

# West Papuan Receives Canadian Human Rights Award

■ Yan Christian Warinussy, a lawyer in West Papua, Indonesia, has endured threats and assaults on account of his relentless work in defending human rights.

By Brian Adeba

Four years ago, an Indonesian police officer threatened Yan Christian Warinussy with a pistol because of a letter he had written to the police complaining of human rights abuses in West Papua, a region ruled by Indonesia.

After that incident, he received strange phone calls at his house.

"The phone will ring but when you pick it up, no one answers," says Mr. Warinussy, speaking through an interpreter. His house was constantly being watched and strangers kept following his wife. He says he didn't bother to make any complaints to the police because, nothing would be done about it.

Mr. Warinussy is from West Papua, a region on the island of Guinea. It is bordered by Papua New Guinea, an independent country on the eastern half of the island. A Dutch colony since 1883, West Papua came under Indonesian rule in May 1963. In 1969, Indonesia conducted a referendum in which a large group of tribal leaders from West Papua voted in favour of unity. Known as the "Act of Free Choice," the vote has been widely criticized because before the voting, the tribal leaders were detained for one month and threatened daily with death if the entire group refused to vote to continue Indonesian rule.

Since then, human rights organizations have documented evidence of widespread rights abuses against the people of the region. According to Rights and Democracy, an estimated 100,000 West Papuans have



PHOTOGRAPH COURTESY OF STEVE SMITH

**Unexpected Recognition:** Yan Christian Warinussy has been a relentless campaigner for human rights in Indonesian-controlled West Papua.

died because of torture, extra-judicial killings and sexual violence.

Though it has an autonomous government, all major decisions in West Papua have to be sanctioned by Jakarta, says Mr. Warinussy. The region is rich in natural resources. Mr. Warinussy says it ranks among the top three of Indonesia's regions in terms of revenue making. Multinationals, backed by the Indonesian military, have displaced thousands from their ancestral land

without proper compensation. Mr. Warinussy says despite the richness of West Papua, it remains the poorest region in Indonesia.

"There's almost nothing compared to Java [the main island of Indonesia]. If Papua is poor, then we can understand why, but Papua is rich," he says.

For 15 years now, Mr. Warinussy has been defending the human rights of West Papuans. A lawyer by training, he is the Executive

Director of the Institute for Research, Analyzing and Development of Legal Aid, known by its Indonesian acronym, LP3BH.

"Most of the cases we defend are about land issues, politics and other human rights abuses," he says.

This year Mr. Warinussy's relentless crusade against human rights abuses in West Papua was recognized by Rights and Democracy, a non-partisan Canadian organization created by an act of parliament in 1988 to encourage human rights and democratic institutions around the world. Mr. Warinussy was awarded the John Humphrey Freedom Award for 2005. John Humphrey, a Canadian, drafted the Universal Declaration of Human Rights.

Mr. Warinussy says he received news of the \$25,000 award in June. "It was a big shock," he says. "I was becoming an annoyance and suddenly someone far away recognizes my work, I didn't expect this."

Mika Levesque, Asia Regional Officer with Rights and Democracy, says there were 150 nominations from around the world for the award, but Mr. Warinussy's work stood out because his organization is the only one defending human rights in West Papua.

"He's providing services that if he is not there, no one would do," says Ms. Levesque.

Mr. Warinussy, who has been on a speaking tour in Toronto, Victoria, Winnipeg and Montreal, will be in Ottawa on Dec. 8. He says the purpose of his tour is to inform Canadians about what is taking place in West Papua and also to ask the Canadian government to facilitate a peaceful dialogue to ease tensions. "It must be a peaceful process," he says.

To the Indonesian government, Mr. Warinussy says it is time it stopped the intimidation and initiate real dialogue.

"If the present policies continue, West Papua will follow East Timor," he says.

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# Knowingly Helping CIA Ghost Flights Could Mean Torture Prosecution For Certain Countries

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Angela Merkel said she would wait patiently for the answers sought by the European Union and eight of its member states.

Back in the United States, Margaret Satterthwaite, a New York University law professor, says things are coming to a head in the covert war on terror.

"Governments are now on notice," she says. "Specific planes with specific tail numbers have been identified and these governments cannot now put their heads back in the sand. "Western European countries and Canada have strong commitments to human rights. If these governments stopped co-operating — even passive co-operation by allowing refuelling and overflights — the CIA would have no ability to do this."

In a new study titled "Torture by Proxy: International Law Applicable to Extraordinary Renditions," the New York-based Center for Human Rights concludes that any nation which knowingly facilitates torture is complicit under international law. Any country that has allowed the CIA ghost planes on its soil or in its airspace could be guilty, the brief says, "if it could be shown that a plane carrying rendered persons would not be able to make it to a destination where the person will be subject to torture unless it was able to refuel in a particular state."

The Bush administration seems taken aback by Europe's reaction to the so-called "black sites," first reported on last month by *The Washington Post*. The continent's leading human rights watchdog, the Council of Europe, is investigating the *Post* report and probing flights by 31 aircraft it suspects of being used

by the CIA to secretly transfer prisoners across European borders. The New York-based Human Rights Watch says it knows the United States is holding at least 26 "ghost detainees" at undisclosed sites around the world.

Many of the suspected rendition flights have been flagged by recreational "tail-spotters" who have turned their hobby of identifying aircraft tail numbers into a valuable Internet data source.

"It's careless tradecraft," says John Pike, an expert on U.S. intelligence matters at GlobalSecurity.org. "They [the CIA] have allowed the tail-spotters into the game and they have not come to grips with the advent of the Internet, and not come to grips with the massive parallel processing which is underway with all those tail-spotters."

The planes are supposed to be registered with legitimate companies, so they just blend in and can't be traced to the CIA, Pike says. "These are not real companies. They should be using good-looking companies which arouse no suspicion at all."

Pike notes that the CIA has been given a big boost to its budget and has spent most of it on the "human intelligence" the 9/11 commission concluded it so sorely lacked. "By that, do people think we're going to hire a bunch of James Bonds and send them to Monte Carlo to the baccarat table? No, we're going to kidnap people and subject them to physical duress and psychological duress and they're going to tell us where the bad guys are and we're going to go get them," he says.

What the CIA is doing is nothing new.

During the Vietnam era, it operated Air America, a covert air force created to fight the

Cold War and often involved in combat service. Some 87 Air America agents were killed between 1946 and 1976.

*The New York Times* reported last spring that the CIA owns at least 26 planes, 10 of them purchased since 2001. The newspaper said the CIA has tried to conceal its ownership by setting up seven shell corporations that have no employees but are registered owners of the aircraft. Many of the flights, the *Times* said, fly out of a tiny airstrip in Johnston County, N.C., sometimes stopping at Washington's Dulles Airport to pick up CIA agents.

The *Times* tracked 11 flights to landings at Camp Peavy, a Virginia base used by the CIA. Other flights went to Guantanamo Bay. Spanish investigators have identified at least two planes they believe were rendition flights that landed on the island of Mallorca as belonging to Stevens Express Leasing Inc. Like the silent law partners in Lexington, Stevens was traced to the law office of Douglas R. Beaty in a suburb of Memphis, Tenn.

"All I do is real estate," Beaty told the Associated Press.

Spanish authorities now say they believe the U.S. aircraft alleged to be transporting suspected terrorists this year and in 2004 broke no law.

It was a case in Italy that first blew the CIA cover.

Italian judges issued arrest warrants for 22 purported CIA operatives who allegedly snatched a Muslim cleric from Milan in 2003 and flew him to Cairo aboard a Gulfstream IV registered to Richmor Aviation. That jet belongs to Phillip H. Morse, a part-owner of the Boston Red Sox, who told *The Boston Globe*

that the team's logo was covered when the CIA leased the plane.

A German prosecutor has also launched a probe to see if the CIA landed on German soil to refuel the plane in that case. Osama Moustafa Hassan Nasr was taken off the streets of Milan on Feb. 17, 2003, then flown to Ramstein Air Base in Germany — considered U.S. territory — and from there to Egypt where he was reportedly tortured.

A similar case involving Saad Iqbal Madni, 24, is also well documented. He was plucked from a Jakarta rooming house by Indonesian officials on Jan. 9, 2002, then loaded on a Gulfstream executive jet and flown to Cairo, with stops in Scotland to refuel, and Washington. After being held two years, he arrived at Guantanamo Bay, claiming he had been tortured by having electrodes placed on his knees.

The most likely outcome of Rice's meetings with European officials? A denial will come from all concerned, Pike says, because the European Union is not going to take action based on newspaper articles. He notes that the case is built on "unsubstantiated" prisons whose existence can't be proven.

"Why do you think they call it covert?"

The true nature of the St. John's flights might also never come to light. Planes landing in Newfoundland must file a flight plan, Pike agrees. "But they are certainly not required to inform the government that they are hauling evil-doers to unacknowledged detention centres."

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