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Research:

A political-philosophical approach to the historical-legal relationship between colonialism and international law as a means of analysing the legal exclusion of indigenous peoples and the despotic state, in West Papua.

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State Terror and Political Murder

The figure of the Separatist, Indiscrimination and Open Use

In this presentation, I will draw on a chapter from my doctoral thesis on the state terror and political murder of West Papuans. Although this three-day tribunal is designed to gather evidence, this presentation will address the broader state discourses that mobilise and legitimise violent state practise in West Papua.

A combination of academic, legal and human rights documents and reports have been analysed with the aim of reifying certain linguistic patterns that allow us to reflect on the discourse and practises of state power. I hope that this presentation will help to situate the evidence from this tribunal and place it within these broader discursive practises.

Violence and Language

The presentation will focus on three features of state violence in West Papua. One is the state's linguistic discourse on the figure of the separatist and the other is two extremely violent consequences that are inextricably linked - Indiscrimination and Open Use of the body.

I would like to point out that in analysing the appearance of the figure of the separatist in many of these texts, these are not my own words. The term separatist is the view of the Indonesian state. It does not take into account that West Papua was not part of Indonesia to begin with.

From our point of view, the West Papuan narrative and the international law narrative consider that West Papuans are occupied and entitled to self-determination. They are not separatists. The foundation for West Papua's legal jointure to Indonesia is more than questionable, which means that the meaning of this terminology is floored and rejectable.

Linguistic & Conceptual Implications

The figure of the separatist, as a knowledge construction of the enemy, appears constantly and consistently in various types of texts. We can recognise various origins of this designation in different media platforms, military discourses, statements by government officials, lawyers and politicians. They all articulate ways that try to define the enemy of the state either verbally or in writing.

There are various media sources that constantly aimed to identify an enemy of the state, and they often switched between different labels to address certain parts of the movement, but the main label was "separatists". These names always had negative and fundamentally racist connotations such as thieves, tribes, primitives, untamed, unlawful and animals.

Another way of inscribing this figure into state discourse was through the use of the law. For example, there are Presidential Decrees No. 7 and 11, which implemented an anti-subversion law from 1963 to 1980, and Articles 106 and 108 of the Criminal Code since the early 1980s. The consequences of these laws meant that state authorities could charge West Papuans with subversion, rebellion or treason, leading to the imprisonment of West Papuans, but also torture and murder in the process.

The main terminology was the figure of the separatist, but around 2018 there was a formal shift, from the term separatist to terrorist. Articles 106 and 108 are perhaps the mechanism that set in motion the legal framework for the anti-terror laws in 2018; Article 1 on the eradication of terrorist offences. The passing of this law led to further categorisation of sections of the Free West Papua Movement, which in turn led to further military operations in 2021.

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There are conceptual implications. One of the implications of the discourse of the media and the military is that they blur or conflate the boundaries between the different expressions of the Free West Papua by labelling everyone separatists. The discourse itself is misleading indistinction which I would call a conceptual imbrication.

We can also see this indistinction take place when looking at what Human Rights Watch said about the Eradication of Criminal Acts of Terrorism Law 2003 (CT Law), when they say that "the broad definition of terrorism could be used to target peaceful political activities of indigenous groups, environmental advocates, and religious or political organizations."

In other words, the discourse itself lumps all the different expressions of the movements for a free West Papua into one category and places them in opposition to state power, leading to polarisation through the erasure of plurality.

Ontological Consequences

The linguistic feature is interrelated two extremely brutal consequences - Open Use of the body and Indiscrimination. However, I will only mention Open Use briefly before focussing on Indiscrimination.

Open use (of the body) takes place when human life is subjected to the cruelty of enduring extreme physical injury before death. If we enumerate how various forms of cruelty take place, we can characterise the sovereign power of the state as unrestricted, unlimited and unrestrained. Without going into detail, Open Use exhausts the ways in which indiscrimination operates.

Indiscrimination is a brutal consequence in which collective punishment takes place without distinguishing between the alleged political target, the larger Free West Papua Movements and the general population.

If you look back in time, you can see the operation of indiscrimination within examples of military counterinsurgency such as Operation Chop Off and Operation Clean Sweep. These operations

were village raids with the intention of massacring large parts of the population: One can cite the example of the Biak massacre as an event of indiscrimination: Or the last year of Suharto's rule, when hundreds of West Papuans were interrogated and forced to endure public torture and the public display.

All these examples have a particular relationship between the claimed separatist figure and indiscrimination. Mass shootings, planned torture, interrogations, imprisonment and killing sprees numbering in the hundreds of thousands are all consequences of this conflation that makes no distinction between the alleged political target, the broader Free West Papua Movement, and the general West Papuan population.

Recent years have also seen mass expulsions, labelled as anti-separatist cleansing operations under terrorism legislation, resulting in indiscriminate injuries and killings while driving tens of thousands from their homes.

Mass Displacement & Natural Resource Extraction

Now that we have considered the relationship between the figure of the separatist and indiscrimination, it is important to note its relationship to the expansion of natural resource extraction activities.

There are several examples of the expansion of logging and mining camps in the 1960s and 1980s: the expansion of Freeport into the surrounding areas of West Papua, the Food and Energy Estate (MIFEE) established in Merauke in 2010, including food plantations in various parts of the country in the following 14 years, or BP's activities in Bintuni Bay from 2012.

This discourse not only provides the context in which human rights violations and environmental damage can be localised. This state discourse and its practises provide the political context and the physical basis for the clearing of land, which then becomes a space into which extractive activities can spread.

Key points

There are some important key points about the name separatist and the discourse associated with that name that I want to reiterate:

- 1) The discourse is totalising. It makes no distinction between the various expressions that make up the totality of the Free West Papua Movements.
- 2) The figure goes beyond those claimed by the state and becomes a pretext for indiscrimination, by which it does not distinguish between the political target, the Free West Papua Movements or larger population.
- 3) The discourse and its consequences provide a basis on which international resource extraction activities can spread.
- 4) The term separatist is a view of the Indonesian state. While from our position the West Papuan narrative and the international law narrative are that West Papuans are occupied and entitled to Self-Determination. They are not separatists.

- 5) The entire legal foundation for West Papua's jointure to Indonesia is more than questionable, which makes the meaning of this separatist figure entirely floored and rejectable.

For the latter two reasons, the consequences of indiscriminate resulting from the instrumentalization of the separatist figure are largely based on a political fantasy.

Open Questions

Does the continuity of this wider state discourse and its consequences affect our understanding of the political context in which these events to which today's evidence refers arose?

If there are continuities, what can these state practises tell us about the evidence and testimony presented at this tribunal?