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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 179

July 2005

Intelligence agency implicated in Munir's murder

As the first phase of investigations into the murder of Indonesia's foremost human rights activist, Munir, draws to a close, more evidence has emerged linking the country's intelligence agency, BIN, to the murder. The focus of attention is a high-ranking, retired army officer who was head of the agency at the time of the murder. Information has also come to light that the conspirators had considered several ways of killing Munir. So far only one person has been arrested.

The conspiracy that led to the murder of Munir last September has continued to provoke widespread condemnation across the world while in Indonesia, on-going investigations have been extensively reported in the media. The Fact-Finding Team set up by presidential decision to conduct investigations ended its six-month mandate on 23 June. It has produced a 100-page report which has been presented to President. Members of the Team said that the report would not be made public.

RLA Laureates mourn Munir's death

The tragedy was the focus of attention at the 25th Anniversary in June of the Right Livelihood Award when Laureates from around the world paid tribute to Munir who received the award in 2000. His widow, Suciwati, attended the gathering held in Salzburg, Austria as a guest of honour. She arrived in Salzburg straight from Washington D.C. where she spoke to members of the US Congress. In Salzburg, she was interviewed extensively by Austrian and international media.

In a statement to the Laureates, Suciwati said: 'I want to raise the matter of the death of my husband, Munir, a human rights activist, who died on board a Garuda plane from a lethal dose of arsenic. He was poisoned because of his human rights activities. Many death threats were made against him, but they were never taken seriously. There were at least seven bomb threats, including two against our home and one against his office, as well as a physical attack by a group of thugs and militias. Only one of these incidents was ever taken to court. This shows that he was a target and that this was a political murder.'

The RLA Laureates adopted a declaration in the form of a letter addressed to President Susilo Bambang Yudhoyono calling on him to ensure that the on-going investigations into the murder 'of our fellow Laureate, Munir, lead to the disclosure of the true perpetrators of his murder and to ensure that those persons are brought to justice without

delay.' The letter expressed concern that Indonesia's judicial authorities may not take account of the findings of the Fact-Finding Team set up in Indonesia, nor will the nature of the conspiracy be uncovered 'which the fact-finding team identified as going to the heart of military intelligence'. 'This is not just a question of justice for Munir and his family but is also vital for the protection of the whole human rights community in Indonesia,' the letter said.

When Laureates, Angie Zelter of the UK and Carmel Budiardjo of the UK and Indonesia, contacted the

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Indonesian embassy in Vienna with a request for an appointment to deliver the letter, embassy officials made it clear that it would not be possible to arrange a meeting.

High-level obstructions

The Fact-Finding Team was set up last December for a three-month period which was extended for a further three months. Its assignment was to assist the police with regard to the case. After months of intensive interviews with many



people, the team came to the conclusion that there were three layers to the murder conspiracy: the person or persons who executed the murder, high-ranking officials of Garuda, the national airline, and agents of Indonesia's military intelligence, BIN. The investigations were conducted with strong endorsement from the President who issued instructions to all state agencies to collaborate fully with the fact-finding team.

When members of the Team met President Yudhoyono on 24 June to deliver their report, the President told them that he was committed to bringing the perpetrators of the crime to justice. After meeting the President, Team member, Usman Hamid said the Team had recommended that the President put pressure on the Police and BIN to co-operate with the investigations. 'We do not doubt the President but it remains a question whether government institutions (under the President) support his efforts,' said Usman.

The investigations ran smoothly until the final stage when the Team issued a summons to retired army officer, Lt General Hendropriyono who was head of BIN at the time of the murder. Under Megawati Sukarnoputri, who was President of Indonesia at the time, Hendropriyono as head of BIN was accorded the unusual privilege of being a member of her cabinet.

However, Hendropriyono took strong exception to the Team and refused to comply with its request to appear for questioning. He accused the team of 'arrogance' and 'character assassination'; he alleged that they had acted impolitely to a person of his position. He also filed a complaint to the police about two members of the Team.

His lawyer, Syamsu Djalal, did not mince words in his

contempt for the investigations. He said: 'Who is this Munir anyway that a presidential regulation had to be issued? A lot of people die but no regulations are made for them.'

Suspect arrested

As a result of the Team's investigations, three suspects have so far been named, one of whom is now under arrest. They are all Garuda employees. The arrested man is Pollycarpus, a Garuda pilot who came under suspicion from the start because he had been issued with a special 'aviation security' assignment' to travel on Flight 974. He travelled on the flight for the first leg only, from Jakarta to Singapore. According to Munir's widow, Pollycarpus made several phone calls to their home, to check on his flight plans. When the passengers boarded the aircraft in Jakarta, Pollycarpus offered Munir his seat in business class although Munir was travelling economy class.

It is understood that Pollycarpus will be charged with being an accomplice to murder, and of forgery and conspiracy. The other two suspects who are not under arrest are both flight attendants who served Munir with food or drink. Munir died on 7 September last year on board Garuda flight 974 from Jakarta to Amsterdam. An autopsy conducted by Dutch forensic experts after his arrival in the Netherlands found that he had been poisoned with a lethal dose of arsenic. The poison was added to a drink that he was served on the first leg of the flight from Jakarta to Singapore. Soon after leaving Singapore, Munir was stricken with severe vomiting and diarrhoea. A doctor in board who was a passenger gave him something to calm him, not realising the gravity of his condition. Shortly before the plane was due to land, a stewardess approached him on a seat near the toilet, only to discover that he was dead.

Communications with BIN

Head of the Fact-Finding Team, Police Brigadier-General Marsudhi Hanafi said they did not believe that Pollycarpus had poisoned Munir. 'He only opened the door.'

The Team had examined the cell phone of Pollycarpus and had traced several dialled numbers, one of which was a confidential line inside the office of retired Major-General Muchdi Purwoprajoyo, who was BIN deputy director for agent mobilisation. Records showed that as many as 26 calls had been made to Muchdi, before and after Munir's death and that multiple calls had been placed to Pollycarpus from Muchdi's personal mobile number. Muchdi was formerly a head of Kopassus, the army's special forces. He recently resigned from BIN, and declined two requests from the Fact-Finding Team to appear for questioning. He has denied that he had made calls to Pollycarpus and said alleged that his phone may have been used by someone else.

The Team also gained access to an internal security agency document which listed several plots to murder Munir, including the use of sorcery. The mid-air method was one of the listed plots. According to Marsudhi Hanafi, the document assigned specific teams for each of the plots.

Another former army officer who the Team wanted to question is Colonel Bambang Irawan, a retired special forces officer who has been identified by a witness as having been on the aircraft, although his name did not appear on the passenger list. According to Hanafi, Irawan has been identified as a BIN operative.

Now up to the police

The Fact-Finding Team has clearly contributed hugely to

investigating the murder of Indonesia's foremost human rights activist. When the president's decision to set up such a team was announced, several senior human rights activists expressed reservations because of the limited nature of its mandate and refused to participate. However, the Team has shown that it pursued the case with great determination, delving into highly sensitive areas which members of the police force might have tried to avoid because of the likely military involvement in the crime. Headed by a former senior police detective and composed of several well-known human rights activists, it has succeeded in drawing attention to the political nature of the crime.



Intelligence supremo General Hendro Priyono enjoyed a special relationship with former President Megawati

There was no question of its trying to prolong its mandate which would probably not have been possible anyway. The Team appears to have taken its investigations as far as they could go and has asked the President to set up an oversight group to monitor the conduct of the police, in whose hands the case now rests.

Impunity must not prevail

With so much information about the murder now in the public domain, it is up to the police to identify the person or persons who masterminded this evil crime and to lay formal charges against them as soon as possible.

Munir's lifework was dedicated to fighting the impunity which so many members of the armed forces have enjoyed throughout the years of the Suharto dictatorship and since. It would be irony indeed if the men who plotted his murder should now be allowed to go free while lower-ranking accomplices take the rap.

When announcing the establishment of the Fact-Finding Team, President Yudhoyono described this as a 'test case' for Indonesia. If the guilty men are brought to justice, this will certainly enhance his reputation and be an important sign that in Indonesia today, the rule of law is not empty rhetoric. *

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intended to distract attention from a local corruption case or to destabilise local elections due to be held in June. The more likely explanation however is that those responsible were intent upon using acts of terrorism to create the impression that the government of Susilo Bambang Yudhoyono is not in control, and where better to do this than in a region that has a history of communal discord?

According to General Da'i Bachtiar, Indonesia's chief of police, recent intelligence suggests that groups connected with Azahari have drawn up plans to carry out a series of bombing outrages in the near future. [*Tempo*, 5 June 2005] While the police have detained fourteen people believed to have been involved in the latest bombings, the government has been criticised for failing to take action to bring the situation in Central Sulawesi under control.

Some facts about Sulawesi

The oddly-shaped island is slightly smaller in size than Great Britain. It was the scene of fighting from 1999-2001 that killed 2,000 people around an area in the Central Sulawesi district of Poso, 1,500 km (900 miles) northeast of Jakarta. Tentena lies in the centre of the district. A peace deal was agreed in late 2001. There has been sporadic violence ever since, but the attacks on 28 May were the worst since the accord.

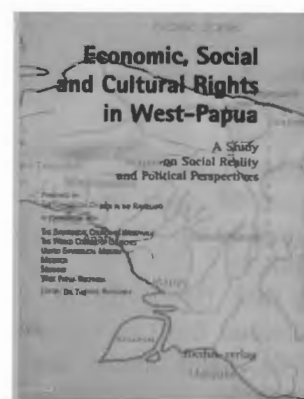
Like other parts of eastern Indonesia, some areas in Sulawesi are split equally between Christians and Muslims. The coastal areas of Poso district, including the town of Poso, are mostly Muslim while the highlands, including Tentena, are predominantly Christian.

Some of Indonesia's most radical Islamic groups have their roots in Sulawesi, where there have also been calls for the imposition of strict Shari'a Islamic law. One of these groups is Laskar Jundullah, whose members took part in the 1999-2001 violence. Some militants also received military-style training in the southern Philippines.

Sulawesi is Indonesia's key cocoa-growing region and important also for coffee. It is home to one of the world's major nickel mines, PT International Nickel Indonesia, which is controlled by Canada's Inco Ltd. The mine lies 150 km (95 miles) from Poso, separated by thick jungle and mountains. [*Reuters*, 30 June 2005] *

NEW PUBLICATION

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Conflict flares again in Central Sulawesi

Two bombing outrages in May that resulted in the deaths of more than twenty people with more than twice that number injured have drawn renewed attention to the simmering conflict that has dogged Central Sulawesi for the past six years.

The outrages occurred in a busy market place in the town of Tentena in the district of Poso, Central Sulawesi on 28 May. The first bomb exploded shortly after eight in the morning as crowds of people were arriving to do their shopping in the popular, traditional market. People in the vicinity rushed to the scene of the explosion, either to assist the people who had been hit or just to see what had happened. However, fifteen minutes later, there was another explosion a short distance away, causing yet more casualties. Altogether twenty-two people died at the scene or later in hospital. The death toll was expected to rise as some of the injured had sustained very serious injuries.

There has recently been a big influx of Christians into Tentena seeking refuge from the town of Poso some 50 kilometres away. The inhabitants were panic-stricken by the latest explosions and started setting up guard posts along the roads leading into the town.

This was the latest and by far the most deadly in a series of blasts which have occurred in Poso since the beginning of 2004. Two bombings occurred during 2004, one of which, also in a market place, resulted in six deaths. Besides the two bombings, there were several murders with the use of firearms or sharp implements. The perpetrators are described as being highly proficient, never missing their target. But they have come to be known as 'mysterious shootings' because none of the perpetrators have been apprehended.

But in April 2005 more bombings occurred, followed by two in May, the second of which caused the largest number of casualties.

The two bombing incidents in April which caused no casualties were targeted at the Office of Peace and Reconciliation and the office of the Institution for Strengthening Civil Society. The choice of targets strongly suggests that the criminals are hoping to undermine efforts being made to restore good relations between the Muslim and Christian communities in Poso.

Divided community

Like many regions in eastern Indonesia, the district of Poso is inhabited by Christians and Muslims who tend to live separately, a situation which can be easily exploited by militant groups out to cause trouble.

The conflict in Poso which first flared up in 1998 resulted in prolonged clashes between the two communities, resulting in more than one thousand deaths, and the displacement of around 100,000 people.

In December 2001, the two communities reached an accord called the Malino Declaration, which was brokered

by Jusuf Kalla, now the country's vice-president. However, the accord led only to a short reprieve and according to local observers, there were no fewer than 129 recorded violations from the time of the Declaration up to December 2004.

The Declaration made provision for periodic 'security restoration operations' while the security forces kept warning towards the end of each operation that security would deteriorate, as justification for more troops to be deployed.

According to civil society groups, the Malino Declaration failed for a number of reasons. Firstly, it was an elitist accord which failed to involve the grassroots. Furthermore, it opened the way for lucrative projects while paying too little attention to the restoration of a sense of peace. Security has moreover become the monopoly of the security forces, who claimed that continued security would



The market in Tentena in rubbles

depend on the number of troops stationed in the region. Moreover, peace has not been helped by inflammatory statements published in the press by religious leaders from the two sides or by faith-based political parties.

Commenting on the May bombings, Vice-President Kalla said the incidents had all the hallmarks of terrorist actions by Dr Azahari, a Malaysian fundamentalist leader who, along with Nurdin M. Top, is suspected of being behind several bombing outrages including the one in Bali in October 2002 which resulted in more than 200 deaths. Kalla said he was convinced that the Poso bombings were not the result of the conflict between the two communities, who were in the process of creating a humanitarian alliance to serve all the people in the district.

Some observers have suggested that the explosions were

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Suharto must be brought to justice

They call him the 'luckiest ex-dictator' in the world, the one who got away and who will live the rest of his days in the comfort of his family home, surrounded by their ill-gotten gains. This is the man whose hands are stained with the blood of millions, in Indonesia and East Timor, who wrought such repression in Aceh and West Papua. Yet, the present Indonesian government saw fit to exonerate him and senior politicians flocked to his bedside to pay homage when he fell ill in May. This is impunity with a vengeance.

News of the government's announcement to grant Suharto amnesty sent shock waves through the human rights community in Indonesia. This is the man whose New Order held Indonesia in its grip for 33 years, who sent his armed forces out to murder people and strike fear throughout the country. As one commentator said scornfully: 'These people say we should forget everything. But we are talking about what Suharto did to the Republic. It never occurred to them because they are Suharto's men.'

During the invasion of East Timor in December 1975, carried out on Suharto's orders, and the 24-year occupation, a third of the population lost their lives. This puts Suharto firmly in the ranks of a war criminal. Tens of thousands were imprisoned and whole communities were forced to leave their homes and resettle in strategic hamlets, under army surveillance.

TAPOL calls for justice

TAPOL responded to the government's exoneration of Suharto with the following statement:

It is now seven years since General Suharto was forced to resign on 21 May 1998, following a wave of student demonstrations across the country, bringing to an end the bloodiest era in Indonesia's modern history.

Suharto seized power from President Sukarno in 1965 as up to a million people were slaughtered by forces acting under Suharto's orders, in what has been acknowledged as one of the worst massacres of the twentieth century. The wave of killings engulfed Communists or alleged Communists as whole families were annihilated. The Communist Party and

numerous organisations alleged to be affiliated to it were banned for allegedly plotting a coup against the President.

To consolidate his power over the state, Parliament and the Consultative Assembly were purged and coerced into adopting a decree banning the teaching of Marxism-Leninism. This decree still remains in force.

Following the white terror against the left-wing, other parties were forced to merge and pledge allegiance to the regime. While general elections were held every five years, the outcome was a foregone conclusion and Suharto's tight grip on the state apparatus was never challenged.

Two student movements were crushed in the 1970s and in 1984, hundreds of Muslims were killed in the harbour region of Tanjung Priok, following protests about the arrest of four custodians of a local mosque. The Army was also used to conduct a reign of terror in Aceh and West Papua where sentiments against rule from Jakarta have long been very strong.

Under Suharto's command, hundreds of thousands of people were detained and held without charge or trial. Thousands were exiled to the island of Buru where many hundreds died of starvation or as a result of atrocities perpetrated by the troops in command of the prison island.

Since their release, these ex-prisoners have suffered continued discrimination, and are today still living with the stigma of alleged involvement in an event known as the G-30-S which occurred on 1 October 1965, about which they knew nothing. (See separate article.)

Discrimination widespread

While these men and women along with their offspring suffer discrimination, the man who was the cause of their suffering enjoys impunity, living a charmed life surrounded by his corrupt family. Recently, when he spent a few days in hospital, politicians flocked to his bedside, to pay homage to the former dictator. There was not a murmur from these well-wishers about the suffering he inflicted on so many innocent Indonesian men and women who were left to rot in prisons and concentration camps regardless of how old or sick they were.

As one former political prisoner, Sobron Aduit, who spent years on Buru, said in Jakarta: 'I won't forgive Suharto. Millions died because of him. His sword is still bloody.'



Demonstrations demanding that Suharto be put on trial continue

Suharto was also responsible for the invasion and occupation of East Timor in 1975. During the course of the occupation, one third of the population died. The Indonesian army ruled the country with merciless disregard for the people and tens of thousands were driven from their homes and villages and held for years in prison.

Corruption charges trivialise enormity of his crimes

Even today, seven years after his downfall, there have been no moves to bring him to justice, unlike dictators in other countries such as Rwanda, Cambodia, Chile or Iraq. The only controversy centres on whether he should be tried for corruption, which only trivialises the true crimes of which he is guilty.

It is high time for the man who committed so many crimes against humanity to be brought to trial to account for his deeds. It is an insult to the millions of Indonesians and East Timorese who have suffered as a result of the crimes perpetrated during the Suharto era to allow this man to live out the rest of his life in peace and tranquillity while his victims still continue to suffer.

Parrot-like praise for Suharto

A Jakarta Post journalist recalled that shortly after Suharto's resignation in May 1998, the paper reported: 'Less than a month ago, 202 million Indonesian people called him President but now only his trained parrot at home (is) screeching: 'Good morning Pak President.'

The bird died a few years ago but it should be pleased with itself for the example it set, as all his boss's four successors, Habibie, Abdurrahman Wahid, Megawati and Susilo Bambang Yudhoyono have dutifully followed the parrot's example. All have been very reluctant to force him into court to face corruption and human rights abuse allegations. All of them apparently believed that Suharto would never recover from his sickness which was used by the courts as a reason not to start his trial. It is as if all the presidents after Suharto did not want to believe that maybe some day he might get better, thus dispensing with periodical medical check-ups to ascertain whether he was still sick.

The writer, Jakarta Post columnist Kornelius Purba, said that Suharto, just out of hospital, will turn 84 next month, so 'dare we disturb his peaceful life? After more than seven years, more and more people are lining up to say nice things about him.'

He concludes that 'it is merely false hope to expect the current government to bring this man to justice. Even students have now lost their appetite for protesting against him, meaning that Suharto can now continue to live out his peaceful existence. So just what are we supposed to do with this old man?' [*The Jakarta Post*, 13 May 2005]

New Order enjoyed US support

But a contrary view has also been advocated. The case against Suharto was powerfully argued by political scientist Mochtar Pabotinggi: 'Even now, we have not seen the full damage and effect of the New Order regime, the torture and ruin of dozens of years under ... Suharto.' There was no such thing as a fair and civilised society, with thousands killed without trial. 'The New Order stood so long with the support of the US,' he wrote.

He had nothing but contempt for claims that Suharto created a united Indonesia. 'While the military claim they helped unite the country, the facts show that it has been

the military that has been breaking the nation apart. ... The military shot and killed people who tried to fight for themselves, kidnapped them, made them disappear... in the process becoming the root of the disintegration of the nation.'

Pouring scorn on claims that Suharto's New Order brought development, he said the development projects 'belonged to Suharto and his cronies'.

Unfit to stand trial?

Pabotinggi called claims by doctors that the former dictator was not fit to stand trial a 'lie'. 'How many times has he travelled to Nusakambangan (prison) to see his favourite son? How many times have we seen him walking around? Bring him to trial, let him talk, force him to talk.' [*Jakarta Post*, 23 May 2005]

But many among Indonesia's elite have softened their views about Suharto. Ali Sadikin, a former governor of Jakarta and fierce critic of the dictator, was one of those to visit Suharto in hospital. He said Suharto should be tried to uphold justice but then immediately forgiven.

One of the country's leading commentators, sociologist Frans Mangis-Suseno, said investigations against him should not stop although the results should take into account his achievements when ruling the country for 32 years.

A Muslim scholar, Komaruddin Hidayat argued that if the government wanted to offer amnesty, it should involve the public in making such a decision. But he claimed that negative sentiment against Suharto was apparently decreasing while humanitarian emotions were 'taking sides' with the ailing former president. [*Jakarta Post*, 12 May 2005]

The world's luckiest ex-dictator

An Indonesian commentator pointed out that Suharto's admirers are still around, as are his critics. He rued the fact that 'a leading newspaper recently discussed the corruption of power and urged the public not to ignore it, yet without mentioning even once the man who ruthlessly and cleverly ruled this country for decades'. The article was titled: 'The luckiest ex-dictator, seven years on.'

'Is it surprising then,' he writes, 'that Benedict R.O.G Anderson, a well known Indonesianist, not long after Suharto resigned, wondered why it is that Indonesians, after three decades of the authoritarian and repressive New Order still pay homage to their ex-dictator. As Anderson perhaps suggests, many Indonesians not only admire but are actually awestruck in dealing with the phenomenon of power like Suharto's.'

'This love-hate ambiguity concerning Suharto and his power is stunning and its consequences are perhaps most dramatically expressed and graphically illustrated when he, at the hospital, was visited by his friends and (ex) foes.'

A.M. Fatwa, told Radio Netherlands that he felt emotionally deeply affected meeting the old man in his hospital bed, and kissed him with tears in his eyes. This is the same Fatwa who was sentenced by Suharto's regime to 18 years in jail and who now claims that he did it because of his faith. [Aboeprijadi Santoso in *The Jakarta Post*, 21 May 2005]

No doubt Suharto is laughing up his sleeve and congratulating himself for conveniently falling ill and opening a floodgate of sympathy from the cream of the country's political elite who felt the urge to flock to his bedside. Along with exoneration from the government and homage from so many politicians, Indonesia's ruthless ex-dictator can feel confident that things are going his way. *

Former political prisoners demand justice

There are today in Indonesia literally hundreds of thousands of people who, with their relatives and offspring, continue to be stigmatised because they were detained and held in prison for ten or more years without charge or trial, following the events of October 1965 which brought Suharto to power. Although charges were never brought, they are subject to a range of discriminatory practices, affecting their lives and the lives of their families.

Since 2003, many groups of former political prisoners have made representations to the country's National Human Rights Commission and to the DPR, the national parliament, seeking rehabilitation and compensation for their unlawful arrest and detention.

Following an event on 1 October 1965 when six generals and an officer were kidnapped and killed, the Indonesian army launched mass arrests which continued into the early months of 1966. At the same time, hundreds of thousands of people were slaughtered right across the country, in a massacre that has been named the worst massacre in the twentieth century.

With the exception of a few hundred men and women who were brought to trial and either executed or given very long sentences, the rest became known as 'tapols' (for tahanan politik, or political prisoners). They were said to have been 'either directly or indirectly involved in the G-30-S,' (Gerakan 30 September or 30 September Movement, which is how the event on 1 October came to be known). The letters 'PKI' were added, implying that the Indonesian Communist Party was responsible for the 1 October incident. Not a shred of evidence has ever been produced to back such a claim. This was nothing less than a ploy to legitimise the crackdown and annihilation of the PKI and all alleged associated groups.

With the fortieth anniversary of the 1965 tragedy now approaching, commemoration plans are being made. But meanwhile, hundreds of thousands of people along with their families and offspring, still suffer many indignities because of the discriminatory laws and regulations that remain in force.

Many jobs are still closed to them in sectors where they might 'have an influence' on other people. These include performing as shadow-play puppet-masters, journalists and priests. Their sons and daughters find their paths to education and training courses blocked, once it is discovered that either of their parents was once a 1965 tapol. In many regions, their identity cards still bear the initials 'ET' for ex-tapol. Under Indonesian law, all persons over the age of 60 years are issued with identity cards for life, but this is not applicable for ex-tapols, who are required to seek renewal every five years.

Artist challenges the law

A retired dancer, Nani Nurani, has filed a complaint against her local government for refusing to issue her with an identity card (ID) for life. Nani was born in 1941, and comes from a family of classically trained musicians who were frequently called on to perform on prestigious occasions before 1965. In December 1968, while on her way home, she was arrested and taken to Guntur Prison in Jakarta. Her military interrogators tried to force her to confess to involvement in the G30S because she had danced at a PKI event in 1965, an allegation which she strenuously



A gathering of ex political prisoners

denied. Nevertheless, she was detained and held without trial for almost eleven years, and not released until 1976.

When she applied for an ID in January 2003 she was issued with a card for five years, although, being over sixty years old, she was entitled to one for life. However, this was denied her on the basis of an Interior Affairs Ministerial Instruction, Inmendagri No 24 1991 which denies former detainees this right.

Although in July 2003 a court ordered the Koja Sub-District head to give her an ID card for life, the local government is still refusing her request. The chief judge hearing her case said their refusal was in violation of legislation protecting human rights and also represented an abuse of power. He also said that a decision in her favour could set a legal precedent for the rehabilitation of political detainees, as long as the decision was final.

The case is currently under appeal.

Rehabilitation, a Presidential prerogative

During a recent visit to Indonesia, TAPOL's Carmel Budiardjo, who was herself a tapol, held without trial for three years, from 1968 to 1971, held meetings with former 1965 prisoners. They spoke at length not only about their experiences of detention and lengthy imprisonment but also the problems which they and their families still encounter.

She received a dossier of letters sent to the then President, Megawati Sukarnoputri, by the Chief Justice on behalf of the Supreme Court, the chair of the National Human Rights Commission, and the Speaker of Parliament. They called upon her to bring this matter to a satisfactory conclusion by making a declaration of rehabilitation. In his letter to President Megawati dated 12 June 2003, the

Supreme Justice, Bagir Manan, states: '... the power to grant rehabilitation rests not with the Supreme Court but is the prerogative of the President.

However, these efforts have come to nought. Having failed to achieve anything to rectify what is such a legitimate grievance, the '1965 victims' as they now see themselves, decided upon a different course of action.

Class action

They decided, with the assistance of the Legal Aid Institute, Jakarta, to file a Class Action against five Indonesian presidents on behalf of all the men and women who have since 1965 borne the stigma of being alleged members of the banned Indonesian Communist Party. The Director of the Jakarta Legal Aid Institute (LBH Jakarta), Uli Parulian Sihombing, announced on 9 March that this Class Action had been filed with the Central Jakarta district court.

'We have filed this Action because our clients have, ever since 1965, been victims of allegations or stigmatisation as members of the PKI and they have been deprived of any recognition, protection or respect of their rights as citizens. Their right to employment, to ownership of personal possessions, to education and their cultural rights have been violated,' he said.

The Class Action is being filed against former Presidents Suharto, J.B. Habibie, Abdurrahman Wahid and Megawati Sukarnoputri and the current President, Susilo Bambang Yudhoyono.

All these rights are guaranteed under the Indonesian Constitution and under Law No 39/1999 on Basic Human

massacres and mass arrests since October 1965 when Suharto took power from Indonesia's first president, Sukarno.]

Sihombing said that LBH Jakarta has been authorised by seven organisations representing victims of PKI stigmatisation to take this Class Action. One organisation represents members who were compelled to give up their jobs or were dismissed without receiving salaries, allowances or severance pay, another whose members were dismissed from state employment, the armed forces or the police without receiving pensions to which they were entitled; another whose members who had been subject to special investigation for not having 'a clean environment' and were therefore unable to find work. Another represents veterans entitled to allowances which have been denied them, while another is composed of people whose land or property has been seized. Another organisation represents persons whose artistic creativity had been obstructed.

Sihombing said that an estimated twenty million people were victims of PKI stigmatisation including three million members or leaders of the PKI who were murdered, and seventeen million who were PKI sympathisers or admirers of President Sukarno, plus their children and grandchildren.

Ecosoc discrimination

The Class Action focuses on the principles laid down under the International Covenant on Economic, Social and Cultural Rights, so as to demonstrate that the persecution of 1965-66 had an impact on the victims' economic, social and cultural rights as well as their political rights.

The Action also calls on the defendants to erect monuments to the victims of the 1965 massacre and calls on President Yudhoyono to include the history of the persecution in the national curriculum. In Lubang Buaya, which is where the bodies of the murdered general were taken, a monument depicting the October 1965 incident is still standing. It contains gruesome sculptured images of women - members of Gerwani which was banned by Suharto along with the PKI - defiling the bodies of the generals, despite the fact that such allegations were proven to be utterly false many years ago.

The Class Action demands Rp 10 billion for each person represented by the Action and calls on the Yudhoyono government to set up a team to assess the damages suffered by each victim.

Court hearings proceed slowly

During her stay in Jakarta, Carmel was able to attend the third hearing of the case at the Central Jakarta district court. The public gallery was packed with survivors of the massacre or relatives of former prisoners. On one side of the court sat the immaculately-dressed lawyers of four of the presidents (no lawyers were in attendance for Megawati), on the other side sat two young lawyers dressed very casually in T-shirts. After about half an hour of wrangling about documents with the lawyers for both sides, the presiding-judge postponed the hearing because the necessary documents were not yet in order.

If one considers the culpability of the five presidents, then Suharto is clearly the worst offender, since all the discriminatory regulations were adopted during the 33 years of his dictatorship. The four succeeding presidents are held responsible for failing to lift these laws and regulations. Abdurrahman Wahid, known popularly as Gus Dur, who took power in 2001 following J.B. Habibie, was the only

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East Timorese refugees

Rights as well as under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The Class Action is being filed because a number of the discriminatory laws and regulations enacted and implemented by Indonesian governments since the time of Suharto remain in force. [The Indonesian Communist Party, the PKI, was formally banned in March 1966 though its members and sympathisers had been the victims of

SBY government: the first six months

Susilo Bambang Yudhoyono, better known as SBY, is the first directly elected president of Indonesia and took office in late October 2004. Although a relative newcomer to politics, he won the two-round elections resoundingly, standing against President Megawati who performed woefully during her three-year term. Indonesian voters gave SBY a sizeable majority and want him to deal firmly with corruption and reverse the stalemate that has bedevilled reformasi.

Indonesia is often described as a messy state with poor economic performance, a lack of good governance, widespread corruption and absence of the rule of law. Three changes at the top since 1998 also suggests that the new government can expect to face huge difficulties in reversing the reputation of the Suharto government.

Despite this, the 2004 elections were conducted relatively well. For such a widely spread archipelago, it was an achievement to organise voting even in the many isolated islands. After the election Indonesia was described as being the second largest democracy after India. More voters participated in these elections than in the US Presidential contest.

Election year 2004

2004 was a year of elections. In April 2004 parliamentary elections took place for national and regional governments, followed by two rounds of the presidential election. Both of the 'old' parties, Golkar and PDI-P lost heavily while several new parties, PKS (*Partai Keadilan Sejahtera*) and PD (*Partai Demokrat*) picked up a lot of support.

While new governments are usually judged after the first hundred days, the tsunami in December struck with devastating results, and the SBY government had to act to handle the disaster, so it would be unfair to judge the government's performance up to the end of December.

Under the circumstances, Indonesia watchers delayed their appraisals till SBY had been in power for six months, to see whether he has lived up to his promises.

It could be argued that in a country with so many social, political and economic problems, nobody can ever be successful. SBY's presidency will certainly face an uphill struggle and it is with this in mind that we attempt to make a judgement.

Anti-corruption drive

Corruption is as old as the Indonesian republic. Ever since the transfer of sovereignty in 1949, there have been anti-corruption drives but nothing has changed. So this was a big test for SBY. During the election campaign, he reiterated his determination to deal with this scourge.

This went down well with the electorate and he will be judged on how he has succeeded in stamping out corruption. Two new agencies were set up to deal with the problem and already a few cases have been taken to court.

The first high-ranking official to be charged in court was Abdullah Puteh, the governor of Aceh. SBY also took steps to clean his own stable, the office of the state secretary, as well as several departments. A big campaign is also underway to weed out dishonest practices within the National Election Commission, concerning deals for polling cards.

Eradicating corruption in Indonesia is a tall order as it goes



The President and Vice-President, both political heavyweights

from top to bottom. It takes crude forms like under-the-counter bribes as well as more sophisticated forms like tampering with budgets, siphoning off money from state corporations, stage-managing public tenders, behind-the-scene deals regarding the appointment of top bureaucrats and so on. It is still too early to make an assessment. Perhaps halfway through SBY's term in office, it will be possible to say whether the President has managed to cut back corruption.

No miracles in politics and economics

Indonesia is a country with gross inequalities, where the gap between the haves and have-nots is huge. Despite the government's success in keeping inflation down and securing moderate economic growth, the country's dispossessed are seething with discontent while unemployment is widespread. In the past decade, manufacturing has been severely affected by competition from low-wage countries. This includes not only the well-known competitors like China, India or Vietnam but also by small Asian countries like Laos and Burma. Indonesia's ability to compete is also hampered by what investors see as legal uncertainties. Yet restoring the confidence of foreign investors is crucial to the country's ability to boost economic growth.

Economically, Indonesia is trapped between several blocs. While geographically speaking, it belongs to the emerging East Asia bloc, which includes China and India, SBY realises that too close an association with this bloc could jeopardise ties with the US and Australia. It is no accident that SBY made his first foreign visits to the US and Australia with visits to China and India coming later.

In the seventies, Indonesia was in a much stronger geopolitical position. As a major oil and gas producer and a key member of OPEC, Indonesia wielded a strong bargaining

position internationally. A special donor conference called IGGI, later renamed CGI, was set up to handle Indonesia's financial and economic needs, with the World Bank in the driving seat. But the World Bank's programmes along with the policies imposed by the IMF weren't particularly successful and the fundamental economic problems have remained unresolved.



Garbage economy

Nowadays, Indonesia is a net oil importer and its position as producer of cheap commodities has been eroded. In July, the government unveiled an ambitious industrial policy that outlines the development and growth of the country's manufacturing industry over the next 20 years. Ministers are aware that time is running out and the blueprint should have been designed 10 years ago when the manufacturing industries started shifting elsewhere.

The biggest challenge will be cost competitiveness and creating a conducive environment, which allows businesses to thrive. The bottom line is the eradication of corruption which means that drastic reforms are needed within the state bureaucracy, the police and military apparatus, all of which are notorious for milking manufacturing industries. Human resources must also be improved. A well-educated workforce which is skilled and highly productive, is the prerequisite for developing new and competitive companies.

Accounting for past human rights abuses

The public also expects the government to continue the reformasi programme which is currently going nowhere, by cleaning up and improving the judicial system, limiting the role of the military in the political process, creating a system in which the millions of victims of the Suharto regime can find justice and, last but not least, building a humane political system where conflicts like in Aceh and West Papua can be settled by peaceful means.

Human rights campaigners continue to demand accountability for deeds perpetrated in the past and not so distant past. This is proving to be an uphill struggle but investigations have been resumed on the kidnapping and torture of pro-democracy activists in 1998 and the killing of four students at Trisakti University in May 1998 as well as the shooting of nine demonstrators in Jakarta later that year. Little or no progress has been made in revealing what really happened during the riots and mayhem in 1998 that resulted in hundreds of people being killed and many women being raped and molested, which ultimately led to the downfall of the Suharto regime.

The lack of cooperation on the part of the military is blatant, but members of the legislature have also shown an unwillingness to work with Komnas HAM, the National Commission for Human Rights. This Commission prepared a 1,500-page report on the 1998 riots which was submitted to the Attorney General's Office in September 2003. It was returned six months later for failing to include testimony from key people, including officers with responsibility for the abuses from the military and the police. Some of the most senior officers with responsibility for the riots, amongst them; General Wiranto who was at the time armed forces commander-in-chief, Lt-General Prabowo, commander of Kostrad, the Strategic Reserve Troops and Lt-General Syafrie Syamsuddin, the Jakarta military commander all refused to give a testimony or even answer questions.

Even if he were of a mind to do so, SBY, a general himself and from the same generation as the above, lacks the bargaining power to force them to cooperation. The military as an institution has functioned as a state within the state since the birth of the Republic. It takes more than gentle persuasion for the officers to accept civilian rule.

The peace talks on Aceh and the trauma of East Timor

Since the people in East Timor cast their vote for separation from Indonesia and became independent, people in Indonesia are still coping with this traumatic reality. Most of the military blame the civilian government of Habibie, the first post-Suharto government, for opening the way to a referendum. Many politicians and public figures share this view. And on top of this, many Indonesians blame international intervention for their 'loss' of East Timor.

The SBY government is convinced that a negotiated settlement on Aceh is the only way forward, to move towards a lasting peace. The Helsinki talks (see separate article) prove more than anything else that the military solution failed woefully and only created hardship and devastation for the Acehnese. The determination to make a success of the Helsinki talks has upset many politicians. Many of them harbour the fear that internationalisation will result in Aceh going the same way as East Timor. As a result, there is strong resistance to the peace talks from the nationalist bloc in parliament.

Summing up the first six months

In many ways, the SBY government, has shown a commitment to clear and transparent policies. Whether it will succeed is another matter. The realities on the ground are less favourable and, as the saying goes, politics is the art of the possible. On the domestic scene the government has taken measures against corruption and has developed a blueprint for the economy. On the international front, SBY is trying to find a niche for himself, next to other major third world players like China, India and Brazil.

On the human rights front, not much has been achieved. The historic burden of impunity for the perpetrators has not been dealt with by this government. It will take determination and a huge amount of good will to end impunity. But it can at least be argued that SBY is moving in the right direction. *

UN Commission proposes international tribunal for East Timor

A UN Commission of Experts has advised the UN Security Council to establish an international criminal tribunal if Indonesia fails to take action towards securing accountability for serious crimes committed in East Timor within six months. Rights groups, including TAPOL, have welcomed the recommendation with reservations about giving Indonesia yet another chance to deliver justice.

The Commission of Experts has produced a detailed and thorough report, which is particularly harsh in its criticism of the proceedings of Jakarta's ad hoc human rights court and expresses reservations about the Commission of Truth and Friendship (CTF) set up by the governments of Indonesia and East Timor.



East Timorese coming home

photo: Elaine Briere

respect for relevant international standards', and were 'undertaken at a time when there was an evident lack of political will to prosecute'.

The prosecuting authorities come in for particular criticism. They are described as lacking commitment, expertise, experience and training and are accused of conducting 'deficient investigations' and of 'inadequate presentation of inculpatory material at trial'.

The Commission, while commending the serious crimes process in East Timor, says that it has 'not yet achieved full accountability of those who bear the greatest responsibility', namely high-level indictees outside the jurisdiction. This is attributed to a number of factors, including a lack of resources, a lack of Indonesian cooperation and the General Prosecutor's lack of independence from the government of East Timor. The Commission points out that whereas 391 persons were indicted, charges are still pending against 339 accused who remain at large outside the jurisdiction.

CTF perpetuates impunity

The Commission is concerned that the Indonesia/East Timor Commission of Truth and Friendship does not enjoy public support in East Timor and that its terms of reference include provisions that contradict international standards on the denial of impunity for serious crimes.

Many observers are convinced that the CTF will not reveal the truth about the Indonesian army's orchestrated destruction of East Timor nor will it contribute to the sustainable friendship between the peoples of Indonesia and East Timor [see *TAPOL Bulletin* No. 178, p. 17].

A member of an Indonesia-based NGO is quoted by the Commission as saying 'There are no problems at all between Indonesians and East Timorese, so a reconciliation between peoples of the two countries is not needed. The problem of human rights violations in East Timor does not lie in people-to-people relations, but lies instead with the TNI and its militias as the alleged perpetrators of the violence against the East Timorese'.

Recommendations

In its recommendations, the Commission says that Indonesia should accept support to strengthen its judicial and prosecutorial capacity and suggests the appointment of a team of Asian legal experts to provide specialist advice to the Office of the Attorney-General.

It goes on to recommend a review and possible re-opening of all the ad hoc cases and action by the Attorney General in the case of Gen (ret.) Wiranto, who was the

It is the second time a UN-established commission has proposed an international tribunal for East Timor. The previous recommendation was made by the International Commission of Inquiry for East Timor in January 2000. Support for an international tribunal also came from three UN special rapporteurs who reported in December 1999.

The Commission of Experts was appointed in February 2005 and tasked by UN Secretary-General, Kofi Annan, with assessing the ad hoc process in Jakarta and the serious crimes process involving the Serious Crimes Unit (SCU) and the Special Panels for Serious Crimes in Dili. It was required to recommend further measures so that the perpetrators are held accountable, justice is secured for the victims and the people of East Timor, and reconciliation is promoted.

The members of the Commission were Justice Prafullachandra Bhagwati, a former chief justice of India, Professor Yozo Yokota of Japan, a former UN special rapporteur on Burma, and Ms Shaista Shameem, director of the Fiji human rights commission.

Jakarta trials 'manifestly inadequate'

The Commission concludes that the ad hoc prosecutions in Jakarta were 'manifestly inadequate', showed 'scant

Indonesian armed forces commander-in-chief at the time, and seven other key Indonesian officials. Indonesia should, it says, implement all the recommendations within six months from a date to be fixed by the UN Secretary-General.

In the event of Indonesia's failure to comply, the Commission proposes that the Security Council sets up an ad hoc international criminal tribunal through its powers under Chapter VII of the UN Charter. Alternatively, it should use the International Criminal Court (ICC) as a vehicle for investigations and prosecutions.

TAPOL doubts the value of giving Indonesia another six months to deliver justice. Experience and the findings of the Commission itself have shown that Indonesia is politically unwilling to establish the truth of what happened in East Timor and to hold the perpetrators to account for their crimes. The establishment of the CTF is just the latest manifestation of this lack of political will.



Military operations !

The Commission's own recommendation for the strengthening of the judiciary and prosecution indicates that Indonesia currently does not have the capacity to launch fresh proceedings against the leading suspects.

In regard to the serious crimes process in East Timor, the Commission advises the Security Council to ensure the continuity of the work until the investigations, indictments, and prosecutions of those alleged to have committed serious crimes are completed.

NGOs demand decisive action

In a statement issued on 8 July, a coalition of East Timorese NGOs re-stated their belief that the responsibility for punishing crimes against humanity committed in East Timor lies with the international community and appealed to the Security Council to act on the Commission's report [<http://lists.topica.com/lists/east-timor@igc.topica.com/read/message.html?mid=811261776&sort=d&start=15708>].

TAPOL and other international NGOs, including the East Timor Association for Law, Human Rights and Justice,

Judicial System Monitoring Programme (East Timor), Human Rights Working Group (Indonesia), Human Rights Watch, International Center for Transitional Justice, International Federation for East Timor, and Watch Indonesia! have written to the UN Secretary General encouraging him to support the Commission's recommendations and advocating decisive action by the international community. [<http://tapol.gn.apc.org/news/file/let050712.htm>]

The organisations have said that a credible system must be established to monitor Indonesia's compliance in the six-month timeframe proposed by the Commission. Given the weaknesses identified by the Commission, such monitoring should include clear standards regarding the drafting of indictments, the conduct of the prosecution, witness protection, and judicial training and independence. It should also provide for steps towards the establishment of an international tribunal in the absence of substantive progress.

Pre-1999 crimes must also be addressed

TAPOL believes the Security Council should also address also the issue of crimes committed before 1999. The pattern of attacks on the civilian population of East Timor started in 1975 when Indonesia invaded the country and was responsible for the deaths of up to one third of the population - around 200,000 people. This remains one of worst crimes against humanity of the 20th century. It is therefore legally necessary and morally imperative that the pre-1999 crimes are also investigated and those responsible are held accountable.

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New Books (to be reviewed in future bulletins)

- *In the Time of Madness*, Richard Lloyd Parry, Jonathan Cape, London, 2005.
- *Social Science and Power in Indonesia*, ed. by Vedi Hadiz and Daniel Dhakidae, ISEAS, 2005
- *Remaking Muslim Politics, Pluralism, Contestation, Democratization*, ed. by Robert W. Hefner, Princeton University Press, 2005
- *An Indonesian Frontier: Acehnese and Other Histories of Sumatra*, Anthony Reid, Singapore University Press, 2005

Ups and downs in the Helsinki Talks

By the end of May 2005, the talks between the Indonesian Government (GOI) and GAM (Free Aceh Movement) seemed to have achieved far-reaching results. After only four meetings since January, Indonesian officials claimed that the two sides had reached agreement on eighty per cent of the issues. It was even hinted that some time between 12 July and early August, a preliminary cease-fire could be signed.

As it turns out, the developments were more complex than portrayed by the press. The Helsinki talks, as the talks between the GOI and GAM are known, have indeed proceeded quite smoothly so far. The professionalism marking the way the talks have been handled by CMI, the Crisis Management Institute based in Helsinki, is certainly a major reason for the relatively smooth progress made so far.

The other reason was clearly the 'tsunami factor'. The devastation that struck the Acehnese deeply touched the hearts of people in all corners of the world. Emergency and reconstruction became the buzzwords for Aceh, which was hardest hit by the disaster. But at the same time people also realised that Aceh was a region of conflict. This means that starting reconstruction work in Aceh also means resolving the conflict. Former President Bill Clinton gave expression to the logic of this when he arrived in Aceh in the third week of May as special envoy of UN Secretary-General Kofi Annan.

The peace efforts were clearly much more upbeat. Both sides showed tremendous political good will to pave the way for a negotiated settlement. GAM in particular made a fundamental compromise by entering the Helsinki talks, accepting them as being within the framework of the Indonesian Republic.



Demonstrators demanding peace for Aceh

Positive developments

In the second half of May, a series of positive developments marked the conditions in Aceh. The establishment of BRR, the body for reconstruction and rehabilitation in Aceh, presented itself in a very distinct and positive way to the people of Aceh but also to the global community. BRR made a clear commitment to tackle this immense task together with UN bodies, governments and aid organisations from all the corners of the world.

On 18 May the Indonesian Government announced the abolition of martial law. In May 2003, the province of Aceh had been placed under martial law. For the first year, it was called a state of military emergency while in the second year, it was under a state of civilian emergency. The lifting of martial law was a step towards normalising conditions in Aceh. It was also an important boost for the ongoing peace process in Aceh.

Fourth round Helsinki Talks

On 26 May the fourth round of talks took place in Helsinki between representatives of the Indonesian Government and GAM facilitated by CMI. A few days before the meeting took place, Martti Ahtisaari, a former president of Finland and the key person in CMI in charge of facilitating the talks, made a low profile visit to Jakarta to meet the Indonesian President, Susilo Bambang Yudhoyono and Vice President Jusuf Kalla.

In the fourth round, the substantial issue of security arrangements, a pre-condition for a future cease fire, was on the agenda. As with the previous rounds, the impression portrayed to the outside world was that the talks had been proceeding in a positive and constructive atmosphere. But as it turned out, both sides were digging their feet deeper in the sand.

Self-government for Aceh

In the earlier rounds, discussions had gone a long way towards finding a solution that would accommodate the political wishes of GAM within the context of the Indonesian Republic. However, on the one hand it was clear that GOI was not prepared to discuss the option of independence while at the same time GAM was not prepared to accept the status quo in Aceh at present.

It was clear that the two Jakarta ministers involved in the talks, Hamid Awaluddin and Sofyan Djalil, were given some room to manoeuvre in the talks but it appeared as if the boundaries had already been set by statements emanating from government circles in Jakarta that everything would all be within the fold of the Indonesian Constitution.

This led to heated debates in the Indonesian Parliament about what this actually means. For some Indonesian legislators, the Indonesian Constitution is something fixed and immutable while others see it as a document that can be changed or amended as necessary.

For GAM, the boundaries of the Helsinki talks were much more limited. While they had dropped their demand for independence, they were calling instead for far-reaching self-government where the Acehnese would be able to run their own affairs, despite remaining part of the Indonesian Republic. The status of Hong Kong and Bougainville were

mentioned as examples of how the GAM leadership envisaged what they meant by the Acehnese running their own affairs.

Discussions in the second and third rounds encompassed a number of issues: the sharing of the economic wealth of Aceh, the possibility of having Acehnese parties participating in elections and finding an acceptable format for Aceh within the context of the Indonesian Republic. Although the discussions proved to be quite difficult for both sides, the talks took place in what was described as an amicable atmosphere.

It should be explained that, in the post-Suharto era, a new form of decentralisation was adopted for the world's largest archipelago. Within this framework, the conflict areas, Aceh and West Papua, were both granted 'special autonomy'. However, GAM rejected special autonomy, known as *NAD (Nanggroe Aceh Darussalam)*, favouring a form of self government under which most political and economic decisions would be in the hands of the Acehnese.

By the end of the fourth round, the positions of the two sides had hardened. Jakarta seems to be unwilling to give more than NAD autonomy and stuck rigidly to this position while GAM, encouraged by the openings which had emerged in the previous rounds, insisted that suggestions in the direction of a kind of self-government should be upheld.

Belligerent voices in parliament

While the talks in Helsinki were taking place in an atmosphere of openness and good will, political developments in Aceh as well as in Jakarta and other parts of Indonesia were far from conducive. So far, the Acehnese people, still suffering from the aftermath of the tsunami, have barely been given the opportunity to get involved in this peace process.

Furthermore, there is substantial hostility towards the peace process within the ranks of the military and widespread misunderstanding and lack of information among members of the Indonesian Parliament in Jakarta, while the peace process was hardly an issue for the general public in Jakarta.

The fiercest criticism has come from members from the overwhelmingly Java-based parties, the PDI-P and PKB. In their view, negotiating with rebels is seen as an act of humiliation while what is needed is firm military action. And anyway, if it was necessary to negotiate, the talks should take place in Jakarta. The majority of Indonesian politicians regard Aceh as a domestic issue and regard any 'internationalisation' as being very dangerous. The East Timor case is often taken as example; once that issue had become international, it led ultimately to East Timor becoming independent.

Informal talks

In order to accommodate most of the hostile voices, the President devised a special arrangement for the Helsinki Talks. In order to be able to proceed, it was decided that the office of the Vice-President would be responsible for the talks. They would only become formal if agreement was reached. This meant that Vice-President Jusuf Kalla is now the person responsible for the talks while the Presidency and other ministries like Defence and Foreign Affairs have been sidelined.

In reality, what is happening is that Jusuf Kalla provides feedback to the cabinet while the two government negotiators are key members of the President's cabinet. He also receives indirect backing from Juwono Sudarsono, the

Defence Minister, and Hasan Wirayuda, the Minister for Foreign Affairs.

But it has also become clear that important sections of the military are not happy with the talks. In the first two Helsinki meetings, Major-General Syarifuddin Tippe was a member of the Indonesian delegation. He is still on active service and has held several key positions in the territorial structure of the Aceh military command. He had apparently come to the conclusion that a military solution for Aceh would be destructive and proposed a kind of hearts and minds policy. It is likely that this was why Tippe was chosen to attend the talks. But in the April and May sessions he was conspicuous by his absence. It was put around that he did not represent the views of TNI officers and had therefore been withdrawn by the TNI leadership.

The two key persons in TNI have not made many comments so far. TNI Commander-in-chief General Endriartono Sutarto has made some contradictory remarks on the negotiations but so far his remarks have not been destructive for the Helsinki talks. Similarly General Djoko Santoso, the present army chief-of-staff who has a track record of loyalty towards President SBY has avoided making controversial statements.

But on the ground things have not changed very much. While the talks proceed, clashes between the TNI and GAM continue without let-up. Official figures published by the military point to a rise in the number skirmishes as well as the number of casualties. As usual, the TNI claims that the casualties are GAM combatants while GAM insists that the victims are predominantly Acehnese civilians.

This strange construction of informal talks has placed a heavy political burden on the shoulders of Jusuf Kalla. Criticism from Parliament and other government bodies are being directed at him and so far he has defended the talks quite effectively. He has appeared several times before the First Commission of Parliament to counter the many accusations and answer the many questions being raised.

A cease fire agreement in August ?

On several occasions Vice-President Kalla had to answer accusations that the talks are leading nowhere by saying the opposite and claiming that soon an agreement would be signed. He hinted that the cease fire agreement could be signed as early as July. Looking at the complexity of the peace deal and taking into consideration that the conflict in Aceh is almost three decades old, it is rather optimistic to believe that everything can be resolved as early as July.

One of the fundamental flaws so far is the absence of the voice of representatives of Acehnese civil society in the Helsinki talks. There is an urgency to broaden and deepen the peace process to include members of civil society organisations based in Aceh as well as civil society organisations in Jakarta and other places in Indonesia. As said above, the post tsunami situation has created more favourable conditions for open, substantive discussions on how to end the conflict in Aceh and therefore directly or indirectly contribute positively to the process in Helsinki. *

Reconstruction in Aceh beset by problems

The pace of the reconstruction process in Aceh, six months after the tsunami in December, is going far too slowly. Any assertions to the contrary were dismissed when two of the most prominent men answerable for the work, Kuntoro Mangkusubroto, head of Indonesia's special agency for the rehabilitation and reconstruction of the province (BRR), and Bill Clinton, UN special envoy for the tsunami, admitted recently that little progress has taken place to date. So why is the pace of progress so slow?

Multiple problems are having an impact on reconstruction work in post-tsunami Aceh. The slow pace of reconstruction has been attributed to a number of factors. There is the problem of the infrastructure which, even before the disaster, was severely damaged by thirty years of conflict. Added to this is the sheer scale of a disaster that left over half a million people in need of housing, food, healthcare, educational facilities and cross sectoral support, all of which was compounded by another quake in March that left another 200,000 people dependent on external support. On top of all this, there is the chaotic interplay resulting from multiple, diverse actors flooding the province to try and meet all these needs.

The major actors in the reconstruction of Aceh are the Indonesian government, local as well as national, international agencies and NGOs, local NGOs and the local population. All have to face complex daily and interacting realities. The government's capacity is doubly weak as a result of decades of conflict as well as the devastation suffered by the infrastructure from the disaster. At all levels, the political, social, cultural and economic infrastructure is weak because of the ongoing conflict. The large number of groups involved in reconstruction and rehabilitation means that co-ordination is a huge challenge that many have not been able to meet. Local humanitarian and rights activists confront limitations on their space and movement, while the people of Aceh have little information about the humanitarian and development plans that have been devised for their benefit by all these outsiders.

Local government

The role of the government is critical, from co-ordination of all groups working in Aceh, to providing support for both the Acehnese and the many groups involved in the reconstruction, to getting approval from the government before certain programmes or processes can start. But, while the government is the key factor, bureaucracy inevitably moves very slowly at the best of times, while the needs of the displaced population are so pressing that they ought to be dealt with as quickly as possible. As for the bureaucracy,

getting things done speedily is not the only problem.

After over thirty years of conflict, the central and local government has very fragile relations with the population, not least because of the central government's approach to Aceh. The impact of the conflict on local government further impedes their work. Ruffriadi, a local activist, said that the top-down approach of Jakarta has made government officials passive and lacking in initiative. Hitherto, they have been used to receiving and implementing instructions so when the disaster struck, they lacked experience or understanding of how to run local government effectively. Moreover, the military has, in effect, been running the province since the imposition of martial law in May 2003. And yet government, in particular local government, is badly needed by the people and by those who are working to build a better future in post-tsunami Aceh.



The central market of Banda Aceh before Tsunami struck the city

Corruption widespread

In addition, there are also factors as diverse as corruption, the very low capacity of local government as a whole, as well as the structural and psychological impact of the disaster. This has rendered the government even less capable of efficiently implementing the reconstruction work. A survey recently conducted by Gajah Mada University ranked Aceh at the very top for KKN (Corruption, Collusion and Nepotism). The day before the tsunami hit Aceh on 26

December, the governor of the province, Abdullah Puteh, was arrested and detained on charges of corruption.

These problems have, to some extent, been acknowledged by the central government. The decision to establish a special implementing agency called BRR with overarching powers for the reconstruction was one such admission. The appointment of Kuntoro Mangkusubroto, a man with a reputation as a reputable, 'clean' bureaucrat, to head the BRR, was a constructive attempt to limit the scope for the 'usual' problems. The most significant departure from the usual way of doing things was the decision to allow him to report directly to the President, thus cutting out the overly bureaucratic approach to decision-making that characterises Indonesia. According to Saiful Mahdi, chair of the Aceh Institute, this lack of bureaucratic red tape is a critical step towards solving the problems afflicting Aceh.

However, this is not to say there are no challenges ahead. After all, the infrastructure has suffered a double assault, destruction by nature, as well as destruction caused by the conflict.

Corruption is certain to be one of the biggest challenges, because so much money is pouring into Aceh thanks to the international response to calls for financial assistance. One NGO, SAMAK, claims that some £15 million has already gone missing. The money cannot be accounted for in the government's figures. SAMAK has accused local government officials of busying themselves in a power struggle rather than seriously working to rebuild Aceh.

Moreover, the creation of a new government agency, with yet another line of accountability could itself create new problems, given the already complex and often overlapping power structures in Aceh. The BRR may be the lead agency running reconstruction in the province for the next five years but local government will have to follow their lead for clean and decisive government to have an impact.

International role

The international community in post-tsunami Aceh has been doing much needed work. Locals have welcomed them with open arms. While there have been banners carrying angry remarks about international groups, these have come from militant Islamic groups, most of whom are not Acehnese and went to Aceh to conduct their operations with government permission, to 'balance' the presence of numerous international agencies, many of which are Christian. While the international community has made an invaluable contribution, the principle challenge they face is how to improve their work with better co-ordination. Until now, co-ordination between the stakeholder groups has been poor; in some places, several groups have turned up to work in the same village.

Some international programmes have been accused of undermining local culture. Cash-for-work programmes, for example, have provided Acehnese with paid work, doing tasks such as cleaning streets and removing rubble, may be doing more harm than good. While in principle it is good to offer Acehnese the chance to earn money, Aceh has a culture of gotong royong (the principle of mutual assistance). Juanda, chair of People's Crisis Centre in Aceh, said that international NGOs need to consider whether the work programmes offered are simply a job or really based on the gotong royong principle.

Another area in which local needs are not being sufficiently considered is shelter. There are many reports of barracks built by the government or international NGOs while the Acehnese who will have to live in them have not

been consulted.

Ongoing conflict

The ongoing conflict will also be a challenge in terms of a sustained international presence in the province. This does not come from the Acehnese, the majority of whom welcome them, but because of xenophobic and pseudo nationalist elements in Indonesia who are hostile to the idea of foreigners getting involved in Aceh. This can be described as the 'East Timor syndrome'; foreigners were perceived as having intervened in East Timor, with the result that Indonesia 'lost' Timor. The recent shooting of an ICRC foreign staff member is an example of the hostility towards international work, and the potential vulnerability of foreign humanitarian workers in a conflict situation.

Local NGOs and the local population

Local NGOs seem to be more effective in responding to the needs of the population. Considering their limited capacity and taking account of what they have managed to deliver, their achievements are quite impressive. The principle challenges they face are security and a related lack of humanitarian space.

Questions of space and security continue to dog Acehnese groups. It is not true that Aceh is now completely open and any humanitarian work can proceed without hindrance. Locations where organisations can work are limited to Banda Aceh and Aceh Besar. Places elsewhere are difficult to visit, not only logistically but also for security and administrative reasons. Where international groups might have better protection than locals due to the privileges of their position as foreign nationals in Aceh, local groups remain incredibly vulnerable.

The other major problem for local groups is their limited capacity, which means that they are in need of strong support in some areas. This has been further exacerbated by the fact that some of the best Acehnese activists have shifted their activities to aid agencies. There are numerous reports of Acehnese activists leaving their organisations in pursuit of higher wages, job security and better records for their CVs by working with international agencies.

But these are not the only problems. Perhaps the most difficult issue is that many tsunami survivors and Internally-Displaced People have inadequate information about programmes or policies affecting them in their area or how to access decision-making channels. Information that would allow people to make informed decisions about plans impacting on their lives and their future are simply not available. The Acehnese might very well agree with very controversial decisions taken by the government if the information helping them take that decision were made available to them.

Language problem

This is obvious in the lack of availability in local languages of information on what is happening in the reconstruction process. The vast majority of information is only available in English. This even applies to many government plans which are written exclusively in English. Presumably this is to meet the requirements of the many foreigners in Aceh but it leaves the Acehnese at a loss to know what is going on. Meetings between local communities or NGOs are also generally conducted in English. Some may see this as a trivial matter but in reality it has created a gulf in communication and co-operation between local and international humanitarian groups. *

Solidarity for West Papua reverberates in Asia

For the first time in the six-year history of the International Solidarity Movement for West Papua, solidarity organisations from around the world met in an Asian country. This meant that groups from South East Asia were much better represented than in the past. The meeting was held at the University of the Philippines, Manila and organised by IID, Initiatives for International Dialogue.

The choice of an Asian venue appears to have been seen as more threatening by the Indonesian authorities. Past meetings in Europe and in New Zealand went ahead without any attempts from Jakarta to have them stopped. Not so this time around.

Two days before the meeting, the Philippines Foreign Ministry was urged to ban it. A letter from the Indonesian Foreign Ministry asserted that convening such an event was in contravention of the Treaty of Amity and Cooperation between ASEAN member states because it violated the integrity of another member state. According to Marty Natalegawa, spokesman of the Indonesian Foreign Ministry: 'We cannot accept the convening of the conference which is seen as violating the integrity of the Indonesian Government, especially as it is being co-organised by a state-sponsored higher education institution.'

Similar complaints were made to the Board of the University of the Philippines in a letter from the Rector of the University of Indonesia and to the Speaker of the Philippines Parliament in a letter from the Indonesian Parliament. In a statement, the IID said: 'We were disturbed that the Indonesian Government tried to get the meeting stopped, but we are pleased that the Philippines Government has hopefully learned the lesson of East Timor, when they tried to stop a similar meeting at this venue from going ahead.'

Jakarta's efforts were to no avail and the meeting went ahead as planned. Altogether thirteen countries were represented: Burma, East Timor, Indonesia (including Aceh), South Korea, Sri Lanka, Malaysia, the Philippines (including Mindanao), Canada, Australia, New Zealand, the US, and from Europe, the UK and Ireland.

However, a couple of groups who had the backing of the Indonesian authorities sought to intervene by demanding to attend a meeting that was by invitation only. One group which loitered in the lobby of the hotel on the first day, tried to obtain a list of the participants.

Some of the participants remembered only too well how a solidarity meeting for East Timor held in Kuala Lumpur back in the 1990s was disrupted by Indonesians. This was during the days of the Suharto era, but the change in regime in Jakarta has not diminished Indonesian sensitivities about solidarity meetings being held so close to home.

Papuans face a bleak future

One of the main speakers was Papuan activist Dominggas Nari, from the Institute for the Empowerment of Women and Children who focused her attention on health and legal matters.

Mortality rates among women and children have soared alarmingly in recent years, she said. A survey conducted by the Health Service for 2000 - 2001 showed that out of 100,000 births, 1,601 women died. The death rate for women in childbirth was particularly high in Timika, Biak Numor, Nabire and Yapen Waropen. Factors that contributed to this high mortality rate were malnutrition, the lack of health facilities, insufficient awareness of the signs of labour so that women in labour reached hospitals too late, lack of blood and a very low level of health awareness.

The mal-functioning of the legal system meant that women were not getting justice. Although legal instruments were in place to protect the rights of every citizen, women frequently lost out. Recently, a woman who was being held in police custody on a charge

of robbery died as a result of serious maltreatment while under interrogation. The police officer responsible was subject to disciplinary measures under the code of ethics. Promotion was suspended for a year and a civilian court sentenced him to four months imprisonment. He was ordered to pay a fine following an agreement reached with the family; this is what accounted for the lenient punishment. Yet, this was a grave criminal act, said Dominggas, which should have been punished according to the law, without family accords being taken into account.

Violence against women

According to Dominggas, women who suffer domestic violence are not being accorded their rights in accordance with the International Convention on the Elimination of All Forms of Discrimination against Women, which has been ratified by Indonesia. There is no provision under Indonesian law for the enforcement of the Convention so violations can only be dealt with as criminal offences under



Bonar Tigor Naipospos of SNUP (Solidaritas Nasional Untuk Papua) addressing the Manila meeting.

the Penal Code.

When the violence is perpetrated by a civil servant or an ordinary citizen, it is easier to obtain a decision for the perpetrator to pay damages but when military personnel are involved, which is often the case in the more remote areas, little can be done since local NGOs are too scared to handle the case.

According to data from Abepura Hospital, there were 400 cases of violence against women in 2000. Figures available from the police in Jayapura for 1999 and 2000 included twenty deaths, 57 cases of torture and 24 cases of beating. According to the Bureau of Statistics, the projected population increase among Papuans in 2005 is between 0.3 and 1.5 per cent. However, this failed to take account of the fact that 2,500 babies have already died because of mal-nutrition and lack of immunisation.

Dominggas also spoke about the prevalence of HIV/Aids in West Papua, where it is spreading much faster than in other parts of Indonesia.

The presentation by Dominggas was full of foreboding for the future of the Papuan people. She said she feared that by the time the Papuan people won their independence, hardly any Papuans would be left to enjoy it.

Patriarchal culture

The patriarchal culture which still holds sway in West Papua means that the male takes all the decisions in the home as head of the family while women are expected not to cause trouble. The result is that men regard themselves as more powerful and do what they like towards their women-folk whom they treat as their property.

By and large, the laws and regulations in force fail to provide women with a sense of justice. While agreeing that some recent measures taken by the government were an improvement, she said it was still too early to know how they would turn out in practice.

Indonesia's fears of another East Timor

Speaking on behalf of SNUP (Solidaritas Nasional Untuk Papua - National Solidarity for Papua), Bonar Tigor Naipospos said there was much optimism about the present situation in Indonesia. The country now has a democratically-elected president and the press is very much freer than before, while the political situation appears to be stable. But, he said, in reality, things are rather different. He gave as an example the local elections to be held in June in which all too often the candidates have been chosen by the local military or are rich businessmen.

The Indonesian government was determined not to repeat the mistakes that resulted in a referendum for the East Timorese and independence, said Naipospos. The government is strongly opposed to Aceh or West Papua seceding and will do everything possible to prevent this. It is trying to play on sentiments within Indonesian society, such as nationalism or Muslim beliefs. It is widely believed that East Timor had been lost as the result of an international conspiracy and now Aceh and West Papua had become the targets of similar plots.

The attempts made by Jakarta to ban this meeting were a manifestation of this attitude. He said that the danger of West Papua seceding was seen in Jakarta as being even greater than Aceh, because of the international support that has built up for Papua. Moreover, West Papua's fabulous natural resources were a major reason for Jakarta never to relinquish its control.

Indonesia's strategy is now directed towards splitting West Papua into three provinces. One of the new provinces has already been created. According to Naipospos, this will be completed within six months and the civilian administrations will be paralleled by military commands at the provincial, resort, district and sub-district levels.

Demographic change was also being promoted, with a constant influx of migrants from Indonesia. Already more than sixty per cent of the population of Jayapura are migrants with Papuans playing a subordinate role in the economy.

New KOSTRAD division

With regard to the role of KOSTRAD and the decision to form a third division for deployment in West Papua [see separate article], Naipospos explained that the two existing KOSTRAD divisions were both deployed in Java. One is based in West Java to keep a close watch on developments in the western regions of Indonesia, while the other is based in East Java to control the eastern regions. The new division will be based in West Papua to exert control over this vast region. It has already been announced that the number of military commands will increase, he said.

Naipospos also drew attention to the growing interest in West Papua among Indonesian NGOs such as the PBHI and the Human Rights Working Group. He commended the



Franciscans for devoting their presentation at the recent session of the UN Human Rights Commission to West Papua.

Human rights situation

Speaking for TAPOL, Carmel Budiardjo said that little progress had been made towards reforming the Indonesian armed forces (TNI). Under the new armed forces law, its territorial structure has been retained, allowing it to have military commands at every level of regional and local government.

With tight control over access to West Papua, it is difficult for the national and international media to report on conditions there and even church leaders are facing difficulties accessing areas of conflict.

The authorities in Jakarta hold stubbornly to the principle of NKRI (Unitary State of the Republic of Indonesia), and

show no sign of responding to calls from the Papuan people for dialogue.

When Papuans organise peaceful demonstrations on 1 December each year by raising their own Kejora (Morning Star) flag, the clampdown is always life-threatening and harsh. Two men are facing lengthy prison sentences having been found guilty of sedition. (See separate article.)

A series of bloody incidents in Wamena in 2000 following police attacks on Papuan flag posts resulted in the deaths of a number of non-Papuans and many arrests. When a group of local leaders, who were members of the Wamena Panel of the Papuan Presidium Council, took steps to calm people down, they were arrested and later sentenced to four years imprisonment.

Encroachments on tribal lands for road building without proper consultation are frequent. The most recent incident, in Puncak Jaya, in the Central Highlands, resulted in military operations which forced thousands of villagers to aban-

political prisoners wherever they are being held, in West Papua or in Indonesia. It also expressed the need for stronger support for West Papuan women's groups and for the implementation of national and international laws to protect West Papuan women against all forms of violence in the home and from the State.

The delegates strongly condemned the decision taken by the Indonesian authorities to increase the number of Indonesian troops in West Papua, in particular the deployment of KOSTRAD (Strategic Reserve Force) troops there, which will bring the total number of troops in West Papua to 50,000.

They expressed warm support for calls by the West Papuan people for their homeland to become a Land of Peace, in face of a decision by the Indonesian authorities for the militarisation of West Papua.



Demonstration in Jayapura in January 2002 expressing their anger about the Act of Free Choice in 1969

don their homes and gardens, in fear of their lives. Dozens of people have since died from lack of food or inadequate shelter.

Military units guarding the Freeport copper-and-gold mine have been frequently responsible for abuses against local people. The British company, BP, which is now undertaking a large-scale investment in liquefied natural gas extraction in Bintuni Bay, known as the Tangguh Project, has announced that it will not agree to any military presence in the vicinity of its investment. However, it is more than likely that the military will provoke incidents in the area, in order to persuade the company to change its mind. The company has refused to acknowledge that it will be operating in an area where human rights violations are routine.

Access to West Papua a priority

In the closing statement, delegates decided to step up the international campaign in support of the aspirations of the West Papuan people, with priority being given to 'open and unfettered access to West Papua'. Special priority will also be given to the international campaign for an end to all military co-operation and arms sales to Indonesia.

The statement called for the release of all West Papuan

Heavy sentences for flying a flag

1 December is celebrated as West Papua's national day and is the occasion for peaceful demonstrations in support of the demand for self-determination. Although an earlier president, Abdurrahman Wahid, showed sympathy for such actions, they are now treated with a heavy hand by the present administration.

It was on 1 December 1961 that the first Papuan People's Congress adopted West Papua as the name of the country, Papua as the name of the name of the nation and people, the Morning Star (Bintang Kejora) as the flag, and the song, Hai Tanahmu, Papua, as the national anthem.

After the downfall of Suharto in May 1998, it was possible, for a limited period, for West Papuans to use the greater democratic space to vent to their aspirations. However, that was not the case by 2004.

Several dozen West Papuans gathered at Cenderawasih University in Abepura, on the outskirts of the capital, Jayapura, to discuss plans to hold a demonstration on 1 December in support of self-determination. A group then gathered at Trikora field in Abepura on 1 December and unfurled the Kejora flag. They were immediately set upon by police who pulled the flag down and arrested a number of those taking part.

While most were released, two men who were deemed to be the ringleaders were detained and have been in custody ever since. On 27 May, the two men, Philep Karma and Yusak Pakage, were convicted and sentenced. Philep was given a 15-year sentence while Yusak was given ten years. The sentences were far heavier than the five years demanded by the prosecution. In announcing his verdict, the presiding judge, Radianoro, also said that Philep would be stripped of his status as a civil servant, as the court deemed him unfit to work as a state employee.

Philep is well known for his openly defiant attitude. When he wears his civil servant's shirt, he always has a Bintang Kelora emblem attached to his lapel.

In a statement, TAPOL vehemently condemned the verdicts as being totally unjustified for peaceful actions and called on the Indonesian authorities to release the two men immediately and unconditionally.

[see <http://tapol.gn.apc.org/news/files/st050531.htm>.]

It further condemned the oppressive use of penal sanctions to suppress the legitimate exercise of the Papuans' rights to freedom of expression and assembly.

A popular cause

Ever since their arrest, the two men have enjoyed great popularity. On several occasions, before and after appearing in court, they were welcomed by large crowds inside and outside the courtroom, and were allowed to address the crowd before getting back into the police van.

However, following an appearance in court on 10 May, the police refused to allow them to address the crowd. This so infuriated the people that they stood their ground and there were clashes with the police. Dozens of people, including policemen, were injured.

The incident was shown on television and widely



Philep Karma & Yusak Pakage at the State Court of Jayapura

reported in the local and national press. The police were clearly visible brutally beating up the protesters and committing random acts of violence.

These shots, beamed across the country, were a great embarrassment for the government and the chief of police. Such was the outcry that several police officers were immediately dismissed for mis-handling the demonstration

continued from page 8

President to publicly apologise to the victims for the massacres as many of the perpetrators were from his own organisation, the Nahdlatul Ulama. He also sought to have Law XXV/1966 banning the teachings of Marxism-Leninism repealed but provoked a heap of abuse and anger for doing so.

In discussions with many of the victims, Carmel was told that Gus Dur has expressed agreement with the action and has also stated his willingness to appear as a witness on behalf of the plaintiffs.

It remains to be seen whether President Yudhoyono has the political will to act on this pressing human rights problem. By issuing a rehabilitation decree, he would mitigate the burden of millions of fellow citizens, many of whom are in the declining years of their lives. The anti-Communist fervour that swept across Indonesia in the wake of Suharto's seizure of power from Sukarno has surely lost its grip. Or is this a gamble that Yudhoyono is not prepared to take, for fear of unleashing another wave of protest, such as the one which was provoked by Gus Dur's efforts to heal this wounds in Indonesian society?

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Military build-up threatens Land of Peace campaign

The Indonesian military, TNI, has revealed plans to deploy 12,000 to 15,000 more troops in West Papua between 2005 and 2009, bringing the troop presence up to a massive 45,000 to 50,000. This alarming development has grave implications for human rights and efforts to promote West Papua as a Land of Peace.

The latest military build-up began on 2 June when West Papua's outgoing military commander, Major-General Nurdin Zainal, inaugurated a new resort or sub-regional military command (Korem 174) at Merauke in the south of the province, near the border with Papua New Guinea.

In March, the TNI announced plans to locate a new division of its strategic reserve command, Kostrad, in the province and increase the number of infantry battalions from three to six. The first 5,000 Kostrad troops will be deployed to Sorong in the west of the province, close to the BP Tangguh natural gas project.

When launching Korem 174 in Merauke, Zainal stated that the additional command was urgently needed to optimise the defence of West Papua. He said that the enhanced military presence would still be too small [see, 2 June 2005, on TNI website: <http://www.tni.mil.id/news.php?q=dtl&id=31052005130508>]

Spurious justification

Zainal's justification for the increased militarisation of West Papua is entirely spurious. Indonesia's regional neighbours do not represent a military threat and there is no indication that they will in the foreseeable future. It is more likely that the military build-up has been undertaken to intimidate the Papuans and crush widespread support for independence and to send a message to the international community not to interfere in West Papua.

Even now, the TNI is engaged in a prolonged military offensive in West Papua's Central Highlands, which has displaced thousands and claimed an unknown number of lives through extra-judicial killings and the starvation and exposure of villagers forced to flee their homes. There are also ongoing concerns about the link between the military and Laskar Jihad Islamic militants and local East Timor-style militias.

The Indonesian army has a reputation for creating violent incidents in order to provoke unrest, justifying its continued presence in West Papua in the interests of security, and reinforcing its control of the territory. The Papuans have shown remarkable restraint in the face of such provocation, but have suffered grievously.

There are already 8,000 non-organic troops deployed to guard the Freeport copper-and-gold mine in Tembagapura. Although BP has said that does not want army troops to provide security at its Tangguh project in Bintuni Bay, close to Sorong, there are concerns that the army will create incidents in the vicinity of the natural gas project to force the company to reverse its decision, or face the consequences. The company may be forced to acquiesce in military intervention if the army creates the perception that it is the only institution capable of delivering security.

The planned army build-up in West Papua is in sharp contrast to the calls by Papuans for their homeland to be made a Land of Peace. Such a powerful slogan signifies the degree to which Papuans have felt the oppressive presence of Indonesian troops. The Land of Peace campaign rejects the increasing militarisation of the territory. It also aims to provide space for political dialogue and create conditions in which human rights are fully protected, impunity is ended and proper attention is given to the economic, social and cultural needs of the West Papuan people.

Aceh veteran to head military in Papua

Since 21 June 2005, the regional military command based in the provincial capital Jayapura, known as Kodam XVII-Trikora, has been headed by Major-General George Toisutta. Toisutta is a veteran of Indonesia's 2003/04 martial law offensive in Aceh during which numerous human rights violations were committed by the security forces. He also saw service in East Timor where he was responsible for intelligence operations and mobilising militias, and is implicated in the October 1998 Semanggi tragedy in Jakarta [for a detailed profile see TAPOL briefing paper at: <http://tapol.gn.apc.org/reports/r050621wpmil.htm>]

West Papua now has four sub-regional military commands (Korem) and ten district commands (Kodim) [see above briefing paper]. A planned increase in the number of administrative districts (Kabupaten) - currently 29 - means that the number of Kodim is also likely to increase. A new Kabupaten was established at Bintuni Bay, the location of the BP project, in 2003.

Three infantry battalions (usually six to seven hundred men each) are currently based in Jayapura (Battalion 751), Sorong (752), Nabire (753). The three new battalions are planned for Timika (754), Merauke (755), and Wamena (756). A cavalry detachment will be based in Timika. There is also a battalion of Brimob ('Brigade Mobil', police special forces renowned for their brutality) in Jayapura and an air force battalion (Paskasau) in Biak.



The notorious Kopassus units, also active in West Papua

The Merauke battalion, which is likely to form part of the new Korem, has already attracted controversy. Plans to locate the headquarters of the battalion in the Wasur National Park have prompted NGOs to express concern about its impact on the livelihoods of local indigenous communities. They have already been severely affected by dramatic demographic changes, resulting from official transmigration and spontaneous migration from Indonesia. This has left Papuans in a minority in Merauke and other urban centres [See *Down to Earth* newsletter 65:17 at <http://dte.gn.apc.org/65WAS.HTM>; and 'Indigenous People Marginalized at Wasur National Park', Jakarta Post, 19 April 2005].

The new Kostrad division will substantially increase the number of non-organic troops in West Papua. At present, Kostrad has two divisions, both of which are based in Java. The decision to base the new third division in Papua is a sign of the huge importance the TNI attaches to the need to increase its presence in a province so richly endowed with natural resources and a population seething with discontent. Kostrad units are highly specialised troops equipped with the most advanced weaponry available, who undergo especially rigorous training for combat. The decision to locate the new division in Sorong was, according to armed forces commander-in-chief, General Endriartono Sutarto, made to safeguard external borders and maritime zones and to facilitate the TNI's ability to deploy troops at short notice. When asked, why in Sorong, he said: 'To be closer to places which we consider to be in need of strengthening.'

Military structure

The Indonesian army has a large number of commands, most of which exist alongside a single province although in some cases they cover more than one province. These are known as Komando Daerah Militer or Kodam. Below the Kodam are resort or sub-regional military commands known as korem, district commands known as kodim, and sub-district commands known as koramil. At the village level are non-commissioned army officers known as babinsa.

The troops in all these commands are known as 'organic troops'. They are part of the regular territorial forces in the province, and are what might be called a standing army. The infantry battalions are also part of this standing army. The Kostrad troops are not part of the territorial structure and are known as 'non-organic' troops. Other 'non-organic' troops frequently deployed to West Papua are the feared Kopassus special forces, notorious for their record of abuse and for killing popular Papuan independence leader Theys Eluay in November 2001.

The command structure duplicates the civilian government at every level, just as it did during the Suharto era. This oppressive presence enables the military to exert tight control over the population and provides it with ample opportunities to conduct lucrative business activities, including those associated with the illegal logging of West Papua's rich and extensive forests. The competition for business is likely to intensify with the increase in troop numbers.

Independent civil authority in a conflict area such as West Papua is rendered virtually powerless by the shadow military structure. The military authority takes precedence, disempowering the population and preventing civil society from functioning properly. Although there were expectations that in the post-Suharto reformasi period, the armed forces would be forced to reform and disband the territorial commands, this has not happened. In fact, things have

moved in the opposite direction.

BP makes security deal with Timor crimes suspect

In another disturbing development, it has been revealed that BP entered into an important agreement for the security of its controversial Tangguh liquefied natural gas project in West Papua with an Indonesian official charged with crimes against humanity in East Timor.

Timbul Silaen was West Papua's chief of police at the time he signed the agreement in April 2004. He occupied the same position in East Timor when it was devastated by the Indonesian military and its militia proxies following the country's historic vote for independence in 1999. He was implicated in the East Timor violence and indicted by the UN-backed Serious Crimes Unit and Special Panels for Serious Crimes. A copy of the indictment is available at: http://www.jsmp.minihub.org/indictmentspdf/EuricoGutierrez_CSnb03.pdf.

In common with hundreds of other Indonesia-based suspects, he failed to submit to the jurisdiction of the court, which prematurely ceased work in May [see separate item]. The nature of Silaen's alleged crimes - against East Timorese independence supporters - is especially relevant to the context of West Papua, where support for independence is equally strong.

The agreement he signed is a Letter of Joint Decree between BP and the Police in West Papua concerning 'Field guidelines for joint security measures within the work area of the Tangguh LNG project'. The agreement is available on the BP website at:

[<http://www.bp.com/sectiongenericarticle.do?categoryId=2012486&contentId=2018516>]

The stated aim is 'to create and promote common views, conduct and actions to ensure that all security activities are performed with a high level of discipline and professionalism and in accordance with applicable law and human rights'.

The agreement was only recently made public following pressure from civil society groups.

TAPOL, Down to Earth and the Free West Papua Campaign wrote to BP accusing it of endorsing impunity in dealing with Silaen, of paying lip service to the human rights of the Papuans, and of persistently refusing to acknowledge the wider human rights context, in West Papua and Indonesia, within which it is operating. The text of the letter is available at:

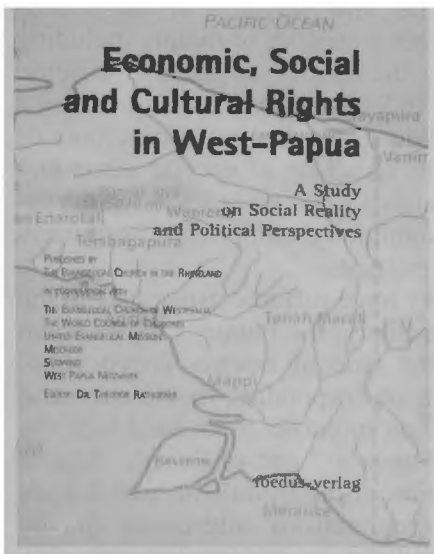
[<http://tapol.gn.apc.org/news/files/let050620.htm>]

In a statement, the three groups expressed disbelief at BP's actions: 'It defies belief that BP saw fit to negotiate the human rights of the Papuans with a person accused of such grave crimes. Although Silaen has now moved on, the company's willingness to deal with him casts considerable doubt on its commitment to corporate social responsibility in relation to the Tangguh project.'

The groups have called upon BP to explain its actions and to answer a number of questions about its relationship with the former police chief.

BP Tangguh claims to be committed to transparency, human rights and a community-based security strategy, which uses locally-recruited security guards, but many observers remain sceptical about its ability to resist intervention by the Indonesian security forces. *

Economic, Social and Cultural Rights in West Papua: A Study on Social Reality and Political Perspectives



This timely study, published in Germany, seeks to explain some of the facts about the history, politics, economy, society and cultures of West Papua. It is an important reminder that human rights are indivisible and that the Papuans' struggle for freedom is as much about securing respect for their economic, social and cultural rights (ESC rights) as

their civil and political rights (CP rights).

Part of the reason why the Papuans have been unable to effectively resist Indonesian oppression for so long is because they have been made to suffer enforced poverty, economic subjugation, poor educational attainment and healthcare, social and demographic changes imposed from the outside, and the destruction of their special identity and culture.

At the root of this 'human tragedy', as Willy Mandowen points out, is the denial of the right to self-determination through the fraudulent 'Act of Free Choice' in 1969. But, as he says, the future of the Papuan people is not just about their political status, but also about meeting their daily aspirations to be free from fear, injustice and the denial of their identity.

Ultimately, if self-determination is to be realised in a meaningful way, the Papuans must attain sovereignty over their natural resources, which are now being rapaciously exploited, as well as political sovereignty. Dr Theodor Rathgeber, the editor of this volume, goes as far as suggesting that 'the threat to people's right to self-determination which emanates from globalisation and weakens any kind of national sovereignty is, at least, of similar importance compared to the dominance of Indonesia'.

While this may be arguable, it does highlight the fact that the Papuans will have to deal with difficult issues concerning neo-colonialism and the exploitation of their resources by western multinationals, such as Freeport and BP, whatever the political status of their country. The experience of East Timor in this respect has not been easy since its independence in 2002. The Indonesian occupation left the country bereft of a viable infrastructure and beholden to the requirements of international aid donors. The economy is unable to compete with the influx of imports, unemployment is widespread, and Australia is intent on appropriating oil reserves in the Timor Sea.

The law on special autonomy has presented a particular dilemma for the Papuans in terms of their ESC rights. Many have rejected the law as a means of improving their situation because, for justifiable reasons, they simply do not trust the Indonesians and seek independence as an immediate goal. Rev. Socrates Sofyan Yoman, the head of West Papua's Baptist Church, for example, has elsewhere

described the law as a cover for policies which perpetuate the misfortune and suffering of the indigenous people of West Papua through killings and systematic violence (See his paper: 'Systematic genocide of the indigenous people of West Papua under special autonomy', 14 May 2005.).

Others, however, have regarded special autonomy as a means by which the Papuans can achieve greater control over their own affairs and as a step towards self-determination. In this study, Agus Sumule - a Panel member of the Papua People's Congress and part of the team which drafted the initial Papuan version of the law - sees it as a source of empowerment, 'a breakthrough toward enabling Papuans to improve their economic status'. Willy Mandowen, a member of the Papuan Presidium Council, although doubtful about the law's implementation, says it provides 'a legal platform for the Papuan communities to develop their own institutions and rulings'. This in turn, he suggests, will help to build up new leadership among the indigenous Papuans.

It is questionable, however, whether there is now much support left for special autonomy in West Papua. The mistrust and anger of the anti-autonomy Papuans has intensified as a result of Indonesian attempts to split the territory into three or more provinces in contravention of the spirit and letter of the autonomy law, the emasculation of the Papuan People's Assembly (MRP) established under the autonomy law, and reports that special autonomy funds have been used to fund military operations.

The Papua Customary Council (Papua Dewan Adat) has said that the autonomy law is no longer relevant. It has set a deadline for the law's implementation of 15 August 2005 after which time it will call for the law to be returned to Jakarta and will urge national and international dialogue aimed at realising the rights of the indigenous Papuans (Declaration of the Third Papua Customary Council, Manokwari, 4 February 2005).

The plight of the Papuans in terms of their ESC rights is exposed and analysed in this volume from a number of perspectives. Willy Mandowen reviews the recent history of West Papua in terms of the denial of self-determination and the abuse of human rights and considers future options especially in relation to the implementation of special autonomy. Siegfried Zöllner, a former missionary in West Papua and former coordinator of the German West Papua Netzwerk, contributes a fascinating in-depth analysis of the culture of the Papuans in transition with particular reference to the threats posed by modernisation-Javanisation and discrimination.

The editor, Dr Theo Rathgeber, a German academic and consultant on human rights and indigenous peoples, and Hermien Rumbrar, who works with the Women's Training and Development Centre of the Evangelical Church in Papua, provide brief remarks on the role of women as social actors in the transitional society of West Papua. Agus Sumule, considers the Papuans' rights over their natural resources and analyses the conditions of employment and income generation in the informal sector.

Finally, Theo van den Broek, who worked in the Catholic diocese of Jayapura from 1975 until 2004, latterly as director of the Office for Justice and Peace, contributes an exhaustive study with useful statistical illustrations on four fundamental elements of Papuan social life: demography; governance and administration; education; and health. The volume also includes helpful appendices on Indonesia's economy at a glance and the economic activities of military

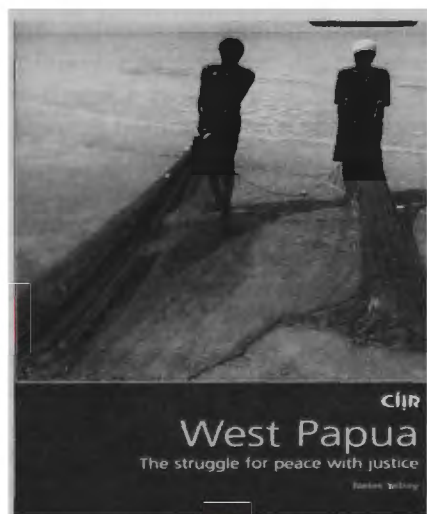
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forces in Indonesia.

While the book does not include a detailed analysis of the opportunities and obstacles presented by the political situations in Indonesia and internationally, it does suggest that the Presidency of Susilo Bambang Yudhoyono of Indonesia provides a window of opportunity for dialogue on the political status of West Papua. At the same time it cautions that the situation in Indonesia with respect to democracy, rule of law and respect for human rights will improve only gradually. One of the reasons for this is that at both the political and economic levels, the military still plays a crucial role. And, in West Papua, as the study rightly points out: 'the political economy of the security forces...and the symbiotic relationship they have developed with resource companies, most notably Freeport, have created an institutional imperative for maintaining the territory as a zone of conflict'. The study notes the Papuans' commitment to making their country a 'Land of Peace' and in pursuance of this objective, it advocates a rights-based approach to dialogue with Jakarta based on Indonesia's accession to and implementation of the international covenants on CP and ESC rights. This would, it argues, provide a legal and political platform for upholding the rights of the poor and excluded people of West Papua and enable them to participate in economic, social and political decision-making which directly affects them.

The international aspect of the West Papua problem is not merely of historic importance but also of vital importance today, says the study: 'Beyond the debate on the historic failures of the international community in the 1960s, there is a human rights-based obligation and responsibility of international bodies to make their means and measures available to the Papuan people in favour of a peaceful conflict-resolution'. The implementation of the international covenants should be overseen by the appropriate mechanisms of the UN. Other international and UN-based bodies, such as WHO and UNICEF, could provide a range of necessary expertise and technical assistance, suggests the study. The need to strengthen the capacity of self-organisation of the Papuan people and its institution-building must also be addressed, it says. It remains to be seen whether this approach will help the Papuans realise a new future free from oppression and pauperisation, but the authors should be thanked for providing new information, insights and ideas, which may one day help to break the cruel deadlock.

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West Papua: The struggle for peace and justice

Also deserving of special thanks is Fr Neles Tebay who has produced an excellent 32-page overview of the suffering of the Papuan people for the Comment series of the Catholic Institute for International Relations, CIIR.

Neles Tebay is a Papuan priest and journalist currently undertaking PhD research at the Pontifical Urban University in Rome. He describes the outrageous injustices experienced by the

Papuan people at the hands of the international community when they were denied the right to self-determination in the 1960s and since then under a series of Indonesian military operations aimed at eradicating support for independence. He warns that the survival of indigenous Papuans is under threat from a number of factors including human rights violations, the denial of Papuan culture, poverty and the influx of Indonesian migrants.

Neles Tebay reviews Indonesia's recent policies towards West Papua - including its handling of special autonomy and its systematic campaign to destabilise the territory - and the international community's approach, primarily determined by economic interests.

Despite the fact that they have suffered grievously at the hands of the Indonesian military, the Papuans have shown remarkable restraint in the face of intense provocation. Even now, they are intent on responding to violence and oppression by peace-building initiatives associated with the campaign to make West Papua a 'Land of Peace'. This is described in the final section of the Comment, which ends with a series of recommendations addressed to the Indonesian government and the international community. An afterword explains CIIR's position on West Papua.

This booklet will be a valuable source of information and inspiration both for those new to the issue of West Papua and for experienced advocates and activists working for lasting peace in a forgotten country.

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