

The West Papua Report

January 2005

The following is the eleventh in a series of regular reports prepared by the Robert F. Kennedy Memorial Center for Human Rights-Indonesia Advocacy Team 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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Indonesian Military Operations in West Papua Broaden and Intensify

As reported in the December West Papua report (available online at: www.rfkmemorial.org), the Indonesian military (TNI) reportedly has broadened and intensified the attack operation it launched in August 2004 in West Papua's Central Highlands (Puncak Jaya District). According to reliable sources in West Papua, including **Pastor Socrates Yoman**, President of the **Fellowship of Baptist Churches** in West Papua, TNI forces have continued operations in the area, forcing thousands of Papuan civilians to flee into the forests where lack of food, shelter and medicine have caused deaths and extensive illness. Sources on the ground also indicate that the TNI has significantly expanded its operations into the neighboring districts of Jayawijaya, Nabire and Tolikara. Reports parallel initial accounts of the military operations in Puncak Jaya District with the notorious special forces (**Kopassus**) as well as the militarized police (**Brimob**) assaulting villagers, destroying homes and killing livestock. Among those villagers missing and feared dead is church and village leader **Awuru Wanimbo** of Wurineri village in Jayawijaya District.

Indonesian police and military claim that the **Free Papua Movement** (OPM) freedom fighters are responsible for the killings that opened the door for the military operation now underway. Religious and tribal leaders and human rights defenders in West Papua contend that the TNI is behind the shootings. These claims are backed by the *Jakarta Post*, according to which reliable sources told its reporter that Kopassus special forces were involved in the initial killings that prompted the military offensive.

Two Face Possible Life Sentences for Peaceful Rally

Court proceedings have begun in the cases of two Papuans arrested in connection with organizing a peaceful, pro-independence rally to commemorate West Papua's traditional "national day," December 1.

According to the *Jakarta Post* (January 12), **Yusuk Pakage**, 26, was charged in a hearing January 12, in which he had no legal representation. **Filip Karma**, 45, was due to be charged the same day, for the same December 1 rally but refused to participate in the hearing that was to set the charges, because he did not have legal counsel present. Karma's trial began on 20 January. He is charged with seeking to separate West Papua from the Indonesian state – a charge for which he faces a possible life sentence or a 20-year sentence, under Article 106 of the Criminal Code. He is also charged under Article 154 with expressing hostility or hatred towards the state, the maximum penalty for which is seven years. Pakage is believed to be facing similar charges. Both men are being held in detention in Jayapura.

In a January 24 report, the U.K.-based Indonesian Human Rights Campaign (**TAPOL**) gives the following account of the trial proceedings: Karma arrived in court wearing his uniform as a local government official; his yellow shirt was emblazoned with a **Morning Star**, the emblem of the Papuan people in their struggle for independence.

Before entering the courthouse, Karma, who was carrying a Bible, conducted prayers and read verses 17:33-45 from Samuel I which relates the encounter between **David and Goliath**.

Following the prayers, the two men held a brief meeting with their lawyers, who raised their intention of submitting a demurrer to the court regarding the legality of the proceedings.

At the commencement of the hearings, the presiding judge asked the two defendants whether they had been notified by their lawyers about the charges against them. They both replied in the negative as they had not met their lawyers until the day of the trial. It was agreed that they would submit demurrers later in the month.

Nevertheless, 'to avoid wasting time', the presiding judge asked the prosecutor, **Maskel Rambolangi**, to read out the charges against Karma. This reportedly is in violation of normal procedure, which requires the court to hear the demurrer from the defendant, before determining whether the trial can proceed.

Indonesia's National Human Rights Commission Establishes West Papua Office

According to the *Jakarta Post* (January 11), on January 10, respected human rights attorney **Abdul Hakim Garuda Nusantara**, head of Indonesia's **National Commission on Human Rights** (Komnas HAM), appointed seven Komnas HAM representatives in West Papua. The representatives, who will each serve a three-year term (2005-2008), are **Reverend Freddy Toam**, **Friets Ramandey**, **Abina Wasanggai**, **Albert Rumbekwan**, **Sandra Mambrasar**, **Juhari** and **Yance Waropen**.

The long-awaited West Papua office of Komnas HAM, which has been in the planning phase since 1999, reportedly will be funded from the provincial and state budgets. A 1999 law empowers the provincial office to provide services to the public and settle human rights problems previously handled at the central level.

In 1995, Komnas HAM shone the spotlight of official attention on human rights abuses in West Papua for the first time when it confirmed that the **Indonesian military** (TNI) had committed clear and identifiable human rights violations in and around **New Orleans-based Freeport McMoRan Copper & Gold, Inc.**'s mining operations there. Abuses included indiscriminate killings, torture, and inhuman or degrading treatment, unlawful arrest and arbitrary detention, disappearance, excessive surveillance, and destruction of property. The commission noted that these violations "are directly connected to [the Indonesian army]...acting as protection for the mining business of **PT Freeport Indonesia**." (For details, see *Development Aggression: Observations on Human Rights Conditions in the PT Freeport Indonesia Contract of Work Areas With Recommendations*, available online at: www.rfkmemorial.org).

British Government Acknowledges Act of Free Choice Decision 'Coerced'

Scores of parliamentarians from a range of countries, as well as many more international non-governmental agencies and religious institutions, have called on the **United Nation's Secretary General** to review the U.N.'s 1969 decision to accept the results of the Act of Free Choice (AFC) which enabled Indonesia to annex West Papua as its 26th province. Subsequent scholarship, including interviews with the U.N. official who oversaw the Act, have made clear that the unanimous vote for inclusion by 1,024 Papuan "representatives" was fraudulent.

For the first time, a **Security Council member government** formally has criticized the AFC. On December 13, 2004, **Baroness Symons of Vernham Dean**, the British Government's Minister of State and spokesperson for the British Government on Foreign Affairs in the House of Lords, responded as follows to a question posed by the **Bishop of Oxford**: "He (the Bishop) is right to say that there were 1,000 handpicked representatives and that they were largely coerced into declaring for inclusion in Indonesia. The question is what should happen now."