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The West Papua Report February 2005

The following is the 12th in a series of regular reports prepared by the Robert F. Kennedy Memorial Center for Human Rights (CHR)-West Papua Advocacy Team providing updates on developments in West Papua. The CHR has monitored and reported on the human rights situation in West Papua since 1993 when Indonesian lawyer Bambang Widjojanto received the annual RFK Human Rights Award.

For more information, contact:

Emily Goldman, RFK Senior Program Officer – (202) 463-7575 ext. 235 or 1-800-558-1880

Abigail Abrash Walton, Advocacy Team Member – (603) 357-2651

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New Facts Link Indonesian Military to “Terror Attack” on U.S. Citizens; U.S. Secretary of State Condoleeza Rice Certifies IMET for TNI Anyway

John Rumbiak of the Institute for Human Rights Study and Advocacy (ELSHAM) and other Robert F. Kennedy Memorial Center for Human Rights' West Papua Advocacy Team members have presented new evidence regarding the killing of two American citizens and one Indonesian citizen, and the wounding of eight other American citizens within the **Freeport McMoRan Copper & Gold, Inc.** mining operations area in West Papua on August 31, 2002. In recent weeks, team members shared the new evidence with **FBI** investigators, the **U.S. State Department**, and Congressional staff. The new information, documented at great risk by ELSHAM personnel, corroborates and expands on earlier evidence developed by the Indonesian police, independent researchers, and journalists, indicating links between the attack perpetrators and the **Indonesian military (TNI)**.

The new documentation reveal business relations between **Anthonius Wamang**, who was indicted as a perpetrator of the attack by a **U.S. grand jury** in June 2004, and the Indonesian military. The new information also details collaboration between Wamang and the Indonesian military in the months preceding the attack.

Wamang has admitted in a videotaped interview, televised in August 2004 by the **Australian Broadcasting Corporation**, that he purchased bullets from the TNI. There is also evidence that the TNI paid for Wamang's travel and accommodations during a three-month visit to Java in early 2002.

Based on statements by **Indonesian Defense Minister Juwono Sudarsono**, Freeport officials, and others, the TNI has a documented history of engaging in destabilizing actions designed to secure “protection money” from Freeport. One possible motive for the August 2002 attack is Freeport’s diminishing payments to the TNI. In 2002, according to official Freeport reports, the company paid the TNI \$5.6 million. Extensive investigation by Papuan researchers about the financial details of the relationship between Freeport and TNI has shown that Freeport made direct transfers, in amounts ranging from \$1,800 to \$2,100 per month, into the personal account of the regional military commander for West Papua (Pangdam Trikora). These payments were discontinued in the months leading up to the August 2002 attack, possibly because of company concerns about its compliance with the newly enacted **Sarbanes-Oxley** corporate reform legislation.

The West Papua Advocacy Team had urged that the U.S. Government consider this evidence of TNI involvement in the August 2002 attack and that the State Department not lift the ban on provision of **International Military Education and Training (IMET)** program benefits to the Indonesian military until the Indonesian government and TNI were to fully cooperate with the FBI investigation and justice were achieved in the case. Suspension of IMET funds has proven the only effective leverage the U.S. government has employed to date in securing the cooperation of the TNI in the case. As this report went to press, the State Department announced that **U.S. Secretary of State Rice** “has determined that the Government and the Armed Forces of Indonesia (TNI) have cooperated with the FBI’s investigation into these murders and continue to do so, and thus have fulfilled the requirements articulated in the [U.S.] legislation to allow for resumption of the full International Military Education and Training Program.”

(Sources: “New Facts Link Indonesian Military to ‘Terror Attack’ on U.S. Citizens; Rice May Release IMET to Indonesia Before Investigation Concludes,” Media Release, February 17, 2005; U.S. Department of State Press Statement, Richard Boucher, spokesman, Washington, DC, February 26, 2005; available online at: <http://www.state.gov/r/pa/prs/ps/2005/42752.htm>)

Indonesian Government’s New Electoral Rules Threaten to Further Undermine Special Autonomy Provisions for West Papua

Rule changes governing Indonesia’s upcoming June 2005 local elections appear to undermine the special autonomy status enacted into law for West Papua by the Indonesian government.

The new rules, now in draft form and expected to be approved by President Susilo Bambang Yudhoyono, deal with arrangements for the country’s first direct elections for regional administrations, including mayors, regents, and governors. The 2001 law on special autonomy for West Papua requires the **Papua Legislative Council (DPRD)** to seek the approval of the soon-to-be-established **Papua People’s Council (MRP)** before inaugurating elected candidates. However, the proposed rule states that MRP approval is required only to determine that candidates are native Papuans. Moreover, the draft rule change also stipulates that the DPRD can inaugurate the elected governor of West Papua should the MRP fail to give its approval within seven days.

The **Center for Electoral Reform (CETRO)** and other nongovernmental organizations have filed for a judicial review of the draft rule changes in an effort to assure fair and impartial principles for regional elections.

(Source: *The Jakarta Post*, February 7, 2005)

ELSHAM Honored for Promoting Papuans’ Rights and TNI Accountability

On 25 February, the West Papua-based **Institute for Human Rights Study and Advocacy (ELSHAM)** won the fifth annual **Pacific Human Rights Award** for the organization’s contributions to human rights and justice in West Papua.

According to the *Fiji Times*, ELSHAM, which won first prize among a number of South Pacific regional groups, was honored “for its dedication and sacrifice in promoting the rights of people of West Papua and for monitoring human rights abuses by the Indonesian army.” The awards are organized by the **U.N. Development Programme’s Regional Rights Resource Team (RRRT)**. **New Zealand’s High Commissioner to Fiji, Michael Green**, presented the award to ELSHAM.

The *Times* article quotes RRRT project manager **Sandra Bernklau** as saying that the awards complement RRRT’s vision of

"building and strengthening the capacity of Pacific Island governments, civil society, and citizens to promote social justice and address inequalities, especially of disadvantaged groups." She noted that the awards are intended to contribute to the development of a human rights culture in the Pacific region.

(Sources: "Rights Groups Win Awards," *Fiji Times*, February 27, 2005; "Papua Human Rights Advocate Wins Recognition in Suva," Radio New Zealand International Online/Pacific Media Watch, March 1, 2005)

Indonesian Military Involved in Massive Illegal Logging Operation in West Papua

A partnership of Indonesian and international researchers has documented a massive illegal logging operation in West Papua involving the Indonesian military. The Indonesian group **Telapak** and the London-based **Environmental Investigation Agency** revealed that more than 10 million cubic feet of valuable *merbau* wood are being smuggled abroad monthly, primarily to Chinese markets.

On February 22, **Indonesian President Susilo Bambang Yudhoyono** convened senior officials to a meeting at which he demanded arrests of the timber barons involved and an investigation to be concluded within two weeks. *The Jakarta Post*, in a 24 February editorial, noted that among the parties involved in the illegal operation were personnel from the **Indonesian Navy's Eastern Fleet Command** as well as officers from a variety of the Army's regional commands. The editorial noted that the researchers have alleged that the illegal operation is "backed and managed by high-ranking Indonesian military officers aided and abetted by local government administrators and other law enforcers."

The researchers noted that as with most exploitation of West Papuan resources, the Papuan people receive little of the estimated one billion dollars per year derived from the illegal trade. Papuan communities received \$10 per cubic meter while the international market price is \$270 per cubic meter.

(Sources include: Agence France Presse February 17, 2005; *Jakarta Post* February 24, 2005; www.eia-international.org and www.telapak.org)

Reports of Sporadic Violence by Indonesian Military; Attacks on Peaceful Religious Ceremony and Loggers

(Editor's Note: The following information, based on reports by usually reliable sources, has not been confirmed by researchers or reported in local or international media. The attacks described here are consistent with the hundreds of well-documented accounts of TNI violence in West Papua and illustrate a pattern of TNI's use of excessive, often illegal, force against civilians.)

Reliable sources in West Papua report that on February 11, 2005, Indonesian military troops in Biak Regency, Yomdori District, attacked more than 500 people who were praying to mark 40 days since the death of **Melkianus Awom**, a local commander of the West Papuan independence movement (*Organisasi Papua Merdeka*, or OPM). According to the report, TNI personnel shot at those gathered and raided houses in the area, causing local villagers to seek refuge in the forests.

In mid-February in West Papua's Mimika District, home base to **Freeport's** gold and copper mining operation, a group of local villagers approached personnel in charge of a logging operation controlled by the Indonesian military firm, the **Djajanti Group**. The villagers were petitioning for better compensation for their labor. Police from the special militarized mobile brigades (**BRIMOB**) first fired into the air to frighten off the unarmed, peaceful petitioners and then fired directly at the group, wounding one man seriously in the leg.