

Biak Massacre Citizens' Tribunal

Verdict

Monday 16 December 2013

biak-tribunal.org

On 6 July 2013 at the request of the West Papua Project at the Centre for Peace and Conflict Studies of the University of Sydney, a Citizens' Tribunal held an inquiry in the nature of a coronial inquest to inquire into the events of 6 July 1998 on the island of Biak, West Papua. At that time citizens demonstrating peacefully for independence were attacked, many were killed and a large number were detained by Indonesian police and Indonesian armed forces. Many of those detained were subsequently killed; many of the women and girls were raped and both men and women were tortured and mutilated.

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CONCLUSIONS

- (i) On 6 July 1998 a peaceful demonstration in Biak was attacked by military and police forces under the control of the Government of Indonesia which resulted in the deaths and injuries of scores of people and the detention of a further group of the demonstrators by the military forces, police and members of the Indonesian Naval forces.
- (ii) Subsequently a large number of men, women and children were killed, tortured and mutilated with some of the women and girls being raped and sexually mutilated and some of those detained died as a result of the actions of the military forces and police.
- (iii) There has been an attempt by the Government of Indonesia to downplay the seriousness of the actions perpetrated by Indonesian Government forces. There have been no proceedings taken against any persons for the crimes and crimes against humanity perpetrated against innocent civilians.

RECOMMENDATIONS

- A. The Government of Indonesia should be presented with this verdict and with the evidence presented before the Citizens' Tribunal and a bibliography of the reports and books relied upon and made available to the Citizens' Tribunal. The Indonesian Government should then be called upon to hold an independent judicial inquiry into the crimes and crimes against humanity which occurred on 6 July 1998 at Biak.
- B. An investigation should be carried out by an independent prosecutor into the crimes and crimes against humanity which occurred on 6 July 1998 and subsequently and into the deaths and atrocities caused by members of the armed forces and police. Criminal proceedings should be instituted against such persons as may be found to have committed crimes and crimes against humanity.
- C. Governments including the Australian Government and the US Government who were responsible for training military and naval officers of Indonesia should be furnished with this report and a copy of the evidence before the Tribunal and a bibliography with a request that those governments should pressure the Government of Indonesia to commence appropriate investigations and criminal proceedings.
- D. The Indonesian armed forces and the Indonesian police should carry out such disciplinary proceedings as are appropriate under Indonesian law for breaches of military law and police law respectively against those who are found to have breached such laws.
- E. The Indonesian Government should establish an inquiry to assess damage and compensation and restitution to the families of those killed and compensation to those who suffered injuries in the events of 6 July 1998 and subsequently.

The Proceedings

- a) On 6 July 2013 at the request of the West Papua Project at the Centre for Peace and Conflict Studies of the University of Sydney, a Citizens' Tribunal held an inquiry in the nature of a coronial inquest to inquire into the events of 6 July 1998 on the island of Biak, West Papua. At that time citizens demonstrating peacefully for independence were attacked, many were killed and a large number were detained by Indonesian police and Indonesian armed forces. Many of those detained were subsequently killed; many of the women and girls were raped and both men and women were tortured and mutilated.
- b) The Citizens' Tribunal took place at the John Woolley Building at the University of Sydney before a significant audience.
- c) In addition to other overseas members hearing the proceedings, the evidence was taken before the Sydney Tribunal members, the Hon John Dowd AO QC, President of the International Commission of Jurists Australia and Vice President of the International Commission of Jurists Geneva and Dr Keith Suter, International Law expert and eminent commentator on national and international affairs and also chairman of the NSW Branch of the International Commission of Jurists.
- d) Mr Nicholas Cowdery AM QC, the former NSW Director of Public Prosecutions, leading Gustav Kaver of West Papua, acted as Counsel Assisting. Leave was granted to Mr Turnbull SC and Mr O'Gorman SC, who made submissions at the conclusion of the evidence, to present an alternative perspective of the evidence.
- e) The tribunal had before it pre-recorded television interviews, live eyewitnesses, recordings and testimony from persons who had carried out investigations of the events of 6 July 1998 and in addition had available to it a number of books, reports and photographs from those who had carried out inquiries into the events. The major findings of the tribunal are set out below under FINDINGS, indicating the sources of the evidence.
- f) The proceedings commenced with an extensive opening by Mr Cowdery AM QC who then called evidence from the eyewitnesses and tendered recordings and the remaining evidence placed before the Tribunal.
- g) At the conclusion of the evidence Mr Cowdery AM QC made a series of submissions as to the findings that should be made by the Tribunal and the course of action that should be taken.
- h) Mr Graham Turnbull SC presented an alternative point of view to the submissions made by Mr Cowdery AM QC which could be used as a justification by the Indonesian armed forces and the Government for their reactions to the demonstration which had occurred. He was followed by Mr O'Gorman SC who also presented another way in which the evidence could be examined and raised questions as to how reliable many of the witnesses might be and submitted that care should be taken with confabulation which comes from a number of witnesses looking at the same events.

Findings

1. The massacre followed a flag-raising led by Filep Karma, an Amnesty International Prisoner of Conscience

1.1. Filep Karma testified at the tribunal via prerecorded video since he is currently in prison.

He told the tribunal: “In my oratory [at the flag-raising] I said that Papuans must fight peacefully.” “The flag appeared on the top of the tower on July 2, 1998, at about 5:00 a.m. Some seventy-five people gathered beneath it, shouting freedom slogans, singing songs and dancing traditional dances” (Human Rights Watch 1998: 6).

1.2. At 2:30 in the afternoon of July 2 “a joint police and military operation attempted to disperse the crowd at the base of the water tower. They launched canisters of tear gas into the crowd with no apparent effect. When a low-ranking police officer, a second-class sergeant, beat an elderly demonstrator named Thonci Wabiser, the crowd spontaneously retaliated, demolishing a truck belonging to Indonesian security forces” (Kirksey 2012: 44). A standoff ensued for days.

2. Local and regional officials were involved in the planning of the attack

2.1. An eyewitness testified that two officers of the Indonesian security forces were at the water tower on July 3rd. These commanders—namely Colonel Agus Hedyanto, who was Biak Military Commander (Dandim) and Colonel Johnny Rori, the Biak Police Commander (Kapolres)—negotiated with the crowd and asked that the flag be lowered. These same commanders were later involved in planning the attack. “At 1:00 a.m. on July 4, the local military brought nine village heads together to discuss a strategy for attack, and both the subdistrict head (camat) and the subdistrict military commander told the village heads that each man was responsible for bringing thirty men into the city.” (Human Rights Watch 1998: 8).

2.2. Octovianus Mote, former Bureau Chief of the *Kompas* daily newspaper, gave testimony based on his interviews of regional military and police commanders in July 1998. Major General Amir Sembiring, the Regional Military Commander (Pangdam Trikora), was in a direct command and control position during the attack. According to direct evidence tendered by Mr. Mote to the Tribunal, Sembiring “gave permission to conduct the attack.” Mr. Mote also corroborated reports that Colonel Agus Hedyanto, who was associated with the Special Forces and who had served in East Timor, was the key local official involved in Biak. “This was a very well-organized military attack, you know police, navy, and armed forces. All of them organized the attacking of civilians,”

continued Mr. Mote. Brigadier General Hotman Siagian, the Regional Police Commander (Kapolda IrJa), was quoted by Antara news agency as saying “the police had ‘tolerated’ the actions of the Biak group since July 2 and finally had to order a crackdown” on July 6th (Prakarsa 1998). Vice Admiral Freddy Numberi, who was then Governor and is currently Indonesia’s Minister of Transportation and Communications, described the victims a members of a “separatist movement that is headed towards treason” (Suara Pembaruan Daily, 8 July 1998). General Wiranto, Commander of Indonesia’s Armed Forces, told reporters when asked about the massacre: “If there is a power that raises a flag, and it is not the Red and White flag [of Indonesia], then this is a betrayal of the military and of the entire nation. This constitutes a betrayal and this is what we must stop!” (Suara Pembaruan Daily, 7 July 1998, punctuation in original).

3. Scores of unarmed civilians were killed, buried in mass graves, and dumped at sea

- 3.1. A video testimony, by a woman named “Sarah”, described how the security forces initially surrounded the protestors in a giant letter U. “The military and the police were lined up from the police compound around to the Inpress market. The mobile brigade police (Brimob) that had flown in from Ambon were stationed at the petrol station. Navy troops were down at the harbor.” She describes how they were all shooting, “from four directions,” including the sea.
- 3.2. One woman, who testified to the Tribunal on condition of anonymity, described the first moments of the attack at dawn on July 6th: “The army and police were everywhere. Bullets were raining down. The sky was on fire. We could hear them shooting people at the tower.”
- 3.3. Another witness, who testified under the pseudonym Raymond, described how he rushed to the water tower along with scores of other civilians as the shooting began. After watching as many women and men were gunned down, Raymond was herded with other survivors towards the harbor. He described how he was forced to stare at the sun, kneel in gravel for hours, along with dozens of others.
- 3.4. Sarah gave corroborating testimony: “My family and others were directed down to the harbor... We followed the other families with our hands up over our heads. You could feel the bullets starting to fly over our heads... I could see so many children who had been killed. They were shot on the wharf. They died right there.” Shortly after she arrived at the wharf, she overheard a Sergeant shouting out to the commander of a navy vessel: “Dock the ship! Dock the ship! Carry these people!” She also overheard the reply from the captain: “I cannot dock, the ship is full of bodies.” Sarah said that two ships then

went out to sea. “They were there at the harbor in the morning, there to take the bodies away.” Later on “in front of the wharf a blue truck pulled up and took 28 bodies away,” Sarah said. “I was sitting and counting, silently. People who they had shot, they threw their bodies on the truck. Later another container truck came in and took more bodies away. We don’t know where they were taken.”

3.5. Ferry Marisan, Director of the human rights organization ELS-HAM Papua, investigated the killings in the weeks after the massacre and was a lead author of the subsequent report, “Names Without Graves, Graves Without Names.” Mr. Marisan described how a fisherman first encountered dead bodies in the sea, off shore of Biak, on July 10th, four days after the massacre: “The fishermen discovered four bodies floating, but these fishermen were scared to take the bodies on shore... The bodies were mutilated, some of them lost their legs or their genitals were not there. They were broken bodies. These bodies were found in the eastern part of Biak, but also in the western part of Biak people found other bodies.” Mr. Marisan also gave direct testimony about a body he helped recover: “Near Biak city, just around the park, we found a female body without a head and genitals that was badly bruised and broken, damaged. Another body we found was just a boy from junior high in his uniform. Most bodies we found were badly damaged. Either they lost their legs, the heads or their genitals.”

4. People were beaten, tortured, arbitrarily detained, sexually abused, and executed

4.1. Raymond presented testimony about indiscriminate beatings by police at the harbor. He was taken with six truckloads of people to the regional police station (POLRES). Fourteen people were crammed with Raymond into a cell. Raymond was detained for two weeks and in the middle of the night guards routinely doused him with water during his detention.

4.2. Statements from Tineke Rumakabu, describe graphic scenes of sexual violence and torture after she was detained by Indonesian forces. Mrs. Rumakabu described how she was tossed into a yellow truck on the morning of July 6, on top of people who were already dead or seriously wounded. She was then taken to the military compound (KODIM). Mrs. Rumakabu showed the Tribunal scars on her arms and described what was done to her while she was blindfolded and cuffed: “They cut my arm with a sharp bayonet and then they poured acid. When I screamed they burnt me with cigarettes.”

4.3. The blindfold was later removed and she was stripped naked in a room with twelve other women and girls. “Then I saw a man [a soldier] showing me a little knife, the one that you use to shave, and he said ‘We are going to use this to cut off your vaginas, from above and below, and from the left to the right.’” “I saw a little girl and they raped her

and she died,” Mrs. Rumakabu told the Tribunal. “All over the place it was blood everywhere because women, their vaginas and clitoris’ had been cut out, and they had been raped many, many times.” One of the women in detention, Marta Dimara was a friend of Mrs. Rumakabu. “Martha said, ‘I would rather be killed than you rape me.’ They put a bayonet in her neck and then her vagina and also cut off her breasts and beheaded her.” Mrs. Rumakabu told the Tribunal: “I was also tortured, a lit candle was penetrated inside me, they cut off my clitoris and they raped me.” Out of the twelve women in detention with her, she reported: “Eight women were killed and four of us stayed alive.”

5. Weaponry and equipment and vessels from international donors was used

5.1. At least two Indonesian Navy ships were involved in the attack:

5.2. **KRI Teluk Berau (534), Type 108.** Source: Human Rights Watch Report, page 9 and corroborated by Eben Kirksey in a 2003 interview with an eyewitness. This ship belonged to the former German Democratic Republic (East Germany) and was manufactured in 1977 by VEB Peenewerft in Wolgast. It was purchased, along with 12 other units of the same type, by the Indonesian Navy and transferred on August 25th 1993. Formerly named the GDR Eberswalde-Finow (634), this ship was 90.7 meters long and weighed 1,900 tons. It was used as an amphibious landing ship by the Indonesian marines (Marinir TNI AL). The KRI Teluk Berau was armed with “a double barrel cannon with a caliber of 37 millimeters, a Bofors 40mm anti-aircraft gun and multipurpose autocannon, and two double barrel cannons with a caliber of 25 millimeters.” (Source: Koramatim 2012)¹

5.3. **KRI Kakap (811),** Source: Eben Kirksey’s photograph from July 6th, 1998. The KRI Kakap 811 is a Fast Patrol Boat that was manufactured by PT. Pal Indonesia and has been in service since 1988. It is armed with a Bofors 40mm and 20mm anti-aircraft guns and multipurpose autocannons as well as 12.7 mm machine guns. This ship can carry one helicopter (Source: Koramatim 2013).

¹ See also: http://www.losbarcosdeeukenio.com/barcos/en/id/ind_534.html
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