‘GOLD RUSH’

INDONESIA'S MINING PLANS RISK FUELING ABUSES IN PAPUA

CONFLICT AND ENVIRONMENT

AMNESTY INTERNATIONAL

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Cover photo: *Indigenous Papuans gathered at Bilogai Church, Sugapa district, Intan Jaya regency, hold a poster with the message:*
Don't Kill Us subtly
We want to live another thousand years
Intan Jaya needs peace
Intan Jaya, 02-11-21
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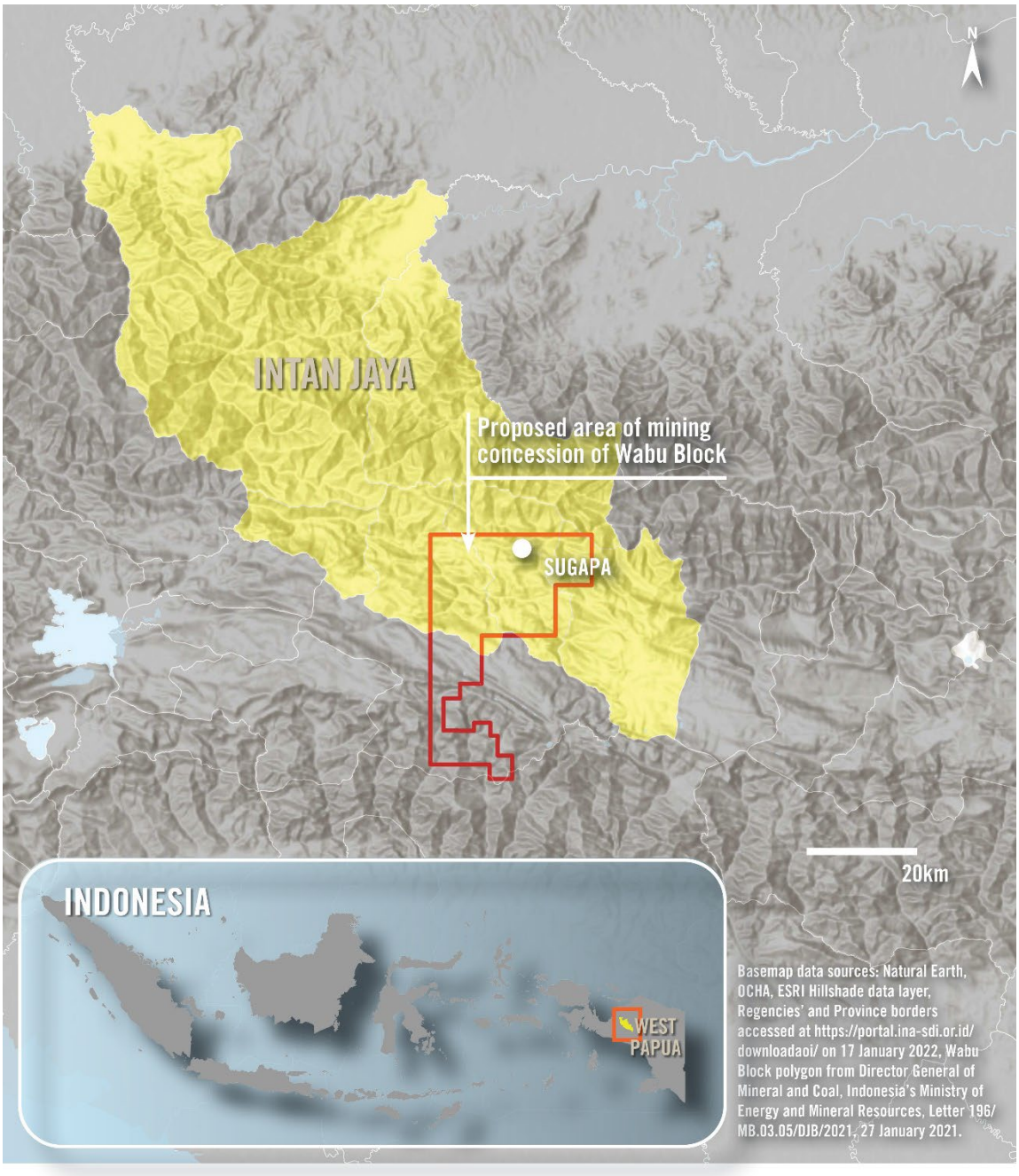
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EXECUTIVE SUMMARY

In Papua, one of Indonesia's largest identified gold reserves lies in an area that is considered a hotspot for abuses by government security forces. Indigenous Papuans report violence from security forces and multiple restrictions on public and private life, such as limitations on movement and even on the use of electronic devices. The announcement by the Indonesian government of its intention to exploit this vast reserve poses significant risks to the human rights of Indigenous Papuans, already threatened by insecurity and repression.

The gold is located in Wabu Block in Intan Jaya regency, in the central highlands of Papua province. The area is inhabited by Indigenous Papuans, mostly belonging to the Moni tribe, and remains predominantly covered by forest. According to official estimates, Wabu Block holds approximately 8.1 million ounces of gold, making it one of Indonesia's five largest known gold reserves.

Since late 2019 the decades-long armed conflict between Papuan pro-independence groups and Indonesian security forces has increased in intensity in Intan Jaya regency. In October 2019, members of the Free Papua Movement (*Organisasi Papua Merdeka* – OPM), an armed Papuan pro-independence group, killed three motorcycle taxi drivers in Intan Jaya regency, accusing them of being spies.

Since that time, the Indonesian government has significantly increased the presence of security forces in Intan Jaya regency. For example, there are now some 17 security posts in Sugapa district (the capital of Intan Jaya regency) where only two had existed before October 2019.) This increase has been accompanied by unlawful killings, raids and beatings carried out by soldiers and police officers, causing a generalised environment of violence, intimidation, and fear. Indigenous Papuans report that they now face restrictions in carrying out mundane daily activities and that many have felt compelled to leave their communities for the safety of other cities or the forest.

Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block, combined with the human rights risks associated with the conflict in Intan Jaya regency. Of particular concern are the obstacles to carrying out an adequate and meaningful consultation with the affected Indigenous people in order to obtain their free, prior, and informed consent regarding mining in Wabu Block.

The background to the current situation underscores the reasons for grave concern. Papua – the western half of the island of New Guinea – has a long history of human rights violations. Since the integration of Papua into Indonesia in the 1960s, the region has seen continuing conflict between Papuan pro-independence groups and the Indonesian security forces. In their efforts to crush both armed and peaceful pro-independence groups, the security forces have carried out widespread human rights violations, including unlawful killings, torture, and enforced disappearances. (Amnesty International takes no position on the political status of Papua or of any other province of Indonesia, including with respect to calls for independence, focusing solely on the protection of human rights.)

Within this sombre picture, the situation of Intan Jaya is particularly bleak: it is the Papuan regency with the highest number of suspected unlawful killings by Indonesian security forces in 2020 and 2021. Amnesty International has documented eight cases involving 12 victims of suspected unlawful killings carried out by Indonesian security officers in Intan Jaya regency over these two years. This represents one quarter (27%) of the total number of victims of suspected unlawful killings carried out by Indonesian security officers that Amnesty International has documented in the whole region (including both Papua and West Papua provinces) during that period.

This is also a clear escalation compared to the past. Indeed, Amnesty International did not document a single case of suspected unlawful killing carried out by Indonesian security officers in Intan Jaya regency in 2018 and 2019.

Indigenous Papuans interviewed by Amnesty International described numerous incidents in which members of Indonesian security forces beat residents in Intan Jaya regency. Yahya, a local resident, recalled how he witnessed members of Indonesian security forces beating residents in a village in Intan Jaya regency in early 2021:

> **The Indonesian Army and Police came from the military post to our village. Then they started asking people about where OPM is. The people said, 'we don't know, we're just ordinary people'. I saw them beat two older men and one woman. After that, the local population fled the village, leaving their houses, livestock, gardens, and other possessions.**

Indigenous Papuans reported that members of Indonesian security forces in Intan Jaya regency have imposed multiple restrictions on their public and private lives. These include restrictions on movement, limitations on the use of electronic devices, and orders to cut their hair. Lian, another local resident, said:

> **When we go to town for shopping, we are asked where we go, which village we are coming from, where we live. Then after shopping, while we are going home, our stuff is checked. Even our bags have to be checked every day by the security apparatus. If we have a lot of stuff, we are accused of buying food for OPM.**

Over the last two years, thousands of residents have left their houses and villages in Intan Jaya regency following gunfights between OPM and Indonesian security forces and incidents of violence against Indigenous Papuans. They decided to move to other towns or the forest. Many are afraid of returning because of the presence of Indonesian security forces in their villages.

Despite this insecurity, the Indonesian government has announced its intention to move ahead with plans for a massive gold mine in Intan Jaya. In September 2020, government authorities expressed their intention that PT Aneka Tambang Tbk (ANTAM), an Indonesian state-owned mining company, develops mining activities in Wabu Block.

Under Indonesian law, the Ministry of Energy and Mineral Resources is responsible for conducting the licensing process of mining areas. The licensing process essentially involves the determination of the area of the mining concession and the granting of a business license to develop mining activities in the concession. While the business license can be granted to state-owned or private companies, the legislation prioritizes state-owned companies.

While the area of the Wabu Block mining concession has not yet been officially declared, during the course of its research Amnesty International obtained official documents that detailed the proposed concession area. According to those documents, it would cover over 69,000 hectares, an area roughly equivalent in size to Indonesia's capital city of Jakarta.

While Amnesty International has not seen any evidence that ANTAM and/or the Ministry of Energy and Mineral Resources are directly involved in the existing conflict in Intan Jaya regency, Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block in the existing context. Specifically, it has serious doubts regarding whether current conditions are conducive to carrying out an adequate and meaningful consultation with Indigenous Papuans in order to obtain their free, prior, and informed consent to the mining.

International human rights law, the Indonesian Constitution, and the country's national legislation recognize Indigenous peoples' rights, including rights to their customary land. The Indonesian authorities have the obligation to respect and protect such rights. Among their obligations, the authorities are obliged to adequately and effectively consult with Indigenous people in order to obtain their free, prior, and informed consent ("FPIC").

The "free" dimension of the consultation process means that there is no manipulation, coercion, or intimidation in the consultation process. There should not be accusations, threats, criminalization, violence towards Indigenous peoples or prejudiced views towards them.

Amnesty International considers that, under the present circumstances of violence, fear, and intimidation, there are significant obstacles to moving forward with the licensing process and engaging in a consultation with the affected Indigenous people. It also risks aggravating the existing conflict and driving human rights violations in Intan Jaya regency and across Papua. Historically, the exploitation of natural resources has been one of the main drivers of the armed conflict in Papua.

A number of Indigenous Papuans told Amnesty International that they oppose the proposed mining plans due to their potential to harm both the environment and local communities. They described using the

proposed mining area for cultivating crops, hunting animals, and collecting timber. They said they feared environmental pollution, the loss of customary land, and damage to their livelihoods.

According to media reports, Indigenous organizations from Intan Jaya regency have made public statements opposing mining in Wabu Block on several occasions. For example, in October 2021, representatives of Intan Jaya regency, including community leaders, intellectuals, and students, voiced their opposition to the mining plans in Wabu Block during a meeting with representatives of Papuan People's House of Representatives (*Dewan Perwakilan Rakyat Papua* – DPRP).

Amnesty International wrote to Indonesia's Ministry of Energy and Mineral Resources and ANTAM presenting its human rights concerns related to mining in Wabu Block and seeking further information on mining plans in Wabu Block and the licensing process. At the time this report was written, Amnesty International had not received a response from either Indonesia's Ministry of Energy and Mineral Resources or ANTAM.

Amnesty International urges Indonesian authorities to pause the licensing process of Wabu Block until consulting the affected Indigenous Papuans, and obtaining their free, prior, and informed consent to the mining plans. Given the current insecurity, Amnesty International recommends that the Indonesian government first carry out an initial consultation (known as a "consultation on the consultation") with the purpose of ascertaining whether a full and effective consultation on the proposal is feasible and desirable, and if so, how such a consultation would be carried out.

Amnesty International notes that it is possible that the affected people would reject the possibility of holding an effective and participatory consultation under the current circumstances of insecurity, or outright reject the proposed mine, without the need for consultation (which is also a legitimate expression of their right to free, prior, and informed consent). If that is the case, Amnesty International urges the Indonesian state to respect that decision.

In case the Indonesian government does not carry out a "consultation on the consultation", Amnesty International calls on Indonesian authorities to ensure that conditions in Intan Jaya regency are safe and peaceful before engaging in a meaningful and effective consultation process with Indigenous Papuans to obtain their free, prior, and informed consent about mining in Wabu Block.

Amnesty International also calls on Indonesian authorities to prevent human rights violations occurring as a result of the presence of Indonesian security forces in Intan Jaya regency, and to ensure that military activities do not take place on the lands of Indigenous Papuans, unless justified by the public interest or otherwise freely agreed with or requested by them. Indonesian authorities should investigate reports of human rights violations carried out by members of security forces and hold perpetrators accountable, as well as provide adequate remedies to the victims and their families. Authorities should ensure the safe and voluntary return of displaced residents and allow residents to carry out their daily activities without arbitrary restrictions.

METHODOLOGY

From March 2021 to January 2022 Amnesty International conducted research about the situation in Intan Jaya regency, including the escalation of the armed conflict, human rights violations, and mining plans in Wabu Block.[1] This research included remote interviews with 31 people: 14 Indigenous people from Intan Jaya regency, six government officials, and 11 representatives of civil society, including religious organizations and human rights defenders.

To protect the confidentiality and safety of interviewees, names and other identifying information have been withheld. Throughout this report Amnesty International has used pseudonyms for interviewees.

Amnesty International also conducted an open-source investigation to identify the main locations of Indonesian security forces in Intan Jaya regency; this involved the analysis of photos and videos, media reports and satellite imagery. Researchers also consulted official documents, media reports and scientific studies regarding Wabu Block.

Amnesty International analysed satellite imagery covering the proposed area of mining concession of Wabu Block. Analysts used the administrative boundaries provided by *Ina-Geoportal,* an Indonesian geospatial platform developed by the Indonesian Geospatial Information Agency (*Badan Informasi Geospasial*).[2]

Amnesty International also reviewed relevant international and Indonesian legislation.

Amnesty International wrote to Indonesia's Ministry of Energy and Mineral Resources seeking further information on Wabu Block and its licensing process. The letter is attached in Annex 1. At the time this report was written, Amnesty International had not received a response from Indonesia's Ministry of Energy and Mineral Resources.

Amnesty International also wrote to PT Aneka Tambang Tbk (ANTAM) seeking information on ANTAM's mining plans with respect to Wabu Block. ANTAM is a state-owned Indonesian mining company.[3] The letter is attached in Annex 2. At the time this report was written, Amnesty International had not received a response from ANTAM.

[1] The research did not extend to other regencies in Papua and West Papua provinces. (Regencies (*kabupaten*) in Indonesia are the administrative unit below the province level.)
[2] Indonesia's Geospatial Information Agency (*Badan Informasi Geospasial*), "*Ina Geoportal*", portal.ina-sdi.or.id/downloadaoi/ (accessed on 17 January 2022).
[3] PT Aneka Tambang Tbk (hereinafter: ANTAM), "2020 Annual Report", antam.com/en/reports/annual-reports, pp. 192-195.

1. BACKGROUND

1.1 PAPUA: HISTORY OF CONFLICT AND HUMAN RIGHTS VIOLATIONS

In this report, the term Papua (or West Papua) refers to the western half of the island of New Guinea, the world's second largest island. The eastern half of the island is the country of Papua New Guinea. The Indonesian part of the island is administratively divided into two provinces: Papua and West Papua (*Papua Barat*). Each province is further administratively divided into regencies (*Kabupaten*). Papua is the most culturally diverse region in Indonesia with more than 250 different Indigenous linguistic groups.[4] Together, both provinces have an estimated population of 5.5 million. Most of the population (66%) is Protestant, followed by Muslims (20%) and Catholics (14%).[5]

Papua's history has been marked by a decades-long conflict between Papuan pro-independence groups and Indonesian security forces. In 1969, Indonesia formally integrated Papua through the Act of Free Choice, a process described by the Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia* – LIPI) as "a series of consensus-building consultations with a limited number of regional councils, consisting of 1,024 representatives of the major ethnic/tribal groups of Papua, who were hand-picked and then strongly directed by the military."[6] Despite the limitations of this process, the UN General Assembly accepted the integration of Papua into Indonesia on 19 November 1969.[7]

Since then, an array of Papuan groups, both peaceful and armed, have demanded independence from Indonesia.[8] In response, the Indonesian security forces have carried out widespread human rights violations, including unlawful killings, torture, and enforced disappearances, with the purpose of supressing both armed and peaceful pro-independence groups.[9]

In recent years there have been frequent reports of human rights violations in Papua. In 2018, Amnesty International published a report, *Don't bother, Just Let Him Die*, documenting 69 cases of suspected unlawful killings by security forces in Papua between January 2010 and February 2018. The report revealed that investigations for unlawful killings are rare and that holding perpetrators accountable for the deaths is even rarer.[10]

In December 2018, members of OPM (*Organisasi Papua Merdeka* –OPM) killed construction workers in Nduga regency, central highlands of Papua province. In response, Indonesian security forces were deployed

[4] International Work Group for Indigenous Affairs (IWGIA), "*Indigenous world 2019: West Papua*", 24 April 2019, iwgia.org/en/indonesia/3441-iw2019-west-papua.html

[5] Amnesty International calculated the estimated population in Papua by adding the population in Papua and West Papua provinces. Indonesian Ministry of Internal Affairs (*Kementerian Dalam Negeri*), "*Visualisasi Data Kependudukan*", gis.dukcapil.kemendagri.go.id/peta/ (accessed on 17 February 2022).

[6] Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia* – LIPI), "*Papua Road Map: Negotiating the Past, Improving the Present and Securing the Future (English version)*", Jakarta, 2010, Yayasan Pustaka Obor Indonesia, p. 3.

[7] United Nations General Assembly, "Resolution 2504 (XXIV) on the Agreement between the Republic of Indonesia and Kingdom of the Netherlands concerning West New Guinea (West Irian)", adopted at the 1813th plenary meeting on 19 November 1969, UN Doc. A/RES/2504(XXIV), digitallibrary.un.org/record/202193

[8] Pro-independence groups include, for example, the armed group Free Papua Movement (*Organisasi Papua Merdeka* – OPM) and the peaceful United Liberation Movement for West Papua (ULMWP) and the West Papua National Committee (*Komite Nasional Papua Barat* - KNPB). Johnny Blades, "*West Papua: the Issue that Won't Go Away for Melanesia*", *The Lowy Institute,* May 2020, lowyinstitute.org/publications/west-papua-issues-wont-go-away-melanesia

[9] Richard Chauvel and Ikrar Nusa Bhakti, "The Papua Conflict: Jakarta's Perceptions and Policies", East-West Center, Washington, 2004, eastwestcenter.org/system/tdf/private/PS005.pdf?file=1&type=node&id=31989, pp. 24, 33-35; International Centre for Transitional Justice (ICTJ) and ELSHAM Papua, "The Past That Has Not Passed", June 2012, p. 18-22.

[10] Amnesty International, *Don't Bother, Just Let Him Die: Killing with Impunity in Papua* (Index: ASA 21/8198/2018).

to the regency and conducted security operations that led to several deaths and displacement of thousands of civilians.[11] The West Papua Council of Churches estimated that 47,000 residents from Nduga regency remained displaced and 295 died from hunger and health problems as of November 2021.[12]

More recently, in September 2021, the United Nations Secretary-General noted that the Indonesian government had targeted human rights defenders in Papua that had collaborated with the United Nations system.[13] Additionally, the Indonesian government has restricted access to journalists to Papua for decades.[14]

Amnesty International takes no position on the political status of any province of Indonesia, including calls for independence. Amnesty International documents human rights violations whatever the political context in which they are committed.

1.2 CONFLICT AND NATURAL RESOURCES

Papua hosts part of the third largest tropical rainforest in the world, behind the Amazon and the Congo rainforests.[15] In 2010, 94% of Papua's territory was covered by natural forest.[16] Papua is also rich in minerals such as gold and copper.

The exploitation of its vast natural resources has contributed to the armed conflict in Papua.[17] The implementation of large extractive business activities, such as mining, logging and palm oil plantations, has adversely impacted local communities, destroying livelihoods and fuelling marginalisation.[18] According to the International Crisis Group, the Indonesian government "has often given concessions to resource companies in disregard of the customary rights of indigenous Papuan communities, while troops and police guarding these concessions have frequently committed murders and other human rights abuses against civilians."[19]

Over the last few years deforestation has advanced in Papua. Based on data from the University of Maryland and the World Resources Institute, Papua lost 670 thousand hectares of tree cover between 2011 and 2020. 69% of it was classified as primary forest, which are among the most biodiverse types of forest.[20] Palm oil and pulpwood industrial plantations, mining and roads are among the main factors driving deforestation.[21]

Forests play a key role in the fight against climate change and its devastating impacts on human rights. Forests absorb carbon from the atmosphere. In turn, deforestation releases carbon stored in the trees and forest soil, contributing to climate change.[22] Climate change-related impacts – such as heatwaves, wildfires, severe drought, and sea-level rise – severely affect the enjoyment of the human rights of millions of people, including the rights to life, water, food, health, and sanitation, among others.[23]

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[11] Amnesty International, *Human Rights in Asia-Pacific: Review of 2019* (Index: ASA 01/1354/2020), 29 January 2020, amnesty.org/en/wp-content/uploads/2021/05/ASA0113542020ENGLISH.pdf, p. 26.
[12] CNN Indonesia, "*Dewan gereja Papua: 60 ribu orang mengungsi akibat konflik bersenjata*", 26 November 2021, cnnindonesia.com/nasional/20211126114005-20-726387/dewan-gereja-papua-60-ribu-orang-mengungsi-akibat-konflik-bersenjata
[13] United Nations Secretary-General, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights", presented during the 48th Session of the Human Rights Council, 13 September – 1 October 2021, UN Doc. A/HCR/48/28, paras 43-50.
[14] Alliance of Independent Journalists, "*Press Freedom Deteriorates Amid the Pandemic: May 3, 2020 – May 3, 2021*", May 2021, aji.or.id/upload/article_doc/Press_Freedom_Deteriorates_Amid_The_Pandemic.pdf
[15] Rhett A. Butler, "The world's largest rainforests", *Mongabay,* 11 July 2020, rainforests.mongabay.com/facts/the-worlds-largest-rainforests.html
[16] Amnesty International calculated the tree cover in Papua by adding the tree cover in Papua and West Papua provinces from Global Forest Watch. Global Forest Watch, "Tree cover in Papua Barat and Papua, Indonesia", globalforestwatch.org
[17] International Crisis Group, "Indonesia: resources and conflict in Papua", 13 September 2002, p. i, crisisgroup.org/asia/south-east-asia/indonesia/indonesia-resources-and-conflict-papua
[18] Johnny Blades, "West Papua: the issue that won't go away for Melanesia", *The Lowy Institute,* May 2020, lowyinstitute.org/publications/west-papua-issues-wont-go-away-melanesia
[19] International Crisis Group, "Indonesia: resources and conflict in Papua", 13 September 2002, p. i, crisisgroup.org/asia/south-east-asia/indonesia/indonesia-resources-and-conflict-papua
[20] Amnesty International calculated the tree cover loss and primary forest loss in Papua by adding the corresponding data for Papua and West Papua provinces. Data set defined primary forests as "mature natural humid tropical forest cover that has not been cleared and regrown in recent history". The University of Maryland and World Resources Institute, "Global Primary Forest Loss", globalforestwatch.org
[21] David Gaveau and others, "Forest loss in Indonesian New Guinea: trends, drivers and outlook", *Biological Conservation 26 (2021) 109225*, 2021.
[22] Duncan Brack, "Forests and Climate Change: Background study prepared for the fourteenth session of the United Nations Forum on Forests", *United Nations Forum on Forests,* March 2019, un.org/esa/forests/wp-content/uploads/2019/03/UNFF14-BkgdStudy-SDG13-March2019.pdf
[23] Amnesty International, *Stop Burning our Rights! What governments and corporations must do to protect humanity from the climate crisis* (Index: POL 30/4110/2021).

1.3 WABU BLOCK

Wabu Block is a gold ore deposit located in the central highlands of Papua province. The company PT Freeport Indonesia first discovered gold in Wabu Block in April 1990.[24] It is located in Intan Jaya regency, at elevations from 2,200 up to 3,100 metres above sea level. It is approximately 35 kilometres north from the Grasberg minerals district in Mimika regency.[25] PT Freeport Indonesia is the company responsible for operating the Grasberg minerals district, one of the world's largest gold and copper deposits.[26]

Wabu Block is part of what was formerly labelled Block B, an area of 0.5 million acres over which PT Freeport Indonesia had rights to carry out exploration activities.[27] A study published in 1999 estimated the amount of gold resources in Wabu Block at 8.1 million ounces of gold and stated that its potential may be even larger.[28] The estimated amount of gold resources could make Wabu Block one of the largest gold mines in Indonesia.[29]

Wabu Block is located just south of Sugapa district, capital of Intan Jaya regency, around Mount Bula. It is named after the local river Wabu. The area is inhabited by Indigenous Papuans. The same 1999 study noted that the area is inhabited by the Indigenous Moni tribe (also called Migani) and that "elaborate tribal and family laws exist, as do complex land ownership and usage issues".[30]

Satellite imagery from 03 December 2021 shows the aerial view of Sugapa district, capital of Intan Jaya regency.

Intan Jaya regency has an estimated population of 136,185 as of December 2021, according to official data from the Indonesian Ministry of Internal Affairs. The vast majority (73%) of the population is Protestant and

[24] G. V. O'Connor and others, "The Discovery of the Wabu Ridge Gold Skarn, Irian Jaya, Indonesia", in Australasian Institute of Mining and Metallurgy, *PACRIM '99 Congress: 10-13 October 1999, Bali, Indonesia (proceedings)*, pp. 549-557.
[25] G. V. O'Connor and others, "The Discovery of the Wabu Ridge Gold Skarn, Irian Jaya, Indonesia", in Australasian Institute of Mining and Metallurgy, *PACRIM '99 Congress: 10-13 October 1999, Bali, Indonesia (proceedings)*, pp. 549-557.
[26] PT Freeport Indonesia, "Overview", ptfi.co.id/en/overview (accessed on 17 February 2022).
[27] Freeport-McMoRan Copper & Gold Inc., "Annual Report Pursuant to Section 13 or 15(d) of the Security Exchange Act of 1934 for the fiscal year ended December 31, 2006", 28 February 2007.
[28] G. V. O'Connor and others, "The Discovery of the Wabu Ridge Gold Skarn, Irian Jaya, Indonesia", in Australasian Institute of Mining and Metallurgy, *PACRIM '99 Congress: 10-13 October 1999, Bali, Indonesia (proceedings)*, pp. 549-557. Recent media reports also refer to reserves of 8.1 million ounces of gold in the Wabu Block. Anisatul Umah, "Dahsyat! Total sumber daya emas di Blok Wabu 8,1 Juta ons", *CNBC Indonesia,* 23 October 2020, cnbcindonesia.com/market/20201023081026-17-196486/dahsyat-total-sumber-daya-emas-di-blok-wabu-81-juta-ons; Kumparan, "Bola Panas Blok Emas Wabu (2), 04 October 2021, kumparan.com/kumparannews/bola-panas-blok-emas-wabu-2-1weawUE7Jpa/full
[29] Amnesty International analysed data on existing gold mines in operation in Indonesia. According to the analysis, the estimated 8.1 million ounces of gold would make Wabu Block the third largest gold mine in Indonesia, behind Grasberg minerals district, in Papua province, and Batu Hijau gold mine, in West Nusa Tenggara province.
[30] G. V. O'Connor and others, "The Discovery of the Wabu Ridge Gold Skarn, Irian Jaya, Indonesia", in Australasian Institute of Mining and Metallurgy, *PACRIM '99 Congress: 10-13 October 1999, Bali, Indonesia (proceedings)*, pp. 549-557.

27% Catholic.[31] Indigenous Papuans traditionally cultivate vegetables and tubers, including cabbage, spinach, carrots, sweet potatoes, and taro, as well as raise animals, such as pigs and chickens.[32]

In December 2018, the Indonesian Ministry of Energy and Mineral Resources granted to PT Freeport Indonesia a new mining license (*Izin Usaha Pertambangan Khusus* - IUPK) for the Grasberg minerals district.[33] The new IUPK extended the mining rights over the Grasberg minerals district until 2031, with the possibility of further extending until 2041.[34] The new IUPK did not cover Block B and Block B, including Wabu Block, subsequently returned to the Indonesian government.[35]

In September 2020, Indonesia's government announced plans to develop mining activities in Wabu Block. The Minister of State-Owned Companies (*Kementerian Badan Usaha Milik Negara*) publicly stated that he had sent a letter to the Ministry of Energy and Mineral Resources (*Kementerian Energy dan Sumber daya Mineral*) requesting that PT Aneka Tambang Tbk (ANTAM) develop mining activities in Wabu Block.[36] ANTAM is an Indonesian state-owned mining company.[37] It is listed on the Indonesian Stock Exchange and on the Australian Securities Exchange.[38] ANTAM is owned by the Indonesian state-owned mining industry holding company Mining Industry Indonesia (MIND ID). MIND ID combines Indonesian government stakes in ANTAM, PT Freeport Indonesia, PT Bukit Asam, PT Indonesia Asaham Aluminium (PERSERO) and PT Timak Tbk.[39]

[31] Indonesian Ministry of Internal Affairs (*Kementerian Dalam Negeri*), "*Visualisasi Data Kependudukan*", gis.dukcapil.kemendagri.go.id/peta/ (accessed 17 February 2022).
[32] Interview with Geer, 19 January 2022. See also: Papua's provincial government, "Kabupaten Intan Jaya", penghubung.papua.go.id/5-wilayah-adat/mee-pago/kabupaten-intan-jaya/ (accessed on 17 February 2022).
[33] Indonesian Ministry of Energy and Mineral Resources (*Kementerian Energi dan Sumber Daya Mineral*), "Proses divestasi Freeport tuntas, kontrak karya Freeport berubah menjadi IUPK", 21 December 2018, esdm.go.id/id/media-center/arsip-berita/proses-divestasi-freeport-tuntas-kontrak-karya-freeport-berubah-menjadi-iupk
[34] Freeport-McMoRan Inc., "Freeport-McMoRan announces successful completion of transaction with the government of Indonesia, marking the beginning of a new partnership", 21 December 2018, investors.fcx.com/investors/news-releases/news-release-details/2018/Freeport-McMoRan-Announces-Successful-Completion-of-Transaction-with-the-Government-of-Indonesia-Marking-the-Beginning-of-a-New-Partnership/default.aspx
[35] Kumparan, "Bola Panas Blok Emas Wabu (2), 04 October 2021, kumparan.com/kumparannews/bola-panas-blok-emas-wabu-2-1weawUE7Jpa/full
[36] Wilda Asmarini, "Bukan Grasberg, Antam Mau Garap Gunung Emas Perawan Papua!", *CNBC Indonesia,* 23 September 2020, cnbcindonesia.com/market/20200923110824-17-188787/bukan-grasberg-antam-mau-garap-gunung-emas-perawan-papua
[37] Indonesian government controls ANTAM. 65% of ANTAM's shares are owned by PT Indonesia Asahan Aluminium (PERSERO), a company fully owned by the Indonesian government. Additionally, Indonesian government owns special share (called series A Dwiwarna) that grants special rights to its owner. ANTAM, "2020 Annual Report", antam.com/en/reports/annual-reports, p. 192; Mining Industry Indonesia (MIND ID), mind.id/en/pages/members#pt-indonesia-asahan-aluminium-persero (accessed on 17 February 2022).
[38] ANTAM, "2020 Annual Report", antam.com/en/reports/annual-reports, p. 135.
[39] Mining Industry Indonesia (MIND ID), mind.id/en/pages/tentang-kami (accessed on 17 February 2022).

2. FINDINGS

2.1 INTAN JAYA REGENCY: A HOTSPOT FOR CONFLICT AND REPRESSION

Intan Jaya regency, where Wabu Block is located, has become a hotspot for conflict and repression since October 2019. Indigenous Papuans report that they live in an environment of violence and under multiple restrictions on public and private life imposed by an increasing presence of Indonesian security forces. As the presence of security forces has increased, its members have carried out unlawful killings, raids, and beatings. According to the interviews we conducted, security forces restrict the movement of residents, the use of electronic devices and how they appear by, for example, giving orders to cut their hair. Many residents have left their houses and villages in the search for the safety of other cities and the forest.

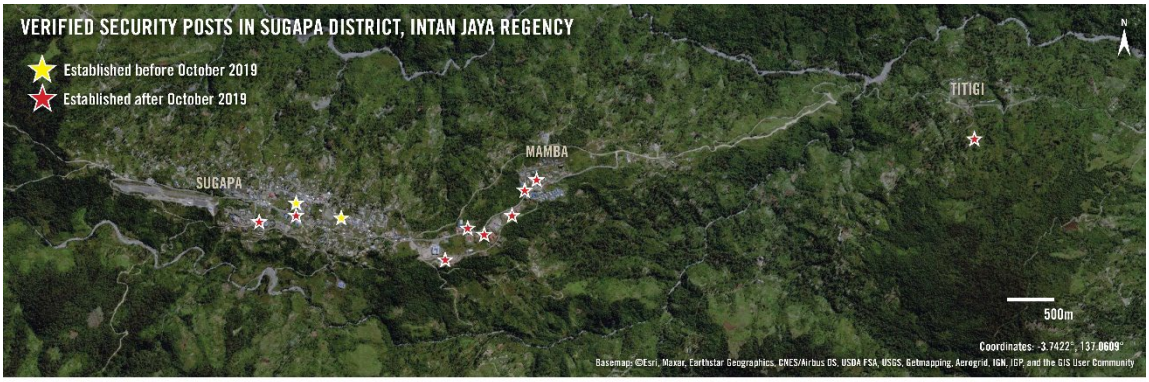
Indigenous Papuans gathered in an area near a church after gunfights in Sugapa district, Intan Jaya regency. 02 November 2021 © Private

2.1.1 PRESENCE OF MILITARY

While the conflict between Papuan pro-independence groups and Indonesian security forces has been ongoing for decades throughout Papua, Amnesty International found that, since late 2019, there has been a significant increase in the presence of Indonesian security forces in Intan Jaya regency. The military and police personnel have established and occupied several new posts in Sugapa district, the capital of Intan Jaya regency.

In October 2019, members of OPM killed three motorcycle taxi drivers in Pugisiga village, Intan Jaya regency, accusing them of being spies.[40] Indigenous Papuans told Amnesty International that since this incident Indonesian security forces have increased in number in Intan Jaya regency.[41] Indigenous Papuans said the security forces personnel established and occupied several posts, including government buildings.[42]

Amnesty International believes there are 17 posts occupied by security forces in Sugapa district, in Intan Jaya regency, based on interviews, open-source investigation, and satellite imagery. Interviewees provided the location of the 17 posts.[43] Amnesty International also confirmed the location of 11 of these posts based on open-source investigation and satellite imagery (see map below).



Map shows the location of 11 security posts in Sugapa district, Intan Jaya regency, verified by Amnesty International. Most of them were established after October 2019.

According to the interviews, most of the posts were established after October 2019. Only two had already existed before the intensification of the armed conflict: the Sugapa police station and the military sub-district command in Sugapa (*Koramil*).[44]

Since then, there have been frequent gunfights between OPM and Indonesian security forces in Intan Jaya regency.[45] The increased presence of Indonesian security forces has also been accompanied by unlawful killings, raids, and beatings carried out by Indonesian security forces against Indigenous Papuans.

2.1.2 VIOLENCE AGAINST LOCAL RESIDENTS

Amnesty International found that Intan Jaya regency is the regency with the highest number of suspected unlawful killings carried out by Indonesian security forces across Papua in 2020 and 2021.

[40] Dhias Suwandi, "3 Pengemudi Okek Tewas Ditembak KKB di Intan Jaya Papua", *Kompas,* 26 October 2019, regional.kompas.com/read/2019/10/26/10471131/3-pengemudi-ojek-tewas-ditembak-kkb-di-intan-jaya-papua?page=all; Victor Mambor, "The Intan Jaya conflict 2: violence at the cost of many civilian lives", *Asia Pacific Report,* 11 January 2021, asiapacificreport.nz/2021/01/11/the-intan-jaya-conflict-2-violence-at-the-cost-of-many-civilian-lives/; Humanitarian team for cases of violence against religious leaders in Intan Jaya regency (Tim Kemanusiaan untuk kasus kekerasan terhadap tokoh agama di kabupaten Intan Jaya), "Duka dari Hitadipa", 2020.
[41] Interviews with Lian, 09 September 2021; Yakoba, 29 August 2021; Jimiyo, 03 September 2021; Barnabas, 20 October 2021; Berkatius, 03 November 2021; Inaa, 11 October 2021; and Bartolomius. 04 November 2021.
[42] Interviews with Jimiyo, 24 August 2021; Lian, 10 September 2021; Geer, 02 November 2021; Barnabas, 20 October 2021; Bartolomius, 04 November 2021; and Inaa, 11 October 2021.
[43] Interviews with Jimiyo, 12 October 2021; Berkatius, 03 November 2021; and Yulianus, 23 September and 10 November 2021.
[44] Interviews with Berkatius, 03 November 2021; and Lian, 10 September 2021.
[45] International Coalition for Papua, "Human rights in West Papua: the seventh report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2019 until December 2020", September 2021, humanrightspapua.org/wp-content/uploads/2021/12/HumanRightsPapua2021-ICP.pdf, pp. 69-70.

Amnesty International documented 8 cases with 12 victims of suspected unlawful killings carried out by members of Indonesian security forces in Intan Jaya regency in 2020 and 2021.[46] The 12 victims account for over one quarter (27%) of the total number of victims of suspected unlawful killings carried out by security officers in Papua and West Papua provinces documented by Amnesty International in the same period.[47] Amnesty International did not document unlawful killings carried out by members of Indonesian security forces in Intan Jaya regency in the two previous years (2018 and 2019).

The cases of suspected unlawful killings in Intan Jaya regency include the killing of the brothers Apianus and Luther Zanambani, the killing of Rev. Zanambani, and of three brothers at a local health clinic (see box).[48]

EXAMPLES OF SUSPECTED UNLAWFUL KILLINGS CARRIED OUT BY INDONESIAN SECURITY FORCES IN INTAN JAYA REGENCY IN 2020 AND 2021

Two Indigenous Papuan brothers, Apianus and Luther Zanambani, died after first disappearing in April 2020 in Sugapa district, Intan Jaya regency. In December 2020, the former Commander of the Military Police Center (*Pusat Polisi Militer Angkatan Darat*) stated that an official investigation found that they died after being interrogated by security forces. According to the official investigation, security forces suspected Apianus and Luther were members of an armed group and detained them during a raid. The official investigation also found that the use of 'inappropriate excessive force' by security forces during the interrogation at the Sugapa Koramil post caused their death and that security forces later burned the bodies of the victims to eliminate evidence.[49] The official investigation identified nine military officers as responsible for the deaths.[50] According to media reports, in December 2021, the TNI Commander General stated that the legal process was underway and three suspects had been handed over to the police, without providing further details.[51] According to the International Coalition for Papua, perpetrators will stand trial at a military court.[52] Access to information about cases at military courts is restricted.

On September 19, 2020, Rev. Yeremia Zanambani, the deputy chief of the Indonesian Evangelical Christian Church in the district of Hitadipa, Intan Jaya regency, was found dead at his farm. Two independent investigations found that the suspected perpetrators for killing Rev. Zanambani are military officers. The Indonesian Commission on Human Rights (Komnas HAM), an independent state institution responsible for researching, disseminating, monitoring and mediating human rights issues in Indonesia, carried out the first investigation.[53] Komnas HAM found that Rev. Zanambani was subjected to torture and/or other acts of violence and that the suspected perpetrator is a military officer.[54] The second investigation was carried out by the Independent Humanitarian Team for Intan Jaya, formed by religious leaders, academics, and humanitarian activists. The Humanitarian Team also found that Indonesian military officers killed him.[55] In December 2021, Komnas HAM stated that the handling of this case was

[46] While there is not an explicit definition of unlawful killings under international law, Amnesty International defines such acts as unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence. Amnesty International documented the suspected cases through interviews with lawyers, victims' families, authorities and representatives of church-based and civil society organizations, analysis of official documents and media reports. In some cases, unlawful killings may amount to extrajudicial executions.
[47] In total, Amnesty International documented 30 cases with 45 victims of suspected unlawful killings carried out by security officers in Papua and West Papua provinces in 2020 and 2021.
[48] A list of the 8 cases of suspected unlawful killings carried out by Indonesian security forces in Intan Jaya regency in 2020 and 2021 is in Annex 3.
[49] Indonesia's Military Police Center (*Pusat Polisi Militer*), "Press Release on the development of the investigations on violence and shooting events in Intan Jaya regency", 23 December 2020. Copy on file with Amnesty International; Jakarta Post, "TNI names 9 soldiers suspects for alleged torture, murder of 2 Papuans in Intan Jaya", 25 December 2020, thejakartapost.com/news/2020/12/25/tni-names-9-soldiers-suspects-for-alleged-torture-murder-of-2-papuans-in-intan-jaya.html
[50] CNN Indonesia, "Danpuspomad Sebut Ada Prajurit Bakar Jenazah Warga", 23 December 2020, cnnindonesia.com/nasional/20201223115506-12-585588/danpuspomad-sebut-ada-prajurit-bakar-jenazah-warga-di-papua; Jakarta Post, "TNI names 9 soldiers suspects for alleged torture, murder of 2 Papuans in Intan Jaya", 25 December 2020, thejakartapost.com/news/2020/12/25/tni-names-9-soldiers-suspects-for-alleged-torture-murder-of-2-papuans-in-intan-jaya.html
[51] West Papua Daily, "TNI Commander promises to oversee cases of human rights violations", 01 December 2021, westpapuadaily.com/tni-commander-promises-to-oversee-cases-of-human-rights-violations.html
[52] International Coalition for Papua, "*Human rights in West Papua: the seventh report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2019 until December 2020*", September 2021, p. 33, humanrightspapua.org/wp-content/uploads/2021/12/HumanRightsPapua2021-ICP.pdf
[53] Indonesia, Law 39 of 199 on Human Rights, Article 76.
[54] Indonesian Commission on Human Rights (Komnas HAM), "Komnas HAM RI Serahkan Laporan Penyelidikan Pendeta Yeremia Zanambani ke Menkopolhukam", 05 November 2020, komnasham.go.id/index.php/news/2020/11/5/1614/komnas-ham-ri-serahkan-laporan-penyelidikan-pendeta-yeremia-zanambani-ke-menkopolhukam.html
[55] Independent Humanitarian Team for Intan Jaya, "Findings of the Humanitarian Team for Intan Jaya Papua", October 2020. Copy on file with Amnesty International. In June 2021, authorities conducted an autopsy on his body. At the time this report was written, Amnesty International was not aware of the autopsy's result and further steps into the investigation were not known. Arjuna Pademme, "Pastor Yeremia's body sent to forensic lab for an autopsy", *Jubi,* 10 June 2021, en.jubi.co.id/yeremia-zanambani-autopsy-west-papua/; CNN Indonesia, "Komnas HAM: Proses Hukum Kasus Penembakan Pendeta Yeremia Belum Ideal", 15 December 2021, cnnindonesia.com/nasional/20211214110610-12-733783/komnas-ham-proses-hukum-kasus-penembakan-pendeta-yeremia-belum-ideal

at the military court.[56]

In February 2021, Indonesian security forces allegedly shot and wounded Janius Bagau, a Papuan man during a raid in Mamba village carried out in response to the shooting and death of a military officer by armed groups. Janius Bagau was taken to the local health clinic by residents, including his two brothers, Yustinus and Soni. According to media reports, witnesses, including family members and a Catholic priest, said that the three victims were beaten, tortured, and killed at the health clinic by soldiers. The Indonesian military claimed that the three victims were members of OPM who attacked Indonesian security forces and tried to escape the health clinic.[57] At the time this report was written, Amnesty International was not aware of any existing official investigation into this case.

Indigenous Papuans told Amnesty International that members of Indonesian security forces carry out raids in the villages and houses. They explained that raids frequently occur after gunfights between OPM and Indonesian security forces, particularly when the gunfights resulted in casualties among members of the security forces. They added that during these raids members of Indonesian security forces beat and threaten local residents.[58]

Yahya, a local resident, told Amnesty International he witnessed members of security forces beating residents after a gunfight between Indonesian security forces and OPM in one village in Intan Jaya regency in early 2021:

> **The Indonesian Army and Police came from the military post to our village. Then they started asking people about where OPM is. The people said, 'we don't know, we're just ordinary people'. I saw them beat two elder men and one woman. After that, the local population fled the village, leaving their houses, livestock, gardens, and other possessions.[59]**

Jimiyo told Amnesty International he witnessed security forces beating an Indigenous Papuan in front of the community in a village in Intan Jaya regency few months after OPM killed the three motorcycle taxi drivers:

> **"They suspected he was a member of OPM who funded, provided food and information about the Indonesian army to the OPM. We were ordered to gather and then they tortured him in front of us. They ordered his clothes to be removed, his hair and beard were trimmed by force, and they beat him with rifle butts."[60]**

2.1.3 RESTRICTIONS ON PUBLIC AND PRIVATE LIFE

Indigenous Papuans in Intan Jaya regency report that they are under various restrictions on public and private life, saying that security forces restrict where residents go, their use of electronic devices, and (on occasion) even how residents should dress.

A number of Indigenous Papuans told Amnesty International that residents in Intan Jaya regency cannot move freely to carry out their daily activities as usual. They said that residents must ask for permission from Indonesian security forces to carry out activities such as gardening, shopping, and going to another village.[61] Two of them described having been denied access to the villages they wanted to travel to.[62]

Two Indigenous Papuans explained that if residents are found to have moved without permission, they risk being shot.[63]

[56] CNN Indonesia, "Komnas HAM: Proses Hukum Kasus Penembakan Pendeta Yeremia Belum Ideal", 15 December 2021, cnnindonesia.com/nasional/20211214110610-12-733783/komnas-ham-proses-hukum-kasus-penembakan-pendeta-yeremia-belum-ideal
[57] Tom Allard and Agustinus Beo da Costa, "Three brothers killed by Indonesian soldiers at Papuan health clinic: army and witness accounts differ", *Reuters,* 05 April 2021, reuters.com/article/us-indonesia-papua-killings-insight-idUSKBN2BT05W; Victor Mambor and Evi Mariani, "Three Intan Jaya residents dead, allegedly in the hands of TNI personnel", *Jubi,* 17 February 2021, en.jubi.co.id/three-intan-jaya-men-dead-in-the-hands-of-tni/
[58] Interviews with Yakoba, 29 August 2021; Lian, 14 September 2021; Yahya, 07 September 2021; and Jimiyo, 03 September 2021.
[59] Interview with Yahya, 07 September 2021. Amnesty International did not include in the testimonies certain details, such as name of village and date, to protect the interviewees' identities.
[60] Interview with Jimiyo, 03 September 2021.
[61] Interviews with Papuanie, 31 August 2021; Jimiyo, 26 August 2021; Geer, 29 September 2021; Gema, 30 August 2021; Berkatius, 03 November 2021; Inaa, 11 October 2021; and Lian, 10 September 2021.
[62] Interviews with Gema, 30 August 2021; and Papuanie, 24 August 2021.
[63] Interviews with Jimiyo, 26 August 2021; and Geer, 29 September 2021.

Lian, an Indigenous Papuan man, described how he feels about the restrictions:

> **When we go to town for shopping, we are asked where we go, which village we are coming from, where we live. Then after shopping, while we are going home, our stuff is checked. Even our bags have to be checked every day by the security apparatus. If we have a lot of stuff, we are accused of buying food for OPM.[64]**

Indigenous Papuans told Amnesty International that security forces also restrict the use of electronic devices such as mobile phones and cameras. They described restrictions ranging from beatings to prohibition to visit villages carrying electronic devices.[65] Jimiyo said he witnessed military officers beating a local resident for using his phone and threatening the local population in a village in Intan Jaya regency:

> **He was using the phone when the army took it and interrogated him. They asked whether he was giving information to OPM which he denied. They kicked, punched, and hit with the backside of the gun. They continued interrogating and beating. They beat him in front of the local residents. They said: 'If you do what he did, we kill you'. After that everyone left the village.[66]**

Papuanie told Amnesty International that after being denied access to visit one village in Intan Jaya regency a few times, he received permission but was not allowed to carry cell phones, a camera, or a notebook.[67]

Interviewees also alleged that, on occasion, Indonesian security forces control how Indigenous Papuans appear.

Indigenous people explained to Amnesty International that Indonesian security forces suspect that men with beard, dreadlocks, and long hair are members of armed groups, although such characteristics are common in the region and part of their culture.[68] Gema said:

> **Our people like to have long hair; it is part of our culture, not only in Papua, but in Melanesia. I have been asked more than 10 times about my hair and moustache. They arrest many people for having long hair and moustache. They get asked, hit."[69]**

Indigenous Papuans told Amnesty International that Indonesian security forces order local Papuans to dress in a certain way and cut their hair.[70] Inaa said that she heard TNI members asking the local population several times to dress more neatly in order to have a different appearance from OPM members. Inaa added: "They say it is difficult to distinguish between OPM members and civilians."[71]

2.1.4 DISPLACEMENT DUE TO ARMED CONFLICT

Increased insecurity in Intan Jaya regency has driven hundreds of local residents to leave their communities and seek safety in other areas. According to the International Coalition for Papua, since late 2019 there have been several waves of internal displacement in Intan Jaya regency following gunfights between OPM and Indonesian security forces and incidents of violence against Indigenous Papuans. Local residents have gone to Sugapa district and other regencies, such as Mimika and Nabire.[72]

Indigenous Papuans told Amnesty International that residents from Intan Jaya fled to Mimika and Nabire regencies, as well as to the forest following the increasing insecurity in Intan Jaya.[73]

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[64] Interview with Lian, 10 September 2021.
[65] Interviews with Jimiyo, 05 September 2021; Papuanie, 24 August 2021; and Yakoba, 29 August 2021.
[66] Interview with Jimiyo, 05 September 2021.
[67] Interview with Papuanie, 24 August 2021.
[68] Interviews with Pukumona, 23 September 2021; Barnabas, 20 October 2021; and Gema, 30 August 2021.
[69] Interview with Gema, 30 August 2021.
[70] Interviews with Inaa, 11 October 2021; Jimiyo, 05 September 2021; and Yakoba, 29 August 2021.
[71] Interview with Inaa, 11 October 2021.
[72] International Coalition for Papua, "Human rights in West Papua: the seventh report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2019 until December 2020", September 2021, p. 69-70, humanrightspapua.org/wp-content/uploads/2021/12/HumanRightsPapua2021-ICP.pdf; International Coalition for Papua, "Human Rights Update West Papua – April 2021 covering January – March 2021", April 2021, humanrightspapua.org/wp-content/uploads/2021/04/images_docs_Human_Rights_Update_West_Papua_April_2021.pdf; see also: Angela Flassy, "Thousands of refugees of Intan Jaya in Mimika should repatriate immediately", *Jubi,* 05 October 2020, en.jubi.co.id/thousands-of-refugees-papua-of-intan-jaya-in-mimika-should-repatriate-immediately/
[73] Interviews with Yahya, 07 September 2021; Pukumona, 22 September 2021; Miki, 11 August 2021; Jimiyo, 05 September 2021; Geer, 05 November 2021; and Gema, 27 August 2021.

A report elaborated by a religious organization in early 2021 registered the presence of over one thousand residents from Intan Jaya in Nabire regency. According to the report, the displaced population came from 26 different villages.[74]

Indigenous Papuans told Amnesty International that many displaced persons from Intan Jaya regency remain living in Nabire regency or in the forest.[75] Lian explained that his family and others have built emergency houses in the forest so that they and their families have a place to go when the conflict occurs.[76]

Indigenous Papuans told Amnesty International that displaced persons are afraid of returning to their villages in Intan Jaya regency because security forces continue there.[77] Gema explained that displaced residents do not return to their villages in Intan Jaya regency, because they are afraid security forces will suspect they are members of the armed groups.[78] Indigenous Papuans also said that displaced persons are traumatized and need psychological support.[79] Miki said: "[They are traumatized] because the people were beaten, tortured and shot by TNI."[80]

2.2 MINING IN WABU BLOCK

At the time this report was written, the Ministry of Energy and Mineral Resources had not publicly announced the area of mining concession (*Wilayah Ijin Usaha Pertambangan Khusus* – WIUPK) of Wabu Block. While mining activities in Wabu Block have not commenced, the government's plans to develop gold mining raise serious concerns about Wabu Block and the possible environmental and human rights impacts.

2.2.1 LICENSING OF WABU BLOCK

Since at least February 2020, there have been official plans to develop mining activities in Wabu Block.[81]

In February 2020, Mining Industry Indonesia (MIND ID), a state-owned mining industry holding company, sent a letter to Papua's government about Wabu Block. In the letter, MIND ID sought support from Papua's government for the determination of the area of mining concession of Wabu Block (WIUPK).[82] The determination of the area of the mining concession of Wabu Block is carried out by the Ministry of Energy and Mineral Resources.[83]

In July 2020, Papua's Governor responded to the letter from MIND ID. In its response, Papua's governor expressed support for the determination of an area of mining concession (WIUPK) of Wabu Block. Papua's Governor also requested that a province-owned company (*Badan Usaha Milik Daerah* – BUMD) be involved in the mining activities in Wabu Block.[84]

In January 2021, the Director General of Mineral and Coal of the Indonesian Ministry of Energy and Mineral Resources sent a letter to Papua's Governor and local authorities in Intan Jaya, Mimika and Paniai regencies. In the letter, the Director General of Mineral and Coal requested that the local authorities "give consideration and/or recommendations on the suitability and spatial planning and land use information" regarding the determination of an area of mining concession (WIUPK) of Wabu Block.[85]

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[74] Tim Peduli Kemanusiaan Keuskupan Timika, "Data on refugees from Intan Jaya regency in Nabire regency, Papua, due to Indonesian military operations" (*Data pengungsi operasi militer Indonesia Kabupaten Intan Jaya di Nabire Papua*), 2021. Copy on file with Amnesty International.
[75] Interviews with Pukumona, 22 September 2021; Geer, 05 November 2021; Gema, 27 August 2021; and Miki, 11 August 2021.
[76] Interview with Lian, 15 September 2021.
[77] Interviews with Gema, 27 August 2021; Jimiyo, 05 September 2021; and Geer, 04 October 2021.
[78] Interview with Gema, 27 August 2021.
[79] Interview with Pukumona, 22 September 2021; and Miki, 12 August 2021.
[80] Interview with Miki, 12 August 2021.
[81] According to the relevant legislation, the Ministry of Energy and Mineral Resources is responsible for conducting the licensing process of mining areas. It essentially consists of the determination of the area of mining concession and the granting of a business license (*Perizinan Berusaha*). The business license can be granted to companies owned by the central government (*Badan Usaha Milik Negara* – BUMN) and regional government (*Badan Usaha Milik Daerah* – BUMD) or private companies. The legislation establishes that state-owned companies (both BUMN and BUMD) have priority and that the Ministry of Energy and Mineral Resources will carry out an auction in order to grant the license to private companies. Indonesia, Law 4 of 2009 on Mining, Articles 31, 74 and 75 (as amended by Law 3 of 2020).
[82] Letters 540/11625/SET, from Papua's Governor, 24 July 2020, and 196/MB.03.05/DJB/2021, from Director General of Mineral and Coal, Ministry of Energy and Mineral Resources, 27 January 2021, refer to Letter 161/LDIRUT/II/2020, from MIND ID, 20 February 2020, concerning a request for the recommendation of the designation of the WIUPK for Wabu Block. Copies on file with Amnesty International.
[83] Indonesia, Law 4 of 2009 on Mining, Articles 31.
[84] Papua's Governor, Letter 540/11625/SET, 24 July 2020. Copy on file with Amnesty International.
[85] Director General of Mineral and Coal, Indonesia's Ministry of Energy and Mineral Resources, Letter 196/MB.03.05/DJB/2021, 27 January 2021. Copy on file with Amnesty International.

According to the letter, the proposed area of mining concession (WIUPK) of Wabu Block has 69,118 hectares in the three regencies.[86] The area is roughly equivalent in size to Indonesia's capital city Jakarta which has approximately 66,150 hectares.[87] The letter also provided the geographic coordinates of the proposed area of mining concession (WIUPK) of Wabu Block.[88]

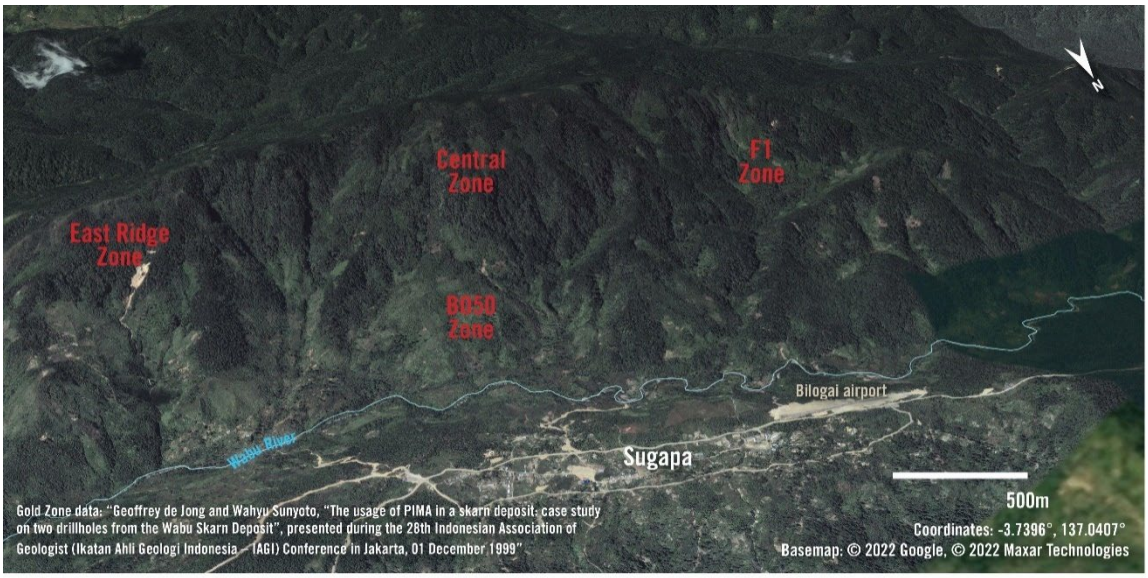
On August 31, 2021, the President Director at MIND ID explained that the licensing process of Wabu Block was still underway under the authority of the Ministry of Energy and Mineral Resources.[89]

In February 2022, Amnesty International wrote to Indonesia's Ministry of Energy and Mineral Resources seeking further information on Wabu Block and its licensing process.[90] Amnesty International also wrote to ANTAM seeking information on ANTAM's mining plans with respect to Wabu Block.[91] At the time this report was written, Amnesty International had not received a response from either Indonesia's Ministry of Energy and Mineral Resources or ANTAM.

While it is unclear which company might be granted the business license, in September 2020 the Minister of State-Owned Companies publicly stated he had sent a letter to the Ministry of Energy and Mineral Resources requesting that ANTAM develops mining activities in Wabu Block.[92]

2.2.2 POTENTIAL IMPACTS OF GOLD MINING IN WABU BLOCK

Amnesty International found that the gold resources identified in Wabu Block are located close to inhabited areas. According to a scientific study about Wabu Block, the gold resources are distributed in four zones. The four zones are located just south of Sugapa, as illustrated in the image below. The image is an updated version of an image part of a study presented about Wabu Block during a geology conference in 1999.[93]



Satellite imagery shows location of four zones containing gold resources in Wabu Block, south of Sugapa, Intan Jaya regency. The location of the gold zones is based on a study about Wabu Block presented during a geology conference in 1999.

[86] Director General of Mineral and Coal, Indonesia's Ministry of Energy and Mineral Resources, Letter 196/MB.03.05/DJB/2021, 27 January 2021. Copy on file with Amnesty International.
[87] Government of Jakarta, "About Jakarta", *Jakarta Province Official Portal*, 13 January 2021, jakarta.go.id/tentang-jakarta# (accessed 18 February 2022).
[88] Director General of Mineral and Coal, Indonesia's Ministry of Energy and Mineral Resources, Letter 196/MB.03.05/DJB/2021, 27 January 2021. Copy on file with Amnesty International.
[89] Vadhia Lidyana, "Tambang Emas di Papua Mau Digarap Antam, Bagaimana Kelanjutannya?", *IDN Times*, 31 August 2021, idntimes.com/business/economy/vadhia-lidyana-1/tambang-emas-di-papua-mau-digarap-antam-bagaimana-kelanjutannya/3
[90] Letter from Amnesty International to Indonesia's Minister of Energy and Mineral Resources, 02 February 2022. Copy on file with Amnesty International. Amnesty International's full letter is included in Annex 1.
[91] Letter from Amnesty International to ANTAM's President Director, 02 February 2022. Copy on file with Amnesty International. Amnesty International's full letter is included in Annex 2.
[92] Yhulia Susanto Vendy, "The Minister of Energy and Mineral Resources, Erick Thohir, asked Antam to manage the Wabu gold mine, formerly Freeport", *World Today News,* 22 September 2020, world-today-news.com/the-minister-of-energy-and-mineral-resources-erick-thohir-asked-antam-to-manage-the-wabu-gold-mine-formerly-freeport/
[93] Geoffrey de Jong and Wahyu Sunyoto, "The usage of PIMA in a skarn deposit: case study on two drillholes from the Wabu Skarn Deposit", presented during the *28th Indonesian Association of Geologist (Ikatan Ahli Geologi Indonesia – IAGI) Conference in Jakarta*, 01 December 1999.

Indigenous Papuans of Intan Jaya regency told Amnesty International they are concerned about the government plans to mine gold in Wabu Block and its consequences for the local communities and the environment. The concerns include the importance of the area for the local Indigenous culture and the livelihoods of the affected Indigenous people.

Indigenous Papuans told Amnesty International that the Mount Bula has a special meaning in their culture.[94] Barnabas explained that some clans consider the area is a sacred place guarded by their ancestors.[95] Jimiyo explained that the Mount Bula is like their mother, protecting them, and they cannot destroy it.[96]

Indigenous Papuans said they fear the potential adverse social and environmental impacts resulting from mining activities in Wabu Block, including environmental pollution, and the loss of livelihoods, customary land, and houses. They explained that Indigenous Papuans traditionally use the area to cultivate crops, collect timber, and hunt wild pigs and other animals.[97] Barnabas and Nabi raised concerns about where Indigenous Papuans will live.[98] Lian stated:

> **We don't want and don't allow anyone to mine gold in Wabu block because we know that, if there is mining, we will have no land for gardening; livestock will not get fresh fruit directly from the forest, and even our grandchildren will lose customary land.[99]**

According to media reports, Indigenous organizations from Intan Jaya have publicly expressed their opposition to mining in Wabu Block on several occasions. They rejected mining plans in Wabu Block and called for the revocation of Papua's Governor's letter supporting the determination of the area of mining concession (WIUPK) of Wabu Block.[100]

In October 2020, the Wabu Block B Rejection Team, a group organized by Indigenous Papuans who oppose the mining plans in Wabu Block, submitted a letter to Papua's government demanding the revocation of the Governor's letter supporting the determination of the area of mining concession (WIUPK) of Wabu Block. Indigenous leaders, religious leaders, and village chiefs from Intan Jaya regency signed the letter. The Wabu Block B Rejection Team raised concerns about the potential impacts on the environment and the local people whose livelihoods, such as gardening and hunting, depend on the environment.[101]

Students from Intan Jaya regency based in other cities – such as Jayapura, capital of Papua province, and Manado, capital of North Sulawesi regency – also positioned themselves against mining in Wabu Block. They affirmed that the natural resources in Intan Jaya regency belonged to the Indigenous people and raised concerns about the potential impacts of mining in Wabu Block on the Indigenous people and environment.[102]

In October 2021, representatives of Intan Jaya regency, including community leaders, intellectuals, and students, voiced their opposition to the mining plans in Wabu Block during a meeting with representatives of Papuan People's House of Representatives (*Dewan Perwakilan Rakyat Papua* – DPRP). They also called for the withdrawal of Indonesian security forces from Intan Jaya regency.[103]

Using satellite imagery, Amnesty International analysed the proposed area of the Wabu Block mining concession (WIUPK). The analysis used classified land cover data from WorldCover 2020, a product developed by a consortium organized by the European Space Agency (ESA) based on satellite imagery from 2020.[104]

According to the analysis, 94% of the proposed area of mining concession (WIUPK) of Wabu Block is predominantly covered by trees. Gold mining in Wabu Block will likely result in deforestation, although

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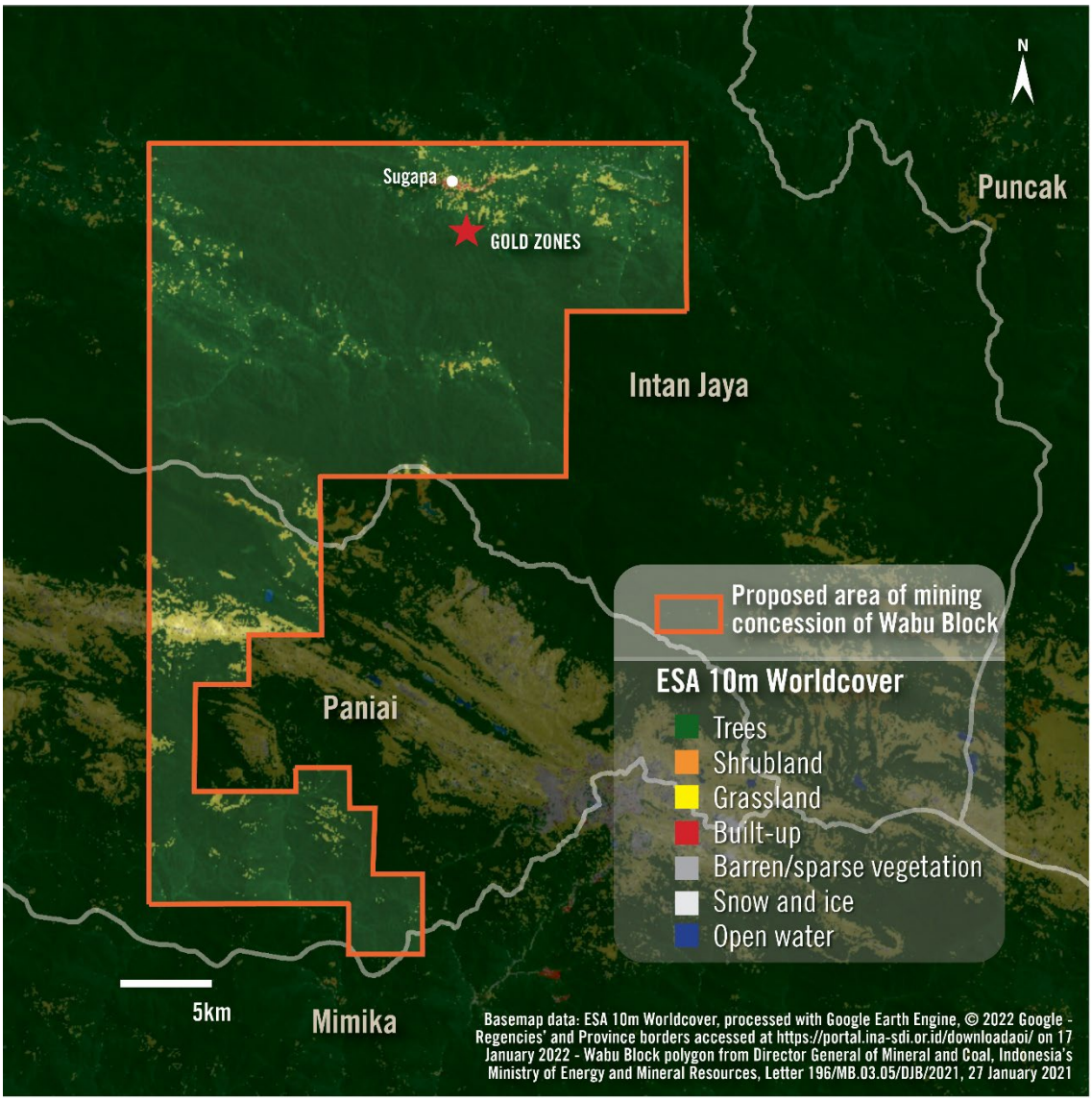
[94] Interviews with Jimiyo, 05 September 2021; Gema, 27 August 2021; and Barnabas, 20 October 2021.
[95] Interview with Barnabas, 20 October 2021.
[96] Interview with Jimiyo, 05 September 2021.
[97] Interviews with Jimiyo, 05 September 2021; Lian, 16 September 2021; Barnabas, 20 October 2021; Nabi, 09 September 2021; Roni, 02 September 2021; and Geer, 24 January 2022.
[98] Interviews with Barnabas, 20 October 2021; and Nabi, 09 September 2021.
[99] Interview with Lian, 16 September 2021.
[100] Yanuarius Weya, "The Governor of Papua is Urged to Revoke the Wabu Block B WIUPK Recommendation", *Suara Papua*, 01 November 2020, suarapapua.com/2020/11/01/the-governor-of-papua-is-urged-to-revoke-the-wabu-block-b-wiupk-recommendation/; Arjuna Pademme, "Masyarakat Intan Jaya sampaikan penolokan penambangan di Blok Wab uke DPR Papua, *Jubi,* 29 October 2021, jubi.co.id/masyarakat-intan-jaya-sampaikan-penolakan-penambangan-di-blok-wabu-ke-dpr-papua/
[101] Yanuarius Weya, "The Governor of Papua is Urged to Revoke the Wabu Block B WIUPK Recommendation", *Suara Papua*, 01 November 2020, suarapapua.com/2020/11/01/the-governor-of-papua-is-urged-to-revoke-the-wabu-block-b-wiupk-recommendation/
[102] Yanuarius Weya, "Massa Penolak Blok Wabu Dihadang Aparat di Asrama Mahasiswa Intan Jaya", *Suara Papua*, 16 November 2020, suarapapua.com/2020/11/16/massa-penolak-blok-wabu-dihadang-aparat-di-asrama-mahasiswa-intan-jaya/; Abeth You, "Lagi, mahasiswa asal Intan Jaya serukan tolak Blok Wabu", 09 March 2021, *Jubi,* jubi.co.id/papua-mahasiswa-asal-intan-jaya-serukan-tolak-blok-wabu/; Atamus Kepno, "Mahasiswa Intan Jaya di Manado Tolak PT Blok Wabu", *Suara Papua,* 01 November 2021, suarapapua.com/2021/11/01/mahasiswa-intan-jaya-di-manado-tolak-pt-blok-wabu/
[103] Arjuna Pademme, "Masyarakat Intan Jaya sampaikan penolokan penambangan di Blok Wab uke DPR Papua, *Jubi,* 29 October 2021, jubi.co.id/masyarakat-intan-jaya-sampaikan-penolakan-penambangan-di-blok-wabu-ke-dpr-papua/
[104] The WorldCover 2020 product from the European Space Agency is based on 10-meter Sentinel-1 and Sentinel-2 imagery from 2020. European Space Agency, "WorldCover 2020", esa-worldcover.org

Amnesty International cannot estimate the size of the area that could be deforested due to mining activities in Wabu Block.



Satellite imagery shows the proposed area of mining concession (WIUPK) of Wabu Block, located in Intan Jaya, Paniai and Mimika regencies. According to global land cover data developed by a consortium organized by the European Space Agency (ESA), 94% of the proposed area of mining concession is covered by trees.

3. HUMAN RIGHTS FRAMEWORK

The Indonesian Constitution, domestic law, and international human rights law and standards affirm the human rights of Indigenous peoples, including the rights to life, to be free from torture, to autonomy, self-determination and to their customary lands, territories, and resources. Indonesian authorities are obliged to respect and protect such rights from violations.

3.1 CIVIL AND POLITICAL RIGHTS

Unlawful killings, and beatings violate the human rights to life, to be free from torture or cruel, inhuman, or degrading treatment or punishment.

Indonesia has ratified several international human rights treaties that protect the right to life, including the International Covenant on Civil and Political Rights (ICCPR).[105] The ICCPR also establishes that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." [106]

Under international human rights law, Indonesia has an obligation to prevent, investigate, prosecute, and ensure reparations to victims of violations of human rights.[107]

The rights to life and freedom from torture are also enshrined in the Constitution of Indonesia and in Law 39 of 1999 on Human Rights.[108]

3.2 INDIGENOUS PEOPLES' RIGHTS

Several international human rights instruments affirm the rights of Indigenous peoples and establish States' obligations to protect them. The Indigenous peoples' rights include the rights to equality and non-discrimination, to maintain and strengthen their own institutions and culture, including traditional customs, knowledge, and languages. Indigenous peoples have the right to autonomy and self-determination, as well as to their customary lands, territories, and resources, and to be consulted on matters affecting their rights.

The United Nations Declaration on the Rights of Indigenous Peoples affirms that Indigenous peoples have the "right to the lands, territories and resources which they have traditionally owned, occupied or otherwise acquired", as well as to own, use, develop and control them.[109] It also affirms their rights "to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."[110]

The UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee on the Elimination of Racial Discrimination (CERD), in guidance to states interpreting their legal obligations under,

[105] International Covenant on Civil and Political Rights (ICCPR), Article 6(1). Indonesia acceded to ICCPR in February 2006.
[106] ICCPR, Article 7.
[107] ICCPR, Article 2. See also: UN Human Rights Committee (HRC), General Comment 31 on Article 2 of the ICCPR: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 21 April 2004, UN Doc. CCPR/C/74/CRP.4/Rev.6.
[108] Indonesia's Constitution, Articles 28A and 28I(1); Law 39 of 1999 on Human Rights, Article 9.
[109] United Nations Declaration on the Rights of Indigenous Peoples, Article 26(1) and (2).
[110] United Nations Declaration on the Rights of Indigenous Peoples, Article 32(1).

respectively, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination (Indonesia is party to both treaties) have called upon States parties "to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources."[111]

According to the UN Declaration on the Rights of Indigenous Peoples, States "shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."[112] The obligation to consult and obtain their free and informed prior consent also applies "to any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."[113]

The CESCR has stated that States parties "should respect the principle of free, prior and informed consent of indigenous peoples in relation to all matters that could affect their rights, including their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."[114]

Similarly, the CERD has called on States parties to "ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent."[115]

The CESCR has also noted that the States parties' obligation to respect and protect the cultural production of indigenous peoples includes "protection from illegal or unjust exploitation of their lands, territories and resources by State entities or private or transnational enterprises and corporations."[116]

Under the UN Declaration on the Rights of Indigenous Peoples, States shall also provide effective mechanisms for just and fair redress for any activity or project affecting their lands, territories or other resources, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural, or spiritual impact.[117]

The consultation process to obtain the free, prior, and informed consent is a collaborative and iterative process of dialogue and negotiation. All members of the affected Indigenous people must have a meaningful opportunity to participate in the decision-making process, particularly those who might be disproportionately affected by it.

The term "Free" implies that the consent is obtained without manipulation, coercion, threat, fear of reprisal, corruption, or inequality of bargaining power. For example, the United Nations Expert Mechanism on the Rights of Indigenous Peoples stated that the "features of the relationship between parties should include trust and good faith, and not suspicion, accusations, threats, criminalization, violence towards indigenous peoples or prejudiced views towards them."[118] Indigenous peoples should also have the freedom to guide and direct the consultation process, to determine their internal consultation and decision-making procedures and "how and which of their own institutions and leaders represent them", according to their own laws, customs, and protocols.[119]

The term "Prior" means that "consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes".[120]

The term "Informed" refers to access to full, clear, and objective information regarding all aspects of the project, including scale of activities, areas affected, potential adverse effects on human rights, cultural and

[111] UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation 23 on Indigenous Peoples, 18 August 1997, UN Doc. A/52/18, annex V, para. 5; UN Committee on Economic, Social and Cultural Rights (CESCR), General comment 21 on the Right of everyone to take part in cultural life (article 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights), 21 December 2009, UN Doc. E/C.12/GC/21, para. 36. Indonesia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights on 25 June 1999 and 23 February 2006, respectively.
[112] United Nations Declaration on the Rights of Indigenous Peoples, Article 19.
[113] United Nations Declaration on the Rights of Indigenous Peoples, Article 32(2).
[114] CESCR, General Comment 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities", 10 August 2017, UN Doc. E/C.12/GC/24, para 12.
[115] CERD, General Recommendation 23 on Indigenous Peoples, 18 August 1997, UN Doc, A/52/18, annex V, para. 4.
[116] CESCR, General Comment 21 on the Right of everyone to take part in cultural life (article 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights), 21 December 2009, UN Doc. E/C.12/GC/21, para. 50.
[117] United Nations Declaration on the Rights of Indigenous Peoples, Article 32(3).
[118] United Nations Expert Mechanism on the Rights of Indigenous Peoples, "Expert Mechanism advice 11 on indigenous peoples and free, prior and informed consent", 10 August 2018, UN Doc. A/HRC/39/62, para. 20.
[119] United Nations Expert Mechanism on the Rights of Indigenous Peoples, "Expert Mechanism advice 11 on indigenous peoples and free, prior and informed consent", 10 August 2018, UN Doc. A/HRC/39/62, para. 20.
[120] United Nations Office of the High Commissioner on Human Rights, "Free, Prior and Informed Consent of Indigenous Peoples", September 2013, ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf

spiritual sites, and the environment, and monitoring and dispute resolution mechanisms. In this regard, it must be clear from the beginning that the state is open to the option of not proceeding with the project, if that is what the affected people want.

The UN Declaration on the Rights of Indigenous Peoples also establishes that "Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned."[121] It further notes that "States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities."[122]

At the national level, Indonesia's legislation also recognizes the Indigenous peoples' rights and in specific the rights of Indigenous Papuans.

Indonesia's Constitution affirms that the State shall recognize and respect Indigenous peoples and their traditional rights.[123] In May 2013, Indonesia's Constitutional Court affirmed the rights of Indigenous peoples to their lands, territories, and customary forests.[124] Law No. 39 of 1999 on Human Rights recognizes and protects "the differences and needs of indigenous peoples" as well as "the cultural identity of indigenous peoples, including indigenous land rights."[125]

Law No. 21 of 2001 on the Special Autonomy of Papua province establishes the government's obligation of respecting, enforcing, and protecting human rights in Papua particularly the rights of Indigenous peoples.[126] It states that businesses activities exploring natural resources shall be carried out by respecting the rights of Indigenous peoples (*hak-hak masyarakat adat*).[127] It further establishes that investors shall acknowledge and respect the rights of Indigenous peoples.[128]

In July 2021, Indonesian government has strengthened its authority over Papua and weakened the Special Autonomy status by amending the Special Autonomy Law without consulting with Papuan institutions.[129] Among the changes, the new law removed the right of the Papuan population to form local parties.[130] It also created a special agency responsible for coordinating and evaluating the implementation of Special Autonomy, chaired by the Indonesian Vice President.[131]

3.3 STATES' DUTY TO PROTECT AND RESPECT HUMAN RIGHTS IN THE CONTEXT OF BUSINESS ACTIVITIES

Under the United Nations Guiding Principles on Business and Human Rights (UN Guiding Principles), "States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication."[132] The CESCR has stated that the State's obligation to protect human rights include a "positive duty to adopt a legal framework requiring companies to exercise human rights due diligence in order to identify, prevent and mitigate the risks of violations of Covenant rights, to avoid such rights being abused, and to account for the negative impacts caused or contributed to by their decisions and operations and those of entities they control on the enjoyment of Covenant rights".[133]

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[121] United Nations Declaration on the Rights of Indigenous Peoples, Article 30(1).
[122] United Nations Declaration on the Rights of Indigenous Peoples, Article 30(2).
[123] Indonesia's Constitution, Articles 18B(1), 18B(2), 28I(3), and 32(1).
[124] Constitutional Court of the Republic of Indonesia, Decision Number 35/PUU-X/2012.
[125] Indonesia, Law 39 of 1999 on Human Rights, Articles 6(1) and 6(2).
[126] Indonesia, Law 21 of 2001 on Special Autonomy for Papua province, Article 45(1).
[127] Indonesia, Law 21 of 2001 on Special Autonomy for Papua province, Article 38(2).
[128] Indonesia, Law 21 of 2001 on Special Autonomy for Papua province, Article 42(2).
[129] The Indonesian government did not consult with Papua and West Papua House of Representatives (*Dewan Perwakilan Rakyat Papua* and *Dewan Perwakilan Rakyat Papua Barat,* respectively) – and Papua and West Papua People's Assembly (*Majelis Rakyat Papua* and *Majelis Rakyat Papua Barat,* respectively).
[130] The right to form local parties was previously established in the article 28(1) of the 2001 Special Autonomy Law.
[131] Indonesia, Law 21 of 2001 on Special Autonomy for Papua province, Article 68A (as amended by Law 02 of 2021).
[132] United Nations Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,* UN Doc. HR/PUB/11/04, 2011, Principle 1 (hereinafter: United Nations Guiding Principles on Business and Human Rights).
[133] CESCR, General comment 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 10 August 2017, UN Doc. E/C.12/GC/24, para 16.

States are required to take "additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State (…) including, where appropriate, by requiring human rights due diligence."[134]

Conflict-affected areas present a higher risk of gross human rights abuses. Therefore, the UN Guiding Principles emphasize that "States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships, and providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence."[135]

In the context of conflict-affected areas, States should also ensure that "their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses".[136]

3.4 CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Under the UN Guiding Principles, companies have a responsibility to respect human rights wherever they operate, independent of the State's own human rights obligations.

The corporate responsibility to respect human rights requires companies to "avoid causing or contributing to human rights impacts through their own activities and address such impacts when they occur."[137] Companies should also "seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts".[138]

The UN Guiding Principles indicate that to meet their responsibilities, companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate, and account for how they address their impacts on human rights. The identification and assessment of human rights impacts shall be conducted prior to a proposed business activity, where possible.[139] Effective human rights due diligence must be commensurate with such risks, adequately resourced and geared towards the prevention of harm to both others and the environment.

Companies' responsibility to respect human rights exists wherever they operate, including in conflict-affected areas. Companies operating in conflict-affected areas may face heightened risks of being complicit in gross human rights abuses and international crimes committed by other actors, including security forces.[140]

The UN Guiding Principles also make clear that companies "should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them."[141] Regarding the Indigenous Peoples' rights, the CESCR has stated that businesses "should respect the principle of free, prior and informed consent of indigenous peoples in relation to all matters that could affect their rights, including their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."[142]

In circumstances when companies have concluded that an activity is likely to be linked to significant human rights risks but are unable to come to further conclusions, they should exercise the presumption of caution and, until additional information is obtained, not undertake the specific activity.

For investors, the responsibility to respect human rights applies to its decisions about the sectors on which to focus, and which companies it chooses to invest in. Investors must undertake human rights due diligence to assess the potential or actual human rights impacts of the companies they choose to support, that is, the potential or actual impacts of those companies' actions and/or products. Furthermore, the human rights

[134] United Nations Guiding Principles on Business and Human Rights, Principle 4.
[135] United Nations Guiding Principles on Business and Human Rights, Principle 7(a) and (b).
[136] United Nations Guiding Principles on Business and Human Rights, Principle 7(d).
[137] United Nations Guiding Principles on Business and Human Rights, Principle 13.
[138] United Nations Guiding Principles on Business and Human Rights, Principle 13.
[139] United Nations Guiding Principles on Business and Human Rights, Commentary to Principle 18.
[140] United Nations Guiding Principles on Business and Human Rights, Principle 23(c).
[141] United Nations Guiding Principles on Business and Human Rights, Commentary to Principle 12.
[142] CESCR, General comment 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 10 August 2017, UN Doc. E/C.12/GC/24, para 12.

impact assessment of the entities a fund chooses to invest in must continue even after the initial investment has taken place.[143]

While investors may not have operational control over their investee companies, according to OECD principles of corporate governance, they may have a responsibility to exercise their shareholder rights and ownership function through engagement.[144]

In cases where an investor cannot prevent or mitigate the human rights impact identified, then it must avoid or cease undertaking the relevant activity.[145]

3.5 ANTAM'S HUMAN RIGHTS POLICIES

The Code of Conduct of ANTAM, an Indonesia state-owned mining company, sets out "commitments comprised of business ethics of ANTAM and work ethic of ANTAM Personnel."[146] It applies "to all individuals who act on behalf of ANTAM, Subsidiaries and Affiliates under control, Shareholders and all other Stakeholders or Partners who conduct business transactions with ANTAM."[147]

ANTAM's Code of Conduct provides that "[the Company] encourages efforts to ensure the fulfilment of human rights and to consider every consequence of operations on surrounding communities" and "is committed to ensure that every Company's operations do not violate the principles of human rights."[148]

In particular, ANTAM has committed "to ensure that the community around the area of operations/mining are also enjoying the welfare and the value added created by ANTAM and [to] respect the rights they have".[149] It emphasizes that the company will "perform analysis related to human rights […] cooperating with organizations outside of the Company at an early stage of any business development process, especially in the social impact analysis in the preparation of the EIA [Environmental Impact Assessment] document", and "cooperate with the Government, NGOs and other relevant Stakeholders in order to avoid violation of the rights associated with the ownership of the community."[150]

ANTAM's Code of Conduct states that the Company takes into account several factors while developing its activities. Such factors include "the negative impact of ANTAM operating activities for the welfare of the surrounding community", as well as "the involvement of the security forces which is counter-productive and abuse of power". Other factors mentioned are any "violation of the rights associated with the ownership of the surrounding community" and of "culture and Indigenous communities around the area of operation".[151]

Additionally, ANTAM's Code of Conduct claims that the Company's operations consider "the principle of information disclosure and active partnership" and the "sensitivity and harmonization of the issues faced by the community around the operations of the Company."[152]

[143] OECD, "Responsible business conduct for institutional investors: Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises", 2017, mneguidelines.oecd.org/RBC-for-Institutional-Investors.pdf, pp. 13, 16.
[144] OECD, "Responsible business conduct for institutional investors: Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises", 2017, mneguidelines.oecd.org/RBC-for-Institutional-Investors.pdf, p. 15.
[145] OECD, "OECD Guidelines for Multinational Enterprises 2011 Edition", 2017, oecd.org/daf/inv/mne/48004323.pdf, Chapter II, para. 22.
[146] PT Aneka Tambang Tbk (ANTAM), "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 12.
[147] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 13.
[148] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 53.
[149] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 54.
[150] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 54.
[151] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, 54.
[152] ANTAM, "2020 Code of Conduct", antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf, p. 37.

4. CONCLUSION AND RECOMMENDATIONS

Over the last two years Intan Jaya regency has become a hotspot for conflict and repression in Papua. Indigenous Papuans currently live in an environment of violence, intimidation, and fear. Interviewees reported multiple restrictions on public and private life.

Against this backdrop, the government's plans to develop mining activities in Wabu Block represent a threat to the rights of the Indigenous people.

International law as well as Indonesian constitutional and legal frameworks affirm the rights of Indigenous Papuans, including their rights to their customary lands. In particular, the Indonesian government has an obligation to consult with the Indigenous people in Intan Jaya regency in order to obtain their free, prior, and informed consent before any authorization or beginning of any mining activity in Wabu Block.

While Amnesty International has not found any evidence that ANTAM and/or the Ministry of Energy and Mineral Resources are directly involved in the existing conflict in Intan Jaya regency, Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block in the context of the existing conflict and repression in Intan Jaya.

Amnesty International is particularly concerned that, under the present circumstances of violence, fear, and intimidation, there are significant obstacles to moving on with the licensing process and engaging in any consultation with the affected Indigenous people, in order to obtain their free, prior, and informed consent, in a way that would respect international human rights standards.

The increasing presence of security forces, reports of unlawful killings, beatings, and multiple restrictions have created an environment of violence, intimidation, and fear, under which the conditions required for a free consultation process may be absent. For example, Indigenous people displaced to areas outside of the regency due to the conflict will face significant obstacles to participating in any proposed consultation process.

Amnesty International is also concerned that moving forward with the licensing process of Wabu Block under the existing circumstances of insecurity risks aggravating the existing conflict and driving human rights violations in Intan Jaya regency and across Papua.

Amnesty International urges Indonesian authorities to pause the licensing process of Wabu Block until consulting the affected Indigenous Papuans, and obtaining their free, prior, and informed consent to the mining plans.

Given the current situation of insecurity, Amnesty International recommends that the Indonesian government first carries out what is known as "a consultation on the consultation". This is an initial consultation whose purpose is to ascertain whether a full and effective consultation on the proposal is feasible and desirable, and if so, how such a consultation would be carried out.[153]

Amnesty International notes that during the course of the research a number of interviewees rejected the proposed mine. However, Amnesty International was not able to engage directly with the Indigenous people's representative institutions and to fully assess what is the collective position of affected Papuans regarding the proposed mine, for the purposes of consultations in order to obtain their free, prior, and informed consent. If the "consultation on the consultation were to take place, Amnesty International notes that it is possible that

[153] United Nations Expert Mechanism on the Rights of Indigenous Peoples, "Expert Mechanism advice 11 on indigenous peoples and free, prior and informed consent", 10 August 2018, UN Doc. A/HRC/39/62, para. 17.

the affected people would reject the possibility of holding an effective and participatory consultation under the current circumstances of insecurity, or outright reject the proposed mine, without the need for consultation (which is also a legitimate expression of their right to free, prior, and informed consent). If that is the case, Amnesty International recommends that the Indonesian state respects that decision.

In case the Indonesian government does not carry out a "consultation on the consultation" (for example, because it is not feasible under the current circumstances of insecurity), Amnesty International calls on Indonesian authorities to ensure that conditions in Intan Jaya regency are safe and peaceful before engaging in a meaningful and effective consultation process with Indigenous Papuans to obtain their free, prior, and informed consent about mining in Wabu Block.

Amnesty International calls on Indonesian authorities to prevent any human rights violations occurring as a result of the presence of Indonesian security forces, and ensure that military activities do not take place on lands of Indigenous Papuans, unless justified by a relevant public interest or otherwise freely agreed with or requested by them. Indonesian authorities should investigate reports of human rights violations carried out by members of security forces and hold perpetrators accountable. Authorities should ensure the safe and voluntary return of displaced residents and that residents can carry out their daily activities without arbitrary restrictions.

Companies interested in mining Wabu Block should be aware of the current insecurity in Intan Jaya regency, and that, by operating in conflict-affected areas, they may face heightened risks of being complicit in gross human rights abuses and international crimes committed by other actors. Amnesty International calls on such companies to carry out comprehensive environmental and human rights due diligence process before engaging in any activity related to mining in Wabu Block.

In case they conclude through due diligence, or become aware, that an activity could cause or contribute to a human rights abuse and that they cannot prevent that abuse, they should not undertake the relevant activity.

RECOMMENDATIONS

TO THE GOVERNMENT OF PRESIDENT OF THE REPUBLIC OF INDONESIA, THE INDONESIAN CO-ORDINATING MINISTER FOR POLITICAL, LEGAL, AND SECURITY AFFAIRS, AND OTHER CENTRAL AUTHORITIES

Amnesty International calls on the President of the Republic of Indonesia, the Indonesian Co-ordinating Minister for Political, Legal, and Security Affairs, and other central authorities to:

- Pause the licensing process of Wabu Block until consulting the affected Indigenous Papuans, and obtaining their free, prior, and informed consent to the mining plans;
- Carry out a "consultation on the consultation" with the Indigenous people's representative institution to ascertain whether a full and effective consultation on the proposal of mining in Wabu Block is feasible and desirable, and if so, how such consultation would be carried out. The "consultation on the consultation" and the consultation itself must follow international human rights standards, for which the following are required:
    - Be respectful of Indigenous people's traditional decision-making institutions;
    - The process must begin sufficiently in advance to allow for the decision-making mechanisms of the Indigenous people to undertake careful consideration, and allowing for an iterative process of requesting further information, reconsidering, feeding back concerns, and certainly before any authorization or beginning of activity in Wabu Block;
    - Carry out independently and/or in collaboration with other relevant Ministries and institutions technical and legal analysis of the proposal, as well as a comprehensive social, environmental, and human rights impact assessment;
    - Share with the community full technical and legal data on the proposal and a comprehensive social, environmental, and human rights impact assessment, in a format accessible to the community;
    - Provide independent technical and legal advisers to help the community understand the proposal; and
    - There must be no threats, bribes, co-opting of community members, withholding of public services, unnecessary presence of armed state security personnel, or any other form of coercion.
- Restore peaceful and safe conditions in Intan Jaya regency. As part of this process, they should:
    - Ensure that military activities do not take place on the lands of Indigenous Papuans, unless justified by the public interest or otherwise freely agreed with or requested by them;
    - Ensure Indonesian security forces comply with international human rights standards, including Indigenous peoples' rights;
    - Ensure that Indigenous Papuans in Intan Jaya regency have access to their land and territories and carry out their daily activities without arbitrary restrictions;
    - Ensure the safe and voluntary return of residents displaced due to the conflict;
    - Ensure that alleged incidents of human rights violations committed by members of Indonesian security forces are investigated promptly, independently, impartially, and effectively, and, where the evidence is sufficient, that perpetrators are held accountable, in compliance with domestic and international standards of due process; and
    - Ensure that victims of human rights violations in Intan Jaya regency and their families have adequate and effective access to justice and receive comprehensive reparations, in accordance with international standards.

TO THE INDONESIAN MINISTRY OF ENERGY AND MINERAL RESOURCES

The Indonesian Ministry of Energy and Mineral Resources should:

- Pause the licensing process of Wabu Block until consulting the affected Indigenous Papuans, and obtaining their free, prior, and informed consent to the mining plans;
- Carry out a "consultation on the consultation" with the Indigenous people's representative institution to ascertain whether a full and effective consultation on the proposal of mining in Wabu Block is

feasible and desirable, and if so, how such consultation would be carried out. The "consultation on the consultation" and the consultation itself must follow international human rights standards, for which the following are required:

  - Be respectful of Indigenous people's traditional decision-making institutions;
  - The process must begin sufficiently in advance to allow for the decision-making mechanisms of the Indigenous people to undertake careful consideration, and allowing for an iterative process of requesting further information, reconsidering, feeding back concerns, and certainly before any authorization or beginning of activity in Wabu Block;
  - Carry out independently and/or in collaboration with other relevant Ministries and institutions technical and legal analysis of the proposal, as well as a comprehensive social, environmental, and human rights impact assessment;
  - Share with the community full technical and legal data on the proposal and a comprehensive social, environmental, and human rights impact assessment, in a format accessible to the community;
  - Provide independent technical and legal advisers to help the community understand the proposal; and
  - There must be no threats, bribes, co-opting of community members, withholding of public services, unnecessary presence of armed state security personnel, or any other form of coercion.

- If the "consultation on the consultation" does not take place (for example, because it is not feasible under the current circumstances of insecurity), ensure that conditions in Intan Jaya regency are safe and peaceful before engaging in a meaningful and effective consultation process with Indigenous Papuans to obtain their free, prior, and informed consent about mining in Wabu Block. The consultation process must follow international human rights standards, as described above.

TO THE COMMANDER OF THE ARMED FORCES AND THE CHIEF OF THE INDONESIAN NATIONAL POLICE

The Commander of the Armed Forces and the Chief of the Indonesian National Police should:

- Ensure that military activities do not take place on the lands of Indigenous Papuans, unless justified by a relevant public interest or otherwise freely agreed with or requested by them;
- Ensure Indonesian security forces comply with international human rights standards, including Indigenous peoples' rights;
- Ensure that Indigenous Papuans in Intan Jaya regency have access to their land and territories and carry out their daily activities without arbitrary restrictions;
- Ensure that alleged incidents of human rights violations committed by members of Indonesian security forces are investigated promptly, independently, impartially, and effectively, and, where the evidence is sufficient, that perpetrators are held accountable, in compliance with domestic and international standards of due process; and
- Ensure that victims of human rights violations in Intan Jaya regency and their families have adequate and effective access to justice and receive comprehensive reparations, in accordance with international standards.

TO THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

The House of Representatives of the Republic of Indonesia (Dewan Perwailan Rakyat Republik Indonesia – DPR RI) should:

- Adopt laws that legally require business to respect human rights, to conduct environmental and human rights due diligence and to report publicly on their due diligence policies and practices in accordance with international human rights standards.

TO THE COMMISSION 7 OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

The Commission 7 of the House of Representatives of the Republic of Indonesia – responsible for energy, mineral resources, research and technology, and environmental affairs – should:

- Monitor official mining plans in Wabu Block and its potential environmental and human rights impacts, including by requesting information from and holding meetings with relevant authorities and Indigenous Papuans, and holding the authorities accountable for respecting human rights.

TO THE GOVERNOR OF PAPUA

The Governor of Papua should:

- Withdraw the recommendation letter supporting the designation of the area of mining concession of Wabu Block, sent to MIND ID on 24 July 2020.

TO THE PAPUAN PEOPLE'S HOUSE OF REPRESENTATIVES (DPRP)

The Papuan People's House of Representatives (DPRP) should:

- Ask the Governor of Papua to withdraw the recommendation letter supporting the designation of the area of mining concession (WIUPK) of Wabu Block, sent to MIND ID on 24 July 2020; and
- Establish a special task force to assess the potential human rights and environmental impacts of mining in Wabu Block.

TO THE COMMISSION IV OF THE PAPUAN PEOPLE'S HOUSE OF REPRESENTATIVES (DPRP) – RESPONSIBLE FOR INFRASTRUCTURE AND NATURAL RESOURCES

The Commission IV of the Papuan People's House of Representatives (DPRP) – responsible for infrastructure and natural resources – should:

- Monitor official mining plans in Wabu Block and its potential environmental and human rights impacts, including by requesting information from and holding meetings with relevant authorities and Indigenous Papuans, and holding the authorities accountable for respecting human rights.

TO THE REGENT OF INTAN JAYA

The Regent of Intan Jaya should:

- Ensure that any consideration and/or recommendation concerning mining in Wabu Block respects the rights of the Indigenous people, including the right to free, prior, and informed consent, and be preceded by consultation with Intan Jaya's House of Representatives.

TO THE COMMISSION A OF INTAN JAYA'S HOUSE OF REPRESENTATIVES

The Commission A of Intan Jaya's House of Representatives should:

- Monitor official mining plans in Wabu Block and its potential environmental and human rights impacts, including by requesting information from and holding meetings with relevant authorities and Indigenous Papuans, and holding the authorities accountable for respecting human rights.

TO THE COMPANIES INTERESTED IN DEVELOPING MINING ACTIVITIES IN WABU BLOCK

Companies interested in developing mining activities in Wabu Block should:

- Conduct ongoing and proactive environmental and human rights due diligence to identify, prevent, mitigate, and account for how they would address any adverse human rights and/or environmental impacts of mining operations in Wabu Block before engaging in any activity related to mining in Wabu Block. In case a company decides to develop mining activities in Wabu Block, they should conduct ongoing and proactive environmental and human rights due diligence as the mining project is developed and goes into production;
- In case a company concludes, or becomes aware, that its business activities related to mining in Wabu Block could cause or contribute to a human rights abuse and that it cannot be prevented, the company should not undertake the relevant activity;
- Refrain from developing mining activities in Wabu Block without the free, prior, and informed consent of the Indigenous people.

TO EXISTING INVESTORS OF COMPANIES INTERESTED IN DEVELOPING MINING ACTIVITIES IN WABU BLOCK

Existing investors of companies interested in developing mining activities in Wabu Block should:

- Conduct ongoing and proactive environmental and human rights due diligence to identify, prevent, mitigate, and account for how they would address any adverse human rights and/or environmental impacts of their investments. If a company they have invested in decides to develop mining activities

in Wabu Block, investors should conduct human rights due diligence on their investment in relation to the mining before it starts, and if their investment continues, conduct ongoing and proactive environmental and human rights due diligence as the mining project is developed and goes into production.

TO INVESTORS CONSIDERING INVESTING IN COMPANIES INTERESTED IN MINING WABU BLOCK

Investors considering investing in companies interested in mining Wabu Block should:

- Conduct ongoing and proactive environmental and human rights due diligence to identify, prevent, mitigate, and account for how they would address any adverse human rights and/or environmental impacts of their investments, including before they decide to invest in these companies interested in developing mining activities in Wabu Block. In cases where investors decide to invest in such companies, they should conduct human rights due diligence on their investment in relation to the mining project before it starts and, if their investment continues, conduct ongoing and proactive environmental and human rights due diligence as the mining project is developed and goes into production.

ANNEX

ANNEX 1 – LETTER TO THE MINISTRY OF ENERGY AND MINERAL RESOURCES

Ref: TG ASA 21/2022.2601

AMNESTY INTERNATIONAL

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Mr. Arifin Tasrif
Minister of Energy and Mineral Resources
Republic of Indonesia

02 February 2022

Dear Mr. Arifin Tasrif,

AMNESTY INTERNATIONAL'S RESEARCH INTO CURRENT CONDITIONS IN INTAN JAYA REGENCY, PAPUA PROVINCE

We are writing on behalf of Amnesty International to inform you of the preliminary findings following our research on current conditions in Intan Jaya regency, Papua province, where conflict has escalated over the last two years and there are official plans to mine gold in Wabu Block, located in the same regency. We are also writing to request information regarding licensing process for Wabu Block.

As you may know, Amnesty International is a global movement of more than ten million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest, or religion, and are funded mainly by our membership and public donations. We campaign and advocate to improve human rights through impartial and thorough research on human rights issues all over the world.

In 2021, Amnesty International initiated research into the conflict situation in Intan Jaya regency and its human rights impacts. Amnesty International is concerned about the current situation and how official plans to mine gold in Wabu Block will impact the human rights of local Indigenous peoples. Our research revealed that since late 2019 Intan Jaya regency has become a hotspot for conflict and repression and that local Indigenous peoples live in an environment of violence, fear, and intimidation.

We understand that under Indonesian legislation, the Ministry of Energy and Mineral Resources (*Kementerian Energi dan Sumber daya Mineral* – ESDM) is responsible for licensing Wabu Block.

We are setting out our key preliminary findings in this letter. We have also posed some questions to give you an opportunity to clarify the ESDM's activities related to Wabu Block.

While Amnesty International has not found any evidence that ESDM is directly involved in the conflict situation in Intan Jaya regency, Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block, combined with the human rights risks associated with the existing conflict situation in Intan Jaya regency.

With this letter, we are interested in preventively communicating our human rights concerns related to mining in Wabu Block and learning more about the activities of ESDM related to Wabu Block. We have set out our preliminary findings in this letter. We have also posed some questions to give you an opportunity to clarify our concerns.

METHODOLOGY

As part of its research, Amnesty International interviewed local Indigenous peoples, local authorities, representatives of civil society organizations and human rights defenders. Amnesty International also analysed media reports, official documents, relevant legislation, and scientific studies. Amnesty International further conducted an open-source investigation and analysed satellite imagery.

Company Registration: 01606776 Registered in England and Wales

Amnesty International has withheld the names and other identifying information of interviewees to protect their safety.

PRELIMINARY FINDINGS

1) Intan Jaya regency: a hotspot for conflict and repression

Amnesty International found that since late 2019 Intan Jaya regency has become a hotspot for conflict and repression and that local Indigenous peoples live in an environment of violence, fear, and intimidation. Such environment includes the increasing presence of Indonesian security forces, suspected unlawful killings and beatings carried out by Indonesian security officers. Local Indigenous peoples face multiple restrictions to carry out daily activities, including restrictions on movement. Intan Jaya regency is inhabited by Indigenous Papuans, particularly Indigenous Papuans belonging to the Moni tribe (also called Migani).

In October 2019, members of West Papua Liberation Army (TPNPB) killed three motorcycle drivers in Intan Jaya regency.[1] Local Indigenous peoples told Amnesty International that, since then, the Indonesian government has increased the number of security forces, including military and police officers, in Intan Jaya regency. Based on interviews, analysis of satellite imagery and open-source investigation, Amnesty International geolocated 17 military and police posts in Sugapa district, capital of Intan Jaya regency. According to interviews, only two out of the 17 posts already existed before October 2019.

Amnesty International documented 8 cases with 12 victims of suspected unlawful killings carried out by Indonesian security officers in Intan Jaya regency in 2020 and 2021. This accounts for over one quarter (27%) of the total number of victims of suspected unlawful killings carried out by Indonesian security officers documented by Amnesty International in Papua and West Papua provinces in the same period. Amnesty International did not document any case of suspected unlawful killing carried out by Indonesian security officers in Intan Jaya regency in the previous two years (2018 and 2019).

Local Indigenous peoples described to Amnesty International incidents in which members of Indonesian security forces beat and threatened local residents in Intan Jaya regency.

Local Indigenous peoples also told Amnesty International that they must ask for permission from security officers to carry out daily activities, such as gardening, shopping, and going to another village. They said that security officers also restrict the use of electronic devices and control how local Indigenous peoples appear. Security officers suspect that men with beard and long hair are members of armed groups, although such characteristics are part of their culture, and order local Indigenous peoples to dress well and cut their hair.

Local Indigenous peoples told Amnesty International that thousands of local Indigenous peoples left their houses and villages due to the insecurity in Intan Jaya regency. Local Indigenous peoples said that they went to other cities and to the forest and that many are afraid of returning because of the presence of Indonesian security forces in their villages.

2) Mining plans in Wabu Block

Amnesty International found that since at least early 2020 there have been official plans to develop mining activities in Wabu Block. Wabu Block is a gold ore deposit located in Intan Jaya regency.

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[1] Dhias Suwandi, "3 Pengemudi Ojek Tewas Ditembak KKB di Intan Jaya Papua", *Kompas*, 26 October 2019, https://regional.kompas.com/read/2019/10/26/10471131/3-pengemudi-ojek-tewas-ditembak-kkb-di-intan-jaya-papua?page=all; Victor Mambor, "The Intan Jaya conflict 2: violence at the cost of many civilian lives", *Asia Pacific Report*, 11 January 2021, https://asiapacificreport.nz/2021/01/11/the-intan-jaya-conflict-2-violence-at-the-cost-of-many-civilian-lives/; Humanitarian team for cases of violence against religious leaders in Intan Jaya regency (Tim Kemanusiaan untuk kasus kekerasan terhadap tokoh agama di kabupaten Intan Jaya), "Duka dari Hitadipa", 2020.

In February 2020, Mining Industry Indonesia (MIND ID) sent a letter to Papua's government concerning the designation of a mining concession area (WIUPK) of Wabu Block.[2] MIND ID is an Indonesian state-owned mining holding industry company.[3]

In July 2020, Papua's Governor responded to the letter from MIND ID concerning the designation of a mining concession area (WIUPK) for Wabu Block. In its response, Papua's governor expressed support for the designation of a mining concession area (WIUPK) for Wabu Block. Papua's Governor also requested that a public regional company (*Badan Usaha Milik Daerah* – BUMD) be involved in the mining activities in Wabu Block.[4]

In September 2020, the Minister of State-Owned Companies (*Kementerian Badan Usaha Milik Negara* - BUMN) stated that he had sent a letter to the Ministry of Energy and Mineral Resources (*Kementerian Energy dan Sumber daya Mineral*) requesting that PT Aneka Tambang Tbk (ANTAM), a state-owned mining company controlled by MIND ID, develops mining activities in Wabu Block.[5] ANTAM is an Indonesian state-owned mining company and one of the companies integrating the holding company MIND ID.[6]

On August 31, 2021, the President Director at MIND ID explained that the licensing process of Wabu Block was still underway under the authority of the Ministry of Energy and Mineral Resources.[7]

3) Potential human rights impacts of mining Wabu Block

Local Indigenous peoples expressed concerns about the potential impacts mining activities in Wabu Block could have on the environment and local Indigenous peoples. They fear environmental impacts resulting from mining activities, including environmental pollution, and the loss of livelihoods, customary land, and houses. They told Amnesty International that local Indigenous peoples traditionally use the area to cultivate crops, hunt wild pigs and other animals, collect timber and to build houses. They also said that Mount Bula, a mountain in the Wabu Block, has a special meaning in the Indigenous Moni culture.

Amnesty International is concerned that, under the present circumstances of violence, fear, and intimidation, it may not be possible to move on with the licensing process and engage in a consultation process with local Indigenous peoples, in order to obtain their free, prior, and informed consent, in a way that would respect international human rights standards.

HUMAN RIGHTS FRAMEWORK

Indigenous peoples' rights

Several international human rights instruments affirm the rights of Indigenous peoples. Such rights include the rights to equality and non-discrimination, to maintain and strengthen their own institutions and culture, including traditional customs, knowledge, and language, to autonomy, self-determination and participation in matters affecting their rights, as well as right to their customary lands, territories, and resources.

The United Nations Declaration on the Rights of Indigenous Peoples affirms that Indigenous peoples have the "right to the lands, territories and resources which they have traditionally owned, occupied or

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[2] Letter Nº 540/11625/SET, from Papua's Governor, 24 July 2020 refers to Letter Nº 161/LDIRUT/II/2020, from MIND ID, 20 February 2020, concerning a request for the recommendation of the designation of the WIUPK for Wabu Block. Copy on file with Amnesty International.

[3] Mining Industry Indonesia (MIND ID), https://mind.id/en/pages/tentang-kami

[4] Letter Nº 540/11625/SET, from Papua's Governor, 24 July 2020. Copy on file with Amnesty International.

[5] Wilda Asmarini, "Bukan Grasberg, Antam Mau Garap Gunung Emas Perawan Papua!", *CNBC Indonesia*, 23 September 2020, https://www.cnbcindonesia.com/market/20200923110824-17-188787/bukan-grasberg-antam-mau-garap-gunung-emas-perawan-papua

[6] Mining Industry Indonesia (MIND ID), https://mind.id/en/pages/tentang-kami

[7] Vadhia Lidyana, "Tambang Emas di Papua Mau Digarap Antam, Bagaimana Kelanjutannya?", *IDN Times*, 31 August 2021, https://www.idntimes.com/business/economy/vadhia-lidyana-1/tambang-emas-di-papua-mau-digarap-antam-bagaimana-kelanjutannya/3

otherwise acquired", as well as to own, use, develop and control them.[8] It also affirms their rights "to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."[9]

According to the Declaration, States "shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."[10] The obligation to consult and obtain their free and informed prior consent also applies "to any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."[11]

The UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee on the Elimination of Racial Discrimination (CERD), in guidance to states interpreting their legal obligations under, respectively, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination (Indonesia is party to both treaties) have called upon States parties "to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources."[12]

The CESCR has stated that States parties "should respect the principle of free, prior and informed consent of indigenous peoples in relation to all matters that could affect their rights, including their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."[13]

The CESCR has also noted that the States parties' obligation to respect and protect the cultural production of indigenous peoples includes "protection from illegal or unjust exploitation of their lands, territories and resources by State entities or private or transnational enterprises and corporations."[14]

The CERD has called on States parties to "ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent."[15]

The consultation process to obtain the free, prior, and informed consent is a collaborative and iterative process of dialogue and negotiation. All members of the affected Indigenous people must have a meaningful opportunity to participate in the decision-making process, particularly those who might be disproportionately affected by it.

The term "Free" implies that the consent is obtained without manipulation, coercion, threat, fear of reprisal, corruption, or inequality of bargaining power. For example, the United Nations Expert Mechanism on the Rights of Indigenous Peoples stated that the "features of the relationship between parties should include trust and good faith, and not suspicion, accusations, threats, criminalization, violence towards indigenous peoples or prejudiced views towards them." Indigenous peoples should also have the freedom to guide and direct the consultation process, to determine their internal

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[8] Article 26(1) and (2), United Nations Declaration on the Rights of Indigenous Peoples.
[9] Article 32(1), United Nations Declaration on the Rights of Indigenous Peoples.
[10] Article 19, United Nations Declaration on the Rights of Indigenous Peoples.
[11] Article 32(2), United Nations Declaration on the Rights of Indigenous Peoples.
[12] UN Committee on the Elimination of Racial Discrimination (CERD), "General Recommendation No. 23 (1997) on Indigenous Peoples", A/52/18, annex V, 18 August 1997, para. 5. UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 21 (2009) on the Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)", UN Doc. E/C.12/GC/21, 21 December 2009, para 36. Indonesia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights on 25 June 1999 and 23 February 2006, respectively.
[13] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities", UN Doc. E/C.12/GC/24, 10 August 2017, para 12.
[14] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 21 (2009) on the Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)", UN Doc. E/C.12/GC/21, 21 December 2009, para 50.
[15] UN Committee on the Elimination of Racial Discrimination (CERD), "General Recommendation No. 23 (1997) on Indigenous Peoples", A/52/18, annex V, 18 August 1997, para. 4.

consultation and decision-making procedures and "how and which of their own institutions and leaders represent them", according to their own laws, customs, and protocols.[16]

The term "Prior" means that "consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes".[17]

The term "Informed" refers to access to full, clear, and objective information regarding all aspects of the project, including scale of activities, areas affected, potential adverse effects on human rights, cultural and spiritual sites, and the environment, and monitoring and dispute resolution mechanisms. In this regard, it must be clear from the beginning that not proceeding with the project is one option.

The UN Declaration on the Rights of Indigenous Peoples also establishes that "Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned."[18] It further notes that "States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities."[19]

Indonesian Constitution and legislation also protect the rights of Indigenous peoples. Indonesia's Constitution affirms that the State shall recognize and respect indigenous peoples and their traditional rights.[20] Law No. 39 of 1999 on Human Rights recognizes and protects "the differences and needs of indigenous peoples" as well as "the cultural identity of indigenous peoples, including indigenous land rights."[21]

FURTHER QUESTIONS

We would like to invite you to respond to the above findings, as well as to provide any additional information that might assist our understanding of the licensing process for Wabu Block. We would be grateful if you could reply to the following questions:

1) Can you please describe the steps ESDM has taken as part of the licensing process for Wabu Block? If not, can you please explain why?

2) Has ESDM conducted any assessment of how the mining activities in Wabu Block, combined with the current conditions of violence, fear, and intimidation in Intan Jaya regency, will impact the human rights of local Indigenous peoples and the environment? Potential human rights and environmental impacts include aggravation of conflict and violence (for example, unlawful killings, beatings and restrictions on movement and daily activities carried out by Indonesian security forces), violation of the right to free, prior, and informed consent, and of the right to customary lands, territories, and resources. If so, can you please describe the findings and how ESDM plans to address these potential impacts? If not, can you please explain why?

3) Has ESDM communicated with ANTAM, MIND, and/or BUMN about mining in Wabu Block and its licensing process? If so, can you please describe the content of the communication? If not, can you explain why?

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[16] UN Expert Mechanism on the Rights of Indigenous Peoples, "Study on free, prior and informed consent", para. 20, A/HRC/39/62, https://undocs.org/A/HRC/39/62
[17] United Nations Office of the High Commissioner on Human Rights, "Free, Prior and Informed Consent of Indigenous Peoples", September 2013, https://www.ohchr.org/Documents/Issues/Ipeoples/freepriorandinformedconsent.pdf
[18] Article 30(1), United Nations Declaration on the Rights of Indigenous Peoples.
[19] Article 30(2), United Nations Declaration on the Rights of Indigenous Peoples.
[20] Articles 18B(1), 18B(2), 28I(3), and 32(1) of Indonesia's Constitution.
[21] Article 6(1) and Article 6(2) of the Law No. 39 of 1999 concerning Human Rights.

4) Can you please describe the next steps and timeline of the licensing process for Wabu Block? If not, can you please explain why?

5) Has ESDM engaged in a meaningful and effective consultation process with local Indigenous peoples to obtain their free, prior, and informed consent regarding mining Wabu Block? If so, can you please describe the consultation process, including how ESDM addressed the impacts of the environment of violence, fear, and violence in Intan Jaya regency, including the displacement of significant numbers of the population, on the consultation process? If not, can you please explain why?

6) In case ESDM has not consulted with local Indigenous peoples regarding mining Wabu Block, does ESDM plan to engage in a meaningful and effective consultation process to obtain their free, prior, and informed consent? If so, can you please explain when and how ESDM plans to engage in a meaningful and effective consultation process with local Indigenous peoples considering the existing environment of violence, fear, and intimidation in Intan Jaya regency? If not, can you please explain why?

7) Please provide existing documents related to Wabu Block and its licensing process, including environmental and/or human rights impacts assessments, studies on the existing mineral resources in Wabu Block, region, and communities likely to be impacted, and planned mining activities.

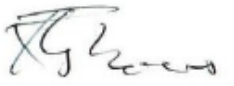
Amnesty International is committed to providing information that is well-informed and objective. We seek this information to ensure that any public reporting we undertake accurately reflects the views of ESDM.

We invite you to comment on any part of the text of this letter. We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make in responding to our questions. We may include part or all or your response in any public reporting we undertake. To enable us to consider incorporating this into our report, please respond by email by the close of business of 15 February 2022.

Thank you in advance for your time in addressing these urgent matters.

Yours sincerely,

Executive Director, Indonesia
Amnesty International



Richard Pearshouse
Head, Crisis and Environment
Amnesty International

ANNEX 2 – LETTER TO ANTAM

Ref: TC ASA 21/2022.2600

Mr. Nicolas Kanter
President Director
PT Aneka Tambang Tbk

02 February 2022

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Dear Mr. Nicolas Kanter,

AMNESTY INTERNATIONAL'S RESEARCH INTO CURRENT CONDITIONS IN INTAN JAYA REGENCY, PAPUA PROVINCE

We are writing on behalf of Amnesty International to inform you of the preliminary findings following our research on current conditions in Intan Jaya regency, Papua province, where conflict has escalated over the last two years and there are official plans to mine gold in Wabu Block. We are also writing to request information regarding PT Aneka Tambang Tbk's (ANTAM) plans to develop mining activities in Wabu Block.

As you may know, Amnesty International is a global movement of more than ten million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest, or religion, and are funded mainly by our membership and public donations. We campaign and advocate to improve human rights through impartial and thorough research on human rights issues all over the world.

In 2021, Amnesty International initiated research into the conflict situation in Intan Jaya regency and its human rights impacts. Amnesty International is concerned about the current situation and how official plans to mine gold in Wabu Block will impact the human rights of local indigenous peoples. Our research revealed that since late 2019 Intan Jaya regency has become a hotspot for conflict and repression and that local indigenous peoples live in an environment of violence, fear, and intimidation.

We understand that in September 2020 the Minister of State-Owned Companies (*Kementerian Badan Usaha Milik Negara* - BUMN) stated he had sent a letter to the Ministry of Energy and Mineral Resources requesting that ANTAM develops mining activities in Wabu Block.[1]

While Amnesty International has not found any evidence that ANTAM is directly involved in the conflict situation in Intan Jaya regency, Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block, combined with the human rights risks associated with the existing conflict situation in Intan Jaya regency.

With this letter, we are interested in preventively communicating our human rights concerns related to mining in Wabu Block and learning more about the company's policies and plans in relation to Wabu Block. We have set out our preliminary findings in this letter. We have also posed some questions to give you an opportunity to clarify our concerns.

METHODOLOGY

[1] Wilda Asmarini, "Bukan Grasberg, Antam Mau Garap Gunung Emas Perawan Papua!", *CNBC Indonesia*, 23 September 2020, https://www.cnbcindonesia.com/market/20200923110824-17-188787/bukan-grasberg-antam-mau-garap-gunung-emas-perawan-papua

Company Registration: 01606776 Registered in England and Wales

As part of its research, Amnesty International interviewed local indigenous peoples, local authorities, representatives of civil society organizations and human rights defenders. Amnesty International also analysed media reports, official documents, relevant legislation, and scientific studies. Amnesty International further conducted an open-source investigation and analysed satellite imagery.

Amnesty International has withheld the names and other identifying information of interviewees to protect their safety.

PRELIMINARY FINDINGS

1) Hotspot for conflict and repression

Amnesty International found that since late 2019 Intan Jaya regency has become a hotspot for conflict and repression and that local indigenous peoples live in an environment of violence, fear, and intimidation. Such environment includes the increasing presence of Indonesian security forces, suspected unlawful killings and beatings carried out by Indonesian security forces. Local indigenous peoples face multiple restrictions to carry out daily activities, including restrictions on movement. Intan Jaya regency is inhabited by indigenous Papuans, particularly indigenous Papuans belonging to the Moni tribe (also called Migani)

In October 2019, members of West Papua Liberation Army (TPNPB) killed three motorcycle drivers in Intan Jaya regency.[2] Local indigenous peoples told Amnesty International that since then, the Indonesian government has increased the number of security forces, military, and police officers, in Intan Jaya regency. Based on interviews, analysis of satellite imagery and open-source investigation, Amnesty International geolocated 17 military and police posts in Sugapa district, capital of Intan Jaya regency. According to interviews, only two out of the 17 posts already existed before October 2019.

Amnesty International documented 8 cases with 12 victims of suspected unlawful killings carried out by Indonesian security officers in Intan Jaya regency in 2020 and 2021. This accounts for over one quarter (27%) of the total number of victims of suspected unlawful killings carried out by Indonesian security officers documented by Amnesty International in Papua and West Papua provinces in the same period. Amnesty International did not document any case of suspected unlawful killing carried out by Indonesian security officers in Intan Jaya regency in the previous two years (2018 and 2019).

Local indigenous peoples described to Amnesty International incidents in which members of Indonesian security forces beat and threatened local residents in Intan Jaya regency.

Local indigenous peoples told Amnesty International that they must ask for permission from security officers to carry out daily activities, such as gardening, shopping, and going to another village. They said that security officers also restrict the use of electronic devices and control how local indigenous peoples appear. Security officers suspect that men with beard and long hair are members of armed groups, although such characteristics are part of their culture, and order local indigenous peoples to dress well and cut their hair.

Local indigenous peoples told Amnesty International that thousands of local indigenous peoples left their houses and villages due to the insecurity in Intan Jaya regency. Local indigenous peoples said that they went to other cities and to the forest and that many are afraid of returning because of the presence of Indonesian security forces in their villages.

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2 Dhias Suwandi, "3 Pengemudi Ojek Tewas Ditembak KKB di Intan Jaya Papua", *Kompas*, 26 October 2019, https://regional.kompas.com/read/2019/10/26/10471131/3-pengemudi-ojek-tewas-ditembak-kkb-di-intan-jaya-papua?page=all; Victor Mambor, "The Intan Jaya conflict 2: violence at the cost of many civilian lives", *Asia Pacific Report*, 11 January 2021, https://asiapacificreport.nz/2021/01/11/the-intan-jaya-conflict-2-violence-at-the-cost-of-many-civilian-lives/; Humanitarian team for cases of violence against religious leaders in Intan Jaya regency (Tim Kemanusiaan untuk kasus kekerasan terhadap tokoh agama di kabupaten Intan Jaya), "Duka dari Hitadipa", 2020.

2) Mining plans in Wabu Block

Amnesty International found that since at least early 2020 there have been official plans to develop mining activities in Wabu Block. Wabu Block is a gold ore deposit located in Intan Jaya regency.

In February 2020, Mining Industry Indonesia (MIND ID) sent a letter to Papua's government concerning the designation of a mining concession area (WIUPK) of Wabu Block.[3] MIND ID is an Indonesian state-owned mining holding industry company.[4]

In July 2020, Papua's Governor responded to a letter from Mining Industry Indonesia (MIND ID) concerning the designation of a mining concession area (WIUPK) for Wabu Block. In its response, Papua's governor expressed support for the designation of a mining concession area (WIUPK) of Wabu Block. Papua's Governor also requested that a public regional company (*Badan Usaha Milik Daerah* – BUMD) be involved in the mining activities in Wabu Block.[5]

In September 2020, the Minister of State-Owned Companies (*Kementerian Badan Usaha Milik Negara* - BUMN) stated that he had sent a letter to the Ministry of Energy and Mineral Resources (*Kementerian Energy dan Sumber daya Mineral*) requesting that ANTAM develops mining activities in Wabu Block.[6] ANTAM is one of the companies integrating the holding company MIND ID.[7]

On August 31, 2021, the President Director at MIND ID explained that the licensing process of Wabu Block was still underway under the authority of the Ministry of Energy and Mineral Resources.[8]

3) Potential human rights impacts of mining Wabu Block

Local indigenous peoples expressed concerns about the potential impacts mining activities in Wabu Block could have on the environment and local indigenous peoples. They fear environmental impacts resulting from mining activities, including environmental pollution, and the loss of livelihoods, customary land, and houses. They told Amnesty International that local indigenous peoples traditionally use the area to cultivate crops, hunt wild pigs and other animals, collect timber, and to build houses. They also said that Mount Bula, a mountain in the Wabu Block, has a special meaning in the indigenous Moni culture.

Amnesty International is concerned that, under the present circumstances of violence, fear, and intimidation, it may not be possible to move on with the licensing process and engage in a consultation with local indigenous peoples, in order to obtain their free, prior, and informed consent, in a way that would respect international human rights standards.

HUMAN RIGHTS FRAMEWORK

Corporate responsibility to respect human rights

All companies, regardless of their size, sector, location, ownership, and structure, have a responsibility to respect human rights wherever they operate, including throughout their operations and supply chains. Companies' responsibility to respect human rights is enshrined in the United Nations Guiding

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[3] Letter Nº 540/11625/SET, from Papua's Governor, 24 July 2020, refers to Letter Nº 161/LDIRUT/II/2020, from MIND ID, 20 February 2020, concerning a request for the recommendation of the designation of the WIUPK for Wabu Block. Copy on file with Amnesty International.
[4] Mining Industry Indonesia (MIND ID), https://mind.id/en/pages/tentang-kami
[5] Letter Nº 540/11625/SET, from Papua's Governor, 24 July 2020. Copy on file with Amnesty International.
[6] Wilda Asmarini, "Bukan Grasberg, Antam Mau Garap Gunung Emas Perawan Papua!", *CNBC Indonesia*, 23 September 2020, https://www.cnbcindonesia.com/market/20200923110824-17-188787/bukan-grasberg-antam-mau-garap-gunung-emas-perawan-papua
[7] Mining Industry Indonesia (MIND ID), https://mind.id/en/pages/tentang-kami
[8] Vadhia Lidyana, "Tambang Emas di Papua Mau Digarap Antam, Bagaimana Kelanjutannya?", *IDN Times*, 31 August 2021, https://www.idntimes.com/business/economy/vadhia-lidyana-1/tambang-emas-di-papua-mau-digarap-antam-bagaimana-kelanjutannya/3

Principles on Business and Human Rights (UN Guiding Principles), unanimously endorsed by the UN Human Rights Council in June 2011.[9]

The UN Guiding Principles emphasise that companies' responsibility to respect human rights exists independently of States' abilities and/or willingness to fulfil their own human rights obligations and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."[10]

The responsibility to respect human rights requires companies to "[a]void causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur."[11] To do so, companies should put in place an ongoing and proactive "human rights due diligence process to identify, prevent, mitigate and account for how they have addressed their impacts on human rights."[12] This process "should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships."[13] Companies should also establish "[p]rocesses to enable remediation of any adverse human rights impacts they cause or to which they contribute."[14]

In conflict-affected areas companies may face heightened risks of being complicit in gross human rights abuses committed by other actors, including security forces.[15] Effective human rights due diligence must be commensurate with such risks, adequately resourced and geared towards the prevention of harm to both others and the environment.

In circumstances when business enterprises have concluded that an activity is likely to be linked to significant human rights risks but are unable to come to further conclusions, they should exercise the presumption of caution, and until additional information is obtained, not undertake the specific activity.

Human rights and ANTAM

ANTAM's Code of Conduct sets out "commitments comprised of business ethics of ANTAM and work ethic of ANTAM Personnel."[16] It applies "to all individuals who act on behalf of ANTAM, Subsidiaries and Affiliates under control, Shareholders and all other Stakeholders or Partners who conduct business transactions with ANTAM."[17]

ANTAM's Code of Conduct provides that "[the Company] encourages efforts to ensure the fulfilment of human rights and to consider every consequence of operations on surrounding communities" and "is committed to ensure that every Company's operations do not violate the principles of human rights."[18]

In particular, ANTAM's Code of Conduct makes clear the commitment "to ensure that the community around the area of operations/mining are also enjoying the welfare and the value added created by ANTAM and respect the rights they have".

ANTAM's Code of Conduct also sets out the commitments "to perform analysis related to human rights and cooperating with organizations outside of the Company such as the Government, NGOs, and other relevant Stakeholders at an early stage of any business development process, especially in the social

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[9] UN Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UN DOC. HR/PUB/11/04, 2011

[10] Principle 11, United Nations Guiding Principles on Business and Human Rights.

[11] Principle 13(a), United Nations Guiding Principles on Business and Human Rights.

[12] Principle 15(b), United Nations Guiding Principles on Business and Human Rights.

[13] Principle 17(a), United Nations Guiding Principles on Business and Human Rights.

[14] Principle 15(c), United Nations Guiding Principles on Business and Human Rights.

[15] Principle 23(c), United Nations Guiding Principles on Business and Human Rights.

[16] PT Aneka Tambang Tbk (ANTAM), "2020 Code of Conduct", https://www.antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf

[17] ANTAM, "2020 Code of Conduct", https://www.antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf

[18] ANTAM, "2020 Code of Conduct", https://www.antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf

impact analysis in the preparation of the EIA document", and "to cooperate with the Government, NGOs and other relevant Stakeholders in order to avoid violation of the rights associated with the ownership of the community."[19]

ANTAM's Code of Conduct further provides that the Company monitors "the negative impact of ANTAM operating activities for the welfare of the surrounding community", "the involvement of the security forces which is counter-productive and abuse of power", and "violation of the rights associated with the ownership of the surrounding community and of "culture and indigenous communities around the area of operation". It also notes that ANTAM takes into account the "sensitivity and harmonization of the issues faced by the community around the operations of the Company" and "the principle of information disclosure and active partnership" when carrying out its activities.[20]

Indigenous peoples' rights

Several international human rights instruments affirm the rights of indigenous peoples. Such rights include the rights to equality and non-discrimination, to maintain and strengthen their own institutions and culture, including traditional customs, knowledge, and language, to autonomy, self-determination and participation in matters affecting their rights, as well as right to their customary lands, territories, and resources.

The United Nations Declarations on the rights of Indigenous Peoples affirm that Indigenous Peoples have the "right to the lands, territories and resources which they have traditionally owned, occupied or otherwise acquired", as well as to own, use, develop and control them.[21] It also affirms their rights "to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."[22]

According to the UN Declaration on the rights of Indigenous Peoples, States "shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them."[23] The obligation to consult and obtain their free and informed prior consent also applies "to any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."[24]

The UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee on the Elimination of Racial Discrimination (CERD), in guidance to states interpreting their legal obligations under, respectively, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination (Indonesia is party to both treaties) have called upon States parties "to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources."[25]

The CESCR has stated that States parties "should respect the principle of free, prior and informed consent of indigenous peoples in relation to all matters that could affect their rights, including their

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[19] ANTAM, "2020 Code of Conduct", https://www.antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf

[20] ANTAM, "2020 Code of Conduct", https://www.antam.com/uploads/antam-coc-2020-eng-210920-eng-final.pdf

[21] Article 26(1) and (2), United Nations Declaration on the Rights of Indigenous Peoples.

[22] Article 32(1), United Nations Declaration on the Rights of Indigenous Peoples.

[23] Article 19, United Nations Declaration on the Rights of Indigenous Peoples.

[24] Article 32(2), United Nations Declaration on the Rights of Indigenous Peoples.

[25] UN Committee on the Elimination of Racial Discrimination (CERD), "General Recommendation No. 23 (1997) on Indigenous Peoples", A/52/18, annex V, 18 August 1997, para. 5. UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 21 (2009) on the Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)", UN Doc. E/C.12/GC/21, 21 December 2009, para 36. Indonesia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights on 25 June 1999 and 23 February 2006, respectively.

lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."[26]

The CESCR has further stated that the States parties' obligation to respect and protect the cultural production of indigenous peoples includes "protection from illegal or unjust exploitation of their lands, territories and resources by State entities or private or transnational enterprises and corporations."[27]

The CESCR has also stated that businesses "should respect the principle of free, prior and informed consent of indigenous peoples in relation to all matters that could affect their rights, including their lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."[28]

The consultation process to obtain the free, prior, and informed consent is a collaborative and iterative process of dialogue and negotiation. All members of the affected indigenous peoples must have a meaningful opportunity to participate in the decision-making process, particularly those who might be disproportionately affected by it.

The term "Free" implies that the consent is obtained without manipulation, coercion, threat, fear of reprisal, corruption, or inequality of bargaining power. For example, the United Nations Expert Mechanism on the Rights of Indigenous Peoples stated that the "features of the relationship between parties should include trust and good faith, and not suspicion, accusations, threats, criminalization, violence towards indigenous peoples or prejudiced views towards them." Indigenous peoples should also have the freedom to guide and direct the consultation process, to determine their internal consultation and decision-making procedures and "how and which of their own institutions and leaders represent them", according to their own laws, customs, and protocols.[29]

The term "Prior" means that "consent is to be sought sufficiently in advance of any authorization or commencement of activities and respect is shown to time requirements of indigenous consultation/consensus processes".[30]

The term "Informed" refers to access to full, clear, and objective information regarding all aspects of the project, including scale of activities, areas affected, potential adverse effects on human rights, cultural and spiritual sites, and the environment, and monitoring and dispute resolution mechanisms. In this regard, it must be clear from the beginning that not proceeding with the project is one option.

Indonesian Constitution and legislation also protect the rights of indigenous peoples. Indonesia's Constitution affirms that the State shall recognize and respect indigenous peoples and their traditional rights.[31] Law No. 39 of 1999 on Human Rights recognizes and protects "the differences and needs of indigenous peoples" as well as "the cultural identity of indigenous peoples, including indigenous land rights."[32]

FURTHER QUESTIONS

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[26] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities", UN Doc. E/C.12/GC/24, 10 August 2017, para 12.
[27] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 21 (2009) on the Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)", UN Doc. E/C.12/GC/21, 21 December 2009, para 50.
[28] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities", UN Doc. E/C.12/GC/24, 10 August 2017, para 12.
[29] UN Expert Mechanism on the Rights of Indigenous Peoples, "Study on free, prior and informed consent", para. 20, A/HRC/39/62, https://undocs.org/A/HRC/39/62
[30] United Nations Office of the High Commissioner on Human Rights, "Free, Prior and Informed Consent of Indigenous Peoples", September 2013, https://www.ohchr.org/Documents/Issues/Ipeoples/FreePriorandInformedConsent.pdf
[31] Articles 18B(1), 18B(2), 28I(3), and 32(1) of Indonesia's Constitution.
[32] Article 6(1) and Article 6(2) of the Law No. 39 of 1999 concerning Human Rights.

We would like to invite you to respond to the above findings, as well as to provide any additional information that might assist our understanding of ANTAM's plans regarding Wabu Block and ANTAM's human rights policies. We would be grateful if you could reply to the following questions:

1) In addition to ANTAM's Code of Conduct, does ANTAM have other human rights policies and/or protocols to conduct environmental and/or human rights due diligence? If so, can you please provide details of these policies and protocols and how they are implemented? If not, can you please explain why?

2) Does ANTAM plan to develop mining activities in Wabu Block? If so, what steps has ANTAM taken in this regard and what are the next steps? If not, can you please explain why?

3) Does ANTAM have a timeline for mining plans, if any, in Wabu Block, including the licensing process, consultation with indigenous peoples, exploration and mining activities? If so, can you please share this timeline with Amnesty International? If not, can you please explain why?

4) Considering ANTAM's commitment to ensure that its operations do not violate human rights principles, can you please explain how ANTAM plans to assess and address the human rights risks associated with mining activities (for example, risks to the rights to free, prior, and informed consent, to customary land, territories, and resources) combined with the human rights risks associated with Intan Jaya regency's current environment of violence, fear, and intimidation, as documented by Amnesty International? If not, can you please explain why? The human rights risks associated with mining activities include violation of the right to free, prior, and informed consent, and of the right to customary land, territories, and resources.

5) Considering ANTAM's commitment to ensure that its operations do not violate human rights principles, does ANTAM plan to consult with indigenous peoples likely to be impacted by mining activities in Wabu Block and obtain their free, prior, and informed consent? If so, can you please explain how and when ANTAM plans to engage in a meaningful and effective consultation process with local indigenous peoples considering the existing environment of violence, fear, and intimidation in Intan Jaya regency? If not, can you please explain why?

6) Please provide existing documents related to Wabu Block, including studies, environmental and/or human rights impact assessments, reports about the region, communities likely to be impacted and planned mining activities, as well as official documents concerning the licensing process.

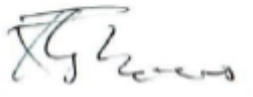
Amnesty International is committed to providing information that is well-informed and objective. We seek this information to ensure that any public reporting we undertake accurately reflects the views of ANTAM.

We invite you to comment on any part of the text of this letter. We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make in responding to our questions. We may include part or all or your response in any public reporting we undertake. To enable us to consider incorporating this into our report, please respond by email by the close of business of 15 February 2022.

Thank you in advance for your time in addressing these urgent matters.

Yours sincerely,

Executive Director, Indonesia
Amnesty International



Richard Pearshouse
Head, Crisis and Environment
Amnesty International

ANNEX 3 – A LIST OF CASES OF SUSPECTED UNLAWFUL KILLINGS CARRIED OUT BY INDONESIAN SECURITY FORCES IN INTAN JAYA REGENCY IN 2020 AND 2021

CASE 1	
DATE	18 February 2020
# OF VICTIMS	2
NAME OF VICTIM(S)	Melki Tipagau and Kayus Sani
CASE	According to local media reports, on 18 February 2020 Indonesian security forces shot dead Melki Tipagau and Kayus Sani after entering Yoparu village, Sugapa district, Intan Jaya regency. According to the reports, police and army officers entered their houses and shot them dead. Melki Tipagau was an eleven-year-old student. Other persons were also allegedly injured due to the shooting.[154]
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

CASE 2	
DATE	21 April 2020
# OF VICTIMS	2
NAME OF VICTIM(S)	Luther Zanambani and Apianus Zanambani
CASE	Luther and Apianus Zanambani disappeared in Sugapa district, Intan Jaya regency, on 21 April 2020. In December 2020, the Commander of the Military Police Center (*Pusat Polisi Militer Angkatan Darat*) stated that an official investigation found that they died after being interrogated by security forces. According to the official investigation, security forces suspected Apianus and Luther were members of an armed group and detained them during a raid. The official investigation found that the use of 'inappropriate excessive force' by security forces caused their deaths and that security forces later burned their bodies to eliminate evidence.[155]
ACCOUNTABILITY	Based on the investigation conducted by the Army Military Police Command (or Puspomad), nine members of the TNI AD have been named suspects: • Two personnel from Kodim 1705 Paniai; • Seven personnel from Battalion PR 433/JS Kostrad.

[154] Hengky Yeimo, "2 warga sipil tewas ditemba di Sugapa, 2 lainnya terluka", Jubi, 18 February 2020, jubi.co.id/2-warga-sipil-tewas-ditembak-di-sugapa-2-lainnya-terluka/; Arnold Belau, "Anak SD yang Ditembak Mati TNI itu Anak Murid Saya", Suara Papua, 20 February 2020, suarapapua.com/2020/02/20/pastor-yustinus-anak-sd-yang-ditembak-mati-tni-itu-anak-murid-saya/

[155] Indonesian Military Investigation Team (PUSPOMAD), "Press Release on the development of the investigations on violence and shooting events in Intan Jaya regency", 23 December 2020. Copy on file with Amnesty International; Jakarta Post, "TNI names 9 soldiers suspects for alleged torture, murder of 2 Papuans in Intan Jaya", 25 December 2020, thejakartapost.com/news/2020/12/25/tni-names-9-soldiers-suspects-for-alleged-torture-murder-of-2-papuans-in-intan-jaya.html

CASE 2	
	The suspects were charged for violating Article 170 paragraph (1) and (2), Article 351, Article 181, and Article 55 of the Indonesian Criminal Code, as well as Article 132 of the Military Criminal Code.[156] According to media reports, in December 2021, the TNI Commander General stated that the legal process was underway, and three suspects had been handed over to the police, without providing further details.[157] According to the International Coalition for Papua, perpetrators will stand trial at a military court.[158] Access to information about cases at military courts is restricted

CASE 3	
DATE	19 September 2020
# OF VICTIMS	1
NAME OF VICTIM(S)	Rev. Yeremia Zanambani
CASE	On September 19, 2020, Rev. Yeremia Zanambani, the deputy chief of the Indonesian Evangelical Christian Church in the district of Hitadipa, Intan Jaya regency, was found dead at his farm. Two independent investigations found that the suspected perpetrators for killing Rev. Zanambani are military officers. The Indonesian Commission on Human Rights (Komnas HAM), an independent state institution responsible for researching, disseminating, monitoring, and mediating human rights issues in Indonesia, carried out the first investigation. Komnas HAM found that Rev. Zanambani was subjected to torture and/or other acts of violence and that the suspected perpetrator is a military officer.[159] The second investigation was carried out by the Independent Humanitarian Team for Intan Jaya, formed by religious leaders, academics, and humanitarian activists. The Humanitarian Team also found that Indonesian military officers killed him.[160]
ACCOUNTABILITY	In June 2021, authorities conducted an autopsy on his body.[161] In December 2021, Komnas HAM stated the handling of this case was not ideal because it was at the military court.[162] At the time this report was written, Amnesty International was not aware of the autopsy's result and further steps into the investigation and court case were not known.

[156] Kumparan, "Aniaya terduga KKB Papua hingga tewas, 9 anggota TNI AD jadi tersangka", 23 December 2020, kumparan.com/kumparannews/aniaya-terduga-kkb-papua-hingga-tewas-9-anggota-tni-ad-jadi-tersangka-1uppwUUGSFH/full
[157] West Papua Daily, "TNI Commander promises to oversee cases of human rights violations", 01 December 2021, westpapuadaily.com/tni-commander-promises-to-oversee-cases-of-human-rights-violations.html
[158] International Coalition for Papua, "*Human rights in West Papua: the seventh report of the International Coalition for Papua (ICP) provides an analysis of violations from January 2019 until December 2020*", September 2021, https://humanrightspapua.org/wp-content/uploads/2021/12/HumanRightsPapua2021-ICP.pdf
[159] Indonesian Commission on Human Rights (Komnas HAM), "Komnas HAM RI Serahkan Laporan Penyelidikan Pendeta Yeremia Zanambani ke Menkopolhukam", 05 November 2020, komnasham.go.id/index.php/news/2020/11/5/1614/komnas-ham-ri-serahkan-laporan-penyelidikan-pendeta-yeremia-zanambani-ke-menkopolhukam.html.
[160] Independent Humanitarian Team for Intan Jaya, "Findings of the Humanitarian Team for Intan Jaya Papua", October 2020. Copy on file with Amnesty International.
[161] Arjuna Pademme, "Pastor Yeremia's body sent to forensic lab for an autopsy", *Jubi,* 10 June 2021, en.jubi.co.id/yeremia-zanambani-autopsy-west-papua/
[162] CNN Indonesia, "Komnas HAM: Proses Hukum Kasus Penembakan Pendeta Yeremia Belum Ideal", 15 December 2021, cnnindonesia.com/nasional/20211214110610-12-733783/komnas-ham-proses-hukum-kasus-penembakan-pendeta-yeremia-belum-ideal

CASE 4	
DATE	26 October 2020
# OF VICTIMS	2
NAME OF VICTIM(S)	Rufinus Tigau
CASE	Local media reported that on 26 October 2020 Indonesian military officers killed Rufinus Tigau during a raid in Jalae village, Sugapa district, Intan Jaya regency. Indonesian security forces accused him of being member of OPM. However, members of Timika's Diocese denied the accusation and affirmed that Rufinus Tigau was a catechist of the Catholic Parish in Bilogai, Intan Jaya regency.[163]
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

CASE 5	
DATE	15 February 2021
# OF VICTIMS	3
NAME OF VICTIM(S)	Janius Bagau, Soni Bagau and Justinus Bagau
CASE	On 15 February 2021 Indonesian security forces allegedly shot and wounded Janius Bagau during a raid in Mamba village, Sugapa district, carried out in response to the shooting and death of a miitary officer by members of armed group. Janius Bagau was taken to the local health clinic by local residents, including his brothers, Yustinus and Soni. According to media reports, witnesses, including family members and a Catholic priest, said that security officers beat, tortured and killed the three brothers inside the health clinic.[164]
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

CASE 6	
DATE	27 February 2021
# OF VICTIMS	1
NAME OF VICTIM(S)	Donatus Mirip
CASE	Local media reported the shooting and killing of Donatus Mirip by Indonesian security borders on 27 February 2021. According to local media reports, he was shot in Ndugasiga village, Sugapa district. The Priest at Titigi Parish said that the victim was a civilian and denied he was a member of OPM.[165]

[163] Victor Mambor, "Keuskupan Timika rilis kronologis penembakan Rufinus Tigau, Katekis dari Paroki Bilogai", *Jubi,* 02 November 2020, jubi.co.id/keuskupan-timika-rilis-kronologis-penembakan-rufinus-tigau-katekis-dari-paroki-bilogai/amp/; Benny Mawel, "Keuskupan Timika: Mengapa petugas gereja yang disasar?", *Jubi,* 28 October 2020, jubi.co.id/keuskupan-timika-mengapa-petugas-gereja-yang-disasar/; Arnold Belau, "Breaking News: Dilaporkan Seorang Katekis Katolik Ditembak Mati TNI di Jalae", *Suara Papua,* 26 October 2020, suarapapua.com/2020/10/26/breaking-news-dilaporkan-seorang-katekis-katolik-ditembak-mati-tni-di-jalae/

[164] Tom Allard and Agustinus Beo da Costa, "Three brothers killed by Indonesian soldiers at Papuan health clinic: army and witness accounts differ", *Reuters,* 05 April 2021, reuters.com/article/us-indonesia-papua-killings-insight-idUSKBN2BT05W; Victor Mambor and Evi Mariani, "Three Intan Jaya residents dead, allegedly in the hands of TNI personnel", *Jubi,* 17 February 2021, en.jubi.co.id/three-intan-jaya-men-dead-in-the-hands-of-tni/

[165] Abeth You, "Pastor Yance Yogi pastikan Donatus Mirip adalah warga sipil bukan TPN-PB", *Jubi,* 05 March 2021, jubi.co.id/papua-donatus-mirip-warga-sipil-bukan-tpn-pb/

CASE 6	
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

CASE 7	
DATE	06 March 2021
# OF VICTIMS	2
NAME OF VICTIM(S)	Melianus Nayagau
CASE	According to local media reports, on 06 March 2021 Indonesian security forces killed Melianus Nayagau during a raid in Puyagia village, Sugapa district. The Indonesian army (TNI) stated that Melianus Nayagau was a member of an armed group [OPM] and was shot dead by a military team. Local sources said that he was a student at a local school. After the incident, local residents reportedly fled to the forest.[166]
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

CASE 8	
DATE	26 October 2021
# OF VICTIMS	1
NAME OF VICTIM(S)	Nopelinus Sondegau
CASE	Two children were shot during a gunfight between Indonesian security forces and armed groups on the evening of 26 October 2021, in Sugapa district. Nopelinus Sondegau, a two-years-old, died hours after the shooting. Local sources told Amnesty International that the victims were at home in a residential area near the Koramil (military command) post. Local sources expressed concerns that Indonesian military forces may have entered the residential area to seek retribution after a soldier was injured in a shootout earlier that day.[167]
ACCOUNTABILITY	At the time this report was written, Amnesty International was not aware of any official investigation into this case.

[166] Abeth You and Arjuna Pademme, "Siswa SMP mati ditembak di Intan Jaya", *Jubi,* 08 March 2021, jubi.co.id/papua-siswa-smp-mati-ditembak-di-intan-jaya/; Arnold Belau, "Lagi, TNI Tembak Mati Seorang Pemuda di Intan Jaya", *Suara Papua,* 07 March 2021, suarapapua.com/2021/03/07/lagi-tni-tembak-mati-seorang-pemuda-di-intan-jaya/

[167] Amnesty International, "Indonesia: Government should investigate shooting of children in Intan Jaya, Papua", 01 November 2021, amnesty.org/en/latest/news/2021/11/indonesia-government-should-investigate-shooting-of-children-in-intan-jaya-papua/; Victor Mambor, "Balita meninggal dunia di Intan Jaya setelah jadi korban kontak tembak TNI dan TPNPB", *Jubi,* 27 October 2021, jubi.co.id/balita-meninggal-dunia-di-intan-jaya-setelah-jadi-korban-kontak-tembak-tni-dan-tpnpb/

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‘GOLD RUSH’

INDONESIA'S MINING PLANS RISK FUELING ABUSES IN PAPUA

The Indonesian government plans to exploit Wabu Block, a large gold ore deposit in Intan Jaya regency, Papua province. Over the last two years this region has become a hotspot for conflict and repression.

This briefing documents an increased presence of security forces in Intan Jaya regency, accompanied by unlawful killings, raids and beatings. Indigenous Papuans also reported facing restrictions to carry out daily activities.

Amnesty International is concerned about the potential human rights impacts of mining in Wabu Block in the context of the existing conflict and repression in Intan Jaya. Amnesty International calls on Indonesian authorities to pause the licensing process of Wabu Block until consulting the affected Indigenous Papuans, and obtaining their free, prior, and informed consent to the mining plans. Amnesty International recommends that the Indonesian government first carries out an initial consultation to ascertain whether a full and effective consultation is feasible and desirable.

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