

## **Evidence for the Permanent Peoples' Tribunal Session on Environmental Destruction and State Repression in West Papua**

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This is the written evidence that should be read alongside the oral evidence provided on Friday 28<sup>th</sup> June 2024, at 15:10.

This submission comprises evidence principally from the report, *Exporting Prevent: The UK government's complicity in rights-violating counter-extremism programmes in Indonesia*, which Rights & Security International published in April 2024.<sup>1</sup> I am the researcher and author of that report. The report is the culmination of an extensive research process, following interviews with subject-matter experts including academics, counter-terrorism practitioners and civil society groups. It also involved legal and policy analysis of Indonesian law and government policies, as well as supplementary desk research.

In this submission, I will briefly outline some of the serious human rights harms allegedly committed in West Papua, principally those committed by state actors. These include frequent allegations of unlawful killings, torture and enforced disappearances, and a repression that we conclude may violate the Papuan people's right to freely express themselves. I will also briefly discuss the impact of the Indonesian government's decision to proscribe some Papuan groups as 'terrorist' organisations. This submission will generally focus on issues of free expression, as it is expected that other contributors will cover the issue of unlawful killings, torture and enforced disappearances in more detail.

The second part of this submission will discuss how other governments – principally the UK government – play a role in either overtly supporting or acquiescing in these harms, which we argue could amount to complicity under international law. Particularly, I will discuss the training of officers that have gone on to conduct counter-terrorism operations in West Papua, as well as how the UK government has persuaded its Indonesian counterparts to adopt a harmful approach to 'counter-extremism' that helps to enable some of these rights violations.

### Alleged human rights violations committed in West Papua

The *Exporting Prevent* report looked primarily into Indonesia's approach to preventing and countering violent extremism (P/CVE). P/CVE strategies are programmes that governments

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<sup>1</sup> The report and press release are available here:

<https://www.rightsandsecurity.org/action/research/exporting-prevent-the-uk-governments-complicity-in-rights-violating-counter-extremism-programmes-in-indonesia>

adopt purportedly to prevent people from being drawn into terrorist violence. They come in many forms but they generally suffer from a number of key flaws.

Firstly, there is significant scientific debate around what leads to people committing acts of violence directed at the state. Many P/CVE strategies focus on a linear approach of some sort: someone holds an ‘extremist’ opinion, which gradually leads to them committing an act of violence. However, academics argue that the reality is much more complex, and there are a wide range of factors that influence somebody’s willingness to commit violence. Further, despite P/CVE strategies referring to ‘violent’ extremism, in practice many governments’ approaches to P/CVE impact people who hold non-violent opinions and people who are staunchly anti-violence.<sup>2</sup>

One major flaw is with the subjectivity and uncertainty of what constitutes ‘extremism’. Due to this subjectivity, the definition of ‘extremism’ can fluctuate depending on what the incumbent government thinks is ‘moderate’ and what is ‘extreme’ – something we have seen in the UK in recent years.<sup>3</sup> As a result, governments have used P/CVE approaches to quasi-criminalise and deplatform people who it disagrees with, preventing them from protesting and otherwise limiting their lawful expression.<sup>4</sup> In some circumstances, we also see governments use P/CVE tools as a way of repressing already repressed groups – a point of particular relevance to this submission.

In *Exporting Prevent*, we conclude that the Indonesian government uses P/CVE in a way that silences the people who are most likely to disagree with its policies, and uses language such as ‘religious moderation’ and ‘religious tolerance’ to gain public support for policies that limit fundamental freedoms for religious minorities and indigenous rights activists. In general, rather than focusing on preventing violence, the Indonesian approach is to attain ‘social cohesion’ – forcing everyone to hold the similar views, and ones that it deems to be acceptable. In Papua, a broad approach to P/CVE captures anyone who may disagree with government policies, including peaceful activists. As well as the alleged torture, killings and enforced disappearances, these practices have implications for freedom of expression.

In Indonesia, government laws and policies frequently impact non-recognised religions or other beliefs that the government believe are ‘extreme’. The government does this by relying on the ‘Pancasila’ doctrine and concepts of ‘religious moderation’. Pancasila is Indonesia’s official political theory, meaning that, among other things, there are only six religious beliefs

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<sup>2</sup> See, e.g. Zin Derfoufi and Rights & Security International, ‘*Prevent-ing Dissent: How the U.K.’s counterterrorism strategy is eroding democracy*’ (Rights & Security International, 2022).

<sup>3</sup> Vikram Dodd, ‘Socialism, anti-fascism and anti-abortion on Prevent list of terrorism warning signs’ (*The Guardian*, 7 March 2024): <https://www.theguardian.com/uk-news/2024/mar/07/socialism-anti-fascism-anti-abortion-prevent-list-terrorism-warning-signs>

<sup>4</sup> *Supra* n.2.

that are officially recognized by the state (Buddhism, Confucianism, Hinduism, Islam, and Catholic and Protestant Christianity). Any beliefs that fall outside of this list do not have official recognition.

‘Religious moderation’ is the idea that everyone should hold ‘moderate’ beliefs – anyone who holds beliefs that the government thinks falls outside of the ‘moderate’ window should change their views to fit in with the majority. The Indonesian government’s narrow interpretation of what is ‘moderate’ means excluding many people from public life; people who hold non-violent religious and other beliefs are told to change their views or face state sanction. Any political or religious disagreement with the government is seen as a security threat that must be stopped, by force or otherwise. As with ‘extremism’, ‘moderation’ is a term with a political meaning that is subjective based on the incumbent government’s views.

If a person’s or a community’s view does not fit within the Pancasila definition or is not deemed to be ‘moderate’, then the state flags it for intervention. Because the quantity of people who hold ‘moderate’ views is large, and due to the country’s history of political violence, the government believes it can use policies relying on Pancasila and ‘religious moderation’ to gain popular support.

Alongside overt state action, the Indonesian government’s approach to P/CVE also creates community pressure on individuals who hold opinions and beliefs that the state deems to be unacceptable. This is through a form of community policing, whereby the government and the police rely on members of a community to report people that they think hold ‘extreme’ beliefs. (Again, recalling the politicised and narrow interpretation of which beliefs the government believes are acceptable.) Alongside the free expression issues this causes, there are practical problems with how the police implement community-policing-style strategies. After a member of a community flags another person for holding ‘extreme’ views, the police often fail to conduct effective and systematic evidence gathering and assessment. After that, there is then a heavy-handed response to reported ‘extremists’. In sum, this can harm many members of a community, including those who do not even meet the government’s definition of holding an ‘extreme’ view.

Therefore, Indonesian P/CVE practices create an environment where people and communities feel like they must change their views or opinions to conform to ‘mainstream’ views, or, if not, they feel incapable of expressing themselves.

In Papua, the rights harms are not expressly linked to Pancasila or ‘religious moderation’, but instead the themes and government approaches discussed above resonate here; in essence, groups and individuals expressing peaceful dissent are often treated as security threats.

For example, the Indonesian government has designated many Papuan organisations as ‘terrorist’ groups under its domestic law. In some instances, these appear to have been for political motives and to prevent groups or individuals from advocating for Papuan independence, or to limit their legitimacy.

This resonates with the approach the Indonesian government takes to religious minorities elsewhere in Indonesia – using national security policy to repress people it disagrees with. As with the reliance on Pancasila and religious moderation, the government also knows this a way of gaining public support – suppressing the minority in the name of what it says is public safety or social cohesion.

We see the Indonesian government adopt a similar approach when it comes to protestors. For example, between August and September 2019, the region experienced mass protests because of soldiers allegedly racially mistreating West Papuan students at universities across the country. In response to these protests, the government commissioned over 6,500 police and military personnel to stop the protests – not facilitate them – leading to the shooting and killing of civilians. Other protests, such as those against new administrative laws in the region in June 2022, were treated in a similar way. In sum, it appears all protestors and people who disagree with government policy in Papua, regardless of their affiliations, are treated as security threats that must be stopped. We conclude that there is a *de facto* prohibition on protest in the region.

There is also a lack of clarity and transparency around how the government and the police conduct P/CVE operations. This can create a ‘chilling’ effect on individuals within religious and indigenous communities, and on academics, civil servants and civil society who disagree with the government. These people are aware of government (and community) pressure to change their views.

#### Other governments’ roles, with a particular focus on the UK

Many governments play a role in Indonesia’s national security work. The main two actors are the United States and Australia, with the UK having a slightly lesser role.

Many governments want to be at the centre of national security, counter-terrorism and counter-extremism on the international stage. For many, it is a way of building relationships with other governments and meeting common security goals. With the UK, for example, we conclude that the government uses P/CVE cooperation to further trade deals with other countries following its exit from the European Union, and that it also has a fundamental fear of Islam and would therefore be generally supportive of the ‘religious moderation’ style policy we see in Indonesia. Generally, though, other governments see Indonesia as having regional importance when it comes to security, so it receives a lot of international attention.

We know many governments provide Indonesia with military support and training, including the UK, although we do not have full picture as many forms of co-operation are not public knowledge. In terms of training, often this is on how to conduct counter-terrorism or other national security operations, so it is feasible that people trained by international forces go on to work in West Papua, however we do not know for certain.

However, we have more information about international support for Indonesian policing. Principally, this done through the Jakarta Center for Law Enforcement Cooperation (JCLEC), a self-defined ‘international centre for law enforcement cooperation’ established in 2004 following the Bali Bombings.<sup>5</sup> The JCLEC trains Indonesian law enforcement and security service officers on a range of topics, including analytical skills, forensics and surveillance, and incident response. Some JCLEC-trained officers have gone on to work in Papua, some of whom have allegedly committed serious crimes.

Despite this, the UK government has, for example, said that it does not train anybody that works in West Papua, although it is unlikely that it can be certain of this. Due to the way that policing deployments occur, experts were skeptical about the accuracy of the UK’s claims. Alongside the UK, Australia, Indonesia and Canada provide the JCLEC with programme managers, while other governments provide it with trainers and other support, including Denmark, New Zealand and the Netherlands.

In *Exporting Prevent*, we also looked at the harmful effects of the UK’s international P/CVE funding. We have found some concerning funding practices by the UK, although these are not specific to West Papua. For example, we have seen UK funding that aims to implement ‘community policing’ and ‘religious moderation’. Many governments also provide funding to the JCLEC alongside the technical support and training already outlined.

Finally, we know that many other governments advise the Indonesian government on its law reform processes, particularly on P/CVE. This is partly through the UN Plan of Action on P/CVE, which itself helps to reinforce some of the problematic practices around P/CVE, but there is also bilateral engagement. Here we have investigated the reform process which led to the creation of the National Action Plan on CVE (RAN CVE). We know that the committee charged with recommending new P/CVE laws was given training by some governments and was told to review other countries’ strategies, including the UK’s, with a view to implementing aspects of them in their proposals. In sum, international involvement in Indonesian P/CVE at both the policy and legislative levels is high.

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<sup>5</sup> See Jakarta Centre for Law Enforcement Cooperation, ‘JCLEC Donors’ (JCLEC, no date): <https://jclec.org/donors/>

We conclude that governments which support the Indonesian government to create and implement its P/CVE and other national security strategies risk violating international law by being complicit in many of the rights violations outlined in this submission.