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Indonesia: On the fourth anniversary of the Abepura raids, impunity remains entrenched in Papua

On the fourth anniversary of the Abepura raids, in which Indonesian police shot dead one student, tortured two to death and arbitrarily detained, tortured and ill-treated approximately 100 others, little has changed to improve the human rights situation in Papua. Impunity for the security forces remains entrenched and justice for victims comes slowly and rarely.

On 7 December 2004, victims of the Abepura raids and their families are once again gathering in Papua -- to remember, but also to call on the President to ensure that the trials of two police officers charged in connection with the incident continue on course. Their anxiety about the trials is understandable. The initial investigation conducted by the National Commission on Human Rights (Komnas HAM) was hampered by a lack of police cooperation and intimidation of witnesses. More than two years elapsed between the submission of the investigation report to the Attorney General's Office and the commencement of proceedings. When indictments finally were issued, only two of the 25 suspects named in the preliminary investigation report were indicted. Throughout the process, the police under investigation were permitted to remain on duty.

Nevertheless, the trials, which commenced in the permanent Human Rights Court in Makassar in May 2004, are a positive step. Victims and other witnesses have been flown to the Court to give evidence. There have been no reports that they were harassed or intimidated in the court room. This alone is a considerable improvement on the trials conducted in previous cases heard in *ad hoc* human rights courts.

However, delays and a lack of transparency have undermined the impact of the process on impunity for the security forces in Papua, and do not augur well for other cases currently under investigation, let alone the great majority of allegations of human rights violations in Papua which are yet to be investigated at all.

In September this year, Komnas HAM submitted to the Attorney General's Office two reports which contained initial evidence suggesting that security personnel had committed crimes against humanity in two separate incidents in Papua.

The first of the reports concerned a series of police raids on villages in Wasior Sub-district in 2001 during which, according to Komnas HAM, four civilians were killed, one was raped, five people "disappeared" and many were tortured. Eighteen police have been named as suspects. The second report concerned a series of military raids on villages in Wamena Sub-district during which, according to Komnas HAM, nine civilians were killed, 38 tortured, 15 arbitrarily arrested and thousands displaced from their villages to refugee camps where 42 people died from exhaustion and hunger. As many as 168

members of the military have been named as suspects.

If the Abepura case is indicative, then it may be years before either case comes to trial. Which, if any, of the suspects are indicted, will be decided away from public scrutiny by the Attorney General's Office and those named as suspects will remain on duty throughout.

Meanwhile, in Papua, the consequences of impunity for the security forces are immediate and visible and require urgent and comprehensive action.

As recent events in Puncak Jaya District reveal, the legacy of institutionalized impunity for Indonesia's security forces in Papua is not only the potential repetition of old patterns of human rights violations, but also a prevailing atmosphere of mistrust, uncertainty and fear.

On 17 August 2004, troops reportedly commenced operations in Puncak Jaya District, in response to intelligence that a group connected to the armed opposition Free Papua Movement (Organisasi Papua Merdeka, OPM) was active in the area. Since that time, reports have been received from Puncak Jaya of extrajudicial executions, attacks by armed groups, widespread destruction of property and the displacement of thousand of local residents, forced to flee into the jungle where they are at risk of illness and starvation.

Difficulties in accessing the remote district have meant that information is difficult to confirm. Reports suggest that at least six civilians have been killed since August, but the circumstances surrounding their deaths and who is ultimately responsible remains a matter of speculation.

On 14 September, Elisa Tabuni, a local pastor was shot and killed. A relative, who was with him at the time, was also shot in the head but survived. The military maintains that Elisa Tabuni was detained when soldiers came across him near an OPM location, and that he was shot in cross-fire during a gun-battle which occurred as the soldiers were retreating from the area. However, community and church groups claim that soldiers detained Elisa Tabuni at a church, that they tied his hands and later shot him.

On 12 October, a convoy of vehicles carrying construction workers to the District capital of Mulia was ambushed by a group of armed men. At least five drivers were shot and killed. One month later, on 12 November, a humanitarian team distributing food and medical aid in the area was reportedly attacked on the road to Mulia by approximately 100 Papuans carrying axes and swords. One policeman, who was part of the team was killed, two local government officials, were seriously wounded and at least eight others were injured.

In both incidents the identity of the perpetrators remains unclear. While the military has been quick to blame the OPM for the attacks, local community and church leaders are less certain and have called for the case to be investigated in order to establish the identity of the perpetrators and those who may have supported or aided them.

In the wake of the attacks, additional military and police were reportedly deployed to secure the area and the safety of local residents. However, local groups have petitioned the government to withdraw troops from the area on the basis that only then can the safety of local residents be guaranteed. Further, while a local government official reportedly has claimed it was necessary to evacuate local residents because of increased OPM activity, local community and Church leaders fear that residents have fled their villages in response to military raids and are afraid to return.

Mistrust of the security forces is the result of a long history of human rights violations, and an almost complete failure to bring perpetrators to account. The raids carried out in Abepura, Wasior and Wamena were all conducted in response to attacks by armed groups. In all cases, the civilians who became the victims of retaliatory raids reportedly had no involvement with the initial attacks.

Amnesty International welcomes the Indonesian President's recent public statement in which he called on the military in Puncak Jaya to ensure that they minimise the impact of their operations on civilians. However, it is not enough to look forward. An end to impunity and justice for past human rights violations is the only possible solution to a disturbing pattern of human rights violations. This requires immediate and concrete steps to be taken.

Amnesty International is calling on the government to conduct a full, independent and transparent investigation into allegations of human rights violations in Puncak Jaya District. In general, all allegations of human rights violations committed by members of the security forces or groups under their command or control should be immediately and effectively investigated by a credible and impartial mechanism that is independent of the military or police, such as Komnas HAM.

Further, in relation to those cases which have already been the subject of investigation, including the Wamena and Wasior cases, Amnesty International calls on the Attorney General to review the reports and if appropriate issue indictments as a matter of priority. By affording priority to these cases, the government will demonstrate, especially to those within the security forces, the seriousness with which it views human rights violations. All individuals against whom there is sufficient evidence of involvement in committing human rights violations should be brought to trial.

In all cases, members of the security forces suspected of committing human rights violations, should be suspended from positions of responsibility pending the outcome of investigations.

Finally, the Abepura trials must be continued without further delay. Had the Abepura case been dealt with in a more timely way and those responsible held to account, the human rights situation in Papua today might be improved.