



16 December 2021

Statement on 1 December student arrests

On December 1 2021, eight West Papuan students were arrested by Indonesian police for peacefully demonstrating in Jayapura. They have been charged with 'treason', and may face 25 years in prison.

These arrests and these charges violate international law. Indonesian authorities must comply with their obligations under international law, which requires protecting freedom of speech and freedom of assembly and upholding the right to peaceful protest. As the UN has made clear, detaining people for peacefully exercising their right to protest renders their detention unlawful and arbitrary. The students must be immediately and unconditionally released.

The students are:

1. Malvin Yobe, 28
2. Devio Tekege, 26
3. Ambros Elopere, 22
4. Maksi You, 19
5. Paul Zode Hilapok, 25
6. Luis Sitok, 19
7. Ernesto Matuan, 21
8. Melvin Waiane, 25

Footage of the protests and arrests widely available online appear to show a calm and peaceful protest. A police spokesperson stated that the students showed banners, sang a song and shouted "Papua Merdeka" which translates as "Independence for Papua" or "Freedom for Papua".

Independence supporters notified Indonesia that they would be commemorating the West Papuan national day on December 1 with prayer meetings and peaceful gatherings. Consistent with the case law of the UN Working Group on Arbitrary Detention, the arrest and detention of West Papuans organising and/or engaging in protests is arbitrary and unlawful. Along with the case of Victor Yeimo, these students require urgent international attention and intervention. For these reasons, the occupying Indonesian authorities must immediately release Mr Yeimo and these students.

Fundamentally, these individuals have been arrested for expressing their political opinions and advocating for the rights of the people of West Papua. The Indonesian authorities continue to prosecute pro-independence political activists in West Papua simply for peacefully exercising their human rights.

Earlier this year, Ms. Mary Lawlor, the Special Rapporteur on the situation of human rights defenders told the UN General Assembly:



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"Around the globe, human rights defenders have been sentenced, or are at risk of being sentenced, to at least ten years in jail for peacefully advocating for the rights of others. But States are in denial that they are targeting human rights defenders in this way, claiming instead that the defenders are criminals, and sometimes terrorists."

This is the situation in West Papua.

On 30 June, multiple [UN Special Rapporteurs wrote to the Indonesian authorities](#) regarding Victor Yeimo and other political prisoners stating that they appear to have been targeted for their legitimate human rights work.

Indonesia is not complying with its obligations under international law. In 2006, Indonesia acceded to the International Covenant on Civil and Political Rights (ICCPR), which recognises freedom of speech and freedom of assembly, prohibits arbitrary arrest and detention and protects the right to due process and a fair trial. In its General Comments 34 and 37, the UN Human Rights Committee clarified that the right to freedom of opinion and expression includes discussion of government policies, political debate and reporting on human rights. Specific obligations relating to participation in peaceful assemblies can also be found in the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5), which Indonesia acceded to in 1999.

The world is watching Indonesia's treatment of West Papuans and violations of international law must be highlighted and responded to. Amnesty International and others have already called for the release of the eight students. We encourage other international organisations to do the same: to call for their release and monitor their situation.

These arrests must be seen in the context of Indonesia's ongoing illegal occupation of West Papua and violent suppression of local political activism. These arrests continue the mistreatment of West Papuans, including through the violent deployment of the Indonesian military across West Papua. A recent report by the West Papua Council of Churches speaks of a policy of racism and estimates that 60,000 people have been displaced by this violence since December 2018.

A root cause of the conflict is the denial of the most fundamental and basic human right to self-determination. Benny Wenda, the Interim President of the Provisional Government of West Papua said in August this year *"The only solution for West Papua is a peaceful one, one which respects our human rights, including our fundamental right to self-determination."*

We call upon the Indonesian authorities to uphold the rights of West Papuans and call on other states to also consider their obligations under international law. Vanuatu, Papua New Guinea, the United Kingdom, the Netherlands, the Pacific Islands Forum and the Organisation of African, Caribbean and Pacific States are among those calling upon the UN High Commissioner for Human Rights to visit West Papua. Indonesia has previously agreed to this visit and should move ahead with it immediately. The Covid-19 crisis has not prevented tens of thousands of troops moving into West Papua or prevented the Indonesian National Games going ahead in



West Papua. Other states, as well as corporations and foreign investors engaged in West Papua, must support this call for a UN visit and a fact-finding mission to assess ongoing human rights abuses in the region.

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International Lawyers for West Papua

International Lawyers for West Papua (ILWP) is a network of legal professionals who work towards the realisation of West Papua's right to independence, as well as the strengthening and preservation of other human rights. We help the indigenous people of West Papua exercise their rights.