

The Papua Report

January 2004

The following is the first in a series of monthly reports prepared by the Robert F. Kennedy Memorial Center for Human Rights - Indonesia Support Group providing updates regarding developments in Papua. The RFK Center has monitored and reported on the human rights situation in Papua since 1993 when Bambang Widjojanto received the annual RFK Human Rights Award.

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Yale Study Points to Genocide in Papua

A report released December 10 by Yale Law School's Lowenstein International Human Rights Clinic concludes that the Indonesian Government has engaged in a systematic pattern of acts that have harmed a substantial part of the indigenous population of Papua. The report charges the Indonesian Government with murder and torture of indigenous Papuans and concludes that Jakarta has committed crimes against humanity in Papua and may be guilty of genocide. It

reports, as have other reputable studies, that thousands of Papuans have been killed since Indonesia took over the former Dutch colony in 1963. The report states that, even if the primary intent of Jakarta's policies (such as government-sponsored transmigration into Papua, massive exploitation of Papuan natural resources, forced displacement and assimilation initiatives, and systematic denial of basic health and other vital services) was not to eliminate Papuans, current interpretation of the Genocide Convention considers that knowingly pursuing policies that have genocide-like outcomes could be classified as genocide. A full text of the 76-page paper is available online at:

http://www.law.yale.edu/outside/html/Public_Affairs/426/westpapuahrights.pdf

FBI Team Continues Investigation of Terror Attack Against Americans at Freeport Mine; FBI Director Refutes Indonesian Claims that FBI Exonerated Indonesian Military (TNI) in the Attack; NYC Firefighters & Other Investors Call for End to Freeport Payments to TNI until Case Closed

In December, a team of four FBI agents visited the Papuan town of Timika and questioned witnesses in connection with an August 31, 2002, ambush in which three schoolteachers for the U.S.-owned Freeport gold and copper mining company (two Americans and one Indonesian) were killed and eight other U.S. citizens, including a 6-year-old girl, were wounded on Freeport's main mining road. The TNI, which assumed control of the investigation from the police one year ago, has neither made any arrests nor named any suspects. Police investigators along with independent investigations by ELSHAM, Papua's leading human rights organization, and journalists have implicated Indonesian troops.

FBI Director Mueller in January told Patsy Spier, one of the survivors of the Timika attack and the widow of murdered schoolteacher Rick Lynn Spier, that the FBI has not exonerated anyone, nor any group, from involvement in the Timika Case, and that the investigation is ongoing. He also said that the FBI does not depend upon the findings of other law enforcement agencies. The Director thus refuted recent public claims by senior Indonesian officials that the FBI had concluded that the TNI was not involved in the attack. Director Mueller also said his definition of cooperation (by the Government of Indonesia and the TNI) was to follow the case through to its conclusion.

Meanwhile, the New York City Comptroller's Office, which manages \$28.8 million of retirement funds invested in Freeport's Papua mining operation on behalf of NYC firefighters, police, teachers and other city employees, has filed a shareholder resolution with the U.S. Securities and Exchange Commission calling on Freeport to halt its direct payments to the TNI (which have totaled more than \$45 million in recent years) until the Indonesian government cooperates with the FBI investigation, and the teachers' killers are prosecuted.

Jakarta Appoints War Criminal from East Timor to Head Police in Papua

The U.S. Government has joined other governments and organizations in condemning Indonesia's December 1 appointment of an indicted war criminal to head the police force in Papua. Brigadier General Timbul Silaen was among those indicted by United Nations prosecutors and separately by Indonesian prosecutors for his role in the war crimes and crimes

against humanity unleashed by Indonesian security forces and their militias in East Timor in 1999 in connection with the East Timorese overwhelming vote for independence. An Indonesian court, in what was widely assessed to have been a transparent travesty of justice, last year cleared Silaen and most other military and police officials. U.N. and East Timorese prosecutors continue to seek Silaen's extradition to East Timor to stand trial.

The U.S. State Department described the USG as "dismayed" by Silaen's appointment, adding that the appointment was "unlikely to further the cause of reconciliation and peace in Papua province." As reported in the Far Eastern Economic Review, the Robert F. Kennedy Memorial Center for Human Rights stated that the appointment of Silaen, along with the arrival in Papua of Eurico Guterres, a former East Timor militia leader convicted by an Indonesian court of war crimes in East Timor and facing at least 10 years' imprisonment, underscored "mounting evidence of a campaign by Jakarta to create increased instability and violence" in Papua.

TNI Establishes and Supports Militia Groups in Papua; Continues Campaign in Central Highlands

In addition to the arrival of convicted East Timor militia leader Guterres in the Freeport mining area, the TNI has also set up militia groups in the Central Highlands town of Wamena, while human rights defenders in Sorong and Fak Fak report that the violent Muslim militia group Laskar Jihad has established a presence there and enjoys support and protection from the military.

Military operations begun in April 2003 continue to generate devastating consequences for many Papuan civilians in the Papuan Central Highlands. In November, Indonesia's notorious Special Forces, Kopassus, killed ten people while they slept in Yalengga village. The night before he was killed in his bed, local OPM leader Yustinus Murip broadcast a message of peace and reconciliation on Australian television in which he called for United Nations intervention and peaceful dialogue between Jakarta and Papua. A published photo of soldiers displaying Murip's dead body like a game trophy sparked heated criticism of the military's brutal tactics from Jakarta opinion leaders. The Yalengga attack was only the latest in a TNI offensive in the highlands that has led to the burning of villages and has displaced thousands. The campaign has entailed extrajudicial killings, torture including rape, and assaults against health clinics, churches, schools and gardens. Compounding the suffering of the civilians, the TNI has prevented humanitarian assistance workers, including Papuan church leaders, from going to the area to provide food and medicine to hundreds of villagers still hiding in the forests. Church leaders report that scores have died of starvation and disease.

Illegal Transfer of Papuan Political Prisoners Raises Tensions

Papuans are protesting the unannounced December 21, 2003, transfer from Wamena to Jayapura of 12 of 13 people convicted of peaceful political protest in Wamena in 2000. The transfer, which separates these political prisoners from their families, was carried out without legal requirements including notification to the prisoners' lawyers or families.

The prisoners, including the prominent nonviolent religious leader Rev. Obeth Komba, were sentenced for hoisting the Papuan Morning Star flag three years ago. In accordance with policies established by Indonesian President Abdurrahman Wahid, it was legal to fly the Morning Star flag at that time as a cultural symbol. Shortly after the 13 leaders were sentenced, they were released when an Indonesian human rights court began a review of their case. The 13 leaders were suddenly detained again on December 11, 2003, while three others were detained on December 18. Senior Papuan religious leaders and human rights advocates believe the sudden detentions and illegal transfer were intended by the Indonesian armed forces to destabilize further the situation in Wamena by exacerbating tensions already at a high level owing to the destruction of villages and displacement of many Papuan villagers in the area by military operations which began in April 2003.

The reason given for their current detention is that they have not served the prison sentences which were handed to them in 2001. Four others, including Amelia Yiggibalom, the only female in the group, remain in detention in Wamena Prison. Amnesty International has campaigned on behalf of these individuals since 2000. Amnesty International considers Rev. Obeth Komba, Amelia Yiggibalom, Reverend Yudus Meage and Murjono Murib to be prisoners of conscience and is calling for their immediate and unconditional release. Although initially detained in relation to the violence, the charges against them focused on their legitimate and peaceful activities. According to Amnesty International's information they tried to stop the violence. The others detained are considered by Amnesty International to be "possible prisoners of conscience" convicted in trials that did not uphold international standards for fair trial. Amnesty International has called for a prompt review of their trials and a full and impartial investigation into allegations that they were tortured.

Indonesian Lawyers, Papuans Challenge Jakarta's Attempt to Divide Papua

RFK Memorial 1993 Human Rights Award laureate **Bambang Widjojanto** is currently defending the rights of Papuans by challenging in court the Government of Indonesia's attempt to divide Papua into three new provinces. The government action, taken without consultation with Papuan local officials or the Papuan people generally, led to deadly fighting in August 2003.

In response to the court challenge, argued by Mr. Widjojanto in his role as chairman of the Papua Special Autonomy Defense Team, Indonesia's Constitutional Court is now reviewing the validity of Law No. 45/1999, which calls for the partition. Widjojanto told media that he hoped the court would make a historic decision to accept his group's objection to the law, which he said was against the amended 1945 Constitution. Mr. Widjojanto and his team argue that the law is contrary to Law No. 21/2001 which establishes Papua's special autonomy status and which supercedes the partition order. The court's decision will have significant implications for elections in Papua later this year.

In addition to legal action, Papuans are mobilizing nonviolently to block the division. Nearly 1,000 Papuans, including five influential groups (the Papuan women's discussion group, tribal leaders, local figures, Papuan intellectuals' group and Papuan youth) held a late December two-day meeting that demanded the Government revoke Law No. 45/1999 which would partition Papua. They also called upon the Government to speed up the establishment of the Papuan

People's Assembly (MRP) as mandated by a special autonomy law (Law No. 22/2001) now in limbo.

Megawati Administration/TNI Reject Peaceful Dialogue; Escalate Crackdown Against Papuan Peaceful Dissent

Rejecting long-standing calls by Papuans for peaceful dialogue to resolve the conflict in Papua (support for peaceful dialogue between the parties is also the official policy of the USG and the European Union), Indonesian President Megawati Sukarnoputri, Coordinating Minister for Security and Political Affairs Susilo Bambang Yudhoyono, Chief of the Armed Forces, Gen. Endriartono Sutarto, and Army Chief of Staff Gen. Ryamizard Ryacudu, have all ruled out the possibility of dialogue.

Indonesian security authorities also have sharpened a crackdown targeting Papuans engaged in peaceful protest. In addition to the incarceration of 16 Papuans from Wamena noted above, Indonesian security forces detained four Papuan students in Java who released balloons bearing the Papuan Morning Star flag to commemorate Papua's December 1 independence day. The students called for peaceful dialogue between Jakarta and the people of Papua to be mediated by a third party aimed at resolving the abusive situation in Papua and the long-contested status of the territory.

Meanwhile in Semarang (also in Java), police are continuing house-to-house searches for banners, posters, books on Papua, and other "pro-Papua" material. In Papua itself on December 1, police forcibly repressed peaceful flag raisings in Sentani and Manokwari and removed the Morning Star flag flying before the Sentani home of moderate Papuan leader Theys Eluay, who was assassinated by Indonesian Special Forces in November 2001. Seven activists (Carlos Yumame, Luter Duansiba, Ishak Toansiba, Han Mandacan, Terry Korayem, Yulianus Indem, and Yohakim Mensi) remain in detention in Manokwari after a pre-emptive police action scuttled plans for a December 1st commemoration there.

Recent weeks have seen a major escalation in intimidation and provocation by Indonesia. In mid-January, five Papuans were sentenced to between 20 years and life for their alleged involvement in the April 2003 raid on a military post in Wamena (see above). Earlier, nine Indonesian soldiers who were also alleged to have been involved in the April incident received sentences of six to 14 months. The enormous contrast in sentences handed down to TNI vs. civilians allegedly involved in the incident underscores the Indonesian authorities' biased approach to the justice proceedings and their apparent intent to further destabilize the area.

Military Targeting of Human Rights Defenders Continues

Two senior human rights activists, John Rumbiak and Yohanes Bonay with the human rights organization ELSHAM, were forced to leave Papua as a result of death threats and have been sued for defamation by the TNI. One year ago, Yohanes Bonay's wife and child were seriously wounded when shooters (identified as TNI-trained militia personnel) opened fire with automatic weapons on a car they were traveling in -- the same vehicle in which Bonay decided at the last minute not to ride. Meanwhile, ELSHAM staff in Papua have received bomb threats.