



## ROBERT F. KENNEDY MEMORIAL

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### The West Papua Report November 2005

*The following is the 21<sup>st</sup> 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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#### **Despite Enormous Natural Wealth, Most Papuans Live in Misery**

Within Indonesia there is a growing focus on the injustice of the government's approach in West Papua. Sparked by growing international attention to repression in West Papua, as reflected in recent U.S. Congressional action and the Drooklever research (below), observers are calling for a shift in Jakarta's course regarding West Papua.

A prominent example of such calls for reform was an opinion piece published in the 16 November *Jakarta Post* in which its authors, Wolfgang Fengler, Jasmin Chakeri, and Bambang Suharnoko Sjahrir, underscored the bitter irony that despite West Papua's vast natural wealth most Papuans live in misery. The writers are part of a team that worked on the Papua Public Expenditure. The opinion piece is drawn from a report produced in collaboration with the World Bank's Support Office for Eastern Indonesia, the Papua provincial government, and the Dutch Embassy.

The piece noted that 40 percent of Papuans live below the poverty line – more than double the national average. Moreover, one third of Papua's children do not go to school and nine out of 10 villages do not have basic health services with a health center, doctor, or midwife. The experts concluded that "now is the time to make long-term investments in key sectors to ensure that the current windfall of resources contributes to sustainable development. Papua has an enormous amount of resources but the revenue windfall will not last forever. "

## Indonesian Security Confronts Papuans Seeking to Celebrate West Papua's Independence Day

Wire services report that hundreds of Papuan protesters gathered at an independence day rally on 1 December in Papua province. Students, laborers, and civil servants yelled, "Free Papua!" as they blocked roads near the state university in the provincial capital of Jayapura, police chief Lt. Col. Paulus Waterpauw said.

Telephone reports from Papua to the Robert F. Kennedy Memorial Center for Human Rights provided more detail of what transpired. These reports from the scene said that demonstrations in the Jayapura-Abepura region initially were peaceful. Demonstrators' plans to raise the West Papuan "morning star" flag on the Trikora field in Abepura where major demonstrations transpired on 1 December 2004 were blocked by a platoon of *Brimob* (militarized police unit) that occupied the field. In last year's demonstrations, several people were injured in the clash but there were no deaths and two leaders of the protest, Philip Karma and Yusuf Pakage, were imprisoned for leading the protest and have been designated as political prisoners by Amnesty International.

In the peaceful protest of *Brimob* action on 1 December 2005, hundreds and possibly thousands of Papuans sat down on the road blocking the road connecting Abepura with Jayapura. The protest blocked traffic for several hours until a downpour of rain forced them to seek shelter. At the time of the telephone report, a peaceful standoff between the protestors and the *Brimob* troops was continuing at the site. Subsequent wire reports suggested violence had erupted.

December 1 marks the anniversary of the raising of the Papuan morning star flag alongside that of the then-colonial Dutch rulers. Dutch plans for transfer of sovereignty to Papuans were frustrated by Indonesian seizure of control under a 1962 agreement with the Dutch, brokered by the United States. The Indonesians solidified control through a fraudulent referendum in 1969.

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### Dutch Government Commissioned Study Documents Indonesia's Coerced Annexation of West Papua

Publication of a five-year study commissioned by the Dutch government at the request of the Dutch Parliament, by eminent Dutch academic Professor Pieter Drooglever, documents the fraud perpetrated by the Indonesian government that resulted in West Papua's illegal, forced annexation by Indonesia. The research details the international politics that led key governments to support the annexation, notwithstanding Indonesia's failure to abide by democratic principles or the terms of the agreement among the Netherlands and UN regarding an "Act of Free Choice" for Papuans.

International reaction to the Drooglever study has been intense. While the Indonesian government has sought to dismiss it as inconsequential "academic research," most observers contend the conspiracy which abrogated Papuans' right to self-determination warrants remedial action.

The *Sydney Morning Herald* editorialized strongly:

"There is always merit in setting the record straight, no matter how much time has passed. For the Indonesian province of Papua, it has been a long and bloody 36-year wait. The Papuans have refused to accept the "Act of Free Choice" by which they supposedly voted to join Indonesia in 1969. A report commissioned by the Dutch government, the former colonial ruler in Indonesia, unequivocally vindicates their stance. The resource-rich territory of Papua was not included when the Dutch handed over their colonial territories to a new Indonesian nation after World War II. Instead, the Papuans – who share no religious or cultural ties with majority Muslim Indonesia – were promised a popular ballot on independence. But a mere 1,000 or so Papuans participated in a 'sham' rigged vote orchestrated by Jakarta, the report says. The result has been a protracted, debilitating independence struggle, pitting a vicious Indonesian army against ill-equipped Papuan tribes."

While the *Sydney Morning Herald* only appeals for an end to Indonesian repression and provision of genuine autonomy to West Papua, other observers have intensified ongoing efforts to persuade the UN to review its tacit 1969 acceptance of the fraudulent "Act of Free Choice." Among Papuans, calls for a genuine referendum under strict UN monitoring are growing stronger.

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### Bush Administration Evades Congressional Will To Aid Indonesian Military

The Bush Administration on 22 November exercised a "national security waiver" to evade Congressional restrictions on the provision of assistance to the Indonesian military (TNI). Offering no rationale other than that considered and rejected by Congress in previous months of Administration-Congressional discussions regarding U.S. aid to the TNI, the State Department announced that Foreign Military Financing (FMF) and sale of lethal equipment would go forward. The

Administration's action, taken on the eve of Thanksgiving when Congress was in recess, nonetheless prompted immediate and strong condemnation.

Senator Patrick Leahy (D-VT), author of Congressional legislation restricting aid to the TNI, protested sharply: "This is an abuse of discretion and an affront to the Congress. . . . To waive on national security grounds a law that seeks justice for crimes against humanity – without even obtaining the Indonesian government's assurance that it will address these concerns – makes a mockery of the process and sends a terrible message. The Indonesians will see it as a clean bill of health."

The 28 November *Jakarta Post* concluded its editorial with the following caution:

"The resumption of US arms sales is welcome relief for an under-equipped military tasked with securing these strategic international passageways. But the key question is whether this 'gamble' is good for Indonesia's democratic evolution? With enough political shrewdness, Susilo can use it to induce change. Unfortunately, over the past 12 months, very little has actually been shown by Susilo to show he is still focused on his reform pledges. It is even more glaring in how the attitude of moderation has changed within the military and the difficulties faced by the civilian defense minister in initiating real change. On the other hand, providing carrots to a TNI that remains lethargic about political reform only reinforces the belief that their quiet subversion is paying dividends."

For its part, the Robert F. Kennedy Memorial Human Rights Center has written to Secretary of State Condoleeza Rice, saying in part that

"The US government's decision to restore full military relations with Indonesia, including provision of FMF and sale of lethal weapons, results in the US relinquishing any leverage for genuine Indonesian military reform, accountability, or compliance with terms of the Aceh peace agreement. It undermines efforts to build a democracy in Indonesia by rewarding a rogue military that continues to constitute the principal threat to human rights and democracy in Indonesia."

For the full letter, please see [www.rfkmemorial.org](http://www.rfkmemorial.org) (the front "page" under "current events").

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### **TNI To Establish New Third Division in West Papua**

According to a 24 November "Tempo Interactive" report, TNI will establish one Army Strategic Reserve Command (*Kostrad*) division in Papua. At present, KOSTRAD has a strength of some 35,000 to 40,000 army personnel with two infantry divisions: the 1st Division, headquartered at Cilodong, West Java, and the 2d Division, headquartered at Malang, East Java. KOSTRAD came into being on 6 March 1961 during the invasion of West Papua. Since then, KOSTRAD units have been implicated in some of the TNI's most notorious war crimes in East Timor, Aceh, and West Papua.

Despite TNI's own data which claims there are only 620 separatist fighters in West Papua, 150 of whom are armed, senior TNI spokespersons justified the deployment of the new division as a counter to the "separatist threat." Lieutenant General Hadi Waluyo contended that with one division stationed in Papua, separatism threats in Papua can be detected earlier and be handled rapidly. According to the Temp Interactive report, Waluyo added that the tasks of KOSTRAD in the future would be heavier with increasing intensity of threats against Indonesia's sovereignty and the strong influence of globalization in ideological, political, economic, and social fields, and supervises operational readiness among all commands and conducts defense and security operations at the strategic level in accordance with policies of the ABRI commander.

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### **Troop Reinforcements in West Papua Opposed by Local Communities**

The highly respected UK-based human rights organization, TAPOL, reported on 28 November that the "Traditional Communities Coalition" in West Papua had issued a statement expressing alarm at the deployment of additional territorial troops of TNI in a number of districts on the outskirts of Jayapura. The statement included over a score of specific individual reports documenting the dramatic buildup of forces.

TAPOL further reported that a meeting of senior officials in West Papua was held in November and chaired by the Governor to discuss the possibility that there would be a number of actions taking place on days which are traditionally marked by the population. TAPOL assessed, moreover, the publication of the report by Dutch historian Professor Drooglever on 15 November (see above) exposing that fraudulence of the "Act of Free Choice" would reinforce the determination to take action in the period between now and the end of 2005.

The statement by the alliance of West Papua traditional community leaders reiterated the view of a number of human rights NGOs in Papua that democracy must be built upon people's sense of sovereignty over their own lives, free from fear, violence, oppression, and human rights abuse. For more information, please see: <http://tapol.gn.apc.org>

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## **Indonesian Military Again Tied to Illegal Logging in West Papua**

Indonesian media on 16 November reported involvement of TNI in illegal logging operations in West Papua and elsewhere, and noted its corruption of local officials to facilitate the operations. Chairman of Financial Transaction Reports Analysis Center (PPATK) Yunus Husein detailed a series of illegal logging operations that involved state officials, notably military and police officers. The operations involved transfer of wealth amounting to billions of rupiah to expatriates and typically led to the corruption of local officials as well.

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## **West Papuan Winner of 2005 John Humphrey Freedom Award To Visit Washington, DC**

Yan Christian Warinussy of West Papua, Indonesia, is the winner of Canada's 2005 John Humphrey Freedom Award given by the organization Rights & Democracy. He will visit Washington, DC during the second week of December.

Mr. Warinussy is Executive Director of the Institute for Research, Analysis, and Development of Legal Aid, an organization committed to defending the rights of West Papuans affected by TNI's efforts to assert control over the region, which occupies the western half of the island shared by Papua New Guinea.

"Yan Christian's commitment to the people of West Papua is a moving, powerful example of commitment to human rights in the face of extreme adversity, intimidation, and threats to his personal safety," said Wayne MacKay, interim Chair of Rights & Democracy's Board of Directors and a member of the John Humphrey Freedom Award's international jury. "The tragedy unfolding in West Papua is one that has gone unnoticed for too long. We hope Canadians will raise their voices in support of Mr. Warinussy and his courageous struggle."

Mr. Warinussy has distinguished himself by his frontline role as a defense lawyer to those in West Papua's remote regions where there would otherwise be no legal representation. He also has played a leading role in the defense of West Papuan human rights campaigners working to expose human rights violations committed by TNI and paramilitary groups. He is also a respected community leader who has helped build bridges between West Papua's highland and lowland peoples. In the last year, he also served as an independent human rights advisor on the resettlement of West Papuans affected by a British Petroleum natural gas facility in Bintuni Bay.