



## ROBERT F. KENNEDY MEMORIAL

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### The West Papua Report July 2005

*The following is the 17<sup>th</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 Widjajanto received the annual RFK Human Rights Award.*

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#### **International Community Addresses Marginalization of Papuans**

In an unusually candid description of the marginalization of the Papuan people, the Japanese Foreign Ministry has announced a special program of assistance for Papua's indigenous people to be administered in conjunction with the UN. The 25 July Japanese statement noted: "Indigenous Papuans have been excluded from employment systems and put in a low socio-economic position over the last 30 years, since the increase of migrants to Papua due to its transmigration policies."

Implicit in the Japanese statement was an acknowledgement that the government of Indonesia continues to settle Indonesians in West Papua who are ethnically and religiously dissimilar from the Papuan people. These settlers arrive with higher educational levels, economic skills and financial resources, and with government backing. These advantages enable them to displace indigenous Papuans from their lands and jobs. A member of the RFK Memorial Human Rights Center West Papua Advocacy Team who recently visited West Papua observed that particularly in towns and cities of West Papua, indigenous Papuans are relegated to menial jobs and are already a minority in the major towns of their homeland.

Transmigration policies in other areas such as Kalimantan and the Malukan Islands have generated intense communal conflict in recent years between indigenous peoples and settlers, leaving thousands dead. Civil society leaders in West Papua have repeatedly expressed public concern regarding the potential for communal violence arising from Jakarta policies which fail to provide minimal health, education and other basic services to Papuans and which instead favor transmigrants.

The Japanese assistance to indigenous Papuans amounts to US\$1,581,142 which will be provided through the "Trust Fund for

Human Security" in a project identified as "Promoting Human Security and Reducing Poverty among Indigenous Peoples," to be implemented by the International Labor Organization (ILO) in West Papua, Indonesia. This project aims to reduce poverty among indigenous peoples through eliminating discrimination in employment, promoting gender equality, and facilitating a more stable social, economic, and political environment.

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### **U.S. Congress Gives Unprecedented Attention to West Papua**

The U.S. House of Representatives and the U.S. Senate, in separate actions, have given unprecedented attention to West Papua. In the House, Congressman Eni Faleomavaega (D-American Samoa), ranking minority member of the Asia and Pacific Subcommittee, took the lead in winning support for language in the Foreign Relations Authorization Act which sets extensive and specific reporting requirements for the State Department with regard to West Papua. That language also notes the following as "findings" (note: the following has been edited for length):

- "In July and August 1969, Indonesia conducted an 'Act of Free Choice,' in which 1,025 selected Papuan elders voted unanimously to join Indonesia, in circumstances that were subject to both overt and covert forms of manipulation."
- "In the intervening years, indigenous Papuans have suffered extensive human rights abuses, natural resource exploitation, environmental degradation, and commercial dominance by immigrant communities, and some individuals and groups estimate that more than 100,000 Papuans have been killed during Indonesian rule . . ."
- "While the United States supports the territorial integrity of Indonesia, Indonesia's historical reliance on force for the maintenance of control has been counterproductive, and long-standing abuses by security forces have galvanized independence sentiments among many Papuans."
- "While the Indonesian parliament passed a Special Autonomy Law for Papua in October 2001 that was intended to allocate greater revenue and decision-making authority to the Papuan provincial government, the promise of special autonomy has not been effectively realized and has been undermined in its implementation, such as by conflicting legal directives further subdividing the province in apparent contravention of the law and without the consent of appropriate provincial authorities."
- "Rather than demilitarizing its approach, Indonesia has reportedly sent thousands of additional troops to Papua, and military operations in the central highlands since the fall of 2004 have displaced thousands of civilians into very vulnerable circumstances, contributing further to mistrust of the central government by many indigenous Papuans."
- "According to the 2004 Annual Country Report on Human Rights Practices of the Department of State, in Indonesia 'security force members murdered, tortured, raped, beat, and arbitrarily detained civilians and members of separatist movements' and 'police frequently and arbitrarily detained persons without warrants, charges, or court proceedings' in Papua."

Based on these findings, the House of Representatives calls on the State Department to report on key developments and trends in West Papua (and Aceh), in particular "special autonomy," access to West Papua by international observers and others, the role of civil society in governance and decision making, TNI force levels and conduct, and a description of U.S. efforts to promote human rights. The Act also calls for the State Department to report on the so-called "Act of Free Choice."

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### **U.S. Senate Expresses Concern about West Papua**

In separate action, the U.S. Senate also focused on developments in West Papua. In its version of the annual Foreign Operations Bill (the House presents different language which will be consolidated in a House-Senate conference), the Senate language requires the State Department to report on the following critical developments and trends in West Papua:

- the approximate number of Indonesian troops in West Papua, including trends in the number and deployment of security forces, the approximate number of armed separatists, and progress made toward a political settlement of the conflict, including initiatives from Papuan civil society such as the 'land of peace' proposal
- current humanitarian and human rights conditions in West Papua, including access for international and domestic humanitarian and human rights groups and the media

- activities of militia, including jihadist-oriented militia, and the extent to which members of Indonesia's security forces support these militia
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## **State Department Reacts to Congressional Action on West Papua**

In a 29 July statement from the podium, State Department spokesperson McCormack, reacting to the House action described in the preceding article, said: ". . . [T]he United States reiterates its firm support for the territorial integrity of Indonesia. The United States does not support or condone any efforts to promote the secession of Papua from the Republic of Indonesia. We believe that implementation of political and economic reforms, in the context of Special Autonomy and within a united Indonesia, is the key to addressing longstanding grievances, including human rights concerns."

The State Department remarks followed a 29 July statement by President Susilo Bambang Yudhoyono during his visit to China in which he warned the US not to interfere in his country's domestic affairs, especially in relation with Papua. Yudhoyono also expressed hope that the issue would not affect relations between the two countries, and noted that during his recent visit to Washington in May, the US government expressed its support to Indonesia's territorial integrity including the restive provinces of Papua and Aceh.

The RFK Memorial West Papua Advocacy Team neither supports nor opposes separation of West Papua from Indonesia. This is a decision to be made by the Papuan people. It is a decision that was denied to the Papuan people in 1969 when they were prevented from exercising a genuine act of self-determination. The international community should work to assure that that right is extended to them. The State Department spokesperson's comments fail to acknowledge this historical reality. The spokesperson also seems unaware of the broad and growing popular rejection by the Papuan people of "special autonomy" which the government of Indonesia first offered in 2000 but has never effectively implemented.

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## **New Notorious Military Commander in West Papua**

The oldest and most prestigious international human rights organization focusing on Indonesia, TAPOL, on 30 June presented a profile, developed by an Indonesian human rights organization, of Major General George Toisutta, who on 21 June was promoted to Commander of Papua Regional Military Command. The profile of the new West Papua military commander reveals the new chief as having been involved in some of the worst of the TNI's recent military operations. His role in East Timor, Aceh, and a command position in parts of Jakarta where student demonstrators were killed in 1998 arouse deep concerns about his conduct in West Papua.

From 1995 to 1996, he was deputy commander of Korem Wiradharma in East Timor where he was responsible for mobilizing the infamous East Timor militias. Toisutta subsequently was part of the Jakarta military command with responsibility for East and South Jakarta. He had command during the "Semangi" incident in which at least 16 students were killed in a bloody clash between student demonstrators and military personnel at the Semanggi toll road ramp adjacent to Atma Jaya University on 13 October 1998.

A member of the RFK Memorial Center's West Papua Advocacy Team who was present at the demonstrations recalls TNI and police forces firing on peaceful students demonstrators, some from sniper positions atop nearby buildings. He says, "we could not hear the shots and thought the students were dropping from heat exhaustion, until we saw their wounds." No TNI officer has been held accountable for those murders.

Toisutta also served as commander for military operations in Aceh during the second phase of martial law. During that tour, Toisutta increased the number of military posts in Aceh and gave military personnel civilian functions such as appointments as sub-district chiefs. He increased intelligence functions and aggressively monitored activities of journalists. He also hunted down and arrested human rights defenders, especially students and NGO activists. Numerous human rights abuses were committed by the military in Aceh during the time of his command.

A predecessor to Toisutta in West Papua was General Mahidin Simbolon who served as commander there until March 2003. Jane's Intelligence Review reported in November 2000 that Simbolon "has been identified by Western intelligence sources as the main link between the Indonesian Army and the East Timor militias." Simbolon was military commander in West Papua at the time of the torture-murder of Papuan political leader Theys Eluay in 2001. Completing the East Timor TNI rogues gallery in West Papua, the recently departing police commander was Thimbul Silaen, indicted for his role in East Timor in 1999 for crimes against humanity. Like other military and police officials involved in those crimes, Simbolon escaped justice.

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### **The Long Delayed, Much Weakened Version of Papuan Council Set to Convene**

According to the Jakarta Post (25 July) the Papuan People's Council will begin work on 2 September. The 42 members represent tribal, religious, and women's groups and were selected rather than elected. The Council will oversee both Papua and West Irian Jaya provinces. The formation of the latter was strongly opposed by Papuans as it was established without popular consent or involvement.

The Council's original mandate (under Law No. 21/2001 on special autonomy) had created the body as a powerful institution assigned to promote the basic rights of Papuans through regular consultations with the provincial legislature. However, the current version of the council, as noted by the Jakarta Post, "is little more than a symbolic institution with none of the power it was originally promised." The decision to divide West Papua, which was to have required Council approval, was carried out before the Council was even established.

The Council also was to have ruled on the qualification for candidates for provincial governor. With elections set for 5 October in Papua province, it is unclear if the Council will fulfill this mandate.