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The West Papua Report September 2005

The following is the 19th 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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Indonesian Justice Again Fails Papuans

The Indonesian Human Rights Court on 8 September acquitted the only security officials charged for the 7 December 2000 police force assault on a student dormitory in Abepura, West Papua. The assault and subsequent torture of over 100 student detainees led to the deaths of three students and left one paralyzed for life. Pregnant women and children as young as seven years old were among the victims.

A special investigative team from the National Commission for Human Rights identified 25 perpetrators from the security forces but the Attorney General's office chose to charge only senior police officers Johnny Wainal Usman and Daud Sihombing. The acquittal of both men followed demonstrations by Papuans and a hunger strike in which the demonstrators demanded justice for the carnage.

Amnesty International in a statement on 8 September described the miscarriage of justice as a "worrying illustration of Indonesia's security forces being allowed to escape justice."

Since its founding five years ago, the Indonesian Human Rights Court has yet to render a verdict against any security force member for a human rights abuse.

Indonesian Parliamentarians Hear Directly of U.S. Congressional Concern about West Papua

An Indonesian delegation, led by the chairman of the Indonesian Parliament's Commission on Foreign Affairs and Defense Theo Sambuaga, called on Congressman Faleomavaega (D -American Samoa) on 15 September. Congressman Faleomavaega is the Ranking Member of the International Relations Subcommittee on Asia and the Pacific and included language in HR 2610 questioning the 1969 "Act of Free Choice" and raising serious concerns about Indonesia's failure to implement Special Autonomy for West Papua.

The Indonesian delegation made clear that its visit was prompted by the language about West Papua included in HR 2601, the State Department Reauthorization Bill. There is broad and growing international pressure being put on the United Nations to review its historic responsibility for the "Act of Free Choice," a process that was conducted by Indonesia in what has been widely condemned by scholars as fraudulent.

The delegation offered a perspective on the process which ignored recent historical scholarship. Tacitly acknowledging as "delays and mistakes" the decades of misrule and human rights abuse, the delegation contended that a "democratic Indonesia" could and would do better by Papuans in the future.

Congressman Faleomavaega reviewed the substance of official records recently brought to light in the form of declassified U.S. government documents and the statements of retired senior UN officials directly involved in the "Act of Free Choice" who have described the process as undemocratic. Recalling the 2001 torture-murder of Theyes Eluay, the first President of the Papuan Peoples Presidium, Faleomavaega stressed that it was essential that no harm come to his successor Tom Beanal. Faleomavaega also urged that President Yudhoyono launch a senior level dialogue with senior Papuans including Beanal. He also urged a reduction in the size of the Indonesian military force in West Papua and for Jakarta to permit access to West Papua by journalists, researchers, human rights observers, and others. He expressed concern about the failure to convict anyone for the murder and torture of Papuans in the Abepura assault (see below).

Faleomavaega also noted to Chairman Sambuaga his disappointment that the Indonesian government has not implemented provisions of the Special Autonomy Law. He called Sambuaga's attention to reports that the government of Indonesia provided some \$500 million for a three-year period to provide for the educational and health needs of the West Papuans, but that the money has been diverted for the benefit of the Indonesian military. "Is it any wonder that West Papuan leaders are advocating independence, given the fact the Indonesian government has not provided for the most basic needs of the West Papuan people?"

The Indonesian delegation included no Papuans.

Members of Congress Oppose Dropping Restrictions on Aid to TNI Citing TNI Abuses in West Papua

Members of Congress submitted a letter to the House-Senate Conference Committee on Foreign Operations Appropriations meeting to consider the 2006 Foreign Operations Bill. The signatories urge that conditionality related to military assistance ("Foreign Military Financing" or FMF) be retained. (The Senate version of the bill retains conditionality for FMF to Indonesia, while the House version does not. Additionally, the Senate version restricts the export of lethal defense articles.) Among the reasons cited in the letter for urging conditionality are:

- Serious human rights have been neither investigated nor punished and continue in Papua and elsewhere.
- While progress has been made, much more is still necessary.
- Effective implementation of autonomy for Aceh and Papua is crucial, not only for the resolution of serious human rights problems, but also for the long-term stability and democratic progress of Indonesia.

Building Democratic Leadership from the Grassroots in West Papua

A critical consideration regarding efforts by Papuans themselves to secure respect for their human and civil-political rights is emergence of a recognized and democratic leadership for that struggle within West Papua. Such a leadership has emerged in the form of the *Dewan Adat Papua* (DAP), or the "Traditional Papuan Council." The DAP demonstrated its legitimacy and effectiveness in August by organizing massive, non-violent demonstrations in five towns throughout West

Papua. The largest of these demonstrations was held in Jayapura and exceeded 10,000 participants. Over 1,000 demonstrators also staged coordinated, peaceful demonstrations in the major towns of Biak, Wamena, Manokwari, and Sorong. The DAP called for the demonstrations to press the Papuan Provincial Council to "return" the offer of "Special Autonomy" to the Indonesian government. As noted in the August edition of this report, the Indonesian government has failed to implement "Special Autonomy" and has taken steps such as the division of West Papua in clear violation of "Special Autonomy."

The DAP was established in February 2002 as an act of the second Papuan People's Congress of over 5,000 representatives from all tribes who assembled with direct support of then Indonesian President Abdurahman Wahid. Since then, the DAP has convened annual plenary sessions in rotating venues facilitating the participation by tribes in all areas of West Papua where travel is made difficult by the Indonesian government's failure to develop transportation infrastructure. These plenaries are used to report to the people and, with popular participation, to set agendas and policies for the following year. It was at such a plenary in Manokwari in February 2005 that the DAP resolved to confront the Indonesian government regarding "Special Autonomy."

Evelien Van den Broek, an author active within the Dutch organization Papua Lobby, has written an account of the DAP drawing on her broad experience regarding West Papua. That report concludes with the following strong endorsement of grassroots democracy in West Papua:

"The Dewan Adat Papua has proven to be of equal importance as are the Councils of Chiefs in the Melanesian countries Vanuatu and Fiji. They avail themselves of a network that reaches down to the smallest village so that they on the one hand can represent the voice of the indigenous people and on the other hand can mobilize the people if correction of government policy is needed. Like the governments and political parties in Vanuatu and Fiji officially recognize the role of the Council of Chiefs in their democratic systems, and like the international world is recognizing more and more the role of indigenous representative bodies in deliberations on human rights, environment, and conflict management, the government authorities in Papua should accept the important role of the Dewan Adat Papua as an important factor in bringing peace, development, and safety of life to Papua." (For the full report, please go to: <http://www.newsbank.net/papua-lobby>.)

Prominent Indonesians Form Independent Group on West Papua

The *Jakarta Post* reported on 7 September that a group of prominent Indonesians long involved with human rights have established a forum with the purpose of increasing public participation in efforts to resolve the problems of West Papua. The report cites former Attorney General Marzukji Darusman, a member of the "Papua Forum," as explaining that its establishment was "inspired by a lack of transparency in the way in which the government dealt with the Aceh conflict recently."

In the past, Indonesian citizens who actively activated on behalf of people in remote parts of Indonesia such as East Timor or Aceh have faced retaliation by the Government. The prominence of those involved in the "Papua Forum" would seem to offer some protection from such intimidation. In addition to Darusman, they include Albert Hasibuan, who is the chairperson. Hasibuan, a former member of the National Commission on Human Rights, led the fight for justice for democratic dissidents who were kidnapped, captured, and killed by the military in 1997-98. He explained that the Papua Forum was created "to show the public that the Papua issue was not the exclusive domain of Papuans and the government, but also concerned other Indonesians." Hasibuan said that the Papua Forum planned to initiate debate on the problems of Papua and to approach them from various perspectives. The results would then be presented to the government.

Other founders of the Papua Forum include H.S. Dillon, Sabam Siagian, Fikri Jufri, Tommy Legowo, Zoemrotin K. Susilo, Asmara Nababan, Fajrul Falaakh, Faisal Basri, Tuty Herati Nurhadi, Bara Hasibuan, Rizal Sukma, Father J. Budi Hernawan OFM, Wiryono Sastrohandoyo, Shanti Poesposoetjipto, Sjafii Maarif, and Harry Tjan Silalahi.

Evidence of the government's new focus on West Papua include President Yudhoyono's recent speech to the Regional Representatives Council (DPD) in which he said that in the wake of the peace deal in Aceh, the government would now turn its attention to Papua. As background for its readers, the *Jakarta Post* noted that "human rights violations have been widespread in Papua, but the perpetrators have rarely been brought to book. Meanwhile, most Papuans continue to live in abject poverty despite Papua's mineral wealth." It added that "the government has admitted that separatist sentiment in Papua is the result of the unfair treatment meted out by Jakarta to indigenous Papuans in the economic, political, social, and security fields."

Rushing Illegal Division of West Papua

The *Jakarta Post*, on 7 September, reported that while "Special Autonomy" has been granted in West Papua, its implementation "has consistently been thwarted by Jakarta." The report noted as an example that to date, the government has yet to set up the Papuan People's Assembly (MRP), "even though its establishment is mandated by law."

The *Post* report noted that "through changes in the legislation, the government has ensured that if and when the MRP is set up, that institution, which is supposed to have a say in the political, social, and economic affairs of the province, will serve as little more than a cultural talking shop." As an example, the MRP was to have been responsible for determining the eligibility of candidates for the elections such as that now set for the illegally created province of "West Irian Jaya."

The *Post* reported that in Jayapura, tribal leader Seblum Werbabkay called on the Papua administration, the Papua General Elections Commission (KPUD), and the Papua provincial council to hold a gubernatorial election (only) after the establishment of the MRP. The *Post* quotes the tribal leader as warning that it was only the MRP that had the power to determine those eligible to contest the election under the Papuan Special Autonomy Law (No. 21/2001). To hold the elections without the MRP having acted he cautioned "could spark conflict," Seblum said.

Efforts to Deny Crimes Against Humanity in West Papua

The author of the following piece, Edmund McWilliams, is a retired senior Foreign Service Officer and member of the West Papua Advocacy Team. He was the Political Counselor at the US Embassy in Jakarta from 1996-99, overlapping with the service of Attaché McFetridge during 1996-98.

The US-Indonesia Society (USINDO) is an organization which previously strongly supported the regime of ex-dictator Soeharto and his military, and which currently strongly advocates in support of US aid to a largely unreformed Indonesia military (TNI). USINDO has published a summary of a lecture by Charles McFetridge, a former US Defense Attaché at the US Embassy in Jakarta, who subsequently worked for British Petroleum in West Papua. His remarks, as cited by USINDO, allege that human rights advocates have employed "willful misinformation" and exaggeration in describing the plight of Papuans. These allegations seek to obscure and deny abuses by the Indonesian military which are well documented in reporting and analyses by the United Nations, the Allard .K. Lowenstein Center at Yale Law School, the University of Sidney, Amnesty International, Human Rights Watch, and many other well-respected human rights organizations.

It should be noted that such reporting has long been and remains difficult and dangerous insofar as foreign researchers are invariably impeded in gaining access to West Papua or harassed if they manage to enter West Papua. Additionally, domestic researchers face severe intimidation. Prominent human rights advocates and critics of the Indonesian military have been detained, tortured, and murdered by the Indonesian military.

During his tour as Defense Attaché, McFetridge was a lead defender and confidant of the infamous ex-General Prabowo; he concludes that research pointing to 100,000 Papuan victims of TNI abuse is "wildly inflated," arguing that such a figure would entail killing 10 Papuans per day since Indonesia's annexation of West Papua in 1969. While such a killing rate is indeed extraordinary, the capacity of the Indonesian military to kill civilians should not be underestimated. The Indonesian military and its Islamic militia allies killed an estimated 500,000 in the three years following the 1965 coup d' état. It killed well over 200,000 East Timorese following Indonesia's 1975 invasion of East Timor. Given this capacity to kill innocent civilians, a death toll of 100,000 is in keeping with the savage capacity of this institution.

McFetridge attempts to depict a purported threat posed by armed West Papuan resistance (OPM) as justifying the excessive TNI presence in West Papua. He ignores the TNI's own public estimate of OPM forces at 620, of which 150 bear modern arms. He also cites the recent conflicts in Wamena (2003) and Wasior (2001) as indications of the OPM threat. He fails to mention that Indonesian military were involved in both instances, raising obvious doubts about any OPM role. He contends that the TNI is "not enthusiastic" about assignments to West Papua, ignoring the reality that the TNI profits greatly from its presence there, extorting money from Indonesian and foreign firms and operating illegal logging, prostitution, and other "businesses." US firm Freeport McMoran paid the TNI over US\$10 million over a recent two-year period.

McFetridge also seeks to disparage the recent US Congressional action calling on the State Department to report to

Congress on various aspects of human and civil rights abuse in West Papua, including the "Act of Free Choice" by which Indonesia forcibly annexed West Papua. He contends that the "net effect" of the initiative is to "discourage compromise by the political factions . . . to reach agreement on the implementation of autonomy for the Province." This contention ignores the broad rejection of "Special Autonomy" voiced by thousands of peaceful Papuan demonstrators in public protests organized throughout West Papua 12-15 August.

Those who deny or diminish the Indonesian military's record of repression and abuse in West Papua and who seek to deter or divert legitimate Congressional concern about these abuses are in fact conspiring with those in Indonesia who seek to draw a curtain over West Papua so as to allow abuses and exploitation of this resource-rich land to continue unobserved and unrebuked.