

## Papua: Answers to Frequently Asked Questions

### I. OVERVIEW

No part of Indonesia generates as much distorted reporting as Papua, the western half of New Guinea that has been home to an independence movement since the 1960s.

Some sources, mostly outside Indonesia, paint a picture of a closed killing field where the Indonesian army, backed by militia forces, perpetrates genocide against a defenceless people struggling for freedom. A variant has the army and multinational companies joining forces to despoil Papua and rob it of its own resources. Proponents of this view point to restrictions on media access, increasing troop strength in Papua of the Indonesian armed forces (TNI), payments to the TNI from the giant U.S. copper and gold mining company, Freeport, and reports by human rights organisations as supporting evidence for their views.

Others, mostly inside Indonesia, portray Papua as the target of machinations by Western interests, bent on bringing about an East Timor-style international intervention that will further divide and weaken the Indonesian nation. Specifically, according to this view, Western interests are encouraging an international campaign to review and reject a 1969 United Nations-sponsored plebiscite, called the Act of Free Choice, that resulted in Papua's integration into the Indonesian republic. Should that campaign be successful, the international legal grounds for a referendum on independence would be established. They believe that the independence movement consists of a small band of criminals who have no real support in the population at large.

Neither portrayal of Papua is accurate, but both are extraordinarily difficult to dislodge – particularly because both contain kernels of truth that fuel false assumptions. Papua is not a happy place, but neither is it a killing field. Historical injustice and chronic low-level abuse on the part of security forces are facts. Solidarity groups concerned about Papua are more active now than five years ago, and some parliamentarians in Western countries have taken their cause to heart; this has not, however, translated into growing international support for Papuan independence.

Failure to understand the complexities of the Papuan problem not only produces bad policies in Jakarta, but can also have severe international consequences, as witnessed

by the plummeting of Indonesian-Australian relations in early 2006 over Australia's decision to grant temporary asylum to a group of Papuan political activists.

This briefing will examine several questions that lie behind the distortions:

- Who governs Papua and how? Are TNI numbers increasing, and if so, why?
- What substance is there to the claim of historical injustice in Papua's integration into Indonesia?
- How strong is the independence movement in Papua? Who supports it?
- What substance is there to allegations of genocide?
- Are there Muslim militias in Papua? And a process of Islamicisation?
- How much of Papua is off-limits to outsiders? Why the restrictions?
- What can the international community do?

### II. WHO GOVERNS PAPUA?

Implicit in the image of Papua as a place of persecution and oppression is the idea that non-Papuan Indonesians are in control. This is simply not true. The directly elected governors of Papua and West Irian Jaya, the two provinces within the broader territory of Papua, are indigenous Papuans, as are the heads of all 29 districts.<sup>1</sup> Nor are these Papuan leaders puppets of Jakarta – under Indonesia's decentralisation laws, and even more under a 2001 law granting special autonomy to Papua, these local government leaders have significant political and fiscal authority. The central government has devolved

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<sup>1</sup> In January 2003, the new province of West Irian Jaya was carved out of Papua's western Bird's Head region on the basis of Presidential Instruction 1/2003, which reactivated a 1999 law dividing the province into three. The third province, Central Irian Jaya, was cancelled, while West Irian Jaya went ahead. Both it and the rump Papua remain part of the broader region of *tanah Papua* ("land of Papua"). See Crisis Group Asia Briefing N°24, *Dividing Papua: How Not to Do It*, 9 April 2003 and Crisis Group Asia Briefing N°47, *Papua: The Dangers of Shutting Down Dialogue*, 23 March 2006.

control over every policy area but five to Papua: foreign affairs, defence and security, fiscal and monetary policy, religious affairs and justice.<sup>2</sup>

However, in many ways, Papua is as poorly governed under local leaders as it was the under non-Papuan administrators sent by Jakarta. The problems of corruption and neglect cannot be explained away as only a legacy of the Soeharto era. Indeed, one major problem in recent years has been not too much attention from Jakarta, but too little. Once the special autonomy legislation was passed, it was as though officials of successive post-Soeharto governments took it as license to ignore poor performance by local Papuan officials, including lengthy periods of absence in Jakarta or Jayapura.<sup>3</sup> It is only at the urging of the new governor, Barnabas Suebu, that Papua's provincial budget is now being scrutinised by the national anti-corruption commission.<sup>4</sup>

Governance of Papua has been complicated by the Megawati government's controversial (and illegal) 2003 decision to create the province of West Irian Jaya. Before the legal status of the new province was resolved, the Ministry of Home Affairs authorised elections for governor there, and a 70 per cent turnout last March gave legitimacy to a political fait accompli. The problem was that the special autonomy law and the body that was to be its centrepiece, the Papuan People's Council (MRP), applied to a single entity. The special autonomy law now needs to be revised to take into account the second province. Many Papuans see this as an opportunity to hold widespread consultations on what else should be revised in the interests of strengthening self-government.

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<sup>2</sup> The central government controls national planning policy, macroeconomic development and the state administrative apparatus, according to Articles 4(1) and 48(5) of *Undang-Undang Republik Indonesia Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua* [Law 21 of 2001 on Special Autonomy for Papua]. The police remain centralised but the government must consult provincial governors on the appointment of local commanders.

<sup>3</sup> Residents of Pegunungan Bintang district told Crisis Group that most officials left the remote mountain area within weeks of being inaugurated and have barely returned since. Other recent examples include the district head (bupati) of Mimika, Klemen Tial, who was given an official warning for failing to report for duty for three months. Several Papuan district officials are also under investigation for corruption. The first to be convicted was the Jayawijaya bupati, David Hubi, sentenced on 29 August 2006 to five years for having embezzled Rp. 13,601,780,000 (approximately \$1.5 million). "Hubi Dihukum 5 Tahun Penjara", *Cenderawasih Pos*, 30 August 2006. Crisis Group interviews, Oksibil and Abmisibil, December 2005; "Bupati Mimika Sudah Tiga Bulan Tak Masuk Kantor", *Kompas*, 8 August 2006.

<sup>4</sup> "Kejagung Diminta Usut Habisnya APBD Papua", *Cenderawasih Pos*, 12 August 2006.

## A. IS THE TNI THE REAL POWER?

TNI officers continue to use their power to exploit economic resources and have primary responsibility for counterinsurgency actions against the small guerrilla group known as the Free Papua Movement (*Organisasi Papua Merdeka*, OPM), but they do not govern Papua. The decision to divide Papua was a political, not military decision, apparently initiated by the National Intelligence Agency and the ministry of home affairs, two institutions that do not always see eye-to-eye with the armed forces, even though the heads are almost always former military officers.

The commander of the TNI's Trikora division based in Jayapura remains an important element of the local power structure but cannot and does not make decisions about local policies. Even most local security problems are left to the police, not the military, and police are gradually replacing the latter as the designated protector of "vital national assets" such as the Freeport mine.<sup>5</sup> (This is not always an improvement, however, given the abusive behaviour of some police, especially Brimob, the paramilitary police who have begun to replace the military at Freeport since July 2006.) Outside the towns of Jayapura, Timika, Wamena and Merauke, military officers are often as notable by their absence as civilian leaders.

## B. IS THE TNI EXPANDING?

The TNI has over 12,000 troops in Papua, and there are between 2,000 and 2,500 paramilitary<sup>6</sup> police.<sup>7</sup> Rumours notwithstanding, there is no evidence that troops pulled out of Aceh are being systematically redeployed in Papua. But the numbers have increased over the last two years, as the size of three infantry battalions permanently stationed in Papua (751, 752 and 753) has increased from 650 to 1,050 soldiers each. A similar expansion is planned for three other battalions by the end of 2007. The TNI's own statements suggest the expansion is bigger than it actually is. In March 2005, for example, Army Spokesman Brig. Gen. Hotmagaradja Pandjaitan announced plans for a

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<sup>5</sup> Presidential decision 63/2004 stipulates that vital national assets should be protected by police rather than soldiers. "600 Anggota Brimob dari Mabes Tiba di Timika", *Cenderawasih Pos*, 10 July 2006; "106 Brimob tempati aula Polres Mimika", *Radar Timika*, 14 July 2006.

<sup>6</sup> Amended on 7 September 2006 by the insertion of "paramilitary".

<sup>7</sup> Crisis Group interview, diplomatic source, June 2006. The breakdown of troop strength is KODAM XVII infantry battalions, about 5,200; KODAM XVII command structure, 3,500; navy and air force combined, 1,000; border security and vital asset protection, about 2550.

new Kostrad (strategic reserve command) division in Papua, with an additional 15,000 troops to be deployed between 2005 and 2009.<sup>8</sup> This plan was shelved in December 2005 but the rumours persist.<sup>9</sup> Misunderstandings are also caused by confusion over routine annual troop rotations.

There are two ways in which the overall troop level in Papua could be affected in the future. The first is through the administrative decentralisation process known as *pemekaran*. Although it is not stipulated in any law, there is an established convention of setting up new military (and police) commands in each new district and sometimes sub-districts as well. Since 1999, the number of districts in Papua has grown from nine to 29, the number of sub-districts has increased from 173 to 220, and at least another nine districts are being planned. Thus far, the new districts do not appear to have spawned new military commands. A liaison arrangement with the “mother” district is put in place instead.<sup>10</sup> New commands in the future, however, cannot be ruled out.

The second reason for a possible troop build-up in Papua is the TNI’s effort to step up border security nationally. The number of posts along the 760-km. border with Papua New Guinea (PNG) will increase from twenty to 94.<sup>11</sup> As part of this effort, and to step up patrols against illegal fishing, transport of illegally logged timber (and probably Papuan asylum seekers), the navy is talking about increasing its presence in Papua. New naval bases are planned for Merauke (2006), Kaimana and Teluk Bintuni (2007) and Sorong (2008) but it is not clear when they will actually be built.<sup>12</sup>

### III. WHAT SUBSTANCE IS THERE TO THE CLAIM OF HISTORICAL INJUSTICE?

Many Papuans feel they were cheated out of independence promised to them by the Dutch colonial administration. Before Papua was incorporated into Indonesia in 1963, the

government of Dutch New Guinea had prepared Papuans for independence. It actively encouraged Papuan nationalism and helped establish the fledgling institutions of a national government envisaged to take over in 1970. However, Dutch Papua policy became entangled in Cold War politics. Under intense international pressure, the Netherlands agreed in 1962 to transfer sovereignty to Indonesia within a year, via a temporary UN trusteeship. As a face saver for the Dutch, the agreement brokered by the U.S. stipulated that a plebiscite would be held by the end of 1969 to determine whether Papuans wanted to remain with Indonesia or to establish an independent state.<sup>13</sup>

The agreement further stipulated that every Papuan adult man and woman was entitled to participate in the plebiscite, “in accordance with international practice”. Papuans widely interpreted this to mean “one person one vote”, but Indonesian officials argued that it would be more practical, given the logistical challenges, to convene representative assemblies.<sup>14</sup> The UN and the Dutch government quickly agreed. Papuan protests calling for a referendum were dispersed by Indonesian troops. In April 1969 the Indonesian government hand-picked 1,022 Papuan leaders to vote through eight regional councils (on behalf of some 700,000 people) under Indonesian military supervision – and in many cases intimidation – in the “Act of Free Choice” on Papua’s future. Unsurprisingly, they voted unanimously in favour of integration with Indonesia. Many Papuans question the legitimacy of that exercise, as did many diplomatic observers at the time.<sup>15</sup>

When the special autonomy law was being prepared in 2000 and 2001, a consensus Papuan draft included a provision calling for “historical rectification”. The phrase was removed by the Indonesian parliament. Jakarta’s worst fear is that an international campaign to review and reject the Act of Free Choice will gather momentum, eventually laying the legal basis for internationalisation of the issue.<sup>16</sup>

<sup>8</sup> “TNI Berencana Bentuk Divisi Kostrad di Sorong”, *Tempo*interaktif.com, 18 March 2005.

<sup>9</sup> “Panglima: Pembentukan Divisi III Kostrad di Papua, Tidak Ada”, *Cenderawasih Pos*, 3 December 2005.

<sup>10</sup> This is the case in Kaimana district for example. Crisis Group interviews, Kaimana, June 2006.

<sup>11</sup> The TNI presence on other borders will also increase: in West Timor, the current ten border posts will increase to nineteen, and Kalimantan’s boundary with Malaysia will be strengthened by 50 extra posts, bringing the total to 85. “RI-Malaysia land border posts to be increased”, *Antara*, 27 June 2006.

<sup>12</sup> “2007, Lanal Akan Dibangun di Kaimana”, *Cenderawasih Pos*, 18 July 2006; “KSAL: Armada Butuh 5000 Personel”, 3 July 2006.

<sup>13</sup> “Agreement Between The Republic of Indonesia and The Kingdom of The Netherlands Concerning West New Guinea (West Irian)”, United Nations, New York, 15 August 1962. A joint Dutch-Indonesian resolution on the agreement was then adopted by the UN General Assembly, 89-0. There were fourteen abstentions from France and francophone African countries protesting the lack of consultation with the Papuans. See John Saltford, *The United Nations and Indonesian Takeover of West Papua, 1962-1969; The Anatomy of Betrayal* (London, 2003), pp. 25-26.

<sup>14</sup> Article XVIII (d) of the New York Agreement, op. cit.

<sup>15</sup> See P. J. Drooglever, *Een Daad van Vrije Keuze: De Papoea’s van Westelijke Nieuw-Guinea en de grenzen van het zelfbeschikkingsrecht* [Act of Free Choice: The Papuans of Western New Guinea and the limitations of the right to self determination] (Amsterdam, 2005); Saltford, op. cit.

<sup>16</sup> The final version of the law included a provision for a truth and reconciliation commission “to clarify Papuan history in

Some form of “historical rectification” should occur, and the UN should formally acknowledge the shortcomings of the 1969 vote. But Papuan leaders also need to understand that the chances of any UN action to review the Act of Free Choice, let alone to void it, are close to nil. The government of Indonesia enjoys strong support in the General Assembly and Security Council, and no UN action on Papua is conceivable without Indonesian acquiescence. But Jakarta’s willingness to see the historical record set straight, in a way that could be reflected in Indonesian textbooks, might help lay a better foundation for better relations with Papua.<sup>17</sup>

#### IV. HOW STRONG IS THE INDEPENDENCE MOVEMENT?

The answer to this question depends on how one defines the movement. Pro-independence sentiment is widespread, thanks to poor governance, a sense of historical injustice, a feeling of cultural and racial difference from the rest of Indonesia and chronic low-level abuse, extortion and indignities on the part of security forces. More serious human rights abuses do occur, but with less frequency than in the past and often in response to acts of violence that have caused police or military casualties.<sup>18</sup> Much, but not all, of that pro-independence sentiment could probably be addressed by a more benign government that provided genuine services to the population.

Pro-independence sentiment is less evident in the area that is now the province of West Irian Jaya and along the southern coast than along the northern coast or the central highlands. Many moderate Papuans who believed that their best hope lay with autonomy rather than independence have been alienated by Jakarta’s repeated failures to deliver. But organised political activity in support of independence is fractious, prone to ethnic divisions and lacking in strong leadership.

##### A. WHAT IS THE OPM?

The OPM is a guerrilla movement with an armed wing, the National Liberation Army (*Tentara Pembebasan Nasional*), that has been fighting for an independent state of West Papua since 1964, shortly after the Netherlands ceded sovereignty to Indonesia.<sup>19</sup> Estimates of its strength

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order to strengthen its unity in the Republic of Indonesia”, to be established by presidential decision on the advice of the governor, but no governor has taken concrete steps to establish it.

<sup>17</sup> See Gareth Evans and Sidney Jones, “Paradise Betrayed: Correspondence”, in *Quarterly Essay*, issue 9, 2003, pp. 109-112.

<sup>18</sup> Reported incidents have certainly decreased but it is impossible to know what happens in parts of Papua that remain inaccessible.

<sup>19</sup> See Robin Osborne, *Indonesia’s Secret War: The Guerrilla*

range from less than 100 (according to the TNI) to several thousand (the OPM’s own figure), but it controls no territory, has few modern weapons and does not pose a serious security threat to Indonesia.<sup>20</sup> It has no social program, but fighters generally enjoy some logistical support from local populations in their areas of operation and are assisted with communications and supplies by a network of couriers.

The OPM is believed to consist of as many as six commands that for the most part work independently of each other, each organised around local commanders with small but loyal followings. Only three or four appear to be currently active, however.

**Mathias Wenda**, the man widely acknowledged as the commander in chief, is based in Baweni, Papua New Guinea, and is responsible for the Arso area in Keerom district, just over the border. Arso was an early transmigration site, and settlers from Sulawesi and Java greatly outnumber indigenous Papuans there.<sup>21</sup> Wenda’s men have periodically attacked non-Papuan Indonesian settlers (transmigrants) in the area as well as TNI posts.

The local TNI command announced that an attack on Post 509 of the army’s elite strategic reserve (Kostrad) in Wembi on 10 April 2006 was the work of Wenda’s group. Later, however, Lukas Tabuni, from another faction active in the Bolakme area in the northern Baliem valley, claimed responsibility in an interview broadcast on Australian television.<sup>22</sup>

**Kelly Kwalik** is one of the OPM’s most elusive commanders. To many in Papua he is also one of the “purest” in terms of devotion to the cause. He has been leading a group of fighters in Mimika since 1977, when he joined a local uprising there. Two of his better known associates are Daniel Kogoya, who has worked closely with him since 1977, and Titus Murib, a fighter with his own following in Ilaga sub-district.

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*Struggle in Irian Jaya* (Australia, 1985); Djopari, John RG, *Pemberantakan Organisasi Merdeka Papua* (Jakarta, 1993).

<sup>20</sup> The TNI commander in chief, Djoko Suyanto, estimated the OPM’s strength to be in the “tens” in late July 2006. “Panglima: TNI Tetap Waspada OPM”, *Tempo Interaktif*, 31 July 2006; the OPM’s own estimate was relayed to Crisis Group by a local journalist who had interviewed OPM members in the central highlands.

<sup>21</sup> The non-Papuan migrant population is about 35 per cent, but not everyone came through the controversial government-sponsored transmigration that ended in 2000. Many are “spontaneous” migrants from Sulawesi, who came for trade or business and stayed.

<sup>22</sup> “Pelaku Penyerangan Kelompok Pimpinan ‘MW’”, *Cenderawasih Pos*, 11 April 2006; interview with Lukas Tabuni in Papua New Guinea on “West Papua: Flight to Freedom”, *Frontline*, ABC (Australia), 7 June 2006.

Kwalik's efforts have focused on attacking the Freeport mine and taking hostages to gain international attention.<sup>23</sup> His group kidnapped and killed eight Javanese students who were hiking in the highlands in 1986.<sup>24</sup> In January 1996, he commanded the kidnapping of twelve members of a scientific research team, the Lorentz Expedition. The four Indonesian, four British, two German and two Dutch biologists were held hostage for four months, and two of the Indonesians were killed during the military's rescue operation.<sup>25</sup>

In June 2001, Kogoya's men, under Kwalik's orders, took two Belgian journalists hostage in Ilaga and held them for two months until a team of Indonesian journalists negotiated their release.

The most notorious operation linked to Kwalik, however, is the 31 August 2002 attack on a convoy of Freeport vehicles at Mile 62-63 in Tembagapura in which one Indonesian and two U.S. civilians employed by Freeport were killed and another nine injured. The only suspect to have confessed to involvement, Antonius Wamang, admitted to receiving the order directly from Kwalik. He insists, however, that he thought he was targeting a military convoy.<sup>26</sup> There are also persistent allegations of TNI involvement in the incident, including from Wamang, but as yet no hard evidence.<sup>27</sup>

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<sup>23</sup> Kwalik, an ethnic Amungme, had lost land to the Freeport mine. He has capitalised on local anger over dispossession and human rights violations associated with the mine's military protectors to mobilise locals to conduct sabotage operations. Crisis Group interview, local sympathiser; Otto Ondawame, "'One people, one soul': West Papuan nationalism and the Organisasi Papua Merdeka (OPM)/Free Papua Movement", PhD thesis, Research School for Pacific and Asian Studies, Australian National University, 2000, pp. 143-144.

<sup>24</sup> "Digest No.02", *Inside Indonesia*, 30 January 1996.

<sup>25</sup> The military claims the two hostages were executed by the OPM. However, ELSHAM, a local human rights group that interviewed several witnesses, reported they were killed by local civilians whose relatives had been shot dead by the military. Several witnesses, including Kelly Kwalik and Daniel Kogoya, and ICRC and British military personnel were interviewed in a July 1999 *Four Corners* documentary on Australian television: <http://www.abc.net.au/4corners/stories/s39706.htm>. See also "Operasi Militer Pembebasan Sandera dan Pelanggaran Hak Asasi Manusia di Pegunungan Tengah Irian Jaya", ELSHAM Papua, August 1999 and *Memoria Pasionis* (SKP 2001), pp. 82-83.

<sup>26</sup> Interrogation deposition of Antonius Wamang, viewed by Crisis Group, August 2006.

<sup>27</sup> See "Saling Silang Kesaksian Timika"; "Bush Berang, Militer Terlibat?"; "Ragam Versi Penyerangan Timika" and interviews with Sjafrie Sjamsiddin and Decky Murib, in the 13 January 2003 edition of *Tempo* magazine. See also the 25 November 2002 edition.

**Hans Yuweni** is the TPN/OPM commander for Jayapura and Sarmi districts, with reach as far west as Waropen district, according to local military sources.<sup>28</sup> There are regular reports of defections from his unit, most of which are hotly contested by independence activists.<sup>29</sup> **Goliath Tabuni** is based in Puncak Jaya, the site of TNI operations for several months in 2005, but operates throughout the central highlands. **Tadius Yogi** has been active in Paniai since 1980 but reportedly privately concedes that armed struggle is futile.<sup>30</sup> **Bernard Mawen**, the eldest of the field commanders, leads a small group in Merauke but is not very active.

The OPM relies on hit and run attacks like the one on 10 April 2006 in Wembi, using traditional spears and bows and arrows more often than guns, but even these attacks are infrequent and uncoordinated.<sup>31</sup> Its main targets are the TNI and police. It has never been strong enough to threaten Indonesian territorial control but its political efforts inside and outside Papua, and its very existence as a symbol of resistance, have helped to keep the ideal of an independent West Papua alive.

## B. WHAT OTHER GROUPS ARE INVOLVED?

Several other groups actively support independence. The asylum seekers who reached Australia in January 2006 were from a group called **Bintang 14** (Fourteen Stars) that emerged in the mid-1980s advocating the independence of Papua as "West Melanesia". Its founder, Thomas Wanggai, an ethnic Serui, was one of Papua's most highly educated civil servants; he met his Japanese wife while a student at Okayama University. He was arrested after leading an independence rally on 14 December 1988 and died (of natural causes) in Cipinang Prison, Jakarta, in 1996. His nephew, Herman Wanggai, was the leader of the asylum seekers and has himself been twice arrested for pro-independence activities.

The movement is now led by Edison Waromi in Abepura. Waromi was arrested with Wanggai in 1989, served nine years in prison and was convicted again on treason charges

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<sup>28</sup> "Komandan OPM Wilayah Sarmi Ditangkap", *Kompas*, 18 May 2005.

<sup>29</sup> See for example, "198 Anggota OPM Menyerahkan Diri", *Kompas*, 4 February 2006; "Daniel Burriyan Adalah Bukan Anggota TPN/OPM Mabas Pantai Timur Tetapi Anggota Masyarakat Biasa yang Selama ini Menjadi Mata-Mata TNI/POLRI di Wilayah Kabupaten Sarmi", SPM News, 2 June 2005; "Rekayasa Penyerahan Diri TPN/OPM Juga Terjadi Di Serui", SPM News, 5 July 2006.

<sup>30</sup> Crisis Group interview, Papuan leader who had recently met with Yuweni, July 2006.

<sup>31</sup> "Pos TNI di Wembi Diserang, 4 Tewas", *Cenderawasih Pos*, 11 April 2006.

in 2002 for raising the Bintang 14 flag, along with Herman Wanggai. The majority of the remaining Bintang 14 supporters in Papua are in Jayapura and in Wanggai's native Serui and the north coast but there are also small numbers in the central highlands.<sup>32</sup>

After Wanggai was jailed in 1988, many Bintang 14 supporters fled to Papua New Guinea, and some went on to Australia. Jacob Rumbiak represents Bintang 14 in Australia, and several of the 43 asylum seekers who fled there in January 2006 are Bintang 14 members.<sup>33</sup>

Bintang 14 and the OPM have no particular history of collaboration – Bintang 14 having always rejected violence. In late 2005, however, some marginal OPM commanders came together with Bintang 14 leaders and church, student and community leaders in Papua New Guinea to establish a broader coalition called the West Papuan National Authority (*Otoritas Nasional Papua Barat*), committed to struggling for Papuan independence through peaceful means.<sup>34</sup> There have been several initiatives of this kind but neither Kelly Kwalik nor Mathias Wenda has been involved.

Another important player is the radical student movement. The principal organiser of the anti-Freeport actions around the country in February and March 2006 was the *Front Pepera Papua Barat* (**United Front for the West Papuan People's Struggle**) network, led by Hans Gebze. It is the hard-line faction of the student movement and has been at the forefront of student activism in recent years.<sup>35</sup> Freeport remains its major advocacy focus, partly due to the direct experiences of some of its members and their families, but also for ideological and pragmatic reasons.<sup>36</sup>

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<sup>32</sup> Twenty men in Jayawijaya attempted to fly the fourteen-star flag in front of the district parliament in July 2003, for example. One was shot dead and another twelve arrested, "Bintang 14 Dibubbarkan, Puluhan warga Ditahan", *Liputan 6*, 7 July 2003; "Polisi Indonesia Tembak Pelaku Penarikan Bendera Bintang 14 di Papua", Radio Nederland interview, Pastor Obeth Komba, Jayawijaya, 8 July 2003.

<sup>33</sup> The 43 asylum seekers who fled to Australia in January 2006 flew the Morning Star flag, the symbol of Papuan nationalism used by most independence activists, including the OPM, since the 1960s on their outrigger because it is more widely recognised. Crisis Group interview, Edison Waromi, Abepura, April 2006.

<sup>34</sup> *Ibid.*

<sup>35</sup> The more moderate student coalition is the Association of Papuan Central Highlands Students of Indonesia (AMPTPI), led by Hans Magal. Both AMPTPI and Front Pepera are off-shoots of the Papuan Student Alliance (AMP) established in 1998. AMPTPI broke away in 2004 to pursue a more constructive, dialogue-based approach, while Front Pepera favours direct action.

<sup>36</sup> Student activists argue that since Freeport began exploration in 1967 before Papua was formally incorporated into Indonesia in 1969, the Soeharto government had a massive additional economic incentive to control Papua and manipulate the Act of

Freeport is a powerful symbol of Papuan grievances ranging from economic exploitation and environmental degradation to human rights abuses by the military (which Freeport pays to provide security at its mine site).<sup>37</sup>

Front Pepera organises demonstrations, press conferences and petitions and regularly posts information on the Internet, which is also used for fundraising.<sup>38</sup> Student activists are in regular contact with exiled independence leaders, and some also maintain close links with the TPN/OPM.<sup>39</sup>

The Papuan independence movement only enjoyed strong civilian leadership between 1999 and 2001. In the period of political openness after Soeharto fell, a broad civil society-based movement emerged but as it gathered strength and confidence, its repeated open demands for independence precipitated a nationalist backlash that critically weakened it.

In July 1998 church leaders, intellectuals and NGOs established the Forum for Reconciliation for the People of Irian Jaya (**FORERI**), which became Jakarta's dialogue partner in a series of meetings leading to a "National Dialogue" between 100 Papuan leaders and President Habibie in February 1999.

Two important meetings took place in 2000, the Papuan Mass Consultation (*Musyawahar Besar Papua, Mubes*) in February, and the second Papua Congress (*Kongres Papua II*) in May, with thousands of participants representing all of Papua's districts, including some members of the TPN/OPM and delegates from Papuan communities abroad. The 200-strong Council established at the Mubes deliberately distanced itself from the OPM, however, to emphasise its commitment to peaceful means.<sup>40</sup>

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Free Choice. Crisis group interviews, Pepera members, Jakarta, June 2006.

<sup>37</sup> The focus on Freeport spawned a marriage of convenience with the environmental activist group Walhi, the radical anti-mining lobby Jatum and some campus-based leftist environmental groups in Australia and the U.S. Front Pepera is also aligned with the tiny Indonesian socialist Partai Rakyat Demokrat (People's Democratic Party, PRD), whose platform supports a new referendum for Papua. Crisis Group interviews, Pepera and AMPTPI leaders, Jakarta, June 2006.

<sup>38</sup> See, for example, an appeal for funds to organise anti-Freeport protests: <http://www.westpapua.net/action/03/10/against-freeport.htm>.

<sup>39</sup> Crisis Group interviews, Pepera leaders, March-July 2006.

<sup>40</sup> Participants decided after intense discussions not to have the OPM represented on the Papua Council. See "Recent Developments in Papua: Musyawahar Besar di Papua serta Suasana pasca-Mubes", Catholic Peace and Justice Office, Jayapura, April 2000, at <http://www.hampapua.org/skp/skp02/ssp-03e.pdf>.

The Council set up a 22-member executive body, the **Presidium** (*Presidium Dewan Papua*, PDP), with Tom Beanal and Theys Eluay as chairmen. Throughout 2000 and 2001, pro-independence leaders, including Presidium members, were rounded up and arrested on charges of rebellion and “spreading hatred”.<sup>41</sup> They were all released within a few months but the Presidium began to lose momentum as a result of the constant harassment and intimidation of its leaders. The height of the crackdown was the assassination of the Presidium chairman, Theys Eluay, in November 2001.<sup>42</sup> This dealt a major blow to the Presidium but there were also internal political and financial problems.<sup>43</sup>

The Presidium has not been functioning effectively since 2001 but most of its key leaders are now active in two other institutions: the *Dewan Adat Papua* (Papuan Customary Council) and the *Majelis Rakyat Papua* (Papuan People’s Council, MRP). The **Dewan Adat** is a grouping of tribal elders that was established in mid-2002 ostensibly in preparation for a conference on conflict resolution in the U.S. but its function has in effect been to provide a new forum for Presidium members to come together without the political stigma of that body.

The Dewan Adat does not advocate independence, focusing instead on Papuans’ basic rights and welfare. It has formally rejected Special Autonomy, but this was essentially as a protest at the central government’s lack of sincerity in implementing the law’s key provisions.<sup>44</sup> With no clear political program, the Dewan Adat is not able to muster the support the Presidium once enjoyed but it has significant province-wide influence through its district

and village-level membership.<sup>45</sup> There were signs at its last annual meeting that it is beginning to concentrate on substantive issues such as improving education, oversight of the provincial budget, police reform and HIV/AIDS.<sup>46</sup>

The Presidium’s other successor is the MRP, the institution mandated under the Special Autonomy law to protect and defend Papuan values, culture and basic rights. Its Chairman, Agus Alua, is the deputy secretary general of the Presidium, and there are several other Presidium leaders among its 42 members. The MRP was elected in a reasonably democratic way and is broadly representative of Papua’s ethnic and cultural diversity. It is in the very difficult position, however, of needing to maintain legitimacy with Papuans and credibility with the central government at the same time. It has struggled on both counts in its first nine months.<sup>47</sup>

### C. HOW STRONG IS INTERNATIONAL SUPPORT?

Papuan exiles, many of them OPM members, have established representational offices in Vanuatu, Papua New Guinea, Australia, the Netherlands, Sweden, the UK and the U.S.<sup>48</sup> All purport to be legitimate representatives of the Papuan people but seem to spend as much energy criticising each other as the Indonesian government. Their common cause is to lobby foreign governments and international organisations for a review of the Act of Free Choice and a new act of self-determination, causes that

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<sup>41</sup> See, “Violence and Political Impasse in Papua”, Human Rights Watch report, July 2001.

<sup>42</sup> On the night of 10 November 2001, Theys was driving home from a reception at the Jayapura Kopassus (military special forces) base when his car was forced off the road. His body was found the next morning, dumped some way from his car. Two other Presidium members, Willy Mandowen and Thaha alHamid, had been invited but declined to attend the same function. See Crisis Group Asia Report N°39, *Indonesia: Resources and Conflict in Papua*, 13 September 2002, pp. 3-5.

<sup>43</sup> There had always been tensions between supporters of Tom Beanal and Theys Eluay. Beanal, an Amungme adat leader, probably had the broadest support base of the Presidium members, but Theys, an ethnic Sentani leader who had served for years in Soeharto’s Golkar party and had a history of association with the military, unilaterally appointed himself chairman through sheer force of personality. The Presidium was dominated by coastal Papuans to the exclusion of highlanders. The reaction of some highlanders, who tend to be poorer, have less access to educational opportunities and suffer disproportionately from the military operations, was to establish their own organisation, Demmak.

<sup>44</sup> Ketetapan Sidang III Dewan Adat Papua no. 01/TAP/SIII-DAP/II/2005, p. 67. See also Crisis Group Briefing, *The Dangers of Shutting Down Dialogue*, op. cit., pp. 6-7.

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<sup>45</sup> Crisis Group email correspondence with Brigham Golden. See also “Perwakilan masyarakat Teluk Bintuni Mengadu ke DAP”, *Cenderawasih Pos*, 22, 23 August 2006 on how local leaders turn to the DAP to resolve local disputes and tensions.

<sup>46</sup> “Pernyataan Umum Sidang IV Dewan Adat Papua”, Sentani, 26 Juni sd I Juli 2006; Crisis Group telephone interview, Fadhal al Hamid, Dewan Adat secretary for customary governance, 7 July 2006.

<sup>47</sup> See Crisis Group Briefing, *The Dangers of Shutting Down Dialogue*, op. cit.

<sup>48</sup> John Otto Ondawame and Andy Ayamiseba run the West Papuan People’s Representative Office in Port Vila, Vanuatu. Former Indonesian diplomat-turned OPM member Moses Werror runs an office of the “OPM Revolutionary Council” in Madang, Papua New Guinea. Fransalbert Joku, who was nominated as Pacific Presidium representative in 2000, is also in Papua New Guinea but he and Werror are rivals. Viktor Kaisepo in the Netherlands is the Presidium representative for Europe. 1970s OPM leaders Seth Runkorem and Jacob Prai are based in Sweden. Demmak leader Benny Wenda is in Oxford. Jacob Rumbiak is a representative of Bintang 14 in Melbourne, Australia, and, since 2004, the coordinator for foreign affairs for the West Papua National Authority. A rival organisation, the West Papua New Guinea National Congress, run by former OPM member Matthew Mayer, is based in Brisbane. John Rumbiak, from the Papuan human rights NGO Elsham, is based in New York.

are regarded with great suspicion within Indonesia.<sup>49</sup> The governments of Vanuatu, Nauru and Tuvalu have officially supported a new act of self-determination since mid-2000.<sup>50</sup> No other national government, and no international organisation, advocates self-determination for Papuans but the campaign has some support in civil society in all the countries where it has established a presence, and several others as well.

In Australia, neither the federal government nor the opposition Labor Party supports a new act of self-determination, but two smaller opposition parties, the Greens and Australian Democrats, do. The arrival of the 43 asylum seekers in January 2006 has given a huge boost to the advocacy efforts of the Australian West Papua campaign, already strong on campuses and in churches.

In Ireland support among students and parliamentarians is strong and growing. It has been a focus of advocacy efforts in recent years, with Benny Wenda, John Rumbiak, John Ondawame and Viktor Kaisepo making visits. In March 2004, 88 members of the Dáil (parliament) signed a letter to Secretary General Kofi Annan criticising the UN for overseeing a “sham” plebiscite.<sup>51</sup>

In the U.S., 37 members of the Congressional Black Caucus sent a letter in March 2005 to Secretary of State Condoleezza Rice and Kofi Annan asking them to support West Papua’s right to self-determination. A clause with the same request was tacked on to House Appropriations Bill 2601 by Eni Faleomavaega, American Samoa’s non-voting representative in the U.S. House of Representatives, in June 2005 but was removed before the bill was passed.

There is also some support in the UK, particularly in Oxford around Benny Wenda’s Demmak office, and the British Free West Papua Campaign. A small number of parliamentarians led by the member for East Oxford, Andrew Smith, established a twenty-member all-party parliamentary group on Papua in July 2006.<sup>52</sup>

While UN officials have unofficially acknowledged the shortcomings of the Act of Free Choice – in November 2001, Chakravarthy Narasimhan, the Under Secretary General involved in overseeing the work of the UN mission in Papua at the time of the Act, called it “a whitewash” – there is little interest in reopening the issue.<sup>53</sup>

Papuan activists were disappointed in their hopes for a big boost from the release in November 2005 of an in-depth report on the Act commissioned by the Dutch parliament. The independent study by Dutch academic Pieter Drooglever unsurprisingly concluded that the Act of Free Choice was far from free but this had no impact on government policy, which regards Papua as an integral part of the Republic of Indonesia.

Overall, then, while the campaign has succeeded in building support in national parliaments and among civil society groups, it has failed to change the policy of any government, save for the three small Pacific island nations noted above.

## V. WHAT ABOUT ALLEGATIONS OF GENOCIDE?

Two reports widely circulated in pro-independence circles have suggested, without stating decisively, that Indonesia might have been responsible for genocide in Papua. If those charges could be proven, they would at the very least undermine Indonesia’s moral right to govern Papua and boost the argument for independence. But neither report – “Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control”, authored by a group of students at Yale Law School, nor “Genocide in West Papua? The role of the Indonesian state apparatus and a current needs assessment of the Papuan people”, by Sydney University’s John Wing and Peter King – makes a strong case, and the Yale report is marred by many factual errors.<sup>54</sup> That said,

<sup>49</sup> Gen. (Rtd) Wiranto made a speech to the Regional Representatives’ Council (DPD) on 23 May 2006 expressing his concern about the involvement of foreign elements trying to separate Papua, which he compared to East Timor. “Fenomena Papua Mirip Timtim”, Komunitas Papua, 31 May 2006.

<sup>50</sup> See, for example, statement by Mr Barak Tame Sope, Minister of Foreign Affairs and External Trade of the Republic of Vanuatu to the 59th Session of the United Nations General Assembly, 28 September 2004. <http://www.un.org/webcast/ga/59/statements/vaneng040928.pdf#search=%22vanuatu%20papua%20self-determination%22>.

<sup>51</sup> “Dáil deputies urge UN to review role in takeover of West Papua”, *Irish Examiner*, 25 March 2004.

<sup>52</sup> The group had been meeting informally since July 2005 but registered officially with the House of Commons on 13 July

2006. Crisis Group correspondence with Andrew Smith’s office, August 2006.

<sup>53</sup> Narasimhan added that “the mood at the United Nations was to get rid of this problem as quickly as possible. Nobody gave a thought to the fact that there were a million people there who had their fundamental rights trampled on”. “Papua’s incorporation into Indonesia was a farce, top U.N. officials say”, Associated Press, 22 November 2001. He later commented to British academic John Saltford, however, that although the conduct of the Act of Free Choice had its shortcomings, the UN had fulfilled its obligations, and his “heart [was not] bleeding for the Papuans”. Saltford, op. cit., p. 177.

<sup>54</sup> The Yale Law School report, for example, lists as an example of extrajudicial killings of Papuans by the Indonesian military “the October 2000 Wamena massacre that resulted in 32 deaths”.



few would deny that the Indonesian military has been responsible for severe human rights violations in the past.<sup>55</sup> The questions are whether those abuses ever amounted to genocide and whether a case can be made for genocide today.

## A. HAS GENOCIDE OCCURRED?

Genocide is defined in the 1948 International Convention as a pattern of acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such”.<sup>56</sup> Both the above reports cite campaigns by the Indonesian military in the 1970s that killed thousands of Papuan civilians.<sup>57</sup> These operations could conceivably fit the definition of a war crime or crime against humanity, but not genocide. Neither of the reports provides any evidence of intent on the part of the Indonesian government or military to destroy the ethnic Papuan population as such in whole or in part. Nor have there been killings of civilians on anything like that scale since the 1980s.

Both reports cite dozens of cases of torture and killing over a 40-year period, demonstrating a pattern of serious human rights abuse, but, again, falling far short of anything that could be considered genocide.

The Yale report argues that the influx of non-Papuan Indonesian migrants is diluting the ethnic Papuan population – and lists the government’s transmigration program as part of “the act element of genocide”.<sup>58</sup> There is no doubt that the transmigration program dramatically altered the demographic balance in Papua. Non-ethnic Papuans made up 35 per cent of the population in 2000, but that year the government of Abdurrahman Wahid officially ended transmigration to Papua in response to these concerns.<sup>59</sup> “Spontaneous” migrants – those who come without government sponsorship for trade or business – account for the majority of migrants in urban centres, and make up over half of the population in

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Most of the dead in that incident were migrants, killed by pro-independence Papuans in a riot that followed forcible removal by police of an independence flag. It also makes mistakes on dates, population figures, and definitions.

<sup>55</sup> <http://www.westpapua.net/docs/papers/hr/02/yale-wphr.pdf>;  
<http://www.arts.usyd.edu.au/centres/cpacs/WestPapuaGenocideRpt.05.pdf>.

<sup>56</sup> “International Convention on the Prevention and Punishment of the Crime of Genocide”, 9 December 1948.

<sup>57</sup> On these campaigns, see Osborne, *op. cit.*, pp. 62-72.

<sup>58</sup> “Indonesian human rights abuses in West Papua”, *op. cit.*, pp. 2-4.

<sup>59</sup> Crisis Group telephone interview, department of transmigration staff, August, 2006. Data from the 2005 census is not yet available, but on 2000 figures, see Richard Chauvel, “Constructing Papuan Nationalism: History, Ethnicity, and Adaptation”, East-West Center, Washington, 2005.

Jayapura, Timika, Merauke, Sorong and Fak Fak. Spontaneous migrants continue to arrive in relatively large numbers but there is no government program to increase the number of non-ethnic Papuans in the region.

## B. HUMAN RIGHTS AFTER SOEHARTO

Post-Soeharto governments have made efforts to acknowledge and redress Papuan grievances, and the human rights situation has certainly improved with democratisation, but serious abuses still occur, and officers responsible are seldom held accountable. This violence by security forces against civilians is more the product of a culture of impunity than any systematic campaign of killings.

Three recent cases of violence between civilians and security forces are indicative of the nature of current human rights problems in Papua. The first began as a scuffle between a police officer and a local teenager and resulted in a civilian being shot dead and four others being seriously injured. The second was a student demonstration during which the outnumbered police who tried to break it up with tear gas and rubber bullets were attacked by students, resulting in the deaths of five officers. The third incident involved around 100 lightly armed and unarmed civilians obstructing the arrest of a corruption suspect and a police response that claimed the lives of three civilians and produced dozens of injuries.

All these cases were products of the antagonistic relationship between the community and the security forces and indicative of the level of tension in the province. They demonstrate the tendency of security forces to react with excessive force, but also that state violence is sporadic rather than systematic, and that the violence is not always one-sided.

### 1. The Waghete shootings

On 20 January 2006, a minor dispute turned into a major incident. Two youths from Puwe Gakokebo village near Waghete in Paniai, Petrus Pekey and Melanius Douw, tried to charge motorists a toll for a section of road they had repaired. Police and soldiers objected. After a brief scuffle, the youths fled but were pursued by soldiers from Kostrad Battalion 753, who beat Melanius Douw with rifle butts. When the unarmed youths tried to run, soldiers fired at them, killing passer-by Moses Douw and injuring Petrus and one other. The soldier responsible for the fatal shooting was sentenced by a military tribunal to eight months in prison.<sup>60</sup>

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<sup>60</sup> Crisis Group interview, Albert Yogi, member of the Papuan parliament’s special investigative team on the Waghete shootings,

## 2. The Abepura riots

On 16 March 2006, militant student protestors refused to disperse despite repeated negotiation attempts. When riot police attempted to break up the crowd by force, initially using tear gas, protestors threw large rocks (apparently gathered in advance) and bottles at them. In the clash that ensued, the protestors beat and stabbed to death three police and a military intelligence officer. Another police officer beaten by the crowd died of injuries within a week.<sup>61</sup> Twenty-four civilians were hospitalised with injuries inflicted by the police and the mob, including five with gunshot wounds. Security officers fired mostly into the air but film footage shows at least one man in plain clothes firing into the crowd.<sup>62</sup>

In the days after the clash, police from the same unit as those who had been killed conducted sweeps of student dormitories, reportedly beating civilians and firing shots into the air.<sup>63</sup> A stray bullet hit a ten-year-old girl in the back.

Ferdinadus Pakage and Luis Gedy, two of the rioters, were each sentenced to fifteen years for murder on 2 August, and eleven others received sentences of between five and six years for lesser offences.<sup>64</sup> Credible reports have emerged, however, that some of the defendants were tortured in police custody.<sup>65</sup> No action has been taken

against the Brimob officers who committed violence against civilians in the days after the March riots.<sup>66</sup>

## 3. The forced arrest of David Hubi

On 15 May 2006, Brimob police arrested David Hubi at his residence in Wamena, Jayawijaya. Hubi, the district head (*bupati*), had been temporarily removed from office while corruption charges were being investigated.<sup>67</sup> His supporters had surrounded his house, some armed with traditional weapons such as spears and bows and arrows. Police first attempted to disperse the crowd with tear gas but within a minute and without warning shots, according to protestors, fired rubber and live bullets directly into the crowd.<sup>68</sup> In the clash that ensued, one police officer was lightly injured, and three civilians were killed and dozens more wounded.<sup>69</sup> Several others in the crowd, including a man interviewed by Crisis Group, were hit repeatedly with rifle butts. Video footage shows police kicking and beating unarmed protestors sitting passively on the ground, then herding them into trucks for transport to the police station.

Police argue that one of Hubi's supporters fired an arrow first; picketers interviewed by Crisis Group insist that police fired on the crowd unprovoked.<sup>70</sup> Even if a Hubi supporter had shot an arrow at an officer's leg, as police

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April 2006. "Kronologis Peristiwa Penembakan Terhadap Masyarakat Sipil di Waghete, Tigi, Painai, Papua Barat", Komnas HAM (National Human Rights Commission) report; "Di Paniai, Aparat Tembak Warga Sipil", *Cenderawasih Pos*, 21 January 2006.

<sup>61</sup> Crisis Group interviews, witnesses; video footage of the incident. See also See Crisis Group Briefing, *The Dangers of Shutting Down Dialogue*, op. cit., pp. 15-16; "Laporan Hasil Investigasi Kasus Bentrokan Antara Demonstran dan Aparat Polisi di Depan Kampus Universitas Cenderawasih, 16 Maret 2006", Komnas HAM; "Arbitrary arrest and detention of Papuans in Jayapura, West Papua, Indonesia", Jayapura Diocese Catholic Peace and Justice Office report to the UN Office of the High Commissioner on Human Rights Working Group on Arbitrary Detention. Some students claimed that the intelligence officer had earlier provoked the crowd in an attempt to escalate the situation.

<sup>62</sup> Evening news, 18:00, Metro TV, 16 March 2006.

<sup>63</sup> Fact finding report of the Catholic Peace and Justice Office, Jayapura, 18 March 2006; "Laporan Hasil Investigasi", Komnas HAM, op. cit.

<sup>64</sup> "Dua Penganiaya Polisi di Uncen Divonis 15 Tahun", *Media Indonesia online*, 2 August 2006.

<sup>65</sup> Sekretariat Keadilan dan Perdamaian (Catholic Peace and Justice office) "The Threat to Civil Rights in the Legal Process of the Convicts on Abepura Case, 16 March 2006", Document number 190/FK/06/3.4.13a, Jayapura, 12 June 2006; "Laporan Sidang Kasus Abepura 16 Maret 2006 di Pengadilan Negeri", 21 August 2006. Nelson Rumbiak claimed in court on 28 August that he had been tortured by police. As he arrived at the prison after the hearing, he was met by two cars full of police who beat

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him again, breaking a rib and causing injuries to his head. The following day, in protest against his treatment, other suspects in the same case threw rocks at a bus full of state prosecutors who had come to take them to court. The seven remaining defendants are refusing to attend any further hearings until police guarantee their safety in writing. "Penganiayaan Terhadap Terpindana Kasus Bentrok Abepura", Report by SKP, JPIC (Justice, Peace and Integrity of Creation of the Evangelical Church), ELSHAM Papua and PBHI (Legal Aid Association of Indonesia), 28 August 2006; "Ricuh di LP Abepura", *Cenderawasih Pos*, 30 August 2006.

<sup>66</sup> Brigadier Novrel, the officer who beat defendant Nelson Rumbiak on 28 August after a court hearing, is being detained for 21 days, a punishment laid down by Jayapura police disciplinary committee. "Polisi yang Pukul Terdakwa Kasus Abe, Disel 21 Hari", *Cenderawasih Pos*, 4 September 2006.

<sup>67</sup> He was subsequently convicted. See fn. 3 above.

<sup>68</sup> The video footage made available to Crisis Group does not cover this part of the demonstration because the person recording it was on the other side of the house and did not dare to go near the armed police.

<sup>69</sup> Sodema Hubi was shot in the head and died immediately. Mokininaek Kossy was shot in the chin, right arm, and right thigh and died (after apparently being left without medical assistance on the side of the road for some time) of his injuries in Wamena hospital. A National Human Rights Commission account reported that another protestor, Hali Hubi, also later died of injuries from beatings. Marius Marian and Yunus Giay were shot in the right buttock and right thigh respectively.

<sup>70</sup> Crisis Group interviews, participants, Jakarta, 22 June 2006.

claim, the response of the security forces was vastly disproportionate.

Three of Hubi's supporters, described by police as "masterminds" of the picket, are being tried for threatening violence and obstructing arrest.<sup>71</sup> Yet, no police officer is under investigation for possible use of excessive force. Papuan provincial police spokesman Kartono Wangsadasastra stated that officers had "acted in accordance with police procedure" and that if they had not fired on the protestors, they would have been in grave danger.<sup>72</sup> Victims plan to pursue their case through the human rights court in Makassar with the help of the National Human Rights Commission.

### C. WHAT ARE THE CHANCES POLITICAL ACTIVISTS WILL BE ARRESTED, DISAPPEARED OR KILLED?

Political activists are likely to be arrested on rebellion (*makar*) charges for raising the Papuan nationalist symbol, the "Morning Star" flag, and can face sentences of up to twenty years.<sup>73</sup> They are also likely to be beaten and kicked during and immediately after arrest and to face worse treatment if their actions involved violence.

The likelihood that pro-independence leaders or human rights activists will be disappeared or killed is low but the fear in Papua is real, based on two cases. One is the November 2001 killing of prominent independence leader Theys Eluay by members of the Indonesian army special forces (Kopassus); the other is the September 2004 murder by arsenic poisoning of the Jakarta-based human rights lawyer Munir. One person has been convicted in the latter case but he clearly did not act alone, and questions of

involvement by members of the National Intelligence Agency remain unanswered.

Eluay's death may have taken place in the context of a covert plan to target influential independence leaders, but even if so, political circumstances have changed. Supporters of such tactics, including the then-military commander, Mahidin Simbolon, and the then-army chief of staff, Ryamizard Ryacudu (who termed the killers "heroes") have been systematically sidelined.<sup>74</sup>

No extrajudicial tactics have been employed by the Yudhoyono administration, but its failure to pursue the Munir investigation and to press for greater accountability in the Eluay case beyond the low-ranking Kopassus soldiers convicted ensures that the fears of Papuan activists will remain high.<sup>75</sup>

### VI. ARE THERE MUSLIM MILITIAS IN PAPUA?

Solidarity groups periodically raise the spectre of hard-line Muslim militias working with the army in Papua, which is predominantly Christian. Little hard evidence exists. The salafi militia Laskar Jihad had a few hundred men in Sorong, in what is now West Irian Jaya, in 2001, but the organisation disbanded in October 2002, and there is little reason to believe it survived in Papua when it collapsed everywhere else. Jemaah Tabligh, a non-political missionary organisation, has had a presence in Papua since 1998, and its members, who often wear long white robes and turbans, are frequently confused with Laskar Jihad.<sup>76</sup> They focus on making Muslims better Muslims, not jihad activity.

The influx of migrants has raised fears among some Papuans about cultural domination by non-Papuans and "Islamicisation". Some Muslim groups do have active proselytisation programs in Papua, but nothing to compare to the Christian evangelical movement, which is large and

<sup>71</sup> "Tiga tersangka dan BAP Diserahkan ke Kejaksaan", *Cenderawasih Pos*, 11 July 2006.

<sup>72</sup> "Polda Tegaskan Sesuai Prosedur", *Cenderawasih Pos*, 17 May 2006.

<sup>73</sup> The most recent case is that of Filep Karma, a civil servant in the provincial government, and Yusak Pakage, a 26 year-old student, who organised a peaceful flag-raising ceremony to commemorate Papuan "independence day" on 1 December 2004. When the flag was hoisted, police fired warning shots, then broke up the gathering, beating participants with batons. Filep and Yusak were charged with rebellion under Article 106 of the criminal code. On 26 May 2005, Jayapura District Court handed down sentences of fifteen years to Filep Karma and ten years to Yusak Pakage. "Dua Terdakwa Makar Divonis 10-15 Tahun", *Sinar Harapan*, 26 May 2005. From his cell in Jayapura prison on 1 December 2005, Filep Karma managed to climb on to the roof and fly a morning star flag for 30 minutes while shouting, "Papua merdeka" [Free Papua]. Police announced that his sentence would be extended. "Filep Karma Kibarkan Bintang Kejora di LP", *Cenderawasih Pos*, 2 December 2005.

<sup>74</sup> The documents in question do not suggest the independence leaders were to be assassinated, only that they were to be closely monitored, provoked and arrested. "Nota - Dinas 578/ND/KESBANG/D IV/VI/2000" [Memo from the Director of National Unity Offices to the Minister for Home Affairs]; "Upaya Polda Menanggulangi Kegiatan Separats Papua Merdeka Dalam Rangka Supremasi Hukum" [Efforts of Irian Jaya Police to Overcome Papuan Independence Activities]; "Rencana Operasi 'Tuntas Matoa 2000' Polda Irja No Pol. R/Renpos/640/XI/200" [Operational Plan for Total Justice], November 2000.

<sup>75</sup> Seven soldiers were given sentences ranging from two to three and a half years. See Crisis Group Report, *Resources and Conflict in Papua*, op. cit., pp. 3-5.

<sup>76</sup> Crisis Group telephone interview, Jemaah Tabligh staff, August 2006.

growing. The Hidaytullah Islamic school network, based in Balikpapan, East Kalimantan, is particularly active in Papua, with schools in Merauke, Wamena and Jayapura.

## VII. IS PAPUA CLOSED, AND IF SO, WHY?

Access to Papua is restricted but not completely denied. Tourists may travel relatively freely, but there are restrictions on the entry of foreign journalists and NGOs. No particular region has been publicly designated a no-go area, but some NGO staff were denied permission to travel to parts of Puncak Jaya district in 2005 when military operations were underway.<sup>77</sup>

Persons wishing to travel to the province for other than tourism must apply to the police for permission, listing each proposed destination and the purpose of the visit. Diplomats need to apply to the ministry of foreign affairs. Permission is not usually denied outright to diplomats but they are sometimes asked to delay their trips. NGOs must apply for permission, which is usually granted, but those deemed to be conducting “political activities” are closely monitored.

There has been a formal ban on foreign journalists entering the province since 2003. Several Jakarta-based correspondents have received permission to visit in 2006, however – to work on non-political or human rights-related stories – even to sensitive areas in the central highlands. The official reason for the restrictions is that foreign reporters would be used as a platform by Papuan political activists, possibly “threatening Indonesian unity and cohesion”.<sup>78</sup> If the restrictions were lifted, however, Papua-related stories in the international media might reflect more nuance.

## VIII. WHAT CAN THE INTERNATIONAL COMMUNITY DO?

The most useful assistance the international community can provide to Papua is development aid. Some particularly useful projects could include:

- ❑ technical assistance to improve the capacity of the district and sub-district governments to deliver basic services, especially in education, health and livelihoods;

- ❑ training for provincial, district and sub-district governments in development planning and budget management;
- ❑ assistance to the MRP to enhance its ability to fulfil its mandate of safeguarding Papuan culture and values and act as an interlocutor with Jakarta; and
- ❑ assistance to civil society groups to monitor and report on local corruption.

Both the World Bank and the United Nations Development Program have recently embarked on multi-donor projects to work with the provincial governments on these very issues. The World Bank’s donor meeting in Jayapura on 27 September would be an ideal opportunity to discuss and coordinate international assistance to Papua.

Because resentment of the security forces remains high, donors could work with the Indonesian government on expanding local recruitment strategies for police, building on efforts initiated by then provincial police chief I Made Pastika in 2001 and 2002. It is particularly important to work out training and incentive strategies to ensure that Papuans begin to fill middle and senior management positions. Increasing military accountability in Papua, both in terms of financial transactions and human rights, will ultimately be key to lessening that resentment.

Persuading the Indonesian government to lift restrictions on the access of foreign journalists would help to provide more balanced reporting inside and outside the country.

At the moment, there is probably not very much that the international community can do to facilitate dialogue between Papuans and the central government, given the latter’s sensitivities. But technical assistance could help in a process of consultation across the two provinces to discuss revisions to the special autonomy package so that Papuans have a genuine sense of ownership of the amended law.

**Jakarta/Brussels, 5 September 2006**

<sup>77</sup> Crisis Group interview, Jayapura, December 2005.

<sup>78</sup> Statement by Defence Minister Juwono Sudarsono at the Jakarta Foreign Correspondents Club, 6 February 2006.

**APPENDIX A**  
**MAP OF PAPUA**



## APPENDIX B

### MAP OF INDONESIA



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Courtesy of The General Libraries, The University of Texas at Austin