

November 2009

This is the 66th in a series of monthly reports that focus on developments affecting Papuans. This series is produced by the non-profit West Papua Advocacy Team (WPAT) drawing on media accounts, other NGO assessments, and analysis and reporting from sources within West Papua.

This report is co-published with the East Timor and Indonesia Action Network (ETAN) Back issues are posted online

<http://etan.org/issues/wpapua/default.htm>

Summary

The Indonesian Military (TNI) missed a legislatively imposed deadline to surrender to the civilian government its vast legal and illegal business empire, which includes sometimes rogue business operations in West Papua. Continued attacks on the U.S. gold mining firm Freeport McMoran raises questions about the efficacy of Indonesian security forces and the justice of arrests of Papuans months ago for the attacks. Papuans are pursuing a lawsuit against Freeport McMoran for environmental destruction and human rights violations. Papuan democratic activists face arrest and death threats. President Yudhoyono's new cabinet includes one Papuan and a General with a troubled record in West Papua. Violence targeting Papuans continues in the Central Highlands. HIV/AIDS is epidemic among Papuans due in large measure to the failure of the Indonesian Government to provide adequate health services to Papuans. TAPOL's Carmel Budiardjo published a thoughtful essay that among other issues looks at prospect for a dialogue between the Indonesian Central Government and Papuans.

End summary

Contents

- * **TNI Misses Deadline to Divest Its Business Empire Much of Which Is in West Papua**
- * **Continuing Attacks at Freeport Point to Injustice of July Arrests**
- * **Local Papuans Proceed with Lawsuit against Freeport McMoran**
- * **Papuan Democratic Activists Continue to Face Pressure**
- * **President Yudhoyono's New Cabinet Includes Papuan and a General with Troubling Past in West Papua**
- * **More Violence in The Papuan Central Highlands**
- * **HIV/AIDS Reach "Generalized Epidemic" Stage Among Papuans Bereft Of Government Health Services**
- * **Carmel Budiardjo on "West Papuan Issues and The Prospects for Dialogue"**
 - **TNI Misses Deadline to Divest Its Business Empire Much of Which Is in West Papua**

The Indonesian military (TNI) has evaded what the Wall Street Journal on October 17 described as a "long-anticipated deadline to withdraw from its many lucrative but controversial business activities."□ The legal mandate on the TNI to divest derives from a legal obligation imposed by the Indonesian parliament in 2004.□ Many of those TNI businesses are illegal, as detailed in a 2006 Human Rights Watch report, and many are centered in West Papua.□ They range from mining and logging, to extortion and prostitution, the latter extending to people trafficking.

Emphasizing the West Papua angle, the Wall Street Journal article

noted that in 2005, President Yudhoyono ordered a "crackdown" on illegal logging in Indonesia's remote Papua province. The Journal elaborated, however, that while 186 people were arrested "only a handful of people were convicted, all of them low-level operators, and the suspected ringleaders, including a military police officer suspected of involvement, were acquitted."

In furtherance of these activities, particularly in West Papua, the TNI has pursued tactics of intimidation, often terrorizing and uprooting local populations to clear the way for logging or other land use in service of its businesses or those of clients.

As the deadline for closure of the TNI business empire approached, President Susilo Bambang Yudhoyono issued a decree ordering the armed forces to transfer its official foundations and cooperatives, valued at over \$240 million, to Indonesia's civilian-led Defense Ministry, which is to operate them and receive any profits. But his decree failed to set a date for this turnover. Moreover, the Defense Ministry, while civilian-led, is dominated by active-duty or retired military leaders. In October 2008, a Government task force recommended that the state sell or liquidate the TNI. The task force recommended that by bringing the assets under civilian control the Government could demonstrate its commitment to real military reform and the principle of civilian control of the military. The Chairman of that task force has expressed his disappointment with the new Yudhoyono decree.

Continuing Attacks at Freeport Point to Injustice of July Arrests

The injustice of arrests of Papuans in July, purportedly for attacks on Freeport personnel, was underscored since then by a continuation of those attacks. Despite police arrest of seven Papuans in July, two more Freeport personnel and one soldier

were wounded in attacks in October as they travelled on the road connecting Timika and the mine site at Tembagapura. Such attacks have continued every few weeks since the July arrests.

Media reports noted that two miners were wounded October 20 when three security-escorted buses were ambushed between mile 41 and mile 42 of a road leading to the Grasberg mine, the world's largest gold and copper mine. In addition a soldier was wounded when a joint patrol unit was ambushed by gunmen in Kali Kopi on the Timika-Tembagapura road on October 21.

As pointed out in an article in an October 23 Bintang Papua, the shooting incidents have taken place within a relatively small area in which as many as 1,320 Indonesian security personnel have been deployed. Moreover, the TNI and police have established joint command posts along the Timika-Tembagapura road on which the attacks are taking place.

Anastasia Tegeke, a member of Commission A of the DPRP-Mimika, noted that the authorities had arrested dozens of local Papuans in July, purportedly because of their involvement in the shootings. The incidents have nonetheless continued. Drawing attention to the failure of the beefed-up security forces to stop the incidents, Tegeke added: "many thousands of personnel were now operating in the area, using much of the money that has been allocated to development in the region." His comment added to speculation that the chronic security problem served to provide extra income to the extra Indonesian security forces deployed to the region.

Meanwhile, local Papuan resistance leader Kelly Kwalik in a meeting with State security officials categorically denied that Papuan pro-independence fighters were behind the attacks. His denial of responsibility has been supported by police officials who have countered initial claims by military officials that the attacks

were the work of the pro-independence fighters.

Also during the third week of October there was growing popular anger at Freeport as families of Papuan workers at Freeport demonstrated to demand better security for workers. They marched to the Regional Legislative Council office in Mimika and staged a rally. Although the police declared the demonstration illegal, they refrained from making arrests when the Council agreed to meet with the demonstrators. Some workers reportedly have decided to strike Freeport operations pending provision of adequate security.

Local Papuans Proceed with Lawsuit against Freeport McMoran

At an October 7 press conference in Jakarta, Titus Natkime, a lawyer representing the Amungme people announced the initiation of their lawsuit against the U.S.-based goldmine firm Freeport-McMoran. According to Natkime, the Amungme tribe is suing PT Freeport Indonesia for USD 30 billion, claiming environmental destruction and violation of land rights (USD 20 billion) and violation of human rights (USD 10 billion). Natkime claimed that Freeport operations have damaged the environment and that the Amungme people have been subject to discrimination, including physical abuse by Freeport security personnel. The launch of the suit follows what Natkime described as the failure of Freeport to engage in mediation talks mandated by earlier Indonesian court action.

In addition to the lawsuit, on 15 September the tribe submitted a letter to the U.S. Securities and Exchange Commission (SEC) calling on the SEC to suspend trading of Freeport-McMoRan Copper & Gold Inc. shares until the judicial process is finalized.

Indonesia Friends of the Earth, which sponsored the October 7

press conference, noted that Freeport mines up to 10 million tons annually, and has dumped around 2.5 billion tons of toxic tailing in the region. The tailings have completely inundated the Ajkwa river system. Tailings have even extended to the shores of the Arafura sea where tidal action is now inundating and killing shore vegetation.

In the late 1990's an Amungme lawsuit against Freeport was scuttled in part because Indonesian authorities, with the knowledge of the U.S. Government, prevented the U.S. citizen lawyer from travelling into Indonesia to meet with his Amungme clients according to a former U.S. diplomat who worked at the Embassy.

Papuan Democratic Activists Continue to Face Pressure

Two young Papuan democratic activists were targeted in October for their political activism. One, Victor Yeimo, was involved in peaceful demonstrations welcoming the formation of the International Parliamentarians for West Papua in October 2008. Meanwhile, Yoab Syatfle has gone into hiding following repeated death threats.

Yeimo's fate may well be that of Papuan activists Buchtar Tabuni and Sebby Sambom, who also were involved in the October 2008 welcoming of the formation of the International Parliamentarians for West Papua. They currently are serving sentences of three years in Abepura prison. Security authorities indicated Yeimo may also be involved in additional incidents in 2009. Public relations police officer, Agus Rianto told the media that in addition to the October 2008 demonstration, Yeimo could also face charges for an attack on the Abepura police command post in April 2009. The authorities indicated that Yeimo might face charges of treason as well as "incitement." The treason charges would be filed under

Article 106 of the Criminal Code which carries a possible sentence of twenty years to life. Article 106 dates to the colonial era and was regularly employed by Dictator Suharto against his critics.

Amnesty International, on October 28, issued an "Action Alert" warning that "the life of Yoab Syatfle could be in danger." The Alert explained that on 26 October Syatfle received six anonymous SMS messages threatening that he would be abducted and killed if he left his house. One of them warned: "you are one of the people we are looking for, we remember you, if you leave your house yard one more time, you will be killed."□ The death threats, according to Amnesty International appear related to Syatfle's role in a demonstration scheduled for October 29 in the city of Sorong in West Papua. Amnesty concludes that Syatfle was targeted "because he is a prominent peaceful political activist in Papua." (Syatfle is the Sorong Secretary of the Papua Traditional Council or Dewan Adat Papua which represents Indigenous communities in Papua. He is also Secretary of the Papua National Consensus Team, a non-violent group campaigning for a peaceful internationally mediated solution to the political problems in Papua. He has met with U.S. Congressional leaders in the past.)

Amnesty International notes in its alert: "The right to free expression, opinion and assembly is guaranteed under the Indonesian Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. However, members of human rights organizations in Papua have been harassed and intimidated because of their work, and many peaceful pro-independence political activists have been arrested and sentenced to long terms of imprisonment."

President Yudhoyono's New Cabinet To Include One Papuan and One General with Mixed Record in West Papua

President Yudhoyono's new cabinet includes a prominent Papuan, Freddy Numberi, who will be Minister of Transportation. Numberi served as governor of Papua from 2001 to 2003. He was Minister of Fisheries and Marine Affairs in the first Yudhoyono cabinet and Minister for Administrative Reform under President Abdurrahman Wahid. In 2004 President Yudhoyono asked the retired Indonesian navy admiral, as former Papuan Governor, to assist in resolving tensions between the Central Government and Papuans. Numberi was a strong advocate of "Special Autonomy."

As Governor, he appointed Papuan political figure Theys Eluay to the Papuan Council, but then tried to have him removed when Eluay, who was subsequently chosen to chair the council, expressed support for Papuan independence. Indonesian special forces (Kopassus) assassinated Eluay in 2001 while Numberi was still Papuan Governor.

Yudhoyono also chose General Sutanto to head the State Intelligence Agency (BIN). Sutanto was served as Chief of Police in West Papua during and following the June 2007 visit of senior UN official Hina Jilani to West Papua. For months after her visit, Papuans, including senior Papuan clergy, who had met with her faced harassment and threats. The intimidation drew criticism from Jilani in her subsequent report to the UN on human rights abuse in West Papua. Calls by international NGO's to Sutanto to investigate the threats went unaddressed.

Sutanto also dismissed claims in a detailed July 2009 Human Rights Watch report of abuse of Papuans by security forces, contending publicly that the human rights environment in West Papua was improving.

Given the violations of human rights that transpired on his watch - as Police Chief in West Papua - his new, more powerful role as

chief of an agency which has itself been repeatedly accused of violating rights in West Papua and elsewhere -- including the assassination of Munir, Indonesia's most prominent human rights activist -- raises concerns.

More Violence in The Papuan Central Highlands

The Tingginambut area within the Papuan Central Highlands was again the scene of violence in October when one civilian worker was killed during an attack by unknown people on a work crew. The police reportedly questioned five witnesses to the attack which was carried out by approximately 15 men armed with guns and swords. The work crew was employed by PT Agung Karya and was conducting repair work on a bridge in the Kalome area in Tingginambut district.

The Tingginambut area as been the seen of attacks and security force reprisals against local civilians for six months.

HIV/AIDS Reach "Generalized Epidemic" Stage Among Papuans Bereft Of Government Health Services

The Antara News Agency, October 28, reported that the prevalence of HIV/AIDS in West Papua has reached "the 'generalized epidemic' stage, according to World Vision Indonesia health program coordinator Dr. Ronald Gunawan. "HIV and AIDS in Papua are no longer exclusive to high-risk groups, but also common among the general public," said Gunawan. Among the indigenous population, the prevalence rate had reached 2.8 percent, much higher than the rate of 1.5 percent among immigrants. Gunawan said the highest rate, 3.2 percent, was found in coastal and remote areas where health services were scarce.

Gunawan said the spread of HIV/AIDS could be checked if the

public were made more aware and given adequate information. The government needed to improve the quality of education, particularly in remote areas of the province. He said the government also had to recruit doctors and health workers and post them around Papua to improve the quality and delivery of health services.

The failure of the Indonesian central government to provide a basic health (or education) infrastructure for Papuans after over 40 years of control of West Papua and despite over eight years of "special autonomy" (see the following piece for more detail on the inadequacy of basic services in West Papua) is one argument employed by critics of Indonesian policy who contend that decades of such neglect has had a genocidal impact on Papuans.

Carmel Budiardjo on "West Papuan Issues and The Prospects for Dialogue"

Carmel Budiardjo, founder and co-director of TAPOL, the London-based human rights organization, authored an Op-Ed which was published in the October 25 Jakarta Post. Excerpts follow:

As Susilo Bambang Yudhoyono begins his second term as President, it is worth considering the prospects for dialogue to resolve Indonesia's most intractable conflict.

The implementation of the 2001 Special Autonomy Law (Otsus) for West Papua has been woeful. While the exploitation of Papua's natural resources earned huge revenues for Jakarta, West Papuans are among the poorest in Indonesia.

□

Without consulting the Majelis Rakyat Papua, the Papuan People's Council, set up in compliance with Otsus (2001 Special Autonomy legislation), the central government split the territory into two provinces. Dozens of new districts have been created to facilitate access for people in remote areas, but they have gobbled up most of the funds allocated under the Otsus law to build new offices and pay new staff, most of whom are non-Papuan.

The Papuan people have enjoyed little improvement in health and education. LIPI (the Indonesian Institute of Sciences) concludes that education is worse today than when West Papua was still a Dutch colony. In Yahukimo district, there were only 331 teachers for 15,662 children.

The state of health is just as bad: malnutrition is widespread and there is hardly any access to clean water. There are only 12 government hospitals and six private hospitals, plus a few poorly equipped health centers. Ninety percent of Papuan villages have no access to clinics and the few that are located in the interior have only a midwife and a nurse, with no doctors in sight.

The (LIPI) researchers concluded that "the government fails to recognize the health situation as being a threat to the existence of the Papuan people."

Papuans are unable to compete with Indonesians now doing business in West Papua. Whereas in 1959, outsiders accounted for 2 percent of the population, this rose to 35 percent in 2000, and 41 percent in 2005. By 2011, Papuans are likely to be out-numbered.

Although dialogue has been successful in Aceh, Jakarta fears that dialogue with West Papua will get bogged down over the issue of independence.

Papuans have experienced years of military operations and violence. While the perpetrators enjoy impunity, Papuan groups that organize demonstrations are accused of being anti-NKRI or "separatist", with dire consequences. Even flying the Papuan flag, the Kejora, risks heavy punishment.

Recognizing that dialogue is fraught with difficulties, LIPI recommends an "incremental process"

which would mean abandoning the armed struggle by the Papuans and the implementation of Otsus and demilitarization by Indonesia.

The suggested agenda would include: the history and political status of Papua; justice for human rights victims; the failure of development in Papua and the marginalization of the Papuans.

Jakarta needs to have the courage to approach Papua, learning from what has been achieved in Aceh. The LIPI recommendations deserve the government's serious attention.

[Back issues of West Papua Report](#)

this report is online at <http://www.etan.org/issues/wpapua/0911wpap.htm>