

# **FREE WEST PAPUA**

**ACTION FOR HUMAN RIGHTS IN WEST PAPUA**

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## **BACKGROUND INFORMATION KIT FOR FWP TELEVISION ADVERTISING CAMPAIGN**

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Contents of this document:

1. Overview
2. Information on the human rights situation in West Papua from;
  - The US State Department's 2006 Report
  - Human Rights Watch
  - Amnesty International
3. Information about The Act of Free Choice
4. What "Special Autonomy" means
5. Prisoners of Conscience
6. Frequently asked questions

## OVERVIEW

West Papua is more than half the size of New South Wales<sup>i</sup>. Its climate is tropical, with temperatures of about 32 degrees in the lowlands and 22 degrees in the highlands. The people of West Papua resemble Australia's Torres Strait Islanders in physical appearance. Culturally, too, there are strong commonalities between Torres Strait Islanders and West Papuans; Meriam Mer, the language of the eastern group of Torres Strait Islands, is closely related to many Papuan languages.

Indonesia gained control of West Papua in the 1960s. It did so through a process called the Act of Free Choice, in which Indonesia hand-picked 1,022 West Papuans – less than one-tenth of one per cent of the population – without the supervision of the United Nations, the international press, or other independent observers. The Indonesian air force attacked villages with machine guns and bombs, arrested West Papuan dissidents for lengthy periods without trial, and tortured and executed those who insisted on self-determination. In May 1969, two young West Papuan leaders named Clemens Runawery and Willem Zonggonau attempted to board a plane in Port Moresby for New York so they could sound the alarm at UN headquarters. Australian authorities detained them on Manus Island on the instructions of the Indonesian government when their plane stopped to refuel, ensuring that West Papuan voices were silenced. Not surprisingly, most West Papuans today refer to the process as the Act of No Choice. In 2005, a detailed investigation concluded that the process was a sham.

According to church sources, more than 100,000 West Papuans have died under the Indonesian occupation. Indonesian tactics have resulted in reports of widespread human rights violations, from 'bombing, strafing and mass killings in villages, to firsthand accounts of summary executions, imprisonment without trial, beatings, rape and torture<sup>ii</sup>.

Indonesian military personnel who committed crimes against humanity in East Timor or elsewhere in Indonesia have moved on to West Papua. Mahidin Simbolon, a key player in the Indonesian military's campaign of State-sponsored terror in East Timor, was promoted to Major General and given command of West Papua. He was then appointed Inspector-General of the Indonesian army. The current commander of West Papua, Major General Zamroni, previously commanded Indonesian military operations in Aceh province when gross human rights violations were committed. He was a senior figure in Indonesia's murderous special forces, Kopassus. Major General

Zamroni's appointment as military commander of West Papua shows the Indonesian military's thorough disregard for the wishes of Indonesia's civilian administration.

There is an urgent and continuing need for independent human rights monitors and foreign journalists to visit West Papua without hindrance. By stopping Clemens Runawery and Willem Zonggonau from reaching the United Nations, our government helped Indonesia take over West Papua, which was not what the majority of the West Papuans wanted. The Australian government therefore bears a responsibility to stop the Indonesian military's human rights violations.

## **WHAT DO CREDIBLE SOURCES OF INFORMATION ON HUMAN RIGHTS SAY ABOUT WEST PAPUA?**

### ***The US State Department's 2006 report on human rights stated:***

There was evidence that the Indonesian Armed Forces (TNI) considered anyone killed by its forces in conflict areas to be an armed rebel. The government largely failed to hold soldiers and police accountable for such killings and other serious human rights abuses in Aceh and Papua...

During the year the use of torture to obtain confessions from suspects was most apparent in Aceh and Papua. Torture was sometimes used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Security forces also allegedly used torture to extort money from villagers. Reliable figures on the number of incidents of torture that occurred during the year were difficult to obtain. Torture used included random beatings, bitings, whippings, slashings, and burnings ...

In areas of separatist conflict, such as Aceh and Papua, police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. The authorities rarely granted bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organisations...

NGOs in Papua reported widespread monitoring by intelligence officials as well as threats and intimidation. Activists reported that intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities ...

Credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. An NGO survey of trafficking in Papua concluded that military members operated or protected brothels that housed trafficking victims. Apart from police and soldiers, some government officials were complicit in trafficking, particularly in the production of false documents ...

During the year indigenous people, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The government failed to prevent domestic and multinational companies, often in collusion with the local military and police, from encroaching on indigenous people's land.

***According to Human Rights Watch:***

Since 2005, there has been a visible build-up of troops in the province with reports of widespread displacement of civilians, arson, and arbitrary detention in the central highlands region...

Human Rights Watch is alarmed at efforts by the Indonesian government to ban or limit press coverage of human rights violations and other issues in Papua...

Human Rights Watch fears that the lack of access and monitoring by independent observers, including the media, will further create a climate in which the armed forces and police believe they can act with impunity and commit abuses, unreported and away from the public eye.

***According to Amnesty International:***

Tight restrictions on access to Papua by international human rights monitors, as well as harassment and intimidation of local activists, hampered independent human rights monitoring. At least two peaceful supporters of Papuan independence were sentenced to long jail sentences. There were reports of arbitrary arrests, torture and ill-treatment.

In April, prisoners of conscience Yusak Pakage and Filep Karma were sentenced to 10 and 15 years in prison respectively for having raised the Papuan flag in December 2004. Both were imprisoned in Jayapura, Papua province, and had lodged appeals to the Supreme Court by the end of the year.

## **THE ACT OF FREE CHOICE**

On 15 August 1962, an agreement was signed in New York between Indonesia and the Netherlands under the auspices of the United Nations. It provided for the transfer of West Papua (then known as West New Guinea) to an interim United Nations Temporary Executive Authority from 1 October 1962 to 1 May 1963. Indonesia would administer the territory from 1 May 1963 until the end of 1969. The territory's inhabitants would be allowed before the end of 1969 'to participate in the act of self-determination to be carried out in accordance with international practice'<sup>iii</sup>.

Accordingly, the UN Temporary Executive Authority began administering West Papua for seven months. On 1 May 1963, Indonesia assumed administrative control of West Papua. The Indonesian government claimed to have opened 'new schools and collaborated in scientific and agricultural projects' and taken other steps to 'accelerate the participation of the people in local government'<sup>iv</sup>. However, according to the Australian journalist Peter Hastings, who was writing in 1968:

the Indonesian government has done little or nothing until this year to develop the country or to give the Papuans any substantial economic development projects or any real degree of political participation. Papuan feeling is high<sup>v</sup>.

The Indonesian air force attacked villages with machine guns and bombs, arrested West Papuan dissidents for lengthy periods without trial, and tortured and executed those who insisted on self-

determination. Military repression was accompanied by political authoritarianism, which was nowhere more apparent than in the conduct of the Act of Free Choice or *Pepera (Penentuan Pendapat Rakyat)*, which had to be carried out 'in accordance with international practice' before the end of 1969.

Indonesia refused to allow a 'one person, one vote' system, claiming that West Papua presented 'unique social and geographical difficulties' and that 'the general population was not politically educated enough in 1969'. Instead, it insisted on a system known as *musyawarah* – a 'process of consultation towards consensus to secure the people's approval'<sup>vi</sup>. Only 1,022 West Papuans – less than one-tenth of one percent of the population – were hand-picked by Indonesia without the supervision of the United Nations, the international press, or other independent observers.

Several thousand West Papuans had fled overland to the Australian-administered Territory of Papua and New Guinea. In May 1969, two young West Papuan leaders named Clemens Runawery and Willem Zonggonau attempted to board a plane in Port Moresby for New York so that they could sound the alarm about the Act of Free Choice at United Nations headquarters. Australian authorities detained them on Manus Island when their plane stopped to refuel, ensuring that West Papuan voices were silenced. This was done at the behest of the Indonesian government.

The United Nations sent a Bolivian diplomat named Fernando Ortiz Sanz to advise, assist, and participate in arrangements for the Act of Free Choice. At the insistence of the Indonesian government, his entry to West Papua was delayed until 23 August 1969, when the population had been sufficiently intimidated by air and ground attacks and mass killings. Little surprise, then, that every single one of the 1,022 West Papuans stated that they wished to join Indonesia.

In 2005, a detailed investigation into the Act of Free Choice concluded:

in the opinion of the Western observers and the Papuans who have spoken out about this, the Act of Free Choice ended up as a sham, where a press-ganged electorate acting under a great deal of pressure appeared to have unanimously declared itself in favour of Indonesia.<sup>vii</sup>

The UN's Under-Secretary for the Act of Free Choice later conceded that the Act:

was just a whitewash. 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 who had their fundamental rights trampled ... Suharto was a terrible dictator. How could anyone have seriously believed that all voters unanimously decided to join his regime? Unanimity like that is unknown in democracies.<sup>viii</sup>

Despite Indonesia's claims that the West Papuans were too unsophisticated to participate in a proper ballot, the elections of 1971 were in fact held according to the principle of one person, one vote. Unsurprisingly, they resulted in an overwhelming victory for the Suharto dictatorship. Many West Papuans refer to the events described above as the Act of No Choice and seek to 'straighten out' history by encouraging the Indonesian authorities to acknowledge the historic injustice.

## **WHAT "SPECIAL AUTONOMY" MEANS**

The Australian government and the Opposition say that they support "Special Autonomy" within Indonesia. This backgrounder explains the meaning of Special Autonomy.

After the resignation of Indonesian dictator Suharto in May 1998, West Papuans hoped to renegotiate their territory's relationship with Jakarta. The Indonesian military had other ideas: a leaked operational plan dated 8<sup>th</sup> June 2000 showed that they intended to decapitate the West Papuan leadership, commence military operations to eliminate armed resistance, establish pro-Indonesian militias to intimidate civil society groups and improve social welfare.

Accordingly, senior West Papuans were murdered or imprisoned; the chairperson of the Papua Presidium Council, Theys Eluay, was strangled to death and five other leaders were imprisoned. The chief of the Indonesian army, General Ryamizard Ryacudu, said that his killers were "heroes because the person they killed was a rebel leader"<sup>ix</sup>. The next month, Indonesia's president instructed the military leadership to "execute your assignments and responsibilities to your best ability without constantly experiencing anxiety about violating principles of human rights"<sup>x</sup>.

The Indonesian authorities then offered Special Autonomy for West Papua. Despite their scepticism, West Papuan moderates seized on the

offer and drafted a Special Autonomy bill that reflected their basic requirements. They asked for a greater share of revenues from resource extraction projects (70% of oil and gas and 80% of mining). Funds would be allocated over a 20-year period towards health, education and infrastructure that benefits rural communities. Papuans would be represented in an upper house – the Papuan People’s Assembly (*MRP* or *Majelis Rakyat Papua*) – which would uphold indigenous interests. Any administrative division of West Papua would have to be deliberated by the MRP and approved by the provincial parliament. Migration to West Papua would be guided, supervised and controlled by the provincial government. It was, in short, an excellent opportunity for the Indonesian authorities to demonstrate trust and resolve matters.

Unfortunately, the Indonesian government rejected many of these proposals. The Minister for Home Affairs Hari Sabarno allowed only a watered-down version of the Papuan People’s Assembly (*MRP*). The Indonesian president at the time signed an instruction on 27<sup>th</sup> January 2003 in which West Papua would be partitioned. When West Papuans challenged the partition in the Constitutional Court, the court ruled that the partition was unconstitutional, but that it should continue to exist since it had already been implemented!

Large demonstrations therefore occurred under the leadership of the Papuan Traditional Council. Protestors presented the Indonesian authorities with a coffin marked ‘Special Autonomy’. Furthermore, although the Special Autonomy law permits the flying of a flag symbolising West Papua’s cultural identity, two West Papuans who did so were sentenced to ten and fifteen years’ jail for treason. This is the context in which the Australian government and the federal opposition’s support for Special Autonomy should be understood. As long as Special Autonomy means a Jakarta-imposed caricature rather than a genuinely democratic institution, Australian support will conceal more than it reveals.

## **PRISONERS OF CONSCIENCE**

The Special Autonomy law permits the flying of a flag symbolising West Papua’s cultural identity. Filep Karma and Yusak Pakage organized a flag raising ceremony in West Papua on 1<sup>st</sup> December, 2004. The ceremony started with prayers and speeches but as the



flag was raised police moved in on the crowd, firing shots in the air and hitting people with their batons.

Filep (45), a public servant in the Education Department, was arrested at the ceremony. Yusak Pakage (26), a law graduate, was one of a group of people arrested when they went to the Jayapura police station to protest at Filep's arrest.

In May 2005, Filep and Yusak were sentenced to 15 years and 10 years in prison respectively for 'rebellion' and 'expressing hatred to the Indonesian state'. Amnesty International says that they are in prison simply because of their peaceful political actions.

Even though the prosecutor asked for a 5 year sentence, Judge Radiantoro gave them much longer sentences because, he said, "Both of them showed no remorse for their actions and have repeatedly claimed they were not Indonesian citizens".

You can write to Filep Karma and Yusak Pakage, who are currently in prison at the following address:

## **FREQUENTLY ASKED QUESTIONS**

### **Where is West Papua?**

West Papua is about 200 kilometres from the Australian mainland. It is the western half of the island of New Guinea. The other half of the island is the independent state of Papua New Guinea. Taken as a whole, the island is the third largest in the world (after Australia and Greenland). See the image below.



### **How large is West Papua?**

West Papua has a land area of 418,000 sq km. To put this in perspective, it is more than half the size of New South Wales, which has a land area of 809,444 sq km.

### **What is the population of West Papua?**

West Papua's total population is approximately 2.6 million. About 65% are indigenous West Papuan and 35% are non-West Papuan (from elsewhere in Indonesia).

### **Who are the West Papuans?**

The West Papuans have been on their island for as long as 50,000 years. They had a distinct ethnic identity long before Europeans entered the region in the 16<sup>th</sup> century. They practised sedentary agriculture in the highland basins, and used advanced irrigation and swamp drainage techniques. They are a Melanesian people i.e. in physical appearance they resemble Australia's Torres Strait Islanders and the people of neighbouring Papua New Guinea. Meriam Mer, the language of the eastern group of Torres Strait Islands, is closely related to many Papuan languages.

## **How different is West Papua from Indonesia?**

Indonesia's own diversity is reflected in its national motto (Unity in Diversity). Seafarers, traders and merchants from neighbouring islands in eastern Indonesia have been familiar with the west coast of Papua for centuries. However, West Papua, currently Indonesia's easternmost province, has long been recognised as a very different place. As early as the 1850s, the great British naturalist, geographer and humanist, Alfred Russel Wallace, argued that there was a marked difference between Papua and the rest of the Indonesian archipelago. He suggested that a hypothetical boundary, known as Wallace's Line, separated the animal populations of the two regions. According to the Encyclopedia Britannica, Wallace's Line represents 'an abrupt limit of distribution for many major animal groups. Many fish, bird, and mammal groups are abundantly represented on one side of Wallace's Line, but poorly or not at all on the other side'.

## **How did Indonesia come to rule over West Papua?**

The Netherlands was the colonial ruler of the islands that comprise modern-day Indonesia including West Papua. Indonesia became independent in 1949 and insisted that West Papua should also belong to it. After growing pressure, the Netherlands agreed that West Papua would be transferred to an interim United Nations Temporary Executive Authority from 1<sup>st</sup> October 1962 to 1<sup>st</sup> May 1963. Indonesia would administer West Papua from 1<sup>st</sup> May 1963 until the end of 1969. West Papua's inhabitants would be allowed to participate in an act of self-determination before the end of 1969.

However, Indonesia refused to allow a 'one person, one vote' system. Instead, it hand-picked 1,022 West Papuans – less than one-tenth of one percent of the population – and coerced them to vote for integration with Indonesia. This episode, officially known as the Act of Free Choice, is referred to as the Act of NO Choice by many West Papuans today.

The Australian government was complicit in this episode. In May 1969, two young West Papuan leaders named Clemens Runawery and Willem Zonggonau attempted to go to New York to sound the alarm about the Act of Free Choice. When their plane stopped to refuel in the Australian-administered Territory of Papua and New Guinea (today known as the independent state of Papua New Guinea), Australian authorities detained them on the instructions of the Indonesian government. By stopping them from reaching the United Nations, our

government helped Indonesia take over West Papua, which was not what the majority of the West Papuans wanted. The Australian government therefore bears a responsibility to stop the Indonesian military's human rights violations.

### **Doesn't Indonesia have the right to exclude independent human rights monitors and foreign media on the grounds of national security?**

These restrictions are not being imposed for national security but to prevent the world finding out about the extent of human rights violations by the Indonesian military. Any reasonable restriction should be in line with Principle 19 of the widely accepted Johannesburg Principles on National Security, Freedom of Expression, and Access to Information:

Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or nongovernmental organizations, which monitor adherence to human rights or humanitarian standards, from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.

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<sup>i</sup> Land area of West Papua is 418,000 sq km. Land area of NSW is 809,444 sq km.

<sup>ii</sup> T. van den Broek & A Szalay, 'Raising the Morning Star', *Journal of Pacific History*, Vol. 36, No 1, 2001.

<sup>iii</sup> Article XVIII (d), New York Agreement, 15 August 1962.

<sup>iv</sup> Government of Indonesia, *Questioning the Unquestionable*, <http://www.indonesiamission-ny.org/issuebaru/Publications/papua/papua.PDF>, 2003, pp 32-3.

<sup>v</sup> P. Hastings, 'West Irian: A Ticking Time Bomb', *The Australian*, 5 August 1968.

<sup>vi</sup> Government of Indonesia 2003, p 35.

<sup>vii</sup> P.J. Drooglever, *Act of Free Choice: The Papuans of Western New Guinea and the limitations of the right to self determination*, <http://tapol.gn.apc.org/reports/droogleverengsum.htm>, 2005.

<sup>viii</sup> S. Lekic, 'Papua's incorporation into Indonesia was a farce, top UN officials say', *Associated Press*, 22 November 2001.

<sup>ix</sup> J.McBeth, 'Questions over activist's death in the air', *Straits Times*, 26 April 2005.

<sup>x</sup> Harijan Sinar, Indonesia Baru Online 30 December 2001, cited in S.E. Kirksey, *From Cannibal to Terrorist*, M. Phil. thesis, Oxford University, 2002, p. 58n.