human rights violations and better protection of the rights to peaceful assembly and association. See UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Indonesia, A/HRC/52/8, 21 December 2022 and UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Indonesia, Addendum, UN Doc. A/HRC/52/8/Add.1, 17 March 2023.

11 See Joint Oral Statement issued by Franciscans International, Amnesty International, World Council of Churches, CIVICUS, Human Rights Monitoring and TAPOL at the 52nd Session of the Human Rights Council Item 6: UPR Adoption – Indonesia, 27 March 2023, available at <https://www.tapol.org/publications/joint-oral-statement-52nd-session-human-rights-council-agenda-item-6-upr-adoption>.

Key dynamics in West Papua

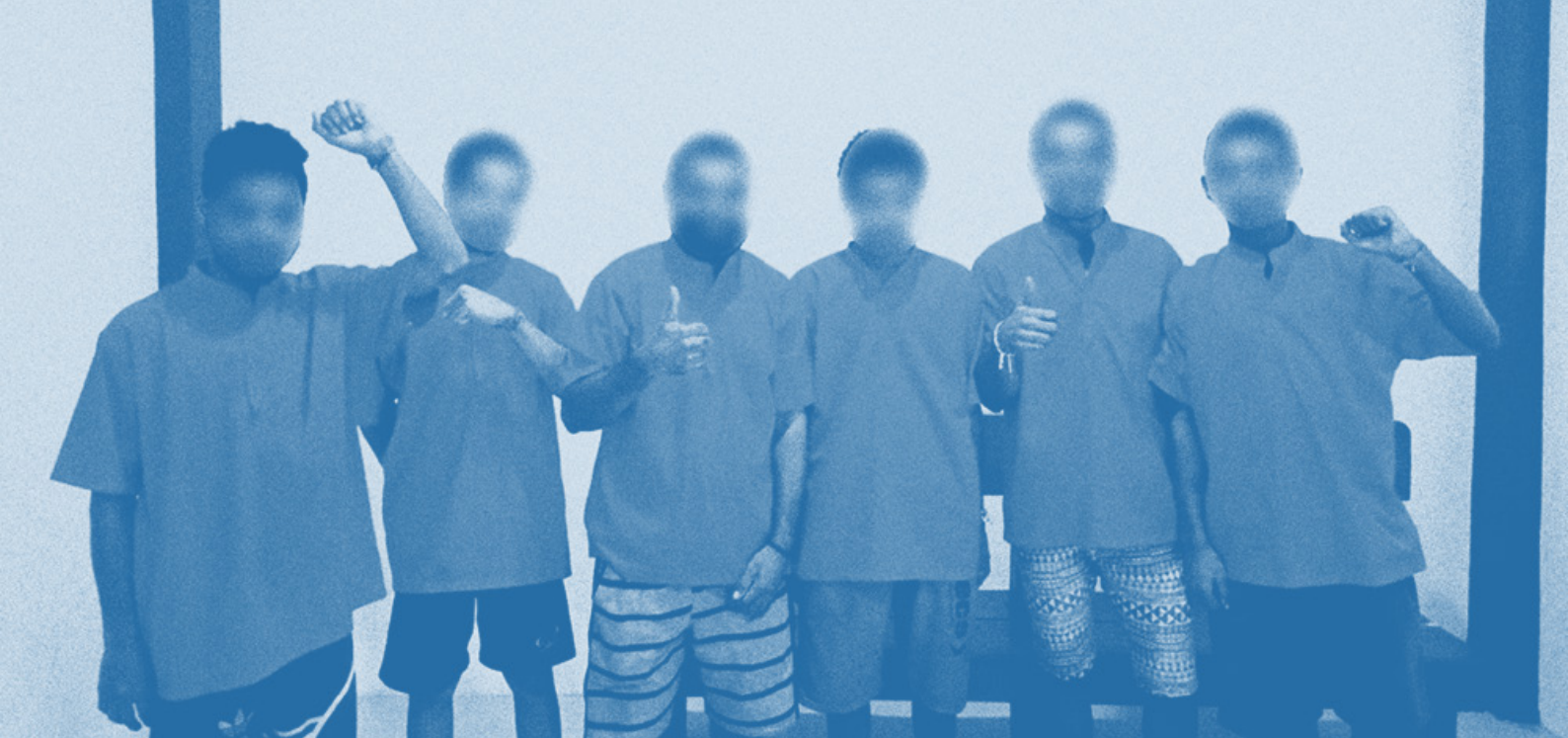
Rejection of Special Autonomy Law and creation of new provinces

In 2021, widespread opposition to the unilateral revision of the Special Autonomy Law and plans to create new provinces in West Papua were met with 118 incidents of arbitrary arrests and detention. These dynamics intensified through 2022 with 215 related arrests, spiking in the run-up to and passing in June of a controversial law allowing for the creation of three new provinces.

As an example of the security forces response to protests on this issue, on 10 May seven activists were arrested following a demonstration organised by the Papuan People's Petition (*Petisi Rakyat Papua*, PRP). The protest, which rejected the extension of the special autonomy law and the creation of new provinces, was violently dispersed by 1,185 police and military personnel using beatings, rubber bullets and water cannons. Several demonstrators were reportedly beaten unconscious.¹² Police and military forced their way into the office of human rights group KontraS Papua, arresting seven activists gathered there, including Esther Haluk, West Papuan lecturer, activist and staff member of KontraS Papua, and PRP spokesperson Jefri Wenda.¹³ The activists were held in the Jayapura Police station for questioning, and while they were initially investigated under the controversial ITE law, all seven were released without charge the next day due to lack of evidence.

¹² "Demo tolak otonomi khusus dan daerah otonomi baru dibubarkan paksa aparat, Elsham Papua, 10 May 2022, <https://elshampapua.com/demo-tolak-otonomi-khusus-dan-daerah-otonomi-baru-dob-di-bubarkan-paksa-aparat/>

¹³ "Jefry Wenda akhirnya dipulangkan," Cenderawasih Pos Online, 12 May 2022, <https://www.ceposonline.com/2022/05/12/jefry-wenda-akhirnya-dipulangkan/>



Sorong 6 in Makassar District Court.
Source: Coalition for Maybrat Advocacy

Maybrat

As armed conflict in West Papua increased, arrests and human rights violations continued in the wake of the September 2021 Kisor incident, when a military post was attacked and four Indonesian soldiers were killed in Maybrat, West Papua province. A further shooting of security forces in January 2022 killed one soldier and injured two more.

While the trials of the Sorong Six were underway and a minor, LK, was serving his sentence in an adult prison (see Maybrat legal procedure issues below), a further four men were arrested in connection with the killings of the four soldiers in Maybrat. Melkias Ky was arrested on 30 January,¹⁴ and Abraham Mate was arrested on 21 February. Abraham Fatemte was arrested on 24 March in Sorong, without an arrest warrant or any explanation for his arrest, although he was later charged with premeditated murder, premeditated grievous bodily harm resulting in death, and ordering or involvement with murder.¹⁵ According to his lawyers, he was not even in Papua during the events of which he is accused, but was staying with his in-laws in Maluku until December, three months after the incident occurred. In a statement on 21st May, Fatemte's lawyers stated that he had been arbitrarily detained for two months without legal basis, as no evidence supporting police claims had been produced.¹⁶

The fourth West Papuan arrested for alleged links to the Kisor military post attack was Yanwaris Sewa. He was arrested in his village in Maybrat on 14 October 2022. As the year ended, he was still in detention and his trial had not yet begun.

¹⁴ "Melkianus Ky keberatan dituduh eksekutor kasus penyerangan pos ramil kisor," Papua Barat Pos, 4 October 2022, <https://papuabarapos.com/melkianus-ky-keberatan-dituduh-eksekutor-kasus-penyerangan-pos-ramil-kisor/>

¹⁵ "What's wrong with the Indonesian justice system? Trials in Maybrat provide an insight," Human Rights Monitor, 21 July 2022, <https://humanrightsmonitor.org/news/whats-wrong-with-the-indonesian-justice-system-trials-in-maybrat-provide-an-insight/>

¹⁶ "Segera Bebaskan Abraham Fatem Te, korban salah tangkap," Lao Lao Papua, 21 May 2022, <https://laolao-papua.com/2022/05/21/segera-bebaskan-abraham-fatem-te-korban-salah-tangkap/>



KNPB's demonstration in Jayapura.
Source: Papua.us

Targeting of KNPB

In response to the Maybrat shootings, authorities intensified the targeting of members of the West Papua National Committee (*Komite Nasional Papua Barat*, KNPB) for arrest. The KNPB is a peaceful political organisation that conducts campaigns for self-determination through democratic means.

On 22 September 2022, Yanto Awerkion, Meki Nabelau and Botak Kogoya were arrested by the Cartenz Peace Task Force team on suspicion of trafficking weapons and ammunition. It was alleged that Awerkion, the Chairman of KNPB Timika, was the seller, with Nabelau and Kogoya the buyers. A KNPB Timika spokesperson strongly questioned the veracity of the claims, adding that the KNPB had never had any involvement in trafficking weapons or ammunition on behalf of the TPNPB.¹⁷

In relation to the second wave of Maybrat arrests – mentioned above – according to Tapol, these four men, as well as the Sorong Six and LK, are strongly suspected to have been arrested purely on the basis of their connections with the KNPB, particularly seeing as TPNPB had already claimed responsibility for the attack.¹⁸ On 27 September, supporters of Melkias Ky demonstrated outside Sorong Courthouse, stating that Ky was the victim of wrongful arrest, demanding access to visit him, and an end to delays to his trial.¹⁹

¹⁷ "KNPB not involved in the arms trade in Papua," Jubi, 27 September 2022, <https://en.jubi.id/knpb-timika-not-involved-in-the-arms-trade-in-papua-knpb/>

¹⁸ "Another West Papuan political prisoner dies," Tapol, 4 November 2022, <https://www.tapol.org/news/another-west-papuan-political-prisoner-dies>

¹⁹ "Mahasiswa prodem untuk rakyat papua demo minta Melkias Ky dihadirkan dipersidangan," Sorong Raya, 27 September 2022, <https://sorongraya.co/metro/mahasiswa-prodem-untuk-rakyat-papua-demo-minta-melkias-ky-dihadirkan-dipersidangan/>

Key concerns

Of the 679 political arrests recorded, 670 were arbitrary arrests, and there were 31 cases of arbitrary detention.

There were at least 121 violations of correct legal procedure, 32 cases of torture, 78 cases of arbitrary arrest of a minor, several cases of concern regarding health treatment of a detainee, and two deaths of political detainees. Twenty one detainees were tried outside of West Papua, including minors, a strategy often used to handle West Papuan political prisoners, which lawyers say is problematic and often carried out without regard to legal procedures.

Maybrat legal procedure issues

The legal process relating to the trial of the Sorong Six; Amos Ky, Agustinus Yaam, Maikel Yaam, Maklon Same, RY and YW, and many elements of the trial itself, appeared to be deeply flawed. Issues included procedural irregularities, criminalisation of a key lawyer for the defence,²⁰ sudden and secretive transfer of detainees to stand trial on the separate island of Sulawesi without a solid reason, torture and ill treatment, forced confessions, the detention and trial of minors as adults, the ignoring of key evidence during the trial, and the intimidation of defendants by police investigators during the trial process, without the presence of the defendants' lawyers.

The transfer left the defendants without access to lawyers or family members, and hugely increased the cost of their legal defence, as presenting witnesses requires costly flights.²¹ The transfer is of particular concern in the case of RY and YW, who are minors. While the identities of the two minors ought to be protected and the law states that they should be tried in a separate court for children, judges refused to acknowledge their status as minors; the young men were tried as adults and their identities were revealed.²² The Sorong Six's cases were heard at Makassar District Court, with legal assistance from LBH Kaki Abu and LBH Makassar.

On 27th and 28th of March, the three defendants Amos Ky, RY and Maikel Yaam were visited by police investigators while the trial was in process. Their legal counsel later found out that the defendants were asked to change their testimony to a confession, with the promise that they would be returned to Papua if they did so. During trial the following day, the three defendants confessed to the charges, to the surprise of their legal counsel.

On 31 May, judges declared the six defendants guilty of jointly committing premeditated murder, as regulated in Article 340 of the Criminal Code together with Article 55 paragraph 1. Maikel Yaam, Amos Ky and RY were sentenced to 20 years' imprisonment, while Maklon Same, YW and Agustinus Yaam were sentenced to 18 years' imprisonment.

Prior to the trial of the Sorong Six, LK, also a minor, was tried in Sorong in connection

²⁰ "Militarisation, Conflict and Injustice in Maybrat Regency, West Papua," Tapol, 17 February 2022, <https://www.tapol.org/briefings/militarisation-conflict-and-injustice-maybrat-regency-west-papua>

²¹ "What's wrong with the Indonesian justice system? Trials in Maybrat provide an insight," Human Rights Monitor, 21 July 2022, <https://humanrightsmonitor.org/news/whats-wrong-with-the-indonesian-justice-system-trials-in-maybrat-provide-an-insight/>

²² "6 terdakwa kasus penyerangan posramil kisor divonis 20 tahun dan 18 tahun penjara," Jubi, 31 May 2022, <https://jubi.id/tanah-papua/2022/6-terdakwa-kasus-penyerangan-posramil-kisor-divonis-20-tahun-dan-18-tahun-penjara/>

with the same case, and sentenced to 8 years' imprisonment for murder, which he is currently serving in the adult prison in Sorong.

Wasini's acquittal by high court: legal issues

The trial of Frans Wasini, originally arrested on 20 May 2021 in connection with the West Papua Uprising in 2019, finally began on 30 September 2021 and was repeatedly delayed.²³ He was initially found innocent of treason but guilty of incitement, based on allegations that he made a speech inciting damage that occurred at and around the demonstration. On 15 March 2022 he was sentenced to 10 months' imprisonment.²⁴ The prosecution appealed that verdict, but the appeal was rejected and the verdict of incitement overturned. On 28 July the High Court acquitted Wasini, finding him not guilty of treason or incitement.²⁵ The High Court judges noted that rather than being responsible for acts of destruction, including setting fire to the office adjacent to the Governor's office, Wasini and others in fact took the initiative to douse the fire with sea water.²⁶ From witness testimony put forward together with the statement of the defendant, they concluded there was no evidence that the defendant broke the law. In September, Wasini's legal team noted that from a legal standpoint, justice in political cases is a lottery. Noting strong parallels between Wasini's case and that of the Balikpapan 7, they highlighted significant differences in the trial processes, and that verdicts are heavily influenced by the location of the trial, identity of the judges and level of politicisation of the case.²⁷

²³ "Frans Wasini terdakwa makar diputus bebas oleh pengadilan tinggi Papua," ALDP, 16 September 2022, <https://www.aldp-papua.com/2022/09/16/frans-wasini-terdakwa-makar-diputus-bebas-oleh-pengadilan-tinggi-papua/>

²⁴ Jayapura District Court Number 441/Pid.B/2021/PN Jap, March 15, 2022

²⁵ Hal. 27 Putusan Nomor 27/PID/2022/PT JAP

²⁶ Hal. 27 Putusan Nomor 27/PID/2022/PT JAP

²⁷ "Frans Wasini terdakwa makar diputus bebas oleh pengadilan tinggi Papua," ALDP, 16 September 2022, <https://www.aldp-papua.com/2022/09/16/frans-wasini-terdakwa-makar-diputus-bebas-oleh-pengadilan-tinggi-papua/>



Viktor Yeimo
Source: Suarapapua.com

Neglect of detainees in ill health

Viktor Yeimo

During 2022, the trial of Viktor Yeimo continued. He is accused of involvement in mobilising massive protests in the West Papua Uprising in August 2019 that led to unrest, resulting in the burning and damaging of public facilities and properties. Yeimo denies the allegations, arguing that his conscience urges him to speak up against racism toward West Papuans, and that he was one among many public figures, including the Governor of Papua, who gave speeches at the large rally. Nonetheless he was charged with treason and incitement in 2021, with various delays to the trial due to his ill health. Yeimo appeared in court on 21 February 2022, despite protests from his lawyers that he needed further hospital treatment for chronic tuberculosis. Several further trial dates were delayed due to his ongoing ill health, and Yeimo's lawyers successfully prevented Yeimo being returned to Abepura prison, where conditions were too harsh for somebody in his condition.

Melvin Yobe and Zode Hilapok

Two of the eight prisoners charged with treason for raising the Morning Star flag in front of the Jayapura sports centre building in 2021 became ill during 2022. A pre-trial hearing scheduled for 19 April was adjourned due to the ill-health of Melvin Yobe and Zode Hilapok. Yobe had been receiving treatment for tuberculosis since before his arrest, whilst Hilapok was suffering from Covid-19. On 24 April, Zode Hilapok was admitted to Dok 2 hospital in Jayapura for several health conditions and tested positive for Covid-19. His trial was postponed until further notice because the detainees are currently under Covid-19 quarantine. While Yobe recovered, Hilapok's condition continued to deteriorate after his arrest, and according to his lawyer, substandard healthcare and stigmatisation as a treason suspect contributed to his attempt to escape from hospital, and a suicide attempt. It is thought he was suffering from Tuberculosis, however delays to granting healthcare and violations of legal procedure regarding sick prisoners saw further deterioration, and Hilapok died on 22 October.²⁸

²⁸ "TAPOL's condolences upon the death of Zode Hilapok," Tapol, 25 October 2022, <https://www.tapol.org/news/tapol-condolences-upon-death-zode-hilapok-0>

Deaths of political detainees

Zode Hilapok, charged with treason for raising the Morning Star flag in front of the Jayapura sports centre building in 2021, died on 22 October 2022 while his trial was suspended on grounds of ill health. Abraham Mate, a KNPB supporter arrested in connection with the Maybrat events, died while his trial was ongoing, on the evening of a hearing at which he had appeared healthy.²⁹

Death of Filep Karma

On 1 November 2022, former political prisoner Filep Karma was found dead at Base G beach in Jayapura. A prominent and influential peaceful political activist advocating independence for West Papua, Bapak Karma served 11 years of a 15-year prison sentence for raising the Morning Star flag. He consistently took the peaceful path, and fearlessly voiced the racism and injustice experienced by the Papuan people. Despite a history of mysterious deaths of Papuan political leaders, the death of Bapak Karma is thought to have been the result of a tragic accident while he was out diving alone in rough weather.

²⁹ "Another West Papuan political prisoner dies," Tapol, 4 November 2022, <https://www.tapol.org/news/another-west-papuan-political-prisoner-dies>



How do we collect the data?

The data used in this report is the result of monitoring cases of arrest, detention and trial of West Papuans, which are strongly suspected to have political motives. This monitoring was conducted by tracing and documenting information related to these cases.

Where available, we prioritised primary sources such as witness statements and in-depth investigations. However, the information we used can also come from local and national media coverage and statements from movement groups, reports by activists/human rights defenders, lawyers, police, court documents, and investigations by civil society. Where possible, we also conducted interviews with political prisoners, former political prisoners, their families/relatives and/or lawyers, as well as observations in courts and prisons.

As the flow of information from West Papua, especially in conflict-intensive areas, is limited and often fraught with authority bias, we use whatever sources of information are available and compare them. All sources referred to are recorded in the database so that readers can assess their accuracy for themselves.

The landscape of political arrests, legal process, trials and releases in West Papua is constantly changing, and each new development takes time to cross-check and verify. As such, our Annual Overviews are correct at the time of writing, however as time passes our database may show additional cases which have subsequently come to light, or changes to the status of particular detainees as their case progresses.

Further explanation of this data can be found at papuansbehindbars.org.

Political Prisoners Sentenced during 2022

<u>No.</u>	<u>Name</u>	<u>Sex</u>	<u>Date of arrest</u>	<u>Reason of arrest</u>	<u>Verdict</u>	<u>Date of sentencing</u>	<u>Sentence</u>	<u>Detention facilities</u>	<u>Current status*</u>
1	Adam Sorry	M	01/07/2020	Accused of committing murder	Article 170 (2) Criminal Code	30/06/2022***	6 years	Lapas Kelas IIB Sorong	Imprisoned
2	Frans Wasini	M	20/05/2021	Participation in a demonstration	Article 160 Criminal Code	28/07/2022**	Free of all charges	Polda Papua	Released
3	Abraham Rumkorem	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
4	Yukila Tabuni	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
5	Septinus Rumere	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
6	Kundrat Rumkorem	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
7	Aser Rumere	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
8	Yanus Kogoya	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released
9	Isak Samuel Usior	M	28/07/2021	Political activity. Affiliation with independence groups	Article 106 jo. Article 55 (1) Criminal Code	21/04/2022	10 months	Lapas Kelas IIA Abepura	Released

10	Maikel Yaam	M	02/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	20 years	Lapas Kelas IA Makassar	Imprisoned
11	Yanto Sorry	M	12/09/2021	Accused of committing murder	Article 170 (2) Criminal Code	08/12/2022***	Free of all charges	Lapas Kelas IIB Sorong	Released
12	Amos Ky	M	28/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	20 years	Lapas Kelas IA Makassar	Imprisoned
13	RY	M	28/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	20 years	Lapas Kelas IA Makassar	Imprisoned
14	Maklon Same	M	05/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	18 years	Lapas Kelas IA Makassar	Imprisoned
15	YW	M	29/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	18 years	Lapas Kelas IA Makassar	Imprisoned
16	Agustus Yaam	M	05/09/2021	Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	28/07/2022**	18 years	Lapas Kelas IA Makassar	Imprisoned
17	Yulian Uopmabin	M	08/09/2021	Possession of firearm and/or ammunition.	Article 1 (1) Emergency Law jo. Article 55 (1) Criminal Code	29/06/2022***	5 years	Lapas Kelas IIB Wamena	Imprisoned
18	Kapol Uopmabin	M	09/09/2021	Possession of firearm and/or ammunition	Article 1 (1) Emergency Law jo. Article 55 (1) Criminal Code	29/06/2022***	5 years	Lapas Kelas IIB Wamena	Imprisoned
19	Malvin Yobe	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
20	Maksi You	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
21	Luis Uropmabin	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released

22	Devio Tekege	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
23	Yosep Ernesto Matuan	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
24	Ambros Elopere	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
25	Melvin Fernando Waine	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Released
26	Zode Hilapok	M	01/12/2021	Participation at a demonstration with flag-raising	Article 106 jo. Article 55 (1) Criminal Code	29/08/2022	10 months	Lapas Kelas IIA Abepura	Deceased
27	Deni Elias Faan	M	15/01/2022	Accused of collaborating with armed groups. Accused of committing murder	Article 170 (2) Criminal Code	25/10/2022	5 years	Lapas Kelas IIB Sorong	Imprisoned
28	Enos Tipigau	M	05/02/2022	Attacking Officers on Duty. Accused of collaborating with armed groups	Article 187 (1) jo. Article 55 (1) Criminal Code	30/08/2022	3 years	Lapas Kelas IIB Nabire	Imprisoned
29	Abraham Mate	M	21/02/2022	Attacking Officers on Duty. Accused of committing murder	Article 340 jo. Article 55 (1) Criminal Code	08/11/2022		Lapas Kelas IIB Sorong	Deceased
30	Alpius Wenda	M	11/03/2022	Attacking Officers on Duty, Participation in a demonstration	Article 351 (1) Criminal Code	15/08/2022	7 months	Lapas Kelas IIA Salemba	Released
31	Leas Mirin	M	16/03/2022	Participation in a demonstration	Article 187 jo. Article 55 (1) Criminal Code	25/07/2022	3 years	Lapas Kelas IIB Wamena	Imprisoned
32	Fetty Kobak	M	20/03/2022	Participation in a demonstration	Article 170 (2) Criminal Code	23/06/2022	1 year 3 months	Lapas Kelas IIB Wamena	Released
33	Yohanes Koyop	M	28/03/2022	Attacking Officers on Duty. Participation in a demonstration	Article 170 (1) Criminal Code	01/09/2022	5 months 10 days	Lapas Kelas IIA Abepura	Released

34	Erepul Sama	M	28/03/2022	Attacking Officers on Duty. Participation in a demonstration	Article 170 (1) Criminal Code	01/09/2022	5 months 10 days	Lapas Kelas IIA Abepura	Released
35	Lukius Wasabla	M	28/03/2022	Attacking Officers on Duty. Participation in a demonstration	Article 170 (1) Criminal Code	01/09/2022	5 months 10 days	Lapas Kelas IIA Abepura	Released
36	Frengki Edowai	M	28/03/2022	Attacking Officers on Duty. Participation in a demonstration	Article 170 (1) Criminal Code	01/09/2022	5 months 10 days	Lapas Kelas IIA Abepura	Released
37	Deny Asema	M	28/03/2022	Attacking Officers on Duty. Participation in a demonstration	Article 170 (1) Criminal Code	01/09/2022	5 months 10 days	Lapas Kelas IIA Abepura	Released
38	Alber Nagen	M	29/06/2022	Accused of collaborating with armed groups, Possession of firearm and/or ammunition	Article 1 (1) Emergency Law jo. Article 55 (1) Criminal Code	17/11/2022	5 years	Lapas Kelas IIB Wamena	Imprisoned
39	Lazarus L. Toraty	M	30/06/2022	Accused of collaborating with armed groups, Possession of firearm and/or ammunition	Article 1 (1) Emergency Law jo. Article 55 (1) Criminal Code	17/11/2022	3 years	Lapas Kelas IIB Wamena	Imprisoned
40	Nias Wakerkwa	M	23/02/2022	Attacking Officers on Duty	Article 338 jo. Article 53 jo. Article 55 (1) Criminal Code	27/10/2022	4 years	Lapas Kelas IIB Nabire	Imprisoned
41	Irinus Telenggen	M	24/02/2022	Attacking Officers on Duty	Article 338 jo. Article 53 jo. Article 55 (1) Criminal Code	27/10/2022	6 years	Lapas Kelas IIB Nabire	Imprisoned
42	Tarius Labie	M	04/08/2022	Accused of collaborating with armed groups	Article 1 (1) Emergency Law jo. Article 56 (2) Criminal Code	15/12/2022	3 years	Lapas Kelas IIB Wamena	Imprisoned

Note:

*) As of 30 June 2023. Any developments will be updated on the Papuans Behind Bars website or in subsequent reports.

**) High Court verdict.

***) Supreme Court verdict.

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 grass roots 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.

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Papuan students in Malang, East Java, during a protest against Special Autonomy Law and the formation of new autonomous regions (DOB). Source: Papua.tribunnews.com.