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The Indonesia Human Rights Campaign

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# Timor Leste: A complex crisis

**On 9 July 2006 Jose Ramos Horta, the 1996 Nobel Peace Laureate, was appointed caretaker prime minister of Timor Leste. He will hold this position till elections are held later this year. Timor Leste, the world's youngest independent state, erupted into violence in April and has been unstable ever since. On 25 May neighbouring Australia sent a peace-keeping force along with Malaysia, New Zealand and Portugal. It is not clear how long they will stay in Timor to maintain the security.**

A paradigm for the media is: good news is no news and bad news is good news for the press moguls. Timor Leste shot into the headlines after the Santa Cruz bloodbath in 1991 and stayed in the spotlight until 2002. Then, reporting about Timor died down, a mere fleck in the ocean, a tiny impoverished third world country. But as soon as violence, riots, looting and arson and gunfire erupted, Timor Leste was back on the front pages.

Reporting in the international press has been quite confusing, often black-and-white and more often than not one-sided. Most reports of the violence have blamed the Prime Minister, Mari Alkatiri, who became the scapegoat, particularly in the Australian press.

As is usually the case, the truth in a matter like this is slightly more complicated. The Timor Leste crisis has resulted from more than the mistake of one man or even his entire cabinet. The crisis is also more complex than a failed state, the bad performance of an incompetent government or the failure of the international community, the UN which ruled East Timor from 1999 till 2002.

From 1976, TAPOL campaigned against gross human rights violations in East Timor, as it was then known, and also for its right to self-determination. With the withdrawal of the Indonesian army and its militias in September 1999 and the country's move towards independence, TAPOL gradually reduced its involvement. After Indonesian troops left East Timor, a new human rights situation emerged and with independence in 2002, East Timor was re-named Timor Leste.

TAPOL staff have had occasional meetings with Timorese friends, some of them now cabinet ministers, members of parliament or highly-placed civil servants. In April a TAPOL staff member met Xanana Gusmao, the President and Jose Ramos Horta, then Foreign Minister, in Oporto. There were also discussions with key members of the presidential staff and the foreign ministry. TAPOL's

activities had switched to other regions of conflict like Aceh and West Papua. But the present situation in Timor Leste has compelled us to look at the background of the current conflict.

There are several aspects, domestic and external, which are political and economic in nature. The historic background should also be included in the analysis as the conflict has developed into a power struggle between former compatriots of different political denominations.

## Some basic facts about the conflict

The conflict started with a revolt inside the FDTL (the Timorese armed forces). The split was severe and was not handled well either by the FDTL leadership or the ministry of defence. Almost half of the new recruits walked out over complaints of discrimination and poor working conditions. With around 1,500 troops, heavily armed and well trained in Australia, the US and Portugal, the FDTL

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became prey to political partisanship and split virtually down the middle. Six hundred men were sacked after which they revolted and retreated to the mountains carrying their weapons. The subsequent violence in the streets of Dili caused the deaths of about 30 people.

In the following weeks several demonstrations took place in Dili, demanding that Alkatiri should step down as prime minister. Tens of thousands, fearing for their lives, fled to the countryside.

Timor Leste's recent history has been tumultuous, full of misery, bloodshed, abject poverty, and injustice. In 1975 the Indonesian armed forces invaded East Timor and conducted a bloodbath while the departure of the Indonesian army and its militia in 1999 was again the scene of mass destruction and more than a thousand killings. Although the present crisis cannot be blamed directly on Indonesia, it is nevertheless true that many Timorese still bear the trauma from the days of the Indonesian occupation. So as soon as violence erupted in Dili, more than 100,000 people fled in all directions, including to Indonesia and Australia.

### **Timor Leste's recent history has been tumultuous, full of misery, bloodshed, abject poverty, and injustice.**

Political patterns and lines of divisions soon became visible. The riots and demos, often very violent, were largely anti-government in nature. Prime Minister Alkatiri described what happened as an attempted coup d'etat and part of a destabilisation campaign. In 2005 demonstrations led by Catholic priests had also wanted Alkatiri to step down.

Then members of the military police under Major Alfredo Reinado joined the renegade soldiers, led by Major Gastao Salsinha. In interviews the rebels made the same demand: Alkatiri should step down.

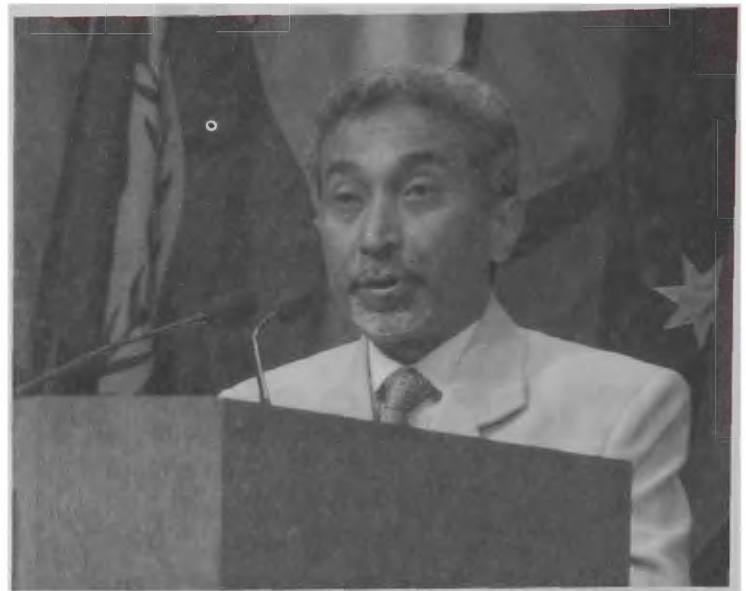
Two prominent Timorese leaders President Xanana Gusmao, and Foreign Minister Jose Ramos Horta, began to play a prominent role in finding a solution to the conflict. Pressure on Alkatiri to step down intensified. Both Gusmao and Horta were formerly members of Fretilin, the ruling party in Timor Leste which won an absolute majority in parliament, 55 out of 88 seats. Mari Alkatiri and the majority of cabinet members are all prominent members of Fretilin.

In the meantime, in mid June, some 148,000 citizens of Dili were still living in 57 IDP (internally displaced persons) camps around Dili and elsewhere. International aid was flowing in from the UN and international aid organisations.

Xanana Gusmao then took a stronger position, demanding that Alkatiri should step down. In a 14-page letter to Fretilin, he explained his position. Fretilin's dignified reply was far shorter and its members turned out in great numbers to participate in a peaceful and orderly demonstration to express support for their leaders and demand their share in the future government.

Alkatiri's position became untenable when one of the FDTL commanders alleged that he had been assigned by Home Affairs Minister Rogerio Lobato to set up hit squads to eliminate political opponents. Alkatiri has always denied this and so far there has been no proof to support these allegations.

Mari Alkatiri resigned as Prime Minister in early July and Jose Ramos Horta was appointed to replace him on 9



**Mari Alkatiri**

July, also filling the posts of foreign affairs, home affairs and defence minister.

### **Assessing the situation**

The burning issue is whether the attacks on Mari Alkatiri as secretary-general of Fretilin and prime minister were part of a deliberate attempt to overthrow him and his government. Fretilin won the elections in 2002 overwhelmingly under the watchful eye of the international community. Fretilin's victory was predictable as it had been the backbone of the resistance against the Indonesian occupation since 1975. Alkatiri's resignation was a sign the willingness of Fretilin to sacrifice its leader for the sake of finding a peaceful solution. Then Xanana basically took over political responsibility to set up a new cabinet.

It seems that the violence did not spread to other places and now, the violent attacks on people's homes and the IDP camps have diminished.

The initial, sustained violence in April and May was a combination of political pressure to topple Alkatiri combined with rioting and looting from the disenchanted youth, mostly unemployed with few prospects of a job.

It could be argued that the takeover by Xanana Gusmao and Jose Ramos Horta is unconstitutional and therefore a coup d'etat. The Fretilin government under Alkatiri was a legitimate government, still enjoying the support of the majority until proven otherwise through elections. A concept of national unity, now propagated by Xanana Gusmao and Jose Ramos Horta, might function for a brief period to overcome the crisis but it is an illusion to regard a society as homogeneous. Societies are by definition politically plural.

In conspiracy theories, the rebellion of sections of the army against the government could be seen as the first stage of a coup d'etat, which ultimately failed. Xanana Gusmao, despite his pressure for Alkatiri to resign, was fully aware of the illegality of these moves. But in the end it happened anyhow. Alkatiri left the scene but other options still remain because Fretilin is still the most powerful force in Timor Leste.

### **East against west**

The first reports about the violence were based on the conflict within FDTL and regional sentiments between those who originate from the east, called *loro sae* and



those from the west, commonly called loro monu. There is a grain of truth in saying that the majority of FDTL leaders are from the east. It is a fact that during the armed resistance against the Indonesian army, the major strongholds were based in the east and this tradition has continued to this day. Brig. General Taur Matan Ruak is more fluent in the eastern dialects of fataluku than the more common dialect in the west called tetum. He often addresses the troops in his local dialect which has created resentment. Complaints from the renegade troops about discrimination and poor working conditions have not been dealt with by the leadership. Defence Secretary Roque Rodrigues, a Fretilin leader who lived in the diaspora (Angola) is a skilful ideologue but lacks the managerial skills of a minister. The sacking of 600 men out of a force of 1500 is a prime example of mismanagement and is evidence of the lack of ability within the ministry to solve problems.

Anywhere in the world, regional differences can create tensions but in the East Timor case, the opposite took place. The brutal Indonesian occupation actually unified people from the east and the west. In the resistance both sides cooperated well and the present crisis can never be explained by this east-west division.

It should be noted that Timor Leste, as a smaller nation-state, prior to its independence, considered the option of doing without an army and relying on a police force for security and law and order. But with the abundance of vigilante groups across the border and the several thousand ex-Falintil (the armed wing of the resistance) combatants, the Timor government decided to create a defence force (FDTL).

### Complexities of National Unity

Experiences in the history of other countries teach us that creating a united front is a complex matter. United or national unity fronts often fail or reflect nothing more than a front controlled by the major party. Fretilin in East Timor is by far the largest political grouping, far larger than all the other parties put together. The present power struggle between Fretilin and ex-Fretilin leaders can be traced back to the mid 80s. One can only grasp the present political crisis in Timor if we go back to the differences in interpreting national unity in the past.

From the outset Fretilin, was a national front, encompassing different political denominations. Take a look at its key founders: Jose Ramos Horta, the present prime minister, was a centrist. Others like Mari Alkatiri, Nicolau Lobato and others were more left leaning. Xavier do Amaral, the first chair of Fretilin, was more to the right. There was also a Marxist wing with people like Sahe, Carvarinho and others. Fretilin represented a revolutionary front against a fascist colonial regime in Portugal under Salazar and Caetano. Xanana Gusmao was not a member of the initial core group of leaders and emerged as leader of Fretilin after 1981. Fretilin experienced a very radical period when in 1977 the ideology of Marxism-Leninism was adopted. This happened in the most difficult period of the military offensive by the Indonesian army that decimated Fretilin's leadership.

In December 1986, an important political event occurred when Xanana Gusmao declared the establishment of CNRM, the National Council of Maubere Resistance. This new umbrella group reflected the widespread resistance all over East Timor. Xanana officially abandoned Fretilin and became the leader of the national



**Jose Ramos Horta**

united front of resistance. Jose Ramos Horta, who had left Fretilin even earlier, became his special representative. Falintil, the armed wing of Fretilin was converted into the national army of Timor. Xanana became an above-party leader, a unifying figure for all Timorese parties and individuals. Later CNRM changed its name into CNRT, the National Council of Timorese Resistance.

Fretilin was always part of this national unity strategy against the Indonesian occupation but prior to the elections in Timor in August 2001, Fretilin withdrew from CNRM because politically CNRM had fulfilled its purpose after the withdrawal of Indonesia. East Timor adopted a multi party system and Fretilin won the elections.

Fretilin's political dominance is huge and Timor Leste is often seen as a country governed by a single party with all the negative consequences of a one-party system, lacking the checks and balances provided by opposition parties.

In the present crisis Xanana Gusmao has (mis)used his popularity and his previous position as a supreme leader who stands above the parties. Over the years, he adopted the controversial view that Timor does not need political parties but should build a national united front. But Fretilin did not hold this opinion when it emerged the victor in the 2002 election, which left Xanana and Horta without a political constituency.

### Building institutions and infrastructure

In the first years after the Indonesians left, from 1999 to 2002, the country was run by the UN. With all its flaws the UN and the other international organisations physically reconstructed Timor Leste, and established the basics of a democracy.

Looking back, two years is a very short time to build a new nation state from the ashes. The departure of the UN and the international community left a huge gap and the 'bubble economy' collapsed, creating problems for the newly elected government.

## TIMOR LESTE

The Alkatiri government fought against all the odds and inevitably made many mistakes. They had to build a judicial system with very few law graduates, a health system with very few doctors and trained medical staff and so on. State institutions exist in Timor Leste but are still weak and often plagued with poor management and inexperience.

### Government performance

Jose Ramos Horta said (*Wall Street Journal* 9 June 2006) a few weeks before he was appointed prime minister:

"From 2002 to 2005, events went relatively smoothly. The newly elected political leaders worked to build a functioning democratic state. With oil and gas revenues, combined with foreign assistance, East Timor's treasury collected enough money to finance its budget, which in 2006-2007 is projected to total US\$240 million. Major infrastructure projects are planned for the next few years, including new roads, bridges, ports and airports. More money will also be directed toward the poor rural areas, where most of our citizens live."

The Alkatiri government showed modest gains in several fields, particularly education and health. School enrolments rose from 59 per cent in 1999 to 66 per cent

**Unemployment is a staggering 50 per cent and since 1999, there has been a huge population shift from countryside to town, causing a sharp increase in the population of Dili**

in 2004. In the health sector, Cuba despatched about 100 doctors to the countryside of Timor Leste which was more than double the 45 doctors in Timor. Cuba has also promised to increase the number of scholarships it will provide from 200 to 600.

The Alkatiri government's fiscal conservatism was admirable as it avoided becoming a client of international finance institutions like the World Bank and IMF. Timor Leste is a debt free country and Alkatiri made a pledge to keep all natural resources in state hands. His dogged determination to make a good deal with Australia over its oil and gas reserves was admirable. Initially Australia wanted a share-out of revenues of 80 per cent for itself and 20 per cent for Timor. After two years of tough bargaining, the deal finally struck was 50-50.

On the political front, the Alkatiri government had a difficult relationship with the powerful Catholic Church. The majority of Fretilin leaders are staunch secularists and teaching religion in the state schools became a heated issue between government and church over whether religious teaching in the schools should be compulsory. It is no secret that church leaders wanted to get rid of Alkatiri. Horta is likely to start a dialogue with the church to find an accommodative stance.

### A subsistence economy

Despite all the efforts of the Alkatiri government, the macro figures of the country's economy remain bleak. In terms of GDP, Timor Leste is among the poorest in the world with US\$400 per capita annual income, but its human development index is somewhat better.

Unemployment is a staggering 50 per cent and since 1999, there has been a huge population shift from countryside to town, causing a sharp increase in the population of Dili.



**Timorese and Australian leaders sign oil agreement**

Unlike other parts of Asia, Timor Leste has not become part of the global economy, where manufacturing industries absorb much of the cheap labour. On the other hand Timor Leste is extremely dependent on its oil revenues and belongs to the category of countries like the Emirates or Kuwait where almost 70 per cent of state revenues comes from oil.

In general, a government is judged on in its performance in creating more wealth and income for its citizens and creating job opportunities. The Alkatiri government arguably didn't do enough to boost the agricultural sector, in particular promoting cash crops or boosting the trade sector. The entrepreneurial middle class in Timor Leste is very weak as compared with the bustling middle classes in neighbouring Asian countries.

Many young Timorese have been forced to leave home to look for jobs abroad, in factories in Ireland, the UK or Portugal. There should be a middle way where some of the oil revenues are used to promote the private sector.

### Final outcome

At the time of writing, it was too early to draw any firm conclusions. As the new premier, Horta is sure to use the oil revenues in more 'creative' way to attract foreign investors and offer them tax holidays. But politically Horta will have to make an accommodation with Fretilin. Ruling the country while ignoring Fretilin is an impossible task in Timor Leste. It so happens that the most senior cabinet minister from Fretilin after Alkatiri is Ana Pessoa, Horta's ex-wife. We have to wait and see whether this makes compromises easier or more difficult.

Last but not least, one should not forget that in most cases, having an abundance of oil is more a curse than a blessing. Alkatiri adopted an independent position and was a tough negotiator in the negotiations over oil with Australia. He has created many enemies both at home and abroad. It is no secret that the US and Australia wanted to see Alkatiri sidelined, which is what happened. His domestic foes argued that Alkatiri used the oil revenues wrongly. All this gelled into a ferocious campaign against him.

Our own reading at present is that there are no signs of fundamental flaws in the way Alkatiri handled the complex conditions confronting him during his period as prime minister.

# Pros and cons of the law on Aceh

**As a result of the time taken by the Indonesian Parliament (DPR) to discuss the draft Law on the Governance of Aceh (LOGA), the local elections in Aceh will be much later than originally planned. They are not now likely to be held until October at the earliest, a delay of more than seven months. In the meantime voices of discontent on the final draft of LOGA are growing.**

When the Memorandum of Understanding (MoU) setting out the terms of the peace agreement was signed in Helsinki on 15 August last year, it was hoped that the elections could be held in April 2006. Once the law has been adopted, the DPR and the provincial assembly in Aceh will need to draft and enact dozens of qanuns (local decrees) to enable elections of regional and district heads (Pilkada) to take place. In the meantime, the local administration has been concentrating on registering the voters. By late July, some 94 per cent of the electorate had been registered, for a total of 2,477,218 voters.

The devastation left by the tsunami in December 2004 caused the administration with a number of problems in establishing the basis for a census for Aceh. An estimated 140,000 people died in the disaster while many of the survivors were forced to move from the areas affected by the tsunami. The identity card previously used only by Acehnese, known as *KTP Merah Putih* (red-and-white identity card) was scrapped early in 2006 and replaced by the ID card used for all Indonesians.

So far none of the stakeholders in Aceh, the political parties and civil society groups, have complained about the delay, but it will complicate matters for the AMM, (Aceh Monitoring Mission) which was established by the EU and ASEAN. Its mandate has already been extended till 15 September but this falls short of the earliest possible date for local elections. As a result, the AMM and the Indonesian government will need to make the necessary arrangements to ensure that the AMM remains in place to monitor the elections.

Initial optimism about the LOGA was overwhelming and public participation in Aceh in drafting the bill was impressive. Prior to the submission of the draft in January 2006, deliberations had already taken place in Aceh. As early as September 2005, a month after the MoU was signed in Helsinki, a consultative process started in Aceh, with the assistance of three universities as well as plenty of input from civil society groups. The Acehnese drafted six versions but only one, the provincial legislature's version, was eventually submitted to Jakarta. Before being sent to the DPR, this version underwent amendments by the Ministry of the Interior in Jakarta. [See also *TAPOL Bulletin* No. 182, April 2006].

## A three-stage process

In early July, a number of groups in Aceh indicated they were concerned that the draft law contained a number of

fundamental flaws that were not in keeping with the spirit of the MoU signed in Helsinki.

Initially it was expected that only major issues such as foreign affairs, external defence, justice, taxation and the division of revenues would need to be discussed in the DPR while all other matters would be left to the future local administration and legislature of Aceh. However, this turned out not to be the case and the entire draft bill was submitted to the DPR.

Although the draft bill was submitted to the DPR in January, it was not till 22 February that a special committee (*Pansus*) started discussing the draft. This committee had been set up especially for this purpose rather having the matter handled by the DPR's Commission II responsible for domestic affairs. The fifty members of *pansus* including members from all the political parties in the DPR were given a list of no fewer than 1,446 issues to be considered. When finally enacted, the bill will consist of twenty chapters and 261 articles. The discussion in the *pansus* lasted for several months and it was not until 3 May that the draft reached the second stage, the discussion by the working committee known as *panja*. But it soon became clear that the procedure was far too complex. It is normally the case that discussion of a draft bill in plenary only focuses on its political essence while the nitty-gritty is left to experts, but in this case, the *pansus* also discussed the nitty-gritty.

While the *pansus* sessions took place in public, the *panja* sessions were held behind closed doors, making it very difficult for lobbying groups in the JDA (Aceh Democratic Network) to do their work. A second stage became necessary because it was not possible to decide upon a number of burning issues whereas it was considered easier to reach compromises in closed sessions. The *panja* sessions were not held at the DPR building but at a hotel in Jakarta and continued non-stop till the end of June. Once the *panja* sessions had been completed,

**many issues are resolved through the traditional consensus decision making process known as *musyawarah*. This frequently means reaching a compromise and watering down matters of principle.**

there was yet another stage - to draft the whole bill which was done by a small drafting committee known as *timus*. Then at the last moment, yet another body, *Forum Lobi*, (Lobby Forum) was set up to reach agreement on contentious issues. These included the division of authority between Jakarta and Aceh, and the handling and sharing of oil and gas revenues. It was in the *Forum Lobi* that all the political bargaining occurred, outside the public eye. The lengthy procedure involved 38 *pansus* sessions, 30 *panja* sessions and 24 *timus* sessions before a final draft was agreed.

## Issues of principle watered down

In Indonesia, some aspects of democracy such as reaching decisions by voting are still shunned and many issues are



resolved through the traditional consensus decision making process known as *musyawarah*. This frequently means reaching a compromise and watering down matters of principle. Several aspects of the law remained unresolved for months. Eventually, in early July, there was grudging acceptance about the naming of the bill (Law on the Governance of Aceh) by the nationalist opposition party, the PDI-P. Another highly contentious issue was whether Aceh should be entitled to receive extra funding because of the effects of three decades of disastrous conflict. Finally a compromise was reached whereby Aceh will receive additional funds amounting to an extra 2 percent for the next fifteen years and then an extra 1 percent for the following five years.

It was clearly apparent from the tortuous discussions in the DPR that anything that might impinge on the country's heavily centralized structure was anathema. The possibility of reaching a breakthrough by accepting a decentralized, self-governing Aceh was too frightening for many DPR members to contemplate. During the initial stages of the *pansus* sessions, only the four Muslim-based parties, the PKS, PAN, the PKB and the PBR favoured the Aceh-drafted version of the bill while the four other fractions, including Golkar, which has the largest number of seats, supported the version drafted by the interior ministry. The nationalist party, the PDI-P and the Christian party, the PDS rejected the very idea of agreeing to a special arrangement for the province of Aceh.

The *pansus* included not only members of all the political fractions in the DPR but also members of the Aceh provincial assembly, some of whom were backbenchers. Each of the members fought hard over every single article, with the result that many sections of the bill were watered down. Farhan Hamid, a member from Aceh, argued consistently for 90 per cent of the original version to be adopted, in response to which civil society groups insisted that the substance of the bill could not be dealt with in terms of percentages. Other MPs representing Acehese constituencies strongly supported the idea that Acehese public opinion should be consulted again, but this was turned down. Nasir Djamil, a DPR

## **...the Human Rights Court in Aceh will have the right to deal only with cases occurring after adoption of the law**

member from the PKS, spoke up in favour of having further consultations with GAM, the Free Aceh Movement. Although GAM has abandoned its demand for independence and has transformed itself into a political party, it still retains the name by which it has been known since its birth in 1976.

## **A losing battle over human rights**

The provisions for human rights in the MoU agreement were not very encouraging; there was nothing more than a mention of creating a human rights court as well as establishing a commission for truth and reconciliation as part of an Indonesian Commission for Truth and Reconciliation that has yet to be established. In the final version of the bill, this was further watered down in Article 215, paragraph 1 which explicitly states that the Human Rights Court in Aceh will have the right to deal only with cases occurring after adoption of the law and rejecting the retroactive principle whereby earlier

violations could be dealt with. A coalition of NGOs in Jakarta which includes the Aceh Working Group (AWG) strongly protested this article which means ignoring all the human rights violations from the past, thus failing to provide justice for the many victims of the three-decade long conflict in Aceh.

A number of other important issues were also watered down. In the initial draft drawn up by the Acehese legislature, provision was made for the DPRA, the regional assembly, to draft and adopt laws that would subsequently be ratified by Jakarta, while according to the bill as it now stands, the Jakarta legislature will adopt laws in consultation with the DPRA. The highly contentious issue of who has ultimate control over oil and gas revenues from sea and land reserves dragged on for weeks and weeks in both the *pansus* and the *panja*. The final draft adopted was yet another compromise, according to which there must be cooperation between Jakarta and Aceh.

## **No fall-back position**

From the outset it was clear that the Acehese stakeholders had failed to have a fall-back position in case things went wrong. According to the MoU agreement, a method for settling disputes had been worked out. But the LOGA arrangement departs from the agreement reached under the MoU as this is now a matter solely for the Indonesian legislature. The Acehese could have referred to the final sentence in the MoU which says: "Gol (Government of Indonesia) and GAM will not undertake any action inconsistent with the letter or spirit of this Memorandum of Understanding." Already in the initial stages of discussions in the DPR, it was clear that the majority of political parties rejected this. In the final weeks of drafting, Acehese individuals and organisations insisted on upholding the spirit of the MoU. These protests had an impact as the chairman of the DPR made a promise that, immediately after the adoption of LOGA, he would fly to Aceh for a public session in which he would explain the bill and respond to questions from the public. This is a process known as *sosialisasi*, commonly used these days in Jakarta politics. It seems that the only procedure for making changes to the LOGA will be to call for a judicial review by the Constitutional Court.

The Jakarta government certainly realises the danger of any setback in the peace process if the bill leads to growing discontent in Aceh. In order to ensure that LOGA can be implemented, a series of government and local decrees will be needed. As things now stand, the DPRA (the Aceh legislature) will need to design no fewer than 94 *qanuns* (local decrees) while Jakarta will need to draft only two PPs (government regulations) to ensure the effective implementation of LOGA. It has been argued that giving

## **GAM also complained about the unwillingness of Jakarta to hand over full responsibility for natural resources to the Acehese.**

the local legislature the power to formulate so many *qanuns* grants the Acehese a great deal of authority.

## **Actions and campaigns to amend LOGA**

As 11 July, the day of the adoption of the LOGA bill, approached, Acehese civil society groups started to

articulate their discontent about the final draft of the bill.

GAM spokespersons refrained from rejecting the law outright but expressed dissatisfaction with the flawed procedure for amending LOGA before its adoption in parliament. They mentioned in particular the lack of clarity regarding the comparative powers of Jakarta and the Acehnese: there were too many grey areas and possible interpretations. GAM also complained about the unwillingness of Jakarta to hand over full responsibility for natural resources in Aceh to the Acehnese. A compromise was reached in the draft bill with regard to licenses issued regarding fishery, logging, mining and other resources.

A number of civil society organisations sent fifty delegates to visit AMM (Aceh Monitoring Mission) members to express their worries about LOGA.

**In general, it is apparent that Acehnese feel satisfied with the present situation because there is virtually no violence any more.**

They complained that the draft bill contained many flaws and could jeopardise the peace process or worse, it could create new tensions and potentially disrupt the present conducive conditions. The organisations warned AMM that monitoring LOGA is part of AMM's responsibility and fundamental flaws could have negative consequences for the peace process in general.

SIRA, the organisation that campaigned for a referendum in the late 1990s together with a dozen other organisations called on Acehnese to stage a strike on the morning of 11 July to draw attention to the flaws in LOGA but participation in the strike was disappointing. In general, it is apparent that Acehnese feel satisfied with the present situation because there is virtually no violence any more.

### Local elections

Local elections, known in Indonesia as *Pilkada* (*Pemilihan Kepala Daerah*), are one of the matters agreed upon in Helsinki that potentially make a qualitative leap to more political freedoms in Aceh. This could also eventually be applied in other regions of Indonesia. *Pilkada* provides for the possibility of establishing local parties and allowing independent candidates to participate in local elections. In Aceh, *Pilkada* will be held in 19 sub-districts and towns, excluding Bireuen and South Aceh Selatan.

The transformation of GAM from bullets to ballots will also change the political map of Aceh. Most analysts agree that if the strength of GAM is reckoned in terms of the number of armed combatants, this amounts to around 3,000 people according to GAM's own records. But it is recognised that GAM support and membership in certain parts of Aceh, particularly in North and East Aceh and Pidie, is enormous. The transformation of GAM into a political party will certainly take time and as yet it is not



**A show of support for GAM**

known how many GAM candidates will be fielded in the 19 contests for district chiefs and mayors. Irwandi Yusuf, GAM's representative in the AMM, has admitted that many national political parties are wooing GAM to field joint candidates in the coming local elections.

Since April, the political temperature has been intensifying around *pilkada* and all the major parties have already announced the names of their candidates for the positions of governor and vice-governor. Golkar will field Malik Raden and Sayed Fuad Zakaria, both members of the DPR. Azwar Abubakar, former acting-governor of Aceh, will be PAN's candidate while the PPP federation will field Humam Hamid, a well-known academic and Hasbi Abdullah, also an academic who was once a political prisoner. Hasbi has a GAM background and his older brother, Dr. Zaeni Abdullah is GAM's foreign affairs minister. Another Muslim party, the PBB will field Iskandar Hussein and Thantawi Ishak while a coalition of a few smaller parties will field Tamlicha Ali and Muchlis Mukhtar.

### GAM will not field candidates

It came as quite a surprise to learn that GAM has decided not to field any candidates. After a meeting held at the end of May, GAM's leader Malek Mahmud issued a statement saying that GAM would not participate in the forthcoming *pilkada* but would await the results of the LOGA bill. However, GAM will consider supporting independent candidates. Individual GAM candidates will be free to participate but only in their own name, Malek Mahmud said.

At the most recent meeting of GAM's Majelis Nasional, the highest representative body of the organisation, the elections and candidates was discussed. The majelis was attended by delegates from many parts of the world including Europe, US, Australia and neighbouring Malaysia. All the former regional GAM commanders were also present. The meeting discussed the question of candidates and adopted candidates for governor and vice-governor. Surprisingly, Teungku Nashiruddin won the most votes (39) while Muhammad Nazar, the chair of SIRA, received the highest number of votes (31) for vice-governor. Nashiruddin was not present during the voting



and has since declined to become GAM's candidate for governor because he prefers to continue running his brick factory in North Aceh. Hasbi who took second place also declined to be nominated for governor. This is why the GAM council finally decided to withdraw from the contest. It is possible that the Humam Hamid - Hasbi Abdullah team will be fielded by PPP but they are not likely to get endorsement from GAM.

### Security and reintegration

In the earlier stages, it was remarkable to see how well the peace process was holding but by the beginning of July there was a noticeable increase of incidents. On 3 July a shooting incident was sparked by a conflict between villagers and members of the Indonesian military, TNI. The local AMM team came to check things out but suddenly shots were fired from a distance, fatally wounding a former GAM member and wounding two others. AMM has announced that it will conduct an investigation but it seems likely that ganja (drugs) trading was the cause of the dispute.

The Aceh Working Group announced on 7 July that there had been a further three incidents on 3 and 4 July. The first occurred in the village True Cut, in the Pidie sub-

### **An essential ingredient for sustainability of the peace process is whether the integration of former GAM combatants and other affected civilians into society is satisfactory.**

district, when three villagers were killed and one disappeared. The victims were all searching for the precious gaharu wood. The following day, a robbery occurred, allegedly involving five police officers from Sigli who stole Rp 17 million from the owner of a transport company. On the same day, a man in Singkil was kidnapped by a gang of four persons wearing police uniforms. The kidnap occurred while the victim was filling his vehicle with gasoline in Gunung Meriah.

An essential ingredient for sustainability of the peace process is whether the integration of former GAM combatants and other affected civilians into society is satisfactory. The first steps have already been taken. Three groups have been defined as GAM ex-combatants, amnestied political prisoners and affected civilians. The International Organisation for Migration has set up a special assistance program which includes economic facilitation, healthcare and vocational training opportunities.

A new body called BRA (*Badan Reintegrasi Aceh Damai*, Aceh Peace Reintegration Agency) was set up in February under the authority of the governor of Aceh. The BRA includes representatives from the government, from GAM and from Acehnese civil society. BRA will work closely with international donor agencies in planning and implementing the reintegration programme. Initially, the BRA was responsible for preparing data about civilians who suffered demonstrable loss during the conflict. Soon after BRA was set up, it was overwhelmed by requests for reparations from civilians who had been affected during the 30-year conflict. It will be a Herculean task for BRA to sift through all the requests and sort out which to reward with the limited funds available.



**Collection of weapons from former GAM combatants**

### Economic development

Another important ingredient for sustainable peace is the huge aid contributions that have poured into the region following the tsunami. The question is whether the Acehnese will benefit sufficiently. According to official figures, the Indonesian government has received US\$ 4.8 billion for the reconstruction of Aceh (out of US\$ 7.1 billion commitments).

Dr. Kuntoro, head of BRR, the body responsible for Reconstruction in Aceh, has said that this amount is sufficient to deal with basic needs like houses, roads, bridges and other infrastructural damage. But whether the massive aid will provide an incentive for the Aceh economy is another matter.

### **It is a challenge for the Acehnese to re-establish their traditions and find ways to connect with the booming economies of neighbouring countries**

As is evident from other places struck by disaster, including East Timor, several years of the overwhelming presence of the aid industry can also have serious negative consequences. The presence of large numbers of pampered expatriates from the UN, the World Bank, the EU and other international agencies can create an almost surreal situation of inflating rents, cosmopolitan restaurants and an artificial economy that is certain to collapse in a few years time.

One striking development is the recruitment of a number of talented Acehnese onto the staff of the international aid industry, making it more difficult for civil society organisations to do their important grassroots work, while competing with the ad hoc charity of the international private sector.

Aceh has a long and impressive tradition of trade and entrepreneurial initiative but this has declined because of the decades-long war. It is a challenge for the Acehnese to re-establish their traditions and find ways to connect with the booming economies of neighbouring countries on the mainland Asia such as in Singapore, Malaysia and Thailand.

# Papuans tortured, policemen killed

**More than twenty Papuans who were arrested following an incident in Abepura on 16 March this year were subjected to maltreatment and torture, according to a report by the Catholic Peace and Justice Secretariat (SKP). Signs of torture were visible on the detainees' faces when they were visited several weeks later by staff of the Secretariat. Judges hearing the case were biased against the accused when interrogating witnesses in court. Brutality on both sides resulted in five fatalities among the security forces.**

The Papuans, mostly students, were arrested for taking part in demonstrations on 16 and 17 March at the campus of Cenderawasih University in Abepura which is about twenty miles from the provincial capital, Jayapura. They were demanding the closure of the Freeport-McMoran copper and gold mine in West Papua and for the withdrawal of military and police personnel from the vicinity of the mine. They also called for the release of seven Papuans being held in connection with an incident that occurred in Timika in August 2002.[see separate article]

The bloody events that occurred in March 2006 reflected a profound sense of anger and despair among Papuans against the presence of the mining giant, Freeport-McMoran, which is reaping huge profits from Papua's abundant natural resources while the native inhabitants enjoy none of the benefits from what they see as their birthright. The incident has cast a stain on the struggle of the Papuan people; the first time, as far as we know, Papuans were driven to inflicting such heavy casualties on members of the Indonesian security forces.

It was during the demonstration on 16 March that three members of Brimob, the crack special police force with a reputation for brutality, and an intelligence officer from the air force were killed after clashes when student demonstrators insisted on blocking the road to the provincial capital. A fifth man was fatally wounded and died six days later.

The SKP report gives a detailed account of the clash that resulted in the deaths:

*'The clash started at 12.15 hours, while several demonstrators were throwing stones and bottles at the officers as they were negotiating with Arnold Oba, chair of the Jayapura Pepera Front and Selpius Bobii, secretary-general of the Pepera Front central board. The crowd did not want to remove the road block but the officers wanted it removed. The officers, wearing anti-riot gear, moved forward in lines and pressed the crowd back. The latter withdrew to the Cenderawasih university campus where they pelted the officers with stones, bottles and sticks. The officers were forced to retreat and came under attack from the crowd. Seeing this happen, intelligence agents*



**Ferdinandus Pakage in Jayapura District Court**

*came to their assistance by opening fire. The crowd became more brutal, striking blows and throwing stones at officers who had fallen. As a result Police Brigadier I Saud Suleman and Police Brigadier I Syamsudin were found dead at 16.00 hours and Second Sergeant Agus Supryadi from air force intelligence was found (dead) at 17.15 hours.'*

Besides these three officers, Brimob officer Arizona Horota was also killed. A fifth officer who was injured died in hospital six days later.

Following the clash, Brimob forces conducted sweeps along the roads and into the hills in search of the

**wounds were clearly visible on their faces, as the result of torture sustained while they were in police custody. Two of the men said they had been tortured two hours before they were due to appear at a court hearing**

demonstrators. A number of Papuans they came across on the way were beaten up and taken to the nearby police command.

While this serious incident was underway, four television journalists who were trying to cover the incident were set upon and maltreated by members of Brimob; their cameras and equipment were destroyed and they were struck with rifle butts. A spokesman for the local security forces later apologised for this attack on the media and offered to replace their damaged equipment. No such apology has been offered to the Papuans, as far as we know.

During the sweeps, student hostels were entered and damaged. [The Indonesian word *rusak* can mean both damaged or destroyed.] The SKP report states that no

fewer than 18 student hostels were damaged [rusak] and for days, the hostels were vacant because the students had fled to the hills for safety.

### **Injured detainees**

SKP staff along with representatives from other churches who later visited the detainees said that wounds were clearly visible on their faces, as the result of torture sustained while they were in police custody. Two of the men said they had been tortured two hours before they

**'We deeply regret the revengeful operations conducted by Brimob because innocent people were beaten and their possessions were destroyed.'**

were due to appear at a court hearing, in a bid to get them to admit that they were involved in the deaths of the police and air force officers. 'They were kicked with army boots, struck on the head with rifle butts and rubber truncheons,' according to the SKP report. The men had previously been tortured during the first few weeks of their detention in an attempt to extract information.

The detainees also complained that although they had been told that legal counsel had been appointed to assist them, the lawyers had not visited them so they were at a loss as to how to behave in court and deal with the accusations against them.

Altogether 73 people were initially arrested following the incident. The next day, the police published the names of fourteen Papuans under arrest who would face charges. Selpius Bobii, a student, will be charged under

**three people including a 12-year old girl, Ratna Sari, and a 9-year old boy named Chatrin Ohee were shot and injured. On this occasion Brimob personnel had been shooting indiscriminately at all vehicles that drove passed the Brimob headquarters in Kotaraja.**

Article 160 of the Criminal Code for incitement for which the maximum penalty is six years. Others face charges for carrying sharp weapons or for assault and resisting members of the security forces. It was later stated that no fewer than seventeen people would face charges of one kind or another in connection with the 16 March incident.

### **Police told to shoot if things get rough**

The SKP report pointed out that judges before whom the men appeared in court had created an atmosphere of intimidation and fear in court. Departing from the principle of strict neutrality, one of the judges even gave advice to police witnesses who had been summoned to testify on how to deal with demonstrators. 'Another time when there is a demo, you should carry sharp weapons so that, should the situation become chaotic and you find yourself under pressure, you can shoot the demonstrators on the spot, and if anyone dies, that won't be a violation of human rights'

Johnson Panjaitan, chairman of the human rights and legal aid advocacy organisation, PBHI, issued a press

release expressing deep concern at the violence used on 16 March. He condemned the chief of police of Papua for a statement that appeared to justify the use of repression to restore peace. He condemned the arbitrary sweeps conducted against student hostels and the homes

**a 22-year old man named Dany Hisage, had died after being shot during sweeps conducted by the security forces on 17 March. The association accused the police chief of Papua of discriminating against Papuans, especially those from the Central Highlands,**

of Central Highland Papuans in Jayapura-Abepura and nearby Sentani.

The National Human Rights Commission in Papua, an officially appointed organisation, issued a statement containing recommendations which among other things called for protection for its members and members of the police in the aftermath of the bloody incident. It also called on the central government to enter into dialogue with the community regarding its demand for Freeport to be closed down. 'We deeply regret the revengeful operations conducted by Brimob because innocent people were beaten and their possessions were destroyed.'

At a press conference called by AMPTI, the association of students from the Central Highlands on 27 March, it was announced that a 22-year old man named Dany Hisage, had died after being shot during sweeps conducted by the security forces on 17 March. The association accused the police chief of Papua of discriminating against Papuans, especially those from the Central Highlands, and said the authorities should stop attaching the stigma of separatism to people. It also called for all members of Brimob who had undertaken sweeps and destruction of student hostels during which members of the public had been shot and students' diplomas had been burnt to be brought to justice.

The SKP report also states that on 17 March, three people including a 12-year old girl, Ratna Sari, and a 9-year old boy named Chatrin Ohee were shot and injured. On this occasion Brimob personnel had been shooting indiscriminately at all vehicles that drove passed the Brimob headquarters in Kotaraja.

Source: Sekilas Informasi Januari – Maret 2006, Sekretariat Keadilan dan Perdamaian Keuskupan Jayapura, Jayapura, June 2006. Information Report for January-March 2006, by the Justice and Peace Secretariat of the Bishopric of Jayapura, June 2006.



# Asylum seekers granted protection visas

**All but one of a group of 43 Papuans who made a hazardous journey from West Papua to escape atrocities and human rights violations were granted protection visas by the Australian government despite pressure from Jakarta for them to be returned to Indonesia. Canberra has since made moves to prevent further arrivals from Papua.**

The group made their escape by travelling a 250- km journey to the North Eastern tip of Australia in a 24-meter traditional boat. The group, comprising 36 adults and seven children, some from the same families, included a number of students and independence activists. Their boat was adorned with a banner saying 'Save West Papua people from genocide and terrorist from military government of Indonesia. Also we West Papuan need Freedom Peace Justice in our Home Land'

It was the first time that Papuans had fled their country by sea instead of crossing the border into Papua New Guinea which has become far more difficult as the result of increased surveillance.

Upon their arrival in Australia, the Australian minister of immigration, Senator Amanda Vanstone, was confronted with the requirement under international law to consider their claim for asylum. After the refugees had

**It was the first time that Papuans had fled their country by sea instead of crossing the border into Papua New Guinea**

been interviewed, temporary protection visas allowing all but one to remain in the country for three years were granted.

This decision provoked angry reactions from Jakarta, which demanded that the group be returned to Indonesia; the Indonesian ambassador was also recalled from Canberra, putting new strains on relations between the two countries.

Jakarta's reaction was predictable because the courageous Papuans had succeeded in making a powerful point internationally as well as in Australia where there is overwhelming public support for the Papuan people's struggle. A poll conducted in April by Newspoll found that 76.7 per cent of Australians support self-determination or independence for the Papuans. [*The Age*, 16 April 2006]

After their arrival, the group told supporters in Australia that they were fleeing heightened persecution in Indonesian-controlled West Papua and warned that if they were returned, 'they would be dead within weeks'. Justification for their complaints about Indonesian persecution came from a surprising source when the commander-in-chief of the Indonesian armed forces, General Endriartono Sutarto admitted that some of those fleeing 'had once been arrested for hoisting the (Papuan) flag.' To show how lenient they could be, Endriartono went on to say: 'We could have detained them for life but instead we released them.' [*AP*, February 10 2006]

**The group told supporters in Australia that if they were returned, 'they would be dead within weeks'**

## Graphic accounts

An immigration officer who interviewed members of the group after they had been moved to the remote Christmas Island said that they had relayed graphic accounts of beatings and torture by the Indonesian military.

Senator Kerry Nettle of the Greens immediately paid a visit to Christmas Island to meet the Papuans and called for them to be removed to the mainland where there is a well-established West Papuan community. A source who met the Papuans on the island said that the group 'is cohesive, highly educated, articulate and readily identifiable, which makes their claims extremely strong. The claims they are making are believable and tally with what Australian intelligence knows about the political situation in the province. Getting out of there is not easy,' the source said.

Another source said: 'This was a remarkable group of people. The boat was seven metres long... and it took them four days in stormy weather. They are a committed group. [*The Age*, Melbourne, 30 January 2006]

Immigration officials concluded that the 43rd asylum seeker David Wainggai, son of the late West Papuan nationalist leader Thomas Wainggai, has a well-founded fear of persecution should he be returned to West Papua. However, the minister rejected his application on the dubious ground that he could seek sanctuary in Japan because his mother is Japanese (she does not live there and renounced her Japanese citizenship). He remains isolated on Christmas island and is appealing the decision to the Refugee Review Tribunal [*'The Vanstone Wriggle'*, the Australian 27 May 2006]

## Canberra succumbs to Jakarta

Soon after the protection visas were granted on 23 March, the Australian prime minister John Howard announced that the system was under review. He said that the government was considering taking into account its national interest and consulting countries on claims being made against them when assessing asylum claims. The very idea of this form of consultation was greeted with howls of disbelief by human rights groups in Australia.

Immigration Minister Amanda Vanstone announced that in future, boat people who reach the mainland would be processed off-shore and efforts would be made to send them to other countries for settlement, even if they were judged to be genuine refugees. The places mentioned as possible offshore destinations were the South Pacific island of Nauru or the PNG island of Manus. [*The Age*, 16 April, 2006]

The policy will require endorsement by the Australian Senate where it has already met with opposition.

# Freeport on defensive over its environmental record

**The Freeport McMoran copper-and-gold mine in West Papua has been defending its environmental record after it was excluded from Norwegian government Investment Funds because of environmental damage.**

A spokesman for Freeport, Bill Collier, said Norway's action is based on a misunderstanding and that the mining company has a strong commitment to environmental protection in its mining process.

Norway has said that its more than 240 billion US dollar oil fund would no longer invest in companies that it said were serious and systematic abusers of human and labour rights.

The Norwegian government blames Freeport for using a natural river system for the disposal of tailings from the Grasberg mine. But Mr Collier says the tailings from the mine are non-toxic and that Freeport does not use cyanide or mercury in the separation process. He claimed that the tailings sand is transported to the lowlands by one of many mountain streams and are deposited within an engineered system of levees. And that the tailings deposit area will be revegetated with native species or agricultural crops at the end of the mine life.

But Collier refused to be interviewed, citing the current sensitivities in Indonesia.

The Norwegian decision comes just a month after a report sanctioned by Indonesia's House of Representatives confirmed that the Freeport mine in Papua is causing severe damage to the environment." (RNZI, 8 June 2006 UTC)



**Demonstration against Freeport outside Presidential Palace in Jakarta**

**government to review the impact of its operations.**

Ms Maimunah dismisses the notion that the Grasberg mine has brought any welfare to the province or local people in Timika, where it is located. She says that Freeport dumps unacceptable levels of toxic waste in local rivers and contributes to human rights violations because it pays Indonesian military forces for security. Ms Maimunah questions why Papuans continue to live in abject poverty while Freeport earns massive wealth for Indonesia.

"There is evidence that Freeport is against interim regulation. For example, they don't have permits to dump their acid waste from the mine; human rights violations; and also the health problem is increasing - for example HIV/AIDs is the number one patient account in Timika," she said.

(Source: RNZI, 5 July 2006)

## Indonesian mining watchdog regrets Freeport's negative impact

RNZI Posted at 06:24 on 05 July, 2006 UTC

**Indonesia's Mining Advocacy Network JATAM says the Freeport is having an increasingly negative impact on local people. The Network's executive director, Siti Maimunah, says the mine should shut down at least temporarily to allow the**

## Security for the mine

**According to a presidential decision (Keppres) of 2004, security for vital national enterprises should no longer be in the hands of the TNI but handed over to the police force. But there are a number of projects still guarded by the army, including Freeport in Papua. The deputy chief of police for Papua, Pol Brig. General Drs Maz Donald Aer has said that every effort is being made to carry out the presidential decision. He said that as yet**

**there was a lack of adequate well-trained police personnel but that the security of Freeport was now in a state of transition.**

In June, a special mine operation was in preparation by the army and once all the necessary adjustments have been completed, the police will take over. At present, there are 600 to 700 military personnel in charge together with a company of police. However in view of the difficult geographic location of Freeport, there are still 300 to 350 military personnel in the area, whose task is to provide protection against possible disruption of mining operations by 'separatist' groups, said Brig.Gen. Aer.

He also explained that the special Freeport operation is known as Operasi Amole I 2006 which is under the command of police commissioner Drs Robby Kaligis.

**Source: Cendrawasih Pos. (June 2006, date not given.)**

## **Timika suspects forced to stand trial in Jakarta**

**Seven Papuans who were arrested over the killing of two American teachers and an Indonesian colleague in Timika, have been forced to stand trial in Jakarta despite demanding they be tried in Timika itself. Their lawyer Johnson Panjaitan felt that siting the trial in Jakarta would damage the chances of the suspects to receive justice.**

In cooperation with the U.S. Federal Bureau of Investigation (FBI), the police arrested twelve Papuans, including the leading suspect Anthonius Wamang, who was indicted by a U.S. grand jury in 2004 for the killings. Five were later released.

The seven suspects, were flown to Jakarta and were set to stand trial for possession of illegal arms and actions resulting in death. 'The Supreme Court has no right to move the trial, it's the justice minister who has the authority to do so based on a proposal from the Supreme Court chief as stipulated in the Criminal Code,' said Panjaitan.



**Brimob officer outside Freeport office in Timika**

The leader of the Amungme Tribal Council, Yosepha Alomang also called on the Timika district court to let the suspects be tried in Timika. [Jakarta Post, 7 July 2006-

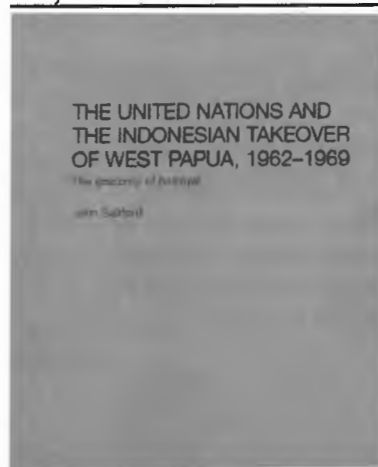
Shortly after the incident occurred in August 2002, the Papuan human rights organisation ELSHAM, along with the police force conducted an investigation into the case and came to the conclusion that the Indonesian military were involved in the fatal incident. But the trial of seven Papuans appears to be the only action to be taken to bring the perpetrators to justice. As with so many other cases, any military who might have been involved will not be brought to justice.

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# May Day protest against labour law revision

**Tens of thousands of workers protested peacefully on the streets of Jakarta and other major cities on 1 May, international Labour Day, against plans to revise a 2003 labour law which protects workers' rights. The government and business community believe that new legislation is necessary to improve the country's investment climate. Other developments indicate that Indonesian workers are still vulnerable to labour rights violations despite an overall improvement in their working conditions since the downfall of Suharto.**

The changes to the 2003 labour law were proposed by employers who thought it gave workers too many benefits and harmed Indonesia's economic competitiveness.

The revised law would make it easier for employers to hire and fire workers by reducing severance payments and allowing companies to employ workers for up to five years without a contract.

A wave of public protests at the beginning of April forced the government to delay the new law and set up a tripartite forum of employers' associations, workers'

**'...about nothing more than opening the door as widely as possible to investment without any regard for security of employment and welfare of the workers**

groups and government officials [see *TAPOL Bulletin* No 182, p. 22].

After the May Day protests, another mass demonstration outside the Indonesian House of Representatives on 3 May turned violent when workers clashed with security forces. Water cannon and tear gas were used to disperse the protesters. A number of those arrested for public order offences were reportedly beaten by security personnel ['Violent Labor Rally Harms RI Image: SBY, *Jakarta Post*, 4 May].

Earlier Jakarta police chief, Firman Gani, had issued a shoot on sight order against any protester involved in violence.

In a powerful declaration issued on 22 June, a group of academics, labour and democracy activists called for a 'more just system of labour relations' and expressed concern that the discussion about the new law '...has been about nothing more than opening the door as widely as possible to investment without any regard for security of employment and welfare of the workers' (see box opposite).



**May Day protest in Jakarta**

## **Intel chief alleges communist infiltration**

The Chief of the State Intelligence Bureau (BIN), Syamsir Siregar, has alleged that communists have been behind a number of recent labour actions. Both he and Jakarta Military Commander, Major-General Agustadi Sasingko Purnomo also warned of PKI-communist infiltration into NGOs and the Indonesian Parliament [*Detikcom*, 12 June 2006]. This could be part of a disturbing move to justify a crackdown on workers' rights.

The Indonesian Communist Party (PKI) has been a banned organisation since it was wrongly blamed for the coup attempt in 1965 that brought General Suharto to power. Its former members and their families still suffer from discrimination to this day.

# Musim Mas workers forced to capitulate

**Around 200 workers among 1,000 union members formerly employed by the PT Musim Mas oil palm plantation and processing plant in Riau province, Sumatra, have agreed to accept a financial package for the loss of their jobs. The 1,000 were dismissed and evicted from their homes because of their involvement in a strike and demonstration at the company in September 2005 organised by the newly-formed union, SP Kahutindo [see TAPOL Bulletin No 182, p. 20].**

In exchange for the financial compensation, the union agreed to drop all legal claims against the company. This means that the mass dismissals cannot now be challenged. The compensation amounted to just US\$ 123 per person, the equivalent of six weeks wages.

Six men who are serving prison sentences of up to two years for what amounted to exercising their collective rights as workers have also signed agreements preventing them from taking further civil action against the company although they intend to go ahead with their appeals against their convictions.

The international foodworkers union, IUF, which together with the Building and Wood Workers International (BWI), is leading the international campaign for the workers, has accused Musim Mas of starving the union into defeat and of exploiting the desperate situation of the workers. It has expressed concern about the way the agreements were obtained and points out that 'No prisoner, particularly one whose family is without support, can be said to engage in negotiations free from duress'. It has also accused the company of cynically using the agreements as part of a public relations campaign to highlight the 'positive' industrial relations with the company [statement posted to IUF website, 13 June 2006].

IUF says the six prisoners are forced to sleep on bare concrete floors in cells 5m x 4m in which 28 men are held in total. Family visiting rights are restricted or made difficult.

The Roundtable on Sustainable Palm Oil (RSPO), which brings together palm oil producers, users, retailers and NGOs, has described the settlement with the workers as 'acceptable' and 'sustainable'. In response, the IUF and BWI have called on the RSPO to explain 'how the large-scale destruction of livelihoods and the incarceration of trade unionists contributes to the advancement of sustainable palm oil production'. The IUF describes the settlement as 'a giant setback for trade union rights for palm oil workers in Indonesia and around the world' [letter IUF and BWI to RSPO, 7 July 2006].

The IUF has vowed to continue supporting the Musim Mas workers in whatever future actions they chose to take in fighting for trade union rights and to campaign for the immediate release of the six imprisoned trade unionists.

## Declaration by academics and labour and democracy activists regarding the revision of the law on labour relations:

Labour legislation is based on the premise that there is an imbalance between workers and employers and legislation is needed to support the workers who represent the weaker side of the equation by introducing democratic norms within the corporate world and the market, by acknowledging that workers' solidarity and collective action are values that should be respected. This is the very *raison d'être* of labour legislation, namely to give protection to the workers. Once this function is destroyed, labour legislation loses its meaning.

We are at present witnessing a systematic attempt by the State with the help of some academics to eliminate the protective element of labour legislation. Labour relations are being surrendered to the workings of the market without the involvement of the State which is promoting the current powerful trend towards globalisation. Meanwhile, the media has failed to play a positive role. As those who suffer the direct impact of this trend, the workers are being left to fend for themselves in the swirl of market forces.

### We therefore state:

1. We are concerned at the shallowness of understanding of workers' issues and plans to amend Law No 13, 2003 on Labour Relations. As a result, the discussion has been about nothing more than opening the door as widely as possible to investment without any regard for security of employment and welfare of the workers.
2. We are deeply concerned that the drafting process is all about lobbying and funding without any consideration for the real interests of those sections of the population who feel the direct impact of the policy. Those who are involved in revising the law are collaborating at both the national and local level with the employers. The result is that the legislation is being determined solely by the financial resources of the employers.

### We therefore:

1. Express support for the workers in their opposition to any revision of the Law on Labour Relations.
2. Call on workers to resolve their differences and support efforts to intensify their contacts with other sections of the pro-democracy movement.
3. Call upon other academics to get involved in promoting the aim of a more just system of labour relations which respect the basic human rights of workers.
4. Urge the media to ensure that their reporting on this issue is more balanced so that it takes account of the interests and ideas of the workers regarding labour legislation.
5. Call upon all sections of civil society to work, alongside the workers, to create a more just and dignified country.

Jakarta, 22 June 2006

## ILO supports sugar workers

**The International Labour Organization (ILO), a UN agency, has called on the Indonesian government to address anti-union actions taken by private and public sugar employers against the FSPM TG union which represents workers in the sugar industry. It has also recommended the reinstatement of the union's dismissed president, Daud Sukamto.**

The ILO was responding to a complaint made by the IUF to which FSPM TG is affiliated.

Daud Sukamto headed the local union at the Gunung Madu plantation in Sumatra and was elected president of FSPM TG at its founding convention in February 2005. Gunung Madu, Indonesia's largest sugar company, is 45 per cent owned by the Hong

**'a classic example of Indonesia's three-way collusion between employers, yellow unions and the government'**

Kong-based Kuok Investment Group. The remaining shares are held by the Suharto family and cronies.



**Daud Sukamto**

bargaining negotiations.

The IUF described Sukamto's sacking as 'a classic example of Indonesia's three-way collusion between employers, yellow unions and the government' [statement posted to the IUF website 20 June 2006].

Harassment and intimidation of the union continued despite Sukamto's dismissal. The authorities attempted to cancel the FSPM's legal registration and threats of violence were made against union leaders.

At this year's June session of the ILO's International Labour Conference, the Committee on Freedom of Association issued the following recommendations:

- That Daud Sukamto be reinstated without loss of wages and benefits.
- That the government reviews the Manpower Act 2003 and takes measures to ensure the term 'gross misconduct' does not cover legitimate trade union activities.
- That the government investigates the allegations of harassment and threats and takes action against those responsible.



**Sugar workers rally at the East Java Provincial Parliament, Surabaya. Photo - IUF**

Daud Sukamto has not yet been reinstated. The Indonesian government has failed to implement the ILO decision and instead has wrongly argued that the decision is 'not final'.

[The full ILO decision is available via a link from the IUF's online statement of 20 June 2006.]

## RI-Malaysia agreement fails to protect migrant workers' rights

**A memorandum of understanding between the governments of Indonesia and Malaysia regulating female migrant domestic workers (MDWs), such as housemaids, has been criticised by a number of human rights and labour groups for encouraging slavery.**

The groups oppose the agreement signed in Bali on 13 May because it fails to regulate basic rights such as minimum wages, working hours and holidays.

Irene Fernandez, the director of the Kuala Lumpur-based human rights group, Tenaganita, said that 'without enshrining Indonesian workers' rights into law, the Malaysian government had only paved the way for further abuse, exploitation and violence' ['RI-Malaysia Labor Agreement Meets Strong Opposition', *Jakarta Post*, 19 May 2006].

In a statement issued on 8 June, the Indonesian NGO *Solidaritas Perempuan* (Women's Solidarity) said the MoU did not adequately protect the rights of female migrant workers and some provisions – such as those prohibiting marriage and bringing spouses to stay – even violated their rights.



The group said that the agreement was oriented towards the interests of the employers and recruitment agencies and as a result: '...the MoU does not consider Women MDWs as human beings who have rights, dignity and intelligence, but as goods for trade only'.

It also complained that representatives of migrant workers and NGOs that support their rights were not involved in the negotiations leading to the signing of the MoU.

*Solidaritas Perempuan* called upon the two governments to consult with migrant workers' and womens' groups and revise the MoU to protect the rights of women MDWs.

In 2004, Human Rights Watch published a report, 'Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia', documenting a wide range of human rights abuses against domestic workers, including labour rights violations such as excessively long working hours, lack of rest days, and unpaid wages;

**'the MoU does not consider Women MDWs as human beings who have rights, dignity and intelligence, but as goods for trade only'**

violations of freedom of movement and freedom of association; and physical and sexual abuse.

In May the following year, Human Rights Watch wrote to the Malaysian prime minister calling upon him to reform the country's flawed immigration and labour policies and to exempt vulnerable groups such as refugees, abused migrant workers and trafficking victims from its immigration crackdown.

Malaysia is one of the largest importers of foreign labour in Asia. Approximately 20 per cent of its workforce is comprised of migrants primarily employed in construction, palm oil plantations and domestic service. More than 90 per cent of its 240,000 domestic workers are Indonesian. Typically they work 16 to 18 hours a day, seven days a week and earn less than US\$ 5 a day ['Malaysia: Migrant Workers Fall Prey to Abuse', *Human Rights Watch*, 17 May 2005].

### **RI urged to ratify migrant workers convention**

Participants at a seminar in Jakarta on 11 July, including Indonesia's permanent representative to the UN in Geneva, Makarim Wibisono, government employees and NGOs, called for the ratification of the International Convention on the Protection of the Rights of Migrant Workers as the first step towards establishing a legal basis for the protection of Indonesian workers abroad ['Ratifying convention necessary to protect RI's migrant workers', *Jakarta Post*, 12 July 2006].

It was revealed that 300 Indonesian migrant workers died in 2006 alone. The 2.7 million migrant workers abroad send home remittances of US\$2.9 billion and therefore make a vital contribution to the Indonesian economy.

The convention requires the signing country to make sure foreign workers' basic rights, including those relating to physical and mental abuse, the minimum wage and freedom of religion, are fully respected.

# Offside!

Labour rights and sportswear production in Asia

## World Cup highlights abuses of sportswear workers



**In a report released ahead of the 2006 World Cup in Germany, Oxfam warned that many sportswear workers in Asia who attempt to unionise are facing intimidation and dismissal.**

The report, 'Offside! Labour Rights and Sportswear Production in Asia' found that workers making clothes, shoes and other goods for global sports brands have been sacked or threatened with violence when they have organised unions to lobby for better pay and conditions.

Oxfam believes that none of the big sports brands are doing enough to solve the problem. It highlighted the case of an Adidas supplier in Indonesia, PT Panarub, that recently sacked 30 union workers who took part in a legal strike for more pay. The case has also been the subject of a campaign by the Clean Clothes Campaign [see [www.cleanclothes.org](http://www.cleanclothes.org)].

The Panarub factory near Jakarta makes the Predator Pulse boot promoted by England's David Beckham and the +F50.6 boot Tunit used by Holland's Arjen Robben and Brazil's Ze Roberto.

'The sacking of these workers sends a very worrying signal to sports brands that it's acceptable to discriminate against union workers. In the past adidas has shown leadership within the industry and the company should continue to do so by ensuring the factory reinstates these workers. ...consumers and workers alike have the right to expect that global brands will not exploit the people making their goods,' said Oxfam.

Oxfam alleges that Adidas has reneged on a promise to demand the reinstatement of the workers after Indonesia's National Human Rights Commission, Komnas HAM, found that there were insufficient grounds for the sackings [Oxfam attacks Adidas over sacked workers, *The Guardian*, 7 July 2006].

Oxfam also drew attention to the case of an Indonesian shoe supplier of the US-based world tennis sponsor, FILA. The business with an appalling record of worker abuse closed suddenly and without warning. A year later, none of its 3,500 workers have received any back pay or severance pay. FILA has refused to reveal its role in the closure or take responsibility for the workers.

# Securicor campaign comes to the UK

**A campaign against the British-based security services company, Group 4 Securicor (G4S) was stepped up with the visit to London in June of a senior union leader, Sinta Dewi Sawitri, to protest at the company's annual general meeting. The company had failed to respond to a decision by the Indonesian Supreme Court in May that over 200 sacked workers must be reinstated and receive their entitlement to back pay. It was however forced at its AGM to undertake to comply with the court's ruling.**



**Securicor Indonesia security guards at the commemoration of the one year strike, April 2006. Photo: [www.focusongroup4securicor.com](http://www.focusongroup4securicor.com)**

Speaking at the G4S AGM on 29 June, Sinta Dewi Sawitri, Vice President of ASPEK, the Association of Indonesian Trade Unions, demanded to know why the damaging dispute had been allowed to go on for more than a year and why the company had failed to implement the decision of the Supreme Court.

The company claimed that it had seen only a one-page notification of the judgement and not the full decision. Members of the G4S board were presented with copies amid accusations of serious management failures at the local level.

The board had no option but to agree to abide by the Court's decision. An assurance that the decision would be implemented was also obtained from the group's human resources director, during a meeting with Sinta Sawitri and TAPOL. The company has since issued a statement saying it received the Supreme Court decision on 30 June and has invited the former employers back to work. TAPOL will continue to monitor the situation closely to ensure that all outstanding issues are resolved.

The dispute originated in 2004 following the corporate merger of Group 4 Falck (a Danish company) and Securicor (a British company). Both companies had subsidiaries in Indonesia, but a decision was made that the subsidiaries would maintain their separate identities. This enabled the companies to avoid severance payments to their employees. TAPOL understands that payments would have been required under Indonesian law if the two companies had merged and transferred their employees to the newly-merged company.

The companies decided that in future, PT Securicor Indonesia would carry out the 'cash services' part of the business while PT Group 4 Falck Indonesia would undertake the 'manned security' part. Those employees of Securicor involved in 'manned security' were given the option of transferring to Group 4.

According to the workers, PT Securicor Indonesia refused to enter into negotiations with union

representatives over the terms and conditions of employment of the transferred employees. The company maintains that the workers were not forced to transfer, that it was made clear to them that 'no guards would lose their jobs, seniority or entitlements', and that the majority agreed to transfer.

Over 200 of the workers, frustrated by the failure of the company to address their concerns, began a lawful strike on 25 April 2005. They were immediately dismissed. A number of union leaders have since alleged harassment and intimidation.

Several courts and tribunals have considered the legality of the strike and all have ruled in favour of the workers. On 19 May 2006, Indonesia's highest court, the Supreme Court, upheld the decision of the State Administrative High Court in Jakarta and the lower courts that the workers should be reinstated and receive their entitlement to back pay.

Internationally, the Securicor workers are being supported by the US-based Service Employees International Union (SEIU), the global property services union, Union Network International (UNI) and in the UK by the GMB union which has recently secured a national recognition agreement with G4S. Successful lobbying has also resulted in the chairman of one of G4S's major clients, HSBC bank, making representations to PT Securicor Indonesia and agreeing to monitor developments.

Sinta Sawitri has been Vice President of ASPEK since 2005. She was previously President of its Women's Committee. ASPEK represents workers in the finance, banking, buildings and property, security services, and media and printing sectors. The Securicor Indonesia union is one of its affiliates. TAPOL spoke briefly to Sinta following her successful intervention at the G4S AGM.

**continued on page 21**

# New moves to bring Suharto to justice

**A weeklong campaign was organised by a large number of NGOs in July to bring Suharto to justice for the many crimes against humanity perpetrated during his 32 years in office. One of Indonesia's leading historians has recently published a new book on Suharto's crimes. But fears of communism re-emerging are still being voiced.**

The campaign to bring Suharto to justice was organised by the People's Alliance Movement to Try Suharto (ARBAS) which brings together no fewer than twenty-one NGOs. Announcing its intention on 2 July to organise a weeklong campaign, ARBAS stated:

'For 32 years, Suharto carried out numerous killings, kidnappings and robberies. These activities show that he headed a dictatorial regime against humanity. It began with the killing of three million people over a period from 1965 – 1971, then came the intervention in East Timor in 1975, the Tanjung Priok



**Anti Suharto demonstration**

**If an Indonesian can be beaten black and blue and then thrown into prison for stealing a chicken, why should Suharto who was responsible for incomparably greater crimes be forgiven?**

Tragedy in 1984, the killing of Papuans from the 1970s till the 1990s, the killing of Acehnese in the 1980s and 1990s, the 1989 Talangsari Tragedy, the Haur Koneng and Sampang tragedies, the 27 July 1996 Tragedy, the abduction and disappearance of student activists in 1996 and 1998, the shooting of Trisakti students on 12 May 1998, the murder (in 1996) of Udin, a journalist working for Bernas, the murder of labour activist Marsinah and very many more crimes perpetrated by Suharto. These events represent a black page in the history of the Indonesian people and can no longer be ignored.'

By identifying his crimes against humanity, the campaign indicated that it was not concerned with corruption charges which have been filed against him; more than a year ago, the corruption trial was suspended on grounds of ill-health.

ARBAS also quotes a leading Indonesian historian, Ong Hok Ham, who once said: 'The victims of the brutalities of the New Order Regime over a period of 32 years are far greater than the brutalities of the Dutch colonial era which lasted for 350 years.'

What this means is that Suharto and his cronies cannot be forgiven either legally or morally, the ARBAS press release said. If an Indonesian can be beaten black and blue and then thrown into prison for stealing a chicken, why should Suharto who was responsible for incomparably greater crimes be forgiven?

It is time for Indonesians to assert the good name of their Republic in the eyes of future generations and the international community. Democracy and supremacy of the rule of law must acknowledge the reality of the case against Suharto.

ARBAS then takes the present government of Susilo Bambang Yudhoyono and Jusuf Kalla to task for failing to run the country well. 'Their promises to combat corruption and uphold the supremacy of law have not yet been properly implemented.'

An example of this is the government's instruction to the attorney-general to issue an order known as an SKP3, halting the case against Suharto. (This refers to the decision not to proceed with the corruption case.)

For these reasons, ARBAS along with the Social Movement to Bring Suharto to Justice, supported by 38 organisations from ten cities in West Java and the province of Banten have decided to launch a campaign lasting seven days and nights to call for the following:

## **Arrest, Try and Confiscate the Wealth of Suharto and his Cronies!**

Failing this, the SBY-Kalla government should resign.

The action was scheduled to last from 3 till 9 July and would take place at the Bung Karno University campus on Jalan Pegangsaan Timur, Central Jakarta.

## **New book on Suharto's crimes**

One of Indonesia's foremost historians, Asvi Warman Adam, has published a new book dealing with Suharto's role in the events of 1965 that led to his takeover of power and the mass killings that occurred in its wake.

The book, *Soeharto File: Sisi Gelap Sejarah Indonesia*, [Suharto File: The Dark Side of Indonesia's History], reveals the role Suharto played in the events of 1965 which claimed the greatest ever number of lives in the history of political violence in Indonesia. While recognising



the role of the CIA as well as the military in those events, the author focuses on the transition of power from Sukarno to Suharto which he describes as an 'unnatural succession'. The transition began with the events on 1 October 1965 which are known as the G.30.S coup attempt and concluded with the presidential executive order from President Sukarno to Suharto on 11 March 1966 known by its Indonesian acronym as Supersemar. Asvi argues that Suharto was involved in both these events.

With regard to the initial coup attempt, Asvi believes that although Suharto may not have conceived the idea of this action, he certainly had prior knowledge of it as well as of the existence of a so-called Council of Generals against which it was aimed. In the event, the greatest beneficiary of the failed coup was General Suharto. While he was no great strategist, he was lucky in that he was able to capitalise on a great opportunity.

Besides revealing Suharto's role in these two events, Asvi lists the political crimes and human rights abuses



**Anti Suharto demonstration**

organising the event for interrogation. However, they did nothing to question those who had disrupted the gathering.

## **A peaceful gathering of victims of the 1965 events, most of them former political prisoners and very elderly, was disbanded by civil militia groups.**

perpetrated during his New Order, including all those highlighted above by ARBAS. He gives ten reasons why Suharto should be brought to justice.

We will be able to provide a more detailed account of the contents of this important book when we receive a copy and are able to publish a review.

### **Peaceful gathering of 1965 victims broken up**

There is however another side to life in Indonesia. There are still groups who take action against people when they come together to reflect on their experiences as victims of past political persecution. A peaceful gathering of victims of the 1965 events, most of them former political prisoners and very elderly, was disbanded by civil militia groups. Around two hundred people attended the gathering in Bandung on 20 May this year; they were commemorating National Awakening Day to mark the establishment of the first nationalist movement organisation in 1908.

About one hundred people broke into the meeting, threatening and intimidating those present. They yelled as they entered the hall, accusing those present of seeking to restore the communist ideology. According to the Asian Human Rights Commission which launched an Urgent Action to protest against the incident, the victims attending the meeting left the hall shaken and afraid.

The disruptors were from Laskar Siliwangi, a militia group from West Java where the local military command is called Siliwangi. Another group called PPM, whose members are trained by the local military, was also involved in the attack. They are known to have previously attacked local human rights groups, KontraS and PBHI in 2003 for criticising martial law and military atrocities in Aceh.

Police from Central Bandung later entered the meeting hall and took away two members of the committee

### **Intel chief raises communist spectre**

The head of BIN, the State Intelligence Bureau, caused widespread consternation when he claimed that an increasing number of meetings were being held to promote communism. Speaking at a meeting of Parliament's Commission I on 12 June, Syamsir Siregar alleged that various movements were now emerging behind the camouflage of being concerned with labour or other issues. BIN had 'spotted' meetings in Blitar (East Java), Cipanas, Bogor and Bandung. Some of the meetings had for instance discussed co-operatives but he alleged that they were PKI-inspired.

To add to the scare-mongering, the Jakarta military commander, Major-General Agustadi Sasongko Purnomo, speaking at an army sports event on 12 June, warned his men that they had three times recently discovered meetings at which the PKI emblem was distributed. He also repeated a claim by a university lecturer, Alfian Tanjung that 86 members of Indonesia's Parliament, the DPR, were communist infiltrants. He said that the actual figure could well as many as 150. [Detikcom, 12 June 2006]

Several parliamentarians responded angrily to these allegations. Effendy Choirie said the military were going too far. 'This is now the era of democracy when people can pursue any ideology. They should only be brought to book and action taken if they hold events in public(sic).' He warned of attempts to restore authoritarianism, harking back to the days of the New Order. He also warned members of the armed forces not to speak out on political matters. 'The military are concerned with defence matters and have no right to get involved in controlling ideology or politics, he said. [detikcom, 13 June 2006]

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**What do you think you have achieved by your visit?**

I have been very encouraged by the international support we have generated from various sources. We have proved to Securicor Indonesia that there is an international network behind us and that this is a very serious dispute. Also that the company cannot just ignore the local law in Indonesia.

**What about the company's response?**

I still have a big question about what will happen. I have faced many parties before who have promised many things but not delivered. I hope we can find a solution. The workers have been very long suffering. All companies doing business in Indonesia should respect Indonesian law. Global companies should not treat such a matter lightly if they want to continue doing business in Indonesia. I hope the company will keep to its commitment at the AGM to implement the Supreme Court decision.

**What has been the impact of the dispute on the workers?**

Since the start of the strike, they have had their salary blocked by the company even though the courts have instructed them to pay. Without any pay, they cannot care properly for their families and create a future for their children, whose health and education also suffer.

**There have been allegations of intimidation?**

Yes, there are two different types. During the dispute, the company has made personal approaches to individual workers to undermine the union. And there has been physical intimidation by police officers and other Securicor workers employed to remove protesting workers from the company premises.

**More generally, how do you think Indonesian workers have fared since the downfall of Suharto in 1998.**

Although there are still some problems, things are much better with the democratic improvements in the country.



**Sinta Sawitri, Vice President of ASPEK**

There is more freedom of speech and freedom to organise to enable workers to fight for their rights. And there is much less of a problem of the military getting involved in industrial disputes.

**What about the rights of women workers?**

There is a need to motivate women to be more concerned about their rights, to be more assertive. Many are still shy and afraid to stand up for themselves. The main problems concern domestic workers overseas, gender discrimination at the workplace and the denial of the right to full maternity leave and menstruation leave.



**New Human Rights Watch report**

**Too High a Price - The Human Rights Cost of the Indonesian Military's Economic Activities**

**" The Indonesian government says it wants to professionalize its military, but we've seen little evidence of real change... Military reform means getting soldiers out of business and prosecuting those who broke the law. "**

[Lisa Misol, researcher with the Business and Human Rights Program at Human Rights Watch]

**Available from - <http://hrw.org/reports/2006/indonesia0606/>**



# Indonesia's greatest novelist passes away

**Pramoedya Ananta Toer, who is widely acknowledged as being Indonesia's greatest novelist, died on 30 April following a short illness. He had been in poor health for some time. He was 81 years old. His death called forth numerous articles and obituaries acclaiming his contribution to Indonesia's literary and cultural history. According to custom he was buried within hours of his death, but scores of activists and young writers were able to arrive in time to attend his funeral.**

After being taken ill for the last time, he was rushed to hospital. Three days before his death, he asked for all the medical paraphernalia to be disconnected so that he could return home to die.

Pram, as he is affectionately known, was born in Blora, Central Java. His father was headmaster of a local school and active in the nationalist party, the PNI. Speaking at a gathering last year to celebrate his 80th birthday, Pram said that it was his father who gave him a political perspective, while his mother taught him about life's principles 'to count on myself and not to ask for God's help in my daily affairs.' She told him that praying to God only displays our frailty as human beings'. [See *TAPOL Bulletin* No 178, March 2005] These thoughts clearly remained with him throughout his life and help to explain how he was able, under the dreadful conditions he experienced for ten years on Buru Island, to turn these conditions into an opportunity to write so many books.

Pramoedya's creative life spanned many political eras, the Japanese occupation from 1942 till 1945, the early years of the Republic under Sukarno, the period of Guided Democracy from 1959 till 1965, the dark years of Suharto's New Order and the period of democratisation. On no fewer than three occasions, his literary activity led to imprisonment, but he was never brought to trial.

## **Natural-born writer**

Pram has always declared that writing was his passion. His penchant for writing began during the Japanese occupation. In 1942, he got a job at the Japanese news agency, Domei, working mostly as a typist but it was here that he began to hone his skills as a writer. After the Japanese defeat and the proclamation of Indonesian independence in August 1945, he joined a militia group in Jakarta and work as its press officer. In July 1947, the Dutch authorities who still occupied Jakarta arrested him for possessing anti-Dutch documents and he spent two years in Bukit Duri prison. It was during this period of incarceration that he wrote his first novel, *The Fugitive*. Much to his surprise, the novel won him an award from the government publishing house, Balai Pustaka.

His second term of detention came in 1961, this time for writing a book on the history of the Chinese in Indonesia which was deemed to be 'overly sympathetic to the Chinese'. This book appeared at a time when the



**'If the government want my library then fine, take it, but don't destroy it. Regardless of any personal interest, my library would be of great value to the nation.'**

Chinese were being driven from the countryside and ordered to re-settle in urban areas, a campaign organised by the Indonesian military, in an attempt to eliminate the predominance of the Chinese in commerce.

After his release, he became editor-in-chief of the left-leaning newspaper, *Bintang Timor*, and was on the board of the left-wing cultural organisation, LEKRA, both of which were close to the Indonesian Communist Party. Facing allegations from his critics that he had joined the PKI, Pram strongly denied this. 'I am no one's gofer,' he said at the time.

## **An ardent admirer of Sukarno**

The only political figure whom he never ceased to admire was Indonesia's first president, Sukarno whose greatest contribution to Indonesia's contemporary history, according to Pram was the affirmation of the country's unity. This was in tune with Pram's strong support for the cohesion of the multi-ethnic Indonesian Republic. But he was never a person to bow to authority and paid the price with the loss of his personal freedom on no fewer than three occasions.



But his experiences of incarceration under the Dutch and during Guided Democracy were nothing compared to what he experienced after the military took power in late 1965. It was under Suharto's New Order that Pram felt the harsh lash of authoritarianism and military rule. Soon after a group of army officers were killed on September 30 1965, an event that was immediately blamed on the communist party, massacres swept the country, killing more than a million people (some put the figure as high as three million). An estimated 1.7 million people were arrested in the six months from October 1965.

Pram's turn came on 13 October when his house was mobbed while he was at home, editing a collection of short stories by Sukarno. He was dragged out of the house, his hands tied behind his back and a noose placed around his neck. This time he was to spend fourteen years in detention without charge or trial. For ten of these years, he was held on the remote island of Buru which was turned into a concentration camp for tens of thousands of untried political prisoners.

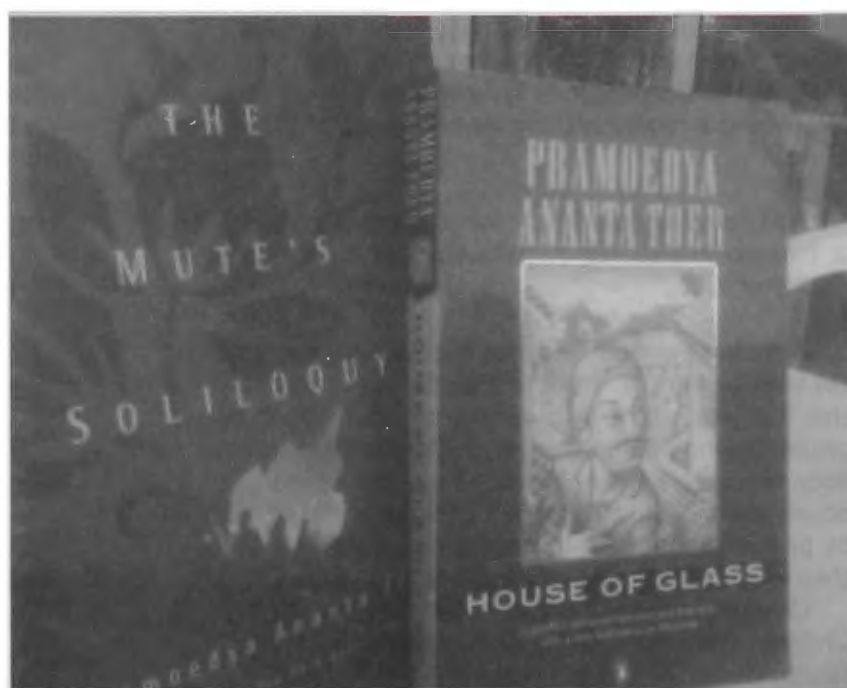
When his home was attacked by mobs, thousands of documents and books were destroyed. He himself was struck several times on the head, leaving him stone deaf in the right ear and partially deaf in the left ear. As he was being dragged away, he pleaded with the officers to spare his books and documents. He told them that it had taken close to twenty years to build that library. But his entreaties were ignored and his precious library went up in

**Along with his fellow prisoners, he spent months clearing dense tracts of jungle, building barracks for the prisoners and foraging for food. But even under extremely harsh conditions, he found the time and means to resume his writing.**

flames. As he told the officers at the time: 'If the government want(s) my library then fine, take it, but don't destroy it. Regardless of any personal interest, my library would be of great value to the nation.' Most of the documents were part of a collection of material he was putting together in preparation for the production of an encyclopaedia.

After spending four years in Tangerang and Salemba prisons in Jakarta, he was among the first group of political prisoners to be exiled to the remote island of Buru, embarking from the prison island of Nusa Kambangan, off the south coast of Central Java. Along with his fellow prisoners, he spent months clearing dense tracts of jungle, building barracks for the prisoners and foraging for food. But even under extremely harsh conditions, he found the time and means to resume his writing. He later paid tribute to his fellow prisoners who often took over his arduous labours so that he could use the time for writing.

In 1975, when international pressure on Indonesia to release the prisoners was intense, the camp was visited by a team of high-ranking generals. Pram was one of the prisoners singled out to meet the generals and the journalists who accompanied the mission. He had, after all, become one of Indonesia's best-known prisoners. In the mid-1970s, the regime had begun a release programme, and by 1979 virtually all the untried prisoners



had been released. Having been in the very first group of prisoners to be sent to Buru, Pram was in the very last group to be released. Like all the other 'released' prisoners, Pram was required to report weekly to the local military command for many years.

It was during the time of his incarceration on Buru that Pram began to write the four books known as the Buru Quartet, for which he has become most famous. Bumi Manusia (This Earth of Mankind), Anak Semua Bangsa (Child of All Nations), Jejak Langkah (Footsteps) and Rumah Kaca (House of Glass). Writing later about this tetralogy, Pram explained that it was intended to correct the accepted colonial version of the history of the rise of Indonesian nationalism. This epic quartet is set in the Indonesia of Dutch colonialism in the early 20th century and centres around a young Javanese boy who becomes a leading figure in the anti-colonial movement.

Other books which he wrote while on Buru were:

Arus Balik, (A Changing Tide), a historical novel to stimulate awareness that Indonesia is a maritime not a land-based country;

Arok dan Dedes (Arok and Dedes), a novel about Javanese history in the eleventh century when Hinduism was being subsumed by Javanese indigenous beliefs,

Mangir, a drama about the establishment of the Mataram dynasty in the late sixteenth century, and

Mata Pusaran, (Whirlpool), a novel about the fall of Majapahit as a result of the decadence and moral erosion of its rulers.

During his earlier years on Buru when he had no access to writing materials, he narrated some of his novels to his fellow prisoners.

He also began but was unable to finish an encyclopaedia that was intended to be an updated version of the classic Netherlands East Indies Encyclopaedia, but the manuscript was confiscated and destroyed prior to his release.

### **A Mute's Soliloquy**

Following his release, Pram published a memoir called A Mute's Soliloquy (Nyanyi Suni Seorang Bisu). Although not written as such, the book consists of several autobiographical chapters. They include journal entries, essays and letters, many of which had been confiscated

and destroyed. Some of the essays were addressed, though never sent, to his children. The English translator of the book describes it as 'a harrowing portrait of a penal colony and a heart-breaking remembrance of life before it'.

## **'a harrowing portrait of a penal colony and a heart-breaking remembrance of life before it'.**

A Mute's Soliloquy includes a detailed account of the sea voyage from Java to the island of Buru, on board a ship that was scarcely seaworthy, together with many prisoners who had no energy to lift themselves off the floor, let alone stand up, because of years of mal-nourishment. The book is one of the few records written by prisoners about the horrendous conditions in which they were forced to live for more than a decade.

One section of the book is titled: Lessons for My Children. It includes essays on Science, Religion and Health Care, The Caste System and the Revolution, Geography, Music, Sports, Self-Defence and a Story, Languages, Social Science and Nutrition, and finally Physical and Spiritual Well-being, Career Choices.

The concluding section of the book consists of a list of 325 prisoners headed: The Dead and Missing. Pram explains in the introduction to the list that he had asked representatives from each of the units in the camp to supply him with data on the prisoners who had died. The list as finally compiled, giving details of each prisoner's previous place of residence, his age and religion, the number of dependents and the cause of death or disappearance, is far from complete as the data-gathering process was terminated in 1978 when some prisoners who were working in the service of their jailers 'made it known that they knew who were involved and they would suffer the consequences if the work was continued'. Their threats were effective,' he writes, 'and the data collection ended.'

This phenomenal record of the fate of so many of his fellow prisoners, which is certainly only a fraction of those who died or disappeared, gives witness to Pram's

## **His writings have never been accorded recognition by the education authorities in Indonesia, unlike in neighbouring Malaysia where a number of his books are part of the school curriculum**

extraordinary commitment to recording all the information he was able to amass in what he himself described in the foreword as 'adverse conditions', surely an understatement of the terrible conditions in which the prisoners lived for ten years

### **Bans on his books still in place**

Although all his books are now widely available in bookshops throughout Indonesia and have been translated into many languages, none of the bans on his works imposed during the New Order regime has been lifted. His writings have never been accorded recognition by the education authorities in Indonesia, unlike in neighbouring Malaysia where a number of his books are part of the school curriculum.

Others who were persecuted in connection with his writings were his publisher, Jusuf Ishak, who headed the

publishing house, Hasta Mitra, and a group of students in Yogyakarta who were arrested and tried for selling copies of his books in public.

The many accolades expressed in the Indonesian press when he died on 30 April are proof that his name and works will occupy an honoured position in Indonesia for long into the future.

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