



Mr. President/Chairperson

My name is Budi Hernawan OFM, I am speaking on behalf of Franciscans International and the Office for Justice and Peace of the Catholic Diocese of Jayapura, which have presented a detailed Shadow Torture Report on the Practice of Torture in Aceh and Papua from 1998-2007 to the Committee Against Torture.

Since this report covers the longer period prior to the Special Rapporteur's visit, I would like to take this opportunity to focus on the findings of our Shadow Torture Report which covers 242 individual cases of torture and ill-treatment, compiled from documented cases over a period of 9 years, including the reports from Komnas HAM (National Commission of Human Rights of Indonesia).

We welcome the visit of the Special Rapporteur on Torture to West Papua, as a major step in the promotion and protection of the indigenous peoples' rights in West Papua. We welcome his detailed observations, conclusions and recommendations on his mission to Indonesia.

In our report and other reports he already received prior to his visit, we found 3 major conclusions. Firstly, most of the cases in West Papua were committed either by police or the military forces, outside of any police or military custody.

Secondly, most documented cases were not prosecuted, particularly the dossiers which are already in the hands of Komnas HAM: including Wamena, Wasior and Kimaam, along with other cases from other parts of Indonesia. The only case of torture that was brought to trial—that of Abepura 2000—where 2 police officials were acquitted, speaks of the overall state of impunity and the incompatibility between Human Rights law No. 39/1999 and Law No. 26/2000 on Human Rights Courts, in particular with the Convention Against Torture, and the Indonesian Criminal Code (KUHP).

Thirdly, as part of the campaign to maintain control over the indigenous population of West Papua, which continues to be classified as a military zone, the security services have continuously resorted to the use of torture and inhuman, degrading treatment as part of their practices all over West Papua.

Based on these points, we would like to ask the Special Rapporteur whether he could discuss the pattern of torture and ill-treatment in Indonesia, and West Papua in particular, considering that West Papua is a conflict area, where he refers to the excessive violence used by the security services during their operations. It remains our major concern that excessive amounts of troops that already have a long history of practice of torture will perpetuate this practice due to the lack of accountability and widespread impunity, as explicitly stated in his report.

Most of the Special Rapporteur's observations and analysis concentrate on police behaviour, and we would therefore like to ask whether the Special Rapporteur could also analyze the lack of accountability of security services that largely contributes to the cycle of impunity and torture in Indonesia, and West Papua in particular.

We would like to reiterate our appreciation on behalf of civil society organizations in West Papua on the Special Rapporteur's visit and we strongly urge the Government of Indonesia to implement his recommendations and take the appropriate measures to protect the lives of indigenous Papuans.

Thank you Mr. President/Chairperson.

Geneva, 10 March 2008