



HUMAN
RIGHTS
WATCH

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November 24, 2011
The Hon Kevin Rudd MP
Foreign Minister
Parliament House
Canberra ACT 2600, Australia

Dear Minister Rudd

Re: Promoting respect for human rights in Papua

We are writing because 1 December 2011 marks the 50th anniversary of the first raising of the West Papuan 'Morning Star' flag. This date is considered by many Papuans as their unofficial 'Independence Day' and it is almost certain that protests and flag raising ceremonies will be held throughout Papua on this day.

As you are aware, tensions have been heightened in Papua following the recent use of unnecessary or excessive force, including lethal force, by Indonesian police and military forces on a peaceful assembly of the Third Papuan People's Congress. The attacks on 19 October resulted in at least three protesters being killed, at least 90 persons being injured, and approximately 300 arrested. While we understand the majority of those arrested have now been released, at least five prominent protesters are still being detained for peacefully expressing their views and should be immediately released. Moreover, the authorities should take action to ensure against the use of unnecessary or excessive use of force by the security forces during any protests on and around 1 December.

While Human Rights Watch and the Human Rights Law Centre do not take any position on claims to self-determination in Papua, we do support the rights of all persons to freedom of expression, peaceful assembly and association in accordance with the International Covenant on Civil and Political Rights, which Indonesia has ratified. All persons, including independence supporters, should be allowed to express their political views peacefully without fear of arrest or reprisal. Further, consistent with international law, any use of force by police or military forces must be strictly necessary, proportionate and exercised for a legitimate purpose in accordance with the United Nations Basic Principles on the Use of Force and Firearms.

In light of Australia's close relationship with Indonesia, together with the Australian government's commitment to human rights and the rule of law, we

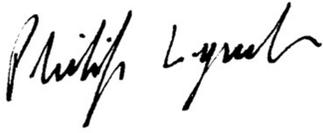
call on you to take the following steps to reduce the likelihood of violence, the use of excessive force, and the suppression of peaceful protest:

1. Urge the Indonesian government to ensure full and free access of journalists to Papua; because of such restrictions, deploy Australian embassy staff to Papua to monitor and observe events on 1 December.
2. Reiterate your government's support, both publicly and privately with relevant Indonesian officials, for the rights to freedom of expression, assembly and association and your unequivocal condemnation of excessive use of force and the suppression of peaceful protest. We note that US Secretary of State Hillary Clinton recently confirmed that the US has "very directly raised concerns about the violence and the abuse of human rights" in Papua. In our view, a clear and firm public statement on Australia's position on human rights in the area is critical, especially since there is a real risk that Australian Ambassador Greg Moriarty's recent reference to the actions of Papuan People's Congress leaders as "illegal, provocative and counterproductive" may otherwise be interpreted as supporting a government crackdown on the Congress. While the Lombok Treaty between Indonesia and Australia affirms the "sovereignty, unity, independence and territorial integrity of both Parties" it also requires respect for obligations under international law and the UN Charter.
3. Call for an immediate, full and impartial investigation into the deaths and injuries, and allegations of excessive use of force by the authorities, arising from the demonstration on 19 October. Accountability for Indonesian police and military personnel implicated in human rights abuses is critical, especially given the increasing military and security cooperation between Australia and Indonesia. Respect for human rights and the rule of law should be essential pillars of Australia's engagement in Indonesia.
4. There is clear evidence that a number of peaceful activists, politicians and religious clergy in Papua have been subject to arbitrary arrest, imprisonment, harassment and violence. The Australian government should urge Indonesia to release all persons detained in Papua for the peaceful expression of their political views, and not conflate the fundamental rights of freedom of expression and dissent with criminal activity. The UN Working Group on Arbitrary Detention issued a legal opinion on Filep Karma, a prominent Papuan political prisoner, asking the Indonesian government to "immediately release" him.

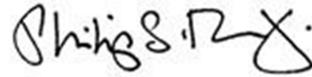
Australia plays a critical leadership role on human rights in Asia and the Pacific and should take a principled and proactive stand on human rights with a key partner like Indonesia. The above-mentioned steps we urge you to undertake are both desirable and necessary to reduce the likelihood of violence, use of excessive force or the suppression of peaceful protest in Papua.

We would be pleased to meet with you to further discuss our concerns.

Yours sincerely,



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