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The Indonesia Human Rights Campaign

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Peace process re-emerges from the rubble

At the end of January, a month after the tsunami struck Aceh, peace talks were resumed in Helsinki between the Indonesian government and GAM, the Free Aceh Movement. Although for many outsiders the talks came as a complete surprise, it has been confirmed that serious efforts were made last year to resume the peace process. The very fact that peace talks are happening is a significant breakthrough.

The tsunami tragedy certainly accelerated the Helsinki talks. Both the government in Jakarta and the GAM leaders (mostly based in Sweden) were cautiously arm-twisted or persuaded by the tsunami donor community to give top priority to relief and emergency work for the population of Aceh. The flow of money to tsunami-struck areas was unprecedented, both from individuals and governments in all parts of the world. The only logical approach was: Aceh can only be rebuilt successfully once the conflict has been resolved. The warring parties, the Indonesian government (GoI) and GAM, acknowledged the significance of the new conditions and agreed to start a new round of talks.

A second round of talks occurred in mid-February, again in Helsinki, and the Crisis Management Initiative, headed by former Finnish President Martti Ahtisaari, announced a monthly schedule for the coming months. Observers are cautiously optimistic that both sides have shown enough goodwill to ensure continuation of the talks. A process of confidence- and trust-building has started and the representatives from both sides have refrained from sticking to the entrenched positions of independence or autonomy within the unitary state of Indonesia.

Cautious optimism

Under the auspices of the Helsinki-based CMI, an informal meeting took place in the last weekend of January between three Indonesian government ministers (GoI) and representatives of GAM in a remote location outside Helsinki. Martti Ahtisaari opened this first official dialogue between representatives of GoI and GAM.

CMI is an NGO chaired by Martti Ahtisaari, former Finnish president with an impressive track record of peace resolution and conflict management activities in places like Kosovo, Namibia, Northern Ireland, Iraq and now Aceh.

The present circumstances are quite different from the previous talks. Both GAM and GoI have the same pressing aim of assisting the Acehnese at a time of great tribulation and to ensure that humanitarian assistance functions well. A breakthrough for a cease-fire is definitely possible as both

sides have made commitments to such an outcome.

The Helsinki negotiations are likely to create their own dynamics. In the near future, the format for a cease-fire will be discussed. Other issues such as relief work and the start the reconstruction in the most heavily-affected areas will also be included in the talks. It is clear to both sides that it will be impossible to reconcile all the differences in a short period of time. Confidence and trust-building is currently the main aim of the Helsinki talks. Self-respect for both sides is necessary for the achievement of fruitful, ongoing

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talks. So far the talks have been aimed at finding common ground and seeking peaceful avenues to end the armed conflict.

The talks so far

Different sources provide differing accounts of the achievements so far. But in general the talks have been welcomed by most analysts, commentators and editorial writers. The meetings have been described as warm and full of understanding. It is also realised that a conflict that has continued for almost thirty years cannot be resolved in a few days. The offer from the Indonesian side was special autonomy for Aceh and amnesty for those who surrender.

In fact, the talks developed into a broader discussion. In the first round, the humanitarian disaster was discussed as well as efforts to increase *Head of the Indonesian delegation Hamid international relief Awaluddin at the Helsinki airport.* and emergency assistance for the Acehnese. Gradually, other topics were covered.

GAM argued that special autonomy for Aceh, now known as Nanggroe Aceh Darussalam (NAD), was an empty shell and suggested a discussion on self-government. This led to talks about the format of self-government and what its features would be. Will local political parties be allowed to participate in national elections? What will be the future role of GAM? Can it emerge as one of the political parties?

Other issues raised were the release of Acehnese political prisoners, in particular those who in the earlier peace negotiations were members of the GAM negotiating team but were arrested immediately after martial law was declared. They were tried under new anti-terror laws and were given extremely heavy sentences. All the GAM negotiators who were tried were transferred to prisons in Java except Sofyan Ibrahim Tiba, who fell ill and remained in prison in Banda Aceh to receive medical treatment. However, the tsunami struck the prison and Sofyan Ibrahim Tiba was drowned with many others being held there.

Three senior cabinet ministers

The Jakarta mission to Helsinki consisted of three senior ministers headed by Hamid Awaluddin, the Minister of Justice and Human Rights. The other two ministers are Sofyan Djalil, Minister of Communications and Information and Widodo A.S., Coordinating Minister for Politics, Law and Security. Hamid Awaluddin has an interesting record: he was involved in a previous effort to approach the GAM leadership during the Megawati presidency back in October 2003. Yusuf Kalla who was then



Coordinating Minister for Social Affairs, initiated the attempt for a rendezvous between Jakarta and the GAM leaders in Sweden.

Things did not work out on that occasion as military operations in Aceh were in full swing and President Megawati was not convinced about the possibility of resolving the Aceh conflict by peaceful means. Yusuf Kalla's political position has moved upwards and is now Vice-President of Indonesia. So far he has taken many interesting initiatives. It was Vice-President Kalla who was involved in secret talks on Aceh last October, soon after he was inaugurated.

More people became involved in the process, including second echelon GAM leaders in Malaysia, and several documents, including the granting of economic concessions, were agreed. This 'warming-up' process was part of the confidence building that paved the way for the real talks to start in the post-tsunami era.

Post-tsunami Aceh

Aceh pre-tsunami and Aceh post-tsunami are two different entities. Before tsunami, Aceh was a closed territory, basically run by the military. In the post-tsunami period Aceh was opened up to the outside world and became the focus of international attention. The rebuilding and reconstruction of Aceh became an international issue, and the military were unable to stop this. It also became clear to the international community that reconstruction would only be sustainable if the decades-long conflict were resolved.

The GAM negotiators

The GAM leadership in Sweden displayed courage and diplomatic skills by agreeing to participate in the Helsinki talks under the current conditions. GAM clearly understood the situation in Aceh in its international context.

Initially, the Jakarta government said it would only enter negotiations if special autonomy was the main topic. Negotiations could therefore be taken as meaning that GAM had dropped its demand for independence. As it turned out, both sides showed wisdom and diplomatic maturity.

Martti Ahtisaari as an experienced negotiator took the traditional position in peace talks of having an open agenda and working on the principle that 'nothing is agreed until everything is agreed'. Dropping the demand for independence on the part of GAM has so far not been discussed.

The GAM delegation included the earlier representatives plus some new faces. Besides Malik Mahmud, the Prime Minister and Zaini Abdullah, the Foreign Minister, Bachtiar Abdullah, Nur Djuli, Nurdin Abdul Rahman, Muzakkir Abdul Hamid and Teuku Hadi were part of the delegation.

A new element in the negotiations was the inclusion of a few foreigners in the GAM team. Dr Vlacy Vazna and Dr. Damien Kingsbury joined the talks as advisors. In particular Damien Kingsbury, an experienced Indonesianist, played a positive role in 'softening' the position of GAM and in finding a peaceful and democratic way out of the conflict.

The previous peace process

The search for peace in Aceh has been long and arduous. During the Suharto days and until his downfall in 1998, it would have been inconceivable that any peace process could take place. It was only in the post-Suharto period, especially during the transition under President Habibie and the first elected President Abdurrahman Wahid, that efforts to find a peaceful solution became a feasible option. From



GAM delegation arriving at the Helsinki airport, from l to r, Zaini Abdullah, Bachtiar Abdullah and Malik Mahmud.

1999 to 2002 a peace process was in progress, with considerable success.

On 9 December 2002 an agreement was signed in Geneva by GoI and GAM, under the auspices of the Geneva based NGO HDC (Centre for Humanitarian Dialogue). This Cessation of Hostilities Agreement, (COHA) contained several important ingredients, including the cessation of military actions and violence, the establishment of peace zones, the creation of a Joint Security Committee (JSC) and the Implementation of All Inclusive Dialogue among the Acehnese. The COHA Agreement enjoyed wide support, both among the Acehnese and internationally, in the UN, the US, the EU, Japan and the ASEAN countries.

A successful scenario for peace depends very much on the political will of the opposing parties. Every step on the road map to peace creates its own dynamics and ups and downs. New political conditions will create a new window of opportunities. Changes in the social and political conditions in Aceh are very much dependent on political changes in Jakarta. The first years after the fall of the Suharto dictatorship created conducive conditions for the beginning of a peace process in Aceh. But in 2003 the COHA Agreement proved to have insufficient political backing from the main political forces in Jakarta, not the least from TNI, the Indonesian armed forces. Another weakness of the COHA Agreement was the lack of involvement of Acehnese civil society in the process. It is unfair to blame the HDC for these flaws. The terms of engagement were unclear particularly the lack of sanctions should either of the contracting parties violate the agreement created problems. The HDC lacked credibility in the eyes of many Acehnese because it was unable to intervene. The negotiated peace process was heading towards deadlock.

TNI sabotages the peace process

It was the military who decided to destroy the COHA agreement. When army chief-of-staff Ryamizard Ryacudu paid a visit to Aceh, he saw what the peace process meant in

practice. Certain parts of Aceh were divided up into GAM areas and areas belonging to the Republic of Indonesia. This was too much to swallow as it meant in effect that the unitary state of Indonesia was being carved up.

In May 2003, the government in Jakarta declared martial law in Aceh and implemented an 'integrated operation' which consisted primarily of military operations, the main objective of which was to obliterate GAM. A year later, martial law was re-named a civil emergency but military operations continued without stop. In November 2004, a month after Susilo Bambang Yudhoyono (SBY) took over as president, the emergency situation was extended for another six months.

As yet, after almost two years of emergency and ceaseless military operations, there have been no military gains for the Indonesian army, while the security situation has hardly improved. Economic activities in Aceh have suffered tremendously as a result of the war situation. Many active members of Acehnese civil society organisations have left Aceh to find temporary shelter in cities in Java and Sumatra or in neighbouring Malaysia. In the post-tsunami era, most Acehnese have returned home to assist the relief work or re-establish contact with the surviving members of their families.

Complications in Jakarta

While the peace process has been greeted internationally, the situation in Jakarta is ambiguous because of the conflicting positions being taken by some of the major political forces.

The hardliners in TNI are not very happy with the resumed talks and insist that the military approach is the only correct way to handle with the rebels. But also petty-nationalist politicians in particular within the PDI-P, previously the government party, show much dismay with the position of accommodation towards GAM by the present government. The unitary state is sacred and one has to be firm, using force if necessary against the rebels, is the basic conviction of the majority of the PDI-P members of parliament.

Maintaining and nurturing the process of the Helsinki talks will therefore be a difficult political task for the Jakarta government. The hardliners within TNI have increased attacks on GAM strongholds, basically to create the public image that GAM remains a security threat while in parliament strong voices emerge attacking the government of being soft and compromising with the GAM rebels.

In Aceh itself, so far, the Helsinki talks have been received by the society at large, with a lukewarm reception. The previous peace process collapsed two years ago and a new military operation started. People have become more wary and cautious before firmly embracing the new talks. It will take time, in particular in this period of much grief due to the many personal losses, before the Helsinki talks will be seen as a serious way out for the long lasting conflict.

How to proceed further

In the last two years, there have been several important studies to analyse the reasons for the collapse of the peace process in Aceh, to seek to explain the causes of the breakdown. The Aceh conflict has become the focus for a wide variety of institutions around the world trying to seek new avenues for the advancement of the peace agenda. The role of civil society in Aceh has become quite central, not only in analysing the conflict, but also in the critical role it can

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Aceh's disasters: man-made, natural then man-made

Acehnese survivors of the tsunami may not be as lucky as you think. It is almost impossible to imagine what life is like for tsunami survivors. Not only have they lost so many of their loved ones and all their worldly goods, but they have to try to rebuild their lives against the background of an ongoing conflict that is nothing less than a man-made disaster. What is now needed is not only to rebuild Aceh's infrastructure, but also to resolve the ongoing conflict in the province.

Try to imagine Fatimah's life. She was the wife, now the widow, of a local journalist. When she woke up on the morning of December 26th she had a family, two kids and a loving husband, a home, and dreams for their future. By mid-afternoon she was alone, searching for her two children and her husband. On 27th December, she woke up in a temporary camp for the displaced, along with thousands of others. Her only remaining hope was to find the bodies of her family. Forty-year old Fatimah is a simple Acehnese woman with simple dreams who has lost absolutely everything, and more.

When TAPOL met her in a refugee camp in Banda Aceh, she blamed herself for being alive. 'Why have I survived? Why was I spared?' But this is her fate. She has to build a new life. Over 250,000 people do not have this opportunity. They are all gone, killed by the most powerful natural disaster in the history of Indonesia, let alone Aceh. The tsunami has left 400,000 displaced people. It has destroyed half the Acehnese capital, Banda Aceh, swathes of Greater Aceh (Aceh Besar) as well as Calang and Meulaboh. For the Acehnese who have survived, they are living in a different world.

But even before the tsunami struck, Aceh was a disaster zone, a disaster caused by men. When the tsunami hit in December, the province was living under the second phase of civil emergency law. Civil emergency law, which is simply a continuation of the earlier martial law status, imposed restrictions on the population and destroyed their livelihoods. The conflict has claimed over three thousand lives in the last two years. More people were killed in Aceh in the two years before the tsunami than during the same period in Palestine and Israel. It has destroyed huge chunks of the infrastructure. According to the local government, at least 40 percent of the local population were living in poverty as a result of the conflict.

More security posts than schools

When TAPOL travelled from Medan to Banda Aceh in January, the number of police and military security posts far outnumbered the medical centres and schools.

Since the fall of Suharto, Aceh, unlike the rest of Indonesia, has experienced little change. Pre-tsunami Aceh continued to resemble Indonesia under Suharto. The military and police continue to control not only security but also politics. Aceh is the only place where the military's *dwi fungsi* (dual function) giving it both political and security responsibilities, continues in theory as well as in practice. Several districts and sub-districts are under military control. The current 'civilian' authority is in the hands of the police. Numerous restrictions have been imposed on the local population. The tsunami is just the tip of the iceberg.



Former US Presidents Bill Clinton and H.W. Bush in Aceh

Among the refugees in the settlement in Banda Aceh, there is a joke: 'Sukarno, Suharto, Susilo and (T)sunami.' They are all the same, purveyors of chaos for the Acehnese.

Yet nevertheless the Acehnese still feel optimistic. Locals talk about how the horror of the tsunami can provide an opportunity, a 'silver lining', to build a new Aceh. This new Aceh should be - and can be - different. According to Ruffriadi, chair of the Legal Aid Foundation (Aceh), who has also lost everything, building this new Aceh is not just about infrastructure or development, it is also about building peace.

Acehnese excluded from planning process

However, this new Aceh is definitely not the one outlined in a blueprint drawn up by BAPPENAS, the National Planning Board. There are no provisions for dealing with the conflict. It simply aims to return Aceh to 'normality', in other words, the conflict-ridden Aceh that existed on December 25th. Aceh's pre-tsunami 'normality' was abnormal. And yet few of the reconstruction plans on the table even mention peace-building. Numerous foreign aid agencies completely overlook the fact that Aceh is a conflict zone. It is not just the ground zero of a monumental natural disaster, but of a thirty-year conflict.

The inadequacies of the planning and the blueprint are not surprising given that, once again, the Acehnese people have not been involved in discussions about their future. Once again, their future is being handed down to them from on-high, namely from Jakarta. Regardless of all the pledges by

Jakarta that the local people would be consulted, that there is no mechanism for the inclusion of the Acehnese in the process of reconstruction. In fact, a recent attempt by several Indonesian and Acehnese civil society groups in Central Aceh to hold a discussion forum on the reconstruction process and how to involve people was banned by the civil emergency authorities. If the Acehnese are not involved in either the direction or detail of their homeland's reconstruction, or in discussions for the terms of peace in their homeland, they will be doubly disenfranchised.

A vast undertaking

The international community must be given latitude in their work to support the Acehnese people and the reconstruction of their homeland. Yet this involvement is currently under threat. The government recently set a deadline of 26th March for foreign workers in Aceh to leave the devastated province. Initially the deadline was set only for foreign troops, but recent statements from the Police Task Force spokesman in Aceh indicate that this is being expanded to include certain foreign humanitarian groups as well. The province should be open to anybody offering assistance.

However the problems are not simply generated by the government. There is also a clear lack of understanding or knowledge about Aceh among most agencies now working in the province. The personnel brought in from all over the world are undoubtedly experts in their specialities but they know nothing of the local people or the problems they have been confronting for the whole of their lives. While most have some understanding about the long-term conflict, there seems to be little understanding of, let alone planning for, an active military presence, weak civilian structures and a terrorised population.

Until the government started issuing statements about the restricted access to Aceh, many agencies were not even aware that they may only have a limited time to execute their plans. Despite government statements about foreigners leaving, none of them has any back-up plans. Nothing is being said about what will be done with the billions of dollars already allocated in the event that the agencies' personnel are not allowed to enter the province. Nor is there any discussion about what form support from local partners will take. People are not even acknowledging that they are being outmanoeuvred. Everyone is too frantic playing the Good Samaritan in the here and now to make plans to see the reconstruction through.

Add to this pile of problems the dismal fact that Indonesia has an appalling record for corruption, it is easy to predict that much of the money being poured into Aceh will end up in the pockets of greedy government officials.

There is a terrible risk that the Acehnese are going to be abandoned by the international community yet again in this, their time of greatest need. People like Fatimah need donors and deliverers to make a political push to ensure ongoing access and reconstruction. If this is not done now, the door will soon be closed again. The way government spokesmen talk these days, it's as if Aceh is still under the civil emergency law. *

Restrictions on the media in Aceh

The international journalists' organisation, Reporters without Borders, has expressed concern about mounting restrictions on journalists working in Aceh. It has asked the Indonesian authorities to explain why freelance journalist William Nessen was expelled from Indonesia on 24 January after arresting him as he was about to leave Aceh. Nessen, who files stories for the Sydney Morning Herald and the San Francisco Chronicle, is the only journalist to have reported on the military campaign in Aceh in May 2003 from the rebels' side. When he was forced out of the bush, he was arrested and sentenced to forty days for immigration violations, then banned from entering Indonesia for a year. The ban has since been extended for another year to August 2005.

Previously, Martin Chulov and Renne Nowytager of The Australia were threatened and asked to leave the area by Indonesian soldiers who had just come under fire from GAM. 'Your duty is to observe the disaster and not the war between the army and the GAM,' an officer told them. Michael Lev from the Chicago Tribune, and his Indonesian assistant, Handewi Pramesti, were arrested on 29 December by soldiers in Meulaboh, Aceh, and held for 28 hours. While several hundred foreign journalists went to Aceh after the tsunami, the Indonesian military announced on 15 January that journalists and humanitarian workers were restricted to visiting only Banda Aceh and Meulaboh and were warned that they would be expelled if they did not inform the military of their plans.

Then Bruno Bonamigo of the state-owned Radio Canada was prevented by the authorities from going to Sigli, in the north of Aceh province, to follow the work of Doctors Without Borders.

As Reporters Without Borders reports, the local press in Aceh was severely hit by the tsunami. Twenty local journalists were killed or went missing. The local daily, Serambi whose printing press was destroyed, was miraculously able to resume publication within a few days. The international journalists' organisation also points out that as a result of restrictions imposed by the military, Indonesian and foreign journalists have been required to attach themselves to army 'pools' in order to enter the theatre of operations while local media workers have been subjected to strict surveillance by the authorities.*

No end to repression in Aceh

One of Aceh's best-known youth leaders, who is now serving his second term in prison, recently succeeded in smuggling out an account of his own arrest and detention. He gives a harrowing account of the human rights situation in Aceh since the tsunami and describes the treatment of many fellow prisoners now being held in gaols all over Java.

Nazar was first arrested in 2000 and held for nearly a year. He was taken into custody for a second time on 12 February 2003 and is now being held in Lowok Waru Prison, Malang, East Java. He campaigned for years for a referendum in Aceh and heads **SIRA**, Senter Informasi Referendum Aceh, (Information Centre for a Referendum in Aceh). SIRA is committed to holding a referendum in Aceh as the peaceful way to resolve the conflict that has continued without respite since the late 1980s.

His report, No End to Repression in Aceh, was smuggled out of prison on 12 February, 2005, the second anniversary of his arrest. The following are extracts from his report:

Secret operations

Since the imposition of martial law (on 19 May 2003), I have personally seen and heard many terrible things about the treatment of detainees being held in cells at Mapolda Aceh* (Regional Police headquarters, Aceh). Testimonies reveal that conditions are even worse in detention posts run by TNI/Polri (Indonesian Armed Forces and Police). Moreover, there are many official and unofficial posts which are conducting secret operations.

As soon as martial law was declared, a huge number of arrests were made throughout Aceh. This is just the same as during the hidden war in Aceh from 1989 to 1998 when Aceh was a Daerah Operasi Militer (Military Operations Zone). Since martial law was declared, war and violence have been waged openly in Aceh though it has been difficult to get the information out.

Since martial law, more than three thousand Acehnese have been arrested and detained for alleged membership of or sympathy with GAM, the Gerakan Aceh Merdeka (Free Aceh Movement). This does not include those who have been abducted and who disappeared without legal process. Acehnese detainees are well aware of the fact that a considerable number of people have been arrested and interrogated in TNI/Polri posts and have then disappeared or been murdered.

An objective study would certainly discover that more than ninety per cent of the detainees are ordinary civilians; less than ten per cent are GAM members or sympathisers. And in any case, GAM members and sympathisers are also entitled to being treated well. Because of the dreadful torture inflicted during arrest, interrogation and investigation, many of the detainees have opted to say whatever their captors want them to say as the only way to stay alive. The GAM negotiators who, until their arrest, were involved in talks with their Indonesian counterparts and who were arrested when martial law was declared, have also been subjected to ill treatment during interrogation.

Fascist and racist

I can only conclude from everything I have witnessed that

fascist, racist repression is being inflicted on the Acehnese people, those in prison as well as those outside. People struggling for their basic rights are being arrested and detained, abducted and made to disappear. Even those who have been abducted and rendered powerless have been maltreated.

Since Aceh was struck by the earthquake and tsunami on 26 December 2004, anyone watching the situation will know that these things are still happening. Along with maltreatment, the distribution of international aid has been manipulated for political and security reasons. All these things are intended to safeguard Indonesia's territorial integrity from Aceh to Papua, and safeguard the country's constitution. The Indonesian government justifies these injustices in the name of law enforcement.

My arrest and detention

At 1.50 am on 12 February 2003, on Idul Adha, dozens of Indonesian police from the Banda Aceh police command, backed up by police from the Aceh police command led by Commissioner Truno Yudho, came to arrest me; this was my second arrest. They were not wearing uniform and were heavily armed. They surrounded my home and kicked down the doors. While some of them mishandled books, documents and clothes of a relative of mine, others kicked down the front fence and forced the door down with their weapons.

When my family and I woke up, we realised that several vehicles had stopped in front of the house. The men jumped over the fence and surrounded the house. At first we did not open the door, suspecting that these were OTK (unidentified people). Two months ago, a member of the SIRA Presidium Council, Musliadi, was abducted by OTK. Three days later, his body was found with signs of terrible violence. It was discovered by Red Cross volunteers who found it in a valley in the Seulawah mountains, not far from the State Police School in Saree, Aceh Besar.

When the intruders identified themselves as police from the Banda Aceh police command, a relative opened the front door. The men pushed their way in and entered the room where I and my family were sleeping. With weapons at the ready, they handcuffed me and took me to the guest room where I was ordered to sign an arrest warrant.

While this was happening, other men were chucking our belongings all over the place. When my wife protested, angry words were exchanged. The men in the front room grabbed my laptop along with the hard disk; this has not yet been returned.

With my hands handcuffed behind my back, I was pushed into a minibus and driven to Banda Aceh police headquarters, with two vehicles full of police trailing behind. The handcuffs were not removed till 4 am when I was put in a dirty police cell. Later that day, I was transferred to another cell for investigation.

Until the trial, I was held in Aceh police headquarters. I

was not moved to Keudah Banda Aceh prison until 24 April 2003, after my lawyers and I had protested and boycotted the court hearings. Then, on 24 May, a few days after the declaration of martial law, I was suddenly moved again this time to a cell in Aceh police headquarters where I was held for more than a year, then moved to Lowok Waru Prison, in Malang, East Java, on 17 May 2004.

Prior to my arrest, I had not received a summons, which is what should have happened. But threats that I would be arrested were made by the Aceh chief of police in the press in late January, when SIRA activists were involved in peaceful actions, holding meetings and discussions to promote a cease fire between Indonesia and GAM, calling for freedom of expression and for a referendum to allow the Acehnese determine their own future. We were calling for basic human rights, freedom, justice and peace throughout Aceh. Meetings were taking place all over Aceh and attended by thousands of people.

Preparing for military operations

At the time of my arrest, Susilo Bambang Yudhoyono, who was then Minister-Coordinator for Political and Security Affairs, as well as the Armed Forces commander and the chief of police were in Banda Aceh. Preparations were underway to create the necessary conditions for a military solution; pro-Indonesian militias were being recruited, the vast majority of whom were non-Acehnese. Clearly, most Acehnese were not in favour of the special autonomy offered by Jakarta. The government seemed to be looking for ways to undermine COHA (Cessation of Hostilities Agreement) which had been concluded with GAM on 9 December 2002. The day after my arrest, these top-ranking Indonesian officials told the press that they fully supported my arrest.

Shortly before my first arrest on 20 November 2000, the Minister-Coordinator and top-ranking TNI and Polri officials who were in Banda Aceh and Medan talked about taking action against SIRA and me. This was when we were busy polling millions of Acehnese. Of course, we would not stop these peaceful actions, but the army and police did what they could to frustrate our activities. On one occasion in mid-November, several people attending public rallies were killed and many were injured. I was arrested and held for ten months and twenty days.

The charges against me

The charges this time round were the same as during my first arrest, based on laws that were introduced by the Dutch to clamp down on freedom struggles. I was accused of violating Article 154 of the Criminal Code and Article 10 of Law No. 9, 1998 for spreading hatred against the Indonesian government and holding public meetings without police permission.

As my defence lawyers say, it is easy for the judiciary to lay these charges without concrete proof; it's a way of halting activities that the government doesn't like, even though it means violating people's human rights. These articles are so elastic that the people in power can do what they like. They are the same as the anti-subversion laws enforced during the Suharto era. They were not used when B.J. Habibie was president when political prisoners were actually released, including members of GAM. But under Abdurrahman Wahid, Megawati Sukarnoputri and Susilo Bambang Yudhoyono, they are in use again. I am one of many Acehnese activists targeted by these laws. During my interrogation, the animosity towards SIRA

activists was very obvious. Our peaceful activities were regarded as being hostile to Indonesia's territorial integrity. Of course, these officials were not worried about the terrible things they were doing towards Acehnese, nor would they acknowledge that Acehnese are entitled to the fundamental right to live in freedom, justice and peace. They were doing the bidding of the government, including the armed forces, in their war against Aceh.

On 16 June 2003, the prosecutor called for me to be sentenced to six years under Article 154, the maximum penalty for which is seven years. On 1 July, which happens to be my birthday. The panel of judges sentenced me to five years. My defence lawyers said this was out of all proportion; in other cases tried under this article, the longest sentence has been one year. The appeal court and the Supreme Court upheld the sentence. It is a political verdict and has nothing to do with the law.

Treatment during police detention

Verbal abuse, intimidation and terror were part of the daily routine during detention by the Aceh police. During the first few weeks, the Aceh chief of police used the morning roll-call to hype up his men; I heard him through the loud-speaker. He called a rebel, a provocateur, the brains behind GAM, a Jewish agent, a US agent, an agent of the west. After roll-call, his men were in a state of fury against me. I was physically abused on 19 February 2004. While under interrogation, a weapon was aimed at me and I was punched and kicked. Intelligence officers were involved in this brutality, which went on till early next morning. They had found an article I had written promoting a peace process in Aceh and describing the condition of prisoners. I had sent it to several international human rights organisations. Then my wife was interrogated.

I was also brutally treated on a flight in an Air Force helicopter, to a prison in East Java on 17 May 2004. My hands and feet had been bound, and I and other Acehnese prisoners were beaten in the face and chest.

During my detention in Mapolda-Aceh, the only visitors allowed to visit me were close relatives and my lawyers, after a lot of bureaucratic hassle. Journalists were not allowed to visit or interview me. After martial law was declared, most of my lawyers were afraid to go on assisting me after being terrorised over the phone. My wife and relatives were also terrorised but continued to visit me.

Since being moved to Lowok Waru, we prisoners have not been physically abused, but anyone who visits me is closely watched. Journalists are still not allowed to interview me.

In Mapolda-Aceh, I have often seen other prisoners being maltreated, slapped or struck with a bayonet or other hard objects. They have been hung up on a wall, burnt with cigarettes or doused with filthy water. They are forced to sing the Indonesian national anthem or repeat the Pancasila by heart. If they fail, they are maltreated by the police. On arrival in the prison, new prisoners must march in line or beat each other. There is also sexual abuse while being showered with accusations that they are GAM members or sympathisers; they are told to touch each other with their tongues or lick each other's armpits, or even have intercourse.

Aceh needs support

There is no freedom, justice or human rights in Aceh; crimes against humanity are being perpetrated by a fascist, racist colonial power. This has been going on for sixty years; ever since our annexation, the Acehnese people

continued on back page

Munir's murder, a high-level conspiracy

In our last issue, we reported the sudden, tragic death of Munir, Indonesia's most outspoken human rights activist. The cause of death was not then clear though many suspected foul play. Forensic tests in Holland revealed massive traces of arsenic in his body. Investigations now underway suggest that Indonesia's intelligence agency, BIN, masterminded the crime, while several high-ranking Garuda officials were accomplices.

Munir died on 7 September, while on board a Garuda flight from Jakarta to Amsterdam. He died two hours before arriving at Schiphol. He was travelling to Utrecht where he was planning to take a master's degree in human rights at the university. Garuda is Indonesia's state-owned civil aviation company.



Suciwati unveiling Munir's statue community in Indonesia, a crime intended to make human

Soon after his death, a murder investigation was started by the Indonesian police, Polri. Scores of witnesses have been questioned, including passengers and crew on the flight, but the police have so far been unable to identify any suspects.

Under pressure from Munir's widow, Suciwati, and a number of NGOs in Jakarta who were frustrated with the lack of progress by the police, the President agreed to the establishment of a fact-finding team to work side by side with the police. The team is headed by a senior police detective, Brigadier-General Marsudi Hanafi, and includes several police officers as well as human rights activists, Hendardi, formerly director of a leading human rights NGO, the PBHI, Usman Hamid, who heads KontraS, the Commission for the Disappeared and Victims of Violence which was set up by Munir in 1998, Munarman who heads the Indonesian Human Rights Institute, YLBHI, and Asmara Nababan, a former general secretary of Indonesia's human rights commission.

During a meeting in early March with members of the fact-finding team, President Susilo Bambang Yudhoyono referred to the investigation 'as a test case for whether Indonesia has changed'. [Republika, 4 March] He also said that no state agency should be exempted from investigation; all were obliged to co-operate fully to track down the perpetrator. Later, Hendardi a member of the team, told Radio Netherlands that this was crucial 'because it is widely

believed that the perpetrator was not acting alone but was acting on orders from a government official'.

HRW: 'A class by himself'

Accolades for the slain activist have come from all corners of the globe. Joe Saunders of Human Rights Watch based in New York, said: 'He was a class by himself. He had an electric intelligence and an encyclopaedic memory. In meetings, he was able to draw on a kaleidoscope of detailed fact and sharp analytical insight to present a clear insight of what needed to be done.'

Sidney Jones, who had known Munir for many years, in her days at Amnesty International, then at Human Rights Watch and most recently with the International Crisis Group, described Munir as everything a human rights activist should be. 'Tough, principled, smart, funny, fearless. He stood up to people in power, made them angry, got threat after threat, and never gave up.' [Asia Times, 16 November 2004]

Sixty-eight laureates of the Right Livelihood Award from more than two dozen countries, signed a statement describing Munir's assassination as 'an evil crime that strikes not only at the victim and his loved ones but is also a warning to the human rights community in Indonesia, a crime intended to make human rights activists throughout Indonesia fear for their own safety, whether at home or on their travels abroad. We wish to express our solidarity with, and support for, the human rights community in Indonesia and wish them the fortitude to cope with the possible dangers they now confront.'

Munir was awarded the Right Livelihood Award in 2000.

A threat to human rights activists

The Observatory for the Protection of Human Rights Defenders, based in Paris, warned in a statement that incidents which followed Munir's death, in particular, the mailing to his widow, Suciwati, of a dead chicken, to which was attached a note warning her not to link her husband's death to the TNI, the Indonesian Army, suggests that his death was a politically-motivated assassination 'which represents a serious threat to the human rights community in Indonesia as a whole'. It recalled that the office of KONTRAS, the Commission for the Disappeared and the Victims of Violence, the NGO which was co-founded by Munir, had been attacked once in 2002 and twice in May 2003 in relation to its activities as well as for its criticism of the Indonesian Government's policy in handling the Aceh problem.

In fact, the first threat of physical violence against Munir occurred on 20 August 2001 when a bomb wrapped in a plastic bag was sent to his parents' home in Malang, East Java, while he was on a visit. Munir said in his usual laconic fashion: 'I guess it was only a warning'.

Because of Munir's unrelenting advocacy of many issues ranging from abuses in East Timor, West Papua and Aceh to the unexplained disappearance of numerous Indonesian activists a few months before the resignation of President Suharto in May 1998, those likely to have plotted Munir's murder include individuals and agencies right across the state apparatus. At the time of his death, Munir was known to be collecting evidence of corruption inside a government ministry. In an interview with the Indonesian weekly, *Tempo*, Munir spoke about 'important information' the nature of which he could not divulge over the phone. He indicated that the case involved important figures in the Republic, and was related to budget details of a ministry project whose value had been inflated. *Tempo* later revealed (November 23-29, 2004) that, according to Munir, 'a particular military officer knew the full story about the ministerial corruption' and had indicated that he was prepared to talk. It is understood that the ministry in question was the Ministry of Defence.



According to *Tempo*, this case presented Munir with a whole new set of problems as he normally worked on human rights violations, but regardless of this, he said he was determined to get to the bottom of the case.

Mastermind and accomplices

The decision to eliminate Munir could to have been taken at BIN (Badan Intelijen Negara), the State Intelligence Agency. The crime was perpetrated on board Indonesia's national flag-carrier, Garuda and it is virtually certain that the poison was put into a cup of tea which Munir drank during the first leg of the trip, from Jakarta to Singapore.

During a short stopover at Changi airport, Munir who was in good health when he boarded the plane at Sukarno-Hatta Airport in Jakarta, sent a message to his wife complaining of stomach pains but it was not until after the plane's departure from Changi that Munir started to suffer acute vomiting and diarrhoea.

Another passenger on the plane was Pollycarpus Budihari Priyanto, an Airbus 330 pilot who has worked for Garuda for nineteen years. This man had made no secret of his intense interest in Munir's travel plans. A few days before Munir's departure, he phoned Munir's home and spoke to his wife, Suciwati, asking about her husband's plans. Several human rights activists also say they received calls from him, including Hendardi, who says he was asked for his views about the political situation and whether he was planning to visit West Papua.

After the passengers had boarded GA974 in Jakarta, Pollycarpus approached Munir who had an economy class seat, and offered him his business class seat which Munir accepted. He sat beside him during the first leg. It is believed that the arsenic was dropped into a cup of tea which Munir drank during the short run from Jakarta to Singapore. When the plane landed for a stopover at Changi Airport, Singapore, Pollycarpus left the plane and did not continue the journey to Amsterdam.

During the second leg, Munir started vomiting violently. Asteward consulted Dr Tarmidzi, a passenger, who gave

Munir a pill to stop the vomiting. The treatment calmed Munir down and he fell asleep in a seat near the toilet, allocated to him because of his constant need to relieve himself.

When morning came and the stewards were preparing to serve breakfast, one of them asked Dr Tarmidzi to

check on Munir's condition as there was no sign of movement. The doctor pronounced that Munir was already dead. This was about two hours before the plane landed at Schiphol Airport.

The results of an autopsy undertaken in The Netherlands were not made available for more than a month. The delay was apparently caused because initial examination produced such alarming results that Dutch forensic experts decided to conduct a number of additional tests before concluding that there were excessively high levels of arsenic in Munir's body.

Munir's body was later flown back to Indonesia accompanied by his widow, Suciwati, and he was buried in his birthplace, Malang, in East Java.

Fact-finding team investigations

When the preliminary report of the fact-finding team were made public on 3 March, the murder case attracted renewed interest in the media. The fact-finding team announced at a press conference that their initial findings had led to the conclusion that Munir had died as the result of a conspiracy. 'There is hard evidence that the murder of Munir is a conspiracy. There is no way it was committed by individuals,' said Brigadier-General Marsudi Hanafi, head of the team.

He went on to say that the team had uncovered indications of involvement of certain Garuda employees and a Garuda director. Problems had arisen because neither Garuda nor

PT Angkasa Pura, the company that manages Sukarno-Hatta Airport at Cengkareng, were willing to co-operate. Team member Asmara Nababan told the press that both the fact-finding team and the police were keen to track down the person who persuaded Garuda and Angkasa Pura not to co-operate with the investigations.

'There are strong indications that Garuda's employees were directly or indirectly involved in Munir's death,' said Marsudi Hanafi. 'We found evidence that showed Garuda officials conspired to cover up the wrong-doing uncovered by the team.' [AP, 3 March]

The likely role of Garuda executives

There are three layers to the conspiracy and two major state agencies, the intelligence agency, BIN, and the country's flag-carrier Garuda are involved. Pollycarpus, the man who has emerged as the prime suspect for administering the poison that killed Munir, is closely connected with both.

Information has come to light that the procedures for Pollycarpus' assignment to fly on board GA974 were riddled with irregularities. The first was a letter signed by Garuda's CEO, Indra Setiawan, giving him an assignment in charge of aviation security. It is highly unusual for such an assignment to be made by a top executive of the company. A second letter assigning the same pilot as aviation security on GA 974 bore the date 4 September but it was later discovered that the date had been falsified as it had been written and signed several days later. The third was a letter changing Pollycarpus' flight to Singapore to late evening, after the pilot allegedly explained that he had business to conduct in Singapore.

These letters have cast a cloud over senior Garuda executives. CEO Indra Setiawan has been questioned at length about his role by the fact-finding team and a commission of the DPR, Indonesia's parliament, which is conducting its own investigations. On both occasions, he is reported to have been close to tears. He initially denied that he knew Pollycarpus but was later forced to withdraw this denial, having signed several letters regarding his assignment.

On no fewer than three occasions, Garuda executives have failed to arrange a re-enactment of flight GA974 with the crew members who were on duty, alleging that the crew were not available.

Intelligence agency BIN

While Garuda officials have emerged as the likely accomplices, much more importance is now being attached to the agency which masterminded the crime, the intelligence agency BIN. Few people would dare to take on the country's most feared agency, whose agents are not averse to eliminating people in cold blood. It was therefore crucial that the President's spokesperson, State Secretary Yusril Ihza Mahendra made it clear that no state agencies, including BIN (Badan Intelijens Negara), the State Intelligence Agency, should be exempted from the inquiries. Yusril said that the fact-finding team was permitted to investigate the agency. 'Nothing is closed,' he said. 'The President wants everything about Munir's death to be fully investigated. The case must be handling in accordance with the law, and taken to court,' he said.

Fact-finding team member Asmara Nababan said it was difficult to understand what advantage Garuda could reap from such a conspiracy. 'What we need to know is who was behind Garuda.'

Another team member, Usman Hamid, director of

KONTRAS, said that there was evidence linking BIN to Munir's death but he could not at present elaborate. 'The fact-finding team is no longer at the first level of inquiry - the perpetrator on the ground - but has advanced to the second level, those behind the people on the ground.'

In what was a very cautious and carefully worded statement, he also said: 'We have now reached the point of looking beyond the location of the crime. Who is it who had an interest in (committing) this murder? Our next step, which we discussed with the President, is to consider the involvement of members of BIN.' He welcomed the positive signal given by the President but said they would need to see whether this would bear fruit on the ground. 'There is a possibility of failure but there is also the possibility of success.' [Radio Netherlands, 8 March 2005]

An SMS text message has come to light which states that Garuda pilot Pollycarpus was recruited by Muchdi PR, deputy of Section V of BIN as an intelligence agent in an assignment letter Skep Ka BIN 113/2/2002, and that he was issued with a pistol. The SMS went on to say that 'after Polly's name began to appear in the media, he was ordered to hand back the pistol and all documents relating to him were destroyed. The order came from Muchdi and two other BIN members seen as being the 'gang of three' who control the agency. It also confirmed that Pollycarpus had made frequent visits to BIN to meet Muchdi PR, in order to plan Munir's murder. They were worried that when he travelled abroad, he would expose more information about the kidnapping of activists at the end of 1997, as the Suharto era was coming to an end.

Accidental or deliberate?

The police are reported to be so frustrated by the evasive and contradictory replies from Pollycarpus that they have decided to use a lie detector in future interrogation sessions and to arrange for a psychologist to be present.

At the beginning of March, there was yet more intriguing news about Pollycarpus. According to a story filed by detik.com, Indonesia's leading Internet news agency, Pollycarpus was involved in a road accident on 26 February when riding home on his motorbike. He was hit from behind by a car in a quiet street and knocked to the ground. The car drove off so quickly that Pollycarpus was unable to see its registration number. Not surprisingly, his lawyer wondered whether this was accidental or deliberate. This is a man who can be expected to spill the beans in order to save his own skin.

Given the recent burst of information about the murder of Munir, there may now be more reason to hope that arrests will soon be made and those responsible for this despicable crime will be called to account in a court of law. The complexities of the case, involving perpetrator, accomplices and mastermind, will make this a milestone in Indonesia's human rights history. *

TNI changes at the top

The first major reshuffle of the TNI, the Indonesian armed forces, was announced on Saturday, 29 January 2005. This is a major and delicate political step taken by the new SBY government. Rocking the boat of TNI too much can have far reaching consequences. The TNI continues to be Indonesia's political power-house which is why it is important to assess the implications of this reshuffle on the political scene.

The reshuffle had been in the pipeline for several months and President Susilo Bambang Yudhoyono (SBY) was under considerable pressure from the DPR (Parliament) to replace Endriartono Sutarto by General Ryamizard Ryacudu, a notorious hardliner who until recently held the position of army chief-of-staff.

Succession of the President comes first

Forty-two key TNI officers have been replaced in the reshuffle, while names have been doing the rounds for weeks among TNI-watchers. For example, General Ryacudu's name has been floated for many months as most likely to become the TNI's first man. In the final month of her presidency, Megawati had pushed in the DPR for four-star General Ryamizard Ryacudu (RR) to take over as the new TNI C-in-C. It is a public secret that RR and Taufik Kiemas, Megawati's husband, are close buddies not only because they come from the same region (Palembang, South Sumatra) but also because they share the same rigid nationalist credo as Megawati and Taufik Kiemas.

The appointment of high-ranking officials, including the TNI top echelon, is a presidential prerogative but in this post-dictatorship era it has become a tradition to consult the DPR. Since it was so close to the presidential election, it was decided to leave the appointment of the TNI chief until after a new president had been installed.

All the President's men

On 22 February, almost a month after the chiefs-of-staff of the army, navy and air force had been replaced, C-in-C General Endriartono Sutarto was still in place while RR, who headed the shortlist of candidates, had not been appointed as his successor. Moreover, it was now just two months before his retirement in April 2005.

The new army Chief of Staff is Lt. General Djoko Santoso who moved up from being deputy chief-of-staff. He is known to be close to the President. In his early years as a young officer, he served under SBY in a sub-district military command in Yogyakarta. Djoko Santoso was almost predestined to become the new army chief as his career had advanced in accordance with normal procedures. He entered the Military Academy in 1975 and after graduating, he held positions in several territorial commands as well as occupying the position of intelligence assistant at army headquarters in 1998. In 2000 he became commander of the prestigious second division of Kostrad, the main strike force of the army. His name became very well-known when he was appointed military commander in the conflict area of Maluku. During his term, violence there gradually subsided so as reward, he

was promoted to become military commander of Jakarta, a promotion that usually leads to top positions.

The appointment of the new air force chief-of-staff came as a kind of surprise as Air Vice-Marshal Djoko Suyanto has only two stars whereas the position is usually occupied by a three-star general. His previous position, held since 2003, was operational assistant at air force headquarters. He entered the Military Academy in 1973 and quickly won his flying brevet. He went to Australia and the US for further training, to become a flying instructor. In 2001 he became the air force territorial commander in Region II, which encompasses the whole of eastern Indonesia. His CV also includes operational activities in East Timor, West Papua and Aceh.

The rise of Vice-Admiral Slamet Soebijanto, the new



The three new chief of staffs, l to r army, navy and air force

Navy chief-of-staff is more or less what was expected. Known as a career officer with extensive experience at sea, he has commanded several warships and most recently served as the eastern fleet commander before being appointed as deputy governor of Lemhanas, the National Defence Institute.

Both Djoko Suyanto and Slamet Soebijanto are from the class of 1973, like SBY, and they attended classes and underwent training together as young cadets. No doubt it was SBY who handpicked the three men to take over as the new chiefs-of-staff. SBY served as coordinating minister for security affairs under the previous two presidents, Gus Dur and Megawati, and knows how aggravating it is not to be in a position to control the top echelons of the armed forces.

Ryacudu appoints hardliners

It is well known that RR and SBY do not get along.

During the Megawati presidency, it was clear that RR had a low regard for civilian politicians, and given that SBY has been a cabinet minister he is seen, despite his army background, as a civilian by the army hardliners.

Before the appointment of Djoko Santoso as the new army chief, RR hastily promoted several notorious hardliners to strategic positions in the army.

Major General Sriyanto Muntrasan, the commander of Kopassus, the army's special forces, has been promoted to become commander of Siliwangi, the prestigious territorial command of the West Java and Banten provinces. Recently Sriyanto went on trial for his involvement in a bloodbath that occurred in 1984 in Tanjung Priok, the harbour of Jakarta. At the time he served as operational assistant of the Jakarta military command. His troops opened fire at random at a demonstration, killing hundreds of innocent people. Nevertheless, Sriyanto was acquitted by the judges, much to the dismay of the Indonesian human rights community. The Attorney General's Office plans to file an appeal against the acquittal to the Supreme Court.

Two other hardliners, Colonel Geerhan Lantara and Colonel Azmyn Yusri Nasution, both commanders of sub-district commands in Aceh, have been promoted as chiefs-of-staff respectively of the Army's Strategic Reserve Command (Kostrad) first and second division. The two officers are notorious for the heavy-handed way they ran their territorial commands during a particularly oppressive period of the civil emergency in Aceh. Lantara's track record is particularly bad as he is known to have provoked some young East Timorese during a peaceful march in 1991 (which became known as the Santa Cruz massacre). The military retaliated by killing hundreds of innocent people.

The position vacated by Colonel Azmyn Yusri Nasution as Lilawangsa commander (North and East Aceh) will go to Colonel Chairawan. Like Geerhan Lantara, Chairawan was grounded for several years because of his involvement in gross human rights violations. Chairawan was a member of Kopassus, the elite army unit under the command of General Prabowo, when a special unit was created: Tim Mawar (Team of Roses) which specialised in kidnapping pro-democracy activists. Many of the activists are still unaccounted for and are presumed dead. Like Lantara or Sriyanto, Chairawan was never charged for his offences. It was said that he had been demoted but now emerges from the ashes.

Factionalism within the army

Factionalism has always been a common feature in the Indonesian armed forces but in certain periods, battles between the factions have erupted in the open. Early in 1998, when the crisis in the Suharto regime was reaching its peak, factionalism within the TNI (at that time still called ABRI) also reached a climax with open conflicts emerging between the factions.

SBY, who was then in a top position at headquarters, as assistant for territorial affairs, became part of a group usually called the 'reformers'. There were two other factions known as 'hardliners' and 'professionals'. These three groupings had no formal membership or unifying political or ideological outlook, and allegiances were often fluid as some officer switched from one faction to another. Conflicts occasionally occurred within the factions such as happened during the days when Suharto was forced to step down. Two hardliners factions, under Wiranto and Prabowo, clashed openly and Jakarta was on the verge of becoming a battleground.

The TNI reform faction's heyday lasted for a few years



Hardliner General Ryacudu has been sidestepped

and then withered away, when some of its key officers lost their strategic positions at headquarters. SBY managed to survive because he had already shed his battle dress to become a cabinet minister. When Gus Dur was impeached in 2002, the hardliners were back in prominence.

The main bone of contention was the acceptance of civilian supremacy. The reformers genuinely accepted civilian rule and in August 1998, a few months after the fall of Suharto, the notorious army doctrine, Dwi Fungsi (Dual Function) was ditched and replaced by a new doctrine called the 'New Paradigm.' In theory this removed the TNI from playing a direct role in politics, shifting to its original function as the external defence force and the force for the preservation of national unity.

However, the preservation of unity became the stepping-stone for the military to meddle in politics again. After the collapse of the reform group, the army consisted of hardliners and professionals.

The hardliners represent a sizeable group of officers, very much in the mould and tradition of the Indonesian army, which is characterised by a deep distrust of civilian politicians and an unwillingness to accept civilian interference in military affairs. Since Independence in 1945, Indonesian politics have always been placed in jeopardy by the difficulties in civil - military relations. Sukarno, Indonesia's first president, was ousted by the military, Gus Dur was impeached by a combination of military and civilian pressure, while Megawati accepted the reality, giving the military sufficient political room to manoeuvre.

TNI and patriotism

While SBY and RR have a different outlook towards accepting civilian supremacy, they have much in common. They were bred in the same mould of security and socio-political functions in the seventies and eighties, seeing themselves as the guardians of national unity, development and cohesion. During the Cold War, Suharto as president held firmly to the anti-communist credo. All saw their *raison d'être* as being to

play such a major role in day-to-day politics.

Since the fall of the Berlin Wall and the fall of Suharto in 1998, the weapon of anti-communism lost its purpose. A new ideological weapon has been invented and has been successfully imposed onto the political arena. The TNI propagates the active defence of the unitary state of Indonesia while at the same time instilling patriotism in the population. Domestically, Indonesia still faces dissent in Aceh and West Papua while elsewhere, in Poso and Maluku, religious or ethnic clashes have erupted. TNI is seen by many as the only force that can be uncompromising in dealing with these problems and able to counter attacks against the unitary state.

The global situation and unilateral actions by the US have also created a new kind of anger and patriotism among Indonesians, which fits in with the petty nationalism being promoted by army leaders.

Powerful presidential team

SBY was elected in Indonesia's first ever, direct presidential elections. He won with a sizable majority but his victory didn't reflect the composition of the new DPR elected half a year earlier. In Parliament, there was a majority for the Megawati alliance, at a time when she was president. It took more than two months following his inauguration as President for SBY to change the political map and achieve a majority in the DPR.

This happened when Yusuf Kalla, now vice-president, managed to seize the chairmanship of GOLKAR, which had emerged as the biggest party in the elections, after being the ruling party throughout the Suharto era. Overnight, the Golkar fraction switched sides and became part of the ruling alliance.

The new cabinet is much more open to the outside world than the more nationalist Megawati government. This is expressed in day-to-day politics. Two days after the tsunami, Yusuf Kalla announced that Aceh was open to international assistance, realised that Indonesia could not cope with a mega-disaster like this. These days, it is the military who are trying to close Aceh again to foreigners and by the end of March, special permits will be needed to visit Aceh.

SBY has secured a working majority in parliament and democracy appears to be in good shape, with the government functioning from a position of strength. In reality, the TNI and nationalist politicians will oppose him in many areas. It is too early to say whether his cabinet will be able to shift the country in the right direction. *

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may have been to provide Wamang with weapons training. He has reportedly claimed that the attack was planned during this trip. In an interview with the Australian Broadcasting Corporation in August 2004, he admitted buying bullets from the TNI.

ELSHAM says it has evidence concerning two other presumed co-conspirators who helped procure the weapons for the attack. One of the co-conspirators purchased automatic rifles while staying at the home of serving TNI officer, Colonel Sugiono, it says. The weapons were stored at the Cikini police station in Jakarta.

Rumbiak and others speculated that the TNI's motive for the attack was to seek higher security payments for protecting the Freeport mine. Such payments are a lucrative source of income for the TNI and the evidence suggests that Freeport made direct payments of up to \$2,100 per month into the personal account of the regional military commander for West Papua. These payments were discontinued in the months leading up to the Timika killings. According to a communication from Freeport to the US Securities and Exchange Commission, the company paid the TNI \$5.6 million in 2002 [John Rumbiak, Eben Kirksey and Ed McWilliams, statement issued 17 February 2005].

Leahy reaction

Senator Leahy called Secretary Rice's decision 'premature and unfortunate'. The only reason why there has been progress in the case, he said, was due to pressure from Congress and Patsy Spier. 'Now the Secretary, in one of her first acts, has thrown away the last bit of leverage we had.' He suggested that Wamang is being left alone because of what he might reveal:

'Why hasn't the one person indicted by the United States, who has confessed to the crime, been indicted and arrested in Indonesia? One can only surmise that since he has implicated the Indonesian military, they don't want the FBI to interview him. This is not cooperation with the FBI, no matter what the Administration says.' [statement, 28 February 2005]

Current military ties

Restrictions on IMET, which brings foreign military officers to the US for training, were first imposed in response to the 1991 Santa Cruz massacre in East Timor. All military ties were suspended following TNI involvement in the violent destruction of East Timor in 1999. Conditions were imposed requiring accountability for human rights violations in East Timor and a commitment to civilian control of the armed forces. These conditions were later replaced by the one requiring cooperation on the Timika killings.

The US administration has allocated \$600,000 for IMET for Indonesia in 2005. The two countries already enjoy a considerable level of military engagement following the 11 September attacks. Current programmes and activities include expanded IMET (E-IMET) and the Counter-Terrorism Fellowship Program (CTFP). The CTFP for Indonesia is the largest such programme anywhere in the world. Military exercises and other contacts through officer visits, educational exchanges and port visits also take place. The only remaining restriction will be on the sale of lethal equipment, but that may also be lifted soon. *

Renewal of US military ties a blow for Indonesian democracy

On 26 February 2005, US Secretary of State Condoleezza Rice 'determined that Indonesia has satisfied legislative conditions for restarting International Military and Educational Training (IMET)', a small but symbolically important part of the military relationship between the two countries. The decision is a major blow for Indonesia's fragile transition to democracy.

Human rights campaigners are angry that the US decision was made for strategic reasons associated with the war against terror and ignored compelling evidence that Indonesia has not fulfilled the key condition which required co-operation by the Indonesian military (TNI) with the FBI in investigating the August 2002 killings of two Americans and one Indonesian near the Freeport copper-and-gold mine at Timika, West Papua.

The decision represents a victory for the Indonesian government and those in the Bush administration, led by neoconservative cheerleader and former US Ambassador to Indonesia, Paul Wolfowitz, who have been pushing hard for re-engagement. The US has exploited the improved relations between the two countries following the contribution the American military and aid agencies made to the tsunami relief effort in Aceh.

TNI as abusive as ever

The tsunami relief operation has not, however, changed the nature of the TNI. It remains as powerful, abusive and unaccountable as ever. Secretary Rice's decision is remarkable for the fact that just two days after it was announced, her own department issued its annual country report on Indonesia, which concluded that: "Government agents continued to commit abuse, the most serious of which took place in areas of separatist conflict. Security force members murdered, tortured, raped, beat and arbitrarily detained civilians and members of separatist movements, especially in Aceh and to a lesser extent in Papua."

The problems of the TNI are systemic and unlikely to be addressed by the training of individual officers. The normalising of relations endorses the role of the TNI and encourages its continued resistance to accountability and reform.

Democrat Senator Patrick Leahy, who sponsored earlier conditions requiring Indonesia to bring to justice those responsible for human rights violations in East Timor, said "...the Secretary's decision will be seen by the Indonesian military authorities who have tried to obstruct justice as a friendly pat on the back" [statement issued 28 February 2005].

Given the leading role played by Paul Wolfowitz, the scepticism expressed by fellow neoconservative Ellen Bork in an article entitled 'Premature Engagement' was somewhat surprising. She pointed out that although President Susilo Bambang Yudhoyono was himself a graduate of IMET, US officials were reportedly dismayed to discover that 15 military officers allegedly involved in crimes against humanity in East Timor were former IMET students.

Bork argued that '...before any steps are taken, the administration should provide an accounting of past programs and their effectiveness in promoting reform, and outline a strategy that integrates military cooperation into a plan for

advancing democracy and human rights in Indonesia' [*The Weekly Standard*, 19 February 2005].

Unanswered questions about Timika killings

The indictment by the US Department of Justice in June 2004 of an alleged commander of the Free Papua Movement (OPM/TPN), Anthonius Wamang, for the Timika killings left many unanswered questions about the long-suspected role of the military in the deadly attack [see *TAPOL Bulletin* No 176, p. 18].

Patsy Spier - a survivor of the attack which killed her husband Rick - has questioned why Wamang has still not been apprehended despite his whereabouts being known, why Indonesia has not issued an arrest warrant, and why there was no apparent contact between the Indonesian police and the FBI for seven months after the indictment. In



February 2004, she was told by Deputy Secretary of State, Richard Armitage, that 'cooperation' by the TNI was required until to the 'exhaustion' of the Timika case [email communication to members of Congress, 29 January 2005]. It is clear that the case has reached nowhere near exhaustion.

Initial investigations by the Indonesian police and the respected West Papuan human rights organisation, ELSHAM provided strong indications that Kopassus special forces officers or other army units were used in the attack. The evidence suggested that whereas Papuan proxies such as Wamang may have participated in the attack, the operation was conceived and orchestrated by the military.

New evidence of TNI involvement

In a statement issued on 17 February 2005, John Rumbiak, international advocacy co-ordinator of ELSHAM, and US researchers urged Secretary Rice to consider new evidence of military involvement in the attack. They pointed to documentary evidence that the TNI paid for Wamang to visit Jakarta in January 2002 and suggested that the visit

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£16.5 million arms bribe paid

One of the most controversial British arms deals with Indonesia was made possible by the payment of a massive bribe to the eldest daughter of then dictator Suharto a recent High Court case has revealed. British arms company Alvis paid £16.5 million to Siti Hardiyanti Rukmana (aka Tutut) in the mid-1990s to secure a contract for the export of 100 Scorpion light tanks and Stormer armoured vehicles according to documents obtained by the Guardian newspaper.

The deal for the Scorpion and Stormer vehicles was vigorously opposed at the time because of Indonesia's human rights record and its use of imported military equipment in East Timor and against its own citizens. It became a litmus test for the much-vaunted ethical foreign policy of the Labour government when it came to power under Tony Blair in May 1997.

The exports went ahead, however, and despite protests, some of the armoured vehicles were recently deployed to Aceh as part of Indonesia's martial law offensive, which began in May 2003 and claimed over 2,000 lives.

Tutut's Global Select seals deal

The payment of the bribe to Tutut was disclosed in witness statements in the case of Chan U Seek v. Alvis Vehicles Limited. In December 2004, The Guardian won the right to see the court file after Singapore businessman and former Alvis agent, Chan U Seek settled a claim against the company for commission relating to the sale of the Scorpions and Stormers.

According to the witness statements, Alvis first met Tutut in London in February 1994. An agreement was made between Alvis and Global Select, a company owned by Tutut. Global Select then became instrumental in persuading Suharto's inner circle and the Indonesian Ministry of Defence to conclude the deal despite strong competition from a Korean firm.

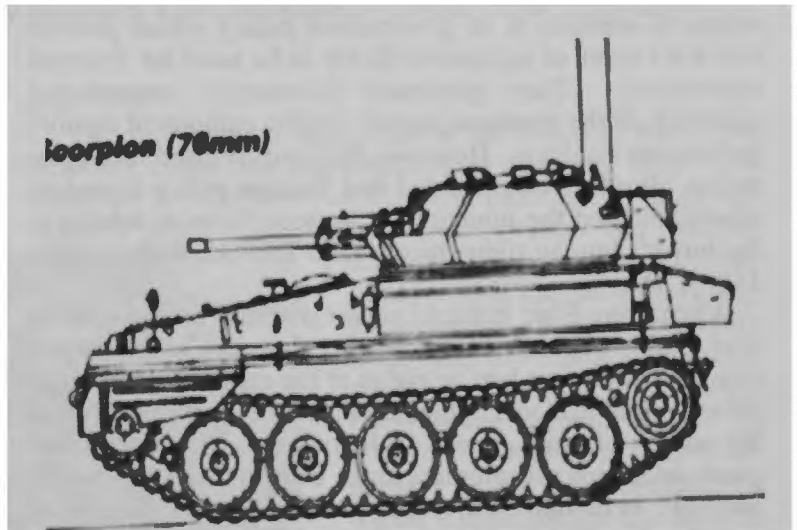
According to one of the witness statements, Indonesia was 'keen to have delivery of half the consignment of vehicles by October 1995, the 50th anniversary of the Armed Forces, to allow them to participate in a major parade in the capital, Jakarta' [statement of Nick Prest, former Chairman and Chief Executive of Alvis].

Alvis freely admitted to making payments of £16.5 million, around 10 per cent. of the contract price, to Tutut. The payments were described by Alvis executives as an 'incentive' and a 'tax'. [See the court documents at www.guardian.co.uk/armstrade; see also 'Corruption Still Rife? Campaign Against Arms Trade at: <http://www.caat.org.uk/information/magazine/0205/cor-story.php>.]

A company owned by Tutut also allegedly made millions by acting as agent in the procurement of British-built Hawk jets in the mid-1990s ['Soeharto clan's past abuses emerge' *Jakarta Post*, 15 July 2002].

£550 million 'odious' debt cancelled

The cost of the corrupt Alvis transaction, around £160 million, is being met by the British and Indonesian public. The deal was underwritten by the British taxpayer through the Export Credits Guarantee Department (ECGD). When



Indonesia's debts to Britain were rescheduled in 1998 following the 1997 Asian economic crisis, ECGD paid out £93 million to Alvis for the Scorpions. It also paid around £400 million to BAE Systems for the Hawks and £150 million to other arms companies [The Guardian, 20 December 2004].

The rescheduled payments are due to continue to 2021 [parliamentary written answer 13 January 2005, Hansard, col. 627W]. Until then the final cost to Indonesia and the British taxpayer will not be known.

As at the end of November 2004, Indonesia still owed Britain £551 million for military equipment, including £80.7 million for the Scorpions and Stormers and £382.7 million for the Hawks [parliamentary written answers, 10 January 2005, Hansard, col. 132W and 13 January 2005, Hansard, col. 627W]. This means that vital Indonesian public funds - which could be used for reconstruction and rehabilitation in Aceh or for health, education and other social services for Indonesia's poor - are being used to repay the 'odious' debt incurred to buy weapons often deployed against those most in need.

TAPOL is calling for the British government to cancel all 'odious' debt relating to arms sales so that Indonesians and Acehnese are not obliged to pay for weapons which may be used against them. This debt relief should be conditional upon the establishment of viable mechanisms of accountability and control to ensure that the funds released are disbursed to the most needy, are not dissipated by corruption, and are not misallocated to fuel civil conflicts or benefit the Indonesian military.

TAPOL is also joining calls for ECGD to seek repayment from Alvis of the amounts paid to the company in relation to the corrupt transaction secured by Tutut.

UK readers are asked to write to their MP, House of

Commons, Westminster, London SW1A 0AA asking him or her to press the National Audit Office to investigate the ECGD's decision to underwrite the Alvis and Hawk deals to ascertain whether they were a good use of taxpayer's money. Please contact TAPOL for more information.

Blair government refused to revoke licences

In March 1997, TAPOL had joined forces with Campaign Against Arms Trade and the World Development Movement (WDM) to apply for a judicial review of the government's decision to issue the export licences for the Scorpions, Stormers, and other equipment. The organisations argued that the decision to grant the licences was an unlawful application of government policy which prohibited the export of equipment likely to be used for 'internal repression'. They presented substantial uncontested evidence of the previous use of similar equipment against Indonesian civilians. However, the court refused the application. It effectively decided that 'foreign policy considerations' allowed the government to issue licences whatever the buyer's human rights record [see TAPOL Bulletin, No. 140, p. 18].

When Tony Blair came to power within a few months in May 1997, hopes were raised that the new government's commitment to put human rights at the centre of its foreign policy would lead to a tightening of arms export controls and the ending of arms exports to Indonesia. The government came under intense pressure from campaigners, the media and MPs to revoke the licences for the Stormers, Scorpions and Hawks which had not yet been delivered to Indonesia. WDM obtained a legal opinion which confirmed the government had the power to revoke the licences. However, it refused to do so. Its decision to go ahead with the exports was seen by many as confirmation of the still birth of the 'ethical dimension' of foreign policy in the face of a determination to continue with 'business as usual' [see TAPOL Bulletins, No. 141, p. 18, No. 142, p. 1, No. 143, p. 7].

Human rights ignored

In May 2004, following the deployment of Hawk jets and Stormer armoured vehicles to Aceh as part of Indonesia's deadly martial-law offensive, a committee of MPs accused the government of failing to investigate claims that the British-supplied equipment had been used in violation of human rights or for offensive purposes. The committee also severely criticised the government for failing to explain why in August 2002 it decided to relax end-use undertakings on the use of British equipment in Aceh at a time when the human rights situation was giving grave cause for concern. This controversial and unannounced change of policy followed the admission in February 2002 that Indonesia had breached previous undertakings by deploying Stormer vehicles to Aceh [parliamentary written answer, 26 February 2002, Hansard, col. 1188W].

The government's response to the MPs' criticisms, published in October 2004, revealed that it had ignored the human rights situation on the ground when it decided to allow the use of British-supplied equipment in Aceh. The response furthermore failed to address the serious issues of concern identified by the MPs, including the inadequacy of end-use monitoring. It raised more questions about the government's commitment to accountability and to ensuring that British equipment is not used in violation of human rights in Aceh or elsewhere. *

Ex-tapols sue five presidents

A class action has been filed against five Indonesian presidents the Legal Aid Institute on behalf of 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 President Susilo Bambang Yudhoyono. All these rights are guaranteed under the Indonesian Constitution and under Law No 39/1999 on Basic Human Rights as well as under the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

The class action is being filed because 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 were the victims of 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 subjected 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. The class action demands Rp 10 billion for each person represented by the action and calls on the Susilo government to set up a team to assess the damages suffered by each victim. *

UN commission to review East Timor justice efforts

On 18 February, the UN Secretary-General Kofi Annan announced the establishment of an independent commission of three experts to review the progress made by judicial processes in Indonesia and East Timor towards accountability for serious violations of human rights committed in East Timor in 1999. In a calculated move to pre-empt and undermine the work of the Commission, the governments of Indonesia and East Timor have agreed to set up a parallel Commission of Truth and Friendship.

The Commission of Experts ('the Commission') will be formally tasked with assessing the proceedings of Jakarta's ad hoc human rights court - widely regarded as a travesty of justice - and the serious crimes process involving the Serious Crimes Unit and the Special Panels for Serious

May 2005.

The Commission must look at the ways in which the Serious Crimes Unit can complete its tasks and ensure that evidence is transferred to any new mechanism. It should consider whether the serious crimes process can itself be transformed into a new international justice mechanism. In any event, the possibility of setting up some form of international criminal tribunal must be high on the Commission's agenda.

Given Indonesia's refusal to co-operate with any procedures which it does not control and the financial and political obstacles in the way of solving the problem of justice for East Timor, the task of the Commission will be difficult but not impossible.

Its success is crucial to the UN's commitment to justice, peace and security for East Timor and to the struggle against impunity in Indonesia and elsewhere.

Orchestrated destruction

It is extremely doubtful whether the outcome of the parallel Commission of Truth and Friendship ('CTF') will bear any relation to the truth about the Indonesian army's orchestrated destruction of East Timor and its responsibility for intimidation, terror, killings and other acts of violence which resulted in over 1,400 people being killed and 250,000 people being forcibly displaced to West Timor. Moreover, the CTF is unlikely to contribute to sustainable friendship between the peoples of Indonesia and East Timor given its apparent aim to bury the past ('bring to a closure a chapter of our recent past'), undermine the search for justice, and sanction impunity.

Responding to the move by Jakarta and Dili, the New York-based East Timor Action Network said it was now up to the international community to pursue justice. 'The Commission of Truth and Friendship purports to provide definitive closure. The question is closure for whom?' ETAN said in a statement. 'The Commission of Truth and Friendship can only help provide closure to the Indonesian military's effort to avoid justice by enshrining their impunity.'

The CTF was hastily agreed following a meeting in



Going Home

Crimes in Dili. The three experts appointed by Kofi Annan are 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.

The Commission is required to recommend further measures and/or mechanisms so that the perpetrators are held accountable, justice is secured for the victims and the people of East Timor, and reconciliation is promoted.

The failure of the Jakarta trials and the obstacles and difficulties encountered by the serious crimes process in East Timor have been well documented (1). The establishment of the Commission is an admission that the two processes have not delivered justice. It has been welcomed by civil society groups in East Timor.

There are a number of options which the Commission should consider and a combination of approaches may be appropriate (2). Its most immediate task should be to make recommendations concerning the future of the serious crimes process in East Timor as UN support is due to end in

photo: Elaine Briere

December between President Susilo Bambang Yudhoyono of Indonesia and President Xanana Gusmao of East Timor when it became clear that Kofi Annan was intent on setting up the Commission. The terms of reference were agreed on 9 March. The East Timorese government's agreement to participate in the CTF process because of its desire to foster good relations with its former occupier has been strongly criticised by East Timor's Catholic Church, human rights groups and many others.



President Gusmao from East Timor and President Susilo Bambang Yudhoyono from Indonesia: an unequal relationship.

The CTF's terms of reference state that the process will not lead to any prosecutions. Instead it can propose amnesties for those involved in human rights violations. It can also 'recommend rehabilitation measures for those wrongly accused of human rights violations'. Remarkably the rights of such accused are given precedence over the rights of victims since there is no similar provision for rehabilitation or reparation for victims. The victims are not mentioned throughout the CTF's lengthy terms of reference.

An editorial about the CTF in the Jakarta Post newspaper posed the question whether Indonesia can come to terms with its own history, or whether it will once again turn history into fiction ['Reconciling East Timor' **Jakarta Post**, 23 February 2005]. The latter outcome is almost certain. One of the main features of the Jakarta trials was the way in which both the prosecution and the defence comprehensively distorted the truth about events in East Timor. The violence was falsely portrayed as a resulting from a struggle between two violent East Timorese factions in which the Indonesian security forces were essentially bystanders. Primary blame was directed at the UN.

The establishment of the CTF is also likely to undermine the work of East Timor's Reception, Truth and Reconciliation Commission and the value of its final report due for publication later this year.

The Jakarta Post pointed out that Indonesia could be seen as a bully on the CTF since 'real politik defines the relationship between Indonesia and East Timor as an unequal one'. That is certainly the case and it is difficult to see how the CTF will do anything but serve the interests of the power-holders in Indonesia.

No 169/170, p. 20; no. 168, p. 16. No. 166/167, p. 15.

Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta, International Center for Transitional Justice, August 2003: http://www.ictj.org/downloads/IntendedtoFail_designed.pdf;

Justice for Timor Leste: The Way Forward, Amnesty International and Judicial System Monitoring Programme, April 2004: <http://web.amnesty.org/library/index/ENGASA210062004>; and

Unfulfilled Promises: Achieving Justice for Crimes Against Humanity in East Timor, Open Society Justice Initiative and Coalition for International Justice, November 2004: http://www.cij.org/pdf/Unfulfilled_Promises_Achieving_Justice_for_Crimes_Against_Humanity_in_East_Timor.pdf

2. For suggestions, see *ibid.* and Rethinking Justice for East Timor, Watch Indonesia & others, February 2005: http://home.snaflu.de/watchin/Rethinking_Justice.htm

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In January, a report was received from Reverend Socrates Yoman, head of the West Papuan Baptist Church, saying that eight Papuans from the village of Tolikara had been arrested for allegedly being members of the OPM. The eight men are: Simele Gere, Natan Wenda, Menis Wenda, Yohanis Heluka, Solamia Weya, Yatimun Weya, Benyyus Kogaya and John Heluka.

Arson attacks in Wunin

While this problem in Puncak Jaya was still causing grave concern and remained unresolved, another incident occurred in Wurineri village in Wunin district in the Tolikara region, about fifty kilometres from Puncak Jaya. On 21 January, a school and several local government buildings were set on fire and destroyed by unidentified people who were dressed as civilians but carrying machine guns. People in the area believe that the attackers were in fact members of Kopassus. Many villagers reportedly fled into the bush. *

1. See, for example: **TAPOL Bulletin** No. 176, pp. 1 & 2; No. 171/172, p. 22;

Pramoedya celebrates his 80th birthday

Indonesia's internationally renowned writer and novelist, Pramoedya Ananta Toer was the focus of congratulations from home and abroad as he celebrated his eightieth birthday on 6 February. For a man who suffered fourteen years in unlawful detention under Suharto, including ten years on the inhospitable Buru Island, he was surprisingly hale and hearty.

At a party to celebrate the occasion at the Taman Ismail Marzuki culture centre in Jakarta, he was relaxed and full of smiles. 'I have done all that I wanted to do and I am already in possession of all that I always wanted to have. I want to spend my old age in peace,' he said at the gathering attended by hundreds of admirers. [The Jakarta Post, 11 February 2005]

Known by one and all as Pram, the revered writer said: 'I am amazed how I have been given such a long life, considering the fact that I was born premature and have always had a variety of health problems. He told his well-wishers that the panacea for all his ailments had been the onion. But no doubt the constant companionship and care of his devoted wife, Maemunah Thamrin, niece of the national hero M.H. Thamrin, has been instrumental in seeing him through.

His 34 books and a vast range of essays have been translated into 37 languages, including English, Dutch, German, French and even Catalan.

When asked on his birthday whether he was still writing, his favourite quip was: 'Only to sign my pay receipts.' He told journalists that his only literary activity these days is collecting information for an encyclopaedia on Indonesian geography.

Pram was born in Blora, one of the most impoverished towns in Central Java, the eldest son of M Toer, the headmaster of a nationalist school, Budi Oetomo. His father was an activist in the Indonesian National Party (PNI) founded by Sukarno, Indonesia's first president, in the mid-1920s. As he told the friends gathered around him, it was his father who gave him a political perspective, while his mother taught him about life's principles, 'to count on myself and not to ask for God's help in my daily affairs. Praying to God only displays our frailty as human beings,' he said.

He did not do well at school; it took him ten years to complete the seven-year elementary school course. After leaving school, he had no schooling for a year as his father did not approve of education. But by earning a small income from street trading, he was able to pay for a trip to Surabaya, in East Java, and enrol at a radio vocational school.

During the first months of the Japanese occupation in 1942, he looked after his family until his mother's death. He joined a paramilitary youth organisation, then, at the end of the war, he joined the Siliwangi Division of the newly-created Indonesian army in West Java for a while.

First arrest

During his term as a second lieutenant, he was arrested for the first time by the Dutch authorities for making anti-colonial remarks. He was imprisoned in Bukit Duri jail, Jakarta, where his literary career began. He wrote a series of short stories which were later published in a collection, *Percikan Revolusi* (The Spark of Revolution) and his first novel *Perburuan* (Hunting) which won him a prize from the



publishing house, Balai Pustaka.

In 1953, he moved to Holland with his family at the invitation of the Dutch-Indonesian Institute for Cultural Cooperation, Sticusa, where he wrote and published several more books.

After returning to Indonesia in 1958, he joined LEKRA, the leftwing cultural organisation, and from 1962 to 1965, he was the editor of *Lentara*, the cultural page of a leftwing daily, *Bintang Timur*. Along with almost all Indonesian national and local newspapers, this newspaper was banned when Suharto seized power in 1965.

Among the works he published before he was arrested in late 1965 was *Panggil Aku Kartini Sadja*, (Just Call Me Kartini), a biography of Kartini, the Indonesian woman who became famous for her writings and educational activities at the end of the 19th century, and a book about ethnic Chinese called *Hoa Kiau di Indonesia*.

Deportation to Buru Island

After the events of October 1965 which led to General Suharto's seizure of power, he was accused with hundreds of thousands of others of being a communist and a member of the PKI, which he vehemently denied. He was arrested at his home in late October, spent time in several prisons in Java,

and was then exiled to Buru Island in Maluku along with more than 30,000 other untried and uncharged prisoners. The mobs who raided his home at the time of his arrest destroyed the manuscript of a book he was writing, ransacked his library and burned papers containing entries he had collected for an encyclopaedia he was preparing to publish.

Writing about his transfer from the prison island of Nusakambangan, off the south coast of Central Java, to Buru on 16 August 1969, he said:

'Over the ship's loudspeakers we heard: "*Gentlemen, we wish you a pleasant journey to a new life.*"

'In the hold where we were kept behind iron doors, altogether 500 of us, a layer of excrement spread over us as we lay on the floor, every time the stern was lifted by the waves.... Most of us were village people who had never seen the sea before. Everyone was promptly seasick.'

On arrival at their destination, Namlea the capital of Buru island, 'not a mortal was to be seen. Later we heard that the authorities, alluding to our yellow prison clothes, had told the population, "The yellow army will soon be coming. They are thieves, murderers and rapists, so clear off." Pram's experiences on Buru were recounted in a book, *Nyanyian Sunyi Seorang Bisu*, (Silent Song of a Mute).

Under conditions of extreme depravation on Buru he was able to continue with his literary activities after the military authorities bowed to growing international pressure about the scandalous political prisoner situation by offering concessions to the prisoners.

As one of Indonesia's best-known political prisoners, Pram was permitted to have a typewriter and granted permission to write and it was there that he started writing his masterpiece, the Buru Quartet, consisting of *This Earth of Mankind*, *A Child of All Nations*, *Footsteps* and *House of Glass*. These were stories that he had been relating to his co-prisoners, who spread them by word of mouth to others.

During the Suharto era, all his books were banned; however, they were published in Malaysia and circulated clandestinely in Indonesia. In the mid 1980s, several students in Yogyakarta were arrested and sentenced for selling his books. Subsequently, the publishing house, Hasta Mitra, run by his close friend, Jusuf Ishak, started to publish his works in Indonesia.

Besides his prolific writings, Pram has also translated many world classics, including books by John Steinbeck, Leo Tolstoy, Maxim Gorky and other Russian writers.

Living these days in a new house some distance from Jakarta, Pram has plenty to be proud of.

We wish him: **MANY HAPPY RETURNS!**

Indonesia's Human Rights Courts 'the worst in the world', says senior judge

There is growing dissatisfaction with the way the Human Rights Courts law is working, according to a judge who served on the panel of judges in several human rights cases.

Speaking at a seminar in Jakarta on 'Human Rights Perspectives in State Affairs', Judge Rudy Rizki said that the law which was enacted in 2000 did not provide a clear definition of 'grave human rights', nor did it include war crimes.

Another weakness was that the law provides no safeguards for the security of judges while trials are in progress. As an example of the problem, he said that trials where serious human rights violations in East Timor were being heard were attended by hundreds of Kopassus soldiers who turned up in court in their uniforms, some of whom were bearing arms.

When the verdicts were about to be announced, Kopassus soldiers started yelling threats at the judges. 'It was very intimidating because there were no guards to protect the judges,' he said.

Moreover, the quality of the judges and prosecutors serving in these courts was far from adequate. The physical arrangements in court should pay special attention to the security of the judges.

With all these weaknesses, it is not surprising that in almost every case the verdicts were very disappointing especially for the international community.

Judge Rudy Rizki said that Indonesia's human rights courts were the worst in the world and it was just as well that a Commission of Experts had been set up to consider Indonesia's handling of human rights abuses in East Timor.

These problems had arisen, he said, because those drafting the law had been half-hearted. The law has been drafted in great haste and with no intention of producing a law that would deal thoroughly with the problem of human rights violations in Indonesia. [Suara Pembaruan, 9 March 2005]

As we report elsewhere in this issue, not a single Indonesian officer was found guilty at any of the human rights court trials.

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In West Papua, confusion reigns supreme

While at the western end of Indonesia, Aceh has been opened up thanks to the forces of nature, West Papua in the east is cut off from outside observation. Access is limited to the capital, Jayapura, while in the interior, the Indonesian armed forces are staking out their positions. Although Special Autonomy was granted in 2001, this has been superseded by a decision to split the territory into several provinces. Meanwhile, two Papuans are on trial for organising a peaceful demonstration last December and many others are serving prison sentences for 'rebellion'.

The law adopted in September 2001 to grant West Papua the status of special autonomy was seen as recognition that Jakarta needed to respond to widespread dissatisfaction and the unabated expression of support for independence.

In June 2000, a hugely successful congress was held in Jayapura which rallied tens of thousands of Papuans from right across the province, setting up Presidium Dewan Papua, the Papuan Presidium Council. The congress received the go-ahead from then president, Abdurrahman Wahid (Gus Dur), including substantial financial support. Gus Dur's approach to West Papuan aspirations has always been more tolerant than the nationalistic posturing of most of Indonesia's political elite. He also agreed to the province of Irian Jaya being re-named Papua and allowing the Morning Star flag, the symbol of Papuan aspirations for independence, to be flown, though always alongside the Indonesian flag. But all senior Indonesian politicians, including Gus Dur, adhere firmly to NKRI, the Unitary State of the Republic of Indonesia, and strongly discourage 'separatism' that could lead to the 'loss' of another territory, after the decision by the vast majority of East Timorese in a 1999 referendum to reject incorporation with Indonesia.

Special autonomy law

The Special Autonomy Law provides for substantial devolution of decision-making and financial resources. It incorporated the draft of the law that had been drawn up by academics, NGOs and church leaders and provided for the setting up of an all-Papuan Papuan Assembly (MRP) with the right to be consulted on matters of major importance in the governance of the province.

However, even before the regulations needed for implementing Special Autonomy had been introduced, fears were being expressed in Jakarta that West Papua's new status was nothing less than a step towards independence. In January 2002, the governor of the National Resilience Institute, Professor Ermaya Suradinata, argued that partition was the best way to avoid any unfortunate developments encouraged by the autonomy law.

Without acknowledging the incompatibility of partition into three (or perhaps even five) provinces with special autonomy, Presidential Regulation No 1/2003 was introduced, providing for the partition of West Papua into three provinces each using the name of 'Irian Jaya'. The West



Demonstration against autonomy

Irian Jaya was created in early 2003 and a governor appointed, but attempts to inaugurate the Central Irian Jaya province in August of that year sparked such protest and clashes with the security forces in Timika, the putative capital, that the inauguration was abandoned.

The decisions were adopted and implemented even before the all-Papuan MRP had been set up, the body that should, according to the Special Autonomy Law, be consulted on such a decision.

To add to the confusion, in late 2003, Indonesia's recently-established Constitutional Court passed down a ruling that while partition was unconstitutional, the West Irian Jaya province should remain in existence, on the grounds that the Court could not take retroactive decisions.

An Australian academic has linked this confusion with the interests of the security forces in West Papua: 'The political economy of the security forces in Irian Jaya and the symbiotic relationships the security forces have developed with the resource companies, most notably the copper-and-gold mining giant Freeport, have created an institution imperative for the maintenance of the territory as a zone of conflict.' [Richard Chauvel, *'Australia's Strategic Environment: The Problem of Papua' in Agenda*, Vol. 11, No 1, 2004.]

1 December celebration banned

A yearly event in West Papua is a demonstration to mark

the anniversary of 1 December. On this day in 1961, at a time when West Papua was still under Dutch rule, Papuan leaders assembled to assert their right to become an independent state and adopted the Morning Star flag as their national symbol. Ceremonies at which the Morning Star is unfurled have occurred repeatedly, especially since 1998 and the downfall of Suharto, incurring the wrath of the civil and military authorities.

Three days before the anniversary in 2004, the governor, JP Salossa, along with the military commander and the provincial chief of police issued a statement banning events to celebrate the occasion.

Regardless of the ban, several hundred Papuans gathered on Trikora Field in Abepura, on the outskirts of Jayapura, and raised the flag. Soon after, a contingent of police advanced towards the crowd and fired warning shots. At least four people were injured, two of whom sustained bullet wounds. A woman in the crowd was trampled on in the crush, and a human rights monitor who was trying to photograph the police attack was beaten up. As they were outnumbered by the crowd, the police were forced to retreat until riot police reinforcements arrived, and succeeded in pulling down the flag and putting an end to the entirely peaceful demonstration.

A 47-year old Papuan, Filip Karma was arrested as the ceremony was underway and driven off to the police station. A large crowd went to the police station to protest and demand his release, and around twenty people were arrested. All were subsequently released, except Yusak Pakage who has remained in detention ever since along with Filip Karma.

On trial for rebellion

The two men are now on trial facing the charge of rebellion under Articles 106 and 110 of the Criminal Code, for which the maximum penalty is life imprisonment. They are also being charged under Article 154 for hatred towards the state, for which the maximum penalty is seven years. It is common practice for prosecutors to lay both harsh and more lenient charges so as to ensure a conviction. Whatever the case may be, this is clearly a violation of freedom of expression. As we went to press, the trials were still underway.

According to a statement issued by Amnesty International USA on 1 February 2005, more than 72 Papuans have been put on trial since late 1998 in connection with activities in support of independence. These have included organising or attending meetings in which Papua's political status was discussed and ceremonies to unfurl the Morning Star.

Two men who were detained during a peaceful flag-raising ceremony at Cendrawasih University on 14 December 2002, were found guilty of rebellion in October 2003 and sentenced to two years.

In 2001, four Papuans, Reverend Obeth Komba, Amelia Yiggibalom, Reverend Yudas Meage and Murjono Murib, were sentenced to four years imprisonment for rebellion. They were all members of the Wamena Panel of the Papuan Presidium Council. They were accused of instigating violence in October of that year even though evidence presented in court showed that they had been trying to prevent it. The police told them to find those responsible for acts of violence which had occurred but they were unwilling to do so. They were then charged and convicted of rebellion on the basis of their being members of the Panel and attending meetings held to discuss independence. All four are still serving their sentences.

ELSHAM wins award

The leading human rights organisation in West Papua, ELSHAM, has won international acclaim with an award from the Fiji-based Regional Rights Resource Team which is affiliated to the UN Development Programme (UNDP). Acting chairman of ELSHAM, Aloysius Renwarin, told the press that ELSHAM has won the award 'as the Team appreciated our work in defending human rights in Papua'.

The award was presented in Fiji with a certificate and a cash award of 2,000 Fiji dollars to the organisation's representative abroad, Rex Rumakiek.

ELSHAM was set up in 1998 and has since then been the major source of information for TAPOL and other international organisations about human rights abuses in an area where human rights activists still take enormous personal risks in pursuance of their activities even though Suharto is no longer in charge and Indonesia is said to be on the transition to democracy.

Inciting conflict

Leading Papuan organisations have been calling for years for West Papua to be declared a land of peace, a call which has resulted in TPN, the armed wing of the OPM (Organisasi Papua Merdeka), announcing a decision to avoid becoming engaged in armed conflict.

But clearly the Indonesian armed forces have other ideas. As Richard Chauvel, whose article is quoted above, puts it: 'The security forces have no interest in conflict getting out of control, but they have little interest in its resolution.'

In the past few years, there have been a number of provocative incidents which seem to be designed to infuriate local communities and incite violence, providing the security forces with the pretext to clamp down on alleged members of the OPM. Since the latter months of 2004, several apparently contrived incidents have occurred in the Central Highlands. [*See separate item.*]

Huge BP investment for West Papua

The British corporation, BP, was given the go-ahead by the Indonesian government in March to establish a huge natural gas project in Bintuni Bay, on the north coast of West Papua, known as the Tangguh project. In anticipation of problems for the local communities, a large number of organisations and individuals in the UK including TAPOL, along with a coalition of organisations and individuals from West Papua, Indonesia, New Zealand, Australia and the US co-signed a letter to Lord Browne, the chief executive of BP, and Senator George Mitchell who chairs the Tangguh Independent Advisory Panel.

The letter expresses deep concern over the failure of the company to establish rigorous and credible human rights monitoring and reporting processes, more two years after such commitments were made'. One of the signatories, John O'Reilly, a former senior vice-president of BP Indonesia who resigned several years ago, said: 'If the Tangguh Project is to achieve its ambitions in setting world-class standards, then active and robust human rights policies in West Papua are essential if BP is not to repeat its bad experiences in Columbia. The delay in implementing such key policies in disquieting.'

Following the letter, activists have attending several meetings with senior executives of BP. These meetings are expected to continue in the coming months. *

Stirring up conflict in West Papua

The Indonesian armed forces are trying to provoke conflicts in West Papua, to justify their presence and maintain their security role for major foreign investment projects in a territory replete with natural resources. Freeport is the world's largest copper-and-gold mine, and BP has received the go-ahead to invest in West Papua's natural gas round Bintuni Bay in the north. West Papua also has rich tropical forests that are being denuded by unrestrained illegal logging. Since August, several incidents have occurred in the Central Highlands, causing thousands of people to flee from their homes.

Puncak Jaya atrocities

Puncak Jaya situation in the Central Highlands has become the focus of attention in Indonesia and internationally because of reports that dozens of villagers had died from starvation after thousands fled their villages late last year.

The trouble began last August with the construction of an airstrip in Tinggi Nabut district, Gurage kampung. This was traditional land belonging to the Tabuni tribe as well as to several local margas. At the same time, construction of the Wamena-Mulia highway was underway. Trees were being felled in a protected forest which the landowners regarded as a violation of their rights. A member of the tribe, Goliath Tabuni was delegated to try to resolve the problem.

However, the security forces alleged that Goliath was intending to disrupt the celebration of Indonesia's national day on 17 August and that he was in the OPM. When a contingent of Kopassus troops was dispatched to the region, they were attacked by an unknown armed group and Goliath was blamed for the attack.

A month later, on 14 September, as troops were still hunting for Goliath, they encountered a pastor, Reverend Eliza Tabuni, and his son, Mathias on their way to a place of worship. Challenged to reveal the whereabouts of Goliath, Rev. Tabuni said he knew nothing whereupon he was tied up and shot dead. His son, who was wounded in the neck, managed to flee.

In October, another pastor, Reverend Yason Koyoga, was questioned regarding Goliath and threatened with suffering the same fate as Rev. Tabuni.

A few days earlier, it was alleged that six non-Papuans who were working on the road construction had been attacked and went missing though the company for which they worked denied that any of their employees had gone missing.

As the search for Goliath continued, the army conducted sweepings around Mulia where several public buildings had been destroyed.

On 17 October, troops launched operations on the ground and from the air, they dropped bombs (which fortunately did not explode) on a gathering of villagers.

Terrified by these military operations, the members of a number of local churches fled into the forest, fearing for their safety. It was later reported that several thousand people (according to one source as many as 5,000) had fled. They have remained in the forest ever since, while their gardens have been neglected while they have suffered seri-

ous food shortages and lack of clothing needed for the bitterly cold nights.

By the end of 2004, reports were being smuggled out that the villagers were dying of starvation or hunger-related diseases. Shortly before we went to press, we received a hand-written list of fifty-three names of male and female villagers who had died in the forest. Their ages range from 15 years to 89 years.



Mass grave in Puncak Jaya

At the end of November, three Papuan churches issued a statement calling for an investigation team to be set up by Komnas HAM, the National Human Rights Commission, to conduct an investigation into the killing of Rev. Tabuni and the military operations that had caused thousands of villagers to flee their villages. They called for troops in the area to be withdrawn because 'as long as the military still exist in Mulia, the people won't return because of the trauma they have had with the military since 1977'. They also called for a humanitarian team to visit the area to help villagers return home.

Eight months later, there is still no sign that anything will be done to restore the villagers to their homes and identify the members of the security forces who shot Rev. Tabuni and later attacked villagers who were simply going about their daily activities. As a Dutch priest who recently left West Papua after living there for thirty years told TAPOL, the Papuans have shown amazing restraint and resilience in the face of such provocations.

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play in the seeking new initiatives for the peace agenda.

The cycle of violence in Aceh has created a deep distrust among many Acehnese towards initiatives taken by the central government. Rebuilding trust and good will is therefore vital before the Acehnese can again be involved. War weariness is widespread among the Acehnese which means that the main thrust of a peace agenda should involve a process of transformation from violence to peace. It has become clear that a structure is needed in the near future to include members of civil society in the peace process.

Experts in conflict resolution have emphasised the importance of initiating a peace-building process from within Aceh civil society itself. These include academics who are experts in Acehnese contemporary history, members of legislative bodies, both national or local, representatives of social-religious organisations and active members of Acehnese civil society organisations.

Prominent members of Indonesian civil society should also be involved in this important discussion to seek a sustainable peace in Aceh. In the last few years Indonesian academics and prominent members of Indonesian NGOs have developed new ideas and initiatives on how to proceed.

International experts on Aceh should also be included in this second-track diplomacy initiative. In the past two or three years, many important international initiatives have taken place. Peace in Aceh and the role of civil society was the topic in conferences at the European Parliament in Brussels, in Conflict Resolution in Aceh conferences in Holland, the UK, the US, Germany, Finland, Malaysia and Thailand. The issue of Peace in Aceh was also discussed at the World Social Forum in Porto Alegre, Brazil in February 2005, as well as at the Asia-Europe People's Forum in Hanoi in September 2004, the European Social Forum in London in October 2004 and in several National Social Forum gatherings.

The post-Tsunami era has created enormous good will for Aceh in many parts of the world and has created a windows of opportunities to make this new round of peace talks a profound success in the long term. *

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have suffered greatly. Things got even worse when Aceh coastal areas were struck by the earthquake and tsunami on 26 December. At a time when our people's fundamental rights and needs were far from being realised, a terrible catastrophe only added to their sufferings.

This is why, from my prison-cell, I call on people around the world, the international community and the UN, everyone concerned about human rights and peace, to help restore peace in Aceh. Help is urgently needed to resolve the political problems in Aceh; this is no less important than relief aid for the tsunami victims. Now is the time for the international community to understand and respect the wish of the Acehnese people to determine their own future by peaceful, democratic means.

The international community should press the Indonesian Government and GAM to call a permanent halt to hostilities as the first step towards comprehensive peace. All political detainees or convicted prisoners should be unconditionally released immediately, as the beginning of a peace process. Everyone should recognise that since the days of Sukarno and the Dutch era, war and violence has failed to resolve the conflict in Aceh. This situation has brought neither victory for Indonesia nor defeat for the

Acehnese. All it has done is destroy freedom, justice, human rights and peace. It is absolutely clear that the special autonomy that has been imposed from the time of Sukarno to the adoption of the Law for Nanggroe Aceh Darussalam (NAD) has failed to resolve the conflict or bring peace and justice to Aceh.

We look to the international community to help end the sufferings of the people of Aceh.

Freedom Greetings!

Malang Prison, East Java, 12 February 2005

* This is the spelling used by the writer.



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