

Permanent Peoples Tribunal on West Papua

Centre for Climate Crime and Climate Justice (CCCJ)

Queen Mary University of London

28 July 2024

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I offer this testimony today as an expert who has been conducting research in West Papua since 1998, as an anthropologist. I am also speaking as a direct witness to extrajudicial killings and crimes against humanity.

Slide One: Biak Massacre

On July 6th, 1998, I was on the island of Biak when 139 civilians—peaceful protestors and bystanders—were loaded onto Indonesian navy ships and dumped into the sea. I photographed these ships and later interviewed many witnesses and survivors of the Biak massacre. The results of this research were published in a peer reviewed monograph with Duke University Press (Kirksey 2012: 47-51). Indonesian police, naval officers, and military were involved in the Biak Massacre. On the fifteen year anniversary of this massacre, I offered formal testimony along with dozens of other witnesses to a Citizens Tribunal that was convened at the University of Sydney. A link to the archive of the Biak Massacre Citizens Tribunal is on this power point slide, and I am also submitting a copy of the 8 page verdict of the Tribunal which was led by the Honorable John Dowd, President of the International Commission of Jurists Australia.

The Biak Massacre has already been well documented by this allied Tribunal, which issued five legal recommendations. The perpetrators of the Biak Massacre are still at large. Impunity prevails.

Slide Two: Wasior

My book monograph details a wide range of incidents that took place between 1998 and 2005, as agents of the Indonesian state engaged in violent repression. As a graduate student and later as a postdoctoral researcher I studied how a series of unlawful detentions, extra-judicial killings of prominent political leaders, and the displacement of civilians furthered the interests of extractive industries in West Papua.

Today I will focus the bulk of my testimony on one particular campaign of Indonesian state terror in West Papua: Operation Sweep and Crush which took place in the district of Wasior in 2001. An Amnesty International report found that “over 140 people were detained, tortured or otherwise ill- treated during the course of the operation. One person died in custody as a result of torture while at least seven people are believed to have been extrajudicially executed” (Kirksey 2012: 110). During Operation Sweep and Crush, fifty-five houses in Wasior were burned or otherwise destroyed by security forces.

I am presenting you with evidence about this particular incident because it clearly speaks to your indictment. The Indonesian state has colluded with foreign companies to cause environmental degradation, population displacement, and sustain violent repression. This incident is directly linked to a company with headquarters here in London. The multinational corporation is BP—formerly British Petroleum, a company that tried to rebrand itself as “Beyond Petroleum” in 2001.

BP’s Tangguh Liquid Natural Gas project was launched amidst their broader green rebranding campaign. Initially, BP told investors here in London—at a workshop that I attended along with representatives of rights groups, policymakers, and other stakeholders—that the new project would be “greener” and “cleaner” than other fossil fuel extraction projects. They claimed that they would not be working with Indonesian security forces—citing the long legacy of human rights abuses at Freeport McMoRan, the American mining company operating near Timika on West Papua’s south coast.

But the statements by BP executives at this workshop, and their public marketing materials, were seriously misleading. The Tangguh gas fields contain around 12.5% carbon dioxide. Some executives told me that it was technically possible to capture this carbon and inject it back into the earth. But, BP has not been capturing this carbon. Instead, they have been releasing 4.7 million tons of CO₂ directly into the earth’s atmosphere every year. This is criminal. As many British companies are making serious headway in reducing greenhouse gas emissions, BP continues to quietly release millions of tons of carbon dioxide every year at their Tangguh gas plant in West Papua. They should be held accountable.

BP should also be held accountable for reneging on their promise to not work with Indonesian security forces. After extensive on the ground research, where I was tailed by Indonesian intelligence agents and where my life was threatened by members of a local militia, I published a story in the *Sunday Times* describing how Indonesian troops were eventually deployed at the BP gas project. The company began using officers from the country’s feared Mobile Police Brigade (BRIMOB)—a special forces unit which was associated with many human rights abuses nearby. In addition to working with BRIMOB forces, BP hired a former Brigadier General from the Indonesian marines—Harianto—to oversee their own private security operation.

Today I will briefly walk you through the evidence—which has been published in a longer form in my book—that links BP to the campaign of terror that took place as part of Operation Sweep and Crush in Wasior.

John O’Reilly, a senior vice president of BP, was visiting the remote base camp of the Tangguh LNG project on June 13, 2001, along with the British ambassador to Indonesia, Sir Richard Gozney. On the same date—in the middle of the night—five BRIMOB police officers were murdered at a timber company base camp nearby. Later I interviewed “Barnabas Mawen,” pseudonym of a militia member who told me that he participated in this murder. He told me that Indonesian military agents had supplied him with bullets, food, and money before the attack on the BRIMOB police officers. This killing, by my analysis, was staged by Indonesian security forces so that they would get paid to protect BP.

At the time the Indonesian military and police were competing with one another over lucrative contracts from foreign companies. Firefights among different branches of the security forces were not uncommon. Internal conflicts among Indonesia's security forces have produced terrifying campaigns of violence that have infringed on basic human rights of Papuan civilians. West Papua has become a lawless and violent place as a result of Indonesia's occupation and foreign extractive industries.

The murders that took place on June 13, 2001 had the desired effect. The day after the attack, Ambassador Gozney held a press conference where he asked for a "security guarantee" from the Indonesian military to ensure that similar incidents would not jeopardize the future of the BP project. In the same press conference, Gozney announced that the British government would release a "crash grant" program to enhance security in the region. In other words, the British taxpayers began bankrolling the Indonesian security forces in West Papua.

When *The Sunday Times* reached out to BP for comment, before my article describing these attacks went to press, a spokesman revealed that their security policy was shifting: "The Indonesian security forces will have a very constructive role" in the Tangguh LNG Project, according to the spokesman. "Exactly what size and presence of the Indonesian security forces will be...for them to determine," he said.

As BP moved to protect British commercial interests in West Papua, a terrifying campaign of violence was unleashed with Operation Sweep and Crush. BRIMOB police forces were indiscriminate with their retaliation for the murders that took place on June 13, 2001. This is when BRIMOB began the scorched earth campaign that resulted in the burning and destruction of fifty-five houses in Wasior. This is when scores of people were detained, tortured or otherwise ill-treated. This is when the extrajudicial executions began.

Slide Three: Wasior – The Killing of Wellem Korwam

Today I will just discuss one of the extrajudicial executions that took place during Operation Sweep and Crush. Wellem Korwam, a thirty-two-year-old health worker, is pictured here on the right along with his colleagues at the local clinic in Wasior. Wellem is the one in the front and center of the photograph. On the left is a picture of local officials who retrieved his body after he had been cut into seven pieces and dumped into the sea.

To be clear: Wellem Korwam was a civilian who was not at all connected to the murder of police officers that took place on June 13, 2001. Like many others who were arbitrarily killed during Operation Sweep and Crush he just happened to be in the wrong place at the wrong time—when the passions of rogue security officers were enflamed.

Wellem Korwam was disappeared, murdered, and dismembered by a BRIMOB special forces police unit. On the night of his disappearance, September 6, 2001, BRIMOB personnel were seen accompanying him as he left work at the health clinic. Later Korwam and the BRIMOB troops were seen drinking and smoking near the market and a pier close to where his body was later found. No witnesses to the actual murder have emerged, and this murder case was never brought before any court of law, but credible sources place the BRIMOB at the crime scene. I have interviewed these sources. I have also beheld horrific pictures of his body after it was dismembered.

Slide Four: Congressional Hearing

I have formally deposited pictures of Wellem Korwam's dismembered body in the U.S. Congressional Record during a hearing about Crimes Against Humanity that took place before the Committee on Foreign Affairs in September 2010. If you wish, I can also submit these pictures for consideration by the Permanent Peoples Tribunal. These pictures are not easy to see.

The 2010 Congressional Hearing produced a 186 page transcript which describes, in the words of Chairman Eni Faleomavaega how "the people of West Papua have been deliberately and systematically subjected to slow motion genocide...by Indonesian military forces."

The United States Congress found credible evidence that the Indonesian state is causing population displacement and sustained violence repression in West Papua. The Biak Massacre Tribunal similarly concluded that unlawful detentions and extrajudicial killings have been happening on a horrific scale.

Final Slide

Previous hearings and tribunals have largely failed to meaningfully intervene in a legal landscape where Indonesia asserts sovereignty. Impunity prevails. The Indonesian courts have failed to take action on any of the abuses that I have described today despite an abundance of evidence and legal submissions.

Today we have an opportunity for innovative action, that builds on the hard work of scores of researchers, legal scholars, government officials, and international organizations. I have presented evidence that the Indonesian state has colluded with a foreign company—a British company—that is complicit in environmental harm to the planet as well as violent repression in West Papua. It is time to hold BP accountable.

BP should be held accountable for releasing million tons of CO2 every year from the Tangguh LNG project. Production at Tangguh should be stopped until their egregious carbon emissions are stopped. Arguably, this fossil fuel project should be stopped forever—the heatwaves and fires that are currently sweeping the planet are evidence enough that dirty gas should be kept in the ground. BP should also be held accountable for colluding with Indonesian security forces and fueling the intense and ongoing violence targeting Papuan civilians.

I encourage you to explore all legal avenues available in the pursuit of justice. I trust that there are many legal scholars in the room today who know of innovative strategies for holding a multinational company like BP accountable in UK courts. This tribunal is in a position to connect dots that have not been connected before—linking a foreign company to the ongoing environmental problems and crimes against humanity that are taking place in West Papua. You are in a position to make concrete recommendations for future litigation.

The truly exciting feature of the Permanent Peoples Tribunal is that it relies of a model of justice that does not necessarily depend on the courts or the government. We the people can demand justice through many different channels and forums. Everyone in the room here today, and listening on-line, is in a position to contribute to the struggle for justice in West Papua. We live in an age of social media campaigns and lively protest movements that have recently gained traction with surprising tactics and actions. Each of you listening to the evidence presented today has an opportunity to become creative and innovative in seeking justice in unconventional forms.

Justice can be generative—it can emerge through grass roots struggles that do not make demands on the courts or the state. Divestment and boycott movements have changed the course of history. Shareholder actions can demand that companies halt unethical business practices.

Justice can be intersectional. This tribunal is considering critical links between environmental and social causes. In the case that I have presented today we have a clear case for bringing climate justice together with racial justice. The Papuan people are facing discrimination on the basis of race—they are being killed, and denied legal standing in courts of law, because they have been born in unjust circumstances.

The ethical and political vision of this Tribunal is commendable. This forum has the potential to transform the course of history in West Papua and beyond.

I thank you for all of the visionary work that has gone into convening this hearing, and I thank you for the opportunity to share my testimony with you today. I am happy to field any questions that may arise.

Sources Cited

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