

### **INCIDENTS OF HR ABUSES CITED IN THE 'WE WILL LOSE EVERYTHING' REPORT**

Papua have been forced to sign a memorandum of understanding explicitly precluding involvement in human rights work.

#### **More Recent Repression**

1. Our Commission has shown an interest in the situation in West Papua since 2002, but our commitment intensified after killings and arrests which occurred after the Third Papuan People's Congress in October 2011. Celebrations following this major political meeting turned to tragedy when Indonesian security forces opened fire on the crowd, killing several people and injuring many more. Five leaders were detained, beaten and tortured and subsequently jailed for 3 years for treason. Our Commission joined with others in the Brisbane solidarity movement to fund medical treatment and other forms of practical support to the Jayapura as they became known – Forkorus Yaboisambut, Edison Waromi, Dominikus Sorabut, Selpius Bobii and Agus Kraar. All five were given an early release and are still active in the independence movement.
2. In recent years, the KNPB (West Papua National Committee) has engaged in an energetic campaign of public demonstrations and prayer gatherings in support of their aim of a referendum on independence. Indonesian security forces have adopted an aggressive approach involving the breaking up of public demonstrations and the arrest and beating of participants, raids on the organisation's offices and the killing of leaders such as Mako Tabuni in 2012.
3. In Paniai, the pilgrims saw that the villagers still showed the signs of trauma as a result of the recent killing of the four teenage boys in Enarotali. They were also deeply concerned about the lack of economic opportunities, basic social services and the economic exploitation of their community by security forces and the social harm it has caused.
4. Pilgrims got a taste of the intimidation Papuans face every day when police, intelligence operatives and immigration officials raided their meeting with Biak massacre survivors. Seven members of the group were called in for questioning by immigration officials and, although they were eventually cleared to continue their travels through Papua, their Papuan guides continued to be harassed by officials.
5. Despite an announcement in May 2015 by President Widodo that journalists would have free access to West Papua, media access is still restricted. There is no freedom of expression. Almost 40 political prisoners are currently in jail, customary land rights are not protected and there is no systemic policy of affirmative action. West Papuans human rights are also not protected. Throughout 2015, the Indonesian security forces have targeted young people in particular, all of whom have been unarmed.

#### **Security Forces Action**

6. The families met by the delegation are Dani people who support the West Papua National Committee (KNPB). They related an incident which occurred on 5 February 2016, a public holiday to mark the coming of Christian missionaries to West Papua. The local KNPB branch

had organised a meeting on an oval to celebrate the holiday, but also to present awards for a recent sporting competition and to inform people about the organisation's campaign for a referendum on independence in West Papua. While the meeting was in progress, about 12 cars arrived at the scene and a number of police and members of the special counter-insurgency unit, Densus 8810 confronted the gathering. Although they did not accost anyone, they began taking photographs and videos of the gathering. Their presence intimidated many in the crowd and resulted in many fleeing the scene to avoid possible violence or arrest. The police left after the crowd began to disperse. They had successfully disrupted the meeting without violence on this occasion.

7. However, our delegation was told that a man in his 30s who was travelling to the meeting from the town of Timika was confronted by operatives from Indonesian intelligence (BIN) and, when they discovered he was going to the KNPB gathering, they proceeded to beat his arms with ironwood, leaving him with both arms broken.
8. The delegation was also told that people do not go out at night for fear that they will be taken by members of the security forces and beaten or killed. Their fears are not imaginary. They reported that two men had been found dead in the town in the past year – one was found dead in the street with his scooter helmet still strapped to his head and another was a young man who is the son of a prominent pastor who is a strong advocate of the rights of the Papuan people.
9. They also reported that out of uniform soldiers would sometimes ride motor cycles into the stalls of Papuan women in the local markets to destroy their capacity to make a living.

There were many other reports of human rights violations by Indonesian security forces of which we were advised. These include:

10. In January 2016, 27 tribal leaders in Merauke were beaten severely by soldiers after complaining about not being paid for two months by an oil palm company for which they worked.
11. Public demonstrations by KNPB members and other Papuans in Merauke were broken up by police and leaders were arrested and interrogated.
12. A prominent man in one village in Merauke who provided a report to Indonesian authorities on the impact of repeated land grabs of traditional tribal land had his computer confiscated and subsequently returned after being disabled.
13. While security forces in Merauke seemed to have stopped beatings and torture of prominent activists in recent years, they are now picking up Papuans who are intoxicated in public places and beating them.
14. Apart from the violations in Timika and the Highlands already mentioned in this report, our delegation received disturbing reports of the mysterious deaths of a number of prominent supporters of the rights of the Papuan people and of the independence movement. A young businessman in Timika, John Haluk died suddenly in 2015, presumably from poisoning. He had paid for the building of the KNPB office in Timika and donated a very large sum of

money to support the conduct of the unification talks in Port Vila in December 2014 which led to the formation of the ULMWP. A West Timorese Catholic priest, Fr. Amandus Fahik, who had served in Paniai since 1996, died in November 2015. He had attracted the attention of Indonesian security forces because he constantly encouraged the Papuan people to protect their land. Many Papuans believe he was poisoned by members of the security forces.

15. In Sorong, young activists who had organised a public demonstration to draw attention to the lack of access of Papuans to education were arrested and interrogated.
16. Conflict between young Papuans and Indonesians is increasing and police do not stop fights except to protect Indonesian youths. Young Papuans involved in these conflicts are often targeted for police action subsequently. In one instance in 2013, police randomly rounded up a large group of teenagers and young Papuan men in their early 20s and interrogated them over a particular incident with Indonesian youths. Two of the older youths were tortured by having their toenails removed. The two young men were subsequently charged with offences, convicted and sent to jail.
17. Papuans engaged in hunting in traditional lands are sometimes shot at by soldiers in the forest who automatically assume that the Papuans are members of the armed resistance. Everywhere our delegation went in West Papua, soldiers, police and intelligence operatives were clearly visible.
18. At one of the towns our delegation visited, the priest who hosted our visit was asked to attend the police station to answer questions on the reasons for the delegation's presence in the community.
19. In several places, Papuans reported that significant numbers of military personnel were being brought into the area ostensibly for non-military purposes such as undertaking audits of places of cultural significance, but locals believe their presence is intended to reinforce the capacity to monitor and control the activities of those promoting independence.
20. Our colleagues in various parts of West Papua assert that the security forces are often involved in businesses such as brothels and logging. If not involved as owners, they obtain income by providing security for these businesses. They also supplement their income by compelling local government authorities to employ soldiers as security or drivers.
21. The Commission continues to receive reports of violations by Indonesian security forces after our departure from West Papua. According to KNPB leaders with whom the delegation spoke in 2016 and with whom members of the 2015 pilgrimage also spoke, 28 KNPB members have been summarily executed by Indonesian security forces between 2012 and 2016. ULMWP leaders and Church workers inside West Papua continue to provide direct reports on developments in this case to the Commission and other supporters internationally.

22. Note that this latest example of Indonesian security forces breaking up peaceful demonstrations in support of the ULMWP is part of a pattern of behaviour of security forces in response to public political demonstrations in recent years.
23. After the opening of the ULMWP office in Wamena on 15 February, attended by 5,000 Papuans, police put two of the organisers, Markus Haluk and Edison Waromi, on notice that they faced charges of treason for being the central figures in arranging the launch. Seven others, including prominent human rights activist and Catholic priest, Fr John Jonga, were ordered to present themselves for questioning about the event. To date, despite several public statements by police suggesting that Markus Haluk and Edison Waromi have not been arrested. Despite the fact that the ULMWP is recognised as an observer by the Melanesian Spearhead Group of which Indonesia is an associate member, Indonesian security forces continue in their attempts to suppress ULMWP activity in West Papua by this sort of harassment and intimidation.
24. Another report provided to the Commission by the Legal Aid Institute of Jakarta (LBH) indicates that, on 13 April, Papuans demonstrated in their thousands and made their wishes heard in Port Numbay, Sorong, Wamena, Biak, Kaimana, Timika, Merauke, Yahukimo, Manokwari, Fakfak and all over West Papua as well as in several Indonesian cities.
25. In Port Numbay, over 5,000 Papuans participated. Over 800 Indonesian police patrolled the streets and footage of police smashing a taxi carrying people to the demonstration has recently been released. 11 were arrested in Port Numbay, 3 in Sorong, 13 in Kaimana and 14 in Merauke.

### **Declining Economic and Social Rights**

26. Our Papuan hosts are just as much concerned about their growing economic and social marginalisation as they are about the violence of the security forces. Without a doubt, the single most important factor for them in this regard is the rapid demographic changes which have resulted from the extremely high rate of migration into West Papua from Java, Sumatra, Flores, West Timor and other Indonesian islands. As visitors, the dramatic demographic shift is readily observable. Indonesian faces are as common as Melanesian faces, if not the majority, in many places our delegation visited in West Papua. In the main towns we visited – Port Numbay (Jayapura), Timika, Sorong and Merauke – they are already the majority. Along with the influx of Indonesian migrants have come changes in language, food, dress, religion, music, art and much more.
27. Papuans have seen themselves pushed to one side by often more aggressive Indonesian migrants who have taken over land, the economy and cultural spaces. Our hosts, to a person, worry most about this rapid transformation in the life of West Papua. Many spoke as if they are endangered in their own land. They see their proportion of the population declining rapidly and with that numerical decline and the cultural, economic and social colonialism of the Indonesian migrants, they fear that as a people they will become a small minority with the status of an anthropological museum exhibit of a bygone culture.

28. In all the places our delegation visited, Papuans criticised the seizure of their traditional lands. Much of it has been taken to provide living space for the Indonesian migrants and for the infrastructure needed to service a rapidly growing population. Large parcels of land are also being seized for economic development by Indonesian and multi-national corporations. Large tracts of land have been taken for oil palm and sugar cane plantations and for other purposes. The Merauke Integrated Food and Energy Estate (MIFEE) has seen as much as 1.2 million hectares of traditional lands assigned for development by these corporations. The Palm Oil Atlas written by Franky and Morgan lists the palm oil concessions granted across all of West Papua. The total area covered by these concessions is almost 2.7 million hectares and, as at 2015, almost 0.5 million hectares are already operating as plantations. In one village our delegation visited in the Merauke district, it was estimated that tribal groups have lost over 50% of their lands for migrant accommodation and acacia and eucalyptus plantations since the 1980s.
29. Church workers and villagers reported that tribal owners are never on equal footing with the corporations in negotiations for their land. The Indonesian state refuses to recognise customary land ownership or Papuans as indigenous people. Corporate representatives generally come with a permit from the local government and explain the proposed memorandum of understanding. If the tribal owners are not willing to agree, the corporate representatives return with a contingent of police to intimidate them into agreeing. Military officers are often on the boards of the companies seeking to use tribal lands and this worsens the intimidation tribal groups feel.
30. A small amount of money may be paid to the tribal group initially and some employment of members of the tribe may occur in the first stages of development, but long term agreements on continuing employment for tribal members and profit sharing are never a feature of memoranda of understanding. Church workers supporting tribal groups in their negotiations indicated that the tribal groups are often left with a small amount of land on which to live once development begins. In the case of one company, they claimed that the tribal group lost all their land to development and were left with nowhere on their traditional lands to live.
31. They also advised us that an alternative method of negotiation is to take tribal leaders to Jakarta where they are wined, dined and bribed into signing an agreement whose terms are invariably overwhelmingly in favour of the corporation and to the gross disadvantage of the tribal owners.
32. Economic opportunities for Papuans are poor. The Merauke village we visited is struggling because of the loss of over half of its traditional lands, but also because growing beach erosion has ended their capacity to obtain income through sand mining. We stood on the foundations of the village's Catholic church which was destroyed by rising seas some years earlier. The village community has developed plans for cultural and religious festivals as a means of attracting tourists and bringing income into the community, but the economic situation for the community is very difficult.
33. Many Papuans miss out on opportunities for good jobs because of poor education outcomes. Several community activists in several towns told our delegation that all

Government and private schools impose both an admission fee and monthly tuition fees for all students. Many families find it so difficult to earn sufficient income to pay for admission and tuition fees for their children. While education is compulsory, an inability to pay fees prevents children from attending school. It is a vicious circle – Parents cannot pay fees because they cannot earn an adequate income, so children do not go to school and do not obtain a good education. The children, thus, do not gain the qualifications they need to get well paying employment. The exclusion of Papuan children from education is an enormously significant contributing factor in the growing economic marginalisation of Papuans.

34. Our delegation met some young people who organised a public demonstration to draw attention to the lack of access to adequate education by Papuans, but the police broke up the demonstration, arrested the organisers and interrogated them before releasing them. It is as if the Indonesian authorities want to ensure that Papuans remain poorly educated and have little access to good employment.
35. Papuan women, particularly, struggle economically. Many women rely on selling produce they grow and traditional food items and craftwork they make. Many women told us they struggle to find a place to sell their wares in established markets as they cannot afford the cost for leasing space in the markets. The established markets are dominated by migrants. Often, the migrants' produce is of a higher quality because they can afford more resources to grow better produce. That often results in consumers giving preference to migrant retailers.
36. Women retailers in the major market in Port Numbay, known as Mama Mama, complain about the poor standard of the market facilities provided for them to sell their produce. They complain that migrants are opening well outfitted stores in the neighbourhood and these are taking potential customers away from them. Migrants are also employing aggressive marketing tactics to attract customers and reduce the market share of the Papuan women in the markets. The women have urged the Indonesian Government to construct a modern covered market with good facilities and to offer them training to improve their marketing and retail skills, but, despite many promises from the President, this is still a dream for the women.
37. While in Merauke, we met a number of women selling fruit and vegetables on the street. They rent a car and drive in from their homes in another district with their produce and their children for three days a week. They spend long hours, day and night, on the street with their children selling their produce. At night, they and their children sleep in their rented cars, if indeed they have access to vehicles (many do not). Their income is poor and they and their children are vulnerable on the streets. The children are also missing out on schooling.
38. Village communities in the region surrounding the Freeport Indonesia copper and gold mine in the Timika district reported to us that they have mixed success in negotiating with the company for support for community development projects. Some villages also report that tailings from the mining project are affecting local fish and produce. They are worried about harmful health effects.

39. Foreign and Indonesian management and workers in the main receive good incomes and are provided with excellent accommodation and facilities. We visited a beautiful golf course and club set in the lush tropical forests of Kuala Kencana. Papuans could only dream of having access to such luxury facilities. Instead, every community we visited expressed concerns about the disillusion of young Papuans who turn to alcohol, drugs and promiscuity to try to escape from a life of limited opportunities and marginalisation.
40. In a land where unprotected sex among young Papuans is high, the rate of HIV infection is also high. Church workers and gatherings of a number of Catholic congregations in a number of locations told our delegation that the HIV problem is worsened by infected sex workers being brought in, often by the military. Many Papuan men who do have well-paying jobs get infected with HIV when they visit brothels and, then, spread the infection to their partners at home. It was with immense sadness that delegation members learned of the death of a young Papuan journalist from AIDS complications on the day of their arrival. They also learned that a young professional woman well known to them was seriously ill after being infected with the virus.
41. Apart from the rate of HIV infection, health standards for Papuans are poor. Life expectancy is low and infant mortality rates are high. Health services in many of the more remote areas are poor.
42. Many Papuans we met also complained about the loss of traditional culture. Apart from the loss of much of their traditional lands, with all their cultural and spiritual significance, to migrants and big business, Papuans also pointed to the prohibition of the wearing of traditional dress and other cultural expressions as a deeply concerning development. Their languages and cultures are being swept away in favour of Indonesian language and cultures.
43. In a similar way, the influx of Indonesian migrants has meant the rapid growth of Islam in a land where Christianity was overwhelmingly the majority religion. It is ironic that a land which is fast becoming majority Muslim, February 5 is celebrated as a public holiday to mark the coming of the Gospel. Many mosques have sprung up in recent years. Near one Catholic Church we visited, three mosques have been built in the last few years. It is predictable that, where the religious mix has altered significantly in a short period of time, tensions can easily develop. That was the case in Tolikara in 2015 when a dispute over the use of loud speakers at a local musholla led to a fire and death. Christian Papuans, for the most part, are willing to live in peace with Muslim neighbours, but tensions have also arisen as a result of proselytism by some Muslim groups from Indonesia. Some Christian leaders have also expressed concerns about what they perceive as bias towards Muslim migrants in disputes with Papuan Christians.
44. President Widodo's commitment to enhance development of West Papua by developing a road and rail network is greeted with fear by Papuans. Many told us they fear it will only hasten the takeover of land and economic opportunities by Indonesian migrants. They fear it will only expedite their marginalisation at every level.