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Permanent Peoples Tribunal on West Papua Queen Mary University of London

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PNG Trust Submission to Permanent Peoples' Tribunal on State and Environmental Violence in West Papua, Queen Mary University of London

Submission prepared by Matthew Jamieson, representative in Australia for PNG Trust.

Matthew Jamieson is a human rights and environmental advocate who has been working on West Papua issues since 1987. He holds a Bachelor of Science degree, majoring in Entomology, Parasitology, and Zoology, and has worked extensively on indigenous rights, resource exploitation and militarisation.

PNG Trust is a community advocacy organisation based in Papua New Guinea, maintaining a network of communication that includes human rights and environmental advocates, members of Papuan churches, the West Papua diaspora, and political and liberation organisations.

This submission uses the term "West Papua" to describe the western half of the island of New Guinea, which includes the Indonesian provinces of Papua and West Papua.

This submission frames the situation in West Papua in terms of customary land rights, which we contend should be internationally recognised as property rights. We assert that although customary land rights are recognised in the Indonesian constitution, the actions of security forces and the 'coloniser' policies of the Indonesian Government effectively deny the rights of customary landowners in West Papua, especially in conflict zones.

1/ Kiwirok Attacks

From April 26 to May 1, 2023, Matthew Jamieson traveled with Kristo Langker to a village called Tumolbil in the Star Mountains, in the Upper Sepik region of Papua New Guinea. Tumolbil is adjacent to the border with Indonesia-controlled Papua and abuts a sub-region

called Kiwirok in the Indonesian Regency of Star Mountains. This region also includes the major gold and copper mining project Ok Tedi which is located south of this Tumolbil.

As a result of this trip, a report was produced an attack on the Ngalum Kupel people in the Kiwirok area based on interviews with four eyewitnesses and research material sourced through West Papua-based human rights advocates. A copy of this report, as evidence of state-based violence by the Indonesian authorities, which appears to constitute Crimes against Humanity and has implications in terms of the Genocide Convention, is presented as part of this submission. See the attached document [final] Report 4 August 2023 (BA00172994) (<https://www.friendlyjordies.com/post/report-on-the-continuing-aggravated-attack-serious-human-rights-violations-of-ngalum-kupel-people>) and the video documentary .(<https://www.youtube.com/watch?v=nSf3268tAbg>)

Research for this report, based on eyewitness accounts and reports of human rights advocates and local sources, identifies gold deposits, including Mt Antares, which are inside or adjacent to the Ngalum Kupel traditional lands. The extent of these mineral deposits and exploitation plans by potential project developers and Indonesian authorities is not understood. Indonesian government-owned miners MindID and PT Aneka Tambang, together with an unidentified Chinese company, are reportedly involved. Indonesian government policy and actions at Kiwirok effectively deny the Ngalum Kupel rights to their customary lands.

2/ Wider Context of Mining, Conflict, and IDPs

There are substantial and ongoing conflicts in prospective and gold-producing areas in Yahukimo, Nduga, Paniai, Puncak Jaya, and Intan Jaya, regions bordering the highly gold-prospective Wabu block, as well as in Maybrat.

Tribal people in these areas are engaged in an armed guerrilla struggle, loosely coordinated as the OPM TPNP (Organisasi Papua Merdeka), whose limited military weaponry includes homemade guns and traditional bows and arrows. Please also see Matthew Jamieson's earlier report, 'Weapons in a Development Agenda in West Papua Matthew Jamieson copy.pdf,' which is attached.

In recent years, active and mineral-prospective regions of West Papua have seen armed conflict, severe human rights abuses, and the generation of large numbers of internally displaced people (IDPs). This conflict and resultant attacks on communities by Indonesian forces caused an estimated 130,000 people to become IDPs in 2021.

Also attach two media reports from 2021: "Who Runs the Mines in Papua" by Zachari Szumer <https://www.themonthly.com.au/issue/2021/november/1635685200/zacharias-szumer/who-runs-mines-papua#mtr> and "NGO Study Shows Economic Interest Behind Illegal Military Operations in Intan Jaya" published by Victor Mambor <https://wpan.wordpress.com/2021/08/25/ngo-study-shows-economic-interest-behind-illegal-military-operations-in-intan-jaya/>. Both reports point to former senior Indonesian police and military leadership and current Indonesian national politicians' involvement in exploiting mineral resources in West Papua.

Ongoing conflict between local communities and Indonesian-backed business interests is reported in June 2024 from Deiyai in relation to illegal mining by a China-based company. See <https://humanrightsmonitor.org/general/indigenous-communities-oppose-mining-activities-of-pt-zoomlion-in-their-customary-land-in-kapiraya-deiyai/>.

In recent years, it is notable that most major Western mining companies, including Anglo American at Maybrat and Rio Tinto at Freeport, have exited from mining interests in West Papua. Freeport-McMoRan, the operator of the Freeport mine, holds just under a half interest in the Grasberg mine, with the Indonesian government being the majority shareholder. The mining industry in West Papua comprises primarily military-backed mechanized alluvial and colluvial projects, particularly in Paniai, Deiyai, and Yahukimo. Other than Freeport, no other major hard rock projects with their relatively high investment costs are documented by this author.

3/ No Recent Access by UN Instruments

UN Special Rapporteurs having access to our communities in Papua and West Papua is an important international instrument for reporting on and facilitating improvements, which the Indonesian government has effectively denied.

A total of six UN Special Rapporteurs are seeking access to Papua and West Papua. These are the UN Special Rapporteur on Indigenous Peoples, the UN Special Rapporteur on Internally Displaced People (IDPs), the UN Special Rapporteur on Education, and the UN Special Rapporteur on Health.

The last actual visit to Papua was by the UN Special Rapporteur on the Right to Health in 2016. The UN Special Rapporteur on the Right to Food only had access to Jakarta and met Papuans in 2017.

Although the Republic of Indonesia has pledged support for the mandated visits by UN Special Rapporteurs, these visits have been effectively stalled by the Indonesian government.

4/ Further Detail on IDP Situation

Although the UN's latest data registers only 2,200 IDPs in Papua and West Papua, our communication with Church sources in West Papua suggests the actual number of people who have left their homes as IDPs is in the order of 60,000 persons. This number is down from the peak of the IDP crisis in 2021 when there were an estimated 130,000 people who had left their homes with many of whom are hiding in the forest.

The ongoing conflict areas and origins of these IDPs are Kiwirok in Star Mountain near the PNG border, Yahukimo, including the community of Suru Suru, and the highland communities through the central mountain chain, including Nduga, where a New Zealand pilot has been held hostage by OPM guerrillas for over a year, and also Puncak Jaya, Intan Jaya, Timika, and Paniai, together with Maybrat in the Birds Head region.

As recently as this month, Indonesian military activities have caused the emergence of new IDPs in Paniai. The largest number of IDPs reportedly originate from the isolated high mountain region of Nduga, where military bombing attacks have been reported in the past year.

5/ Recent IDP reports

Recent personal communication with Church sources in June 2024 in form of an update for Maybrat region compiled between January to June 2024, details the state of military

occupation with Indonesian Infantry battalion 133 Yudha Sakti currently stationed in that region. This region in the Bird Head is adjacent to prospective hard rock mineral deposits explored by Anglo American and others, together with current small scale mining and military backed timber logging operations.

The military forces of Infantry battalion 133 Yudha Sakti is estimated to comprise 650 – 800 personnel camped in 9 village based military posts. The profile of these military camps is a military base camp in one village and 7 other posts of 50 personnel and one other post of 105 personnel. In addition to military there are two villages with Brimob para military police with postings of 50 and 100 personnel. In total there are 11 villages in this region with substantial security forces.

The large scale IDP crisis in Maybrat in 2021, occurred after an OPM guerrilla attack on a TNI post and then the subsequent reprisal action against community members. A total of 23 village communities remain as Internally Displaced Persons (IDP), while only 7 villages communities have partially returned to their homes. This source of reports states that communities members face a range of physical control and restrictions and face violence and intimidation and sexual abuse at hands of security forces.

Recent reports from Church based Human Rights advocates from the Paniai region state that from May 20 2024, in the Bibida District, there was armed conflict between the Free Papua Organization (OPM TPNPB) and the Indonesian National Army TNI/ POLRI. Since then 5008 civilians have fled their hometowns.

Church sources report that access is the major issue for Church workers in addressing the problems facing congregations in the conflict areas. Movement in these areas is tightly controlled by the Indonesian Military and the para-military Brimob Police. This occurs to such an extent that Church workers must face physical danger accessing congregations and there is generally limited or no access. Community members are routinely abused by these armed forces.

There are examples of severe torture and barbaric sexual violence inflicted by Indonesian military forces in the past year. These Church sources supported by documentation state that community members face arbitrary arrest, torture and extra judicial execution, having their travel and movement denied and disrupted access to food and their subsistence gardens.

It is Indonesian Government policy to deploy military forces at a community level throughout Papua and West Papua. This deployment has a direct consequence of causing major difficulty for the domestic economy of community members and for them being able to advocate for their rights.

6/ Conclusion

In conclusion we point to a major humanitarian and human rights crisis in West Papua as a direct consequence of Indonesian Government policy, resource exploitation strategies and aligned business which involve the extensive operational use of Indonesian military and security forces at a community level.

Framed within the context of Land Rights the Indonesian State seeks to ignore the customary land rights and seeks to exploit natural resources with military support against

community based opposition by the indigenous & traditional land owning peoples in West Papua.

Indonesian Government seeks to exploit the natural resources in West Papua by combining military force and denial of land rights and then denies access to UN instruments and international and local observers who might document the ongoing crisis.

We point to our report on the attack on the Ngalum Kupel as critical evidence of the Indonesian government's policies, which demonstrate systemic abuse, forced disruption of livelihoods, and the gross denial of human rights. These actions have resulted in the denial of land rights and the property rights of the Ngalum Kupel people in West Papua.