

# Torture as Theatre in Papua

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# Torture as Theatre in Papua

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Despite international and national exposure, torture in Papua remains widespread and systematic; it is also surrounded by virtually complete impunity and denial. This article analyses torture through a Foucauldian perspective and conceptualizes torture as “theatre” in order to fill the gap of understanding state violence in Papua. Theatricality proffers a new analytical lens to examine the phenomenon by exploring the interplay and dynamics of four interrelated elements: the rationalities that underpin the web of power relations, the techniques of domination, the actors with their multiple and fluid identities, and finally their motivational postures. Taking a Foucauldian perspective, the article analyses the way the Indonesian state exhibits sovereign power to govern Papua as a docile body, and conceptualizes torture as an element of “the art of government”. The analysis is based on 431 cases of torture in Papua during 1963–2010 as well as 214 testimonies of torture survivors, perpetrators and spectators.

Notwithstanding a growing number of NGO reports on the state of human rights in Papua, there remain large gaps in the scholarly analysis of the anatomy of state violence there (Kirksey 2012, Rutherford 2012, Braithwaite et al. 2010, Stanley 2014).<sup>1</sup> This article aims to fill the gap, specifically through examining the practice of state-sponsored torture in Papua, Indonesia, in the last half century. Given a wide variety of scholarly perspectives on torture, the term “torture” used in this article is influenced by Paul Kenny’s redefinition. It broadly refers to the act of state authorities in committing “the systematic and instrumental infliction of severe physical pain on a person over whom the perpetrator of the act has physical control” (Kenny 2010, 18). As a working definition, this approach is more useful than the UN definition of torture to assess four key elements of torture, namely pain, intentionality, instrumentality and control as they feature prominently in the case of Papua.

In contrast to the commonly known pattern of torture as a hidden crime, the present analysis and the data set it is based on reveals the opposite. It discloses the practice of torture in Papua as theatre, an act that is intended to be performed with an audience and even in a spectacular manner, not hidden. The pattern is designed to convey the message of terror from the Indonesian state authority to the Papuan public. This pattern is in a stark contrast to the torture in the Abu Ghraib prison, for example, which was also displayed as theatrical performance in front of the torturers but was not designed for the public audience. Rather, it was deliberately designed for a specific audience in a highly secretive location until it was leaked to the public. In a similar manner, torture by state forces in Latin America during the 1980s and 1990s was largely hidden and secretive (Huggins et al. 2002)

Foucault’s concepts of governmentality and sovereignty and their nexus will first be explored as the analytical

The author would like to thank the Royal Netherlands Institute for Southeast Asian and Caribbean Studies (KITLV) in the Netherlands for its support for the work of finalizing this article.

<sup>1</sup> The term “Papua” in this article refers to the western half of New Guinea Island, which belongs to Indonesia’s jurisdiction. It has been known to the Western world by various names, such as West New

Guinea, West Irian, Irian Jaya, and West Papua. It shares a international border with Papua New Guinea.

lenses to conceptualize the phenomenon of torture as theatre in Papua. Second, the context of Papua will be discussed in order to locate a specific historical and political background in which torture has been performed as a public display of state terror. Third, there will be a brief reflection on the methodological issues that confronted the researcher in order to illustrate the complexity and intricacy of conducting research with a vulnerable group of people who live in a militarized situation such as Papua. Finally, the theatricality of torture will be discussed in the context of “the art of government”. This includes technologies of domination, the rationalities of sovereignty, as well as complex dynamics of relationships and posturing between three key actors (survivors, perpetrators, spectators), which respectively represent three different narratives (suffering, domination, witnessing).

### 1. Foucault's Theory of Governmentality and Sovereignty

The concept of theatricality I use here is inspired by Michel Foucault's *Discipline and Punish* (1991). In his genealogical analysis of the transformation of public punishment into a prison system, Foucault illustrates three basic dimensions of power: sovereignty, governmentality and bio-power. In the case of Papuan torture, the concepts of sovereignty and governmentality are much more relevant than bio-power. They refer to the elements of the public sphere and spectatorship that are central to the theatrical nature of torture.

In Foucault's view, power relations are concerned with the question of *how* power is executed and works rather than *who* wields it. For Foucault, the practices, techniques and strategies of power – or “the art of government” – are considered much more important for an understanding of modern politics than the identity of the rulers (Foucault 1982, 778).<sup>2</sup> Philosopher Barry Hindess argues that Foucault is more concerned with “a structure of actions” than with the “legitimacy of governmental power” (Hindess 1996, 97). Foucault believes power is everywhere in the form of domination. By domination, he refers to multiple

forms of relations of subjugation between persons, groups and organizations; those forms are “perpetually asymmetrical and allow an extremely limited margin of freedom” (Foucault 2003, 35). This understanding is crucial to my analysis of the phenomenon of torture in Papua.

The term “sovereignty” adopted in this article is different from that often used in the legal and political discourse on the formation of nation states. I employ the Foucauldian notion of sovereignty as first established in *Discipline and Punish* (1991) and later developed in *Society Must Be Defended* (2003b). While legal and political discourse conceives the question of sovereignty in relation to state boundaries and a geographical area, Foucault perceives of state sovereignty as the right over death and life. Sovereignty is manifested through the power of awe and only becomes effective in an action of killing and injuring. “The very essence of the right to life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life” (Foucault 2003b, 240–1).<sup>3</sup>

The emphasis on the right to kill underlines the stark contrast with governmentality. If sovereignty targets the human body to kill or injure it, governmentality aims for the opposite. It keeps the human body alive but docile and tamed. In Foucault's view, governmentality does not necessarily require the state's involvement. In his essay *Governmentality*, Foucault explains that governmentality consists of three elements: [1] technologies of power; [2] various forms of rationalities that underpin the technologies of governing behaviours; and [3] multiple actors with their fluid identities and postures (Foucault 2003a). These three elements illustrate that in his view, governmentality is not only dynamic in nature but more importantly, purposive and transformative. It targets populations, develops and establishes technologies of control, and transforms a society. Therefore, governmentality is productive in nature, not destructive. Papua's torture experience, however, will challenge this premise.

2 This is one of the major distinctions between Foucault and other Western concepts of power that originate from different notions of agency and subjectivity. While Foucault understands power as a network or in his own words, as “the art of govern-

ment” which assumes no agency, the Western tradition uses a contrary concept. In the latter tradition, power is conceptualized as the capacity or right to act, thus agency is directly assumed; see Hindess (1996), McCarthy (1990).

3 Further discussions on the relationships between the Foucauldian notion of sovereignty and torture can be found in Stephen Morton and Stephen Bygrave (2008).

Foucault himself illustrates the logic of sovereignty by describing the ritual of public torture and the execution of Robert Damiens in front of the Parisian public in 1757. Damiens had attempted to kill the king, and had been charged with regicide. The ritual was not designed simply to punish Damiens, the condemned, but more importantly to convey through the body of the condemned the sovereign's message to the Parisians who witnessed the ritual. The focus is not the body of the condemned but the sovereign himself. The public has to turn their attention to the sovereign and feel his terrifying power implanted into their minds. According to Foucault, torture is "a policy of terror: to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign. The public execution did not re-establish justice; it reactivated power" (Foucault 1991, 49). In order to convey the policy of terror, torture has to meet three conditions: it has to be incrementally painful, scarring and spectacular.

The first and second of these Foucauldian characteristics of torture suggest that torture can be used in an utilitarian way, as was common practice of the European judiciary until the eighteenth century mostly in a hidden setting. However, the third criterion illustrates that inflicting pain on the body is only a means to achieve an objective beyond the pain itself. That objective is communicating the power of the sovereign in a spectacular way. Foucault further elucidates the ritual of torture which clarifies the notion of "being spectacular". The ritual consists of four consecutive stages by which the truth about the crime is revealed through the body:

1. *Self-proclamation of guilt*: the condemned has to announce his/her guilt to the public using his/her own body as a sign of guilt. Damiens was forced to carry a placard stating his offences. Foucault summarizes this step as: "[i]t [public punishment] made the guilty man the herald of his own condemnation" (Foucault 1991, 43). The visibility of torture begins at this stage.
2. *Self-confession of truth*: the condemned is forced to tell "the truth" to the public who witness the execution. The public execution mirrors the Christian confession. However, instead of delivering a confession voluntarily and privately, Damiens was coerced to acknowledge "the truth" as produced by the sovereign. Foucault states "the

function of the public torture and execution was to reveal the truth" (Foucault 1991, 44).

3. *Inscribing a crime scene on the body of the condemned*: the public execution was designed not only to reenact the crime but to punish the particular part of the body that had been used to commit the crime. Damiens, for instance, had to hold the dagger he had used to commit the crime while arm and dagger were covered with sulphur and burnt. Foucault refers to other examples: "the tongues of blasphemers were pierced, the impure were burnt, the right hand of murderers was cut off; sometimes the condemned man was made to carry the instrument of his crime" (Foucault 1991, 45). In his view, inscribing a crime on the body of the condemned gives torture "symbolic" significance. It is meant to make a visible reference between the form of execution and the nature of the crime. Therefore, this principle dictates the way in which punishment has actually to be performed on the body that committed crime.
4. *Agonising death as proof of guilt*: According to Foucault this final stage of the ritual of torture was designed to generate a slow and agonising death: "[T]he slowness of the process of torture and execution, its sudden dramatic moments, the cries and sufferings of the condemned man serve as an ultimate proof at the end of the judicial ritual" (Foucault 1991, 45). Damiens's death not only proved him guilty of regicide, a crime against the king who received his legitimacy from God; it also precisely communicated the king's policy of terror to the Parisians.

Once all these rituals are completed, the body becomes "a synthesis of the reality of the deeds and the truth of the investigation, of the documents of the case and the statements of the criminal, of the crime and the punishment" (Foucault 1991, 47). For Foucault the meaning of the public execution is not only a punitive ritual; more importantly, it has a political meaning through which power is manifested (Foucault 1991, 47). The body of Damiens became an effective means to convey the awesomeness of the king to the Parisian public in order to tame the Parisian social body.

These Foucauldian conceptualizations of sovereignty and governmentality are pertinent to capture the practice of

torture and its logic of communication by the sovereign power, the Indonesian state against the Papuan public (see Rutherford 2012). While Foucault in the Damien case only analysed sovereignty, the case of Papua reveals a link between sovereignty and governmentality. In Papua the Indonesian state deploys both sovereignty and governmentality in order to injure and simultaneously to keep alive the Papuan body social and the individual bodies. The case will reveal the nexus between domination of the body of an individual and the targeting of a whole population in order to manipulate and tame it to become a docile body. The sites of torture and networks of actors involved in the torture setting are decisive for achieving this aim.

## 2. Genealogy of Torture in Papua

The phenomenon of torture in Papua is inseparable from the conflict in Papua, which constitutes one of the longest and unresolved conflicts in the Pacific (Parks, Colleta, and Oppenheim 2013). The conflict derives from the complex power relations that underpin the question of sovereignty in the context of Indonesia's de-colonization from the Netherlands in the late 1940s.

During the first two decades of the formation of the Indonesian nation-state from the 1940s to the 1960s, Papua seemed to be a "pebble in the shoe" of relations between Indonesia and the Netherlands. Three different clusters of power relations competed for territorial sovereignty. First, the Dutch attempted to create new boundaries of sovereignty over the former Dutch East Indies by proposing the union of Indonesia and the Netherlands in the late 1940s. Second, in the early 1960s, the newly emerging nation of Indonesia asserted its sovereignty over

the former territory of the Dutch East Indies, including the then Dutch New Guinea (Soekarno 1962, Cholil 1971, Yamin 1956, Dinas Sedjarah Militer Kodam XVII/ Tjendrawasih 1971, Pusat Sejarah dan Tradisi TNI 2000). Third, almost simultaneously in the early 1960s, the embryonic Papuan state asserted its sovereignty over former Dutch New Guinea (Alua 2000, Drooglever 2009). These rivalries over territorial sovereignty have not been resolved, most notably the dispute over control of Papua (Chauvel 2005, Chauvel and Bhakti 2004, Rutherford 2012).

Dutch journalist Dirk Vlasblom (2004) documented torture committed in Papua by the Indonesian security forces as early as 1963.<sup>4</sup> These acts were committed in order to repress student protests in Manokwari that were calling for "one man, one vote". The protests concerned Article XVIII (d)<sup>5</sup> of the 1962 New York Agreement<sup>6</sup> stipulating that Papuan adults were entitled to cast a secret ballot during the referendum. Measures by the Indonesian military included arbitrary arrests, detention, and torture of many people, including university students. The use of these brutal methods increased on the eve of referendum (so-called Act of Free Choice) in 1969. Beata, one of the survivors of the selected Papuan representatives for the Act of Free Choice in Merauke, recounted her distressing experience:<sup>7</sup>

I was interned with other young women in a dorm. Only women. Nobody was allowed to visit us, even a priest, although many of us were Catholics. My son and husband could only see me once and only from a distance. ... Every night we were drilled by the army to repeat and memorize without any mistake the sentence that we had to say during PEPERA [*Penentuan Pendapat Rakyat*; the Act of Free Choice]:<sup>8</sup> we wish to join

4 In this article, I use an unofficial English translation of the original Dutch version provided by a source that wished to remain anonymous.

5 The eligibility of all adults, male and female, not foreign nationals to participate in the act of self-determination to be carried out in accordance with international practice, who are resident at the time of the signing of the present Agreement and at the time of the act of self-determination, including those residents after 1945 and who return to the territory to resume residence after the termination of Netherlands administration" (see Drooglever 2009).

6 The 1962 New York Agreement provided the legal basis to resolve the legal and political disputes between the Netherlands and Indonesia on the issue of sovereignty over Papua; it mandated the United Nations to supervise a referendum for Papuans. The final referendum was considered flawed, however (See Drooglever 2009, Saltford 2003, Alua 2000).

7 All names of interviewees are pseudonyms unless specified otherwise. Interview III/A14 in Papua on 20 July 2010.

8 PEPERA (*Penentuan Pendapat Rakyat*) is the Indonesian acronym for the Act of Free Choice.

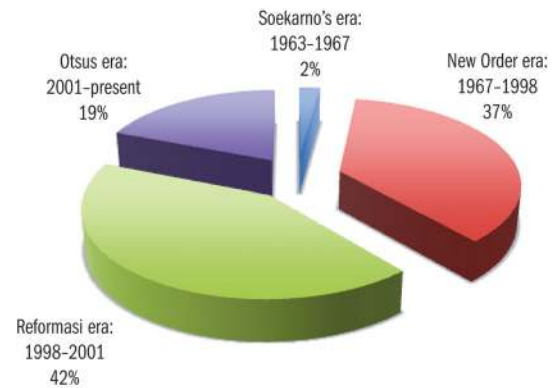
9 KODIM (*Komando Distrik Militer*) is a military command at the district level. The Indonesian military mirrors the government structure, for example KORAMIL (*Komando Rayon Militer*) for a sub-district level and KODAM (*Komando Daerah Militer*) for the provincial level.

Indonesia. ... Those who opposed them [the Indonesian army] had died in *KODIM*<sup>9</sup> from electric shocks.

Although Beata did not experience excruciating pain inflicted on her body, she was psychologically tortured every night with the drills that she received from the military. What happened inside the internment building was completely hidden from the public, however the internment building itself became publicly known as such and was turned into a symbol of intimidation for both the internees and their community. Thus it imposed obedience inside and outside, and turned the internees into docile bodies, as Beata testified. Everyone could see, feel and experience the awesomeness of the Indonesian sovereignty simply by passing by and gazing at the heavily guarded building. The climate of fear and control instilled by the Indonesian army spread to the broader community when the internees communicated with their families and relatives from a distance. PEPERA itself was designed as an act to publicly communicate the sovereignty of Indonesia over Papua and at the same time, control and tame the minds of Papuans.

Even if torture started during this time, the reported cases from the period 1962–1969 (Soekarno’s era) constitute only a small proportion of the overall cases, that is 2 per cent of the total cases of torture in comparison with other political regimes. The modern history of Papua can be divided into four eras according to the political regimes, the Soekarno era (1963–1967), Soeharto’s New Order era (1967–1998), the *Reformasi* (Reform) era (1998–2001), and the *Otsus* (*Otonomi Khusus*/Special Autonomy) era (2001–present). Figure 1 demonstrates that nearly half of all torture cases happened during the rather short Reform era whereas the second-highest proportion occurred during the New Order era. As it will be explained in Section 3 below, Figure 1 reflects the limitation of the data deriving from the general problem of keeping records in Indonesia as well as the militarization of Papua, both of which prohibit any accurate account of torture cases.

Figure 1: Regimes and torture



Source: *n* = 431; own database

However, the small figure for recorded cases may indicate more a lack of documentation rather than a small number of actual cases occurring in the 1960s; in contrast the high number during the Reform era might be the result of more intense international and national monitoring and scrutiny. Regarding the early period, one interviewee who was formerly a member of an intelligence unit deployed to Papua in 1967 explained: “My role was to identify and arrest OPM [*Organisasi Papua Merdeka*/Free Papua Movement] members and take them to *KODAM* [the provincial military command]. What I did was simply to ask them to take a walk with me and they would disappear. Other units did other stuff.”<sup>10</sup> This suggests that he participated in operations involving arrests, kidnapping, torture, forced disappearances and killings of suspects. Some survivors confirmed their horrific experiences with the system during my interviews.<sup>11</sup> Some of those kidnapped were later released with physical injuries, and many never returned, with the military always denying that they had ever detained. In Foucauldian notion of symbolic torture, forced disappearances can be construed as a mode of public torture as the fact that a person has gone missing cannot be concealed and sends a clear message of state brutality to the families and to the wider public: forced

<sup>10</sup> Interview II/E3 in Papua on 4 September 2010.

<sup>11</sup> Interview IV/D3 in Sydney on 9 August 2009, I/D10 in Papua New Guinea on 15 May 2010, III/D1 in Papua on 18 July 2010.



disappearances confirm that the state is willing to destroy the bodies of the victims. However, forced disappearances also allow the security forces to deny any responsibility, and to conceal their actual atrocities.

Once Indonesia officially gained power over Papua's territory and was met with armed resistance in Manokwari and the Paniai area in 1965 (Djopari 1993), the use of torture and other brutal techniques intensified (Budiarjo and Liong 1988), as demonstrated by Figure 1. The Indonesian military operation during the 1970s in the central highlands of Papua caused at least 4,146 violent deaths, as recorded in *The Neglected Genocide* (AHRC and ICP 2013: 8). The practice was eventually institutionalized when Papua was declared a Military Operation Zone (*Daerah Operasi Militer/DOM*) in the 1980s (which lasted for almost two decades, 1980s–1998). Many torture survivors as well as former army soldiers explained that a number of military installations around the provincial capital of Jayapura, including Ifar Gunung, Kloofkamp and Dok V were designated to detain and torture anybody who was targeted as an OPM member or sympathiser. However, none of the survivors could verify whether the torture places still operated in the 1990s.<sup>12</sup> The local and national human rights organizations as well as a more recent field visit by the author (Hernawan and Sidoti Forthcoming) confirm that the Indonesian state authorities shifted their strategy from more hidden torture through forced disappearances to more public torture after they had fully established their military authority over the area by the end of 1998.

Following the dramatic events when President Soeharto stepped down in 1998, Indonesia entered a new phase of reconstructing its power relations with Papua in the spirit of democracy and the rule of law. *Reformasi* brought about a fundamental change in relations between the state and society in Indonesia, particularly on issues of civil-military

relations. Together with Aceh and East Timor, Papua was granted special autonomy status by the MPR (People's Consultative Assembly), the highest legislative body within the Indonesian legal system. In the context of torture prevention, Indonesia ratified the UN Convention Against Torture in 1998, which opened doors to international scrutiny to assess the situation of torture in Indonesia. The UN Special Rapporteur on Torture, Professor Manfred Nowak, was permitted to visit Indonesia and Papua in 2007. He found that torture was routinely practised by the Indonesian police; however, it was not defined and criminalized in the Indonesian Penal Code (Nowak 2008: 2).<sup>13</sup>

Whilst *Reformasi* paved the way towards de-militarization of the Indonesian political landscape, analysts found little change in the actions of the Indonesian military in Papua (Alagappa 2001, Mietzner 2009). A recent study by the Jakarta-based human rights NGO Imparsial (Araf et al. 2011) reveals continuity in the militarization of Papua with an expansion of the infrastructure and the powers of the army and BRIMOB (the Mobile Brigade of the Indonesian Police). This process of militarization contributed to an increase in violence by the state and human rights abuses across Papua. Three major events illustrate the interaction between national and international monitoring bodies and the responses by the Indonesian state.

In 2001 the Indonesian National Commission on Human Rights took a major step towards addressing torture in Papua. Following the investigation of cases of torture and summary killings in Abepura,<sup>14</sup> the Indonesian National Commission on Human Rights (KOMNAS HAM) declared that the police in Papua had committed crimes against humanity and brought the case before the Indonesian Human Rights Court.<sup>15</sup> The Court, however, failed to recognize command responsibility and acquitted all the accused because they were not directly involved in tortur-

12 Interviews III/D1 in Papua on 18 July 2010, III/D7 in Papua on 28 August 2010, and a focus group discussion with twelve relatives of the disappeared III/A45 in Papua on 29 August 2010.

13 At the request of the Special Rapporteur on Torture during his visit to Papua in 2007, the author hosted a private hearing with torture victims and Papua-based human rights organizations.

14 The city of Abepura was the place of major outbreaks of violence on 7 December 2000, when the police station was attacked by Papuan freedom fighters. Instead of conducting a proper investigation, the police raided university dormitories around Abepura as well as settlements of Papuan highlanders. More than ninety men and women

were arrested and tortured. Two Papuan students died in police custody as a result of torture.

15 The author was a member of the investigation team established by KOMNAS HAM and worked with subpoena power in accordance with Law No. 26/2000 on the Human Rights Court in Indonesia.

ing or killing victims. In the second event, when the first review of Indonesia by the United Nations Committee Against Torture took place in 2008, Papuan civil society organizations claimed that torture remained widespread and systematic in Papua even after Indonesia had ratified the UN Convention Against Torture (CAT) in 1998 (Hernawan 2008). Finally, during the 2012 Universal Periodic Review by the UN Human Rights Council, some UN member states and international NGOs reiterated the underlying problems of torture and impunity in Papua (Tjahjono 2012). Even after signing and ratifying the Convention Against Torture, Indonesia has done little to address the ongoing practice of torture in Papua. Torture in Papua has thus been continuous and systematic for half a century, and has become deeply engrained in the polity and society of both Indonesia and Papua. It is in this context that the theatre of torture must be understood.

### 3. Researching Torture in a Militarized Zone

Collecting data on torture in a militarized context like Papua is challenging and at times dangerous, for the researcher and particularly for local respondents. Between 2009 and 2011, I established 431 cases of torture and conducted 214 interviews, which were then integrated into the Papua Torture Dataset. Twenty-five respondents declined my request for interviews. The interviewees can be divided into three groups: eighty-seven survivors, twenty-four perpetrators, and seventy spectators, based on the information that they gave in the interviews. Accordingly, interviews were divided into three major narratives: suffering, domination, and witness.<sup>16</sup> The research was organized according to the principle of triangulation (Jick 1979: 26–27), with interviews cross-checked against secondary sources, especially written documents, and field visits by the author in order to establish validity and accuracy.

Collecting data in this manner suffers from problems with record-keeping, which are common across Indonesia. Very few government offices, NGO and church archives or univer-

sity libraries in Papua have complete collections of relevant documents. Given my long-term professional and personal engagement with Papua, I was privileged to secure access to four personal archives and twelve public archives, including government offices, Papuan churches, and Papuan NGOs. The private archives contributed 17 percent of the total cases; 83 percent of the cases in the Torture Dataset are available in the public domain, and thus not secret. All materials used in this research were collected and coded the author.

In addition, ethnographic fieldwork was conducted in seven sites: Australia, Jakarta, Papua, Papua New Guinea, the Netherlands, the United Kingdom, and the United States. The fieldwork had two objectives. Whilst the field visits to Papua and Jakarta aimed at revisiting the sites of torture as reported in the torture files, the visits outside Indonesia aimed at assessing the impacts of torture. Thousands of Papuans were forced to leave their homeland and seek asylum in other countries, particularly Papua New Guinea and the Netherlands, and it was assumed that a high proportion of torture victims were among them.

The torture files, i.e. the original documents including accounts of torture, were subjected to three different levels of scrutiny: first, by the reporting organizations and researchers that wrote those reports; second, by the Indonesian authorities that received the reports; and finally, by the public when the reports were circulated to wider audiences. These “torture files” do not record all (or even most) accounts of torture, and the record is biased. For example, many recorded events post-1990 are publicly available, but only very limited records on the events of 1960–1980. However, other historical materials including Indonesian military history (Cholil 1971; Osborne 1985; Pusat Sejarah dan Tradisi TNI 2000a; TAPOL 1983) suggest that Papua witnessed various intense military operations during these periods. It can be assumed that these operations resulted in a significant number of disappearances and torture victims that are not included in the database.

<sup>16</sup> Two interviews do not fit into any of the three strands. Thirty-one mixed narratives and two exceptions were identified. I categorize the *exceptions* as *forgetting* (one interview) and *wandering* (one inter-

view). The narrative of forgetting refers to the act of forgetting on the part of some survivors who purposely do not want to remember their torture experience. The narrative of wandering refers to

both physical and mental acts of wandering in the border zone between Indonesian Papua and Papua New Guinea.

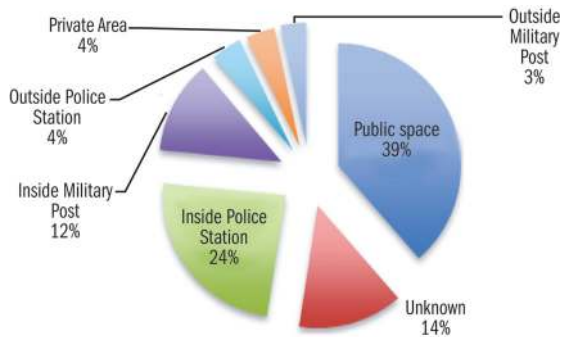


#### 4. Cases of Public Torture

The Foucauldian concepts of governmentality and sovereignty equip us with two complementary analytical lenses to reconstruct the theatre of torture in Papua. Governmentality helps to identify key elements of the theatre or the “hardware” that establishes the organization of the practice of torture in Papua, namely technologies of power, and multiple actors with heterogeneous narratives and motives. The concept of sovereignty will enable us to make sense of the rationales or the “software” that underpin the organization of torture as public theatre. This will bring to the fore the element of public display of the Indonesian state power, which has a central role in governing Papuans. For the purpose of analysing torture as theatre, we focus on six of ten patterns identified in the research:<sup>17</sup> [1] location, [2] political regime, [3] the problem of impunity, and the characteristics of actors: [4] survivors, [5] perpetrators, and [6] spectators.

The first and the most important pattern that demonstrates the element of publicity is location. It reveals the notion of spectacularity as the underpinning rationality of torture and thus demonstrates *how* and *for what purpose* torture operates. The dominant pattern of torture in Papua is public presentation of state brutality, as demonstrated by Figure 2 below. Nearly 40 per cent of all cases took place in a public space.

Figure 2: Location of Torture in Papua



Source: n=431 Hernawan database

The term “public space” denotes all space to which the public has free access, such as streets, schoolyards, open spaces in villages, gardens. The term also includes open space within government and military/police facilities (lawns, backyards, parking area) that is visible to the public. As many military and police stations in rural areas of Papua are very basic wooden constructions, they do not have sufficient closed areas to store equipment and hold detainees. As a result, the public can also observe most activities that take place “inside the military/ police stations” and thus, this can be added to the category “public space”. This also applies to spaces outside of police and military compounds. “Private area” here refers to hidden facilities within the military and police stations and private rooms (e.g. in homes) that are not accessible to the public.

Thus the majority of torture (82 per cent) was committed in public spaces whereas only 4 per cent occurred in a private area (for 14 per cent the location is unknown). 46 per cent were committed in public space (including events outside police and military stations) and 36 per cent inside the compounds of military posts and police stations. That does not mean that the crime was committed secretly inside the building. Rather, it was an event of public brutality that started in the public domain and was witnessed by the public and then often finished inside the military or police post. As this chain of events allowed the public to witness, it is counted as a public display. As the majority of these events could be witnessed by the public, this confirms the logic of spectacle and spectacular, and of the deliberate organization of torture as theatre, where the Indonesian state communicated shock and awe to the public. The so-called *YouTube* case is exemplary and illustrates this pattern (see Figure 3).<sup>18</sup>

17 For the full analysis of all patterns see Hernawan (2013).

18 The incident was broadcast by Asian Human Rights Commission, a Hong-Kong-based human rights organization (<http://video.ahrchk.net/AHRC->

[VID-012-2010-Indonesia.html](http://video.ahrchk.net/AHRC-VID-012-2010-Indonesia.html)), and then widely covered by Western media, such as United Kingdom Channel 4 (<https://www.youtube.com/watch?v=4kwFo7-3Wk0>), ABC TV Australia (<https://www.youtube.com/watch?v=uEisR8rFLOo>),

Al Jazeera (<https://www.youtube.com/watch?v=JnCSH4cOvmA>) (accessed 25 March 2016). For a detailed analysis see Hernawan (2015).

Figure 3: Torture video uploaded on YouTube



The video shows a case of torture committed against four Papuan highlanders by a group of Indonesian soldiers in the highland town of Mulia in October 2010. Besides being videoed, the event of torture was witnessed by the victims' community, including women and children. They were separated by only fifty metres from the gruesome scene, as the commandant later told the military court of Jayapura.<sup>19</sup> The soldiers forced the victims to confess that they were members of *Organisasi Papua Merdeka*, the Free Papua Movement (OPM), and that they had hidden weapons somewhere. The soldiers burnt the genitals of Tunalior Kiwo and put a knife on Telangga Gire's neck. The case immediately drew international attention and the Indonesian government took rapid action by charging five soldiers. They were found guilty and sentenced to jail for between five and ten months – not for torture but for disobedience. The appeal court later reduced the sentence of three of the soldiers to only three months.

The fact that most sites of torture are public space is inseparable from the pervasiveness of impunity in Papua. The high

level of impunity enables and even encourages the Indonesian state and security apparatus to exhibit its brutality in public. The public has been so fully controlled, cowed and generally colonized that it sees little chance for any opposition, and deems reports and charges futile. The above-mentioned case illustrates this cycle of violence and impunity: the rule of law has been suspended as the state has turned law into a tactical tool. Law is manipulated in order to justify the acts of the state and to ensure they are successful (Oksala 2012: 112). Similar to Guantanamo, the suspension of law contributed to the application of increasingly aggressive methods of torture by the Indonesian state apparatus and its personnel. Impunity is a precondition for torture to be executed in a theatrical manner. Even when torture cases, such as the Abepura case of 2000, were brought before the Indonesian Permanent Human Rights Court,<sup>20</sup> the Court failed to address the torture element, thus confirming that in the context of torture as an instrument of governmentality Indonesian human rights laws were easily suspended.

Both torture and impunity reinforce each other in order to achieve the maximum production of state terror. The reign of terror, however, is not confined within the territory of Papua. Rather, it travels beyond Indonesian jurisdiction, as indicated by the spread of Papuan refugees and asylum-seekers in the countries like Australia, Papua New Guinea, the Netherlands, the United Kingdom and the United States. This reflects the level of fear among Papuans, which led them to risk their lives to reach foreign soil for safety.

The second element of torture as part of governmentality refers to an ensemble of technologies of power. In the historical-political context of Papua torture the Indonesian state has introduced as a method of governing through terror and intimidation. Torture, however, does not stand alone. Rather, it is part of larger set of technologies of domination that include surveillance, killings and imprisonment and still continue today. All elements – torture, surveillance, killing, imprisonment, civil war and divi-

<sup>19</sup> See Military Court Decision no. 187-K/PM.III-19/AD/LX/2010, which contains the case of Lieutenant Cosmos, the commander of the group, who was sentenced to seven months of imprisonment.

<sup>20</sup> Under Indonesian Law 26/2000 on the Human Rights Court, the Court has a separate and independent jurisdiction from civil and military courts. The Court is only authorized to hear human rights cases presented by the Attorney General, who acts as pros-

ecutor. In this legal procedure, KOMNAS HAM has a very important role because it is only KOMNAS HAM that has the authority to initiate investigations and collect preliminary evidence that the Attorney General will prosecute.

sion of the population – combine into an integral system of domination by which Papua has been governed since 1963. The system has changed little, notwithstanding the Reform Era (*Reformasi*). As Figure 1 shows, it is during the Reform Era that the highest number and proportion of torture cases were recorded (42 percent); in the current era of Special Autonomy (*Otonomi Khusus/Otsus*) still 19 percent of all cases took place. The Papuan experience suggests that independent of changes in the forms of governance, the imposition of sovereignty through violence is an enduring feature of governmentality; thus these two forms of power relations are not alternatives, but complement each other. The technologies of power by which Indonesia has governed Papua have at their core technologies that are designed to turn the Papuan social body into a docile body, while keeping in place all other technologies of governmentality.

##### 5. Characteristics and Involvement of Actors in the Theatre of Torture

The last element of governmentality focuses on the actors in this human tragedy. Three cases will be explored which illustrate the “art of government” and its link with sovereignty and governmentality in Papua. Instead of relying on the common binary of victims and perpetrators, I use a triangle of survivors, perpetrators and spectators, as they are equally important in constructing the theatre of torture. The term “spectator” identifies those who witness torture not only in a literal sense but also in a symbolic and abstract sense. Drawing on Graziano’s (1992) study of what he terms an “abstract audience” of torture in Argentina’s Dirty War, witnessing implies being present in a literal sense at an actual event, seeing it and even engaging with it. In a symbolic sense, witnessing is watching a representation of a torture event mediated and filtered by the media. In an abstract sense, however, witnessing can only draw on an idea of torture based on knowledge of sites and events of torture – despite this knowledge being suppressed or surrounded by denials (Graziano 1992, 78). The spectators, therefore, represent the narrative of witnessing.

The survivors are those who were targeted and who are the actual victims of acts of torture. In this database, most of the victims are highlanders living in rural areas, they are male, and by occupation farmers. Out of 431 cases of torture, only two survivors/victims were OPM members or OPM leaders. This demonstrates that the torture regime targeted civilians, not combatants or people actively involved in the struggle.

Both Alfons’s and Bernard’s stories illustrate this point. Alfons was arrested and tortured during the Biak incident in July 1998, when hundreds of Biakkers who raised the Papuan national flag in the Biak water tower were attacked by the joint Indonesian forces.<sup>21</sup> In contrast to similar incidents in other cities in Papua at the same time that remained peaceful, the Indonesian security forces attacked the crowd with maximum force. Alfons recalled his distressing memory:

The army entered the houses and herded people to the *harbour*. They *hit* us on our backs with rifle butts and wooden sticks. Once we arrived at the *harbour*, we were forced to lay down facing the sun and one by one they [the army] *jumped* on us repeatedly. ... Then we were brought in to a *police station*. While we were locked in *cells*, we were told to put our arms out through the bars and they took our fingernails. I saw this myself. Luckily, they passed me. Thank God! I was in *cell* for a week or so. ... They took *my statement* early in the morning around 2 or 3am. So I was *terrified*, suspecting that they were going to *kill* me then. After that, we were *released* but had to report regularly to the police for about a month.<sup>22</sup>

His gruesome story illustrates not only the “scarring” and “painful” elements that Foucault identified in the torture of Damien, but also captures the sense of publicity of torture in Papua. First, it was carried out in a public space (harbour) in daylight, with nothing hidden. Second, those interned also witnessed the torture of their fellow prisoners, with no attempt by the guards to keep it secret. The experience had a tremendous impact on him, and “terrified” him in a way that led him to believe he would be killed. His arrest was never followed by a court procedure

21 For the background of the Biak incident, see Elsham Papua and The Biak Tribunal ([www.biak-tribunal.org](http://www.biak-tribunal.org)). This was a citizen tribunal co-organized by Australia-based academics including the

author, to mark the fifteenth anniversary of the incident. The event was held in Sydney, Australia, on 6 July 2013. The result of the tribunal was submitted

to KOMNASHAM in Jakarta on 16 March 2015 and to the Australian Parliament on 19 March 2015.

22 Interview III/A24 in Biak, on 10 August 2010.

even though the police interrogated him and took his statement. The police were not interested in collecting evidence that could have indicted him in court. Rather, they simply turned Alfons into “a sign of guilt” and “a docile body” as described by Foucault.

A similar pattern of public torture can be observed in Wasior in 2001 when a group of BRIMOB raided the village in search of members of the Papua Freedom Fighters. Instead of arresting combatants, they arrested innocent civilians including Bernard.

In heavy rain, I was about to leave the company compound when a group of four BRIMOB personnel pointed their guns at me and stopped me. I was confused. So I asked them “What happened?” But the response I received was only immediate *beatings*. They pointed their guns at me. So I gave up. They took me to the *harbour* where the village head and *many people* were already there. I was not able to recognize them [BRIMOB] because they wore plain clothes and wore bandanas on their heads. They hit us badly until we were *bleeding* and *fainted*. ... They put us on a tuck boat and left for Manokwari. I was *tied* to a pole like a crucifix and they *hit* me with rifle butts. They ground hot fresh chillies and forced me to eat them. ... I had been terrified so I just *followed* what they wanted me to do. I was *bleeding* all the way to Manokwari.<sup>23</sup>

Bernard was one of hundreds of victims in this case that KOMNAS HAM (2004) investigated. KOMNAS HAM filed the case with the Attorney General, who was supposed to prosecute the case through the Indonesian Permanent Human Rights Court. The case remains pending since 2003, suggesting the unwillingness of the Indonesian judiciary to address the problem of crimes against humanity in Papua, which are punishable under Indonesian law.

Like Alfons, Bernard experienced torture in front of fellow villagers in the harbour and along the way in a tuck boat from Wasior to Manokwari. The torturers (BRIMOB) did not hide the maltreatment (“beatings with rifle butts”, “tied in a pole”, “bleeding”, “fainted”) of innocent civilians. In this case they seemed uninterested in collecting any information or confession since Bernard only received beatings when he asked for information. BRIMOB were

much more interested in dominating Bernard’s body, instilling fear and thus turning him into the “docile body”. The Indonesian forces targeted individuals and the collective of citizens simultaneously.

According to the categorization used here, perpetrators are those who actively took part in and executed torture acts. According to the data set, they are mostly members of the Indonesian state security apparatus: 65 percent were personnel of the Indonesian Military (TNI), 34 percent police officers, and only 1 percent belonged to militias. This is confirmed by KOMNAS HAM (2014) investigations in other parts of Indonesia, which found a similar distribution.

Twenty-four interviews were conducted with perpetrators from various organizations. When asked for the reasons why they participated, they put forward four types of argument. The most common argument is termed “proceduralism”; they argued that they had been simply following orders. Next, they often referred to *habitus*, in the sense of the institutional environment in which they were trained and worked, which adapted to the use of violence, both as part of its training and professional system. It shaped attitudes and behaviours of torturers by legitimizing, supporting and endorsing these practices. Denial was also common among torturers, and some of them simply rejected the notion that the practice of torture existed. Finally, only a few interviews suggested that some torturers enjoyed their actions (see also Huggins et al. 2002)

Maxi, a former Indonesian military personnel, who recounted his personal experience of torturing civilians when he was stationed at the border between Indonesia and PNG, illustrates the latter in his narrative. This area remains an intensely militarized zone in which the Indonesian military erected checkpoints along the border, including some inside villages. In the past, everyone had to present his/her ID card at these checkpoints. Any failure to do so resulted in immediate corporal punishment, including torture, which was committed in public. Maxi gives this impression of the behaviour of Indonesian soldiers:

23 Interview IIIA/36 in Wondama on 16 August 2010.



We made them really, really bad. We *kicked* them. *Forced* them to crawl, to run, do push-ups. We were *watching*. We didn't *shoot* anybody but we *did whatever we liked*. It's just a *game* for us, just for *fun*. Nothing else because we didn't have anything to do and our commander couldn't do much. He let us go. Yes, for the first time, there was an *order* but then it had become a *common practice* as if it was the main duty; but [actually it was not].<sup>24</sup>

Maxi makes it perfectly clear that he and his group did not want to kill but “just to make them really bad.” Death was not the ultimate goal. Rather, it was the pleasure of exhibiting power in a theatrical way. It is also clear from this account that this had nothing to do with extracting information, forcing confessions from the victims or simply punishing them. Therefore, Maxi uses the phrase “whatever we liked” and the words “game” and “fun” to assert his domineering position. Coercion through violence is normal and even “fun” like “watching a game”. This way of asserting dominant and governing power resonates with what Foucault describes in the context of Damien's torture as “self-proclamation of guilt” and “inscribing a crime scene on the body of the condemned”. Just as Damien's body became an effective means to convey the message of the awesomeness of the sovereign, so too the bodies of the Papuans were transformed into a medium that transmitted both the messages of the domination of the Indonesian state over Papuans and of their guilt of insubordination.

Maxi's testimony further testifies to the impunity of torture; inflicting pain on victims was acceptable to his superior, who did not intervene, and to his fellow army soldiers. This reflects the element of policy inherent in these acts of torture, as the Indonesian state purposively acted against its own citizens. Thus, Maxi's involvement in acts of torture is sanctioned by authorities of the state, and he himself can feel legitimized as acting as part of the authority of the state.

Maxi's narrative demonstrates both the role of sovereignty of the Indonesian state in these acts of torture, and simultaneously their function as a form of governmentality. Tor-

ture was routinely performed in public as a demonstration of how the Indonesian state subjugated the Papuan social body. The more spectacular, the more soldiers enjoyed torturing innocent civilians in an extremely public manner. As a result, during the last fifty years, torture has become normalized in Papua and thus part of the “art of government” by the Indonesian state, linking both sovereignty and governmentality in these acts.

This pattern of violence and torture as normality has persisted until this decade. The image in Figure 4 shows the Indonesian state and security authorities forcefully dismissing a major gathering of Papuans during the “Third Papuan Congress of 2011”. This public event brought together some two thousand Papuans on the soccer field of the Catholic School of Theology “Fajar Timur” in Abepura (PGGP and Elsham Papua 2011). This was a prominent event organized by the Papuan leadership, and it was broadly covered by local and national media (PGGP and Elsham Papua 2011).<sup>25</sup> The main agenda of the Congress was the election of a new Papuan nationalist leader, which was thwarted by the raids of the joint police and military forces who completely brought the process to a halt.

Figure 4: Indonesian security forces dismiss the Third Papuan Congress, 2011



Source: Courtesy of ELSHAM Papua

24 Interview I/A6 with a former army soldier in PNG on 17 May 2010.

25 See these media links that recorded the incident: [http://news.liputan6.com/read/358826/penutupan-](http://news.liputan6.com/read/358826/penutupan-kongres-tiga-papua-ricuh)

[kongres-tiga-papua-ricuh](http://www.youtube.com/watch?v=hVcEPVsKwek); <https://www.youtube.com/watch?v=hVcEPVsKwek>; <https://www.youtube.com/watch?v=KupXhPh6cu4>; [http://www.theguardian.com/world/2013/aug/29/west-papua-](http://www.theguardian.com/world/2013/aug/29/west-papua-independence-history)

[independence-history](http://www.smh.com.au/world/bodies-at-west-papua-barracks-20111020-1ma6e.html); <http://www.smh.com.au/world/bodies-at-west-papua-barracks-20111020-1ma6e.html>; accessed on 25 March 2016.

During the raid, the joint forces tortured most of participants in front of media representatives. The members of the security apparatus did not hesitate to forcefully beat participants until they were bleeding although they had already raised their hands in surrender. Three people were found dead from gunshots and 387 people were arrested and detained by the police of Jayapura (PGGP and Elsham Papua 2011, 11–12). This public display of police brutality clearly demonstrated the sovereignty and authority of the state, and reinforced the subjugation of the Papuan social body by the Indonesian state.

Narratives of witnessing are based on seventy interviews, in which four types of spectators were identified: caregivers, observers, beneficiaries and bystanders. They engaged with survivors and were related to them to different extents: caregivers had the strongest bonds, while bystanders had the weakest. Caregivers feature prominently in the dataset, including local church leaders, NGO workers, and community leaders and Papuan elders. It is important to understand the motivation and aims of those who work with torture survivors in such a risky environment. Siti works for an NGO, and has long experience of working with torture survivors in Papua. Although Siti never directly witnessed an actual event of torture in Papua, she and her organization were instrumental in having the case of Abe-pura brought before the Indonesian Permanent Human Rights Court in 2001, which in the end turned out to be disappointing for both survivors and their solidarity networks. Siti had become quite pessimistic about the future struggles of the survivors, the commitment of her own organization to supporting the survivors, and the Indonesian justice system. All this had led to her decision to quit her job. Notwithstanding these disappointing experiences, she highlighted a number of key elements that illustrate her strong engagement with the survivors.

All [previous engagement with victims] have made a *very deep impression* in my life, notably *trust* building. ... A *success* story is

the establishment of a *solidarity group X*. In this *organization*, the victims themselves *helped each other* to learn how to build a solidarity organization, to learn human rights, to be sensitive to human rights issues. *X organizes* events to commemorate tragedies in Papua, *cooperates* with the regional office of the Ministry for Justice and Human Rights, *looks after* political prisoners, and talks to university students to educate them. They are *able* to bring the meanings and values of human rights to public attention.<sup>26</sup>

The victims' willingness to trust her left a "very deep impression" on her. Importantly, the organization run by torture survivors themselves became instrumental in reclaiming agency for the survivors. Crucial in this process was the assertion of their identity in public and providing public education on the state of human rights of Papua. They thus established a counter-public sphere that acted as a counter-balance against the images of weakness and subjugation that the public torture incidents had conveyed to the citizens of Papua. Importantly, the organization gained recognition from the Indonesian authorities that resulted in some cooperation with the regional office of the Ministry for Justice and Human Rights. This illustrates the countervailing power of civil society organizations inside and outside Papua, and the limitations of state power and violence. Siti's and forty-three other similar testimonies provide evidence that Foucault's sovereignty is not necessarily and by default overwhelming and paralyzing. These NGOs resist the sovereign power of the state. They thwart the message of fear, terror and invincibility, and turn it into a message of immorality and illegality (Humphrey 2002, 33).

The narratives of the different actors encapsulate the logic of sovereignty and its limitations. While the message of terror is communicated by the Indonesian state and its agents, simultaneously it includes the possibility of resistance; however, the Papuan experience suggests that this message is not automatically transmitted and received by the audience. On the contrary, the message meets various responses from complete surrender to outright opposition and resis-

26 Interview II/B1 with a caregiver in Java on 16 September 2010. There are some variations in engagement with survivors. An interview with a caregiver V/A4 on 11 May 2011 in the Netherlands

illustrates the difficulty reconciling Papuan political factionalism with building Papuan solidarity before an international public. Sometime factionalism caused significant damage to efforts to build Papuan

solidarity. Another interview with an international caregiver V/B3 on 29 April 2011 in the Netherlands reveals the preference to engage with Papuans living inside Papua rather than those in exile.



tance. These variations illustrate the degree of agency of survivors, spectators and perpetrators. The relationships between these three groups are asymmetrical, however: in flux and dynamic. They are deeply embedded in patterns of domination and non-communication that have shaped the society and polity of Papua since the 1960s. In this context constellations of sovereignty and governmentality vary, and they are not necessarily successive, as stated by Foucault. In other words, docility can be produced and maintained by the state as the central player in the theatre of torture and equally function as a mode of governance. However, other players can shift and shape this position, and thus change the “theatre of torture”.

## 6. Conclusion

Torture in Papua is a theatre. It is not merely a technique to inflict pain on the body of victims. Rather, it comprises a set of technologies of domination ranging from war and killings to imprisonment, surveillance and divide-and-rule tactics. By design it was meant to be a state-sanctioned public exhibition of brutality underpinned by the rationality of sovereignty. Three different types of identities construct and reproduce the theatre and its dynamics: torture survivors, perpetrators and spectators. The framework of the theatre has allowed us to see and analyse torture in Papua not merely as a technique of inflicting pain on the individual bodies of victims but more importantly, as a public display of the domination of the Indonesian state over Papuan bodies and minds. Through this framework the link between sovereignty and governmentality in producing a docile social body could be demonstrated: the role

of state sovereignty remains distinctively central in subjugating the Papuan social body by using the technology of public torture. In the Papuan context, sovereignty uses torture as a mode of governance to keep Papuans fully controlled.

Torture in Papua is not executed by some “bad apples” in the Indonesian state apparatus. Rather, it constitutes part of the larger strategy of domination by the Indonesian state in which the practice of torture is sanctioned and part of the policy. The Indonesian state apparatus and its different agents are acting as a collectivity and in a systematic way (Karstedt 2014). This includes torture incidents as well as the impunity of torture at the hands of the justice system, where law is converted into tactics. The practice of torture seems unstoppable even after Indonesia ratified the UN Convention Against Torture.

Even if the law and justice system seems paralyzed, caregivers are not. They represent the strongest narrative of agency. Notwithstanding the policy of terror, they managed to maintain their agency and more importantly, to organize and consolidate resistance in various forms. The collaboration between the caregivers and other actors in the theatre of torture, especially survivors, points to a visible and influential role of civil society and third parties. This changes the scene in the theatre of torture from a confrontation between survivors and the state into a triangle of survivors, the state and caregivers. It is in this triangle where the limitations of sovereignty and governmentality become visible.

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