

AUSTRALIAN WEST PAPUA ASSOCIATION

The Militarys involvement in human rights abuses and resource extraction.

We believe the following brief extracts from a number of reports (from a wide range of organizations) summarises what has been going on in West Papua.

The following extract is from a report prepared for the Indonesia Human Rights Network by the Allard K. Lowenstein International Human Rights Clinic Yale Law School titled "Indonesian Human Rights abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control" was released in 2004. The following extract from the reports conclusion aptly describes what has been occurring in West Papua since the Indonesian takeover.

"Since the so-called Act of Free Choice, the West Papuan people have suffered persistent and horrible abuses at the hands of the Indonesian government. The Indonesian military and security forces have engaged in widespread violence and extrajudicial killings in West Papua. They have subjected Papuan men and women to acts of torture, disappearance, rape, and sexual violence, thus causing serious bodily and mental harm. Systematic resource exploitation, the destruction of Papuan resources and crops, compulsory (and often uncompensated) labor, transmigration schemes, and forced relocation have caused pervasive environmental harm to the region, undermined traditional subsistence practices, and led to widespread disease, malnutrition, and death among West Papuans".

A more recent study by the University of Sydney's Centre for Peace and Conflict Studies and Elsham, the Institute for Human Rights Study and Advocacy based in Jayapura, was launched at Parliament House in Canberra on August 18. "Genocide in West Papua? The role of the Indonesian state apparatus and a current needs assessment of the Papuan people" This report also details the ongoing human rights abuses, the systematic violence, including rape, arson and torture, in the Indonesian-occupied territory of West Papua.

The report documents eyewitness accounts of military campaigns which have destroyed whole villages in the remote highlands region, the report details military involvement in acts of arson and destruction of property, rape, torture and arbitrary disappearances. (More than 100,000 Papuans deaths are estimated to have occurred as a result of the Indonesia occupation since 1963).).

The report concludes that Indonesia's security forces act with total impunity and are the main source of instability in the territory. It claims the survival of the indigenous people of West Papua is under serious threat and calls on Indonesia to cancel the current massive military (TNI) build up in Papua which is aimed at confronting calls for independence from Jakarta.

A report about the activities of the Indonesian military in East Timor, (released in 2006) documents how the TNI used napalm, chemical weapons and starvation as a weapon against the East Timorese people (over 100,000 civilians died under the Indonesian occupation). Some of the same military that operated in East Timor are now in West Papua. We note that no military personal have been brought to justice

over the human rights abuses that occurred in East Timor while it was under Indonesian control.

A report by the international crises group in Brussels entitled 'Indonesia: Resources and Conflict in Papua' states (Asia Report N°39 3 September 2002)

“Injustices in the management of natural resources under Indonesian rule have contributed significantly to the conflict. The state has often given concessions to resource companies in disregard of the customary rights of indigenous Papuan communities, while troops and police guarding these concessions have frequently committed murders and other human rights abuses against civilians. Provisions in the special autonomy law require resource companies to pay greater heed to adat claims to land ownership, but they do not apply retroactively to the many companies already in Papua.

Indonesian security forces have a financial interest in resource extraction in Papua, through direct involvement in logging and other activities and protection fees paid by resource companies. Numerous serving and retired officers, senior state officials and others close to government are thought to have logging concessions or other business interests. Alongside the substantial tax and royalties accrued by the state, these interests are a powerful reason for the Indonesian state and its agencies to keep control of Papua”.

The London-based Environmental Investigation Agency and Telepak has also released a report entitled “The Last Frontier - Illegal Logging in Papua and China's Massive Timber Theft” which shows the Indonesian military are involved in the illegal smuggling of logs from West Papua to China. It should be noted The Indonesian government has banned the export of raw logs.

To quote from the report

“The military in Papua are involved in every aspect of illegal logging. Several forestry concessions in the province are linked to military foundations, notably the company Hanurata, which controls five concessions in Papua and shares its headquarters in Jayapura with a detachment of troops from the army's special forces. Military personnel are frequently employed as security for logging operations. One timber dealer based in Jakarta told EIA/Telapak investigators that he had 30 soldiers on his payroll to secure his illicit forest concession. The army is also used to intimidate local communities opposed to logging operations on their lands. A report by human rights observers documented widespread logging-related abuse by troops stationed near Jayapura. The abuses involved intimidation, assaults and rape”.

Recent human rights abuses

Below are just a few of a number of incidents in the past year that highlight the militaries involvement in human rights abuses and illegal activities in West Papua.

December 2006 -January 2007

Starting in December 2006 and continuing into January 2007, the military have been conducting an operation in the Puncak Jaya region of West Papua . Reports from human rights groups and church leaders in West Papua have said that the Indonesian

military have been conducting operations in the Puncak Jaya region causing thousands of local people to flee to the bush for their safety. These military operations are a response to the killing of two military personal near the town of Mulia in December 2006.

In the past the military have used incidents such as the killing of the two military personal as an excuse to crack down on what they term to be separatists groups. However, these military operations have resulted in the killing of civilians , the burning of villages, the killing of livestock and local people fleeing to the bush for safety. Church leaders have reported that the military have cordoned off the region with no civilian access allowed. As the local people are afraid to go and work in their food gardens many could face starvation.

The Jakarta Post dated the 19 Jan 2007, reported that, "four Papuan refugees who were among thousands fleeing their village have reportedly died of illness. The residents fled to Ilamburawi village in Yamo district, Puncak Jaya regency, on Jan. 16 following a security personnel manhunt for rebels who had earlier hoisted a separatist flag on Mount Kimibaga. Many refugees were in a severe state due to food shortages and suffered from various illnesses such as malaria and hepatitis". (In the Jakarta Post, 30 January 2007, The Evangelical Church of Indonesia (GIDI) reported that up to 5,000 people were now facing hunger after fleeing a crackdown on Papuan separatists by the military and 227 children had fallen ill, with diarrhea, hepatitis and malaria).

Incident in Abepura March 2006.

A major incident occurred in Abepura in March 2006 when a demonstration against the the giant Freeport gold and copper mine resulted in a clash between Indonesian security forces and protesters who had blocked the road to the airport in the town of Abepura , on the outskirts of Jayapura.

(The Freeport copper and gold mine in West Papua is one of the largest in the world. The Freeport mine has become a symbol to the West Papuan people of the exploitation of their natural resources and past reports have implicated Freeport security and the military in human rights abuses around the mine site. There has been ongoing protests against the mining operation in the past year).

The clash between the Indonesian security forces and protesters left four security personal dead. Another man who had been wounded died six days later. Police launched a major operation for suspects in the killing of the four security personnel, raiding student boarding houses and setting up roadblocks along the route to Abepura. The Jakarta Post of the 18 April reported that "Three people were hurt in the roadblock checks, including a 10-year-old girl who was hit by a stray bullet in the back. The girl was admitted to the Abepura Hospital where two other people -- Ratna and Soleha -- were treated for similar wounds" Reports from a human rights worker from the Papua-based human rights group, ELSHAM, who was at in the crowd when police opened fire told the ABC what he saw. "We evacuated several victims, there were men who got shot in the chest, another in the right leg and another in the right side of the forehead. But they were not then only ones, there were many more. We evacuated one victim who had been left in a swamp. There were more men coming to help those who got shot and to take them to the nearest hospital." Media and

eyewitness reports indicate that the security forces are now conducting reprisals against the community at large . A report by another human rights worker from the Indonesian National Commission on Human Rights, said the police had blocked roads and were searching every vehicle and that "The Papuans, the young ones, have been taken and beaten, kicked, hit with guns and threatened," he said.

In June, the Catholic Peace and Justice Secretariat (SKP) released an urgent action concerning 23 people who were arrested after the demonstrations outside the Cendrawasih University alleging cases of physical and mental abuse, and intimidation of prisoners. (The Catholic Peace and Justice Secretariat said up to 73 people were initially arrested following the incident). SKP staff along with representatives from other churches who visited the detainees said that wounds were clearly visible on their faces, as the result of torture sustained while they were in police custody. Two of the men said they had been tortured two hours before they were due to appear at a court hearing, in a bid to get them to admit that they were involved in the deaths of the police and air force officers. 'They were kicked with army boots, struck on the head with rifle butts and rubber truncheons,' according to the SKP report. The men had previously been tortured during the first few weeks of their detention in an attempt to extract information. The detainees also complained that although they had been told that legal counsel had been appointed to assist them, the lawyers had not visited them so they were at a loss as to how to behave in court and deal with the accusations against them.

The SKP report also pointed out that judges before whom the men appeared in court had created an atmosphere of intimidation and fear in court. Departing from the principle of strict neutrality, one of the judges even gave advice to police witnesses who had been summoned to testify on how to deal with demonstrators. 'Another time when there is a demo, you should carry sharp weapons so that, should the situation become chaotic and you find yourself under pressure, you can shoot the demonstrators on the spot, and if anyone dies, that won't be a violation of human rights'

February 2006 Clash at Freeport

The following incident at Freeport is an example of the militaries involvement in resource extraction.

In February 2006 there was a clash between illegal gold miners and Freeport security personnel which caused the mining company to temporarily suspended operations after hundreds of illegal miners blocked a road to the site. The clash occurred when police and the company's security guards asked a group of gold panners to leave the area. Six persons were injured and two Freeport employees were hit by arrows. Many local people earn a living by selling small amounts of gold and copper sifted from waste rock, or tailings, dumped by the mine. In another action related to this incident up to 500 people staged a rally outside the regional legislative council (DPRD) office calling for closure of US-mining company PT Freeport Indonesia. After they failed to meet the local legislators for negotiation, the protesters proceeded to march to the representative office of PT Freeport in Jayapura, approximately 15 km away. Another protest was held outside the Freeport office in Jakarta which resulted in the office being closed for the day. Thirteen men were arrested in connection with damage to the office during the protest.

Background

A report received by AWWA raises the following points .

How could hundreds of local miners or what the authorities call illegal miners reach Mile-72 Camp, the area where the clash took place or Mile 68 Tembagapura which is geographically difficult to reach as only company employees with identity cards can be authorized to enter the mining area?

The report alleges that the military who are in charge of security at the mine, transport the illegal miners (by using the companys' cars or buses) from Timika to Mile-72 Ridge Camp or Mile -68 Tembagapura and back to Timika and that they are required to pay transportation fees. The report goes on to say that the river from Mile -74 down to Mile 38 has been divided into sections for different military units who charge the illegal miners for permission to pan for gold.

New York Times article on the Freeport copper and gold mine

An article in the New York times dated 27 December 2005, documents payoffs by the mining company to the Indonesian military and also the massive pollution caused by the mine.

The New York Times article points out that from what originally were several hundred people living in the lowland village of Timika (before the mine started operations), it is now home to more than 100,000 which has developed into a wild west atmosphere of too much alcohol, shootouts between soldiers and the police, AIDS and prostitution, protected by the military.

Extracts from the article

“That frustration stems from an operation that, by Freeport's own estimates, will generate an estimated six billion tons of waste before it is through - more than twice as much earth as was excavated for the Panama Canal. Much of that waste has already been dumped in the mountains surrounding the mine or down a system of rivers that descends steeply onto the island's low-lying wetlands, close to Lorentz National Park, a pristine rain forest that has been granted special status by the United Nations. A multimillion-dollar 2002 study by an American

consulting company, Parametrix, paid for by Freeport and its joint venture partner, Rio Tinto, and not previously made public, noted that the rivers upstream and the wetlands inundated with waste were now "unsuitable for aquatic life." The report was made available to The Times by the Environment Ministry".

"In short order, Freeport spent \$35 million on military infrastructure - barracks, headquarters, mess halls, roads - and it also gave the commanders 70 Land Rovers and Land Cruisers, which were replaced every few years. Everybody got something, even the Navy and Air Force. This year Freeport told the Indonesian government that the waste rock in the highlands, 900 feet deep in places, now covers about three square miles. Down below, nearly 90 square miles of wetlands, once one of the richest freshwater habitats in the world, are virtually buried in mine waste, called tailings, with levels of copper and sediment so high that almost all fish have disappeared, according to environment ministry documents. The waste, the consistency and color of wet cement, belts down the rivers, and inundates and smothers all in its path, said Russell Dodt, an Australian civil engineer who managed the waste on the wetlands for 10 years until 2004 for Freeport. About a third of the waste has moved into the coastal estuary, an essential breeding ground for fish, and much of that "was ripped out to sea by the falling tide that acted like a big vacuum cleaner," he said".

and

"Company records obtained by The Times show that from 1998 through 2004, Freeport gave military and police generals, colonels, majors and captains, and military units, nearly \$20 million. Individual commanders received tens of thousands of dollars, in one case up to \$150,000, according to the documents. They were provided by an individual close to Freeport and confirmed as authentic by current and former employees".

Has the TNI reformed?

As well as the US State Department's 2005 Human Rights report which states "Security forces continued to commit unlawful killings of rebels, suspected rebels, and civilians in areas of separatist activity, where most politically motivated extrajudicial killings also occurred", an article in the Jakarta Post "Military remains above the law, says rights watchdog" dated 27 December 2006, also reports that the military have made no progress in reforming itself.

In the article the Commission for Missing Persons and Victims of Violence (Kontras) reported that "the nation's security forces are still operating above the law". Kontras, in its end of year report for 2006, said although there was some improvement in the government's protection of human rights, its record, however," was clouded by what Kontras saw as the government's reluctance to reign in security agencies, the Indonesian Military (TNI), the State Intelligence Agency (BIN) and the National Police, which continue to defy the reform process". Kontras reported that in 2006, the military still remained autonomous from legal and political controls.

"In terms of professionalism, the TNI registered no significant progress. The institution gave no accountability for human rights violations committed by its

members who were involved in shootings, kidnappings, wrongful arrests and physical abuses," Kontras coordinator Usman Hamid said.

Extract from the Jakarta Post article

This culture of impunity lingered on in the TNI, with many historic cases of human rights abuses involving soldiers remaining unresolved, Usman said.

The military had also successfully opposed efforts to put it under civilian control -- indicated in the Defense Ministry's refusal to have soldiers tried in civilian courts for ordinary crimes, he said. In its report, Kontras also criticized the police for their failure to win the public trust.

"The culture of militarism remains with the police. We have recorded numerous cases of violence, beatings, shootings, the illegal use of arms, wrongful arrests and incarcerations, and the use of torture," he said.

The police were also unable to investigate serious crimes such as the 2004 murder of noted rights campaigner and Kontras founder Munir Said Thalib, he said.

"We have the impression that the police are deliberately dragging their feet in the investigation. They always look for technical reasons to delay the probe," Usman said.

Kontras lambasted BIN for its failure to warn the government about a string of terror attacks committed this year in conflict areas like Central Sulawesi.

BIN was instead busy running a propaganda campaign about the resurgence of communist movements in the country, the rights group added.

"We give BIN a score of 4 out of 10, and if President Susilo Bambang Yudhoyono does not improve, this he will probably flunk next year," Usman said.

There are also militia groups operating in West Papua including the Laskar Jihad group. Although it was reported that they disbanded after the Bali bombings members of the group have remained in West Papua. Other groups include the Satgas Merah-Putih (Red and White Task Force) and the Front Pembela Merah Putih (Red and White Defenders Front). None of these groups could operate without the knowledge and consent of the military. They military have also created a false OPM (Free Papua movement) to instigate incidents so the military can use such incidents to crack down on so called separatists groups.

In conclusion,

The Australia West Papua Association (Sydney) believes that the Indonesian government could greatly improve the human rights situation on the ground in West Papua by controlling its military and improving the health situation of the West Papuan people. We urge the UPR to encourage the Indonesian government to seek support from the International community in the promotion and protection of human rights in the territory of West Papua.