

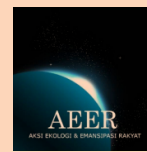
SPECIAL REPORT

PT Freeport Indonesia and its tail of violations in Papua: human, labour and environmental rights

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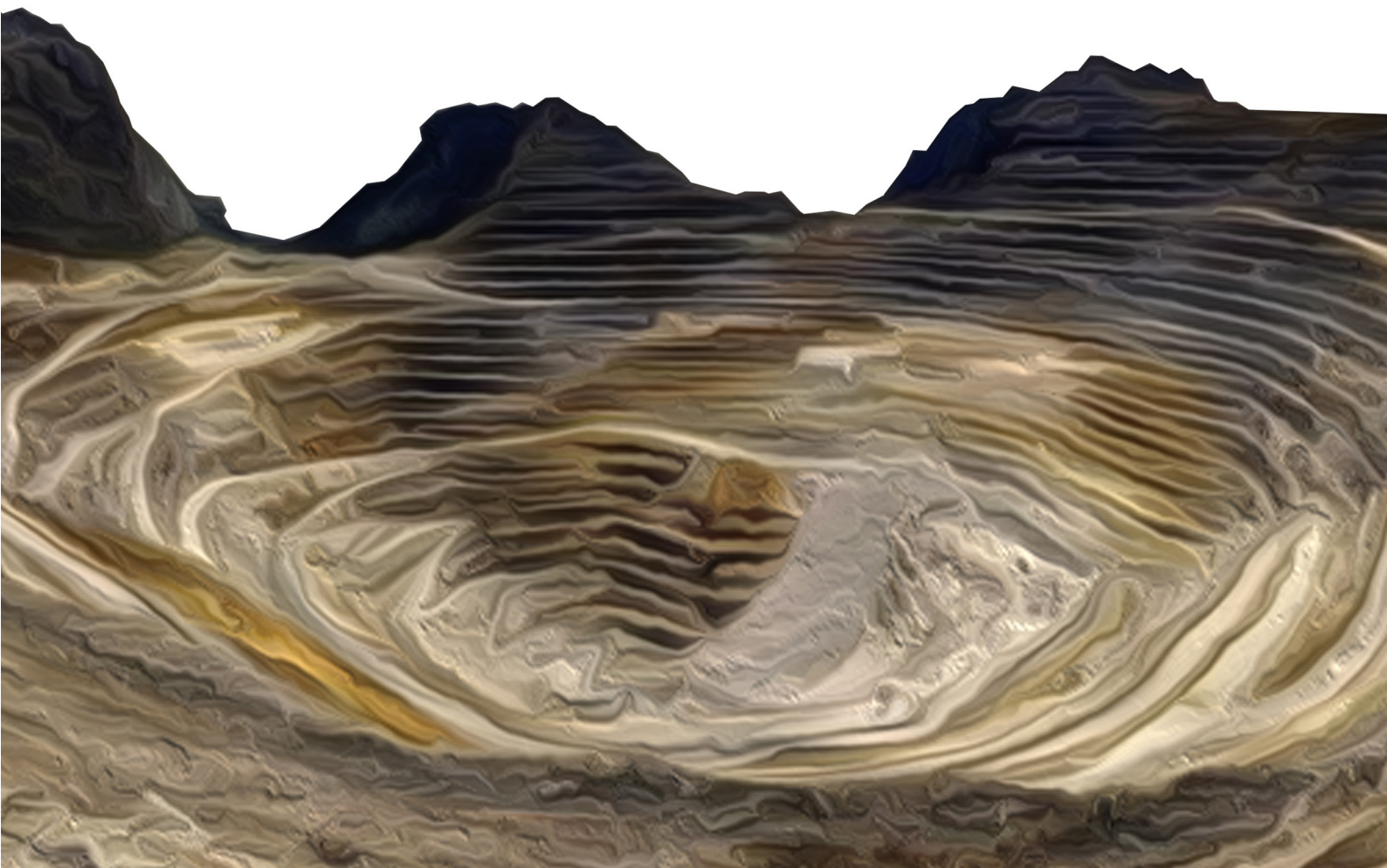


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Executive Summary

For several decades, the transnational mining company Freeport McMoRan¹ has conducted mineral exploitation activities in the province of Papua, Indonesia. The company –through its Indonesian subsidiary PT Freeport Indonesia (PTFI)– is the largest foreign taxpayer in Indonesia and the largest employer in Papua province. Over the past few years, the company has been criticised for fuelling armed conflicts in the Mimika Regency, resulting in large-scale environmental degradation and multiple human rights violations against the indigenous Amungme and Kamoro tribes. While some human rights violations have been related to particular incidents, others are part of a pattern of structural violence against the local indigenous population and mining labourers that has been developing since February 2017. These violations, along with the government's failure to protect the indigenous communities from environmental pollution and ensure their right to free prior informed consent (FPIC) regarding the utilisation of their ancestral land for national interests, are emblematic of the continuing state negligence and discrimination encountered by indigenous Papuans in Indonesia. Moreover, various actions by PT Freeport in response to strikes exemplify the government's failure to safeguard employees' political and civil rights, including their labour rights.

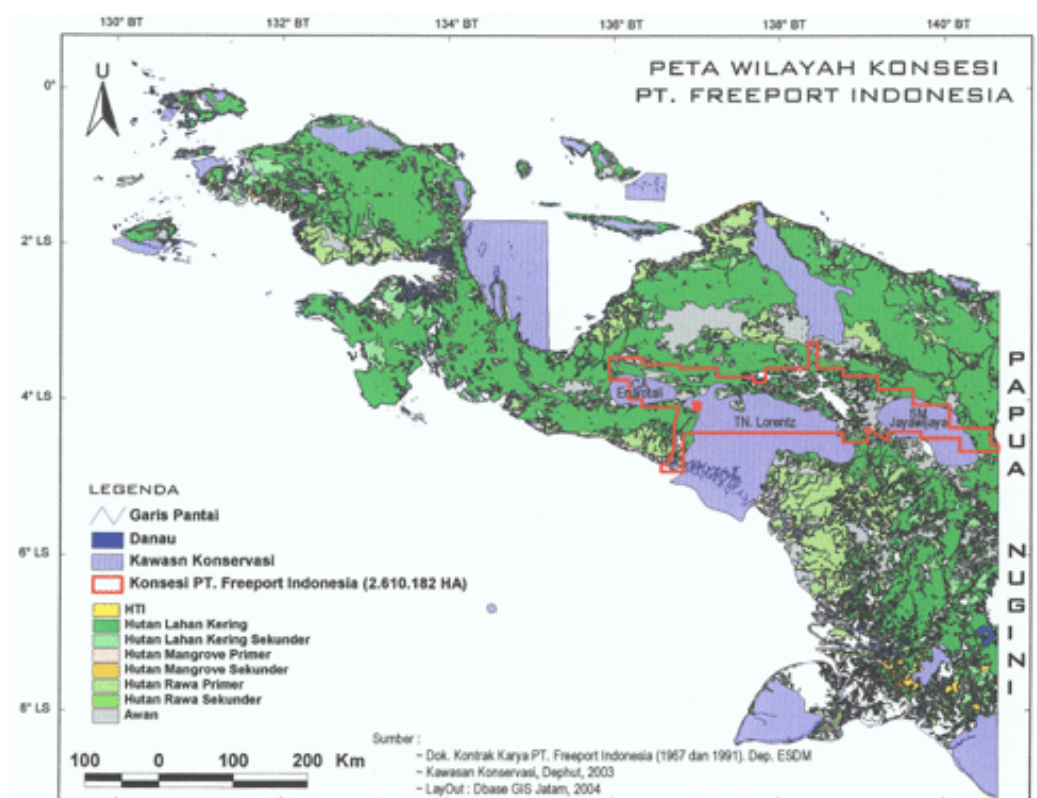
Freeport-McMoRan's Indonesian subsidiary, PT Freeport Indonesia, is responsible for the large-scale destruction of marine and forest areas. This is having a serious impact on the livelihood of indigenous Kamoro and Amungme communities, who are the legitimate owners of the customary land. The Indonesian government has tolerated these violations and continues to ignore the rights of these communities to FPIC by excluding them from ongoing negotiations with PT FI over the extension of Freeport's mining concession until 2041.

In February 2017, the company initiated mass lay-offs without any negotiation with the workers' union, to which the company's workers responded by going on strike. The mining company then crushed the strike through both non-violent and violent interventions, resulting in multiple violations of labour rights and civil rights. The company forcibly evicted striking workers from homes, denied them access to corporate hospitals and schools, and blocked their access to bank accounts and credit services. In several cases, Freeport used Indonesian security forces to unlawfully arrest strikers, some of whom were subjected to torture and criminal prosecution. In early September 2020, the Timika Branch Office for Chemistry and Mining of the SPKEP SPSI published a press release, according to which 72 former PT FI labourers and their close relatives passed away between 2017 and 2020 after the company conducted the mass lay-offs.

1 Freeport-McMoRan, Corporate Headquarters, 333 N. Central Ave., Phoenix, AZ 85004, Arizona, United States of America; phone: +1 602.366.8100fcx_communications@fmi.com; stock symbol: FCX

Overview of the background

The Grasberg mine is the world's largest known gold deposit and its second-largest copper reserve. It is located in the province of Papua at an altitude of 4,270 metres in the highlands of the Sudirman Mountain Range. In 1973, the US-based mining company Freeport-McMoRan signed a contract of work (CoW) with the Indonesian government under the leadership of President Suharto. Since then, the Grasberg mine has become the location of one of the world's largest copper and gold extraction operations. Although Freeport runs ore exploitation operations underground, the majority of extracted ore originates from its open-pit mine, which by 2001 was producing 237,800 metric tonnes per day. The company is the largest foreign taxpayer in Indonesia and largest employer in Papua province, contributing half of Papua's gross domestic product. Freeport-McMoRan has estimated that there is enough gold ore in Grasberg to keep it in operation until 2040.² The CoW has also granted Freeport access to more than 2.6 million hectares of land until the year 2021. Freeport-McMoRan has also hired the Indonesian military and police for protection and to keep trespassers and local people off their land. The highly militarised zone around the mine is off-limits to foreign journalists. Since the 1990s, the presence of Freeport has been the cause of violent clashes between the armed wing of the 'Free Papua Movement' (TPN OPM) and the Indonesian security forces, resulting in casualties on both sides and among civilians. Critical civil society representatives claim that the shootings are part of a rivalry between the Indonesian police and the military over lucrative Freeport security contracts.³



PT Freeport Indonesia's concession area for the Grasberg mine is marked by red lines. The blue areas are conservation areas set up by the government. The map shows that the concession areas overlap with the St. Lorentz National Park and two other conservation areas in the Enarotali and Jayawijaya regencies. The conservation area around the St. Lorentz National Park and the river systems south of the mine have been severely affected by mining tailings.

- Michael Alonzo, Jamon Van Den Hoek & Nabil Ahmed (11.10.2016): Capturing coupled riparian and coastal disturbance from industrial mining using cloud-resilient satellite time series analysis, p. 1, available from <https://www.nature.com/articles/srep35129>
- Jane Perlez & Raymond Bonner (27.12.2005): Below a Mountain of Wealth, a River of Waste, available from <https://www.nytimes.com/2005/12/27/world/asia/below-a-mountain-of-wealth-a-river-of-waste>.



Citizen protest against PT Freeport Indonesia in Mimika, Papua, the compensation fund distributions that are considered unfair have an impact on the conflict (ICP/Albertus Vembrianto).

Rights Violations by Freeport

Violation of indigenous peoples' rights

No FPIC has been obtained from the affected indigenous peoples (customary landholders) for the mining activities of PT FI. On 26 August 2017, at a press conference in Jakarta, the Indonesian Minister for Energy and Mineral Resources, Ignasius Jonan, and the Minister of Finance, Sri Mulyani, announced an extension of the mining licences of PT FI until 2041. Without this, the contract –first signed in 1973 under President Suharto– was expected to expire in 2021. In return, the major American shareholder Freeport-McMoRan agreed to give up 41.64% of its stake in the Indonesian subsidiary. To allow the Indonesian government to purchase 51% of these shares, Richard C. Adkerson, CEO of Freeport-McMoRan, stated that the shares will be sold at a fair market value. The American mining giant currently owns 90.64% of the shares, while the Indonesian government owns 9.36%.⁴ The mine is located on land belonging to the Amungme and Kamoro, two indigenous tribes that have been excluded from any negotiation since the CoW was signed. The Amungme people, who traditionally lived

4 Rambu Energy.com (30.08.2017): Freeport agrees to divest 51% shares to Indonesia, contract extended, available from <https://www.rambuenery.com/2017/08/freeport-agrees-to-divest-51-shares-to-indonesia-contract-extended/>

in the area immediately surrounding the Grasberg mine, have been repeatedly displaced by the Indonesian government as the mine has expanded. PT Freeport Indonesia has never been obliged to compensate indigenous communities experiencing forced displacement due to mining operations.⁵ The decades-long depletion of toxic and acid rock tailings has had a strong negative impact on rivers, lakes, and forests, involving food sources and places sacred to the Amungme and the Kamoro tribes, whose customary land is located downstream in the coastal lowlands. Their staple food sources, such as stocks of Sago palm (*Metroxylon sagu*) and Matoa fruit (*Pometia pinnata*) trees, have been severely affected by the poisonous tailing deposits.

Moreover, traditional fisheries have been degraded by suspended particulate matter (SPM) and associated copper toxicity.⁶ Both indigenous tribes have claimed their right to participate in further negotiations over their ancestral land as guaranteed in the 'Universal Declaration on the Rights of Indigenous Peoples', to which Indonesia is one of the signatory states. In early March 2017, representatives of the Kamoro and Amungme's indigenous association 'Lembaga Pengembangan Masyarakat Amungme dan Kamoro' (the Institute for the Development of the Amungme and Kamoro Communities, LPMK), met with the National Human Rights Commission and the Minister for Energy and Mineral Resources, Mr Ignasius Jonan, to demand participation in further negotiations between the government and Freeport.⁷ However, the Indonesian government has prevented the indigenous association of the Amungme and Kamoro from engaging in negotiations with the mining company, regardless of the provisions in the Papuan Special Autonomy Law No. 21/2001 and the Indonesian Constitution of 1945, which recognise indigenous peoples as the legitimate owners of the customary land.⁸ PT FI has introduced policies in support of indigenous Papuans. It funds infrastructure projects and finances community development projects in the field of health and education for the benefit of both Amungme and Kamoro communities. The company spends approximately 1% of its annual revenue on schools, medical care, and other programmes for the people of Papua province.⁹ However, indigenous associations such as the Papuan Customary Council (Dewan Adat Papua) claim that the company does not recognise the indigenous population as the rightful owners of the land. For instance, indigenous communities are deliberately excluded from decision-making processes regarding the ancestral land occupied by PT FI. Freeport has established cooperation with LPMK, but its role is strictly limited to administering the utilisation of PT FI's corporate development funds for community development projects. Amungme leader Tom Beanal - who has taken on leading positions as PT Freeport commissioner and Vice-President of the People's Development Foundation - Irian Jaya (LPM-IRJA), the organisation established

5 Leith, D. (2002): *The Politics of Power: Freeport in Suharto's Indonesia*. (University of Hawaii Press)

6 Michael Alonzo, Jamon Van Den Hoek & Nabil Ahmed (11.10.2016): Capturing coupled riparian and coastal disturbance from industrial mining using cloud-resilient satellite time series analysis, p. 2, available from <https://www.nature.com/articles/srep35129> <https://www.nature.com/articles/srep35129>

7 Tirto ID (03.03.2017): Tokoh Suku Amungme Desak Freeport Pulihkan Tanah Adatnya, available from <https://tirto.id/tokoh-suku-amungme-desak-freeport-pulihkan-tanah-adatnya-cj7Y>

8 Viktor Mambor (29.08.2017): Indonesia: Papua Leaders Want Say in Copper Mine Negotiations, available from <https://www.benarnews.org/english/news/indonesian/copper-deal-08292017161555.html>

9 Jane Perlez & Raymond Bonner (27.12.2005): Below a Mountain of Wealth, a River of Waste, available from <https://www.nytimes.com/2005/12/27/world/asia/below-a-mountain-of-wealth-a-river-of-waste.html>

with Freeport's 1% funding— explained his decision to work with Freeport as follows: "What Freeport has done to me is to present me with a single limited choice, prepared by the company, so that I was not able to choose freely, but was always obliged to choose what was desired by Freeport. People see me as working with Freeport now. Perhaps it's true! Nevertheless, in the depths of my heart, I feel that I must do what is best for my people."¹⁰

Since 1990, PT FI has built east and west levees to establish an area for mining tailings to reduce the siltation and pollution of the Ajkwa estuary. In mid- 2015, a 200-metre extension of the west levee was built to sever the connection between Yamaima and Ajkwa rivers and prevent tailings from spreading from the Ajkwa River into the Yamaima River.¹¹ Several estuary river channels—among them the Yamaima River— were blocked to stop the tailings from flowing into the surrounding areas and to protect the Freeport shipping port in Amamapare from siltation. Consequently, traditional fishing community routes have been reduced and diverted to the Okorpa River (see images on pages 12-14).

The movements of tides wash tailings into the surrounding estuary rivers, among other things, into the Okorpa River estuary. The Okorpa River is essential for the community as a location for fishing and as a transport route from the western region around Pomako and Karaka Island to the east of the deposition area (and vice versa). Its role has become even more critical since the Yamaima River was dammed by Freeport to protect the company's port from siltation by the mining tailings. The tailings have not only affected the fish; they have also impacted sago stands, which are the primary source of carbohydrates for local indigenous communities.

Indigenous communities in the estuary area utilise the polluted rivers for fishing, gathering crabs, and also for bathing. There are no signs in place warning of the dangers of heavy metals and other harmful substances in the water. Among the communities affected are fishing communities on Karaka Island (see images on pages 12-14) and the Pasir Hitam village. The silting of coastal areas has reduced the productivity of fisheries in surrounding estuaries. The tailings have also forced indigenous communities to utilise different waterways because their boats often run aground on build-ups of silt. Indigenous fishers in these areas generally use small boats made from a single coconut or sago palm trunk, which are not suitable for catching fish in the open seas.

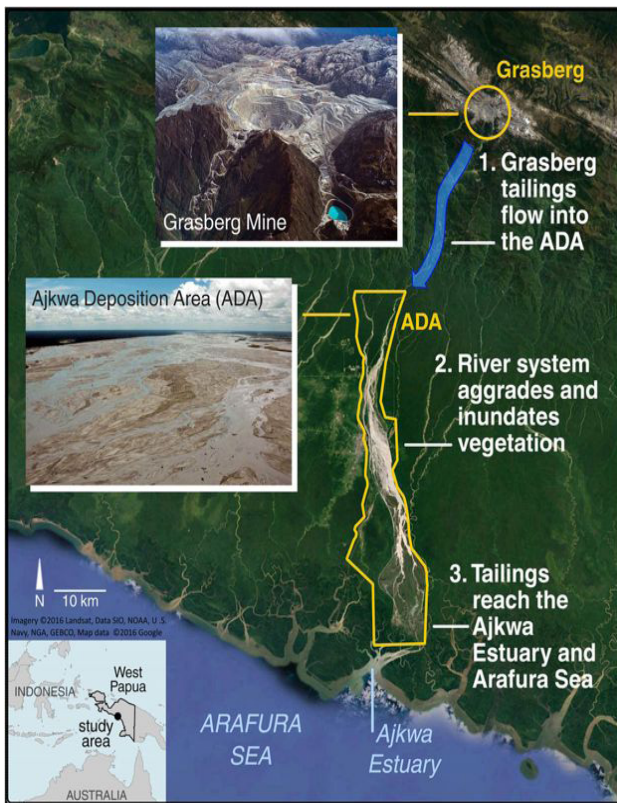
In 2014, the community of the Pasir Hitam village, together with environmental activists, filed a complaint to the Papuan provincial government about the silting of coastal areas and the obstruction of water transportation. The community has not yet received an adequate response from the government to address the issues they are facing.¹²

10 Cultural Survival (March 2001): The Amungme, Kamoro & Freeport: How Indigenous Papuans Have Resisted the World's Largest Gold and Copper Mine, available from <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/amungme-kamoro-freeport-how-indigenous-papuans-have> <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/amungme-kamoro-freeport-how-indigenous-papuans-have>

11 Husnah et al (2018): Chronology and cause of mass mortality event on fish in the lower part of Yamaima River, p. 50, Mimika Regency, Papua, in: Indonesian Fishery research Journal, Volume 24, No. 1, pp. 49 - 59

12 Action for Ecology and Peoples' Emancipation, Center for Study, Documentation and Advocacy on Peoples' Rights & Indonesian Union of Traditional Fishery (February 2018): Mimika's Coastal Dystopia: Besieged by Freeport Indonesia's Mine Tailings Slurry, available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKewi_uOmUlv_gAhWr4aYKHW9JAYwQFjAAegQIBRAC&url=http%3A%2F%2FLondonminingnetwork.org%2Fwp-content%2Fuploads%2F2018%2F04%2FMimikas-Coastal-Dystopia-1.pdf&usg=AOvVaw3RtsCzgsFpqVC-xAILg6OE

Environmental degradation



Satellite imagery depicts the severe environmental impact of gold and copper mining on the lower regions south of the Grasberg mine in Mimika Regency, Papua province. Since the signing of the CoW in 1973, PT FI has disposed of the tailings of mineral exploitations by dumping them into the Aikwa River. The mine produces and dumps over 200,000 tonnes of tailings per day (over 80 million tonnes per year) into the Otomina and Aikwa rivers, to wetland estuaries, and out to the Arafura Sea¹³ (see image¹⁴ on the left). The tailings contain high concentrations of toxins such as copper, arsenic, cadmium, and selenium.¹⁵ These cover 166 square kilometres of formerly productive forests and wetlands that are no longer suitable for aquatic life.¹⁶ The tailings have also contaminated the coastal estuary and the Arafura Sea. They are likely to have contaminated 'Lorentz National Park', a world heritage site.¹⁷

The suspended solids ('suspended particulate matter' or SPM) are carried by the Aikwa River into deeper rainforest areas and into the sea, where they have deleterious effects on the local flora and fauna. Based on an analysis of the satellite images, it is estimated that an area of at least 138 km² has been affected by the mine (see satellite images on pages 12-13).¹⁸ The Aikwa River system has a relatively low natural sediment carrying capacity, estimated to be between

¹³ Mining, Minerals, and Sustainable Development (2002): Mining for the Future Appendix J: Grasberg Riverine Disposal Case Study. International Institute for Environment and Development and World Business Council for Sustainable Development.

¹⁴ Image taken from Michael Alonzo, Jamon Van Den Hoek & Nabil Ahmed (11.10.2016): Capturing coupled riparian and coastal disturbance from industrial mining using cloud-resilient satellite time series analysis, p. 2, available from <https://www.nature.com/articles/srep35129>

¹⁵ Ibid.
Walhi –Indonesian Forum for Environment (2006): The Environmental Impacts of Freeport-Rio Tinto's Copper and Gold Mining Operation in Papua. Walhi, Jakarta. p. 119 ff.

¹⁶ Paull, D., Banks, G., Ballard, C., & Gillieson, D. (2006): Monitoring the Environmental Impact of Mining in Remote Locations through Remotely Sensed Data, in *Geocarta International* 21: p. 33-42

¹⁷ Kearney, M. (04.05.2006): "Freeport mine 'poisoning' West Papua's environment.", available from <https://www.theage.com.au/world/freeport-mine-poisoning-west-papuas-environment-20060504-ge28v7.html>

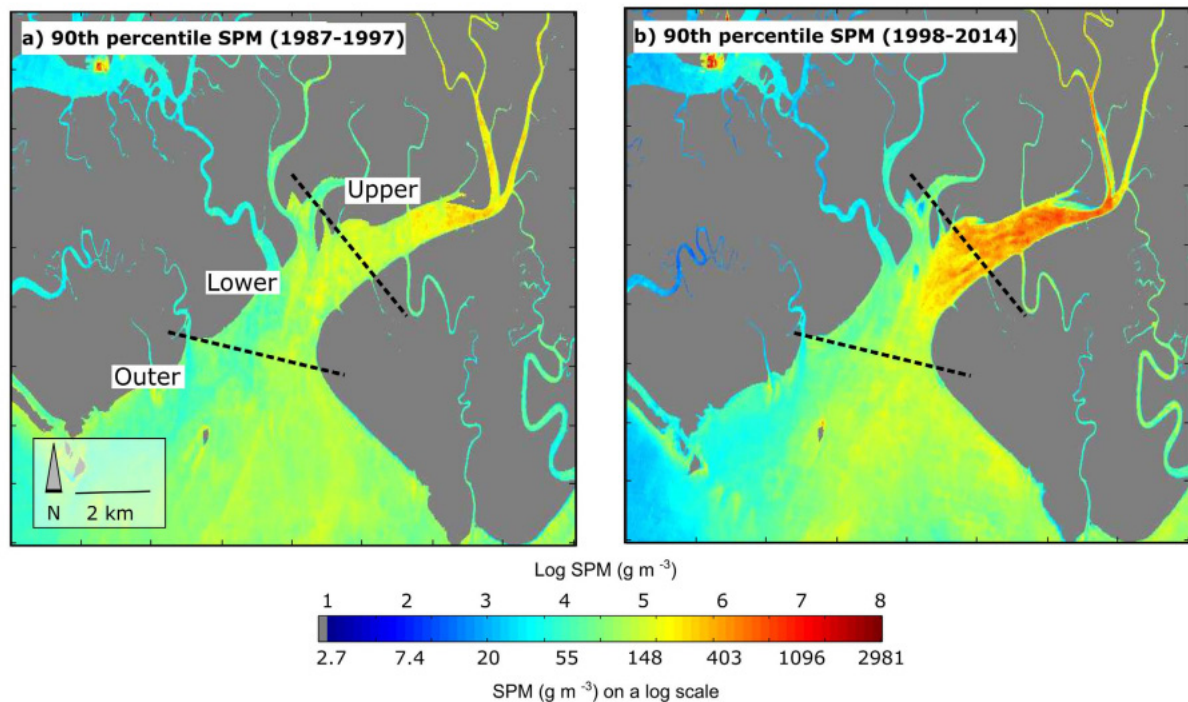
Brunskill, G.J., Zagorski, I., Pfizner, J., & Ellison, J. (2004): Sediment and trace element depositional history from the Aikwa River estuarine mangroves of Irian Jaya (West Papua), Indonesia. *Continental Shelf Research* 2535-2551.

Meyers, K., & Hitchcock, P (2008): Mission Report; Reactive monitoring mission to the Lorentz World Heritage site, Indonesia. UNESCO World Heritage Centre – IUCN. World Heritage Committee 32nd Session

¹⁸ Michael Alonzo, Jamon Van Den Hoek & Nabil Ahmed (11.10.2016): Capturing coupled riparian and coastal disturbance from industrial mining using cloud-resilient satellite time series analysis, p. 3, available from <https://www.nature.com/articles/srep35129>

15,000 to 20,000 tonnes per day. Between the late 1980s and early 1990s, the Grasberg mine deposited approximately 19,000 tonnes of tailings per day into the Ajkwa River –which has pushed the river system beyond its capacity and led to overland sheeting and intrusion of contaminated water into the neighbouring Minajerwi and Kopi rivers.¹⁹

From 1998 onwards the level of suspended solids transported into the Arafura Sea has significantly increased to more than 40 g/m³, a level of contamination that has been shown to directly contribute to mortality in aquatic plants and to affect the reproductive cycle of invertebrates and fish²⁰ (see image²¹ below).



The long-term effects of PT FI's mining activities are extreme. By 2006, PT FI had already discharged more than 1 billion tonnes of tailings into the Ajkwa River system, violating the environmental standards stipulated in Indonesian Water Quality Management and Water Pollution Control regulations.²² The heavy metal-laden tailings are likely to remain in the alluvial sediment of the Ajkwa deposition area for centuries after mining operations have ceased.²³

¹⁹ Ibid. p. 5 f

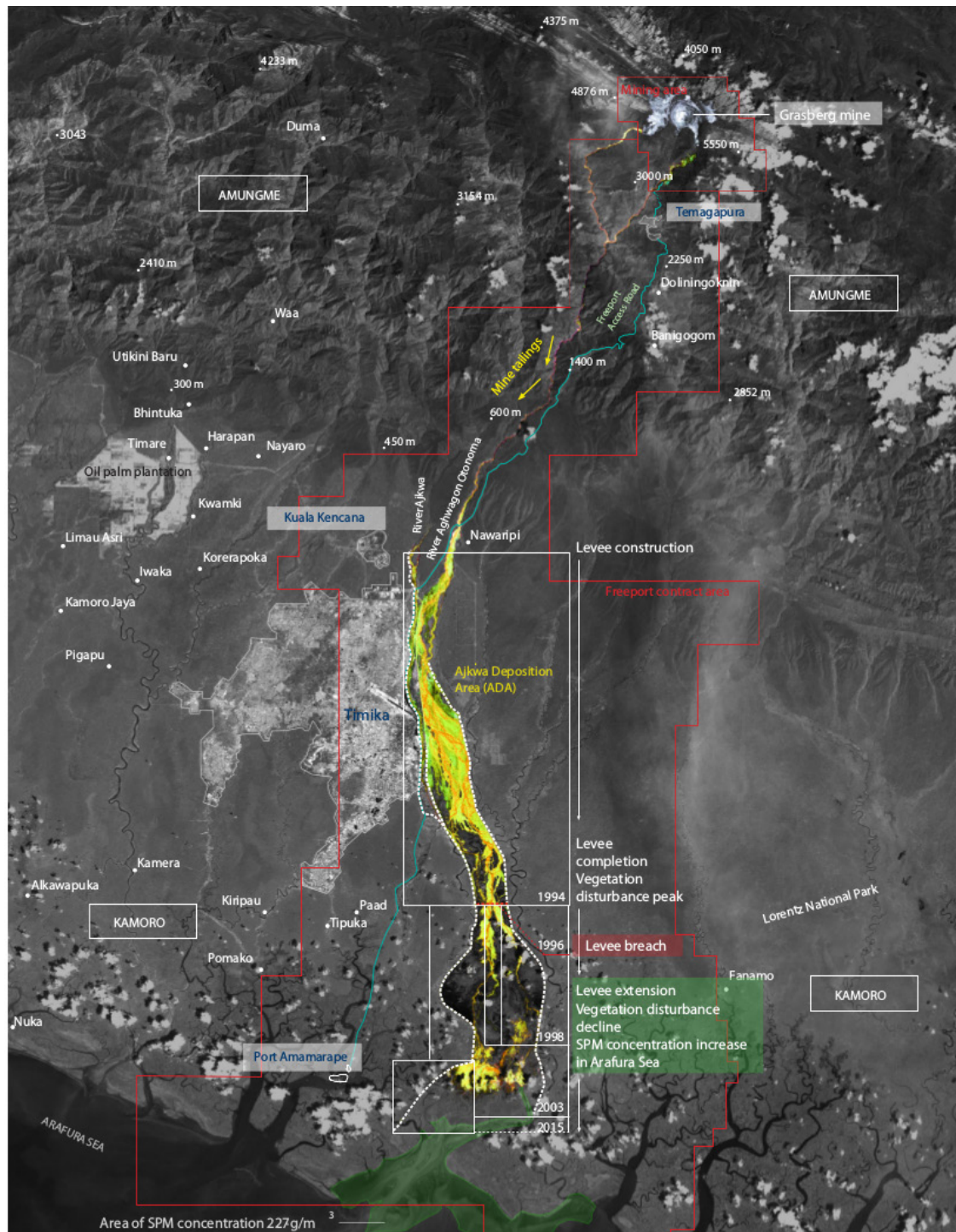
²⁰ Hettler, J., Irion, G. & Lehmann, B. (1997): Environmental impact of mining waste disposal on a tropical lowland river system: a case study on the Ok Tedi Mine, Papua New Guinea. *Miner. Depos.* 32, 280–291

²¹ Image taken from Michael Alonzo, Jamon Van Den Hoek & Nabil Ahmed (11.10.2016): Capturing coupled riparian and coastal disturbance from industrial mining using cloud-resilient satellite time series analysis, p. 7, available from <https://www.nature.com/articles/srep35129>

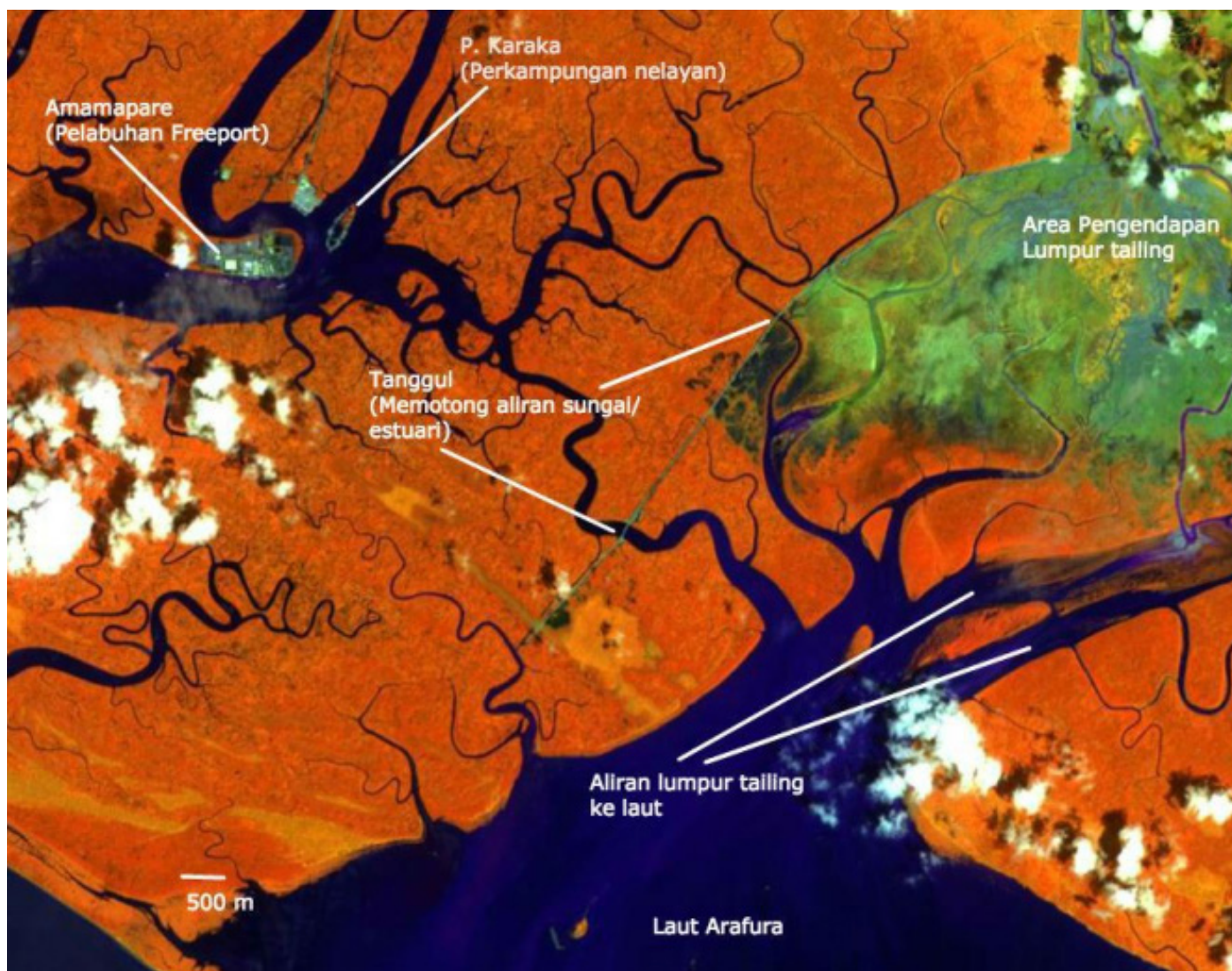
²² WALHI (2006): Indonesian Forum for Environment. The Environmental Impacts of Freeport-Rio Tinto's Copper and Gold Mining Operation in Papua.

²³ Singer, M. B. et al. (2013): Enduring legacy of a toxic fan via episodic redistribution of California gold mining debris. *Proc. Natl. Acad. Sci. USA.* 110, 18436–18441

PT FI deposits approximately 80% of the tailings into lowland forest areas designated as deposition areas. The remaining 20% flow into estuaries and spread to the coast (see the following satellite images on Environmental Violence from Grasberg Mine).²⁴



24 Action for Ecology and Peoples' Emancipation, Center for Study, Documentation and Advocacy on Peoples' Rights & Indonesian Union of Traditional Fishery (February 2018): Mimika's Coastal Dystopia: Besieged by Freeport Indonesia's Mine Tailings Slurry



The green-coloured area depicts the tailing deposition area (Area Pengendapan Lumpur tailing). The river estuaries (Aliran lumpur tailing ke laut) south and west of the tailing deposition area have been severely polluted. The green line (Tanggul, Memotong aliran sungai/estuari) shows the barrier Freeport erected to protect its port in Amampare (Pelabuhan Freeport) from silting. Traditional fishing communities are located on Karaka Island (P. Karaka), next to Freeport's shipping port.

Left image: Visualisation of industrial mining infrastructure and urbanisation, tailing zones, deforestation, and heavy metal contamination in coastal areas over a twenty-year period using multiple remote sensing analysis. This depicts large-scale environmental damage caused to the Amungme and Kamoro peoples' land.

Source: Action for Ecology and Peoples' Emancipation, Center for Study, Documentation and Advocacy on Peoples' Rights & Indonesian Union of Traditional Fishery (February 2018): Mimika's Coastal Dystopia: Besieged by Freeport Indonesia's Mine Tailings Slurry.



The tailing deposition area on the left is separated from the forest by a dike. The toxic tailings have caused trees and other vegetation in the area to die.



Yamaima River cut off by a dike so that slurry sediment from tailings does not cause siltation at Freeport's port. The right side flows from the deposition of tailings, the left side flows to the sea.



Fishing village on Karaka Island (compare with maps).

WALHI Papua conducted a survey to assess water quality in the Yamaima River and two different locations in the Okorpa River. PT FI disposes its toxic mining tailings into both estuaries. The physical and chemical examination of samples from both estuaries shows that the water has been severely polluted because of the extensive mining activities. For instance, the water in all three sample locations contained elevated concentrations of Phosphate, Cyanide, Iron, Copper, and Zinc. The samples taken from the Okorpa River had increased levels of suspended Nitrate and Chlorine solids. High levels of manganese were also detected in the Yamaima River (See the Table 1).²⁵

Scientists believe that the siltation of rivers has also contributed to several mass mortality events (MME) among fish, which occurred in the Yamaima River in 2015 and 2016. The second of these was reported in April 2016, approximately 500 metres from the west tailing levee,²⁶ resulting in the death of an estimated 200,000 fish—mainly goldstripe sardinella—with a combined weight of 18 tonnes. The movement of fish from the Arafura Sea to the Tifuka estuary was also suspected, as they were likely to have followed the current of the Southern Arafura Sea to the Gulf of Papua including the Tifuka estuary. This was caused by the strong El Nino in the southern Pacific Ocean between January and April. Mass mortality of goldstripe sardinella probably occurred because the dikes blocked their path, leading to a vast accumulation of fish in the silted water.

25 WALHI Papua (13.03.2018): Kajian Fisika-Kimia Muara Yamaima, Muara Okorpa, Kabupaten Mimika, Provinsi Papua

26 Husnah et al (2018): Chronology and cause of mass mortality event on fish in the lower part of Yamaima River, p. 50, Mimika Regency, Papua, in: Indonesian Fishery research Journal, Volume 24, No. 1, pp. 49 - 59

Table 1. The results of a water survey in the Yamaima and Okorpa rivers, Mimika Regency, Papua Province.

No	Parameter	Unit	Quality standards	Measurement results		
				Sample: Yamaima River	Sample: Okorpa River, Spot 1	Sample: Okorpa River, Spot 2
PHYSICAL EXAMINATION						
1	Temperature	°C	Deviation 3	31	31.5	30
2	Colour	-	Natural	Colourless and clear	Naturally cloudy	Naturally cloudy
3	Total Dissolved Solids (TDS)	mg/L	500	160	160	130
4	Total Suspended Solids (TSS)	mg/L	50	38	78	63
CHEMICAL EXAMINATION						
1	pH		6 – 9	6,5	6.0	6.0
2	Dissolved Oxygen (DO)	mg/L	> 6	7,2	7.0	7,8
3	Total PO ₄ ³⁻ (Phosphate)	mg/L	0.2	3.46	2,91	4.86
4	Nitrate (NO ₃ -N)	mg/L	10	0.45		4.7
5	Nitrite (NO ₂ -N)	mg/L	0.06	0.021		0.005
6	Cyanide (CN ⁻)	mg/L	0.020	0.022	0.023	0.022
7	Iron (Fe)	mg/L	0.3	7.5	4.68	4.49
8	Copper (Cu)	mg/L	0.02	2.8	1.25	1.58
9	Manganese (Mn)	mg/L	0.1	0.4	0.1	0.1
10	Zinc (Zn)	mg/L	0.05	0.19	0.56	0.81

Source: WALHI Papua (13.03.2018): *Kajian Fisika-Kimia Muara Yamaima, Muara Okorpa, Kabupaten Mimika, Provinsi Papua*

The shallow waters and sheer volume of swimming fish caused sediment particles to lift into the water, covering the gills of the fish and lowering the oxygen content. This resulted in oxygen suffocation and is considered to be the main reason for the MME.²⁷

In late 2018, the Indonesian government acquired a 51% stake in Freeport McMoRan's subsidiary PT FI, which operates the Grasberg mine in the Mimika Regency of Papua Province. A 41.2% stake is held by the state-owned company PT Indonesia Asahan Aluminium (Inalum), and a 10% stake by the government of Papua province. The Indonesian government promoted the deal as a major step towards achieving national and economic sovereignty. However,

²⁷ Ibid. p. 56f

before the takeover, the government of Indonesia failed to enforce strict sanctions against the mining company regarding the environmental damage caused by mining activities over several decades.

The Indonesian Financial Audit Agency (Badan Pemeriksaan Keuangan Republik Indonesia or BPK RI) published an assessment report on financial losses incurred as a result of environmental degradation, estimating the cost of environmental damage caused by PT FI to be \$13 billion. The audit also identified a wide range of irregularities in the company's operations and its contract, including indications of reckless mining and the disposal of toxic mining waste into river estuaries and the sea because the deposition area was too small to contain the enormous amount of tailings. Furthermore, the dikes had leaks which allowed the toxic tailings to spread into the Ajkwa Estuary. The report also revealed that PT FI had illegally used 45 square kilometres of protected forest area for mining operations without obtaining the proper permits (IPPKH).

Although Indonesia's 1999 Forestry Act stipulates that mining in forest areas without a permit is a criminal offence, government authorities have failed to initiate law enforcement prosecutions. Instead, the government has imposed administrative sanctions on PT FI. For instance, since April 2018, the Ministry of Environment and Forestry issued numerous decrees²⁸ forcing PT FI to take measures to drastically reduce toxicity levels at tailing dumping sites and introduce a strategic environmental impact assessment (KLHS). However, instead of taking strict legal action against the company, the environment ministry agreed to PT FI proposing a 'roadmap' to manage tailings disposal until 2030. The implementation of this will be supervised by the Ministry of Environment and Forestry.

In August 2020, indigenous communities living near the Grasberg mine raised concerns over the new environmental impact analysis (EIA), being conducted at that time by PT FI. They fear that PT FI will expand their mining operations on their ancestral land. PT FI invited community representatives from the villages Ayuka, Tipuka, Nawaripi, Koperapoka, Nayaro, Aroanop, Waa/Banti, and Tsinga, as well as environmental and indigenous organisations, to a first public consultation on 14 August 2020. NGO members criticised that many fully armed police officers were present at the meeting, creating an intimidating atmosphere. Some indigenous community representatives refused to attend because of that. They also feared that their participation would be nothing more than a symbolic act without taking their claims and aspirations into consideration. Others who attended the public consultation criticised the meeting for its lack of transparency. PT FI's Corporate Communication Vice President, Riza Pratama, denied PT FI's plans to expand its mining area. He explained that the EIA is conducted for the operational transition from the open-pit mine to an underground mine.²⁹

28 There were four decrees, namely (1) Kepmen LHK Nomor 172/2018 tentang langkah-langkah penyelesaian permasalahan lingkungan PT Freeport Indonesia; (2) Keputusan Menteri Nomor 594/Menlhk/Setjen/PLA.0/12/2018 tentang pelaksanaan Roadmap pengelolaan tailing PT Freeport Indonesia di Kabupaten Mimika, Provinsi Papua; (3) Kepmen LHK 101/2019 tentang perubahan terhadap keputusan menteri lingkungan hidup dan Kehutanan nomor 594/Menlhk/Setjen/PLA.0/12/2018 tentang pelaksanaan Roadmap pengelolaan tailing PT Freeport Indonesia di Kabupaten Mimika, Provinsi Papua; (4) Keputusan Menteri LHK No. 175/2018 tentang Pengelolaan Limbah Bahan Beracun Berbahaya (B3) berupa tailing

29 ICP (20.08.2020): PT Freeport Indonesia conducts environmental impact analysis – Indigenous communities fear expansion of mining area, available at <https://www.humanrightspapua.org/news/32-2020/634-pt-freeport-indonesia-conducts-environmental-impact-analysis-indigenous-communities-fear-expansion-of-mining-area>

Labour rights violations

On 26 February 2017, PT FI introduced a furlough programme whereby it releases its workers from their obligations and returns them to their point of leave. The company claimed that the programme is a response to declining profits during ongoing tax negotiations with the Indonesian government. However, it has never provided tangible proof to support this claim. As a result, approximately 12,000 permanent workers and 20,000 contract workers were laid off, reducing the total number of employees by 10% without any prior notification or negotiations between union representatives (PUK SPSI) and PT FI management. Employees who were selected to enter furlough were not given any opportunity to appeal.³⁰

Following a series of strikes against the programme by workers in early 2017, PT FI was reported to have fired around 4,200 of those who participated in the strike, forcibly evicting them from their homes and denying them access to corporate hospitals and schools.³¹ The Indonesian human rights organisation LOKATARU documented at least 33 cases where workers could not afford to pay rent, which in some cases led to eviction. The termination of employment contracts and the associated rights of workers has also harmed their families' right to education. There have been at least 33 reports of expulsions and threats of expulsion of workers' relatives from schools and universities.³²

On 24 May 2017, workers' membership of the Government Health Insurance BPJS were discontinued by PT FI, as those who had participated in the strikes were considered to have voluntarily resigned. This contravenes Article 21 (1) of Act No. 40 of 2004 on the National Social Security System, which provides that health insurance membership shall remain valid for at least six months after the termination of employment. The union representatives reported that at least 15 workers died because they were denied medical care at Freeport-owned hospitals (see Table 2). There have been at least four other cases where the denial of access to health insurance coverage has affected members of employees' families during medical treatment, including one resulting in the death of a new-born child.³³

30 LOKATARU (February 2018): "Freeport's workers in Limbo": Report on the Condition of the Strike Workers of PT. Freeport Indonesia, p. 2

31 Industri All Union (11.08.2018): Statement of Industrial solidarity Mission to Indonesia concerning mass firings of strikers by PT Freeport and PT Smelting, p.1, available from http://www.industrialall-union.org/sites/default/files/uploads/documents/2017/INDONESIA/industrialall_indonesia_mission_statement_11-08-2017.pdf

32 LOKATARU (February 2018): "Freeport's workers in Limbo": Report on the Condition of the Strike Workers of PT. Freeport Indonesia, p. 41-45

33 Ibid., p. 34 ff

Table 2: PT FI workers who died after health benefits were cut because of participation in the strike.

Nr	Name	Date of death	Department
1	Mr Abrianto Rombe	29 June 2017	Department Underground / Maintenance
2	Mr Zeth Makisanti	21 September 2017	Department Grasberg Operation
3	Mr Nicolas Kabes	7 October 2017	Department Underground Construction
4	Mr Karolus Kasamol	15 October 2017	Department Grasberg Operation
5	Mr Sattu Saung	17 October 2017	Department Underground Construction
6	Mr Marcel Sualang	3 November 2017	Department Grasberg Electric Shovel and Drill
7	Mr Irwan Dahlan	16 November 2017	Department Tram Maintenance
8	Mr Selpia Pigai	25 November 2017	PT. KPI rebuild shop maintenance Mile 32
9	Mr Edwin Kirioma	14 December 2017	Department Warehouse KKPR
10	Mr Yansen Alberto Yapen	24 December 2017	PT. KPI Department Leeve Operation
11	Mr Denny Wowor	27 December 2017	Department Mill Construction
12	Mr Piet Mambai	17 January 2018	UG Maintenance
13	Mr Frits Awom	4 February 2018	Department Grasberg Operation
14	Mr Hanok Emanratu	28 January 2018	Department Fire Maintenance
15	Mr Javet Ulo	31 January 2018	Department Grasberg Operation

The National Social Security Council, which is responsible for the external oversight of BPJS, requested the Director of BPJS that workers' health insurance membership be reactivated by no later than 30 September 2017. However, the request was unaddressed and workers' health insurance remained inactive.³⁴

Former employees reported that PT FI also passed the names of laid-off workers to local banks, making it difficult for them to access credit. Among the banks that blocked access to laid-off Freeport workers were Bank Papua, Bank Niaga, BRI BNI, and Bank Mandiri. PT FI also asked banks in Timika to block the accounts of all workers involved in the strike, a request to which the banks agreed.³⁵

PT FI claimed that the strikes were illegal and thus the strikers were considered to have 'voluntarily resigned'. Freeport has continued to deny the legality of the strikes by firing the workers, persuading them to resign, or cutting-off their wages and benefits. In a statement issued on 28 August 2017, Freeport-McMoRan denied the allegations and stated that the

³⁴ Ibid., p. 34

³⁵ Ibid., p. 36 f

company recognises, respects, and promotes human rights. It claimed that all actions taken by PT FI were in accordance with the Indonesian Labour Code, the applicable Collective Labour Agreement (CLA), and the 2015- 2017 Industry Guidelines (IRG).³⁶

After receiving a complaint regarding violations of labour rights, the National Human Rights Commission (Komnas HAM) conducted a series of meetings with the workers' representative, PT FI, and the Ministry of Manpower and Transmigration. Komnas HAM concluded that there had been breaches of workers' rights and recommended that PT FI re-employ and compensate all those affected by its furlough programme.³⁷

The workers also reported these issues to the Ministry of Manpower and Transmigration and its local office in Mimika. While government agencies initially undertook several actions that appeared to support the workers, including setting up a special task force to monitor employment issues at PT FI, it has since been reported that the task force facilitated an unlawful mutual agreement between PT FI and a union allegedly controlled by the company, which undermines workers' rights and interests.³⁸



36 Freeport-McMoRan (28.08.2017): Response Letter

37 Koran Perdjoengan (31.10.2017): PHK Ribuan Orang di Freeport, Komnas HAM: Itu Pelanggaran Hak Asasi Manusia, available from <https://www.koranperdjoengan.com/phk-ribuan-orang-di-freeport-komnas-ham-itu-pelanggaran-hak-asasi-manusia/>

38 LOKATARU (February 2018): "Freeport's workers in Limbo": Report on the Condition of the Strike Workers of PT. Freeport Indonesia, p. 31 f

On 28 August 2018, hundreds of Freeport labourers gathered at H.R Rasuna Said Street in central Jakarta, which is situated in front of the PT Freeport Indonesia (PT FI) head office. Security forces repeatedly tried in vain to dissolve the peaceful demonstration. The labourers continued their protest overnight, sleeping in front of the building.³⁹ Two days later, on 30 August, the workers, with the support of the Jakarta-based human rights organisation LOKATARU, reported the Minister for Employment, Hanif Dhakiri, to the Ombudsman national office in Jakarta. The complaint was filed on the grounds of mismanagement. The minister had allegedly failed to take a neutral position in the conflict between the workers and PT FI. Before the demonstration on 28 August, the workers made repeated attempts to meet with Minister Dhakiri but received no response. On 7 August 2018, Freeport workers decided to gather in front of the Ministry of Employment for three days. Instead of meeting with the workers, members of the ministry posted a video on 16 August 2018 on the social media platform 'Instagram', in which they claimed that the protestors had allegedly committed criminal offences. Haris Azhar from LOKATARU called the video a lie and a distortion of the facts.⁴⁰

Former PT FI employees continue to fight for their rights after the company introduced a furlough program in February 2017. According to a report by the Indonesian NGO Lokataru, approximately 12,000 permanent workers and 20,000 contract workers were laid off. A few months later, PT FI reportedly fired around 8,300 workers participating in a strike against the furlough program. The consequences of rights violations against those workers have had a significant impact in the lives of the families affected. Besides the financial implications, there are negative consequences in the fields of education and health. In early July 2020, the Federation of Chemical, Energy and Mining Workers of the Indonesian Labour Union (FSP KEP SPSI) in the Mimika regency filed a lawsuit against PT FI and the Indonesian Department of Manpower and Transmigration (Disnakertrans) to the Administrative Court in Jayapura. On 14 July 2020, a panel of judges at the Jayapura Administrative Court rejected to accept the case, arguing that the subject of the lawsuit was beyond the court's scope of responsibility. In early September, the Timika Branch Office for Chemistry and Mining of the SPKEP SPSI published a press release, according to which 72 former PT FI labourers and their close relatives passed away between 2017 and 2020 after the company conducted the mass lay-offs.

39 Seputar Papua (29.08.2018): Korban PHK 'Sepihak' Minta Bertemu Langsung Dua Petinggi Freeport, available from https://seputarpapua.com/view/4113-korban_phk_sepihak_minta_bertemu_langsung_dua_petinggi_freeport.html

40 KATADATA (30.08.2018): Karyawan Freeport Adukan Menteri Hanif atas Dugaan Maladministrasi, available from <https://amp.katadata.co.id/berita/2018/08/30/karyawan-freeport-adukan-menteri-hanif-atas-dugaan-maladministrasi>

Civil and political rights violations related to strikes

Various Indonesian NGOs and PT FI workers have reported a series of political and civil rights violations committed by the Indonesian security forces during the strikes. The police and military forces have repeatedly used excessive force during peaceful protests. As illustrated in this section, several incidents have taken place involving intimidation and arbitrary arrests, followed by the prosecution of workers and union representatives, as well as violent dispersals of peaceful assemblies by the police and the military, none of which were justifiable. These incidents give the impression that the police and military forces represent PT FI's interests—as would be the case for private security service providers—by attempting to crush the strike by any means. The hiring of state security forces by private companies is not justifiable under the law. The police and the army are government institutions and should not be available for hire by private entities.

Since the downfall of the Suharto regime, PT FI has continuously supplied both institutions with considerable amounts of funds. Freeport documents show that the company provided the military and the police in Papua with at least \$20 million between 1998 and May 2004, while an additional \$10 million was allegedly paid 'off the books' during that time.⁴¹

On 4, 8, and 18 May 2017, the company sent out letters to workers participating in the strike and demanded they return to work. This was accompanied by the threat that all workers who had been absent for more than five working days without a valid excuse would be deemed to have voluntarily resigned. PT FI asked police officers to deliver the letters to workers' residences. The workers perceived this to be an act of intimidation.⁴²

On 19 August 2017, approximately 2,000 striking workers and their family members spontaneously gathered at Check Point 28 (CP 28), demanding that PT FI management negotiate the furlough programme and the subsequent lay-offs with the workers' union. The workers were also performing religious activities. In the midst of the gathering, at least 100 security personnel from the police mobile brigade and the military approached the location armed with water cannons, rattan batons, and tear gas. The workers and their families were then attacked and beaten while conducting their religious activities. The security forces also assaulted religious leaders. The operation was led directly by the Chief Police of Mimika, Mr Viktor Machboen, accompanied by the local military commander, Infantry Colonel Indarto. One of the victims, Pak Haji, was tear-gassed and hit on the left hand by a rubber bullet which was embedded in his palm, rendering him unable to move his fingers and resulting in muscle defects. Another victim, Mrs Ansye Lumenta, was pushed off her motorcycle. She was then beaten on the back of her head by a security force officer. Merino, another worker, was arrested and beaten. The police officers forcibly cut his hair after the arrest.⁴³

After the incident, several workers and union representatives were arrested. Nineteen people were taken to Mimika police station, including Nur, the heavily pregnant wife of an arrested

41 Jane Perlez & Raymond Bonner (27.12.2005): Below a Mountain of Wealth, a River of Waste, available from <https://www.nytimes.com/2005/12/27/world/asia/below-a-mountain-of-wealth-a-river-of-waste.html>

42 LOKATARU (February 2018): "Freeport's workers in Limbo": Report on the Condition of the Strike Workers of PT. Freeport Indonesia, p. 8

43 Ibid., p. 8 f



Strikers injured during the crackdown on 19 August 2018 at Check Point 28.

Clockwise: Sapsuha Sahadil, hit in buttocks by a rubber bullet. John Yawang, shot in the left foot, 3 stitches required. Yudas, shot with hot tin/lead. Ansye Lumenta, hit by Mobile Brigade Corps members and fell off her motorcycle.

worker. The arrests were conducted without a warrant. The workers were also subjected to torture and inhumane treatment, including being ordered to perform tip-toe squats and being kicked, beaten, and locked in an isolation room with minimum access to water, air, and light. Injured workers reported that they were denied access to first-aid treatment.⁴⁴

At noon on 20 August 2017, Mr Pilipus, 47, was arrested at Mr Sudiro's (the chairman of PUK SPSI) home. He and five other people were sitting together when two police cars –one armed forces vehicle, and one police car from the police unit Satpol PP – arrived and forced the group to disperse. Three people left but Pilipus and Bahrudin, 50, remained. Two police officers then kicked Pilipus and Bahrudin on the waist and buttocks. When Pilipus asked the officers what they had done wrong, the policemen responded with obscene language while continuing to try to hit them. Pilipus was repeatedly kicked at gunpoint, while Bahrudin was kicked in the face by a Satpol PP police officer.⁴⁵

On the same day, the police, the army, and a Satpol PP police unit went to the office of PUK SPSI in Pendidikan Street. They dispersed several union members gathering in front of the building. They then destroyed several tents around the site. The union camps in Kartini Street and Budi Utomo Street were also deliberately demolished without a written order (Surat Perintah Tugas). After the incident, at least nine people were arrested by the police without a warrant. Three of those arrested (John Yawang, Steven Edward Yawan, and Arnon) were subjected to physical and psychological torture. Most were forced to confess to crimes they had not committed, such as participating in the destruction and arson of properties, sedition, and carrying sharp weapons (see Table 3). They were then detained in Timika Class II Detention and their cases were transferred to the local prosecution office.⁴⁶

⁴⁴ Ibid., p. 9 ff

⁴⁵ Ibid, p. 19 f

⁴⁶ Ibid, p. 24 ff

Table 3. Nine employees arrested during police operations on 20 August 2017 in Timika.

Nr.	Information on arrestees and Law Enforcement Process
1	<p>Name: John Yawang Place and Date of Birth: Jayapura, 24-11-1980 Employee ID Number: F901811 Department: PT. KPI Road Maintenance HI/LI Form of torture: Shot in left leg, required 3 stitches Status: Detained in Polsek Kuala Kencana and isolated</p> <ul style="list-style-type: none"> • Interrogated in Polisi Resor Mimika on 23/08/2017 from 11.00 WIT until the evening • Declared as a suspect on 24/08/2017 midnight, at 02.30 John Yawang was transferred to Polisi Sektor Mimika Baru. At 09.00 am he was transferred to POLISI Kuala Kencana and detained for 20 days from 24/08/2017 to 12/09/2017 • Detention was extended for 40 days from 13/09/2017 to 22/10/2017 • Detention was extended for another 30 days from 23/10/2017 to 21/11/2017 • Further extension of detention for 30 days from 22/11/2017 to 21/12/2017 • On 12/12/2017 John Yawang was brought before the Prosecutor's Office and transferred to Polisi Sektor Mimika Baru. The following morning, on 13/12/2017, he was brought to Lapas to be detained until 30/12/2017. • Detention was extended from 31/12/2017 to 30/01/2018
2	<p>Name: Steven Edward Yawan Place and Date of Birth: Jayapura, 24-02-1987 Occupation: Employee PT. Freeport Indonesia Department: Hauling Grs Maintenance Form of torture: Detained in a dark isolation room with almost no air, subjected to beatings, and intimidated by the use of snakes. Status: Suspect (detained in Polsek Kuala Kencana, scared off by snakes)</p> <ul style="list-style-type: none"> • Interrogated in Polisi Resor Mimika on 23/08/2017 from evening until midnight • Declared as a suspect on 24/08/2017 midnight, at 02.30 Steven was transferred to Polisi Sektor Mimika Baru. At 09.00 am he was transferred to POLISI Kuala Kencana and detained for 20 days from 24/08/2017 to 12/09/2017 • Detention was extended for 40 days from 13/09/2017 to 22/10/2017 • Detention was extended for another 30 days from 23/10/2017 to 21/11/2017 • Further extension of detention for 30 days from 22/11/2017 to 21/12/2017 • On 12/12/2017 Steven Edward Yawan was brought before the Prosecutor's Office and transferred to Polisi Sektor Mimika Baru. The following morning, on 13/12/2017, he was brought to Lapas to be detained until 30/12/2017. • Detention was extended from 31/12/2017 to 30/01/2018

Nr.	Information on arrestees and Law Enforcement Process
3	<p>Name: Lukman Place and Date of Birth: Merauke, 29-02-1980 Department: PT Freeport Indonesia Status: Suspect, 5th December 2017 witness examination trial hearing in Timika District Court</p> <ul style="list-style-type: none"> • Detained in Polisi Sektor Mimika Baru from 20/08/2017 to 08/09/2017 • Detention was extended for 40 days from 09/09/2017 to 17/10/2017 • On 17/10/2017 he was brought before the Prosecutor's Office, declared the Prosecutor's Detainee, and transferred to Lapas until 06/11/2017. • Detention was extended for 30 days from 17/11/2017 to 17/12/2017 • Further extension of detention for another 60 days; however, the extension warrant was issued to cover the period from 13/12/2017 to 11/2/2018
4	<p>Nama: Patriot Wona Place and Date of Birth: Jayapura, 14-08-1983 Company: PT. Kuala Pelabuhan Indonesia Status: Suspect, detained in Polres Mimika Baru</p> <ul style="list-style-type: none"> • Arrested on 20/08/2017 around 17.00 WIT, he was investigated until 02.00 am the following day (21/08/2017) when he was declared a suspect • Detained in Polisi Sektor Mimika Baru from 21/08/2017 to 09/09/2017 • Detention was extended for 40 days from 10/09/2017 to 19/10/2017 • Detention was extended for another 30 days from 20/10/2017 to 20/11/2017 • Further extension of detention for another 30 days from 12/11/2017 to 11/12/2017 • On 12/12/2017, Patriot was brought before the Prosecutor's Office and declared the Prosecutor's Detainee. He was then held in Polisi Sektor Mimika Baru before being transferred to remain in Lapas from 13/12/2017 to 30/12/2017
5	<p>Nama: Deny Baker Purba Place and Date of Birth: Medan, 02-04-1974 Company: PT. Mahaka Plant Status: Suspect</p> <ul style="list-style-type: none"> • Declared a suspect on 29/08/2017 and directly detained in Polisi Sektor Mimika Baru until 18/09/2017. • Detention was extended from 19/09/2017 to 27/10/2017 • Detention was extended from 28/10/2017 to 26/11/2017 • Further extension of detention from 27/11/2017 to 26/12/2017 • On 12/12/2017 Deni was brought before the Prosecutor's Office, declared a suspect, and transferred to Polisi Sektor Mimika Baru. The following morning, on 13/12/2017, he was brought to the correctional facility to be detained until 30/12/2017. • Detention was extended from 31/12/2017 to 30/01/2018

Nr.	Information on arrestees and Law Enforcement Process
6	<p>Name: Arnon Mirino Place and Date of Birth: Timika, 02-08-1990 Company: PT. Freeport Indonesia Status: Suspect, Article 160 Indonesian Criminal Code Forms of torture: Was beaten and ill-treated by being subjected to a forced haircut Detention place: Polisi Resor Mimika Baru</p> <ul style="list-style-type: none"> • Detained in Polisi Sektor Mimika Baru from 20/08/2017 to 09/09/2017 • Detention was extended for 40 days from 10/09/2017 to 19/10/2017 • Detention was extended for another 30 days from 20 /10/2017 to 18/11/2017 • Further extension of detention for another 30 days from 19/11/2017 to 20/12/2017 • On 12/12/2017 he was brought before the Prosecutor's Office, declared the Prosecutor's Detainee, and was then transferred to the correctional facility to be detained until 30/12/2017. • Detention under the Prosecutor's Office was extended from 31/12/2017 to 30/01/2018
7	<p>Name: Napoleon Korwa Place and Date of Birth: Biak-30-11-1979 Company: PT. Freeport Indonesia/Grasberg Operation Status: Accused, 7th December 2017 indictment trial hearing</p> <ul style="list-style-type: none"> • Detained in Polisi Sektor Mimika Baru from 20/08/2017 to 09/09/2017 • Detention was extended from 10/09/2017 to 09/10/2017 • Further extension of detention from 10/10/2017 to 09/11/2017 • On 1/11/2017 he was brought before the Prosecutor's Office, declared the Prosecutor's Detainee, and was then transferred to the correctional facility to be detained until 20/11/2017. • Detention under the Prosecutor's Office was extended from 21/11/2017 to 27/02/2018
8	<p>Name: Labai alias Zaki Place and Date of Birth: Ambon, 28-01-1974 Company: PT. Freeport Indonesia Status: Suspect in Polres Mimika Baru</p> <ul style="list-style-type: none"> • Detained in Polisi Sektor Mimika Baru from 22/08/2017 to 11/09/2017 • Detention was extended for 40 days from 12/09/2017 to 21/10/2017 • Detention was extended for 30 days from 22/10/2017 to 20/11/2017 • Further extension of detention for another 30 days from 21/11/2017 to 20/12/2017 • On 12/12/2017 he was brought before the Prosecutor's Office, declared the Prosecutor's Detainee, and was then transferred to the correctional facility to be detained from 13/12/2017 to 30/12/2017. • Detention under the Prosecutor's Office was extended from 31/12/2017 to 30/01/2018

Nr.	Information on arrestees and Law Enforcement Process
9	<p>Name: George Suebu Company: PT. Freeport Indonesia/ Ore Flow Status: Suspect Chronology of Arrest: Arrested at his house on 22 August 2017</p> <ul style="list-style-type: none"> • Detained in Polisi Sektor Mimika Baru for 20 days from 22/08/2017 to 11/09/2017 • Detention was extended for 40 days from 12/09/2017 to 21/10/2017 • Detention was extended for another 30 days from 22/10/2017 to 20/11/2017 • Further extension of detention for another 30 days from 21/11/2017 to 20/12/2017 • On 12/12/2017 he was brought before the Prosecutor's Office, declared the Prosecutor's Detainee, and was then transferred to State prison to be detained from 13/12/2017 to 30/12/2017. • Detention under the Prosecutor's Office extended from 31/12/2017 to 30/01/2018

Other Concerns Associated to Freeport

Armed conflict and internally displaced people

Since late February 2020, armed resistance groups have repeatedly attacked security forces guarding the area around the Freeport mine in the Mimika Regency. On 29 February 2020, the TPN PB forces killed a police officer in the village of Arwanop, Tembagapura District. Multiple exchanges of fire between joint security forces and TPN PB fighters occurred in Utikini Village of Kuala Kencana District on 2 March 2020. On 30 March 2020, TPN PB members attacked the PT FI office in Kuala Kencana, Mimika Regency. One employee was shot dead while bullets injured two others. The TPN PB regards PT Freeport Indonesia as an “exploitative company stealing wealth from their ancestral lands”. It therefore demanded the company to stop all operations at the Grasberg mine. It also urged all workers to leave the mining site which they declared as warzone. PT FI refused to stop its operations, but increased the security force presence at the mine instead. This situation has fuelled the standing conflict surrounding the mine, which has so far in 2020 resulted in the killing of at least six indigenous Papuans. Mr Jance Magai was killed near the gold panning site in Nahangia.⁴⁷ Mr Eden Armando Bebari, 20, and Mr Ronny Wandik, 23, were killed while fishing at mile 34 inside Freeport's

⁴⁷ ICP (10 March 2020): Armed conflict in West Papua aggravates, available at: <https://www.humanrightspapua.org/news/32-2020/549-aggravation-of-armed-conflict-in-west-papua-throughout-past-weeks-over-1-500-idps-flee-to-timika>

concession area.⁴⁸ And on 16 August 2020, Ms Demiana Wanmang, 25, Mr Demu Kiwak, 28, and Mr Uterus Newegalen, 18, were killed while planning for gold in Mimika.⁴⁹

A consequence of the armed conflict surrounding Freeport is the internal displacement of indigenous people living in the vicinity of Freeport's Grasberg mine. Observers stated that at least 2,114 indigenous Amungme people from the villages Banti 1, Banti 2, Opitawak and Kimbeli fled to the town of Tembagapura on 6 March 2020. On 9 March, buses of the mining company PT Freeport Indonesia brought 917 internally displaced persons (IDPs) to the city of Timika, where they stayed with relatives or sought shelter in churches. The day before, observers already counted 614 IDPs who had continued to travel from Tembagapura to Timika. On 8 March 2020, observers counted 614 IDPs who had travelled from Tembagapura to Timika. The regency government records around 1,700 refugees, while figures documented by civil society actors mention a total of 2,114 IDPs, who were taken to Timika on several evacuation waves from 2 to 8 March 2020.

Workers health during the COVID-19 pandemic

The increasing number of COVID-19 infections in West Papua has also put the spotlight on PT FI's mining operation in 2020. In May, the regency of Mimika with its capital Timika and the Grasberg mine became the most affected areas. Quick tests were carried out on 300 people there resulting in 110 positive-testing individuals, from which 85 were employees of the Freeport mine. As of 17 May 2020, the number of infected employees in Tembagapura, where PT FI built the living quarters for their employees, had reached 102 cases. This led the PT FI board to cut the workforce and operate the mine with only an essential team.⁵⁰ PT FI limited contractors and removed workers who were at higher risk. The mining compound was quickly locked down with a skeletal staff left in place to maintain production.

This lockdown deeply affected the workers who for example, couldn't see their families or attend funerals of their loved ones. Labours who were kept from working the mine were also unhappy because of lost wages. Workers were frustrated and resorted to protest demanding an easing of a coronavirus lockdown. After five days of blocking access to the mine, the workers reached an agreement with PT FI management. They opened the road blockades allowing the mine to resume its operations. However, the work environment in the mine leads to unavoidable crowding that facilitates the spread of the virus, even though if PT FI enacts a social distancing policy and other measures.

48 ICP (19 April 2020): Two Papuans shot dead in Mimika – Military members allegedly mistook victims for resistance fighters, available at: <https://www.humanrightspapua.org/news/32-2020/559-two-papuans-shot-dead-in-mimika-military-members-allegedly-confused-victims-with-resistance-fighters>

49 International Coalition for Papua (15.09.2020): Joint security forces kill three indigenous Papuans near Freeport Mine in Mimika, available at: <https://www.humanrightspapua.org/news/32-2020/651-joint-security-forces-kill-three-indigenous-papuans-near-freeport-mine-in-mimika>

50 ICP (18 May 2020): Freeport operating with reduced work force due to increase of COVID-19 cases, available at: <https://www.humanrightspapua.org/news/32-2020/577-freeport-operating-with-reduced-workforce-due-to-increase-of-covid-19-cases>

**PT Freeport Indonesia and its tail of violations in Papua:
human, labour and environmental rights**

Special Report compiled by the International Coalition for Papua (ICP)
Rudolfstr. 137, 42285 Wuppertal, Germany
www.humanrightspapua.org

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