

The Past That Has Not Passed:

Human Rights Violations in Papua Before and After *Reformasi*

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ELSHAM Papua



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About the International Center for Transitional Justice

ICTJ works to assist societies in regaining humanity in the wake of massive human rights abuses. We provide expert technical advice, policy analysis, and comparative research on transitional justice approaches, including criminal prosecutions, reparations initiatives, truth seeking and memory, and institutional reform. For more information, visit www.ictj.org.

About ELSHAM Papua

ELSHAM (Institute of Human Rights Studies and Advocacy), established on May 5, 1998, works to promote human rights principles and create critical awareness on the values of democracy and human rights in Papua. ELSHAM conducts monitoring, investigation, and advocacy on human rights issues.

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Abbreviations and Acronyms

| | |
|------------------|--|
| ABRI | <i>Angkatan Bersenjata Republik Indonesia</i> (Indonesian Armed Forces) |
| Babinsa | <i>Bintara pembina desa</i> (village-level soldier) |
| Brimob | <i>Brigade mobil</i> (Mobile Brigade of Indonesian Police) |
| DPRP | <i>Dewan Perwakilan Rakyat Papua</i> (Papua Provincial Parliament) |
| ELSHAM | <i>Lembaga Studi Hak Asasi Manusia</i> (Institute for Human Rights Study and Advocacy) |
| ICTJ | International Center for Transitional Justice |
| Komnas HAM | <i>Komisi Nasional Hak Asasi Manusia</i> (Indonesian National Human Rights Commission) |
| Komnas Perempuan | <i>Komisi Nasional Anti Kekerasan terhadap Perempuan</i> (National Commission on Violence Against Women) |
| Kopassus | <i>Komando Pasukan Khusus</i> (Indonesian Special Forces Command) |
| Korem | <i>Komando Resort Militer</i> (Subregional Military Command) |
| MPR | <i>Majelis Permusyawaratan Rakyat</i> (People's Consultative Assembly or Upper House of Parliament) |
| MRP | <i>Majelis Rakyat Papua</i> (Papuan People's Council) |
| OPM | <i>Organisasi Papua Merdeka</i> (Free Papua Organization) |
| Pepera | <i>Penentuan Pendapat Rakyat</i> (Act of Free Choice) |
| PKI | <i>Partai Komunis Indonesia</i> (Communist Party of Indonesia) |
| TAP MPR | <i>Ketetapan Majelis Permusyawaratan Rakyat</i> (Resolution of the Upper House of Parliament) |
| TNI | <i>Tentara Nasional Indonesia</i> (Indonesian National Army) |
| TRC | Truth and Reconciliation Commission |
| UNTEA | United Nations Temporary Executive Authority |
| UP4B | <i>Unit Percepatan Pembangunan di Papua dan Papua Barat</i> (Unit for the Acceleration of Development in Papua and West Papua) |
| Zipur | <i>Zeni tempur</i> (combat engineers unit) |

Executive Summary

Fifty years after the Dutch colony of Netherlands New Guinea came under Indonesia's authority in 1962, many Papuans continue to demand justice, accountability, and independence from Indonesia. In 2001, Papua was granted special autonomy, under Special Autonomy Law No. 21/2001, which included a commitment to address past human rights violations and to prevent their recurrence. However, a decade later, the steps needed to implement these goals have not been taken.

Papua and West Papua are Indonesia's eastern-most provinces, and the former shares a land border with Papua New Guinea. In the last few years, the provinces have seen a surge in violence, accompanied by protests, attacks, and counterattacks by armed groups, and attempts by the government to suppress the growing dissent.¹ In an attempt to respond to mounting grievances, on September 20, 2011, Indonesian President Susilo Bambang Yudhoyono signed a decree creating the Unit for the Acceleration of Development in Papua and West Papua (*Unit Percepatan Pembangunan di Papua dan Papua Barat*, or UP4B).² Although an earlier draft decree empowered the unit to address sensitive but important topics such as conflict mediation and human rights, the final version focused almost exclusively on development issues, such as poverty, education, health, and infrastructure.³

This report, based on research conducted by the Institute for Human Rights Study and Advocacy (ELSHAM) together with the International Center for Transitional Justice (ICTJ), contributes to ongoing discussions on the steps required to achieve a sustainable peace in Papua. Based on more than 100 interviews carried out in 2011 in Sorong, Manokwari, Biak, and Paniai, the report reviews Papua's recent history, including the Special Autonomy Law, within a transitional justice framework.⁴ It also reveals new information that was provided in testimonies by victims and witnesses who experienced human rights violations going back to the earliest days of Indonesia's history as a nation.

While efforts by the Indonesian government to raise the standard of living of Papuans are welcome, economic grievances are only one source of dissatisfaction and unrest in Papua. This report is not intended to be a comprehensive study of the entire period from 1963 to 1998; however, the information collected during the research includes almost 750 counts of human rights violations and demonstrates that the feelings of distrust are deeply rooted in the

¹ See ELSHAM Monitoring Report, "Papua Tegang, Siapa Senang," Jayapura, September 5, 2011 (on file with ICTJ).

² The UP4B is modeled on a similar body that operated directly under the president to implement post-tsunami reconstruction in the province of Aceh. Presidential Decision No. 66 of 2011 on the Unit for the Acceleration of Development in Papua and West Papua, www.presidenri.go.id/DokumenUU.php/690.pdf.

³ Discussion with Usman Hamid, Bali, August 15, 2011; notes on civil society discussion on the draft law, April 2011 (on file with ICTJ.)

⁴ In three months in the field, the research team interviewed more than 120 victims and witnesses; 108 interviews were transcribed, coded, and entered into a simple database. Some interviews were not selected because of lack of information, inaudible recordings, or other technical issues.

past and present experiences of human rights violations. Victims and witnesses continue to distrust the government and endure emotional trauma and acute memories of past violence.

Unless these grievances are not only recognized, but also addressed in a practical way, reconciliation could remain elusive. A comprehensive transitional justice strategy could provide an effective redress, and should include truth-seeking, criminal accountability, reparations, institutional reform to prevent recurrence of human rights violations, and a focus on the rights of indigenous women. Recommendations are offered at the end of this paper.

“This [bullet] wound that I suffer until now is proof of how we children and ordinary people who don’t know anything have become victims and are still traumatized.”

*“We want to live in our village in peace and with a feeling of security. We do not want to live like how it was in the past.”*⁵

I. Introduction

Indonesia’s eastern-most provinces of Papua and West Papua are ethnically and historically distinct from the rest of the country and possess natural resources such as gold, timber, and oil. These provinces (collectively referred to in this paper as Papua) are the site of significant continuing conflict and discontent. When the Dutch government recognized Indonesia’s independence in 1949, the territory of Papua was not included within the borders of the new country and remained under Dutch authority until it was transferred to Indonesian control in 1962 as part of an agreement brokered by the UN, with the requirement that a referendum on self-determination take place in 1969.⁶

From the early 1960s through the present, Papua has been the site of numerous human rights abuses by Indonesian security forces in the context of both military operations against a small armed separatist movement and the suppression of nonviolent independence activists.⁷

Papua is one of many parts of Indonesia where demands for justice for past large-scale human rights violations have not been addressed by the government. The local population is deeply suspicious of the national government, which maintains a heavy military presence that has increased tensions. The scale of the territory’s natural resource wealth contributes to both interest and discontent in the region.

This report offers two new elements to the debate on Papua. First, it applies a transitional justice framework to a review of Papua’s recent history, including the Special Autonomy Law and the prospects for a resolution to continuing conflict. Second, it uses testimony of victims of abuse and violations that extend back to the earliest days of Indonesia’s presence in the territory. The research indicates that the deep wounds caused by these past abuses remain unhealed and points to the need for comprehensive transitional justice efforts, including truth-seeking, criminal accountability, reparations, institutional reform to prevent recurrence of human rights violations, and a focus on the rights of women.

⁵ Interviews BIA031 and BIA040. Researchers assigned each interview subject a unique code to protect his or her identity.

⁶ *Agreement Between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea* (West Irian), August 15, 1962 (signed at UN headquarters in New York), <http://www.Indonesiaseoul.org/archives/papua/Agreement%20between%20RI%20and%20Netherland.pdf>.

⁷ See National Commission on Violence Against Women, *Stop Sudah: Kesaksian Perempuan Papua Korban Kekerasan dan Pelanggaran HAM 1963-2009*, <http://www.komnasperempuan.or.id/2010/10/stop-sudah-kesaksian-perempuan-papua-korban-kekerasan-dan-pelanggaran-ham-1963-2009/>; Executive Summary, *Report of the Commission of Inquiry (KPP-HAM) into Human Rights Violations in Papua/Irian Jaya*, (May 8, 2001, Abepura; 2001, Wasior/Wamena); *Report of the National Investigation Commission on the Killing of Theys Eluay*, 2002; *Report on Torture at Tiginambut*, Puncak Jaya, 2011.”

II. Methodology

Field research was conducted in four areas: Sorong, Manokwari, Biak, and Paniai, from January to September 2011.⁸ These areas were selected because they had been subjected to a comparatively high level of conflict and human rights violations in the past.

For three months, a documentation team of researchers interviewed victims, and reviewed witnesses and other sources of information to try to establish the facts about past incidents. They gathered evidence, including photographs, and records and compiled secondary information (such as past ELSHAM reports) to provide context and corroboration. Researchers were trained in interviewing techniques, data recording, transcription, and data analysis. Researchers were also trained in concepts of transitional justice and their application in conflict and post-conflict regions around the world.

Interviewers collected testimony from 108 witnesses, and revealed 749 counts of human rights violations involving more than 300 victims. The information provided included killings of civilians, arbitrary arrest and detention, torture, rape, and other forms of sexual violence. It is clear that many other victims and witnesses have not had an opportunity to report on what happened to them.

Illustrating the ongoing nature of the problem, while conducting this research there were at least 30 new cases of violence in which security forces, civilians, and members of armed groups were injured.⁹ Notably, Indonesian police and military forces attacked participants of the Third Papuan Peoples' Conference on October 19, 2011, at Zakeus Field, causing three shooting deaths and dozens of injuries and arrests.¹⁰

⁸ In Sorong, documentation was conducted in the city of Sorong and its environs, South Sorong District (Teminabuan), Meibrat District (Ayamaru, Aifat, and Aitinyo) and Tamrau District (Sausapor, Werur, and Werbas). In Sorong, in addition to the normal problems of identifying victims and traveling through difficult terrain, there was unexpected flooding and violence between supporters of candidates in the local elections, ending with the elections office being set on fire in Maibrat. In the Biak region, research was conducted in the town of Biak and the districts of North and West Biak and Supiori. Some victims were not interviewed due to concern about emotional trauma or threats, and the mountainous terrain across three districts was a challenge as well. Many potential witnesses had moved to other locations, while others had forgotten details of perpetrators or victims. Manokwari also had very challenging terrain, including river crossings. Researchers are grateful to networks of traditional leaders, the church, and victims groups for making introductions and improving protection of respondents.

⁹ See ELSHAM Monitoring Report, "Papua Tegang, Siapa Senang," Jayapura, September 5, 2011.

¹⁰ See Investigation Report, Persekutuan Gereja-Gereja Papua (PGGP) and ELSHAM, "Tragedi Lapangan Zakeus," Jayapura, November 11, 2011; "Police Have No Comment on Komnas HAM Papua Finding," *Jakarta Post*, November 6, 2011, <http://www.thejakartapost.com/news/2011/11/06/police-have-no-comment-komnas-ham-papua-finding.html>.

III. The Transitional Justice Framework

Transitional justice seeks recognition for victims and attempts to achieve peace, reconciliation, and democracy by strengthening accountability for serious crimes, primarily through the following mechanisms:

Truth-seeking. Efforts to establish a historical record on human rights violations can take place officially or unofficially through truth commissions, commissions of inquiry, collection of oral histories, locating mass graves, and other mechanisms. The objective of truth-seeking measures is to gather information about past abuses and to publicly acknowledge what happened, why, and how those events affected people.

Judicial proceedings. Criminal accountability can fulfill demands for justice by victims and deter future abuses. Accountability may also be established through noncriminal proceedings, such as civil suits. Criminal justice processes can be pursued through domestic or international institutions.

Reparations. Reparations recognize the loss and pain that victims have suffered, repair the effects of past abuses, and help to restore the condition of victims through both material and symbolic benefits. These may include compensation, provision of basic needs, counseling, medical and social services, and official apologies.

Institutional reform. Reforms addressing repression and corruption by the military, police, and related state and civic bodies should restore public trust in these institutions, emphasize their public service and protection roles, and prevent future violations.

IV. Historical Background

The current tensions in Papua can be traced to conflict between Indonesia and the Netherlands that dates back to Indonesia's proclamation of independence on August 17, 1945. The new nation of Indonesia claimed the entire former Dutch East Indies, including the Papua region, then known as West New Guinea. The Dutch argued that the territory had distinct sociocultural and geographic characteristics and "should be allowed to decide its own future."¹¹

The agreement to transfer power from the Netherlands to Indonesia, signed in November 1949, left the status of the territory in dispute, with the two states agreeing to postpone resolving the issue for one year.¹² The language of the agreement was not clear, and from 1954 to 1961, Indonesia presented its claim to the territory of Western New Guinea to the UN General Assembly, while also pursuing armed action against what it considered the last bastion of Dutch colonization.¹³ In 1962 Indonesian President Sukarno created the Mandala Command (a joint forces command structure) under Major General Suharto to plan military operations to take control of Papua. By May 1962, Indonesian soldiers were airlifted to the Bird's Head region of northern Papua, followed by a major naval operation.¹⁴ In response, the Dutch accelerated their efforts to prepare the territory for independence, including creating an indigenous police force in 1960 and a representative council, named the *Nieuw Guinea Raad*, in 1961.¹⁵

In 1961, UN Secretary-General U Thant appointed U.S. diplomat Ellsworth Bunker as his representative to seek a political resolution to the Papua issue.¹⁶ With the region receiving increasing attention from the Soviet Union, the U.S. urged the Dutch to reach a negotiated settlement with Indonesia, leading to the signing of the New York Agreement on August 15, 1962.¹⁷ Under this agreement, the Netherlands would transfer administration of the territory to a United Nations Temporary Executive Authority (UNTEA) by October 1962. During the period of transition the UN flag would be displayed in the territory, and UNTEA

¹¹ United Nations Security Force in West New Guinea (UNSF), "Background," <http://www.un.org/en/peacekeeping/missions/past/unsfbackgr.html>; P. J. Drooglever, *Tindakan Pilihan Bebas! Orang Papua dan Penentuan Nasib Sendiri*, trans. J. Riberu, (Yogyakarta: Kanisius, 2010), 134.

¹² UNSF, "Background," 1

¹³ See the Tri Komando Rakyat (Trikorra) Declaration by President Sukarno in Yogyakarta on December 19, 1961, in Sekretariat Negara Republik Indonesia, *30 Tahun Indonesia Merdeka, 1950-1964* (Jakarta: PT Cipta Lamtoro Gung Persada, 1986), 194; Drooglever, *Tindakan Pilihan Bebas*, 455.

¹⁴ The year before, in 1961, Indonesia began large-scale purchases of weapons and equipment from the Soviet Union "to prepare Indonesian military potential with a force considered able, if necessary, to liberate West Irian with armed force." Sekretariat Negara Republik Indonesia, *30 Tahun Indonesia Merdeka*, 183-4.

¹⁵ Drooglever, *Tindakan Pilihan Bebas*, 409, 285.

¹⁶ *Ibid.*, 481-495

¹⁷ Jennifer Robinson, "The UN's Chequered Record in West Papua: In the 1960s, West Papuans Were Sacrificed in the Name of the Cold War and the UN Did Nothing About It," *Al Jazeera*, March 21, 2012, <http://www.aljazeera.com/indepth/opinion/2012/03/201232172539145809.html>.

would maintain a ceasefire between Indonesian and Dutch forces, assist the Papua police to maintain order, and transfer authority to Indonesia by May 1963.



The UN and Indonesian flags are raised side by side at a ceremony in December 1962, held at the residence of the UNTEA Administrator in Hollandia (now Jayapura), Papua. UN Photo.

Importantly, the New York Agreement affirmed the “eligibility of all adults, male and female, not foreign nationals, to participate in the act of self-determination to be carried out in accordance with international practice.”¹⁸ The UN would then assist the government of Indonesia to administer a referendum by 1969 that would provide the Papuans with an opportunity to decide their future through a free and fair vote.¹⁹

On May 1, 1963, UNTEA transferred authority over the territory to Indonesia. Five years later, the UN Secretary-General appointed a special representative “to advise, assist and participate in arrangements which were the responsibility of Indonesia for the act of free choice, on retaining or severing ties with Indonesia.”²⁰ However, before the Act of Free Choice (known in Indonesian as *Penentuan Pendapat Rakyat* or *Pepera*) was implemented in 1969, Indonesian military forces began suppressing political activities in Papua. For weeks before the scheduled vote, Papuan leaders were arrested, imprisoned, or exiled.²¹ Rather than provide universal suffrage, Indonesian authorities selected only 1,026 people to supposedly represent the territory.²² Under these conditions, the result of the Act of Free Choice was

unanimously in favor of integration with Indonesia, and Papua was renamed from West New Guinea to West Irian. The name was changed again in 1973 to Irian Jaya, the country’s 26th province.²³

After the Act of Free Choice, resistance to integration emerged in many forms, including armed separatism, political declarations, independence flag-raising, peaceful demonstrations, exile abroad, destruction of property, and hostage-taking. As in other parts of Indonesia, military repression was used to quell dissent and opposition in Papua. The military response targeted not just armed separatists, but also civilians in conflict areas, peaceful demonstrators, and political and ethnic leaders. Indonesian repression of symbols of Papuan independence had contributed to the formation in 1965 of a small but persistent armed resistance group, which later became known as the Free Papua Organization (*Organisasi Papua Merdeka*, OPM).

In 1998, the end of the Suharto regime brought profound political change across Indonesia. The first years of reform that followed allowed Papuans to express their long-suppressed feelings and aspirations through public protests and even demands for independence. Notable indicators of these changes include the following:

¹⁸ New York Agreement, 1962, Article XVII d, <http://www.Indonesiaseoul.org/archives/papua/Agreement%20between%20RI%20and%20Netherland.pdf>.

¹⁹ UNSF, “Background,” 6.

²⁰ Ibid., 8.

²¹ Drooglever, 711–12.

²² As described by a UN report: “In a report submitted to the Secretary-General, the Government of Indonesia stated that between 14 July and 2 August 1969, the enlarged representative councils (consultative assemblies) of West New Guinea (West Irian), which included 1,026 members, were asked to pronounce themselves, on behalf of the people of the territory, as to whether they wished to remain with Indonesia or sever their ties with it. All those councils chose the first alternative without dissent.” UNSF, “Background,” 8. See also Robin Osborne, *Kibaran Sampari, Gerakan Pembebasan OPM, dan Perang Rahasia di Papua Barat* (Jakarta: Elsam, 2001), 1001; Drooglever, *Tindakan Pilihan Bebas*, 46.

²³ Law No. 12/1969 on the Establishment of the Autonomous Province of West Irian and Autonomous Districts in the Province of West Irian, <http://www.hukumonline.com/pusatdata/detail/24727/node/uu-no-12-tahun-1969-pembentukan-propinsi-otonom-irian-barat-dan-kabupaten-kabupaten-otonom-di-propinsi-irian-barat>.

- On February 26, 1999, a group of 100 Papuans led by Tom Beanal met with President B. J. Habibie and surprised many observers by expressing a clear desire for independence.²⁴
- The next president, Abdurrahman Wahid (known as Gus Dur, in office 1999–2001) allowed the use of the name Papua and the Morning Star flag, which were both formerly banned.²⁵
- In 2000, a resolution of the upper house of parliament (TAP MPR No. IV of 2000) stressed the need for a Special Autonomy Law to respond to Papuan demands and aspirations.²⁶ The decree was received positively in Papua and was considered a step toward restoring faith in the government and resolving problems in the province. In the same year the provincial legislature officially renamed the territory from Irian Jaya to Papua.²⁷
- These efforts culminated in Law No. 21 of 2001 on Special Autonomy for the Province of Papua, signed by President Megawati Sukarnoputri on November 21, 2001.

However, reform of the Indonesian military in the intervening years has been slower than many had hoped, and efforts to hold the perpetrators of past mass crimes legally accountable for their actions have been unsuccessful.

²⁴ Budi Hernawan, "In Memory of the 1999 Papua Dialogue," *Jakarta Post*, March 6, 2012, <http://www.thejakartapost.com/news/2012/03/01/leadership-slows-antigrift-move.html-0>; "New Era of Openness Fuels Irianese Hopes," *Jakarta Post*, December 20, 1999, <http://www.thejakartapost.com/news/1999/12/20/new-era-openness-fuels-irianese-hopes.html>.

²⁵ Ridwan Max Sijabat and Markus Makur, "Papua: Indonesia's Great Enigma" *Jakarta Post*, February 7, 2010, <http://www.thejakartapost.com/news/2010/02/07/papua-indonesia039s-great-enigma.html>.

²⁶ See Upper House Parliament Decision IV/MPR/2000 on Policy Recommendations for Regional Autonomy [*Rekomendasi Kebijakan tentang Otonomi Daerah*], <http://www.tatanusa.co.id/tapmpr/OOTAPMPR-IV.pdf>.

²⁷ Decision of the Irian Jaya Province DPRD No. 7/DPRD/2000, August 16, 2000, concerning Restoring the Name Irian Jaya to Papua.

V. The Special Autonomy Law and Its Flawed Implementation

As an attempt to both address grievances and weaken support for independence, the Special Autonomy Law focused on giving greater political and economic power to Papuans. On paper at least, the law went further than other decentralization processes in Indonesia by recognizing specific grievances, such as the exploitation of natural resources and threats to Papuans' identity, while still ensuring that Papua remained within the territory of Indonesia.

Several provisions had explicit, positive implications for transitional justice. In its preface, the Special Autonomy Law accepted:

That the administration and development of the Papua Province has yet to fulfill the feeling of justice, has yet to achieve prosperity for all people, has yet to uphold the rule of law and has yet to respect human rights in the Papua Province, in particular the Papuan community.²⁸

Building on broader guarantees of justice in the constitution²⁹ and in national legislation,³⁰ the law included articles obligating both the central and provincial governments, and the population to “protect, promote and respect Human Rights throughout Papua Province.”³¹ In Article 46, entitled “Human Rights,” the law states that the provincial government should achieve these goals through three mechanisms:

- 1) **A Human Rights Court**, which would make a contribution to judicial accountability for past violations of human rights.
- 2) A Papua **Truth and Reconciliation Commission** to clarify and establish the history of Papua and formulate and determine reconciliation measures.
- 3) A Papua **branch of the National Human Rights Commission**, a body that has both a truth-seeking and a judicial accountability function.

²⁸ Preamble, Section F, Law No. 21 of 2001 on Special Autonomy for the Province of Papua.

²⁹ In the constitution, the right to justice is laid out in Article 27(1): “All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions” and Article 28D(1): “Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law.”

³⁰ Relevant national laws include Ratification of the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women; Indonesian criminal and civil codes; Law No. 26 of 2000 on Human Rights Courts; and Law No. 39 of 1999 on Human Rights.

³¹ Article 45(1), Law No. 21 of 2001 on Special Autonomy for Papua Province.

| Transitional Justice Component | Provision in Special Autonomy Law |
|--------------------------------|---|
| Truth-seeking | Establishment of a Truth and Reconciliation Commission tasked with “historical clarification and reconciliation” (Article 46), and creation of a representative office of the National Human Rights Commission |
| Judicial accountability | Establishment of a Human Rights Court (Article 45:2). |
| Reparations | No explicit provisions, but the Truth and Reconciliation Commission and Human Rights Court could have a reparations component, and the law itself was an acknowledgement that abuses had taken place. |
| Institutional reform | <p>Special measures to ensure fulfillment of the rights of indigenous Papuans to employment and to be elected to strategic positions in government and state institutions, and recognition of traditional customs.</p> <p>Established the Papuan People’s Council (<i>Majelis Rakyat Papua</i>, MRP), a statutory body with several functions, including: to oversee appointments in the highest positions of the executive and legislative institutions in Papua; to approve agreements made by the government with any parties that have an impact on the protection of indigenous people’s rights; to act as a spokesperson for complaints on indigenous rights; and to provide input to the provincial executive and legislative bodies on the protection of indigenous rights.</p> <p>Article 43 acknowledges and protects customary land rights, and requires consultation with traditional landowners. The law also provides for the establishment of local parties (Article 28), and the establishment of a flag and song as “a cultural symbol . . . not to be positioned as a symbol of sovereignty” (Article 2).</p> |

These measures were intended to protect indigenous Papuans and give them a greater role in self-government. More than a decade later, the Special Autonomy Law is widely considered to have failed to meet these aims due to a combination of a weak government commitment to implement specific provisions and broader failures to address issues of truth, accountability, and justice at the national level.

A lack of commitment to the principles on which the law was based became evident soon after it was introduced, when President Megawati issued a decree in 2003 to divide the territory into three province. This decision directly contradicted provisions in the Special Autonomy Law, which required the national government to obtain the approval of the MRP and the Papuan legislative body.³² Violent protests followed the decision, and only one new province was created, resulting in the former territory of Papua being divided into Papua and West Papua.³³

A Truth and Reconciliation Commission was never created for Papua, ostensibly because the Constitutional Court struck down the National Truth and Reconciliation Commission Law (Law No. 27 of 2004) in December 2006. A legal challenge was brought on the basis that

³² Article 76 states that “Division of Papua Province into provinces shall be carried out with the approval of the MRP [Papuan People’s Council] and the DPRP [Papua Provincial Parliament] giving close attention to the socio-cultural unity, readiness of the human resources, and the economic ability and development in the future.”

³³ “Papua Legislature Rejects the Establishment of New Province,” *Jakarta Post*, December 14, 2003, at <http://www.thejakartapost.com/news/2003/02/11/papua-legislature-rejects-establishment-new-provinces.html>. In 2008, the government issued a regulation violating a 2003 Constitutional Court decision declaring that new province of West Papua violated Indonesia’s constitution, “New Law to End Papua Legal Dispute,” *Jakarta Post*, March 4, 2008.

some provisions of the law required victims to forgive perpetrators of crimes against them in order to receive reparations and provided for amnesty for perpetrators of serious human rights violations. However, instead of addressing the unconstitutional provisions, the court rejected the entire law, a severe setback to human rights defenders' efforts to pursue truth, justice, and national reconciliation for past crimes. The annulment of Law No. 27 became a convenient justification for not establishing local truth commissions for Papua or Aceh, even though they were specified in the Special Autonomy Laws for both regions.³⁴

The government has also failed to comply with the requirement in the Special Autonomy Law to create a Human Rights Court in Papua. However, a regional Human Rights Court was created in Makassar, South Sulawesi under Law No. 26 of 1999. In fact, the only case heard in a permanent human rights court in Indonesia concerned alleged violations in Abepura, Papua.³⁵



According to investigations conducted by the National Human Rights Commission, in the early morning of December 7, 2000, unknown people attacked a police post in Abepura, killing two officers and a security guard and setting fire to several shops. In response, police raided student dormitories, taking more than 100 students into custody. The abuses they suffered as prisoners led to numerous serious injuries and three deaths. The commission found that torture, summary executions, and assault had occurred, and recommended the prosecution of 25 police officers: 21 for their direct role in the violence and four for command responsibility.³⁶ The commission sent the investigation to the Attorney General's Office,

Cartoon drawn by a victim describing his view on special autonomy, spelled using grenades and bones, while an indigenous Papuan child stands passively. The symbol of the UN is a reminder of its flawed role in the Act of Free Choice. ICTJ

which eventually charged two senior officers two years later. Almost 100 witnesses provided evidence of systematic arrests and beatings including high-level involvement in these crimes. The court acquitted both officers and dismissed the victims' claims for compensation.³⁷

The failure to implement transitional justice policies in Papua should also be recognized as part of a broader failure throughout Indonesia to achieve truth, accountability, and justice for mass crimes.

³⁴ Law No. 21/2001, Article 46(3) states that "Membership, position, matters relating to implementation and funding of the Truth and Reconciliation Commission as described in article (1) will be regulated by a Presidential Decree after a recommendation from the Governor."

³⁵ For a general discussion on the failure of the human rights courts, see ICTJ and KontraS, *Derailed: Transitional Justice in Indonesia Since the Fall of Suharto* (March 2011), 37–54.

³⁶ National Human Rights Commission of Inquiry (KPP HAM) report on Papua/Irian Jaya, May 8, 2001, Executive Summary, 11; Human Rights Watch, *Violence and Political Impasse in Papua* (July 2001), 15–21.

³⁷ ICTJ and KontraS, *Derailed*, 48–49.

VI. Testimony of Victims

In the absence of a Truth and Reconciliation Commission for Papua, ICTJ and ELSHAM began to document the stories of victims and witnesses to better understand the extent of past violations and their continuing impact on Papuans' well-being. The research found that victims and witnesses are still experiencing unresolved emotional trauma and acute memories of violence, resulting in a strong distrust of the government and its representatives. It is clear from the accounts of victims and witnesses that the level of reconciliation required for sustainable peace and stability in Papua is unlikely without acknowledging and addressing the serious violations that play a major part in continuing divisions.

Researchers compiled 108 testimonies from the 1960s through the post-1998 reform period, in Biak (76), Manokwari (12), Paniai (10), and Sorong (10). They stayed in these districts for three months, identifying and interviewing volunteers. The number of victims interviewed does not reflect the severity or quantity of violations in each district or during a particular period. Instead, it reflects a combination of factors: the skill of the interviewer, the victims' own senses of security and risk, and the geographic terrain that the researcher had to cover to access these victims. These testimonies detailed 749 counts of violations against 312 men and 56 women. One hundred one victims were targeted as groups.

| Type of violation | Number |
|--|--------|
| Arbitrary arrest and detention | 234 |
| Military operations against civilians, including operations resulting in forced displacement | 181 |
| Torture and mistreatment | 97 |
| Killing, including death by torture and deprivation | 86 |
| Threats | 53 |
| Assault | 28 |
| Destruction or confiscation of property, food, and livestock | 22 |
| Forced to regularly report to police | 26 |
| Raids or warrantless searches of homes | 4 |
| Violations of employment rights | 4 |
| Deprivation of food and medicine | 4 |
| Forced exile | 3 |
| Banned from meeting with family | 2 |
| Trial without legal representation | 2 |
| Travel restrictions | 2 |
| Education discrimination | 1 |
| Total | 749 |

What follows is testimony collected from victims, and organized into three periods:

- 1960–1969: before the Act of Free Choice referendum (*Pepera*)
- 1969–1998: the period between the *Pepera* and the end of the Suharto regime; and,
- After 1998: the reform era, known as *reformasi*.

1960–1969

According to victims and witnesses, this period was marked by violent clashes between Indonesian military and OPM forces, followed by direct military attacks on civilians, as well as arbitrary detention and torture of those suspected of opposing integration with Indonesia. Witnesses reported violent acts by security forces personnel, that included shootings, rapes, forced resettlement, and the destruction and theft of property. Victim statements showed that military operations intensified as the Act of Free Choice approached, and continued through the implementation of the referendum in July and August 1969.

In Manokwari, the newly formed OPM attacked an Indonesian military post at Arfai on July 28, 1965, resulting in the death of 18 Indonesian military personnel and four OPM guerrillas. The incident was followed by a series of attacks across Manokwari and Sorong. In response to these and other attacks, the Indonesian military launched Operation Sadar, targeting a number of areas in Manokwari, including, Kebar, Saukorem, Prafi, and Ransiki. Soldiers forced residents to report to them daily, burned villages, and carried out aerial attacks, one of which damaged the roof of a church in Kebar.³⁸ Pressure on the civilian population increased in the months before the Act of Free Choice. The army and police carried out mass arrests of those suspected of protesting against the ballot or of having OPM ties.³⁹

One man was detained on August 5, 1969, and taken to the headquarters of a navy unit in Manokwari. Interrogators questioned him that night and all the next day about a banner and a local OPM leader. He was brought to the Manokwari Subregional Military Command (*Korem*) and held in a two-by-three meter cell smeared with feces. Prisoners had to sleep standing up in the crowded cell. They were given little food over the next three weeks and were frequently kicked and beaten with fists and rifle butts. An injury to the man's left leg was visible to interviewers 40 years later.⁴⁰

One man was part of a large group detained in Manokwari in 1968. Some were released, but he was among a group of 108 men woken at 4:00 a.m. one morning and taken to Manokwari port, where they boarded the ship *Brantas* to Sorong; there, more detainees were taken on. The ship went to Surabaya in Java and on to Semarang, where the detainees were held in prison for one month. Some were forced to work in rubber plantations with prisoners from the 1965 purges against alleged members and supporters of the Communist Party of Indonesia (*Partai Komunis Indonesia*, PKI). He returned to Papua one year later with many others, after the Act of Free Choice was over.⁴¹

People in Sorong also reported human rights violations in the period before the referendum. In 1965, soldiers from four regional military units (Pattimura, Cenderawasih, Hasanuddin, and Udayana), carried out a joint operation in several villages to arrest residents who had raised the Morning Star flag.

One victim was only 16 years old when he was arrested in Sasnek village by soldiers from the Pattimura command. His hands were bound, and he was made to lie on his back on the ground while soldiers kicked him and stood on all parts of his body. He and several other

³⁸ Field notes, ELSHAM researcher, 2011 (on file with ICTJ).

³⁹ Interview MKW029.

⁴⁰ Interview MKW004.

⁴¹ Interview MKW010.

detainees were then brought to Sorong on a navy ship, where they were placed in a cell at the military compound. Throughout his detention he was beaten with gun butts. He describes his experience:

When I was in detention, soldiers took turns hitting me with a piece of wood and the butts of their guns on the head. Then they forced me to drink urine. I still remember the soldier who assaulted and tortured me, his name was Corporal Paulus.⁴²

He was not released until 1970, five years later. He also described widespread sexual violence against women and girls:

In the villages, soldiers from the Pattimura and Udayana commands were conducting operations in Ayamaru, Kambuaya, Jitmau, and Aitinyo, arresting people involved with OPM, taking them to Teminabuan and putting them in detention . . . Women from Ayamaru village, soldiers from Pattimura gathered them in one house, and every night they had to serve their sexual needs. Every night the soldiers told the women to dance naked before them. The soldiers put all the young women in one house. I saw soldiers order the women to take off their clothes and then walk naked before them. Soldiers forced them to become sex slaves every night. I saw it but couldn't challenge them or become angry because they had guns. The people of Ayamaru also did not challenge them, only watched what the soldiers were doing to their daughters. Not just at night, but even during the day soldiers took women they liked and made them walk through town with no clothes. I saw it but could only cry and did not dare resist or become angry.⁴³

Another victim stated that he was one of about 50 people from villages in southern Sorong who were detained by at the military command in 1968. They were all held in the same room. The soldiers accused him of being OPM because his older brother had spoken out against integration with Indonesia. He recalls:

At night they took me out of the detention room with my hands and feet bound. I was tied to a kasuari tree and interrogated. I was forced to admit that there were Papuans in the villages who opposed integration. After one month more of detention I was sent to Java with other detainees.⁴⁴

Several other victims described cases of detention. One man described being detained with 30 people, including teachers, ethnic leaders, officials, and other educated Papuans. They were only given food once per day. The man's hands were bound throughout his detention in Teminabuan starting in 1965 until he was moved to Manokwari prison in 1968.⁴⁵ Another victim detained by the Sorong District Military Command reported that many prisoners died from hunger, beatings, or shootings.⁴⁶

In addition to these mass arrests, several witnesses stated that civilians were also shot for opposing integration with Indonesia. During this period there were many cases of residents fleeing to the forest, and surviving on cassava, fruit, and river water to avoid military searches for those suspected of being involved with OPM.⁴⁷

The islands of Biak also saw military activity. One victim recalls:

⁴² Interview SRG002.

⁴³ Interview SRG002.

⁴⁴ Interview SRG004.

⁴⁵ Interview SRG005.

⁴⁶ Interview SRG006.

⁴⁷ Interviews SRG003, SRG005, SRG006, SRG011, and SRG012.

In March 1963 I was detained because of political issues, because I lowered the red and white [Indonesian] flag. I was detained in prison at Samofa Bak for three months.⁴⁸

The Indonesian military launched Operation Sadar in 1968 in response to clashes with OPM and the unarmed resistance of teachers organized under a group called Sampari. One member of the group was detained on November 27, 1967, for creating and circulating pamphlets resisting integration with Indonesia. He expected to be released quickly but was held for more than four months in a police cell in Biak. On April 12, 1968, he was sent with two others on a ship to Manokwari.⁴⁹

Baldus Mofu, a former member of the New Guinea Council (*Neuw Guinea Raad*), was working at the Biak Office of Education and Culture when he was detained for the first time in 1965 on suspicion of supporting the independence movement. He was detained by the Air Force Military Police and then moved to the navy headquarters for questioning. He was released in 1966, but was detained for a second time in 1967 and imprisoned in a small cell known as a “rat room” at navy headquarters until his release in 1970. The third time, in 1973, he was held in Biak before being sent to Jayapura and then back to Biak in 1978. He was detained a final time in 1979, but suffered from health problems and was released to house arrest with mandatory reporting until he died on December 8, 1979. A victim who shared a cell with Baldus Mofu provided the following account of their detention:

In 1965, I was detained by the navy. It was night when I was taken from my room at the dormitory. We were questioned, beaten, and I was put in a cell. Me, Baldus Mofu, Noak Rumaropen, and Sem Wambrauw were seen as dangerous people and so were not mixed in with the other detainees. At 2:00 in the morning I was woken up and given three big white tablets crushed up like grains of sugar and put in my black coffee. I drank it but it wasn't sweet, it was sour. [Because of these pills] I became forgetful.

I saw the torture of Baldus Mofu, when he was being investigated by the officials. He was electrocuted and put in a tank with dirty water; there were worms and food remains. I was made to run with a wheelbarrow full of dirt. There was one guard who watched me. If I fell he would shoot. When we were hit, they used the butt of their rifles and wood. The food they gave us was their scraps. We mixed it with the food we had to eat.⁵⁰

Another victim was detained by Air Force Military Police in 1965 and served six months in prison with 150 other detainees. The violence they experienced was severe:

And for interrogation . . . we were shocked with batteries applied with red and black cables. It hurt right down to my bones. It felt like all my hair was being pulled out one by one. The intelligence commandant then was Pak Saneb, a very cruel man. During questioning, the leg of the desk, which was shaped like a ball, was put on my toenail and four or five men sat on the desk.⁵¹

In addition to arbitrary detention of those suspected of involvement in the armed resistance and the Sampari movement, researchers in Biak also identified multiple incidents of (unprovoked) shootings and killings, forced labor, sexual violence, intimidation, and destruction of property. Relatives of OPM members, including wives, were also subjected to violence, including rape and murder.

⁴⁸ Interview BIA028.

⁴⁹ Interview BIA029.

⁵⁰ Interview BIA028.

⁵¹ Interview BIA029.

A witness described an incident experienced by Yunia Mambenar, who was detained by soldiers on suspicion of being a member of the OPM.

The soldiers captured Yunia with OPM documents and brought her to the headquarters in Sorendiweri. Yunia, who was pregnant, was detained in Sorendiweri until she was brought to where she was raped then shot dead. After she was shot dead, they stepped on her stomach until the baby came out. That took place in 1967, when Yunia was pregnant for the first time and she was about eight months pregnant. She had been held at the military headquarters in Sorendiweri for more than a week before she was shot dead, without anyone from the family knowing . . . Other than Yunia Mambenar, another person by the name of Neles Rejauw was also shot dead and not buried. We learned about the killings much later. But we were scared so we did not look for them. Many years after I went there to look for the bones, but could not find any. Perhaps they have been eaten by wild animals. This event was so painful for us.⁵²

Another witness describes the killing of Ary Mnuwon on June 7, 1967. A soldier attacked the victim and his son from behind while they were building a hut. The first shot missed, but the second one hit Mnuwon in the back, killing him instantly. Mnuwon's wife and daughter were captured by soldiers. His son ran away toward Roidifu village.⁵³

During this period civilians were also made to carry out forced labor for the military, and many chose instead to flee into the forest. As explained by one witness:

The soldiers kept arriving; we were more and more traumatized. I was also more traumatized because if we tried to move to the village someone would report on us. The troops kept bringing me here and there, to Wardo, to the town, or back to the village. We slept in the forest. We were not able to survive on the coast and went into the forest. The rebel Melkianus Awom told the people to build a place to stay in the forest near Perwomi, the name was Siorsadai.⁵⁴

One witness, who joined Melkianus Awom in the jungle, stated, "We did not intend to run or hide in the jungle. But Indonesia came with frightening weapons. We ran into the jungle, they then ran after us and killed us in the jungle."⁵⁵ A woman, who fled to Mandoriai when she heard that the military was coming to her village of Orkdori, described her experience while on the run:

The military operations reached Nasifu, where we were gardening. Because our huts in the garden were inhabited, the troops burned and destroyed our gardens, and hunted us. They chased us until Mandoriai where we hid. They attacked and shot at us inside our homes. When they shot at us early in the morning, we were asleep. We were surprised; jumped up, and ran. I got shot on my left hand. Six people were wounded, three were shot and killed. We ran into the forest. When we were hiding in the forest, we did not eat or drink well. During the day we hid in the forest and at night we slept in makeshift huts we made for shelter. In the forest we ate genemo leaves and other leaves to survive.⁵⁶

Researchers also found several cases where the military destroyed property. One witness stated that:

On Thursday, 3 March 1968, Kampung Wodu was burned. All our houses, property, the church and school were burned down. Our livestock were shot and destroyed.⁵⁷

⁵² Interview BIA077.

⁵³ Interview BIA078.

⁵⁴ Interview BIA079.

⁵⁵ Interview BIA080.

⁵⁶ Interview BIA081.

⁵⁷ Interview BIA082.

Unlike the other regions, in Paniai armed resistance against the Indonesian forces was led by local government troops, under the leadership of deputy district head Karel Gobay. On May 1, 1963, Papuans damaged runways at Waghete and Enarotali to stop Indonesian planes from landing. After paratroopers were dropped instead, there were many civilian victims.

One victim was still a child when he was shot:

When there was fighting in Enaro, I was still in elementary school. At that time we were about to have exams. We went from Ekadide to Dogouto, and people asked us “What are you doing?” [We replied,] “We have exams.” Then they said, “You don’t know, do you, there’s going to be war soon.” . . . In the morning we heard gunfire . . . I was shot in the edge of my eye when I was fleeing with my parents into the forest, because we were chased by the soldiers.⁵⁸

In Komopa, Pasir Putih, soldiers shot a traditional leader named Owaka Nawipa and at least 13 others, according to several witnesses. One witness was walking “from Ekimani . . . to Epouwi to dig cassava. There were ten women and five men coming from Mauwa to Epouwi. After they arrived there, some were shot dead by soldiers. Two who were killed were Dogoudabi Dogomo and Pekeybi Iyai.”⁵⁹ Another witness saw five victims killed during May, June, and July of 1963. He himself was shot at as he ran.⁶⁰ A witness recalled, “In my village there were three victims of the conflict . . . Mika Kayame, Isack Degei, and Akapitake Gobay. Mika Kayame was stabbed and thrown into a ravine, but he was caught in a tree. He lived for three weeks, and then he died in the top of that tree.”⁶¹

One witness described an incident in Komopa, Pasir Putih, in 1969 that involved hundreds of local government officials:

In the incident in Komopa, Pasir Putih, the victims were Gibobi Gobay, Nawipatuma, Nawipa, Tenouye, Dumay, and Bunay. Those victims were shot when the people demanded freedom . . . At the time, the people were stridently demanding freedom, while the troops regarded this as part of Indonesia. So there were rebellions. Many people died. I cannot say the number. Even for my own village, I forgot the people who died.⁶²

Another witness, described an attack against civilians in retaliation to a battle led by an OPM leader named Karel Gobay that led to the killing of ten soldiers. He recalled:

Then the soldiers went into Moanemani, fixed the airstrip [that was dug up to stop planes from landing], so that soldiers from Enaro and Waghete could land. The soldiers were told to attack civilians, they came out at night and surrounded [us] in the morning. This happened in Tikidikebo, Dogimani. In the afternoon, the people were attacked. There was so much blood. Many people died in Ekemanida, also in Tikidekebo, and in the villages of Mauwa, Ikebo, and Iyadimi [bordering Deiyai and Dogiyai]. Adi Garis was shot at night when he was guarding. He was shot because the soldiers saw his cigarette. He did not know they came. He was a police officer during the Dutch period.⁶³

One witness explained the reason that Papuans attacked the Indonesian military stationed there:

⁵⁸ Interview PAN004.

⁵⁹ Interview PAN006.

⁶⁰ Interview PAN004.

⁶¹ Interview PAN025.

⁶² Interview PAN002.

⁶³ Interview PAN003.

We went to war because they killed our pigs, pulled out the fences [of our gardens and homes]. This is what made us go to war. Actually, we did not hate them. Other people from other villages also went to war. The war happened because girls and women were being raped by ABRI. If people did not follow, they were forced and hit by members of ABRI. The same thing happened in Obano, Kebo, Paniai Timur, and Komopa. After the war, people returned to their villages. Even though they were back, the situation was still heated.⁶⁴

According to him, after they returned home, their leaders were brought to Nabire to represent them in the Act of Free Choice referendum.

1969–1998

In the period after the referendum, military operations focused on destroying members of the OPM still fighting in the jungle. Residents of rural areas were closely monitored, and city residents required permission to leave. Victims who had been detained previously continued to be harassed and detained without any clear justification.

In Manokwari, one witness interviewed was a Papuan soldier who was a member of the Indonesian army stationed in the Puay section of Jayapura in 1972. He described how he and other soldiers were ordered to shoot 10 residents in Puay and 10 from Telaga Maya in Sentani, Jayapura district. He carried out the orders to shoot, but refused to bury the victims, and other soldiers covered the bodies in leaves and wood.⁶⁵

Operation Tumpas was carried out against OPM in West and North Biak from 1971 to 1989. Witnesses reported shootings and killings, torture and mistreatment, rape, and kidnapping.

One witness recounted a massacre at a river in 1971 carried out by members of the Udayana Regional Military Command:

The massacre started with an attack by Benjamin Mambenar against three soldiers, who were cut up with a machete. Then someone was brought to point out Benjamin's village in Krisdori. When the troops arrived, Fredinand Kmur and Yulianus Kmur were shot. The survivors were ordered to carry their bodies to the Busdori River. [Two people] were made to carry their bodies. Other detainees were tied up and brought to the river. They were made to dig a hole, one by one. Then they were shot in the hole from number one to six, plus the two. So there were eight bodies.⁶⁶

Women also suffered from violence perpetrated by the military. A witness described a killing and rape at a river:

When we were attacked at the Simardo river, it was about 5 p.m. and raining. When we were attacked I was sitting on a log; one bullet hit three people. The bullet entered Dormina, came out and hit Amos' leg, and then hit Beatriks. We all jumped and ran our own ways. I hid but saw with my own eyes. Beatriks was shot but not dead, then was raped, then beaten to death. Amos was shot in the leg but was alive, then attacked with a machete on his head until he died. So three people died. Their bones are still there—unburied until now.⁶⁷

Some attacks did not distinguish between civilians and combatants. One witness recalled:

⁶⁴ Interview PAN010.

⁶⁵ Interview MAN008.

⁶⁶ The eight victims—Fredinand Kmur, Yulianus Kmur, Berend Kmur, Martinus Kmur, Matius Nap, Benjamin Mambenar, Robert Kmur, and Gerson Kmur—were buried in a pit. Interview BIA048.

⁶⁷ Interview BIA014.

On 26 February 1986, we were getting ready to go to church—the church was built at the headquarters of OPM leader Melkianus Awom. At 5 a.m., soldiers surrounded the headquarters and there were sounds of gunshots, houses being burned. We ran to the forest and were separated in the forest for more than one month. When we ran, around 9–10 a.m., two planes came from the direction of land [forest] and from the direction of the sea. There were bombs crisscrossing from the forest and sea. The headquarters burned all day, we just saw the smoke. . . . One person died. His clan was Daundi, from Orkdori village. He died from a gunshot wound from a soldier on land [when they were chasing us]. Melkianus Awom told the people in the forest to return to their homes, because we could not survive. We returned in 1987 and were received by the *Babinsa* [village-level soldier] in West Biak.⁶⁸

The families of OPM members were often subjected to violence and intimidation. One such family was the family of a former member of Indonesian army Infantry Battalion 751, based in Sentani. On April 8, 1984, he deserted from the military to join the struggle for Papua's independence. His wife and three small children were required to report to the military every day. After two of the children died, his wife took her surviving child home to Biak in 1985.

In 1987 he and 10 men travelled to Biak to look for his family in their village. After they arrived, the village was surrounded by soldiers, leading to a firefight between soldiers and his group, during which he escaped. The residents of his village were ordered to the beach and told to raise their hands above their heads. The district military commander forbade his soldiers from shooting the civilians.

His father was interrogated by the commander and kicked; the family's house was ransacked; and three bags of clothing were taken by soldiers. Because she was afraid, she joined her husband in the jungle, leaving her son in the village with others. After a week, he and one of his men left the jungle. His wife heard the news that he was killed in a firefight the next day. His head was reportedly cut off and placed in glass container that was displayed at a Biak Development Exhibition in 1987. His wife surrendered during a military operation, experienced discrimination from the authorities, including not being provided with food from government distributions, as she was viewed as having caused problems for the village.⁶⁹

A witness states that the father of an associate of OPM leader Melkias Awom was harassed before being detained and electrocuted by soldiers searching for his son in 1993. Soldiers accused the parents of Soleman Daundi of ordering their son to join Awom in the jungle, and harassed them. When Awom heard of this, he bought Soleman to his parents in Napdori village. When they arrived they were attacked, and Soleman was shot dead by soldiers from Trikora regional military unit, Battalions 752 and 753. After the shooting, soldiers cut off Soleman's head and hands and displayed his head in the villages of West Biak; his father, Alfius Daundi, was detained and electrocuted.⁷⁰

As in Biak, many of the human rights violations during this period in Paniai were related to military operations against those suspected of belonging to OPM. In the 1980s, military operations targeted Tadius Yogi and his followers. Numerous witnesses and victims described civilians being detained, harassed, tortured, raped, and children being forced to work as porters.

One woman described her experiences as a 12-year-old:

Three search planes came. The first search plane dropped grenades from the plane onto Ipakiye, the center of the Kemah Injil church. The second dropped grenades among the OPM guerillas at Etendini. At that time OPM disbursed. Later soldiers came to Madi and entered the ritual house [*rumah pesta adat*] and burnt it down

⁶⁸ Interview BIA012.

⁶⁹ Interviews BIA060, BIA065, BIA046, BIA050.

⁷⁰ Interview BIA011.

with matches. And they burnt down peoples' houses . . . Soldiers kidnapped and harassed people in villages while they were working in their gardens, if they couldn't find Yogi. People who didn't shave, who didn't bathe, who didn't wear clothes, were kidnapped by [the military] and then shot, beaten, and imprisoned. Without doing anything wrong, people were treated like that.⁷¹

One man, then age 30, was living in Moanemani, Dogiyai district, in 1998, and remembers troops hunting for Tadius Yogi. They forced 20 children in junior high school to work as porters from Moanemani to Obano and back, without pay:

Almost all the people on that side . . . were forced to search for Tadius Yogi. The soldiers believed that this village was a stopover for Tadius Yogi. So there were always victims; we were continually threatened. Villages that were always threatened were: Powouda, Nuwa, Ugapuga, Yotapuga, Obayo, Puga One and Two; they were all victimized then.⁷²

Another man was only 11 years old when he was detained and beaten in 1977. He recalled:

I was arrested by Indonesian soldiers at Debei. For one year I was detained: six months in detention and six months house arrest.⁷³

One witness reported that the Indonesian Special Forces Command (*Kopassus*) brought women to Camp Idakebo, where they were raped. The source remembers that in Madi village, Tuguwai, Komopa subdistrict, a unit of combat engineers called Zipur Nine was conducting operations:

In one operation the soldiers passed by the edge of a garden. At that time there were two women and one man there. The man, Kudiyai, was shot dead by the soldiers. The two women, they were raped right there.⁷⁴

Another witness remembered:

There were three women from the village of Timida, next to Madi. At the river Kogeye, soldiers captured the three and raped them. I saw that incident together with my mother. We saw Zipur Nine and Zipur Three. Soldiers from Zipur raped them.⁷⁵

Torture was also reported from this period. One witness recounted what happened to a victim named Ileuda Tobay:

He was questioned while tied up. He was wearing a loincloth and penis-gourd [*koteka*]. The soldiers hit him and the *koteka* broke. Inside the *koteka* was a fragment of paper. They saw the paper, and apparently, there was name, signature, mark, on that paper. After that they untied the rope and used handcuffs . . . handcuffed with his hands behind him, he was hit in the stomach from Papato village, hit the whole way to Madi village. Then he was bound with irons, and hit in the face until he bled from the nose. He stayed for three nights in Madi village. On the fourth night they brought him to Enaro. His *noken* [a traditional bag] was filled with rocks and hung from his neck. They brought him to their post. There they took the flesh of his calf, thigh, hands, with a knife. After one night his legs were bound with metal. One of them had some iron that was hot, burnt in the fire until it was red, and they put it in his anus until it came out his mouth. At that point he died.⁷⁶

The same source described another incident:

⁷¹ Interview PANO06.

⁷² Interview PANO07.

⁷³ Interview PANO08.

⁷⁴ Interview PANO11.

⁷⁵ Interview PANO05.

⁷⁶ Interview PANO11.

There were three people who had slaughtered a pig in Madi, Debeboutuma Mote (age 25), Eniatuma Mote (25), and Makdoi Yogi (30). The price of the slaughtered pig, they sold it for 200,000 rupiah to Zipur Nine. Then [the soldiers] offered 25,000 or 50,000, but the three didn't want to accept the money, but the military forced them to take it. The three still didn't want to accept it and kept asking for the 200,000, because according to them, the pig was very large. Then they decided to sell it in Enaro. Before they left, the soldiers said wait, we'll write a note and you give it to the soldiers in Enaro. They waited while the soldiers wrote a note that said: "Take the pig, then these three, kill them." Then on arrival in Enaro, they brought the letter themselves to army post, happily, because they didn't know the contents. After reading the letter, the soldiers took the pig and put it in their house without paying for it. The three said, "Pay sir," then they were slapped on both cheeks. Because they were afraid they ran to the river, but they were killed, shot dead.⁷⁷

Since 1998

With the fall of President Suharto in 1998, the push for political change also intensified in Papua. However, civil actions by students and political groups expressing their desire for independence were swiftly met with violence.

From July 2–6, 1998, in an incident known as "Bloody Biak," security forces broke up a demonstration lead by Filep Karma, shot at demonstrators, and herded them to Biak port, where they were interrogated. Some victims died or were forcibly disappeared.

Karma, along with another protester, were later convicted of treason and sentenced to 10 and 15 years imprisonment, respectively.⁷⁸ The witness described his experience:

The truck came and the 12 of us were separated. One of us, Kapela, died in the cell. We were detained and interrogated by the officers . . . I was put on trial for three months and received a three year sentence. There was information that the political prisoners would be released by Gus Dur [Indonesian President Wahid]. The day the sentenced was passed, the next day we were freed. Karma, two others, and myself were tried separately. We got a lawyer from the police, but we did not know him. After the presidential pardon, I was free. We are free but we are still scared.⁷⁹

Another demonstrator remembered:

I was kicked on the back of the head quite hard until I fell unconscious. I was tortured but I was not conscious . . . Then we were brought to the navy [base]. There we were held in one room, around 14 of us . . . Wilhemus Rumpaidus was shot. I sat with him until he died . . . Then someone came and said those alive go into the car. I remember, Rumsowek and two others had to be carried. We got into the vehicle, our hands still tied. I had to jump into the car. The soldiers in the car threatened us not to run, or else they would shoot to kill. People stopped the car, and we were brought to a hospital. There we were treated not so well, even though we were brutally assaulted. The hospital gave us antibiotics and there was no real examination.⁸⁰

Another victim also described the use of excessive force by authorities:

We were beaten at the roundhouse [traditional hut] of one of the people. The houses were destroyed and shot at. I was hit by Brimob [members of a mobile brigade] on the head, with the butt of their rifles. I was surrounded by 15 Brimob,

⁷⁷ Interview PAN011.

⁷⁸ "Indonesia: Free Political Prisoners, Activists Still Punished For Peaceful Expression," Human Rights Watch, February 20, 2007, <http://www.hrw.org/news/2007/02/20/indonesia-free-political-prisoners-papua>.

⁷⁹ Interview BIA032.

⁸⁰ Interview BIA033.

beaten until I fell. With what strength I had I ran to the road towards the gas station, but another group of Brimob stopped us. I was hit again. I could no longer run. There were many victims but I could no longer pay attention. I couldn't run anymore. The military and police formed a U-formation attacking us . . . We were 102 people held near the port, made to drink water from the pond and eat bad rice. We were brought to the police station. There we were beaten again, made to strip, and punished. Others were held at the navy [base] and district military base.⁸¹



Civil society groups in Papua holding a demonstration to commemorate the violence against indigenous people in Papua and demanding the establishment of a human rights court for Papua in December 2009. KOMPAS/Ichwan Susanto.

The victims interviewed during this study reported that they continued to experience fear and emotional trauma. Several also show scars from injuries sustained years ago, and some even have bullets still lodged in their bodies. Many had never had the opportunity to tell their stories.

One of the victims interviewed explained the beneficial effect of being able to share these experiences: “I feel relieved when I can tell what has been my burden to ELSHAM-Papua. Until now I have not told anyone. I feel that this is enough for me. I feel very relieved.”⁸⁴

Another victim explained that most of the human rights violations have never been spoken of by victims or acknowledged by the government:

These atrocities, which we experienced, have long been buried. Not spoken about. When these things are acknowledged, these are the facts and historical evidence that we experienced this . . . Then ELSHAM-Papua has come and taken down our story, to be an important document for the people of Papua . . . So that the eyes of the government can be opened—how human rights violations have taken place since 1963 until now. Extraordinary violence, beyond the limits of humanity. Many people have become victims. Many do not want to speak. Many stay silent, including victims of rape.⁸⁵

In Paniai in 1998, the military launched an operation to find members of Tadius Yogi's group. One witness stated:

When I was (working) in this district, the military team came. They were unruly. They threatened people with violence. Even those [who were] not members of Yogi's group were detained without reason. People were scared, because they were suspected to be members of Tadius Yogi's group. One woman was raped, but I forgot her name. Others were brought at night to Camp Idakebo by the Special Forces and raped. I did not note down their names.⁸²

One witness described the situation in Dogiyai district around the same time. In villages regarded as a transit point for Tadius Yogi, soldiers from the Special Forces harassed residents, stealing livestock and forcing children to work as porters without pay.⁸³

⁸¹ Interview BIA034.
⁸² Interview PANO07.
⁸³ Interview PAN012.
⁸⁴ Interview MKW029.
⁸⁵ Interview BIA019.

VII. Conclusion

The government of Indonesia is obligated under international law to investigate and prosecute the perpetrators of gross human rights violations. This obligation also exists in national law, reflected in the provisions of Law 26 of 2000.⁸⁶ International law also recognizes the fundamental right of victims to know the truth and be provided with reparations for violations committed against them.

The 2001 Special Autonomy Law was the Indonesian government's first significant attempt to address the deep and lasting grievances of the people of Papua. The law includes a commitment to establish transitional justice mechanisms, including a Human Rights Court and a Truth and Reconciliation Commission for Papua, but neither of these mechanisms has been created.

The government's efforts in the last year to address Papuan discontent have focused almost exclusively on economic development and improving social services; they have not effectively addressed the abuse and violations allegedly committed by various Indonesian military forces over the past 50 years. The anger and resentment Papuans feel toward their past has been intensified by a lack of interest from any official government institutions.

The Indonesian government has not fully acknowledged the extent of the human rights abuses perpetrated against Papuans. It has not demonstrated a serious commitment to establish the truth, prosecute perpetrators, prevent the possible recurrence of further violations, or offer material reparations to victims (such as providing medical care for injuries suffered or offering education scholarships to children of victims).

While our research is not a comprehensive study of all violations that occurred during this period, the victims we spoke with were clear and firm that they want to know the truth about the violations and abuse they suffered, and that they want the perpetrators held accountable for their actions.

⁸⁶ Law No. 26 of 2000 on Human Rights Courts, <http://www.hukumonline.com/pusatdata/detail/17499/node/541/uu-no-26-tahun-2000-pengadilan-hak-asasi-manusia>.

VIII. Recommendations

Truth-seeking

The president should establish a Truth and Reconciliation Commission (TRC) for Papua, in accordance with article 46 of Law No. 21 of 2001 on Special Autonomy for Papua. The commission should be established through a consultative process that includes both victims and civil society in Papua.

If the national government does not act to establish a TRC, **the provincial legislatures (DPRP) of Papua and West Papua** could approve a Special Provincial Regulation (*Perdasus*) to establish a Truth and Reconciliation Commission in Papua.

Religious institutions and civil society, including women's organizations, could work together to gather information on past violations, compile this information in a consolidated form, and support victims.

The National Commission for Human Rights should make the results of all analysis, research, and inquiries into human rights violations in Papua available to the public. This should include reports that have been classified.

Justice

The president should promptly create a Human Rights Court in Papua in accordance with the mandate of Law No. 21 of 2001 on Special Autonomy for Papua, Article 45, and Law 26 of 2000 on Human Rights Courts.

The National Human Rights Commission should conduct an inquiry on violations in Papua to determine whether crimes against humanity or genocide took place, referring their findings to the Attorney General. The Commission should pay special attention to cases that took place before the *reformasi* era.

The attorney general should immediately investigate and prosecute alleged perpetrators identified in cases where the National Human Rights Commission has found that crimes against humanity or genocide have occurred.

Reparations

The Unit for the Acceleration of Development in Papua and West Papua (UP4B) should establish a program of reparations, following the United Nations principles on reparations, with special programs for the health, education, and economic development of victims. This program should prioritize the acknowledgement and restoration of the victim's dignity, and integrate justice and human rights into its development policies.

Institutional Reform

The Indonesian military and police should demonstrate a renewed commitment to protecting and respecting the rights of the Papuan people by fully cooperating with truth-seeking efforts and investigations into past violations and making available all files and documents relevant to these past crimes.

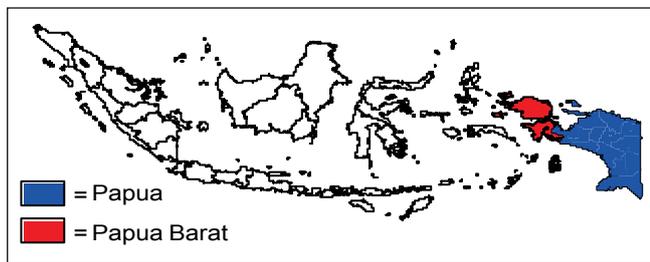
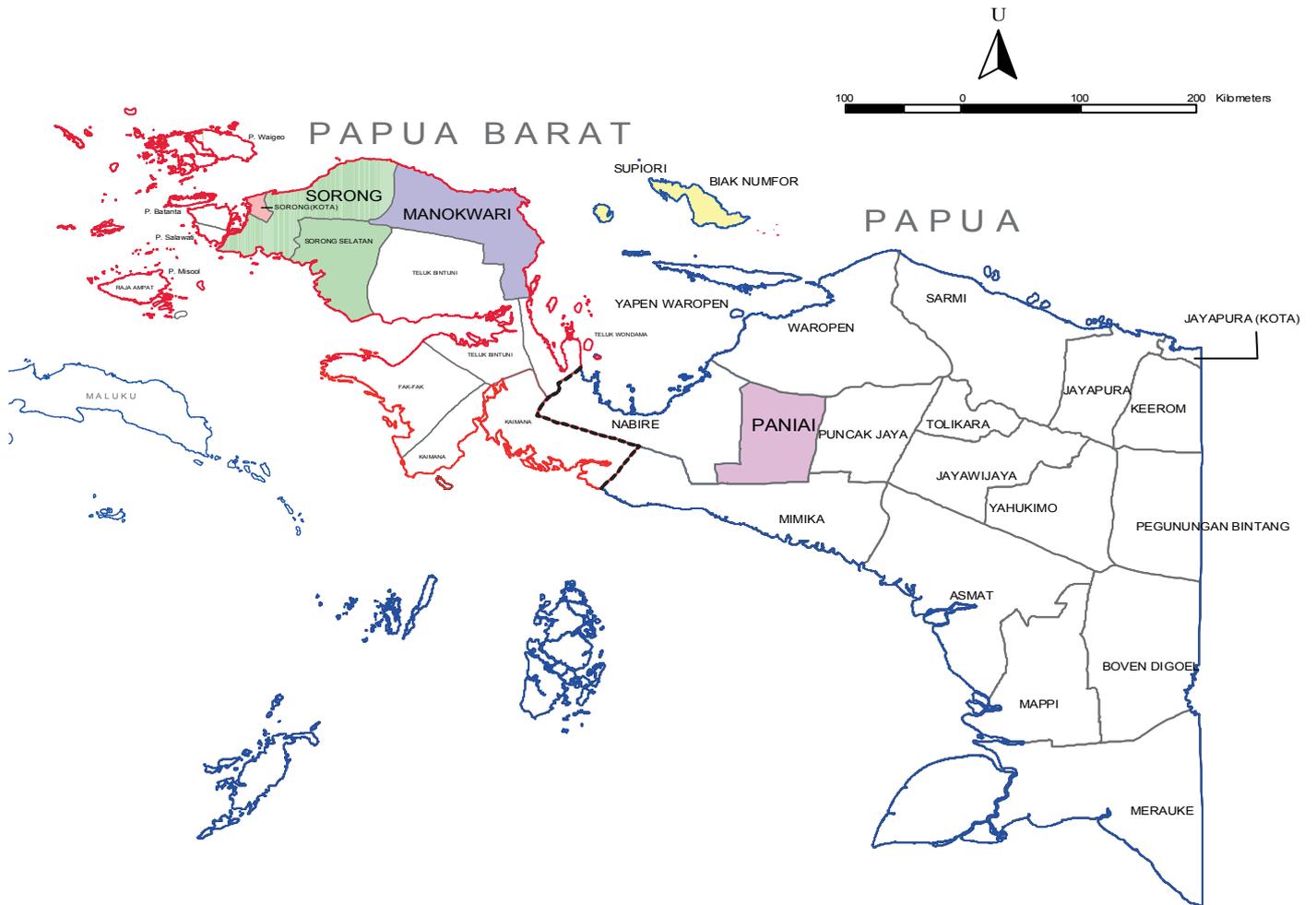
The Ministry of Defense and other security sector institutions should ensure the prosecution of members of the military who perpetrate human rights violations against civilians in civilian court, modifying the relevant laws and regulations of civil and military law as required.

Enforcing the Rights of Women Victims

The National Commission on Violence Against Women (*Komnas Perempuan*) should continue the process of documenting the experiences of women victims, and should without delay develop a program on reparations in Papua, with the support of UP4B and in collaboration with civil society.

The provincial legislatures (DPRP) of Papua and West Papua, with local government officials, should promptly approve and implement a special provincial regulation for the protection of the human rights of Papuan women (*Perdasus Perlindungan Hak-hak Dasar Perempuan Papua*), and allocate budget to protect the interests of women victims.

Annex: Map Of Papua



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