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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement\* submitted by the Franciscans International (FI),  
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Recent developments in the human rights situation in Papua, Indonesia**

Franciscans International, in cooperation with the Office for Justice and Peace (Jayapura), submits the following written communication on the situation of ongoing violations of human rights in Papua, Indonesia to the attention of the Commission on Human Rights.

### **General background**

Papua, formerly called Irian Jaya, is the easternmost province of Indonesia. The indigenous Papuans are among the most marginalized and victimized people in Indonesia and represent 55% of the population of Papua nowadays. The Papuan people have a collective memory of 40 years of oppression, ongoing violations of their human rights, and denial of their fundamental freedoms and dignity by the Government of Indonesia. This collective memory of suffering is mainly related to:

1. The highly contestable, unilateral process that transferred the sovereignty of Papua from the UN to Indonesia in 1969;
2. Arbitrary detention, torture and extra-judicial killings for political beliefs and opinions expressed; and
3. The exploitation and expropriation of their ancestral lands and natural resources.

After the fall of Suharto in 1998 the Papuan people have been voicing their aspirations in a very peaceful manner, demanding an open dialogue to settle the problems. This peaceful approach is fully supported and promoted by various institutions, including religious and civil organizations, while disapproving any use of violence whatsoever by any party.

Hence, the Indonesian authorities use fear and intimidation to suppress and silence the community.

### **Developments in January 2003 – January 2004**

In 2003, Papua experienced a number of negative developments, including: [1] conflicting central government policies; [2] increase of violence and intimidation; and [3] impunity.

#### **1. Conflicting central government policies**

The most notable example of conflicting central government policies is the issuing of a Presidential Decree (Inpres No. 1/2003) in January 2003 ordering the accelerated division of Papua into two or more new provinces. The decree contradicts the law on Special Autonomy ratified by the same government just a year before (UU 21/2001). This conflicting policy, supported by the Indonesian authorities, including the National Intelligence Body (BIN) has caused internal conflicts among the political elite as well as the community in Papua. It even has led to a horizontal conflict in the Timika area (August-September 2003) resulting in the killing of 5 people. Though respected parties in Papua have protested the province's division, the central government continues to intensify its efforts to implement the division.

These conflicting policies have a number of damaging effects on the situation in Papua, including:

- a) One of the effects is the *loss of trust* of the community towards all elements of the government, on the levels of the Regency (Kabupaten), the Province and the Jakarta-based central government. Once again the Papuan community feels betrayed because the official law of the Special Autonomy (Otsus) has not been implemented, despite the repeated assurances of the government. Once again, government promises are not fulfilled.
- b) Another determining effect is that the *implementation of the Special Autonomy has ceased*. This intransigence of the central government in Jakarta that contravenes the contents of the Special Autonomy law (Otsus) Nr. 21/2001; the central government has also rejected the acknowledgement of the formation of the Papuan People's Council (MRP). The MRP is one of the key elements in the process of implementing the autonomy law in Papua. The spirit and the goal of the Otsus—as negotiated by Papuan community leaders—has in fact been undermined by Jakarta.
- c) The process of partition of the province has caused *competition among the elite* in Papua; apparently there are a number of different agendas, which are often linked to personal ambitions, which are manipulated by interest groups in Jakarta. The result is an increasing lack of solidarity among the leaders in Papua, while the people suffer for want of effective leadership.

## **2. The increase of use of violence and intimidation**

In 2003, the level of violence in Papua increased, especially in the Central Highlands. On April 4, the arsenal of the military post (Kodim) in Wamena was broken into. A military operation was immediately launched, as if the identity of the perpetrators and their hiding place was already established, while no proper official investigation took place. The military operation moved systematically from one village to the other claiming many victims: people were killed, others detained and mistreated, while scores of people fled the area due to a well-founded fear of persecution. Questions were raised about the ease in which the Free Papua Movement (OPM) and Papua National Army (TPN) were accused by the Indonesian Army (TNI) of engineering the event, without examining other possible suspects. Protests by the community were to no avail. The result was that the local community became the target of the military operation, regardless of guilt or innocence.

Alarmed by the reports from religious leaders in Papua, as well as by NGOs, the National Commission for Human Rights visited the area in September 2003 and reported the findings of its investigation to President Sukarnoputri (November 2003). The Commission decided that the 'Wamena Case' be reinvestigated by the Commission as it had found strong indications of human rights abuses by the Indonesian Army (TNI) in this case.

The military operation has made the local community fearful and uneasy, not only around Wamena, but including anybody wishing to take part in a peaceful struggle for the realization of

the 'Papua, a Land of Peace' initiative (sponsored by the local religious leadership) and for justice to be done.

Extremely disturbing developments have recently taken place, such as:

- a) One of the events determining the social atmosphere in Papua is the *formation of a militia group*: the Red and White Defense Front (Front Pembela Merah Putih or FPMP) in Timika<sup>1</sup>. It is common knowledge that this organization is led by Eurico Guterres, a feared nationalist leader of militias operating with the complicity and support of the Indonesian security forces, in East Timor in 1999. Meeting at the office of the local military commander (Koramil) in Timika, the leadership of the FPMP Timika-branch was decided on and published in the *Radar Timika* newspaper.
- b) The *disturbing appointment of Col. Timbul Silaen* on 1 December 2003 as the new Head of the Regional Police in Papua is a serious cause for concern since he has been reported as one those responsible—during his tenure as East Timor police chief—for human rights abuses in East Timor in 1999, although he has been cleared by the central government sponsored court who tried his case.
- c) Increased restrictions on *freedom of expression*. In a relatively short time-span, a joint instruction by the Governor of Papua, the military leader (Pangdam), the police chief (Kapolda) and the chief attorney prohibited observances commemorating the 10 – 11 November 2001 murder of local political leader Theys Eluay, as well as 1 December celebrations of the historical day of Papua. This was followed on 11 November 2003 by a warning of the chief attorney of Papua to withdraw a recently published booklet from circulation that recounts the murder of Theys Eluay. On 13 November, security forces pulled down the memorial for Theys Eluay in Entrop. The explanation given by the authorities was that the text on the board was considered "as containing sentences with a bad connotation."<sup>2</sup>
- d) Once more, the "*creation of suspicion*" was brought to the fore by the news from Jakarta, where the Chief of Staff of the Armed Forces (KSAD), General Ryamizard Ryacudu, called attention to the need to monitor the security situation in Papua, because foreign elements have supposedly begun to "play their games."<sup>3</sup> Parliamentary Commission (DPR) member Tasril Ananta Baharuddin<sup>4</sup> said that the latest mode of intervention by foreign elements in Papua is through research institutes or civil society organizations, which undertake activities under the pretence of democracy, human rights and environmental conservation. Such statements indicate that research institutes and civil society organizations are viewed as "supporting the separatist movement". Add to it the latest move by Commission I of the Central Parliament in Jakarta that advises the government to apply martial law in combination with a joint military operation in Papua. Meanwhile, respected institutions in Papua, such as the Governor, Parliament of Papua, the police, and

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<sup>1</sup> *Radar Timika*, November, 12, 2003

<sup>2</sup> *CePos*, November 14, 2003

<sup>3</sup> *Media Indonesia*, November 27, 2003

<sup>4</sup> *Media Indonesia*, November 27, 2003

civil and religious organizations have publicly taken a stand against this opinion of the parliamentary commission, regarding it as baseless<sup>5</sup>.

We were recently shocked by two acts of extraordinarily horrifying violence: [1] in Paniai, sub-district of Sugapa, Ugimba (November 3, 2003), which caused 5 casualties; and [2] in Jayawijaya, sub-district of Bolakme, Yalengga (November 5, 2003), in which 10 people were killed. In Ugimba, five construction workers were suddenly murdered with no serious investigation into the incident conducted. Hence the perpetrators responsible for this attack stay unidentified. In Yalengga, security forces executed 10 people because they were suspected of involvement in separatist activities.

Papuans live in fear and are intimidated into remaining silent.

### **3. Impunity**

In 2003, there were a number of examples of impunity in Papua, including:

- a) Final verdicts handed to army members who murdered Theys Eluay that are out of proportion with the crime committed; while there has been no word about the fate of his driver who was disappeared while in the hands of Kopassus (Indonesian Army Special Forces);
- b) The trial of suspects of human rights violations that took place in Abepura (December 2000) which was scheduled to be held by the Human Rights Court in Makassar was recently hindered by the police authorities as they refused to hand the suspects to the court with the explanation that both suspects are still in active service;
- c) The investigation into the bloody incident in Timika where 2 school teachers from the USA and an Indonesian were murdered (August 2002) has stalled;
- d) The trial of the suspects in the aforementioned "Wamena case" (4 April 2003) points to serious inconsistencies in sentencing those found guilty: 9 members of the military tried by a military court for their involvement in the case have been sentenced to 6 to 14 months in jail, whereas 8 civilians tried by a civil court in Wamena have been sentenced to 20 years to a lifetime in jail (sentence delivered in January 2004).

### **Conclusion**

Given the tumultuous past year for Papua, we conclude that positive, peaceful aims and wishes of the religious in Papua—including the Buddhists, Catholics, Hindus, Muslims, Protestants—are losing out against the cynical, heavy-handed use of force by security forces. The presence in Papua of Eurico Guterres, one of the architects involved in organizing the terror wrought by militias in East Timor in 1999, is cause for grave concern.

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<sup>5</sup> *Cepos*, 23 - 26 January 2004

### **Recommendations**

Franciscans International, in cooperation with the Office for Justice and Peace (Jayapura), calls upon the Commission on Human Rights to:

Monitor the human rights situation in Papua and apply pressure upon the Government of Indonesia to put an end to all efforts—covert or overt—to create militia or paramilitary groups that serve political purposes and fuel horizontal conflicts in the Papua community;

Urge the Government of Indonesia—now a member of the Commission of Human Rights—to immediately ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

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