

### Impunity

#### **18 years on, families of 1998 May riots victims gather in prayer to demand govt resolve cases**

The Jakarta Post, 14-05-2016

Dozens of families members of the victims of the May 1998 riots staged a mass prayer and flower-laying ceremony at the front of Citra Mall on Jl. I Gusti Ngurah Rai in Klender, East Jakarta, on Saturday.



Never forgotten: R. Subiyanto (center), displays a picture of his son, Gunawan, one of over 1,000 victims of the May 1998 riots in Jakarta, with the parents of other victims who mostly perished in a fire that engulfed Yogya Mall in Klender, East Jakarta. The picture was taken on May 19, 2013, in front of a memorial for the victims. No one has been held accountable for the riots, which took place in a number of cities. (JP/Jerry Adiguna)

The group, mostly women from nearby Penggilingan, Kampung Bulak, Klender and Kampung Pulo, gathered at 8 a.m. to pray for loved ones who died in the shopping mall, previously known as Yogya Plaza, which were among many malls with casualties during the riots.

Ruyati Darwin, 70, said the mass prayer had been annually performed since 1999. Ruyati lost his eldest son Eten Karyana who previously studied French literature at the University of Indonesia. "It has been 18 years but the case has been left unresolved," said Ruyati. She demanded President Joko "Jokowi" Widodo fulfill his promise to shed light onto the cases. "We are all tired [of empty promises]," she was quoted by tempo.co.

Until now, the government has refrained from stating an official number of victims from the riots, where the figure varies from one source to another.

The report of the joint-fact finding team ( TGPF ), a team dedicated to finding the truth about the alleged violation of human rights surrounding the May riots, found that the total number of fatalities in Jakarta ranged from 288 to 1,217. Data sources came from the Jakarta administration, police, the Jakarta Military Command and the Volunteers Team for Humanity.

The Volunteers Team for Humanity, a non-governmental organization advocating for the victims' families, and who represents the highest number of them, claim that 1,190 burned to death while 27 died of other causes such as from gun shot wounds. The TGPF also found that 52 women, mostly Chinese Indonesians, experienced sexual abuse ranging from harassment to gang rape during the May riots.

### Freedom of Expression

#### **Ahok threatens to sue 'Koran Tempo'**

The Jakarta Post, 14-05-2016

Governor Basuki "Ahok" Tjahaja Purnama has demanded the Corruption Eradication Commission ( KPK ) to investigate leaked information from the interrogation of former PT Agung Podomoro Land ( APL ) CEO Ariesman Widjaja, a reclamation graft suspect. He also threatens to file lawsuit against Koran Tempo for a report that claimed Ariesman said

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APL had dispersed Rp 6 billion ( US\$451,808 ) to help the city administration fund the deployment of 5,000 security personnel during the eviction of the Kalijodo red-light district in North Jakarta. "The source of Tempo's report is an investigator. I do not know because the investigators did not issue any [official] statement," Akok said as reported by kompas.com.

"Who thought up this slander? Do you know why [former KPK chairman] Abraham Samad was dismissed? It was because of a leaked case dossier. How did Tempo get it?" he added. According to Koran Tempo, the funds to finance the eviction was disbursed by APL as an exchange allegedly involving the reclamation project.

Koran Tempo<sup>1</sup> reported on Wednesday, quoting Ariesman, that APL had disbursed Rp 6 billion to assist the city in deploying 5,000 security personnel for the Kalijodo eviction. Ariesman's statement was, reportedly, made during his interrogation by KPK investigators. "I will file a lawsuit. Where did they get their source? It is to mislead public opinion. I do not know who is behind this," the governor added.

Ariesman and another APL official have been named suspects by the KPK in connection with a bribery case, involving city legislator Muhamad Sanusi. The case relates to deliberation of two reclamation bills by the Jakarta City Council.

APL has a reclamation permit to construct islet G, one of the 17 islets to be developed in the Jakarta Bay.

### **President blocks communist imagery**

The Jakarta Post, 10-05-2016

President Joko "Jokowi" Widodo has instructed law enforcers to enforce the laws against the use of communist imagery, National Police chief Gen. Badrodin Haiti has said.

"Currently, a lot of merchandise and activities reference communism. The President has given a direction to take legal action against this," Badrodin said at the State Palace on Tuesday, adding that the prevention of the dissemination of communism, Leninism and

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<sup>1</sup> The Weekly Tempo – of which Koran Tempo is an offspring – is the Indonesian paper publishing from the Panama Papers (MM).

Marxism in Indonesia was based on a decree of the Temporary People's Consultative Assembly issued in 1966.

"That has already clearly been instructed. The law enforcement will be assisted by the Indonesian Army as well," he said.

Attorney General Prasetyo added his institution would follow up any kind of indication or effort to revive communism in the country. "Efforts to promote this viewpoint must be prevented," he asserted.

Earlier, the police released two people detained for selling T-shirts of German-based trash metal band Kreator in Blok M Mall and Blok M Square in South Jakarta, which were emblazoned with the hammer and sickle, similar to the logo of the defunct Indonesian Communist Party ( PKI ), after finding no evidence of treason.

Meanwhile, a number of events, shows and discussions on the 1965 communist purge have been shut down since last year. The latest controversy involved the third ASEAN Literary Festival in Jakarta last week in which protestors accused event organizers of aiming to promote communism and demanded the annual event be shut down following discussions planned on the 1965 tragedy and lesbian, gay, bisexual and transgender (LGBT) issues. The event proceeded under police protection.

Badrodin said the police would also use the Criminal Code to enforce the law related to communism, therefore, he added, the police could enforce the law against the distribution of communist imagery in the form of T-shirts and other material like movies promoting communism.

### **Banning books an act of stupidity: Writers**

The Jakarta Post, 14-05-2016

A number of writers and literacy activists have condemned the recent bans on leftist books ordered by the military in an apparent attempt to prevent a feared revival of communism.

"Banning books in this era is a triple dose of stupidity as people can simply find them on the internet," said senior journalist and prolific writer Goenawan Mohamad on Friday.

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“What exactly is the goal of this stupidity, if not to increase communism-phobia and fear and insecurity? In other words, they want to restore the security apparatus to control us. If that happens, not only civil society, but also the creative community could be suppressed,” he added.

He said the idea of a communist revival was nonsense as the Indonesian Communist Party ( PKI ) had long ago died out in the country and if people wanted to revive it, it would have happened a decade ago.

Members of the 0505 East Jakarta Military District Command ( Kodim ) seized several books entitled Palu Arit di Ladang Tebu ( Hammer and Sickle in the Sugar Cane Field ) written by Hermawan Sulistyono from a store in Dewi Sartika Street, Cawang, Jakarta, on May 3. Several T-shirts featuring a hammer-and-sickle logo were also confiscated at the time.

In Ternate, North Maluku, the 1501 Ternate Military Command arrested four activists of the Alliance of Indigenous People ( AMAN ), apparently because they were in possession of books and T-shirts related to leftist movements. The activists’ books were confiscated.

“I don’t know how to face this except by fighting. If there’s a restriction on discussion, we hold more discussions. If there’s a ban on a book, we write more books,” Goenawan added.

Anton Kurnia, another writer and translator, stated that in 2010 the Constitutional Court had annulled the 1963 law on monitoring printed materials with content that could jeopardize public order, therefore, he added, the military and police had no right to seize those books.

Anton said the government had often misused the 1966 decree of the Temporary People’s Consultative Assembly that prevented the dissemination of communism, Leninism and Marxism in Indonesia.

Meanwhile, Ronny Agustinus of Marjin Kiri publishing house said that the officials had never explained the precise criteria for banning books. “So, we feel that this intimidation has been done just to show off their authority to us, as if they decide what is allowed or not,” he said.

The Indonesian Military ( TNI ) was known for its dwifungsi ( dual role ) concept during the New Order regime, which ended in 1998 with then president Soeharto stepping down from power. In that era, the TNI was commonly involved in politics and business.

However, the military has recently been more involved once again in public affairs, including in attempts to police events like demonstrations and evictions and to guard public infrastructure, such as railway stations, harbors and airports.

The writers and literacy activists presented their statements against book bans at the Jakarta Arts Council ( DKJ ) headquarters on Friday. Besides Goenawan, Anton and Ronny, writers Eliza Vitri Handayani and Okky Madasari, and also members of the DKJ such as Irawan Karseno and Yusi Avianto Pareanom, also attended.

### Death penalty

#### **Indonesia: Halting executions will be a show of strength**

Amnesty International Public Statement, 13-05-2016

President Joko Widodo should seize the opportunity to show that his government has the resolve to stand up for human rights by halting the imminent executions of up to 15 people, Amnesty International said today.

The death row prisoners believed to at risk have been convicted of alleged drug offences and some did not receive a fair trial. Their cases are, like many others that Amnesty International monitored, emblematic of systemic flaws within the Indonesia justice system.

“President Widodo has the chance to show true resolve by halting these executions and ordering a full independent review of all death penalty cases,” said Rafendi Djamin, Director of Amnesty International’s South East Asia and Pacific Regional Office.

“It is unacceptable for a government to execute people, especially when they did not receive a fair trial and have been convicted of offences that are not among the ‘most serious crimes’ in clear violation of international law and standards.”

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Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.

The imminent executions, which it is feared may take place in the coming weeks, will be the first this year. In 2015, Indonesia executed 14 people.

Amnesty International's research has revealed that the death penalty in Indonesia has been implemented in cases that involve torture or other ill-treatment, denial of effective legal counsel, manifestly flawed proceedings, and even the use of the death penalty on juvenile offenders or have a mental or intellectual disability.

"In the cases we examined, the police tortured or otherwise ill-treated some of the detainees, including to extract 'confessions'. Many weren't given access to a lawyer at the time of their arrest and at other stages of the process," said Rafendi Djamin.

Amnesty International also recorded the cases of five death row prisoners who were executed despite the fact that Indonesia courts agreed to hear their appeals.

In the case of two prisoners, there was no adequate investigation to check whether they were juvenile offenders or had a mental and intellectual disability. In such circumstances, an execution is unlawful.

Within weeks of coming to power, President Widodo rebuffed calls that death row prisoners convicted of drug-related offences should receive clemency, and suggested that the death penalty should serve as a deterrent – a claim for which there is no evidence. However, when President Widodo came to power in 2014, he had made encouraging promises on human rights.

"At a time when most of the world's countries have rid themselves of this unconscionable practice, the execution of these people would consign Indonesia to the status of an outlier," said Rafendi Djamin. "President Widodo still has time. If he halts the death penalty, commutes their sentences, and establishes a moratorium as a first step towards abolition, Indonesia can begin to re-establish its reputation on human rights in the region."

Background: individual death row cases documented by Amnesty International

The Indonesian authorities have repeatedly claimed they apply the death penalty in line with international law and standards. In a 2015 report, *Flawed Justice: Unfair Trials and the Death Penalty in Indonesia*, Amnesty International highlighted the cases of 12 death row prisoners whose cases illustrate the manifestly flawed administration of justice in Indonesia that resulted with flagrant human rights violations. Some of these cases relate to some of the prisoners believed to be at risk of imminent executions.

Agus Hadi, Pujo Lestari and another man were arrested for attempting to smuggle 12,490 benzodiazepine pills from Malaysia in 2006. They were detained at the narcotics directorate of the Riau Islands Police Headquarters on 22 November that year, interrogated there for 20 days and then transferred to the Batam prosecution detention centre. They were held in total for nine weeks before they appeared before a judge at their first trial hearing in the Batam District Court at the end of January 2007. Court documents indicate that Agus Hadi only received assistance from a lawyer on 12 December, 20 days after his arrest. Pujo Lestari had legal counsel appointed by the Batam District Court on 8 February, 78 days after his arrest and a week after the court had scheduled the first trial hearing.

Zulfiqar Ali, a Pakistani national, was arrested at his home in West Java province on 21 November 2004, and charged with possession of 300g of heroin. During his pre-trial detention, he was refused the right to contact his embassy and was not permitted any access to a lawyer until approximately one month after his arrest. According to court documents, the Chief of Tangerang District Court granted the prosecutor an extension of Zulfiqar's detention from 4 March to 2 May 2005. This means he was detained for at least three months before being brought to the first trial hearing, although there is no information as to when the first trial hearing started.

While he was being interrogated by the Soekarno-Hatta Airport district police, Zulfiqar Ali was kept in a house for three days and punched, kicked and threatened with death unless he signed a self-incriminating statement, which he later did. After three days his health deteriorated to the extent that on 24 November 2004 he was sent to a police hospital, where he required stomach and kidney surgery due to damage caused by the beatings. He was in the hospital for 17 days. During his trial he described this torture, but the judges

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allowed the “confession” to be admitted as evidence. There has been no independent investigation into his allegations.

Zulfiqar Ali did not speak Bahasa Indonesia. He received limited translation assistance throughout his detention and during the proceedings against him. At the trial, he was provided with translation only from Bahasa Indonesia to English only, but he understood only a little English. He was convicted and sentenced to death in 2005. His death sentence was upheld by the Supreme Court in 2006.

### **'I am haunted': Indonesia death row prisoners allege they were tortured to confess**

Sidney Morning Herald, 13-05-2016

Jakarta: Two fingers on Lim Jit Wee's right hand are ugly stumps; a legacy, he says, of the torture that led to him falsely implicating a man he had never met in a crime punishable by death in Indonesia.

In 2007, Lim, a Malaysian, was working as a driver for another Malaysian man when Indonesian police found 12,000 ecstasy tablets in his boss's car. Lim says he was apprehended at gunpoint by police from the National Narcotics Agency outside his Taman Anggrek apartment in West Jakarta. "They asked me to say where the (ecstasy) factory and products are, when I am only the driver - how can I know?"

Death row inmate Lim Jit Wee, who alleges he was tortured into implicating a man he didn't know in a drug case.

He says he was dragged behind a speedboat in Ancol in North Jakarta and lost the tops of his fingers after a steel table leg was slammed onto them - "I stitch it myself, I never go to the clinic or hospital" - and he was struck in the collarbone with a metal bar. "I said: 'I don't know, I'm Malaysian.' They just beat me."

Lim says he was forced to "confess" that a man named Christian was his boss.

In 2008, Christian, who like many Indonesians goes by one name, was sentenced to death for importing a psychotropic substance. He now faces death by firing squad, with a further round of executions for drug offenders imminent in Indonesia.

But on Tuesday, Lim told the West Jakarta District Court he did not know Christian at the time of his arrest. "I have spent 8½ years in jail and I have difficulty sleeping because I know I testified wrongly against Christian," says Lim, who was also sentenced to death. "I said something because I was forced ... because I was tortured, my fingers cut off. I feel guilty, I am haunted by the feeling that I made an innocent man have a difficult life."

Christian, who sold imported flour, was parking his car on a Jakarta street on November 25, 2007, when police pointed a pistol at his head and detained him without a warrant. He was allegedly handcuffed, blindfolded and beaten. Photographs shown in court, taken the day after he was detained in November 2007, show deep bruises on his abdomen and arms. He was not arrested at the crime scene and no urine test was conducted, something required in drug-related cases.

Christian's lawyer, Azas Tigor Nainggolan, who works for the Catholic Bishops' Conference of Indonesia, says his client was wrongfully convicted on false evidence and had an unfair trial. He has launched action in the West Jakarta District Court to request a judicial review of Christian's case. "Our judicial system is still unfair and corrupt, so we should not apply the death sentence," Mr Tigor says.

From September 2010 to December 2011 the National Human Rights Commission of Indonesia (Komnas HAM) monitored prisoners on death row in jails throughout Indonesia. Commissioner Roichatul Aswidah said the investigation uncovered many instances of torture. "Our monitoring found cases of wrongful arrest, Christian's case in particular," she told the court. "He was wrongfully arrested and tortured. Lim was also tortured. Death sentences cannot be issued in cases in which torture is part of the legal process."

Meanwhile, the Bishops' Conference of Indonesia has asked the government to re-examine 300 death penalty convictions it believes were the result of unfair trials.

But the drums are beating, with the latest round of executions expected this month. West Java police are now saying 15 drug offenders will be executed in the latest round. Mr Tigor admits he is "very worried".

Christian says his wife and daughters have never stopped suffering. "It is a lie that Indonesia is based on justice and law," he says. "There is no justice in Indonesia."

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## Terrorism and Counter-terrorism

### **ISIS IN AMBON: THE FALLOUT FROM COMMUNAL CONFLICT**

IPAC, 13 May 2016.

The personal network of Abu Gar, one man involved in last January's terrorist attack in Jakarta, shows how the communal conflicts in Ambon and Poso continue to haunt Indonesia.

“ISIS in Ambon: Fallout from Communal Conflict”, the latest report from the Institute for Policy Analysis of Conflict (IPAC), traces the violent trajectory of one man, Nazaruddin Mochtar alias Abu Gar, from his decision to join the Ambon conflict in 1999 to his arrest in connection with the Jakarta attack seventeen years later.

“Bonds forged in the Ambon and Poso fighting continue to provide recruits, ideological reinforcement, protection and sometimes financial support for the extremist movement,” says Sidney Jones, IPAC director.

Abu Gar was involved in Ambon with the organization KOMPAK; trained fighters in Poso in 2000-2001; became a follower in Jakarta of extremist cleric Aman Abdurrahman in 2003; was arrested for teaching a bomb-making class for Aman's followers in 2004; spent seven years in prison and returned to Ambon when he got out; and became the head of military affairs for Indonesia's largest pro-ISIS organization in 2015. At crucial steps along the way, he turned to men he had taught or trained with in Ambon and Poso. Some are in prison; several others are now in Syria.

The report also asks whether any interventions, governmental or non-governmental, could have pulled Abu Gar away from violence or reduced his influence over others. There were potential opportunities after his initial arrest on terrorism charges in 2004; during his years of incarceration; after his release in 2011; or after he was identified as participating in a key ISIS Indonesia meeting in November 2015. Now that he is back in custody, there may be another chance.

“Abu Gar is exactly the kind of high-risk detainee who needs to be the focus of sustained attention by Indonesian authorities,” says Jones. “The first step is to prevent his access to a smart phone.”

See the full report: [http://file.understandingconflict.org/file/2016/05/IPAC\\_Report\\_28.pdf](http://file.understandingconflict.org/file/2016/05/IPAC_Report_28.pdf)

## Political developments

### **Supreme Court Must Address Judicial Corruption: Watchdogs**

The Jakarta Globe, 11-05-2016

Corruption and judicial watchdogs joined forces on Tuesday (10/05) to admonish the Supreme Court for judicial corruption which has engulfed the body and its subaltern courts with at least 35 court officials found to have been involved in corruption cases since 2002.

In a joint statement under the flag of Judicial Monitoring Coalition — including Indonesian Corruption Watch, Indonesia Legal Aid Foundation, Legal and Policy Study Center and the Indonesian Judiciary Watchdog Society — the group said the arrest of Central Jakarta District Court clerk Edy Nasution on April 20 has exposed the failure to reform the judicial system.

Edy allegedly received more than Rp 50 million (\$3,800) in kickbacks from a middleman in relation to a case review. The case also involved Supreme Court secretary Nurhadi whose house was raided by KPK last month.

“The arrest of court official must not be seen as personal matters. It shows weaknesses of judicial system in Supreme Court and its subordinate courts, including in the matters of monitoring, recruitment, transparency, verdict administration and development,” the statement said.

The watchdog groups urged Supreme Court chairman Hatta Ali to issue an official statement on the judicial corruption which has been long occurring in the body, adding that he also needs to map the corruption loopholes together with the KPK and the Judicial Commission. The statement calls for the antigraft agency to begin systemic reform in

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judicial bodies, along with necessary intervention, in the Supreme Court to prevent further bribery cases involving judges and clerks.

In 2010, the now-defunct Presidential Delivery Unity for Development, Monitoring and Oversight (UKP4) had mapped the practises of the so-called judicial mafia. The practices included involvement in pre-hearing processes, case registration, the appointment of judges, court hearings and the issuance of verdicts.

The KPK has previously said it is considering the permanent deployment of a unit at the Supreme Court. Deputy chairwoman Basaria Pandjaitan said the agency will discuss its concerns with the court and assess its urgency.

### Papua

#### **Jeremy Corbyn on West Papua: UK Labour leader calls for independence vote**

The Guardian, 06-05-2016

Jeremy Corbyn has drawn attention to the plight of West Papuans, saying the recognition of human rights and justice should be the “cornerstone” of the UK Labour party’s foreign policy. The Labour leader made the comments in an address to a meeting of international parliamentarians, supporters and activists in London on Tuesday.

The group, which included Pacific region ministers and leaders, among them the West Papuan independence leader Benny Wenda, called for a UN-supervised independence vote in the Indonesian territory.

West Papuans are the indigenous people of a region on the western half of the island shared with Papua New Guinea, formerly under Dutch rule. Indonesia took temporary control of West Papua under a UN-backed treaty in 1963. It consolidated its rule through a UN-sanctioned but discredited ballot in 1969, in which barely 1,000 West Papuan representatives selected by Indonesia cast votes under threat of violence.

Wenda, who sought asylum in the UK in 2003 after escaping prison in West Papua, has led an international campaign for independence, drawing attention to continuing acts of

violence and alleged human rights abuses by Indonesian authorities. Indonesian police have arrested thousands of West Papuans in recent weeks.

“Essentially what we’re looking at is a group of people who did not enjoy their rights during a period of decolonisation, did not enjoy the rights bestowed to them by the UN charter and by the statutes on decolonisation,” Corbyn said.

“As a member of parliament I support them, as a member of this group and as a former vice-chair of the all-party human rights group.”

Recognising human rights and justice “has to be the cornerstone of foreign policy, the cornerstone of our relationship with every other country”, Corbyn said, pledging he would discuss a list of recommendations made by the group with the Labour party.

“I want these issues to become central to our party’s policies in the future and above all I want to see an end to environmental degradation and destruction and the right of people to be able to make their own choice on their own future.”

Corbyn, who is a cofounder of the International Parliamentarians for West Papua, described Monday’s gathering as “historic” and said the recommendations put forward were a good framework for moving towards recognition of the human rights issues, rights of representation and the right of people to choose their future in West Papua.

He noted the recommendation called for a visit by the UN special rapporteur, the reinstatement of NGOs in the region and questioning of international companies working in West Papua.

“It’s about a political strategy that brings to worldwide recognition the plight of the people of West Papua, forces it onto a political agenda, forces it to the UN, forces an exposure of it and ultimately that allows the people of West Papua to make the choice of the kind of government they want and the kind of society in which they want to live,” he said. “That is a fundamental right.”

He said the international community could continue “pretending the issue will go away” or it could “do something bold”. “Recognise injustice when you see it,” he said. “Recognise the abuse of human rights when you see it and recognise that both sides in any conflict

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benefit from a peace process and benefit from recognition of human rights, law and justice.”

The Free West Papua campaign hopes to see a UN resolution within two years to send international peacekeepers to protect West Papuans as they vote on independence. It urged international governments – particularly those of Australia and New Zealand – to support the vote.

“For 50 years Indonesia massacred my people, 500,000 people. We need international peacekeeping force in West Papua,” Wenda said. “In maybe another 10 or 20 or 50 years time I think my people will become a minority. We need this as soon as possible.”

On Friday the Indonesian embassy in Australia released a statement dismissing the meeting as a publicity stunt organised by a “small group of Papua separatists and sympathisers”.

“Papua and Papua Barat (West Papua) are parts of Indonesia. The UN and the international community recognise this,” it said in a series of tweets.

It accused the United Liberation Movement for West Papua, which Wenda leads, of making “false claims” and said West Papuans already had self-determination through special autonomy, free and fair elections, and education.

“President Jokowi is mobilising resources of the nation to deliver much needed infrastructure and public services in Papua,” it said.

“However, cases of violence are still a challenge. For example cases killed civilians, members of security authorities and separatists. Many cases are brought to court. And more to be brought to justice. President Jokowi is personally looking after human rights protections.”

### **Human rights and business in Papua**

April 2016

A report has been published by the Economic & Social Research Council of The University Warwick focused on the question of ethical implications of foreign investments and the

support to the central government of Indonesia. The report identifies a number of investors who have retracted their shares in companies working in Papua, based on human rights violations and environmental damage. The 48 pages report was launched early May and is the most recent publication on the current situation in Papua.

The “Politics of Papua Project” of the University of Warwick aims at facilitating a peaceful solution of the conflict in Papua.

<http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/ierg/westpapua>