

# **The West Papua Report**

## **October 2004**

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

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### **Analysis: Yudhoyono Presidency and Cabinet Hold Mixed Promises for Papuans**

The October 20 inauguration of new Indonesian president Susilo Bambang Yudhoyono and his cabinet appointments on October 21 offer mixed promises for improving the human rights situation in West Papua. Yudhoyono campaigned on a promise of acting quickly to peacefully resolve tensions in the province and his relatively progressive positions with respect to Papuans' basic rights won him overwhelming electoral support in West Papua. That said, the fact that he lacks a strong political party base suggests that his ability to move policy initiatives will depend heavily on civil society support and the organizing power of NGOs. The Indonesian military's recent escalated violence in West Papua, described in the third item below, further suggests that elements of the military will continue to resist strongly any efforts at effective reform.

Yudhoyono's appointments to the positions of Coordinating Minister for Political, Legal and Security Affairs, Defense Minister, Minister of Justice and Human Rights, Environment Minister and Attorney General bode well for good governance and enhanced government respect for human rights and environmental protection. One particularly noteworthy appointment is Abdurrahman Saleh to the position of Attorney General. Saleh is widely viewed as a strong and

effective human rights advocate and served previously as director of the Indonesian Legal Aid (LBH) Institute's Jakarta branch office.

However, Yudhoyono has appointed to key positions controversial individuals, with poor records with respect to respect for Papuans and other minority groups. Cabinet Minister Sudi Silalahi was responsible for sending the violent Islamic militant group Laskar Jihad to West Papua in recent years. State Secretary Yusril Ihza Mahendra, who served as Justice Minister in the Megawati Administration, also is viewed as supporting an extremist Muslim agenda.

In the meantime, U.S. business interests are wasting no time in courting the new president and his administration. ExxonMobil executive and U.S.-Indonesia Business Council Chairman Robert Haines will lead a U.S.-ASEAN Business Council mission to Jakarta December 5-9, 2004, to meet with Yudhoyono and cabinet members. One hopes for a similar level of access to Indonesian government officials for those working on human rights promotion, good governance and environmental protection.

### **U.S. Government Unwilling to Correct False Claims of Indonesian Military "Exoneration" in Killing of American Citizens at Freeport**

Indonesia's new defense minister, Juwono Sudarsono, said October 21 that he would resume efforts to restore military ties with the United States, which were partially cut in 1999 because of Indonesian military (TNI) abuses during East Timor's independence vote. The efforts of the new defense minister coincide with indications from the U.S. State Department that it is anxious to resume cooperation with the Indonesian military, including provision of military training under the International Military Education and Training (IMET) program as well as sale of military equipment through the Foreign Military Financing (FMF) program.

The Bush administration is seeking to resume ties with the TNI, but the U.S. Congress has opposed this move, insisting that IMET and FMF for Indonesia should be held in abeyance until there is accountability for TNI rights violations, notably in East Timor.

Sudarsono, in remarks to the media, acknowledged difficulties in realizing this new cooperation due to Indonesia's failure to meet international demands for transparent and fair judicial proceedings against military officers guilty of rights abuses. Departing U.S. Ambassador to Indonesia Ralph Boyce appeared to confirm the importance of Indonesia's failure to hold senior TNI officials accountable, noting that Jakarta had "missed its opportunity" to restore military ties by failing to make its soldiers accountable for abuses in East Timor. In August, the Indonesian Supreme Court overturned the convictions of four Indonesian military officers, meaning that no members of the TNI have been found guilty of rights abuses in East Timor.

The TNI appears to be making more progress in efforts to evade widely alleged responsibility for another crime involving the killing of an Indonesian and two U.S. schoolteachers working at the New Orleans-controlled Freeport copper and gold mine in West Papua in August 2002. Following a statement by U.S. Attorney General John Ashcroft accompanying a June indictment of one Papuan in that incident, the TNI declared itself "exonerated."

The new Yudhoyono administration has echoed this claim: Minister Sudarsono has told the

media that he believes the U.S. Federal Bureau of Investigation (FBI) had decided that the TNI was not to blame for the incident.

Despite senior U.S. Government private assurances to U.S.-based human rights activists and Congressional staffers that the FBI investigation of the murders is ongoing and that the TNI in fact has not been exonerated, no U.S. Government official has stepped forward publicly to correct the TNI misrepresentation of the U.S. Government's perspective on the murders.

### **Indonesia's Special Forces Launches Major Destabilizing Operation, Killing Three Civilians and Displacing Thousands in West Papua Highlands**

A senior Papuan Christian leader reports that extensive Indonesian military operations in the vicinity of Mulia, capital of the Puncak Jaya region in West Papua's central highlands, has forced thousands (perhaps as many as 5,000) of local residents to flee into the forests. The TNI operations, which began in mid-October, have also led to the closure of 22 churches in the area. Most or all of these are Baptist churches, which tend to predominate in the area. One pastor and two civilians were killed.

The military operations, which are being carried out by *Kopassus*, Indonesia's notorious Special Forces, were launched following the mid-October killing of five people, allegedly by the local OPM (Free Papua Organization) leader, Goliad Tabuni. Baptist church leader Socrates Yoman, the principal source for this report, notes that local people are suspicious that the culprits in the killings were not those serving under Tambouni but rather were from one of two local militia groups organized by the TNI.

Also, according to this same source, the TNI has demanded substantial financial support from local officials to underwrite the military operation now getting underway.

Analysts believe that the conflict may have been initiated by the TNI in order to forestall a promise by newly elected President Susilo Bambang Yudhoyono to resolve tensions in both West Papua and Aceh through peaceful means within the first 100 days of his administration. Such a reduction of tensions in West Papua would undermine the security pretext for the TNI's continued lucrative deployment in West Papua, according to analysts.

In a possibly related development, the chief of police in West Papua, Timbul Silaen (indicted by the UN Special Crimes Court in East Timor for his role in the 1999 carnage in East Timor) has refused to permit a major gathering of three West Papuan religious organizations, including the West Papuan Baptist church. The ongoing TNI operations in the Central Highlands would likely have been one point of discussion on the agenda of that meeting.

### **Papuans Press for Resolution of Self-Determination Question**

Papuans have appealed to the international community to fulfill broken promises and respond to long-standing Papuan aspirations for self-determination.

Traveling in New Zealand, prominent Papuan human rights advocate John Rumbiak told a regional peace and security conference in Christchurch in October that Pacific countries were ignoring the brutality of Indonesian armed forces against Papuans. Rumbiak told the assembly

that Papuans seek the right of self-determination of which they were deprived after the United States and United Nations facilitated Indonesia's formal consolidation of its control of the territory in 1969 through the now-discredited UN-supervised "Act of Free Choice" (AFC).

Rumbiak described Indonesia's takeover as a sacrifice made in the name of Pacific security after the fall of Vietnam and "fear that Indonesia was heading towards communism." Rumbiak said that since the takeover, which lacked the consent of Papuans, Jakarta's rule has meant systematic brutalization of the Papuan people. Indeed, a recent study by the Allard K. Lowenstein International Human Rights Clinic at Yale Law School concluded that the Indonesian government and military have carried out crimes against humanity, possibly constituting genocide, against West Papua's indigenous population. An estimated 100,000 people have died as a result of the conflict.

Rumbiak stated that during the past four years, the Indonesian military presence in West Papua has grown from 3,000 troops to about 30,000. He also noted that the Indonesian government was failing to protect West Papua's environment and the health of Papuans. He noted that West Papua suffered the highest rate of HIV infections and the highest rate of infant mortality in Indonesia, amongst the highest in the world. The suffering of the people was all the more tragic given the fact that West Papua had the richest mineral resources of any Indonesian province.

Papuans within Indonesia have echoed Rumbiak's appeal, calling on newly elected President Susilo Bambang Yudhoyono to enforce the Special Autonomy Law for Papua to resolve the prolonged issues in the province. A meeting of Papuan activists and leaders in a mid-October conference convened by the National Forum for Human Rights Concerns in Papua (FNKHP) urged President Yudhoyono to implement Law No. 21/2001 on special autonomy for West Papua and reconsider the division of the territory into several provinces.

Reverend Karel Phil Erari, who co-chairs the Forum with Yudhoyono, stated that the organization had "entrusted Susilo to fully enforce the law to help resolve the issue. Otherwise, the friction between Jakarta and Papua will only get worse." (Yudhoyono won majority votes in West Papua during both rounds of the presidential election.)

Outgoing President Megawati issued Presidential Instruction No. 1/2003 to implement Law No. 45/1999 on the division of West Papua into three provinces, effectively undermining the Special Autonomy Law for that province. The decision to divide the province, now stalled with only one disputed new province created, was never vetted with the Papuan people. Megawati also refused to establish the Papuan People's Assembly (MRP) as required by the law as the highest law-making body in the province.

The Papuan Legislative Council has requested the Constitutional Court to annul the presidential instruction.

Erari described the contentious presidential instruction and the establishment of a new province as "a betrayal of the Special Autonomy Law, which stipulates that the formation of new provinces requires approval from the MRP."

Also in October, in a bolder demand, some 100 people protested in the West Papua provincial capital, Jayapura, demanding that Yudhoyono hold another self-determination referendum in West Papua in order to afford Papuans the opportunity to exercise their right to self-determination effectively denied during the 1969 AFC. The protesters insisted that the AFC, via which Indonesia formally incorporated West Papua, was not democratic and should be repeated. This characterization corresponds with the view of scores of parliamentarians and non-governmental organizations that have petitioned UN Secretary General Kofi Annan to review the UN's role in the AFC.

### **Expected New Indonesian Military Chief Has Declared Murderers of Papuan Leader "Heroes"**

In the waning hours of her Administration, former Indonesian President Megawati Sukarnoputri sought to replace TNI military chief General Sutarto with TNI Chief of Staff Ryamazad Ryacudu. Ryacudu is well and unfavorably known to Papuans. Following the conviction of TNI personnel in what the Indonesian court described as the "torture murder" of Papuan political leader Theys Eluay in November 2001, Ryacudu described the murderers as "heroes" for their cold-blooded killing of the peaceful advocate for Papuan self determination.

Megawati's action created one of the major controversies to face incoming President Yudhoyono, who does not recognize the move while the parliament has approved it.

### **Pressure on Journalists in West Papua/Foreign Journalists Barred**

In addition to growing military and police pressure on human rights activists in West Papua (reported in the September issue of the RFK West Papua report, available online at: [www.rfkmemorial.org](http://www.rfkmemorial.org)), reliable sources who recently have visited West Papua report that journalists working in West Papua face growing intimidation. The growing pressure is exerted, in part, by their editors and limits the range of issues they are able to cover. Corruption and violation of Papuans' rights by the military or police are particularly sensitive issues. The editors, themselves facing pressure from the TNI and Government, have warned their staffs that if they report on certain events, they could be considered by the military to be sympathizers of the small armed Papuan resistance, the OPM.

Intimidation takes various forms, including constant requests from the police to act as witnesses in trials as well as more direct intimidation from officials and from TNI-organized and directed militias. Some journalists have been victims of suspicious car accidents and often receive anonymous threatening telephone calls directed at them or their families. In more blatant cases, journalists have been followed and sometimes chased out of towns where they are conducting investigations.

As a consequence of this pressure, journalists in West Papua are often hesitant to report concerns raised by NGOs and other civil society activists. Similarly, they often fail to report about land disputes and illicit narcotics activities in which military, police and civilian officials often are involved directly.

In addition, it was learned recently that foreign journalists are barred from going to West Papua (and Aceh) altogether. The decision to ban their access, which was made last month by fifteen government agencies, is supposedly for “security reasons” and will be “until further notice.”

### **Papuan Protesters Reject Appointment of Non-Papuans to Key Positions in West Papua**

An October review of autonomy issues in West Papua sparked protests by indigenous Papuans over the appointment of civil servants hailing from outside the territory. The protest concerned the inauguration of the head of the Papua Fisheries Office and the Finance Bureau at the Papua Secretariat.

Protesters, during the inauguration ceremony on October 11, complained that the appointments contradicted promises of regional autonomy by failing to make Papuans the masters of their own land. West Papua’s governor said that the provincial administration would continue to fill strategic posts with both Papuans and non-Papuans, based on their achievements and intellectual criteria.

In additional criticism, Budi Setyanto, director of the Institute for Civil Society in West Papua, said the implementation of regional autonomy in West Papua had not met expectations, noting that the provincial budget's allocation this year reserved most funding for payment for civil servant and councilor expenses (73 percent) leaving only 27 percent for public services.

### **Foreign Mining Firm Considers West Papua Project Despite Environmental Concerns**

British-Australian mining firm BHP Billiton Ltd. (BHP) is considering development of a controversial open-pit nickel mine at Gag Island in West Papua.

Dumping of tailings from the project and other activities associated with the massive excavations could threaten one of the world's most important coral reefs. This potential damage to the local ecology has sparked intense opposition to the project from Indonesian environmental groups and Papuans.

Notwithstanding the environmental issues involved, BHP may benefit from a decree signed by former President Sukarnoputri which declared that mining contracts signed for areas designated as protected national forests would be allowed to proceed, despite a 1999 forestry law banning mining in those areas.

While its intentions regarding Gag Island remain unclear, BHP has sought to reassure critics by pledging that it would "not mine in World Heritage areas," nor deposit tailings through deep sea dumping.