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The West Papua Report December 2005

The following is the 22nd 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.

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The *New York Times* Exposé Regarding Freeport-McMoran Prompts Investigation Calls

The *New York Times* published an extensively researched exposé on 27 December 2005 revealing activities of U.S. firm Freeport McMoran, which has operated the world's largest copper-gold mine in West Papua since the late 1960s. The report details the extraordinary environmental damage caused by the project as well as negative impacts on the health and welfare of the local Papuan population. It documents payments made by

Freeport McMoran to the Indonesian military and police in excess of US\$20 million, including individual payments to senior military and police officials, some in excess of US\$100,000.

The report has prompted calls from senior Indonesian government officials for investigations. Minister of Defense Sudarsono, according to Associated Press reporting, called for investigations regarding the alleged US\$20 million payments, noting that payments to individual military commanders violate Defense Ministry regulations. A senior official in the State Ministry of the Environment told *the Jakarta Post* on 30 December that the Ministry had ordered Freeport McMoran to stop disposal of mine waste in the Otomina River and had threatened legal action over the issue.

Indonesian human rights advocates have called for similar investigations of Indonesian authorities relating to claims in the article. The NGO spokespeople noted that such direct payments by foreign mining and energy companies to the military undermine efforts to bring the politically powerful armed forces under civilian control. Less than one-third of the financing for Indonesia's armed forces comes from the state budget; the rest comes from legal and illegal businesses, including the payments described in *The New York Times* article which allow the military to operate outside of the civilian government's financial controls.

The New York Times article does not report on the failure of the U.S. government over several decades to address the conduct of this U.S. firm whose activities damaged the image of the U.S. and of U.S. business in Indonesia. Edmund McWilliams, a retired Senior Foreign Service Officer who served as Political Counselor at the U.S. Embassy in Jakarta from 1996-1999, noted that "it is now incumbent on the U.S. Administration to determine if these years of secret Freeport payments to military and police officials constitute violations of the Foreign Corrupt Practices Act." Noting that Indonesian military forces are responsible for crimes against humanity targeting Papuan civilians, McWilliams added, "It is also necessary to determine if Freeport's support of the Indonesian military with financing and equipment rendered Freeport complicit in those human rights abuses."

In a surprising admission in the wake of the publication of *The New York Times* article, Joint Services spokesman Maj. Gen. Kohirin Suganda acknowledged that Freeport had provided support, including vehicles, fuel, and meals directly to units in the field. Freeport has also provided use of its company aircraft to transport armed Indonesian military personnel, according to McWilliams who said he had observed such action.

Militarization of West Papua Accelerates

Despite long-standing appeals by Papuans to transform West Papua into a "Zone of Peace," its militarization is accelerating. In addition to deployment of what the Indonesian military says will be a full Kostrad division (10,000-15,000 troops) by 2009, smaller, unpublicized build-ups are underway. Papuan sources report that the navy has moved four ships and 200 personnel into Manokwari and that the Indonesian navy has also begun development of a base in the Bintuni City area. Both sites are in the Birds Head region.

The Jakarta Post (3 December 2005) reported that Papuans were continuing protests of the recent deployment of new forces in villages throughout West Papua (see the

November 2005 West Papua Report for additional details). This growing presence has drawn public censure from members of the Regional Representatives Council (DPD) as well as from Papuan citizens. The DPD representatives complained that because of the growing, intimidating military presence, Papuans were unable to voice their political aspirations freely and that villagers living in remote areas were restricted in their movements for fear of being branded as separatists. One of the representatives, Ferdinanda, told an NGO gathering in Jakarta that "many people have been shot dead, arrested, or branded as separatists after speaking out about politics or protesting government policies," according to *the Jakarta Post* report. She added that the security authorities treated Papua as a military operation zone and the indigenous population was subjected to intimidation.

In a typical example of intimidation, a soldier with the 643rd Infantry Battalion killed Papuan Liborius Oka 1 December 2005 in Aski District. Four TNI soldiers were searching for Oka, purportedly about a break-in, when they encountered his wife and child. As they threatened her and her son at gunpoint, demanding to know the whereabouts of her husband, Oka, who was nearby, intervened to protect his family and was shot. Military prosecutors sought only a seven-year sentence for the soldier assailant, far short of the maximum 20-year sentence possible under the manslaughter charge. The judge handed down a six-year sentence. Papuans protested the light sentence, noting that Papuans engaged in peaceful political protest such as Papuan rights advocate Felip Karma typically receive much longer sentences (Karma received a 14-year sentence for his peaceful political dissent recently).

Possibly reacting to growing Indonesian and international criticism of plans to deploy a new Kostrad division to West Papua, TNI chief Gen. Endriartono Sutarto appeared equivocal in public comments 2 December, contending that the Indonesian military was only "considering" deploying a new division to West Papua. Possibly also complicating the military's plans is the still uncertain outcome of the central government's attempt to divide West Papua by forming a new "West Irian Jaya" province. Much of the new division's deployment was planned for this new province, the formation of which is meeting strong resistance from Papuans (see following item). Moreover, formation of (a) new province(s) would entail creation of new provincial-level military commands, thereby expanding the growing military presence in West Papua.

U.S. Congressmen Call On African Nations to Request UN Review of West Papua

Congressman Eni Faleomavaega (D-American Samoa), Ranking Member of the House International Relations Subcommittee on Asia and the Pacific, and Congressman Donald Payne (D-New Jersey), Ranking Member of the House International Relations Subcommittee on Africa, Global Human Rights, and International Operations and Chairperson of the Congressional Black Caucus announced on 16 December 2005 that they have called upon the African nations to request a review of the United Nation's actions in West Papua.

Additionally, the Congressmen included historic language in the U.S. Foreign Relations Authorization bill for FY 2006 and FY 2007 which requires the U.S. State Department to submit to Congress a report analyzing the 1969 "Act of Free Choice." The language requires the State Department to submit a report detailing implementation of special autonomy for Papua and Aceh. Such reports shall include (a) an assessment of the extent to which each province has enjoyed an increase in revenue allocations and decision-

making authority; (b) a description of access by international press and NGOs to each province; (c) an assessment of the role played by local civil society in governance and decision-making; (d) a description of force levels and conduct of Indonesian security forces in each province; and (e) a description of U.S. efforts to promote respect for human rights in each province.

The U.S. House of Representatives passed this legislation on 20 July 2005. The Congressmen's 16 December 2005 statement noted: "As this matter is now pending between the House and Senate, Congressman Faleomavaega and Congressman Payne are determined to keep Indonesia under the spotlight until exploitation, violence, and racism in West Papua is brought to an end."

The Congressmen's request comes in response to a petition they sent to U.N. Secretary-General Kofi Annan on 14 March 2005, in which they requested his support in conducting a review of the 1969 "Act of No Choice" in which 1,025 Papuan elders were coerced and manipulated into voting unanimously on behalf of 80,000 Papuans to become a part of Indonesia rather than an independent nation.

In a letter dated 26 September 2005, the Secretary-General informed Congressmen Faleomavaega and Payne that he would consider a review of the 1969 Act and the U.N.'s conduct in West Papua if the General Assembly called for it. Should the Assembly decide to revisit this issue, Annan has assured that he will do his utmost to implement the Assembly's mandate. Many African nations raised objections at the time to the 1969 UN action related to the "Act of Free (No) Choice."

Papuan Officials Resisting Central Government on Dividing West Papua

Despite central government pronouncements that the formation of the new "West Irian Jaya" province would be legalized through presidential regulation followed by an election of the new province's governor, Papuan officials continue to resist the plan. Under terms of the "Special Autonomy" law, approval of the division of West Papua and of gubernatorial candidates is the prerogative of the newly formed Papuan Peoples Assembly (MRP). According to senior MRP officials, there is a strong consensus against division of West Papua, and specifically against the creation of "West Irian Jaya." MRP members refused central government pressure to acquiesce to Jakarta's plan to accept the division by a mid-December deadline and instead have returned to the regions they represent to take soundings among their constituents and, for many, to celebrate Christmas.

The sudden death of West Papua Governor Jacob Salossa, who was to have drafted a "white paper" regarding the creation of West Irian Jaya, for review by the MRP and Papuan Presidium Council, further complicates plans for a division of the province (see following item for more information).

Governor Salossa Dies

West Papua Governor Jacob Salossa, whose second term was extended until a new governor could be elected, died suddenly on 19 December at 57 years of age. Circumstances surrounding his death have raised suspicion that he may have been murdered, as have been Theyes Eluay and other prominent Papuan leaders in recent

years. Although officials initially claimed that Salossa died of a heart attack, accounts by his driver that he had suffered stomach pains and foamed at the mouth after a public ceremony led to speculation that he might have been poisoned. His family has not sought an autopsy.

Salossa was considered a likely candidate for a third term as governor in elections expected in 2006. Other candidates include John Ibo, chairman of the parliament in Jayapura, Constan Karma, Salossa's deputy, former governor Bas Suebu, and Australian-trained Lukas Enembe.

Central Government Finally Responds to Starvation Tragedy After Initial Denials

After initial denials that severe food shortages in West Papua's central highlands had led to severe malnutrition and death by starvation of 55 individuals, the central government in mid-December provided food and other assistance to the suffering population in Yahukimo District. Local medical officials noted that the population was also suffering extensively from malaria and tuberculosis. Despite the multiple reports by the media and local officials, including the District Chief, regarding the severe food shortage brought on by the failure of the potato crop, Minister of Health Siti Fadilah Supari contended publicly on 18 December that there had been no famine. She added that her Ministry had been monitoring the area for six months.

The food shortage underscored mounting domestic and international criticism over the central government's failure to monitor and/or ameliorate the economic plight, medical conditions, and general welfare of most of the Papuan population. This neglect, which is pervasive in West Papua, was detailed in a World Bank study discussed in the November 2005 West Papua Report that concluded that nine out of 10 Papuan settlements lack access to any health facilities.

British Parliamentarians Protest Use of British Equipment to Abuse Papuans' Rights

As of 13 December 2005, 36 members of the British Parliament had signed a protest over military equipment the British government sold to the Indonesian government, which the latter utilized to abuse Papuans' human rights. The text of the Parliamentarians' protest follows:

“That this House:

- is appalled at reported deployment of British-supplied military equipment by Indonesian forces against civilians in West Papua;
- notes that the British Government has hitherto accepted assurances by the Indonesian government that the equipment supplied would be used only for external defense;
- and accordingly calls for a halt to all arms and equipment supplies and an investigation into the abuses of human rights in West Papua.”

The Indonesian military, in its repression of Papuans in the early years of its occupation, employed OV10 Bronco

air-to-ground attack aircraft and other U.S.-sourced military equipment to subjugate and intimidate the Papuan population.