

111TH CONGRESS
2^D SESSION

H. RES. 1355

Expressing the sense of the House of Representatives regarding the human rights crisis in Papua and West Papua.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2010

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives regarding the human rights crisis in Papua and West Papua.

Whereas the Department of State's 2008 Human Rights Report on Indonesia documents the detention of at least 30 peaceful Papuan activists, the killing of a Papuan man at a peaceful rally, and additional evidence of suppressed speech, societal abuse, and discrimination against religious groups, violence and sexual abuse against women, child labor, and human trafficking;

Whereas the Government of Indonesia has recently banned the International Committee of The Red Cross (ICRC) from the Provinces of Papua and West Papua which followed ICRC visits to detention facilities;

Whereas a 2007 United Nations report by United Nations Special Rapporteur on Torture, Manfred Nowak, found

“widespread torture in Indonesian prisons” and “the use of excessive force by Indonesian security forces in particular in Papua” and that “beatings and other forms of torture are entrenched in much of Indonesia’s prison system where a culture of impunity reigns”;

Whereas Indonesian President Abdurrahman Wahid permitted Papuans to fly the “morning star” flag as a cultural and historic symbol;

Whereas Amnesty International has identified numerous prisoners of conscience in Indonesian prisons, among them Papuans such as Filep Karma and Yusak Pakage, imprisoned for peaceful political protests including the display of the “morning star” flag which has historic, cultural, and political meaning for Papuans;

Whereas 40 Members of Congress in 2008 petitioned Indonesian President Susilo Bambang Yudhoyono on behalf of Papuan political prisoners Filep Karma and Yusak Pakage;

Whereas a Human Rights Watch report on June 5, 2009, noted “torture and abuse of prisoners in jails in Papua is rampant”; and

Whereas prominent Indonesian leaders have called for a national dialogue and Papuan leaders have called for an internationally mediated dialogue to address long-standing grievances in Papua and West Papua: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

1 (1) the Government of Indonesia should report
2 to the international community specific progress
3 made regarding—

4 (A) the end of abuse of those detained by
5 authorities in Papua and West Papua and pros-
6 ecution of those guilty of that abuse;

7 (B) actions taken by the Government of
8 Indonesia to improve conditions of incarcer-
9 ation, especially in Papua and West Papua;

10 (C) measures taken to protect the right of
11 its citizens to peaceful assembly and association
12 as well as the freedom of speech and specifically
13 symbolic speech, such as raising banners or
14 flags;

15 (D) compatibility of Indonesian law that
16 criminalizes peaceful political dissent and con-
17 flicting Indonesian commitments concerning the
18 rights to freedom of speech and assembly guar-
19 anteed by international covenants to which In-
20 donesia is a party, to include the Universal
21 Declaration of Human Rights; and

22 (E) provision to or access to detention fa-
23 cilities in West Papua by recognized human
24 rights monitoring institutions, including the
25 International Committee of The Red Cross; and

1 (2) the Government of Indonesia should allow
2 an independent, third party human rights organiza-
3 tion to review prison conditions with special atten-
4 tion to Papuan inmates and on the basis of that re-
5 view, formulate a series of recommendations to the
6 Government of Indonesia that would facilitate prison
7 and legal reforms especially to—

8 (A) address deficits in facilities, personnel
9 training, and procedures for the purpose of im-
10 proving the humanitarian treatment of those
11 detained;

12 (B) formulating procedures, including judi-
13 cial reform and legal remedies to ensure that
14 prison authorities face appropriate punishment
15 for mistreatment of those detained; and

16 (C) encourage reform of the Indonesian
17 criminal code and sentencing procedures to en-
18 sure that they reflect Indonesia's commitments
19 under international undertakings and Indo-
20 nesia's own legal obligations to protect funda-
21 mental human rights, including the rights to
22 freedom of speech and peaceful assembly and
23 association.

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