



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/NGO/161
3 March 2006

ENGLISH AND SPANISH
ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 9 of the provisional agenda

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

Joint written statement* submitted by Franciscans International (FI), and the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), non-governmental organizations in general consultative status, and the Catholic Institute for International Relations (CIIR), Dominicans for Justice and Peace (Order of Preachers), Asian Forum for Human Rights and Development (Forum-Asia), International NGO Forum on Indonesian Development (INFID) and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), non-governmental organizations in special consultative status

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

[13 February 2006]

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

The human rights situation in Papua, Indonesia

The situation in Papua from January 2005 to January 2006 continued to reveal significant threats to the existence of Papuans due to detrimental economic, social and cultural policies and their implementation by the Indonesian government¹. These policies and practices do not fully respect or protect the basic human rights of Papuans.

Civil and political rights

1. Despite the significant progress that was made this year to resolve the political instability and armed resistance in Aceh, the government of Indonesia remains unprepared to engage in a political dialogue with Papuans regarding aspirations of Papuan independence. The opportunities that were available during President Wahid's administration² are now completely removed. The lack of opportunity for genuine dialogue with the Indonesian government or access to formal legal recourse, forces Papuans to raise their concerns outside formal channels. Consequently, public protests occur and resistance movements are created which are dealt with by force from the police and military. Such excessive force by security forces was evident on 10 May 2005 when the police reportedly beat student protesters.
2. The genuine implementation of the Special Autonomy law³ (Otsus) vis-à-vis the existing province of West Irian Jaya (Irian Jaya Barat/ IJB) remains unresolved. In a very large protest involving more than ten thousands people, on 12 August 2005, the Papuan Customary Council (*Dewan Adat Papua/ DAP*) categorically rejected Otsus on the basis that it did not address the fundamental problems of Papuans: the protection of Papuans in their homeland and respect for Papuans' identity. Despite limited support for the existence of Irian Jaya Barat from some local politicians, the significant legal and political conflicts associated with the new division of Papua remain. The Central government appears determined to continue with the division of Papua.
3. The recent Mayor and Regent elections (*Pemilihan Kepala Daerah/ PILKADA*) have created further divisions and fragmentation among people⁴. The election campaigns in Pegunungan Bintang, Asmat⁵, Boven Digul⁶, Sorong Selatan⁷, Tolikara,

1 Central Missionary Board Netherlands, Cordaid, ICCO, Justitia et Pax Netherlands, Kerkinactie, Office for Justice and Peace Jayapura, Office for Justice and Peace Merauke and United Evangelical Mission also share the views expressed in this statement.

2 1999- 2001.

3 The Special Autonomy Law (number 21 of 2001) provides basis for recognition of greater autonomy for Papua including greater control of revenue from natural resources and political representation. Many aspects of the law have not been implemented and in 2003, despite contravening the Special Autonomy Law, President Megawati Soekarnoputri issued a Presidential decree instructed the partition of Papua into three provinces. In 2004 the Constitutional Court ruled that this division was illegal but the court recognized the existence of West Irian Jaya as distinct province to Papua.

4 Office for Justice and Peace of Jayapura, 2005. "Pilkada Papua: Pembawa Berkas Atau Bencana?" (Series of Actual Papua No. 3), Jayapura: Office for Justice and Peace, January 2006.

5 Office for Justice and Peace of the Diocese of Agats-Asmat reports on the various tactics employed by the Golkar Party to win the Regent Elections in the District of Asmat by all means. See "Laporan Triwulan Keadaan HAM di Kabupaten Asmat", January – March 2005, Agats: Office for Justice and Peace of the Diocese of Agats-Asmat.

6 Office for Justice and Peace of the Archdiocese of Merauke documents the situation of the elections in three districts in Southern Papua including Asmat, Mappi and Boven Digul. See "Situasi Hak Asasi Manusia (HAM) Papua Selatan Tahun 2005", 5 January 2006.

Yahukimo illustrate that the political interests destroy social cohesion and traditional relationship since the candidates of regents and deputy of regents exploited ethnic, clan and religious sentiments to win their candidacy. Moreover, PILKADA disrupted the cycle of food production, as people neglected their gardens and food security was threatened.

4. The recent establishment of new military battalions in Sota (Merauke) and Wamena increase the already heavy military presence throughout Papua. The Indonesian military in Papua routinely act with impunity and frequently act violently against the local people. In addition, a newly established navy base in Sorong has caused a serious land rights dispute due to the unfair processes employed by the military to occupy the land. Recent cases of military atrocities in Kimbim, Asiki, and Waghete are illustrative of the continuing and systemic patterns of abuse by the security apparatus in Papua. It is in this militarised environment that the security forces treat the people of Papua as objects of surveillance. The renewal of military ties between the United States and Indonesia in November 2005 provides logistical support for the actions of the Indonesian military.
5. In September 2005, the Permanent Human Rights Court handed down its long awaited judgments in respects of the responsibility of two senior police officers for gross human rights violations in Abepura (2000)⁸. The court acquitted both officers on charges relating to the deaths of three Papuan students and torture of hundreds of others. Despite the dissenting opinion of one of the judges, the Court decided that these two police officers did not commit crimes against humanity as they acted spontaneously during the police raid to the student dormitories and the Lani's people's resettlements. Viewed in the context of the acquittals of security forces in Tanjung Priok and East Timor trials⁹, this court decision perpetuates the cycle of impunity which consequently seriously prevents the protection and promotion of human rights in Indonesia.
6. Given the above developments, it is understandable that the younger generation of Papuans widely use the term 'genocide' to express their fears of extinction due to the lack of political will from the government to protect their existence. The existing legal instruments, the judicial system and the practices of the state apparatus have only proved to protect the interests of the perpetrators of human rights abuses and deny justice to indigenous Papuans.
7. The situation in Papua remains unsettled, in the beginning of 2006, the political situation in Papua drew international attention when 43 people seeking asylum arrived in Cape York, Australia, emphasising the military threat Papua. It is feared

7 Office for Justice and Peace of Sorong, "Laporan Tahunan 2005", Sorong: Office for Justice and Peace of Sorong, December 2005.

8 This case was reported by the Special Rapporteur on Torture (E/CN.4/2003/68/Add.1 para 654) and the Special Rapporteur on Extra-judicial killings (E/CN.4/2003/3/Add.1 para 313) to the 59th Session of the UN Commission on Human Rights.

9 The Tanjung Priok trials related to the killing of at least 33 civilians by the security forces in 1984. All of those charged in relation to the killings have been acquitted. In the East Timor trials all indictees but one, who is awaiting the outcome of an appeal, were acquitted of crimes against humanity for the violence which occurred in East Timor in 1999.

that that increased militarisation of Papua will result as a reaction to the fact that these people have sought asylum. Almost at the same time, 12 Papuan people were arbitrarily arrested in Timika without proper documentation and charged with the murder of two American and one Indonesian teacher.

8. Throughout the year, Papuans have continued to feel unprotected and thus, repeatedly use the term genocide to describe their life-threatening situation although in a technical-legal sense, the use of this terminology requires further investigation. The recently released report of the East Timorese Commission for Reception, Truth and Reconciliation provides a detailed and credible analysis of the systematic conduct of the Indonesian military toward civilian populations. The report details abuses by the Indonesian military which are similar to the abuses occurring in Papua.

Economic, social and cultural rights

9. Similarly, in the area of economic, social and cultural rights, the government continues to fail to respect the rights of indigenous Papuans over their rich natural resources. The police operation to combat illegal logging, which commenced in May 2005, revealed the fact that millions of dollars worth of timber has been illegally appropriated from Papua each month¹⁰, which deprive Papuans of a major source of income and an important environmental resource. Moreover, NGO and media reports which exposed the crimes revealed links to officials in Indonesia and governments of other countries such as China¹¹. The power and control that these parties have prevented indigenous Papuans from challenging these powerful allegiances. Similarly, it is also reported that the marine resources are also in high risk of depleting due to the illegal fishing industries that deprive the indigenous Papuans from their livelihood. The government is not able to control this problem.
10. Despite the industrious reaction to the Avian flu in Western part of Indonesia, the government has not made significant progress to combat HIV and AIDS¹² endemic in Papua, which is ranked the second highest rate in Indonesia. Trafficking of persons, especially women, and alcohol abuse which largely contribute to the rampant prevalence remains unchecked¹³. The whole policy is limited to look after the patients and is not targeting the root causes of the problem and its contributing factors.

10 See 'The Last Frontier, Illegal Logging in Papua and China's Massive Timber Theft', Environmental Investigative Agency, February 2005, p 1.

11 'The Last Frontier, Illegal Logging in Papua and China's Massive Timber Theft', Environmental Investigative Agency, February 2005, pp. 7, 8, 10, 12 and 17.

12 The latest data (as of 30 September 2005) from the Health Department of the Province of Papua shows people of an age that can be most productive are the most infected groups: 879 patients (aged 20-29), 530 (aged 30-39) and 199 (aged 40-49). In terms of districts, Merauke, Mimika and Biak are the three largest districts with the highest rate of HIV/AIDS.

13 The case of Assue is an example of this situation. Please see the report of the Office for Justice and Peace of Merauke, 2004. "Bisnis Gaharu dan Dampaknya, Terhadap Kehidupan Orang Awyu dan Wiyagar di Distrik Assue, Kabupaten Mappi, Papua Selatan, 5 November 2004", at www.hampapua.org/skp/skp06/var-05i.pdf and further investigation by the Provincial Parliament entitled "Laporan Tim Pencari Fakta Kasus Assue, Kabupaten Mappi, Februari 2005", www.hampapua.org/skp/skp06/var-06i.pdf

11. The influx of migrants from other parts of the country is beyond the local government's control. With more developed skills, education and capital, these migrants dominate the workplace particularly in urban centres and leave the indigenous Papuans little space in the government sector. This situation only increases the feelings of exclusion among the indigenous Papuans and increasingly fuels anti-migrant sentiment. This practice appears contrary to the existing legal framework under the Special Autonomy Law¹⁴ which allows affirmative policies to protect Papuan's interests. Indigenous Papuans and particularly women do not have full access to the economic sector even at the lowest level¹⁵.
12. Rich in natural resources, Papua sustains much the economy of Indonesia, as the province is ranked the third highest in terms of income. However, the Papuans enjoy little benefit from the various mining operations nor the logging and fishing industry as the income is not invested in public services. For example, Freeport McMoRan operates the world's largest copper and gold mine. It acknowledged that nearly 20 million dollars was paid between 1998-2004¹⁶ to the military that protect their mining site in Tembagapura. This operation illustrates the impoverishment of Papuans due to the uncontrollable extraction of natural resources that only benefit the elite.
13. At the end of 2005, the media widely publicised the danger of starvation in the newly established District of Yahukimo, in the Central Highlands. Firstly, this situation was not caused by a natural disaster but it was closely related to the political situation, concerning the election of Regent, in this particular area last year. Many people were drawn into the politics surrounding the election and their primary job of food production in their gardens was neglected. Consequently, their cycle of food production was significantly disrupted to the extent that they were forced to consume foods from the forest. This situation was exacerbated by the high rainfalls which caused natural disasters.

Peace initiatives

14. Despite the ongoing conflict, various elements of the Papuan community have undertaken peace initiatives to address conflict and build peace. Inter alia, the religious leaders are the most articulate in building peace by taking part in dialogues with the government and the police. These leaders have also organised a march for peace on 21 September every year to educate the public on the dangers using of religious sentiment to provoke conflict among different elements in the Papuan community. However, to date this remains largely the project of the religious leaders and has not been fully supported by the government, the police and the military.

14 See for example articles 61 and 62 of the Special Autonomy Law 21 of 2001.

15 The local media report cases of forced evictions of Papuan women street vendors by the Mayor of Jayapura in July to September 2004. Since this time the Mayor has not provided space for these Papuan women. Even though the actual incident happened two years ago, yet the Mayor does not provide space for the Papuan women.

16 See Perlez, J and Bonner, R 'Indonesia: Below a mountain of wealth is a River of Waste' *The New York Times*, 27 December 2005.

Recommendations

15. Given this situation, we appeal to the UN Commission on Human Rights to:

- a. Take any necessary measures to protect the life of the indigenous Papuans in Indonesia;
- b. Request that the Government of Indonesia fulfil its international obligations pursuant to the ICCPR and ICESCR, as the Indonesian Parliament recently ratified the two covenants;
- c. Request the Government of Indonesia to extend a standing invitation to the CHR thematic special procedures and to grant them full access to places, groups and individuals.

We reiterate our concerns to the Government of Indonesia to:

- Take any necessary measures to protect the life of indigenous Papuans;
- Genuinely respect the lives of the indigenous Papuans and to treat them as equal citizens with full access to all legal instruments;
- Engage in a constructive dialogue with the indigenous Papuans in order to comprehensively solve the conflict in a peaceful manner as it has been done with Aceh;
- Mainstream the ICCPR and ICESCR within all national legislation;
- Mainstream the Convention on the Elimination on Racial Discrimination to all national legislation;
- Mainstream human rights education in the curriculum of the police and the military academy;
- Encourage the Indonesian military in Papua to adopt and fully participate in the 'Papua: Land of Peace' programme, sponsored by the major religious leaders of Papua.
