

Briefing: militarisation, conflict and injustice in Maybrat Regency, West Papua

Located right in the heart of the Bird's Head Peninsula at the Northwest corner of West Papua (see Figure 1 below), Maybrat has often been hidden from the world's view, due to its remoteness and lack of coverage. As one of the regencies that sprang up in the process of forming new administrative subdivisions (*pemekaran*) in 2009, Maybrat is part of the wider province of West Papua.

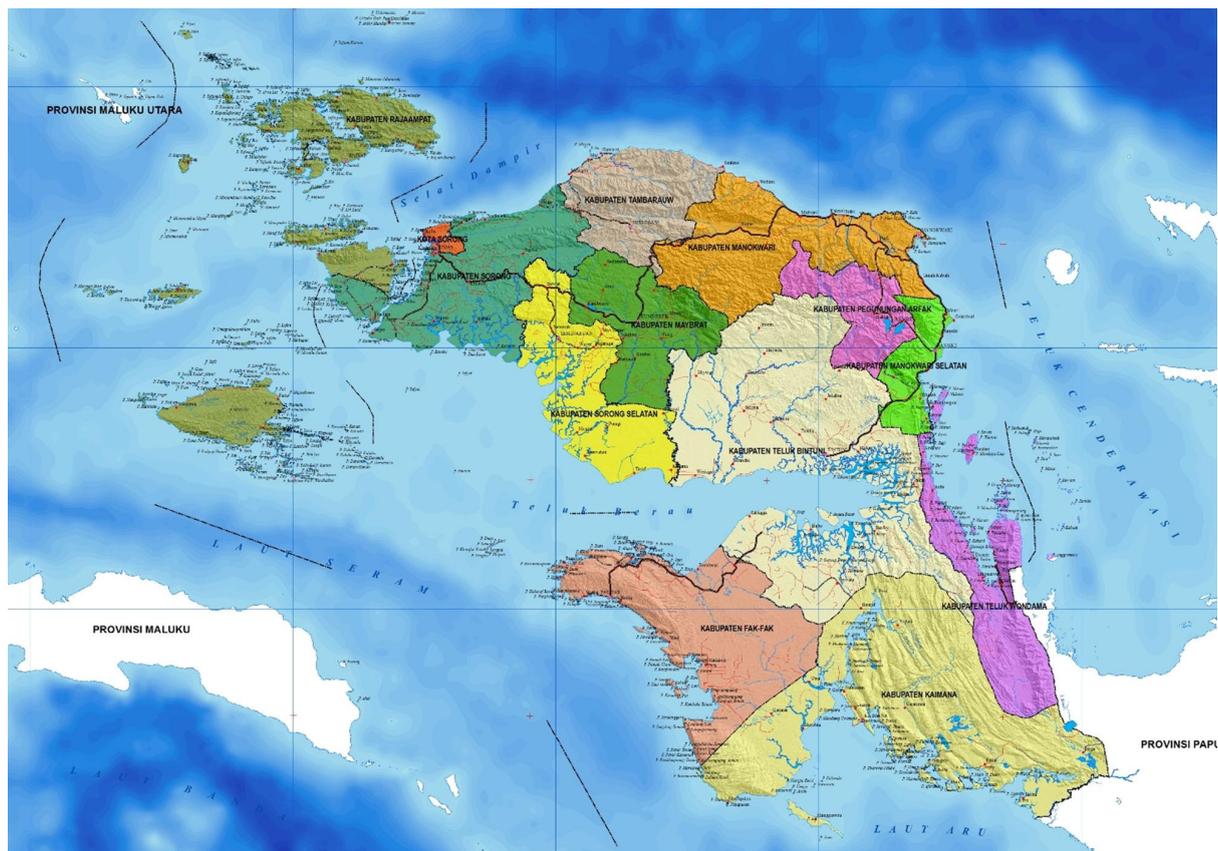


Figure 1: Map of West Papua Province. Maybrat Regency is the landlocked green region near the centre. (Source: Monitor Keadilan)

Below are some basic statistics:

- Area: 5,461.69 km²
- Population: 40,649
- 98.65% Christian
- Third lowest HDI score in West Papua Province¹

¹ As of 2020, according to West Papuan Provincial Government's Statistics-
<https://papuabarat.bps.go.id/indicator/26/93/1/-metode-baru-indeks-pembangunan-manusia-menurut-kabupaten-kota.html>

Following a period of military expansion in the region, Maybrat has been the scene of violence between the military and West Papua's pro-independence armed group, TPNPB (*Tentara Pembebasan Nasional Papua Barat*, the National Liberation Army of West Papua). This briefing shows drivers of recent conflict in Maybrat, especially militarisation and natural resource contestation. This has led to increasing tensions in two districts of Maybrat especially, an attack allegedly carried out by TPNPB on military posts, and the persecution of people accused of involvement in the attack, including children. They have been subject to rendition, trial and imprisonment in another area of Indonesia. Human Rights Defenders (HRDs) who have been involved in defending the six defendants have also had injustices meted out to them. The situation in Maybrat brings the province closer to what has been seen throughout the rest of West Papua in recent years. This briefing will hone in on the situation in West Papua province in recent years, looking at the nature of and reason for the uptick in incidents.

Maybrat Heating Up

Until last year, Maybrat was a relatively quiet area when it came to the conflict, often more focussed in the region closer to the border with Papua New Guinea. In fact, there had been no reported cases in the Province of West Papua for the past five years.² The current rate has been concomitant with the increase in armed incidents across West Papua as a whole, which saw an increase of 87.75% in 2021 from what was seen in 2020.³

However, the Regency as a whole had already seen several protests at the lack of infrastructure and development facilitated by the government, focussed on particularly improving road and healthcare infrastructure.⁴ These demands have been combined with protests against new military posts being constructed in the districts of South & East Aifat, as well as government-sponsored transmigration into the area. Indeed, in the last few years, the security forces have carried out sweeps or armed raids of villages and the surrounding countryside, conducting arbitrary arrests, which has raised the temperature in West Papua province and Maybrat Regency.⁵

The military has been given a mandate to assist with development efforts since Presidential Instruction 29 in 2020.⁶ Along with influencing development activities, the new military posts

² Human Rights Monitor, 'The Armed Conflict in West Papua throughout 2021 – Trends, Developments and Future Indications', 10 January 2022

<https://humanrightsmonitor.org/news/wp-armed-conflict-2021/>. West Papua refers to the two provinces of the territory of West Papua, which are West Papua province (Papua Barat) and Papua province.

³ CNN Indonesia '44 Orang Tewas di Papua Akibat Kontak Tembak Sepanjang 2021', CNN Indonesia, 23 December 2021.

<https://www.cnnindonesia.com/nasional/20211223181708-12-737992/44-orang-tewas-di-papua-akibat-kontak-tembak-sepanjang-2021>

⁴<https://suarapapua.com/2021/04/02/pemkab-maybrat-gagal-bangun-sdm-dan-infrastruktur-di-aifat-timur-raya/>

⁵ Agus Pabika, 'Mahasiswa Kritisi Mirisnya Pembangunan di Maybrat', Suara Papua, 24 July 2020

<https://suarapapua.com/2020/07/24/mahasiswa-kritisi-mirisnya-pembangunan-di-maybrat/>

⁶ CNN Indonesia 'Panglima TNI Akan Kembalikan Operasi di Papua Seperti Provinsi Lain', 24 January 2022.

<https://www.cnnindonesia.com/nasional/20220124185106-20-750621/panglima-tni-akan-kembalikan-operasi-di-papua-seperti-provinsi-lain>

in South and East Aifat were created after a new District Command (KODIM) was established specifically for Maybrat Regency in March 2021.⁷ The effect of new KODIM can be seen in neighbouring Tambrauw Regency,⁸ where Indigenous people were pressured to release communal land to the military, reportedly under intimidation (though denied by the military),⁹ causing many protests.¹⁰ This has also occurred in protests against new military bases in southeast Aifat.¹¹

With a new KODIM and more posts, military action within Maybrat has become more intense and is creating more victims. On 25 October 2021 in Fuok Village, the military swept the area, shooting Manfred Tamunete. The authorities have not provided updates on Tamunete on his condition or his current whereabouts, and he has not yet returned home.¹²

This creation of a new KODIM would not have been possible without new districts being created, including the creation of Maybrat Regency in 2009.¹³ As well as districts, Jakarta is also planning to further subdivide West Papua's two provinces into a total of six new provinces: Maybrat would be in a new 'Northwest Papua (Papua Barat Daya) Province'.¹⁴ A new province would leave the door open for the military to create a regional command (KODAM), with more permanent troops being based in the vicinity of Maybrat, more tensions and further conflict.

⁷ Pelapor Wiratama 'Dandim 1802/Sorong Hadiri Peresmian Kodim 1809/Maybrat', 26 March 2021. <https://peloporwiratama.co.id/2021/03/dandim-1802-sorong-hadiri-peresmian-kodim-1809-maybrat/>

⁸ International Coalition for Papua, 'Multiple indigenous Papuans subjected to intimidation and torture since establishment of new military bases in Tambrauw', 17 November 2020. <https://humanrightspapua.org/news/2020/indigenous-papuans-allegedly-subjected-to-intimidation-and-torture-since-establishment-of-new-military-bases-in-tambrauw/>

⁹ Benny Mawel, 'Kodam Kasuari: Tidak benar anggota TNI aniaya empat warga Kwoor', Jubi, 3 August 2020. <https://jubi.co.id/papua-tidak-benar-anggota-tni-aniaya-empat-warga-kwoor/>

¹⁰ International Coalition for Papua, 'Indigenous communities demand the stop of construction of military command and immediate withdrawal of military in Tambrauw', 2021, <https://humanrightspapua.org/news/2021/update-on-situation-around-new-military-command-in-tambrauw-indigenous-communities-demand-immediate-withdrawal-of-military/>

¹¹ Maria Baru, 'Pemilik Hak Ulayat Tolak Pembangunan Koramil di Aifat Timur Selatan', Suara Papua, 13 July 2020. <https://suarapapua.com/2020/07/13/pemilik-hak-ulyat-tolak-pembangunan-koramil-di-aifat-timur-selatan/?amp>

¹² International Coalition for Papua 'Relatives demand update on law enforcement process in cases of enforced disappearances', International Coalition for Papua, 15 December 2021. <https://humanrightspapua.org/news/2021/relatives-demand-update-on-law-enforcement-process-in-cases-of-enforced-disappearances/>

¹³ For more info of the history of Indonesian government plans to partition West Papua into new provinces, please see: Carmel Budiardjo, 'West Papua: Land of Peace or Killing Field?', TAPOL, 30 June 2005 <https://www.tapol.org/briefings/west-papua-land-peace-or-killing-field> & 'Briefing: Special autonomy – big on funds, short on human rights and democracy', TAPOL, 25 May 2021. <https://www.tapol.org/news/briefing-special-autonomy-%E2%80%93-big-funds-short-human-rights-and-democracy>

¹⁴ Human Rights Monitor 'Jakarta paths the way for formation of new provinces in West Papua', 4 February 2022. <https://humanrightsmonitor.org/news/jakarta-paths-the-way-for-formation-of-new-provinces-in-west-papua/>

The Fight for Land

The perceived abundance of land in Maybrat has made it a target for companies wanting to develop palm oil plantations. Local government has also targeted land for development.¹⁵ In 2016, the indigenous community in Maybrat protested against the planned expansion of a palm oil plantation by 40,000 hectares, doubting PT ANJ's commitment to improve the local community and seeing a poor rate of compensation given to other communities for their land. Violence has often accompanied their arrival.¹⁶ These methods contradict the 2001 Special Autonomy Law, which requires a broad-based local consultation before any agreement can be made.¹⁷

Yet there has also been success in resisting the actions of these large companies. In neighbouring South Sorong Regency, the Regent cancelled permission given to two companies, PT Anugerah Sakti Internusa (PT ASI) and PT Persada Utama Agromulia (PUA), for plantation concessions totalling 62,000 hectares. Both companies appealed against the decision on 29 December 2021, but local residents are campaigning to uphold its cancellation.¹⁸

Targeted Arrests & Mistreatment

Three members of the National Committee for West Papua (KNPB) in Maybrat were arrested in sweeps between 15-23 April 2020,¹⁹ which led to internal displacement of villagers, physical intimidation and the reported death of Joni Aimau.²⁰ They were found with a machete, bow and arrows and an air rifle.²¹ It was suspected that their membership of the

¹⁵ 'Potensi SDA di Maybrat Harus Dikembangkan', 2020.

<https://papuabarapos.com/potensi-sda-di-maybrat-hasur-dikembangkan/>

¹⁶ PapuaLives.com 'Masyarakat Adat Maybrat dalam Gempuran Investasi : Menguntungkan atau Malapetaka?', 31 October 2020.

<https://www.papualives.com/masyarakat-adat-maybrat-dalam-gempuran-investasi-menguntungkan-atau-malapetaka/>

¹⁷ Pusaka 'Indigenous people of Maybrat oppose PT ANJ's ambitions', 1 July 2016.

<https://awasmiffee.potager.org/?p=1435>

¹⁸ Koalisi Masyarakat Adat Dukung Bupati Sorong Selatan & Pusaka 'Siaran Pers: Masyarakat Adat Mendukung Bupati Sorong Selatan Menghadapi Gugatan Perusahaan Perkebunan Kelapa Sawit di PTUN Jayapura', 4 January 2021.

<https://pusaka.or.id/wp-content/uploads/2022/01/Siaran-Pers-Koalisi-Masyarakat-Adat-Dukung-Bupati-Sorong-Selatan.pdf>

¹⁹ Maria Baru, 'KNPB Maybrat: Polisi Jangan Teror Masyarakat di Aifat Timur', Suara Papua, 3 June 2020,

<https://suarapapua.com/2020/06/03/knpb-maybrat-polisi-jangan-teror-masyarakat-di-aifat-timur/?amp>

²⁰ International Coalition for Papua, 'Police operation in Maybrat Regency accompanied by arrests and torture - International Coalition for Papua', 18 November 2020.

<https://humanrightspapua.org/news/2020/police-operation-in-maybrat-regency-accompanied-by-arrests-and-torture/>

²¹ International Coalition for Papua, 'Treason trial against three Papuans from Maybrat in Sorong District Court', 17 November 2020.

<https://humanrightspapua.org/news/2020/treason-trial-against-three-papuans-from-maybrat-at-sorong-district-court/>

KNPB was one of the reasons they were arrested²² and they were initially blocked from communicating with their lawyers,²³ before being charged with criminal conspiracy and treason. They were eventually acquitted in February 2021, due to a lack of evidence.²⁴

While that story ended with acquittal, the arrest, trial and sentencing of Adam Sorry was carried out with many irregularities. Adam was the Chairman of the KNPB Branch in Maybrat, and was ill-treated while under arrest.²⁵ He was charged with 'collective violence' and homicide²⁶ and was sentenced to six years' imprisonment, despite the trial not seeing fingerprint evidence, which had been found on the murder weapon, and the judge immediately announcing the verdict after the plea, indicating that it was not taken into account.²⁷

Incident at Kisor

While there had been an ambush on 10 April 2021 on several police cars,²⁸ an attack on a military post in Kisor, South Aifat District, on 2 September 2021, allegedly carried out by TPNPB, was the first in years that led to fatalities.²⁹ Mikael Yaam was arrested in this encounter³⁰. The military then conducted raids across Maybrat, with between 100-150 soldiers deployed in an attempt to catch the perpetrators.³¹ At least 3,121 people from 50

²² Maria Baru, 'Kuasa Hukum Tiga Aktivis KNPB Maybrat Akan Ajukan Eksepsi', Suara Papua, 17 September 2020.

<https://suarapapua.com/2020/09/17/kuasa-hukum-tiga-aktivis-knpb-maybrat-akan-ajukan-eksepsi/>

²³ International Coalition for Papua, 'Police investigator in Sorong Selatan prevents lawyers from meeting with detainees', 2020.

<https://humanrightspapua.org/news/2020/police-investigator-in-sorong-selatan-prevents-lawyers-from-meeting-with-suspects/>

²⁴ International Coalition for Papua, 'Update on trials in relation to Maybrat Police Raid – All three defendants acquitted', International Coalition for Papua, 2021.

<https://humanrightspapua.org/news/33-2021/738-update-on-trials-in-relation-to-maybrat-police-raid-all-three-defendants-acquitted/>

²⁵ International Coalition for Papua, 'KNPB Chairman and minor arbitrarily arrested in Maybrat', 2020.

<https://humanrightspapua.org/news/2020/police-officers-alleged-of-arbitrary-arrest-and-torture-knpb-chairman-in-maybrat-and-minor-taken-into-custody/>

²⁶ International Coalition for Papua, 'Public prosecutor seeks a sentence of 11 years', 2021.

<https://humanrightspapua.org/news/33-2021/737-update-on-law-enforcement-process-against-knpb-leader-adam-sorry-public-prosecutor-seeks-a-sentence-of-11-years/>

²⁷ Jubi, 'West Papua KNPB leader sentenced to 6 years for manslaughter', 10 February 2021.

<https://en.jubi.co.id/knpb-leader-sentenced-to-6-years-for-manslaughter/>

²⁸ International Coalition for Papua, 'Indigenous peoples flee their homes in fear of military raids in Maybrat Regency, Papua Barat Province', 2021.

<https://humanrightspapua.org/news/2021/indigenous-peoples-flee-their-homes-in-fear-of-military-raids-in-maybrat-regency-papua-barat-province/>

²⁹ Lao-Lao, 'Kampung su Kosong: Laporan Korban Konflik TPN-PB dan TNI-Polri di Maybrat', 11 September 2021.

<https://laolao-papua.com/2021/09/11/kampung-su-kosong-laporan-korban-konflik-tpn-pb-dan-tni-polri-di-maybrat/>

³⁰ Papuans Behind Bars 'PBB List October - December 2021.xlsx : Quarterly', 2021,

<https://event.papuansbehindbars.org/pbb-list/>

³¹ Suara Papua, 'Amankan Dua Orang Pasca Penyerangan Posramil Kisor, Ini Jawaban TPNPB OPM', 3 September 2021.

<https://suarapapua.com/2021/09/03/amankan-dua-orang-pasca-penyerangan-posramil-kisor-ini-jawab-an-tpnpb-opm/>

villages were forced to flee the area,³² which led to the death of a six-year-old girl from lack of medical treatment.³³ Certain villagers were barred from returning, as there are six companies that acquired concessions for 573,824.96 hectares of land in Maybrat. PT Bangun Kayu Irian (BKI) and PT Mitra Pembangunan Global (MPG) are logging companies and the security forces reportedly built posts and are suspected of placing restrictions on civilians from returning to their villages located nearby.³⁴ In the raids, several people were arrested. Five of the six are Amos Ky, Agustinus Yaam, RY, MS, YW. Along with Maikel, they were initially held in detention in Sorong, becoming the "**Sorong 6**". The remaining one was LK, the minor who was charged and convicted separately.

The Sorong Six were transferred secretly from Sorong to Makassar without informing members of the family or their lawyers at LBH Kaki Abu; they were accused of attacking the military post at Kisor.³⁵

LK was only 14 years old when arrested. While not one of the six transferred to Makassar, he has been interrogated, mistreated and tortured whilst in detention, and was sentenced on 3 December 2021 to eight years in prison, despite numerous procedural irregularities. For example, Leo Idjie, legal advisor to LK, has stated that "the testimony of numerous witnesses presented to the court were not taken into account".³⁶

The Case of Leo Idjie

Leo is a lawyer and a Human Rights Defender (HRD), who works with LBH Kaki Abu (Kaki Abu Legal Aid Institute) in Sorong and has been involved in the defence of the two previous cases. The secretive nature of transfer to Makassar, ostensibly for the suspects' safety, has hampered their right to receive a fair trial and legal assistance. Leo seeks to expose and fight for those who were facing irregularities in the justice system in West Papua.

The rendition of suspects and procedural irregularities during their detention and trial led to Leo and his colleagues speaking out in front of the Sorong State Court office on 3 January

³² Reiner Brabar, 'Koalisi Masyarakat Sipil Laporkan 3.121 Orang Masih Mengungsi di Maybrat', Suara Papua, 26 November 2021.

<https://suarapapua.com/2021/11/26/koalisi-masyarakat-sipil-laporkan-3-121-orang-masih-mengungsi-di-maybrat/>

³³ International Coalition For Papua 'Update on IDP situation in Maybrat – 6-year-old girl dies without access to medical treatment', 2021.

<https://humanrightspapua.org/news/2021/update-on-idp-situation-in-maybrat-6-year-old-girl-dies-without-access-to-medical-treatment/>

³⁴ Jubi 'More than 500 children displaced in Maybrat, unable to attend schools', 29 November 2021.

<https://en.jubi.co.id/more-than-500-children-displaced-in-maybrat-unable-to-attend-schools/>

³⁵ Jubi, 'Sidang kasus penyerangan Posramil Kisor dipindahkan ke Makassar, satu terdakwa alami penyiksaan', 4 January 2022.

<https://jubitv.id/sidang-kasus-penyerangan-posramil-kisor-dipindahkan-ke-makassar-satu-terdakwa-alami-penyiksaan/>

³⁶ Kompas.com 'Divonis 8 Tahun Penjara, Anak Bawah Umur Terdakwa Penyerang Posramil Kisor Ajukan Banding' 06 December 2021.

<https://regional.kompas.com/read/2021/12/06/160703778/divonis-8-tahun-penjara-anak-bawah-umur-terdakwa-penyerang-posramil-kisor>.

2022.³⁷ An edited TikTok video of Leo's address was heavily edited, framing Leo as insulting religion.

On 6 January 2022, Sorong City Police called Leo to the police station to provide a "clarification" for the alleged blasphemy and "stirring up religious and racial hatred". On 12 January 2022, the Police began an investigation into these alleged offences. The police also began an investigation into the admin of the LBH Kaki Abu Facebook page and seized their mobile phone.

Leo is accused of violating Section 28, Article 2 of the Information & Electronic Transactions Law, Section 45, Article 2 of the same law, and Section 156 and 156a of the Criminal Code. The maximum sentence is six years in prison and a fine of one billion rupiah.

This example of criminalisation of an HRD in West Papua has been part of a growing trend. We hope it will be resolved soon, in order that Leo may continue to give appropriate legal aid to the people who are being accused of involvement in the Kisor case.

Conclusion

The trial and imprisonment of six suspects accused of involvement in the Kisor attacks of September 2021, saw defendants whisked away to Sulawesi, where providing them with legal representation became more difficult. But a fair trial was already in doubt: the accused were subjected to beatings and torture, the trial was riddled with irregularities, defendants' lawyers were criminalised, and minors criminalised. This can be seen also in the LK trial, as they were, shockingly, a child aged 14 years old that was put on trial, tortured, found guilty and sentenced to a prison term.

The events that led to the attack followed a period when palm oil companies moved into the area to establish plantations, against local opposition. Indigenous West Papuans have also protested against increasing numbers of military posts and poor local services, with the military establishing new bases in Maybrat and neighbouring regencies. These new bases have seen Indigenous land taken over, reportedly using intimidation. Attention must be given to address underlying causes of increased tensions: militarisation, on the pretext of countering insurgents, and Jakarta allowing the military to participate in development plans. Without attention, further tensions and conflict and the persecution of people accused of involvement in conflict but denied basic rights to proper legal representation, fair trial and free expression, are likely to continue.

(17 February 2022)

³⁷ Kompas.com 'Kuasa Hukum Protes Sidang 6 Tersangka Penyerangan Posramil Kisor Dipindah ke Makassar', 4 January 2022.
<https://regional.kompas.com/read/2022/01/04/075254078/kuasa-hukum-protes-sidang-6-tersangka-penyserangan-posramil-kisor-dipindah>