

Australia West Papua Association  
SA (inc)

P.O Box 29

Kilkenny , SA 5009

Ph 0883454480

Committee Secretary

JSCOT

Department of the House of Reps

P.O. Box 6021

Parliament House

Canberra 2600

## **Submission to the Joint Standing Committee on Foreign Affairs ,Defence and Trade**

### **Human Rights Mechanisms and the Asia Pacific**

The Australia West Papua Association SA (inc) is a Non Government Organisation that since its inception in the year 2000 has been active in assisting West Papuan refugees in Australia. From that time until now we advocated for changes to the living conditions and human rights of West Papuans who live in the eastern most province of Indonesia .

We are glad to have this opportunity to comment on the issues of human rights systems and regional mechanisms particularly in regard to Papuan people who, live in Indonesia and also West Papuans who live as refugees in Papua New Guinea as well.

We feel that the mechanism drastically need improvement . One incident that compels us to write is a report from the United Nations Special Rapporteur on Torture who was finally allowed to visit West Papua in 2007. He provided a written report on the treatment of people arrested but not yet charged . He recounted that on numerous occasions when he visited prisons he would regularly hear and see the

actual bashing of prisoners who were being beaten in order to get confessions so that the alleged criminal could face a court. The Special Rapporteur was being given a guided tour by the Indonesian Government at the time .He still complained about not being able to conduct surprise inspections .

In two separate reports from the international organisation Human Rights Watch in the February 2007 publication Protest and Punishment, political Prisoners in Papua and July 2007 publication

Out of Sight, endemic Abuse and impunity in Papua's Central Highlands the organisations reports on the restriction of access to Papua

"Severe restrictions on access to Papua for human rights monitors mean that reliable information on conditions is hard to come by.....

National human rights monitors are frequently harassed or intimidated. Human rights workers from Elsham , Legal Aid , Kontras , the Catholic Office for Justice and Peace , and other NGO's work munder an atmosphere of intimidation . Members of International monitoring groups such as Human Rights Watch are routinely denied visas to conduct visits."

We are most alarmed by the fact that the Republic of Indonesia is currently a member of 47 member UN Council on Human Rights as part of Asia's 13 allocated seats , however at the same time denies access to West Papua .We are aware that it takes a two thirds majority to revoke a countries position on this body

Among the human rights we believe Papuans should have are health welfare and education . Papuans living in this region are amongst the poorest , least educated and suffer some of the worst health conditions in Indonesia . Papua has the highest level of HIV/Aids and it is now endemic in the population .In the central highlands there are often no teachers, no health workers and large numbers of people die of easily treatable diseases such as Cholera .

The Jakarta Globe in an article on 29/01/09 by Putri Prameshwari when reporting on development Aid quotes Indonesian Corruption Watch , Danang Widoyoko, vice coordinator of the watchdog

"Papua is one of the county's most corrupt provinces, weak supervision of local governments was a key problem in Papua. Good governance in Papua can only be achieved by strengthening law enforcement". Although AWPA believes that strengthening law enforcement is essential we want to see the role of the police grow while at the same time the military role is reduced to dealing with external threats to a country not internal dissension.

West Papua has the highest number of troops stationed in that location than elsewhere in Indonesia

Still today the army maintains a parallel military structure to the civilian one and under the guise of maintaining law and order collect protection money, runs prostitution, is involved in illegal logging and drug sales in the region

We wish to draw the Committees attention to the growing number of political prisoners in gaols in West Papua for offences of flying the Morning Star flag The West Papuans are justly upset about the changes in their own country since the Act of No Choice led to the Indonesian occupation of their own land . They see that the wealth of their country flowing to Jakarta and to the military. The forests are illegally logged with of the military and environment destroyed . They have a right to protest about their conditions but gaol of sentences of 10-15 years for non violent civil disobedience is a gross violation of their Human rights In the last year there have been shootings of West Papuans and disappearances of individuals . The situation currently appears to be worsening

For the sake of brevity in this submission we draw the committees attention to the recommendations made in the two reports by Human rights watch as mentioned above

AWPA SA fully supports those recommendations .

We further recommend Australia review the Lombok treaty . We have recently seen Indonesian forces conduct "hot pursuit" of West Papuans into Papuan New Guinea territory over the border. This is a tactic to create fear and to intimidate the peoples of PNG. Many thousands of West Papuans live in PNG in very fragile refugee camps for long periods of time. These people live a barely subsistent life with no prospect of hope for their families .

We need to find a way to overcome this imbalance. Solutions of providing maps to Indonesian troops or defining the border have been done in the past. These incursions are not accidental . As long as the Indonesian military is not taken to task for its crimes in East timor and West Papua they will believe that they can continue to act with impunity . We have seen people named in reports of the genocide in East Timor assume command of the military in West Papua, partly for the purpose of intimidation of the West Papuans . The Lombok treaty supports the status quo with the Indonesian military

We further recommend that Australia work on mechanism to allow for access of Human rights organisations and International aid to have free access to West Papua . A recent visit by the US senator for American Samoa was a good example of the gains that can be made having visits . Even though his visit was extremely restricted he was able to force a dialogue about "why wasn't I allowed to do this or

that – what is being hidden” Australian parliamentarians are urged to visit the country and to allow the media to visit as well .

Further efforts can be made in fighting corruption in Indonesia . There have been some gains but Australia can take further steps with assistance in the area of training for the judiciary.

The recent sentences of 2 and 3 years for the Australians who did not have visa's to enter Merauke in West Papua clearly demonstrates that there is scope for discussion with the Indonesian legal system on the appropriate penalty for minor infringements of the legal system

Similarly the sentences of 10-15 years given to West Papuans rights activists should be part of any new discussions into crime and punishment .

Yours sincerely

David Arkins

Secretary

Australia West Papua Association South Australia

AWPA SA (inc)

02/02/09