



## REPRESENTATION NATIONAL HUMAN RIGHTS COMMISSION PAPUA PROVINCE

Jl.Soa Siu , Depan Hotel Yotefa Dok V Bawah Telp/Fak (0967 521592) email: komnashampapua@yahoo.co.id Jayapura

### THE HUMAN RIGHTS SITUATION 2010 IN THE LAND OF PAPUA

Since the 1960ies until the present, the civilian population in the land of Papua is the victim of political and economical interests of the United States and the Government of the Republic of Indonesia.

The human rights situation in Papua has not improved since the Indonesian government granted Papua Special Autonomy under law 21/ 2001. Changes are needed to strengthen the civil-political and the economic, social and cultural rights of the civilian people of Papua.

#### An extract of cases which were reported to Komnas HAM Papua in 2010:

- 25.01.2010 Mistreatment of Djoni Pabaru by the police. Komnas HAM Papua has written a letter to the police requesting clarification on the case. Still pending.
- 11.02.2010 Isak Jeksen Mebri was shot dead by a member of the Indonesian Army, namely Sirajudin from Battalion 725 in Wutung, borderarea with PNG. The National Human Rights Commission in Jakarta has requested Komnas HAM Papua to follow-up the case.
- 11.02.2011 Ferdinand Kekri has filed a complaint on behalf of traditional landowners to Komnas HAM Papua. The landowners complain that the District Government of Jayapura gave permission to an oil palm company to use their traditional land without consulting with the native landowners first.
- 07.-09.06.2010 The native tribe of the Amungme and Kamoro people file a complaint against the US-based company PT. Freeport at the State Court in South Jakarta. The traditional landowners demand compensation and their traditional land rights from PT-Freeport for using their land and the environmental destruction by the mining company. The National Human Rights Commission has a mediation function in this case.
- 16.-20.032010 The native tribe of the Wolani and Moni people demand compensation and their traditional land rights from a gold company operating in Degewo, Regency Paniai. Komnas HAM Papua is monitoring the case and pushes for improved environmental and human rights regulations.
- July 2010 The armed conflict between an unknown group and the Indonesian security forces in the Regency of Puncak Jaya continues. Komnas HAM estimates that 30 people have been killed in the shootings. The perpetrators have not been captured by the Police yet.
- 28.07.2010 The journalist Ardiansyah Matrais was found dead in a river in Merauke. Komnas HAM Papua and the *Alliance of Independent Journalists Indonesia* AJI (Aliansi Jurnalis Indepen Indonesia) are investigating the case. The Police is also investigating the case.

Besides individual cases which have been reported to the Representation of the National Human Rights Commission (Komnas HAM) in Papua in 2010, there are further human rights problems in Papua which require a solution:

1. The right to freedom of expression is not guaranteed and there is a tendency to stigmatise civilians as separatists and charge them with rebellion.
2. From 2008 to 2010, 31 people were charged for rebellion (makar).
3. Article 45-47 of the Special Autonomy Law 21/2001 states the establishment of a Human Rights Court and a Truth and Reconciliation Commission for Papua which both have not been implemented by the Indonesian Government yet.
4. There are no efforts to provide healing, recognition and compensation for the victims of gross human rights violations.
5. The Attorney's General Office and the Supreme Court have not taken any legal responsibility to deal with the gross human rights violations of the Wasior Case (2001) and the Wamena Case (2003).

#### **Economic, social and cultural rights:**

1. Up to the present, there is no sufficient economical empowerment for the indigenous people of Papua; an example are the indigenous market-women who demand an adequate market to sell their products.
2. The health situation is not sufficient. There is a health policy by the Papuan Governor to grant free health services to the indigenous people of Papua, but it has not reached the majority of people yet.
3. The educational situation is not sufficient and there are many illiterates in Papua.

#### **Analysis**

- There is much negligence in dealing with human rights violations in Papua and many cases have never been solved.
- Most of the cases which have been reported to the Representation of the National Human Rights Commission in Papua fall under the responsibility of the Indonesian Police in Papua.
- The conviction of the indigenous people of Papua to improve their fate, future and human rights situation within the Republic of Indonesia is very pessimistic or does not exist at all.
- The Indonesian State is most responsible for cases of human rights violations in Papua.

#### **Recommendations**

- The people of Papua demand a dialogue between Jakarta and Papua which is facilitated by a neutral third party
- An international intervention for Papua is required and therefore a human rights monitoring team from the United Human Rights Commission to Papua by the end of 2010 is requested.
- Until the present, the Central Government is using a security and law approach to deal with the problems in Papua. This approach is not solving the problems but instead creates further cases of violence.
- To prevent the possibility of conflict and violence the Indonesian Military and Police need to be withdrawn from Papua and an equal dialogue is required to solve the conflict peacefully.
- The people of Papua demand the rule of law and human rights.

#### **Closing Words**

The majority of human rights violations towards the civilian population of Papua is committed by the Indonesian military and police forces. All available instruments have not improved the human rights situation in Papua.

Jayapura, 14 September 2010 Matius Murib, Vice-Chairman of the Representation of the National Human Rights Commission (Komnas HAM) in Papua