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NON-INTERNATIONAL ARMED CONFLICT AND ITS HUMANITARIAN IMPACT IN PAPUA

FROM THE PERSPECTIVE OF INTERNATIONAL HUMANITARIAN LAW

YLBHI
Yayasan Lembaga Bantuan Hukum Indonesia

Non-International Armed Conflict and Its Humanitarian Consequences in West Papua from the Perspective of International Humanitarian Law

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Glossary

Abbreviations	Meaning
ACLED	*Armed Conflict Location and Event Data*
Babinsa	Bintara Pembina Desa
Bakorstanas	Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional
Brimob	Brigade Mobil
CSIS	*Centre for Strategic and International Studies*
DPR	Dewan Perwakilan Rakyat
DPRP	Dewan Perwakilan Rakyat Papua
GKII	Gereja Kemah Injil Indonesia
Gereja Kingmi	Gereja Kemah Injil Masyarakat Indonesia
HAM	Hak Asasi Manusia
HHI	Hukum Humaniter Internasional
ICRC	*International Committee of the Red Cross*
ICTY	*The International Criminal Tribunal for the former Yugoslavia*
IDP	*Internally Displaced Persons*
JPIC OFM	Justice Peace and Integrity of Creation Ordo Fratorum Minorum
KBNI	Konflik Bersenjata Non Internasional
KBNN	Kelompok Bersenjata Non Negara
KKB	Kelompok Kriminal Bersenjata
KNP	Komite Nasional Papua
KNPB	Komite Nasional Papua Barat
Koarmada	Komando Armada
Kodam	Komando Daerah Militer
Kodap	Komando Daerah Pertahanan
Kodim	Komando Distrik Militer
Kogabwilhan	Komando Gabungan Wilayah Pertahanan
Komnas HAM	Komisi Nasional Hak Asasi Manusia
KontraS	Komisi untuk Orang Hilang dan Korban Tindak Kekerasan
Koopsud	Komando Operasi Udara
Kopassus	Komando Pasukan Khusus
Kopkamtib	Komando Operasi Pemulihan Keamanan dan Ketertiban
Koramil	Komando Rayon Militer
Korem	Komando Resor Militer

Kostrad	Komando Cadangan Strategis Angkatan Darat
KTT	Konferensi Tingkat Tinggi
LIPI	Lembaga Ilmu Pengetahuan Indonesia
MRP	Majelis Rakyat Papua
OMP	Operasi Militer Perang
OMSP	Operasi Militer Selain Perang
OPM	Organisasi Papua Merdeka
PBB	Perserikatan Bangsa-Bangsa
PDP	Presidium Dewan Papua
Pepera	Penentuan pendapat rakyat
PIS	*Papua Intelligence Service*
Polda	Kepolisian Daerah
Polri	Kepolisian Republik Indonesia
PT	Protokol tambahan
PVK	*Papoea Vrijwilligers Korps*
RDP	Rapat Dengar Pendapat
Satgas	Satuan Tugas
Satgas Pamtas	Satuan Tugas Pengamanan Perbatasan
SD	Sekolah Dasar
SMP	Sekolah Menengah Pertama
SKPKC OSA	Sekretariat Keadilan, Perdamaian, dan Keutuhan Ciptaan Ordo Santo Agustinus
STFD	Sekolah Tinggi Filsafat Driyarkara
TNI	Tentara Nasional Indonesia
TNI AL	Tentara Nasional Indonesia Angkatan Laut
TNI AU	Tentara Nasional Indonesia Angkatan Udara
TPN	Tentara Pembebasan Nasional
TPNPB	Tentara Pembebasan Nasional Papua Barat
TRWP	Tentara Revolusioner West Papua
Trikora	Tri Komando Rakyat
UU	Undang-undang
UNTEA	*United Nations Temporary Executive Authority*
WIT	Waktu Indonesia Timur
YLBHI	Yayasan Lembaga Bantuan Hukum Indonesia
YPPGI	Yayasan Pendidikan dan Persekolahan Gereja-Gereja Injili di Indonesia

Foreword by Rector of Driyarkara School of Philosophy

Since its founding in 1969, the Driyarkara School of Philosophy (STF Driyarkara) has held an unwavering commitment to engaging with the national issues of our country, Indonesia, and actively striving to help find alternative, solution-oriented ways forward from our problems. The joys, griefs, and anxieties of the Indonesian nation are the joys, griefs, and anxieties of STF Driyarkara as well.

Furthermore, reinforced by state regulations through the Ministry of Education and Culture, STF Driyarkara as an educational institution is mandated through its academic activities, particularly by its faculty, to fulfill the three pillars of higher education which comprise teaching, research, and community service. Naturally, all of this is carried out in accordance with the academic character developed at this school, that is, philosophy as an argumentative-rational and open discourse concerning various matters. In addressing these matters, philosophy tests everything, holds fast to what is good, and rejects—or at least raises questions about—what remains problematic. In this way, all parties are guided toward achieving the truth.

The research findings titled “Non-International Armed Conflict and its Humanitarian Impact in the Land of Papua from the Perspective of International Humanitarian Law” constitute a report based on empirical and literature studies by various researchers on Papua. The initial manuscript emerged from a workshop jointly organized by the Indonesian Legal Aid Foundation (YLBHI), STF Driyarkara, specifically its Community Service Unit, the Center for Conflict and Humanitarian Studies (PSKH), the Justice, Peace, and Integrity of Creation Secretariat of the Order of St. Augustine (SKPKC OSA), the Justice, Peace, and Integrity of Creation of the Franciscan Order in Papua (JPIC OFM Papua),and the Commission for the Disappeared and Victims of Violence (KontraS). This workshop was held on November 13–14, 2025, in the STF Driyarkara auditorium.

We hope that the results of this research can provide deep and comprehensive insights to all stakeholders involved, in an effort to find concrete steps toward a peaceful resolution to the long-standing issues in Papua, which remain a shared concern to this day.

Jakarta, 1 June 2026
Regards,

Dr. SP Lili Tjahjadi
Rector of Driyarkara School of Philosophy

Foreword by the Chairperson of the Indonesia Legal Aid Foundation

Papua is a wound that continues to be fed and has been left for too long..

For more than sixty years, that land has been enveloped in a seemingly endless cycle of violence, military operations, and displacement. Generation after generation grows up with inherited trauma: the roar of the security forces' machinery, villages left in silence, completely empty schools, and places of worship that no longer provide a sense of security. We are talking about thousands of human beings forcibly uprooted from their own land.

In Jakarta, policymakers are very fond of playing with words. Terms like "security disturbances," "armed criminal groups," or "law enforcement operations" are used to cover up the actual reality. Yet on the ground, the reality is far removed from those terms. There are mothers who have lost their children, children who have dropped out of school because they fled into the forests, and civilians whose bodies have been torn apart by bullets. Their names are often omitted—even intentionally erased—from official state reports.

The report you are holding—Non-International Armed Conflict and its Humanitarian Impact in the Land of Papua—is an effort to fight against forgetting. We want to look at Papua through what the residents there experience. We need to place the violence in Papua within a firm framework: International Humanitarian Law. We pose a question that must be answered honestly: if this situation meets the threshold of an armed conflict, why does the state still insist on denying it? And what legal consequences must the state bear when civilians fall victim?

For YLBHI (the Indonesian Legal Aid Foundation), the law must not become a tool to legitimise violence. The law must not only be sharp when cutting through the people, yet suddenly become blunt when facing state operations. A constitutional state demands accountability. Without it, law is merely the administration of violence.

Through the lens of Structural Legal Aid, injustice in Papua is not born in a vacuum. It is rooted in unequal power relations—between the centre and the regions, between weapon-wielders and civil society. Therefore, when speaking about Papua it is not enough to merely point out who violates the law. We must dare to ask: what kind of structure allows this violence to continually recur? Why is the voice of the Papuan people always considered a threat, rather than a testimony?

This report emphasises one thing: even in a war situation, there is a boundary of humanity that must not be crossed. Civilians are subjects who must be protected. Schools, places of worship, and health facilities are not battlefields.

International Humanitarian Law was born out of the realisation that even war must have its limits. When facts on the ground show widespread and prolonged violence, the state can no longer hide behind the denial of terminology. The applicability of the law is not determined by the political will of the rulers, but by the objective reality right before our eyes. Our message is clear: naming must not override protection. Humanity cannot be compromised for any political interest.

YLBHI views the lack of clarity regarding the legal basis of security operations in Papua as a serious issue. Democracy rejects power without oversight. History has proven that adding troops or hardening the language of security has failed to bring peace. That approach may create silence, but not justice.

What Papua needs is not additional weaponry. What is needed is the political courage to acknowledge reality, stop attacks against civilians, restore victims, and open up space for a dignified dialogue. Dialogue is not a sign of state weakness, but rather a sign of maturity to stop repeating failure.

We express our highest appreciation to the team of authors, researchers, churches, civil society organizations, the humanitarian community, and the entire network in Papua. They continue to work amidst difficult situations. They keep the memory alive when many parties wish to forget it. Thank you to STF Driyarkara, SKPKC OSA, JPIC OFM Papua, KontraS, and other partners. This collaboration is proof of interfaith and interdisciplinary courage.

This report may feel uncomfortable for some parties. But discomfort is the price that must be paid for truth. A constitutional state is not a state that silences voices, but a state capable of listening, acknowledging, and reforming itself.

We hope this report serves as a reference for the government, the House of Representatives (DPR), security apparatus, and the international community. But more than that, may this report be a reminder to us all that Papua is not merely an administrative region, but a home for human beings whose rights must be respected.

There is no peace without justice. And there is no dignified Indonesia if Papua continues to be treated as an exception to law and humanity.

Jakarta, June 2026

Muhamad Isnur
Chairperson of Indonesia Legal Aid Foundation

Foreword by Director of JPIC OFM Papua

Waaa waaa waaa

Praise and gratitude to the Creator because through His providence, the report Non-International Armed Conflict and its Humanitarian Impact in the Land of Papua from the Perspective of International Humanitarian Law can be presented as part of a joint effort to understand the reality of Papua more clearly, deeply, and with a focus on human dignity. For JPIC OFM Papua, this report is not merely an academic study or legal analysis. This report speaks about the real-world lived experiences of thousands of Papuans who every day face the impacts of a prolonged conflict. Behind every piece of data, there are human faces: children who lose access to education, families forced to flee their hometowns, healthcare workers operating in high-risk situations, religious leaders striving to maintain hope amidst fear, and indigenous communities struggling to defend their lives and living spaces.

For years, Papua has often been understood through the lenses of politics, security, and economic development. These perspectives are certainly important, but they are frequently insufficient to capture the human suffering occurring on the ground. Therefore, this report offers a highly valuable contribution by placing the issue of Papua within the framework of International Humanitarian Law, so that our attention is redirected toward the fundamental principles of humanity: the protection of civilians, respect for human dignity, and the restriction of the use of violence in conflict situations. The findings presented in this report demonstrate that the impacts of the conflict are not only felt by the parties involved in the armed hostilities, but most of all by civil society. Prolonged displacement, disrupted healthcare services, damaged educational facilities, threats to places of worship, and the loss of a sense of security in daily life have become part of the experience for many communities in the armed conflict zones of Papua. This condition demands collective attention and responsibility—from the state, armed groups, civil society, and the international community alike.

As part of the Franciscan family, JPIC OFM Papua stands on the spirituality of Saint Francis of Assisi, which teaches respect for the dignity of every individual, solidarity with those who suffer, and the building of peace through dialogue and fraternity. In the context of Papua, this calling invites us to see every victim not as a statistical number, but as a fellow human being who has the right to live safely, with dignity, and full of hope. We believe that true peace cannot be built solely through a security approach or physical development alone. Peace requires justice, respect for fundamental human rights, an openness to listen to the experiences of victims, and the courage to foster genuine dialogue. Papua needs a space where all parties can speak and be heard as fellow human beings who desire a better future for coming generations.

On behalf of JPIC OFM Papua, we express our appreciation to the authors, researchers, partner institutions, churches, civil society organisations, local communities, and all parties who have contributed to the drafting of this report. The presence of this report shows that concern for humanity in Papua has never faded and that there are still many who choose to stand with those most impacted by the conflict.

May this report serve as a source of reflection, learning, and a basis for policy-making that leans more toward the protection of civilians and respect for international humanitarian law. More than that, may this report help pave the way toward a Papua that is peaceful, just, dignified, and truly becomes a safe home for all its people.

Pax et Bonum,

Alexandro F. Rangga OFM
Director of Justice, Peace, and Integrity of Creation (JPIC)
Ordo Fratrum Minorum (OFM) Papua

Foreword by Director of SKPKC OSA

From 1960 to 2026, the Indigenous people of Papua have experienced a conflict situation that has caused unrest, anxiety, vigilance, panic, and division in their communal life. As a result of this conflict, large-scale internal displacement has occurred, totaling between 107,000 and 122,931 individuals. The presence of these internally displaced persons (IDPs) certainly demands the attention of all stakeholders, both domestically and internationally. Furthermore, there needs to be an effort to resolve the Papua conflict through dialogue and negotiation approaches.

Grounded in the research findings of the Indonesian Legal Aid Foundation (YLBHI), STF Driyarkara, the Justice, Peace and Integrity of Creation Secretariat of the Order of Saint Augustine (SKPKC OSA), the Justice, Peace, and Integrity of Creation of the Franciscan Order (JPIC OFM), and the Commission for the Disappeared and Victims of Violence (KontraS), it is hoped that these insights can serve as a reference and a bridge to understanding the conflict situation in Papua and the peace-building process in Papua.

The leader of the worldwide Catholic Church and the Vatican State, Pope Leo XIV, on the 59th World Day of Peace, reminded all nations: “Peace be with you all. We must all bring peace into social life, creating peace without weapons—a peace that disarms—and helping those experiencing conflict and the victims of war.”

Ultimately, we hope that in the near future, the Land of Papua can be freed from militarism and conflict, so that both the Indigenous Papuans and those who come from other regions can live together in peace.

Sorong, World Refugee Day, 20 June 2026

P.Heribertus Lobya,OSA
Director of SKPKC OSA

Executive Summary

Background and objectives

This report examines the situation in the Land of Papua through the lens of international humanitarian law (IHL). It pursues four principal objectives: first, to situate the contemporary violence in Papua within its broader historical and political context; second, to assess whether the situation meets the legal threshold of a non-international armed conflict (NIAC) under IHL; third, to document the humanitarian consequences of the hostilities and the potential violations of IHL committed by the parties to the conflict; and fourth, to propose a way forward for the parties, the Indonesian Government, and the humanitarian community grounded in the protection of civilians and respect for international law.

The report applies the legal framework governing NIACs under Common Article 3 of the 1949 Geneva Conventions and customary international law. In particular, it adopts the formulation articulated by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia in Prosecutor v Tadić, now widely regarded as the authoritative statement of the NIAC threshold in customary international law. Under the Tadić formula, a NIAC exists where there is protracted armed violence between governmental authorities and organised armed groups of sufficient intensity.

Four case studies are use in support of this analysis over the period from 2018 to 2024, comprising Maybrat Regency in Southwest Papua Province, Intan Jaya Regency in Central Papua Province, and Nduga and Pegunungan Bintang Regencies in Papua Highlands Province. These case studies capture the principal patterns of hostilities between the Indonesian National Armed Forces (Tentara Nasional Indonesia, TNI), the Indonesian National Police (Polri), and the West Papua National Liberation Army (Tentara Pembebasan Nasional Papua Barat, TPNPB), the armed wing of the Free Papua Movement (Organisasi Papua Merdeka, OPM). While the conflict in Papua has deeper historical roots extending back decades, the report focuses on this contemporary period because it reflects a significant escalation in the organisation, frequency, geographical spread, and humanitarian consequences of the violence.

Accurate classification of the situation in Papua carries important legal and humanitarian consequences. The existence of a NIAC determines the protections afforded to civilians and persons hors de combat, regulates the conduct of hostilities, defines the obligations of the parties under IHL, and shapes the conditions under which impartial humanitarian organisations may seek access to affected populations. The Indonesian Government continues to reject the characterisation of the situation in Papua as a non-international armed conflict. At the domestic level, military operations have also proceeded without a clearly articulated legal framework: there has been no Presidential Decree declaring Papua a conflict zone, no formal invocation of emergency powers, and no Presidential Decree authorising Military Operations Other Than War as contemplated under the Law on the Indonesian National Armed Forces. As a result, military operations in Papua have largely proceeded within a legal and institutional grey area, characterised by limited parliamentary oversight, reduced transparency, and

persistent accountability concerns. Under international law, however, the existence of a NIAC depends upon objective factual criteria rather than formal recognition by the State. Where the organisational and intensity thresholds are met as a matter of fact, IHL applies to all parties to the conflict irrespective of the terminology used by the State concerned.

Historical context

The report traces the history of armed violence in Papua, the history of the parties, and the history of the legal justifications relied upon by the State. Hostilities between the TNI and Papuan armed groups have continued for six decades, through successive Indonesian administrations and shifting policy frameworks. The Free Papua Movement (OPM) emerged in the late 1960s, and its military wing – reorganised through the 2012 National Liberation Army Summit as the West Papua National Liberation Army (TPNPB) – has since developed a national command structure operating through 36 Regional Defence Commands (Komando Daerah Pertahanan, Kodap).

The intensity of violence has fluctuated. From December 2018, when the TPNPB attacked workers of PT Istaka Karya in Nduga, the conflict entered a new phase: armed clashes intensified, the geographical scope expanded into the Central Highlands and the Bird's Head, casualties on all sides rose, and the humanitarian consequences, particularly mass displacement, became severe. Data from the Armed Conflict Location and Event Data project (ACLED) record that 80 per cent of the armed clashes registered in Indonesia in the relevant period took place in Papua, as did the majority of recorded attacks on civilians by armed forces. Throughout this period, successive Indonesian governments have characterised the situation variously as criminality, separatism, or a "secure" zone governed under Special Autonomy, while continuing to deploy sustained military operations against an organised armed adversary.

Classifying the situation as a NIAC

The report then sets out the legal framework for the classification of NIACs and applies it to the evidence in Papua.

Under the Tadić formula, two criteria must be satisfied. The first is that the non-State party is sufficiently organised. The organisational requirement does not demand that a non-State armed group resemble a conventional State military. The relevant inquiry, drawn from ICTY jurisprudence and the ICRC Commentary to Common Article 3, is whether the group possesses sufficient collective organisation to engage in sustained military operations and to implement IHL obligations. As the ICRC's Roots of Restraint in War and more recent commentary make clear, decentralised, networked, or clan-based structures do not preclude a finding of organisation where there remains identifiable capacity for collective action, operational coordination, and the implementation of decisions across the group.

On the available evidence, the TPNPB satisfies the organisational threshold. It operates through a decentralised but identifiable national command structure, with senior military leadership elected at the 2012 Summit; 36 Regional Defence Commands distributed across Papua; regional commanders who claim responsibility for operations within their respective areas; recognised spokespersons (most prominently Sebby Sambom) issuing coordinated public communications; and internal disciplinary rules and command procedures. It has sustained armed operations over more than half a decade, conducted coordinated military activity across geographically dispersed regencies, and maintained organisational continuity despite extensive Indonesian counterinsurgency deployment—including throughout the twenty-month detention of Susi Air pilot Philip Mark Mehrtens in 2023–2024.

The second criterion is that the violence reach a sufficient level of intensity to distinguish it from internal disturbances and tensions, riots, sporadic acts of violence, or ordinary criminality. International jurisprudence assesses intensity through a range of factors, including the frequency, duration, and spread of armed clashes; the deployment of military rather than law enforcement responses; the weapons employed; casualty figures; displacement; attacks on civilian objects; and the broader humanitarian impact.

The case studies in Nduga, Maybrat, Intan Jaya, and Pegunungan Bintang demonstrate that this threshold is met. The four regencies have experienced sustained armed clashes between the TNI/Polri and the TPNPB across the period under examination, with recurring engagements involving military-grade weapons, fortified posts, ambushes, hostage-taking, and counterinsurgency operations. Independent monitoring records an increase from 24 incidents in 2017 to 72 in 2022, with the trend continuing through 2025. The intensity is reinforced by the broader humanitarian impact: widespread internal displacement now exceeding 100,000 persons across multiple regencies, the destruction and occupation of schools, churches, and health facilities, the disruption of humanitarian access, and patterns of insecurity that ordinary law enforcement mechanisms have been unable to contain.

It follows that the situation in the four regencies examined, and in the Land of Papua more broadly, meets the NIAC threshold. IHL applies to all parties to that conflict—both the TNI and the TPNPB—across the territory under their control, and continues to apply until a peaceful settlement is achieved or hostilities have ceased without a real risk of resumption. The Indonesian Government's refusal to recognise the situation as a NIAC does not displace this conclusion. The application of IHL turns on the objective facts, not on State characterisation.

Conduct of the parties and impact on the civilian population

The report documents the conduct of the parties and its impact on the civilian population in the four case-study regencies. The patterns identified, taken together, indicate potential violations of IHL by both the TNI/Polri and the TPNPB.

The documented conduct includes summary killings of civilians, including religious leaders, medical personnel, civil servants, and children, by both the TNI/Polri and the TPNPB; arbitrary arrest and detention, often without legal basis or due process,

and in several cases resulting in death in custody; hostage-taking, most prominently the twenty-month detention of pilot Philip Mark Mehrtens by the TPNPB; inhumane treatment and torture; and attacks on, and military occupation of, civilian objects including schools, churches, and health facilities. The principle of distinction has been repeatedly disregarded, with both parties at times treating civilian premises as legitimate military targets or as fortified positions.

The humanitarian impact has been severe and is poorly addressed in national policy. More than 100,000 people are now internally displaced across multiple regencies. Displaced communities face shortages of food, healthcare, and education, with particular vulnerability among women, children, and the elderly. The decades-long non-recognition of a NIAC has, in practice, restricted the ability of impartial humanitarian organisations to provide assistance to civilians affected by the violence. Under IHL, parties must allow and facilitate the rapid and unimpeded passage of humanitarian relief and ensure freedom of movement for authorised humanitarian personnel. In Papua, neither requirement has been adequately observed.

Conclusions

This report examines the situation in Papua through the framework of international humanitarian law and assesses whether the violence occurring in Papua meets the threshold of a non-international armed conflict (NIAC) under Common Article 3 of the Geneva Conventions and customary international law. This analysis focuses on four regencies—Maybrat, Nduga, Intan Jaya, and Pegunungan Bintang—which collectively illustrate the primary patterns of hostilities, military operations, civilian casualties, displacement, and humanitarian consequences unfolding across the Land of Papua.

1. The situation in Papua reaches the threshold of NIAC

The evidence reviewed in this report demonstrates that the violence in Papua meets the two criteria required for NIAC under customary international law: the existence of an organised non-state armed group, and protracted armed violence of sufficient intensity.

Four indicators demonstrate that the TPNPB satisfies the organisational requirement. The TPNPB possesses an identifiable leadership structure, regional defense commands, internal disciplinary mechanisms, a recognised spokesperson, and the capability to plan and execute military operations across various regions. Despite being decentralised, its organisational structure is consistent with the armed group organisation models recognised in international jurisprudence and academic scholarship.

The intensity criterion is also met. Since at least 2018, hostilities have involved sustained military deployment, recurrent armed engagements, specialised combat units, significant casualties, large-scale displacement, and widespread humanitarian consequences. These indicators are clearly evident in the four case-study regencies and go beyond isolated incidents of security disturbances or criminal violence.

Consequently, the situation in Papua is governed by Common Article 3 of the Geneva Conventions and the applicable rules of customary international law. The applicability of these rules does not depend on formal recognition by any party. Instead, international humanitarian law applies automatically whenever the objective criteria of a NIAC are met as a matter of fact.

2. Unclear ational legal framework

Although military operations have been conducted in Papua for several decades, this report finds that their domestic legal basis remains unclear. Unlike Aceh and East Timor, Papua has never been officially designated as an emergency area, a military operations area, or a conflict zone through a presidential decree or equivalent legal instrument.

While Law Number 34 of 2004 and Law Number 3 of 2025 provide a framework for Military Operations Other Than War, up to the time of writing this report, no publicly available government or presidential regulations have been found that specifically govern military operations in Papua. This indicates limited transparency regarding the national legal basis, objectives, oversight mechanisms, funding, and accountability arrangements applicable to these operations.

3. Both parties to the conflict have engaged in actions that are incompatible with IHL.

This report identifies acts by both Indonesian security forces and the TPNPB that raise serious concerns under Common Article 3 and customary international law.

With respect to Indonesian security forces, this report documents allegations of unlawful killings, arbitrary detentions, torture and other forms of ill-treatment, violence against religious personnel, the use of civilian facilities for military purposes, as well as actions causing displacement and broader humanitarian harm. Similar patterns of allegations from past incidents—such as Abepura, Wasior, Wamena, and Paniai—and current events documented across the four regencies demonstrate that deep concerns regarding civilian protection remain unresolved.

The report also identifies acts by the TPNPB that are incompatible with international humanitarian law. These include the killing of civilians, hostage-taking, attacks affecting medical personnel and healthcare facilities, attacks on markets and other civilian infrastructure, and the occupation or military use of civilian facilities. Prominent examples include the killing of PT Istaka Karya workers in Nduga in 2018, the attack on healthcare workers in Kiwirok in 2021, and the hostage-taking of New Zealand pilot Captain Phillip Mark Mehrtens between 2023 and 2024. Such acts remain prohibited under all circumstances and cannot be justified by referencing the existence of an armed conflict.

The existence of a NIAC does not legitimize unlawful acts by any party. Rather, it provides the legal framework to assess and regulate the actions of all parties.

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4. Civilians continue to bear the impact of Conflict

The most significant consequence of this conflict is its impact on civilians. Across the four regencies reviewed in this report, civilians have been killed, injured, displaced, detained, and subjected to intimidation and violence by various actors.

This report documents over 100,000 internally displaced persons (IDPs) across Papua. Many of them experience protracted displacement and remain without sustainable solutions. Schools, churches, healthcare facilities, and other civilian infrastructure have been damaged, occupied, or rendered unusable by residents due to the conflict. Children, women, the elderly, and remote indigenous communities are disproportionately affected.

The humanitarian consequences of this conflict extend beyond direct violence. Displacement has disrupted access to healthcare, education, livelihoods, and community support networks, thereby creating long-term social, cultural, and economic consequences for the affected communities.

5. Inadequate humanitarian access

This report finds that humanitarian access remains highly restricted despite the profound humanitarian needs. While churches, civil society organisations, and local authorities have provided vital assistance, access for impartial humanitarian organisations remains limited.

The accounts documented throughout this report indicate ongoing concerns regarding access to displaced populations, the delivery of healthcare and education services in conflict-affected areas, and the capacity of impartial humanitarian organisations to independently assess and respond to humanitarian needs. Many affected communities can only rely on local support networks despite facing severe humanitarian challenges.

The lack of formal recognition of the conflict has led to ambiguity regarding the role of humanitarian actors and has restricted their opportunities to independently assess and respond to the ongoing humanitarian crisis. Acknowledging that international humanitarian law applies to the situation in Papua will not, in and of itself, resolve these challenges. However, it would provide a clearer legal framework that enables humanitarian organisations to deliver aid and requires the parties to the conflict to facilitate relief operations for civilians in need.

Recommendations

To all parties in the conflict

1. Immediately cease unlawful killings, torture, and all cruel and inhuman treatment, hostage-taking, and attacks against civilians and civilian objects.
2. Respect and protect civilians, medical personnel, religious figures, humanitarian workers, schools, healthcare facilities, places of worship, and other civilian infrastructure.
3. Cease the occupation or use of schools, healthcare facilities, and other civilian objects for military purposes, unless at any given time such objects have become military objectives under international humanitarian law.
4. Respect and implement obligations under Common Article 3 and applicable customary IHL.
5. In accordance with Rule 55 of customary IHL, both parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, particularly for: a. national humanitarian organisations, including the Indonesian Red Cross (PMI) and the Humanitarian Forum Indonesia; and b. international humanitarian organisations, such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières, and other organisations.
6. In accordance with Rule 56 of customary IHL, the parties must ensure the freedom of movement of authorised humanitarian relief personnel essential to the exercise of their functions.
7. Investigate alleged violations committed by forces under their respective control and take appropriate measures, including disciplinary, administrative, or criminal sanctions where applicable.
8. Facilitate humanitarian pauses, local ceasefires, and other measures to mitigate harm to civilians and enable humanitarian assistance

For the Government of Indonesia

1. Officially recognise that a non-international armed conflict exists in Papua and that the situation is governed by IHL. Such recognition does not alter the legal status of the parties under domestic law, but ensures that the IHL protection regime applies in full to both the TNI and the TPNPB, including their obligations toward the civilian population in territories under their control.
2. Acknowledge that the applicability of international humanitarian law is determined by objective facts and ensure that all TNI and Polri operations in the land of Papua comply with Common Article 3 of the Geneva Conventions and customary international humanitarian law.
3. Immediately issue a Presidential Decree on Military Operations Other Than War as mandated by Law Number 34/2004 on the Indonesian National Armed Forces (as amended by Law Number 3 of 2025), in order to place military operations in Papua within a clear legal framework and to enable parliamentary oversight, budgetary transparency, and accountability.

4. Refrain from declaring a state of civil or military emergency in Papua. The National Human Rights Commission has documented that periods of military operations during the New Order era resulted in gross human rights violations that remain unresolved through the state's legal system; declaring a state of emergency risks repeating these patterns.
5. Open and facilitate rapid and unimpeded humanitarian assistance for civilians in need, particularly internally displaced persons and affected residents, with restrictions permitted only to the extent allowed by international humanitarian law.
6. Ensure humane treatment, protection, and assistance for displaced persons, including access to food, healthcare, education, and long-term solutions.
7. Develop and implement a coordinated strategy for the safe, voluntary, and dignified return, local integration, or resettlement of displaced persons, in consultation with affected communities and humanitarian actors.
8. Conduct prompt, independent, and effective investigations into allegations of unlawful killings, torture, arbitrary arrests, enforced disappearances, and other violations, and provide effective remedies and reparations for victims

For the House of Representatives

1. Urge the government to immediately recognise that a non-international armed conflict is taking place in Papua and to comply with the rules governing it under IHL.
2. Conduct oversight of military operations that have been ongoing for six decades in Papua and hold the government accountable in accordance with the applicable statutory framework, specifically the TNI Law.
3. Amend the Human Rights Courts Law to include war crimes and aggression as part of gross human rights violations.
4. Encourage the parties to grant the widest possible access for national humanitarian organisations—such as the PMI, among others—and international bodies like the ICRC to carry out humanitarian action and recovery, particularly for internally displaced persons

For other state organs

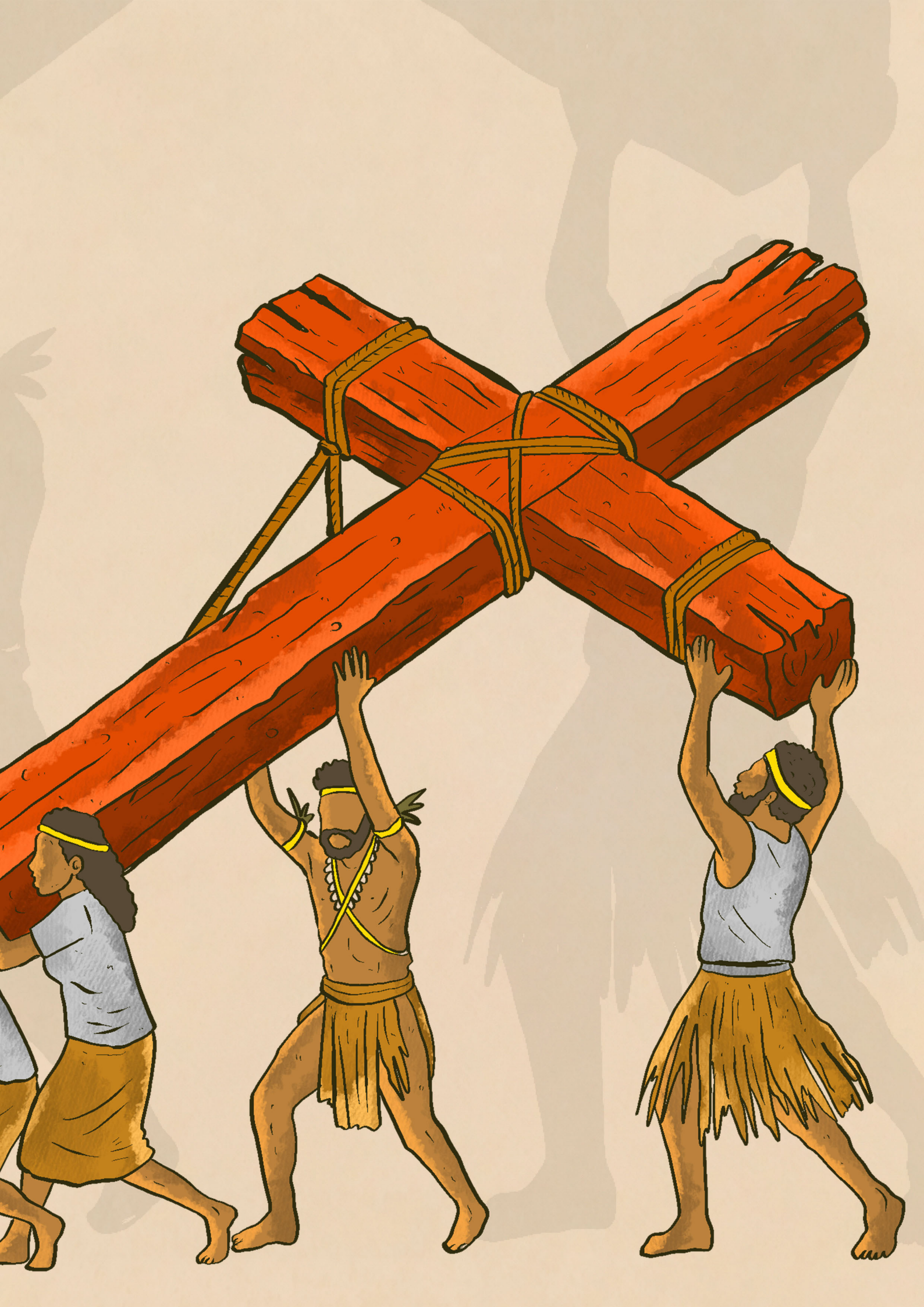
1. The MRP (Papuan People's Assembly) and DPRP (Papuan Regional House of Representatives) to urge the Government of Indonesia to recognise the conflict in Papua as a NIAC (Non-International Armed Conflict) and to comply with it, as well as to immediately provide assistance and handling for residents affected by the armed conflict.
2. The DPRP and MRP to encourage the parties involved in the hostilities to seek a peaceful solution.

For the TPNPB

1. Immediately cease attacks against civilians, including individuals suspected of assisting, informing, or cooperating with the government, unless and for such time as they take a direct part in hostilities.
2. End the practice of hostage-taking and release all unlawfully detained civilians.
3. Refrain from occupying or using schools, healthcare facilities, churches, and other civilian facilities for military purposes.
4. Respect and protect medical personnel, humanitarian workers, religious figures, and protected persons.
5. Facilitate humanitarian access within territories under its influence and refrain from interfering with humanitarian actions.
6. Strengthen internal command, discipline, and accountability mechanisms to prevent and address violations committed by field units in accordance with IHL.

For humanitarian organisations and the international communities

1. Melanjutkan pekerjaan penting dan kesiapsediaan untuk memberikan bantuan Continue vital work and readiness to provide humanitarian assistance and protection activities for conflict-affected populations, particularlyIDPs and other vulnerable groups.
2. Support independent monitoring of humanitarian needs and the impact of the conflict on civilians.
3. Continue to advocate for safe, sustained, and impartial humanitarian access throughout Papua.
4. Support initiatives that mitigate the impact on civilians, strengthen compliance with IHL, and create conditions conducive to achieving a peaceful resolution to the conflict.
5. Encourage and support dialogue between the parties to the conflict to reduce violence and address the humanitarian consequences of the conflict.



Chapter 1
Introduction

The armed conflict in Papua is one of the longest-running and least understood conflicts in the Asia-Pacific region. For more than six decades, successive Indonesian governments have confronted armed resistance movements seeking self-determination for West Papua, while local communities have borne the consequences of recurring cycles of violence, military operations, displacement, and political instability. Although the intensity of the conflict has fluctuated over time, it has never fully disappeared and continues to shape the lives of civilians across large parts of Papua.

The origins of the conflict lie in the political and constitutional disputes surrounding the transfer of administration of West Papua from the Netherlands to Indonesia in the early 1960s and the subsequent implementation of the 1969 Act of Free Choice (*Penentuan Pendapat Rakyat* or *PEPERA*). Armed resistance emerged shortly thereafter, including attacks attributed to the Free Papua Movement (*Organisasi Papua Merdeka* or OPM) against Indonesian military positions in Manokwari and other parts of Papua (Djopari, 1993; Ondawame, 2010; Pusjarah TNI, 2000). While Indonesian military operations succeeded in suppressing some armed groups, they did not eliminate the resistance movement, which continued in various forms throughout the following decades.

Over time, the armed resistance evolved from a collection of fragmented and largely localised groups into a more organised movement. The emergence of the West Papua National Liberation Army (*Tentara Pembebasan Nasional Papua Barat* or TPNPB) and the establishment of regional command structures marked an important development in the conflict's organisational capacity. At the same time, the Indonesian state expanded its military and security presence throughout Papua, resulting in an increasingly militarised environment.

The contemporary phase of the conflict is generally traced to the significant escalation in violence that began in 2018 following the killing of PT Istaka Karya road workers in Nduga Regency. Since then, armed clashes between Indonesian security forces and the TPNPB have increased in frequency, geographical scope, and intensity. The conflict has spread across multiple regencies and has generated serious humanitarian consequences, including civilian casualties, widespread displacement, disruption of education and healthcare services, and restrictions on humanitarian access.[1]

Despite these developments, there remains significant disagreement regarding the legal characterisation of the violence in Papua. The Indonesian Government continues to treat the situation primarily as a matter of internal security and law enforcement,

[1] https://humanrightsmonitor.org/news/idp-update-october-2025-military-campaign-disrupts-civilian-life-and-services-while-causing-new-displacements/ accessed on 12 December 2025.

while many Papuan organisations and civil society groups characterise it as an armed conflict. These competing narratives are not merely matters of political terminology. The classification of the situation carries important implications for the legal framework governing the conduct of the parties, the protection of civilians, and the accountability mechanisms available under international law.

This report seeks to contribute to that discussion by examining the situation in Papua through the framework of international humanitarian law. It does not seek to resolve the broader political questions surrounding Papua's status. Rather, it focuses on the objective factual and legal criteria relevant to determining whether the violence in Papua has reached the threshold of a NIAC and, if so, what consequences follow for the protection of those affected by the hostilities.

Objectives

This report has three principal objectives.

1. Assess the situation in Papua against the objective legal criteria for a NIAC to determine whether IHL applies to the hostilities between the Indonesian security forces and the TPNPB.
2. Promote immediate compliance with existing IHL obligations by all parties, particularly those relating to the protection of civilians, the humane treatment of displaced persons, and the provision of impartial humanitarian assistance.
3. Document patterns of civilian harm arising from the conflict that may amount to violations of IHL.

Scope

The scope of this report concerns two aspects: geographic scope and scholarly scope. First, geographically, this report examines the situation in Papua through case studies in four regencies: Maybrat Regency in Southwest Papua Province, Intan Jaya Regency in Central Papua Province, as well as Nduga and Pegunungan Bintang Regencies in Highland Papua Province. The analysis focuses primarily on the 2018–2025 period, reflecting the significant escalation of violence following the December 2018 Nduga incident, which was followed by widespread military operations across the land of Papua.

Second, it must be emphasised that this report falls entirely within the legal scope of International Humanitarian Law (*ius in bello*); as such, it lacks the competence to discuss the reasons or motivations of the parties for engaging in hostilities, which fall under the realm of *ius ad bellum,* which is the law governing the reasons for parties to resort to hostilities. Discussions on these matters, as well as issues of 'extractivism', governance, concepts of sovereignty, and the debate over Papua's political status, belong to other academic and legal fields.

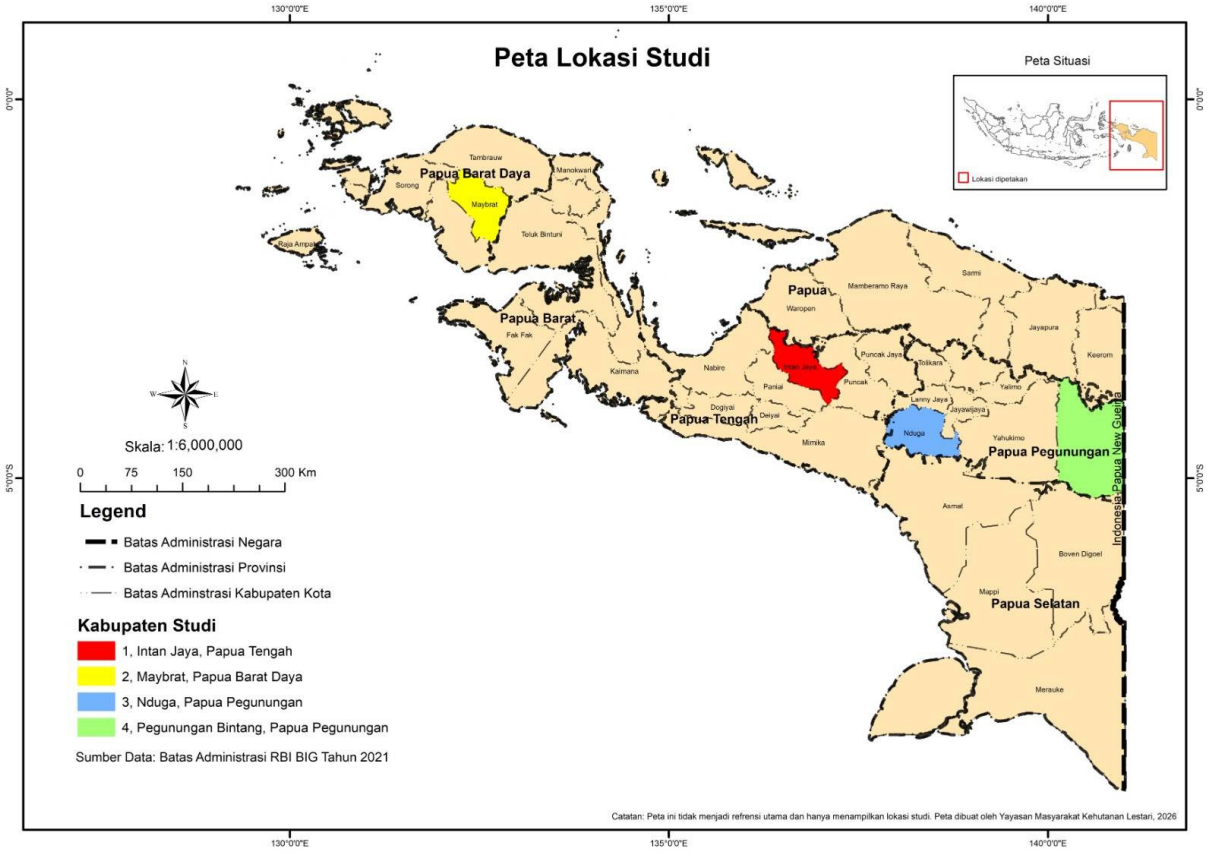


Figure 1: Map of the Study Location in Four Districts

Methodology

This report was prepared by a multidisciplinary team comprising researchers, humanitarian practitioners, legal experts, academics, and civil society organisations from Papua, Indonesia, and the international community. The methodology combined field investigation, documentary research, legal analysis, and expert consultation.

Field information was collected through local networks, including the Secretariat of Justice, Peace and Integrity of Creation of the Order of Saint Augustine in Sorong and the Franciscan Order in Sentani. The resulting information was subsequently analysed in collaboration with national-level partners, including the Indonesian Legal Aid Foundation (YLBHI), Sekolah Tinggi Filsafat Driyarkara (STFD), and KontraS.

Preliminary findings were further reviewed and refined through consultations with national and international experts, including a specialist roundtable convened at STFD on 13–14 November 2025. Through this iterative process of data collection, verification, legal analysis, and expert review, the report seeks to provide a credible and evidence-based assessment of the applicability of international humanitarian law to the situation in Papua.

Outline of the report

Following this introduction, this report is divided into four further chapters:

Chapter 2: History and domestic legal characterisations of the violence in Papua

Chapter 3: Classifying the situation in Papua as a non-international armed conflict

Chapter 4: Civilian impact and possible violations of IHL

Chapter 5: Conclusion and recommendations

Epilogue

Bibliography



Chapter 2
History and Domestic Legal Characterisations of The Violance in Papua

History of armed violence in Papua

The contemporary violence in Papua has deep historical roots extending back to the final years of Dutch administration and the transfer of authority over the territory to Indonesia in the early 1960s. A substantial body of literature has examined these developments and their continuing influence on the political, social, and security dynamics of Papua (Chauvel, 2021; Haluk, 2022; Hernawan, 2018; Webb-Gannon, 2021; and Widjojo, 2010). Rather than providing a comprehensive history of the conflict, this chapter focuses on the major political, military, and legal developments that have shaped the contemporary violence and the relationships between the principal actors. Particular attention is given to the evolution of Indonesian state policy towards Papua, the development of organised Papuan armed resistance, and the legal frameworks through which the violence has been characterised over time.

This chapter is divided into three major sections. First, it provides a chronological periodisation of the governments in Indonesia, beginning with the Soekarno administration, followed by the Soeharto regime, the *Reformasi* (Reformation) era, and the post-*Reformasi* period up to the present. From this historical overview, it becomes apparent that military operation policies in the Land of Papua have been ongoing since the process of integrating Papua into Indonesian territory, and that the armed resistance movement of the Papuan people was formed at that very same time. This overview will demonstrate that military structures, authorities, and actions in the Land of Papua have remained relatively unchanged and have even expanded. Second, it offers an analysis of the Papuan resistance movement in the form of the OPM (Free Papua Movement) and the TPNPB (West Papua National Liberation Army), which has remained relatively consistent over the last sixty years and, since 2018, has expanded (Chauvel, 2021). This section aims to illustrate the characteristics of the TPNPB as a non-state armed organisation in accordance with IHL criteria. Third, it analyses domestic law to examine the state's policy responses to the hostilities that have occurred in Papua over the last six decades.

1. Government Policies Over Time

Soekarno Administration (dates)

As mentioned in the beginning of this report, the history of armed conflict in Papua started from the transition of Papua's political status from UNTEA to Indonesia as provided under 1962 New York Agreement. Historical literature shows that the transition was marked by massive military operations started with Trikora Declaration in 1963 by President Sukarno and continued with the establishment of Mandala Command on 2 January 1962 headquartered in Ujung Pandang and led by Major General Soeharto (Cholil, 1979).

After Sukarno's downfall in 1965 which was connected to the 65 Incident, Soeharto took over the administration and inaugurated as the President in 1967. However, the policy towards Papua remained using military approach.

Soeharto New Order Administration (dates)

Following the implementation of the 1962 New York Agreement, the Suharto administration deployed the Indonesian Armed Forces to win the Act of Free Choice (Pepera). Historical literature and archives surrounding the Act of Free Choice demonstrate the militaristic nature of the Act of Free Choice implementation that prevented the Papuan people from achieving their freedom of choice and self-determination. The victory process involved selecting, appointing, and interning 1,025 members of the Pepera Consultative Council in eight electoral districts, so that they unanimously declared their determination to join Indonesia. Brigadier General Sarwo Edhi Wibowo was the commander of the Pepera victory operation (Drooglever 2009; Saltford 2003).

During this period, armed resistance continued in various parts of Papua. Resistance movements associated with the Free Papua Movement (OPM) emerged across multiple regions, including Paniai, the central highlands, the northern coast, and areas bordering Papua New Guinea. Indonesian security forces responded through a succession of military operations intended to suppress armed resistance and maintain territorial control (Drooglever 2009).

Despite various reports of fraud in the Act of Free Choice, including from the UN Special Envoy, Ortiz Sanz, the results of the Act of Free Choice were adopted by voting by the UN General Assembly in Resolution 2504 (XXIV) even though the literal word used was 'takes note' instead of 'adopt': the UN General Assembly

> *Takes note of the report of the Secretary-General and acknowledges with appreciation the fulfilment by the Secretary-General and his representative of the tasks entrusted to them under the Agreement of 15 August 1962 between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian).*[2]

[2] https://docs.un.org/en/A/RES/2504(XXIV) accessed on 20 October 2025.

Throughout the New Order period, Papua was characterised by a strong military presence and recurring security operations. Various operations were conducted under different names and command structures, reflecting the government's view that Papuan resistance constituted a threat to national unity and territorial integrity. Military influence extended beyond purely security matters and became an important feature of governance in Papua.

The period was also marked by significant population displacement and cross-border movement into Papua New Guinea. Refugee flows occurred intermittently as military operations intensified in different regions. Although the scale and nature of the violence varied over time, the persistence of both armed resistance and military responses established a pattern of confrontation that continued beyond the end of the New Order era.

The fall of President Soeharto in 1998 marked a significant turning point in Indonesian politics and generated expectations of political reform throughout the country, including in Papua. The Reformasi period created new opportunities for political expression, civil society mobilisation, and dialogue concerning Papua's future. However, while political conditions changed considerably, the underlying security dynamics remained largely unresolved.

Reformasi and political transition

B.J. Habibie adminstration (dates)

The fall of President Suharto in 1998 marked a crucial turning point in Indonesian politics and raised hopes for political reform across the country, including in Papua. The Reformasi era opened up new space for freedom of expression, civil society mobilisation, and dialogue regarding the future of Papua. Nevertheless, despite these significant changes in the political landscape, the underlying security dynamics essentially remained unresolved.

The administration of President B.J. Habibie introduced a more open political environment and initiated discussions with Papuan representatives. A significant moment occurred on 26 February 1999, when a delegation of 100 Papuan leaders, led by Tom Beanal, met with President Habibie in Jakarta. During the meeting, the delegation stated that they did not regard Papua as having lawfully become part of Indonesia and asserted that the Papuan people had been denied their right to self-determination. The delegation maintained that Papua had effectively existed as an independent nation prior to Indonesian administration and sought recognition of that position from the Indonesian Government.

> *"We have suffered enough; we were already independent on 1 December 1961; our sovereignty was taken away by the Republic of Indonesia; we as a nation were not recognized and our dignity was trampled upon; all of this is evident in the numerous violations of the human rights against the Papuan people. All*

of this provides a concrete basis for declaring that enough is enough, and the Papuan people's trust in the Indonesian government is no longer there." (van den Broek & Hernawan 2001: 68)

While the meeting reflected a degree of political openness not seen during the New Order era, it did not lead to a negotiated resolution of the underlying dispute. Nevertheless, it represented an important expression of Papuan political aspirations and highlighted the continuing divergence between Papuan and Indonesian understandings of Papua's political status. The positions advanced during the meeting would continue to influence political mobilisation, advocacy efforts, and resistance movements in Papua in the years that followed.

The Reformasi period therefore exacerbated an enduring tension that remains visible today: efforts to address Papuan grievances through political reform and development initiatives coexist with continuing reliance on security measures and military deployments. This dual approach continues under subsequent administrations and forms an important part of the contemporary context examined in this report.

Post Reformation

Abdurrahman Wahid Administration (1999-2001)

A tangible change occurred with the election of Gus Dur as president, beginning with the restoration of "Papua" as the official name of the province, which was previously called "Irian Jaya," in 2000 (Haluk 2026). This restoration served as an important symbol and state recognition of Papuan identity.

President Wahid also permitted and supported the Second Papuan Congress, held in Jayapura in 2000, which brought together representatives from across Papua and contributed to the formation of the Papuan Presidium Council (Presidium Dewan Papua). Under leaders such as Theys Hiyo Eluay and Tom Beanal, the Presidium sought to provide a collective political platform through which Papuan aspirations could be expressed through peaceful means.

These initiatives created a level of political dialogue and openness not previously seen in Papua. However, Wahid's presidency was short-lived, and many of these efforts remained incomplete. At the same time, military structures and security operations in Papua continued largely unchanged.

Megawati Administration (2001-2004)

Following President Wahid's impeachment, the administration of President Megawati Soekarnoputri adopted a different approach. While the Government enacted the Papua Special Autonomy Law in 2001, granting Papua a distinct legal status within Indonesia and recognising certain aspects of Papuan identity and governance, security policy remained heavily influenced by military considerations.

The period also witnessed increased tensions between Papuan political organisations and the central government. Efforts to create political space for Papuan self-determination diminished, while military operations continued under various security frameworks. According to public statements by former military officer and parliamentarian TB Hasanuddin, at least thirteen military operations were conducted in Papua between 1966 and 2000, illustrating the continuity of Indonesia's security-based approach to the region.

The Special Autonomy framework introduced during this period remains a central feature of Indonesian policy towards Papua. However, many Papuan political actors have argued that its implementation has failed to address the underlying political grievances that gave rise to the conflict.

Susilo Bambang Yudhoyono Administration (2004-2014)

The administration of President Susilo Bambang Yudhoyono (SBY) combined continued security operations with renewed efforts to promote dialogue. Influenced in part by the successful Helsinki Agreement for Aceh in 2005, various initiatives emerged seeking to facilitate communication between Papua and Jakarta. Notable among these was the Papua Peace Network (Jaringan Damai Papua), established through the efforts of Father Neles Tebay and other religious, academic, and civil society leaders.

These initiatives reflected growing recognition that the challenges in Papua could not be addressed solely through security measures. Nevertheless, no comprehensive political dialogue process comparable to the Aceh negotiations was ultimately established.

Military policy towards Papua changed little during this period. Although Law No. 34 of 2004 on the Indonesian National Armed Forces (TNI) was enacted during President Yudhoyono's administration, providing a statutory framework for the deployment and use of the military, no Presidential Decree or equivalent legal instrument was issued establishing a specific legal basis for military operations in Papua. As a result, military deployments and security operations continued largely in accordance with practices that had developed during earlier administrations. From the perspective of critics, this left an important gap between the legal framework governing military operations and the reality of their implementation in Papua.

Rather than establishing a comprehensive legal framework for security operations, the Government generally relied upon administrative arrangements, inter-agency coordination mechanisms, and memoranda of understanding between ministries and institutions to address policy issues relating to Papua (Haripin, 2020). The result was a continuation of military operations alongside political dialogue initiatives, without a clear public framework defining the legal basis, scope, oversight, and accountability mechanisms governing those operations.

Joko Widodo Administration (2014-2024)

President Joko Widodo placed greater emphasis on economic development and infrastructure projects in Papua than any previous administration. Major investments were directed towards roads, airports, telecommunications infrastructure, and public services, with the Trans-Papua Highway becoming one of the most prominent symbols of this approach. The Government presented these initiatives as part of a broader strategy to improve welfare, reduce inequality, and strengthen integration between Papua and the rest of Indonesia.

At the same time, the period witnessed a significant escalation in violence. A major turning point occurred on 2 December 2018 when members of the TPNPB under the command of Egianus Kogoya attacked PT Istaka Karya road workers in Yigi District, Nduga Regency, killing nineteen civilian workers and one member of the security forces.[3] The TPNPB subsequently characterised the victims as military intelligence personnel associated with the construction project.

The incident triggered a substantial expansion of military operations throughout the central highlands and other parts of Papua. In the years that followed, armed clashes increased in frequency, spread across multiple regencies, and generated significant humanitarian consequences, including widespread displacement, civilian casualties, and restrictions on access to education, healthcare, and livelihoods. The civilian impact and potential violations of international law during this period are explored further in Chapter 4.

Notwithstanding the scale and duration of these military deployments, the Government did not issue a Presidential Decree or equivalent public legal instrument establishing a comprehensive legal framework for military operations in Papua. Although Law No. 34 of 2004 on the Indonesian National Armed Forces provides a statutory framework governing the deployment of the military, including Military Operations Other Than War, the legal basis upon which large-scale and sustained military operations in Papua were conducted remained unclear. As a result, military activities continued in a legal environment characterised by limited transparency regarding their authorisation, scope, oversight, and accountability mechanisms.

The Jokowi administration also pursued institutional reforms through revisions to the Special Autonomy framework and the creation of four new provinces in Papua. While the Government presented these measures as improving governance and service delivery, many Papuan political leaders, churches, and civil society organisations argued that they did not address the underlying political grievances that continued to drive conflict and instability in the region.

Prabowo Administration (2024–present)

The administration of President Prabowo Subianto has been characterised by a further expansion of the military's structure, authority, and presence throughout Indonesia, including in Papua. In Papua, this has included the establishment of five additional battalions in Sorong, Sarmi, Keerom, Boven Digul, and Merauke Regencies.

[3] https://www.bbc.com/indonesia/indonesia-46479140 accessed on 20 October 2025.

According to the Government, these deployments are intended to strengthen security in strategically important areas, support food security initiatives, and reinforce state presence in regions considered vulnerable to instability.[4] In Merauke, this expansion has also been accompanied by the establishment of Military Regional Command XXIV/Mandala Trikora, further increasing the military's institutional footprint in southern Papua.

A significant development during this period has been the amendment of Law No. 34 of 2004 on the Indonesian National Armed Forces through Law No. 3 of 2025. The amendments broaden the scope of Military Operations Other Than War (MOOTW), expanding the range of activities in which the military may participate outside conventional defence functions. Critics argue that these changes have further blurred the distinction between military and civilian responsibilities and have facilitated a growing military role in the implementation of government development priorities.

In Papua, these developments have been closely linked to large-scale food and energy projects that have been designated as National Strategic Projects, particularly in South Papua Province. According to critics, the increasing involvement of the military in these projects extends beyond traditional defence and security functions and has contributed to disputes concerning customary land rights, large-scale deforestation, and divisions within Indigenous communities affected by project development (Haripin, 2024).

Despite the continued expansion of military deployments and infrastructure, armed resistance by the TPNPB has not subsided. On the contrary, available data suggests that hostilities have continued and, in some regions, intensified notwithstanding the substantial increase in troop deployments. Supriatma and Salam (2025) estimate that Indonesian military and police forces in Papua outnumber TPNPB fighters by approximately fifty-eight to one, yet armed confrontations, attacks, and military operations continue across multiple regencies. These developments suggest that the underlying drivers of the violence remain unresolved and continue to shape the security environment in Papua.

2. History of the West Papua National Liberation Army

The West Papua National Liberation Army (*Tentara Pembebasan Nasional Papua Barat* – TPNPB) is the principal armed organisation engaged in the Papuan independence struggle. The contemporary TPNPB traces its origins to earlier Papuan resistance movements that emerged following the transfer of administration of West Papua from the Netherlands to Indonesia in the 1960s. Although the organisation formally identifies 26 March 1973 – the date of the establishment of the National Liberation Army (*Tentara Pembebasan Nasional* or TPN)—as a foundational moment in its history, its roots lie in the broader development of Papuan nationalism and armed resistance that began during the final years of Dutch administration.[5]

[4] https://tni.mil.id/view-247025-panglima-tni-resmikan-lima-yonif-pdr-di-papua.html accessed on 20 October 2025.

[5] Intan Nurmalasari, 19 February 2023, Mengenal TPNPB, Kelompok Separatisme Papua Sandera Pilot Susi Air - Profil Katadata.co.id accessed on 5 January 2026

The modern TPNPB emerged following a major organisational reform process culminating in the National Liberation Army Summit held on Biak Island on 5 May 2012.[6] That reform sought to unify previously fragmented armed groups operating across Papua under a common command structure, military system, and organisational framework. Following the reform, the movement adopted the name West Papua National Liberation Army National Command (*Tentara Pembebasan Nasional Papua Barat – Komando Nasional*, or TPNPB) and established a national leadership structure and regional defence commands (*Komando Daerah Pertahanan* or Kodap) throughout Papua. According to the current organisational structure, the National Command is led by General Goliath Naaman Tabuni as Supreme Commander, Major General Terryanus Satto as Chief of Staff, and Sebby Sambom as official spokesperson. The organisation presently operates through 36 Regional Defence Commands distributed throughout West Papua.[7]

Origins of armed resistance

The history of the TPNPB is closely connected to the development of Papuan nationalism during the final years of Dutch administration. Papuan political aspirations were institutionalised through the Papuan National Committee (*Komite Nasional Papua* or KNP), which played an important role in the establishment of the Papuan Council (*Nieuw Guinea Raad*) in 1961. During its first session on 19 October 1961, the Council adopted national symbols including the Morning Star flag, a national emblem, a national anthem, a state name, and a national motto as part of a broader process of political development and decolonisation in Netherlands New Guinea (Ondawame, 2010).

This process was interrupted by the escalating dispute between Indonesia and the Netherlands concerning the future of West Papua. Following President Sukarno's announcement of the People's Three Commands (*Tri Komando Rakyat* or Trikora) on 19 December 1961, military confrontations occurred between Indonesian and Dutch forces. Subsequent negotiations between Indonesia and the Netherlands, facilitated by the United States, resulted in the signing of the New York Agreement on 15 August 1962. The agreement provided for the transfer of administration of West Papua to Indonesia and the eventual implementation of the Act of Free Choice (*PEPERA*) in 1969. Many Papuan leaders, activists, and scholars have characterised this process as a failed or incomplete decolonisation process because, in their view, Papuans were not meaningfully represented in the negotiations that determined the territory's future (Drooglever, 2009).

Armed resistance emerged shortly thereafter. On 26 July 1965, Johan Ariks, Lodewijk Mandacan, Barends Mandacan, Ferry Awom, Perminas Awom, and several other Papuan figures established the West Papua Liberation Organisation (*Organisasi Pembebasan Papua Barat* or OPPB) in Manokwari. The organisation was created

[6] Video recording of the Opening Ceremony of the TPN-OPM High Level Conference at the TPN-OPM Perwomi Biak Headquarters which took place on 1-5 May 2012. Record is available on KTT WPNLA 1-5 Mei 2012 di Markas Perwomi Biak, Papua accessed on 24 February 2026.

[7] Video recording of TPN-OPM assembly in May 2012 available on SIDANG PEMBAHASAN KTT WPNLA accessed on 24 February 2026

with the objective of resisting Indonesian military control. Seven battalions were formed, many of them led by former members of the Papua Volunteer Corps (*Papoea Vrijwilligers Korps* or PVK), a force established during the Dutch administration. On 28 July 1965, the OPPB launched an attack against Battalion 751 of the Indonesian military in Manokwari. Although the operation was suppressed, it marked the beginning of an armed resistance movement that would continue in various forms over the following decades.

From OPPB to the National Liberation Army

On 1 July 1971, the OPPB proclaimed the independence of West Papua in Waris Village near the Papua New Guinea border. The proclamation was led by Seth Jafet Rumkorem and several other Papuan resistance figures operating from Victoria Headquarters. Following the proclamation, the movement adopted the name Free Papua Movement (*Organisasi Papua Merdeka* or OPM). Two years later, on 26 March 1973, Rumkorem and other Papuan leaders formally established the National Liberation Army (*Tentara Pembebasan Nasional* or TPN) as the military wing of the movement.

The formation of the TPN was grounded in the provisional constitution of the Republic of West Papua proclaimed in 1971. That constitution envisaged the creation of armed forces consisting of volunteer and compulsory military service and provided for the establishment of army, naval, and air force branches. The creation of the TPN therefore represented an effort to institutionalise the military component of the Papuan independence movement and provide an organisational framework for armed resistance.

Organisational dynamics of the National Liberation Army

Fragmentation and organisational challenges

Despite the establishment of the TPN, the independence movement experienced significant internal divisions during the following decades. Differences between Seth Rumkorem and Jacob Prai contributed to organisational fragmentation and weakened efforts to maintain a unified national command. As a result, numerous regional commanders operated independently throughout Papua.

Among the most prominent were Bernad Mawen in southern Papua; Mathias Wenda, Goliath Naaman Tabuni, Yudas Kogoya, and Kelly Kwalik in the central highlands; Tadius Yogi in Paniai; Richard Yoweni in Genyem and Tanah Merah; and Ferry Awom in Biak. These leaders maintained armed resistance in their respective regions, but often operated without a common command structure, coordinated operational planning, standardised military hierarchy, or unified organisational system.

This period demonstrates both the resilience and the limitations of the armed resistance movement. While armed groups continued to operate across multiple regions of Papua, the absence of a unified command structure hindered coordination

and contributed to significant organisational fragmentation. These challenges would later become a principal driver of efforts to reform and unify the movement.

Towards military unification

According to accounts emerging from within the movement, younger generations of Papuan activists increasingly recognised the need for organisational reform in order to overcome fragmentation and create a unified military structure. Reform efforts sought to establish a single command system, common organisational framework, standardised military structures, and coordinated leadership capable of representing the military dimension of the Papuan independence movement.

During this period, the TPN was not the only armed group operating in Papua. Other organisations included the West Papua Revolutionary Army (*Tentara Revolusioner West Papua* or TRWP), led for many years by General Mathias Wenda.[8] Nevertheless, the TPN increasingly emerged as the most active and geographically widespread armed organisation. The continued interaction between different armed groups, together with efforts to coordinate military activities, reinforced calls for a more unified command structure.

The 2012 reform of the TPNPB

The most significant organisational transformation occurred between 2010 and 2012. This reform was closely linked to the activities of the young Papuan political movement which views the struggle for Papuan self-determination as consisting of three interconnected fronts: civil resistance, diplomacy, and the armed struggle. This movement calls for the unification of the National Liberation Army as the military wing of the Papuan national movement.

Over the next two years, extensive consultations were conducted with National Liberation Army units scattered across various regions of Papua. According to the movement's internal records, these consultations yielded twenty-four recommendations regarding military unification and organisational reform. In preparation for a larger national summit, a pre-conference meeting was held in Maribu Village, Jayapura Regency, on March 15, 2012.[9]

National Liberation Army Summit

The National Liberation Army Summit took place on May 1–5, 2012, at the Perwomi Headquarters on Biak Island, and was attended by delegates from across all regions of Papua. This summit represented a major effort to transform a movement that previously consisted of various relatively autonomous regional forces into a more integrated military organisation. During the summit, the delegates elected Mr. Goliath Tabuni as Commander-in-Chief with the rank of Four-Star General, Mr. Gabriel M. Awom as Deputy Commander with the rank of Lieutenant General, and Mr. Terryanus Satto as Chief of the General Staff with the rank of Major General.[10]

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[8] Mathias Wenda Tutup Usia, ULMWP Tegaskan Spirit Perjuangan Hidup | Jubi Papua accessed on 24 February 2026.

[9] PEMBUKAAN PRA KTT TPN OPM dan PEMBAHASAN SIDANG PRA KTT TPN OPM .

[10] Upacara Pelantikan Panglima Tinggi TPN OPM PAPUA BARAT , Pidato Panglima Tinggi TPN OPM PAPUA BARAT and Berita Acara Sumpah Panglima Tinggi TPN-OPM Papua Barat

The summit also established a Military Council consisting of representatives from various Regional Defense Commands (Kodap), as well as endorsed the national organisational structure and the organisation's work program. The Regional Defense Commands (Kodap) were officially integrated into the national military framework. Additionally, central and regional-level military councils were formed to facilitate coordination and a command system. These reforms are significant because they demonstrate a deliberate effort to build a sustainable leadership structure, permanent command mechanisms, and organisational institutions capable of coordinating military activities across various regions of Papua.

Following the summit, the movement's leaders declared that the term "TPN/OPM" would no longer be used. The reforms were specifically aimed at the military wing of the movement, while organisational reforms regarding the OPM would be discussed separately. The final outcome was the formation of the West Papua National Liberation Army—National Command (TPNPB), which to this day remains the primary armed organisation involved in hostilities against Indonesian security forces. According to police data cited by Supriatma and Salam (2025), the TPNPB currently has approximately 1,438 fighters equipped with 361 firearms as well as various traditional weapons. According to a statement by TPNPB Spokesperson Sebby Sambom, however, each TPNPB Kodap has 2,500 permanent members.[11] Regardless of which figure is accurate, both reports indicate the existence of a structured armed organisation operating through a network of regional commands scattered across Papua.

3. Domestic legal characterisations of the violence in Papua

At the beginning of the Reformasi era, Indonesia sought to address the situation in Papua through a combination of political, administrative, and developmental measures rather than through formal recognition of the violence as an armed conflict. These measures included the implementation of Special Autonomy, the restoration of the name "Papua" in place of "Irian Jaya", and later proposals to divide the territory into additional provinces. While intended to address longstanding grievances, these initiatives did not resolve the underlying tensions between Papua and Jakarta.

In 2008, the Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia* or LIPI) published the *Papua Road Map*, which identified four principal sources of conflict in Papua:

1. The marginalisation and discrimination experienced by Indigenous Papuans as a consequence of development policies, cultural policies, and migration programmes;
2. Failures of development and governance;
3. Competing understandings between Papua and Jakarta concerning the process of integration and the construction of Papuan political identity; and

[11] Ayomi Amindoni, Organisasi Papua Merdeka yang menuntut pemisahan Papua dari Indonesia, apa dan siapa mereka?, BBC, 13 Desember 2025. https://www.bbc.com/indonesia/indonesia-46539502

4. The long history of political violence in Papua.[12]

These findings remain influential and continue to inform discussions concerning the nature and causes of the conflict.

Military operations and the absence of formal conflict status

The use of military force in Papua has a long history and predates the Act of Free Choice (*PEPERA*) of 1969. According to data compiled by the National Commission on Human Rights (*Komnas HAM*), at least forty-four military operations have been conducted in Papua since the early 1960s. The first major operation, Operation Jayawijaya (1961–1962), was directed against Dutch mil during the dispute between Indonesia and the Netherlands concerning the future of West Papua. Following the New York Agreement of 1962 and the transfer of administration to Indonesia, military operations increasingly focused on suppressing Papuan resistance and securing Indonesian control over the territory. Subsequent operations—including Operations Wisnumurti, Sadar, Bharatayudha, Tumpas, and Wibawa—were conducted before the Act of Free Choice and were directed primarily at pro-independence resistance.[13]

Following the Act of Free Choice, military operations continued as the Indonesian Government sought to suppress armed and political movements advocating independence. Throughout much of this period, organised Papuan resistance was not officially recognised as a political movement but was instead characterised as a security disturbance requiring a law-enforcement or military operation.[14]

What distinguishes Papua from several other conflict-affected regions of Indonesia is the absence of a clear and publicly articulated legal framework governing the status of the violence. Under President Sukarno, Law No. 23 of 1959 empowered the President to declare a civil emergency, military emergency, or state of war through a presidential decree. A review of presidential decrees issued during this period reveals that no such declaration was made in relation to Papua. Similarly, during the New Order period, no presidential decree formally designated Papua as an emergency area, notwithstanding the extensive military operations conducted there. Security operations instead operated through institutions such as the Operations Command for the Restoration of Security and Order (*Kopkamtib*) and its successor, the Coordination Board for the Consolidation of National Stability (*Bakorstanas*), both of which facilitated extensive military involvement in internal security matters.

The legal ambiguity surrounding Papua became particularly apparent during the Reformasi era. In both East Timor and Aceh, the Indonesian Government formally invoked emergency powers through presidential decrees that specified the legal basis, duration, command arrangements, and funding of military operations. No comparable

[12] Papua Road Map; negotiating the past, improving the present and securing the future, Muridjan S Widjojo, dkk, The Indonesian Institute of Sciences (LIPI), Jakarta, 2008, page 9

[13] Amiruddin al Rahab, *Operasi-Operasi Militer di Papua: Pagar Makan Tanaman?* (Military operations in Papua: the Fence eats the Crops), accessible on https://ejournal.brin.go.id/jpp/article/download/11048/8651/30886 accessed on 10 November 2025.

[14] Pasal 2 Keputusan Presiden Republik Indonesia No. 19 Tahun 1969 Tentang Komando Operasi Pemulihan Keamanan dan Ketertiban; U.S. Department of State, Indonesia Country Report on Human Rights Practices for 1998, Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999. Accessible on 1998 Human Rights Report - Indonesia accessed on 9 November 2025.

decree has ever been issued in relation to Papua. As a result, military deployments have continued without a formal declaration of emergency, martial law, military operations area, or legally recognised conflict status.

Persistent violence during the Reformasi Period

Despite the absence of any formal emergency declaration, Papua continued to experience recurring violence involving Indonesian security forces, Papuan political activists, and armed resistance groups throughout the Reformasi period. Several incidents were subsequently investigated by *Komnas HAM* as potential gross human rights violations, including the Abepura incident of 2000, the Wasior incident of 2001, the Wamena incident of 2003,[15] and the Paniai incident of 2014. Allegations arising from these incidents included unlawful killings, torture, arbitrary detention, forced displacement, destruction of property, and other serious abuses affecting civilians. Although some investigations resulted in recommendations for prosecution, accountability has remained limited and several cases remain unresolved.

The Abepura incident illustrates this broader pattern. Following attacks on police and government facilities in December 2000, security forces conducted sweep operations across multiple locations in Jayapura. Investigations by *Komnas HAM* documented allegations of torture, arbitrary detention, persecution, and other abuses affecting men, women, and children. Although the case proceeded before Indonesia's Human Rights Court, the defendants were ultimately acquitted.

Similarly, in Wasior in 2001 and Wamena in 2003, security operations conducted in response to attacks attributed to Papuan armed groups were accompanied by allegations of unlawful killings, torture, displacement, and destruction of property. Both incidents were later identified by *Komnas HAM* as potential gross human rights violations.

These incidents are not discussed here for the purpose of determining individual criminal responsibility or documenting violations in detail. Rather, they illustrate a broader pattern of recurring violence, allegations of serious abuses, and continuing impunity during the Reformasi period. They also demonstrate that, notwithstanding the absence of any formal declaration of emergency or conflict status, Papua continued to experience sustained security operations and repeated episodes of violence affecting the civilian population. The humanitarian consequences of these incidents, together with the conduct of the parties and their compliance with international humanitarian law, are examined in greater detail in Chapter 4.

Escalation following the Nduga incident

The contemporary phase of the violence is generally traced to the events of December 2018, when members of the TPNPB killed 20 workers employed by PT Istaka Karya in Nduga Regency.[16] The Indonesian Government responded by deploying additional joint TNI–Polri forces to the region. The operation triggered large-

[15] https://www.tempo.co/arsip/komnas-ham-temukan-pelanggaran-ham-berat-di-papua-2005083 accessed on 24 Desember 2025.

[16] Karina M. Tehusijarana, 7 December 2018 Papua mass killing: What happened - National - The Jakarta Post accessed on 9 November 2025.

scale displacement and significant disruption to public services. According to data cited by the Ombudsman of the Republic of Indonesia, more than 45,000 people were displaced across Nduga Regency, with eight districts reportedly emptied entirely as residents fled the violence.[17]

Based on the report by the Papua Task Force of Gajah Mada University in 2022, the number of armed conflicts in Papua continues to increase. Of the total 348 acts of violence in Papua that occurred from January to March 2022, 71% or 275 of them were motivated by separatist motives and 202 of these incidents occurred between 2018 to March 2022.[18] This increasing escalation of violence was also included in the Human Rights Monitor report which recorded that from 2018 to July 2022 there were 274 incidents of armed attacks[19]. Based on the data released by CSIS, in 2025 there were at least 141 victims of armed conflict until September 2025. The majority are victims of military operations or attacks carried out by the TPNPB-OPM (23) while nine incidents were perpretated by the TPN-PB.[20]

Reports from a range of institutions indicate that armed clashes increased substantially after 2018. Data collected by the Papua Task Force of Gadjah Mada University, Human Rights Monitor, and the Centre for Strategic and International Studies (CSIS) all point to a marked increase in armed attacks, military operations, and conflict-related casualties. These developments are examined in greater detail in Chapter 3 as part of the assessment of the intensity criterion for a non-international armed conflict.

Military Operations and the Contemporary Legal Framework

The legal basis for military operations in Papua remains contested. Under Law No. 34 of 2004 on the Indonesian National Armed Forces (*Tentara Nasional Indonesia* or TNI), military operations are divided into Military Operations for War and Military Operations Other than War (*MOOTW*). Both categories require a state political decision for their implementation, and the law envisages an important role for the President and the House of Representatives in authorising and overseeing military deployments. [21]

Despite these provisions, no request for parliamentary approval appears to have been made in relation to military operations in Papua.[22] Critics argue that this has

[17] Press Release of the Ombudsman of the Republic of Indonesia dated 29 August 2019 available on Investigasi Ombudsman RI Terkait Pelayanan Publik Pengungsi di Nduga Papua , accessed on 10 November 2025

[18] Data on Violence in Papua in 2010-2022 collected by the Papua Task Force of University of Gadah Mada available on Data Kekerasan di Papua , accessed on 10 November 2025.

[19] Human Rights Monitor, 29 July 2022, Armed conflict in West Papua reaches new level of escalation in 2022 accessed on 10 November 2025.

[20] Available on CSIS Catat 141 Korban Kekerasan Di Papua Sepanjang 2025 , accessed on 10 November 2025.

[21] Provided by Article 14 of Law No. 3 Year 2002 on State Defence and Article 18 of Law No. 34 Year 2004 on Indonesia Military Forces.

[22] In terms of carrying out military operations other than war in the form of carrying out world peace duties, the decision-making mechanism is quite clear, starting from the preparation of task forces in accordance with the operational requirements and technical specifications of United Nations standards to the preparation of Presidential Decree documents by the Minister of Defence. For more details, see Article 4 of Republic of Indonesia Presidential Regulation No. 86 Year 2015 on Sending Peacekeeping Missions and Article 16 of the Republic of Indonesia Minister of Defence Regulation No. 23 Year 2020 on the Amendments to Minister of Defence Regulation No. 14 Year 2016 on the Policy for Sending Troops for World Peacekeeping Missions. See also: Tugas dan Fungsi Legislasi, Anggaran, dan Pengawasan DPR accessed on 11 November 2025.

limited parliamentary oversight and reduced transparency regarding the objectives, scope, duration, and financing of military deployments. Although Law No. 3 of 2025 amended the TNI Law and now provides that Military Operations Other than War are to be regulated by government or presidential regulation, no such regulations governing operations in Papua had been issued at the time of writing.

The ambiguity surrounding the legal characterisation of the violence is further reflected in the terminology used by Indonesian institutions. In 2021, the Government adopted the designation "Armed Criminal Group" (*Kelompok Kriminal Bersenjata* or KKB) in reference to the OPM, while at other times officials referred to "Terrorist Separatist Groups". In April 2024, however, the TNI returned to using the term "Free Papua Movement" (*Organisasi Papua Merdeka* or OPM), explaining that the group possessed a sufficiently clear organisational structure and ideological objective to distinguish it from ordinary criminal actors.[23] The Indonesian National Police continued to employ different terminology. These competing classifications reflect the absence of a consistent governmental position regarding the legal nature of the violence in Papua.[24]

A similar ambiguity can be observed in TNI Commander Regulation No. 43 of 2023 concerning military development in Papua. The Regulation provides specialised training for troops deployed to Papua and recognises the applicability of both Military Operations for War and Military Operations Other than War. It also establishes a system of extraordinary promotions for personnel who demonstrate exceptional courage or are killed in direct combat. The simultaneous reference to both categories of military operation may be understood as reflecting the complexity of the security environment in Papua and the absence of a settled legal framework governing military operations there.

Taken together, these developments demonstrate that the violence in Papua has long occupied an uncertain position within Indonesia's domestic legal framework. Military operations have been conducted continuously for decades, yet no formal emergency status has been declared, no comprehensive legal framework specifically regulating military operations in Papua has been adopted, and state institutions continue to employ competing characterisations of the violence. This legal ambiguity forms an important part of the context in which the applicability of international humanitarian law must be assessed.

Recent military operations in Papua

The contemporary security environment in Papua is characterised by a substantial and expanding military and police presence. Over time, the Indonesian Government has progressively increased the number of military formations, commands, and personnel stationed throughout Papua, reflecting both the strategic importance attached to the region and the persistence of security challenges associated with armed resistance movements.

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[23] Beda Sikap TNI dan Polri soal OPM dan KKB hingga Perpres Tak Kunjung Keluar - Monitor Indonesia accessed on 11 November 2025

[24] Breaking News! Operasi Senyap Pasukan Elite TNI di Rimba Papua Tewaskan 2 Komandan KKB accessed on 11 November 2025

The first regional military command established in Papua was Regional Military Command XVII/West Irian (*Kodam XVII/Irian Barat*), created on 17 August 1962 through a decree of the Minister and Army Commander. Its development was initially affected by the implementation of the New York Agreement and the transfer of administration through the United Nations Temporary Executive Authority (UNTEA). Following the completion of that process, the command was re-established on 17 May 1973 as Regional Military Command XVII/Cenderawasih (*Kodam XVII/Cenderawasih*). Although Kodam Cenderawasih was merged with Kodam Pattimura in 1985 under Kodam VIII/Trikora, it was reactivated in 2007 as part of a broader reorganisation of the Indonesian military command structure.

The military footprint in Papua has continued to expand in recent years. On 19 December 2016, the Indonesian Government established Regional Military Command XVIII/Kasuari (*Kodam XVIII/Kasuari*) to assume responsibility for areas previously administered from outside Papua. More recently, following the division of Papua into additional provinces, President Prabowo Subianto inaugurated Regional Military Command XXIV/Mandala Trikora (*Kodam XXIV/Mandala Trikora*) on 10 August 2025. The new command is responsible for South Papua Province and forms part of a broader programme of military expansion that has included the establishment of new battalions and commands throughout the region. The Government has also indicated that additional regional military commands may be established in Central Papua and Southwest Papua in the future.

At present, Kodam XVII/Cenderawasih operates across Papua Province, Papua Highlands Province, and Central Papua Province. Kodam XVIII/Kasuari covers West Papua and Southwest Papua Provinces, while Kodam XXIV/Mandala Trikora is responsible for South Papua Province. Beneath these regional commands is an extensive territorial structure comprising military resort commands (*Korem*), military district commands (*Kodim*), and military sub-district commands (*Koramil*). According to available data, there are at least 29 military district commands and 306 military sub-district commands distributed throughout Papua, supported by approximately 10,276 territorial troops and 1,777 Village Guidance Non-Commissioned Officers (*Babinsa*) stationed in villages across the region.

In addition to territorial forces, the Indonesian military maintains substantial combat formations in Papua. These units are drawn from regional military commands as well as national-level commands such as the Army Strategic Reserve Command (*Kostrad*) and the Special Forces Command (*Kopassus*). Kodam XVII/Cenderawasih alone is reported to contain at least nineteen combat battalions and three combat detachments. Timika also hosts the headquarters of Joint Regional Defence Command III (*Kogabwilhan III*), which oversees military operations throughout Maluku and Papua, as well as the recently established Special Forces Command Group 6. Based on estimates by Supriatma and Salam (2025), the Kodam XVII/Cenderawasih area alone contains approximately 14,346 military personnel.

Kodam XVIII/Kasuari is estimated to contain approximately 8,400 personnel organised into twelve combat battalions. The region also hosts the Indonesian Navy's Third Fleet Command (*Koarmada III*), responsible for maritime defence throughout Eastern Indonesia. Through its network of naval regional commands, naval bases, and

maritime territorial personnel, the Navy maintains a significant presence throughout Papua. Conservative estimates place the total number of naval personnel in Papua at approximately 12,910.

The recently established Kodam XXIV/Mandala Trikora is estimated to comprise approximately 5,768 personnel operating through military district commands in Merauke, Boven Digoel, and Mappi Regencies. The Indonesian Air Force also maintains a substantial presence through Air Force Regional Command III (*Koopsud III*), headquartered in Biak Numfor, with personnel and facilities distributed across multiple provinces. Available estimates place the total number of Air Force personnel in Papua at approximately 4,817.

Alongside the military presence, the Indonesian National Police maintain two regional police commands: the Papua Regional Police and the West Papua Regional Police. Although Papua has expanded from two provinces to six, police command structures have not expanded at the same rate, with several newly created provinces remaining under the authority of existing regional commands. Available estimates place the total number of police personnel in Papua at approximately 26,660. Combined with military personnel, this results in an estimated security force presence of approximately 83,177 personnel across the island.[25]

The significance of these figures extends beyond questions of force structure and administration. They illustrate the scale, permanence, and institutionalisation of the Indonesian state's security presence in Papua and provide important context for understanding the contemporary security environment. The extensive deployment of military and police personnel, the establishment of new commands and battalions, and the continuing expansion of security infrastructure all form part of the factual background against which the nature and intensity of the violence must be assessed. Together with the historical development of the TPNPB and the patterns of hostilities discussed elsewhere in this report, these developments provide an important foundation for the analysis in the following chapter, which examines whether the situation in Papua meets the threshold of a NIAC under IHL.

[25] Made Supriatma and Fahri Salam, Perang yang Timpang: 83.000 Pasukan Organik TNI-Polri dalam Agenda Kekerasan Indonesia di Papua accessed on 5 January 2026



Chapter 3
Classifying The Situation in Papua as a NIAC

Background on the concept of a NIAC under IHL

IHL is the body of international law that applies in armed conflict. Its purpose is to limit the suffering caused by war by regulating the conduct of hostilities and by protecting those who are not, or who are no longer, taking active part in them. Two principles underpin the regime. The first restrains the means and methods of warfare, prohibiting weapons and tactics that cause unnecessary suffering or fail to distinguish between combatants and civilians. The second protects persons in the hands of, or otherwise affected by, the parties to a conflict, including the wounded and sick, civilians, persons deprived of liberty, and others *hors de combat*. IHL does not seek to determine whether the decision to go to war was lawful. Rather, its purpose is to regulate the conduct of the parties once the war has begun.

Modern IHL has two historical strands. The Hague Conventions of 1899 and the 1907 codified rules on the conduct of hostilities between States, dictating what may be done in war, with what weapons, and against which targets. The Geneva tradition, beginning with the 1864 Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, focused on the protection of victims of war. The four Geneva Conventions of 1949, adopted in the aftermath of the Second World War, drew the two strands closer together and substantially expanded the scope of protection. The two most consequential expansions for present purposes were the introduction of dedicated treaty protection for civilians (Geneva Convention IV) and Article 3, common to each of the four Geneva Conventions, which regulated conflicts not of an international character. Indonesia ratified all four 1949 Geneva Conventions in 1958.

Before 1949, internal armed conflict was almost entirely a matter of domestic law. Insurgents were treated as criminals, the State's response was a matter of sovereign discretion, and international law had little to say. Common Article 3 broke with this position. It bound both the State and the non-State armed group to a minimum standard of humane treatment for persons taking no active part in hostilities, prohibiting violence to life and person (including murder, mutilation, cruel treatment and torture), the taking of hostages, outrages upon personal dignity, and the passing of sentences and execution of judgments without the judicial guarantees indispensable in a regularly constituted court.

The drafting of Common Article 3 was difficult and the compromise was deliberate. States were unwilling to accept extensive international regulation of what they regarded as internal affairs, with many fearing that an overly broad provision would capture ordinary criminality or low-level disorder. Part of the negotiated solution sought to ensure that Common Article 3 did not affect the legal status of the parties to the conflict, allowing State parties to continue to criminalise insurrection, and to avoid codifying a definition for the existence of a NIAC. The ground it broke was nonetheless important. For the first time, international law constrained the conduct of all parties to a non-international armed conflict, including non-State armed groups. The International Court of Justice subsequently described the provisions of Common Article 3, in *Military and Paramilitary Activities In and Against Nicaragua*, as a "minimum yardstick" binding in all armed conflicts and reflecting "elementary considerations of humanity".

A second treaty addressing non-international armed conflict was adopted in 1977: Additional Protocol II to the Geneva Conventions (APII). AP II built on Common Article 3 with more detailed rules on the treatment of persons in the power of a party, the conduct of hostilities, and the protection of certain objects. Its scope, however, is narrower than that of Common Article 3. AP II applies only to conflicts between a State's armed forces and "dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol" (AP II, Art 1(1)). Indonesia is not a party to AP II. The Protocol therefore does not apply to the situation in Papua as a matter of treaty law. Where this report mentions the provisions of AP II, it is with the understanding that the relevant provision is applicable to all NIACs under customary international law.

The absence of a definition of armed conflicts not of an international character was addressed most influentially by the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia in *Prosecutor v Tadić*. In its 1995 Decision on Jurisdiction the Appeals Chamber held that:

> *an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.*

This formulation, commonly referred to as the *Tadić* formula, is now the dominant statement of the threshold for the existence of a NIAC under Common Article 3 and customary international law. It has been adopted by the ICTY in subsequent decisions, by the International Criminal Tribunal for Rwanda, by the International Criminal Court, and by the ICRC. Two criteria emerge from the formula: the violence must reach a sufficient level of intensity (with intensity assuming greater significance than the original formulation of "protractedness"), and the non-State party to the conflict must be sufficiently organised.

Once the threshold of a NIAC has been met, international humanitarian law IHL applies to all parties to the conflict, including both State armed forces and organised armed groups, and governs the conduct of hostilities and the treatment of persons affected by the conflict. As the ICTY Appeals Chamber explained in *Tadić*, IHL applies "from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a peaceful settlement is achieved", continuing to regulate the conduct

of parties throughout the territory under their control, whether or not active combat is taking place. The ICRC similarly explains that NIACs continue until there has been a cessation of hostilities without a real risk of resumption. During this period, IHL protects civilians and all *persons hors de combat*, including detained fighters, the wounded and sick, and others no longer taking direct part in hostilities, while also imposing obligations on parties regarding humane treatment, distinction, proportionality, precautions in attack, detention, and humanitarian access. Serious violations of these rules may entail individual criminal responsibility and constitute war crimes under customary international law.

The test for determining a NIAC

The two central criteria for establishing a NIAC emerging from subsequent jurisprudence and commentary are therefore: (1) the organisation of the non-State armed group(s); and (2) the intensity of the violence. These requirements serve an important delimiting function. They distinguish situations of armed conflict from riots, isolated acts of violence, banditry, criminality, or sporadic unrest that remain governed exclusively by domestic law and international human rights law.

a. Organisation of the non-State party

The organisational requirement does not demand that a non-State armed group (NSAG) resemble a conventional State military. Rather, the question is whether the group possesses a sufficient degree of collective organisation to enable it to engage in sustained military operations and to implement IHL obligations. ICTY jurisprudence, later relied upon extensively by the ICRC Commentary to Common Article 3, has identified a non-exhaustive range of indicia relevant to this assessment. These include the existence of a command structure or hierarchical chain of command; internal disciplinary mechanisms and the ability to enforce compliance with orders; the capacity to recruit, train and equip fighters; the ability to plan, coordinate and carry out military operations; the capacity to speak with one voice through political or military leadership; control over territory or infrastructure; logistical capacity, including weapons procurement and communications systems; and the ability to negotiate, conclude or implement agreements such as ceasefires or humanitarian arrangements. Other indicators sometimes relied upon include the wearing of uniforms or identifying insignia, the establishment of headquarters or training camps, and the ability to sustain military operations over time. No single factor is determinative. Rather, the assessment is holistic and functional, directed toward whether the armed group possesses sufficient cohesion and structure for IHL realistically to regulate its conduct.

Importantly, contemporary armed groups need not display rigid or centralised military hierarchies in order to satisfy the organisational threshold. The ICRC's Roots of Restraint in War and more recent commentary emphasise that many modern armed groups operate through decentralised, networked, clan-based, ideological, or semi-autonomous structures while nevertheless retaining sufficient organisation for the purposes of NIAC classification. Fragmentation,

fluctuating membership, local autonomy, or informal command relationships do not necessarily preclude a finding of organisation where there remains an identifiable capacity for collective action, operational coordination, and implementation of decisions across the group. The relevant inquiry is therefore practical rather than formalistic. In some contexts, organisation may derive not from rigid hierarchy but from social, tribal, familial, ideological, or political bonds capable of generating discipline and coordinated violence. This functional approach reflects the underlying purpose of the organisational criterion: to determine whether the group is sufficiently coherent that IHL obligations can meaningfully apply to its conduct.

The table below, developed from the ICRC Roots of Restrain in War, highlights the different structures that can exist in various types of NSAGs. In the following section, it will be noted that the TNPNB adopts a more decentralised structure while still meeting the organisational requirements.

Nature	Indicator	Centralised	Decentralised	Integrated with the community
Location and type of authority	Operational authority	Highest leaders	Subordinate commander	Negotiated between various authorities both inside and outside the group
	Decision making	Top-down approach	Consensus amongst the subordinate commanders	Joint decision-making with main stakeholders
	Nature of authority	Bureaucratic (i.e., visible in every interaction, such as saluting)	Charismatic, with weak bureaucracy	Charismatic
Nature of hierarchy	Hierarchical levels in an organization	Predefined hierarchy (9–17 levels)	Limited hierarchy (5–8 levels)	Plain hierarchy (1–4 levels)
	Consistent use of ranks throughout the organization.	Very organized	Limited	Not present
	Promotion from one level to the next level	Very organized	Informal	Informal and flexible
	Tingkat koordinasi militer	High	Limited	Low

Nature	Indicator	Centralised	Decentralised	Integrated with the community
Discipline nature	Observable rules	Clear signs of military discipline; a regular daily schedule; internal mechanisms for military justice.	Minimum signs of military discipline, regular schedules, or internal mechanisms.	There is no sign of military discipline.
	Rules codification	Rules are documented and explicitly referenced.	Some rules are documented	Unwritten rules that are passed down verbally
	Consistent application of rules	Consistent throughout the organisation	Not consistent	There is no consistency within the whole group
Level of social isolation	Interaction with individuals outside the group	Tightly controlled; explicit permission is required to leave the barracks or camp.	Few interactions	Integrated into the social structure (remain members of the community)

b. Intensity of the violence

The second criterion is the intensity of the violence. This requirement excludes situations of internal disturbances and tensions, such as riots, demonstrations, isolated terrorist attacks, banditry, or sporadic acts of violence, from the scope of NIAC. International jurisprudence has consistently assessed intensity through a range of factual indicators rather than any fixed numerical threshold. Relevant indicia include the frequency and seriousness of armed clashes; the duration of the violence; the spread of hostilities over territory and time; the number of fighters involved; the mobilisation of governmental military forces rather than ordinary police; the types of weapons employed, including military-grade arms or explosives; casualty figures; displacement of civilians; destruction of property and infrastructure; the establishment of checkpoints or defensive positions; the imposition of emergency measures; and the attention devoted to the situation by the UN Security Council or other international bodies. Sustained military operations, repeated engagements between organised forces, or the deployment of specialised counterinsurgency units may all indicate that violence has crossed the threshold from internal unrest into armed conflict.

The intensity assessment is contextual and cumulative. Isolated incidents, even if serious, will generally not suffice absent evidence of sustained or protracted violence. Conversely, the existence of geographically dispersed clashes does not preclude a NIAC where they form part of a broader pattern of organised hostilities between identifiable parties. The ICTY and subsequent international practice have consistently emphasised that the analysis should focus on the reality of the violence rather than formal characterisations adopted by the State concerned. A State's refusal to recognise the existence of an armed conflict, or its characterisation of events as "terrorism", "criminality", or "separatism", is not determinative if the objective criteria of organisation and intensity are met as a matter of fact.

c. Scope of application

Once these thresholds are satisfied, IHL applicable to NIACs applies across the territory under the control of the parties to the conflict and governs conduct sufficiently connected to the armed conflict, including outside the immediate zone of active hostilities. The temporal scope of NIAC is also broader than periods of active combat alone. As the ICTY Appeals Chamber stated in *Tadić*, IHL applicable in NIAC continues "until a peaceful settlement is achieved". More recent ICRC commentary refines this position by explaining that a NIAC continues until there has been a cessation of hostilities without a real risk of resumption. Thus, temporary lulls in violence, ceasefires, tactical pauses, or short periods of reduced hostilities do not necessarily terminate a NIAC where the parties remain organised, armed, and capable of rapidly resuming military operations. This reflects an important functional concern within IHL: avoiding a "revolving door" of legal applicability in which protections fluctuate unpredictably with every temporary escalation or de-escalation in violence.

At the same time, the continuation of the NIAC framework should not be presumed indefinitely once organised hostilities have genuinely ceased. IHL is an exceptional legal regime designed specifically for situations of armed conflict. Where the factual circumstances no longer satisfy the objective criteria for NIAC—for example, because organised armed groups have fragmented, demobilised, surrendered, or lost the capacity to conduct sustained military operations, and hostilities have ceased without a genuine prospect of renewal—the applicable legal paradigm reverts primarily to domestic law and international human rights law, including law enforcement standards governing the use of force and detention. This transition is important both legally and normatively. While IHL provides critically important protections during armed conflict, it also permits forms of force and targeting authority that are exceptional by peacetime standards. The continued application of IHL must therefore rest on the existence of an armed conflict as a matter of objective legal fact, not on policy preferences or strategic convenience.

Applying the NIAC threshold to the situation in Papua

Having outlined the legal framework governing the classification of NIACs, the

following sections assess whether the TPNPB satisfy the organisational requirement and whether the violence between the TPNPB and the TNI is sufficiently intense to reach the threshold of a NIAC. This chapter examines hostilities across several regions of Papua, including Maybrat Regency in Southwest Papua Province, Intan Jaya Regency in Central Papua Province, and Nduga and Pegunungan Bintang Regencies in Papua Highlands Province. However, this does not mean that the NIAC status applies only to the specific points where hostilities occur. On the contrary, the NIAC encompasses the entire territory of the Land of Papua.

Organisation of the West Papua National Liberation Army

The available information suggests that the TPNPB operates through a decentralised structure in which regional commands retain significant autonomy while coordinating through broader political and military leadership frameworks. Different territorial or ethnic regions may maintain local commanders and operational independence while nonetheless participating in wider collective strategy, communication, and coordination. The TPNPB has also publicly referred to internal disciplinary mechanisms, including a soldier's oath, disciplinary rules, and command-based communication procedures. These factors demonstrate sufficient organisation to sustain coordinated military activity and to implement, at least in principle, obligations under IHL, thereby satisfying the organisation threshold.

a. The 2012 TPNPB Summit and organisational reform

As outlined in the previous chapter, the most significant phase of organisational restructuring occurred through a series of meetings culminating in the National Liberation Army Summit held from 1–5 May 2012 at Perwomi Headquarters on Biak Island. The Summit resulted in the establishment of a formalised national command structure and the election of senior military leadership. Goliath Tabuni was elected Commander-in-Chief with the rank of Four-Star General, Gabriel Awom as Deputy Commander, and Terryanus Satto as Chief of General Staff.

The Summit also established a "Military Council" composed of central and regional representatives and formalised the division of the organisation into Regional Defence Commands (Komando Daerah Pertahanan – Kodap). Following these reforms, the movement increasingly referred to itself as the West Papua National Liberation Army National Command (TPNPB), emphasising the creation of a unified military structure operating under a national leadership framework.

The significance of these reforms lies not merely in political symbolism, but in the apparent institutionalisation of command-and-control mechanisms, regional military structures, and coordinated operational systems. Under IHL, decentralised armed groups may satisfy the organisational criterion where there is evidence of coordinated leadership, operational continuity, and the capacity to sustain military operations.

b. Regional Defence Commands (Kodap)

One of the clearest indicators of TPNPB organisation is the existence of Regional Defence Commands (Kodap) distributed throughout Papua. According to materials cited in this report, the TPNPB presently operates through 36 Kodap structures. These commands function as regional military units with responsibility for operations in specific geographic areas.

The Kodap system demonstrates territorial division of military responsibilities and reflects an enduring organisational structure rather than sporadic or spontaneous armed violence. Different Kodap have publicly claimed responsibility for attacks, coordinated military activity within their respective regencies, and communicated through recognised spokespersons and command channels.

The existence of identifiable regional commands is also reflected in the responses of Indonesian authorities, who regularly refer to specific Kodap structures and commanders during military operations in Papua. Indonesian military deployments and counterinsurgency operations are frequently directed against named TPNPB units operating in areas including Nduga, Intan Jaya, Maybrat, and Pegunungan Bintang.

c. Operational capacity and sustained hostilities

The TPNPB has demonstrated the capacity to sustain armed operations over an extended period and across geographically dispersed areas. This constitutes an important indicator of organisation under the *Tadić* framework.

The escalation of violence following the December 2018 attack against PT Istaka Karya workers in Nduga marked a significant turning point in the conflict. The attack involved coordinated operations conducted by forces associated with the TPNPB under the leadership of Egianus Kogoya. Following the incident, TPNPB spokesperson Sebby Sambom publicly justified the attack and characterised the victims as Indonesian military intelligence personnel.

Since 2018, armed clashes between the TPNPB and Indonesian security forces have intensified significantly across multiple regencies. Operations attributed to the TPNPB have included ambushes against military personnel, attacks on military posts, targeted killings, hostage-taking operations, and coordinated armed engagements involving multiple fighters. These incidents have occurred repeatedly in Nduga, Intan Jaya, Pegunungan Bintang, and Maybrat.

The TPNPB has also demonstrated the ability to sustain operations despite extensive Indonesian military deployments. This includes the capacity to regroup, manoeuvre across difficult mountainous terrain, maintain communication between fighters and leadership structures, and continue military activity over prolonged periods.

d. Communications, leadership, and public representation

The TPNPB also exhibits organisational characteristics through its communications structures and public representation. The organisation maintains recognised spokespersons, most prominently Sebby Sambom, who regularly issues statements concerning military operations, political objectives, Indonesian military activity, and the position of the organisation on negotiations and humanitarian issues.

The consistent use of public communications channels, claims of responsibility, command announcements, and coordinated messaging indicates the existence of institutional continuity beyond isolated local armed groups. The movement also employs military titles, formal leadership appointments, and identifiable command hierarchies.

Although the TPNPB remains decentralised and operational control likely varies between regions, international humanitarian law does not require a non-state armed group to exercise complete territorial control or possess perfectly centralised command structures in order to satisfy the organisational criterion for a NIAC. Rather, the relevant inquiry is whether the group possesses sufficient organisation to sustain collective military activity and engage in protracted armed violence. On the available evidence, the TPNPB satisfies that threshold.

Intensity of violence

The second issue concerns the intensity of the violence between the parties. As explained above, the NIAC threshold excludes isolated acts of violence, riots, and sporadic unrest, instead requiring protracted armed violence of sufficient seriousness and scale. This section considers the frequency, duration, and geographical spread of armed clashes between the TNI and TPNPB; the deployment of military rather than purely law enforcement responses; the types of weapons and tactics employed; casualty figures; attacks on military and civilian targets; displacement patterns; and the broader operational environment across the relevant regions.[26] Particular attention is paid to whether incidents occurring across multiple regencies form part of a broader pattern of sustained hostilities between organised parties rather than disconnected or isolated episodes of violence.

Based on data from the Armed Conflict Location and Event Data (ACLED), Papua is the location with the highest number of conflicts in Indonesia. As many as 542 of 673, or 80% of the total number of armed clashes in Indonesia, occurred in Papua. Meanwhile, 654 of the total 1,082 attacks on civilians by armed forces in Indonesia occurred in Papua.

The intensity criterion is not assessed solely by reference to the frequency of armed clashes or the number of fighters involved. International jurisprudence and expert commentary also draw on the broader humanitarian and civilian impact of

[26] ICRC, "How Is the Term "Armed Conflict" Defined in International Humanitarian Law?", *ICRC Opinion Paper 2024* (ICRC, 2024), p.14

the hostilities. For example, both the ICTY and ICRC commentaries recognise that civilian casualties, the destruction of civilian homes and infrastructure, displacement, and the inability of ordinary law enforcement mechanisms to contain the violence are all relevant in determining whether a situation has crossed the threshold from internal disturbances into protracted armed violence.[27] Accordingly, the widespread displacement of communities, occupation or destruction of schools, churches, and health facilities, disruption of humanitarian access, and broader patterns of insecurity affecting civilian populations in Papua are not merely humanitarian consequences of the violence; they are also legally relevant indicators supporting the conclusion that the intensity threshold for a NIAC has been met.

This chapter focuses on four regencies, Nduga, Pegunungan Bintang, Intan Jaya, and Maybrat, during the period 2018–2024. Together, these case studies illustrate the principal manifestations of the violence in Papua, including repeated armed clashes between Indonesian security forces (TNI/Polri) and the TPNPB, casualties among members of the parties, attacks affecting civilians and civilian infrastructure, displacement, and the broader humanitarian consequences of sustained hostilities. Considered cumulatively, these incidents provide important evidence of the scale, duration, and intensity of the violence occurring across Papua.

Nduga Regency

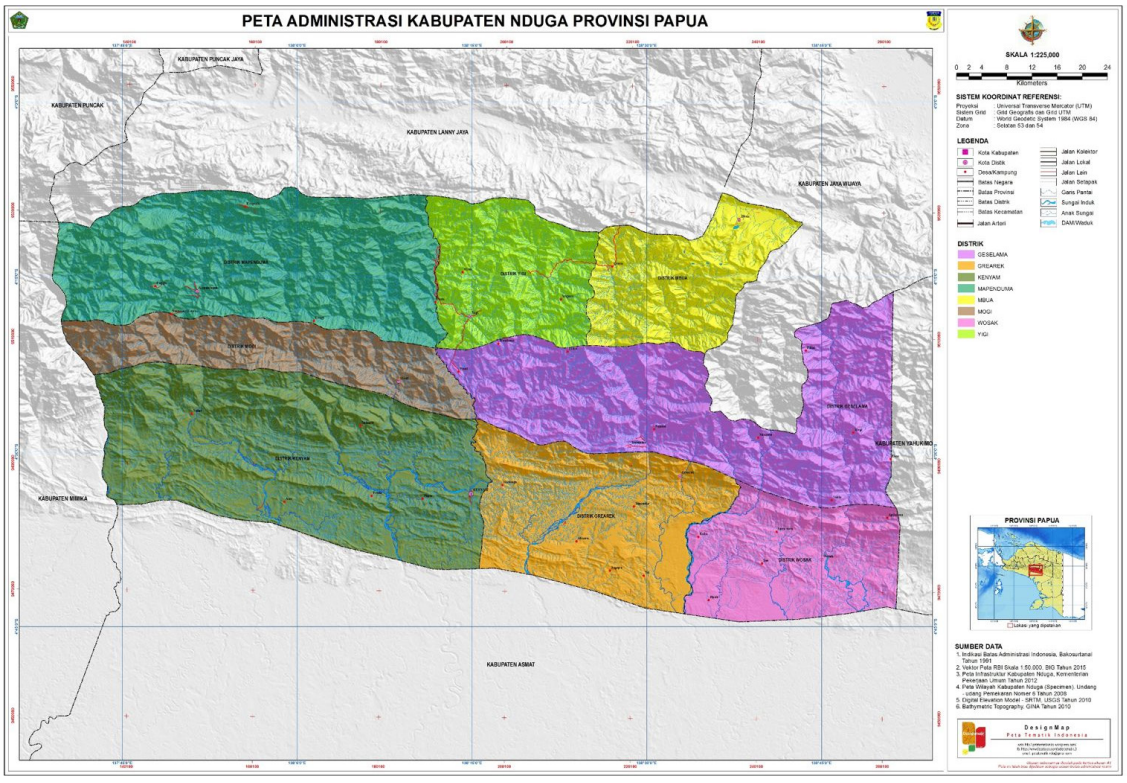


Figure 2. Administrative Map of Nduga Regency

[27] In *Haradinaj*, the ICTY identified relevant intensity factors including "the number of casualties", "the extent of material destruction", and "the number of civilians fleeing combat zones". *Prosecutor v Haradinaj et al*, ICTY Trial Chamber, Judgment, IT-04-84-T, 3 April 2008, [49]. Similarly, in *Boškoski and Tarčulovski*, the ICTY considered factors such as displacement, destruction of property, and the broader humanitarian consequences of the violence relevant to the intensity assessment. *Prosecutor v Boškoski and Tarčulovski*, ICTY Trial Chamber, Judgment, IT-04-82-T, 10 July 2008, [177]–[178]; ICRC Commentary on the First Geneva Convention (2016), Common Article 3, paras 423–444.

Armed clashes

Between 2018 and 2024, at least nine armed clashes were recorded in Nduga Regency between the Indonesian National Armed Forces (TNI), including joint TNI–Polri forces, and the West Papua National Liberation Army (TPNPB). These engagements resulted in at least twenty-one injuries and five fatalities among members of the TNI, Polri, and TPNPB.

The violence intensified following a series of armed confrontations across the regency. In July 2018, TNI personnel pursuing TPNPB members in Alguru Village, Krepkuri District, engaged in an exchange of fire that resulted in the deaths of two individuals identified as TPNPB members.[28]

Subsequent clashes continued to cause casualties among security forces. In November 2020, three TNI soldiers were injured during a clash with the TPNPB in Yigi District.[29] A similar confrontation occurred in July 2021, again resulting in injuries to three TNI personnel. [30]

The most militarily significant clash during the period occurred in 2022, when the TPNPB attacked the Mupe Task Force Post of the 3rd Marine Infantry Battalion in Kenyam. The attack injured ten soldiers and killed the commander of the post.[31]

Civilian casualties and impact

The effects of the violence in Nduga have extended well beyond those directly participating in hostilities. Between 2018 and 2024, at least twenty-three people were reportedly killed as a result of the conflict, the majority of whom were civilians. For example, in 2018, three civilian traders from South Sulawesi were killed during an attack on an aircraft transporting election logistics ahead of regional elections. The victims reportedly died while attempting to flee the airport during the attack.[32]

Civilian casualties continued to be reported in subsequent years. In 2023, three civil servants were killed in an attack attributed to the TPNPB, illustrating the continuing impact of the conflict on civilians and public administration in the region.[33]

The conflict has also affected civilian infrastructure and essential services. In 2021, the TPNPB allegedly set fire to facilities associated with a road construction project, including a diesel fuel tank used for asphalt paving operations. The attack also reportedly injured construction workers who were struck by gunfire.

Allegations concerning the use of civilian infrastructure by security forces have likewise been reported. In September 2024, following the release of Susi Air pilot Captain Phillip Mark Mehrtens, TNI personnel in Mebarok District were reported to

[28] https://haipapua.com/kepolisian-lumpuhkan-2-anggota-kksb-di-nduga/ accessed on 13 February 2026.

[29] Kontak Tembak di Nduga, Tiga Prajurit Terluka accessed on 14 February 2026.

[30] 3 Anggota Satgas Pinang Sirih Yonif 310/KK Terluka usai Kontak Tembak dengan KKB Egianus Kogoya accessed on 14 February 2026.

[31] KKB Serang Pos Marinir di Nduga, Danpos Tewas dan 9 Prajurit Terluka accessed on 14 February 2026

[32] Jelang Pilkada 3 Orang Tewas di Papua akibat serangan bersenjata accessed on 15 February 2026

[33] KKB Tembak Tiga Warga Sipil Termasuk ASN hingga Tewas di Nduga Papua Pegunungan accessed on 15 February 2026

have demolished civilian homes and damaged educational and health facilities for use as military guard posts.[34]

Maybrat Regency

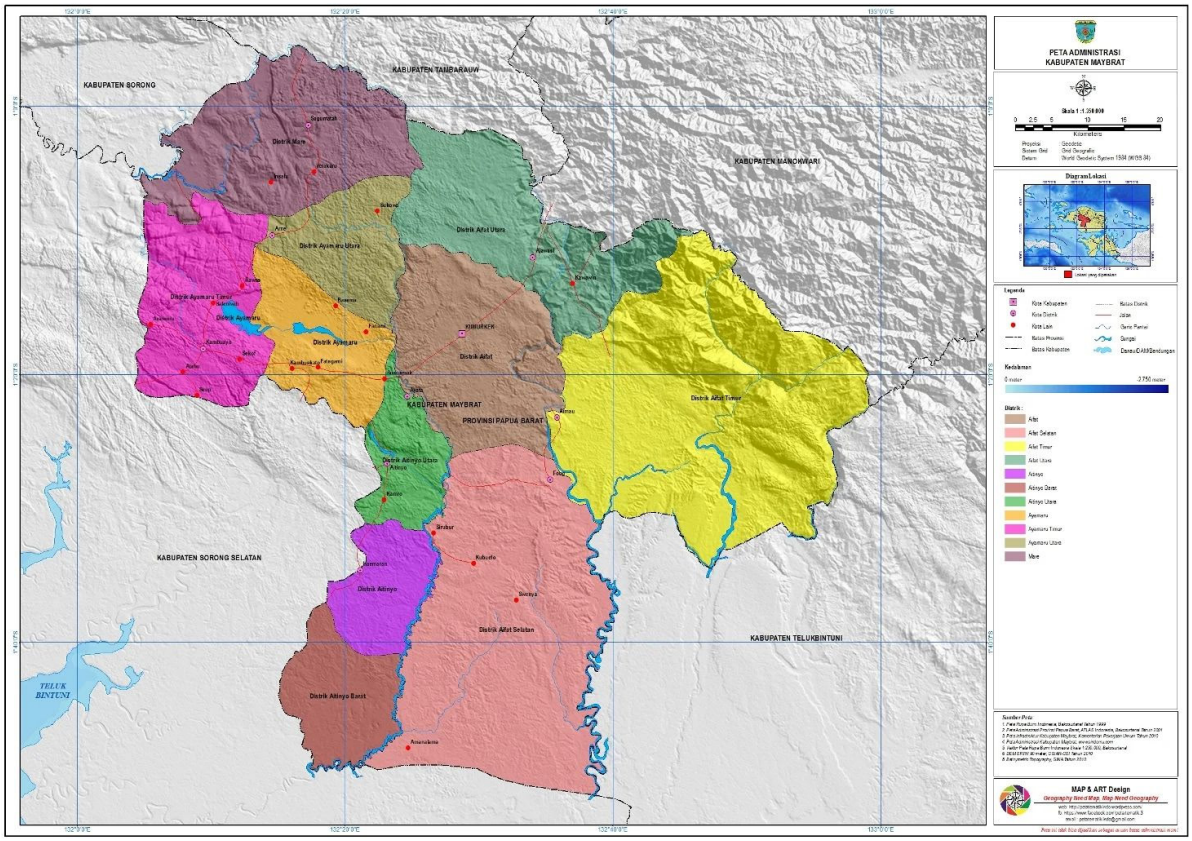


Figure 3. Administrative Map of Maybrat Regency

Armed clashes

One of the armed conflict incidents in Maybrat that garnered widespread public attention was the conflict on September 2, 2021, when the Koramil (Military District Command) post in Kisor, South Aifat District, was attacked by the TPNPB group. The attack resulted in the deaths of four TNI soldiers from the Border Security Task Force (Satgas Pamtas). Within a short period, conflict between the TPNPB and TNI forces broke out again in 2022, resulting in one TNI? soldier being killed and four others dying. This incident occurred on January 20, 2022, in the Central East Aifat District.

Civilian casualties and impact

The effects of the conflict in Maybrat have not been limited to members of the security forces and armed groups. Civilians have also been affected by the violence. On 11 December 2020, a civilian identified as OA was reportedly shot and killed by the

[34] TPNPB-OPM Klaim Duduki SD di Maybrat, Adang Rombongan Bupati hingga Tembak Intelijen TNI - Bagian 1 accessed on 15 February 2026

TPNPB in Maybrat. According to available monitoring data, at least three civilians have been killed as a result of the conflict in Maybrat since 2021.

The conflict has also affected schools, places of worship, and other civilian infrastructure. In 2021, ten public elementary schools and schools administered by the Catholic Education and School Foundation (*Yayasan Pendidikan Persekolahan Katolik* or YPPK), together with one public junior high school in East Aifat District, were reportedly evacuated. Churches and civilian homes were likewise vacated. According to reports, these facilities were subsequently used as military posts.

Allegations concerning the military use of civilian facilities have not been limited to state forces. In 2022, the TPNPB publicly acknowledged occupying an elementary school in Maybrat Regency as part of its resistance to the presence of security forces in the area.[35]

Intan Jaya Regency

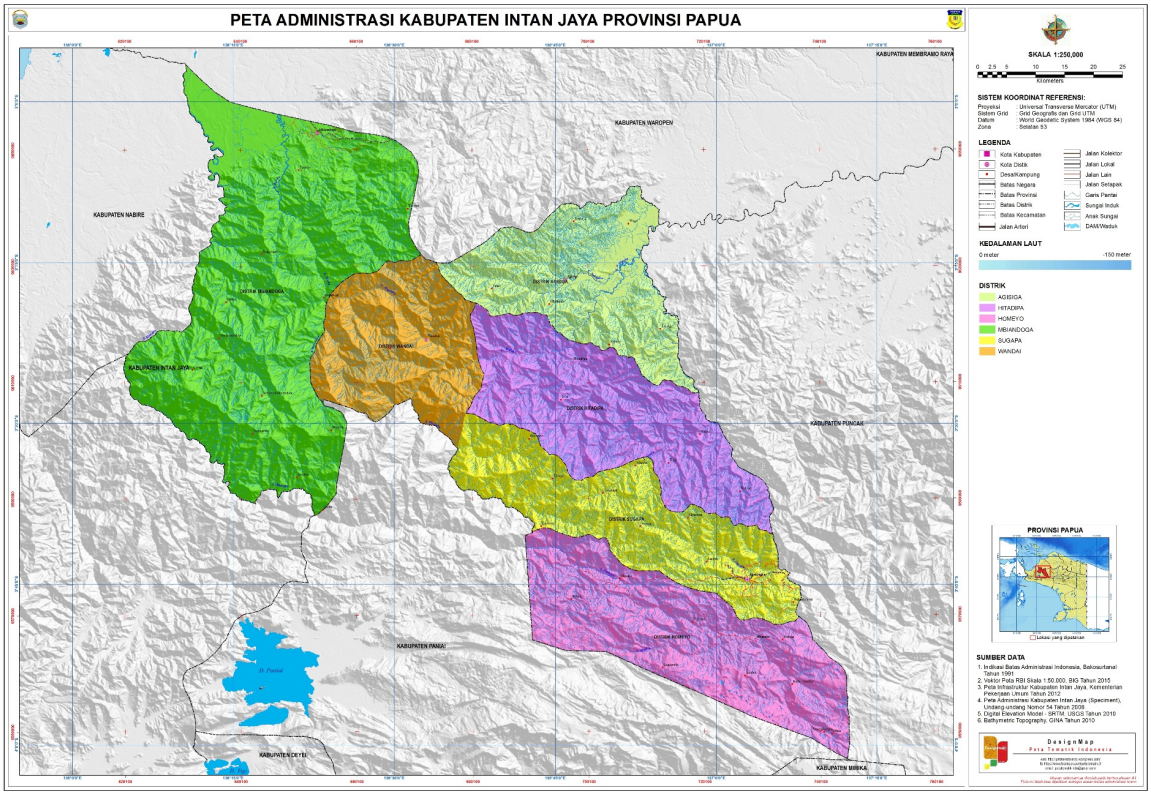


Figure 4. Administrative Map of Intan Jaya Regency

[35] Inews, https://papua.inews.id/berita/tpnpb-opm-klaim-duduki-sd-di-maybrat-adang-rombongan-bupati-hingga-tembak-intelijen-tni/2

Armed clashes

One of the most significant incidents occurred between 17 and 19 September 2020, when an armed clash resulted in the deaths of two TNI soldiers.[36] A further major engagement took place on 22 January 2024, during which three TPNPB members were killed following an armed clash with TNI personnel. [37]

These incidents illustrate that hostilities in Intan Jaya have extended beyond isolated security incidents and have involved repeated armed engagements resulting in fatalities among members of both parties. The recurrence of such clashes over multiple years demonstrates a sustained pattern of violence within the regency.

Civilian casualties and impact

The violence in Intan Jaya has also had a significant impact on civilians. One of the most prominent incidents was the killing of Pastor Yeremia Zanambani in September 2020, which the National Commission on Human Rights (*Komnas HAM*) concluded involved members of the Indonesian National Armed Forces (TNI).

Civilians have also been targeted by the TPNPB. On 25 October 2019, three motorcycle taxi drivers—Risal, Harianto, and Lasoni—were killed in Pugisiga Village, Hitadipa District. The following year, a medical worker was killed and two others injured after a shooting in Wandai District on 22 May 2020 that was attributed to the TPNPB.

These incidents are particularly significant because the victims included religious personnel, healthcare workers, and other civilians who are entitled to protection from the effects of hostilities. They demonstrate that the consequences of the violence in Intan Jaya have extended well beyond those directly participating in the conflict.

The conflict has also affected civilian infrastructure and essential services. On 19 September 2020, eight TNI personnel were reported to have set fire to a health facility in Hitadipa District, Intan Jaya Regency. According to the findings of *Komnas HAM*, the incident was linked to a sequence of events surrounding the killing of Pastor Yeremia Zanambani.[38]

Civilian educational facilities have likewise been affected. On 30 March 2022, a fire destroyed the One-Roof School building of YPPGI–Public Junior High School 2 Hitadipa. The TPNPB reportedly stated that the school was targeted because it believed the facility was no longer being used for educational purposes and had instead been occupied by TNI and police personnel. In addition to the destruction of the school building, a teacher was reportedly assaulted during the incident.[39]

More recently, on 25 October 2024, civilian facilities were damaged during military operations conducted in Sugapa District following an armed clash involving the TNI, Polri, and the TPNPB. During the operation, residents' homes and other civilian

[36] Daftar Panjang Kontak Senjata TNI-Polri Vs KKB di Papua, Mayoritas di Intan Jaya accessed on 15 February 2026

[37] Polda Papua sebut 3 anggota KKB Kelompok Yoswa Maisani luka berat - ANTARA News accessed on 15 February 2026

[38] Human Rights Monitor, 2023, "Destroy them first, discuss human rights later."

[39] *Polisi Sebut TPNPB Bakar Sekolah, Aniaya Guru Hingga Tembak Anggota TNI* accessed on 15 February 2026

structures were reportedly struck by gunfire, causing damage to buildings and property. Schools in the district were also closed as a result of the violence.[40]

Pegunungan Bintang Regency

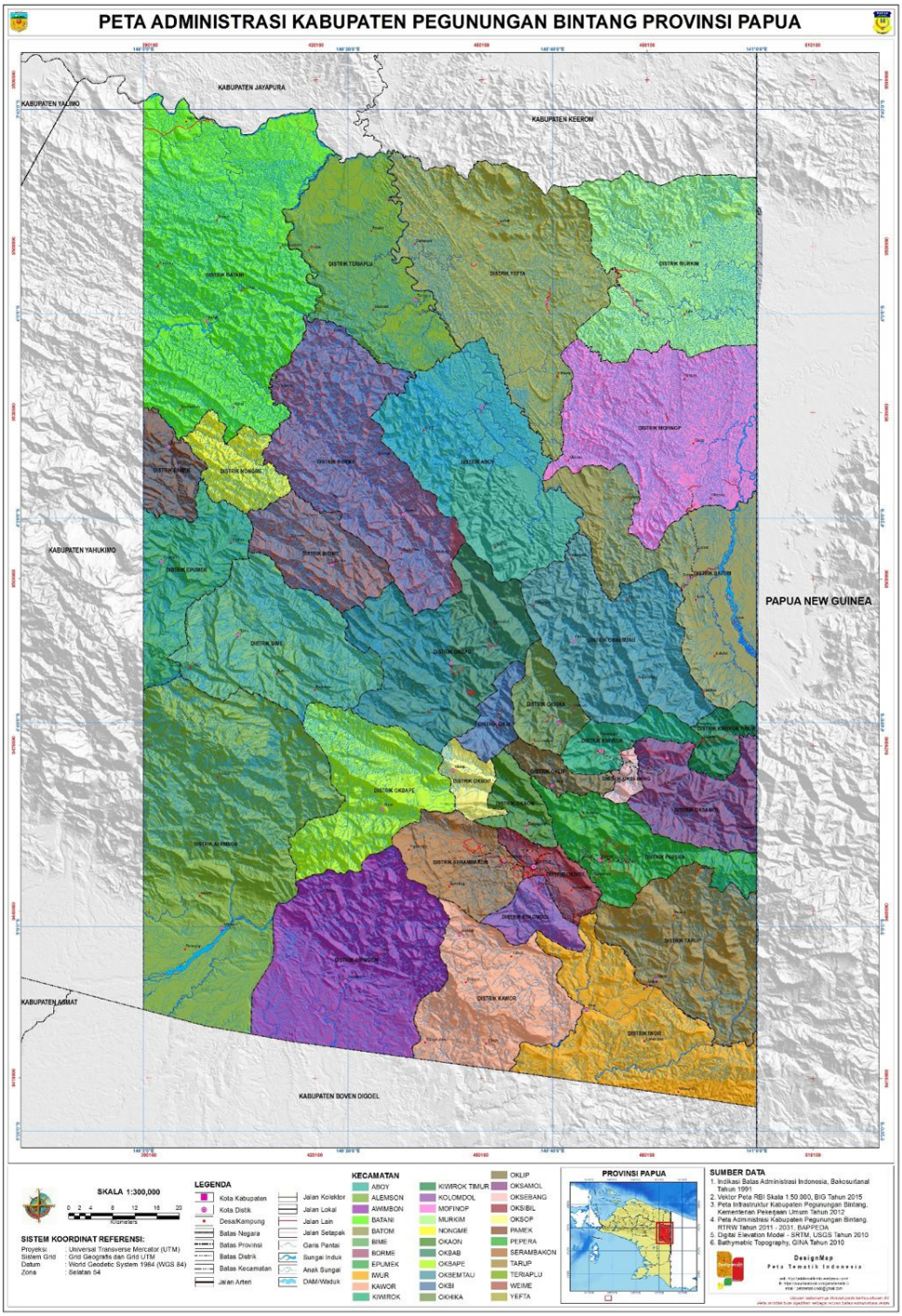


Figure 5. Administrative Map of Pegunungan Bintang Regency

[40] ALDP, *Laporan Situasi Umum Hak Asasi Manusia Tahun 2024 di Papua* (Report on General Situation of Human Rights in Papua 2024)

Armed clashes

Pegunungan Bintang Regency experienced the highest level of conflict-related violence among the four regencies examined in this report. Between 2018 and 2024, at least twelve armed clashes were recorded between Indonesian security forces and the West Papua National Liberation Army (TPNPB), resulting in nine injuries and seven fatalities among the parties to the conflict.

One significant incident occurred on 19 May 2021, when an armed clash between joint TNI–Polri forces and the Ngalum Kupel TPNPB lasted approximately one hour and resulted in injuries to several members of the Indonesian security forces. On 28 October 2022, TNI personnel were again involved in an armed clash with individuals identified as members of the TPNPB.[41]

The violence continued throughout 2023. On 18 September 2023, a member of the Cartenz Peace Task Force from the Mobile Brigade Corps (*Brimob*) was killed during an armed clash with the TPNPB in Yapimakot Village.[42] Less than a month later, on 4 October 2023, another armed engagement between the Cartenz Peace Task Force and the TPNPB resulted in the death of a TPNPB member.[43]

Hostilities persisted into 2024. One incident that attracted significant public attention occurred in Oksibil District, where an exchange of fire on 7 January resulted in injuries to three police officers.[44] These incidents illustrate the recurring nature of armed violence in Pegunungan Bintang and the continued capacity of both parties to engage in sustained hostilities.

Civilian casualties and impact

The conflict in Pegunungan Bintang has also had serious consequences for civilians. In 2021, a healthcare worker in Kiwirok District, Sister Gabriela Meilan, a 22-year-old medical staff member, suffered severe injuries and subsequently passed away. Three other healthcare workers—Sister Katrianti Tandila, Sister Kristina Sampe Tonapa, and a nurse named Emanuel—sustained serious injuries. The head of the Kiwirok Puskesmas (Public Health Center), Sem Taplo, was also reportedly subjected to severe torture as a result of the attack by the Ngalum Kupel TPNPB.[45]

On 5 November 2022, mining workers in Kawe Village, Awimbon District, were attacked, and a workers' camp was burned. The incident resulted in the death of one miner, whose body was reportedly found with severe injuries.

Civilian killings continued in subsequent years. On 18 August 2023, three people were killed in Yasoma Village, including two civil servants. In 2024, the village head of Modusit, who was also a member of the Pegunungan Bintang Civil Service Police

[41] Anggota KKB Tewas Ditembak Satgas Damai Cartenz di Kiwirok Papua accessed on 16 February 2026

[42] Kontak Tembak dengan KKB Pecah di Pegunungan Bintang Papua, 1 Anggota Brimob Gugur accessed on 16 February 2026

[43] Satgas Cartenz Tembak Mati Komandan KKB Kubu Ananias di Sembrakon accessed on 16 February 2026

[44] Baku Tembak dengan KKB, 3 Polisi Terluka | tempo.co accessed on 16 February 2026

[45] https://www.tempo.co/hukum/cerita-tenaga-kesehatan-korban-penyerangan-kkb-di-kiwirok-dilempar-ke-jurang--473150

Unit, was reportedly killed.[46] Another civilian, Senus Lepitalen, was shot and killed in his home in Borme District on 6 June 2024. According to a TPNPB spokesperson, he was targeted because he had allegedly been identified in a Papua Intelligence Service (PIS) report as an Indonesian government intelligence source.[47]

These incidents demonstrate that civilians have repeatedly been affected by the violence in Pegunungan Bintang, including community leaders, public servants, and individuals not directly participating in hostilities.

The conflict has also affected civilian infrastructure and public services. In late 2024, residents reported increased military activity in Oksop District, including the establishment of military posts in civilian facilities and the use of buildings without the consent of their owners. Reports indicated that a church used by security forces was subsequently damaged.[48]

The reported use of civilian facilities by TNI and police units extended across multiple districts in Pegunungan Bintang. According to local reports, government offices, health service accommodation, community health centres, employee housing, churches, and private homes were used as security posts or military accommodation. In some cases, facilities originally intended to provide health, administrative, or religious services were reportedly no longer able to perform their civilian functions because of their occupation by security forces.

Allegations concerning the use of civilian facilities have not been limited to state forces. On 13 October 2025, the TPNPB reportedly burned a junior high school building in Sopamikma Village, Kiwirok District. In a public statement, the TPNPB claimed that the attack was carried out because the school was being used by TNI and police personnel as a security post.[49]

These incidents demonstrate a recurring pattern where parties to an armed conflict violate the principle of distinction between civilian objects and military objectives. In several instances, the parties involved in the conflict stated that the attacks on civilian facilities were carried out because those facilities were frequently used by security forces as military posts.

From the description above, it is clear that clashes between the parties have continuously occurred across the four aforementioned regencies over a relatively prolonged period. These clashes involved the deployment of military force by each side, targeting both military objectives and civilian objects. Consequently, it is undeniable that the intensity of the armed conflict in these four regencies has reached the threshold specified under IHL (cf. Hernawan 2025; Sudirman 2025).

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[46] Aliansi Demokrasi Untuk Papua, *Laporan Situasi Umum Hak Asasi Manusia di Papua tahun 2024 (*Report on General Situation of Human Rights in Papua 2024*),* (ALDP, 2025)

[47] Ibid

[48] JPIC OFM Papua*, Laporan Situasi Keamanan Darurat di Distrik Oksop, Kabupaten Pegunungan Bintan.* (Emergency Security Situation Report in Oksop District, Pegunungan Bintang Regency).

[49] Tempo, TNI-Polri dan TPNPB Saling Tuding Bakar Sekolah di Kiwirok Papua | tempo.co accessed on 16 February 2026



Chapter 4
Impact on humanity

Introduction

As demonstrated in the previous chapter, the conflict between the Indonesian National Armed Forces (TNI), the Indonesian National Police (Polri), and the West Papua National Liberation Army (TPNPB) has resulted in sustained violence and significant humanitarian consequences across the Land of Papua. Civilians have borne much of the burden of the conflict, including through deaths, injuries, displacement, and the disruption of essential services. The hostilities have also affected schools, healthcare facilities, places of worship, and other civilian infrastructure that communities rely upon for their safety, wellbeing, and livelihoods. In addition, concerns have been raised regarding the treatment of civilians, detainees, medical personnel, religious leaders, and other protected persons during the course of the conflict.

This chapter examines a range of humanitarian impacts and alleged conduct that may engage the rules of IHL applicable to NIACs. Drawing on documented incidents from the four case-study regencies, it considers allegations involving unlawful killings, arbitrary detention, hostage-taking, torture and other forms of ill-treatment, displacement, attacks affecting religious and medical personnel and facilities, and interference with civilian infrastructure. The purpose of this chapter is not to determine individual criminal responsibility, but rather to assess whether the conduct reported raises concerns regarding compliance with the obligations imposed on all parties to the conflict under IHL.

1. Unlawful killings of civilians and *persons hors de combat*

Applicable legal framework

One of the most fundamental protections afforded by IHL is the prohibition on violence to life and person. In NIACs, Common Article 3 of the Geneva Conventions prohibits murder, mutilation, cruel treatment, and torture of persons taking no active part in hostilities, including civilians and members of armed forces who are *hors de combat* due to surrender, detention, wounds, or any other cause. The same protection is reflected in customary IHL and reinforced by the right to life under international human rights law.[50] The deliberate killing of civilians or *persons hors de combat* constitutes a serious violation of IHL and, depending on the circumstances, may amount to a war crime.

[50] ICRC Study on Customary International Humanitarian Law, Rule 89 (Violence to Life); Geneva Convention I, Article 12; Geneva Convention II, Article 12; Geneva Convention III, Articles 13 and 14; Geneva Convention IV, Article 27; Common Article 3(1)(a); Additional Protocol II, Article 4(2)(a) (the treaty provisions that inform the customary prohibition on murder and violence to life in NIACs); *Prosecutor v Delalić et al* (*Čelebići*), ICTY Trial Chamber, Judgment, 16 November 1998, paras 424–442.

The classification of a victim as a civilian does not, by itself, resolve every legal question. In situations of armed conflict, civilians may lose protection from direct attack for such time as they directly participate in hostilities. Nevertheless, civilians, medical personnel, religious personnel, humanitarian workers, displaced persons, and other protected persons remain protected against attack unless and for such time as they directly participate in hostilities. Where there is doubt as to whether a person is a civilian, that person must be presumed to be civilian.

The incidents documented below raise serious concerns regarding compliance with these principles. While this report does not seek to determine individual criminal responsibility, the available information indicates repeated allegations of unlawful killings involving both Indonesian security forces and the TPNPB across multiple regencies.

Nduga Regency

Since 2018, Nduga Regency has experienced some of the most serious allegations of unlawful killings documented in this report. One of the most prominent incidents occurred on 2 December 2018, when workers employed by PT Istaka Karya were captured by the TPNPB and subsequently killed. According to reports, approximately 50 armed men entered the company camp, detained the workers, and forced them to move towards the Karunggame River before they were shot. At least seventeen construction workers involved in the Trans-Papua Highway project were reportedly killed. [51] The incident was followed by large-scale military operations and significant displacement of the civilian population.

Allegations of unlawful killings by Indonesian security forces have also been reported. On 10 October 2019, five civilians—Yuliana Dronggi, Jelince Bugi, Macen Kusumbrue, and two children, Tolop Bugi and Hardius Bugiwere found dead and buried in a single grave. Similar allegations arose on 20 July 2020, when Elias Karunggu and his son Elu Karunggu, both displaced persons, were reportedly shot and killed by TNI personnel.[52]

The incidents of extrajudicial killings in Nduga Regency subsequently continued in 2022. A 16-year-old high school student named Parinus Lokbere was shot and killed on Wednesday, April 6, 2022. The perpetrators of this incident were suspected to be non-organic armed security personnel conducting nighttime patrols in Nduga Regency.

Still in 2022, on July 16, the TPNPB launched an attack in Nogolait Village at 09:40 WIT (East Indonesia Time). The attack resulted in the deaths of 10 civilians and left two others injured. The fatalities in the incident were Yulianus Watu (from East Nusa Tenggara/NTT), Hubertus Goti (from NTT), Daeng Meranu/Maramil (from Selayar), Taufan Amir (from Selayar), Johan (from NTT), Alex (from Kei), Yuda Hurusinga (from North Sumatra), Sirajudin (from Selayar), Mahmud Ismaun (from Palu), and a pastor named Elias Serbaye. Five days after the shooting incident on July 16, the Damai Cartenz Task Force discovered another deceased victim named Roy Manampiring. In

[51] Majelis Rakyat Papua, Laporan Perlindungan dan Pemenuhan Hak Asasi Orang Asli Papua di Wilayah Konflik, Khususnya Kabupaten Nduga, Puncak dan Intan Jaya (Tim Kerja HAM MRP, 2021)

[52] Padang Kita, https://padangkita.com/oknum-tni-diduga-tembak-ayah-dan-anak-di-nduga-papua-hingga-tewas/ accessed on 16 February 2026

total, 11 people were declared dead as a result of the attack in Nogolait Village.

Subsequently, in April 2023, eight civilians originating from Nduga and Lanny Jaya once again fell victim to extrajudicial killings by TNI soldiers.[53] The eight civilians were Wity Unue, Preson Gwijagge, Apendak Karunggu, Cerita Telenggen, Kejar Murib, Oumeka Tabuni, Parina Karunggu, and a child of a resident named Wahyu. Five of these eight victims were minors. This incident occurred while TNI soldiers were conducting military operations as part of the rescue mission for pilot Philip Mark Mehrtens.

Still in 2023, on August 16, 2023, the TPNPB carried out an attack in Yasoma Village, Nduga. The attack resulted in the deaths of three civilians named Samsul Ahmad, Stephen Didiwai, and Michael Rumaropen. Two of the three victims were civil servants (ASN).

Taken together, these incidents demonstrate a recurring pattern of allegations involving the killing of civilians and other protected persons by both parties to the conflict.

Maybrat Regency

Compared with other regencies examined in this report, fewer incidents involving civilian casualties have been documented in Maybrat. Nevertheless, allegations of unlawful killings have continued to arise.

On 11 December 2020, a civilian identified as OA was reportedly shot and killed by the TPNPB. Subsequent incidents in Maybrat primarily involved attacks directed against members of the Indonesian security forces, including the attack on the Koramil post in Kisor on 2 September 2021, which resulted in the deaths of four TNI personnel, and further attacks against military personnel in January 2022 and December 2023. While members of armed forces may lawfully be targeted under IHL, if such persons had first been captured and disarmed, they would be “detained” under IHL and their killing would be unlawful.

Intan Jaya Regency

Intan Jaya Regency has experienced repeated allegations of unlawful killings affecting civilians, medical personnel, religious personnel, and individuals accused of supporting one side or the other. Many of the incidents have attracted significant public attention and have become emblematic of the broader humanitarian consequences of the conflict.

On 25 October 2019, three motorcycle taxi drivers—Risal, Harianto, and Lasoni—were reportedly killed by the TPNPB in Pugisiga Village, Hitadipa District. Two months later, on 26 January 2020, joint TNI–Polri personnel in Sugapa District reportedly shot and killed a resident suspected of being a member of the TPNPB.

[53] Onoy Lokobal, 8 Warga Sipil Korban Operasi Militer Dalam Misi Selamatkan Pilot Susi Air, Suara Papua, 18 April 2023. Tersedia di https://suarapapua.com/2023/04/18/8-warga-sipil-korban-operasi-militer-dalam-misi-selamatkan-pilot-susi-air/

Further incidents occurred throughout 2020. On 22 May 2020, a medical worker was killed and two other health workers were injured during a shooting in Wandai District that was attributed to the TPNPB. The targeting of medical personnel is particularly concerning given the special protection afforded to healthcare workers under international humanitarian law.

One of the most significant incidents documented in Intan Jaya, as noted in Chapter 3, was the killing of Pastor Yeremia Zanambani on 20 September 2020 in Hitadipa District. Pastor Yeremia was a respected religious leader of the Evangelical Tabernacle Church in Papua. Following an investigation, the National Commission on Human Rights (*Komnas HAM*) concluded that members of the Indonesian National Armed Forces (TNI) were responsible for his death. At the time of writing, no transparent judicial process had resulted in accountability for the incident.

Allegations involving Indonesian security forces continued in 2021. On 16 February 2021, three civilians—Janius Bagau, Sani, and Justinus—reportedly died following torture and shootings carried out by members of the Yonif Raider 400/BR Task Force. According to reports, the incident was linked to a retaliatory operation conducted after the earlier death of a TNI soldier.

Violence affecting civilians persisted in subsequent years. On 30 August 2022, a civilian worker named Manoach Rumansara was reportedly shot and killed by the TPNPB.

The pattern continued into 2024. On 19 January 2024, an armed clash between the TPNPB and police resulted in the death of Police Officer Alfando Steve Karamoy. Following the incident, members of the Cartenz Peace Task Force reportedly conducted retaliatory operations in Sugapa District. During those operations, two civilians—Yusak Sondegeu and Melkias Nambagani—were killed. Both men were reportedly accused of supporting or sympathising with the OPM.

Taken together, these incidents demonstrate that civilians, religious leaders, medical personnel, civilian workers, and individuals perceived to support one side or the other have repeatedly been exposed to lethal violence in Intan Jaya. The recurrence of such incidents over several years raises serious concerns regarding compliance with the protections afforded to civilians and other protected persons under Common Article 3 and customary international humanitarian law.

Pegunungan Bintang Regency

Pegunungan Bintang has likewise experienced repeated allegations of unlawful killings affecting civilians and other protected persons.

In November 2022, workers at a mining site in Kawe Village, Awimbon District, were attacked and a workers' camp was burned. The attack resulted in the death of at least one worker and was accompanied by extensive damage to civilian property.

In August 2023, three civilians, including two civil servants, were reportedly killed in Yasoma Village. In April 2024, the village head of Modusit was reportedly killed during

an attack attributed to an armed group operating in the area. The victim was also reported to be a member of the local Civil Service Police Unit.[54]

Another significant incident occurred in June 2024, when Senus Lepitalen was shot and killed in his home in Borme District. According to statements attributed to TPNPB representatives, he was targeted because he was suspected of acting as an Indonesian intelligence source.[55]

These incidents raise particular concerns regarding the targeting of civilians based on alleged collaboration, intelligence-gathering activities, or perceived support for one side of the conflict. IHL does not permit civilians to be targeted solely because of their political views, perceived affiliations, or unverified allegations of cooperation with a party to the conflict. Only members of armed forces or persons actively participating in hostilities may be lawfully targeted and, in cases of doubt, a person must be presumed to be civilian.

Concluding observations

The incidents documented across Nduga, Maybrat, Intan Jaya, and Pegunungan Bintang reveal a consistent pattern of the killing of civilians and other protected persons. The victims include construction workers, religious leaders, medical personnel, displaced persons, village leaders, civil servants, and ordinary community members. Allegations have been directed at both Indonesian security forces and the TPNPB.

While the precise circumstances of individual incidents would require further investigation to determine legal responsibility, the available information raises serious concerns regarding compliance with the fundamental prohibition on violence to life and person contained in Common Article 3 and customary IHL. The recurrence of such incidents across multiple regencies and over several years underscores the continuing humanitarian consequences of the conflict and the urgent need for greater compliance with IHL by all parties.

2. Arbitrary detention and deprivation of liberty

Applicable legal framework

IHL does not prohibit the detention of individuals during a non-international armed conflict. States may detain persons for legitimate security reasons, and organised armed groups may also deprive individuals of their liberty in certain circumstances. However, any deprivation of liberty must have a lawful basis and be accompanied by appropriate procedural safeguards.

Although Common Article 3 does not contain a detailed detention regime, customary IHL and international human rights law require that persons deprived of their liberty not be subjected to arbitrary detention.[56] Detention may be arbitrary where individuals

[54] Aliansi Demokrasi Untuk Papua, Laporan Situasi Umum Hak Asasi Manusia di Papua tahun 2024, (AIDP, 2025)

[55] Ibid

[56] ICRC Study on Customary International Humanitarian Law, Rule 99 (Deprivation of Liberty); Common Article 3(1);

are deprived of their liberty without a lawful basis, where they are not informed of the reasons for their detention, where they are denied access to basic procedural safeguards, or where they are detained solely on the basis of their political beliefs, perceived affiliations, ethnicity, community membership, or alleged support for a party to the conflict without sufficient evidence. Under IHL, persons may be detained for imperative security reasons, but the lawfulness of that detention must be regularly reviewed.

Separate from the prohibition on arbitrary detention, IHL imposes an absolute obligation to treat all detainees humanely and prohibits violence to life and person, murder, torture, cruel treatment, and outrages upon personal dignity. These prohibitions apply to all persons deprived of their liberty, irrespective of whether their detention is lawful or unlawful, and is covered in the next section.

The incidents documented below raise concerns regarding the deprivation of liberty of civilians and other protected persons in Papua, particularly where individuals were reportedly detained because of alleged links to the TPNPB or political organisations associated with Papuan self-determination movements.

Nduga Regency

Nduga Regency has experienced repeated allegations of arbitrary detention, often in the context of military operations and allegations of support for the TPNPB.

In January 2018, eleven civilians were reportedly arrested by personnel from Military District Command 1702 in Nduga Regency. According to reports, the individuals were accused of possessing weapons allegedly linked to a separatist organisation.

During the same period, Anekanus Lewatgi was arrested and detained in Nduga Regency. Reports indicate that he was subsequently subjected to torture while in custody and later died. Following his death, his body was reportedly concealed at a security post, and family members allegedly faced difficulties when attempting to recover his remains.

Further allegations arose in January 2021 in relation to Mispo Gwijanggae, who was accused of involvement in the killing of PT Istaka Karya workers in Nduga. According to reports, Mispo Gwijanggae was subjected to arbitrary detention accompanied by intimidation and mistreatment, ultimately resulting in his death.

On 2 June 2023, seven residents of Kenyam were reportedly arrested amid a large-scale displacement crisis following armed clashes between TNI–Polri forces and the TPNPB. Concerns were raised regarding the basis for their detention and the circumstances in which the arrests were carried out.

Additional arrests were reported in September 2023, when officers from the Cartenz Peace Operation Law Enforcement Sub-Task Force conducted a late-night raid on the offices of the Kemah Injil Church (*Kingmi*) Classis in Kenyam. Five civilians were

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Additional Protocol II, Articles 4, 5 and 6 (the treaty provisions that inform the customary protections applicable to persons deprived of liberty in NIACs); *Prosecutor v Krnojelac*, ICTY Appeals Chamber, Judgment, 17 September 2003, paras 111–116.

arrested during the operation after being accused of acting as informants or spies for TPNPB commander Egianus Kogoya.[57]

Taken together, these incidents suggest a recurring pattern in which civilians have been deprived of their liberty on suspicion of supporting or assisting armed groups, often in circumstances where questions have been raised regarding the legal basis for detention and the procedural safeguards afforded to those detained.

Maybrat Regency

Reports of arbitrary detention have also emerged from Maybrat Regency.

In September 2021, following the attack on the Kisor Military Sub-District Command (*Koramil*) post, joint TNI–Polri personnel reportedly arrested three civilians: Simon Waymbewer, Maikel Yaam, and Maklon Same.[58] The three men were accused of involvement in the attack. However, subsequent investigations reportedly failed to establish their involvement in the incident.

The arrests raised concerns regarding the evidentiary basis for detention and the treatment of civilians suspected of association with armed groups in the aftermath of security incidents.

Intan Jaya Regency

Allegations of arbitrary detention have likewise been documented in Intan Jaya Regency.

In January 2021, Nataniel Tipagau, an activist associated with the West Papua National Committee (*Komite Nasional Papua Barat* or KNPB), was detained by the Papua Regional Police after reportedly being missing since 4 January 2021. Concerns were subsequently raised regarding the circumstances of his detention and access to legal safeguards.

Further arrests occurred on 31 January 2024, when four young men identified by the initials SN (21), DIA (21), EZ (22), and TW (21) were detained by TNI personnel in Bilogai Village, Sugapa District. According to reports, the arrests were based on allegations that the individuals were carrying nine rounds of ammunition.

Additional concerns arose in October 2024 in connection with the arrest of Pianus Sani. Reports indicate that he was detained by TNI personnel and subsequently subjected to severe mistreatment that resulted in his death.

These incidents demonstrate recurring concerns regarding the detention of civilians and political activists in Intan Jaya, particularly where individuals are suspected of supporting armed groups or Papuan political movements.

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[57] Gereja Kemah Injil (Kingmi) di Tanah Papua, Chronology Report of Violence by the Police Against Leader of Kingmi Church in Papua.

[58] Suara Papua, https://suarapapua.com/2021/09/11/laporan-koalisi-tiga-pemuda-yang-ditangkap-tni-dan-polri-tidak-terlibat-penyerangan-posramil-kisor/ accessed on 16 February 2026

Concluding observations

The incidents documented across Nduga, Maybrat, and Intan Jaya indicate a recurring pattern of detention practices directed against civilians, political activists, and individuals suspected of supporting armed groups. Many of those detained were reportedly accused of assisting, sympathising with, or maintaining connections to the TPNPB or the broader Papuan independence movement.

While further investigation would be required to determine the legality of individual arrests and detentions, the available information raises concerns regarding compliance with fundamental safeguards governing deprivation of liberty. The allegations also demonstrate the close relationship between detention practices, broader security operations, and efforts by authorities to identify and suppress perceived support networks for armed resistance groups operating in Papua.

3. Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment

Applicable Legal Framework

The prohibition of torture and other forms of cruel, inhuman, or degrading treatment is one of the most fundamental rules of both IHL and international human rights law. In the context of a NIAC, Common Article 3 of the Geneva Conventions prohibits violence to life and person, including murder, mutilation, cruel treatment, and torture. The same prohibition is reflected in customary IHL and applies equally to state armed forces and organised armed groups.[59]

The prohibition applies to all persons who are not, or are no longer, directly participating in hostilities, including civilians, detainees, and persons otherwise under the control of a party to the conflict. The prohibition is absolute and subject to no exceptions.

Torture generally involves the intentional infliction of severe physical or mental pain or suffering for purposes such as obtaining information, punishment, intimidation, coercion, or discrimination. Conduct that does not reach the threshold of torture may nevertheless constitute cruel, inhuman, or degrading treatment, which is likewise prohibited under IHL.

The incidents documented below raise serious concerns regarding compliance with these fundamental protections. Many involve allegations of mistreatment directed against civilians suspected of supporting the TPNPB or broader Papuan independence movements, often in the context of security operations, arrests, or military deployments.

[59] ICRC Study on Customary International Humanitarian Law, Rule 90 (Torture and Cruel, Inhuman or Degrading Treatment); Common Article 3(1)(a); Additional Protocol II, Article 4(2)(a) (the treaty provisions that inform the customary prohibition on torture and cruel treatment in NIACs); *Prosecutor v Furundžija*, ICTY Trial Chamber, Judgment, 10 December 1998, paras 137–186.

Nduga Regency

In January 2018, eleven civilians were reportedly arrested and subjected to mistreatment by personnel from Military District Command 1702 (*Kodim 1702*) after being accused of involvement with a separatist movement.[60] During the same period, a young man named Anekanus Kemaringi was reportedly tortured by personnel stationed at the TNI Maleo Post in Nduga. According to reports, the mistreatment resulted in his death.[61]

Further allegations arose in relation to Mispo Gwijangge, who died in January 2021.[62] Mispo, who was still a minor at the time, was arrested on suspicion of involvement in the killing of PT Istaka Karya workers in 2018. Reports indicate that he was subjected to torture and other forms of mistreatment while in custody prior to his death.

Additional allegations emerged during military operations conducted in April 2023 in connection with efforts to secure the release of New Zealand pilot Captain Phillip Mark Mehrtens.[63] According to reports, eight civilians were subjected to torture and other forms of ill-treatment during the operation. The victims reportedly included minors. One child, Wity Unue, died as a result of the mistreatment.[64]

Most recently, in April 2025, a resident of Yuguru Village, Mebarok District, named Abaral Wandikbo reportedly died following torture while in TNI custody.[65] According to reports, Abaral Wandikbo had been arrested during operations aimed at locating members of the TPNPB.

These incidents raise serious concerns regarding the treatment of civilians during security operations and the use of violence against individuals suspected of supporting armed groups.

Intan Jaya Regency

Allegations of torture and other forms of cruel treatment have also been reported in Intan Jaya Regency.

On 17 February 2021, three civilians—Ganisu Bagau, Soni Bagauw, and Yustinus Bagauw—were reportedly tortured by TNI personnel at the Sugapa Community Health Centre. According to reports, the three men were accused of involvement with the TPNPB. All three subsequently died as a result of the mistreatment.

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[60] Suara Papua, https://suarapapua.com/2018/01/05/wene-tabuni-tiga-puluh-warga-nduga-dianiaya-di-wamena/

[61] Jubi, http://tabloidjubi.com/artikel-12714-pemuda-ini-tewas-setelah-dianiaya-anggota-tni-.html

[62] https://www.matamatapolitik.com/jeritan-pilu-papua-barat-anak-disiksa-sampai-mati-di-penjara-in-depth/

[63] Suara Papua, https://suarapapua.com/2023/04/18/8-warga-sipil-korban-operasi-militer-dalam-misi-selamatkan-pilot-susi-air/

[64] Additionally, in early March 2024, a video of torture perpetrated by 13 soldiers from the III/Siliwangi Regional Military Command (Kodam III/Siliwangi), Yonif Raider 300/Brawijaya, stationed in Central Papua, circulated. The torture took place in Gome District, Puncak Regency, against a victim named Defianus Kogoya. The torture began with the arrest of Definus Kogoya along with two other individuals alleged as members of the TPNPB. The torture was recorded in February 2024 and widely circulated in March 2024.

[65] Suara Papua, https://suarapapua.com/2025/04/06/operasi-brutal-di-kampung-yuguru-abaral-wandikbo-disiksa-hingga-tewas/ accessed on 16 February 2026

Further allegations emerged on 28 February 2022, when an unidentified civilian was reportedly subjected to torture by TNI personnel during an operation to locate members of the TPNPB. The incident allegedly occurred in the victim's home and was witnessed by his wife and children.

These incidents suggest a recurring pattern in which civilians suspected of supporting armed groups have been subjected to severe mistreatment during security operations.

Concluding observations

The allegations documented in Nduga and Intan Jaya reveal repeated claims of torture and other forms of cruel, inhuman, or degrading treatment occurring in the context of military and security operations. Many of the reported victims were civilians, including children, detainees, and individuals accused of supporting armed groups.

While further investigation would be required to establish individual criminal responsibility, the allegations raise serious concerns regarding compliance with Common Article 3 and customary IHL. They may also constitute violations of international human rights law, including the absolute prohibition of torture and cruel, inhuman, or degrading treatment.

4. Hostage-taking

Applicable Llegal framework

Hostage-taking is expressly prohibited under IHL. Common Article 3 of the Geneva Conventions prohibits the taking of hostages in all NIACs, and the prohibition is reflected in customary IHL. The prohibition applies equally to state armed forces and organised armed groups.[66]

Hostage-taking generally involves the seizure, detention, or continued confinement of a protected person combined with a threat to kill, injure, or continue to detain that person in order to compel a third party to act or refrain from acting as a condition for the hostage's release. The prohibition protects civilians and other persons who are not, or are no longer, directly participating in hostilities.

Hostage-taking is recognised as a serious violation of IHL and may constitute a war crime. The prohibition reflects the fundamental principle that civilians must not be used as bargaining tools or leveraged to obtain political, military, or operational concessions from an opposing party.

[66] ICRC Study on Customary International Humanitarian Law, Rule 96 (Taking of Hostages); Common Article 3(1)(b); Additional Protocol II, Article 4(2)(c) (the treaty provisions that inform the customary prohibition on hostage-taking in NIACs); *Prosecutor v Naletilić and Martinović*, ICTY Trial Chamber, Judgment, 31 March 2003, paras 613–635.

Factual application

One of the most widely reported incidents arising from the conflict in Papua was the hostage-taking of New Zealand pilot Captain Phillip Mark Mehrtens by the TPNPB under the leadership of Egianus Kogoya.

On 7 February 2023, Mehrtens, a pilot employed by Susi Air, landed in Paro District, Nduga Regency. Shortly after landing, he was seized by members of the TPNPB and his aircraft was set on fire. The TPNPB subsequently released photographs and videos of Mehrtens and publicly claimed responsibility for his capture.

Following the incident, the TPNPB issued a series of public statements concerning the conditions under which Mehrtens would be released. The armed group accused him of supporting Indonesian government interests and linked his detention to broader political demands concerning Papua. Throughout the period of captivity, concerns were repeatedly raised regarding his safety, wellbeing, and access to medical care.

Mehrtens remained in captivity for approximately twenty months. During that time, Indonesian authorities conducted extensive military and police operations aimed at securing his release. The hostage situation attracted significant international attention, including engagement by the Governments of Indonesia and New Zealand, religious leaders, humanitarian actors, and community representatives.

On 21 September 2024, Mehrtens was released in Nduga Regency and subsequently transferred to Indonesian authorities. The TPNPB stated that the release was undertaken on humanitarian grounds.

Based on the information publicly available, the detention of Captain Mehrtens exhibits the principal elements commonly associated with hostage-taking under IHL. He was a civilian who was deprived of his liberty by an organised armed group and held for an extended period while demands were communicated to third parties concerning the conditions of his release. As such, the incident raises serious concerns regarding compliance with the prohibition of hostage-taking contained in Common Article 3 and customary IHL.

In addition to potentially violating IHL, the prolonged detention of Captain Mehrtens may also constitute an arbitrary deprivation of liberty under international human rights law, including the right to liberty and security of person. The conduct would likewise violate Indonesian criminal law provisions prohibiting unlawful deprivation of liberty and hostage-taking.

5. Displacement of the civilian population and protection of internally displaced persons

Applicable legal framework

Armed conflict frequently results in the displacement of civilians seeking to escape hostilities, insecurity, or the effects of military operations. According to the United Nations Guiding Principles on Internal Displacement, internally displaced persons (IDPs) are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of armed conflict, situations of generalised violence, human rights violations, or disasters, and who have not crossed an internationally recognised international border.[67]

The existence of large-scale displacement is also recognised in international jurisprudence and ICRC commentary as a relevant indicator when assessing the intensity of a NIAC.[68] As discussed in Chapter 3, widespread displacement may demonstrate the seriousness, duration, and humanitarian consequences of the violence occurring between the parties.

IHL distinguishes between civilians who voluntarily flee hostilities and civilians who are forcibly displaced by a party to the conflict. The movement of civilians seeking safety from armed violence is not, in itself, unlawful. However, parties to a conflict continue to owe obligations to displaced persons, including obligations of humane treatment, protection from violence, and the facilitation of humanitarian assistance.[69]

By contrast, the forced displacement of civilians is generally prohibited under customary IHL unless required for the security of the civilians concerned or by imperative military reasons. Outside these limited exceptions, the displacement of civilians may constitute a serious violation of IHL.

In addition, parties to a conflict must allow and facilitate rapid and unimpeded humanitarian relief for civilians in need, subject to their right of control. Humanitarian assistance must be provided impartially and without adverse distinction. Reports that displaced persons lack access to food, shelter, healthcare, education, or other essential services therefore raise important concerns under both IHL and international human rights law.

As of August 2025, Human Rights Monitor reported that at least 100,313 Papuans had been displaced as a result of the conflict. This represents a significant increase from the approximately 60,642 displaced persons recorded in 2022. According to available reports, the largest concentrations of displaced persons originated from Intan Jaya, Yahukimo, Puncak Jaya, and Pegunungan Bintang Regencies, reflecting the concentration of hostilities in those areas.

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[67] UNHCR, Guiding Principles on Internally Displacement, Article 2, available on https://www.unhcr.org/media/guiding-principles-internal-displacement

[68] ICRC Study on Customary International Humanitarian Law, Rules 129–132 (Displacement and Displaced Persons); Geneva Convention IV, Article 49; Additional Protocol II, Article 17 (the treaty provisions that inform the customary prohibition on arbitrary displacement and the protection of displaced civilians in NIACs); ICRC Commentary on the Fourth Geneva Convention (2025), Article 49; UN Guiding Principles on Internal Displacement, Principles 1–4 and 28–30.

[69] https://ihl-databases.icrc.org/en/customary-ihl/v1/rule55

Nduga Regency

Nduga has experienced some of the largest displacement events documented in Papua during the period covered by this report.

Initial displacement occurred in July 2018 following armed clashes between TNI–Polri forces and the TPNPB. At that time, thirty-three residents of Nduga were evacuated by the *Tatamailau* motor vessel to Merauke before being transported by military aircraft to Wamena.

Displacement increased dramatically following the attack on PT Istaka Karya workers in December 2018 and the subsequent military operations conducted by Indonesian security forces. According to reports from the Papua People's Assembly (*Majelis Rakyat Papua* or MRP), residents from at least 13 districts—Mbuwa, Dal, Mbulmu Yalma, Mapenduma, Yigi, Nirkuri, Kageam, Paro, Mebarok, Gesekema, Jengelo, Amala, and Kilimid—fled their homes in the aftermath of the violence.[70]

Reports indicate that displacement began on 4 December 2018 and rapidly expanded. By January 2019, approximately 1,000 displaced persons from Nduga had reportedly arrived in Wamena. The MRP further recorded that 745 families sought refuge in Lanny Jaya Regency, 704 families in Kuyawage District, twenty-four families in West Wano District, fourteen families in other districts, and three families in South Balingga District.[71]

The displacement continued for several years. In March 2019, the Nduga Health Office estimated that approximately 2,000 Indigenous Papuans from Nduga were living in temporary accommodation in Wouma, Ilekma, Hom-Hom, and Welesi in Jayawijaya Regency. The Papua representative of *Komnas HAM* similarly reported that approximately 1,000 displaced persons from Nduga had been living in Sekom Village, Muliama District, since 2019 as a result of the armed conflict.

The scale, duration, and geographic spread of the displacement from Nduga make it one of the most significant humanitarian consequences of the conflict documented in this report.

Maybrat Regency

Significant displacement also occurred in Maybrat Regency following the attack on the Kisor Military Sub-District Command (*Koramil*) post in September 2021.

According to *Komnas HAM*, at least 5,200 residents from four districts—East Aifat, Central East Aifat, Far East Aifat, and South East Aifat—were displaced between 2021 and 2023. Many residents reportedly fled immediately following the attack and the subsequent deployment of security forces to the area.

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[70] Majelis Rakyat Papua, Laporan Perlindungan dan Pemenuhan Hak Asasi Orang Asli Papua di Wilayah Konflik, Khususnya Kabupaten Nduga, Puncak dan Intan Jaya (Tim Kerja HAM MRP, 2021)

[71] *Ibid,* p. 18

While some displaced persons travelled by vehicle to Kumurkek and Sorong Regency, others sought refuge in forests and remote areas.[72] Reports indicate that some remained displaced for periods ranging from six months to one year.

According to local accounts, TNI soldiers and Brimob personnel established military posts along the South Aifat corridor extending from Kampung Sabah to Far East Aifat. The continued presence of security forces in the area contributed to concerns among residents regarding their ability to safely return home.

Intan Jaya Regency

Displacement has likewise been a recurring feature of the conflict in Intan Jaya Regency.

In February 2021, approximately 600 residents of Bilogai District were displaced following attacks attributed to the TPNPB. Displacement increased further on 17 February 2021 following the shooting and torture of three civilians by TNI personnel. The displaced population reportedly originated from five villages: Mamba, Bilogai, Kumbalawupa, Sambili, and Joparu.[73]

Further displacement occurred in January 2024. According to the Gospel Tabernacle Church (*KINGMI*) in Tanah Papua, at least 2,474 civilians were displaced from Sugapa District and surrounding areas due to ongoing hostilities between TNI–Polri forces and armed groups. Of those displaced, 337 sought refuge at the Sugapa rectory, while approximately 2,057 fled to other locations considered safer.

These incidents illustrate the continuing vulnerability of civilians living in areas where hostilities regularly occur and the recurring nature of displacement in Intan Jaya.

Pegunungan Bintang Regency

Pegunungan Bintang Regency has also experienced repeated waves of displacement associated with armed clashes and military operations.

Following armed clashes between TNI–Polri forces and the TPNPB in September 2021, together with the attack on the Kiwirok Community Health Centre (*Puskesmas*), large numbers of residents fled Kiwirok District. According to data collected by the MRP, 337 displaced persons relocated to Oksibil, while a further 208 sought refuge in Oklib District.[74] At the same time, 681 displaced persons from Kiwirok and Okyop Districts and 348 displaced persons from Okbentau District reportedly remained in forested areas.

Further displacement occurred in January 2023 when hundreds of residents from Oksibil evacuated to Jayapura following heightened insecurity. Reports indicate that at least 107 residents were transported to Jayapura by Indonesian Air Force and civilian aircraft between 13 and 14 January 2023.

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[72] Pengungsian Internal adalah Masalah Kronis di Tanah Papua (Konferensi Waligereja Indonesia, Dewan Gereja Papua Barat, Persekutuan Gereja-gereja di Indonesia)

[73] BBC, https://www.bbc.com/indonesia/indonesia-56102692

[74] Majelis Rakyat Papua, *Kiwirok Sudah Aman Kah?*, Tim Kelompok Kerja Adat Majelis Rakyat Papua Tentang Kekerasan dan Pelanggaran Hak Asasi Manusiadi Distrik Kiwirok, Kabupaten Pegunungan Bintang, Provinsi Papua

Another displacement incident occurred in November 2024 following reports of increased military activity in Oksop District. Residents from five villages reportedly fled to Oksibil or sought refuge in forests and surrounding areas. Available estimates suggest that approximately 327 residents were displaced, including 151 men and 176 women.[75]

According to the Bishop of Jayapura Diocese, many displaced persons were living in emergency shelters and had not received adequate humanitarian assistance from either central or regional authorities. Similar concerns were raised by community organisations and church networks regarding the long-term welfare of displaced communities throughout Pegunungan Bintang.

Concluding observations

The evidence documented across Nduga, Maybrat, Intan Jaya, and Pegunungan Bintang demonstrates that displacement has become one of the most significant humanitarian consequences of the conflict in Papua. Tens of thousands of civilians have been forced to leave their homes, often for prolonged periods, as a result of armed clashes, military operations, insecurity, and fears of further violence.

The information available does not permit definitive conclusions regarding whether all instances of displacement were lawful or unlawful under IHL. However, the scale and duration of the displacement, together with repeated reports concerning inadequate humanitarian assistance, disrupted access to healthcare and education, and prolonged residence in forests, temporary shelters, and informal settlements, raise serious concerns regarding the protection and welfare of displaced persons.

These concerns engage not only the rules of IHL relating to the protection of civilians and humanitarian assistance, but also broader obligations under international human rights law concerning housing, health, education, family life, and the rights of children and indigenous communities.

6. Attacks on religious personnel and places of worship

Applicable legal framework

Religious personnel and places of worship enjoy protection under IHL. In a NIAC, religious personnel who are not directly participating in hostilities are civilians and are entitled to the same protection against attack as other civilians. Their religious functions do not diminish that protection; rather, their humanitarian and community roles often make them particularly vulnerable during armed conflict.[76]

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[75] Jubi, https://jubi.id/polhukam/2024/pengungsi-konflik-bersenjata-papua-hentikan-pendekatan-keamanan/

[76] ICRC Study on Customary International Humanitarian Law, Rules 38 and 40 (Cultural Property and Places of Worship; Special Protection of Certain Objects); Hague Convention for the Protection of Cultural Property (1954), Article 4; Additional Protocol II, Article 16 (the treaty provisions that inform the customary protection of places of worship and cultural property in NIACs); *Prosecutor v Kordić and Čerkez*, ICTY Appeals Chamber, Judgment, 17 December 2004, paras 89–92; *Prosecutor v Blaškić*, ICTY Trial Chamber, Judgment, 3 March 2000, paras 185–188.

Places of worship are likewise protected as civilian objects under the principle of distinction. Churches, chapels, mosques, temples, and other religious buildings must not be attacked, damaged, or used for military purposes unless they have become military objectives under IHL. The use of places of worship for military purposes may not only expose them to attack but may also deprive civilian communities of important religious, social, and humanitarian services.

The protection of religious personnel and religious facilities is reflected in customary IHL and reinforced by international jurisprudence. International tribunals have repeatedly recognised that attacks against religious leaders and the destruction, occupation, or military use of places of worship may constitute serious violations of IHL where they affect protected persons or civilian objects.

The incidents documented below raise concerns regarding both the treatment of religious personnel and the use of religious facilities in the context of the conflict in Papua.

Nduga Regency

On 17 September 2023, several church workers associated with the KINGMI Church in Nduga Regency were reportedly subjected to arbitrary arrest and physical violence by members of the Mobile Brigade Corps (*Brimob*). The incident occurred while church personnel were preparing for a prayer service.

According to reports, the arrests were carried out on allegations that the individuals were acting as spies for the TPNPB. Those detained reportedly included Urbanus Kogeya, Marko Kogeya, Disina Gwijangge, Indiweriknak Arabo, and Giran Gwijangge.

In addition to the arrests, Pastor Nataniel Tabuni, Treasurer of the KINGMI Synod, and Pastor Sakius Kogeya were reportedly assaulted by security personnel.

These incidents raise concerns regarding the treatment of religious personnel performing religious and community functions in areas affected by armed conflict.

Maybrat Regency

Following the attack on the Kisor Military Sub-District Command (*Koramil*) post in September 2021, Indonesian security forces conducted sweeping operations across East Aifat and South East Aifat Districts. During these operations, many residents reportedly fled their homes and sought refuge in safer locations.

According to reports, one church building that had previously served as a place of worship for the local community was subsequently occupied by TNI personnel and used as a temporary military post.

While IHL does not prohibit the use of every religious building in all circumstances, the military use of places of worship raises important concerns under the principle of distinction and may expose religious facilities and surrounding civilians to the dangers associated with military operations.

Intan Jaya Regency

One of the most prominent incidents involving religious personnel in Papua was the killing of Pastor Yeremia Zanambani on 19 September 2020 in Hitadipa Village, Intan Jaya Regency. Pastor Yeremia was a respected religious leader of the Evangelical Tabernacle Church (*Gereja Kemah Injil Indonesia* or GKII) and was widely known for advocating peaceful solutions to the conflict and assisting affected communities.

Following an investigation, the National Commission on Human Rights (*Komnas HAM*) concluded that members of the Indonesian National Armed Forces (TNI) were responsible for his death. The incident attracted national and international attention and remains one of the most widely documented allegations involving violence against religious personnel in Papua.

Further incidents followed shortly thereafter. On 7 October 2020, Agustinus Duwitau, a Catholic catechist from Domonggau Village, was reportedly shot and killed. Soon afterwards, Rufinus Tigau, a catechist from the Diocese of Timika, was also reportedly shot and killed under similar circumstances.

Within a period of approximately two months, at least three religious figures were reportedly killed in Intan Jaya. These incidents raised significant concerns among church organisations, civil society groups, and human rights institutions regarding the safety of religious personnel operating in conflict-affected areas.

Religious leaders frequently play essential roles in humanitarian assistance, mediation, community protection, and support for displaced populations. Violence directed against clergy and other religious personnel therefore has consequences that extend beyond the immediate victims, affecting the broader resilience and wellbeing of conflict-affected communities.

Concluding observations

The incidents documented in Nduga, Maybrat, and Intan Jaya demonstrate that religious personnel and religious facilities have been drawn into the conflict in Papua in a variety of ways. Church workers and clergy have reportedly been subjected to arrest, physical violence, and, in some cases, lethal force. At the same time, places of worship have reportedly been occupied or used for military purposes.

While the precise circumstances of individual incidents require further investigation, the available information raises serious concerns regarding compliance with the protections afforded to religious personnel and places of worship under IHL. Such conduct may also implicate protections relating to freedom of religion, freedom of belief, and the rights of religious communities under international human rights law.

7. Attacks on medical personnel and healthcare facilities

Applicable legal framework

Medical personnel and healthcare facilities enjoy special protection under IHL. In NIACs, customary IHL requires that medical personnel exclusively assigned to medical duties be respected and protected in all circumstances.[77] Likewise, hospitals, community health centres (*Puskesmas*), clinics, ambulances, and other medical facilities and transports must be respected and protected and may not be made the object of attack. These protections are reflected in customary IHL and draw upon the detailed protections developed in the Geneva Conventions and their Additional Protocols. Their purpose is to ensure that the wounded and sick can receive medical care during armed conflict, regardless of their affiliation.

The obligation to respect and protect medical personnel and facilities extends beyond merely refraining from attack. Parties to a conflict must also avoid unduly interfering with the provision of healthcare and must take feasible measures to protect medical services from the effects of hostilities. Attacks against medical personnel, medical facilities, and medical transports may therefore constitute serious violations of IHL because they undermine the ability of civilian populations and wounded persons to access essential medical treatment.

The protection afforded to medical personnel and facilities is not absolute. Medical units may lose their protection if they are used, outside their humanitarian function, to commit acts harmful to an adverse party, such as storing weapons, sheltering able-bodied fighters, or being used for military operations. However, the presence of wounded fighters, the treatment of members of an armed group, or the possession of light weapons for self-defence does not remove that protection. Even where protection is lost, IHL requires that a warning be given and that the rules governing the conduct of hostilities, including proportionality and precautions in attack, continue to be respected.

Factual application

One of the most serious incidents involving medical personnel occurred on 13 September 2021, when the TPNPB Ngalum-Kupel faction attacked healthcare workers in Kiwirok District, Pegunungan Bintang Regency.

During the attack, Sister Gabriela Meilan, a 22-year-old healthcare worker, sustained severe injuries and later died. Three other healthcare workers—Sister Katrianti Tandila, Sister Kristina Sampe Tonapa, and nurse Emanuel—were seriously injured. The head of the Kiwirok Community Health Centre (*Puskesmas*), Sem Taplo, was also reportedly subjected to severe mistreatment by members of the armed group.

[77] ICRC Study on Customary International Humanitarian Law, Rules 25, 28 and 29 (Medical Personnel, Medical Units and Medical Transports); Geneva Convention I, Articles 19–24; Geneva Convention IV, Articles 18–20; Additional Protocol I, Articles 12 and 15; Additional Protocol II, Articles 9–11 (the treaty provisions that inform the customary protection of medical personnel, medical units and medical transports in NIACs); ICRC Customary International Humanitarian Law Database, Commentary to Rules 25, 28 and 29; ICRC, *Health Care in Danger: The Responsibilities of Health-Care Personnel Working in Armed Conflicts and Other Emergencies* (2012).

The attack extended beyond individual healthcare workers. Following the incident, the Kiwirok Community Health Centre was reportedly burned, together with a number of other public facilities in Kiwirok and Okika Districts. The destruction of the health centre significantly disrupted healthcare services in the area and contributed to the displacement of residents seeking safety elsewhere.

Violence affecting healthcare infrastructure continued in subsequent years. On 24 November 2023, an armed group attacked a community health centre construction project in West Beoga District, Puncak Regency. Three construction workers—Suyanto, Satiman, and Triyono—were killed during the attack. Two other workers, Nurali and Alfian Pratasis, sustained serious injuries from gunshot wounds and physical assaults and were subsequently transferred to Timika for medical treatment.[78]

Although the victims were not medical personnel, they were civilians engaged in the construction of healthcare infrastructure intended to serve local communities. The attack therefore affected both protected civilians and the provision of future healthcare services in the region.

Further allegations involving attacks on healthcare facilities emerged on 29 September 2025, when a community health centre in Kiwirok District, Pegunungan Bintang Regency, was reportedly targeted by an armed group.[79] Reports indicate that the incident further disrupted healthcare services in an area already affected by prolonged insecurity and displacement.

Concluding observations

The incidents documented in Pegunungan Bintang and Puncak Regencies raise serious concerns regarding the protection of medical personnel and healthcare facilities during the conflict in Papua. Healthcare workers, medical facilities, and healthcare-related infrastructure have repeatedly been affected by violence associated with the conflict, resulting in deaths, injuries, destruction of facilities, and the disruption of essential medical services.

The consequences of such attacks extend far beyond the immediate victims. In remote regions where healthcare services are already limited, the loss of medical personnel, the destruction of health facilities, and the displacement of healthcare workers may leave entire communities without access to essential medical care. These incidents therefore engage some of the most fundamental protections afforded under IHL.

[78] Detik.com, https://news.detik.com/berita/d-7058220/5-fakta-3-pekerja-proyek-puskesmas-di-puncak-papua-tewas-diserang-kkb

[79] Tempo, https://www.tempo.co/hukum/opm-bakar-puskesmas-di-pegunungan-bintang-papua-terjadi-baku-tembak--2074699#google_vignette accessed on

8. Attacks on and military use of civilian infrastructure

Applicable legal framework

One of the foundational principles of IHL is the principle of distinction. Parties to a NIAC must at all times distinguish between military objectives and civilian objects and may direct attacks only against military objectives. Civilian objects are all objects that are not military objectives and are protected against attack unless and for such time as they become military objectives under IHL.[80]

Schools, markets, homes, administrative buildings, and other civilian facilities are ordinarily civilian objects. They play an essential role in the daily life of communities by providing education, economic opportunities, public services, and social support. Damage to such infrastructure may therefore have consequences that extend well beyond the immediate effects of hostilities.

The protection afforded to civilian objects is reflected in customary IHL and has been repeatedly affirmed in international jurisprudence. Deliberate attacks directed against civilian objects, or the use of civilian facilities for military purposes in ways that expose them to the dangers of hostilities, may constitute serious violations of IHL.

The incidents documented below raise concerns not only regarding attacks against civilian infrastructure, but also the occupation and military use of facilities ordinarily dedicated to education, worship, community life, and civilian livelihoods.

Maybrat Regency

Following the attack on the Kisor Military Sub-District Command (*Koramil*) post in September 2021, Indonesian security forces conducted extensive security operations throughout Maybrat Regency.

According to reports by SKPKC OSA, a number of educational facilities in East Aifat District were affected by these operations. These reportedly included ten elementary schools operated by the Catholic Education Foundation (*YPPK*), a Presidential Elementary School, a public elementary school, and a public junior high school. Reports further indicated that several school buildings, together with churches and residents' homes, were used by TNI personnel as military posts.

The use of educational facilities for military purposes raises concerns under IHL because it may expose schools and surrounding civilian communities to the effects of hostilities while disrupting access to education and other essential services.

[80] ICRC Study on Customary International Humanitarian Law, Rules 7–10 (Distinction Between Civilian Objects and Military Objectives; Civilian Objects); Additional Protocol I, Articles 48, 52 and 57; Additional Protocol II, Article 13 (the treaty provisions that inform the customary rules protecting civilian objects and requiring distinction in NIACs); *Prosecutor v Galić*, ICTY Appeals Chamber, Judgment, 30 November 2006, paras 97–102.

Intan Jaya Regency

Similar concerns were reported in Intan Jaya Regency.

On 19 September 2020, personnel from the TNI reportedly occupied the Hitadipa Elementary School belonging to the Evangelical Churches in Papua Education Foundation (*YPPGI*). According to reports, the school was subsequently used as the headquarters of the Hitadipa Preparatory Military Command.

Witnesses reported that residents were gathered in the school grounds under the supervision of armed personnel while security forces searched for an SS1 rifle reportedly seized by the TPNPB during an earlier attack that resulted in the death of Sergeant Sahlan.

The reported occupation occurred during a period of heightened violence in Hitadipa, including the killing of Pastor Yeremia Zanambani and attacks directed against TNI personnel. Regardless of the security context, the military use of educational facilities raises concerns regarding the protection of civilian objects and the disruption of educational activities.

Pegunungan Bintang Regency

One of the most significant incidents affecting civilian infrastructure in Pegunungan Bintang Regency occurred on 13 September 2021, when an armed group attacked the market in Kiwirok District.

The market served as an important centre of economic activity for local communities and was used by residents for trade, commerce, and access to basic goods. According to reports, civilians were forced to flee the area during the attack, which resulted in casualties and damage to civilian property.

The attack followed an earlier assault on the Kiwirok Community Health Centre on the same day. After attacking and burning the health facility, members of the armed group reportedly moved towards the market area, further disrupting civilian life and economic activity.

Reports from 2025 indicate that violence affecting markets, commercial facilities, and other public infrastructure continued in several areas of Papua. These incidents illustrate how civilian infrastructure frequently becomes entangled in the broader dynamics of the conflict, with significant consequences for local communities that depend upon these facilities for their daily needs and livelihoods.

Concluding observations

The incidents documented in Maybrat, Intan Jaya, and Pegunungan Bintang demonstrate the vulnerability of civilian infrastructure during the conflict in Papua. Schools, churches, homes, markets, and other civilian facilities have reportedly been occupied, damaged, destroyed, or otherwise affected by military operations and armed violence.

Such incidents have consequences that extend beyond the immediate physical damage to buildings. The occupation of schools may disrupt access to education; the use of churches and community facilities for military purposes may affect social and religious life; and attacks on markets may undermine access to livelihoods and essential goods.

While the legality of particular incidents depends on their specific circumstances, the available information raises concerns regarding compliance with the principle of distinction and the obligation to respect and protect civilian objects under IHL. Such conduct may also affect a range of rights protected under international human rights law, including rights relating to education, property, culture, and community life.



Chapter 5
Conclusion and Recommendations

Conclusions

This report has examined the situation in Papua through the framework of international humanitarian law and assessed whether the violence occurring in Papua meets the threshold of a non-international armed conflict (NIAC) under Common Article 3 of the Geneva Conventions and customary international law. The analysis focused on four regencies—Maybrat, Nduga, Intan Jaya, and Pegunungan Bintang—which collectively illustrate the principal patterns of hostilities, military operations, civilian harm, displacement, and humanitarian consequences occurring across Papua.

1. The situation in Papua constitutes a NIAC

The evidence examined in this report demonstrates that the violence in Papua satisfies the two criteria required for a NIAC under customary international law: the existence of an organised non-state armed group and protracted armed violence of sufficient intensity.

The TPNPB possesses identifiable leadership structures, regional defence commands, internal disciplinary mechanisms, recognised spokespersons, and the capacity to plan and conduct military operations across multiple regions. Although decentralised, its organisational structure is consistent with models of armed group organisation recognised in international jurisprudence and scholarship.

The intensity criterion is likewise satisfied. Since at least 2018, hostilities have involved sustained military deployments, repeated armed engagements, specialised combat units, significant casualties, large-scale displacement, and widespread humanitarian consequences. These indicators are visible across all four case-study regencies and extend beyond isolated incidents of internal disturbance or criminal violence.

Accordingly, the situation in Papua is governed by Common Article 3 of the Geneva Conventions and applicable rules of customary international humanitarian law. The applicability of these rules does not depend upon formal recognition by any party. Rather, international humanitarian law applies automatically whenever the objective criteria of a NIACare met as a matter of fact.

2. The domestic legal framework remains unclear

While military operations have been conducted in Papua for decades, the report finds that their domestic legal basis remains uncertain. Unlike Aceh and East Timor, Papua has never been formally designated as an emergency area, military operations area, or conflict zone through a presidential decree or equivalent legal instrument.

Although Law No. 34 of 2004 and Law No. 3 of 2025 provide a framework for Military Operations Other Than War (MOOTW), no publicly available government or presidential regulation specifically governing military operations in Papua had been identified at the time of writing. This has limited transparency regarding the legal basis, objectives, oversight mechanisms, financing, and accountability arrangements applicable to those operations.

3. Both parties have engaged in conduct inconsistent with IHL

The report identifies conduct by both Indonesian security forces and the TPNPB that raises serious concerns under Common Article 3 and customary IHL.

With respect to Indonesian security forces, the report documents allegations of unlawful killings, arbitrary detention, torture and other forms of ill-treatment, violence against religious personnel, the military use of civilian facilities, and conduct contributing to displacement and broader humanitarian harm. The persistence of allegations arising from incidents in Abepura, Wasior, Wamena, and Paniai, together with more recent incidents documented in the four case-study regencies, demonstrates that concerns regarding civilian protection remain unresolved.

The report also identifies conduct by the TPNPB that is inconsistent with IHL. This includes the killing of civilians, hostage-taking, attacks affecting medical personnel and healthcare facilities, attacks on markets and other civilian infrastructure, and the occupation or military use of civilian facilities. Prominent examples include the killing of PT Istaka Karya workers in Nduga in 2018, the attack on health workers in Kiwirok in 2021, and the hostage-taking of New Zealand pilot Captain Phillip Mark Mehrtens between 2023 and 2024. Such acts remain prohibited under all circumstances and cannot be justified by reference to the existence of an armed conflict.

The existence of a NIAC does not legitimise unlawful conduct by either party. Rather, it provides the legal framework through which the conduct of all parties may be assessed and regulated.

4. Civilians continue to bear the greatest burden of the conflict

The most significant consequence of the conflict has been its impact on civilians. Across the four regencies examined in this report, civilians have been killed, injured, displaced, detained, and subjected to intimidation and violence by multiple actors.

The report documents more than 100,000 internally displaced persons across Papua, many of whom have experienced prolonged displacement and remain without durable solutions. Schools, churches, health facilities, and other civilian infrastructure have been damaged, occupied, or rendered inaccessible as a result of the conflict.

Children, women, older persons, and remote Indigenous communities have been disproportionately affected.

The humanitarian consequences of the conflict extend beyond direct violence. Displacement has disrupted access to healthcare, education, livelihoods, and community support networks, creating long-term social, cultural, and economic consequences for affected communities.

5. Humanitarian access remains inadequate

The report finds that humanitarian access remains severely constrained despite the scale of humanitarian needs. While churches, community organisations, and local authorities have provided important assistance, access by impartial humanitarian organisations remains limited.

Reports documented throughout this report indicate continuing concerns regarding access to displaced populations, the provision of healthcare and education in conflict-affected areas, and the ability of impartial humanitarian organisations to independently assess and respond to humanitarian needs. Many affected communities continue to rely primarily on local support networks despite facing significant humanitarian challenges.

The absence of formal recognition of the conflict has contributed to uncertainty regarding the role of humanitarian actors and has restricted opportunities for independent humanitarian assessment and response. Recognition that IHLapplies to the situation in Papua would not resolve these challenges by itself. However, it would provide a clearer legal framework through which humanitarian organisations could offer assistance and through which parties to the conflict could facilitate relief operations for civilians in need.

Recommendations

To Aall parties to the conflict

1. Immediately cease extrajudicial killings, torture and all cruel, inhumane treatment, hostage-taking, and attacks against civilians and civilian objects.
2. Respect and protect civilians, medical personnel, religious figures, humanitarian workers, schools, health facilities, places of worship, and other civilian infrastructure.
3. Cease the occupation or use of schools, health facilities, and other civilian objects for military purposes, except where at a given time such objects have been converted into military objectives under IHL.
4. Respect and implement obligations under Common Article 3 and applicable customary IHL.
5. In accordance with Rule 55 of customary IHL, both parties to the conflict must allow and facilitate the rapid and unimpeded passage of humanitarian assistance for civilians in need, particularly for:

a. National humanitarian organisations, including the Indonesian Red Cross and Humanitarian Forum Indonesia; and

b. International humanitarian organisations, such as the International Committee of the Red Cross (ICRC), Médecins Sans Frontières, and other organisations.

6. In accordance with Rule 56 of customary IHL, the parties must ensure freedom of movement for authorised humanitarian relief personnel essential to the exercise of their functions.
7. Investigate alleged violations committed by forces under the control of each party and take appropriate measures—whether disciplinary, administrative, or criminal sanctions—as warranted.
8. Facilitate humanitarian pauses, local ceasefires, and other measures to reduce the adverse impact on civilians and enable humanitarian assistance.

To the Government of Indonesia

1. Formally acknowledge that a NIAC exists in Papua and that the situation is governed by IHL. Such recognition does not alter the legal status of the parties under domestic law, but ensures that the IHL protection regime applies fully to both the TNI and the TPNPB, including their obligations toward the civilian population in areas under their control.
2. Acknowledge that the applicability of IHL is determined by objective facts and ensure that all TNI and Polri operations in the Land of Papua comply with Common Article 3 of the Geneva Conventions and customary IHL.
3. Immediately issue a Presidential Decree on Military Operations Other Than War as required under Law Number 34/2004 on the Indonesian National Armed Forces (as amended by Law Number 3 of 2025), in order to place military operations in Papua within a clear legal framework and enable parliamentary oversight, budgetary transparency, and accountability.
4. Refrain from declaring a state of civil or military emergency in Papua. The National Human Rights Commission has documented that periods of military operations during the New Order era resulted in serious human rights violations that remain unresolved through the state's legal system; a declaration of emergency risks repeating those patterns.
5. Open and facilitate the rapid and unimpeded delivery of humanitarian assistance to civilians in need, particularly IDPs and affected populations, with restrictions permitted only to the extent allowed under IHL.
6. Ensure humane treatment, protection, and assistance for displaced persons, including access to food, healthcare, education, and long-term solutions.
7. Develop and implement a coordinated strategy for safe, voluntary, and dignified return, as well as local integration or resettlement of displaced populations, in consultation with affected communities and humanitarian actors.

8. Conduct prompt, independent, and effective investigations into alleged extrajudicial killings, torture, arbitrary detention, enforced disappearances, and other violations, and provide effective remedies and reparations for victims.

To the House of Representatives

1. Urge the government to promptly acknowledge that a NIAC is taking place in Papua and to comply with the rules governing it under IHL.
2. Conduct oversight of military operations that have been ongoing for six decades in Papua and hold the government accountable in accordance with applicable legislation, particularly the TNI Law.
3. Revise the Human Rights Court Law to include war crimes and crimes of aggression as part of gross human rights violations.
4. Encourage all parties to open the broadest possible access for national humanitarian organisations such as the Indonesian Red Cross (PMI) and others, as well as international organisations such as the ICRC, to carry out humanitarian action and recovery efforts, particularly for IDPs.

To other state institutions

1. The MRP and DPRP should urge the Government to recognise Papua as the site of a NIAC and to comply with the rules governing it, as well as to immediately address the needs of civilians affected by the armed conflict.
2. The DPRP and MRP should encourage all parties engaged in hostilities to seek a peaceful solution.

To the TPNPB

1. Immediately cease attacks directed against civilians, including individuals suspected of assisting, informing, or cooperating with the Government unless and for such time as they directly participate in hostilities.
2. Cease hostage-taking and ensure the immediate release of any civilians unlawfully deprived of their liberty.
3. Refrain from occupying or using schools, health facilities, churches, and other civilian facilities for military purposes.
4. Respect and protect medical personnel, humanitarian personnel, religious personnel, and other protected persons.
5. Facilitate humanitarian access in areas under its influence and refrain from interfering with humanitarian relief operations.
6. Strengthen internal command, disciplinary, and accountability mechanisms to prevent and respond to violations committed by subordinate units.

To humanitarian organisations and the international community

1. Continue your important work and readiness to provide humanitarian assistance and protection activities for conflict-affected communities, particularly IDPs and vulnerable groups.
2. Support independent monitoring and documentation of humanitarian needs and civilian harm arising from the conflict.
3. Continue to advocate for safe, sustained, and impartial humanitarian access throughout Papua.
4. Support initiatives that reduce civilian harm, strengthen compliance with international humanitarian law, and create conditions conducive to a peaceful resolution of the conflict.
5. Encourage and support dialogue between the parties aimed at reducing violence and addressing the humanitarian consequences of the conflict.



Epilog

What is articulated in this report represents the inaugural collective effort of higher education institutions, religious bodies, and civil society organisations to accurately name a reality that has persisted for more than six decades. Never before has a study on the conflict in the Land of Papua been compiled from the perspective of international humanitarian law by such a collaborative coalition.

This effort aligns with the tradition upheld by Driyarkara School of Philosophy since its founding in 1969, which asserts that philosophy is not merely an academic discipline absorbed in a dialogue with itself. Philosophy is a radical way of thinking in that it gets at the root of things, and the root of various national problems always returns to a single question: what kind of human beings do we wish to live together with in this nation-state?

Higher education institutions cannot hide behind academic walls when real human beings are enduring suffering and a heavy historical burden. The Three Pillars of Higher Education is not merely an administrative obligation, but a calling derived from the very *raison d'être* of science, knowledge for the common good. This collaborative report is a concrete manifestation of that calling.

As explained in the Introduction, philosophy examines and tests all things, then holds fast to what is good and continues to raise questions about what remains problematic. The next step is to act based on that sound judgment. In this context, it means promoting peace among the parties involved in the conflict through valid and just instruments, while simultaneously inviting various elements of society to join in voicing the humanitarian crisis in Papua. To do so requires an honest naming of what is truly happening.

One of the most significant findings in this report is that the armed conflict in Papua—particularly in Nduga, Intan Jaya, Maybrat, and Pegunungan Bintang—objectively meets the threshold of a Non-International Armed Conflict according to International Humanitarian Law. This objective legal fact naturally prompts responses regarding its consequences, including from the perspective of human rights law, which is a distinct yet complementary branch of law.

The prolonged ambiguity in naming the conflict in the Land of Papua is not merely a matter of terminology. The same situation is labeled "criminality" by one institution, "separatism" by another, "KKB" (Armed Criminal Group) during one period, and "OPM" (Free Papua Movement) during another. This ambiguity reflects the absence of a clear legal framework and has itself become a source of the problem. More fundamentally, it reflects a political failure that enables impunity. From a legal standpoint, without proper classification and naming, no obligations can be enforced, no protection can be provided, and no accountability can be demanded.

The principle reaffirmed in this report has long been established in international law: the applicability of international humanitarian law does not depend on formal state recognition, but on the objective fulfillment of factual criteria. This means that the protection of civilians must not—and need not—wait for a terminological agreement among the parties.

Here, the face of law appears as a technical-legal instrument. However, law is essentially the product of humanity's long experience in confronting various cruelties and injustices. International Humanitarian Law is the fruit of humanity's bitter experience in facing the cruel reality of war, giving rise to the realisation that even in situations of armed conflict, there are boundaries that must not be crossed, dignity that must not be stripped away, and humanity that must be preserved.

By classifying the situation in Papua as a Non-International Armed Conflict, this report goes beyond a mere academic statement. It reminds this nation of its universal moral responsibility to save lives and dignity.

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An equally important, if not primary, point in this report is the reality that behind every data point presented lies a human face: a mother fleeing into the forest with her children, a farmer whose field has become an operational zone, a teacher closing a school out of fear, a child growing up without ever knowing safety, or three motorcycle taxi drivers who knew nothing of the conflict but were killed in their own village. Behind every number is a name, such as Wity Unue, a child who died as a result of torture; or Pastor Yeremia Zanambani, a figure of peace who instead became a victim; and Sister Gabriela Meilan, a 22-year-old healthcare worker who died as a result of an armed attack. There are many others.

The meticulously collected data in this report speaks loudly: more than 100,000 internally displaced persons, arbitrary killings of civilians—including medical personnel, religious figures, children, and students; schools turned into military posts; places of worship emptied; community health centres burned; and a pilot detained for twenty months.

Respect for human dignity begins with the courage to not obscure the existence of those who become victims behind the euphemisms of development operations or regional security narratives. Uttering a name is the simplest way to acknowledge that a person once existed, and that their passing is a real loss.

Papua is not merely an administrative territory or a strategic zone for economic interests. Papua is a home for human beings who have the right to live in peace. However, this report shows that the complexity of the conflict in Papua cannot be resolved by one party alone. Its resolution requires an honest dialogue, a willingness to truly listen, and the political courage to acknowledge that there is a serious humanitarian problem that cannot be ignored in the name of anything.

As is evident in its presentation and analysis, this report does not side with any party to the conflict. This report stands on the side of the law that binds all parties equally, whether it be the Indonesian National Armed Forces, Indonesian National Police, or

the West Papua National Liberation Army. No single party can claim immunity from this obligation, and no political or military objective can justify violence against civilians and protected persons.

The report also raises the structural issue that for decades, military operations in Papua have taken place without a clear legal basis, without adequate parliamentary oversight, and without a transparent legal framework. This question regarding legality and legitimacy is not an attack on state institutions, but rather an encouragement for the state to rectify its approach. The question is simple, yet it demands honesty: have the methods pursued thus far been in line with the ideals of the rule of law that we collectively acknowledge? A healthy nation is not afraid of such questions.

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Six decades is an exceptionally long time for a conflict. However, the history of this country also teaches us that no conflict lasts forever. Whether the path to peace is open or closed depends heavily on the decisions of the conflicting parties and policymakers to choose dialogue over violence, transparency over clandestine decisions, and humanity over narrow interests. As long as large-scale economic interests continue to drive the expansion of military presence without a transparent legal framework and without the meaningful involvement of Indigenous communities, the roots of the conflict will not recede.

The recommendations in this report are concrete and actionable, beginning with the formal recognition of the applicability of international humanitarian law, the issuance of a presidential decree providing a legal basis for military operations, the opening of Papua for humanitarian access, independent investigations, and an impulse toward peace negotiations. This agenda is realistic, provided there is political will and, above all, good faith from the government and the people's representatives in parliament to address the humanitarian crisis in the Land of Papua.

The publication of this report is simultaneously a statement that, as a nation, we need to take a stand regarding the suffering of our brothers and sisters in the Land of Papua from our respective positions and roles. This report is an urgency for the state and a call to civil society as well as the international community to pay serious attention to the conflict in the Land of Papua and to earnestly strive for a permanent peace.

With the motto of Driyarkara, *ex philosophia claritas* (from philosophy arises clarity), this report is an effort to bring clarity to what is happening, what can be legally justified, and what we need to voice together. May that clarity bring light to Papua and to us all.

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