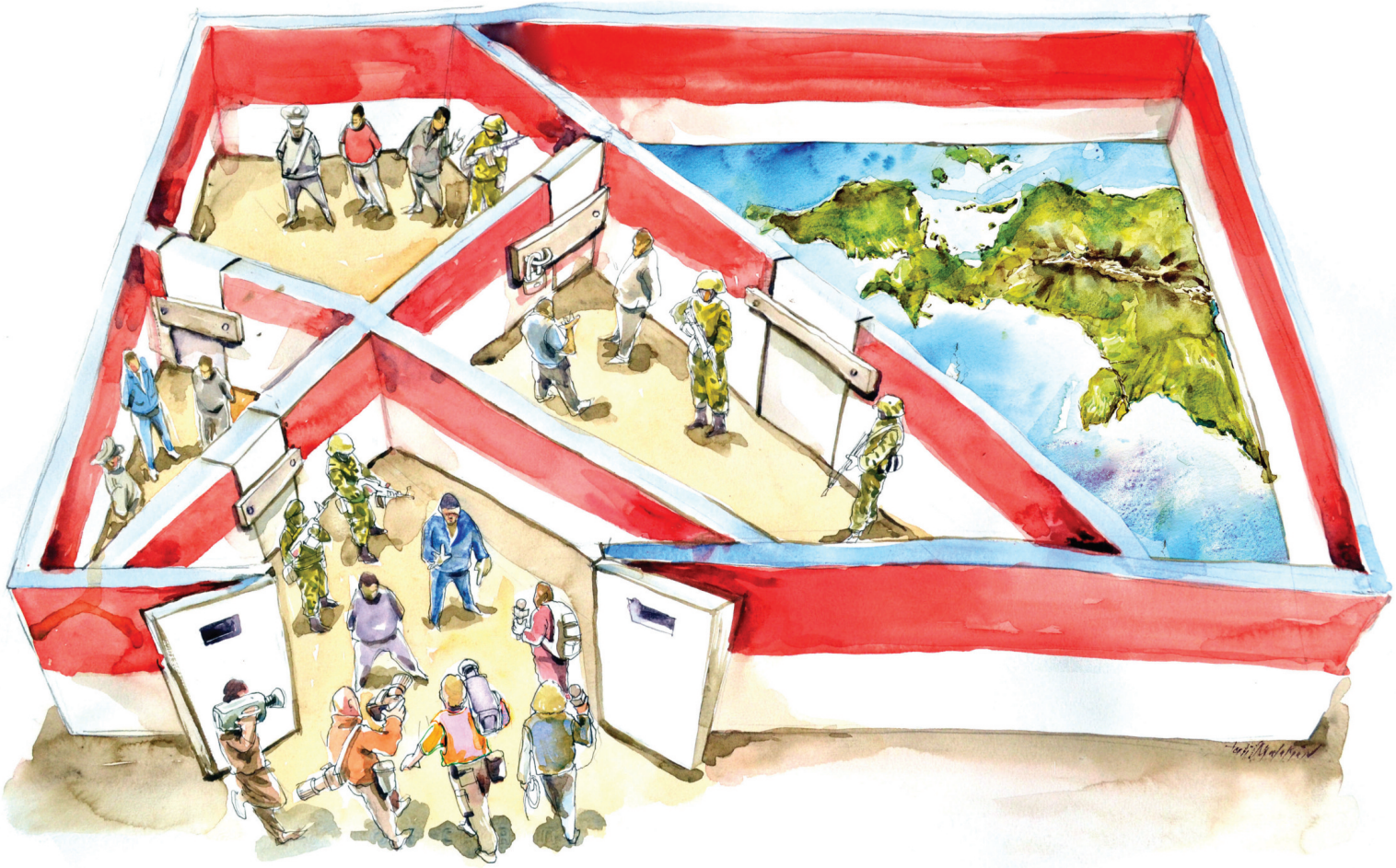

HUMAN RIGHTS WATCH

SOMETHING TO HIDE?

Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua

HUMAN RIGHTS WATCH

Something to Hide?

Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua

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Something to Hide?

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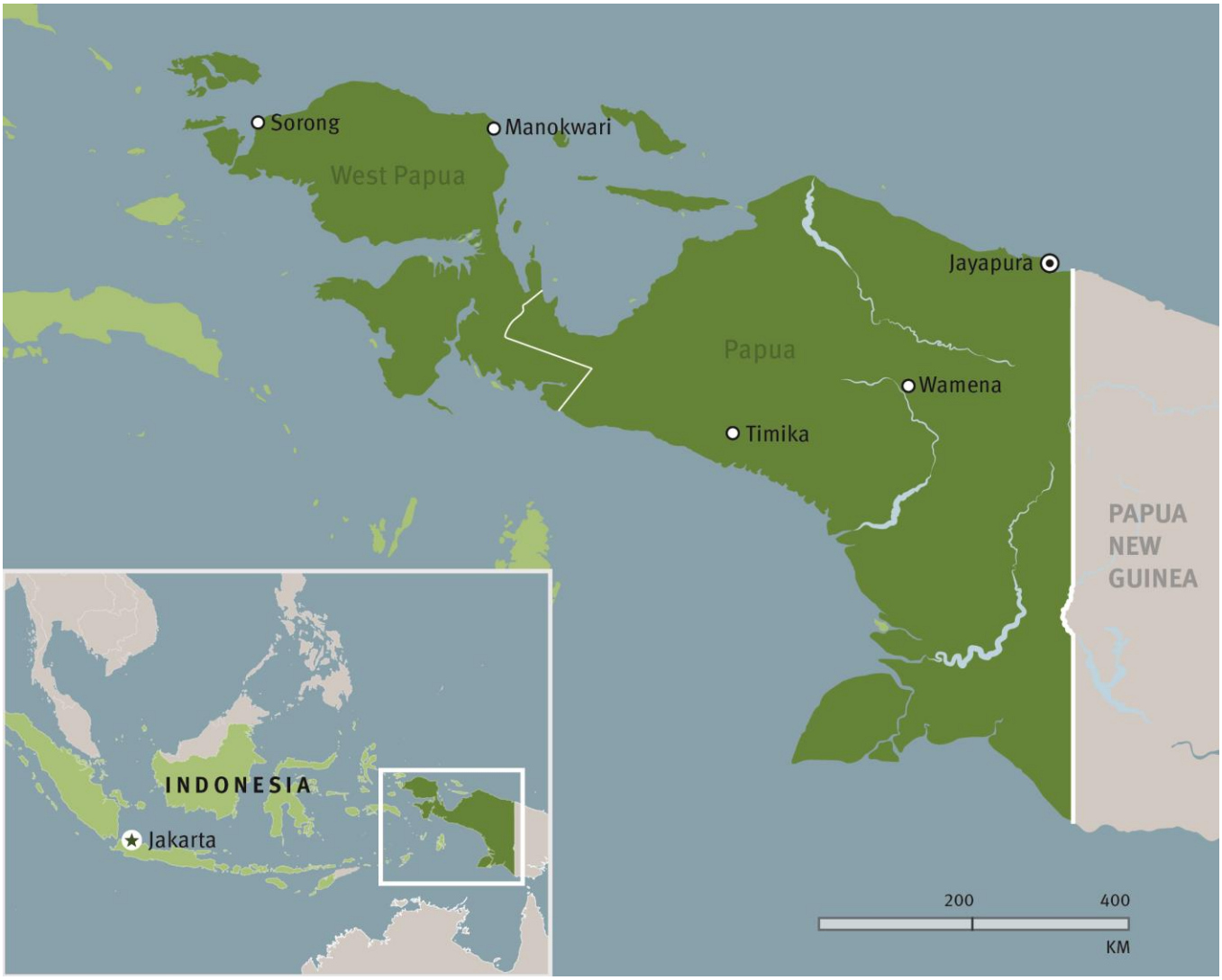
Glossary

BAIS	Badan Intelijen Strategis, or the military intelligence.
BIN	Badan Intelijen Negara, or the State Intelligence Agency
ICRC	International Committee of the Red Cross
ICCPR	International Covenant on Civil and Political Rights
Inpres	Instruksi Presiden, or Presidential Instruction, a form of executive authority in Indonesia
KNPB	Komite Nasional Papua Barat, or the National Committee for West Papua
Kopassus	Komando Pasukan Khusus, Indonesia's Special Forces Unit
MFA	Ministry of Foreign Affairs
MHA	Ministry of Home Affairs
OPM	Organisasi Papua Merdeka, or the Free Papua Movement, an armed pro-independence opposition group established in 1965.
PBI	Peace Brigades International
PDIP	Indonesian Democratic Party of Struggle
Surat Jalan	An official government-issued travel document often required for access to Papua.
SKP	Papuan Catholic Human Rights Office of Justice and Peace
UNHCR	United Nations High Commissioner for Refugees

Map


Sorong
Manokwari
West Papua
Jayapura
Papua
Wamena
Timika
PAPUA
NEW
GUINEA
INDONESIA
Jakarta
200
400
KM

Summary

> They kept on having a friendly tone: 'Yes, we're looking for the right date, we're more than happy to receive you, let's look for a date.' But they never said anything [regarding a solid date]. It was plausible deniability. I think what it shows is that there must be a lot to hide in Papua.
> —Former UN Special Rapporteur Frank La Rue, describing the response of Indonesian officials to his 2012-13 request to visit Papua

Indonesia's President Joko Widodo—popularly known as Jokowi—announced on May 10, 2015, that the government would immediately lift longstanding access restrictions on accredited foreign journalists seeking to report from the provinces of Papua and West Papua (referred to as "Papua" in the rest of this report). The president's announcement sparked optimism that Indonesia would soon end its decades-long restrictions not only on foreign reporters, but also on UN officials, representatives of international aid groups, and others seeking to work in Papua.

The access restrictions—fueled by government suspicion about the motivations of foreign nationals in a region troubled by widespread public dissatisfaction with Jakarta and a small but persistent pro-independence insurgency—have limited in-depth reporting on Papua, have done little to prevent negative portrayals of Jakarta's role there, and continue to be a lightning rod for Indonesia's critics.

To date, however, President Jokowi's welcome announcement has produced almost as much confusion as clarity. This report—based on interviews with 107 journalists, editors, publishers, NGO representatives, and academics—traces the history of access restrictions in Papua and developments since the president's announcement. It shows that access restrictions are deeply ingrained, that parts of the government are strongly resisting change, and that a genuine opening of the provinces will require more sustained and rigorous follow-through by the Jokowi administration.

For at least 25 years and likely much longer, foreign correspondents wanting to report from Papua have had to apply for access through an interagency "clearing house," supervised by the Ministry of Foreign Affairs and involving 18 working units from 12 different

ministries, including the National Police and the State Intelligence Agency. The clearing house has served as a strict gatekeeper, often denying applications outright or simply failing to approve them, placing journalists in a bureaucratic limbo. In some periods, the process operated as a de facto ban on foreign media in Papua. While the government appears to have eased its restrictions over the past decade, the process for foreign correspondents to acquire official permission to travel to Papua has remained opaque and unpredictable at best.

Bobby Anderson, a social development specialist and researcher who worked in Papua from 2010 to 2015, described the government's clearing house screening of foreign media access to Papua as "illogical and counterproductive."[1] He told us:

> The clearing house system of consensus voting means any one person has veto power, which generally means that the opinion of the most paranoid person in the meeting carries the day. These restrictions fuel all manner of speculation about Papua: the notion that the Indonesian government has "something to hide" finds purchase. But the Indonesian government finds itself in the illogical position where they hear of inflammatory reporting and this actually makes them impose restrictions, and then those restrictions prevent good journalists from writing of the complexities of the place.[2]

President Jokowi's May 10 announcement, while greeted by acclaim in some quarters, produced backlash in others. And it was not followed with an official presidential instruction, allowing room for non-compliance by government agencies and security forces opposed to the change. Various senior officials have since publicly contradicted the president's statement. Even the Ministry of Foreign Affairs, which said it had "liquidated" the clearing house, said that prior police permission is required for access to Papua and that foreign journalists should inform the ministry of likely sources and schedules.

Other parts of the government have pushed back more strongly. On August 26, 2015 Indonesia's Ministry of Home Affairs announced a new, even more restrictive regulation that would have required foreign journalists to get permission from local authorities as

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[1] Human Rights Watch email correspondence with Bobby Anderson, April 10, 2015.
[2] Ibid.

well as the State Intelligence Agency (Badan Intelijen Negara) (BIN) before reporting anywhere in the country. President Jokowi revoked the rule the following day and Minister of Home Affairs Tjahjo Kumolo subsequently apologized to the president for the "confusion" created by the now-canceled regulation. But the willingness of some senior officials to even consider such measures is an alarming indicator of the disregard for media freedom among some elements of Jokowi's government.

The problem is not only limited to the barriers that keep foreign journalists out of Papua, but also extends to the conditions facing those who get in, including surveillance, harassment, and at times, arbitrary arrest by Indonesian security forces. This is particularly true of journalists seeking to report on Papuan social or political grievances or on the practices of the military, police, and intelligence agencies.

While there are no comparable access restrictions for Indonesian journalists in Papua, they too—particularly ethnic Papuan journalists—face serious obstacles to reporting freely on developments in Papua. Reporting on corruption and land grabs can be dangerous anywhere in Indonesia, but national and local journalists we spoke with say that those dangers are magnified in Papua and that, in addition, journalists there face harassment, intimidation, and at times even violence from officials, members of the public, and pro-independence forces when they report on sensitive political topics and human rights abuses. Journalists in Papua say they routinely self-censor to avoid reprisals for their reporting. That environment of fear and distrust is magnified by the security forces' longstanding and documented practice of paying journalists to be informers and even deploying agents to work undercover as Indonesian journalists. These practices are carried out both to minimize negative coverage and to encourage positive reporting about the political situation.

In addition to the obstacles facing journalists, staff members of international nongovernmental organizations, academics, and some foreign observers have been denied access to Papua. The security forces closely monitor the activities of international groups that the government permits to operate in Papua—those that seek to address human rights concerns get particular scrutiny. Government documents leaked in 2011 revealed that the government and security forces routinely consider foreigners in Papua to be assisting the armed separatist Free Papua Movement (Organisasi Papua Merdeka or

OPM) through funding, moral support, and the documentation of poor living conditions and human rights abuses.

International NGOs that the government asserts are involved in "political activities" have been forced to cease operations, their representatives banned from travel to the region. Over the past six years, the Indonesian government has barred on-the-ground operations in Papua of organizations including the International Committee for the Red Cross and the Dutch development group Cordaid. Peace Brigades International (PBI), an international organization that promotes nonviolence and human rights protection in conflict areas, ceased its operations in Papua in 2011 due to what it described as unremitting government surveillance, harassment, and intimidation of its staff and volunteers. As a former Papua-based PBI representative told the story: "PBI staff were refused permission to work as the police and intelligence services launched an official investigation into the organization's status. National Indonesian staff started to receive threatening phone calls."

Government restrictions on foreigners have extended to United Nations officials and academics Indonesian authorities perceive as hostile. In 2013 the government rejected the proposed visit of Frank La Rue, then the UN special rapporteur on freedom of expression, because he insisted on including Papua on his itinerary. Foreign academics who do get permission to visit the region have been subjected to surveillance by the security forces. Those perceived to have pro-independence sympathies have been placed on visa blacklists.

- * * *

The Indonesian government has legitimate security concerns in Papua stemming from periodic attacks, mainly targeting police and security forces, by OPM fighters. However, the threat from an insurgency does not provide a legal justification for the broad-brush and indefinite restrictions on freedoms of expression, association, and movement that the Indonesian government has long imposed on Papua. Any such restrictions, including those on non-nationals, must be based in law, narrowly construed in application and time to address a particular government concern, and proportionate to achieving a specific aim.

Past restrictions have far exceeded what is permissible under Indonesia's international law obligations. The government should promptly and officially end its restrictions on travel to Papua by foreign media outlets and nongovernmental organizations, and take all necessary steps to ensure that Indonesians and foreign nationals alike who go to Papua are not subjected to threats, harassment, arbitrary arrests, and other abuses.

Removing access restrictions alone, of course, will not resolve the underlying political tensions and conflict in Papua or dispel the suspicions of Indonesian officials, but it is an essential step toward broader respect for rights: shining a light on Papua, not keeping it hidden from view, is the best way to ensure the region has a rights-respecting future.

Key Recommendations

Human Rights Watch Urges President Jokowi and Relevant Indonesian Authorities to:

- Issue a presidential instruction (Inpres) lifting restrictions on foreign media access to Papua and West Papua and direct all government ministries and state security forces to immediately comply with the order;
- Direct all government ministries and state security forces to end special restrictions on the operations of international nongovernmental organizations in Papua and West Papua, and to allow their staff free access the region;
- Instruct the National Police to immediately stop requiring accredited foreign correspondents to apply for travel permits, or *surat jalan*, to report from Papua and West Papua;
- Create a formal mechanism for foreign journalists to report instances of surveillance, harassment, and intimidation while reporting in Papua, and ensure a prompt response to such incidents;
- Stop placing undercover agents inside media organizations; and use informants only to obtain information on genuine criminal offenses, not as a form of harassment.

Methodology

This report is based largely on Human Rights Watch interviews with 107 journalists, editors, publishers, representatives of domestic and international nongovernmental organizations, and academics between April and October 2015. Among these were 80 interviews with individuals based in Papua in the cities of Jayapura, Manokwari, Sorong, Timika, and Wamena, and 27 with individuals based elsewhere, including in Jakarta as well as in Washington DC, London, Boston, Florence, Melbourne, and Sydney.

We interviewed a total of 16 current and former Indonesia-based foreign correspondents by phone or via email. We also interviewed Indonesian government officials—including Siti Sofia Sudarma, director of information and media at the Ministry of Foreign Affairs, and Frank La Rue, former UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Interviews were conducted in English or Indonesian. Human Rights Watch informed those interviewed of the interview's purpose and the issues that would be covered. They were informed that they could discontinue the interview at any time or decline to answer any specific question. No incentives were offered or provided to the interviewees.

Human Rights Watch wrote to Indonesia's President Joko Widodo on August 18, 2015, and to General Badrodin Haiti, chief of the Indonesian National Police, on August 27, 2015, to inform them of our research findings and request feedback. At the time of publication we had not received a response to either letter. Copies of the letters can be found in the appendices to this report.

We have provided anonymity for many of the interviewees referred to in this report to protect their identity and to prevent possible retaliation against them, as indicated in the relevant citations. Real names have been used in cases where the incidents described have already appeared in the media.

Human Rights Watch also reviewed a range of published material, including news media, postings on Facebook, Whatsapp, and other Internet sites, as well as video clips relating to specific attacks on journalists. The report also draws on academic research, relevant reports, and articles published in Indonesia and international media.

I. Political Strife in Papua and Fears of Foreign Influence

> We never restrict journalists [from working on Papua]. We merely manage them.
>
> —Senior Commander Agus Rianto, National Police spokesman, May 2015[3]

The provinces of Papua and West Papua are in the easternmost part of Indonesia, more than 3000 kilometers from Jakarta.[4] The indigenous population in this region is Melanesian, ethnically distinct from other Indonesians, but also internally diverse, comprising over 300 distinct ethno-linguistic groups.

Recent years have seen a growing sense of "pan-Papuan" identity in response to the political opening that followed Suharto's resignation, the still-strong military presence in the region, and the influx of non-Papuans; both "transmigrants" and economic migrants such as ethnic Bugis, Makassarese, and Torajans from southern Sulawesi.[5] This trend, however, has been counteracted by the carving up of Papua over the same period into two provinces and ever smaller administrative units within the provinces, the latter often defined along ethnic and clan lines.

The roots of the pro-independence movement and Papua's small but persistent armed insurgency go back to the 1960s. Many Papuans in Indonesia assert they are victims of an historical injustice, robbed of the independence promised to them by their former Dutch colonizers. While the rest of Indonesia gained international recognition in 1949 following a

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[3] "Some controls to remain on foreign journalists in Papua: Police," *Jakarta Post*, May 12, 2015, http://www.thejakartapost.com/news/2015/05/12/some-controls-remain-foreign-journalists-papua-police.html (accessed August 4, 2015).

[4] The two Indonesian provinces occupy the western half of the island of New Guinea. The eastern half of the island is Papua New Guinea (PNG), a separate sovereign state, whose indigenous population is also Melanesian and closely related to the indigenous population on the Indonesian half of the island. It is important to note that while Indonesia officially divided its territory into two provinces in 2003—Papua (capital Jayapura) and West Papua (capital Manokwari)—the label West Papua is often used in two other senses. First, some foreigners, ignorant that there are now two separate provinces in the region, use the label to refer to the entire Indonesian territory. Second, many native Papuan academics, independence supporters, and overseas supporters use the term intentionally to refer to that entire territory because they think Papua should remain a single political entity and view the division into two provinces as part of a divide-and-conquer strategy from Jakarta. See, e.g., International Crisis Group, "Dividing Papua: How Not To Do It" (Jakarta/Brussels, April 9, 2003), http://www.crisisgroup.org/en/regions/asia/south-east-asia/indonesia/B024-dividing-papua-how-not-to-do-it.aspx (accessed October 26, 2015).

[5] Human Rights Watch, *Out of Sight, Endemic Abuse and Impunity in Papua's Central Highlands* (New York, Human Rights Watch, 2007), https://www.hrw.org/report/2007/07/04/out-sight/endemic-abuse-and-impunity-papuas-central-highlands p.6.

war with its Dutch colonial rulers, the Dutch retained control of Papua into the 1960s. In the later years of Dutch rule, colonial officials in the region had been preparing Papua for independence by encouraging Papuan nationalism and by allowing the establishment of political parties and nascent institutions of state.[6]

However, rather than handing over control of the territory to Papuans, the Dutch instead agreed in 1962 to transfer authority over the territory to a United Nations Temporary Executive Authority, and then to Indonesia within a year,[7] on condition that by the end of 1969 an "Act of Free Choice" would be created to determine Papua's future status.[8] Every adult Papuan would be eligible to participate in this act of self-determination.[9]
Instead of creating a process of universal suffrage, the Indonesian authorities decided to conduct the referendum through "representative" assemblies.

With the agreement of the Dutch and the United Nations, the so-called Act of Free Choice was created by Indonesia in July 1969, and the referendum was held in August with United Nations assistance.[10] The assemblies chose just 1,026 Papuans to participate.[11] The majority of the 1,022 who actually did participate were nominated by the Indonesian authorities and then voted on behalf of the rest of the population through eight regional councils.[12] According to one historian's account, the Indonesian military used intimidation and coercion against the delegates.[13] The result was a unanimous vote for continued integration with Indonesia.

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[6] Kees Lagerberg, *West Irian and Jakarta Imperialism* (London, Palgrave Macmillon, 1979), pp. 58-72; Nonie Sharp, *The Rule of the Sword: The Story of West Irian* (Victoria, Kilford Books, 1977); J. Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1989: The Anatomy of Betrayal* (London, Routledge, 2003), pp. 9-10.

[7] Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning Western New Guinea (West Irian), signed at UN Headquarters, New York, August 15, 1962 (New York Agreement), art. XII. http://www.freewestpapua.org/docs/nya.htm.

[8] Ibid., art. XX.

[9] Ibid, art XVIII (d).

[10] The ballot occurred in Merauke on July 14, 1969 (175 representatives), Jayawijaya on July 16 (175 representatives), Paniai on July 19 (175 representatives), Fak-fak on July 23 (75 representatives), Sorong on July 26 (109 representatives), Manokwari on July 29 (75 representatives), Teluk Cenderawasih on July 31 (131 representatives), and Jayapura on August 2 (110 representatives). See: Yuliana Lantipo, "Para Pemilih dalam Pepera" which lists the names of the 1,026 voters, http://www.andreasharsono.net/2010/01/para-pemilih-dalam-pepera.html (accessed on September 9, 2015).

[11] 1,026 were selected but 4 were unable to participate due to illness or other reason on the day. See J. Saltford *The United Nations and the Indonesian Takeover of West Papua, 1962-1989: The Anatomy of Betrayal* (London: Routledge, 2003).

[12] J. Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1989: The Anatomy of Betrayal* (London, Routledge, 2003), pp. 129-140; See also S. Blay "Why West Papua Deserves Another Chance," *Inside Indonesia*, Issue 61, January-March 2000.

[13] Some diplomats reported that open threats were made against delegates: in Mulia, in the Central Highlands, "a council member asked what would happen to him if he opted for Independence; the reply was that he would be shot." See: John Saltford, *The United Nations and the Indonesian Takeover of West Papua*, p. 147. On May 24, the *Tjenderawasih* newspaper

Indonesia has always maintained that, as a former part of the Netherlands East Indies, West New Guinea (as it was then named) was a legitimate part of Indonesia. Government officials have further claimed that the level of education was so low in the territory that the "one man, one vote" principle could not be applied.

The Act of Free Choice is considered by many Papuans to be a fraudulent basis for Indonesian annexation of the territory, and fuels the continuing demand for "historical rectification" and a new act of self-determination.

Militant opposition to Indonesian rule in Papua actually predates the Act of Free Choice, beginning with the Free Papua Movement (Organisasi Papua Merdeka, or OPM), Papua's armed insurgency which was established in 1965, four years before Indonesia formally took control of the region.[14] OPM guerrillas have since maintained a low-level, armed guerrilla war targeting mainly members of the Indonesian security forces, but they also on occasion have targeted migrants and transmigrants[15] from other parts of Indonesia, as well as foreign workers and journalists.[16]

The conflict between Indonesian security forces and the OPM has fueled human rights abuses against the local population.[17] State security forces in Papua repeatedly fail to distinguish between violent acts and peaceful expression of political views. The government has denounced flag-raisings and other peaceful expressions of pro-

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reported that Major Soewondo, addressing 200 village chiefs, stated: "I am drawing the line frankly and clearly. I say I will protect and guarantee the safety of everyone who is for Indonesia. I will shoot dead anyone who is against us-and all his followers." See J. Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1989: The Anatomy of Betrayal* (London, Routledge, 2003), p. 147.

[14] R. Osborne, *Indonesia's Secret War: The Guerilla Struggle in Irian Jaya* (Sydney, Allen and Unwin, 1985), p. XIV.

[15] Transmigration was an Indonesian government policy to alleviate overpopulation in some parts of the country by moving large communities to other areas of the archipelago. Most transmigrants originated in Java and Bali and were moved to places like Papua, East Timor, Kalimantan, and Sulawesi.

[16] Examples include the kidnapping and killing of 8 Javanese students in 1986, and the kidnapping of an international research team of 12, two of whom were killed during a military rescue operation in 1996. See US State Department, "Country Reports on Human Rights Practices: Indonesia 2001," Washington DC, March 2002. Another example is the kidnapping of two Belgian journalists for two months in 2001. See US State Department, "Country Reports on Human Rights Practices: Indonesia 2001," Washington DC, March 2002.

[17] "Indonesia: New President Should Highlight Rights in Papua," Human Rights Watch news release, October 20, 2014, https://www.hrw.org/news/2014/10/20/indonesia-new-president-should-highlight-rights-papua (accessed August 8, 2015).

independence sentiment in Papua as treasonous. Heavy-handed responses to peaceful activities have included serious human rights violations.[18]

The Indonesian government's restrictions on access to Papua by foreign journalists, international nongovernmental organization representatives, and UN monitors are rooted in official fears of foreign influence on the region's pro-independence movement.

As Michael Bachelard, an Australian former-Jakarta based foreign correspondent who has made two officially-approved reporting trip to Papua, has written:

> To the extent that Indonesians think of Papua at all, they think of a huge, rich, empty land mass that's vulnerable to exploitation and interference from foreign powers. The blame, they believe, rests on "ABDA": Americans, British, Dutch and Australians. Australia, thanks to perceptions of its role in East Timor's Independence and the noisy pro-Papua activist movement it hosts, is especially suspicious [to Indonesians].[19]

In the past four years, Human Rights Watch has documented dozens of cases in which prison guards and police, military, and intelligence officers have used unnecessary or excessive force when dealing with Papuans exercising their rights to peaceful assembly and association.[20] The government also frequently arrests and prosecutes Papuan protesters for peacefully advocating independence or other political change.[21]

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[18] Letter from Human Rights Watch to the chair and members of the European Parliament's Subcommittee on Human Rights ahead of the Hearing on the Human Rights situation in West Papua and Papua provinces, October 20, 2014, https://www.hrw.org/news/2014/01/19/letter-chair-and-members-european-parliaments-subcommittee-human-rights-ahead (accessed August 8, 2015).

[19] Michael Bachelard, "Papuans face ignorance, corruption and racism from Jakarta," *The Interpreter*, June 26, 2015, http://www.lowyinterpreter.org/post/2015/06/26/Papuans-face-ignorance-corruption-and-racism-from-Jakarta.aspx (accessed on October 26, 2015).

[20] Andreas Harsono (Human Rights Watch), "Papua: Indonesia's Forbidden Island," commentary, *Jakarta Globe*, October 7, 2013, http://thejakartaglobe.beritasatu.com/opinion/papua-indonesias-forbidden-island/ (accessed August 8, 2015).

[21] "Indonesia: Stop Prosecuting Peaceful Political Expression," Human Rights Watch news release, June 22, 2010, https://www.hrw.org/news/2010/06/22/indonesia-stop-prosecuting-peaceful-political-expression (accessed August 8, 2015).

More than 60 Papuan activists are in prison on charges of treason.[22] Human Rights Watch takes no position on the right to self-determination, but opposes the imprisonment of people who peacefully express support for self-determination.

The Origins of Restrictions on Foreign Journalists

Indonesian government restrictions on foreign media go back to the country's first president, Sukarno (1945-1966), who required all prospective foreign correspondents to acquire journalist visas before traveling to Indonesia.[23] While the rigor and reach of the restrictions, in Papua as elsewhere in Indonesia, have varied with political developments in the country, Papua has been deemed off-limits to journalists more often than almost any other region.

Concerns with the role of foreign journalists in Papua existed even before Indonesia took control of the region in 1963. When making a speech supporting Indonesian control over West New Guinea in Yogyakarta on May 4, 1963, Sukarno lambasted "foreign journalists who wrote that West Irian people dislike Indonesia, that they prefer the Dutch." Sukarno said that those journalists were "arbitrary in their writing."[24]

Indonesian officials were particularly suspicious of the intentions of Australian journalists seeking to report from Papua. Former Indonesian Foreign Minister Ali Alatas (1988-1999) accused Australian media of being overtly sympathetic to Papuan independence in their reporting on the region in the 1960s:[25]

> The Australian press in general was in favor of the Dutch position in Papua, and therefore many of them very often wrote articles that were critical of

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[22] This figure is taken from the website Papuans Behind Bars, which includes comprehensive lists of current and former prisoners as well as monthly updates on arrests, releases, and trials. http://www.papuansbehindbars.org/ (accessed August 8, 2015). Those prisoners include Filep Karma, a civil servant who is serving 15 years for raising the Morning Star flag—a West Papua independence symbol—in December 2004. The United Nations working group on arbitrary detention said that Karma was not given a fair trial and asked the Indonesian government to immediately and unconditionally release him. Indonesia rejected the recommendation. "Indonesia: Free All Political Prisoners," Human Rights Watch news release, May 9, 2015, https://www.hrw.org/news/2015/05/09/indonesia-free-all-political-prisoners (accessed August 8, 2015).

[23] Ross Tapsell, *By-Lines, Balibo, Bali Bombings: Australian Journalists in Indonesia* (Melbourne: Australian Scholarly Publishing Pty, 2014), p.74.

[24] Sukarno, "Speech on May 3, 1963 in Kotabaru, Yogyakarta" in Subandrio, *Meluruskan Sejarah Perjuangan Irian Barat* (Jakarta, Yayasan Kepada Bangsaku, 2001), pp. 13-22.

[25] The caption accompanying a photo of Ali Alatas, hung on the wall of the information and media directorate at the Ministry of Foreign Affairs, describes him as having led the office from 1970-1972.

> Indonesia and damaging of the Indonesian position and many of them had to pay with occasionally being declared persona non grata.[26]

The government further tightened its access restrictions to Papua by foreign correspondents in the run-up to and during the 1969 Act of Free Choice. The Indonesian government brought dozens of foreign journalists to Papua in a tightly controlled press tour in 1968 in which each journalist was accompanied by two military minders.[27] Those restrictions prompted the Jakarta Foreign Correspondents Club to lodge a formal protest with the Ministry of Information.[28] The Indonesian government limited foreign correspondents' access to Papua to tightly controlled "guided tours organized through the military," which intimidated potential sources into silence, according to journalist complaints.[29] In his book *By-Lines, Balibo, Bali Bombings: Australian Journalists in Indonesia*, Ross Tapsell, noting the impact of those restrictions after 1969, concluded: "Papua was effectively sealed off from the outside world."[30]

During the "New Order" government of President Suharto (1965-1998), visas for foreign correspondents specifically excluded their access to "outer regions" of the country including East Timor, Papua and Aceh.[31] Access to those regions required a *surat jalan* (travel document) provided by either a high-ranking government official or the Ministry of Information.[32] During the 1960s and 1970s, foreign correspondents permitted access to Papua and other "outer region" conflict areas complained of the military's "tactics of intimidating journalists."

At some point during the New Order period, the process for vetting journalists seeking access to Papua was formally centralized in the clearing house described in the following section.

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[26] Tapsell, *By-Lines, Balibo, Bali Bombings*,p.85.

[27] Saltford, *The United Nations and the Indonesian Takeover of West Papua*, pp. 129-140.

[28] Tapsell, *By-Lines, Balibo, Bali Bombings*,p.86.

[29] Frank Palmos, "Press Collect: Telex from Jakarta," *Melbourne Herald*, June 5, 1969.

[30] Tapsell, *By-Lines, Balibo, Bali Bombings*,p.87.

[31] Tapsell, *By-Lines, Balibo, Bali Bombings*, p. 76.

[32] In 1999, then-President Abdurrahman Wahid abolished the Ministry of Information in October 1999, arguing that its role in restricting journalists and controlling the media was not needed anymore. See: Krishna Sen and David Hill (eds), *Politics and the Media in Twenty-First Century Indonesia: Decade of Democracy* (Oxford, Routledge, 2011), p. 180-181.

II. Vetting of Foreign Journalists by 12 Different Ministries

The Clearing House

Until President Jokowi's speech in May 2015, Indonesia required that all Indonesia-based foreign correspondents seeking to report from Papua go through a labyrinthine "clearing house" process managed by the Ministry of Foreign Affairs.[33]

Although Human Rights Watch was unable to determine exactly when the clearing house process was established, Siti Sofia Sudarma, who formerly coordinated the process as director of information and media at the ministry, said it was created "long before" she began working at the ministry in 1991.[34] Many Indonesian and foreign journalists we spoke with believed that it, or some similar process, had been in effect for much of the New Order period.

Sudarma explained that the clearing house was an interagency committee of "18 working units from 12 ministries,"[35] including representatives from agencies and ministries such as the National Police, the State Intelligence Agency (Badan Intelijen Negara)(BIN), and military intelligence (Badan Intelijen Strategis)(BAIS).[36] She said that "national security" was the motivation and that Papua was only one of several conflict zones subject to the clearing house process over the past few decades.[37] Indonesia's immigration law empowers the foreign ministry to prohibit foreign citizens from traveling to "certain areas."[38]

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[33] Indonesian regulations, including the Immigration Law and the National Police Law, require foreign journalists based outside of Indonesia to apply for journalist visas. Journalists who mentioned Papua in their planned itineraries were also subject to strict clearing house approval.

[34] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media, who coordinated the clearing house at the Ministry of Foreign Affairs, Jakarta, August 7, 2015. She said the committee has four working units from her ministry: Diplomatic Security; Consular; Diplomatic Facility; information and media. The other ministries included the Ministry of Religious Affairs, the State Secretariat with its Bureau for International Technical Cooperation, the Ministry of Creative Industries which deals mostly with film production, the Ministry of Tourism, the National Police, the Ministry of Communication and Information, the Ministry of Home Affairs, the Ministry of Law and Human Rights with two participating units (Immigration and Trafficking of Migrants, the State Intelligence Agency (Badan Intelijen Negara, or BIN), the military intelligence (Badan Intelijen Strategis, BAIS), and the Coordinating Ministry on Politics, Law, and Security.

[35] Ibid.

[36] Ibid.

[37] Ibid. Sudarma said that the Clearing house had also screened access to Indonesia's Poso region during a period of "communal violence" there.

[38] The Law of the Republic of Indonesia Number 6 of 2011 Concerning Immigration, http://www.imigrasi.go.id/phocadownloadpap/Undang-Undang/uu%20nomor%206%20tahun%202011%20-%20%20english%20version.pdf, art. 12. The Law defines "certain regions" as "conflict regions that may endanger the presence and security of the Foreigner concerned."

The clearing house application process required journalists seeking to travel to Papua to provide an extremely detailed account of their reporting plans that former Australian correspondent Sian Powell described as "calculated to make it difficult [for foreign correspondents]."[39] Michael Bachelard, a former Jakarta-based correspondent for Fairfax Media from 2012 to 2015, described the onerousness of access application demands, which he said required journalists to violate their "duty to protect their sources and keep [sources'] confidentiality."[40] He said:

> [I] had to provide details of who [I was planning on] interviewing and when interviews would be conducted. Interviewees had to be willing to confirm interviews with the [foreign ministry] and [media] organizations had to confirm [interview] requests on their letterhead. It didn't allow for any flexibility – putting the cart before the horse, so to speak – [because] interviewees had to be identified by their own foreign affairs department, though we may not even get permission to go.[41]

Reporting on "political and human rights issues" in Papua was typically forbidden.[42] A former Jakarta-based foreign correspondent granted a Papua access permit recalled that foreign ministry personnel made it clear he "couldn't report on anything related to [Papuan] separatism."[43] The Indonesian government approved the 2014 Papua access permit of Mark Davis, correspondent for Australia's SBS News, on the condition that "I wouldn't film or contact the armed resistance and that I would fairly represent the Indonesian government's position [on Papua]."[44]

The government also imposed specific geographical restrictions on some of the Papua access permits it issues. Hamish Macdonald, world editor for Australia's *The Saturday Paper*, said his Indonesian foreign ministry approval to travel to Papua in November 2013

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[39] Human Rights Watch interview with Sian Powell, former Jakarta-based correspondent for *The Australian*, (Sydney), July 2, 2015.

[40] Human Rights Watch interview with Michael Bachelard, former Jakarta-based correspondent for the *Sydney Morning Herald* and *The Age*, (Sydney), April 16, 2015.

[41] Ibid.

[42] An Independent Contributor, "West Papua: A no-go zone for foreign journalists," Al Jazeera America (New York), http://america.aljazeera.com/articles/2014/9/22/west-papua-mediablackout.html (accessed August 5, 2015).

[43] Human rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), via Skype March 25, 2015.

[44] Mark Davis, "West Papua's New Dawn?" SBS News (Sydney), June 3, 2014, http://www.sbs.com.au/ondemand/video/261648963737/Dateline-3-June-2014 (accessed Aug 1, 2015).

for book research "gave approval to limited places — Jayapura and nearby areas. [I was] denied approval to visit [the towns of] Wamena, Timika, and Merauke — no explanation."[45] And several journalists told us that official permission for foreign media to visit Papua's PT Freeport Indonesia Grasberg mining complex in Timika is particularly difficult to obtain,[46] though this restriction is not absolute.[47]

The timing and basis for clearing house decisions was entirely opaque, with no reasons given for delayed or rejected applications. And foreign correspondents we spoke to who ultimately succeeded in obtaining permits reported application processing times ranging from one month to five years.

In a 2015 article, Bachelard explained that journalists take the permit requirement seriously in part because they do not want to jeopardize their other reporting:

> As the Indonesia correspondent for *The Age* and *The Sydney Morning Herald*, I have a stay permit, a work permit, and a visa that allow me to live and work in Indonesia and travel to any of its 17,000 islands and dozens of provinces, but for one exception—West Papua.[48] For that, I need a special permission letter, a '*surat jalan*.' If I went there without such a letter, I'd jeopardize all my other permits, and possibly Fairfax's permission to maintain a bureau in Jakarta at all.[49]

There are no publicly available statistics documenting the number of foreign correspondents who have applied for Papua access permits over the past few decades or

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[45] Human Rights Watch interview with Hamish Macdonald, world editor for *The Saturday Paper*, (Sydney), April 21, 2015.

[46] Sita W. Dewi, "Jokowi to open access to Papua for foreign journalists, int'l organizations," *Jakarta Post*, June 5, 2014, http://www.thejakartapost.com/news/2014/06/05/jokowi-open-access-papua-foreign-journalists-int-l-organizations.html (accessed August 5, 2014).

[47] While one former Jakarta-based foreign correspondent we spoke with says he obtained official permission to visit the Freeport operation in 2003, most others reported serious obstacles. A foreign correspondent who had been based in Jakarta from 2002 to 2006, for example, said that Indonesian government authorities consistently refused his applications to visit the Freeport operation in Timika over a period of four years. "We tried [to get an access permit] through the foreign ministry, we tried through the president's office when [Susilo Bambang Yudhoyono] was elected, we tried multiple fronts. But we never got in there [to Freeport]."

[48] Bachelard is using "West Papua" here as a shorthand for the territory comprising the provinces of both Papua and West Papua. See explanation of the different uses of "West Papua" in footnote 4 above.

[49] Human Rights Watch interview with Michael Bachelard, former Jakarta-based correspondent for the *Sydney Morning Herald* and *The Age*, (Sydney), April 16, 2015.

how many received them. As detailed below, the evidence we were able to collect suggests that while obtaining official permission has almost always been difficult, the numbers have varied somewhat depending on policies and priorities in Jakarta.

A period in which the restrictions seem to have been eased were the years immediately following Suharto's ouster in 1998. One correspondent who travelled to Papua on three separate reporting trips in 1999, 2000, and 2002, respectively, described the application process in those years as "always easy."[50] "Under [former President] Gus Dur,[51] it was not a problem to get a '*surat jalan*' to visit Papua."[52]

Another foreign correspondent who received official permission to visit Papua in 2002 also described a fairly relaxed access regime. "The first thing was MFA [Ministry of Foreign Affairs] permission, but the real key was the police, a permission letter from there. That involved going to [National Police] headquarters a few times, filling in forms. They put up barriers, but it was not impossible [to get access]. There were a lot of [foreign correspondents] going [to Papua] then."[53] Another Jakarta-based correspondent who applied for Papua access at the end of 1998, however, wasn't granted access until 2003. "[It was] one of those things in which you have outstanding requests [for access]. You're not banging on the door every day, but you're waiting for permission."[54]

By 2004, the Indonesian government was again stringently applying Papua access requirements. TB Hasanuddin, an Indonesian Democratic Party of Struggle (PDIP) legislator who serves on the Indonesian parliament's "Commission I" said that then President Susilo Bambang Yudhoyono, in power from 2004-2014, tightened the restrictions early in his first term.[55] "Under President SBY [Yudhoyono], access to Papua and Aceh were made stricter. His argument then was security. He did not want security problems in the two areas to be muddled with international reporting."[56]

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[50] Human Rights Watch interview with a Jakarta-based foreign correspondent (name withheld), Jakarta, May 21, 2015.
[51] The common nickname of former Indonesian President Abdurrahman Wahid (1999-2001).
[52] Human Rights Watch interview with a Jakarta-based foreign correspondent (name withheld), Jakarta, May 21, 2015.
[53] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), via Skype, April 13, 2015.
[54] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), via Skype April 2, 2013.
[55] Commission I supervises foreign affairs, intelligence, defense, and Papua.
[56] Human Rights Watch interview with TB Hasanuddin, an Indonesian Democratic Party of Struggle (PDIP) legislator who serves on the Indonesian parliament's Commission I, Jakarta, July 8, 2015.

In February 2006, Indonesia's then Minister of Defense, Juwono Sudarsono, openly defended restrictions on foreign media access to Papua. He was quoted as saying "Indonesian unity and cohesion would be threatened by foreign intrusion" and expressed concern and that reporters could be "used as a platform" by Papuans to publicize alleged abuses.[57] Juwono indicated that the ban extended to representatives of foreign churches and international nongovernmental organizations (INGOs).[58]

All of the foreign correspondents we spoke to who have applied for Papua access permits since 2003 described an unpredictable and opaque process that often resulted in access denials, delays, or a lack of response entirely. "You never got a 'no,' you just got a 'not now,'" said a former foreign correspondent based in Jakarta from 2002 to 2006.[59] Indonesian political commentator Julia Suryakusuma attributed the lack of responsiveness of the clearing house to an intentional "'go slow' approach which enables the government to deny there is a ban on foreign journalists visiting Papua."[60] The Ministry of Foreign Affairs justifies the often slow processing by claiming applicants "did not fulfill the administrative requirements properly" and failed to provide the necessary details of their planned Papua travels.[61]

Sian Powell, former Jakarta-based correspondent for *The Australian* from 2003-2006, was skeptical about the official reasoning for the Papua permit system and its slow issuance process. "One of the lines [given by the foreign ministry] was that they wanted to protect foreign journalists from volatile elements in Papua, but they cared a lot more about keeping journalists away from insurgents there and native Papuans who were most disaffected and upset, particularly by Indonesian military incursions."[62]

Former Jakarta-based correspondent for the *Australian Financial Review* Morgan Mellish summed up the frustrations of many of his peers when he wrote in 2007:

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[57] "Foreign media ban in Papua to be maintained: Juwono," Agence France Presse, February 6, 2006.

[58] "IFJ concerned that barring foreign media from West Papua is an attempt to conceal human rights abuses," International Federation of Journalists, Media Release, February 17, 2006, http://www.ifex.org/indonesia/2006/02/17/ifj_concerned_that_barring_foreign/ (accessed August 3, 2015).

[59] Human Rights Watch interview with former Jakarta-based foreign correspondent (name withheld), via Skype, March 24, 2015.

[60] Julia Suryakusuma, "'Live from Papua'" Indonesia's free-press black hole," *Jakarta Post*, October 1, 2014, http://www.thejakartapost.com/news/2014/10/01/live-papua-indonesia-s-free-press-black-hole.html, (accessed August 3, 2015).

[61] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access clearing house, Jakarta, August 7, 2015.

[62] Human Rights Watch interview with Sian Powell, former Jakarta-based correspondent for *The Australian*, (Sydney), July 2, 2015.

> The difficulties for Western journalists start well before you arrive in Papua. To get a *surat jalan* requires the approval of Indonesia's Department of Foreign Affairs (Deplu), the State Intelligence Body (BIN) and the Indonesian police. Our permits were among only a handful approved this year and took about six months to get. The vast majority of applicants are knocked back by Deplu[63] on the trumped-up grounds that the country's easternmost province is too dangerous for journalists.[64]

A foreign correspondent based in Jakarta from 2005 to 2013 said that the foreign ministry's lack of responsiveness to Papua access requests rendered the process a fruitless annual ritual. "We couldn't go [to Papua]. We put in a request once a year…just for the sake of doing it, not expecting it to be granted. Almost everyone [in the foreign press corps] did it. The Ministry of Foreign Affairs just didn't answer."[65]

In 2013, Australian Associated Press correspondent Karlis Salna was able to force a permit decision, but only after a series of failed attempts. "[Salna] applied for entry a dozen times in two years, but it wasn't until he texted the Indonesian foreign minister's spokesman to say he was visiting West Papua even without a permit and that the government could deal with the fallout if he was arrested that Salna was allowed in."[66]

Some foreign correspondents have reported that a second easing of the clearing house approval process for Papua seems to have started in 2013, a trend reflected in official foreign ministry statistics: data show that the ministry approved 5 of 11 such requests in 2012, 21 of 28 in 2013, and 22 of 27 in 2014. But even in the very recent past, obstacles have remained in place.

Rohan Radheya, a Dutch freelance photojournalist who applied in The Hague for a journalist visa to Papua in July 2014, said that although the Indonesian embassy informed him that the approval process was "around two weeks," officials never responded to his

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[63] The Indonesian-language acronym for the Ministry of Foreign Affairs.

[64] Morgan Mellish, "Why it's all quiet on the Papua front," post to Papua Prospects: Indonesia New Guinea (blog), March 9, 2007, http://indonesiannewguine a.blogspot.com/2007/03/mellish-why-its-all-quiet-on-west-papua.html (accessed August 3, 2015).

[65] Human Rights Watch interview with a former Jakarta-based foreign correspondent via Skype (name withheld), April 21, 2015.

[66] An Independent Contributor, "West Papua: A no-go zone for foreign journalists," Al Jazeera America (New York), http://america.aljazeera.com/articles/2014/9/22/west-papua-mediablackout.html (accessed August 5, 2015).

application.[67] Radheya said that his case is not an outlier. "I know many journos who got ignored [by Indonesian visa issuance offices], and they simply never heard something again [after submitting a Papua access application]."[68]

A Europe-based documentary film maker who submitted an application in January 2015 told Human Rights Watch that his approval has been plagued by months of unexplained delay by the Indonesian embassy processing the application. On July 9, the journalist told Human Rights Watch that seven months later, there is still "no word" from the Indonesian authorities on the status of her application.[69]

In 2014, then Minister of Foreign Affairs Marty Natalegawa implicitly acknowledged the continuing restrictions, stating that while the government supported greater access by journalists and nongovernmental organizations to Papua, government concerns about their safety made lifting access restrictions problematic.

Natalegawa's claim is one that most foreign correspondents have heard repeatedly.[70] As one journalist told us: "At every government press conference we would ask 'Why can't [foreign] journalists go to Papua?' and they always said it was unsafe for us to go."[71] Although the government has some reason to be concerned about the safety of foreign citizens in Papua, those concerns do not warrant the convoluted and restrictive bureaucratic process that Jakarta has long imposed. While there have been serious attacks on foreigners in Papua, they have been infrequent.[72]

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[67] Transcript of a July 2, 2015 Committee to Protect Journalists interview with Rohan Radheya provided to Human Rights Watch by Radheya on August 3, 2015.

[68] Ibid.

[69] Human Right Watch interview with a foreign journalist (name and location withheld), July 9, 2015.

[70] "Marty Natelegawa says he supports 'greater access to Papua provinces,'" Radio Australia, July 15, 2013, http://www.radioaustralia.net.au/international/2013-07-16/marty-natalegawa-says-he-supports-greater-access-to-papua-provinces/1161810 (accessed August 3, 2015)

[71] Human Rights Watch interview with a former Jakarta-based foreign correspondent via Skype (name withheld), April 21, 2015.

[72] For example, members of the OPM kidnapped a group of more than two dozen Indonesian, Papuan, and foreign citizens, many of them biologists, in Mapenduma on January 8, 1996. The OPM quickly released the majority of the hostages, but continued to hold hostage seven foreign citizens and five Indonesians for 128 days until they were freed in a bloody rescue mission by Indonesian military personnel in which two hostages were killed. On May 25, 2001, OPM guerrillas kidnapped two Belgian film makers, Johan Van den Eynde and Philippe M. Simon, eventually releasing them unharmed on August 1, 2001.

President Jokowi's Commitment to Lifting the Restrictions

> Beginning today, Sunday, I allow the foreign journalists if they want to go to Papua just like the other regions.
> —President Jokowi, after attending a grand harvest in Merauke district, Papua, May 10, 2015.[73]

On May 9, Indonesian President Jokowi declared a complete lifting of restrictions on foreign media access to Papua and, as indicated in the quote above, he delivered on that commitment on the following day.[74] He then reiterated the message during his first annual state of the nation address on August 14.[75] This change was of a piece with a larger initiative by Jokowi, signaled in his campaign and early on in his tenure as president, to take a new approach to Papua. Other measures have included planned new investments in infrastructure, economic development projects, and release of some political prisoners.

While Jokowi's announcements on media access marked a symbolic fulfillment of a promise he made as a presidential candidate in June 2014 to open Papua to both foreign journalists and international nongovernmental organizations,[76] he did not provide details or put the change in writing via a presidential instruction.[77] And, since his announcement, various Indonesian government officials and senior commanders of the country's security forces have made a series of confusing or contradictory statements that suggest a lack of a coherent, unified policy on lifting foreign media access restrictions to Papua.

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[73] "Foreign media should obtain permits to cover Papua: Chief minister," Antara (Jakarta), May 11, 2015, http://www.antaranews.com/en/news/98893/foreign-media-should-obtain-permits-to-cover-papua-chief-minister (accessed August 4, 2015).

[74] "Indonesia to allow foreign journalists full Papua access," Channel News Asia (Singapore), May 9, 2015, http://www.channelnewsasia.com/news/asiapacific/indonesia-to-allow/1835972.html (accessed August 3, 2015).

[75] "Pidato Kenegaraan Perdana, Jokowi Beri Perhatian Khusus Pada Papua," *Detik* (Jakarta), August 14, 2015, http://news.detik.com/berita/2991903/pidato-kenegaraan-perdana-jokowi-beri-perhatian-khusus-pada-papua (accessed August 14, 2015).

[76] Sita W. Dewi, "Jokowi to open access to Papua for foreign journalists, int'l organizations," *Jakarta Post* , June 5, 2014, http://www.thejakartapost.com/news/2014/06/05/jokowi-open-access-papua-foreign-journalists-int-l-organizations.html (accessed August 5, 2014).

[77] Phelim Kine (Human Rights Watch), "Dispatches: Indonesia's Papua Censorship Reflex," commentary, May 27, 2015, https://www.hrw.org/news/2015/05/27/dispatches-indonesias-papua-censorship-reflex (accessed August 4, 2015).

Then Coordinating Minister for Political, Legal and Security Affairs, Tedjo Edhy Purdijatno, appeared to contradict Jokowi's announced lifting of those restrictions on May 11. Tedjo asserted that foreign correspondents would continue to require special access permits to Papua and that the government would continue to "screen" foreign journalists seeking that access.[78] Tedjo also questioned the integrity of foreign media reporting of Papua, which he said "describes that the situation [in Papua] is full of [human rights] violations. I think it is not true."[79]

On May 12, National Police spokesman and Senior Commander Agus Rianto asserted that the government would continue to restrict foreign correspondents' Papua access through an entry permit system.[80] Rianto justified the need to maintain foreign media access restrictions to Papua to prevent foreign media from talking to "people who opposed the government" as well as to block the access of "terrorists" who might pretend to be journalists as a means to travel to Papua.[81] Rianto did not elaborate.

On May 19, the then commander of the Indonesian Armed Forces, General Moeldoko, stated that foreign media would continue to require Papua access permits from the clearing house.[82] Moeldoko warned that the Indonesian government would expel any foreign journalists whose Papua reporting is perceived by the government to "undermine our government and state" or whose reports "contain defamation that triggers unrest."[83] On June 22, Moeldoko told reporters that the military was considering appointing military escorts for foreign media who travel to Papua.[84] Moeldoko justified the possible

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[78] "Foreign media should obtain permits to cover Papua: Chief minister," Antara (Jakarta), May 11, 2015, http://www.antaranews.com/en/news/98893/foreign-media-should-obtain-permits-to-cover-papua-chief-minister (accessed August 4, 2015).

[79] Ibid.

[80] "Some controls to remain on foreign journalists in Papua: Police," *Jakarta Post*, May 12, 2015, http://www.thejakartapost.com/news/2015/05/12/some-controls-remain-foreign-journalists-papua-police.html (accessed August 4, 2015).

[81] Ibid.

[82] "Moeldoko stresses continued existence of 'clearing house,'" *Jakarta Post*, May 29, 2015, http://www.thejakartapost.com/news/2015/05/29/moeldoko-stresses-continued-existence-clearing-house.html (accessed August 4, 2015).

[83] Ibid.

[84] "Indonesian military personnel may accompany press in Papua," Antara (Jakarta) http://www.antaranews.com/en/news/99293/indonesian-military-personnel-may-accompany-press-in-papua (accessed August 4, 2015).

deployment of those military guards as necessary to "guide and protect [journalists] in case any dangerous situation arises," without elaborating.[85]

On May 26, Tedjo told reporters that a team including Indonesian military and National Police would continue to tightly monitor foreign journalists who report from Papua.[86] Tedjo defended the agency's policy by asserting that, "We aren't spying on them [the journalists]. We're simply monitoring their activities."[87] Tedjo also asserted that the clearing house, which approves or rejects foreign media access applications to Papua, was essential "to preserve national interests and national sovereignty."[88]

That same day, Minister of Defense Ryamizard Ryacudu warned that foreign media access to Papua was conditional on an obligation to produce "good reports."[89] Ryacudu did not precisely define "good reports," but he explicitly equated foreign journalists' negative reporting Papua with "sedition" and threatened expulsion for any foreign journalist whose reporting displeases the government.[90]

The Ministry of Foreign Affairs has added to the confusion about the government's official policy on foreign media access to Papua. On June 17, the director general of information in the Ministry of Foreign Affairs, Esti Andayani, announced that the government had "abolished" the clearing house.[91] Andayani did not elaborate on precisely when the government had abolished the body or what access control procedures, if any, had replaced the clearing house system.

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[85] Ibid.

[86] Tama Salim & Margareth S. Aritonang, "Jokowi's ministers reluctant to open up Papua," *Jakarta Post*, May 26, 2015, http://www.thejakartapost.com/news/2015/05/27/jokowi-s-ministers-reluctant-open-papua.html (accessed August 4, 2015).

[87] Ibid.

[88] "Foreign journalists in Papua must abide by Indonesian laws: Minister," Antara (Jakarta), May 26, 2015, http://www.antaranews.com/en/news/99064/foreign-journalists-in-papua-must-abide-by-indonesian-laws-minister (accessed August 4, 2015). Tedjo lost his post in a cabinet reshuffle in August, a decision some believe in part reflected his failure to support the president's initiative on Papua.

[89] Ibid.

[90] Ibid.

[91] "More signals from Jakarta about opening up Papua," *Radio New Zealand International* (Wellington), June 17, 2015, http://www.radionz.co.nz/international/pacific-news/276314/more-signals-from-jakarta-about-opening-up-papua (accessed August 4, 2015).

On June 22, Minister of Foreign Affairs Retno Marsudi denied that the government had ever systematically barred foreign media from access to Papua:[92]

> The refusals [of foreign media access] in 2014 were made because of incomplete procedures or warnings regarding the security situation in the areas in Papua where they wanted to go. Otherwise, from the data we have, there have been no deliberate actions to restrict foreign journalists' access into the province.[93]

Marsudi supported that assertion by stating that the government had approved a total of 22 foreign media access permits to Papua in 2014 and that there had been "nearly no refusal" of such applications.[94] Marsudi added that foreign correspondents "should have no problem visiting Papua" as long as they "fulfill all required procedures," without specifying those procedures or whether they continued to require approval of the ministry's clearing house.[95]

On August 7, Siti Sofia Sudarma, director of information and media in the Ministry of Foreign Affairs, told Human Rights Watch that the government had "liquidated" the clearing house in line with President Jokowi's May 10 directive.[96] Sudarma said that Indonesia-based accredited foreign correspondents "could [now] go to Papua freely, without notifying the Ministry of Foreign Affairs."[97] Sudarma said that the Ministry of Foreign Affairs would only continue to screen the applications of foreign-based journalists applying for accreditation to report from Indonesia based on the requirements of its

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[92] "Indonesia never restricted foreign media in Papua: minister," Antara (Jakarta) June 22, 2015, http://www.antaranews.com/en/news/99281/indonesia-never-restricted-foreign-media-in-papua-minister (accessed August 5, 2015).

[93] Dylan Amirio, "Gov approves 8 permits for foreign journos to visit Papua," *Jakarta Post*, http://www.thejakartapost.com/news/2015/06/22/govt-approves-8-permits-foreign-journos-visit-papua.html (accessed August 3, 2015).

[94] Ibid.

[95] Ibid.

[96] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access Clearing house, Jakarta, August 7, 2015.

[97] Ibid.

Immigration Law.[98] Article 8 of the Immigration Law obligates all foreign nationals entering Indonesia, including journalists, to have a valid entry visa.[99]

However, the apparent abolition of the clearing house has not eliminated the need for foreign correspondents to apply for special permission to visit Papua. According to the Ministry of Foreign Affairs, all Indonesia-based accredited foreign correspondents still need to apply for and receive a *surat jalan* (travel document) from the National Police's Security Intelligence Agency before traveling to Papua.[100] This requirement is based on Indonesia's police law, which states that that the police have the obligation to "supervise" foreign citizens in Indonesia in coordination with "related institutions."[101]

According to Sudarma, "Theoretically, all foreigners who want to travel from Jakarta to other cities, they should ask for a *surat jalan*. But the police selectively enforce the *surat jalan* policy [and] now it is only Papua [that requires a *surat jalan*].[102] The National Police have not responded to requests from Human Rights Watch for details about the permit application process.

On August 26, 2015, the Ministry of Home Affairs announced a new regulation that would have required foreign journalists to get permission from local authorities as well as the State Intelligence Agency before doing any reporting in the country.[103] President Joko Widodo revoked the rule the following day and Minister of Home Affairs Tjahjo Kumolo subsequently apologized to the president for the "confusion" created by the now-canceled

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[98] Ibid.

[99] Law of the Republic of Indonesia Number 6 of 2011 Concerning Immigration, http://www.imigrasi.go.id/phocadownloadpap/Undang-Undang/uu%20nomor%206%20tahun%202011%20-%20%20english%20version.pdf, Article 8(2). That article states: "Every Foreigner who enters the Indonesian Territory shall be obliged to have a legal Visa and still valid, unless determined otherwise under this Law and under international treaty."

[100] Known in Indonesia as Badan Intelijen Keamanan, or Baintelkam.

[101] The Law of the Republic of Indonesia Number 2, Year 2002, Concerning the State Police of the Republic of Indonesia, file:///C:/Users/kynep/Downloads/Indonesia%20Law%20No%202%20Concerning%20the%20State%20Police%202002.pdf, art. 15 (2) i.

[102] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access Clearing House, Jakarta, August 7, 2015.

[103] Haeril Halim, "Government to impose stricter controls on foreign journalists," *Jakarta Post*, August 27, 2015, http://www.thejakartapost.com/news/2015/08/27/govt-impose-stricter-controls-foreign-journalists.html (accessed September 8, 2015)

regulation.[104] But the willingness of some senior officials to even consider such measures is an alarming indicator of the continuing confusion and apparent disregard for media freedom among some elements of Jokowi's government.

There are indications that the Ministry of Foreign Affairs is continuing to require accredited foreign correspondents to apply for Papua access permits. The Jakarta Foreign Correspondents Club has not compiled any statistics of its members' efforts to access Papua since May 10.[105] However, a Jakarta-based foreign correspondent showed Human Rights Watch a copy of correspondence with the ministry from July 2015 in which an official from Sudarma's Information and Media Directorate had informed the journalist that access to Papua required both a *surat jalan* from the Police Security Intelligence Agency as well as a "letter of notification" to the directorate specifying "your purpose, time and places of coverage in Papua."[106] The ministry did not specify how long the application process would take and why the ministry was still regulating accredited foreign media Papua access more than two months after President Jokowi announced a lifting of such restrictions.

Marie Dhumieres, a Jakarta-based French correspondent, got a police permit to go to Papua in September 2015. On October 1, she flew from Jayapura, Papua's provincial capital, to Pegunungan Bintang to interview pro-independence activists from the West Papua National Committee. She returned to Jakarta the following day, but a week later the police detained three Papuan activists who had travelled with her and questioned them about Dhumieres.[107] She expressed her dismay about those arrests by tweeting: "So Mr @jokowi, foreign journalists are free to work anywhere in Papua but the people we interview get arrested after we leave?"[108]

The Ministry of Foreign Affairs is also giving mixed signals to foreign-based reporters seeking Papua access who are applying for journalist visas from outside of Indonesia. Cyril

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[104] Haeril Halim, "Minister says sorry, nixes new rule for foreign media," *Jakarta Post*, August 28, 2015, http://www.thejakartapost.com/news/2015/08/28/minister-says-sorry-nixes-new-rule-foreign-media.html (accessed September 8, 2015).

[105] Human Rights Watch email correspondence with Joe Cochrane, President of the Jakarta Foreign Correspondents' Club, August 4, 2015.

[106] Human Rights Watch interview with a Jakarta-based foreign correspondent (name withheld), Jakarta, July 30, 2015.

[107] Human Rights Watch interview with Marie Dhumieres, Jakarta, on October 11, 2015. Police subsequently released without charge the three Papuan activists, Agus Kossay, Bano Kalaka and Nodi Hilka, after interrogating them for almost 10 hours.

[108] Dhumieres, Marie (mariedh). "So Mr Jokowi, foreign journalists are free to work anywhere in Papua but the people we interview get arrested after we leave?" October 8 2015, 10:22 p. m. Tweet (accessed October 28, 2015).

Payen, the Bangkok-based correspondent for France 24 television, said that the Indonesian embassy in Bangkok processed his application for a journalist visa to visit in 15 days and that his reporting trip occurred without any harassment or interference.

> They gave me a press visa and the embassy said you don't need to go to police, or go to immigration [when you are in Papua]." Whether I was lucky or not, I don't know. They really opened up. [The embassy staffer] said "Just go, there are no more restrictions."[109]

However, another foreign journalist who has been trying for several months to get the Indonesian embassy to issue him a visa to report from Papua said that the embassy has imposed lengthy delays on the processing of his visa application. He said:

> "We submitted everything that was required according to guidelines I was emailed from the embassy months ago. This included a letter of recommendation for our visit and interview from a leading provincial official in Papua." Eight days later, when he called the Indonesian embassy, "[The Indonesian staff] muddled around a strange half hour discussion before revealing that we needed to provide more letters of recommendation from our intended interviewees, plus to reveal who our fixer would be."[110]

Johnny Blades and Koroi Hawkins of Radio New Zealand made a reporting trip to Papua in October 2015 after a months-long application process through the Indonesian embassy in Wellington. Blades attributed that delay to bureaucratic confusion over President Jokowi's policy to lift foreign media access restrictions. "It's still not clear that various wings of government understand the role that journalists are supposed to fill. I detected a kind of suspicion among various officials that foreign journalists are agents tasked with destabilizing Papua region," said Blades.[111]

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[109] Human Rights Watch interview with Cyril Payen, Bangkok, (by Skype), August 23, 2015.

[110] Human Rights Watch email correspondence with a foreign-based journalist (name and location withheld), September 2, 2015.

[111] Radio New Zealand, "Glimpse at Papuan experience under Indonesian rule," interview with Johnny Blades on October 23, 2015, http://www.radionz.co.nz/international/programmes/datelinepacific/audio/201775969/glimpse-at-papuan-experience-under-indonesian-rule (accessed on October 27, 2015).

III. Surveillance, Harassment, and Intimidation of Foreign Correspondents in Papua

Foreign correspondents who were actually granted access to Papua are often targets of surveillance, as well as occasional harassment and intimidation by government officials and security forces personnel. Not all correspondents who are able to report from Papua experience such abuses: for example, one former Jakarta-based foreign correspondent who received permission for a reporting trip in 2006 said that permission did not require her to have any contact with Papua-based security forces.[112] However, nearly all of the others we spoke with say they did.

Morgan Mellish, a former Jakarta-based correspondent for the *Australian Financial Review*, described how security forces and intelligence agents obstructed him and two colleagues during their September 2006 reporting trip to Papua. The Indonesian government had granted Mellish access to report on Papua's resource extraction industries. Mellish wrote that he travelled to Papua with ABC Jakarta correspondent Geoff Thompson and *The Australian's* Jakarta correspondent Stephen Fitzpatrick. They obtained their travel permits in Jakarta. "But this didn't stop the overzealous and at-times thuggish secret police from trying to stop us reporting at almost every turn. There may be some good will in Jakarta toward solving West Papua's problems, but it's clear the security forces on the ground remain a law unto themselves," he wrote.

"All three of us were tailed by plainclothes police and threatened for attempting to interview human rights activists and Papuan community leaders… in Timika, I received similar treatment. I was having lunch with two Freeport employees when an intel[ligence officer] marched in and aggressively demanded to know who we'd talked to and to see our notes. To try and resolve the tension, my assistant offered to photocopy several pages of notes from a press conference with the Papuan governor. A Freeport employee later apologized and said the company had little control over the intels," he said.[113]

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[112] Human Rights Watch interview with a former Jakarta-based correspondent via Skype, April 6, 2015.

[113] Morgan Mellish, "Why it's all quiet on the Papua front," post to Papua Prospects: Indonesia New Guinea (blog), March 9, 2007, http://indonesiannewguine a.blogspot.com/2007/03/mellish-why-its-all-quiet-on-west-papua.html (accessed August 3, 2015).

The foreign ministry requires some foreign correspondents who are granted Papua access permits to be escorted by a minder from the State Intelligence Agency (Badan Intelijen Negara)(BIN). The foreign ministry justifies BIN minders for foreign correspondents in Papua as "mainly for their own security."[114] This rule is by no means absolute. The government did not require six of the former foreign correspondents Human Rights Watch interviewed who visited Papua on government access permits to have government escorts. Others, including Michael Bachelard, former Jakarta correspondent for *Fairfax Media*, said that the official minder that the foreign ministry sought to impose on his January 2013 Papua reporting trip never showed up.[115] On Bachelard's second Papua reporting trip in November 2014, he again had no official minder.[116]

Kresna Astraatmadja, an Indonesian television producer who worked on a French reality show filmed on a small island near Raja Ampat, Papua, said that the conditions of foreign ministry permission to film on the island obligated the production crew to accommodate two BIN officials to monitor their activities. "[The intel officers] did nothing but sit down the whole day. I was busy with the production [so] I rarely saw them. Later I learned that the two [agents] had left the island earlier. Maybe they were bored to death on that small and isolated island."[117]

Other journalists are not so fortunate. The Ministry of Foreign Affairs required one foreign correspondent, who travelled to Papua in 2008 to report on the region's HIV-AIDS epidemic, to have a military intelligence official accompany him for the entirety of his six-day trip. Although the journalist successfully evaded his minder on numerous occasions in order to secure interviews with sources whom his minder might object to, such as a local religious leader, the minder's presence had a chilling effect on the journalist's reporting:

> One of the conditions [of Papua access] was that we had to have an intel guy with me and pay for his accommodations, transport, and food. He was with me the whole time. He wasn't too bad. He was actually pretty incompetent,

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[114] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access Clearing House, Jakarta, August 7, 2015.

[115] Human Rights Watch interview with Michael Bachelard, former Jakarta-based correspondent for the *Sydney Morning Herald* and *The Age*, (Sydney), April 16, 2015.

[116] Ibid.

[117] Human Rights Watch interview with Kresna Astraatmadja, Jakarta, June 25, 2015.

> getting close to retirement. But his presence limited what I could do. He would listen in on conversations and create an uncomfortable environment [in interviews]. Just because my minder was there, it spooked everybody.[118]

The foreign ministry's access approval for Hamish Macdonald of Australia's *The Saturday Paper* and an Associated Press correspondent, on a trip to Papua in December 2014, included two reasonably discrete official escorts. "[The minders were] two diplomats accompanying us to 'keep watch.' They stood back [and] let us draw our own conclusions."[119]

However, the absence of an official minder is no guarantee that foreign correspondents will not encounter surveillance, harassment, or intimidation by plainclothes or uniformed security forces and intelligence personnel while reporting in Papua. Another former Jakarta-based foreign correspondent, who travelled to Papua without an access permit on account of the difficulties in securing official permission, told Human Rights Watch how plainclothes security personnel followed him while he was doing interviews in Timika on for a business-related story.[120] Mark Davis, correspondent for Australia's SBS News, similarly described how during his officially approved 2014 trip to Papua to report on the region's political situation, he was "constantly followed and filmed by seen and unseen [plainclothes military] forces." He recorded one of them on a motorcycle, following and stopping in accordance to his car's movement.[121]

A foreign correspondent formerly based in Jakarta from 2006-2009, who received official permission to travel to Papua in September 2006 to do a package of stories on social and political conditions there, described the police response after he and his television crew had filmed a pro-Papuan independence ceremony about an hour outside of the Papua provincial capital of Jayapura:

> On the way back to Jayapura, we were pulled over by police and quite aggressively interrogated before being let go. We were followed [by police]

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[118] Human Rights Watch interview with a former Jakarta-based correspondent (name and other identifying details withheld) via Skype, March 25, 2015.

[119] Human Rights Watch interview with Hamish Macdonald, world editor for *The Saturday Paper*, (Sydney), April 21, 2015.

[120] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), April 13, 2015.

[121] Mark Davis, "West Papua's New Dawn?" SBS News (Sydney), June 3, 2014, http://www.sbs.com.au/ondemand/video/261648963737/Dateline-3-June-2014 (accessed Aug 1, 2015).

> once we arrived in Timika. [We] arrived at the hotel and within an hour, the cops arrived. We had dubbed the footage, hid the other tape and handed them our generic tape. We were taken to the police station for three to four hours. Our fixer was taken to a different room. We phoned the Australian Embassy…and [the police] let us go. We then returned to Jakarta [and] eventually got the film out of Papua.[122]

Government surveillance of foreign correspondents in Papua also extends to the information on their laptop computers. A former Jakarta-based correspondent who visited Papua with an official access permit in 2003 to do a business-related story, noticed that security forces were "keeping tabs on me" when he identified what appeared to be police "goons" in the lobby of his Jayapura hotel, monitoring his movements:[123]

> In Jayapura I came back to my hotel and found my laptop had been damaged. It was clear I was being monitored. Somebody had tried to open and turn on the laptop, and it had been damaged. It was nothing like what would have resulted from a [room] cleaner picking it up. It was obviously different from that.[124]

Arrests and Deportations of Journalists

The onerous access restrictions and the risks of surveillance, harassment, and intimidation by security forces tasked to monitor the movements of known foreign correspondents prompts some journalists to enter Papua without official entry permits. A former Jakarta-based foreign correspondent, who made two such unaccredited reporting trips in 2000 and 2002, was able to freely report on a range of social, political, and economic topics without interference or reprisal.[125] But since 2003, Jakarta-based accredited foreign correspondents rarely take the risk of trying to access Papua without an official permit due to fears of run-ins with Papuan security forces and "immediate expulsion" if detained.[126]

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[122] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), (Sydney) April 16, 2015.

[123] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), April 2, 2013.

[124] Ibid.

[125] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), March 25, 2015.

[126] See, e.g., Alex Perrottet and David Robie, "Pacific media freedom 2011: A status report," *Pacific Journalism Review* 17 (2), 2011, http://archives.pireport.org/archive/2011/October/pjr17_2_pacmedfree_pp148-186.pdf (accessed August 3, 2015), p.178.

One journalist went to Papua in 2011 without a permit, seeking to report on a strike at the Freeport mine complex in Timika. The journalist disregarded Indonesian government regulations requiring journalists to have official permission to travel to Papua because "foreign correspondents [in Jakarta] had told me that my struggle to get permission [to visit Papua] would be impossible."[127] His presence in Timika during the miners' strike prompted scrutiny by local police. He told Human Rights Watch:

> I flew first to Jayapura, hung out for a day, then went to Timika.... I told everyone I was a British travel agent who runs exotic bespoke tours. I [later] got pulled over by the police. They took me to the police station. I was there for an hour. The preconception [among Timika police] is that foreigners don't come here unless they work for Freeport. So if you don't work for Freeport, why are you here? They didn't push hard. They could have Googled my name [to determine if I was a journalist] but they didn't. They didn't ask who I know [in Timika], made no effort to ask about my contacts and there was no sustained interrogation.[128]

Other journalists who have entered Papua without the appropriate travel document have been arrested, and deported. In September 2006, police in Papua arrested, interrogated, and subsequently expelled a five-person Australia *Channel Seven* television crew for attempting to report without accreditation.[129] In March 2010, police in Jayapura detained[130] and subsequently deported two French journalists, Baudouin Koenig and Carole Lorthiois, for working without an official Papua entry permit.[131]

More recently, police arrested and detained Thomas Dandois and Valentine Bourrat, French journalists producing a documentary for Franco-German *Arte TV*, on August 6, 2014, in

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[127] Human Rights Watch interview with a former Jakarta-based foreign correspondent (name withheld), April 13, 2015.

[128] Ibid.

[129] Alison Caldwell, "Naomi Robson Thrown Out of Papua," September 14, 2006, ABC News (Sydney), http://www.abc.net.au/worldtoday/content/2006/s1741225.htm (accessed August 5, 2015).

[130] "French Journalists Detained in Papua," *Jakarta Post*, May 25, 2010, http://www.thejakartapost.com/news/2010/05/25/french-journalists-detained-papua.html (accessed August 6, 2015).

[131] Baudoin Koenig, "Why does Indonesian democracy stop at Papua?" *Guardian* (London) http://www.theguardian.com/commentisfree/libertycentral/2010/jun/09/indonesian-democracy-papua (accessed August 6, 2015).

Wamena on suspicion of "working illegally" in Papua without official media accreditation.[132] That same day, police also detained Areki Wanimbo, the head of a Papuan indigenous people's council in Wamena, whom the two French journalists had interviewed that day.[133]

On August 14 the Papua police spokesman, Sulistyo Pudjo, suggested that the two journalists would face "subversion" charges for allegedly filming members of the armed separatist Free Papua Movement (OPM). Pudjo alleged that the *Arte TV* journalists "were part of an effort to destabilize Papua."[134]

On October 24, 2014, a Jayapura court convicted Dandois and Bourrat of "abusive use of entry visas" and released them on October 27 based on time-served.[135] The arrest and prosecution of Dandois and Bourrat prompted a rare public challenge to Papua access restrictions for foreign media by the Jakarta Foreign Correspondents Club. On September 29, 2014, the JFCC issued a statement that described those restrictions as "a sad reminder of the Suharto regime, and a stain on Indonesia's transition to democracy and claims by its government that it supports a free press and human rights."[136] The Wamena district court acquitted Areki Wanimbo on May 8, 2015, due to lack of evidence.[137]

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[132] Phelim Kine, "Indonesia's Papua Censorship Obsession," commentary,*The Diplomat* (Tokyo), August 19, 2014, http://thediplomat.com/2014/08/indonesias-papua-censorship-obsession/ (accessed August 5, 2015).

[133] "Areki Wanimbo," Papuans Behind Bars, Prisoner Profile, (undated), http://www.papuansbehindbars.org/?prisoner_profile=areki-wanimbo-2 (accessed August 20, 2015). Although Wanimbo's detention was initially linked to his contact with the French journalists, police subsequently charged Wanimbo with conspiracy to commit treason on allegations that he had attempted to supply ammunition to pro-independence insurgents. A Jayapura court acquitted Wanimbo of treason charges on May 8, 2015. "Areki Wanimbo is first Papuan treason suspect to be acquitted in 14 years," Tapol, News release, May 8, 2015, http://www.tapol.org/press-statements/areki-wanimbo-first-papuan-treason-suspect-be-acquitted-14-years (accessed August 21, 2015).

[134] Michael Bachelard, "French journalists arrested in West Papua could be charged with subversion," *Sydney Morning Herald* (Sydney), August 14, 2014, http://www.smh.com.au/world/french-journalists-arrested-in-west-papua-could-be-charged-with-subversion-20140814-1046xp.html#ixzz3ALsmtjHg (accessed August 5, 2015).

[135] "French journalists handed short jail terms in Papua," Agence France Presse, October 24, 2014, http://www.rappler.com/world/regions/asia-pacific/indonesia/72976-french-journalists-handed-short-jail-terms-papua (accessed August 6, 2015).

[136] "JFCC: Statement on Access to Papua, Detention of Journalists," Jakarta Foreign Correspondents Club, September 26, 2014, http://www.humanrightspapua.org/16-news/2014/118-jfcc-statement-on-access-to-papua-detention-of-journalists (accessed August 20, 2015).

[137] "Areki Wanimbo Divonis Bebas," May 8, 2015, Tabloid Jubi (Jayapura), http://tabloidjubi.com/2015/05/08/areki-wanimbo-divonis-bebas/ (accessed on October 27, 2015).

IV. Abuses against Indonesian Journalists in Papua

> [Police] were curious to see an ethnic Papuan taking photos of the protest. They beat me and asked questions later.
>
> –Octavianus Pogau, chief editor of the *Suara Papua* news portal, Jayapura, May 2015[138]

Harassment and Intimidation by Officials, Security Forces, and Pro-Independence Activists

Indonesian journalists, including those who are based in Papua, are generally not limited by the access restrictions that hinder foreign correspondents' reporting.[139] Nonetheless, Indonesian journalists in Papua, particularly native Papuans, are still vulnerable to harassment, intimidation, and violence from government officials, security forces, and pro-independence activists.

Rohan Radheya, a Dutch freelance journalist who has made four officially unauthorized reporting trips to Papua in the last two years, said that concern about the Papua access restrictions for foreign correspondents should not overshadow what he describes as daily "threats and intimidation" against local journalists.[140] "They are good journalists, they have a good network and some of the [Papuan journalists] I met, they have bullet holes, they have been stabbed by [Indonesian security] forces, and they continue to wake up in the morning and just go about and do their jobs."[141]

Ross Tapsell, who chronicled decades of Papua access restrictions on foreign media in his 2015 book *By-Lines, Balibo, Bali Bombings: Australian Journalists in Indonesia*, echoed concerns about the serious occupational hazards facing local reporters in Papua:

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[138] Human Rights Watch interview with Octavianus Pogau, Jayapura, May 11, 2015. Suara Papua was set up on December 10, 2011, involving young reporters like Pogau and his friends. It seeks "to give voice" to native Papuans not well represented by mainstream newspapers in Papua and is viewed as a pro-independence paper.

[139] Anderson, "Papua's Insecurity," p. 46.

[140] "Dutch journo attests to huge West Papuan support for MSG bid," Radio New Zealand (Wellington), June 18, 2015, http://www.radionz.co.nz/international/pacific-news/276604/dutch-journo-attests-to-huge-west-papuan-support-for-msg-bid (accessed August 8, 2015).

[141] Ibid.

> It's important to remember that many local Papuan journalists face threats and intimidation from security forces on a regular basis simply for doing their job. It is difficult for them to report on issues involving local politicians, human rights, and the role of security forces in the region. There are numerous stories that simply can't be published in the local press. So let's not forget local journalists, and more broadly the restrictions on freedom of expression in the Papua provinces.[142]

The *Pacific Journalism Review* reported a "significant escalation" in threatening actions by elements of the security forces toward journalists in Papua in 2011.[143] These included harassing messages and death threats via mobile phone text messages and voice mails.[144]

Papuan journalists told Human Rights Watch that harassment and intimidation by Indonesian security forces is routine. Although that harassment and intimidation is often via anonymous text messages and phone calls, many journalists say there is evidence that elements of the security forces are responsible. Victor Mambor, the Papua provincial chairman of Indonesia's Alliance of Independent Journalists and editor of the *Tabloid Jubi*, perhaps the leading online source of news on Papua, described such harassment as designed to undermine journalists' confidence.

> I cannot count how many SMS, email, or social media [threats] that I have received. The accusations are always that I am a foreign agent. The threat is often to kill me, or to attack my office. Or burn my office. That's why I often change my cell phone numbers. I have lost count of how many times. Maybe 300 times? I always think [the harassers] want to disturb me mentally. I always delete their threats. I don't want to be influenced [by them].[145]

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[142] "Q&A: Australia's reaction to arrest of French journalists in West Papua," *The Conversation* (Sydney), October 5, 2014, https://theconversation.com/qanda-australias-reaction-to-arrest-of-french-journalists-in-west-papua-32503 (accessed August 8, 2015).

[143] Perrottet and Robie, "Pacific Media Freedom 2011," p.179.

[144] Ibid.

[145] Human Rights Watch interview, Jayapura, July 16, 2015. *Tabloid Jubi* is a newspaper owned by a consortium of Papuan NGOs. Victor Mambor himself is a Papuan. His father, John Mambor, is a former political prisoner and a pro-independence leader. See Michael Bachelard, "Papua's journalists tell hard truths about local cronyism and violence," *The Interpreter,* June 24, 2015 (Sydney), https://www.google.co.id/search?q=Lowy+Institute+for+International+Policy&oq=Lowy+Institute+for+International+Policy&aqs=chrome..69i57&sourceid=chrome&es_sm=0&ie=UTF-8 (accessed on October 27, 2015).

Duma Tato Sando, the managing editor at *Cahaya Papua*, a small daily newspaper in Manokwari, said that security force personnel will often pressure him to kill stories that document human rights abuses.[146] He said:

> For me, covering human rights abuses in Papua is not easy. In Manokwari, usually an intelligence officer will call and ask that the news story to be "pending." They like to say, "Please do not publish it." Sometimes they even ask me for background information, such as places, names, times [of incidents of human rights abuses] because they do not know that their own men did the beating or the shooting. I have too many cases [of such harassment] to recall one-by-one. I got most calls from Kodim and BIN offices.[147]

Journalists in Papua also report harassment and intimidation by security forces as a reprisal for unflattering media coverage. Patrix Barumbun Tandirerung, deputy publisher of *Cahaya Papua*, said the local assembly speaker in the Teluk Wondana regency threatened to kill him for a story that criticized the work habits of assembly members and compared the hygiene of their facilities to that of an "animal den."[148]

Veronica Asso, a Wamena-based blogger, reported on what she considered to be a suspicious roadside checkpoint she encountered in downtown Wamena on May 19, 2015. The roadblock was manned by two men wearing shorts claiming to be police officers. The two men, who were in fact police officers, impounded Asso's motorcycle for not having proof-of-ownership papers on her person. She said:

> I wrote about that incident and published it on my blog on March 20. It was just a regular blog, telling my audience about the incident. One hour later [a fellow journalist] called me and told me that the Wamena chief traffic officer wanted to see me in the police precinct. I was surprised. They made me wait for two hours in the police waiting room. Around 20 officers taunted and bullied me. They called me the "indigenous woman" who dares to write bad things about the police. A policewoman suggested to her

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[146] Human Rights Watch interview with Duma Tato Sanda, *Cahaya Daily* managing editor, Timika, March 27, 2015.
[147] Ibid. Kodim is the abbreviation for the local military command.
[148] Human Rights Watch interview with Patrix Barumbun Tandirerung, deputy publisher of *Cahaya Papua*, Manokwari, March 30, 2015.

> friends that I be charged and jailed. After two hours, the head of the traffic desk asked me why I did not confirm my blog with him first. [He] admitted that the two men [from the roadblock] were his officers. He said nothing about [their failure to wear] uniforms. But he basically asked me not to continue writing about that case. I decided not to write [about it] again. I also told [fellow] journalists that I would temporarily pause my blogging. Wamena is a small town. Even a blog about policemen could get me in trouble.[149]

A threat of violence from a State Intelligence Agency (BIN) officer in 2014 prompted Jo Kelwulan, then chief editor of *Tabloid Noken*, a newspaper owned by the Papuan Customary Council, to end publication of his popular weekly newspaper. The officer did not mention the specific reasons for the threat, but Kelwulan believes the *Tabloid Noken*'s coverage emphasis on land-grabbing, human rights abuses, and impunity among security officers had prompted the officer to try to close the paper.[150] The threat succeeded. Kelwulan shuttered *Tabloid Noken* in November 2014. Kelwulan said:

> [The intelligence officer] told my uncle in a very serious tone to advise me to stop publishing *Tabloid Noken*. He said that the tabloid had reached the point where [security forces] could not prevent [violent] acts against the tabloid and against me personally. I discussed this with some close friends. We thought that it would be better to cease publishing *Tabloid Noken* rather than to face something unexpected. The BIN did not specifically mention stories that they had objected to. My guess is that they were not happy because we were publishing stories related to the views popular among many Papuans.[151]

Octavianus Danunan, publisher and chief editor of *Radar Timika*, an Indonesian newspaper owned by the Jawa Pos group in Surabaya, described threats of physical violence to himself, his staff, and his newspaper facilities as a constant worry. He said there were multiple sources of serious harassment and intimidation:

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[149] Human Rights Watch interview with Veronica Asso, blogger, Wamena, May 7, 2015.

[150] Human Rights Watch interview with Jo Kelwulan, chief editor of *Manokwari Express*, Manokwari, March 27, 2015.

[151] Human Rights Watch interview with Jo Kelwulan, chief editor of *Manokwari Express*, Manokwari, March 27, 2015.

> [There are] threats of being killed, being burned. The threats could come from rogue elements of the military, the police, the OPM guerrilla fighters, and many thugs as well as [military] deserters in Timika. This is a place where you don't know if the man entering your front door has a gun inside his bag or under his shirt. Freeport workers once threatened to burn this office. It was a serious threat.[152]

Security forces are not the only sources of intimidation and harassment against journalists in Papua. Representatives of the pro-independence National Committee for West Papua (Komite Nasional Papua Barat)(KNPB) also have a reputation for trying to derail media coverage of KNPB events. KNPB organizers of a pro-independence protest in Manokwari in 2014 attempted to prohibit media coverage of their event and reportedly tried to assault a Radio Sorong journalist at the scene.[153] In August 2014, KNPB activists attempted to ban journalists from covering the funeral of murdered KNPB activist Martinus Yohame.[154]

When the *Suara Papua* news website in Jayapura chose not to cover a KNPB press conference in April 2015 on the arrest of three KNPB activists in Nabire, the paper's chief editor received a menacing call from a senior KNPB leader who "asked me about whether I am on the Papuan side or the Indonesian [government's] side."[155]

Ika Sanduy, a camerawoman for *Papua Barat TV*, a state-owned station, said that KNPB activists are particularly suspicious of who they perceive to be non-native Papuan journalists who cover KNPB events. "It's difficult for someone like me," she said. "I am neither a full-blood Papuan nor an Indonesian. I am having problems from both [pro-independence and pro-government] sides."[156]

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[152] Human Rights Watch interview with Octavianus Danunan, publisher and chief editor of the Papua daily newspaper *Radar Timika*, Timika, May 2, 2015.

[153] Human Rights Watch interview with Octavianus Pogau, chief editor of *Suara Papua,* Jayapura, May 11, 2015.

[154] Human Rights Watch interview with Ness Makuba, journalist with Radio Republik Indonesia and *Jubi* daily, Sorong, March 25, 2015. In Papua, many people distinguish native Papuan journalists from non-Papuan journalists, particularly those working for Indonesian media based outside Papua. Indonesian government officials and security forces sometimes refer to the latter as "*rambut lurus*" (straight-haired ones) and the former as "*rambut keriting*" (curly-haired ones).

[155] Human Rights Watch interview with Octavianus Pogau, chief editor of *Suara Papua,* Jayapura, May 11, 2015. Pogau himself used to be a KNPB member.

[156] Human Rights Watch interview with Ika Sanduy, camerawoman at *Papua Barat TV*, Manokwari, March 29, 2015.

Violence against Journalists

In recent years, several Papuan journalists have died violently in circumstances that raise questions about possible complicity by economic interests threatened by their reporting, security forces, or some combination of both. The naked body of Ardiansyah Matra'is, who worked for the *Tabloid Jubi*, was found on July 30, 2010, handcuffed to a tree in the River Gudang Arang, bearing signs of torture.[157] Matra'is had reported on sensitive issues including corruption, illegal logging, and unresolved cases of human rights violations in Papua. Shortly before his killing he had received threatening text messages that warned him to "be prepared for death."[158] Despite the evidence that he had been murdered, Papua police closed the investigation into Matra'is' death in September 2010, concluding that he had likely committed suicide.[159]

Patrix Barumbun Tandirerung, the deputy publisher of the *Cahaya Papua*, said violence against his reporters from a variety of sources is a constant concern:[160]

> I have to deal with violence against our reporters almost every month. Some cases only involve verbal threats. Some are quite serious. The perpetrators have ranged from soldiers to clan leaders.[161]

Some attacks by government officials on journalists in Papua are notable for their brazen nature. On May 9, the regent of Biak Numfor, Thomas Ondy, physically attacked Fiktor Palembangan, a journalist with the *Cenderawasih Pos* newspaper in Jayapura, a subsidiary of the Surabaya-based Jawa Pos group that is generally viewed as closely aligned with the

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[157] Ibid, p.180.

[158] "January 2011 - PBI has closed its current phase of operations in Indonesia," Peace Brigades International press release, January 2, 2010, http://www.peacebrigades.org/newsroom/news-item/?L=0&tx_ttnews%5Btt_news%5D=2569&cHash=d2e8e2a9b0f1efdbf9d7c96f238f1b0b (accessed August 7, 2015).

[159] Nurlina Umasugi, "Wartawan Merauke TV Tewas Bunuh Diri" ("Merauke TV Journalist Commits Suicide"), September 23, 2010, Okezone (Jakarta), http://news.okezone.com/read/2010/09/22/340/374979/wartawan-merauke-tv-tewas-bunuh-diri (accessed on August 14, 2015).

[160] Tandirerung said, "Sometimes a minor story about a sexual affair could end up with a violent reaction." He gave some examples. In March 2015, Muhammad Rizaldy, another *Cahaya Papua* reporter, was beaten in Sowi by about 30 people. He was merely covering a traffic accident when someone shouted 'There's a journalist, always writing wrongly!' Rizaldy was beaten. It might show the level of hostility against journalists in Manokwari. Tandirerung said, "This is a dangerous job. We try to do our work as [best] as we can. But rule of law is almost non-existent in Papua. You could easily beat a journalist and get away with it. I have already lost count of how many times my [journalist] friends have been beaten or harassed. Perhaps it makes us tough."

[161] Human Rights Watch interview with Patrix Barumbun Tandirerung, deputy publisher of *Cahaya Papua*, Manokwari, March 30, 2015.

Indonesian government. Palembangan had reported on a fire that destroyed the regency's market.[162] Ondy later apologized for the assault and justified his actions as a reprisal for Palembangan's alleged failure to "mention Biak authorities' efforts to extinguish the fire."[163]

Journalists who cover public protests are particularly vulnerable to assaults by both uniform and plainclothes security forces. Octavianus Pogau, chief editor of the pro-independence *Suara Papua* news portal in Jayapura, described being assaulted by officers while covering a KNPB protest in Manokwari in 2012:

> On October 23, 2012, some plainclothes police officers assaulted me when [I was] covering a student protest outside the University of Papua campus in Manokwari. I saw some of [the police officers] earlier [behind] the police barricades. They are police intelligence people. I was trying to take photos [of the protest] when those officers approached me. Those intel police, one of them holding a gun, cornered me near a kiosk, one of them saying: "What are you doing here?" Others [policemen] held my neck and hands. I said I was taking pictures. They immediately hit me. I told them I was a journalist. But they kept hitting me. I was bleeding from my nose and my head.[164]

Pogau said that social media coverage of his assault prompted an apology by the Manokwari police chief. Pogau says he did not file charges against his attackers due to his unfamiliarity with the procedures of doing so and also because physical signs of his injuries had healed by the time he had a medical examination.[165]

The security forces in Papua have also targeted female journalists. Aprila Wayar, the chief editor of *Tapa News* in Jayapura, which promotes ethnic Papuan views, told Human Rights Watch that police assaulted her in 2015 while covering a KNPB rally.[166] Wayar said that her efforts to file criminal charges against her attacker were unsuccessful and that police have failed to investigate the assault:

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[162] Nethy Dharma Somba, "Biak Numfor regent seeks forgiveness from RI press," *Jakarta Post*, May 12, 2015, http://www.thejakartapost.com/news/2015/05/12/biak-numfor-regent-seeks-forgiveness-ri-press.html (accessed August 9, 2015).

[163] Ibid. Cenderawasih Pos has the largest circulation of all newspapers in Papua and on many issues is effectively a mouthpiece of the Indonesian government. It has two subsidiaries: Radar Timika and Radar Sorong.

[164] Human Rights Watch interview with Octavianus Pogau, *Suara Papua* chief editor, Jayapura, May 11, 2015.

[165] Ibid.

[166] Human Rights Watch interview with Aprila Wayar, *Tapa News* chief editor, Jayapura, May 11, 2015.

> On August 15, 2014, I was covering a KNPB demonstration. My press card's chain was broken [so] I did not hang [my press card] around my neck, but put it inside my pocket. I have covered the police beat for five years. I guess they already know my face. They should know that I am a journalist. While I was taking photos, suddenly an intel [police intelligence officer] in plainclothes asked me who I was. Five other police officers in uniform surrounded me. That intel [grabbed me by] my neck, asking me what I was doing taking photos. But a [native] Papuan police officer shouted, "She's a journalist! She's a journalist!" The [intel] let me go but with some threatening words.[167]

Both Pogau and Wayar assert that their ethnic identity as native Papuans is the source of reflexive suspicion and aggression by non-Papuan security forces who seek to interfere with their reporting activities. Wayar noted that although she was familiar with the intelligence agent who attacked her, "he did not recognize my face. It made me realize that in these Indonesian intels' eyes, all [native] Papuans look the same: dark skin, curly hair." Pogau said that security forces routinely question whether native Papuan journalists are working as journalists or as pro-independence activists:

> Every time a Papuan journalist is in trouble [with security forces], the reaction among Indonesian police or [non-Papuan] journalists is always to question [the journalist's] capacity. Their viewpoint is more or less similar to that of the police officers who beat me. They were curious to see an ethnic Papuan taking photos of the protests. They beat me and asked questions later.[168]

Journalists who attempt to cover incidents at or near the massive Freeport mine complex in Timika have been subjected to violence by Freeport personnel while security forces allegedly stood aside. Duma Tato Sanda, the managing editor of the aforementioned *Cahaya Papua* daily newspaper in Manokwari, narrowly escaped serious injury when striking Freeport workers attacked him in Timika in October 2011. He told Human Rights Watch:

> On October 10, 2011, I covered a protest of Freeport employees in Timika. I was riding my motorcycle. While entering a crowded street…a Freeport

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[167] Ibid.

[168] Human Rights Watch interview with Octavianus Pogau, *Suara Papua* chief editor, Jayapura, May 11, 2015.

> worker stopped a motorcyclist in front me. The worker asked for his ID but the motorcyclist couldn't show one. [A group Freeport workers] hit him.... Then that [same] Freeport worker approached me and asked for my identity [card]. Five seconds later, he hit me. The other [Freeport workers] beat me, they kicked me. I immediately abandoned my motorcycle and my bag, running away to save my life. They chased me, throwing stones. A motorcycle taxi suddenly stopped and offered me a ride. He sped away with me. [The Freeport workers] threw stones. If I had not worn my helmet that day, I might be dead. I got bruises on my face, my shoulders, hands, and feet. I reported the attack to the Timika police, but no investigation was made against the attackers.[169]

Self-Censorship

The harassment, intimidation, and violence faced by journalists in Papua from multiple sources encourages a pernicious form of self-censorship, as reporters avoid coverage of topics, groups, and individuals that might elicit violent reprisals. Jo Kelwulun, chief editor of the *Manokwari Express* in Manokwari, describes self-censorship by journalists in Papua as an essential survival skill:

> Journalists in Papua should self-censor themselves. I think all of them have to do that. It's not only for their own financial needs, but also their own safety. Violence is rampant against journalists in Papua. I don't know how many journalists have been beaten in my 15 years of reporting [in Papua]. It's too many.[170]

Agusta Bunay, a *Papua Barat TV* presenter, said that self-censorship becomes reflexive among journalists, fearful of violent reprisals by "the Indonesian security establishment or rowdy elements of the Papuan [pro-independence] groups."[171] The result of that censorship is a tendency among journalists in Papua to limit their reporting to one-dimensional official statements issued by government agencies and the security forces. "If you read all the news reports in all newspapers in Manokwari, you will see that their sources are

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[169] Human Rights Watch interview with Duma Tato Sanda, *Cahaya Daily* managing editor, Timika, March 27, 2015.
[170] Human Rights Watch interview with Jo Kelwulan, chief editor of *Manokwari Express*, Manokwari, March 27, 2015.
[171] Human Rights Watch interview with Augusta Bunay, Papua Barat TV presenter, Manokwari, June 26, 2013.

almost all, almost 100 percent, government officials. Their sources are always government officials, police officers, or military officers."[172]

Ness Makuba, a journalist with state-owned *Radio Republik Indonesia* in Sorong, abandoned his investigation into the August 2014 killing of KNPB activist Martinus Yohame after Makuba's first report on the death prompted an angry phone call from a Papua police spokesman.[173] Although Makumba had personally travelled with police officers and viewed Yohame's body and noted what appeared to be fatal bullet wounds, the police spokesman demanded to know why Makuba had not sought further police confirmation of what happened. Makuba said due to the spokesman's concern about his reporting, he "dared not continue" with any additional reporting into the killing.[174]

Irwanto Tenggowijaya, the owner of the *Timika Express*, a small pro-military newspaper in Timika closely associated with Timorese migrants, described how a recent story his paper ran on police corruption linked to a local illegal gambling den fueled a furious response from a senior local police official.[175] That response, which included a veiled threat of reprisal against Tenggowijaya's business interests in Timika, prompted him to self-censor any follow-up reporting on the story. He said:

> I went to see the [reporters] and told them to "tone down" their reporting. It was basically [an instruction] to quietly stop the publication [of stories related to police corruption]…Journalists usually do running news. "Toning down" means they should quietly stop the news [on a certain topic].[176]

Fake Journalists and Informants

> I know many Indonesian journalists who worked as military and police informers in Jayapura and Manokwari. What these journalists-cum-

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[172] Ibid.

[173] Human Rights Watch interview with Ness Makuba, journalist with Radio Republik Indonesia and *Jubi* daily, Sorong, March 25, 2015.

[174] Ibid.

[175] Human Rights Watch interview with Irwanto "Titi Teguh" Tenggowijaya, the owner of the *Timika Daily* newspaper, Timika, May 1, 2015.

[176] Ibid.

> informers have been doing is actually damaging trust in Papua. We live in fear. We live suspecting one another.
> –Octavianus Pogau, *Suara Papua* chief editor in Jayapura, May 2015.[177]

The Indonesian government and security forces pay journalists in Papua to provide them with information and favorable media coverage. They further undermine media freedom in Papua by placing paid agents to work undercover as journalists for local media companies. Those agents act as informers within media companies and produce news that is slanted to fit the government narrative of the situation in Papua.

Impartial news reporting in Indonesia has long been marred by journalists who take bribes or other payments at the expense of journalistic integrity. These individuals, known as "*abal-abal*" in Indonesian,[178] typically accept money from sources in exchange for writing politically skewed articles, or blackmail individuals and companies into cash payments in exchange for not reporting on potentially embarrassing issues.[179]

Octavianus Danunan, publisher and chief editor of the Papua daily newspaper *Radar Timika*, a subsidiary of the Jawa Pos Group, described the journalist-informant system in Papua as part of an elaborate public relations strategy by government officials and security force officers seeking positive media coverage in exchange for cash-filled envelopes:

> The envelopes usually come from government officials, from the regent to the deputy regent to the heads of many government ministries. Every time they do a press conference, they provide the envelope for journalists, so that their perspective will be published. The [provincial] government also provides monthly pay to [some] journalists. The police and the military also provide facilities such as phone cards, some equipment. But the most

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[177] Human Rights Watch interview with Octavianus Pogau, *Suara Papua* chief editor, Jayapura, May 11, 2015.

[178] In the Indonesian language, "abal abal" translates as "between existence and non-existence." It is a term used widely in Papua. In other parts of Indonesia, including the main island of Java, the more popular term is "envelope journalists" or journalists whose main goal is to get bribes. Human Rights Watch interview with Liston Simorangkir, editor at *Sorong Pos*, Sorong, March 26, 2015.

[179] Angela Romano, *Politics and the Press in Indonesia: Understanding an Evolving Political Culture* (Routledge: London, 2013), pp. 150-163.

> important thing is probably "friendship." If you have police or military as your friends, it will give you many benefits.[180]

In Papua, this practice extends to the existence of a cohort of security force personnel specifically assigned to infiltrate local media organizations by commanding officers. The *Pacific Journalism Review* has described such tactics as ruinous for efforts to establish Papua media outlets that can operate without direct editorial interference by government officials and elements of the security forces:

> [Native] Papuan and Indonesian journalists alike must contend with the presence of Indonesian intelligence officers sitting in their newsrooms and regularly either editing their articles or directly publishing misinformation and propaganda. Several Papuan journalists working for larger [media] outlets have reported to West Papuan media that the behavior of the "Intel Inside" means they are unable to gain the trust of their sources, which prevents them from doing their job.[181]

Victor Mambor, the editor of the daily newspaper *Jubi* in Jayapura, discovered in 2010 that one of his staff of his newspaper's layout desk was a police intelligence officer. When Mambor confronted the staff member with that revelation, he openly admitted that his superior officer at the Papua police had assigned him to work at the newspaper. The police informant told Mambor that his duties included filing a daily report on what he had seen and heard at the paper each day, including the content of editorial meetings.[182]

Jo Kelwulan, the editor who closed *Tabloid Noken* and later set up the daily *Manokwari Express* in Manokwari, described the existence of paid informants working as journalists as an unavoidable hazard of doing journalism in Papua. He acknowledged that military and police officers worked at his paper "to spy on our own activities [and] sometimes to plant stories."

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[180] Human Rights Watch interview with Octavianus Danunan, publisher and chief editor of the Papua daily newspaper *Radar Timika*, Timika, May 2, 2015.

[181] Perrottet and Robie, "Pacific Media Freedom 2011," p. 179.

[182] Human Rights Watch interview with Victor Mambor, *Jubi* editor, Jayapura, July 16, 2015.

Octavianus Pogau of *Suara Papua* said the existence of those paid informers who manipulate news coverage does irreparable harm to the awareness of Indonesians outside of Papua about the often dire realities of rule of law and human rights in the region:

> Every month, the police [in Papua] beat [protesters] at seven to eight street rallies and arrest three to four protesters, making them theoretically political prisoners. But these beatings and arrests [generally] are not published in the Jakarta media. [Paid journalist informers try to] make sure that negative stories about the police do not appear in the Jakarta media. It is the politics of "*utang budi*" [incurring and repaying debts].[183]

[183] Human Rights Watch interview with Octavianus Pogau, *Suara Papua* chief editor, Jayapura, May 11, 2015.

V. Restrictions on International Civil Society Organizations and UN Monitors

> The [Indonesian government] uses different means to discredit and limit international organizations working in Papua, including the manipulation of the bureaucracy to delay and disrupt NGO's operations and accusations of supporting [Papuan] separatism. As a result, international organizations are asked to leave or decide to withdraw due to heavy limitations and restrictions.
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> —From "Human Rights in Papua: 2010/2011," a report produced by Franciscans International, Papua Land of Peace, and the Asian Human Rights Commission[184]

The Indonesian Ministry of Foreign Affairs claims that it applies the same requirements and restrictions to international nongovernmental organizations (INGOs) seeking to operate in Papua as it does to INGOs working elsewhere in the country.[185] Indonesian government statistics indicate that there at least 14 INGOs operating in Papua on issues including economic development and health.[186]

Bobby Anderson, a social development specialist and researcher who worked in Papua from 2010 to 2015, said that most INGO representatives who seek to visit Papua must get an entry permit—a process that normally takes about three days—from Indonesia's State Ministry of National Development Planning, known by its Indonesian acronym Bappenas.[187] However, representatives of other categories of organizations, including multilateral international finance organizations such as the World Bank, must seek entry permits

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[184] Franciscans International, Papua Land of Peace, and Asian Human Rights Commission, "Human Rights in Papua 2010-2011," p.15, November 15, 2010, http://franciscansinternational.org/fileadmin/docs/West_Papua_Report_2010-11/Human_Rights_in_Papua_Report_2010-2011.pdf (accessed August 6, 2015).

[185] "Analysis: Aid access challenges for Indonesia's Papua region," IRIN (New York), September 12, 2012, http://www.irinnews.org/report/96324/analysis-aid-access-challenges-for-indonesia-s-papua-region (accessed August 6, 2015). Those restrictions include bans on "profit-oriented activities or fundraising."

[186] Ibid. Papua has an acute need for such assistance. It has the highest illiteracy rate, the lowest life expectancy, and the highest infant, child, and maternal mortality rates in Indonesia. Bobby Anderson, "Papua's Insecurity: State Failure in the Indonesian Periphery," *East-West Center Policy Studies* 73 (2015), pp.14-15, https://www.eastwestcenter.org/publications/papuas-insecurity-state-failure-in-the-indonesian-periphery (accessed August 8, 2015),

[187] Human Rights Watch email correspondence with Bobby Anderson, April 10, 2015.

through the foreign ministry's interagency clearing house, which as detailed in section II, also screens foreign correspondents' access permits to Papua.[188] Anderson said:

> The [clearing house approval] process was time consuming: First I would have to write an official letter to my counterparts in the Ministry of Home Affairs. They in turn would write the support letter to MFA, who would then submit it to the weekly clearing house meeting. I would start the process four weeks before I needed to go.[189]

Siti Sofia Sudarma, the foreign ministry's director of information and media, told Human Rights Watch that the Ministry of Home Affairs screens the Papua access applications of INGO representatives rather than the Ministry of Foreign Affairs.[190]

INGO personnel who get official permission to visit Papua risk surveillance similar to that experienced by foreign correspondents. One Indonesia-based INGO worker with experience working in Papua described such surveillance as fairly benign. "If you go even slightly off-piste, you have the low-grade intel goons following you around. It makes for some funny stories, but no real harm done."[191] Anderson also said that the intensity of official surveillance he experienced varied depending on whom he was travelling with and whom he met with during work trips to the region.

> When I was with high-level [INGO] folks, we had BIN [the State Intelligence Agency] guys with us. They photographed everything. They were actually pretty shy. Other times I'd get tailed by persons unknown. It depended on the political issues extraneous to my work. If I went to visit a "sensitive" person or a person of [security forces'] interest, I'd get followed, but the whole thing was pretty blasé. We would be watched, but not listened to. Guys photographing me. I would wave at them and they would wave back.[192]

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[188] Ibid.

[189] Ibid.

[190] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access Clearing House, Jakarta, August 7, 2015.

[191] Human Rights Watch email correspondence with an Indonesia-based foreign INGO worker (name withheld), March 30, 2015.

[192] Human Rights Watch email correspondence with Bobby Anderson, April 10, 2015.

Foreign ministry spokesman Michael Tene cautioned that organizations working in the realm of human rights "must not engage in political activities and must convince the government they do not intend to do this."[193] Organizations implicated by the government in such activities are at high risk of official closure of their Papua-based operations and a ban on travel to the region. A joint report produced by the nongovernmental organizations Franciscans International, Papua Land of Peace, and the Asian Human Rights Commission, concluded that "in [Papua], the definition of political work is determined by the state and international humanitarian organizations are easily accused of supporting separatism despite their non-partisanship."[194]

In August 2011, documents came to light that exposed the Indonesian military's deep distrust of civil society organizations, human rights activists, and international human rights organizations in Papua.[195] The approximately 500 pages of documents, dated 2006 to 2009 and made available to Human Rights Watch, include detailed reports of military surveillance of civilians and provide military perspectives on social and political issues in the area. Most are from Indonesia's Special Forces (Komando Pasukan Khusus, or Kopassus) and the Cenderawasih military command in Jayapura, Papua's provincial capital.[196] The reports indicate that Kopassus believes nongovernmental organizations primarily work to discredit the Indonesian government and the armed forces, including using the "human rights issue" to garner international condemnation of Indonesia's military presence in Papua and to promote Papuan independence.[197] An April 2007 Kopassus quarterly report from Kotaraja stated:

> In their efforts to secede from Indonesia, these political separatist groups carry out activities that intentionally push the central government…

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[193] "Analysis: Aid access challenges for Indonesia's Papua region," IRIN (New York), September 12, 2012, http://www.irinnews.org/report/96324/analysis-aid-access-challenges-for-indonesia-s-papua-region (accessed August 6, 2015).

[194] Franciscans International, Papua Land of Peace, and Asian Human Rights Commission, "Human Rights in Papua 2010-2011," p.15, November 15, 2010, http://franciscansinternational.org/fileadmin/docs/West_Papua_Report_2010-11/Human_Rights_in_Papua_Report_2010-2011.pdf (accessed August 6, 2015).

[195] "Indonesia: Military Documents Reveal Unlawful Spying in Papua," Human Rights Watch news release, August 14, 2011, https://www.hrw.org/news/2011/08/14/indonesia-military-documents-reveal-unlawful-spying-papua (accessed August 9, 2015).

[196] Ibid.

[197] The Indonesian government's distrust of international human rights organizations' activities in Papua has in the past extended to Human Rights Watch. We requested official access to Papua for an in-person meeting with then-President Susilo Bambang Yudhoyono in September 2005 and wrote to then Minister of Foreign Affairs Marty Natalegawa in January 2007 again requesting access. We also requested permission during several meetings held with Indonesian government officials over the course of 2006 and 2007 in Jakarta, Washington, D.C., and London. We never received official permission to travel to Papua.

> spreading the issue of gross human rights violations in Papua—killings, disappearances done by the security apparatus, in order to demand that the government withdraw non-organic police and military from Papua; and making claims so that the United Nations wants to see and hear reports that they [nongovernmental organizations] deliver.[198]

The military reports indicate that representatives of INGOs in Papua are viewed with mistrust. Groups that provide funding or document poor living conditions or human rights abuses are perceived as assisting the separatist movement and working to discredit Indonesia in the international community. One of the documents includes a list of foreign politicians, government officials, academics, and journalists alleged to be supporting Papuan independence and "internationalizing" the "Papua problem."[199]

An international aid worker who has worked in Papua said that INGOs seeking to establish operations in Papua come under intense government scrutiny:

> Everything goes through the Indonesian foreign ministry and BIN [the State Intelligence Agency]. All [INGOs] proposing to work in Indonesia must appear before an interdisciplinary panel in which the specific ministry or department under which the INGO would work argues the case for the INGO to be allowed. The level of scrutiny on the part of BIN is extremely high. For groups working in peace-building advocacy or legal affairs—which are considered political activities rather than technical development—there's virtually no chance [for INGO Papua access approval].[200]

The ICRC, Cordaid, and Peace Brigades International

In March 2009, the Ministry of Foreign Affairs ordered the International Committee of the Red Cross (ICRC) to close its field offices in Jayapura and Banda Aceh. The ICRC ran sanitation projects in Papua and also visited detainees, including political prisoners, in Jayapura's Abepura prison. Indonesian foreign ministry spokesperson Teuku Faizasyah

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[198] Ibid.

[199] Ibid.

[200] "Analysis: Aid access challenges for Indonesia's Papua region," IRIN (New York), September 17, 2012, http://www.irinnews.org/report/96324/analysis-aid-access-challenges-for-indonesia-s-papua-region (accessed August 3, 2015).

initially denied that the closure had anything to do with the ICRC's visits to Papuan prisons, attributing it to a regulatory measure.[201] However, a month later Faizasyah said that the government's closure of ICRC operations in Papua was also due to official concerns about ICRC prison visits there without notifying the Ministry of Foreign Affairs.[202] As of 2012, when Human Rights Watch was last able to obtain an update, the ICRC had been negotiating with the government for the re-opening of a Papua-based office since 2009 and limited its presence there to "ad hoc missions" from the ICRC's Indonesia headquarters in Jakarta.[203]

In August 2010, the Indonesian government banned the Dutch international aid organization Cordaid from Papua, asserting among other things that the organization had assisted Papua pro-independence activists.[204] The government alleged that Cordaid had breached a "principal provision" of its official memorandum of understanding for Papua operations. A July 2010 letter sent by Muman Nuryana of the social services ministry to Cordaid's Indonesia country director accused the organization of involvement in "commercial and political activities by being a shareholder of Bank Andara and sponsoring the participation of a community group in the Initiatives for International Dialog, a forum that supports secessionist movements in southern Thailand, Myanmar, the Philippines and Indonesia."[205] Cordaid denied allegations that it had provided assistance to Papuan separatists[206] and said that the ban on its operations was due to government concern that the organization "supported local partners who were involved in human rights work."[207]

Civil society activists in Papua said that the closure of Cordaid's Papua operations and the cutting of its funding to local civil society organizations had harmed the promotion of human rights issues in Papua. Rudy Renyaan, a Sorong-based Catholic priest and former

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[201] "Indonesia: Stop Prison Brutality in Papua," Human Rights Watch news release, June 4, 2009 https://www.hrw.org/news/2009/06/04/indonesia-stop-prison-brutality-papua (accessed August 6, 2015).
[202] Lilian Budianto, "ICRC closing its offices in Papua and Aceh," April 25, 2009, http://www.thejakartapost.com/news/2009/04/25/icrc-closing-its-offices-papua-and-aceh.html (accessed August 6, 2015).
[203] "Analysis: Aid access challenges for Indonesia's Papua region," IRIN (New York), September 17, 2012, http://www.irinnews.org/report/96324/analysis-aid-access-challenges-for-indonesia-s-papua-region (accessed August 3, 2015).
[204] Pandaya, "Donor agency banned for 'helping rebels,'" *Jakarta Post*, August 6, 2010, http://www.thejakartapost.com/news/2010/08/06/donor-agency-banned-helping-rebels039.html (accessed August 7, 2015).
[205] Ibid.
[206] Ibid.
[207] "Analysis: Aid access challenges for Indonesia's Papua region," IRIN (New York), September 17, 2012, http://www.irinnews.org/report/96324/analysis-aid-access-challenges-for-indonesia-s-papua-region (accessed August 3, 2015).

director (2008-2009) of the Papuan Catholic human rights office of justice and peace (SKP), said that the closure of Cordaid's Papua operations, which cut Cordaid funds to local civil society groups, had effectively crippled SKP:[208]

> The [Cordaid] ban made the SKP network in five cities stop our training activities on human rights investigation. We also cut our annual report on human rights abuses. SKP used to have [human rights] impact because of Cordaid funding. After the Cordaid ban, all SKP offices in Papua became helpless.[209]

Peace Brigades International (PBI), an international organization that promotes nonviolence and human rights protection in conflict areas, closed its Papua operations in January 2011.[210] PBI attributed its decision to leave Papua to "a series of challenges and constraints during the past year that have severely limited its ability to effectively protect human rights defenders at risk."[211] Those constraints included a government refusal to approve *surat jalan* for PBI volunteers to travel to areas outside of Papua's main cities due to suspicions that PBI was supporting pro-Papuan independence activities.[212] PBI has denied those allegations and said it pursues a mandate of impartiality and non-violence wherever it operates.[213]

A former Papua-based PBI staff member, Jason McLeod, described an escalating pattern of harassment and intimidation in Papua of PBI staff and volunteers by Indonesian security forces:

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[208] In Bahasa Indonesia: Sekretariat Keadilan dan Perdamaian, or SKP.

[209] Human Rights Watch interview with Rudy Renyaan, Sorong, March 23, 2010. It has officers in Jayapura, Sorong, Timika, Merauke, and Fak-fak.

[210] "January 2011 - PBI has closed its current phase of operations in Indonesia," Peace Brigades International press release, January 2, 2010, http://www.peacebrigades.org/newsroom/news-item/?L=0&tx_ttnews%5Btt_news%5D=2569&cHash=d2e8e2a9b0f1efdbf9d7c96f238f1b0b (accessed August 7, 2015).

[211] Ibid.

[212] Franciscans International, Papua Land of Peace, and Asian Human Rights Commission, "Human Rights in Papua 2010-2011," p.15, November 15, 2010, http://franciscansinternational.org/fileadmin/docs/West_Papua_Report_2010-11/Human_Rights_in_Papua_Report_2010-2011.pdf (accessed August 6, 2015).

[213] Jason McLeod, "The Indonesian Government: closing window for peace in West Papua," Open Democracy, March 14, 2011, https://www.opendemocracy.net/jason-macleod/indonesian-government-closing-window-for-peace-in-west-papua (accessed August 7, 2015).

> The Indonesian government was petrified of PBI. I experienced this personally. When I was taken in for questioning in West Papua in 2007 after observing a demonstration in Papua, the very first question the Indonesian police intelligence agent asked me—even before enquiring whether I was a journalist or spy—was "Are you PBI?" By then I had left the organization, but it revealed the depth of the intelligence services concerns about PBI.
>
> Almost from the moment we started work in West Papua, the Indonesian government acted to restrict PBI's access and ability to work. In 2009 the organization was pressured to close the Wamena office in West Papua's remote highlands, the scene of frequent human rights violations by the Indonesian military. PBI staff were refused permission to work as the police and intelligence services launched an official investigation into the organization's status. National Indonesian staff started to receive threatening phone calls. They felt increasingly vulnerable. By late 2009, all one-on-one protective accompaniment had ceased. In an effort to stay in Papua protective strategies were reduced to regular check-in calls with clients who felt threatened by state security forces.[214]

A representative of another Jakarta-based international organization that assisted local Papuan NGOs in the health sector described how the State Intelligence Agency (BIN) effectively shut-down the organization's Papua operations on specious security grounds.[215]

> In 2011, we attended an inter-departmental meeting at the Ministry of Social Affairs. It was attended by other representatives from other ministries as well as the State Intelligence Agency. The BIN guy briefed us that it was their recommendation that we not work on Papua. [He] said that they understand we do important work but are worried about our safety. He mentioned various violence against Indonesian police and soldiers in Papua. He said the OPM would like to grab international media attention by kidnapping foreigners. I was not going to leave with that argument

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[214] Ibid.

[215] Human Rights Watch interview with a representative of an international nongovernmental organization representative (name and location withheld), July 2, 2015.

> unchallenged. I told them that what [my organization] and most other donor organizations do is to sponsor projects or simply to give money [to Papuan civil society organizations]. We are not doing the work ourselves. It is the local NGO which does the work. We [our organization's foreign staff] are not based in Papua. If I have a project in Papua, it does not mean that I will visit Papua often. [The BIN official] did not buy it. He kept on saying the word "security."[216]

UN Officials and Foreign Academics

Indonesian government restrictions on Papua access extend to UN personnel. In May 2006, United Nations High Commissioner for Refugees (UNHCR) Regional Representative Neil Wright expressed concern that the organization had been denied access to Papua despite repeated requests to the Indonesian government.[217] In January 2006, Juan Mendez, the UN secretary-general's special envoy on the prevention of genocide, expressed concern at the government's prevention of human rights monitors from observing the situation in Papua.[218] And in 2013, the Indonesian government blocked a proposed visit by the then UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue.

As La Rue phrased it, his request to the Indonesian Mission in Geneva for an official visit from October-November 2012 prompted an initially positive response, but ultimately was rejected due to his insistence that the authorities allow him to visit Papua:[219]

> I reached out to them [the Indonesian Mission in Geneva] and they said yes. They asked what areas I wanted to go to [and] I said Jakarta and bigger places like Bali, but for me I said it was very important to visit Aceh and

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[216] Human Rights Watch interview with a representative of an international nongovernmental organization representative (name and location withheld), July 2, 2015.

[217] Transcript of Inquiry into the Provisions of the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006, Senate Legal and Constitutional Affairs Committee, May 26, 2006, UNHCR Regional Representative, p. 7 ("I can confirm that, despite repeated requests, UNHCR has not been given permission by the government in Jakarta to have access to West Papua. So we do not have direct information from there. We do of course have information coming from those that cross into Papua New Guinea and are interviewed by us").

[218] 'UN Expert Says Action Needed to Prevent Genocide in Several African Countries,' Voice of America, January 27, 2006.

[219] Human Rights Watch telephone interview with former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, July 13, 2015.

> Papua. They said "great, we'll get back to you." What it meant was that they postponed the dates and put the trip off indefinitely. I was told by other friends in Geneva that it was particularly Papua [that the Indonesian government objected to]. Some [Indonesian] NGOs suggested that I could go to a nearby island [close to Papua] and meet with Papuans there, but I never got the chance. I heard from folks on the ground…and have been told by friendly diplomats in the diplomatic corps [in Geneva] that the reason [the Indonesian government] opposed my travel [to Papua] is that it has the biggest number of political prisoners [in Indonesia]. They kept on having a friendly tone: "Yes, we're looking for the right date, we're more than happy to receive you, let's look for a date." But they never said anything [regarding a solid date]. It was plausible deniability. I think what it shows is that there must be a lot to hide in Papua.[220]

Foreign academics attempting to do research in Papua have also been targets of Indonesian government surveillance, harassment, and deportation. In at least two instances documented by Human Rights Watch, the Indonesian government has imposed visa bans on Australian academics for their contact in Australia with pro-Papuan independence groups. Siti Sofia Sudarma, the foreign ministry's director of information and media, told Human Rights Watch that the Ministry of Research and Technology is responsible for foreign academics' Papua access applications.[221]

Anthropologist S. Eben Kirksey of Princeton University, who wrote a book about the independence movement in Papua, noted: "I have been working [on Papua] since 1998, negotiating access in a legal situation where all basic science is viewed as being an inherently suspicious activity. In effect, almost all official applications to conduct research [there] are rejected by Jakarta."[222]

An Australian academic who conducted a "longitudinal survey of human rights abuses in Papua" between 1996 and 2000 said that research prompted "intense and constant"

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[220] Ibid.

[221] Human Rights Watch interview with Siti Sofia Sudarma, director of information and media and coordinator of the Ministry of Foreign Affairs Papua Access Clearing House, Jakarta, August 7, 2015.

[222] Human Rights Watch email correspondence with S. Eben Kirksey, August 20, 2015.

surveillance by Indonesian security forces during that period.[223] He said police later derailed his plan to publicly release the report on his human rights research in Jayapura in late 1999 or early 2000 by detaining him overnight after his arrival at the airport in Jayapura and then deporting him the next day.[224]

Damien Kingsbury, a professor at the School of Humanities and Social Sciences at Deakin University in Melbourne, also came under surveillance by security forces in Papua during a research trip to the region in 2003.

> I went through internal immigration through Jayapura and then got pulled off to one side and interviewed by an intelligence officer about why I was there and what I was doing and so forth. I was fairly frank and I said I was doing research on politics and I thought it was important to visit and have a look around and [immigration officers] gave me the approval [to enter Papua]. In Jayapura I was followed [by Indonesian security forces] on occasion. I was being monitored. When you check in to the hotel, the guest list is checked [by Indonesian security forces], as it was in Aceh. You are monitored and you have to be very careful.[225]

Scott Burchill, a lecturer in the School of Humanities & Social Sciences at Deakin University, Melbourne, has never visited Papua nor applied for an official Papua access permit. Regardless, the Indonesian government placed Burchill on an Indonesia visa blacklist for giving public talks to pro-Papuan independence groups in at the Royal Melbourne Institute of Technology in 2006.[226]

> I gave a talk about what I saw as the status of West Papua, and some of the reasons why there had been secession movements in the country, and where they came from, what they were based on and what aggravated them. Clearly that received some media attention, but I also understand

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[223] Human Rights Watch interview with an Australian academic (name withheld), Sydney, July 20, 2015.
[224] Ibid.
[225] Human Rights Watch telephone interview with Damien Kingsbury, a professor at the School of Humanities and Social Sciences at Deakin University in Melbourne, by telephone, July 6, 2015.
[226] Human Rights Watch interview with Dr. Scott Burchill, senior lecturer in International Relations in the School of Humanities & Social Sciences at Deakin University, Melbourne, June 26, 2015.

> there were agents of the Indonesian government in the audience who reported that back to Jakarta. You have to understand, that at that stage, and it's probably still the case, even a discussion of West Papua, in terms of its political status, is regarded by Indonesia as unacceptable and fomenting secession and separatism. They reported all the speakers and what was said, back to Jakarta, and then I subsequently found out from a colleague… [that I was among those] banned from Indonesia and that Deakin University would no longer have foreign students from Indonesia attending the university from that point on.[227]

Burchill said that Deakin University responded to the Indonesian government's ban on Indonesian students at Deakin by dispatching a senior staff member to Jakarta who "negotiated a resolution" of the prohibition.[228] Burchill has never attempted to apply for a visa to Indonesia after being apprised of his visa blacklist status, but assumes it remains in effect. "The usual practice of the Indonesian government is neither to confirm nor deny that a ban is still in place, until you actually arrive in the country and apply for a visa to get in. So, it's not an easy situation to determine whether or not you will actually gain entry. I have no reason to believe that the ban has been removed in my case."[229]

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[227] Ibid.

[228] Ibid.

[229] Ibid.

VI. Applicable National and International Law

Freedom of the media is a fundamental principle of international human rights law. The media plays a crucial role in exposing human rights violations, misuse of power, corporate malfeasance, wartime abuses, and health and environmental issues, thus helping to ensure that the public is informed, that abuses are halted, that criminal perpetrators face justice, and that victims can seek redress.

Freedom of expression is protected under Indonesia's constitution. Article 28E(3) states, "Every person shall have the right to the freedom of association and expression of opinion."[230] Article 28F states, "Every person shall have the right to communicate and obtain information for the development of his/her personal life and his/her social environment, and shall have the right to seek, acquire, possess, keep, process, and convey information by using all available channels."[231]

Indonesia's Press Law guarantees freedom of the press "as the basic rights of every citizen"[232] and provides that the foreign media in Indonesia "shall comply with the prevailing laws and regulations."[233] The Press Law also prohibits censorship, and broadcasting prohibitions of media[234] and stipulates that "national press shall have the rights to seek, obtain and spread ideas and information."[235]

Core international instruments emphasize the importance of a free media, such as the Universal Declaration of Human Rights,[236] and the International Covenant on Civil and Political Rights, which Indonesia ratified in 2006.[237] The right to freedom of expression and

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[230] Constitution of the Republic of Indonesia, art. 28E (3), http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

[231] Ibid, art. 28F.

[232] Law of the Republic of Indonesia, Number 40 of 1999 on Press, http://www.setneg.go.id/images/stories/kepmen/legal_product/social/law_of_the_rep_of_indonesia_no_40_1999.pdf, art. 4 (1).

[233] Ibid, ch. IV.

[234] Ibid, art. 4 (2).

[235] Ibid, art. 4 (3).

[236] Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 19.

[237] International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, art. 19.

the media includes the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers."[238]

The UN Human Rights Committee, the independent expert body that monitors compliance with the International Covenant on Civil and Political Rights (ICCPR), has stated that:

> A free and uncensored press or other media is of paramount importance in a democratic society and for the ensuring of freedom of opinion and expression and the enjoyment of other Covenant rights. The Covenant embraces a right to receive information on the part of the media as a basis on which they can carry out their function.[239]

The committee called on governments to "take particular care to foster an independent, diverse and vigorous media."[240] Regarding political reporting, "The free communication of information and ideas about public and political issues … is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."[241]

Armed secession movements such as the Free Papua Movement (OPM) can pose legitimate national security concerns and in limited circumstances justify restrictions on free speech. To meet Indonesia's international legal obligations, any such restrictions for reasons of national security must be provided for by law and be strictly necessary.[242] Far-reaching restrictions on freedom of expression violate article 19 of the ICCPR.[243]

With respect to restrictions on the freedom of movement of journalists, including foreign journalists, the Human Rights Committee has stated that:

> It is normally incompatible with [permissible restrictions on media freedom] to restrict the freedom of journalists and others who seek to exercise their freedom of

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[238] ICCPR, art. 19(2).
[239] UN Human Rights Committee, Draft General Comment No. 34, U.N. Doc. CCPR/C/CG/34/CRP.2 (2010), para. 14.
[240] Ibid.
[241] Ibid.
[242] ICCPR, art. 19 point 3, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (accessed on Aug. 18, 2015).
[243] Manfred Nowak, *CCPR Commentary: UN Covenant on Civil and Political Rights* (2d ed.) (Arlington: NP Engel, 2005) pp. 463-64.

> expression … to restrict the entry into the State party of foreign journalists to those from specified countries or to restrict freedom of movement of journalists and human rights investigators within the State party (including to conflict-affected locations, the sites of natural disasters and locations where there are allegations of human rights abuses).[244]

In embattled areas of Papua where the laws of armed conflict apply, the authorities may restrict freedom of movement of journalists and other civilians for specific security reasons and for a limited period of time, but broad and open-ended restrictions are not permissible.[245]

Concerning nongovernmental organizations, the ICCPR upholds the rights to freedom of association and peaceful assembly, as well as expression.[246]

The UN Declaration on Human Rights Defenders sets out the rights of nongovernmental organizations:

- NGOs are to be protected effectively under national law "in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."[247]
- NGOs have an important role to play in contributing "to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research."[248]

All persons, including journalists and members of nongovernmental organizations, also have the right to freedom of movement, which likewise can only be restricted for reasons

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[244] Ibid, para. 45.

[245] See International Committee of the Red Cross, *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press, 2005), rule 34, citing Additional Protocol I, article 79 on the protection of journalists. Freedom of movement of humanitarian relief workers is discussed in rule 56.

[246] ICCPR, arts. 21 and 22.

[247] United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (known as the Declaration on Human Rights Defenders), March 8, 1999, http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf (accessed on Aug. 19, 2015), art. 12 (3).

[248] Ibid., art. 16.

of national security as a matter of law and where strictly necessary for a legitimate state purpose.[249]

The 1995 Johannesburg Principles on National Security, Freedom of Expression, and Access to Information elaborate widely accepted standards on national security restrictions. With respect to access to restricted areas by journalists and human rights groups, principle 19 provides that:

> Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or nongovernmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.[250]

In the cases detailed in this report, the government did not demonstrate a lawful basis for the restrictions on speech or a proportionate response that would achieve a legitimate objective, the longstanding and overbroad restrictions on access to Papua by foreign journalists, INGO representatives and other foreign observers to Papua do not meet these international standards.

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[249] ICCPR, art. 12.

[250] Johannesburg Principles on National Security, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39 (1996).

VII. Recommendations

To the President of Indonesia

- Issue a Presidential Instruction (*Inpres*) lifting restrictions on foreign media access to Papua and West Papua and directing all government ministries and state security forces to immediately comply with the order;
- Direct all government ministries and state security forces to end special restrictions on the operations of international nongovernmental organizations in Papua and West Papua and to allow their staff free access the region;
- Instruct the National Police to immediately stop requiring accredited foreign correspondents to apply for travel permits, or *surat jalan*, to report from Papua and West Papua;
- Instruct the National Police, the armed forces, and the State Intelligence Agency to fully and impartially investigate incidents in which police officers, military personnel and agents refuse to honor the lifting of restrictions on foreign media and international nongovernmental organizations access to Papua, or impede, obstruct, harass or arbitrarily detain them in Papua; and
- Publicly condemn all attacks on journalists and media organizations.

To the Ministry of Foreign Affairs

- Ensure that all government ministries and security services are fully informed about the lifting of Papua access restrictions for accredited foreign correspondents; and
- Create a formal mechanism for foreign journalists to report instances of surveillance, harassment, and intimidation while reporting in Papua and ensure a prompt response to such incidents.

To the National Police and Other Security Forces

- Police should stop requiring accredited foreign correspondents to obtain travel permits (*surat jalan*) to report from Papua and West Papua;

- Police, national intelligence, and military authorities should fully and impartially investigate any incidents in which their personnel refuse to honor the lifting of restrictions on foreign media and international nongovernmental organizations in Papua, or impede, obstruct, harass, or arbitrarily detain foreign journalists or civil society representatives; and
- Police, national intelligence, and military authorities should never place undercover agents inside media organizations or recruit journalists to be agents; police should use informants only to obtain information on genuine criminal offenses, not as a form of harassment.

To the Attorney General's Office

- Order prompt, impartial and thorough investigations into all allegations of threats, intimidation, and violence against journalists and staff of international nongovernmental organizations in Papua.

To the National Committee for West Papua (KNPB)

- Instruct all KNPB members to fully respect freedoms of expression and the press, and expel KNPB members who threaten to or use violence against journalists.

To the United States, Australia, the European Union and Member States, and other Donor Countries

- Urge the Indonesian government to fully implement and enforce the May 2015 lifting of Papua access restrictions for accredited foreign correspondents;
- Urge the Indonesian government to lift restrictions on access to Papua to international nongovernmental organizations, foreign academics, and other foreign observers;
- Publicly and privately speak out against harassment, threats, and attacks against journalists and other media workers reporting in Papua by promptly and impartially investigating and appropriately prosecuting those responsible; and
- Include training on respect for freedom of expression and media freedom in police training courses.

Appendix I: Letter from HRW to Indonesia's President Joko Widodo

New York, August 19, 2015

President Joko Widodo
Republic of Indonesia
Gedung Sekretariat Negara
Jl. Veteran III No. 10
Jakarta 10110
Fax +62 21 3456189
Email dumas@setneg.go.id

Dear President Widodo:

Human Rights Watch is an independent, nongovernmental organization that investigates and reports on violations of international human rights law in more than 90 countries. Since the late 1980s, Human Rights Watch has worked on human rights issues in Indonesia and provided input to the Indonesian government. As Indonesia is a party to the core international human rights treaties, we urge you to ensure that it lives up to its international legal obligations.

One of the key areas of Human Rights Watch's work in Indonesia has been human rights abuses related to the Indonesian government's restrictions on the access of foreign media and international nongovernmental organizations to Papua and West Papua provinces. These abuses include violations international standard of media freedom, freedom of expression and freedom of association

For decades, the Indonesian government has tightly restricted foreign media from freely reporting in Papua and West Papua by requiring Indonesia-based accredited foreign correspondents to get special official permission to visit those provinces via the interagency "clearing house" at the Ministry of Foreign Affairs. The government rarely approves foreign media's applications or delays processing them, hampering efforts by journalists to report on breaking events. Official minders routinely shadow journalists who

do get official permission, strictly controlling their movements and access to people they want to interview.

Human Rights Watch was encouraged by your May 10 announcement that the government would lift those restrictions. But three months later, your government has yet to publicly issue any specific written directive on the lifting of access restrictions on accredited Indonesia-based accredited foreign correspondents to Papua and West Papua. Nor is there any indication that your government has issued specific guidance to relevant government official's security forces to respect that initiative. We are also concerned that you have not mentioned the need to loosen ongoing restrictions on the operations of international nongovernmental organizations and access by their staff to Papua and West Papua.

We are encouraged by the August 7, 2015 statement by Siti Sofia Sudarma, the director of media and information at the Ministry of Foreign Affairs, that the government has "liquidated" the clearing house in line with your directive. But we note that the National Police are continuing to require accredited Indonesia-based foreign correspondents to apply for official travel permits, or *surat jalan* to report from Papua. There are also serious questions about the degree to which Papuan security forces will respect the right of foreign media to freely operate in Papua. On May 29, General Moeldoko, then commander of the Indonesian Armed Forces, stated that foreign media wishing to visit Papua would continue to require special official permission.

We are currently preparing a report that documents abuses of media freedom and the activities of international nongovernmental organizations and other foreign observers in Papua both before and after your May 10 announcement.

Our research found that:

- The Indonesian government has for decades restricted – and at times outright prohibited - foreign correspondents from traveling to Papua for reporting purposes;
- Foreign correspondents who receive official travel permits to travel to Papua are routinely targeted with surveillance, harassment and intimidation by government officials and elements of the security forces;

- Despite your May 2015 announcement, the National Police continue to require Indonesia-based accredited foreign correspondents to apply for official travel access permits to Papua;
- The Indonesian government continues to deny access to Papua of international nongovernmental organizations and their staff as well as foreign academics and other foreign observers; and
- Indonesian journalists in Papua are routinely subject to surveillance, harassment, intimidation and violence by government officials and elements of the security forces. Those abuses have fostered reflexive self-censorship by Papuan journalists, which creates a misleading depiction of Papua's social and political realities.

We urge you to do the following to protect media freedom, freedom of association and freedom of expression in Papua:

- Issue a specific written directive instructing all relevant government officials and state security forces to comply with the May 2015 lifting of restrictions on foreign media access to Papua and West Papua;
- Issue a specific written directive instructing all relevant government officials and state security forces to stop restricting the operations of international nongovernmental organizations in Papua and West Papua and to allow their staff to freely access the region;
- Instruct the National Police to immediately stop requiring accredited Indonesia-based foreign correspondents to apply for travel permits, or *surat jalan*, to report from Papua and West Papua; and
- Instruct the National Police, the Armed Forces and the State Intelligence Agency to fully investigate incidents in which police officers, soldiers and agents refuse to honor the lifting of restrictions on foreign media and international nongovernmental organizations' personnel access to Papua or impede, obstruct, harass or arbitrarily detain them the course of legal reporting and development activities in the region.
- Instruct the National Police, the Armed Forces, the State Intelligence Agency and relevant government agencies in Papua to stop the surveillance, harassment,

intimidation and violence against Indonesian journalists in Papua and to fully investigate incidents in which such abuses allegedly occurred.

Human Rights Watch thanks you for your attention to this important matter. We would welcome your response and the opportunity to meet with you or relevant staff to discuss these and other human rights issues.

Yours sincerely,
/s/
Brad Adams
Executive Director, Asia division
Human Rights Watch

Appendix II: Letter from HRW to Indonesia's National Police Director

New York, August 27, 2015

Gen. Badrodin Haiti
Chief
Indonesian National Police
Jl. Trunojoyo 3
Jakarta 12110

Email: info@polri.go.id
Fax : +62-21-7220669

Re: Restrictions on Foreign Media in Papua

Dear General Haiti:

Human Rights Watch is an independent, nongovernmental organization that investigates and reports on violations of international human rights law in more than 90 countries. Since the late 1980s, Human Rights Watch has worked on human rights issues in Indonesia and provided input to the Indonesian government. As Indonesia is a party to the core international human rights treaties, we urge you to ensure that it lives up to its international legal obligations.

One of the key areas of Human Rights Watch's work in Indonesia has been human rights abuses related to the Indonesian government's restrictions on the access of foreign media and international nongovernmental organizations to Papua and West Papua provinces. These abuses include violations of the rights to freedom of expression, the media, and association.

For decades, the Indonesian government has tightly restricted foreign media from freely reporting in Papua and West Papua by requiring Indonesia-based accredited foreign correspondents to get special official permission to visit those provinces via the

interagency "clearing house" at the Ministry of Foreign Affairs. The government rarely approves foreign media's applications or delays processing them, hampering efforts by journalists to report on breaking events. Official minders routinely shadow journalists who do get official permission, strictly controlling their movements and access to people they want to interview.

Human Rights Watch was encouraged by President Joko Widodo's May 10, 2015, announcement that the government would lift those restrictions. But more than three months later, we note that the National Police are continuing to require accredited Indonesia-based foreign correspondents to apply for official travel permits, or *surat jalan,* to report from Papua. There are also serious questions about the degree to which Papuan security forces will respect the right of foreign media to freely operate in Papua.

Human Rights Watch is currently preparing a report that documents abuses of media freedom and the activities of international nongovernmental organizations and other foreign observers in Papua both before and after the May 10 announcement.

Our research found that:

- The Indonesian government has for decades restricted – and at times outright prohibited - foreign correspondents from traveling to Papua for reporting purposes;
- Foreign correspondents who receive official travel permits to travel to Papua are routinely targeted with surveillance, harassment, and intimidation by government officials including police informants;
- The National Police's Office of Intelligence and Security (Badan Intelkam) continues to require Indonesia-based accredited foreign correspondents to apply for official travel access permits to Papua;
- The Indonesian government continues to deny access to Papua of international nongovernmental organizations and their staff as well as foreign academics and other foreign observers; and
- Indonesian journalists in Papua are routinely subject to surveillance, harassment, intimidation, and violence by government officials and elements of the security forces. Those abuses have fostered reflexive self-censorship by Papuan journalists, which creates a misleading depiction of Papua's social and political realities.

We urge you to do the following to protect media freedom, freedom of association and freedom of expression in Papua:

- Stop requiring Indonesia-based accredited foreign correspondents to apply for travel permits to report from Papua and West Papua;
- Issue a written directive instructing all relevant National Police officials and units to respect President Widodo's lifting of access restrictions to Papua by accredited foreign media;
- Issue a written directive instructing all relevant National Police officials and units to stop restricting the operations of international nongovernmental organizations in Papua and West Papua and to allow their staff to freely access the region;
- Fully investigate any incidents in which National Police personnel refuse to honor the lifting of restrictions on foreign media and international nongovernmental organizations' personnel access to Papua or impede, obstruct, harass or arbitrarily detain them.
- Fully investigate allegations of harassment, intimidation and violence by National Police personnel against reporters, photographers, and other media workers in Papua.

Human Rights Watch thanks you for your attention to this important matter. We would welcome your response and the opportunity to meet with you or relevant staff to discuss these and other human rights issues.

Yours sincerely,
/s/
Brad Adams
Executive Director, Asia division
Human Rights Watch

Acknowledgments

This report was researched and written by Andreas Harsono, senior Indonesia researcher at Human Rights Watch, and Phelim Kine, deputy Asia director. Phelim Kine edited the report. James Ross, legal and policy director, and Joseph Saunders, deputy program director, reviewed the report. Georgia Bright, Asia associate, provided research assistance and conducted interviews from her base in Sydney, Australia. Production assistance was provided by Daniel Lee, Asia associate; Grace Choi, director of publications; Kathy Mills, publications specialist; and Jose Martinez, senior Administration coordinator.

We would like to thank the Keir Foundation for its support for this project.

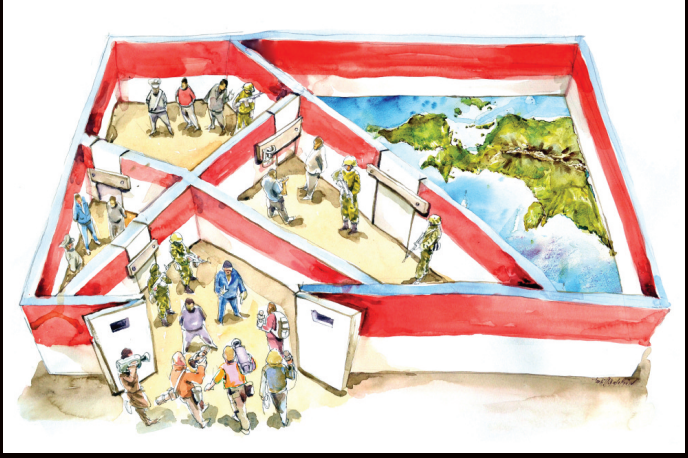
SOMETHING TO HIDE?

Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua

The Indonesian government has long restricted visits by foreign correspondents and other international observers to the easternmost provinces of Papua and West Papua. These access restrictions—fueled by government suspicion about the motivations of foreign nationals in a region troubled by widespread public discontent and a small but persistent pro-independence insurgency—have severely limited in-depth media coverage of Papua. Indonesia's President Joko Widodo, popularly known as Jokowi, announced on May 10, 2015, that the government would immediately lift the restrictions on foreign journalists, but parts of the government are strongly resisting change.

Something to Hide?: Indonesia's Restrictions on Media Freedom and Rights Monitoring in Papua analyzes the government's role in obstructing access to Papua and traces developments since Jokowi's announcement. It is based on more than 107 interviews with journalists, editors, publishers, representatives of domestic and international nongovernmental organizations, and academics. The report also examines how threats to media freedom in Papua extend to Papuan and other Indonesian journalists, who are vulnerable to harassment, intimidation, and violence for reporting on sensitive political topics and human rights abuses.

The past experience of foreign journalists, international organizations, and United Nations experts show that barriers to access to Papua are entrenched, with layers of government screening often leaving applicants in bureaucratic limbo or effectively banned. Since Jokowi announced that foreign media restrictions would be lifted, other officials have suggested the opposite, and the situation remains opaque and unpredictable. The report concludes that a genuine opening of Papua needs more sustained and rigorous follow-through by the Jokowi administration, including the issuance of a written Presidential Instruction ensuring access to Papua and more rigorous investigation of threats, harassment, and violence against journalists there.



Cartoonist's depiction of Indonesian government restrictions on media freedom and rights monitoring in Papua.

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