

INDONESIA

Impunity persists in Papua as militia groups take root

Introduction

Amnesty International has welcomed recent efforts by the Indonesian authorities towards combatting impunity and enhancing human rights in Indonesia, including attempts to establish institutions for bringing those responsible for past and current violations to justice. However, the organization remains concerned that human rights violations are continuing in many parts of the country, including Aceh, Papua (Irian Jaya) and the Moluccas. The pattern of human rights violations in Papua has become well-established over the past three decades in the context of repressive measures taken by the authorities against the independence movement in the region.

Following the resignation of President Suharto in May 1998, a period of change was initiated in which his successor, President Habibie, promised human rights reforms and entered into a dialogue with Papuans in an apparent attempt to find a peaceful solution to the issue of the region's disputed political status. This process continued under President Wahid, who, on 1 January 2000, officially apologised for human rights violations in Papua as well as Aceh and other parts of Indonesia. He also agreed to change the province's name from Irian Jaya to Papua in line with local aspirations. President Wahid's administration has also promoted constitutional change aimed at devolving more power to disputed regions, including Papua and Aceh, apparently in the hope that this will dampen local support for full independence.

However, despite these efforts, serious human rights violations, including extrajudicial executions, torture and arbitrary arrests, continue to be reported in Papua on a regular basis. At least 20 people are reported to have been killed and dozens injured by the security forces in the province since the resignation of President Suharto in May 1998. Many of these violations have occurred as the Indonesian security forces have attempted to break up demonstrations in favour of independence for the region, in particular flag-raising ceremonies, a common form of protest in Papua.¹ In a demonstration of a greater level of tolerance, President Wahid's administration publicly stated on 8 June 2000 that Papuans may raise the flag as long as it is smaller than the Indonesian flag and raised alongside and lower than the Indonesian flag.² However, this policy appears to have been short-lived. Following the end of

¹ Flag-raising ceremonies have been a traditional form of protest in Papua for many years. They consist of the raising of a Papuan flag and the singing of a Papuan "national anthem" as well as sometimes prayers or speeches focusing on local aspirations for independence. Taking place in towns all over Papua, such ceremonies often attract hundreds of local people.

² This policy was announced by cabinet secretary Marsilam Simanjuntak following a cabinet meeting chaired by President Wahid. See *Agence France Press* (AFP), 8 June 2000.

the annual session of the People's Consultative Assembly (the upper house of the Indonesian parliament) on 18 August 2000, the authorities appear to have reverted to their original stance of opposing the raising of the Papuan flag.³

This report details recent incidents of human rights violations in Papua, the majority of which are directed against pro-independence supporters in the region. Amnesty International has consistently maintained that there is a close link between ongoing human rights violations in Papua (and elsewhere in Indonesia), and a long-standing failure to bring to justice those responsible for past human rights violations. Until strong and effective legal and judicial institutions are established to hold members of the Indonesian security forces to account for their actions, human rights violations are likely to persist and victims will continue to be denied justice.⁴

³ For example, on 14 September 2000, the police reportedly banned the raising of the flag in Fak Fak district stating that flag-raising ceremonies could create unrest. See *Jakarta Post*, 14 September 2000.

⁴ Representatives of the Indonesian Ministry of Human Rights have contacted Papuan non-governmental organizations (NGOs) to discuss setting up a "human rights inquiry team" to investigate past abuses in the province, ostensibly with a view to bringing those responsible to justice. The Human Rights Ministry was disestablished on 23 August 2000 and its functions were transferred to the Ministry of Law and Legislation, which was itself renamed the Ministry of Justice and Human Rights. It is not known whether the new Ministry plans to continue with this process. If investigations do proceed, Amnesty International urges that their findings be made public and that all those suspected of committing human rights violations are brought to justice.

The report also raises concerns about the growth of militia groups in Papua over recent months. Amnesty International believes that the existence of militia groups poses a serious threat to security in the region and is concerned at reported links between such groups and the Indonesian security forces. In view of the recent history of militia groups established by, and acting in concert with, the Indonesian security forces in East Timor to commit serious human rights violations, the organization is concerned that the development of such groups in Papua may lead to similar patterns of human rights abuses there.⁵ Amnesty International urges the Indonesian authorities to ensure that law and order in Papua remains the sole responsibility of the police. Immediate steps must be taken to halt the establishment of any militia groups in Papua that are likely to commit human rights abuses. The authorities are also urged to ensure that there is no involvement of the Indonesian security forces in the development of such militia groups.

I: Recent cases of human rights violations in Papua (July 1998 - Aug 2000)

The following cases of human rights violations have been compiled from various sources, including from information received from local church and human rights organizations. They have all taken place in Papua since the resignation of President Suharto in June 1998 and under the administrations of President Habibie (June 1998 - October 1999) and President Wahid (October 1999 to present). The cases are not meant to be an exhaustive catalogue of violations, but rather, examples of serious violations that need to be formally addressed by the authorities in the context of wider efforts to combat impunity and strengthen the rule of law in Indonesia.

Many of the violations detailed below have taken place in the context of peaceful demonstrations for Papuan independence, including flag-raising ceremonies. Amnesty International takes no position on Papua's political status, including issues of self-determination or independence. However, Amnesty International urges the Indonesian authorities to respect and protect the right to freedom of expression, assembly and association.

The organization is concerned that repressive methods used by the authorities to deal with independence protests in Papua continue to result in serious violations, including extrajudicial executions, torture and arbitrary arrests.

⁵ For further information about human rights violations committed by paramilitary and militia groups supported by the Indonesian security forces in East Timor, see Amnesty International, *East Timor: Paramilitary attacks jeopardise East Timor's future* (ASA 21/26/99), 16 April 1999, *East Timor: Seize the Moment* (ASA 21/49/99) 21 June 1999, *East Timor: Violence erodes prospects for stability* (ASA 21/91/99) 18 August 1999, *East Timor: Demand for justice* (ASA 21/191/99) 28 October 1999. The Indonesian authorities have consistently failed to take action to disarm or disband these groups and militia members continue to engage in acts of violence and intimidation in refugee camps in West Timor.

(i) Sorong flag-raising (August 2000)

Three people were shot dead and 12 were injured when the police forcibly dispersed around 60 people who had raised a Papuan flag outside a church in Sorong, on the northwestern tip of Papua, on 22 August 2000. At least 28 people were arrested, including five children and held in conditions which appear to amount to cruel, inhuman or degrading treatment. Fifteen people remain missing following the incident.

On 21 August 2000 a group of around 60 pro-independence supporters arrived by boat in Sorong town from North Waigeo island, off the northwest coast of Sorong. They set up a camp outside the Imanuel church in Sorong where they raised a Papuan flag early the next morning. At around 8.30 am on 22 August 2000, the Sorong police chief (Kapolres), arrived at the church accompanied by members of the Police Mobile Brigade (Brimob).

The police reportedly ordered the demonstrators to lower the flag but they refused, sparking a heated argument between the protestors and the police. Subsequent events are difficult to confirm, but eyewitnesses claim that Brimob officers then opened fire on the protestors without warning. The demonstrators attempted to defend themselves by shooting arrows at the police, but fled the area in the face of the police attack. Several demonstrators swam into the sea in an attempt to escape.

The local police chief has disputed this version of events by saying that the protestors were the first to attack and that the Brimob officers opened fire in self-defence.

According to reports received from local NGOs, three men, **Mesakh Imbir** (45), **Obaja Imbir** (42) and **Isak Imbir** (30) were shot dead by members of Brimob during the clash. Their bodies were reportedly taken to the sub-regional military command hospital. About three hours later, they were transferred to Sorong Public Hospital where autopsies were carried out, but, according to local human rights monitors, no bullets were found in the bodies. Local people believe that the bullets were removed while the bodies were in the military hospital in order to hide evidence that the victims had been shot dead. The bodies were buried on 23 August 2000.

Fifteen people were reported missing following the incident. According to local human rights monitors, their families are unwilling to make their names public for fear that this could lead to retribution from the police.

Twelve others were injured in the incident, several of whom required hospital treatment for bullet wounds and beatings with rifle butts. One person needed treatment for severe facial injuries after reportedly being beaten by a Brimob officer. The wounded

included two people who were not directly involved in the demonstration, but suffered injuries caused by stray bullets.

Early reports suggested that 36 people were arrested by the police in connection with the incident, but at the time of writing, Amnesty International has only received confirmation of 28 people held in detention. It is unclear whether original reports were inaccurate or whether some were arrested and subsequently released. The names and ages of those known to be in detention are as follows:

Esrion Imbir, aged 36	Ananias Urbinas, aged 33
Ibrahim Imbir, aged 26	Darius Rumbarak, aged 42
Aram Imbir, aged 30	Ayub Manggaprouw, aged 36
Keliopas Imbir, aged 37	Andreas Rumbarak, aged 20
Simson Imbir, aged 36	Eli Obinaro, aged 21
Yairus Imbir, aged 37	Rinto Suruan, aged 15
Festus Imbir, aged 45	Wilson Urbinas, aged 20
Musa Imbir, aged 35	Metus Obinaro, aged 15
Askenas Imbir, aged 26	Lomeros Morin, aged 45
Alberth Imbir, aged 34	Mika Rumbarak, aged 16
Elom Umpes, aged 35	Sakeus Morin, aged 45
Simson Umpes, aged 16	Yantho Mirino, aged 20
Manasye Umpes, aged 16	Kostan Wanma, aged 35
Andreas Suruan, aged 47	Amos Wanma, aged 20

All 28 are detained at Sorong Police Resort (Polres) where they are reported to be held in a small, dirty room. Several of the detainees are believed to have been wounded during the clash, including two who suffered bullet wounds. The detainees have reportedly received some medical attention, but it is believed that some, including those with bullet wounds, may need further treatment. They are said to be inadequately clothed and two detainees are wearing nothing but their underwear. The detainees include five juveniles: Simson Umpes (16), Manase Umpes (16), Rinto Suruan (15), Metus Obinaro (15), and Mika Rumbarak (16).

At the time of writing, the detainees had not been given access to legal representation. It was originally reported that the detainees' families were too frightened to visit them in detention. However, a local human rights monitor has now confirmed that family members have been able to visit the detainees to provide them with food and other necessities. The monitor, who visited the detainees at Sorong Polres on 12 September 2000, also reported that they had been charged with "attempting to separate part of the territory of the state" and "coercion and rebelliousness" under Articles 106 and 114 of the Indonesian Criminal Code in conjunction with several provisions of Emergency Law No.12 (1951), which bans the use or possession of certain types of weapons.

At least 13 people were injured when the security forces opened fire on people demonstrating against the arrival of displaced people from the Moluccas in Sorong on 27 July 2000. At least one person was beaten by the police and several people were arrested. Six people continue to be detained in connection with the incident.

(ii) Sorong harbour demonstration (July 2000)

The following violations occurred in Sorong on 27 July 2000 during a public demonstration prompted by the arrival in Sorong of people displaced by the ongoing communal violence in the nearby Moluccan islands.

On 27 July 2000, a boat carrying over one thousand internally displaced persons (IDPs) from the Moluccas, was due to dock at Sorong harbour. Residents of Sorong were concerned about their arrival because of a perceived failure of the local authorities to provide adequate support, including accommodation, for other IDPs from the Moluccas. There had also been reports in Sorong that several people who had previously arrived from the Moluccas had been armed with guns and other weapons and were believed to be members of the Muslim group, *Laskar Jihad*.⁶ There were fears that the new arrivals could include such people inflaming an already tense situation in the area.⁷

At around 9.00am on 27 July 2000, a local pro-independence leader, **Apolos Sewa**, led several hundred local people, including members of the pro-independence militia group, the Papua Taskforce (*Satuan Tugas Papua* or *Satgas Papua*) to the harbour to demonstrate against the arrival of the boat and encourage the local authorities to adopt a coordinated approach to dealing with IDPs. The boat was forced to anchor offshore while negotiations continued between the demonstrators and representatives of the Sorong local authorities.

⁶ Members of *Laskar Jihad* departed for the Moluccas in April 2000 after training at a camp near Bogor in Java. Since then they have reportedly been involved in instigating and participating in armed attacks on Christians in the Moluccas. According to unconfirmed reports received from human rights NGOs in Papua, around 300 members of *Laskar Jihad* have arrived in Sorong, and are said to be based in several villages around Sorong town.

⁷ The arrival of Moluccans in Papua should also be seen in the context of the migration of thousands of people from Indonesia's most densely populated areas, especially Java, to Papua as part of past transmigration programs. Their arrival has been viewed with suspicion and distrust by many Papuans who point to the unfair allocation of natural resources to outsiders. Transmigration has also been criticized by locals who believe that the placement of large numbers of non-Papuans in the province is intended to ensure that a majority of people in Papua support Indonesian rule.

Later that evening, the security forces, including members of Brimob and a joint army-navy team, began to forcibly disperse the protestors. The police arrested a number of people, including **Apolos Sewa** who was reportedly beaten and verbally abused by Brimob officers upon arrest. Apolos Sewa's treatment is believed to have provoked a heated clash between the demonstrators and the police. The security forces responded by opening fire on the protestors, wounding at least 13 people. Six were seriously injured and needed hospital treatment.

Following the incident, members of Brimob made their way to the local *Satgas Papua* headquarters, destroyed the facilities and removed Papuan independence flags hanging there. Around 30 people were arrested at the headquarters. They were taken to Sorong Police Resort (Polres) for interrogation, but released shortly afterwards.

On the following day, 28 July 2000, members of Brimob reportedly marched around Sorong town firing into the air in an apparent display of force. There are no reports of any deaths or injuries, though reports from local human rights activists suggest that the fear created by this incident among Sorong residents was palpable.

At the time of writing, six people currently remain in detention in Sorong Polres. They are: **Apolos Sewa (40)**, **Alfaris Labago (32)**, **Abner Solosa (27)**, **Yulius Akat (38)**, **Yustus Safflembolo (25)** and **Willem Tubur (29)**. Although the exact nature of the charges are unclear, they are believed to have been charged in connection with obstructing the security forces from carrying out their duties. Apolos Sewa and Alfaris Labago are leading pro-independence figures in Sorong and there are concerns that they may have been arrested on account of their political activities. It is not known whether they have all been given access to legal representation, although Apolos Sewa is believed to have been in touch with a local lawyer. Amnesty International has urged the authorities to release them immediately if they are not to be charged with a recognizably criminal offence.

(iii) Nabire Town (February-March 2000)

A series of incidents in Nabire, a coastal town in the north of Papua between 28 February and 2 March 2000 left three people dead and at least 18 others injured. Several people were arrested and held in detention where at least one is believed to have been tortured.

Extrajudicial executions

On 28 February 2000, members of Brimob clashed with a group of 400 armed people in Nabire. The clash occurred as the group were on their way to assemble around a Papuan flag.

According to an eyewitness, Willem Manimwarba, **Manase Erari**, a local government official and student at a local college, died instantly when he was shot in the head at close range by a Brimob officer.

The shooting reportedly occurred after Manase Erari intervened in an angry exchange between the police and the group of people who were carrying traditional weapons, including bows and arrows. The police later claimed that Manase Erari was shot by another member of the group in an attempt to incite the people against the security forces.

The news of Manase Erari's death spread through the local community and on 1 March 2000 a crowd of around 2,000 people, many armed with traditional weapons, gathered outside the Nabire police headquarters and the Nabire Catholic church to protest against the killing. The police reacted with force once again and opened fire on the demonstrators. **Maximus Bunay**, aged 27, died after reportedly being shot in the back by a Brimob officer. A number of other people were injured.

The next day, **Willem Manimwarba** (aged 25), the eyewitness to the death of Manase Erari, was himself shot and seriously injured in the arm and thigh by Brimob officers near Nabire's Gizi Park. Local activists believe that Willem Manimwarba was deliberately targeted by the police because of a local political dispute. He was taken to hospital but died the following morning due to loss of blood.

In response to Amnesty International members who had sent appeals on this case, the Papuan police chief, Brigadier General Sylvanus Wenas wrote with the results of an "impartial investigation" into the incident carried out by the Nabire Police Resort supported by the Irian Jaya Regional Police. He stated that the bullet that killed Manase Erari was not of a type used by the Indonesian security forces and concluded from an eyewitness statement that Manase Erari had been shot by Willem Manimwarba who was angry at him for trying to calm the protestors. He also stated that the police shot Maksimus Bunay in an attempt to paralyse him because he was involved in a "criminal offensive" against the police and that the police also shot Willem Manimwarba in an attempt to paralyse him because he was provoking the protestors to attack the police. Other responses received from Indonesian embassies stated that the police were forced to shoot Willem Manimwarba after he attacked the security forces with a Molotov cocktail after ignoring warning fire. However, local human rights activists have told Amnesty International that Willem Manimwarba was not behaving violently and was unarmed when shot by the police.

Amnesty International continues to call for a full, independent and impartial investigation into the circumstances surrounding the deaths of Manase Erari, Maksimus Bunay and Willem Manimwarba.

Torture

A number of people were arrested between 28 February and 2 March 2000 in connection with the incidents described above, although there has been some discrepancy in the numbers given by government officials and NGOs. At least one of those held in police custody is reported to have been tortured.

In the early morning of 29 February 2000, **Yance Pekei**, a 21-year-old farmer reported to be a member of the Papua Taskforce (*Satgas Papua*), a pro-independence militia group, was arrested as he was returning home with his friend, Silas Dogopia (aged 18).⁸ In a testimony received by Amnesty International, Yance Pekei claims that upon arrest he was ordered to crawl on the ground by a Brimob officer who kicked and beat him. He was held in detention for five days between 28 February and 4 March 2000 where, according to his testimony, he was tortured in various ways, including having his finger tied with plastic which was set alight with a match, having his ears punctured with a stapler and having molten plastic placed on his shoulder which burnt his skin. Electric shocks were applied to his hand and a pistol barrel was placed in his mouth. According to Yance Pekei's testimony, he lost consciousness after sustaining a series of blows with a rifle butt to his head and chest which made his nose and mouth bleed. He was taken to hospital on 4 March 2000 and was taken home by his family on 7 March 2000 after he had regained consciousness. Yance Pekei also claims to have witnessed others being tortured at Nabire police resort (Polres), including a man named Marthin Dimi (also known as Aten Dimi).

In April 2000, Amnesty International received information from a local human rights organization that 12 detainees (all male) had been charged under laws which prohibit the carrying of weapons without a permit. According to the NGO sources, the names of the 12 are: **Anus Boma, Yafet Rumere, Jhon Kereway, Janes Victor Rumpampam, Daud Tekege, Silas Dogopia, Martinus Auwe, Andi Pigome, Martinus Pigay, Jan Anouw, Saul Abubar and Marthin Dimi**. Both Saul Abubar and Marthin Dimi were being held in Nabire Polres while the others had been moved to Nabire Correctional Facility (*Lembaga Pemasyarakatan Nabire*) to await trial.

In response to an Urgent Action issued on the case by Amnesty International in March, Papuan Chief of Police Brigadier General Wenas denied that Yance Pekei had been ill-treated during the investigation and stated that his hospitalization was due to asthma.⁹ He also confirmed that 16 people had originally been arrested in connection with the Nabire incidents of whom 11 were detained for further investigation. It remains unclear why there is a discrepancy in the number of detainees given by local NGOs and the Papuan police. In another letter sent to Amnesty International members in Thailand on 29 June 2000, Brigadier General Wenas stated that 11 people had been found guilty of criminal offences and sentenced to between five and eight months in prison. Amnesty International has been unable to confirm the names of the prisoners or the circumstances of the trials.

⁸ See below for more information about the Papua Taskforce (*Satgas Papua*).

⁹ See Amnesty International Urgent Action Extra 26/00, 17 March 2000 (ASA 21/17/00)

While it is possible that he was released, Amnesty International remains concerned about Marthin Dimi. A local human rights group claimed in April 2000 that the police prevented local human rights activists and lawyers from visiting him in police detention following his arrest. There are fears that access to him may have been denied because of the extent of his injuries caused by alleged torture at the hands of the police.

Amnesty International has received no further information about Marthin Dimi and it remains unclear whether he was released, whether he continues to be held in police detention or whether he is one of those serving a prison sentence. The organization is calling on the Indonesian authorities to clarify the whereabouts of Marthin Dimi and initiate a full, independent and impartial investigation into the actions of the police in Nabire in February/March 2000, including all allegations of torture or ill-treatment.

(iv) Merauke protests (February 2000)

Paskalis Betayob, an 18-year-old high-school student, was killed when police opened fire on a group of demonstrators in Merauke, a coastal town in southeast Papua, on 16 February 2000. Two others needed hospital treatment for gunshot wounds.

On 16 February 2000, a group of around 400 people gathered in the town of Merauke, apparently to protest at recent statements by local government officials in support of autonomy for the region within Indonesia (rather than independence).¹⁰ According to reports, the protestors, many armed with traditional weapons including bows and arrows, first went to a local airport following rumours that a local government leader was about to leave for Jakarta to sign an agreement on autonomy. When he failed to appear, the group proceeded towards the offices of the state broadcasting company (*Radio Republik Indonesia*) and Merauke police station and reportedly began to throw stones at the buildings.

In reaction to the disturbances, the police opened fire on the protestors. **Paskalis Betayob**, an 18-year-old high-school student was shot dead. Unconfirmed reports say he was shot in the back and in the chest. Two other protestors, **Petrus Ketam** (aged 19) and **Lazarus**

¹⁰ President Wahid has promoted “special regional autonomy” for Papua as part of wider efforts to introduce greater regional autonomy in Indonesia that were initiated by President Habibie’s administration. A law on regional autonomy was passed in May 1999 which is expected to take effect from January 2001. On 18 August 2000, the Indonesian Consultative Assembly (MPR) endorsed a constitutional amendment giving more power to regional administrations and, in reference to Papua and Aceh, acknowledging that certain regions, deserved “special autonomy status”. The authorities hope that the implementation of this policy will dampen support for independence in these provinces.

Kawakok (aged 18) were seriously injured and reportedly needed hospital treatment for gunshot wounds.

The Papuan police chief, Brigadier General Wenas was quoted in the media as saying that the police were forced to take “stern action” by firing towards the crowd to disperse the protestors.¹¹ He claimed that the police used rubber bullets. However, a doctor from the Merauke State Hospital has reportedly stated that Paskalis Betayob was killed by a live bullet.¹²

Amnesty International is calling for a full, immediate and impartial investigation into the actions of the security forces in Merauke on 16 February 2000, including an inquiry into the circumstances surrounding Paskalis Betayob’s death.

(v) Timika flag-raising (December 1999)

One woman was killed and over 100 people were injured when the security forces forcibly dispersed demonstrators following a flag-raising ceremony in Timika town, Mimika district, on 1 December 1999.

On 1 December 1999 flag-raising ceremonies were held in several towns across Papua to mark the anniversary of a Papuan declaration of independence which occurred in 1961. The events marked the first major public display of pro-independence sentiment following President Wahid’s election to office in October 1999. As such, they were seen by many in Papua as a test for the new administration’s stated policy of taking a less confrontational approach to such protests.

The Papuan flag had been flying in the yard of a Catholic church in Timika town, Mimika District for three weeks before the ceremony took place on 1 December 1999. During this period hundreds of local residents had come to the church on a daily basis to pray, listen to speeches and take part in other cultural activities.

The ceremony reportedly passed without incident, but early the next morning, on 2 December 1999, violence broke out when members of Brimob began to forcibly disperse protestors when they refused to lower the flag. Around 2,000 people had come to prevent the flag from being taken down, including several hundred women who had formed a human barricade to prevent the security forces from entering the churchyard. The Brimob officers managed to break through by beating many of the women on their hands and bodies with batons and rifle butts.

¹¹ See *Agence France Presse* (AFP), 17 February 2000.

¹² See *Jakarta Post*, 19 February 2000.

Having entered the churchyard, the Brimob officers reportedly threw tear-gas cannisters and opened fire directly on the crowd inside. According to reports, dozens of people were injured, including 19 people who had to be treated for gunshot wounds. One woman reportedly had to have her leg amputated as a result of being injured by a bullet.

According to several eyewitnesses, another woman, 50-year-old **Abelek Murib**, was beaten by a Brimob officer with a rifle butt as she stood near the flag. She was reportedly taken home at 8.00am and died four hours later. The police have disputed this account and have stated that Abelek Murib had died of a heart attack at her own home three days earlier and that her body had been brought to the church leading people to believe wrongly that she was the victim of police brutality. This version of events has been rejected by local human rights groups.

Following the incident, a local human rights group also reported that another woman, Penina Kobogau remained unaccounted for after the incident. Amnesty International has been unable to confirm this information and it is unclear whether she remains missing.

After initially denying that the shootings had taken place, the Papua Police Chief, Brigadier General Sylvanus Wenas, reportedly stated that he regretted the incident and that the shooting violated his instructions. He undertook to ensure that all officers involved in the shooting would be “legally processed”.¹³ Amnesty International has received no further information about the progress or results of this process and is concerned that it should be conducted by an impartial and independent body. The organization continues to call on the authorities to conduct a full, immediate and impartial investigation into the actions of the police in Timika on 2 December 1999, including an inquiry into the circumstances surrounding the death of Abelek Murib.

(vi) Sorong flag-raising ceremony (July 1999)

Dozens of people were injured, 22 people were arrested and at least two detainees are believed to have been tortured following a flag-raising ceremony in Sorong on 5 July 1999.

On 5 July 1999, several pro-independence supporters gathered in a park in the town of Sorong to hold a flag-raising ceremony. The flag was raised early in the morning while the protestors sang the Papuan anthem. Hundreds of people reportedly gathered in the park to

¹³ See *Reuters*, 2 December 1999 and *Jakarta Post*, 4 December 1999.

watch the ceremony. Violence broke out just minutes after the flag had been raised when the police attempted to disperse the protestors by firing into the air. When the demonstrators refused to move, the police reportedly began hitting them with their guns and bamboo sticks.

Some demonstrators reportedly retaliated by throwing stones at the police, and in the ensuing clash between the demonstrators and the security forces, at least two people suffered gunshot wounds. One 26-year-old student, **Frans Isir**, was reportedly shot in the neck by a police officer riding a motorcycle near the park.

Twenty-two people were detained by the police following the incident, including Frans Isir who had a badly bleeding wound. He was later released for hospital treatment. The detainees also included **Yakomina Isir**, a 37-year-old high-school teacher and member of the "Team of 100", a group which was established in Papua in 1999 to conduct talks with the central authorities on the province's political status.¹⁴

There are serious concerns that at least two of the detainees were tortured while in police custody. **Yance Mesak Wabdaron** and **Martinus Homer** suffered broken legs allegedly caused by police ill-treatment at the time of their arrest. Yance Wabdaron, a 26-year-old medical student and also a member of the Team of 100, claimed that he was beaten both upon arrest and while being held in the main police station in Sorong. The beatings caused severe bleeding and he was reportedly left unconscious for three days. He was taken to hospital on 14 July 1999, nine days after his arrest.

In November 1999, the following nine detainees were brought to trial, charged with "attempting to separate part of the territory of the state" under Articles 106 and 110 of the Indonesian Criminal Code: Yance Mesak Wabdaron, Yoap Safle, James Manatune, Julius Kambu, Yunus Hu, Karel Rumbewas, Adelince Burdam, Moter Awom and Niko Sawen. However, it is believed that the charges were dropped and the trials halted when President Wahid announced amnesties for prisoners of conscience and political prisoners throughout Indonesia in December 1999.

(vii) Biak flag-raising ceremony (July 1998)

¹⁴ This team, which consisted of 100 local representatives from all over Papua, met President Habibie in Jakarta in February 1999 to hold talks on the political status of the region. The delegation consisted of local government leaders, religious and tribal leaders and representatives of non-governmental organizations in Papua. The meeting formed part of a "National Dialogue" on Papua which appeared to be supported by the central authorities as a channel for finding a peaceful political solution to the Papua issue. However, the talks foundered as it became clear that the "Team of 100" were unwilling to settle for anything short of independence. From April 1999, President Habibie's administration withdrew all support for the National Dialogue initiative.

A clampdown by the security forces on protestors raising the Papuan flag in Biak, a small island in the north of Papua province, in July 1998 led to the deaths of at least eight people and dozens of arrests. Several people remain missing following the incident.

This flag-raising ceremony in Biak was one of a range of demonstrations in support of Papuan independence which took place in the weeks immediately following the resignation of President Suharto on 21 May 1998.

The original flag-raising on 2 July 1998 was attended by around 500 people. The Papuan flag was raised on a small water tower near Biak port in a tense environment marked by at least one clash between the demonstrators and the security forces. The flag was kept aloft for several days, guarded day and night by local people. The protestors ignored warnings to disperse on 5 July and, at around 5am on 6 July, a joint Brimob and military force opened fire on around 200 people who had remained at the site of the flag. It is believed that many of those guarding the flag were asleep when the security forces opened fire.

Following the shooting, dozens of people were rounded up by the security forces and taken to the nearby port where many were subjected to ill-treatment, including being forced to crawl on the ground and to lay on their backs staring at the sun while soldiers walked over their stomachs.

Over 100 people were arrested in connection with the flag-raising although most were later released. Many of those detained were interrogated without legal representation and subjected to ill-treatment, including being beaten with guns, forced to drink drain water and forced to stand in the sun for several hours. Nineteen people were charged, tried and sentenced in connection with the case under Article 106 of the Criminal Code. As of October 1999, 17 had been released. The names of those who remained in prison were Robert George Iwanggin and Djoumounda Costan Karma. At the time of writing, it is thought that all have been released, but Amnesty International has been unable to confirm this.

It remains unclear exactly how many people died in the aftermath of the Biak flag-raising ceremony. After a year-long investigation, a local human rights organization reported that at least eight people died as a result of the security forces' actions. In addition to those killed, it was reported that 37 had been wounded and three had gone missing, possibly "disappeared".¹⁵ Numbers of deaths have been further confused by reports of around 30 bodies, including women and children, washed up on Biak's coast soon after the incident,

¹⁵ See "Name without a grave, grave without a name: a report on human rights violations in Biak, Irian Jaya" (*Nama Tanpa Pusara, Pusara Tanpa Nama: Laporan pelanggaran HAM di Biak, Irian Jaya*), Institute for Human Rights Study and Advocacy (*Lembaga Study dan Advokasi Hak Asasi Manusia, ELS-HAM*), July 1999.

which the authorities claimed were victims of a massive tidal wave that hit neighbouring Papua New Guinea later in July. This has been disputed by local people who reportedly claimed that some of the bodies were discovered over a week before the tidal wave occurred. According to these reports, which Amnesty International cannot confirm, some bodies also showed signs of torture and others were clothed in Indonesian garments. All the bodies were buried without proper autopsies, so the cause of death remains uncertain.

Amnesty International has been able to confirm the names of five of the eight people known to have been killed: **Ruben Orboy (27)**, **Paulus Sanadi Mamoribo (20)**, **Nico Smas (23)**, **Franciscus Gerson Delta Gawe (29)** and **Wihelmus Rumpaisum (68)**.

Ruben Orboy died in Biak Hospital on 6 July 1998 after being shot in the head by the security forces. His body was never returned to his family. At a meeting of local community and religious leaders held on 11 August 1998, the local mayor reportedly stated that he had been told by a naval officer that Ruben Orboy's body had been thrown into the sea.

Paulus Sanadi Mamoribo was taken into police custody on 8 July 1998 after receiving hospital treatment for a bullet wound to his hand which he sustained on 6 July 1998. He was also reported to have been beaten while in police custody which resulted in swelling around his face and neck. He was released from custody the same day, but his hand injury rapidly became infected and he became feverish. According to a report from a local NGO, his injury had not been properly treated at the hospital, partly because of a lack of medical supplies and partly because his involvement in political activities meant that doctors were unwilling to treat him. He died on 9 July 1998.

Nico Smas was one of those rounded up by the security forces and taken to the port. Eyewitnesses claim that he was kicked and beaten by two police officers while being forced to crawl along the ground. He sustained serious injuries all over his body, including swelling around his face. He was held in police detention for about one month before being released on condition that he report to the police station on a daily basis. On 11 August 1998, after returning from the police station, he reportedly told his parents that his body had still not recovered from the ill-treatment and that he felt feverish. His condition rapidly worsened and he died in the afternoon of 12 August 1998. His family claim his death was the result of ill-treatment at the port and during his subsequent detention.

In August 1999, the members of the Indonesian National Human Rights Commission (Komnas HAM) announced that an independent team would be formed to investigate human rights violations in Papua with a major focus on the Biak case. Two members of Komnas HAM made a preliminary visit to Biak later in the month. They interviewed local NGO and church representatives as well as leading members of the local government and the Indonesian security forces.

According to sources in Indonesia, the Komnas HAM representatives confirmed that the Indonesian security forces had acted in a violent manner and that there were discrepancies

between the number of victims recorded by civil society representatives and the authorities. They recommended that the government establish an independent commission to conduct further investigations and clarify the total number of victims of the Biak incident. To date no such investigation has been carried out and no one has been brought to justice for the killings.

II: Growth of militia groups in Papua

Tension has increased in Papua with the emergence of militia groups over the last one-and-a-half years. Amnesty International is aware of the rise of two main militia groups in Papua: the Papua Taskforce (*Satuan Tugas Papua* or *Satgas Papua*), which supports independence and the Red and White Taskforce (*Satgas Merah Putih*, SMP), which supports Indonesian rule.¹⁶ Many local activists fear that the emergence of such groups is being supported by the security forces in an attempt to create conflict in Papua between the two sides, thereby providing justification for a military crackdown in the region.

According to media reports, clashes have occurred between members of these groups. Fighting reportedly broke out between members of the SMP and *Satgas Papua* in Waena in Papua's capital, Jayapura, on 6 June 2000. One person required hospital treatment as a result of the clash, several local businesses were set on fire and a government office was damaged. There are also reports that *Satgas Papua* detained a number of people following the clash at their headquarters in Sentani, outside Jayapura.

Amnesty International's concerns about militia groups in Papua have been heightened by the pattern of human rights violations conducted against the population of East Timor by militia groups supported by the Indonesian security forces in the context of the popular consultation in the territory last year. Militia groups have also been active in the Moluccas conflict and there are numerous reports of collusion between such groups and members of the Indonesian military and the police.¹⁷ Given this background and context, Amnesty International calls on the Indonesian authorities to take immediate action to guard against human rights abuses perpetrated by militia groups in Papua. The organization urges the Indonesian authorities to:

¹⁶ Red and White refer to the colours of the Indonesian flag. A third group, the National Liberation Army (*Tentara Pembebasan Nasional*, TPN) has also reportedly been established, but its origins are unclear. It is believed to be affiliated to the armed opposition group, the Free Papua Movement (*Organisasi Papua Merdeka*, OPM), which has engaged in armed operations in Papua since the region's incorporation into Indonesia. The TPN has reportedly been involved in training members of the *Satgas Papua* at its headquarters in Jayapura.

¹⁷ In addition to Laskar Jihad (mentioned above), a Christian militia has also reportedly been established on the island of Halmahera in North Maluku.

- ensure that law and order enforcement is carried out solely by officially mandated agents, namely the police, that they are fully trained in human rights, and that they carry out their duties in accordance with international human rights standards;
- take immediate steps to halt the growth of militia groups on both sides to prevent an escalation of human rights violations in the region;
- investigate allegations of links between militia groups and the Indonesian security forces;
- investigate and bring to justice any members of militia groups suspected of committing human rights abuses; any members of the Indonesian security forces who are found to have encouraged or supported such actions must be dismissed and brought to justice.

(i) Red and White Taskforce (*Satgas Merah Putih*, SMP)

The Red and White Taskforce (*Satgas Merah Putih*, SMP) was reportedly established in the town of Fak Fak on the western tip of Papua under the leadership of Ismael Bauw, the former Administrative Head (*Bupati*) of Mimika District. The group supports Indonesian rule in Papua. Its membership in Fak Fak is believed to include people who have arrived in Papua following the communal violence in the nearby Moluccan islands as well as local people from Fak Fak itself. Members of the SMP are reported to be armed with traditional weapons, including bamboo or wooden sticks and machetes. Divisions of the SMP have also reportedly been established in other parts of Papua, including Wamena, Sorong and Jayapura, and the group is said to have a total membership of several thousand, although according to local human rights activists, it is only in Fak Fak that the group has been operating openly. Human rights groups in Papua believe that the SMP is supported by the Indonesian security forces in Fak Fak, but attempts to investigate the situation further have reportedly met with threats and intimidation from SMP members.

There are several reports that members of the SMP have been involved in human rights abuses. In a recent incident on 20 March 2000, members of the SMP together with members of the security forces reportedly engaged in a number of abuses in Wayati village, around 8 km from Fak Fak. These were apparently triggered by an incident which occurred the day before when a small number of Wayati residents beat up the newly appointed district head (*Bupati*) of Fak Fak after accusing him of attempting to bribe them into supporting Indonesian rule in Papua by offering a large sum of money to the local church. In reaction to this incident, members of the SMP travelled to Wayati, ransacked several houses belonging to the villagers and stole their possessions, including around Rp 40 million (approximately US\$4,600) as well as rice which was then urinated on or thrown into the sea. The police reportedly arrested around 50 people in connection with the beating of the *Bupati* of Fak Fak, but failed to take any action to stop the violence committed by the SMP. Many of those arrested were reportedly beaten by the police while being held in detention. The police also allowed other people, including members of the SMP, to enter the detention centre to abuse the detainees, both verbally and physically.

According to media reports, one of the detainees was an elementary school teacher called Andy Burdam. He claims that he was punched and beaten when a joint team of militia and police entered his home. He was taken to the local police station and held in a cell where militia members threw large stones at him. The police reportedly failed to intervene.

After returning from Wayati village, members of the SMP reportedly marched through the town of Fak Fak displaying knives and other weapons in an apparent attempt to intimidate local residents. Recent reports, which Amnesty International has been unable to confirm, suggest that around 30 members of the SMP have been given official policing duties in Fak Fak by the local government.

(ii) Papua Taskforce (*Satgas Papua*)

Satgas Papua is said to have been founded by Theys Eluay, a self-proclaimed pro-independence leader in Papua, and his son, Boy Eluay in October 1998.¹⁸ The group made its first public appearance in Jayapura in February 1999 when it provided security for members of the "Team of 100". Since then, its functions appear to have broadened to protect pro-independence activists in Papua in general, including by providing security during pro-independence demonstrations and protests.

Several thousand people are believed to belong to *Satgas Papua*. They are concentrated in urban areas, including Jayapura, Sorong, Biak, Nabire and Timika, but the group is also believed to have members in a number of villages throughout Papua. *Satgas Papua* members reportedly wear a black uniform and are armed with traditional weapons such as wooden sticks, machetes and bows and arrows. The militia is reportedly structured according to a military-style ranking system with company and regimental commanders.

¹⁸ Theys Eluay was one of the 1,000 people selected to vote in the UN "Act of Free Choice" of 1969 which led to Papua's formal integration with Indonesia. He continued his political career as a member of the Golkar political party which held political power in Indonesia throughout President Suharto's "New Order" administration. He later rejected the 1969 plebiscite as unfair, recanted his vote, and now speaks out publicly for Papuan independence.

Satgas Papua appears to be financed in part by the Papua Presidium Council, a pro-independence coordinating body established by the Second Papuan Congress in June 2000.¹⁹ A number of recent media reports have suggested that the group also receives support from Yorris Raweyai, a leading figure in Pancasila Youth (*Pemuda Pancasila*), an organization with close ties to the Indonesian military.²⁰ There are also reports that members of *Satgas Papua* have been involved in criminal activities, including intimidation and extortion among small businesses in Papua, as well as theft and burglary in order to raise funds for their activities.

Recent reports suggest that the Indonesian security forces have become involved with the organization and coordination of the group. In mid-August 2000, around 300 members of *Satgas Papua* from all over the province reportedly attended a week-long series of meetings and workshops in Jayapura headed by Theys Eluay, Yorris Raweyai and leading members of the Indonesian armed forces in the region. The aim of the event was apparently to discuss and clarify organizational issues within the militia group. According to reports received from local NGOs, the regional military commander, Major General Albert Inkiriwang, told the participants that the regional military command was interested in officially training *Satgas Papua*. Amnesty International has been unable to confirm these reports.

Members of *Satgas Papua* are also reported to have been involved in a number of cases of human rights abuses, including ill-treatment and illegal detentions. The group was apparently allowed to take almost complete charge of security in Jayapura during the Second Papuan Congress (29 May 2000 - 4 June 2000) and there have been unconfirmed reports that members of the group engaged in human rights abuses, including beatings and verbal intimidation, against those thought to be members of the SMP or otherwise opposed to Papuan independence. Members of *Satgas Papua* reportedly forced one person to eat dirt because he was suspected of being a member of the SMP. Since the Congress, there have been unconfirmed reports of members of *Satgas Papua* carrying out acts of intimidation against non-Papuans, including confiscating property, burning houses and extortion.

¹⁹ The first Papuan Congress was held in 1961 while Papua was still under Dutch control, and concluded with a declaration of Papuan independence on 1 December 1961. Attended by around 3,000 people from all over Papua, the Second Papuan Congress (29 May - 4 June 2000) concluded with a resolution stating that Papua had been sovereign since 1 December 1961 and calling for the establishment of a team to “enter into peaceful negotiations with Indonesia and the Netherlands under the auspices of the United Nations for a referendum on recognition of the sovereignty of the Papuan people and Nation”. The Council elected by the Congress is led by Theys Eluay. Despite initially expressing support for this Congress and helping to finance its organization, the Indonesian authorities later rejected it as being unrepresentative of views of people in Papua as a whole.

²⁰ See *International Herald Tribune*, June 19 2000; *Sydney Morning Herald*, 3 June 2000. Yorris Raweyai is currently under investigation for his alleged role in an attack on the headquarters of the Indonesian Democratic Party in July 1996 which led to the deaths of at least five people.

On 31 July 2000, members of the group armed with bows and arrows and wooden clubs were reported to have seized control at an airport in Wamena, Jayawijaya district and searched the luggage of those departing and arriving. This was apparently in an attempt to find census forms relating to the local population on suspicion that the results of the census had been manipulated. The militia members were also reported to be concerned that people displaced from the Moluccas conflict were due to arrive at the airport by plane. The police regained control over the airport on 5 August 2000, but rumours that they had shot dead the local militia leader in the operation sparked a clash between militia members and the police in which three people were injured.

III: Recommendations

(i) Recommendations concerning past and ongoing human rights violations

The cases detailed above reveal a clear pattern in which the Indonesian security forces continue to perpetrate human rights violations, including extrajudicial executions, torture and arbitrary arrests. Amnesty International believes that the persistence of such violations is due in large part of the level of impunity that continues to be enjoyed by members of the security forces in Indonesia. Until security personnel are held accountable for their actions, such violations are likely to continue. The organization considers that the first steps towards ending impunity would be to launch full and impartial investigations into the circumstances of the violations with a view to ensuring that perpetrators are brought to justice in trials which meet international human rights standards.

Amnesty International urges the Indonesian authorities:

- to launch full, independent and impartial investigations into all cases of human rights violations in Papua (Irian Jaya), including the cases highlighted in this report, with a view to bringing those responsible to justice in trials which meet international human rights standards;
- *to ensure that any members of the Indonesian security forces suspected of committing human rights violations are suspended from duty pending a full investigation into their conduct. Those against whom there is a case must be brought to court and given a fair trial;*

- to ensure that security personnel deployed to the region are trained in, and are under orders to exercise, non-lethal methods of crowd/riot control. International human rights standards, including the *UN Code of Conduct for Law Enforcement Officials* and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* must be rigorously upheld. In particular the intentional and lethal use of firearms may only be a measure of last resort to protect life;
- to ensure that all arrests are conducted in accordance with international human rights standards - by law enforcement officials mandated to do so and not be members of the Indonesian army or the militias - and uphold the rights of those detained, including by ensuring that they are charged promptly with a recognisably criminal offence or released;
- to establish safeguards to ensure that no one is subjected to torture or ill-treatment, including by ensuring that there is no incommunicado detention and that all detainees are informed of their rights and given prompt and regular access to their families, lawyers and medical professionals;
- in accordance with the obligations under the Convention against Torture, ratified by Indonesia in October 1998, to prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment; to ensure that all such acts are recognized as criminal offences, punishable by penalties which reflect the seriousness of the crime; and to ensure that statements extracted under torture or other ill-treatment cannot be admitted as evidence during legal proceedings, except against a person accused of torture as evidence that the statement was made;
- to conduct full, impartial and independent investigations into all allegations of torture and other cruel, inhuman or degrading treatment or punishment and ensure that anyone suspecting of committing such acts is brought to justice in line with international human rights standards.

(ii) Recommendations concerning the growth of militia groups

Amnesty International believes that the existence of militia groups potentially poses a serious threat to security in Papua and is concerned at reported links between such groups and the Indonesian security forces. In view of the recent history of militia groups established by, and acting in concert with, the Indonesian security forces in East Timor to commit serious human rights violations, the organization is concerned that the development of such groups in Papua may lead to similar patterns of human rights violations there. Amnesty International therefore urges the Indonesian authorities:

- to ensure that law and order in Papua remains the sole responsibility of the police and ensure that such functions are not delegated, either by act or omission, to members of militia groups;
- to take urgent steps to halt the growth and development of both pro-Indonesian and pro-independence militia groups in Papua and exercise due diligence to prevent members of such groups from committing human rights abuses;
- to investigate allegations that elements of the Indonesian security forces are involved with the training, financing and organization of such groups in Papua and, in the interests of accountability and transparency, ensure that any information about such links is made public;
- to investigate allegations that members of militia groups have been allowed to commit human rights abuses with impunity in Papua, including the actions of the *Satgas Merah Putih* in Wayati village, Fak Fak on 20 March 2000, and reports of human rights abuses committed by *Satgas Papua* in Jayapura during the Papuan Congress in June 2000;
- to ensure that any militia members accused of committing human rights abuses are brought to justice in line with international human rights standards; any members of the Indonesian security forces accused of encouraging militia members to commit human rights abuses must be dismissed from their post and brought to justice.