



**ROBERT F. KENNEDY MEMORIAL**  
Center For Human Rights

"Each time a man stands up for an ideal...  
he sends forth a tiny ripple of hope...."  
Robert F. Kennedy

## The West Papua Report March 2006

*The following is the 25th 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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### **March Overview:**

Violence in Jayapura, including police reprisals against Papuan students, a diplomatic row over Australia's decision to accept Papuan refugee claims of genocide under Indonesian rule, and Jakarta's violation of special autonomy rules with the holding of elections in the pseudo-province of "West Irian Jaya" gravely destabilized West Papua in March. US Congressman Eni Faleomavaega publicly appealed to the conscience of the Indonesian people, underscoring concern about abuse of human rights and denial of self-determination there. A new US Congressional research agency report faults the Act of Free Choice, is critical of the UN for failing in its mission to afford Papuans a genuine act of self-determination, and notes that some see the consequences in West Papua as the opening of a chapter of "Asiatic colonial policy." US mining firm Freeport has been severely criticized by an Indonesian government environmental team that uncovered extensive Freeport-caused pollution. Meanwhile, a mine accident killed three workers and injured 31. Demonstrators gathered at the Indonesian Embassy in Washington, DC to protest incarceration of prisoners of conscience and to call for the demilitarization of West Papua.

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## **Police Attacking Demonstrators Suffer Five Dead; They Respond with Brutal Reprisals**

On 16 March, Indonesian police ("BRIMOB") attacked a student demonstration protesting the practices of US mining firm Freeport-McMoRan and calling for the demilitarization of West Papua. Media accounts and one Australian eye witness claimed that students blocking the highway near Cenderawasih University had negotiated with police to open one lane to traffic but that the police had attacked anyway. The melee left four police, one Air Force intelligence officer, and one demonstrator dead. Final casualty figures for students were unknown as many of the wounded were taken into custody and held incommunicado. The police responded to the incident with reprisal attacks against students and others, wounding a number of uninvolved Papuans, including a 10-year-old girl. Police units rampaged through Cenderawasih University destroying property and intimidating faculty and students. Many students have reportedly gone into hiding and at least three have sought political asylum in Papua New Guinea. Media reports indicate that the Australian government has strengthened naval patrols off the Queensland coast to preclude the flight of Papuans seeking asylum in Australia.

Human Rights Watch called on the National Human Rights Commission (Komnas Ham) to investigate the March 16th incident and reiterated its call for an end to restrictions on access to West Papua by journalists, researchers, and others. The Robert F. Kennedy Memorial Center for Human Rights, in a letter to US Secretary of State Condoleeza Rice on 27 March, called on the US government to press the Indonesian government to end the police "rampage of reprisals." (The letter is available at [http://www.rfkmemorial.org/legacyinaction/1993\\_2006lettertorice/](http://www.rfkmemorial.org/legacyinaction/1993_2006lettertorice/)).

## **Australia Grants Asylum to Papuans Fleeing "Genocide"**

The Australian government has granted three-year "protection visas" to 42 of 43 Papuans who fled to Australia in search of asylum in January. A decision on the 43rd would-be asylee is pending. The decision came in the face of repeated senior-level Indonesian government warnings that a decision to accept the Papuan claims of genocide would damage relations. In the wake of the decision, the Indonesian government withdrew its Ambassador from Canberra and postponed formalizing of an Australian-Indonesian agreement on fighting bird flu. Demonstrators assaulted the Australian embassy in Jakarta. Australia media accounts reported that Australian officials had found the Papuan claims of torture in Indonesian custody to be "consistent and genuine."

In February, 10 US Members of Congress wrote to Australian Prime Minister Howard to note the deteriorating human rights environment in West Papua and to appeal to the Australians to extend full consideration to the Papuans' appeals. (See February 2006 West Papua Report for text of letter and additional reporting on the refugees.)

## **US Congressman Issues Appeal to Conscience by Addressing Indonesian People**

Congressman Eni Faleomavaega (Democrat - American Samoa) issued an appeal to the conscience of the Indonesian people regarding the suffering of Papuans. The Congressman described the deteriorating human rights environment in West Papua, the failure to fulfill the central government's Special Autonomy promises, and the dispatch of increasing numbers of troops to West Papua where, in 2004, thousands of people were displaced by TNI operations. He appealed for an end to discrimination against Papuans and urged that they be allowed to determine for themselves their

own political destiny.

### **Congressional Research Service Speaks Candidly Regarding "Act of Free Choice" & "Asiatic Colonial Policy"**

A report produced by the US Congressional Research Service (CRS) on 19 January speaks candidly of the unrepresentative nature of the so-called "Act of Free Choice" through which the people of West Papua were brought under Indonesian government control absent their consent. The report, prepared in response to a request from unidentified members of the US Congress, also describes the annexation of West Papua by Indonesia as seen "by some" to be an era in which "western colonial policy was coming to an end . . . [and] a new chapter of Asiatic colonial policy was opening." The portion of the report dealing with the "Act of Free Choice" follows:

"The Act of Free Choice is generally not considered to have been representative of the will of all Papuans. A broad-based referendum on Indonesian control over West Papua was not held. Instead, a group of 1,025 local officials voted in favor of merger with Indonesia. The UN is generally considered to have failed in its mission to give the people of Papua an opportunity for self-determination. To some, while western colonial policy was coming to an end - a new chapter of Asiatic colonial policy was opening."

### **Indonesian Government Presses Ahead with Elections in Pseudo-Province of "West Irian Jaya"**

In direct violation of the "Special Autonomy" law for West Papua, the Indonesian government conducted gubernatorial elections in the widely disputed new "West Irian Jaya" province on 10 March. According to the Special Autonomy law, the Papuan Peoples Assembly (MRP) is required to approve candidates. The MRP, along with the West Papua provincial assembly (DPRD) and many civil society organizations, vehemently objected to the elections. Results of the elections are in dispute and announcement of the outcome has been delayed until 3 April. In simultaneous (legal) gubernatorial elections in West Papua, former West Papuan Governor and diplomat Barnebus Suebu holds a narrow lead over his nearest challenger Lukas Enembe.

### **Indonesian Government Finds Freeport in Violation of Contract But Equivocates on Penalties**

A 24-member team from the government's Department of the Environment, in the wake of a two-week field evaluation, concluded that Freeport McMoRan was in violation of its contract of work. The team cited extensive environmental contamination including a failure to adequately manage acid drainage from the mine. Tailings being dumped into the Ajkwa River system exceed by 400 to 600 percent the amount of particulate matter allowed. Rather than take the firm to court, however, the Department of Environment said it would give Freeport time to make improvements.

In a development that also drew criticism, the local police have deferred to Freeport officials to investigate themselves in the case of a landslide on 23 March at the mine site that killed three workers and injured 31. Critics complained that Freeport should not be in a position to assess the extent of its own liability in the incident.

**Amnesty International Organizes Demonstration at Indonesian Embassy in Washington, DC**

Amnesty International (AI) organized a demonstration on 16 March at the Indonesian Embassy in Washington, DC to protest the continued incarceration of two Papuan prisoners of conscience in Indonesia, Filip Karma and Yusak Pakage. Several score protesters, including representatives of the East Timor and Indonesia Action Network and the Robert F. Kennedy Memorial Human Rights Center, joined in a noisy but peaceful demonstration that also called for an end to military repression in West Papua.

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