

Torture in the Postcolony of Papua, Indonesia^{1 2}

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Abstract: Drawing on Achilles Mbembe’s concept of postcolony and long-term field research in Papua since 1998, I argue that torture in Papua, Indonesia, constitutes an integral part of construction of Papua as a postcolony by the Indonesian state over the last five decades. The construction develops in two ways. First, it asserts control and dominance over the land and people of Papua through private indirect government that condones extractive industry, land grabbing and coercive military power, which includes theatrical torture and excessive violence with impunity against any opposition to the state. Second, Indonesian state power instills a mindset of inferiority in the indigenous Papuans toward the nation as a whole, characterizing Papuans as savages and labeling them with animalistic traits. However, the postcolony of Papua does not solely involve a binary opposition between the Indonesian state and Papua. Rather, it instills “the logic of conviviality” among all Papuans and Indonesians, creating a fluid power dynamic in which the state, Papuans, and Indonesians coexist.

Introduction

Despite growing national and international human rights scrutiny, the five-decade-long conflict in Papua remains unresolved. Since 2018, the conflict has escalated, with Tentara Nasional Pembebasan Papua Barat (TPNPB/the West Papua National Liberation Army) and the Indonesian security forces intensifying military operations, as documented by both national (Aliansi Demokrasi Untuk Papua 2023) and international human rights organisations (Human Rights Monitor 2023; Amnesty International Indonesia 2018, 2020). Among the persistent patterns of abuse, torture and excessive use of violence are the most frequently reported to the public and will be analyzed in this article. Other abuses, such as extrajudicial killings and indiscriminate attacks on civilian objects, are beyond the scope of this article.

Based on extensive field research on torture in Papua since 1998, including 12 years of living and working in the region, I argue that torture in Papua functions as a mode of governance (Hernawan 2018). Torture refers to acts that “broadly involve state authorities inflicting pain on the body for a particular purpose” (Hernawan 2018, 9). It consists of four key elements: pain, intentionality, instrumentality, and control (see Kenny 2010 in Hernawan 2018, 10).

Torture in Papua is not merely a means of obtaining information but is much more problematic and disturbing. It constitutes a spectacle of the sovereign power of the state that both outcasts and simultaneously colonizes Papua and Papuans (Hernawan 2018, 215). As a result, torture has become part of the governing instruments of the Indonesian state to dominate and control Papua. Torture also has a theatrical element intended to display the power of the state publicly (Hernawan 2018, Ch. 5). In other words, torture extends beyond interrogation techniques to represent a broader machinery of domination that seeks to pacify and control the bodies and minds of the Papuans.

However, torture is not the only tool deployed by the Indonesian state apparatus. Other forms of Indonesian state control and domination are exercised through extractive industries, land grabbing (Pusaka 2024b, 2024a), and the regulatory framework of the new Papua Autonomous Regions

(Institute for Policy Analysis and Conflict 2021; Aliansi Demokrasi Untuk Papua 2023). These mechanisms of domination, I argue, reflect what Achille Mbembe calls an “indirect private government”, in which “functions supposed to be public, and obligations that flow from sovereignty, are increasingly performed by private operators for private ends” (Mbembe 2001, 80).

Against the backdrop of armed conflict and indirect private government, I found Mbembe’s concept of the “postcolony” effective in analyzing the role of torture in Papua’s current conflict landscape, which has been marked by colonial-style domination by the central government of Indonesia (see Kusumaryati 2018; Webb-Gannon 2021). Therefore, it is instructive to elucidate this concept, which has already sparked significant debate in African studies and beyond (Adebanwi and Orock 2002), before analyzing the current situation in Papua, which is marked by armed violence, extractive industries, and deforestation. I will then examine the role of torture in the postcolony of Papua to shed new light on the ongoing practice of torture as a mode of governance and conclude with some reflections.

Mbembe’s Concept of the Postcolony

Building on his reflections on power relations in the African context, especially the postcolonial experience of Cameroon and the West, Mbembe begins his book *On the Postcolony* by outlining his critique of how the West perceives Africa through a “negative interpretation” (Mbembe 2001, 2). He argues:

Narrative about Africa is always a pretext for a comment about something else, some other place, some other people. More precisely, Africa is the mediation that enables the West to accede to its own subconscious and give a public account of its subjectivity. Thus, there is no need to look for the status of this discourse; essentially, it has to do at best with self-deception, and at worst with perversion (Mbembe 2001, 3).

In other words, Mbembe believes that the narrative about Africa is not about Africa itself but is merely a pretext for the West’s self-preoccupation. He rejects this labeling, viewing it either as “self-deception” or “perversion”. The Western self-preoccupation, Mbembe argues, has deeply embedded itself in the literature of political science and development economics, formulated in the concepts of “good governance”, “market economy”, “civil society”, “conflict resolution”, and “transition to democracy”. For him, all of these concepts do not aim to comprehend Africa but rather to “social engineer” it (Mbembe 2001, 7). Responding to his critics, Mbembe even emphasizes that it is an “encounter between Africa and the West that is lived as a rape” (Mbembe 2005, 10). This assertion reminds us of Said’s concept of Orientalism as “a Western style for dominating, restructuring, and having authority over the Orient” (Said 2003, 3).

Further, in Mbembe’s own words, “the mess of Africa” is not only in the conceptual realm but also very real. It has been caused by “indirect private government” that rules Africa. African states employ the policy of outsourcing sovereignty to the private sector, which has resulted not only in the monopoly of wealth but also in the use of coercion. Mbembe emphatically highlights the direct link that now exists between, on one hand, deregulation and the primacy of the market and, on the other, the rise of violence and the creation of private military, paramilitary, or jurisdictional organizations (Mbembe 2001, 78-79, original emphasis).

This framework is important for understanding how Mbembe frames Africa as a “postcolony”. For him, the postcolony is “a given historical trajectory—that of societies recently emerging from

the experience of colonization and the violence which the colonial relationship involves” (Mbembe 1992, 3; 2001, 102). Africa meets this definition. The postcolony possesses three other characteristics: [1] chaotic but coherent, [2] political improvisation, and [3] a regime of violence (Mbembe 2001, 102). I argue that these characteristics can help assess the status of Papua today.

Mbembe then analyzes the nature of power relations in the postcolony. He opposes binary oppositions such as resistance vs. passivity, autonomy vs. subjection, state vs. civil society, hegemony vs. counter-hegemony, and totalization vs. detotalization. He proposes an alternative concept to go beyond these bipolar power relations, namely “the logic of conviviality”, the dynamics of domesticity and familiarity that inscribe both the dominant and the dominated within the same episteme (Mbembe 2001, 110). This means that both sides share the same space and logic of togetherness or, in Mbembe’s terms, simulacrum, in which binary opposition is no longer relevant.

Drawing on Foucault, Mbembe further explains that power relations in Africa are all about control and domination, rooted in colonial times. “Colonialism was, to a large extent, a way of disciplining bodies with the aim of making better use of them, docility and productivity going hand in hand” (Mbembe 2001, 113). The purpose of taming the natives through punishment was to turn them into commodities to meet the needs of chain production. The natives had to be fully under the control of the colonial master in order to fulfill the labor force.

In contrast, he argues that in the postcolony, punishment serves a different logic. Although the act remains a public performance, requiring a crowd to ensure its lavishness, it no longer aims to turn citizens into commodities nor to cause excessive pain on the body of the condemned. Rather, it aims to leave an impression on the public and imprint itself on their minds so it will be remembered.

In the postcolony, bodies have been used to entertain the powerful in ceremonies and official parades. On such occasions some of the bodies have borne the marks of famine: flaky scalps, scabies, skin sores. Others have attracted small crowds of flies. But none of this has stopped them from breaking into peals of laughter when the presidential limousines approached (Mbembe 2001, 122-123).

Despite differences in the main objective of punishment, the postcolony maintains the sovereign’s logic, consisting of the following elements: first, it aims to transmit the power of the state through the body of the condemned; second, it penetrates the minds of the public to inscribe the awe of the state onto their psyche, so that the entire community feels the power of the state; third, it humiliates the condemned and strips them of their humanity, reducing them to bare life. However, in the postcolony, the humiliation includes an additional element of ridicule, which constitutes the fourth element.

The element of “entertainment” marks the difference from the logic of punishment in the colonial setting. That is why Mbembe emphasizes the element of “conviviality and even connivance” in the politics of coercion. This logic of punishment helps us understand the role of torture in the postcolony of Papua.

Papua as Postcolony

Just as Mbembe argues that the narrative about Africa serves as a pretext for the West's self-preoccupation, so too does the narrative about Papua. Papua is a prime example of an unfinished decolonization process in the Pacific region (Hernawan 2016a; Webb-Gannon 2021; Kusumaryati 2018). Unlike the rest of the former colonial territory of the Dutch East Indies, which formed the Indonesian State, Papua was incorporated into Indonesia under a separate agreement. Under the 1962 New York Agreement, Indonesia and the Netherlands agreed to transfer power from the United Nations Temporary Administration (UNTEA) to Indonesia on 1 May 1963 as preparation for conducting a UN-sponsored plebiscite known as the "Act of Free Choice" in 1969 (Drooglever 2009; Saltford 2003).

Historians (Drooglever 2009; Poulgrain 2015; Leith 2003; McKenna 2016) have already revealed that this transfer of power was inseparable from the U.S. government's interest in gaining access to the world's largest gold deposit, which was later awarded to Freeport McMorran Company. Examining recently declassified U.S. telegrams from 1966-1999, Australian historian Greg Poulgrain (2022) further confirms the involvement of U.S. diplomats, such as Bunker, Marshal Green, and Henry Kissinger, in securing the transfer of power to Indonesian authorities—not to the Papuans—through the Act of Free Choice to ensure access to the gold deposit.

The transition process did not go smoothly. On the contrary, the indigenous Papuans resisted, expressing their political aspirations for an independent state of Papua through various political organizations. The official Indonesian military document (Pusjarah TNI 2000, 125) recorded that there were at least twenty-seven Papuan organizations fighting for "an independent state of Papua", which the document labeled "illegal". Examples include Piagam Masyarakat Papua Merdeka (PMPM), Pencinta Tanah Air (Petana), Partai Politik Papua Merdeka (PPPM), Gerakan Kemerdekaan Papua Barat (GMPB), Ikut Republik Papua Anti Republik Indonesia (Irpari), and Organisasi Papua Merdeka (OPM/Free Papua Movement). The OPM was identified as the one capable of engaging in armed opposition. Led by Permenas Ferry Awom, an ex-Papua battalion corporal established by the Dutch (Djopari 1993, 1; Ondawame 2010, Ch. 4), the OPM launched the first military attack on 26 July 1965 in the village of Kebar, located outside the city of Manokwari, killing three people (Pusjarah TNI 2000, 126; Poulgrain 2022, 110).

In response, the Indonesian Armed Forces (Tentara Nasional Indonesia/TNI), under the Regional Army Command (Kodam) XVII/Cenderawasih, launched military operations to counter the OPM's armed resistance (Poulgrain 2022, 111). While the document recorded success, it acknowledged that the Indonesian security forces encountered formidable obstacles, especially when Major Lodewijk Mandatjan deserted and joined the OPM. These obstacles included: (a) lack of troops in Papua and its surroundings, (b) the low level of education in society, making people easily influenced by anti-Indonesia groups, (c) lack of funding and equipment to launch combat operations, and (d) challenging topography in Papua, hindering development (Pusjarah TNI 2000, 126).

The armed opposition launched by the OPM did not stop in the 1960s. Rather, it persists as a guerrilla operation targeting military outposts from time to time. For instance, in 1977, under the leadership of Alex Degey and Matias Wenda, the OPM launched a series of attacks on military outposts in Makki, Pyramid, and Kobakma in the Central Highlands of Papua. The Indonesian security forces responded by conducting military operations, which resulted in 4,146 civilian casualties (Asia Human Rights Commission and Papua 2013).

The armed opposition between the OPM and TNI has endured for more than five decades, constituting Mbembe's characteristic "regime of violence" in a postcolony. Although hostility frequency has been relatively low over five decades, various incidents over the years demonstrate that the OPM is capable of launching coordinated attacks, such as the Mapnduma hostage crisis in 1996 (Rizal and Budiarto 1997; Start 1997), the attack on Freeport in 2002 (Kirksey and Harsono 2008), and the attack on a military arsenal in Wamena in 2003.

In return, the TNI has launched various military operations to confront the OPM, beginning as early as 1967. The commander of Kodam XVII Cenderawasih, as the Commander of "Operasi Sadar I", issued an instruction on 29 March 1967 to tackle the so-called Gerakan Pengacau Keamanan (GPK/Security Disrupting Movement). While the military operation reduced the OPM's capabilities, the military document reported that the operation suffered from two major weaknesses: [1] supporting troops arrived late, which hampered the operation, and [2] a lack of logistical support, transport, and communication hindered centralized coordination (Pusjarah TNI 2000, 131). Nonetheless, military operations have continued (Cholil 1979).

The situation dramatically changed in 2018, when a group of Tentara Pembebasan Nasional Papua Barat (TPNPB/West Papua National Liberation Army), led by Egianus Tabuni, massacred road workers in Nduga, claiming they served as military informants in disguise (Haluk 2019; Majelis Rakyat Papua 2019). The attack drew significant attention from the national authorities and the public. President Joko Widodo himself ordered a military operation to confront the TPNPB. In 2021, Indonesian House of Representatives member and retired General TB Hasanuddin explained that during the period 1966-2000, there were 13 military operations, which he argued contributed to the root causes of conflict in Papua.⁴ He proposed a humanitarian approach for Papua. By the end of 2022, the regime of violence in Papua was no longer as low as it had been in the 1960s-2000s. A recent Human Rights Monitor report provides a summary of the statistical account of armed violence from 2017-2022. The number of clashes varied between 24 and 72 incidents per year, totaling 322 incidents over six years. This averages 53.7 incidents per year or 4.5 incidents per month. However, civilian casualties increased from only three in 2017 to 43 in 2022. The total number of civilians killed by the TNI was 67, while those killed by the TPNPB numbered 94 (Human Rights Monitor 2023, 13).

Research by the Aliansi Liga Demokrasi untuk Papua (ALDP) on the illegal trade of firearms and ammunition during the period 2011-2022 found a correlation between the increase in armed violence and illegal arms deals involving Java, Maluku, the Southern Philippines, North Sulawesi, and Papua. These business deals involve members of the Indonesian armed forces, police, TPNPB, and civilians as suppliers and/or brokers (Siregar and Alhamid 2022).

Currently, hotspots of armed conflict have expanded beyond the Central Highlands of Papua. The conflict has spread from Meybrat Regency in Western Papua throughout the Central Highlands (Intan Jaya, Puncak, Puncak Jaya, Nduga) to Pegunungan Bintang, the easternmost part of the highlands. This expansion has resulted in an increase in the number of internally displaced persons (IDPs) due to clashes between the conflicting parties. As of September 2023, Human Rights Monitor recorded that the total number of IDPs in these affected regencies was 76,228 people, most of whom are indigenous Papuans. Although the number of IDPs is relatively small by international standards, according to the Bureau of Statistics of Pegunungan Bintang Regency, it equals the total population of Pegunungan Bintang Regency in 2020: 77,872 people.



Figure 1: Province of Papua Barat and Province of Papua (source: Mata Papua, INA Geoportel)

A recent documentary on Papuan IDPs, “Sa pu nama pengungsi (My Name is Refugee)”, produced by the influential Papua media outlet JUBI, further confirmed the dire conditions in Maybrat and Nduga Regencies, where IDPs lack access to basic needs, shelter, medical treatment, and especially protection.⁶ They have been neglected by their national and local governments and, sadly, the public.⁷ Recent research on the IDP situation confirms that 70% of IDPs refuse to return home due to insecurity, and 64% of IDPs cite ongoing armed conflict as the major source of their insecurity (Bishops’ Conference of Indonesia, Communion of Churches in Indonesia, and West Papua Council of Churches 2024: 19). The analysis of the current situation in Papua affirms Mbembe’s characteristics of the postcolony. The first characteristic is “political improvisation”, which has governed Papua since the integration process with Indonesia in the late 1960s, involving direct intervention by a superpower—the U.S. government—to secure political and economic interests in Papua. Second, Papua continues to experience a “regime of violence”, manifested by the unresolved armed conflict between TNI and TPNPB, which has resulted in civilian casualties, internal displacement, and the destruction of civilian objects. Finally, political improvisation and the regime of violence have established long-term chaos across Papua but also reflect a coherent and persistent approach to militarization over the last five decades.

Torture in the Postcolony of Papua

How do we make sense of torture in the postcolony of Papua today? My previous research (Hernawan 2018, 7) has established four analytical lenses for understanding torture: torture as a mode of governance, torture as a spectacle, torture as a crime against humanity, and torture as theater (Hernawan 2018, 215-217). In conjunction with the concept of the postcolony, these four lenses will be used to analyze three case studies representing the current state of torture in Papua. First, as a mode of governance, torture is not merely a technique for extracting information through pain; it is much more problematic and disturbing. It is deeply embedded in the web of power

relations in Papua as a postcolony, manifesting the sovereign power of the Indonesian state in its policy not only to eradicate Papuan aspirations for merdeka (independence) but also to establish a deeper form of domination. As an instrument of government, torture in Papua was not constructed overnight. Rather, it is the product of five decades of impunity, asymmetric power relations between Papua and the Indonesian state, and specific state policies and practices (Hernawan 2018, 215). Second, torture as a spectacle is one of the primary elements of torture in Papua. Its central element is the public display of the injured body, which resonates with Mbembe's assertion of the logic of punishment in the postcolony. This element is the opposite of typical torture, which is usually carried out in hidden and secretive locations. Derived from codified cases of torture, the location of torture is highly significant in this context. Thirty-nine percent of cases occurred in public spaces, 3% and 4% outside military and police stations, respectively, while 12% occurred in military stations and 24% in police stations.

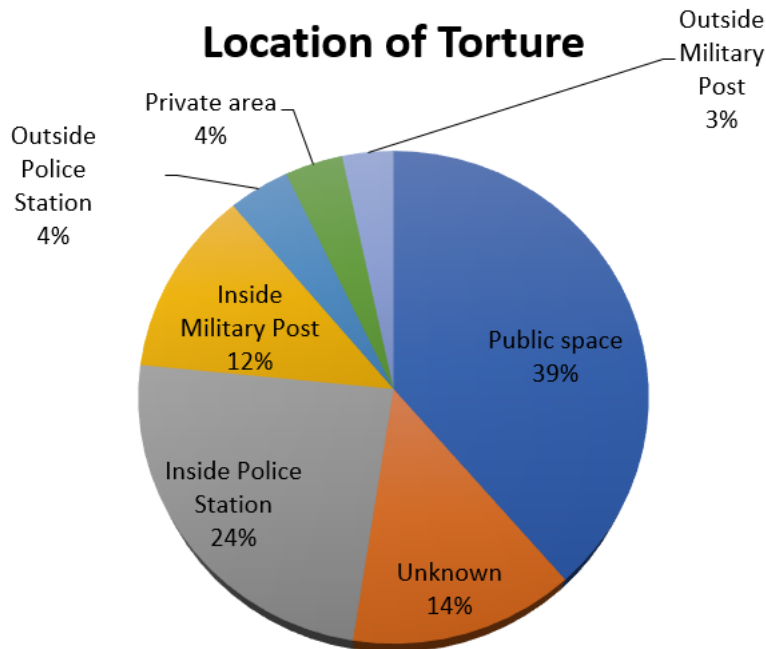


Figure 2: *Location of torture (source: Hernawan 2018, 118)*

Drawing on Graziano's analysis of invisible torture in Argentina during the dirty war as a form of spectacular torture (Graziano 1992), torture committed inside TNI and police compounds is not entirely hidden (Hernawan 2018, 118). Rather, it creates an open secret. Over the years, the Papuans have developed specific knowledge of the locations and practices of torture. Therefore, whenever individuals are taken to those locations, the public knows they will experience torture, despite the invisibility and inaudibility of the actual events. The message of terror to the public remains spectacular since the level of secrecy maximizes the abstract notion of spectularity (Hernawan 2018, 118).

Third, torture qualifies as a crime against humanity since it fits the four chief criteria: purpose, technologies and strategies, identity, and rationality under the framework of international human rights law. Torture in Papua is “a policy, targeting civilians, and being widespread and systematic-essential to constituting crimes against humanity as defined by the statutes of the International Criminal Tribunal for Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC)” (Hernawan 2018, 216). Despite the gravity of the issue, Papuan torture draws minimal attention from the public, resonating with the notion of the postcolony in which broken bodies are treated as part of entertaining the powerful.

Finally, Papuan torture as theater denotes an analytical model that encapsulates the correlations and interdependencies among different types of actors (perpetrators, survivors, and spectators) and the internal dynamics that construct, maintain, and reproduce torture. Each actor has four narratives. Perpetrators hold the narrative of domination, consisting of four sub-narratives: denial, pleasure, habitus, and proceduralism, whereas survivors have the narrative of suffering, which includes four sub-narratives: victim, secondary victim, agent, and warrior. Spectators hold the narrative of witnessing, which also has four sub-narratives: caregiver, bystander, beneficiary, and observer.

These four lenses equip us to analyze the torture incidents below. The following case studies encapsulate the latest examples of persistent torture patterns in Papua, as reported in the media. These three cases have been selected as they are exemplary, have drawn significant public attention at the national level, and reflect the logic of punishment in the postcolony. The cases also share similar patterns, including the militarized regencies of Papua, a wide spectrum of victims from minors to adults, the profile of the perpetrators, and the role of the Papua branch office of the Indonesian National Commission on Human Rights (Komnas HAM Papua) as a caregiver in addressing the cases.⁸

Case Study 1: Torture Incident Against Minors in Puncak Jaya Regency

Komnas HAM Papua reported the torture of seven minors on 22 February 2022, committed by members of TNI in Sinak, in Puncak Jaya Regency, one of Papua’s hotspots (Komnas HAM Papua 2022). The incident occurred around 10 pm at the basecamp of PT Modern, a road construction company, where a group of TNI soldiers was resting and watching TV, and a group of minors joined them. One of the soldiers left his weapon unattended, and it was lost. Three people took it and fled on motorbikes, so the soldiers chased them, but to no avail.

The soldiers returned to the camp and began accusing the seven minors of stealing the weapon. The minors denied the accusation and insisted they knew nothing. However, the soldiers did not believe them and hit them with steel wire for two days in a row, forcing them to confess. The soldiers also hit the children with steel bars and kicked them with their boots. Derson Murib testified that the torture only stopped when their friend, Makilon Tabuni, died, after which they were taken to a health clinic. The list of minors is as follows:

1. Derson Murib (primary school) – seriously injured and was taken to Timika State Hospital
2. Disaliman Kulua (primary school) – injured and treated at the public health center in Sinak

3. Aibon (primary school) – injured and treated at the public health center in Sinak
4. Elison Murib (primary school) – injured and treated at the public health center in Sinak
5. Aton Murib (primary school) – injured and treated at the public health center in Sinak
6. Weiton Murib (primary school) – injured and treated at the public health center in Sinak
7. Makilon Tabuni (primary school) – died from torture, and his body was cremated by his family in front of the Police Station in Sinak

Komnas HAM Papua investigated the case by visiting Derson Murib, who was being treated in Timika State Hospital on 2-3 March 2023. In their report, Komnas HAM made three conclusions:

1. The stolen TNI weapon resulted from the negligence of the respective soldier. TNI Battalion 521 Infantry Brigade from the Regional Military Command (Kodam) V/Brawijaya had not learned any lessons from previous incidents involving stolen weapons in the armed conflict area of Papua.
2. Torture against seven minors was committed repeatedly by members of TNI at PT Modern camp, causing the death of Makilon Tabuni.
3. Members of TNI at PT Modern camp committed illegal acts of torture beyond their authority.

Komnas HAM Papua then made four recommendations:

1. Urging the Commander in Chief, Gen. Andika Perkasa, to summon and investigate the Commandant and members of Battalion 521 at the PT Modern Construction camp for committing torture, breaching the law, and acting beyond TNI authority.
2. Investigating the Commandant and members of Battalion 521 at the PT Modern camp by Kodam XVII/Cenderawasih.
3. Calling for the Papua Police to take legal action against those who stole the weapon at the PT Modern Construction camp.
4. Asking PT Modern Construction to explain the presence of TNI Battalion 521, which was tasked with protecting the company.

Case Study 2: Torture Incident Against Minors in Keerom Regency

On 27 October 2022, an incident of torture against three minors—Bastian Bate (13), Laurents Kaung (11), and Rahmat Paisei (14)—occurred in Keerom Regency, committed by members of the Indonesian Special Forces at Pos Kopassus, Jalan Maleo, Kampung Yuwanain Arso II, Distrik Arso, Kabupaten Keerom. The incident was triggered by the disappearance of two cockatoos that belonged to the military post.

On 27 October 2022, Laurents visited the military post to sell a parrot for IDR 50,000 (approx. EUR 2.90). Instead of buying the bird, the soldiers arrested him and forced him to confess that he had stolen the bird from the military post. Laurents admitted to stealing a bird from somewhere

else, but the soldiers did not accept this confession and dumped him in a fish pond. Laurents then named two other boys, Rahmat and Bastian.

Subsequently, the soldiers arrested Rahmat and Bastian and took them to the post. The soldiers stripped them naked and beat them with an iron chain, water hose, and power cable on their backs. The torture was conducted in front of Rahmat Paisei's parents, who tried to intervene but were unsuccessful. The soldiers only stopped beating the boys by midnight and let them go home.

The minors were being treated at Marthen Indey Military Hospital in Jayapura when Komnas HAM visited them on 29 October 2022. The case drew major attention from civil society organizations in Papua and Jakarta. Amnesty International Indonesia released an open letter to the TNI Commander-in-Chief calling for the prosecution of the perpetrators.⁹ Similarly, Impar-sial condemned the incident, which perpetuated the pattern of human rights abuses in Papua with impunity.¹⁰ Pangdam XVII/Cenderawasih reportedly committed to prosecuting the perpetrators.¹¹ However, as of 19 January 2023, the martial court had not heard the case when the Legal Aid Foundation for Women in Jayapura (LBH APIK) asked for clarification from Kodam XVII/Cenderawasih.

Case Study 3: Torture Incident Against Adults in Merauke Regency

On 19 September 2022, Komnas HAM Papua released its investigation report on the torture of Bruno Amenim Kimko and Yohanis Kanggun from Kampung Mememu, Distrik Edera, Regency of Merauke, which occurred on 30 August 2022.¹² On that day, Kimko and Kanggun went to see PI, a woman who had previously been in a relationship with Kimko. The visit did not go well, and Kimko attempted to rape her but failed. PI's family then reported the attempted assault to the military post of Infantry Battalion Raider 600/Modang at the sub-district of Bade.

Private Achmad Roof received the complaint and informed the commanding officer, Sergeant Diki Wahyudi. Private Roof asked nine soldiers to accompany him to arrest Bruno Amenim Kimko and Yohanis Wem Kanggun and take them to the military post. Kanggun attempted to escape but was eventually captured and taken to the military post. Komnas HAM reported that both victims were tortured in the front yard of the military post from around 8 am until 4 pm. The soldiers hit the victims repeatedly with wooden bars, electric cables, bamboo sticks, and a water hose, then dumped them in a muddy pond. The soldiers forced the men to lie down in push-up position, during which ten soldiers beat them. They also forced the victims to rub balm on their genitals and apologize to the complainant. In his testimony to Komnas HAM, Kanggun stated that by 5 pm he saw Kimko was already dying. Sergeant Diki, on the other hand, admitted to beating the victims ten times.¹³

According to media reports, Ramandey explained that the *visum et repertum* of Bruno Amenim Kimko revealed injuries on his head and neck that required stitches. His left and right shoulders were bruised. An open wound was found on his chest, and a black bruise on his stomach. Additional bruises were also found on his back and both thighs. Kanggun, on the other hand, had no injuries on his head or neck, but his left and right shoulders were bruised and scratched. His chest was bruised, his thigh was grazed, and his back was wounded. Bruises were found across his body. Ramandey concluded that Kimko likely died from the sustained torture.

Initially, the soldiers refused to speak to Komnas HAM, which prompted the Regional Commander of the Army to instruct his subordinates to cooperate. Based on their fact-finding, Komnas HAM Papua called on the Commander-in-Chief of the Indonesian Armed Forces, the Commander of the Indonesian Army, and the Regional Commander of the Army XVII Cenderawasih to review the deployment of the Infantry Battalion of Raider 600/Modang from the Regional Military Command VI/Mulawarman, Kalimantan. Previously, on 12 September 2022, the Regional Commander insisted that prosecution would proceed despite the compensation payment by the soldiers to Kimko's family. On 29 September 2022, the Military Prosecutor announced that 18 soldiers were charged with ill-treatment and had been detained in military custody in Merauke pending the court hearing at the court martial in Jayapura.

These three cases depict persistent patterns of torture and ill-treatment against indigenous Papuans by TNI members, requiring closer examination based on our four analytical lenses.

Torture as a Mode of Governance

These three torture incidents occurred independently in separate regencies: Puncak Jaya, Keerom, and Merauke (see Figure 1). However, these locations share a common feature as militarized zones. Puncak Regency has been militarized due to the history of Indonesian military operations to eradicate TPNPB, while Keerom and Merauke have been militarized as they border Papua New Guinea (PNG). This is why the perpetrators in each incident were military personnel deployed from outside Papua, specifically members of the Army Special Forces and Infantry Battalions from Kalimantan and East Java. Nonetheless, all units belong to the same organization, the Indonesian armed forces, which share the same doctrine, training, and culture.

As explained above, the state of militarization is not novel for Papua. Rather, it has been constructed since Papua's integration into Indonesia in the 1960s, as recorded in both military and non-military records. Militarization has also produced a governance structure that deploys torture to control and dominate Papua as a postcolony.

The three case studies demonstrate that torture has been used as a means to address social disputes and crimes outside the military's jurisdiction. The soldiers use torture against minors and adults not necessarily to extract confessions about stealing weapons or birds, but more importantly, to mark the victims' bodies with the scar of the sovereign. Case Studies 1 and 2 show that the soldiers completely ignored the fact that they were injuring minors who were defenseless and harmless, and in Case Study 2, had already confessed. Similarly, in Case Study 3, the soldiers not only aimed to punish the victims for the attempted assault but, more importantly, to humiliate, ridicule, and strip them of their humanity to a bare life. As Mbembe characterizes, the logic of punishment in the postcolony aims to entertain the powerful as if it were a parade. Therefore, soldiers felt no hesitation in resorting to excessive violence, believing they were the sovereign rulers of these areas.

In her study *Torture and the Military Profession*, Jessica Wolfendale identifies two main issues that contribute to the excessive behavior of the military globally: military training and moral agency. Her conclusion is highly relevant to our analysis here:

Ordinary military training enhances the disposition for unreflective obedience and aims to undermine the moral agency of military personnel. This training desensitizes personnel to suffering, encourages the dehumanization of the enemy, and uses behavioral conditioning to make killing an automatic response. The aim is to minimize the psychological distress associated with killing and encourage military personnel to see killing as an amoral issue. This training is often highly successful, and as a consequence, some military personnel treat the enemy as less than human, obey illegal orders, and become desensitized to inflicting suffering (Wolfendale 2007, 160).

Wolfendale's findings shed light on the practice of torture in Papua, which remains unresolved after fifty years. The cases above demonstrate how soldiers lack the moral agency to discern right from wrong. They are also unable to restrain themselves when confronted with harmless children who were already subdued. They become numb to the suffering of others, treating even children as enemies who must be conquered and dehumanized.

This level of brutality can only be understood through the logic of the postcolony, governed by three principles: chaotic but coherent, political improvisation, and a regime of violence. Although these cases occurred in separate locations, they share a coherent pattern of domination and control by security forces over the Papuans. The cases confirm the existence of a regime of violence over Papua's social body. In other words, these seemingly random and unrelated torture incidents should be understood in a broader historical context to comprehend their role as a mode of governance.

Torture as a Spectacle

The governance of torture has produced torture as a spectacle—a public display of broken Papuan bodies. None of the three case studies involved secret chambers or hidden locations. On the contrary, the torture was conducted in front of villagers and, in one case, even the parents of a victim. Therefore, the main purpose of the torture was not to gather information but to convey a message of state power through the body of the condemned. As a spectacle, the act would have been meaningless if no one witnessed it. The event's ultimate goal was achieved only when displayed to the public, who would feel the awe of state power. Through broken Papuan bodies, soldiers sought to inscribe the power of the state onto the psyche of the public, making them feel under the army's control and domination.

The logic of state power assumes an audience overwhelmed by the awe of the state's authority. In Case Study 1, the audience comprised the villagers of Sinak, who were aware of the torture but could do nothing to intervene. They could only wait until the torture concluded before evacuating the victims. In Case Study 2, the audience included the parents of one of the victims, who witnessed the gruesome torture but were unable to save their child from the soldiers' wrath. As a result, both children and parents were deeply traumatized. In Case Study 3, the audience was Komnas HAM Papua. Although they did not witness the actual torture, they confronted the soldiers' silence, which tacitly demonstrated their impunity and suggested that even Komnas HAM, as a state body, was unable to penetrate their silence. The soldiers seemed to entertain themselves by humiliating Komnas HAM, forcing them to seek assistance from their commandant to break the silence.

Public humiliation and ridicule of victims is a central element of torture in Papua. The three cases demonstrate that soldiers aimed not only to punish the victims but, more importantly, to

publicly humiliate, ridicule, and strip them of their humanity to a bare life. As Mbembe characterizes, the logic of punishment in the postcolony aims to entertain the sovereign power by displaying excessive violence as if it were a ceremony or parade. The soldiers had no hesitation in entertaining themselves by harming the victims, believing they had complete impunity.

The three case studies further confirm that public acts of torture can only occur under conditions of complete impunity, where the public space is entirely under the sovereign power of the state. Representing the state, the soldiers occupy the public space with their actions, fully aware that the law is suspended when it comes to the actions of state actors (see Hernawan 2020; for Indonesia-wide scope, see Aspinall and Klinken 2010). This level of impunity was not established overnight in Papua; rather, it has been built through repeated crimes without punishment. Therefore, these three case studies should not be seen as isolated incidents but as a continuum of long-standing misconduct, which is likely to recur in the future.

Torture as a crime against humanity

Komnas HAM Papua investigated the three cases and reported its findings to the public, calling for the prosecution of the perpetrators. However, only the third case was brought to the court martial in Jayapura, while the first and second cases are still pending. This pattern is not new but seems odd since Komnas HAM Papua had already completed its investigation and found evidence of human rights violations. As a state body, Komnas HAM's recommendations should be considered by relevant legal mechanisms for prosecution because torture as a crime against humanity is serious and punishable under Law No. 26/2000 regarding the Human Rights Court.

In previous cases, Komnas HAM filed dossiers on Wamena and Wasior to the Indonesian Attorney General for prosecution in 2004, but they have been pending ever since.¹⁴ The Wamena dossier refers to gross human rights violations, including torture and extrajudicial killings, committed by the TNI in Wamena, the capital of Jayawijaya Regency, in 2003, while the Wasior case involves a similar pattern of violations committed by police during an operation in Wasior in 2001.

During a recent public inquiry in Jakarta organized by seven state bodies with mandates to protect human rights, at which I testified, the Attorney General explained the long delay by arguing that Komnas HAM was unable to provide *visum et repertum* for all survivors, as required by evidence law. This argument seems reasonable. However, on closer examination, it proves problematic. The torture in Wasior occurred during a raid operation 23 years ago, where civilians were targeted in retaliation for an attack, and all public facilities, including medical centers, were under strict control by authorities. Under such conditions, survivors deliberately avoided contact with these facilities for their own safety. Consequently, those injured during the police operation lacked *visum et repertum* to certify their injuries when Komnas HAM gathered evidence three years after the events. Despite Indonesia's human rights framework that criminalizes torture (Hernawan and Sidoti 2016), the case studies highlight weaknesses not only in law enforcement but also in the Indonesian legal framework itself. Article 9(f) of Law No. 26/2000 regarding the Human Rights Court addresses only torture as a gross human rights violation, not all instances of torture. To meet this threshold, Komnas HAM is the only state body authorized to investigate and submit cases to the Attorney General for prosecution. However, in Case Study 3, it was the court martial that heard the case of torture, while for the other two cases, the Head of Komnas HAM Papua, Frits Ramandey, noted, "Those cases return to their *Ankum* (Atasan Menghukum/superior)".¹⁵

In accordance with Article 20(b) of Law No. 25/2014 on Military Discipline, Ramandey's statement implies that it is up to the superiors of the accused soldiers to determine their punishment, either through disciplinary measures or judicial action in the court martial. In the postcolony context of Papua, it is nearly impossible for survivors and caregivers to track any follow-up action taken by superiors toward the torturers since the soldiers are deployed on a rotational basis from various parts of Indonesia. There is also no legal obligation for superiors to document their actions (or inaction). Thus, when the soldiers return to their original posts, it becomes impossible to trace them.

Torture as theatre

As a theatre (Hernawan 2016b), torture in the three cases constitutes a performance or "parade", in Mbembe's terms. It is an act intended to demonstrate the sovereign power of the state to an audience, displaying asymmetric power relations among three categories of actors: survivors, caregivers, and torturers. Survivors bring narratives of suffering, caregivers deliver narratives of witnessing, and torturers represent narratives of domination. In the three case studies, the TNI manifested the narrative of domination as the torturers, the survivors conveyed the narrative of suffering, and the caregivers, including Komnas HAM and human rights organizations, expressed the narrative of witnessing.

The power relations in the theatre of torture resonate with the logic of conviviality, meaning the three actors share the same space and interact directly. The power relations in the three studies are not static but fluid. During the torture events, the torturers were predominant and had monopoly over the theatre, possibly believing themselves immune from legal scrutiny. In contrast, the survivors were passive, and the caregivers were initially disengaged.

The caregivers began engaging and shifted the dynamics of the torture theatre once they were informed of the incidents. They acted immediately, confronting the torturers by exposing the illegality and immorality of the torture to the public. Both Papuan and national media in Indonesia played a central role in amplifying these incidents to a broader audience. The caregivers also confronted the TNI hierarchy to hold the torturers accountable.

However, the three case studies show varying degrees of response from the military hierarchy, which also reflect different levels of denial. Stanley Cohen's theory of denial is relevant in this context. Cohen defines three types of denial: literal ("nothing happened"), interpretive ("what happened is really something else"), and implicatory ("what happened is justified") (Cohen 2001, 103). These types can appear sequentially but more often occur simultaneously.

In Case Study 1, despite clear recommendations from Komnas HAM and media exposure, the military hierarchy took no follow-up action. This suggests the highest level of denial, as the military commandant simply ignored the findings and recommendations of a state institution like Komnas HAM. This gesture reflects literal denial, where the perpetrators acted as if nothing had happened. In Case Study 2, the caregivers managed to turn the logic of spectacle upside down by exposing the brutality of the torturers and pressuring the Indonesian Army Chief and Regional Commander to act. As a result, the Regional Commander expressed a commitment to prosecute the torturers through the court martial, but no action was taken after a year. This delay suggests

interpretive denial, where the Commander acknowledged the fact of torture by expressing a commitment to prosecute, yet postponed action, effectively ignoring and abandoning the case.

In Case Study 3, the soldiers initially refused to cooperate with Komnas HAM Papua, remaining silent during their visit. They only spoke to Komnas HAM after their commandant instructed them to do so. This behavior demonstrates that the soldiers answer only to their commandant, not to the law. However, the Regional Army Commander eventually took firm action, charging the torturers with ill-treatment and detaining them. While this response seems promising, the fact that they were charged with ill-treatment instead of torture reflects interpretive denial, as these crimes are not identical.

The three cases demonstrate that the regime of violence, which treats Papuans as part of a parade, is not static or irreversible. On the contrary, the pattern can change when survivors and caregivers confront torturers by exposing the illegality and immorality of torture to a broader audience, including the state law and international human rights frameworks that prohibit and criminalize torture. However, this action must confront multiple layers of denial.

Conclusions

Mbembe's concept of the postcolony helps expose the production of Papua as a postcolony. This process involved Western political and economic interests directly, notably through the UN-sponsored plebiscite of the Act of Free Choice in 1969, which integrated Papua into Indonesia. Nevertheless, the Papuans have never surrendered to these dominating power relations. They continue to struggle for *merdeka* (independence), as represented by the OPM military operations since the 1960s, which have faced harsh military responses from the Indonesian state to this day. The ongoing armed opposition between the two parties has militarized Papua and placed it under a regime of violence.

Under this regime, torture has been an integral part of the governance of Papua for more than fifty years, embedding a chaotic yet coherent logic and political improvisation into Papuan society. Consequently, the practice of torture has contributed to the production and reproduction of Papua as a postcolony. The practice has changed very little since the Papua Provinces remain militarized, controlled, and dominated by the Indonesian military. The analysis of three case studies reaffirms four persistent patterns of torture in Papua that sustain Indonesian state domination: torture as a mode of governance; torture as a spectacle of the Indonesian state's sovereign power over Papua; torture as a crime against humanity, punishable under Indonesian law; and torture as a theatre to display state power.

While these patterns are not novel and Indonesian law criminalizes torture, the persistent practice of torture is disturbing and alarming, as all perpetrators are members of the Indonesian armed forces, regardless of their unit, demonstrating the direct involvement of the state. Military training has desensitized Indonesian soldiers, numbing them to the suffering of others and leading them to treat even children as enemies. They also do not hesitate to display their brutality publicly, creating a theatre of torture that suggests complete impunity.

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Notes

¹I would like to thank two anonymous reviewers for their critical feedback and comments to this article but of course, any errors are mine.

²This article is the advance version of the paper presented at the Workshop on “Torture and Society: Violated Bodies and Politics of (In-)Visibility” organised by University of Siegen, Germany, on 23-25 June 2022 in Potsdam, Germany.

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⁴<https://www.tribunnews.com/nasional/2021/12/02/tb-hasanuddin-beberkan-13-operasi-militer-yang-telah-digelar-di-papua-dalam-kurun-34-tahun> accessed on 15 March 2024

⁵The land of Papua is officially divided into six provinces. However, for the purpose of listing all municipalities and regencies, this older version map provides the required information.

⁶<https://www.youtube.com/watch?v=5WjFZ37QP3Q&t=197s> accessed on 14 November 2023.

⁷<https://humanrightsmonitor.org/news/ipd-update-nov-2023-the-idp-crisis-persists-across-west-papua/> accessed on 14 November 2023.

⁸Under Indonesian Law No. 39/1999 on Human Rights, Komnas HAM is the only state body with the legal authority to investigate allegations of human rights violations. It is also the only state body empowered to file cases of gross human rights violations with the Indonesian Attorney General for prosecution under Law No. 26/2000 on the Human Rights Court.

⁹<https://www.amnesty.id/usut-tuntas-dugaan-penyiksaan-oleh- aparat-tni-di-kabupaten-keerom-papua/> accessed on 1 September 2023

¹⁰<https://nasional.kompas.com/read/2022/10/31/08154841/imparsial-kutuk-keras-aksi-kekerasan-anggota-tni-terhadap-3-anak-di-keerom> accessed on 1 September 2023

¹¹<https://jubi.id/tanah-papua/2022/kasus-penganiayaan-yang-diduga-dilakukan-tni-ad-terhadap-3-anak-di-keerom-melanggar-ham/> accessed on 1 September 2023

¹²<https://jubi.id/tanah-papua/2022/18-prajurit-yonif-raider-600-modang-ditetapkan-sebagai-tersangka-kasus-penganiayaan-di-mappi/> accessed on 1 September 2023

¹³<https://jubi.id/tanah-papua/2022/penganiayaan-bruno-kimko-dan-yohanis-kanggun-memakai-kayu-bua-kabel-listrik-bambu-dan-selang-air/> accessed on 1 September 2023

¹⁴<https://news.detik.com/berita/d-201813/komnas-ham-serahkan-kasus-wasior-wamena-ke-kejagung> accessed on 1 November 2023.

¹⁵Personal communication with author on 11 September 2023.

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