

INDONESIA

HUMAN RIGHTS AND PRO-INDEPENDENCE ACTIONS IN IRIAN JAYA

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I. Introduction

In the aftermath of President Soeharto's resignation in May 1998, political tension in Irian Jaya, Indonesia's easternmost province, has increased. The province, called West Papua by supporters of independence, occupies the western half of the island of New Guinea. Unlike the rest of Indonesia which gained independence in 1949, Irian Jaya was under Dutch control until 1963 and only became part of Indonesia after a fraudulent, U.N.-supervised "Act of Free Choice" in 1969.¹ Over the last three decades, support for independence, fueled by resentment of Indonesian rule, loss of ancestral land to development projects, and the influx of migrants from elsewhere in the country, has taken the form of both an armed guerrilla movement, the Free Papua Movement (Organisasi Papua Merdeka or OPM), and generally non-violent attempts to raise the West Papuan flag. Guerrilla activity has led in most cases to military operations in which civilians have suffered a wide range of abuses; flag-raising and other demonstrations have led to the arrests of those involved, often on charges of subversion or rebellion.

When it took office, the government of B.J. Habibie made initial efforts to recognize and apologize for the human rights violations that its predecessor had committed in Irian Jaya. But the willingness to acknowledge past abuses in general terms was not accompanied by any concrete measures toward justice or redress for the victims. Indeed, it took until October 1998 for the military to declare an end to the designation of Irian Jaya as a combat area (*daerah operasi militer* or DOM). In the meantime, the independence movement grew stronger, in part because of the climate of greater political openness, in part because of a belief that international support would now be stronger. Students in Irian Jaya also organized themselves following the model of student activists in Jakarta and other cities but directed their demands toward independence rather than Habibie's removal.

As a consequence, in early July 1998 and again in October, a series of pro-independence demonstrations took place across Irian Jaya. The independence demonstrations, not all wholly peaceful, led to the shooting of demonstrators by security forces in the provincial capital, Jayapura, and in the district of Biak; to arrests in Sorong and Jayawijaya; and to rioting by angry mobs in Manokwari. One student and one police intelligence agent died in Jayapura. The death toll remains unclear in Biak; one person is known to have died in the local hospital and two others died shortly after their release from prison. There were reports of trucks taking away the wounded, however, and over thirty bodies washed up on the shore of East Biak in the weeks after the shootings took place. The government claimed they were victims of a tsunami that struck neighboring Papua New Guinea; local people are convinced they were victims of the shooting. The bodies were buried without autopsy near the sites where they were found, contributing to the suspicion of a government cover-up. The trial of suspects in the Biak demonstrations began on October 5; the

¹ The Dutch territory known as West Irian was brought under a temporary U.N. trusteeship in 1962 after strong pressure on the Netherlands from the United States. The Kennedy administration was sympathetic to the Indonesian government claim that West Irian, as part of the former Dutch East Indies, was as much a part of Indonesia as the island of Java. Under the terms of an agreement brokered by the U.S., Indonesia took over control from the U.N. in 1963, and in 1969, some 1,000 tribal leaders from Irian Jaya were brought together under Indonesian military supervision, many of them at gunpoint or after well-documented intimidation, and asked to choose whether or not they wanted integration with Indonesia. A Bolivian diplomat was brought in to oversee the process for the U.N. with a total of sixteen support staff. Not surprisingly, the vote was unanimously in favor of integration. This was the "Act of Free Choice."

prosecution was expected to rest its case by mid-December.

In Manokwari, efforts by independence supporters to raise the West Papuan flag on October 2 were stopped by police and led to a rampage through the business district and outlying areas, destroying many homes and shops. Nineteen people were arrested, all of whom were later released pending trial. In Jayapura, a man named Sem Yaru tried to organize a demonstration on the same day, but it failed after church leaders urged their followers not to take part, worried that Yaru was acting as a provocateur. Yaru and four others were arrested for planning the abortive demonstration and for helping organize the July demonstrations. The arrest of a sixth man in early October, Theys Eluay, caused such public outrage that all six were eventually released to house arrest pending trial on October 22. Their trials were expected to begin in January 1999.

But the Biak and Jayapura demonstrations and deaths shocked Jakarta into action. In July, the national parliament sent a fact-finding team to Irian Jaya to discuss local grievances under the chairmanship of Abdul Gafur, the deputy speaker; members spent much of August in the province and concluded that the independence demands stemmed from human rights violations, unhappiness with the government-sponsored transmigration projects, concerns about Islamicization of a traditionally Christian area, and underrepresentation of indigenous people in the local government — and from the "latent influence of the OPM."²

In late July, a new organization called Forum for the Reconciliation of the People of Irian Jaya (FORERI), composed of church leaders, intellectuals, and nongovernmental activists, first broached the idea with the parliamentary fact-finding team of addressing the aspirations of the Papuan people through a "national dialogue." The aim would be to discuss possible political solutions for Irian Jaya, ranging from autonomy to federalism to independence. On August 1, at a seminar in Jayapura, leading public figures from Irian Jaya took up the idea and suggested that the dialogue could be followed by an international dialogue involving the United Nations. The Habibie government cautiously welcomed the idea, and concrete discussions on how to conduct a national dialogue began in earnest in October. In mid-November, the dialogue was scheduled to begin in early 1999, but there was no agreement between the government, which wanted to restrict the discussion to autonomy (known as the "O word," *otonomi*, in its Indonesian spelling), and many community leaders, who believed the dialogue could only be meaningful if independence (the "M word," *merdeka*) was also discussed. By late November, as more and more avowedly pro-independence organizations began to make themselves heard, the government was suggesting that the dialogue be pushed back until after the 1999 general elections, that is, to late 1999 or early 2000. The stated rationale was that it would be better for the dialogue to be held with a more representative government. The not-so-hidden concern may have been that the issue of independence was all too clearly going to dominate the agenda.

Recommendations

Human Rights Watch calls on the Indonesian government:

- to fully investigate the shooting by the military in Biak. It would be important for the investigation to include an assessment of the extent to which the army's actions did or did not conform to accepted principles of international law, in particular the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- to allow full and impartial investigations into reports that at least ten people believed to have been present at the demonstrations never returned home and are feared dead.
- to conduct, in the presence of NGOs and forensic pathologists, an exhumation of at least some of the graves of the alleged tsunami victims so that the cause of death can be conclusively determined.

² "Gafur: Bahaya Laten OPM Masih Ada di Irian Jaya," *Media Indonesia* (Jakarta), August 3, 1998.

- to ensure that full freedom of expression be permitted in Irian Jaya, including free debate over the full range of options for Irian Jaya's future political status. Human Rights Watch takes no position on what that status should be but believes that the right to peacefully express opinions in support of independence is fully supported by international human rights standards.

II. Background to the Demonstrations

Initially, the July demonstrations across the province were reported to have been sparked by a letter from several members of the U.S. Congress to President Habibie, calling, among other things, for a dialogue on the political status of Irian Jaya and East Timor. Representative Christopher Smith presented the letter to Habibie during a visit to Jakarta in late May; copies of the letter and translations of the text were widely circulated in Irian Jaya and construed as American support for the independence of Irian Jaya. One observer in Biak at the time noted that photocopy shops were full of people reproducing the letter, together with other documents relating to the history of the territory's incorporation into Indonesia.³

The timing of the letter was important, because in the euphoria following Soeharto's resignation, anything seemed possible -- demonstrations that had never been allowed before, discussions on topics that were previously taboo, even fundamental changes in the political landscape and a restructuring of the highly centralized political system of Soeharto's "New Order" were thinkable for the first time in recent memory. The accumulated resentment of three decades of harsh and often discriminatory Indonesian rule in Irian Jaya and the shared knowledge of how international politics cheated them out of having their own country in the 1960s combined to give many in Irian Jaya a sense that it was time to revisit the question of independence. While the pro-independence guerrilla movement OPM has been operating in Irian Jaya since the 1960s, it is important to underscore that the desire for self-rule and an end to the Indonesian presence is widely held among people who have no connection of any kind to the guerrillas.

The U.S. parliamentarians' letter was almost certainly a factor in the demonstrations, and it was mentioned by the leaders of the actions in Jayapura, Sorong, and Biak, but there were many other possible causes. Human Rights Watch has obtained a copy of a memo dated June 25, 1998 and marked "secret." The memo, sent by the intelligence section of the provincial police command to all police stations across Irian Jaya, warns of a rash of OPM-led pro-independence actions, "in the lead-up to the [anniversary of the] independence of West Melanesia [sic] on July 1, 1998." The memo was based on a letter that appeared in the Irian Jaya governor's office on June 2, sent by the Supreme Military Command of the Front for the Liberation of West Papua, a name for the top leadership of the OPM.

According to the memo, the letter included the text of the proclamation of independence of West Papua on July 1, 1961 and listed the symbols of statehood, among them, the "morning star" flag that was designed in 1961 as preparations for independence got underway. It demanded independence for West Papua before the year 2000. It recalled the August 15, 1962 "Rome Agreement" between the Netherlands and Indonesia where it was agreed that the principle of "one man, one vote" would be applied in the act of free choice, and noted how this agreement was violated. The letter said that on July 1, 1998, in nine districts of Irian Jaya, the people would take action to demand independence and secession from Indonesia. For Jayapura, the letter said, people would gather in Sentani and march to the provincial parliament building. At each of these demonstrations, the morning star flag would be raised.

The police memo then warned that these plans could be used by elements inside and outside Indonesia to further destabilize the situation, particularly in Irian Jaya, and create negative feelings toward the government. It called on all recipients of the memo to step up surveillance and monitoring prior to July 1.

³ Personal communication, August 25, 1998.

If true, the OPM letter referred to in the memo could help explain the early July timing of the flag-raising actions and why these actions took place in so many different places. But whatever the OPM may have planned, the fact that its letter was addressed to Soeharto more than a month after his resignation does not say much about its access to information or ability to coordinate a widely dispersed set of actions. In only one of the July actions is there clear evidence of OPM involvement, and that one received no publicity whatsoever -- the raising of a flag on July 6 in Mugi, Jayawijaya district, by acknowledged OPM leader Daniel Kagoya.

Local activists believe the letter from the OPM leadership never existed and was manufactured by the military to make it seem as though Irian Jaya was still in need of heightened security measures; an OPM threat would justify a large troop presence at a time when the public was demanding troop withdrawals. They point to the military's involvement in a number of lucrative economic enterprises in the province, especially timber and mining, and note that a greatly reduced military presence could have negative economic implications for some of the commanders involved.⁴

An observer in Biak shortly after the demonstrations wrote us in relation to the above argument, "Whatever one makes of the conspiracy theory, it does seem clear that the interests of Agus Edyono, the Biak military commander, were advanced by the recent unrest. The current district head is due to step down in six months. The flag-raising is being used as an excuse for appointing a non-Biak from the armed forces -- the last three have been from the island -- and Agus Edyono is one of the leading candidates. The post has been a 'wet one' in recent years, with all the money flowing in for road-building, tourism development, and earthquake relief."⁵

Another factor in the demonstrations was the increased mobilization of local people around calls for the withdrawal of the Indonesian troops, particularly after a report released by church leaders in May citing human rights abuses during counterinsurgency operations in the central highlands of Irian Jaya. They also note that one impact of Soeharto's resignation on May 21 was a belief that the new post-Soeharto era of political reform should allow more freedom to voice aspirations for independence. In any case, the resentment against Indonesia is deep enough and the post-Soeharto political atmosphere open enough for a variety of pro-independence expressions to take place without any links to the guerrillas.

III. Sorong and Jayapura

On July 2, thousands of young people calling themselves Reform Forum of Students and the People of Sorong (Forum Reformasi Mahasiswa dan Masyarakat Sorong Irian Jaya) took part in a pro-independence demonstration in front of the district council of Sorong. They presented nine demands to the council in a document called "Political Position Statement." The demands included support for the proclamation of the independence of West Papua in July 1971; the granting of independence to West Papua as quickly as possible by President Habibie; immediate release of West Papuan political prisoners detained in Kalisosok Prison, Surabaya, Pamekasan Prison, Madura, and Cipinang Prison, Jakarta; withdrawal of Indonesian troops and all Indonesian people from West Papua; observance of the Rome promises made by former President Soeharto; attention to the letter from U.S. members of Congress dated May 22, 1998 and the appeal dated May 26, 1998 from the U.S. Senate to the government of Indonesia regarding self-determination for the people of West Papua; review of the U.N.-supervised "Act of Free Choice" undertaken in 1969 in West Irian; cancelling of all political statements from Irian Jaya that indicate that West Papua is under Indonesian administration; and the immediate dispatch of a team from the National Human Rights Commission to meet

⁴ Interviews in Jayapura, August 1998.

⁵ Personal communication, August 25, 1998.

with the demonstrators in Sorong. When their appeals went unheeded, they began using violence, burning the district council building and several stores as well as the car belonging to the district head. As troops arrived, five people were reportedly shot; the crowd then attacked the district military commander, Lt. Col. Nico Obaja Woru, who had to be hospitalized.

The demonstration that led to the shootings of two students on July 3 began as students from Cenderawasih University held an "open forum" (*mimbar bebas*) on the campus in Abepura, a suburb of Jayapura. Trouble broke out after students spotted an intelligence agent from the local police sitting under a tree. According to reports, a group of students grabbed his identity card, confirmed that he was from intelligence, and began beating him up. They also took his pistol. The agent, Sergeant Dahlan, was initially listed in critical condition in a Jayapura hospital, and one newspaper reported he had died on Saturday. As word of the beating reached security forces, trucks full of anti-riot and regular army troops came into Abepura. Demonstrators were massed outside the campus on the main road and began throwing stones at the trucks. It was at this point that troops fired warning shots, according to the regional military commander. Soldiers then apparently opened fire into the crowd. A law student, Steven Suripatti, and a high school student, Corina Ruth Onim, were seriously wounded. Suripatti appeared to have been hit in the head by a regular bullet, although the military maintained they were using only blanks and rubber bullets; he later died in a Jayapura hospital. Ms. Onim, who was shot in the knees, was expected to recover. She was on the campus of the Iskijne Technical High School near the university at the time.

On July 5, Major General Sembiring, the regional military commander, apologized for the shootings and promised to investigate them; he said he did not know who fired the actual shots.

IV. The Biak Demonstration

From July 2 to July 6, when the military opened fire, the morning star flag flew over the thirty-five-meter-tall water tower near the harbor in Biak town. (Biak is the name of the island, the district, and the district capital.) The demonstration was led by a Jayapura-based provincial government employee named Filip (Philip) "Yopy" Karma. Like others, he had copies of the May 22 letter of the U.S. members of Congress, interpreted it as support for independence, and drafted a declaration of independence accordingly.

The flag appeared on the top of the tower on July 2, at about 5:00 a.m. Some seventy-five people gathered beneath it, shouting freedom slogans, singing songs and dancing traditional dances. Some had painted their faces and arms with the morning star symbol, and as the demonstration continued, many people in the immediate area joined in. The water tower is near both the main taxi terminal and a major market, so the site is one that many people would pass as part of their daily lives. Small boys reportedly guarded the area wearing armbands that said "Satgas [task force] OPM." The demonstration grew to more than 500 people by one account.⁶

Around 9:00 a.m., the district head of Biak, Amandus Mansnembra, together with the district military and police commanders, came, in the words of the military commander, "to give guidance and direction" to the demonstrators, but they "did not want to listen."⁷ Instead, they held an open forum as part of their protest. Yopy Karma appeared as one of the speakers to voice the aspirations of the people of Biak and demand independence for the people of West Papua. Among other things, he read out the following oath:

⁶ Tim Advokasi Hak Azasi Manusia untuk Rakyat Irian Jaya, "Laporan Pelanggaran HAM di Biak" (undated report)

⁷ "Chronology of the Incidents involving Demands of the Security Disturbers Who Call Themselves the Free Papua Movement" (*Kronologis KejadianTuntutan Gerombolan Pengacau Keamanan Yang Menamakan Dirinya Organisasi Papua Merdeka*), memo, date missing, from Fx. Agus Edyono, commander of regional military command 173.

1. We, the people of West Papua, pledge to stay united, no matter what the circumstances, under the flag of West Papua and the eastern morning star and pledge to live and die for the flag of West Papua which has already flown over an independent Papuan land.
2. We, the people of West Papua, pledge to continue our struggle to demand our right to independence and the freedom of all West Papuan prisoners and detainees held by the government of Indonesia.
3. We, the people of West Papua, pledge to struggle to uphold the ideal of the independence of West Papua.
4. We, the people of West Papua, demand the implementation of the fourth point of the letter from the American Congress dated May 22, 1998, that is, that the people of Irian Jaya be given full human rights and a solution of their political status (independence).
5. We, the people of West Papua, declare that the Republic of Indonesia cannot interfere in the affairs of West Papua.
6. We, the people of West Papua, ask that our security be guaranteed by the United Nations and by no one else.
7. We, the people of West Papua, ask that the United Nations give full independence to the state of West Papua in accordance with the urging of the American Congress in its letter of May 22, 1998.
8. We, the people of West Papua, will not consider entering into a dialogue with anyone or any party except for the United Nations, and we ask that Secretary General Kofi Annan come here.
9. We, the people of West Papua, will always be loyal to and will support the flag of West Papua.
10. We, the people of West Papua, hereby state that no one can take away our independence.

God, the Father, the Son, and the Holy Ghost, is witness to this pledge.

Biak, Thursday, July 2, 1998 19:30⁸

About 4:30 p.m., security forces tried to break up the demonstration. When the crowd recognized one intelligence agent there, Police Sergeant Irwan, who they believed had been infiltrated into the crowd to cause trouble, they attacked him, knocking out a few teeth and breaking his leg. This led to a violent clash between the demonstrators and the security forces surrounding them. The latter consisted of a Brimob platoon, a platoon from Infantry Battalion 753, one from KODIM 1702, and one from the Biak navy post. According to a report prepared by local activists, thirteen troops were wounded, nine of them lightly, while two others with serious injuries were airlifted out of Irian

⁸ The letter was signed "in the name of all the people of West Papua in the name of God our Lord Jesus Christ" by: Filep Yacob Semual Karma, Ayub Bransik, Markus Rumsowek, Inseren Sampari Karma, Djoumunda Costan Karma, Neles Stroyer, Nolbert Rumpaidus, Yoram Madacan, Semuel Sauyas, Simson Karma, Dorus Kararbo, Thitus Komboi, Sonny Mnubefor, Theo Sado, Pius Wakum, Yusuf Miage, Edu Song, Melky Ap, Edith Ap, Beny Y Faknik, Nelson Simbiak, Wellem Manggaprouw, Petrus Wabdaron, Samuel Prawar, Hendrik Wakum, Melkias Arwam, Isak Momoribo, Percilla Mandowen, Frederik Rumbiak, Andreas Marsyom, Niko Smas, Lukas Orboi, Tobias Orboi, Tinike Rumkabu, and Nelinee Bonsapia.

Jaya. Eleven of the thirteen wounded were from the Biak police. A military report said twenty-three of the security forces were wounded, seventeen lightly, three seriously, and three critically. The troops were eventually withdrawn around 8:00 p.m.

Economic activity in the area came to a halt because of the demonstrations. Shops and kiosks in the area closed down, and trading in the old market ceased around 5:00 p.m. After about 5:30, the main road in the town of Biak was virtually empty. According to the military report on the incident, the demonstrators had set up blockades around the area, preventing anyone from reaching the harbor. A ship that was supposed to dock at 5:00 p.m., the *Dobonsolo*, was unable to do so and had to anchor offshore.

Meanwhile, on the same day, on July 2, in the subdistrict of West Biak, eleven village heads were ordered by the subdistrict authorities to call a counterdemonstration at the Numfor district council against the separatist activities of Yopy Karma. The villages represented were Mandenderi, Adadikam, Mamoribo, Sopen, Opuri, Dedifu, Yomdori, Kababur, Warberik, Wasyai, and Andey. The village heads were all told that to ensure that the people of West Biak were not branded as OPM, they had to take part in this action.

Early on July 3, those gathered beneath the water tower began to hear rumors that there was going to be a move to break up the demonstration. The subdistrict authorities, through their meeting with village heads, reportedly secured an agreement that there would be two prongs to the attack. A crowd from West Biak would gather in a housing complex north of the airport and would go by truck to the demonstration site. When they got near the gas pumps in the harbor, they would be let off to attack the demonstrators. Another group would gather in front of the guardpost of the air force in front of the Hotel Sinar Kayu, then would attack from the south. About 5:30 a.m. on July 3, the village heads were taken home to gather up residents to be trucked into Biak, and about 1:00 p.m., seven trucks belonging to the Karya Kencana Harpindo company brought counterdemonstrators into the city. They were given a kind of armband so that if a clash took place with the flag-raisers, the army would know whom to protect. But no attack took place; the counterdemonstrators reportedly chose to act peacefully.

According to the local activists' report, the villagers were given pro-government banners to hold, and some expressed reluctance to take part in the counterdemonstration. According to the military report, 250 people from thirteen villages sought out local military and civilian leaders of their own accord to tell them that they rejected the idea of an independent West Papua, that they did not want a repetition of the bitter experience of years past, and that they wanted nothing more than to work hard and help development the district of Biak.⁹ Human rights organizations in Jayapura dismissed the military's account as self-serving.

The pro-independence demonstrators, in the meantime, hearing that they were going to be attacked, had prepared themselves with bamboo spears and molotov cocktails, and cut down trees to block the way into the demonstration area, according to the report from local activists. The head of the district council for Biak, Ayub Sumerta, came and asked Yopy Karma to take down the flag, but before doing so, he reportedly took off his hat to honor it. He then invited the people to come to the district council to discuss their demands, but they wanted to stay to guard the flag.

At 1:00 a.m. on July 4, the local military brought nine village heads together to discuss a strategy for attack, and both the subdistrict head (*camat*) and the subdistrict military commander told the village heads that each man was responsible for bringing thirty men into the city. He also told them that the district commander's instructions were that each man should bring a weapon of some sort, whether a spear, a knife, or some other sharp object.

At 8:00 a.m., negotiations began between the army and church leaders to try to resolve the situation. As a result, troops were pulled back from around the district health clinic, near the water tower, but the demonstrators

⁹ Kronologis, p.4

refused to leave, saying they would stay until a representative of Kofi Annan came or a representative of the U.S. embassy in Jakarta.

At 2:00 p.m., a Hercules transport plane landed in Biak with troops from the Trikora regional command, the regional command based in Ujung Pandang, Sulawesi, and anti-riot forces from the police mobile brigade. Shortly thereafter, a group of pastors from the Irian Jaya Tabernacle Church (GKII) began further negotiations with the demonstrators, who turned over the molotov cocktails, spears, and other weapons they had amassed for self-defense. They pledged on the Bible, however, to defend the morning star flag to the death.

On July 5, after Sunday services, villagers from West Biak were brought to Yomdori, the subdistrict center, where they stayed overnight before proceeding on to the city to prepare for the attack. The pastors, meanwhile, tried unsuccessfully to convince Yopy Karma to take down the flag.

The long-awaited attack took place at 5:00 a.m. on July 6. Troops from Battalion 733 Pattimura, stationed at the air force base at Manuhua aided local forces, and were reinforced by troops from two warships, a logistics ship called *Waigeo* and another with a registration number of 108. The troops opened fire from four sides. Witnesses reported that five civilians who were already on the ground prone were deliberately shot. By 9:00 a.m., twenty-one people had been brought to the hospital, one of whom, Ruben Orboi, died about an hour later in the hospital's emergency room; he had been shot in the head. (A month later, his body had still not been turned over to his family.) Soldiers were all over the hospital, and a nurse on duty said her superior was ordered not to say anything about anyone having died. She also told Human Rights Watch that when an army truck drew up to the hospital entrance with some of the wounded, the latter were just pushed off the truck.¹⁰ She said Yopy Karma's brother, Costan, was told to jump off the truck even though his feet and hands were tied. He of course fell to the ground. Although he was barely conscious, soldiers forbade the nurses to untie him, but they did anyway, after pleading with him not to run.¹¹

One young man who was in the crowd when the shooting started told Human Rights Watch that the army loaded people on trucks, dead, wounded, and unhurt, and headed for the outskirts of the town. When they reached the jungle, he and ten others were let off the truck, while the remaining wounded and dead were driven on, to where he had no idea. He was then picked up with the other survivors and taken to the navy headquarters, where he was held from July 6 to July 11 and repeatedly kicked and beaten. He was not allowed to contact his family, who assumed he had died, and it was not until he returned home on July 11 that they knew he was alive.¹²

Additional violence followed the shooting, when youths from Sorido, armed with molotov cocktails, set fire to shops owned by immigrants from South Sulawesi in the area of Kampung Baru, about a mile from Kampung Baru. The youths were apparently intending to join the demonstration, but when they saw trucks taking wounded demonstrators to the hospital, they turned on the shops instead.

People living near the water tower were taken to the port area on the day of the attack and were forced to remain there all day. Anyone who complained was beaten, according to one written eyewitness account made available

¹⁰ Interview in Jayapura, August 15, 1998.

¹¹ Interview in Jayapura, August 15, 1998.

¹² Interview in Jayapura, August 16, 1998.

to Human Rights Watch. Of 150 people arrested after the crackdown, nineteen eventually were charged and tried and as of November 30, 1998, were detained at the Biak district prison. Their trials began on October 5 and were continuing at the time this report went to press. All were charged with rebellion, spreading hatred toward the government, and assault, under Articles 106, 154, and 170 respectively of the Indonesian criminal code. (See Appendix I for list.)

In addition, two young men, Paulus Mamoribo and Nico Smas, died shortly after being released from detention, about three weeks after the shootings. The causes of death are not clear, but in neither case was an autopsy conducted. Mamoribo, who had been shot in the hand during the demonstration, died at his home; Nico Smas collapsed and died while walking in the street. At least ten others believed to have taken part in the demonstration never returned home, but a full accounting of the missing has not been possible because of the climate of fear that prevails in Biak as of this writing.

V. Bodies in Biak

In the meantime, thirty-three bodies of men, women, and children washed up on the shore of East and North Biak beginning on July 27. The Indonesian army claimed they were victims of the tsunami that struck Aitepe, Papua New Guinea on July 16. There were unconfirmed reports from local people that some of the bodies had their hands tied behind their backs, and one was wearing a Golkar T-shirt, giving rise to the belief that at least some of the bodies might be those of shooting victims. Activists have questioned why bodies from the tsunami only showed up in Biak and nowhere else, whereas there are many other places along the Irian Jaya coast closer to Papua New Guinea than Biak. On the other hand, reports in the local newspaper, the *Cenderawasih Pos*, quoting military sources, stated that some of the bodies were tattooed with marks only found among Papuan New Guinea natives, and other artifacts including schoolbooks and a map that washed up with the bodies suggest strongly that they are tsunami victims. A medic who helped bury the bodies reported that one had washed ashore with the remains of a house. All were buried quickly, however, without proper autopsies, so the cause of death remains uncertain.

Six bodies, including an adult male, three adult females, an adolescent girl, and a girl estimated to be about four years old, were found in East Biak on July 27 and immediately buried by security forces. The bodies were in poor condition, but police said that some were marked with a tattoo that resembled the letter "w." Nine more bodies washed up the next day. Of the six found in Amini village, five were children (three boys and two girls), and one was an adult woman wearing a shell necklace. A body of a girl estimated to be about twelve years old was found in Nyampun, Orwer village, and two other headless bodies were found on Paidado island, near the villages of Pasi and Saribra. Among the debris found linking them to Papua New Guinea, according to police, were a map, a plastic bag with the motto "25 Years PNG" and some Papua New Guinean coins and banknotes. On July 29, the body of an adult male was found in Yobdi, North Biak, and that of a young girl was found near Wadibu, East Biak.¹³

Local groups, backed by church leaders, are urging that the bodies be exhumed so that a full investigation can proceed. Human Rights Watch supports that demand but also believes it is critical that a fuller investigation take place into the shootings themselves. In particular, investigators should assess whether the Indonesian army, in firing on the demonstrators, faced a threat serious enough to warrant the use of lethal force.¹⁴ U.N. Principles on the Use of Force

¹³ See "Six Corpses Found on East Biak Beach," *Cenderawasih Pos* (Jayapura), July 28, 1998; "Nine More Bodies Found in East Biak," *Cenderawasih Pos*, July 29, 1998; "Residents of East Biak Find Two More Bodies," *Cenderawasih Pos*, July 30, 1998; and "Tsunami Victims From PNG Now 33," *Cenderawasih Pos*, August 8, 1998.

¹⁴ Article 9 of the U.N. Basic Principles on Use of Force and Firearms by Law Enforcement Officials states, "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

and Firearms by Law Enforcement Officials state in Article 14, "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary."

VI. Wamena, Jayawijaya

On July 7, the West Papuan flag was raised in front of the district council building in Wamena, Jayawijaya district. A month later, between August 6 and 8, eleven people were arrested and are currently detained in Wamena. According to the Institute for Human Rights Studies and Advocacy, a Jayapura-based rights organization, the acknowledged leader of the demonstration, Emanuel Menay, was allowed to go free, even though his role in the flag-raising was witnessed personally by the regional military commander. All were held in the Jayawijaya police command until November 1988 when they were transferred to the district prison as their trials got underway. (See Appendix I).

VII. Riots in Manokwari

At about 8:30 a.m. on October 2 in Manokwari, a district of some 150,000 people in western Irian Jaya, about twenty men lowered the Indonesian flag outside the district council building and raised the West Papuan flag in its place. The leader of the group was a man named Albert Kareth, an employee of the local campus of Cenderawasih University's agriculture faculty. They sang hymns and OPM songs, and some of the men made short speeches. Police arrived shortly after the flag-raising took place and surrounded the demonstrators, as crowds began to gather to see what was happening. At about 10 a.m., the demonstrators entered into negotiations with the police, who agreed to let the flag fly for two more hours. The demonstrators, however, insisted on having it fly until sunset. After two hours, police approached to cut down the flag, and the demonstrators, according to one report, tried to prevent them from doing so with knives.¹⁵ The police reportedly shot into the air to try to break up the demonstration, and the crowd began throwing stones at the police. Violence then erupted, with the crowd breaking into smaller groups and systematically stoning, burning, and vandalizing homes and shops along Manokwari's major streets. Shops owned by Muslim migrants from other parts of Indonesia, especially South Sulawesi and Java, were particularly targeted. As a result of the violence, all economic activity in the town ceased for the next few days. By October 6, government offices were open, but most stores remained closed. An ugly confrontation at the main market between Bugis, the dominant Muslim migrant group, reportedly hurling epithets at local youths, and Irianese, armed with iron pipes and knives, was narrowly averted. By October 8, the town was functioning more or less normally.

Church leaders who conducted an inquiry questioned whether the violence was spontaneous but came to no conclusions, and those arrested in connection with both the flag-raising and the violence that followed were eventually released.

VIII. Arrest of Theys Eluay and the National Dialogue Debate

Just before the Manokwari demonstrations, on September 29 and 30, five men were arrested and accused of organizing the series of pro-independence demonstrations that had begun in July. A sixth, They Eluay, a respected tribal leader (*ondofolo*), was arrested the next week, on October 6. All were charged under Article 110 of the criminal code with conspiracy to commit crimes against national security. The arrests, and Eluay's in particular, became a major

¹⁵"Complete Report on the Peaceful Demonstration to Raise the Flag of West Papua and The Riot in Manokwari That Followed," Fact-finding Team of the Christian Churches and Nongovernmental Organizations in Manokwari, October 1998.

test of how far the government was willing to go in allowing free discussion of independence.

The first five men to be arrested, Don Flassy, Rev. Agustinus Ansanai, Barnabas Yufuwai, Laurence Mehuwe, and Sem Yaru, were all known in Jayapura as pro-independence advocates; indeed, led by Don Flassy, secretary of the provincial government's Planning and Development Board, all were members of a group called Committee for an Independent West Papua (Komite Independen Papua Barat). Sem Yaru was a more controversial figure: a former OPM member who had been detained in the late 1980s, Yaru was a civilian employee of the regional military command and, according to local sources, widely suspected in the activist community of having links to the military that went beyond his job. When, at the end of September, he circulated flyers calling on people to take part in a pro-independence demonstration in Jayapura on October 2, church leaders urged their followers not to take part, fearing it was a provocation. The demonstration did not materialize. (Two students, arrested and briefly detained on October 2 for taking part in a meeting three days before that police said was aimed at organizing a pro-independence rally, wrote in testimonies made available to Human Rights Watch that in fact, they were meeting to tell students not to take part in the October 2 demonstration planned by Yaru.)

It was the arrest of Theys Eluay, however, that sparked a major public reaction. Not only was he regarded as one of Irian Jaya's elder statesmen, a man who had been among the few handpicked people to take part in the 1969 sham "vote" on integration with Indonesia but who had become an outspoken advocate of independence. At the time of his arrest, he was also head of the Customary Council of Irian Jaya, a government creation, but one composed nonetheless of influential people, and his words and actions carried great weight.

Eluay was arrested at his home in Sentani, outside Jayapura, early in the morning on October 6. When police came to his home, he told them that the next day he had planned to be tied up by his own people as a symbolic gesture and be carried to the police command where the other five were detained. He was then planning to offer to be locked up in exchange for their release. The police rejected the plan and took him off to the police command, where he was locked up with the others. He was formally charged with rebellion on October 7; in addition, police said he had violated Criminal Code Article 169 about gathering people together with the intention of committing a crime and Article 160, inciting people to violence against the authorities. "He himself admits that several times he called meetings to discuss the independence of West Papua and how it should separate itself from Indonesia," the police commander said.¹⁶

Eluay freely admitted meeting with Sem Yaru, whom he apparently did not regard with the same suspicion that others did, and with Don Flassy. His lawyers told the press that during questioning, Eluay made no effort to hide his belief that Irian Jaya should be a separate state or that he considered himself a leader of West Papua. He explained that he had welcomed integration with Indonesia three decades ago but that Indonesian practices had convinced him that independence was the best option for the Papuan people. "If anyone is ready to be detained for his opinions, it's Theys Eluay," the lawyer said.¹⁷ Eluay sent letters from his cell saying he would continue the struggle for independence from behind bars; the governor of Irian Jaya responded by saying he was revoking the decree making Eluay head of the tribal council.

Eluay's arrest and detention became inextricably tied to the debate over the idea of a national dialogue. One local newspaper said in mid-October that it had been flooded with calls, as people rang up to vent their anger at Eluay's arrest, asking the editors if it was true that he was arrested as a way of silencing anyone who did not agree with the government that a dialogue could only focus on greater autonomy for Irian Jaya, not independence. The paper noted the statements of provincial security officials in response to widespread demands for Eluay's release: that they would never tolerate any activities that smacked of rebellion or separatism. But, the editors asked, it was a real question if detention

¹⁶ "Fosmi Minta Pemimpin Papua Dibebaskan Kapolda: Polisi Bentuk Tim Khusus," *Cenderawasih Pos*, October 8, 1998.

¹⁷ "RI Harus Membaca Fenomena Theis," *Cenderawasih Pos*, October 9, 1998.

of independence advocates was going to suppress the sentiment or resolve the problem.¹⁸

Whether or not Eluay and the others were arrested to suppress debate on independence, the public airing of the belief that they were, together with the massive pressure mounted within Irian Jaya, led to all six men being released on October 22. By that time, the debate over the dialogue was in full swing.

That debate bore striking parallels with the dynamics of tripartite talks among the United Nations, Portugal, and Indonesia on autonomy for East Timor. As with East Timor, the Indonesian government indicated that autonomy in Irian Jaya could not be seen as a transition step toward independence; not only was independence not an option, but it was even banned from discussion. The government maintained that support for independence was restricted to a small, if vocal, group of people, and that any dialogue had to take place on the basis of acceptance of a unitary Indonesian state.

¹⁸ "Pertarungan Menjelang Dialog Nasional," *Tifa Irian* (Jayapura), Second Week of October, 1998.

Freddy Numberi, the governor of Irian Jaya, said in October that the dialogue would focus on issues such as injustice, human rights violations, land, economic autonomy, and retaining a greater share of earnings from natural resources so that every child in Irian Jaya could have free schooling and health care. In an autonomous Irian Jaya, he said, security, currency, and the court system would continue to be handled by Jakarta.¹⁹

Church leaders were among those who argued that for the dialogue to be an open and honest forum, there should be no restrictions on content, nor should the precise contours of autonomy be set beforehand. Rev. Herman Saut, head of Irian Jaya's largest Protestant congregation, said in an interview that if limits were going to be imposed in advance, it would no longer be a genuine dialogue. Instead, it would be a repeat of 1969, when the interests of the central government determined the outcome and local people had no real say in the matter. In response to suggestions that the church was seen as backing some of the pro-independence activities, he said the church took no sides but wanted to ensure that its followers understood the full implications of the three possibilities before them: autonomy, federation, and independence. He said that independence had widespread support in the interior of Irian Jaya and wondered aloud to the journalist whether autonomy would be enough for people who had suffered so much under three decades of Indonesian rule.²⁰

As the debate was growing more heated and the differences between the government position and influential community leaders growing more pronounced, Theys Eluay used his recovered freedom to begin calling for a major demonstration throughout the province on December 1 to commemorate the thirtieth anniversary of the date the Dutch government promised independence to what was then known as the territory of West Irian and the date the West Papuan flag was flown for the first time. Throughout November, as the anniversary approached, church leaders as well as government officials were openly expressing concern that such a demonstration could only lead to violence and/or widespread arrests. Eluay called off the demonstration at the last minute, but not before troop reinforcements had been sent to all the towns where demonstrations had taken place before. In the end, December 1 passed peacefully without either rallies or crackdowns, but the tension built up in the preceding weeks has not diminished. Eluay now says he will not take part in a dialogue; others in the church, NGO, and university communities, including some who proposed the notion in the first place and who initially greeted the government's offer with something approaching exhilaration, are increasingly convinced that it will end up as a Jakarta-engineered initiative with a foreordained outcome in which local aspirations are ignored. The fact that government officials were proposing in late November that the dialogue be postponed until late 1999 only increased the feeling of disillusionment.

¹⁹ "Dialog Nasional Tak Bahas Papua Merdeka," *Cenderawasih Pos*, October 12, 1998.

²⁰ "Bincang-bincang dengan Ketua BPA AM Sinode GKI Irja Pdt. Herman Saut: Keinginan Merdeka Sekelompok Orang Tak Didukung Gereja," *Cenderawasih Pos*, October 17, 1998.

IX. APPENDIX I: ARRESTS SINCE JULY 1998

1. The Biak Detainees:

All of the following were arrested in connection with the Biak demonstrations, and all are being held in Biak prison as their trials proceed.

- Drs. Filip (Yopy) Jakob Samuel Karma was detained on July 6. Aged thirty-nine, he is an employee of the training and education bureau of the provincial government; he had studied public administration and management in Manila. He was also the secretary for the provincial branch of KORPRI, the civil servants' association linked to the ruling party, Golkar. The prosecution charged him with being the leader of the July demonstration. He was shot in both feet during his arrest by security forces. After not being able to see him for over a week after his arrest, his wife was finally allowed to visit, but she and other members of the family were experiencing harassment from officials at least through August and believed the telephone at the family home in Jayapura was tapped.
- Nelles Sroyer, thirty-eight, is unemployed. He was accused of leading the crowd in hymns at the time the flag was raised and of soliciting contributions from local people to buy food for the demonstrators. He reportedly gave a statement to police under duress and was beaten during interrogation on July 7. He lived in the Asrama Pelayaran, Biak town.
- Thonci Wabiser, aged sixty-six, is a retired policeman. He was accused of leading prayers and collecting funds from sympathizers during the demonstrations. He was released into the custody of his family pending trial but was redetained before the trial began.
- Melki Kmur, twenty-five, is a sometime fisherman from Inggiri village, subdistrict Yendidori, Biak Numfor, who helped carry the flag to the demonstration. He was beaten, forced to lie down on his back, and then walked on by police.
- Celsius Raweyai, forty-six, self-employed as a porter in the Biak airport, he took part in the singing of the hymn "Onward Christian Soldiers" as the flag was being raised. He was arrested at his home on July 6 and reportedly gave a statement to police under duress. For most of his questioning, he was not accompanied by a lawyer; a court-appointed attorney appeared toward the end of his interrogation.
- Agustinus Sada, forty-nine, is an unemployed resident of Biak town. He was previously imprisoned for the non-political murder of a policeman. He helped mobilize the crowd at the time of the flag-raising.
- Eduard Iwanggin, known as Edu, forty-four, was released in August into the custody of his family. He worked as a civil servant involved in traffic control, Biak town. He was arrested at gunpoint on July 6 by three members of the mobile police brigade and one soldier from the regional military command (KOREM). He was not charged with assault, unlike most of the others.
- Andreas Marsyom, thirty-seven, is a civil servant in the district government of Yapen Waropen and is a native of Dobo village, subdistrict Warsa, North Biak. He was accused of taking part in the demonstration and leading the singing of "Onward Christian Soldiers."
- Hengky Yosias Wambrauw, twenty-three, is an unemployed man from Samofa, Biak Numfor, whose main role during the demonstration was to provide guitar accompaniment to the singing. He was arrested on July 6 and gave a statement to police, reportedly under duress.
- Nehemia Ronsumbre, forty-three, is a fisherman from Paray village, East Biak, who turned himself in to the police on July 7 and was eventually released into the custody of his family. He was later redetained before his

trial began in October.

- Marinus Ronsumbre, thirty-two, is a fisherman from Paray, Samofa, East Biak. He was beaten with a rifle butt and otherwise ill-treated during his arrest on July 6.
- Clemens Ronsumbre, fifty-seven, is a farmer, Ridge II, Biak Numfor.
- Bernardus Mansawan, nineteen, was a taxi conductor. He was arrested on July 6 but eventually released into the custody of his family. While being questioned, he was reportedly ordered to sign a statement refusing legal counsel.
- Lamekh Dimara, twenty-two, is a farmer from Robuki village, North Biak. He helped provide security for the demonstration and was shot with a rubber bullet by security forces. He was charged with rebellion, spreading hatred, and possession of a sharp weapon under Emergency Law No.12/1951.
- Robert Iwanggin, also known as Roy, thirty-eight, is unemployed and a resident of Biak town. He helped make the flag and later turned himself in to police because he was afraid of the consequences if he did not. He was charged with rebellion and spreading hatred.
- Inseren Sampari Karma, a housewife, came to the demonstration only in order to give her brother, Yopy Karma, a report on their father's health; he had had an operation several days earlier. Once there, however, she stayed to help collect funds and distribute food. A warrant for her arrest was produced two days after she was detained on July 6. She was eventually released into the custody of her family.
- Djoumunda Costan Karma, Yopy's brother, aged thirty, was a self-employed resident of Biak town. He helped make the flag used in the demonstration. Arrested on July 6, he was only presented with an arrest warrant several days later. Although the charges against him do not include assault, they do include carrying or possessing a sharp weapon under Emergency Law No.12/1951.
- Adrianus Rumbewas, twenty-five, unemployed, took part in the demonstration and was arrested on July 9 by members of the district military command. He is from Inggiri village, subdistrict Yenidori, Biak Numfor. He was charged with rebellion and spreading hatred but not with assault.
- Nico Rumpaidus, forty-two, is a civil servant working for the district government's treasury department (Kantor Pebendaharaan dan Kas Negara). He was present when the flag used in the demonstration was made. Originally from Paray village, Samofa subdistrict, Biak Numfor, he was charged, like Costan Karma, with violating Emergency Law No.12/1951.

2. The Wamena Arrests

Most of the following people were not shown an arrest warrant until twenty-four hours after they were detained, and none was accompanied by a lawyer during interrogation. All were on trial as of December 1998.

- Marinus Muabuay, fifty-eight, retired civil servant, arrested on August 6. He watched the flag-raising as an elder in charge.
- Yakobus Tanawani, twenty-seven, self-employed, arrested on August 6. He helped raised the flag.
- Soleman Manufandu, thirty-six, a teacher in a government school. He turned himself in on August 8; he had been tasked by the flag-raisers with making banners and the flag, the model for which was given to him by another one of the accused, Ishak Windesi.

- Ones Pariaribo, twenty-nine, self-employed. He helped make banners and the flag, and was arrested without a warrant at the Wamena airport.
- Amos Ramanday, forty, civil servant. He was responsible for mobilizing local people to witness the flag-raising. He was arrested at his home on August 6 without a warrant.
- Piter Samalo, thirty-seven, self-employed. He helped Soleman Manufandu and Yakobus Tanawani in making banners and the flag. He was arrested at his home on August 7.
- Paulus Guiliano Marlo Muabuay, twenty-five, unemployed. He watched the second flag-raising and witnessed the agreement to this event by the district military and civilian officials, members of the district council, and one journalist (Linda Korwa). He was arrested on August 8 and was reportedly beaten by a police captain during interrogation.
- Margaretha Wakman, twenty, a contract worker in the district forestry office in Wamena. She was a witness to the second flag-raising and was arrested on August 8.
- Jemmy Togotly, seventeen, a high school student, accused of helping raise the flag. He told local human rights defenders that in the course of his interrogation, he was hit with a club eighteen times, his knees were kicked, and he was kicked in the head and beaten with a stick. He was also told that he would be given electric shocks, although they were in fact not administered.
- Isak Windesy, a civil servant who reportedly worked with Yan Manuel Menay in planning the flag-raising.

3. The Arrests of Pro-Independence Advocates in Jayapura, late September and October

Immediately following the Manokwari demonstrations, two students were arrested, Martinus Werimon and Ronald Tapilatu. Martinus was head of the student senate at Cenderawasih University, and Ronald was a student at a Protestant technical high school. The detention of the two on October 2 sparked a protest rally by other students at the police station where they were held, with protestors saying Ronald and Marthinus, like other students, were only playing their role as a moral voice for the people and that part of that role was to hold an open forum on campus where people could say whatever they wanted. In a meeting with the protestors, in response to questions about why the two were detained without warrant, the police chief said it was an intelligence operation, and those were the procedures.²¹

The six pro-independence advocates arrested in and around Jayapura were:

1. Theys Eluay, sixty-one, head of the Irian Jaya Customary Council
2. Drs. Don A.L. Flassy, fifty-three, secretary of the provincial Planning and Development Board.
3. Rev. Agustinus Ansanai, forty-one, minister.
4. Barnabas Yufuwai, forty-five, civil servant.
5. Laurence Mehuwe, fifty-one, director of the provincial Planning and Development Board.
6. Semuel (Sem) Yaru, thirty-nine, civilian employee of the regional military command.

²¹"Rektor III Uncen dan Mahasiswa Datangi Polres Jayapura," unpublished report of students who attended meeting with police commander of Jayapura, October 2, 1998.