

## **Summary of Evidence of HR violations in West Papua**

### **Derived from Attachments D and E**

#### **1. The Right to Self –Determination:**

1. *Derived from Attachment 'D' We Will Lose Everything:* Church workers and villagers reported that tribal owners are never on equal footing with the corporations in negotiations for their land. The Indonesian state refuses to recognise customary land ownership or Papuans as indigenous people. Corporate representatives generally come with a permit from the local government and explain the proposed memorandum of understanding. If the tribal owners are not willing to agree, the corporate representatives return with a contingent of police to intimidate them into agreeing. Military officers are often on the boards of the companies seeking to use tribal lands and this worsens the intimidation tribal groups feel.

2. *Derived from Attachment 'D' We Will Lose Everything* Pilgrims got a taste of the intimidation Papuans face every day when police, intelligence operatives and immigration officials raided their meeting with Biak massacre survivors. Seven members of the group were called in for questioning by immigration officials and, although they were eventually cleared to continue their travels through Papua, their Papuan guides continued to be harassed by officials.

3. *Derived from Attachment 'D' We Will Lose Everything* Another report provided to the Commission by the Legal Aid Institute of Jakarta (LBH) indicates that, on 13 April, Papuans demonstrated in their thousands and made their wishes heard in Port Numbay, Sorong, Wamena, Biak, Kaimana, Timika, Merauke, Yahukimo, Manokwari, Fakfak and all over West Papua as well as in several Indonesian cities.

4. *Derived from Attachment 'D' We Will Lose Everything* Many Papuans we met also complained about the loss of traditional culture. Apart from the loss of much of their traditional lands, with all their cultural and spiritual significance, to migrants and big business, Papuans also pointed to the prohibition of the wearing of traditional dress and other cultural expressions as a deeply concerning development. Their languages and cultures are being swept away in favour of Indonesian language and cultures.

5. *Derived from Attachment 'D' We Will Lose Everything* In a similar way, the influx of Indonesian migrants has meant the rapid growth of Islam in a land where Christianity was overwhelmingly the majority religion. It is ironic that a land which is fast becoming majority Muslim, February 5 is celebrated as a public holiday to mark the coming of the Gospel. Many mosques have sprung up in recent years. Near one Catholic Church we visited, three mosques have been built in the last few years. It is predictable that, where the religious mix has altered significantly in a short period of time, tensions can easily develop. That was the case in Tolikara in 2015 when a dispute over the use of loud speakers at a local musholla led to a fire and death. Christian Papuans, for the most part, are willing to live in peace with Muslim neighbours, but tensions have also arisen as a result of proselytism by some Muslim groups from Indonesia. Some Christian leaders have also expressed concerns about what they perceive as bias towards Muslim migrants in disputes with Papuan Christians.

*Derived from Attachment E Human Rights Violations By Security Forces* 32 people were arrested as they held a commemorative prayer session. Police officers forcibly dispersed the crowd, reportedly beating people with rifle butts and wooden beams

## **2. Equality and Non-Discrimination:**

*Derived from Attachment 'D' We Will Lose Everything* A prominent man in one village in Merauke who provided a report to Indonesian authorities on the impact of repeated land grabs of traditional tribal land had his computer confiscated and subsequently returned after being disabled.

*Derived from Attachment 'D' We Will Lose Everything* Conflict between young Papuans and Indonesians is increasing and police do not stop fights except to protect Indonesian youths. Young Papuans involved in these conflicts are often targeted for police action subsequently. In one instance in 2013, police randomly rounded up a large group of teenagers and young Papuan men in their early 20s and interrogated them over a particular incident with Indonesian youths. Two of the older youths were tortured by having their toenails removed. The two young men were subsequently charged with offences, convicted and sent to jail.

*Derived from Attachment 'D' We Will Lose Everything* In several places, Papuans reported that significant numbers of military personnel were being brought into the area ostensibly for non-military purposes such as undertaking audits of places of cultural significance, but locals believe their presence is intended to reinforce the capacity to monitor and control the activities of those promoting independence

## **3. Right to live Security and Liberty:**

- *'Derived from Attachment E Human Rights Violations By Security Forces* 17 people, including children, were arrested during a large-scale joint police-military raid. The police and military officers tortured the seven men. Security forces chained the men together and forced them to crawl on the ground. They were kicked, hit with pistols, electrocuted, and beaten.
- *'Derived from Attachment E Human Rights Violations By Security Forces* the 10<sup>th</sup> June 2014 policemen from Yapen headquarters shot and killed Rudi Orarie. He was a member of an armed separatist group but he was unarmed at the time of the shooting and offered no resistance. The autopsy revealed that Mr Orarie was shot five times and that there were three wounds caused by sharp implements, suggesting that he was tortured by police prior to his execution.
- *'Derived from Attachment E Human Rights Violations By Security Forces* At 3pm police open fired on a public bus in Yotefa Market. Abis was dragged from the bus and beaten by police. The police pushed Abis into a crowd of migrants, who started to beat Abis with their bare hands, hammers, wooden sticks and sharp weapons until he lost consciousness.
- *'Derived from Attachment E Human Rights Violations By Security Forces* 'Meki tried to escape but was caught and beaten by the crown with clubs and a hammer until he also lost consciousness. The two boys were admitted to Bayangkara police hospital, where they were tortured by police. Abis was beaten in the head with an iron drip stand and was kicked with heavy boots in the back of the head. He was held in custody until 11<sup>th</sup> July 2014. Meki was released on the 7<sup>th</sup> July 2014.
- *'Derived from Attachment E Human Rights Violations By Security Forces* On the 3<sup>rd</sup> of July 2014 11 police officers abducted Urbanus and Asman from Kilo 9 (Koya). They were told they would be executed. They were beaten whilst being questioned about a firearm that disappeared the previous day. Asman was hit on the wrist and elbow. Urbanus was tortured with a knife, hit on the leg, left eye and back with a wooden club, kicked with heavy boots and struck on the head with a hammer. Urbanus was forced to stay in a cold cell for 5 hours. He was hospitalised at Bhayangkara police hospital.

*Derived from Attachment E Human Rights Violations By Security Forces* At 3pm they were both taken to Jayapura District Police Headquarters. They were whipped with electricity cables on the way there. They were both released on the 7<sup>th</sup> July 2014.

*Derived from Attachment E Human Rights Violations By Security Forces* 18 people were arrested in Wamena for their involvement in distributing flyers calling for an election boycott. They were chained together with rope and dragged along a ditch. Their necks and hands were tied with nylon twine. They were reportedly beaten with rifle butts, resulting in one of the 18 fainting and another losing hearing in one ear.

*Derived from Attachment 'D' We Will Lose Everything* Paniai, the pilgrims saw that the villagers still showed the signs of trauma as a result of the recent killing of the four teenage boys in Enarotali. They were also deeply

concerned about the lack of economic opportunities, basic social services and the economic exploitation of their community by security forces and the social harm it has caused.

*Derived from Attachment 'D' We Will Lose Everything* In January 2016, 27 tribal leaders in Merauke were beaten severely by soldiers after complaining about not being paid for two months by an oil palm company for which they worked.

*Derived from Attachment 'D' We Will Lose Everything* Papuans engaged in hunting in traditional lands are sometimes shot at by soldiers in the forest who automatically assume that the Papuans are members of the armed resistance. Everywhere our delegation went in West Papua, soldiers, police and intelligence operatives were clearly visible.

**ATTACHMENT 'E'** At around 7pm the two students were sitting in a tower in Biak Residential Housing Complex. Ten minutes later more police arrived on 15 motorbikes and in three police cars- they surrounded the housing complex. Kalep and Efrando ran away from the complex. They ran into police on the street. Kalep was shot in the chest, reportedly because he was suspected of committing an act of vandalism. He died shortly after. Efrando was shot in the leg and chest, and left in critical condition at the Regional Public Hospital in Mimika.

- **'ATTACHMENT 'E'**Yosep, Jhoni, Marthen, Yali and Ibrahim were charged under Articles 187 and 164 of the Indonesian Criminal Code for allegedly making Molotov bombs, something the five have denied. During the court hearings, four of the five testified that they were forced to confess to the charges under torture. Jhoni testified that during his interrogation he was repeatedly beaten and electrocuted by police officers and confessed to the charges, fearing that they police would kill him. Marthen stated that a police officer forced him to remove his clothes and slashed him in the arm with a machete. He was also stabbed and beaten with arrows. Ibrahim stated that a police officer, Alex Sianturi punched him with knuckleduster gloves on, resulting in broken teeth and crushed his fingers under chair legs. He was beaten on the head with hammers and was told he would be killed if he did not admit to the charges against him.

**ATTACHMENT 'D'** Many Papuans miss out on opportunities for good jobs because of poor education outcomes. Several community activists in several towns told our delegation that all Government and private schools impose both an admission fee and monthly tuition fees for all students. Many families find it so difficult to earn sufficient income to pay for admission and tuition fees for their children. While education is compulsory, an inability to pay fees prevents children from attending school. It is a vicious circle – Parents cannot pay fees because they cannot earn an adequate income, so children do not go to school and do not obtain a good education. The children, thus, do not gain the qualifications they need to get well paying employment. The exclusion of Papuan children from education is an enormously significant contributing factor in the growing economic marginalisation of Papuans.

*Derived from Attachment 'D' We Will Lose Everything* Our delegation met some young people who organised a public demonstration to draw attention to the lack of access to adequate education by Papuans, but the police broke up the demonstration, arrested the organisers and interrogated them before releasing them. It is as if the Indonesian authorities want to ensure that Papuans remain poorly educated and have little access to good employment.

*Derived from Attachment 'D' We Will Lose Everything* Women retailers in the major market in Port Numbay, known as Mama Mama, complain about the poor standard of the market facilities provided for them to sell their produce. They complain that migrants are opening well outfitted stores in the neighbourhood and these are taking potential customers away from them. Migrants are also employing aggressive marketing tactics to attract customers and reduce the market share of the Papuan women in the markets. The women have urged the Indonesian Government to construct a modern covered market with good facilities and to offer them training to improve their marketing and retail skills, but, despite many promises from the President, this is still a dream for the women.

*Derived from Attachment 'D' We Will Lose Everything* While in Merauke, we met a number of women selling fruit and vegetables on the street. They rent a car and drive in from their homes in another district with their produce and their children for three days a week. They spend long hours, day and night, on the street with their children selling their produce. At night, they and their children sleep in their rented cars, if indeed they have access to vehicles (many do not). Their income is poor and they and their children are vulnerable on the streets. The children are also missing out on schooling.

**ATTACHMENT 'E'** This was one of the rare cases in which Indonesian security forces members were held accountable for their violent actions. The Catholic Bishop of Timika, Mgr. John Philip Saklil and his staff were instrumental in securing this outcome. Three soldiers were sentenced to imprisonment, with another awaiting verdict, over the killing of two Papuan men by Military District Command 1710 soldiers in Koperapoka, Mimika on 28 August 2015.

#### 4. Conditions of detention:

**ATTACHMENT 'E'** Yali stated that Police officer Yeskel F.M. beat him with wooden beams and rifle butts, and that police officers stomped on. Yosep was hospitalised for chest and ear pains endured as a result of being tortured in detention. He was declared unfit to stand trial.

**'ATTACHMENT 'E'** A raid took place at Dondobaga church, Kurilik where Yenite and Tiragud were. The police suspected that they were members of TPN/OPM. They were severely tortured on arrest and denied food in police detention for at least two days. Pastor Pamit Wonda and congregation member Lurugwi Morib were bayoneted by security forces.

**ATTACHMENT 'E'** In total 203 people were arrested and detained at Jayapura district police station in Doyo Baru. Police did not provide food and drinks to the arrestees during custody. They were released later that day.

#### 5. Enforced disappearances:

- **'ATTACHMENT 'E'** Oktovianus Tabuni is not able to return home to Pirime and is believed to be hiding in Papua New Guinea. The latest information received states that he has not yet received the medical treatment he needs.

#### 6. Freedom of opinion and expression:

- **ATTACHMENT 'E'** Yosep, Jhoni, Marthen, Yali and Ibrahim were charged under Articles 187 and 164 of the Indonesian Criminal Code for allegedly making Molotov bombs, something the five have denied. During the court hearings, four of the five testified that they were forced to confess to the charges under torture. Jhoni testified that during his interrogation he was repeatedly beaten and electrocuted by police officers and confessed to the charges, fearing that they police would kill him. Marthen stated that a police officer forced him to remove his clothes and slashed him in the arm with a machete. He was also stabbed and beaten with arrows. Ibrahim stated that a police officer, Alex Sianturi punched him with knuckleduster gloves on, resulting in broken teeth and crushed his fingers under chair legs. He was beaten on the head with hammers and was told he would be killed if he did not admit to the charges against him.

**ATTACHMENT 'E'** On 10 October 2014, Fendi Rakmeni of Top TV in Jayapura was stabbed by Martinus Manfandu, a police officer. Mr Rakmeni was attempting to report on an accident on the Entrop Highway when the officer, who was under the influence of alcohol, obstructed him. The two men argued and Mr Manfandu stabbed Mr Rakmeni.

*Derived from Attachment 'D' We Will Lose Everything* Despite an announcement in May 2015 by President Widodo that journalists would have free access to West Papua, media access is still restricted. There is no freedom of expression. Almost 40 political prisoners are currently in jail, customary land rights are not protected and there is no systemic policy of affirmative action. West Papuans human rights are also not protected. Throughout 2015, the Indonesian security forces have targeted young people in particular, all of whom have been unarmed.

*Derived from Attachment 'D' We Will Lose Everything* Public demonstrations by KNPB members and other

Papuans in Merauke were broken up by police and leaders were arrested and interrogated.

*Derived from Attachment 'D' We Will Lose Everything* At one of the towns our delegation visited, the priest who hosted our visit was asked to attend the police station to answer questions on the reasons for the delegation's presence in the community.

*Derived from Attachment 'D' We Will Lose Everything* The Commission continues to receive reports of violations by Indonesian security forces after our departure from West Papua. According to KNPB leaders with whom the delegation spoke in 2016 and with whom members of the 2015 pilgrimage also spoke, 28 KNPB members have been summarily executed by Indonesian security forces between 2012 and 2016. ULMWP leaders and Church workers inside West Papua continue to provide direct reports on developments in this case to the Commission and other supporters internationally.

**ATTACHMENT 'E'** Police officers conducted a sweeping operation early in the morning in several areas, prior to the demonstration. 16 young Papuans were arrested, most of whom were university students. Police officers were stopping public transport and checking passengers' identity cards. According to local informants the arrests were carried out based on tribal origin, because most KNPB supporters originate from the Central Highlands. Police also arrested hundreds of KNPB supporters at the local KNPB office, at Pos 7.

**ATTACHMENT 'E'** Several KNPB activists were chased, arrested and beaten by Indonesian police for handing out flyers outside the KNPB Baliem office. Brimob police swooped in and captured 21 of the KNPB activists.

**ATTACHMENT 'E'** At 5:10am police came to the KNPB secretariat. Police asked protestors to gather protest properties. At 6:20am police called military offices to come over. When they arrived the police and military entered the secretariat and took a computer, printer, three megaphones, two mobile phones and some clothing. Some people were taken to Doyo police station. Military also raided the secretariat surrounding areas and took some Morning Star tokens (traditional sting bags) from Papuan women. At 8am people started to march. Some people were arrested at the beginning while others were arrested later in the day at 3pm. A total of 455 people were arrested

**ATTACHMENT 'E'** At 10:30am three KNPB activists were arrested and taken to Yahukimo police station. They were arrested when distributing leaflets supporting the ULMWP to be recognised as a full member of MSG, and calling on the release of all West Papuan political prisoners. They were beaten in the police truck on the way to the station.

## **7. Discrimination against Women:**

- *Derived from Attachment 'D' We Will Lose Everything* Women retailers in the major market in Port Numbay, known as Mama Mama, complain about the poor standard of the market facilities provided for them to sell their produce. They complain that migrants are opening well outfitted stores in the neighbourhood and these are taking potential customers away from them. Migrants are also employing aggressive marketing tactics to attract customers and reduce the market share of the Papuan women in the markets. The women have urged the Indonesian Government to construct a modern covered market with good facilities and to offer them training to improve their marketing and retail skills, but, despite many promises from the President, this is still a dream for the women.  
*Derived from Attachment 'D' We Will Lose Everything* They also reported that out of uniform soldiers would sometimes ride motor cycles into the stalls of Papuan women in the local markets to destroy their capacity to make a living.

## **8. Children, Family Environment and Family Care:**

**ATTACHMENT 'E'** 17 people, including children, were arrested during a large-scale joint police-military raid. The police and military officers tortured the seven men. Security forces chained the men together and forced them to crawl on the ground. They were kicked, hit with pistols, electrocuted, and beaten.

## **9. Human Rights Defenders:**

*Derived from Attachment 'D' We Will Lose Everything* A crowd of relatives and tribesmen of the victims gathered in front of the headquarters, demanding to speak with the driver involved with a hit and run incident that killed Jhon Anouw and Yunsen Kegakoto. After being turned away by police the group began to throw stones at the building. In response the police opened fired on the crowd with live ammunition, shooting three

people. These three men who were shot were not involved in the violence but were trying to calm the crowd down

*Derived from Attachment 'D' We Will Lose Everything* However, our delegation was told that a man in his 30s who was travelling to the meeting from the town of Timika was confronted by operatives from Indonesian intelligence (BIN) and, when they discovered he was going to the KNPB gathering, they proceeded to beat his arms with ironwood, leaving him with both arms broken.

*Derived from Attachment 'D' We Will Lose Everything* The delegation was also told that people do not go out at night for fear that they will be taken by members of the security forces and beaten or killed. Their fears are not imaginary. They reported that two men had been found dead in the town in the past year – one was found dead in the street with his scooter helmet still strapped to his head and another was a young man who is the son of a prominent pastor who is a strong advocate of the rights of the Papuan people.

*Derived from Attachment 'D' We Will Lose Everything* While security forces in Merauke seemed to have stopped beatings and torture of prominent activists in recent years, they are now picking up Papuans who are intoxicated in public places and beating them.

*Derived from Attachment 'D' We Will Lose Everything* Apart from the violations in Timika and the Highlands already mentioned in this report, our delegation received disturbing reports of the mysterious deaths of a number of prominent supporters of the rights of the Papuan people and of the independence movement. A young businessman in Timika, John Haluk died suddenly in 2015, presumably from poisoning. He had paid for the building of the KNPB office in Timika and donated a very large sum of money to support the conduct of the unification talks in Port Vila in December 2014 which led to the formation of the ULMWP. A West Timorese Catholic priest, Fr. Amandus Fahik, who had served in Paniai since 1996, died in November 2015. He had attracted the attention of Indonesian security forces because he constantly encouraged the Papuan people to protect their land. Many Papuans believe he was poisoned by members of the security forces.

*Derived from Attachment 'D' We Will Lose Everything* In Sorong, young activists who had organised a public demonstration to draw attention to the lack of access of Papuans to education were arrested and interrogated.

*Derived from Attachment 'D' We Will Lose Everything* After the opening of the ULMWP office in Wamena on 15 February, attended by 5,000 Papuans, police put two of the organisers, Markus Haluk and Edison Waromi, on notice that they faced charges of treason for being the central figures in arranging the launch. Seven others, including prominent human rights activist and Catholic priest, Fr John Jonga, were ordered to present themselves for questioning about the event. To date, despite several public statements by police suggesting that Markus Haluk and Edison Waromi have not been arrested. Despite the fact that the ULMWP is recognised as an observer by the Melanesian Spearhead Group of which Indonesia is an associate member, Indonesian security forces continue in their attempts to suppress ULMWP activity in West Papua by this sort of harassment and intimidation.

**ATTACHMENT 'E'** Siluwanus Nagapapa was trying to stop violence by ten members of Brimob. The Brimob personnel were offended by this and attacked Nagapapa by slashing and stabbing him about the head and back. Nagapapa fled to a friend's house, Paulus Kobogau. Paulus tried to prevent the police from getting into his house by standing in the front door. The Brimob personnel then attacked Paulus stabbing him five times in the back and slashing him about the head with a knife. They kicked him, pelted him with stones and struck him with a wooden stick as well as rifles. Siluwanus and Paulus were later arrested and detained at the Nabire District Police Station. After two hours Paulus was taken to Siritwini Nabire Hospital because he had lost a great deal of blood and<sup>1</sup>

## 10. Right to Development – general measures of implementation:

*Derived from Attachment 'D' We Will Lose Everything* Our Papuan hosts are just as much concerned about their growing economic and social marginalisation as they are about the violence of the security forces. Without a doubt, the single most important factor for them in this

regard is the rapid demographic changes which have resulted from the extremely high rate of migration into West Papua from Java, Sumatra, Flores, West Timor and other Indonesian islands. As visitors, the dramatic demographic shift is readily observable. Indonesian faces are as common as Melanesian faces, if not the majority, in many places our delegation visited in West Papua. In the main towns we visited – Port Numbay (Jayapura), Timika, Sorong and Merauke – they are already the majority. Along with the influx of Indonesian migrants have come changes in language, food, dress, religion, music, art and much more.

*Derived from Attachment 'D' We Will Lose Everything* Papuans have seen themselves pushed to one side by often more aggressive Indonesian migrants who have taken over land, the economy and cultural spaces. Our hosts, to a person, worry most about this rapid transformation in the life of West Papua. Many spoke as if they are endangered in their own land. They see their proportion of the population declining rapidly and with that numerical decline and the cultural, economic and social colonialism of the Indonesian migrants, they fear that as a people they will become a small minority with the status of an anthropological museum exhibit of a bygone culture.

*Derived from Attachment 'D' We Will Lose Everything* In all the places our delegation visited, Papuans criticised the seizure of their traditional lands. Much of it has been taken to provide living space for the Indonesian migrants and for the infrastructure needed to service a rapidly growing population. Large parcels of land are also being seized for economic development by Indonesian and multi-national corporations. Large tracts of land have been taken for oil palm and sugar cane plantations and for other purposes. The Merauke Integrated Food and Energy Estate (MIFEE) has seen as much as 1.2 million hectares of traditional lands assigned for development by these corporations. The Palm Oil Atlas written by Franky and Morgan lists the palm oil concessions granted across all of West Papua. The total area covered by these concessions is almost 2.7 million hectares and, as at 2015, almost 0.5 million hectares are already operating as plantations. In one village our delegation visited in the Merauke district, it was estimated that tribal groups have lost over 50% of their lands for migrant accommodation and acacia and eucalyptus plantations since the 1980s.

*Derived from Attachment 'D' We Will Lose Everything'* Church workers and villagers reported that tribal owners are never on equal footing with the corporations in negotiations for their land. The Indonesian state refuses to recognise customary land ownership or Papuans as indigenous people. Corporate representatives generally come with a permit from the local government and explain the proposed memorandum of understanding. If the tribal owners are not willing to agree, the corporate representatives return with a contingent of police to intimidate them into agreeing. Military officers are often on the boards of the companies seeking to use tribal lands and this worsens the intimidation tribal groups feel.

*Derived from Attachment 'D' We Will Lose Everything* A small amount of money may be paid to the tribal group initially and some employment of members of the tribe may occur in the first stages of development, but long term agreements on continuing employment for tribal members and profit sharing are never a feature of memoranda of understanding. Church workers supporting tribal groups in their negotiations indicated that the tribal groups are

often left with a small amount of land on which to live once development begins. In the case of one company, they claimed that the tribal group lost all their land to development and were left with nowhere on their traditional lands to live.

*Derived from Attachment 'D' We Will Lose Everything* They also advised us that an alternative method of negotiation is to take tribal leaders to Jakarta where they are wined, dined and bribed into signing an agreement whose terms are invariably overwhelmingly in favour of the corporation and to the gross disadvantage of the tribal owners.

*Derived from Attachment 'D' We Will Lose Everything* Economic opportunities for Papuans are poor. The Merauke village we visited is struggling because of the loss of over half of its traditional lands, but also because growing beach erosion has ended their capacity to obtain income through sand mining. We stood on the foundations of the village's Catholic church which was destroyed by rising seas some years earlier. The village community has developed plans for cultural and religious festivals as a means of attracting tourists and bringing income into the community, but the economic situation for the community is very difficult.

*Derived from Attachment 'D' We Will Lose Everything* Village communities in the region surrounding the Freeport Indonesia copper and gold mine in the Timika district reported to us that they have mixed success in negotiating with the company for support for community development projects. Some villages also report that tailings from the mining project are affecting local fish and produce. They are worried about harmful health effects.

*Derived from Attachment 'D' We Will Lose Everything* President Widodo's commitment to enhance development of West Papua by developing a road and rail network is greeted with fear by Papuans. Many told us they fear it will only hasten the takeover of land and economic opportunities by Indonesian migrants. They fear it will only expedite their marginalisation at every level.