

STATEMENT BY FIVE PAPUANS ON TRIAL FOR TREASON, JAYAPURA, 30 JANUARY 2012

[This hand-written statement is signed by the five Papuans who went on trial in Jayapura on 30 January 2012, and is translated in full by Carmel Budiardjo, TAPOL]



Forkorus Yaboisembut at the adjourned hearing on 8 February 2012

Fully understanding and conscious of our basic human rights as Papuans of the negroid race, part of the Melanesian race who live in the land of the country of West Papua, inheritors from our ancestors, we herewith firmly declare that **WE FIRMLY REJECT THE TREASON TRIAL AND OTHER SUCH TRIALS** that have been mounted against the five of us, and we speak on behalf our colleagues and the entire nation of the Papuan people of the Nation of West Papua.

We call for an understanding of this declaration, a declaration of independence, in accordance with the principles of PUBLIC INTERNATIONAL LAW, a law which should be lawfully accepted. And in this case, this declaration will bring us substantial happiness if it gains the recognition of the international community.

In order to gain substantial and dignified recognition from the international community, we have requested our international team of lawyers to notify and register our legal status along with the question of the annexation of the TERRITORY OF THE STATE OF WEST PAPUA at the International Court, with the Secretary-General of the United Nations, Amnesty International and all member states of the United Nations, as well as other competent authorities.

We herewith categorically state that we are not prepared to make any statements or answer any questions that are based on the laws and accusations of treason by the Unitary State of the Republic of Indonesia, during the current trial for treason. It is very clear indeed that this is a matter between two nations and two states, that is to say, between the Papuan nation and the Indonesian nation, between the Federal State of West Papua and the Unitary State of the Republic of Indonesia.



Inside the courtroom for the adjourned hearing on 8 February 2012

The following are the reasons for our rejection of the trial for treason or any such trial:

1. Our struggle and the struggle of those who have gone before us and the nation of West Papua and all members of the Papuan people up to the present day is a struggle for the restoration of independence and sovereignty of the Papuan Nation as one of our most basic political rights.

2. Bearing in mind that the Unitary State of the Republic of Indonesia annexed and continues to annex, the people and nation of the Papuan people since the TRIKORA command which was proclaimed by the former president of Indonesia, President Sukarno on 19 December 1961 in the city of Yogyakarta and which was followed up by the Indonesian military, from 1962 to the present day, by a variety of measures aimed at preserving the annexation.



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3. Our struggle is not aimed as damaging or destroying any country in the world.
4. We do not intend to damage or destroy the Unitary State of the Republic of Indonesia.
5. We feel that our dignity has been defiled, that our basic political rights have been violated in our country, West Papua, which we inherited from our ancestors.
6. No one, for whatever reason, has the right to make accusations against us or to convict us in a treason trial or any such trial. This is because we have become the subjects of our own laws as citizens of the nation and state of the Federal Republic of West Papua.

7. Based on the values of basic human rights, of democracy and the following universal laws:

- a. The first article in the Preamble to the 1945 Constitution of the Republic of Indonesia.
- b. Article 15 of the Universal Declaration of Human Rights of the United Nations adopted on 10 December, 1948.
- c. Article 1, para 1 of the Covenant on Civil and Political Rights adopted as UN Resolution 2200 (xxi) which has been in force since 23 March 1976.
- d. The Declaration on Granting of Independence to Colonial Countries and Peoples in UN Resolution 1514 (xv) on 14 December 1960.
- e. The basic principles of decolonisation, namely *possidetis juris* and the legal succession of the state to the colonial territories of the Dutch East Indies (Dutch Papua) since 19 October 1961.
- f. ILO Convention No. 169, 1989 on the Rights of Indigenous and Tribal People.
- g. The UN Declaration on the basic rights of indigenous peoples of 13 September 2007.
- h. The Papuan Independence Manifesto of 19 October 1961 adopted by the Papuan National Committee.
- i. Stipulations adopted by the Grand Congress (MUBES) of the Papuan people in 2000.
- j. The Eleven Recommendations of the Second Papuan Peoples' Congress and Indigenous Papuan People in 2010.
- k. The decisions of the Second Papuan Peoples' Congress in 2000.
- l. The decisions of the Third Papuan Peoples' Congress of 2011.

8. The Statement by the Indigenous Papuan People and the Papuan people is a truth based on analytical and practical categories. The analytical category means that the indigenous Papuan people are the Papuan nation, a negroid race of the Melanesian race, located in the South Pacific. Whereas the practical category is a political statement which was enunciated in the Manifesto of Papuan Independence of the Papuan National Committee on 19 October 1961 in Hollandia, the State of West Papua.

9. We democratically restored the independence and sovereignty of the Papuan people on 19 October 2011, at the Third Papuan Peoples' Congress with the establishment of the Federal Republic of West Papua which was announced by the DECLARATION OF THE PAPUAN NATION IN THE STATE OF WEST PAPUA.



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10. The government of the Republic of Indonesia and the governments of all other members of the United Nations, should without discrimination recognise and respect the democratic processes of the Papuan people at the Third Papuan Peoples' Congress on 19 October 2011 in the form of the Declaration of the West Papuan Nation and State.

11. The application of the treason law against the Papuan people must be categorised as a violation of the basic and legal political rights of the Papuan nation.

We hereby call on to the Honourable Judges in this forum to annul the trial held in order to accuse us of TREASON and make similar charges against us. The solution to the independence of the Papuan nation which is our most basic political right must be sought by means of international mechanisms between the Federal Republic of West Papua and the Unitary State of the Republic of Indonesia, mediated by the United Nations.

In order to regulate the transfer of sovereign powers from the Unitary State of the Republic of Indonesia to the Federal Republic of West Papua, we intend to initiate a new phase of cooperation based on the principles of democracy, justice, peace, mutual respect and dignity as is customary between independent and sovereign nations and states on Planet Earth.

Herewith our statement of REJECTION OF THE TRIAL BEING HELD TO ACCUSE US OF TREASON AND SIMILAR CHARGES.

Jayapura, 30 January 2012

Signed:

1. Forkorus Yaboisembut, President of the Federal State of West Papua.
2. Edison G. Waromi, SH, Prime Minister of the Federal State of West Papua.
3. Agust M. Sananai Kraar, SIP, human rights activist/staff
4. Selpius Bobii, activist/staff
5. Dominikus Subarat, activist/staff