

## VIOLENCE AND POLITICAL IMPASSE IN PAPUA

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## I. SUMMARY

The [Papuan] reform movement has removed the lid and released a lot of smoke. The problem now is that many people are still too preoccupied with the smoke. They forget that the smoke is there because there is a fire.... The fire is injustice.®

Barnabas Suebu, former Governor of Irian Jaya, current Indonesian Ambassador to Mexico, interviewed in *Tempo*, October 23 - 29, 2000.

The political situation in Irian Jaya (also known as West Papua or Papua), Indonesia's easternmost province, is fundamentally unsettled. Papua is remote from Jakarta and home to only two million of the country's more than 200 million inhabitants, but what happens in the resource-rich province is likely to have great importance for Indonesia. Like Aceh, Papua is home to an armed insurgency against the Indonesian government. Although far less violent than Aceh at present, the province is seen in Jakarta as a front line in national efforts to defend Indonesia's territorial integrity against newly energized separatist movements and growing communal conflict.

On the surface, Indonesian security forces appear to be in control, having forcibly subdued the broad independence movement that emerged into public view in the province after the fall of Soeharto in May 1998; below the surface, however, Papuan sentiment remains overwhelmingly opposed to rule from Jakarta. Tensions are high and recent months have seen an escalation in violence, including at times lethal security force operations against independence supporters as well as several ugly attacks on migrants by Papuan militants, a disturbing development that suggests more trouble ahead.

Segments of the Papuan population have been demanding independence for decades, but, until recently, resistance to Indonesian rule was limited to small bands of guerrillas loosely organized under the names Free Papua Movement (Organisasi Papua Merdeka or OPM) and National Liberation Army (Tentara Pembebasan Nasional or TPN). The insurgents have mostly staged relatively small-scale hit and run attacks on Indonesian military posts and, on a few occasions, have taken hostages to draw attention to their cause. In the three years since Soeharto fell, however, a broad, civilian-based Papuan independence movement has emerged along side the guerrilla fighters and, for the first time, poses a serious challenge for Indonesia.

The Indonesian government has made important political overtures to Papuan leaders since the ouster of Soeharto and has promised, though not yet delivered, substantial autonomy for the province (Otonomi Khusus, literally "Special Autonomy," to distinguish it from the devolution of central authority now taking place across Indonesia). At the same time, military and police authorities have returned to a hardline approach. Since June 2000, authorities have sent thousands of new troops to the province, intimidating and at times attacking civilians in areas where rebels are believed to be active; the government has banned even peaceful expression of support for Papuan independence; security forces have moved aggressively against independence demonstrators, in many cases killing or seriously injuring them; key Papuan leaders have been arrested; and prominent civil society groups, including human rights organizations, have been subjected to increased surveillance and harassment.

With the crackdown has come a return to many of the abusive practices of the past. For nearly thirty years, from 1969, when the territory was formally incorporated as part of Indonesia in a still controversial U.N.-supervised process, until October 1998, five months after the fall of Soeharto, the province was formally designated a Military Operations Area (Daerah Operasi Militer, or DOM). Under the DOM, in effect in Papua far longer than anywhere else in Indonesia, security forces were given a free hand to combat the guerrillas. Papuans claim that thousands of civilians were terrorized and often tortured and killed during counterinsurgency campaigns. Not only did the army's heavy-handed tactics fail to extinguish the guerrilla struggle, but, as in East Timor and Aceh, they created many new enemies among the civilian population.

Indonesian authorities have justified the recent return to a high-profile military presence in the province as necessary to curb the growing demands for independence that have emerged since post-Soeharto civilian administrations began adopting more tolerant policies. As indicated above, however, current Papuan demands are

themselves rooted, among other things, in past military abuses and pervasive mistrust which the recent build-up has only made worse. The crackdown has also elicited an increasingly violent response from armed Papuan groups, which have stepped up attacks on security posts, with major incidents resulting in casualties in December 2000 (Abepura), February 2001 (Betaf) and June 2001 (Wasior). As this report was being prepared, militants were also reported to be holding hostage two Belgian filmmakers who had first been reported missing on June 7, 2001.

Human Rights Watch believes that continuing human rights abuses have contributed to the increasing violence and political impasse in Papua today, and that addressing the abuses is a precondition to any long-lasting solution. The abuses include:

- C a ban on even peaceful expression of pro-independence sentiment and symbols;
- C disproportionate and often lethal use of force by Indonesian police and military forces against pro-independence demonstrators;
- C torture and brutal beatings of detainees, at times in plain view of witnesses, a product of the impunity which such forces have long enjoyed in the province;
- C ethnic and racial discrimination by government authorities, particularly directed against Papuans from the central highlands;
- C intimidation of journalists, human rights activists, and others who attempt to expose abuses by the security forces; and
- C arrest and imprisonment of Papuan leaders for nonviolent advocacy of independence.

On the Papuan side, there has been little public condemnation of recent violence, directed against non-Papuan migrants and settlers, with which some Papuan militants have responded to the crackdown. On June 13, 2001, church leaders from Papua condemned the increase in violence by all parties, but other community and political leaders have not spoken out forcefully. This silence undermines the expressed commitment of the civilian leadership to lawful and peaceful struggle and has increased the likelihood of more such incidents.

This report, based on a visit to Papua in March 2001 and follow-up interviews by phone through mid-June, looks at the situation in the province and recommends steps that should be taken to address human rights abuses. The report looks in greatest detail at the nationally significant Abepura case from December 2000 but also describes other major cases and provides an overview of human rights developments in Papua from June 2000 to June 2001.

### **The Abepura Case**

On December 7, 2000, two police officers and a security guard were killed in Abepura, a college town near Jayapura (the provincial capital) in an early morning raid, believed by police officers to have been carried out by pro-independence Papuan highlanders (“orang pegunungan tengah”). The perpetrators escaped into the hills. In response, police officers and Brimob troops (mobile brigade police often used in quelling riots and counterinsurgency operations), under command of the Jayapura police chief, aggressively retaliated. Police awakened and seized sleeping students (mostly highlanders) from three different dormitories, rounded up people in other highlander settlements in the Jayapura area, and beat and tortured them for much of the next thirty-six hours -- in some cases in broad daylight. One student was shot and killed, two more died of the multiple beatings they received; dozens suffered serious injuries (one is still paralyzed).

The Brimob response to the attack on the Abepura police post is an example of the kind of abuses that all too often accompany security “sweeps.” Many of the people we spoke to in Irian Jaya, both Papuan and non-Papuan, claim that such “sweeps” often turn into indiscriminate army retaliation in which civilians are the victims. As this report was being prepared, four Papuans were reported to have been killed in another Brimob sweep near Wasior, in Manokwari district. Such criminal retaliation may be common, but it rarely occurs in a setting as urban and open as Abepura and rarely with students – articulate and able to shape public opinion -- as the target. Although the Abepura case has attracted widespread attention to the brutality of Indonesian security forces in Papua, the very high profile of the case and clear evidence of egregious wrongdoing offer Indonesian

authorities an opportunity to conduct a broad reassessment of where responsibility lies for this and related cases and to take steps to prevent such violence in the future.

Prosecution of the Abepura case is important nationally as the first case due to be prosecuted under the new Human Rights Court law, adopted in November 2000. At the national level, it is also critical in order to expose the role of human rights abuses in generating support for independence movements. This is true not solely for the sake of Papua or because of the disastrous effects of similar army behavior in Aceh. It is also important because the separatist wave likely is not over -- new troubles can be expected in future years in other regions (e.g., nascent Dayak nationalism in Kalimantan). To ensure that the failures of Aceh and Papua are not repeated, the government should take decisive action against military and police officials responsible for unlawful violence and killings. The Abepura case will be an important test of the government's commitment.

Drawing on Indonesian-language sources, this report also provides a description of the Wamena case, in which a series of police raids on pro-independence community centers in the central highland town of Wamena were followed by one of the worst riots in Papua's history. On the early morning of October 6, 2000, joint security forces in Wamena moved aggressively against Papuan community centers where the Papuan flag was flying. In one incident, ten Papuans were wounded by bullet fire, at least one of whom died, a fifty-year-old man who had been hit by a stray bullet while walking with his eight-year-old son. In response, an angry Papuan mob gathered and eventually began burning and looting shops. Confronted by gunfire from security forces, the mob went on a rampage, venting their anger in a residential area that is home primarily to migrants from other parts of Indonesia. In the ensuing melee, at least seven Papuans were shot and killed and twenty-four non-Papuans were killed.

Following the Wamena violence, twenty-two Papuans, including five locally prominent independence leaders who had not taken part in the attacks on migrants, were arrested, prosecuted, and sentenced. Army and police commanders who directed the violent assault on the posts that preceded the rioting, however, were not punished. For many Papuans, this is a clear example of how Indonesian government decisions are still based on understandings, perceptions, and versions of events that are absolutely at odds with those of Papuans. The government appears alien, hostile, and unresponsive. This in turn plants the seeds of distrust and future conflict: in Wamena, none of the underlying grievances have been addressed and inter-ethnic and Papuan-government relations have been set back.

This report begins with a brief survey of the evolution of Papuan political demands in the post-Soeharto period and an overview of human rights developments following the pro-independence Papuan Congress held in June 2000. Separate chapters are devoted to the Wamena and Abepura cases. The report concludes with an overview of key human rights developments in Papua as of June 2001, including the government's on-again, off-again ban on independence symbols; continued security force assaults on community posts where such symbols are displayed; the arrest and trial of key community leaders; intimidation of civil society actors by the security forces; and, increasingly, anti-migrant violence and raids on police and army posts by Papuan guerrillas.

## II. RECOMMENDATIONS

### To the Government of Indonesia

- Acknowledge and openly address the historical, economic, and political grievances of Papuans. These include denigration of Papuan culture, economic disparities between Papuans and non-Papuans, public and private sector employment discrimination, and failure to prosecute security forces responsible for past atrocities dating back to the 1960s.
- Prosecute police and Brimob officers responsible for excessive use of force, torture, and murder in the Abepura case. This requires that adequate resources be devoted to the new Human Rights Court currently being established in Makassar, and that the Attorney General formally bring charges against the suspects, based on the detailed report prepared by the Indonesian commission of inquiry that investigated the case.

- Establish, publicize, and implement guidelines for the security forces, consistent with international rights standards, detailing the proper response to pro-independence actions and expression.

Secession movements can pose legitimate national security concerns, but whether any particular expression of ethnic nationalism or support for secession poses a legitimate security risk requires analysis of the context. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (drafted by international law and global rights experts in 1995 and endorsed by the U.N. special rapporteurs on freedom of expression and on the independence of judges and lawyers), include the following relevant provisions:

Principle 5: No one may be subjected to any sort of restraint, disadvantage or sanction because of his or her opinions or beliefs.

Principle 6: [Apart from legitimate state secrets,] expression may be punished as a threat to national security only if a government can demonstrate that: (a) the expression is intended to incite imminent violence; (b) it is likely to incite such violence; and (c ) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.

Human Rights Watch recommends that Indonesia adopt these principles and enact appropriate legislation. The rights framework that Indonesia adopts for pro-independence expression should also make a clear distinction between display of pro-independence symbols in private homes and property, which, if peaceful, should be left alone, and display in government offices and property, which the authorities have the discretion to regulate.

- Uphold its international obligations to respect freedom of speech, of the press, of assembly, of association, and of peaceful demonstration, and to cease arrests, harassment, and arbitrary detention of individuals based on their political views.

Human Rights Watch takes no position on Papuan claims to self-determination, but it supports the right of all individuals, including independence supporters, to express their political views peacefully without fear of arrest or other forms of reprisal.

- Release unconditionally all prisoners held for peaceful expression of their political views, including the independence leaders and activists currently imprisoned in Wamena. To the extent that any of those individuals engaged in acts of violence, they should be given a new trial consistent with international standards.
- Drop criminal charges against all defendants currently on trial for peaceful expression of their political views, including the five independence leaders being tried in Jayapura and the four students on trial in Jakarta.
- Amend or repeal all articles of the Criminal Code which have been used to imprison individuals for their legitimate peaceful activities, including the provisions of the old subversion law which have been retained in the revised code, and so-called "hate-sowing" articles, all of which remain in force. The latter include: Article 154, "...the public expression of feelings of hostility, hatred or contempt toward the government;" Article 155, prohibiting the expression of such feelings or views through the public media; Article 160, proscribing the "incitement" of others to disobey a government order or to break the law; Article 134, prohibiting "insulting the President," and Article 137 providing criminal penalties for anyone who "disseminates, demonstrates openly or puts up a writing or portrait containing an insult against the President or Vice President."
- Repeal or amend article 106 of the Indonesian Criminal Code, outlawing "rebellion," to bring it into conformity with international standards. As it currently exists, the law allows for prosecution of those engaged in peaceful advocacy of independence.

- Remove arbitrary restrictions on access to all regions of Papua by journalists and humanitarian and human rights workers. Any government-imposed restrictions should be consistent with Principle 19 of the Johannesburg Principles, which provides in relevant part: “[G]overnments may not prevent journalists or representatives of intergovernmental or non-governmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.”
- Security officials should at all times act in accordance with the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including its requirements that all law enforcement officials exercise restraint in the use of force and act in proportion to the nature of the threat they face, "minimize damage and injury and respect and preserve human life," and use firearms only when less dangerous means are not practicable.
- Treat all individuals arrested or detained during protest rallies in accordance with internationally recognized standards of criminal justice:
  - Under no circumstances should individuals be arrested for the peaceful exercise of their rights to free expression, association and assembly;
  - Individuals arrested for suspected participation in violent acts should be informed immediately of the charges against them, and be presumed innocent unless and until proven guilty according to law in a public trial with all guarantees necessary for their defense;
  - No individuals arrested or detained should be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;
  - All allegations of use of excessive force by security forces against protesters and other civilians should be subject to prompt, full, and impartial investigation by an independent body, and any security personnel found responsible for using or ordering excessive force should be prosecuted to the full extent of the law.
- Address ethnically based political resentments by working with newly emerging local leaders, rather than against them, developing partnerships and channels for dialogue, so that decisions (such as the contours of special autonomy) are made with the participation of legitimate local leaders and do not come down from on high.
- End all forms of ethnic and racial discrimination against Papuans, including discrimination in employment; sanction members of the security forces who use racially or religiously charged epithets or other degrading comments in the course of carrying out their duties.
- Identify and prosecute individuals responsible for anti-migrant violence. The actual perpetrators and instigators, rather than uninvolved pro-independence leaders, should be held accountable for any such violent acts. Prosecution should be accompanied by clear articulation of minority rights guarantees.

### **To Papuan Community Leaders**

- Publicly condemn anti-migrant violence and insist on respect for the basic rights of ethnic minorities. Papuan political and community leaders should publicly endorse the June 13, 2001 statement of Papuan church officials calling for an end to violence and should propose specific steps to end anti-migrant violence.

- Provide accurate information to the Papuan public on current political developments and work to dispel widespread public expectations of imminent political change; such unrealistic expectations, if allowed to build, may fuel violent conflict if the expectations are not met.

#### **To the International Community**

- Press Indonesian authorities to make the Abepura case a priority for prosecution under the new human rights court law, Law No. 26/2000, adopted in November 2000.
- Concerned governments should provide financial, technical, and logistic support to the human rights courts now being established pursuant to Law No. 26/2000.
- Press Indonesia to invite the U.N. Special Rapporteur on Torture to visit Papua and to invite the U.N. working group on arbitrary detention for a follow-up visit as a matter of urgency.
- Offer assistance to national and provincial authorities in community policing with participation by local human rights organizations and with a local civilian review board to ensure that such assistance is achieving the desired human rights objectives.
- During bilateral discussions with Indonesia, senior government officials from nations attending the “ASEAN Plus Three” meetings in Vietnam in July 2001 should express concern about ongoing rights violations in Papua.

### **III. THE CONTEXT: EMERGENCE OF THE INDEPENDENCE MOVEMENT AND THE GOVERNMENT’S RESPONSE**

Conditions in Papua<sup>1</sup> today reflect an extraordinary three years in which Papuan independence sentiment, long violently suppressed, was allowed to come above ground and find embryonic organizational form. From the beginning, a central demand of Papuan leaders has been to revisit the events surrounding Indonesia’s incorporation of the territory in the 1960s, including the roles played by the Netherlands, the United States and the United Nations.

Conflict over the political status of Papua dates back to the Indonesian independence struggle in the late 1940s, when the outgoing Dutch colonial power insisted on retaining Papua, and to the series of still controversial events in the 1960s when, after having promised Papuans independence, the Dutch were persuaded to transfer control over Papua to Indonesia in a U.S.-brokered, U.N.-supervised process.

The western half of New Guinea, then Netherlands New Guinea or West New Guinea, was part of the Dutch East Indies colony. Until the 1940s, the ethnically and linguistically diverse territory was a hinterland of the colony, with little Dutch presence apart from missionaries. When Indonesia gained its independence, the Dutch insisted on retaining West New Guinea as a continued foothold in their former colony and as a potential site for the resettlement of pro-Dutch Eurasians and other former colonial subjects.<sup>2</sup> So, although the rallying cry

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<sup>1</sup>Note on terminology: Irian Jaya, Papua, West Papua, West New Guinea, Netherlands New Guinea, and West Irian all name the same place: the western half of the island of New Guinea. The official name of the province remains Irian Jaya, though Papuans now overwhelmingly are demanding that the name be changed to West Papua. President Wahid and the speaker of the Indonesian House of Representatives (Dewan Perwakilan Rakyat) have agreed to rename the province simply Papua, but any official change requires action by the full parliament (Majelis Permusyawaratan Rakyat) in Jakarta. Legislators rejected a proposal to make the change at their most recent session in August 2000. Other names for the province, and the historical context in which they have been used, are discussed in the text below.

<sup>2</sup>John Saltford, *Irian Jaya: United Nations Involvement with the Act of Self-Determination in West Irian (Indonesian West New Guinea) 1968 to 1969* (Ithaca, New York: Indonesia No. 69, April 2000); Terrence Craig Markin, *The West Irian Dispute: How the Kennedy Administration Resolved that Other Southeast Asian Conflict*, unpublished PhD dissertation, 1996, UMI Dissertation Services, (copy on file at Human Rights Watch).

of Indonesian nationalists during the war for independence was Sabang [Aceh] to Merauke [West New Guinea],<sup>3</sup> and although some Papuan leaders were strongly opposed to the Dutch and supported the Indonesian revolution, West New Guinea remained a Dutch colony.

In the 1950s, the political status of the territory remained the subject of controversy, with Indonesia continuing to lay claim to the territory, which it called West Irian. As anti-colonialist sentiment in Indonesia increased in the late 1950s, and popular support in the Netherlands for a continued Dutch presence in southeast Asia waned, pressure grew for a political solution. At that time, the Dutch began to prepare West New Guinea for independence, to the point of reserving half of the seats in the colony's legislative council for indigenous representatives and encouraging the design of a national flag.

A turning point came on December 1, 1961 when, during a formal ceremony inducting Papuan legislators, the new "Morning Star" flag was raised for the first time. Today, this flag is a potent symbol of Papuan cultural and political aspirations. Less than three weeks later, on December 19, 1961, Indonesian President Sukarno, who had increasingly used Indonesian claims to the territory to whip up nationalist fervor and smooth over domestic political differences, announced a military invasion. A strong Indonesian military presence has been a permanent fixture in Papua since then.

The Indonesian invasion initially caused an international outcry, but U.S. diplomat Ellsworth Bunker and the Kennedy administration pressed the Dutch to accept a U.S.-brokered settlement. The agreement called on the Dutch to formally transfer the territory in October 1962 to an interim U.N. administration, which would then turn it over to Indonesia on May 1, 1963. Then, at the end of 1969, more than six years later, Papuans would be given the chance under a U.N.-supervised Act of Free Choice<sup>4</sup> to decide whether or not they wished to stay under Indonesian rule. No Papuans were consulted or otherwise involved in setting up this scheme. Rather, Cold War considerations were dominant: Sukarno had turned to the Soviet bloc for assistance with arms for the invasion and the U.S. was eager to wean Sukarno from communist influence. In the 1969 plebiscite, all but universally viewed as fraudulent in Papua today, 1026 electors, largely hand-picked by Jakarta and constituting far less than 1 percent of the Papuan population at the time, voted unanimously in favor of joining Indonesia amidst widespread intimidation and terror. These events are now widely cited by Papuan activists who assert that Indonesian rule is illegitimate.

In the three decades of Indonesian rule following the Act of Free Choice,<sup>5</sup> small groups of OPM (Free Papua Movement) guerilla fighters continued to launch small-scale attacks on Indonesian troops. In response, Papuans were rounded up by the Indonesian military in often brutal campaigns that made little or no distinction between combatants and civilians.<sup>6</sup> The guerrillas never made large-scale attacks and never coalesced into a united and organized front, yet their presence has long been used by Indonesian military and police authorities to justify a large security force presence in Papua and periodic military and police operations. Guerrilla activity in the 1970s led to major Indonesian military operations in the Jayawijaya highlands in 1977-78, a definitive account of which has still to be written. According to local Papuans, Indonesian military tactics included requiring that each captured rebel go out and kill a compatriot to prove his loyalty to Indonesia, bringing back a hand, foot, or head as evidence of success. If nothing else, the continued currency of such accounts is clear evidence of the distance the Indonesian government must travel if it is to reestablish public trust in the region.

For much of Soeharto's rule, the name Papua<sup>7</sup> itself was forbidden, as were many forms of cultural self-expression. One human rights violation that became seared into the Papuan consciousness was the army killing in 1984 of anthropologist Arnold Ap. He had started a band to revive traditional music, championed Papuan cultural self-expression, and hosted a popular radio program in which he often criticized Indonesian policies in the province. His killing was part of an indiscriminate retaliatory campaign by Indonesian forces against a pro-independence uprising in Jayapura; the campaign contributed to a large exodus of refugees into Papua New

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<sup>3</sup>Though the guerrillas were initially organized under the name OPM, some subsequently adopted the name TPN (Tentara Pembebasan Nasional or National Liberation Army), presumably to emphasize their role as the armed faction of the broader independence movement.

Guinea, where some still remain. Another such event was the mopping-up operation by the army in 1996, in Mapnduma district in the mountains outside Wamena, after the OPM took hostage a group of young Indonesian and foreign scientists. In the ensuing military and police sweeps, civilians were killed, others were arrested, and subsistence gardens and livestock were destroyed. The campaign went on for two years after the army mounted its hostage rescue operation.<sup>4</sup> A further important case was the killing of demonstrators at independence rallies in Biak in early July 1998.<sup>5</sup>

More than the specific abuses associated with any one military campaign, however, it was the day-to-day experience of being treated like inferior human beings, having their culture denigrated and demeaned, and seeing waves of non-Papuans coming in to displace them that led many Papuans to become political activists. Indigenous Papuans, both highlanders and coastal Melanesians,<sup>6</sup> are darker-skinned than the numerically and politically dominant Javanese and members of most other ethnic groups in Indonesia, and have been subject to ethnic and racial discrimination. While Indonesian rule brought unprecedented economic development, it also resulted in an influx of immigrants from other parts of Indonesia and caused resentment among Papuans as the benefits went disproportionately to foreign investors and these immigrants. When Soeharto was forced from power in May 1998, many of these long repressed sentiments could be made public for the first time.<sup>7</sup>

As elsewhere in Indonesia, the fall of Soeharto opened the floodgates of open expression. After Soeharto was forced to resign, students across Java, Sumatra, and Sulawesi leading the reform movement continued to call for an end to corruption, collusion, and nepotism. In Papua, where the seeds of ethnic nationalism had been planted decades earlier when the Dutch still ruled the territory, the demand quickly turned to independence.

When he took over following Soeharto's resignation, President B.J. Habibie initially made efforts to recognize and apologize for the human rights violations committed under his predecessor. But the new administration's willingness to acknowledge past abuses in general terms was not accompanied by concrete measures to establish justice or redress for the victims. In the meantime, demands for independence mounted.

A Catholic priest in Papua, reflecting in late 1998 on the causes of the increased calls for independence, cited the following factors as responsible: a pattern of human rights violations; the notion of a distinct Papuan culture reduced to the production of handicrafts; both planned and spontaneous transmigration, making the Papuans feel like a minority in their own land; no obvious benefits to Papuans from the exploitation of natural resources; no development of human resources of Papuans themselves.<sup>8</sup>

In 1998 and 1999, Papuan demands were greeted by a confused response from Jakarta. On the one hand, the central government endorsed a so-called National Dialogue on the history and current status of Papua, acknowledging that certain unspecified wrongs had been perpetrated against Papuans. But when the leaders of the Papuan side of the dialogue showed up in Jakarta for an audience with President Habibie on February 26,

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<sup>4</sup>"Human Rights Violations and Catastrophe in Bela, Alama, Jila and Mapnduma, West Papua/Irian Jaya," a report compiled by leaders of the Indonesian Evangelical Church (GKII), Mimika; the Catholic Church, Three Kings Parish, Timika and the Christian Evangelical Church of Mimika, May 1998; see also Robert F. Kennedy Memorial Center for Human Rights, "Rape and Other Human Rights Abuses by the Indonesian Military in Irian Jaya (West Papua), Indonesia," May 1999.

<sup>5</sup>Human Rights Watch, "Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya," *A Human Rights Watch Short Report*, Vol. 10, No. 8, December 1998.

<sup>6</sup>Highlanders tend to have darker skin and be shorter in stature than coastal Melanesian peoples, who have a longer history of contact and intermarriage with people from neighboring islands.

<sup>7</sup>These developments are described in greater detail in a prior report, Human Rights Watch, "Indonesia: Human Rights and Pro-Independence Actions in Papua, 1999-2000," *A Human Rights Watch Short Report*, vol. 12, no. 2(c), May 2000.

<sup>8</sup>Office for Justice and Peace, Jayapura Diocese [Sekretariat Keadilan dan Perdamaian, Keuskupan Jayapura], "Recent Developments in Papua: Irian Jaya, Post-Soeharto Perspectives for Reconciliation," Jayapura, July 1999 (copy on file at Human Rights Watch).

1999, they presented him with a single demand: Papua's independence. The National Dialogue process was immediately suspended and security authorities launched a crackdown in the territory.<sup>9</sup>

Raising the Morning Star flag, the symbol of independence from 1961, had become a popular means of expressing opposition to continued Indonesian rule over Papua since the early 1970s. It was also a virtually assured route to arrest on rebellion charges and to hero status for those imprisoned. As the post-Soeharto freedoms increased on Java, more and more Papuans sought to demonstrate their support for independence by raising the nationalist flag. Sometimes, the Indonesian authorities tolerated this; at other times, they responded with violent crackdowns.

In October 1999, following the first real democratic elections in over thirty years, a new government took office in Indonesia under President Abdurrahman Wahid and promptly initiated a number of reforms. Openly acknowledging the errors of the past, the new administration moved quickly to release political prisoners, allow greater freedom and to permit the open, peaceful expression of pro-independence views. Peaceful Papuan flag-raising, which had been broken up under Soeharto and Habibie, were now permitted and were held without police interference in at least a dozen places in Papua on December 1, 1999. The next day, however, police and demonstrators clashed violently at a flag-raising in Timika. Six people were shot and wounded by police and dozens were injured. On December 31, 1999, when he met local community leaders at Jayapura, President Wahid assured them that flag-raising and other peaceful expression of pro-independence views would be considered protected acts of free speech. At the same time, Wahid stated unambiguously that the Indonesian government was not prepared to accede to Papuan demands for independence.

The President also subsequently agreed to use state funds to help finance a Papuan congress, at which, for the first time, Papuan popular representatives could gather together to air their concerns. The congress was preceded by a large meeting of Papuans from across the province in February 23-26, 2000, called the Great Consultation (Musyawarah Besar, or commonly, the Mubes). By no coincidence, the final day of this fell on the first anniversary of the Papuan leaders' 1999 meeting with President Habibie in which they had demanded independence. The Mubes itself was a major undertaking that brought together some four hundred mostly regional representatives as well as representatives of the guerilla fighters and Papuans living abroad. Indonesian officials attended as observers.<sup>10</sup>

The Mubes was significant as the first time representatives of the Papuan community had been allowed to meet as a single body and discuss their concerns openly. Observers said that the discussions centered on three issues: the perceived need to rectify history, including the process of Papua's incorporation into Indonesia in the 1960s and the legal significance of December 1, 1961, Papuan members of the Netherlands New Guinea legislative council were inaugurated and the Morning Star flag was first flown; the need to devise a political strategy for the pro-independence movement; and the need to consolidate the movement. As a result of the Mubes, the Papuan Council Presidium (Presidium Dewan Papua; hereafter, Presidium) was created to lead the movement. Eighteen persons were appointed to serve on the Presidium, comprising two representatives each from the following groups or themes: tradition (adat), history, professionals, politicians, women, students, religions, youth, and ex-political prisoners. Initially, representatives of the guerrilla movement, including both the OPM and TPN were to be included, but they were left out after a heavy discussion.<sup>11</sup>

The Mubes was followed by the Papuan congress from May 29 to June 4, an even larger gathering prepared by the Presidium. In many ways, it was an extraordinary event. Thousands of Papuans came to the capital from all corners of the province, including some 500 as official delegates and many more as supporters. Representatives of Papuan exile communities based in neighboring Papua New Guinea, Pacific nations, and

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<sup>9</sup>Human Rights Watch, *Indonesia: Human Rights and Pro-Independence Actions in Papua, 1999-2000*, *A Human Rights Watch Short Report*, May 2000, pp. 10-15 (description of the National Dialogue process and ensuing crackdown).

<sup>10</sup>Office for Justice and Peace, *Recent Developments in Papua: Musyawarah Besar Papua 24-26 Februari 2000 serta Suasana Pasca-Mubes*, April 2000 (copy on file at Human Rights Watch).

<sup>11</sup>*Ibid.*

Europe also attended. The congress dealt with the same themes as the Mubes and included sometimes heated discussion among different factions. When the congress adjourned in Jayapura on June 4, delegates adopted a resolution asserting that West Papua -- as independence supporters prefer to call it -- had been a sovereign state since it proclaimed independence on December 1, 1961, and that its incorporation into Indonesia in 1969 was legally flawed and therefore null and void. The congress also called on Jakarta to recognize the sovereignty and independence of West Papua.<sup>12</sup>

President Wahid subsequently stated publicly that, although his government helped finance the event, it did "not recognize the congress," and considered it "illegitimate," because it had failed to represent all sectors of society in Irian Jaya.<sup>13</sup>

Immediately following the congress, the police interrogated key Presidium leaders and congress organizers. Many Papuans, however, concluded that independence was imminent. Papuan youth groups called Satgas Papua (Satuan Tugas Papua, literally APapuan Taskforce,@ but akin to civilian militias), that had initially formed in the Jayapura area to provide security for the Mubes and congress, spread to towns throughout the province. In many cases the Satgas Papua units served as an outlet for expression of Papuan pride; in others, however, members turned to gangsterism, intimidation, and extortion, often targeting small businesses run by migrants.

Jakarta politics also played an important role in shaping the aftermath of the congress. Even as the congress met, President Wahid faced growing political difficulties in Jakarta. His political enemies seized upon his support for the congress to argue that he supported the separatists and that his actions could precipitate the break up of Indonesia. At a national parliamentary session in August 2000, legislators rejected Wahid's proposal to change the name of the province to Papua. Increasingly, the government adopted a more uncompromising stance. More troops were sent to the province, Hawk fighter jets based in Biak reportedly flew low over some towns as part of a larger show of force, and provincial authorities once again prohibited the raising of the Morning Star flag.<sup>14</sup>

In the highland town of Wamena, long a center of resistance to Indonesian rule, the combination of popular expectations of imminent political change and the government's return to a Aget tough@response was to prove a volatile mix.

#### IV. THE WAMENA VIOLENCE

Wamena, the capital of the Jayawijaya district with a population of just over 100,000, is the largest town in the central highlands of Papua. Eyewitnesses report that expectations of imminent independence were particularly high in highland towns after the congress, and, in Wamena, the Morning Star flag had been flying at numerous locations since July 14, 2000.

In Wamena, as elsewhere in Papua, the emergence of the pro-independence protest movement had been marked by the erection of simple community centers called *posko* (lit: command post or communications post), usually a simple structure or shack at which neighborhood residents gather to discuss political events and matters of public interest. Such informal community centers had become important gathering points nationwide during the student uprising across Indonesia that led to the fall of Soeharto; in Papua, they became the central locus of pro-independence discussions and often featured display of the Morning Star flag.

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<sup>12</sup>Office for Justice and Peace, ARecent Developments in Papua: Papua Congres II 29 May - 4 June 2000 and The Situation Pasca-Congress,@January 2001 (copy on file at Human Rights Watch).

<sup>13</sup>"Indonesian President Backs Off Support for Papua," *Agence France-Presse*, August 12, 2000.

<sup>14</sup>See A2,000 Mobile Brigade troops to be sent to Irian Jaya,@ *Jakarta Post*, July 6, 2000; TAPOL, the Indonesian Human Rights Campaign, "TAPOL Bulletin No. 160,@November/December 2000.

On October 3, Presidium leaders in Jayapura claimed that they had won a delay, despite heavy pressure from Indonesian authorities, in the implementation of the ban on the Morning Star flag. They had held out on the ground that President Wahid had to yet formally retract his earlier public assurances that the flag could be flown. After discussions with the police chief, the provincial authorities were said to have agreed not to forcibly lower the flags until the Presidium leadership had been able to meet with President Wahid, with such meeting to be held no later than October 19 and with the ban to go into effect only after the meeting.<sup>15</sup> Three days later, however, despite the agreement, the provincial authorities launched a series of coordinated raids on various posko in and around Wamena aimed at suppressing the flag.

### **The Clash<sup>16</sup>**

On the early morning of October 6, dozens of Papuans were arrested, ten were shot, and at least one killed when joint security force teams composed of special crowd control police units (Pengendali Massa or Dalmas), Brimob, and Strategic Reserve troops (Kostrad, the army's premier elite unit) troops launched a series of coordinated raids on posko in the Wamena area where the Morning Star flag was flying. At least seven such posko were raided.<sup>17</sup>

The events of October 6 began with a military and police roll call at the field outside Wamena police headquarters at 6:15 a.m. The first posko attack was at 6:45 a.m. In each case, the posts were attacked deliberately and with considerable force. In most, warning shots were fired to disperse Papuans gathered at the posko, the flagpole was chainsawed and the flag torn up or confiscated. Papuans present were beaten, rounded up, and put in police vehicles. By 8:00 a.m., more than fifty people rounded up from five posts had been taken to police headquarters (mapolres). Police there reportedly assaulted detainees, kicking them and beating them with rifle butts and wooden staffs.<sup>18</sup>

Hearing of the early morning raids, a crowd gathered at the central posko (*Posko Induk*) in Wamena with reports of the arrests and beatings circulating. At approximately 10:00 a.m., police decided upon a direct assault to disperse the crowd, despite the tense situation. In the assault, ten Papuans were wounded by bullet fire, at least one fatally, a fifty-year-old man who was hit by a stray bullet while walking with his eight-year-old son. Two police were shot, one in the buttocks, one in his right elbow. There had been several previous instances in which forcible government assaults on the flag had resulted in fatalities in Papua between December 1, 1999 and end of 2000,<sup>19</sup> but this time tensions exploded.

Throughout the morning, Papuans had flocked to the town to defend the flag. By the early afternoon, a large crowd had gathered across the river from Wamena near the village of Wouma where the Morning Star flag was still flying. In still unexplained circumstances, two migrants were murdered in Wouma.<sup>20</sup> Starting at about 3:00 p.m., the crowd crossed the river and took to the streets to protest, burning and looting shops as they went. Shortly thereafter, troops arrived in two trucks. The troops opened fire into the air and at the ground to disperse the crowd and clear the road, but then withdrew in the direction of the town, followed by the Papuan crowd in hot pursuit. At a market-place, shots were fired at the crowd from a nearby migrant residential neighborhood. Seeing that the troops were now using the houses of non-Papuans, the crowd attacked the homes and their inhabitants.<sup>21</sup> In the ensuing melee, at least seven Papuans were shot and killed and twenty-four non-Papuans were killed.

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<sup>15</sup>Human Rights Watch interview with Willy Mandowen, Jakarta, March 10, 2001.

<sup>16</sup>The following account of the Wamena incident is based largely on the excellent, eighty-page investigative report, based on dozens of eyewitness interviews, titled *Peristiwa Tragedi Kemanusiaan Wamena 6 Oktober 2000 Sebelum dan Sesudahnya: Sebuah Laporan Investigasi*, January 2001, prepared by the Justice and Peace Center at the Jayapura Diocese (Sekretariat Keadilan dan Perdamaian), KONTRAS Papua, Elsham, and LBH-Jayapura (copy on file at Human Rights Watch).

<sup>17</sup>*Ibid.*, pp. 10-22.

<sup>18</sup>*Ibid.*, p. 17.

<sup>19</sup>A list of these cases is set forth in section VI below.

<sup>20</sup>*Peristiwa Tragedi Kemanusiaan Wamena*, p. 23.

<sup>21</sup>*Ibid.*, p. 24

Many Papuans have described the police tactics in Wamena, in particular the police decision to shoot at the mob from amidst the homes of migrants, as a deliberate provocation aimed at inducing Papuans to clash with the settlers. However, there had been no such provocation earlier in the day when the two non-Papuan migrants were killed near Wouma or at the time that the rioting and looting began, suggesting that the potential for violence was already present before the arrival of the troops.

In the days following the clash, thousands of non-Papuans fled the area, believing that their lives were in danger, including many teachers. The education system in Wamena was said to still be operating far below capacity when Human Rights Watch visited Papua in March 2001, five months later.<sup>22</sup> The violence was also reportedly followed by increased tension between highland Papuans and those from coastal groups, a number of whom are employed in the civil service or in the security forces and thus have been accused of directly or indirectly siding with the authorities.<sup>23</sup>

Even before the attack on migrants, sixteen Satgas Papua members were arrested in connection with the violent clash at the central posko earlier in the day; another fifty people had been rounded up in the early morning raids by the security forces. All but the original sixteen Satgas Papua members were released over the next two days.

On October 11, senior military, police and civilian officials reached an agreement with local independence leaders, including the Reverend Obet Komba, a Presidium member, and four people who had represented Wamena at the Mubes and congress (such local representatives are known as Panel members) concerning flag raisings, police restraint, and plans for a peace ceremony. That evening, Rev. Komba and the four Panel members were invited to the police command post, ostensibly so that they and the police could get to know each other.<sup>24</sup> Over protest, the five were then questioned until 2:30 a.m. and again the following day until 3:00 p.m. On October 13, the five were told they must identify and hand over the men who had taken part in the attack on migrants. Failure to do so, police authorities said, would result in their being held directly responsible for the killings.

Ultimately, that is what happened. On December 13, 2000, two months after the violence, with none of the perpetrators apprehended, the five were arrested. In addition to Komba, they are: the Reverend Yudas Meage, Yafet Yelemaken, Murjono Murib, and Amelia Yigibalom. The charges against them related specifically to their support for a peaceful flag ceremony on December 1, 1999, and their espousal of independence at the Mubes and congress. In essence, however, the leaders were made scapegoats for the Wamena violence.

Wamena remained tense well into 2001, with high security at the jail where the Satgas Papua members and Panel leaders were being held. Outsiders were kept from monitoring the trials. The Australian branch of the International Commission of Jurists (ICJ) asked for permission to observe the trials, but was denied, the first time such a request from the Australian ICJ had been rejected by Indonesian authorities.<sup>25</sup> On February 4, the local human rights group Elsham reported that Brimob troops had gained access to the prison and interrogated and beaten a number of the prisoners. The Elsham report said that seven of the detainees were kicked and struck with iron rods and rifle butts. Murjono Murip, a school-teacher and one of the Panel members, was struck in the lower back and warned that if he failed to confess that he had instigated the violence in Wouma, he would have his nails pulled out and his nose cut off. The other six wounded men were all members of the Satgas Papua.<sup>26</sup>

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<sup>22</sup>*Ibid.*, pp. 43-44; Human Rights Watch interview with BH, Abepura, March 7, 2001.

<sup>23</sup>Peristiwa Tragedi Kemanusiaan Wamena, pp. 45-46; Human Rights Watch interview with PT, Abepura, March 7, 2001.

<sup>24</sup>*Ibid.*, p. 30.

<sup>25</sup>"Australian ICJ seeks help from federal government," *Australian Associated Press*, February 15, 2001.

<sup>26</sup>Lembaga Studi dan Advokasi Hak Asasi Manusia (Elsham), "Aparat Brimob Menganiaya Para Tahanan Hakim di Lembaga Pemasyarakatan Wamena: Proses Persidangan Terbuka Dikawal Ketat Aparat Keamanan," February 9, 2001.

On March 10, the verdicts were announced. The Satgas Papua members received sentences of between six and ten months of imprisonment; the Rev. Obet Komba and the Panel leaders were sentenced to between four and four-and-a-half years of imprisonment.

### **Analysis**

The violence in Wamena began with precipitous and violent assaults on neighborhood community centers by security forces. The raids violated the understanding that had been reached in Jayapura with independence leaders on October 3 and also violated the internationally recognized principle that, in crowd control operations, use of force should be used only when strictly necessary and should be proportionate to the threat. In addition, while security forces may have been justified in using a degree of force later in the afternoon when confronted by an angry and violent crowd, reports that troops fired at the crowd from a residential neighborhood, if true, show the behavior of the security forces to have been at best unwise and at worst placed migrants in mortal danger.

The prosecution and imprisonment the Panel leaders because of their support for independence, but without any evidence that they were individually responsible for the rioting on October 6, constitutes a violation of freedom of expression, association, and assembly. As described below, it also has exacerbated resentment and tensions in the Wamena region.<sup>27</sup>

### **Anti-Migrant Violence**

The recent increase in attacks on migrants is a dangerous development that requires decisive intervention by Papuan community leaders.

Immigrants from other parts of Indonesia now form a significant proportion of the population in Irian Jaya. The proportion of the population born outside the province grew from just 4 percent of the population in 1971 to over 20 percent of the total population of 1.7 million in 1990.<sup>28</sup> Although more recent figures on the breakdown of the population by origin or ethnicity were unavailable at this writing, many Papuans told Human Rights Watch that they believe the non-Papuan population is now roughly 40 percent of the total population.

The growth of the migrant population is the result of now widely discredited, government-sponsored transmigration programs, in which people, typically poor peasants, from more populous areas of Indonesia were settled in less crowded areas,<sup>29</sup> as well as of spontaneous migration by individuals and families seeking better economic prospects. Most economic migrants in Papua originate from Sulawesi, Java, and the Moluccan islands (Maluku), with those from Sulawesi (primarily of Buginese, Makassarese, and Butonese ethnicity) accounting for over half of the influx. Whether attracted by government positions, as many Javanese have been, or by employment at markets in urban areas or in industries such as sawmilling and logging, as many migrants from Sulawesi have been, the economic migrants tend to be concentrated in urban areas. Already in 1990, the urban population of the province was nearly evenly divided between Papuan-born and non-Papuan-born residents.<sup>30</sup>

As they are disproportionately represented in higher income trades and professions, the migrants have long been resented by some Papuans, and tensions have often flared into violence. The Wamena rioting, however, was the worst such incident in Papuan history, and, as discussed below, it has been followed by a number of lesser incidents in which migrant laborers have been targeted by Papuan militants.

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<sup>27</sup>Peristiwa Tragedi Kemanusiaan Wamena, pp. 42-46

<sup>28</sup>Chris Manning and Michael Rumbiak, *Irian Jaya: Economic Change, Migrants, and Indigenous Welfare*, in Hal Hill, ed., *Unity and Diversity: Regional Economic Development in Indonesia since 1970* (New York: Oxford University Press, 1991), pp. 89.

<sup>29</sup>For a discussion of the transmigration program in Irian Jaya, see *ibid.*, pp. 97-104. Between 1964 and 1986, the government-sponsored transmigration program brought over 100,000 persons to the province; 165,000 economic migrants came on their own to the province between 1971 and 1990.

<sup>30</sup>*Ibid.*, p. 89. Many of the migrants are Muslim, leading some Papuans to express concern about perceived "Islamization" of the province. To date, however, Papua has not witnessed anything like the violent interreligious conflict present in the neighboring Maluku region.

The Wamena violence demonstrates the corrosive effect of the growing APapua for Papuans@sentiment and anti-migrant hostility. The violence invited a crackdown and heightened military presence in the region, undermining much of the progress that had been made toward dialogue. According to local people, it left Papuan-migrant relations severely frayed and at risk of erupting into further violence. The impact was exacerbated when, after the rioting, police authorities publicly called on migrants to arm themselves.

The Wamena violence was a serious setback for the wider community. Because the leaders of the rioting have never been caught and punished, migrants continue to fear for their safety. The security forces, widely seen as the instigator of the entire incident, have been further discredited. And among ethnic Papuans themselves, the incident has only widened divisions.

## V. THE ABEPURA CASE AND ITS AFTERMATH

Two months after the Wamena riots, another major violent incident took place, this time in Abepura, a college town about ten kilometers from the provincial capital, Jayapura. As the testimony below establishes, the two cases are linked in important respects, including in the rage against “Wamena people” (*orang Wamena*) expressed by police officers responsible for some of the worst abuses in the case.

Shortly after 1:00 a.m. on December 7, 2000, an unidentified group of people<sup>31</sup> attacked a police post near the market in Abepura. Two policemen, Obeth Petrus Epaa (Polsek) and Bharada Indra (Brimob), were killed in the initial attack and a security guard, Paulus Padama, was killed shortly thereafter at a nearby government office. Although there is not yet a definitive account of the attack, police officials have said that pro-independence highlanders (*orang pegunungan tengah*) carried out the attack and guerrilla leader Matias Wenda, a highland independence leader, is said to have approved the idea of such an attack a few days before the raid.<sup>32</sup> Accounts have varied as to whether the attackers used only bows and arrows or used firearms as well. The attackers also set fire to two shops at the Abepura market.

Soon after the attack began, Brimob and police reinforcements arrived at the market. The perpetrators quickly dispersed in various directions and none were caught. A small group of the attackers headed for a nearby student dormitory — the Ninmin dormitory, home primarily to students from the Mapnduma area in the central highlands and housing the office of the West Papuan National Youth Committee (Komite Nasional Pemuda Papua Barat) — located up a hill about 300 meters from the Abepura market. The attackers appealed to students to join their uprising, but then left when the students refused to do so. Shortly after the attackers left, a group of Brimob troops, apparently in hot pursuit, stormed the Ninmin dormitory. The troop awakened students who were not already awake, rounded them up, twenty-three in all, and began brutally beating them. Two would die in custody, dozens suffered serious injuries. Over the next twenty-two hours, Brimob and police troops went to four other highlander residential areas in the Jayapura area (in Abepura, Skyline, and Sentani), and to the Yapen Waropen dormitory, home to students from the coastal district of the same name (the students at which are known for leading protests at the university), rounding up and brutalizing people as they went, often in broad daylight, shooting and killing one high school student and injuring many more. Within twenty-four hours, three highland students had been killed, and one hundred individuals had been detained, dozens of whom were badly beaten and tortured.

In March 2001, Human Rights Watch visited Papua and interviewed students from the Ninmin dormitory and other residential areas and has obtained written testimonies from a number of other victims and eyewitnesses. The testimonies show a remarkably similar pattern in the attacks in the different residential areas in the Abepura-Jayapura area. This was a methodical revenge attack in which all highlanders were the targets; individuals were

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<sup>31</sup>The number of attackers is unknown. Accounts circulating in Jayapura during a Human Rights Watch visit in early March 2001 ranged from ten to hundreds.

<sup>32</sup>Human Rights Watch interview [name withheld], New York, March 29, 2001.

not punished for their deeds, but for being from the same tribe or region known as home to troublemakers. This was not, as some Indonesian authorities have claimed,<sup>33</sup> a reasonable response to the murder of their colleagues.

A student who had been playing cards near the Ninmin dormitory at the time of the attack told Human Rights Watch:

That morning at about 1:30, we heard the shouting, as if people were going to war. Minutes later, we saw thick smoke and flames from the shops below. There were also shots fired. With others who were playing cards, I went and immediately awakened the dormitory leader and seniors.

About ten minutes later, a highlander we didn't know came running up to the dormitory, yelling for us to join the fight for independence. He wasn't wearing a shirt. The dormitory leader asked what group he was with and, why, if they wanted us to join, they hadn't told us anything about the planned action beforehand. The dormitory leader forbade any of us from going down to the road or market. The shirtless man went racing back down to the road, shouting to three others that the students weren't following. They took off down Jl. Biak [the road leading away from the dormitory.] We then held a brief meeting, and the dormitory leader and seniors said that no one could leave the dormitory. We decided to block the road with branches from mango trees.<sup>34</sup>

One victim interviewed by Human Rights Watch, provided the following detailed account of what happened next:

Shortly after 2:00 a.m., two Brimob trucks came up and parked at the side of the road below. Four Brimob headed toward us pushing aside the roadblock [branches], firing [warning shots] left and right as they approached. I was afraid and, with six others, ran to the dormitory rooms above.<sup>35</sup> We could hear the Brimob troops kicking in the door of the lower dormitory and smashing the windows. They were saying things like: "You Wamena people did this, you make people suffer, you killed our friends, [they were] good people." They ordered everyone who had gathered in front of the lower dormitory to go down to the road. We felt we should join the others out of solidarity and followed.

Once we got down to the intersection, we were told not to move and were ordered to sit in the middle of the road, with Brimob standing behind us. [There were twenty-three of us in all, fourteen men and nine women.] Then it began. No questions, they just started kicking us, hitting us with rifle butts on the head, shoulder and neck, hitting us with rattan on the sides of the face. At that point, the women weren't beaten but they were being intimidated.<sup>36</sup>

After a few minutes of the beatings, we were ordered onto the waiting trucks. Already in pain, we were told to keep our heads down. We stopped first at Brimob headquarters, and were ordered off the trucks, the women first. The Brimob commander on duty, however, didn't want us there, and we were taken to the Jayapura police station [Polres Jayapura].

[When we arrived the police station,] we were ordered off the trucks and told to sit in the yard in front of the police building. There were hundreds of police, Brimob and other security forces waiting for us and some of them immediately started in on us. There was blood streaming from my mouth and nose when someone finally came and took our names.

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<sup>33</sup>See "Indonesian police chief says crackdown on students prevented bloodbath," *Agence France-Presse*, May 17, 2001 (quoting Jayapura police chief Daud Sihombing that "Police acted on regulations founded in law.... Because there had been an attack, for sure the police are going to carry out searches"); Rights team grills police over student killings in Irian Jaya, *Indonesian Observer*, March 16, 2001.

<sup>34</sup>Human Rights Watch interview with SG, Abepura, March 6, 2001.

<sup>35</sup>The Ninmin dormitory consists of two single-story buildings, one immediately behind and slightly uphill from the other.

<sup>36</sup>Another student reported that, once at the jail, three police women were assigned to the female detainees, beating them, and, in one case, burning one with a cigarette on her hand. Human Rights Watch interview with TC, Abepura, March 5, 2001.

We were then ordered to take off our shirts and to sit separated from one another a meter or so, our legs and arms stretched straight in front of us. They started beating us on our shins and forearms with batons, rifle butts, shovels, 2 by 4s, pieces of hard rubber, and rattan whips. They also beat us with the same objects on the upper back, on the shoulders, and the back of the head, making deep wounds. Occasionally one of the officers would stomp down on our bloody shins with their boots. If you screamed, the beatings only increased.

Many Brimob joined the beatings -- there were probably more than a dozen Brimob hitting us, but I couldn't really tell, I was just trying to keep my head down for protection. This continued for at least an hour.

Then we were ordered into the station. They made us walk on our shins, incredibly painful because of the wounds, with our hands over our heads. Once in the station, the beatings continued. This time it was even worse. They sprayed our backs with some kind of liquid that stung when it hit the wounds -- the pain was unbelievable. Groups of Brimob and police took turns beating us. My head was aching and I could feel myself losing consciousness, like a heavy sleepiness, beaten so badly I couldn't feel anything anymore.

Later, they started calling people in to another room for questioning. Six of us couldn't walk. We were ordered to stand but couldn't. Everything was dark, cloudy, I couldn't move.

All the others went first. Three of us were dragged to another room, semi-unconscious. I don't know how many hours I was there, but finally my breath came back. Again, I was ordered to go report, but couldn't get up. I was dragged up the stairs and asked questions. I couldn't respond. I was taken back down, kicked again.

We were then moved to a very small cell; people kept being forced in from the back. It was so full we couldn't lie down and the heat and stuffiness were intolerable. Brimob continued to come in and beat us with batons. They took turns. No one could sleep. Have mercy it was hot! Finally, late in the afternoon, a Papuan man in plainclothes working at the station came in and said, "Get them some air, these are not animals," and we were allowed out. Shortly thereafter, we were allowed to go home.

My body was swollen and bloody everywhere. I couldn't pee. I was taken to the Abepura hospital, and spent the night there. Then I was taken to the dormitory and from there to the Dian Harapan hospital. I was hospitalized for one week. Four months later, I have deep scarring on my back and shoulders, scars on my face, and pain in my ribs.<sup>37</sup>

Other students described the interrogations to which the students were subjected. The contents of the interrogations show that police were not particularly concerned with guilt or innocence. Although student victims say the police asked a few questions about the attack on the police post, when the students replied that they had no information, the police insulted and berated the students, deriding highlanders generally as stubborn, stupid, and violent. Students reported the following statements: "It's you Wamena people that are making chaos in Jayapura, you should be like people from Sentani or Biak [coastal areas] who know how to do things peacefully, you might get a degree but you'll never get a job."<sup>38</sup>

The Institute for Human Rights Study and Advocacy (commonly referred to by its Indonesian acronym Elsham), a Papuan nongovernmental organization, reported similar derogatory statements, including: "Your mother eats pig and you have the brains of a pig." "Even with your college degrees you won't get any job, you Papuans are stupid. Stupid and yet you think you can be independent." "You put your hopes in a guy like Tom

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<sup>37</sup>Human Rights Watch interview with SW, Abepura, March 6, 2001.

<sup>38</sup>Human Rights Watch interview with BL, Abepura, March 5, 2001.

Beana<sup>39</sup> who knows nothing.<sup>40</sup> One student said that he cried out during the beating "Jesus, why?!" and a Brimob officer said: "Your god Jesus is dead; keep calling him but I guarantee you he's not coming to your rescue."<sup>41</sup>

A written account of the events of December 7 prepared by students from the Ninmin dormitory confirms the narrative above.<sup>42</sup> The Ninmin students' account notes that at least two of the detainees at the Jayapura police station, after being forced to mop up the blood, dirt, and liquid that gathered on the cell floor after the detainees had been beaten, were forced to drink the mixture.

In the twenty-four hours following the attack on the Ninmin dormitory, Brimob raided five other sites in the Abepura area, subjecting the people they detained, most of them highlanders, to similar beatings. A chronology of the events follows:

1:30 a.m., raid by unidentified attackers on police post in Abepura; two officers and one security guard are killed.

2:00 a.m., Brimob troops raid the Ninmin dormitory; twenty-three students are detained, beaten and tortured; two students, Johnny Karunggu, age 18, and Orry Doronggi, age 17, are beaten to death in custody.

5:30 a.m., Brimob troops raid the Yapen Waropen student dormitory in Abepura; one student is shot, four are detained and beaten at the Abepura police post [Polsek Abepura].

5:30 a.m., Brimob troops raid a residential area near Abepura beach. Four people are detained and held at the Abepura police post [Polsek Abepura] for two days; they are kicked and beaten with implements including iron bars, causing one to become permanently paralyzed.

8:00 a.m., Brimob troops raid a neighborhood on Jalan Baru in the Kotaraja section of Abepura. Forty-eight residents are arrested, taken away in three trucks, and detained and beaten at the Jayapura police station together with the Ninmin students.

9:30 a.m., Brimob troops attack a residence in the Skyline residential area. Eighteen-year-old Elkius Suhuniab, who attempts to flee out the back of the residence upon arrival of the troops, is shot and killed. Two others are injured, one shot in the head; Elkius's younger brother Lilimus is detained and taken to the Jayapura police station.

11:30 p.m., Brimob troops raid the Ilaga Students' Association (Ikatan Mahasiswa Ilaga or IMI) student dormitory. Fourteen students are rounded up, taken first to Brimob headquarters and then to the Jayapura police station.<sup>43</sup>

One resident told Human Rights Watch what he saw during the 8:00 a.m. Brimob raid on Kotaraja: "Brimob troops dragged people from their homes and just started beating them up. All the people from the central

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<sup>39</sup>Pro-independence leader from the highland Amungme tribe.

<sup>40</sup>Lembaga Studi dan Advokasi HAM Papua Barat (Elsham), "Laporan: Kasus Abepura 07 Desember 2000," December 2000, text accompanying note 20.

<sup>41</sup>Human Rights Watch interview with EW, Abepura, March 5, 2001.

<sup>42</sup>Badan pengurus komunitas pelajar mahasiswa Nduga, Asrama "Ninmin" Abepura, "Kronologis dan Susunan Foto-foto yang diuraikan terjadinya Peristiwa tgl (7) Desember/dini hari Abepura; Yang menyebabkan terjadinya pembantaian terhadap Komunitas Pelajar Mahasiswa Nduga Asrama Ninmin Jl. Biak Abepura, Jayapura, February 2001 (Copy on file at Human Rights Watch).

<sup>43</sup>"Laporan: Kasus Abepura 07 Desember 2000," Lembaga Studi dan Advokasi HAM Papua Barat [Elsham], December 2000; Human Rights Watch interviews, Abepura, March 3-8, 2001.

highlands were beaten up, with no regard for who was who, whether they'd done anything wrong or not. Then they loaded them in a truck and drove off.<sup>44</sup>

Students at the IMI dormitory, home primarily to ethnic Dani students from the central highlands, described a pattern similar to that described by the Ninmin students. The IMI attack differed only in that it took place more than twenty hours later at 11:30 p.m., and in that the students were beaten at Brimob headquarters before being taken to the Jayapura police station where they were again beaten. One student told the local human rights group Elsham what happened at Brimob headquarters:

At Brimob headquarters in Kotaraja, we were ordered off the trucks and made to crawl toward the Brimob reception hall [Aula Brimob]. Brimob were lined up on either side of us and beat and kicked us in the ribs as we crawled, stepping on our heads if we tried to raise them. Once we got inside, they made us take off our shirts and pants so that we were only wearing our underwear. They then sprayed us with toilet water that smelled of human excrement and then whipped us with rattan canes from head to foot.<sup>45</sup>

The account of Swiss journalist Oswald Iten corroborates the brutality of police and Brimob troops at the Jayapura police station. Iten had been detained by police in Jayapura since December 2 for taking Apolitical photographs@ in the province and was being held in police custody. He was held in custody for eleven days before being released and, three days later, deported. He later wrote about his experiences, including what he described as the Aunspeakably shocking@scene he witnessed on the early morning of December 7:

About half a dozen policemen were swinging their clubs at bodies that were lying on the floor and, oddly enough, did not cry out; at most, only soft groans issued from them. After a few long seconds, a guard saw me looking and struck his club against the bars of the cell block door. I quickly went back to my usual spot, from where I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood and blood sprayed the walls all the way up to the ceiling. Sometimes I saw the policemen hopping up on benches, continuing to strike blows from there or jumping back down on the bodies below. Thousands of blows must have descended on what to me was an unknown number of people.<sup>46</sup>

Iten reported that, later that morning, some of the student detainees were put in the same cell with him. One of the student detainees died in his presence:

Most of [the detainees] remained motionless where they fell, either unconscious or utterly exhausted... The last one to enter (my cell) was a large man, who fell over the bodies on the floor and lay there groaning horribly. He tried repeatedly to straighten himself up, only to fall back down again. Now and again the faces of guards appeared at the barred window, looking down impassively at the tangle of maltreated bodies. In the back of the big man's head, there appeared to be a coin-sized hole through which I believed to spot some brain tissue. After nearly an hour and a half of groaning and spasmodic movement, his suffering body visibly neared its end. About two meters from me, his powerful body raised itself again and his head struck the wall. A final labored breath issued from him, then his head dropped down onto the cement floor. At last his agony was over. After a while, three lackeys came and dragged the body out. Later I learned that the man who had been tortured to death was named Ori Dronggi [sic]. I saw a picture of his corpse in the newspaper, *Cendrawasih Pos*. The dispatch said three dead Papuans had been brought to the morgue and the police stated they had Adied in the fighting.@<sup>47</sup>

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<sup>44</sup>Human Rights Watch interview with Kotaraja resident [name withheld], Abepura, March 7, 2001.

<sup>45</sup>ALaporan: Kasus Abepura 07 Desember 2000,@Lembaga Studi dan Advokasi HAM Papua Barat [Elsham], December 2000, text accompanying n. 15 (copy of report on file at Human Rights Watch).

<sup>46</sup>ASwiss journalist witnesses torture in West Papua jail,@*Neue Zurcher Zeitung*, December 22, 2000.

<sup>47</sup>Ibid.

Autopsy reports state that both Orry Doronggi and Johnny Karunggu, who also died in custody, had cuts and bruises over their entire bodies and had suffered severe blows to the back of the head. Both autopsy reports listed the cause of death as a cracked skull.<sup>48</sup>

### Aftermath

The Brimob response to the attack on the Abepura police post is an example of the kind of abuses that all too often accompany security “sweeps.” Many of the people we spoke to in Irian Jaya, both Papuan and non-Papuan, claim that such “sweeps” often turn into indiscriminate army retaliation in which civilians are the victims. Such criminal retaliation may be common, but it rarely occurs in such an open setting and rarely with students – articulate and able to shape public opinion – as the target. For that reason alone, it will not soon be forgotten.

The initial police response was to deny that any students had been killed in custody and to threaten anyone who dared to report it. Since the incident, moreover, police officials have only begrudgingly and intermittently cooperated with the civilian team sent from Jakarta to investigate the case.

Because the events took place near the provincial capital, literally down the street from some of Papua’s leading human rights and legal aid organizations, information spread quickly. Within days, leaders of the two leading rights groups in Papua, the Institute for Human Rights Study and Advocacy (Elsham) and the Legal Aid Institute (LBH-Jayapura), made hard-hitting statements on the brutality of the police response and these were published in a local newspaper. The response of the authorities was to go after the bearers of the bad news.

Demianus Wakman, the head of LBH-Jayapura was interviewed in the *Papua Post*, one of two daily papers that circulate throughout the province. On December 11, his statements were carried in an article entitled “After Abepura Incident, Security Forces Should Go After Perpetrators, Not Tribes” (“Pasca Insiden Abepura, Aparat Harus Cari Pelaku Bukan Suku”) that accused the police of using repressive measures indiscriminately against people from the interior. In response, the police summoned him at about 10:00 a.m. on December 11. He first assumed that he was being called to discuss a legal aid case that he had previously raised with police authorities, but was told that he was being investigated in connection with a possible criminal proceeding. He was detained into the evening and not allowed to return home until Abdul Munib, the editor of the *Papua Post*, who had also been summoned by the police, arrived near midnight.<sup>49</sup> Munib and two colleagues, in turn, were held from midnight until about 6:00 a.m. Asked about his night at the police station, Munib commented: “They were trying to intimidate us. It’s psy-war, to make you scared, but you’ve got to ignore it and do your job.”<sup>50</sup>

Two days later, Elsham issued a press release reporting that three Papuan students had been killed in the police action. The police then summoned Johanis Bonay, one of the directors of the organization, and, when he arrived, told him that he was being detained under Article 311 of the Indonesian Criminal Code for alleged libel. Bonay told Human Rights Watch that he was held overnight, interrogated from 5:00 p.m. to 9:00 p.m. on December 14, and from 8:00 a.m. until 3:00 p.m. the following day. When he was released on December 15, Bonay was told the case would proceed, but he has since heard nothing, apart from comments in local newspaper articles attributed to local police saying that the case would be pursued.<sup>51</sup>

### Investigations

On January 9, 2001, Indonesia’s National Human Rights Commission announced that it would appoint a commission of inquiry to investigate the Abepura case as one of the first two cases to be considered for

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<sup>48</sup>Photocopies of signed autopsy reports are included as appendices in “Laporan: Kasus Abepura 07 Desember 2000,” Lembaga Studi dan Advokasi HAM Papua Barat [Elsham], December 2000 (copy of report on file at Human Rights Watch).

<sup>49</sup>HRW interview with Demianus Wakman, Abepura, March 4, 2001.

<sup>50</sup>HRW interview with Abdul Munib, Abepura, March 6, 2001.

<sup>51</sup>HRW interview with Johanis Bonay, Abepura, March 4, 2001. See also “Indonesian police to summon John Rumbiak over execution claims,” *Agence France-Presse*, December 18, 2000.

prosecution under the country's new human rights courts, created by legislation passed in November 2000.<sup>52</sup> On February 6, the membership of the commission of inquiry was announced and the team was given until April 5 to complete a preliminary investigation.<sup>53</sup> The inquiry team faced opposition from the police and got off to a slow start, but were able to obtain a one-month extension and eventually interviewed over one hundred individuals, including fifty-one victims and thirty-nine police and Brimob officers.

From the beginning, the commission of inquiry faced tremendous obstacles. When Jakarta-based team members arrived in Papua to start investigating the police, the local office of the Justice and Human Rights Ministry sent an official letter stating its legal opinion that the investigation was illegal and advising the provincial chief of police not to cooperate with investigators.<sup>54</sup>

Once police agreed to submit to questioning by the investigation team, officers stonewalled the investigators, giving little concrete information. Then, when the commission had interviewed dozens of student victims, the police called in more than twenty of them for interrogation, suggesting that they were suspected of involvement in the December 7 attack on the police post. The timing of the police interrogation of the students and threat that the cases might be reopened -- more than four months after their initial detention and just as the inquiry team began its work -- strongly suggested an effort at intimidation. After a protest by inquiry team investigators and intervention from national police headquarters in Jakarta, this intimidation ceased. When the commission issued a statement on April 20, however, stating that the commission's investigations gave it reason to believe that gross human rights violations had been committed (a necessary finding under Indonesian law if there is to be establishment of a human rights tribunal), the national chief of police publicly criticized the commission, alleging that it had prejudged the case.<sup>55</sup>

Despite the overwhelming evidence that security forces were responsible for torture and murder on December 7, these police responses suggest that there is still a difficult path ahead to successful prosecution.

## Analysis

The pattern of police raids strongly indicates planned and coordinated actions at senior levels of the local security forces. The fact that the raids on the Ninmin and IMI dormitories, nearly twenty hours apart, followed a similar pattern and included beatings and torture with the same weapons and techniques; that many of the raids took place in broad daylight; that beatings and torture occurred both at the Jayapura police station and at Brimob headquarters; that the abuses at the Jayapura police station continued throughout the day; that those who reported on the events were interrogated -- all of these facts suggest that this was not a problem of one or two errant officers or police troops, but a deliberate, coordinated action by police and Brimob authorities. In the Abepura case, terror was a police tactic.

The main police objective appears to have been retaliation and intimidation to demonstrate that if the police are attacked, civilian members of the community from which the attackers are believed to have originated will be made to suffer as a result. Highlanders were guilty by association, with no distinction between civilian and armed highlander, between the beliefs or behavior of the different individuals being detained. Such retaliation, according to Papuans, is not new and has been an important factor contributing to the growth of the movement for independence.

Justice is necessary not only for the victims but in order for the Indonesian government to reestablish a modicum of credibility and thus legitimacy in Papua. If there is to be hope of rebuilding public trust in government, the perpetrators of this kind of evident injustice must be held accountable. Prosecution of the

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<sup>52</sup>Keputusan Ketua Komisi Nasional Hak Asasi Manusia Nomor: 020/KOMNAS HAM/II/2001 Tentang Pembentukan Komisi Penyelidikan Pelanggaran Hak Asasi Manusia di Propinsi Papua/Irian Jaya, February 6, 2001 (copy on file at Human Rights Watch); see also Komnas HAM Bentuk KPP HAM Aceh dan Papua, *Kompas*, January 11, 2001.

<sup>53</sup>Ibid.

<sup>54</sup>Surat Kakanwil Departemen Kehakiman dan HAM Irian Jaya tanggal 14 Maret 2001 No. W19-UM.02.06-36.

<sup>55</sup>APolri Protes KPP HAM Abepura, @Ankara, April 24, 2001.

Abepura crimes, however, is only a first step and should be followed by prosecution of those responsible for the worst atrocities of the past. There is a high level of awareness of these crimes among Papuans today, and it is critical that the architects of the military policies that allowed for terrorizing and murder of civilians over the past four decades be brought to justice.

## VI. HUMAN RIGHTS DEVELOPMENTS IN PAPUA TODAY

The Abepura and Wamena cases show clearly the costs of Indonesia's failure to implement a principled framework for addressing the current unsettled political situation in Papua. Rights violations were at the heart of both cases and similar violations taking place elsewhere in Papua, if not addressed, could lead to future explosions. This chapter provides an overview of those continuing rights violations.

### The Ban on Pro-Independence Expression

Indonesian authorities have not applied a rights framework in responding to Papuan calls for independence. Instead, they have alternated between tightening and easing prohibitions on such expression, the policy in effect at any given time depending on the balance of political power between the President and his political adversaries in Jakarta, the decisions of security officials in Papua, and the status of negotiations between Indonesian officials and pro-independence leaders.

As indicated above, President Wahid declared in 1999 that peaceful expression of pro-independence sentiment was permissible, including raising the Morning Star flag. On July 14, 2000, President Wahid stated that the flag could be displayed so long as it was smaller than and flown below the Indonesian flag.<sup>56</sup> In July, however, Wahid said that the flag would be allowed to fly only through the upcoming national parliamentary session in August 2000.<sup>57</sup> In late September, national and provincial authorities said that the flag was banned,<sup>58</sup> but local authorities then reportedly agreed with Papuan independence leaders (the Presidium) that they would refrain from forcibly removing the flag until representatives of the leadership had an opportunity to meet directly with President Wahid.<sup>59</sup> Then, on October 6, notwithstanding the agreement, security forces violently attacked community posts in Wamena. On October 26, President Wahid declared that the flag was a separatist symbol and that Papuans should find another cultural symbol.<sup>60</sup> On November 9, independence leaders and local police authorities agreed to limit Papuan flags to one flag per district, but the agreement specifically named only five of Papua's fourteen districts in which it would be permissible to fly the flag. On April 21, 2001, Major-General Mahidin Simbolon, the military commander for Papua, stated that the military fully supported the policy of prohibiting the display of all attributes of the Papuan independence movement.<sup>61</sup>

As the above examples show, the only thing consistent in the Indonesian government's approach is that it has treated pro-independence expression as something that police authorities are entitled to ban outright or, alternatively, to negotiate with independence leaders. This approach sacrifices individual rights to political whims and opens the door to potentially explosive uncertainty, with policies varying from one month to the next and from one region to another.

### Raids on Centers Where Pro-Independence Symbols are Displayed

Directly associated with the ban on the flag and other forms of pro-independence expression have been periodic and often violent raids by armed security forces on gatherings where independence symbols are on display. Such incidents have repeatedly ended in clashes between security forces and independence supporters,

<sup>56</sup>"Papuans allowed to fly 'Morning Star' freedom flag," *Agence France-Presse*, June 8, 2000.

<sup>57</sup>"Papua's separatist flag to be lowered after Aug. 18: Wahid," *Kyodo News*, July 24, 2000.

<sup>58</sup>"Gus Dur Bans Raising of Morning Star Flag, says MPR Member," *Antara*, September 23, 2000.

<sup>59</sup> Human Rights Watch interview with Willy Mandowen, Jakarta, March 10, 2001.

<sup>60</sup>"Indonesian president asks Irianese not to use separatist flag," *Agence France-Presse*, October 26, 2000 (quoting cabinet secretary Marsilam Simanjuntak as saying: "The Morning Star flag has been misused as a symbol of sovereignty ... In short Wahid told Papuans not to use it any more and told them to find another cultural symbol").

<sup>61</sup>"ATNI Support Irian Jaya Police to Ban Separatist Attributes," *Jakarta Post*, April 21, 2001.

often leading to serious injuries and loss of life. The above description of the early morning raids in Wamena provides a clear example of an unprovoked, aggressive approach by security forces, troops storming community centers with firearms drawn, chainsawing flag poles, destroying community centers, and arresting and beating Papuan youth. The Wamena incident was only one of several such cases in recent months.

The list below, derived largely from a draft report prepared by a Papuan human rights group, gives a sense of the frequency with which security forces have used lethal violence in forcibly taking down the Morning Star flag in the past year and a half. It should be noted that Human Rights Watch has not itself conducted an investigation of these incidents and is not, therefore, in a position to determine whether security forces acted proportionally or not in any given case. The list is provided because the number of incidents alone suggests that a serious re-evaluation of security force policies is in order:

- C three Papuan demonstrators were shot in Sorong on September 9, 1999, one of whom, an eighteen-year-old high school student, died in custody;
- C thirty-eight people were injured, many with gunshot wounds, one of whom subsequently had his foot amputated, at a flag-raising in Timika on December 2, 1999;
- C dozens were injured and one high school student was killed in a clash between demonstrators and security forces over a flag in Merauke on February 16, 2000;
- C three people were killed and eight seriously wounded when demonstrators clashed with security forces in Nabire over the course of three days, from February 28 to March 3, 2000, in which a flag was forcibly removed;
- C three people were killed and twelve wounded during police attempts to break up a flag-raising demonstration in Sorong on August 22, 2000;
- C forcible removal of a Papuan flag by Brimob troops at a community center in Merauke contributed to the escalation of a dispute between families into a week of conflict from November 4-12, 2000; in all, seven people were killed and twenty-nine wounded in the violence, including both Papuans and migrants;
- C two people were killed in Fakfak on December 1, 2000 in clashes between demonstrators and security forces who sought to forcibly remove the Morning Star flag;<sup>62</sup>
- C eight people were killed in Merauke on December 2, 2000 in clashes between demonstrators and security forces attempting to forcibly bring down the Morning Star flag;
- C four people reportedly were killed in Tiom on December 16, 2000 at a flag-raising ceremony.<sup>63</sup>

More recently, in a clash between security forces and protesters in Jayapura on March 29, 2001, Philipus Murib, a thirty-year old farmer, was beaten and died the following day.<sup>64</sup> On May 1, at least four Papuans were wounded when security forces opened fire while removing a flag flying in the front yard of a local leader in the Fanindi area of the Manokwari district.<sup>65</sup>

### **Jailing of Civilian Independence Leaders and Students**

As discussed above, the Wamena riots were followed by the arrest and sentencing of pro-independence community leaders. Although the leaders were charged with rebellion and spreading hatred,<sup>66</sup> they were not accused in court of participating in or advocating violence. Instead, the basis for their conviction was their support for independence at the Papuan congress and at related peaceful, pro-independence gatherings.

The Wamena leaders were not the first or last group to be charged for their peaceful pro-independence actions.<sup>66</sup> In June 1999, five Papuan leaders were formally banned from overseas travel. Shortly after the

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<sup>63</sup>On May 20, 2000, after a trial closed to the public, five Papuans were sentenced to one and a half year sentences for the incident on charges of illegal possession of weapons.

<sup>63</sup>Laporan Tahunan 2000, Bab III, Gerakan Politik dan Pelanggaran HAM di Papua Barat Tahun 2000 (Draf), ELSHAM, March 7, 2001; Human Rights Watch interviews, Abepura, March 3-8, 2001.

<sup>64</sup>"Victim of Irian Jaya Clash Dies in Hospital," *Agence France-Presse*, March 29, 2001.

<sup>65</sup>"Four Wounded in Riot over Separatist Flag in Irian Jaya," *Agence France-Presse*, May 2, 2001.

<sup>66</sup>Many cases from 1998 and 1999 are described in prior Human Rights Watch reports. See Human Rights Watch, *Indonesia: Human Rights and Pro-Independence Actions in Papua, 1999-2000*, *A Human Rights Watch Short Report*, vol. 12, no. 2(c), Human Rights Watch

congress in June 2000, Presidium leader Theys Eluay was briefly detained on charges of rebellion and twelve other Papuan leaders were called into police headquarters in Jayapura for questioning. Five of those same leaders were taken into custody in late 2000 and currently are on trial in Jayapura.

On November 28, 2000, Presidium Secretary General Thaha al-Hamid was arrested and charged with separatist rebellion and spreading hatred against the state. The following day, Presidium Chair Theys Eluay was arrested on the same charges. Don Flassy and John Mambor, the latter of whom had been a political prisoner under Soeharto, were arrested on November 30, 2000. The Reverend Herman Awom was formally detained on December 4, 2000. All five Papuan leaders were charged with rebellion in violation of articles 106 and 110 of the Indonesian Criminal Code, and spreading hatred under articles 154 and 159 of the Indonesian criminal code (the so-called *Haatzaai Artikelen* inherited from the Dutch colonial government). As such, the prosecution of the Papuan leaders is an unwelcome throwback to the Soeharto era, when the same laws were used to silence political dissent and reinforce political orthodoxy.

The charges, moreover, are almost identical to those brought against the local pro-independence leaders in Wamena: the criminal acts the five are alleged to have committed include publicly expressing support for Papuan independence at a rally at Theys Eluay's residence on November 12, 1999; attending peaceful flag raising ceremonies on December 1, 1999; and attending the Mubes and congress. In mid-March 2001, the five were released into house arrest pending trial. Their trials began on May 14 in Jayapura and had not yet concluded at this writing.

A third example of arbitrary arrest and detention of Papuans concerns four students whom Indonesian authorities arrested on December 1, 2000 at a rally outside the U.S. Embassy in Jakarta. The four -- Hans Gobay (22), Laun Wenda (23), Yosep Wenda (27), and Mathius Rumbapuk (30) -- were held at Jakarta's Salemba prison until late March, then released into house arrest pending trial. More than 300 Papuans reportedly attended the December demonstration, including some who carried a banner declaring *Peaceful Action to Commemorate the 39th Anniversary of West Papuan Independence and to Make Papua a Peace Zone* (*Aksi Damai Memperingati 39 Tahun Kemerdekaan Papuan Barat Jadikan Zona Damai di Papua*). Others carried the Papuan Morning Star flag and placards criticizing the roles played by the United States, Holland, and the United Nation in the 1960s; signs calling for immediate Indonesian government recognition of Papuan independence; and pleas for Indonesian government dialogue with leaders of the Papuan Presidium and an end to violence in Papua.

Although police clashed with demonstrators during the December 1 rally in Jakarta, there is no evidence that any of the four student defendants engaged in acts of violence or that they encouraged others to do so. Indeed, they were not charged with violent acts. Instead, they were charged under the same vaguely worded provisions of the Indonesian criminal code used against the independence leaders in Wamena and Jayapura.

President Wahid has said he will pardon Eluay and possibly other Papuan leaders if they are convicted. This response does not address Papuan leaders' demands for meaningful participation in deciding the fate of the Papuan people -- it simply perpetuates a relationship in which Papuan leaders are made to depend not on impartial justice and an end to politically-motivated prosecutions, but on goodwill from Jakarta. Indonesian authorities have also announced major new development projects in the province in recent months, saying that such projects show the government's concern for conditions in Papua.<sup>67</sup> This approach is reminiscent of the Soeharto New Order era, when the Jakarta government seemed to believe that the promise of economic development was enough to overcome all opposition, whatever its origins and causes. Indonesian authorities long trumpeted economic development as the answer to grievances in East Timor and, more recently, as the answer to the conflict in Aceh. Such promises of economic development did not reduce independence demands in East Timor, they have not reduced the level of conflict in Aceh, and are no substitute for implementing guarantees for basic rights in Papua.

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May 2000. Human Rights Watch, *Indonesia: Human Rights and Pro-Independence Actions in Irian Jaya*, *A Human Rights Watch Short Report*, Vol. 10, No. 8, December 1998.

<sup>67</sup>"Irian Jaya intends to develop 'megaprojects,'" *Kompas*, March 24, 2001.

## **Intimidation of Civil Society Actors by the Security Forces**

As described above, legal aid and human rights leaders who first publicized severe police abuses in Abepura were interrogated and intimidated. Their treatment recalls New Order-style intimidation of members of nongovernmental organizations and other civil society groups. The same leaders also have reported increased official surveillance in recent months at public meetings. An Elsham representative told Human Rights Watch: "At present, all public meetings are monitored. If we have guests, they're always followed."<sup>68</sup> This was corroborated by Demianus Wakman of LBH-Jayapura, who noted: "At each program we organize to which members of the public are invited, at hotels and such, security people aren't invited but they show up. It's nothing new but it's been happening with increased regularity since about November 2000."<sup>69</sup>

## **Anti-migrant Violence by Papuan Militants**

The threat of violence against civilians in Papua does not come solely from security forces. Today, more than one-third of Papua's population is made up of members of other Indonesian ethnic groups who have migrated to Papua in the government-sponsored transmigration program and as spontaneous migrants in search of economic opportunity. A dangerous combination of Papuan political resentment, economic disparities, and the relative vulnerability of migrants have created a tinderbox.

Some Papuan intellectuals, estimating that Papuans may become a numerical minority in the province within a decade or so, have called for a moratorium on migration into Papua.<sup>70</sup> In some quarters, with conspiracy theories rife, the demographic trend is seen as the result of a deliberate Aneo-colonialist strategy, the migrants a witting or unwitting arm of Indonesian policy. Although the primary motive for the migration continues to be economic (daily wages have long been significantly higher in Irian Jaya than in Sulawesi or Java<sup>71</sup>), politicization of the indigenous Papuan population has broadened the audience for such overheated rhetoric.

The economic jealousy stems from the fact that migrants, on the whole, are far wealthier than Papuans. Migrants tend to have better educations, experience as entrepreneurs, and skills suited to the marketplace, or some combination of all three, making competition difficult for Papuans.

Due to fear of attack, many migrants now carry handmade weapons, but they remain physically vulnerable because they are still outnumbered in most places and because, compared with well-armed Indonesian troops, they provide an easier target for Papuan militants.<sup>72</sup>

Anti-migrant violence is not new – for example, two Indonesian hostages were killed in the Mapnduma kidnapping in 1996 – but the level of violence today is unprecedented and growing. In April 2001 alone, there were three attacks:

- C April 4 – Eleven-year-old Buginese Richardo Itaar was killed after being hit with a rock in clashes between Papuans and migrants at the Abepura market. The clash broke out after 20-year-old Papuan Timotius Wamuar was stabbed by a migrant market worker.<sup>73</sup>

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<sup>68</sup>Human Rights Watch interview with Johanis Bonay, Abepura, March 4, 2001.

<sup>69</sup>Human Rights Watch interview with Demianus Wakman, Abepura, March 4, 2001.

<sup>70</sup>Human Rights Watch interview with Benny Giay, Abepura, March 7, 2001.

<sup>71</sup>See, Hal Hill, ed., *Unity and Diversity: Regional Economic Development in Indonesia since 1970* (New York: Oxford University Press, 1991), pp. 89.

<sup>72</sup>Papuan militants have also continued to attack troops, as they did in Abepura on December 7, 2000. There have been two major incidents since the Abepura attack: On February 3, 2001, Kopassus members Second Sgt. Zulkarnain, Second Sgt. Wani, Chief Sgt. Nandang and Pvt. Sudirman were killed when some 100 armed rebels attacked a military post near Betaf on Papua's northcentral coast. One of the attackers, Mesak Dawin, was also killed in the incident. On June 13, 2001, a group of militants shot and killed five Brimob members and a civilian during a raid on a police post near Wasior in the Manokwari district. See "Five Brimob officers killed in Manokwari," *Jakarta Post*, June 14, 2001.

<sup>73</sup>"Overnight clash in Abepura market claims one life," *Jakarta Post*, April 5, 2001.

- C April 6 – The bodies of three employees of the logging company PT Dharma Mukti Persada were found in a forest in the Wasior region of Manokwari district. Company officials told police that the three - Harry Suwaji, Suratmin and Nelson Turnip, all non-Papuan – were killed by pro-independence TPN guerrillas.<sup>74</sup>
- C April 17 – at least one migrant, named Poli, was killed and three were wounded in the Kali Kopi area, Timika district, while gathering eaglewood. Police say pro-independence guerrillas were responsible.

Papuan community leaders have largely remained silent in the face of these killings as if oblivious to the rights of the migrants. Leaders should publicly condemn such attacks and urge their supporters to discuss concerns about migration within a framework in which the basic rights of migrants are acknowledged and protected.

### VIII. CONCLUSION

Peaceful resolution of Papuan political demands is still possible. The policies now being implemented by Indonesian authorities and the failure of pro-independence leaders to condemn attacks on migrants, however, are narrowing rather than broadening the available space for dialogue. A primary cause of the impasse is continued rights violations and failure to squarely address injustices of the past.

It is not post-Soeharto tolerance from Jakarta that is the main reason for the standoff today or for Papuan rage against Jakartan rule and those associated with it: it is the indignities, linked to systematic rights deprivations, that Papuans have faced over many years and the failure of the authorities, despite genuine gestures of goodwill from certain civilian leaders and promises of reform, to show they are serious about righting the wrongs.

As long as Indonesian authorities fail to acknowledge and address past discrimination, fail to address past atrocities and Papuan concerns over the legitimacy of Indonesia's incorporation of the territory in the 1960s, and continue to use repression to counter still simmering public demands for reform, conflict in Papua is likely to increase rather than decrease. These issues could well come to a head again in the coming months as the terms of a Special Autonomy package for Papua are worked out in Jakarta and in the province itself. Popular expectations of change remain high, and without a clear rights framework, small incidents are more likely to become big ones, undermining the prospects for dialogue.

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<sup>74</sup>Elsham, "Kesaksian Korban Penembakan di Wasior, Manokwari," May 23, 2001 (copy on file at Human Rights Watch). As in other cases described above, the killings in Wasior reportedly were followed by violent Brimob "sweeps." According to this same source, which Human Rights Watch has not independently confirmed, four Papuans were killed, two injured, and sixteen others taken into custody in the days following the incident. *Ibid.*

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