

Racism and Human Rights in the Land of Papua

A Situational Analysis of the Conditions in Papua in 2020



2021

Australian National University

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First Printing: Januari 2021

Originally published in Indonesian by ELSAM as *Rasisme dan Hak Asasi Manusia di Tanah Papua*
Sebuah Analisis Tentang Kondisi Terkini di Papua Tahun 2020

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Foreword

The wave of anti-racism protests that emerged in Papua from August to November 2019 has highlighted yet another unresolved component of the Papua problem. To respond to this situation the Indonesian government used the same approach it has in the past, namely the direct use of force through the deployment of security forces. No less than 756 people were forcibly detained after the colossal protests - dozens were later classified as political prisoners after being charged with treason (Tapol 2019). This harsh and militaristic response also gave birth to physical and psychological violence against Indigenous Papuans (OAP), the magnitude of which is almost impossible to calculate with certainty.

Papua is an Indonesian territory that has a long history of human rights violations — perhaps the darkest and most complex. Therefore, what happened in Papua in the last two years cannot be separated from the economic-political context that accompanies it and the various allegations of human rights violations that have occurred previously. This statement may sound cliché, however, when considering the larger narrative of the Papua problem it persists time after time.

President Jokowi himself, as described by Chauvel (2019), has only been able to employ political gimmicks insinuating radical change in Jakarta's approach to Papua. However, as we have seen, the approach he has actually taken merely continues previous practices. Whether presenting development projects, sending in police and military personnel, or stalling rather than resolving alleged cases of human rights violations in Papua, it has been just more of the same.

Unfortunately this pattern, in the context of human rights violations in Papua, is indeed one thing that seems to repeat endlessly, compounding the perpetual situation of human rights and humanitarian problems in Papua. In the end, what can be expected from the work of observing an event that has had such far-reaching impacts as this one in the last two years, is a detailed observation of the different contextual facets through which we can better understand it. With this in mind, the following report on "Racism and Human Rights in the Land of Papua" has been produced.

Apart from the absence of a single striking novelty in the development of human rights in Papua, and the various methodological notes behind this report, ELSAM hopes that this report can make a worthwhile contribution towards fulfilling human rights in Papua in the future, however small. Nevertheless, humanitarian work in Papua is not work that can be completed overnight.

Jakarta, 24 January 2021

Wahyudi Djafar

Executive Director, ELSAM

Racism and Human Rights in the Land of Papua

A Situational Analysis of the Conditions in Papua in 2020

I. Background

Ever since the handover of control of West New Guinea by the United Nations Temporary Executive Authority (UNTEA) to the Indonesian government on 1 May 1963, and the subsequent approval by the United Nations (UN) of Papua's status as part of the Republic of Indonesia based on the Act of Free Choice (Pepera)¹ in 1969, until this day, the situation in Papua remains far from being conducive and safe. In an ELSAM report entitled *Military Operations in Papua* (2014), Eliezer Bonay, who in 1963 was appointed by Indonesia as the Governor of West Irian, estimated that until 1969 (or up to the Pepera), around 30,000 Papuans were killed by the Indonesian military. The violations of human rights that have occurred in Papua since then result from the security approach adopted by the Indonesian government. Various military operations have been carried out in Papua as part of this security approach, beginning with *Operation Sadar* (1956-1967), *Operation Bharatayudha* (1967-1969), and *Operation Wibawa* (1969), as well as military operations in Jayawijaya (1977), *Operation Clean Sweep I and II* (1981), *Operation Galang I and II* (1982), military operations in Mapunduma (1996), military operations leading to the Wasior case (2001), military operations in Wamena (2003), and military operations in Puncak Jaya (2007).

The election of President Joko Widodo (known colloquially as Jokowi), who has a civilian/non-military background, has not changed the approach taken towards Papuans. The Jokowi administration still uses the same militaristic security approach as previous administrations. This remains the case, even after *Reformasi*² and despite the government adoption of the Special Autonomy (Otsus) package through Law No. 21 of 2001 concerning Special Autonomy for Papua Province, which is claimed to offer a welfare approach to overcoming conflicts in Papua.

The security approach used by the government ignores various fundamental problems in Papua. In 2010, the Indonesian Institute of Sciences Papua Study Team published a book entitled *Papua Road Map: Negotiating the Past, Improving the Present, and Securing the Future* (2010). The study found that conflict in Papua is motivated by four strategic issues: 1) the history of Papua's

¹Also referred to as the 'Act of No Choice', the Act of Free Choice was a referendum in which 1025 individuals selected by the Indonesian military voted unanimously in favour of Indonesian control of Papua. The referendum remains a key source of anguish for many Papuans until today.

²The period of political reform characterizing the post-Suharto era.

integration into the territory of the Unitary State of the Republic of Indonesia (NKRI) and the political identity of the Papuan people; 2) political violence and human rights violations; 3) failure of development in Papua and inconsistency of the government in implementing Otsus; and 4) marginalization of Papuans. In a 2019 study, the Central Statistics Agency (BPS) noted that the Human Development Index (HDI)³ in Papua and West Papua provinces were the lowest in Indonesia, with 60.84% and 64.7% respectively, compared to the national figure of 71.92% for the same year. The low HDI indicates that the quality of health, education, and fulfillment of basic necessities in Papua are among the worst in Indonesia, compared to other regions.

In terms of democracy, the 2019 Indonesian Democracy Index (IDI) released by BPS showed an increase of 2.53 points compared to the previous year. Despite this increase, one of the three aspects measured, namely civil liberties, decreased by 1.26 points. The decline was due to, among other things, the high level of threats and the use of violence by the security forces, which hindered the rights to freedom of association, expression and opinion, as well as repressive and discriminatory actions experienced by vulnerable groups of people and communities considered to be opposed to the government. One of the vulnerable groups of people who often become victims of these acts of repression and discrimination is Indigenous Papuans (OAP). One such incident of racism and discrimination against OAPs occurred in August 2019, sparking massive protests.

At the Kamasan Papuan Student Dormitory in Surabaya, on 16 August 2019, Papuan students fell victim to racism and attacks by the security forces and mass community organizations. This arose after an accusation that Papuan students removed and disposed of an Indonesian national flag in front of the dormitory. The security forces and members of mass organizations then came, shouting racist remarks and throwing stones at the dormitory. This situation immediately triggered a wave of protests in various regions, especially in Papua. Instead of getting to the root of the problem, the government responded to the wave of protests by using excessive force. The impact of the racism incident in Surabaya will be further elaborated in the following section.

3 The Human Development Index (HDI) is a comparative measure of life expectancy, education and living standards for all countries. HDI is used as an indicator to assess the quality aspects of development and to classify whether a country or region is categorized as developed, developing, or underdeveloped, and also to measure the effect of economic policies on the quality of life.

II. Human Rights Violations in Papua following the Racism Incident in Surabaya

The racism incident against Papuan students in Surabaya resulted in a series of human rights violations. There are at least three main issues that are closely related to human rights violations against Papuans, namely criminalization, political detention, and the impact of the security/military approach adopted by the Indonesian government.

1. Criminalization of Papuan Activists

The Alliance for Democracy for Papua (ALDP) stated that in 2019 the government arrested 1,272 Papuans (2020: 20). Of these, as many as 180 were named as suspects, with 86 people being charged with committing treason. Specifically, based on data from Papuan Behind Bars (2019: 2), the increase in the number of political prisoners in Papua was largely related to the massive anti-racism demonstrations which took place in Papua after the Surabaya incident. The table below shows some of the arrests and naming of suspects that followed the anti-racism demonstrations.

No.	Date	Description of Incident	Arrested	Named Suspect
1.	August 19, 2019	After the anti-racism demonstrations on August 19, 2019 in West Papua, the police arrested and named 20 people as suspects: Manokwari (10 persons), Sorong (7) and Fakfak (3).	20	-
2.	August 21, 2019	34 persons were arrested, 10 of whom were named as suspects. Two people were released because they were still minors. Of the remaining eight, three were detained, namely Rico Warensi and Terianus Medlama on the charge of being involved in the action, and Nius Wenda on the charge of having sharp weapons.	34	10

3	August 28, 2019	After being investigated, 14 persons were named as suspects. Of the 14 suspects, five of them received a suspension of detention from the Deiyai Regent in September. Nine were detained by the Paniai Police, before being transferred to the Nabire Police and the Jayapura Police; they underwent trials at the Nabire District Court.	30	14
		The protesters raised the Morning Star flag which was brought during the action in front of the State Palace on August 28, 2019. The protesters were protesting against the racism towards Papuan students in Surabaya and Malang.	8	6
		Those arrested were suspected of being involved in an anti-racism demonstration in Jayapura on August 29, 2019. Subsequently, the security forces arrested seven democracy activists on charges of treason, namely Fery Kombo, Alexander Gobai, Irwanus Uropmabin, Hengki Hilapok, Buktar Tabuni, Agus Kossay and Steven Itlay.	64	28
		The East Java Regional Police arrested and appointed Tri Susanti and Syamsul Arifin (Surabaya City Government civil servants) as the masterminds of the attack on the Papuan student dormitory in Surabaya. Both were tried at the Surabaya District Court and sentenced to prison terms of 7 months and 5 months respectively.	2	2

4.	September 2, 2019	Sayang Madabayan was arrested at Rendani Manokwari Airport by the airport security because he was caught carrying 1,500 small Morning Star flags. The police also confiscated banners and t-shirts deemed to have provocative content.	1	1
5.	September 18, 2019	Four persons were arrested and named as suspects for producing and distributing pamphlets containing the Morning Star flag with the words "Referendum, Free Papua!" during an anti-racism protest in Sorong City.	4	4
6.	September 19, 2019	Three people were arrested and named as suspects for organizing anti-racism protests in Manokwari on September 3, 6 and 11, 2019.	3	3
7.	September 23, 2019	A thanksgiving service and <i>bakar batu</i> (traditional feast) was forcibly dispersed by the police, led directly by the Mimika Police Chief. Apart from the forced dispersal, the police also arrested 23 students and a LEMASA employee on the grounds that these activities did not receive the police's permission. However, everyone was later released.	23	-
		Initially the police named 13 people as suspects. Of the 13 people, 10 were arrested and three others who were considered to be masterminds remained at large. Of the 10 persons arrested, several were students. The police then made successive arrests so that at least 16 persons would undergo legal proceedings at the Wamena District Court.	19	16

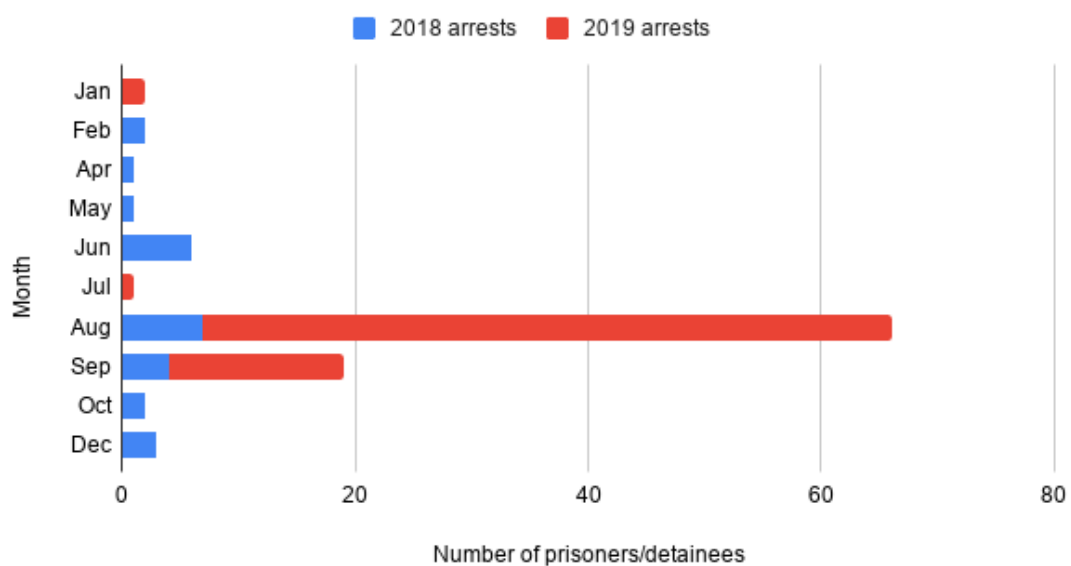
8.	November 26, 2019	Philipus Robaha, Deputy Chairman of SONAMAPA was arrested at his in-law's house in Koya Barat. The arrest was related to a December 1 call to action flyer. He was released on November 27, 2019	1	-
9.	November 30, 2019	On November 30, 2019, the police issued a summons against Markus Haluk (ULMWP Executive Chair). The questioning was carried out from 15.00-21.30 EIT. At 23.44 EIT, Markus Haluk was allowed to return to his house.	1	-
		Jayapura Police arrested 34 people at the intersection near Sentani Airport for allegedly planning to attend the December 1st Commemoration ceremony in Jayapura. The police claimed to have found evidence in the form of sharp weapons such as knives and machetes, the Morning Star symbol, and TPNPB membership cards. Of the 34, 14 people were released and 20 were named as suspects.	34	20
10.	December 30, 2019	The December 1st simultaneous demonstrations took place in several locations in West Papua. In Fakfak 54 were arrested, 23 of whom were named as suspects; in Manokwari eight were arrested, seven of whom were named suspects; and in Sorong 11 were arrested, all were named suspects	73	41

In addition to the data above, between 15-23 April 2020 a joint force of the military and police searched, fired at and arrested KNPB activists in Maybrat Regency, including Marten Muuk, Simon Sasior, and Ferdinand Sasior. Ferdinand managed to escape arrest, leading the authorities to fire warning shots. Pontius Wakom was arrested under the pretense of checking his ID card.

Meanwhile, the capture and arrest of Eko Lando Sakof (Chairman of the KNPB Siwa Sector) was carried out by bayoneting his legs. The authorities also raided the KNPB Maybrat headquarters, assaulted Abadur Faan and arrested Yakop Asse alias Fufuf.

The massive criminalization that has occurred against Papuans mostly targets members of political organizations such as the West Papua National Committee (KNPB), the United Liberation Movement for West Papua (ULMWP), the Papuan Student Alliance (AMP) and the Indonesian People's Front for West Papua (FRI-WP), by accusing them of treason. Some of those charged with treason after the anti-racism demonstrations were Agus Kossay, Buchtar Tabuni, Steven Itlay, Fery Gombo, Aleksander Gobai, and Surya Anta Ginting. The criminalization was also accompanied by irregular and unprofessional acts by the police, who on October 4 transferred seven political prisoners, namely Fery Kombo, Alexander Gobay, Hengki Hilapok, Buchtar Tabuni,

West Papua Political Prisoners, January 2018 to October 2019



Source: papuansbehindbars.org (2019)

Irwanus Uropmabin, Steven Itlay, and Agus Kossay (later known as the "Balikpapan Seven") from Jayapura into police custody in Balikpapan, East Kalimantan. According to the attorneys for the seven political prisoners, the transfer was in violation of Article 85 of the Criminal Procedure Code (KUHP), which states that detainees can only be transferred by the prosecutor after the investigation process is completed and referred to the prosecutor's office.

2. Papuan Political Prisoners

The term 'political prisoner' (*tapol*) is still up for debate between the government and civil society organizations as the government only recognizes the term 'prisoner due to treason'. According to Anum Siregar, this term refers to those convicted of a crime against state security, particularly the treason article. Those convicted of Articles 106, 165, or 166 of the Criminal Code are also considered as political prisoners if their actions were related to state administration. This argument was strengthened by Barda Nawawi Arief (2001: 158) who included crimes against the state or state security in the understanding of political crimes. The limitation on the right to freedom of expression imposed by the treason article violates the International Covenant on Civil and Political Rights (ICCPR) and conflicts with the right to freedom of opinion and expression contained in Article 28 of the 1945 Constitution among other laws and regulations.

Overall, there has been an increase in the number of Papuan political prisoners from 2018 to 2019. In 2018, there were 26 political prisoners in Papua, including 25 Indigenous Papuans and one Polish journalist, Jakob Skrzypski.⁴ In 2019, the number jumped sharply to 77 political prisoners. The number of political prisoners in each month from January 2018 to October 2019 can be seen in the chart released by Papuan Behind Bars (2019) above. The significant increase in Papuan political prisoners results from the use of the treason article by the government against the right to opinion and expression in direct relation to the anti-racism demonstrations of 2019. This shows that the treason law is used to silence citizens' political expression, a right which is guaranteed in the constitution.

Regarding the distribution of political prisoners, on March 4, 2020 PAHAM Papua (Papuan Human Rights Advocates Association) released a report stating that there were a total of 118 Papuan political prisoners detained in Papua (Papua & West Papua Provinces) and outside Papua. 103 political prisoners were detained in Papua, namely in Jayapura (44), Manokwari (15), Biak (8), Sorong (3), Wamena (19), Nabire (9), Fak Fak (3), and Timika (2). Meanwhile, 15 political prisoners were detained outside Papua, namely in Semarang (1), Jakarta (7) and East Kalimantan

⁴ For the first time, a foreigner is being held in a prison in Papua. The police arrested a Polish national, Jakób Skrzypski, in August 2018 for "carrying out journalistic activities", later on suspicion of a meeting with the West Papua National Liberation Army (TPNPB). He was tried for treason over several lines of conversation regarding firearms on Facebook Messenger with a Papuan student, who was also tried for treason with him. Skrzypski denied all charges and appealed his case but was rejected. He is currently serving a five year sentence at Wamena prison. See Papuan Behind Bars, "New Political Prisoners Treason Charges and Lack of Judicial Transparency in Political Prisoner Cases"

https://www.papuansbehindbars.org/wp-content/uploads/2019/11/PBB-Jan-2018-Oct-2019Nov2019.EN_.web_.pdf, accessed on 18 July 2020 at 11.11 WIT

(7). Of the 118 political prisoners, 22 were charged with treason, one was subject to the articles of the ITE Law, and the rest were subject to criminal articles.

3. Intensification of the Security Approach

Following the racism incident in Surabaya, the Indonesian government has intensified its security approach. In April 2020, three young Papuan civilians were shot to death by the joint security force of the TNI and the police. Three days later, on April 13, TNI-Polri joint forces shot dead two Papuan youths, Eden Armando Bebari (20) and Roni Wandik (23) at the PT Freeport Indonesia mining area in Timika while they were fishing. Mispo Gwijangge was also a victim of the military operation in pursuit of Egianus Kogeya and his unit in Nduga. Mispo, a civilian child who had been displaced by the violence, was accused of committing the murder of 17 civilian workers of PT Iskara Karya in Nduga on December 2, 2018. He was taken to Jakarta for trial and imprisoned for 11 months before a panel of judges dropped all charges against him. Selu Karunggu (20) and Elias Karunggu (40), a father and son who were displaced from Nduga, were also shot dead by the TNI during a pursuit on the banks of the Keneyam River on July 18, 2020. The two civilians were suspected by the TNI of being members of Egianus Kogoya's group.

The government uses the pretext of security and upholding state sovereignty to continue deploying security forces en masse to Papua. The addition of the joint TNI-Polri task force occurred after the anti-racism demonstrations in August and September 2019. Between August 21-30, the TNI and Polri have deployed some 2,529 personnel to Papua. The government also continues to build new TNI bases in Papua. One such development is the Mimika Regency Joint Defense Region III (Kogabwilhan III) Command Headquarters, planned for a 78-hectare plot of land claimed by the TNI as a gift from the local community. In addition to Mako Kogabwilhan III, the TNI have also constructed the Tambrau 1810 Military District Command Headquarters in West Papua. This is despite the community rejecting the construction of the military base; on July 16, 2020, 50 TNI members had been deployed. As of the time of writing, the construction of the military base has not received a location use permit from the customary land owners.

In addition to new bases for the TNI in Papua, the government is also building new bases for the police. In November 2019, Papua Police Chief Inspector General Paulus Waterpauw said that the National Police Headquarters had approved the establishment of five new police stations in Papua, respectively in Puncak Jaya, Intan Jaya, Nduga, Deiyai and Yalimo Regencies. The creation of the police stations was proposed by the Papua Regional Police, based on security considerations. In addition to proposing the establishment of new police stations, the Papua

Regional Police also proposed an increase in the status of the police bases to be equal to the military hierarchy, although this was only approved in the case of the Jayapura City Police.

The issue of security has always been used as an excuse by the government to maintain a tight grip on its sovereignty. Separatism has always been the pretext for large-scale troop deployments to Papua. In fact, if examined, the threat of the Free Papua Organization (OPM) is not as significant as, for example, the Free Aceh Movement (GAM), which was more solidly organized. Apart from not having a large number of weapons, the OPM also does not have a unified organizational structure or line of command, because it is divided into small groups. This then raises the question, why the massive troop deployments? This question should be asked because the civil society continues to be victimized by the security approach that the government continues to employ.

III. The Politics of the Central Government towards Papua following the Surabaya Racism Incident

The racism incident in Surabaya has had a significant impact on Papuans. The wave of protests spread to various regions, both inside and outside Papua. In its report, *Tapol*, a UK-based international NGO called the protest wave the *West Papua Uprising*. The report notes that protests, which took place from August 19 to September 30, 2019, were held in 23 regencies and cities in the provinces of Papua and West Papua, in 17 cities in other parts of Indonesia, and 3 cities abroad. At least 283 people suffered injuries due to clashes with the authorities (Tapol, 2020).

The escalation that continued throughout August-September 2019 can be seen to have directly influenced the central government's "emergency" policies in Papua, including cutting internet access (internet shutdown) and raising the number of security and military personnel. On a wider scale, the social and political dynamics of this period also influenced the government to make an exception for the two Papuan provinces on the moratorium of regional administrative divisions (*pemekaran*) (Kompas.com, 22 January 2020) and affected the planned revision of the Special Autonomy Law.

Theoretically, those policy changes can be explained through the conceptual framework of *intermestic* or international-domestic. Under this framework, the process of policy change is analyzed by considering the ideas and interests of international and domestic actors (Diah Estu Kurniawati, 2012). At the domestic level, the racism incident in Surabaya amplified demands for

a referendum on Papua that had previously been considered too taboo for general discussion. The Governor of Papua, Lukas Enembe, for example, stated on television on August 21, 2020, that he no longer believed in laws and regulations such as the Special Autonomy Law, and put his belief in agreements supervised by third parties such as international institutions instead.

At the international level, the events brought a great deal of momentum for the supporters of the Papuan movement to pressure the Indonesian government, particularly regarding human rights violations that occurred following the incident. One of the actors involved in human rights issues, Veronica Koman, a human rights lawyer for Papua, has been among the most vocal in encouraging human rights advocacy related to the issue of Papua at the international level. After the racism incident in Surabaya, Koman established communication to seek international support, including writing to the UN to ask that the Indonesian President release Papuan political prisoners. Apart from individuals, support also came from Melanesian countries such as Vanuatu and Solomon, which also campaigned on the issue of Papuan human rights violations at UN sessions. International pressure has provided pro-independence political activists among the Papuan diaspora, such as ULMWP and Benny Wenda, with widespread support.

The intertwining of social and political dynamics which occurred following the Surabaya racism case, the responses which appeared in the domestic and international spheres, and the policy options that were and will yet be taken by the government, can be seen, among others, in the meeting which took place not long after the racism incident between President Jokowi and 61 persons claimed by Coordinating Minister for Political, Legal, and Security Affairs Wiranto as figures representing Papua. In the meeting, the Indonesian government was clearly seen to attempt to defuse the socio-political tensions by accommodating the interests of Papuan elites who proposed the further division of Papua Province, the construction of a presidential palace in Papua, and the appointment of Papuans into echelon 1 and 2 positions in ministries and government agencies (Amali, 4 March 2020; Intan, 9 October 2019).

This political step by the Indonesian government, as mentioned by Amali is regarded by some parties as a strategy to make people forget the impacts arising from the racism incident in Surabaya. This pattern is considered to be similar to the Indonesian approach in implementing the Act of Free Choice (Pepera) in 1969. Furthermore, the plan for the administrative expansion of South Papua is alleged to only benefit immigrants and political elites seeking positions in the new bureaucracy.

IV. Conclusion

The series of human rights violations that have occurred in Papua, which are tightly intertwined with racism, are inseparable from the long historical roots of the integration of Papua as part of the Republic of Indonesia. What we have encountered in the racism incident experienced by Papuan students in Surabaya on August 16, 2019, is part of a continuing portrait of inequality and legal, social and political injustice in Papua.

The integration process, which began before the 1969 Act of Free Choice, was carried out using a securitized and militaristic approach resulting in human rights violations, land grabbing, discrimination and the general marginalization of Papuans. The fall of Soeharto's authoritarian rule has not changed the central government's approach to Papuans. The Special Autonomy Policy (Otsus) through Law No. 21 of 2001 concerning Special Autonomy for Papua Province, which claimed to represent a welfare approach, has not had much impact on the resolution of the Papuan issue, especially regarding human rights violations. This is evidenced by the fact that the TNI and Polri continue to deploy in various operations across Papua, strengthened through the construction of new military bases under the pretext of defending the country's sovereignty and security from the threat of separatism. The security approach is still employed by the Jokowi administration in dealing with massive demonstrations, both in Papua and in dozens of other cities in Indonesia, as was apparent after the racism incident in Surabaya. Hundreds of people were arrested and dozens of them named as suspects in a discriminatory legal process. It cannot be calculated how many have become physical or psychological victims of violence by the authorities in their response to the massive wave of demonstrations.

A dialogue pathway involving Indigenous Papuans (OAP), which has so far been lacking, was instead used by the central government in designing a policy for administrative division to address the problems in Papua. In response, protest voices emerged. The dialogue did not really represent the wishes of the Papuan people was only a strategy to defuse the anti-racism protests; the same strategy was taken by the Indonesian government in 1969. If the root of the problem is still ignored and the Indonesian government continues to adopt a securitized and militaristic approach and strategy, discrimination, racism and the general exclusion of Papuans will continue to occur, and the possibility remains that the voices of protest will continue to emerge.

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