



1 November 2021

## Statement on Victor Yeimo

Victor Yeimo, an important leader of the peaceful movement for self-determination for West Papua, was arbitrarily arrested on 9 May 2021 and charged with treason for peacefully protesting racial discrimination. He has been unlawfully and arbitrarily detained since then and is suffering serious health complications as a result of his imprisonment. International Lawyers for West Papua calls for his immediate and unconditional release in accordance with international law.

The UN Working Group on Arbitrary Detention (WGAD) has consistently found that the arrest and detention of those organising and/or engaging in protests is arbitrary and unlawful. The WGAD has made clear that the arrest and detention of West Papuans for protests involving the raising of the West Papua flag is unlawful and arbitrary under international law.

Victor Yeimo was the General Secretary of the West Papua National Committee (Komite Nasional Papua Barat, KNPB) until 2018. Currently he is the international spokesperson for KNPB and Papuan People's Petition (PRP), which rejects the continuation of Indonesia's domestic legislative vehicle for rule in occupied West Papua, the so-called 'Special Autonomy' law.

Mr Yeimo is charged with a range of offences including treason and criminal conspiracy for organising the protests against racial discrimination towards indigenous Papuans. He also faces charges of incitement, arson, theft using violence and illegal possession of arms. He is also charged under provisions that relate to the suppression of West Papuan identity (Law No 24/2009 on Flag, Language, National Emblem, and the National Anthem). Mr Yeimo is being criminalised for expressing his opinion about West Papua and advocating for the rights of the people of West Papua. He has previously been arrested, detained and prosecuted for his work advocating for the rights of West Papuans.

Victor Yeimo's trial had to be postponed in August due to his health conditions. He was only hospitalised after widespread protests. This underlines the urgency of calls for his immediate and unconditional release.

ILWP further notes that the protests in support of Mr Yeimo were met with excessive use of force, including the unlawful killing of Ferianus Asso in Yahukimo and over 100 arrests. The internet also appears to have been shut down during protests. Indonesia's actions in this regard, as the occupying power, further violates its international obligations.

Victor Yeimo's unlawful detention and the history of his persecution must be seen in the context of Indonesia's ongoing illegal occupation of West Papua and violent suppression of local political activism. 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.*"

For over twenty years, WGAD has called for Indonesia to repeal its laws on treason (*makar*). In 1999, the WGAD observed that all of the articles contained within Chapter I of the Criminal Code (i.e. "Criminal Offences Against State Security") are "*drafted in such general and vague terms that they can be used arbitrarily to*



*restrict the freedoms of opinion, expression, assembly and association.*"<sup>1</sup> Indonesia has a long history of using these provisions to target and criminalise West Papuans advocating for self-determination and independence, and for standing up for the rights of indigenous Papuans, in violation of its obligations under international law and the International Covenant on Civil and Political Rights (ICCPR).

Earlier this month, Ms. Mary Lawlor, the Special Rapporteur on the situation of human rights defenders told the UN General Assembly *"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 – and it is the situation for Victor Yeimo.

On 30 June, a group of four [UN Special Rapporteurs wrote to the Indonesian authorities](#) regarding Victor Yeimo and other political prisoners, raising concern that they have been targeted for their legitimate human rights work, including cooperation with the UN. [The Government of Indonesia responded on 30 August](#), the same day Victor Yeimo was finally hospitalised, claiming he is 'healthy', rejecting the considerations of the UN Special Rapporteurs and falsely claiming that the KNPB and the United Liberation Movement for West Papua (ULMWP) are unlawful organisations that incite violence and riots. Indonesia's response makes clear that the action against Mr Yeimo is *"in connection with his advocacy for separatism and secession from the Republic of Indonesia."* In response to Indonesia, ILWP wishes to make clear in respect of Victor Yeimo and any West Papuan advocating for self-determination that:

- (i) West Papua is unlawfully occupied by Indonesia, as made clear by the principles set down by the International Court of Justice. All states have an obligation to bring an end to colonisation and unlawful occupation and to support West Papuans; and
- (ii) Protesting for and calling for the right to self-determination is a just cause under international law, and West Papuan's rights to engage in protest and discussion are protected by international law.

ILWP supports and stands in solidarity with the work of Victor Yeimo's lawyers, including Emanuel Gobay and Veronica Koman, and the work of Papuans Behind Bars, TAPOL, Amnesty International and others in support of his case. We encourage international organisations to call for his release and to monitor his trial once it resumes.

We call upon the Indonesian authorities to uphold the rights of West Papuans and to allow a visit of the UN Human Rights Commissioner. Vanuatu, Papua New Guinea, the United Kingdom, the Netherlands, the Pacific Islands Forum and the Organisation of African, Caribbean and Pacific States have called upon Indonesia to allow this visit to take place. This would enable a fact-finding mission to assess ongoing human rights abuses in the region, including the mistreatment of Victor Yeimo.

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*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.*

<sup>1</sup>

UN Commission on Human Rights, Economic and Social Council. 'Report of the Working Group on Arbitrary Detention on its visit to Indonesia (31 January – 12 February 1999).' UN Doc. E/CN.4/2000/4/Add. 2 (12 August 1999) [50], available here: <https://www.refworld.org/docid/3b00f2584.html> (accessed 8 April 2020).