



VICTORIA UNIVERSITY
MELBOURNE AUSTRALIA

Tapol bulletin no, 176, August 2004

This is the Published version of the following publication

UNSPECIFIED (2004) Tapol bulletin no, 176, August 2004. Tapol bulletin (176). pp. 1-24. ISSN 1356-1154

The publisher's official version can be found at

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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 176

August 2004

Army officers cleared of grave crimes in East Timor

The announcement in August that the High Court in Jakarta had quashed the sentences of top-ranking Indonesian army officers who were found guilty of grave crimes in East Timor after the East Timorese had voted overwhelmingly for independence has infuriated all those hoping that those who caused such widespread havoc and killings would be duly punished for their crimes. The jubilant response in Jakarta to this travesty highlights the utter lack of a sense of responsibility in the political elite for the crimes perpetrated in East Timor.

The mayhem which followed the referendum on East Timor's future in August 1999 led to a quarter of a million people being forcibly moved to West Timor and the death of around 1,500 Timorese. Almost the entire infrastructure of East Timor was destroyed in the process. This was the Indonesian army's parting gift to a people whose country they had brutally occupied for nearly 25 years.

Three top-ranking military officers and a police officer who were found guilty of these acts of destruction had been tried by a special court in Jakarta set up in 2001 to deflect international criticism.

Foremost among the officers found guilty was Major-General Adam Damiri who was responsible for overall control of East Timor in the closing years of the occupation. Another found guilty was Colonel Noer Muis. Damiri has since been involved in offensive operations in Aceh, while Muis is now teaching ethics at the army's staff college.

The acquittal of Damiri, Muis and two others means that not a single Indonesian officer will be punished, while the only ones to have their convictions upheld are two East Timorese, the former governor of East Timor, Abilio Soares, and militia leader Eurico Guterres, whose sentence was halved.

Although the prosecutors could challenge the decision in Indonesia's Supreme Court, there are no signs that they intend to do so. A UN-appointed prosecutor for serious crimes in East Timor, Nicholas Koumjian, said the acquittals showed that Indonesia had failed to demonstrate its commitment to uphold human rights and the rule of law. 'The international community should now act to make sure impunity is not allowed to continue.'

Amnesty International said in a statement: 'The trials and appeals in Indonesia have been flawed from the very start. The UN must ensure that its commitment to bring the perpetrators of human rights abuses to justice is fulfilled.' [The Guardian, 7 August 2004]

Usman Hamid of Kontras, Indonesia's Commission for the Disappeared and the Victims of Violence, called this 'a terrible decision,' saying: 'We should be ashamed.'

[Financial Times, 7 August 2004]

The acquittals are seen as a victory for the Indonesian army and the political elite whose sense of deep humiliation at the 'loss' of East Timor continues to rankle.

International tribunal needed

Following the acquittals, TAPOL has renewed its call for an International Tribunal for East Timor to be set up, stressing that alternative judicial mechanisms are the only way forward.

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Pressure for East Timor justice intensifies

The East Timorese people and international campaigners are continuing their strenuous efforts to ensure that those responsible for crimes against humanity in East Timor are brought to justice. In July, 106 individuals, representing a wide cross-section of East Timorese civil society, wrote to UN Secretary-General, Kofi Annan, expressing support for a commission of experts to evaluate existing justice processes and recommend future action. This followed similar initiatives by 78 members of the US Congress and a number of leading international human rights organisations.

East Timorese civil society feels badly let down by the failure of the judicial processes in Indonesia and East Timor to meet its needs and demands for justice. The trials in Jakarta's ad hoc human rights court were 'in effect show trials created entirely to exonerate and cover up crimes through a legal process', said the civil society representatives in their letter to Kofi Annan on 19 July 2004. They pointed out that several accused who have been convicted are still at large in Indonesia and the former head of the

victims' groups, legal aid organisations, community representatives, students and lecturers.

In their letter, they called upon Kofi Annan to establish a properly-resourced commission of experts to evaluate the Indonesian and East Timorese court processes and recommend future actions, including the possible establishment of an international tribunal.

Congress members seek accountability

Emphasising the UN's responsibility for justice in their letter to Kofi Annan on 1 July 2004, the 78 members of the US Congress stressed that any judicial mechanism must achieve two objectives. It must establish the truth of what happened in East Timor and it must hold the perpetrators legally accountable. They pointed out that proposals for an International Truth Commission, recently suggested in the Security Council by the United States, should be viewed, at best, as interim steps towards achieving accountability.

In supporting a commission of experts, the members of Congress said they did not believe it could substitute for an international tribunal and urged the Commission to 'carefully consider recommending an international tribunal...if it finds that current processes have not

achieved justice'.

The Congress members expressed concern about the Secretary General's recommendation - in his report on the UN Mission of Support in East Timor (UNMISET) made to the Security Council on 29 April - that the Serious Crimes Unit (SCU) in East Timor should complete its work by May 2005, saying that 'ending SCU investigations at that point could leave an estimated 700 murder victims and thousands of victims of rape, torture, and other crimes against humanity in 1999 alone without justice'.

They insisted that the 'continued existence of the...SCU, and its continued focus on investigations, as well as trials and appeals' was essential and urged the Secretary General to review his recommendation.



East Timorese faces

armed forces and recent Indonesian presidential candidate, General (retired.) Wiranto, 'who arguably bears most responsibility for the crimes committed', has avoided trial. Others still occupy strategic positions in the military.

Meanwhile the serious crimes process in East Timor has only been able to deal with low-level perpetrators living in East Timor. A large number of those indicted remain in Indonesia beyond the reach of East Timor's courts. One of the major reasons for these failures is the absence of pressure on Indonesia from the international community to co-operate with the serious crimes process, said the civil society representatives in their letter.

The signatories included individuals from organisations such as the Commission for Reception, Truth and Reconciliation (CAVR), the National Alliance for an International Tribunal, which represents 28 NGOs and

Photo: Elaine Briere

Rights groups support initiative

The heads of a number of prominent human rights and justice organisations, including Amnesty International, Human Rights Watch and the International Federation for East Timor (IFET), had earlier, on 24 June, written a joint letter to the Secretary General urging him to appoint a commission of experts in the areas of international humanitarian law, criminal law and transitional justice 'to review the status of efforts undertaken in the region and to hold individuals accountable for war crimes and crimes against humanity committed in East Timor.'

They pointed to the 'deeply disappointing' efforts of Indonesia's ad hoc Tribunal, which they said 'do not appear

patible. On the contrary Indonesia will be strengthened as a nation and relations between the two countries will improve in the long term if the issue of military impunity is confronted.

A statement issued by the East Timorese NGO, the Judicial System Monitoring Programme (JSMP) accompanying the civil society letter to Kofi Annan lamented the lack of support from the East Timorese Government and its injudicious 'forgive and forget' attitude, which involves embracing Wiranto while low-level East Timor militia members are sent to prison. There has recently been concern about inappropriate interference by East Timor's leaders in the judicial proceedings against General Wiranto.

On 10 May 2004, an international judge at the Special Panel for Serious Crimes in East Timor issued an arrest warrant for Wiranto. He had been indicted on crimes against humanity charges in February 2003. However, in response to pressure from East Timor's leaders, the country's chief prosecutor, Longuinhos Monteiro, who had previously actively pursued warrants against senior Indonesians, attempted unsuccessfully to persuade the Special Panel to withdraw the indictment. Monteiro has since refused to request an international arrest warrant from Interpol.

At the end of May, East Timor's President, Xanana Gusmao, was heavily criticised for meeting Wiranto in Bali for 'reconciliation talks'. Gusmao was accused of causing offence to the victims of military violence in Indonesia as well as East Timor and of inappropriate interference in Indonesia's electoral process.

According to Indonesia's National Human Rights Commission (Komnas HAM), as military commander, Wiranto was also responsible for killings and

rights abuses committed by military personnel during the Trisakti University incident and Jakarta riots at the time of the downfall of former President Suharto in May 1998, and during the Semanggi I and II incidents in November 1998 and September 1999.

On his return to East Timor, Gusmao was confronted by angry demonstrators denouncing his dialogue with Wiranto and demanding justice for atrocities committed by the Indonesian army. Gusmao was also criticised by Indonesian NGOs, including his former lawyer and chairman of the Indonesian Legal Aid and Human Rights Association (PBHI), Hendardi.

Gusmao has since courted controversy by signing a letter, with Monteiro, proclaiming the innocence and requesting the release from prison of former East Timor Governor, Abilio Soares [TEMPO Interactive, 21 July 2004]. Soares was convicted of crimes against humanity by Jakarta's ad hoc human rights court and sentenced to three years imprisonment in August 2002. He began his sentence in July 2004 after the Supreme Court rejected his appeal. *



Cemetery on the road to Kelikai

photo: Elaine Briere

to demonstrate a genuine effort to punish the perpetrators or maintain minimum recognised standards of independence and impartiality' and also 'risk perpetuating an incorrect historical record'.

They wrote that 'to be as effective as possible, we urge that the Commission be formed immediately' and that it cover the work of the Jakarta Tribunal and the UN-established Serious Crimes process in East Timor.

Stressing the urgency of the initiative, they argued that 'if the Commission does not convene and report promptly, options to address core accountability issues in the region will be lost, especially given the Security Council's resolution, S/RES/1543 (2004), encouraging the Serious Crimes Unit to complete investigations by November 2004 and the Special Panels to complete trials by May 2005.'

Gusmao plays a dangerous game

It is especially important for the international community to take the lead in securing accountability for serious crimes given the priority of East Timor's leaders to maintain good relations with Indonesia. At times this priority has tended to undermine attempts to achieve justice, but the two objectives of justice and friendly relations are not incom-

May 1998 atrocity still unresolved

There have been renewed calls in Indonesia for action to be taken to bring to justice those who were responsible for instigating a series of riots in May 1998 which erupted in Jakarta and other major Indonesian cities in the final days of the Suharto era. In terms of the number of casualties and the damage to tens of thousands of livelihoods, the riots are exceeded only by the 1965-1966 massacres, the 1984 Tanjung Priok atrocity and the Santa Cruz massacre in East Timor.

Although numerous atrocities of the Suharto era remain unresolved, the May 1998 atrocity has a certain topicality in view of the fact that one of the suspects, General Wiranto, now retired, has been nominated by GOLKAR for president in the election scheduled for 5 July and a possible run-off in September. Wiranto was armed forces commander-in-chief at the time. His running-mate, Solahuddin Wahid, a leader of Indonesia's largest Muslim organisation, Nahdatul Ulama, shocked the nation when he announced his decision to contest the election as Wiranto's running-mate even though, shortly beforehand, a human rights commission which he chaired had named the general as being responsible for failing to do anything to halt the riots, making him responsible, by omission, for the atrocity. Solahuddin is also the brother of Abdurrachman Wahid, who served an ill-fated term as president of Indonesia for fifteen months, until he was forced to resign in favour of Megawati Sukarnoputri.

Human Rights Commission findings

Following investigations into the riots, Indonesia's National Human Rights Commission, Komnas-HAM, came to the conclusion that there were indications of 'systematic gross human rights violations during the events of May 1998' and recommended that an ad hoc human rights court should be convened to try those suspected of responsibility. This would be the way forward according to Law 26 of 2000 on Human Rights Courts. However, such a move requires the support of parliament, the DPR, which recently declared that the May riots were nothing more than 'ordinary crimes'.

Komnas-HAM investigations were also severely hampered by the refusal of a number of military officers to respond to summonses for questioning, as would be required if the DPR were to endorse the Commission's proposal for the establishment of an ad hoc human rights tribunal.

Giving voice to the Commission's frustrations, its chair, Abdul Hakim Garuda Nusantara, urged presidential and vice-presidential candidates to take careful note of its many reports identifying grave rights violations in May 1998, the Semanggi I and II incidents in November 1998 and the September 1999 mayhem following the pro-independence vote by the East Timorese. He said that if the current government did nothing, it would be the job of the next government to follow up on these investigations.

The May 1998 riots

The political situation in Indonesia had been in ferment since the beginning of 1998. Student demonstrations calling

for the resignation of Suharto had become daily events in many cities and towns, and were

confronted by well-armed units of soldiers and police. The 1997 financial crisis which had plunged the countries of South East Asia into crisis hit the Indonesian economy with particular severity, with the result that corporations and financial houses close to the regime had cut and run. The



Mayhem in Jatinegara, a busy neighbourhood in Jakarta. Burned and looted shops and houses in May 1998

Another former general whose role at the time has come under scrutiny is Prabowo Subianto, son-in-law of the former president, Suharto. Wiranto and Prabowo were bitter rivals in May 1998, when the presidential succession was up for grabs.

collapse of many industrial sectors had hit the urban poor very hard, causing a massive increase in unemployment.

Since the end of 1997, a number of students had been abducted, some of whom were later released with gruesome accounts of what had happened to them. As student demonstrations throughout the country intensified in 1998, more than a dozen students were abducted by Kopassus troops; nine were later released but four of the abducted students have never been accounted for.

Then on 12 May, troops opened fire on students of Trisakti University, killing four demonstrators. The commander of Kopassus was Lt-General Prabowo Subianto. While Prabowo alleged that the abductions were justified in the interests of national security, this provided armed forces commander-in-chief General Wiranto with grounds to dismiss Prabowo from the army. This was seen at the time as clearing the way for Wiranto to assume power when Suharto stepped down. But when Suharto announced his resignation a week later, on 21 May, Wiranto did not take over, instead leaving it to Suharto's deputy, B.J. Habibie, to take the reins of power. Wiranto realised only too well that the standing of the armed forces was at an all-time low. Shrewdness had cautioned him against grabbing power, because of the instability that would certainly have ensued. He may have since calculated that his caution paid off when GOLKAR's central council voted by a sizeable majority to nominate him for president in the 2004 presidential election.

A grave human catastrophe

The riots which erupted in Jakarta and several other cities on 13 May 1998 were preceded by the shooting dead of four Trisakti University students on 12 May. The students had been taking part in a peaceful demonstration calling on Suharto to step down and were returning to their campus when troops, situated on a flyover, opened fire on the students from behind.

Following the burial of the students the next morning, riots broke out in a number of commercial centres in Jakarta and continued on the next day. Shops were looted and burned down and well over a thousand people trapped in the shops were burnt to death. Gangs of men roamed the streets, waylaying women and perpetrating scores of gang-rapes. The vast majority of the victims were ethnic Chinese, giving the atrocity a racist dimension.

The atrocity has been investigated by two investigation teams. The first was the Joint Fact-Finding Team (Tim Gabungan Pencari Fakta) set up by the Habibie Government and known by its Indonesian initials as TGPF. The second was a special human rights team known as



Five-storey electronics shopping mall in Glodok, Chinatown in Jakarta completely burned down.

KPP-HAM set up by the National Human Rights Commission and chaired by Solahuddin Wahid. The TGPF held Prabowo responsible for plunging the country into chaos by ordering his Kopassus troops to abduct a number of student activists. However, the KPP-HAM placed responsibility for the chaos on Wiranto in his position as armed forces commander-in-chief.

What is clear is that as the riots escalated, troops appeared to be under orders not to intervene, allowing the riots to proceed without hindrance. Moreover, far from taking action to halt the mayhem, Wiranto and other top military commanders left the capital to attend a meeting in East Java on 14 May, the purpose of which has never been explained.

Casualties and victims of sexual assault

An examination of the way in which the riots began and then unfolded makes it clear that they were not spontaneous but were orchestrated by provocateurs hoping to take advantage of the chaotic situation in order to take control of events as the Suharto regime collapsed and gave way to a new government.

The TGPF which conducted investigations in six cities - Jakarta, Solo, Surabaya, Lampung, Palembang and Medan - drew attention to the role of provocateurs who incited crowds which had congregated in various parts of Jakarta, particularly in western Jakarta, where Trisakti University is located. These provocateurs incited the crowds; they deliberately stirred up trouble, indicated the places that should be attacked and encouraged people to start looting in the targeted properties. They were not local people and were well-equipped with implements suitable for the destruction of property; they were able to communicate easily with each other with the help of mobile phones and were able to move about speedily on motorbikes and jeeps. It was very difficult to identify these people though some of them in Medan were known to be members of a youth organisation, Pemuda Pancasila, (a pro-Suharto organisation of thugs set

up in the 1980s).

Some of the more active crowds which became involved in the rioting were provoked into becoming very aggressive, damaging property and setting shops on fire. In Jakarta, Medan, and Solo, some of the people in these crowds were members of the armed forces. According to the TGPF, they were very well organised. The more passive crowds were mostly bystanders who just wanted to see what was going on, but were then drawn into acts of destruction. These are the people who were trapped inside buildings that were set alight and burned to death.



Parking lot in the apartment building Mitra Bahari in North Jakarta.

The Team acknowledged that it was very difficult to calculate the precise number of people who died or were injured. According to a Team of Volunteers cited by the TGPF, 1,190 people had burnt to death in Jakarta; 27 died from gunshot wounds and 91 people were injured. The number of casualties acknowledged by police and army units was far lower, but this was accounted for by the fact that many of the corpses had been removed from the scene by others in the crowd.

The TGPF said that it was virtually impossible to say how many women were sexually assaulted or raped because of the sensitivity surrounding the issue. The investigators had received information from a number of sources, doctors and para-medics, spiritual leaders and relatives of the victims. Altogether they were able to verify 85 cases of sexual cruelty which occurred during the rioting.

Gang-raped women speak out

Two women later came forward with their personal accounts of being gang-raped; understandably their true identities were not divulged by the press. One who was referred to as Mey Ling was 28 years old, a final year student at a private university in West Jakarta. She was on her way home by bus when a number of men stopped the bus.

'They shouted, where are the Chinese... and they pulled me and other passengers of Chinese descent off. The driver of the bus and his assistant tried to stop them but they were outnumbered.' The male Chinese passengers were beaten up by the men, all of whom were wearing black, long-sleeved

shirts and carrying wooden sticks. Four or five female passengers were gang-raped, she is quoted as saying. She was unable to hold back the tears as she recounted the worst moments of her life. 'I don't care about politics, I don't care who becomes president or vice-president as long as he or she punishes those who did this to me,' she said. [*Jakarta Post*, 14 May 2004]

Another account from a raped woman is given by the well-known Catholic priest, Romo Sandyawan, who was a member of the TGPF, in an interview with the periodical, D&R, shortly after the May tragedy:

'The ones who suffered the most were the ethnic Chinese women, who were victims of sexual assault and rape. It was a terrible thing to listen to their stories. There were three sisters from one family. The oldest said that her two sisters were raped first, as fires were raging. One of them, after being raped, was kicked into the fire. It happened in front of other members of their family. Some were raped on the bus. There were many victims. We couldn't say how many but at least 40 were raped. Don't expect the victims of these rapes to be able to identify the perpetrators. Perhaps, the single victim of a rape could do so but this was far too brutal. A 12-year old girl was raped by seven or eight men and her breasts were covered with slashes. They were treated like

animals.'

Romo Sandyawan also described visiting the hospital morgue. 'There were 970 bodies in the Cipto Mangunkusumo Hospital. I felt sick when I was there, not because of the terrible stench but because I was trying to comprehend the enormity of the bloodthirsty nature of the regime. I have dealt with many victims in sickness or death but the sight of so many burnt bodies was more than I could bear.'

Recommendations ignored

In its report, the TGPF drew attention in particular to Lt.General Prabowo Subianto whose forces had been responsible for the abduction of students. It recommended that Prabowo and others involved in the abductions should be called to account before a military tribunal. Major-General Syafrie Syamsoedin who was commander of the Jakarta military command and therefore responsible for security and order, should be asked to give an account of what had happened, it said.

Summing up, the TGPF said that the events of 13 - 15 May 1998, which occurred when there was a confluence between a severe economic crisis and a conflict within the political elite regarding the succession as the Suharto era drew to a close, should be seen as an attempt to create an emergency situation that would call for extra-constitutional powers to resolve the political crisis.

None of the recommendations of the TGPF has ever been acted on. *

New politicians take centre stage

2004 has been an eventful year for Indonesia, with elections being held for the national and regional parliaments and for the president. The presidential election in July failed to give any of the five candidates an absolute majority so a second round will be held on 20 September. Retired general Susilo Bambang Yudhoyono (SBY) who came first with 33.57 per cent of the vote will confront President Megawati Sukarnoputeri who received 26.6 per cent. In April, there were elections for the national and regional parliaments.

It is widely acknowledged that conducting free elections is the easy part of the transition to democracy, so 2004 was a test of how Indonesia's fragile democracy, only six years old, would cope. Overall, with the exception of Aceh and West Papua, the elections were successful.

The presidential election

The first ever direct presidential election in July went relatively smoothly with more than 121 million of the 153 million registered voters turning up to vote. Post-Suharto Indonesia is generally mentioned as being the world's third largest democracy, in terms of the size of the population, after India and the US, but if the electoral turnout were the benchmark, Indonesia could even be called the second largest, ahead of the US.

After elections in April, July and September, the newly-elected parliament, the regional parliaments and the DPD, the Regional Representative Council (a kind of first chamber), will be installed, and the new president and his or her cabinet will be installed, which means that government will effectively start functioning in November.

On 26 July, the General Elections Commission (KPU) announced the (almost final) result of the first round of the presidential election. (The five teams below consist of the presidential and vice-presidential candidates.).

Susilo Bambang Yudhoyono/Yusuf Kalla 39,838,184 votes (33.574 per cent).

Megawati Sukarnoputeri/Hasyim Muzadi 31,569,104 votes (26.605 per cent).

Wiranto/Solahuddin Wahid 26,286,788 votes (22.154 per cent).

Amien Rais/Siswono Yudhohusodo 17,392,931 votes (14.658 per cent)

Hamzah Haz/Agum Gumelar 3,569,861 votes (3.009 per cent).

Twenty-one per cent of eligible, registered voters boycotted the elections. Of the 121 million votes, 2,635,976 votes were declared invalid.

The April and July elections

Months before the presidential election, opinion polls indicated that the so-called outsider SBY (as Susilo Bambang Yudhoyono is commonly known), was the front-runner. Although he lacks an effective campaigning organ, his new party, Partai Demokrat (PD), won almost 9 million votes in the April elections, garnering 57 seats in parliament. [See results of general elections below].

The way voters voted in July indicated that party loyalties

did not play a significant role. It was Susilo Bambang Yudhoyono, whose party machinery was the weakest, who scored well in April and in July, though in the final weeks before the first presidential election, his popularity fell slightly.

Wiranto, the other retired general standing for president, who, as GOLKAR's candidate, should have had the largest following and the best chance of support nationwide



Peaceful election campaign

performed woefully. Although Wiranto, along with his deputy, Solahuddin Wahid (W/SW) could have been expected to win the most votes, they were the biggest losers. This was despite the fact that Wahid, officially had the backing of one of the Muslim parties and Wiranto had

the backing of GOLKAR. In the April parliamentary elections, the two parties jointly won more than 36 million votes but in July, votes for the duo fell to 26 million.

Rising from the ashes

In an attempt to improve his chances, Wiranto underwent a facelift before the July election. In 1998-1999, Wiranto had the worst possible image. Under the dictator Suharto, he took charge of the Indonesian armed forces and was seen as Suharto's golden boy. He was also held responsible for the devastating destruction of East Timor in September 1999 after the East Timorese voted overwhelmingly for independence. It was widely expected that it would only be a matter of time before he was arraigned on charges of crimes against humanity. But unfortunately, Indonesia's democracy has not yet shown the political will to deal with violators of gross human rights who continue to enjoy impunity.

But thanks to a comprehensive facelift, Wiranto can be said to have risen from the ashes. A team of dentists patched up his teeth, he underwent a hair weave for the bald spots and he took a course in public relations. He created a new image for himself as the singing general with a CD of his songs going on sale and a perpetual smile on his face. Now he was ready to be launched as Indonesia's future president. However, the voters saw through the image-making and rejected Wiranto's candidacy.



Former cabinet minister Susilo Bambang Yudhoyono and President Megawati, now rivals for the presidency.

The presidential candidates

The Amien Rais/Siswono Yudhohusodo (AR/SY) team faced quite a dilemma. In theory they should have won at least 22 million, which is what the eight smaller parties which supported them had won in April. But in the event, their support declined by five million.

By contrast, the Megawati/Hasyim Muzadi (M/HM) team did quite well. Their two parties, the PDI-P and PDS, had won 23 million in the general elections. In July, their joint showing rose to 31 million votes.

But topping the polls was the SBY/Yusuf Kalla (SBY/YK) ticket. They won votes from all parties and tendencies. On paper SBY's candidacy was only backed by his party and two small parties, the PBB and the PKPI, with a total of 12 million votes in April, but in July, the SBY/YK team won almost 40 million votes.

With four of the five candidates obtaining a significant number of votes, it was clear that voters had spread their support across a wide range of choices. While political loyalties may have played a role, it was ultimately the image of the candidates that counted.

SBY, a retired general with a friendly image, attracted voters from all sides. He won decisively in the heartland of East Java which is the base of Nahdatul Ulama (NU), the rural-based Muslim organisation. This was quite an achievement, considering that Hasyim Muzadi, Megawati's running-mate, chairs the NU and Solahuddin Wahid, the running mate of Wiranto, was the candidate of PKB, the NU's political wing.

Within GOLKAR, Wiranto's candidacy was a contentious issue. As is widely acknowledged, money was the factor which secured his election as the party's presidential candidate at the National Convention of GOLKAR in May. But this turned out to be a pyrrhic victory. Support within

GOLKAR, from its chairman, Akbar Tandjung, and throughout the party's extensive network, was half-hearted and Wiranto was sidelined.

Akbar Tandjung has emerged again as one of the country's most powerful politicians and the acknowledged king-maker. In the period preceding the second round presidential election on 20 September, SBY and Megawati will have to negotiate with GOLKAR to build a coalition, in return for which GOLKAR is sure to demand seats at the top of the table in cabinet and plenty of lucrative postings in the state companies.

Hamzah Haz, the present vice-president and the chairman of the PPP, suffered a humiliating defeat, with only 3 per cent of the votes. In the Suharto days, the PPP as the only officially recognised Muslim party monopolised the Muslim vote but nowadays it has to compete with a number of Muslim parties. It advocates the establishment of a Muslim state, but by only winning 3.5 million votes, it is clear that the Indonesian electorate rejects this idea. Following his defeat, Hamzah Haz called on his supporters to vote for Megawati in the second round, which should win her a few million votes.

Amien Rais entered the elections lacking a clear identity. His political style is one of compromise. While he has on occasion presented himself as representing urban Muslims, he also tried to make an appeal to secular voters. His party, PAN, projects the same confusing image.

Just days before the July elections, Amien won the support of the PKS, an energetic, young Muslim group, as well as from sections of the pro-democracy movement, strongly boosting his position. Of all the five candidates, Amien was the only one to show a degree of support for democratic

reform and was therefore seen as the lesser evil by some groups in the NGO community. It is not yet clear where his votes will go to in the second round. [See section on Golput].

Megawati, the underdog

The incumbent Megawati will have a tough time getting re-elected in September. So far, her campaigning team, Tim Sukses, has indeed been quite successful. The general elections in April were disastrous for Megawati and her party. She lost the majority in key places such as the capital Jakarta and West Java, striking the already tarnished image yet another blow. For a brief moment, stalwarts in her party, the PDIP, considered ditching her but her popularity among the rank of file was seen as being sizeable so the idea was dropped.

The 26.6 per cent she acquired in the first round of the presidential elections was a reversal of her fortunes and the result of some heavy-handed tactics by her campaigning team. Their first move was to put her notoriously unpopular husband, Taufik Kiemas, on a leash. He was told not to make statements and to keep a low profile. This certainly improved the standing of the president, reducing the image of cronyism and nepotism which thrives because of the wheeling and dealing of her husband.

Upgrade needed

Clearly Mega's passive profile needed some pepping up which was done by stressing her position as 'underdog', the victim under Suharto, in 1996 and 1997. Her ratings below SBY also helped to reinforce this underdog image.

Megawati's position as a woman was also turned to her advantage. Some right-wing Muslim clergy had issued statements saying that it is an affront to Muslim principles for a woman to be head of state, but Indonesian Muslims do not go along with such extreme views and Megawati will be able to benefit from this slur as close to half the voters are Muslim women.

In the first round Megawati won decisively in only six provinces, North Sumatra, Bangka-Belitung, Central Java, Bali, East Nusa Tenggara and West Kalimantan. Key, densely-populated areas like West Java, Jakarta, Yogyakarta and East Java all went to SBY so a lot of hard work will be needed by Mega's team to win votes in these places.

Her re-election would certainly be a great achievement. She has held key positions since 1999, initially as vice-president under Wahid for eighteen months, then after his impeachment, as president for three years. She will be remembered by people as someone who lacks social vision, who is distant, short in compassion and behaves like a Javanese princess.

In the past two years, the price of oil has soared, giving a much-needed boost to the state coffers but as yet, direct investments, both domestic and foreign, have remained sluggish, largely because of a lack of trust in her ability to run the country.

SBY, the leading candidate

In July, it was widely expected that SBY's popularity would secure him 40 to 50 per cent of the votes, perhaps even obviating the need for a re-run, so his 33.5 per cent was in many ways a disappointment and a cause for anxiety for him and his team in preparing for the September re-run.

Their main problem is how to stop the downward slide. Before the April elections SBY wore the mantle of underdog, having been unceremoniously removed from a key



Elections in West Papua

position in Megawati's cabinet, thanks to the intriguing husband. The Indonesian electorate always has a soft spot for underdogs, which was the case with Mega in the 1999 elections, which she won.

Another favourable factor for SBY is that he is seen as a gentle and considerate fellow, the nice guy who will be able to restore Indonesia to economic prosperity and political stability.

But some problems have emerged. His stints as co-ordinating minister for security and politics under both Wahid and Megawati are now being closely scrutinised. He is being blamed by the right for indecision at crucial times when military operations in Aceh and West Papua were considered necessary but the left sees him as the man responsible for the military adventures in both places.

The press is also focusing on the fact that he was Jakarta army chief of staff during the attack on the PDIP office in 1996.

So far, his coalition politics have been rather erratic. Although his running mate Yusuf Kalla, is regarded as a respectable South Sulawesi businessman with strong GOLKAR credentials, there is a dark side. He is now being criticised for harbouring anti-Chinese sentiments. The Chinese vote is quite substantial as the Chinese are the third largest ethnic group in Indonesia after the Javanese and Sundanese.

SBY has become close to justice minister Yusril Ihsa Mahendra, who is concurrently the chair of PBB, one of the smaller Muslim parties. PBB openly propagates sharia law,

which has given SBY a fundamentalist image.

Although SBY is known as a military reformer, he has won support in many military circles and several generals have joined his advisory team. With these retired officers jumping on the bandwagon, his democratic credentials have become tarnished.

Military versus civilian

It remains to be seen whether the issue of the military versus civilians will play a significant role in the second round. Election results in July show that the electorate is only partially affected by this dichotomy. Three out of the five teams included a retired general. Wiranto and SBY are retired four-star generals while Agum Gumelar, the running mate of Hamzah Haz, was a red beret special forces, three-star army general.

The results suggest that as the winner, SBY was not affected very much by his military background. So far his track record is relatively clean and inquiries into several human rights incidents have drawn blanks. But things were different for Wiranto. His woeful track record is well known in cities like Jakarta where a major upheaval took place in 1998. The voters will not have forgotten his role in the tragedy of May 1998. [See separate article.]

Golput, the 'white' voters

Golput, an acronym of golongan putih, the white group, emerged in the early years of the Suharto dictatorship as a protest against the way elections were stage-managed. It meant going to the polling booth but invalidating the voting paper. Though Golput never became a mass movement, it was a well-publicised action by urban activists. As a dictator who was keen on projecting the appearance of legality, it was of prime importance to Suharto to hold elections. But the elections were rigorously controlled by the military and the results were never in doubt.

Today's golput is different. It simply means not turning up to vote and becoming an absentee. Gus Dur, as Abdurrahman Wahid is better known, has advocated golput, because he seriously doubts the capacity of the five candidates. In part this may also be because he was disqualified as a presidential candidate on grounds of ill-health, a deci-

sion which he is challenging in the courts. Large sections of the pro-democracy movement still regard the post-dictatorship structures (parliament, political parties etc) with deep suspicion. Many argue that the present political constellation is nothing but a continuation of Suharto's New Order, so joining political parties or voting is simply legitimising the old structures.

Boycotting the elections through golput is intended as a political act to develop a new political democracy in Indonesia. The latest figures suggest that golput will increase in September. In July, 20 per cent of registered voters are estimated not to have to cast their vote, with the majority being assessed as golput. Many prominent figures have advocated golput in the second round, including some leaders of Muhammadiyah, the modernist Muslim social-religious organisation.

Golput has become a more effective political act to express discontent with the slow rate of political reform. But the big question remains: how to transfer this discontent into a set of clear demands for change.

The general elections revisited

The 5 April general elections, the second after the fall of Suharto, were held under relatively peaceful conditions. Altogether 24 parties were given the go-ahead to compete for the 550 seats in parliament [See also TAPOL Bulletin No. 175, April 2004 'General elections: old wine in a new bottle?].

In most places the elections were relatively smooth. There were a few incidents such as money politics, holding unscheduled rallies, or using government facilities or public facilities like schools or places of worship but they were quickly reported to Panwaslu, the central and local supervisory committees and dealt with.

The only place where the Suharto Orde Baru tradition persisted was in Aceh, which is now under 'civil emergency', after a year of martial law. The military made sure that the elections in Aceh would be a 'success story' and Acehnese were warned that failing to vote would risk being labelled pro-GAM. This was done to avoid a repeat of 1999 when the Acehnese boycotted the general elections and only a quarter of the voters turned up. This time, under pressure,

the turnout was well above 90 per cent, higher than anywhere else in the country.

Pluralism

Of the 24 parties, seven failed to win seats. The PDIP, Megawati's party and the biggest party in 1999, was the biggest loser, down by 15 per cent. The second biggest party, Golkar consolidated its position, losing only 0.88 per cent. With a total of 21.57 per cent, GOLKAR emerged as the largest party.

The three main



A golput poster

Muslim parties, PKB (Partai Kebangkitan Bangsa of Abdurrahman Wahid), PPP (Partai Persatuan Pembangunan of vice-president, Hamzah Haz) and PAN (Partai Amanat Nasional whose chairman is Amien Rais) each lost around two per cent. Two smaller Muslim parties, PKS (Partai Keadilan Sejahtera) and PBB (Partai Bulan Bintang) gained votes. The PKS won a spectacular 45 seats in parliament as compared with 1999 when as a newcomer, then called the PK (Partai Keadilan), it won a mere 1.4 per cent, with six seats. The PBB won more votes than in 1999 but its seats fell from 13 to 11.

The other vote winner was PD (Partai Demokrat) the political party of SBY. Although brand new with little organisational experience, it seized 57 seats to become the fifth largest party.

Two other new parties worth mentioning are PBR and PDS. PBR (Partai Bintang Reformasi) is a spin off from the old Muslim federation PPP which managed to grab 13 seats while PDS (Partai Damai Sejahtera) set up by some Protestant clergymen won 12 seats.

ELECTION RESULTS

PARTY	VOTES	PERC.	SEATS
Partai Golkar	24.480.757	21.6	128
PDIP	21.025.991	18.5	109
PKB	11.994.877	10.6	52
PPP	9.248.265	8.1	58
PD	8.455.213	7.5	57
PKS	8.324.909	7.3	45
PAN	7.302.787	6.4	52
PBB	2.970.320	2.6	11
PBR	2.763.853	2.4	13
PDS	2.425.201	2.1	12

Note: The number of votes and percentages do not necessarily correspond with the number of seats as the number of votes needed to secure a seat varies in each province.

A few general conclusions can be drawn from the results. Pluralism has been achieved, with 17 parties gaining seats. The PDIP, the leading government party received a thrashing, an expression of voter dissatisfaction with the Megawati government. The other leading party, GOLKAR also lost votes but was able to consolidate its position because of the power base it enjoys in many provinces outside Java, especially within the bureaucracy and reaching down to village level.

None of the small parties on the left (PIB, PBSO, Merdeka) with programmes advocating social democracy, socialism or people's economy attracted many voters and they were unable to win any seats. Likewise on the right, the PKPB which favours a return to the good old days of Suharto failed to win many votes and won only two seats. The Pemuda Pancasila Party, also staunchly pro New Order, also

failed woefully. The nationalist party PDIP spin-offs, the PNI, Pelopor and PBNK, acquired four seats. This suggests that the electorate favoured mainstream parties while parties advocating a religious programme did second best.

The new parliament

Cynics still see DPR, the Indonesian parliament, as nothing more than a rubber stamp. In the three decades of Suharto rule, parliament never exercised its legislative powers; it never initiated laws but simply passed laws drafted by the government.

But the new parliament of 550 members is quite different from the 1999 line-up. Around 400 members are first-time MPs. The 1999 DPR had 500 members of whom 38 were from the armed forces or police, who occupied specially allocated seats. Now, all the members are elected with no seats for the military.

The 1999 parliament was notoriously slow, inefficient, lacking professionalism, with a poor attendance rate. Any democratic legislature cannot operate without proper information, support and expertise. The old DPR lacked these basics and time was needed before MPs could function properly.

It will take time before the new MPs learn how to function in commissions and special committees. Hopefully, the 2004 DPR will develop the genuine democratic tradition of having government and opposition parties. In the Suharto era and also after the first free elections in 1999, Indonesian politics was still upholding the idea of 'we are all in it together', ignoring the basic principles of parliamentary democracy.

If small or medium-sized parties like PAN and PKS emerge as opposition parties, this will make parliament more lively and democratic.

The new parliament will get down to work in October.

The role of the military

Indonesia's new democracy has taken some significant steps since 1999 though movement towards civilian supremacy has been painfully slow, not least because of the role the military still play in day-to-day politics.



Purnawirawan (retired officers) still enjoying their privileges, despite losing their seats in parliament (PEMILU = General Elections)

A few crucial problems continue to haunt Indonesia's political life. Formally speaking, TNI, the Indonesian armed forces, has abandoned politics. They have no seats in parliament and by 2009, the TNI faction in the upper house, the People's Congress, will also be scrapped. But in reality, the TNI still plays a dominant role in politics.

Gus Dur lost his presidency and was impeached after less than two years because he tried in vain to curb the powers of the military. During his short presidency, he sacked both Wiranto and SBY from his cabinet, only to see them re-emerge as presidential candidates three years later. Megawati adopted a position of accommodation, allowing the military to destroy the peace process in Aceh by launching military operations and arresting the Acehnese peace negotiators.

The Purnawirawan factor

Under strictly enforced regulations, TNI officers must retire at 55 and often go on to secure well-paid posts with plenty of kickbacks in the administration. The governor of Jakarta and the district chief in Yogyakarta district are both retired officers. Purnawirawan is the Indonesian word for retired officer. This is not just a name; it is also a powerful institution.

Purnawirawans have their own organisations and informal networks. The three decades of Suharto's New Order gave the purnawirawans access to power and economic wealth, and to this day, the majority of purnawirawans are unwilling to relinquish this privilege.

Officers like Wiranto, Agum Gumelar and SBY graduated from the military academy in the late sixties and early seventies, when Suharto and his inner core were building and consolidating the foundations for military domination in politics. The generation of cadets that graduated in the first half of the seventies are still on active duty and fill all the key positions in the TNI, and they are used to dominating. It is also true that the military are still the strongest and best organised political force in the country.

The military have dominated politics for over three decades and it is long overdue for civilian politicians to demonstrate their capabilities, free from military control. But as yet, politicians in parliament have shown little will to defy the military and establish civilian supremacy.

Draconian TNI Bill

Ominously, a draft bill on the TNI has been tabled by the ministry of defence and the co-ordinating minister for security and politics. It has been strongly criticised by military experts but so far the criticism has been ignored.

If it is adopted into law, it will be a victory for the military as it confirms the military territorial structure and limits the authority of the president. The territorial structure functions as a shadow administration alongside the civilian structure down to village level and often acts as the real power.

Where a state of emergency is deemed necessary, the top brass insist that the military should have the deciding voice about troop deployment. The law will limit the president's powers in decisions about going to war; other matters such as quelling social unrest or crushing secessionist movements will fall under the authority of the TNI commander-in-chief.

According to schedule, the present parliament will end its term on 30 September and the new members will be inaugurated on the following day but the TNI is determined to

push the bill through before the present parliament expires. The aim seems to be to get the bill adopted quickly with as little debate as possible. *

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Information about licence applications is not published in advance, not even on a confidential basis to the members of the Quadripartite Committee as representatives of Parliament, and it is not clear how Ministers apply the EU and national licencing criteria to each application.

This means that any attempt to challenge the legality of decisions made by Ministers is virtually impossible. Ministers are allowed almost unfettered discretion in deciding licence applications.

This proved to be the case when a human rights activist from Aceh, Aguswandi, recently failed in his attempt in the High Court to challenge by judicial review the legality of arms sales to Indonesia [see *TAPOL Bulletin*, No. 175, p. 8].

Aguswandi argued that the Government has indicated, by its words and actions, that it will refuse licences only after equipment has been misused. In other words, it will wait until equipment is used to violate human rights before it will do anything more. This would be a clear breach of the requirement that it must refuse a licence if there is a clear risk that the equipment will be used for internal repression: the Government has unlawfully replaced the (proactive) 'clear risk' test by a (reactive) 'evidence of misuse' test.

Aguswandi also argued that decisions to issue licences were legally irrational in view of the human rights record of the Indonesian military.

Permission for Aguswandi's application to proceed was refused because insufficient information was available about specific licences and decisions.

The court did, however, say that if there was any demonstrable evidence that British-supplied equipment had been used to commit specific human rights abuses, this would be decisive in law and should prevent the future export of similar equipment.

US ban on military assistance continues

Meanwhile, a key subcommittee of the US Congress has voted to renew a ban on International Military Education and Training (IMET) and foreign military financing (FMF) for Indonesia.

The Foreign Operations Subcommittee of the House of Representatives' Committee on Appropriations supported the extension of the ban on IMET until the State Department determines that the Indonesian military and government are co-operating with the FBI's investigation into an ambush which killed two US citizens and an Indonesian in West Papua. The ban was agreed before news emerged of the indictment of a suspect for the murders [see separate item].

The Foreign Operations Appropriations legislation is unlikely to be finalised until after November's US elections. *

Human rights NGOs under threat

The news that twenty non-governmental organisations have been put onto a watch list for activities deemed to be detrimental to national security represents a further setback in Indonesia's advance towards reformasi which took centre stage when Suharto was forced to step down in May 1998 after ruling the country for thirty years. The surprise expulsion of Sidney Jones from the country added new urgency to the problem.

The Brussels-based International Crisis Group, whose representative in Jakarta is Sidney Jones, is known to be one of the twenty 'problem' organisations included on the watch list, along with the Jakarta-based ELSAM (Institute for Policy Research and Advocacy), but all attempts to discover the names of the other eighteen have failed. Todung Mulya Lubis, a director of the ICG, told the press that when he met the senior government official, former general Hendropriyono, who issued the order for the expulsion of Sidney Jones, he asked for the names of the twenty NGOs on the list, but Hendropriyono refused to identify them. He did however imply that two ICG reports, one on Aceh and one on Papua, had sparked the government's ire. [*Jakarta Post*, 31 May 2004] The national police chief, General Da'i Bachtiar, said that the authorities (he did not say which) were 'closely

New Order against civil society which was a common practice during Suharto's leadership.... It is unfortunate that the culture is still alive in the so-called democratic era.' [*Jakarta Post*, 28 May]

A culture of secrecy

The secretiveness surrounding the list added to the sense of uncertainty that has engulfed the NGO community in Indonesia, especially in the run-up to the first presidential election on 5 July.

The first indication that such a list existed came to light during a hearing at the Indonesian Parliament, the DPR, on 25 May, when retired general, Hendropriyono, the chief of Biro Inteligen Nasional (BIN), the National Intelligence Agency, and a member of President Megawati's cabinet, alleged that some NGOs were suspected of seeking to create disturbances in the run-up to the presidential election on 5 July. Hendropriyono also took it upon himself to order the expulsion from Indonesia of Sidney Jones and her assistant, Francesca Lawe-Davies, who had been working in Jakarta for two years on behalf of the International Crisis Group.

The expulsion of Sidney Jones

Reports that Sidney Jones had been ordered to leave the country first became public in May though she had been aware since February that she might not be able to renew her visa and work permit. She said in a statement before her departure from Indonesia that she had been trying unsuccessfully for two months to meet BIN director, Hendropriyono to discuss her organisation's work. [*Jakarta Post*, 27 May 2004]

Sidney has spent most of her professional life living and working in Indonesia, initially for Amnesty International, then for Human Rights Watch and most recently for the International Crisis Group which focuses on monitoring conflict situations. While a student at Cornell University, she made a comprehensive study of Nahdatul Ulama, Indonesia's foremost Muslim organisation.



Sidney Jones in discussion with Ibrahim Ambong, an Indonesian member of parliament

monitoring' activists of twenty local and foreign NGOs 'for issuing reports detrimental to national security'.

ELSAM chair, Ihdhal Kasim, while insisting that ELSAM had never violated any law, said he had no idea why his organisation had been included on the list as no government or security officials had ever complained about its activities. 'This kind of intimidation is the old method applied by the

According to a comment titled *Democracy Will Prevail*, made public on 10 June, Sidney pointed out that BIN had conveyed nothing directly to her about the reasons for the deportation. Moreover, officials of the intelligence agency had given different explanations when addressing several audiences behind closed doors. She was variously said to have spread slanders about Aceh and Papua, to have sold information abroad and to have pitted the army against Islam.

One possible explanation, she said, was a growing suspicion of foreigners, which has been fed by the strong wave of nationalism that has gripped Indonesia. There is great sensitivity about both Aceh and Papua (which, we may add, no doubt came in the wake of the government's and in particular the army's sense of grievance and humiliation at having 'lost' East Timor). As is widely known, there are guerrilla movements operating in both these provinces, both pursuing a pro-independence agenda but, as Sidney stressed, the ICG has remained strictly neutral in its comments about these conflicts, arguing that a properly conceived and implemented autonomy package could be the way forward.

The ICG says that it is reasonably optimistic that the deportation order does not presage a return to the old system, before the downfall of Suharto, and that it would eventually be able to resume its activities in Indonesia. Gareth Evans, former Australian foreign minister who is now president of the ICG, deplored the decision, saying: 'To shoot the messenger doesn't say much for political liberty in Indonesia under the Megawati government.'

Sidney herself has said on several occasions that she could not imagine living anywhere other than Indonesia, and she was confident that she would soon be back. As she pointed out, the deportation order was widely reported and condemned in the domestic press and cartoonists had had a field-day lampooning the authorities. She has been living in Singapore since her deportation and has made it clear that her extensive network of contacts in Indonesia and close reading of developments in the country will enable her to continue her monitoring of the situation. ICG director, the human rights lawyer, Todung Mulya Lubis, said that the ICG had no intention of closing down its office in Jakarta.

The deportation order was sharply criticised by the US government. A spokesman for the State Department said: 'We are not aware of any actions by her or other members of her organisation that would warrant taking such a step by Indonesia.' He described the action as being in stark contrast to recent progress made by Indonesia 'in developing a democratic civil society with freedom of expression'.

In Indonesia, the National Human Rights Commission (Komnas HAM) accused the government of abusing its power in expelling Jones. A group of media and human rights activists told members of parliament that the expulsion would serve as a 'bad advertisement' for Indonesia in the eyes of the international community. In an editorial called 'Back to the Suharto Years?' on 31 May, *The Jakarta Post* warned that if the government failed to respond to criticism from NGOs, 'it would be very difficult to deny that we were returning to the practices of (the) former repressive government'.

Government sets up rights commission

Much to the surprise of the human rights community in Indonesia, it was announced in June that the government has set up a national human rights committee. The committee is to be chaired by the minister of justice and human rights and

will be answerable to the president. Similar committees will be set up in all the provinces, answerable to the governor.

While cautiously welcoming the government's move, a member of the long-established Komnas HAM, Zoemrotin K. Susilo, said that though the two human rights bodies might be able to work together, 'only Komnas HAM has the authority to investigate or mediate in instances where gross violations of human rights are alleged to have occurred'.

Hendropriyono, the Butcher

So who is the man who has decided to take on the country's highly respected NGOs?

Following the downfall of Suharto in May 1998, he became minister of transmigration in the cabinet of B.J. Habibie. Hendropriyono was instrumental in Megawati Sukarnoputri's emergence as leader of the nationalist party, the PDI, which later became known as the PDI-P (Indonesian Democracy Party - Struggle). It was under her presidency that Hendropriyono was appointed chief of the armed forces intelligence agency, BAKIN, which subsequently merged with other intelligence agencies to become BIN. This put him in charge of all intelligence activities and earned him a seat in Megawati's cabinet. No intelligence chief has previously held such a prominent position in Indonesia.

Megawati's promotion of Hendropriyono, a man widely condemned by human rights NGOs for his appalling human rights record, is seen as payback for his political backing, ultimately taking her to the presidency.

Hendropriyono is no stranger to the NGO community in Indonesia. Events that led to his being branded the 'Butcher of Lampung' go back fifteen years when he was military commander of the Way Jepara district, Central Lampung. In February 1989, hundreds of villagers were massacred in a bloody attack by heavily armed troops, supported by helicopters and crack troops from the Mobile Brigade. The pretext for this slaughter was the death of an army officer, Captain Soetiman.

A month earlier, a number of villagers who had been holding religious meetings known as *usroh* in their homes were arrested and badly tortured by Captain Soetiman and his men. These religious gatherings were regarded as not being in accord with religious practices officially permitted at the time. In retaliation, villagers ambushed the vehicle the captain was travelling in and took him hostage. They later offered to release him in exchange for the release of their colleagues, but they came under attack by the troops, and it was during this attack that the captain was killed.

During this attack, almost all the inhabitants of the village were killed. Human rights NGOs later established that 246 villagers had perished, of whom 127 were women and 94 were under the age of 17. The victims were buried in unknown graves. Despite calls for an investigation into the massacre and for those responsible to be brought to justice, nothing was done and Hendropriyono's career in the army was not affected. *

MPs accuse Government of ignoring misuse of British arms in Aceh

A committee of MPs has accused the UK Government of failing to investigate claims that UK-built military equipment has been used in violation of human rights or for offensive purposes in Aceh. An official report has also revealed that, despite widespread parliamentary and public concern about the human rights record of the Indonesian military, the Government continues to back the sale of military equipment to Indonesia.

The inadequacies of procedures for monitoring the end use of British equipment, were exposed by the influential cross-party Quadripartite Committee on Strategic Exports in its Annual Report for 2002, published on 18 May.

In a wide-ranging indictment of Government policy, the Committee also questioned the value of end-use 'assurances' provided by Indonesia. It strongly criticised the Government for its lack of transparency in explaining why, in August/September 2002, it allowed Indonesia to weaken the 'assurances' at a time when the Indonesian military was continuing to conduct offensive operations in Aceh.

The Committee's inquiry into the use of British equipment in Aceh was prompted in part by evidence provided by TAPOL and Campaign Against Arms Trade (CAAT).

UK-supplied Hawk jets and Saracen and Stormer armoured personnel carriers (APCs) were used in Indonesia's year-long martial law offensive in Aceh. At least 2,000 people were killed during the offensive, which lasted from May 2003 to May 2004. Although, martial law has now been lifted [see separate item], military operations continue with the ongoing risk that British equipment will be used to violate human rights.

The Committee said it had 'seen no evidence that the Government has taken any action (other than talking to the Indonesian authorities) to investigate claims that British-built equipment has been used in violation of human rights or offensively in Aceh'. It added that 'This calls into question the importance of such assurances in the eyes of the Government'.

The Committee referred specifically to a press report cited by TAPOL and CAAT. The report detailed the showing on Indonesian television of heavy machine guns mounted on Scorpion tanks firing at 'alleged separatist positions'. [In fact it transpires that these vehicles were more likely to be Saracens or Stormers than Scorpions, although all are UK-supplied military vehicles.] The Committee stated that it was not presented with any evidence that the Government examined the TV footage and called on the Government to explain what steps it has taken. Although the Foreign Office has since told TAPOL and CAAT that it has insufficient details to follow up the report, it is difficult to believe that the British Embassy could not have tracked down the footage with a little effort.

In September 2002, the Government controversially allowed Indonesia to weaken the conditions under which licences to Indonesia were granted, allowing British equipment to be used in Aceh at a time when the human rights

situation was deteriorating. Previously, the use of British equipment in Aceh was not permitted under any circumstances unless advance notification was provided to the British Government. However, neither the Committee nor anyone else in Parliament was made aware of the change of policy until June 2003. The Government failed to explain the reason for the change of policy and the Committee was, therefore, forced to conclude that: '...there has been a serious lack of clarity in the Government's explanation to us of its rationale for allowing the Indonesian authorities to alter end-use undertakings regarding their use of British-built military equipment'.

Reflecting the views of TAPOL and CAAT that in any event the undertakings are worthless, the Committee went on to say that 'without more legal or political backbone, end-use assurances are not worth the paper they are written on'.

The Committee further expressed the suspicion that 'the principal function of the end-use assurances is to shield the exporting Government from criticism when exporting equipment is misused.'

Arms sales increase

The Government's reluctance to change policy is no doubt due to the strategic and economic importance it attaches to the arms trade with Indonesia. The annual report on military exports for 2003, published in June, revealed that 110 standard licences with a value of £12.5 million were approved during the year for equipment ranging from components for combat aircraft, tanks, and aircraft machine guns to air guns and missile launching equipment. TAPOL and CAAT are awaiting a further explanation of the exact nature of this equipment.

A subsequent quarterly report on licensing decisions made between January and March 2004, published in July, revealed a substantial increase in the number of licences. A total of 41 standard licences for Indonesia were issued in the period, equivalent to an annual increase over 2003 of almost 50 per cent. The total value of the licence applications for Indonesia was £5.5 million, equivalent to a 76 per cent. increase.

No transparency thwarts judicial review

Regrettably, the decision-making process on export licences remains murky and secretive. Although the Government now publishes a limited amount of information in its annual reports on strategic exports, substantially more information remains hidden than is revealed.

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Papuans face uncertain future

Despite the emergence of further evidence from the US that the 1969 Act of Free Choice - which consigned West Papua to decades of harsh and repressive Indonesian rule - was a sham, little progress is being made towards providing Papuans with the autonomy some are prepared to accept as a step towards self-determination.

Secret documents released by the Washington-based research group, the National Security Archive, on the 35th anniversary of the Act of Free Choice, confirm that the US approved and supported the rigged referendum despite being aware of the Papuans overwhelming desire for independence (1). For reasons associated with Cold War politics, the US was keen to avoid confronting the anti-Communist regime of General Suharto, which had control of the territory, then known as West Irian. The documents also highlight Washington's failure to respond to death threats and

to face the issue of the flawed referendum head-on and talk to the Papuans about the issue (2). The Papuans themselves have long been advocating such dialogue as a means of resolving the conflict. The Government of Vanuatu has offered to hold peace talks between West Papuan and Indonesian Government representatives at the end of July, but so far Indonesia's response has been non-committal.

Referring to an international campaign concerning the Act of Free Choice (3), the Jakarta Post said: '...something is brewing on the international front. In March this year, Irish parliamentarians urged UN Secretary General Kofi Annan to review the world body's role in the 1969 referendum, joining South African Archbishop Desmond Tutu and scores of NGOs and European Parliamentarians'.

The internationalisation of the West Papua case is certainly causing concern for the Government in Jakarta and could become an increasingly important spur to progress.

Special autonomy chaos continues

The Jakarta Post also called upon the Indonesian Government to honour its promise of special autonomy for West Papua. Although special autonomy falls far short of the self-determination wanted by the overwhelming majority of Papuans and is regarded by many as a cynical attempt to weaken support for independence, some are prepared to accept it as a step towards that objective and a means to give Papuans greater control over their own development, especially in the areas of health and education.

However, special autonomy remains another unfulfilled promise from Jakarta due to the chaos caused by Government's provocative attempt to split West Papua into three provinces (4). This divide-and-rule tactic is regarded as a further move to undermine support for independence as well as an opportunity for the military to increase its numbers and level of economic activity in the territory.

In June 2004, Papuan religious leaders warned the Government of worsening problems if it failed to implement special autonomy. In a strongly-worded statement, the deputy chairman of the Communion of Churches in Papua, Socratez Sofyan Yoman said:

'The churches in Papua can no longer remain silent if injustice and human rights abuses in the province continue. So far we cannot continue to maintain a neutral stance because the political issues now encompass injustice, human rights abuse, extortion, insults and poverty' (5).

Yoman's statement was made after a meeting with the President of the Constitutional Court, which is reviewing the legality of Presidential Decree 1/2003 dividing West Papua into three provinces. The application for judicial review was made by the Chairman of the DPRD provincial legislature



In 1962 Kennedy and Sukarno struck a deal behind the backs of the Papuans

extensive human rights violations against Papuans.

In July 1969, the US Ambassador to Indonesia noted that 'past abuses had stimulated intense anti-Indonesian and pro-independence sentiment at all levels of Irian society' and suggested that 'possibly 85 to 90% of the population are in sympathy with the Free Papua cause'. The process was summarised in a US Embassy telegram:

'The Act of Free Choice (AFC) in West Irian is unfolding like a Greek tragedy, the conclusion preordained. The main protagonist, the GOI, cannot and will not permit any resolution other than the continued inclusion of West Irian in Indonesia. Dissident activity is likely to increase but the Indonesian armed forces will be able to contain and, if necessary, suppress it.'

A detailed analysis of the documents by retired US Foreign Service Officer and former Political Counsellor at the US Embassy in Jakarta, Ed McWilliams, appeared in TAPOL Bulletin No 173/174 published in December 2003.

In response to the documents' release, an editorial in the Jakarta Post newspaper urged the Indonesian Government

and the Advocacy Team for Papua's Special Autonomy, who



Emotional scenes in 2001 during the burial of Papuan leader Theys Eluay who was killed by Indonesian troops.

assert that Decree 1/2003 contravened the law on special autonomy passed in October 2001. The campaign against the three-way split had earlier received a major boost after the State Administrative Court ruled that a law appointing Abraham Octavianus Atururi as the governor of West Irian Jaya was contrary to the law on special autonomy (6).

Key to the implementation of special autonomy is the establishment of a Papuan People's Assembly (MRP). Under the special autonomy law, the MRP, whose membership should include representatives of traditional/tribal leaders, religious communities and women, is given various powers including the right to give prior approval to any division of the province. President Megawati has delayed signing the necessary implementing regulation amid fears that she is intent on weakening the MRP's powers.

Presidential candidate Susilo Bambang Yudhoyono has pledged to speed up the establishment of the MRP and promised to revise all laws that contradict the special autonomy law (7). This issue will be a major early test for the Indonesian administration which comes into power after the second round of the Presidential elections on 20 September. Senators call for UN Special Representative

Meanwhile, US Senators have launched an important initiative aimed at resolving the conflicts and improving the human rights situations in West Papua and Aceh by calling upon the UN Secretary-General, Kofi Annan, to appoint a Special Representative to Indonesia to monitor and report on the two provinces. In a letter to Kofi Annan dated 28 June 2004, they said the scale of human rights violations warrants special attention by the international community, which has remained too quiet on the conflicts for too long. The Indonesian Government rejected the initiative and berated the Senators for interfering in Indonesia's internal affairs.

Abepura trials begin

After much delay, the first trials for gross human rights abuses in West Papua began in Indonesia's newly-established human rights court in Makassar, South Sulawesi, which has jurisdiction over West Papua. Two senior police officers are being tried separately on crimes against humanity charges in relation to their command responsibility for the killing of Elkius Suhunaib, 18, and arbitrary detention and torture of scores of others, which resulted in the deaths of Johnny Karunggu, 18, and Orry Doronggi, 17, in police custody at Abepura in December 2000.

The police raided three student dormitories in Abepura after an attack by unidentified persons on the local police

station in which one police officer was killed. The torture of the prisoners was witnessed and later graphically described by a Swiss journalist who had been arrested for alleged abuse of his tourist visa (8). Two other persons suffered permanent injuries and one has since died.

It is not clear why more police officers have not been charged. An investigation by Indonesia's National Commission on Human Rights (Komnas HAM) named 25 officers as suspects (9). The two men charged are Johnny Wainal Usman, Jayapura commander of the Mobile Brigade (Brimob) police special forces at the time of the incident and the then Jayapura police chief, Daud Sihombing.

Two other senior officers named by Komnas HAM - the provincial police chief, Sylvanus Wenas and his deputy, Moersotidarno Moerhadi - have not been charged. The trials of the two accused are continuing.

Refugees: A cause for concern

The fallout from the conflict continues to be felt in neighbouring Papua New Guinea (PNG) as refugees cross the border to camps near the town of Vanimo on a daily basis (10). Concern has been expressed recently that some 400 refugees will be moved to camps at East Awin against their wishes. East Awin has a reputation for being almost uninhabitable, bad for growing crops and rife with malaria. A number of refugees have died after moving there.

On a more positive note, over 1200 children born to West Papuan refugees in PNG have been given birth certificates and a legal identity they previously lacked in a programme assisted by the UN High Commission for Refugees (UNHCR) (11). *

Notes:

1. See 'Indonesia's 1969 Takeover of West Papua Not by "Free Choice"' at: <http://www.gwu.edu/%7Eensarchiv/NSAEBB/NSAEBB128/index.htm>
2. 'Spotlight on Papua', Jakarta Post, 16 July 2004.
3. See TAPOL Bulletin No. 166/167 at p. 27. For further details of the campaign and supporting documents, visit <http://westpapuaaction.buz.org/unreview>
4. See TAPOL Bulletin No. 173/174 at p. 11; and TAPOL Bulletin No. 175 at p. 21.
5. 'Religious leaders warn government of chaos in Papua', Jakarta Post, 25 June 2004.
6. See 'W Irian Jaya Governor Illegitimate: Court', Jakarta Post, 16 June 2004.
7. See 'Susilo Pledges to Implement Papua Special Autonomy Law', Jakarta Post, 10 June 2004.
8. See TAPOL Bulletin No. 161 at p. 20.
9. See TAPOL Bulletin No. 162 at p. 18.
10. See 'Papua New Guinea Camp Reports Influx of Indonesian Border-Crossers', BBC Monitoring, 12 May 2004.
11. See 'Refugee children granted legal recognition in PNG', Radio Australia, Pacific Beat, 14 May 2004; and 'Birth Certificates Issued to Indonesian Refugees in Papua New Guinea' BBC Monitoring, 11 May 2004.

Freeport indictment leaves many unanswered questions

The surprise announcement by the US Department of Justice on 24 June that an alleged commander of the Free Papua Movement (OPM/TPN), Anthonius Wamang, had been indicted in connection with the killing of an Indonesian and two Americans near the Freeport copper-and-gold mine in Timika in August 2002 has left many unanswered questions about the long-suspected role of the military in the deadly attack. It has also been seen by many as a ill-disguised attempt to open the way for renewed military ties between the US and Indonesia.

Initial investigations by the Indonesian police and the respected West Papuan human rights organisation, ELS-HAM, provided strong indications that Kopassus special forces officers or other army units were involved in the ambush on a convoy of buses carrying teachers and children from Freeport's international school (1). The evidence suggested that, whereas Papuan proxies may have participated in the attack, the operation was conceived and orchestrated by the military.

The then military commander of West Papua, Major-General Mahidin Simbolon, himself a Kopassus officer and a veteran of counter-insurgency operations in East Timor, was quick to blame the OPM, but his claims were met with considerable scepticism.

The initial investigations raised questions about the ability of the OPM to sustain a 45-minute attack with the basic weaponry at their disposal. The investigations also pointed to the fact that the attackers were well-trained sharpshooters and that the site of the attack was tightly secured by the military and would have been impossible to reach without military co-operation. Military personnel appeared on the scene only after the attack had ended despite it being close to a permanently-staffed security post (2).

Suspicion was also raised by the fact that a Papuan alleged by the military to have been involved in the attack had apparently been dead for at least 12 hours before the attack. An unsubstantiated report published in the Washington Post in November 2002 suggested that the ambush was discussed in advance at the highest level of the army. Other media reports, subsequently denied by the US embassy in Jakarta, indicated that US officials firmly believed the military was involved.

Obstructions

Joint investigations by the Indonesian police and the FBI have faced persistent obstructions and a lack of co-operation from the military. In January 2003, the deputy police chief, Brig. Gen. Raziman Tarigan, who had headed the initial police investigation, was withdrawn from the case along with Police Commissioner H Sumarjiyo the police chief of Mimika (which covers Timika). A team of police and army personnel - a so-called koneksitas team - was then set up to take over the investigation. This was seen as a move to undermine the police investigation and to allow the military to establish its version of the crime.

The military has also resorted to intimidation of ELS-HAM through the courts. At the end of June the army was awarded 50 million rupiah damages in a libel action against the human rights group, which accused it of involvement in the Freeport attack. The verdict is a major setback for free-

dom of expression in West Papua and ELS-HAM is considering an appeal.

Significantly, the Department of Justice press release on the indictment referred to Indonesian government and police co-operation with the investigation, but did not mention military co-operation. The press release also indicated that the investigation is ongoing and that additional suspects are being sought. The US administration is being asked to confirm that the military has not yet been exonerated.

OPM alleges cover-up

An official statement by the OPM denied involvement in the attack and accused the authorities in Jakarta and Washington of 'a blatant cover-up' (3). The organisation repeated its condemnation of the atrocity and the killing of innocent civilians.

The OPM went on to deny that the accused had ever been an OPM commander, but said he was a suspected member of Cassowary Force, a pro-Jakarta Papuan militia set up by the military. It further alleged that the accused had flown regularly between Papua and Jakarta for meetings with the military and stated that he had been involved in the sandalwood trade in partnership with the military. It pointed out that the military has a long history of supporting proxy militias in East Timor and West Papua.

Renewal of US-RI military ties resisted

The murder of the two American citizens remains a major stumbling block to the resumption of full military relations between the US and Indonesia. There is suspicion that the US authorities took the unusual step of issuing an indictment before the investigation was completed for political reasons associated with the administration's wish to renew military ties. In January, Congress restored a ban on International Military, Education and Training (IMET) and foreign military financing of weapons sales until the State Department determines that the Indonesian Government and military are co-operating with the FBI investigation into the Freeport killings [see also separate item on British arms in Aceh].

Since the indictment was announced, Indonesia has been pushing hard for the normalisation of military relations. Campaigners - including Patsy Spier a survivor of the attack, which killed her husband Rick - are lobbying hard for such a move to be resisted until the investigation into the military's role in the ambush is completed. The campaigners also insist that restrictions should remain in place until the military is made to account for human rights atrocities committed in East Timor and until its human rights record improves in areas such as Aceh and West Papua.

Military to lose security role?

In a separate development, moves are afoot to end the military's controversial role in protecting vital assets, such as mines. Despite earlier indications that the military would retain its role [see *TAPOL* Bulletin No 175, p. 20], President Megawati has approved a proposal that would leave security in the hands of the companies concerned (4). According to interim political and security minister, Hari Sabarno, authority will be transferred from the military within a year. The police will be expected to deploy personnel to installations in the event of disturbances and soldiers will be able to intervene only at the request of the police. There remain questions, however, about how this will work in practice given the limited resources of the police.

Some of the worst human rights violations in Indonesia are committed by the military in the vicinity of major enterprises such as the Freeport mine. The provision of security at vital enterprises generates huge amounts of revenue for the military and there is a strong suspicion that the Freeport attack was carried out to warn Freeport not to deprive the army of its lucrative security role at the mine. *

Notes:

1. See also earlier *TAPOL* Bulletin reports: No. 169/170, p. 22; No. 171/172, p. 18; No. 173/174, p. 12; and 175, p. 20.
2. See RFK Memorial Center for Human Rights (Washington DC), press release, 26 June 2004.
3. See West Papuan People's Representative Office, Vanuatu, press release, 29 June 2004.
4. See TNI to leave vital facilities within a year, *Jakarta Post*, 25 June 2004; and Military to quit mine protection, *Courier Mail* (Brisbane), 26 June 2004.

STOP PRESS: PAPUAN RIGHTS GROUPS CONDEMN US ACTION

The following statement was issued by the West Papuan human rights organisations, ELSHAM, LEMASA and YAMAHAK, in response to the US indictment of Anthonius Wamang:

Timika and Jayapura, West Papua, 4 August, 2004

ELSHAM, LEMASA and YAHAMAK, human rights groups in West Papua which extensively assisted the FBI in its investigation of the killing of two Americans at the Freeport mine in August 2002, today expressed their grave concern over the actions of the US Attorney General, John Ashcroft, and called for the US Congress to facilitate a full, impartial investigation.

Attorney General Ashcroft is apparently suppressing evidence in the Justice Department's possession, evidence that would be of great interest to the US Congress and the Freeport victims' families.

Ashcroft suggested that Anthon Wamang was acting as a member of the Free Papua Movement (OPM) when his group carried out the attack at Freeport; said that he now faced the death penalty, and referred to 'separatists' who would be hunted down in the forests. By so doing he gives a green light to the Indonesian military (TNI) to go after Papuan dissidents (since the TNI classifies all opponents of their presence in Papua as 'separatists'), in spite of the fact that suppressed evidence suggests that the military was behind the ambush. And indeed since the Ashcroft statement our three organizations in Papua have been subjected

to a new round of threats and intimidation by the military.

Although it is still not clear exactly who was the overall mastermind of this attack, an impartial reading of the facts points as much to the military as to the OPM. Attorney General Ashcroft failed to inform the public and the Congress of three crucial pieces of evidence, all three of which were almost certainly in the possession of the US Justice Department:

1. Though identified simply as an OPM field commander, Anthon in fact lived in the city of Timika where he was a business partner of Kopassus, the Indonesian army special forces. Anthon told our three organizations together with FBI agents that he was in the eaglewood and gold business with Indonesian military personnel. Though Anthon had in fact been in the field at various times with the OPM over the past 22 years, at the time of the attack he was living and working alongside Kopassus, not the OPM.

According to its own field manuals and also public statements of its commanders, Kopassus specializes in infiltration and provocation operations. They have done so for years in West Papua, as in East Timor, Aceh and Maluku. Monitors ranging from KomnasHAM (the official Indonesian national human rights commission) to the US State Department to groups like Amnesty International and Human Rights Watch have extensively documented the fact that the Indonesian military routinely uses civilians to stage attacks, especially co-opted or coerced members of local rebel or opposition groups. In West Papua such activities have included aiding and guiding dissident rebel factions in kidnapping operations and theft of military weapons.

2. Anthon got his ammunition from the military, not the OPM. Anthon told our organizations and the FBI that he got his ammunition from TNI personnel. He said that the officers he dealt with knew exactly who he was and knew that he was about to carry out an attack in the Freeport concession.

Our organizations know that this evidence was in the hands of the FBI since we gave it to them and later had extensive discussions about it with them. The agents acknowledged the validity of these facts and sent ELSHAM an email in March that suggested they were aware of the TNI's use of local people for provocation operations.

3. The investigation by the Police Regional West Papua led by a very well respected ex- Police Chief of West Papua Gen. Made Pastika concluded that the TNI was behind the ambush. The police believe that Mr. X (the man who was found dead on 1 September near the ambushed site) was shot the day before and then taken to the ambushed site to invite attention from the Police investigators. In fact when the Police conducted the investigation they were fired at few times by the TNI members that based 2 kilo meters away from the ambushed site.

Why did Attorney General Ashcroft not mention these crucial facts in his statement? And why did he point the finger away from the military and exclusively towards the OPM instead?

Attorney General Ashcroft's actions are especially troubling in the light of three pieces of background information which suggest that the military had a motive for an attack and that the OPM did not.

First, for years the Freeport company had been making large cash payments to the military--for instance from 2000 to 2002 Freeport paid US\$ 10.7 million to TNI. Yet in July

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Military operations in Aceh fail

Human rights conditions in Aceh continue to be deplorable. Although the military campaign has been cut back slightly, the military presence and the lack of freedom of movement is stifling daily life in Aceh. In the countryside, especially in areas seen as GAM strongholds, the social structure has suffered severely.

The peace process in Aceh was abruptly ended with the military operations that started in May 2003. TNI, the Indonesian armed forces, had come to the conclusion that the cease fire provided the opportunity for GAM, the Free Aceh Movement, to consolidate itself. The TNI leadership basically took over the Aceh political agenda of the cabinet by opting for a military campaign. Cabinet ministers were told that the military approach was the only option. After the military defeat of GAM, they were persuaded to believe, the separatist remnants could be dragged into new talks, ultimately accepting NKRI, the unitary state of Indonesia. Leaders of political fractions were given the same message. The issue was never discussed in Parliament. After more than a year of military operations, the scenario turned out to be a total failure.

The ultimate aim of winning a war is to win hearts and minds, but military operations in Aceh have always had the opposite effect. During the DOM period (1989-1998), Indonesian military operations resulted in the spectacular growth of GAM and enhanced its popularity among the population. All the signs are that the present military operations will have the same effect and alienate the population even more from Jakarta.

From martial law to civil emergency

When martial law ended in May 2004, not a single high-ranking GAM commander had been caught, nor had peace been restored. But instead of examining the facts and admitting that martial law had failed, Jakarta opted to continue with the military approach by granting Aceh another special status, now called 'civil emergency'. It was under martial law that the April general election was conducted in Aceh.

Under martial law all the basic freedoms were abrogated, so how democratic can elections be under such circumstances? Holding elections in such a situation has only served to reinforce the conflict between GAM and the military for survival and power.

When martial law was lifted on 19 May, some people were satisfied that their demands had been met. However, those who are striving for peace in Aceh and meaningful democracy in Indonesia know only too well that little has been achieved. On 20 May, Aceh was still a militarised territory and peace a distant dream. The lifting of martial law was meaningless for the Acehnese while military operations continued. The military approach means that dialogue has been spurned. After martial law had been lifted, the commander-in-chief of the army told the press that military operations would continue and not a single soldier would be withdrawn.

Civil emergency simply shifts the locus of authority in the province. While under martial law, ultimate authority was vested in the military, the province is now under the authority of the governor of Aceh. When these new powers were conferred on him, Governor Abdullah Puteh (who incidentally is facing grave corruption charges) described his authority as follows: 'It's like this. Whereas before I helped the military and the police, now it's the other way around. They help me.'

This shuffling around is simply a re-run of what happened in 1998 when the notorious DOM (Daerah Operasi Militer - Military Operational Zone) was lifted. Then too, military operations continued. The military will continue to determine the methods used to resolve the situation in Aceh.

Human rights abuses

Since martial law was declared in Aceh in May 2003, more than two thousand people have been killed, 2,100 people have been arrested, and hundreds have been tried in courts, without any pretense of due legal process. We are also told that 1,276 people surrendered to the army. (Jakarta Post, 24 May 2004).



Chained GAM suspects being transported to prisons in Java
Photo: Aceh Kita

This amounts to more than five thousand people, yet when martial law was declared, the military alleged that GAM had between three and five thousand members. This means that they have either successfully eliminated GAM or their intelligence was so bad they had no idea of how much support the rebels enjoy. This in turn raises questions about the extent of pro-Indonesian sentiment in the province. Or does it mean - as numerous reports suggest - that many of

those killed, arrested or convicted were not GAM at all? Whatever the case may be, the military's insistence that statements issued by them are indisputably true is highly questionable. Which brings us back to why the military strategy was chosen.

The National Human Rights Commission (Komnas HAM) in Jakarta has frequently confirmed that human rights violations have been committed by the troops in Aceh, with civilians accounting for most of the victims. The seventy cases investigated by the Commission included arbitrary arrests and detentions, torture, forced disappearances, sexual harassment and rape, extra judicial executions, indiscriminate attacks as well as the looting and destruction of private property (*Jakarta Post*, 24 May 2004)

Corruption

However, Aceh's woes are not limited to the horrors of military action. The conflict has provided fertile soil for widespread, debilitating corruption. The lives of the Acehnese are now at the mercy of corrupt civil authorities and hard-line military action.

Still worse, no one apart from the Acehnese now living in Jakarta is asking questions about Aceh, neither politicians, social activists nor intellectuals. Apart from protest actions by Acehnese, everyone has been busy with the presidential elections. The war in Aceh has become a forgotten war, internationally and in Indonesia.

In an election year, when politicians should be called on to explain and account for their policies on critical issues such as Aceh, very few questions have been asked. No politician has provided the necessary vision and strategy for a peaceful resolution of the conflict. The two candidates who will contest the presidential election in September, President Megawati and retired general, Susilo Bambang Yudhoyono, have failed to enunciate policies for resolving the conflict in Aceh.

No one seems concerned about the fate of hundreds of Acehnese political prisoners whose treatment violates international standards of justice. No one seems particularly concerned that thousands of Acehnese have been forced to join the militias.

No one has even asked why martial law failed to crush GAM. No top level GAM commanders have been captured, yet instead of recognising that martial law was a failure, this has been cited as a reason for continuing military operations in Aceh.

Elections in Aceh

Campaigning for the general elections in April took place under martial law, while the presidential elections were conducted after martial law had been replaced by the civil emergency. During what should have been a period of election campaigning, there was widespread intimidation to force people to register as voters. In many places people who refused to register were accused of being members or sympathisers of GAM.



Acehnese in rural areas being herded to the polling booths.

Photo: Aceh Kita

The journal, Aceh Kita, published many stories about Acehnese being forced to register. Those who failed to register were visited and terrorised by militia groups. Those who failed to turn up on election day were forcibly escorted to the polling stations. As a result, the armed forces commander-in-chief, General Ryamizard Ryacudu triumphantly claimed that 94 per cent of the population turned up to vote. This means that the turnout in Aceh was higher than in Indonesia as a whole.

Actually, the mood in Aceh during the parliamentary and presidential elections was one of despondence, not only because many Acehnese did not want to vote while martial law continued but also because few people believed that elections would make any difference to the situation on the ground. Acehnese sociologist Human Hamid commented that the majority of people simply did not believe that any of the candidates would bring about changes in the province.

Groups that were authorised to monitor the elections in Indonesia were allowed to send a few representatives to Aceh. However, although international organisations praised the July elections as a success, international monitors were glaringly remiss in their reporting of the situation in Aceh. By simply recording how many people turned up and how they behave at the polling stations, they found very few incidents. But in a war zone like Aceh, election monitoring should consider the atmosphere surrounding the process. Strange to say, the EU monitoring team made no mention of Aceh in its report.

Pragmatism

During the general elections in April as well as in the first round of the direct presidential elections in July, the election results and the behaviour of the electorate in Aceh was strikingly different than in other parts of Indonesia.

In the April 1999 elections, the Acehnese electorate boycotted the elections on a massive scale, with less than a

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2002 -- one month before the Freeport attack, and in response to the new US Corporate Fraud Act--Freeport drastically cut back these payments, to the military's great displeasure. Some officers then made statements suggesting that without the military's full protection, the Freeport company might be exposed to unwanted, violent attack.

Second, by staging various provocative actions throughout West Papua the TNI has been trying to have the whole West Papuan movement for justice and self-determination, and especially the OPM, designated as a terrorist threat. These efforts, including transfer of Laskar Jihad militants to West Papua and recruiting local Papuans into East Timor-style Red and White, militias, as well as pushing for the division of West Papua into several new provinces, have created conflicts and bloodshed amongst the Papuans. This intention by TNI to label the West Papuans as terrorists has been very much motivated by the so-called 'war on terror' and the desire of TNI to rebuild military ties with the US government after the IMET program was suspended following the Dilli massacre of 1991. However all these efforts have failed so far as the West Papuans have continued to struggle vigorously for the declaration of West Papua as a zone of peace and for a dialogue with Indonesia to resolve the West Papuan issue peacefully.

Third, two months before the Freeport attack Kelly Kwalik, the OPM commander in the southern region, did urge his followers to stage demonstrations at the Freeport site, but he specified in writing that these protests must be nonviolent. The FBI has a copy of Kwalik's letter, and Anthon Wamang confirmed to us that Kelly Kwalik told him that no violence should be employed against persons around the Freeport site. Indeed, two weeks before the attack a delegation from our organizations met with Kelly Kwalik, and convinced him to withdraw his plan altogether, arguing that such an action could easily be manipulated by TNI for its own interests.

Shortly after Attorney General Ashcroft's announcement the TNI leadership publicly stated that US officials had told them that the military had now been cleared of involvement in the Freeport killings, and that the door was therefore open for a resumption of full US military aid to Indonesia. It is on public record that the Bush administration has been pushing for such aid resumption and has only been prevented from doing so by bipartisan opposition in the Congress.

It would be regrettable if a decision on this matter and on further adjudication of the Freeport case ends up being premised on faulty information from Attorney General Ashcroft.

We call on the US Justice Department and the FBI to now correct the omissions in Attorney General Ashcroft's public statement by releasing a public accounting of Anthon Wamang's business partnership with the Indonesian military and the evidence they have on where he got his ammunition.

We call on the US Congress, which has already deliberated on this case, to facilitate a full, impartial investigation by calling the Justice Department to account. The Congress should also call for Anthon Wamang and other key figures in the case to be brought safely to the United States.

We urge the US government to think before it acts on the matter of resuming full ties with an Indonesian military that has been systematically killing Papuan and other civilians

with impunity for many years, and that must still, in all fairness, be considered a leading suspect behind the Freeport case.

We also urge the US government to make representations immediately in Papua and Jakarta to ensure the protection of members of ELSHAM, LEMASA and YAHAMAK against military intimidation, since these organizations have cooperated wholeheartedly with the FBI in its Freeport inquiry. *



Freeport open mining, picture from above

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quarter of the electorate bothering to vote. While Indonesians went to the polling booth in droves in that, the first free elections after the fall of the dictator Suharto, the political situation in Aceh had entered a new stage. Acehnese civil society was demanding justice from the new political leaders in Jakarta and an end to impunity by bringing the gross human rights violators to justice.

But the reverse happened in 2004, after the military authorities had given a clear warning that those failing to cast their votes would be labelled as GAM or GAM sympathisers. While the Indonesian turnout was above 80 per cent, the Acehnese broke all records with a turnout of 94 per cent. This is reminiscent of the Suharto days when village and district chiefs were instructed on the size of the vote they should secure for the government's party. Officials used all kinds of persuasion accompanied by intimidation, to drive villagers to the polling booths.

In 2004, the objective was to secure a huge turnout in Aceh though it did not seem to matter which of the parties the Acehnese voted for. In any case, there were no Acehnese parties on the ballot papers, only the national parties permitted to take part in the elections, none of which had anything special to offer the Acehnese. *

Subandrio, a Sukarno man to the core

The death in July of Dr Subandrio, aged 89, marks the passing of a leading figure of the Sukarno era. He reached the peak of his political career in the closing years of Sukarno's rule, but it was his loyalty to Indonesia's first president that led to his downfall after Suharto came to power in 1965. In 1966, he was tried and sentenced to death by a kangaroo court acting at the behest of the regime. The real target was Sukarno but Suharto did not dare try Sukarno whom he had deposed but whose popularity was undiminished, and remained so until Sukarno's death in June 1970

Dr Subandrio was born on 15 September 1914 in Kepanjen, East Java and during his school years, he was active in a nationalist youth organisation. After graduating as a doctor in Jakarta during the Japanese occupation, he became the director of a hospital in Semarang, Central Java.

Following the declaration of Indonesian independence in August 1945, Subandrio was drawn into political activity, initially in the PSI, the Partai Sosialis Indonesia, which he subsequently ditched to join the nationalist party, the PNI.



Two years later, he went to the UK to strengthen the country's role on the international arena with the establishment of an overseas information office. In 1949, he opened Indonesia's first embassy in London and became the ambassador there. After serving as ambassador in London and then in Moscow, he returned to Indonesia to become secretary-general of the Ministry of Information. A government regulation banning officials from membership of political parties led him to quit the PNI. Shortly thereafter he was named foreign minister, a post which he held until his arrest in 1966.

Permanent interests

A shrewd politician, Subandrio was also unashamedly opportunistic and held the view that what a man needed to have was permanent interests, not permanent friends.

During the latter years of the Sukarno regime, Dr Subandrio was the country's best-known diplomat and a foremost proponent of Sukarno's aspiration to spearhead a new, actively neutral force in the world, known as the New

Emerging Forces. Besides holding the post of foreign minister, Subandrio was also first deputy prime minister.

It was under his stewardship of foreign affairs that Indonesia entered into confrontation with the Netherlands over the fate of West Irian (West Papua) and its confrontation with the British over the creation of Malaysia. At the same time, he also accepted a number of positions, in the field of intelligence (as head of the Central Bureau of Intelligence, the PBI) and in economic affairs. His meteoric rise gave him a powerful position under Sukarno seen as his most trusted minister. But this was a situation that was to have grave consequences for him when Suharto took power.

His strong advocacy of 'the return of Irian Jaya (as Papua was then called) to the fold of the Indonesian Republic' placed him in the forefront of an act of injustice towards the Papuan people, which was further enhanced under Suharto with the fraudulent Act of Free Choice in 1969.

Handling a grave economic crisis

During the closing years of the Sukarno era, Indonesia suffered a severe economic crisis caused by rampant inflation as the result of the unsustainable printing of money to replace the decline in financial resources as the West withdrew economic aid. This was much in line with Sukarno's own policy of rejecting foreign aid.

While Subandrio had made his mark as a formidable diplomat, he lacked the experience to handle the economic crisis that engulfed Indonesia. Those were the days of Guided Democracy and it was Sukarno's style to create 'commands' to handle many aspects of state affairs. A Special Operations Command for the Economy came into being and Subandrio was appointed commander-in-chief, a 'mission impossible', if there ever was one. At the time, I was working in the international economic relations department of the Indonesian foreign ministry and was asked to head Subandrio's economic affairs office. It was an unenviable assignment and I have little recollection of achieving much at a time of deepening crisis, with other ministers pursuing their own policies and promoting their own projects. When I was dishonourably dismissed from the foreign ministry following the crackdown that came in the wake of the events of 1 October 1965, Subandrio told me frankly that he was powerless to reverse the decision.

When the 1 October killings occurred, Subandrio was on an official mission to North Sumatra. He returned immediately to Jakarta and was soon involved in efforts to halt the massacres that erupted in late October 1965, but to no avail. Subandrio's arrest in March 1966 occurred along with the

arrest of a dozen other ministers in Sukarno's last cabinet. Subandrio was regarded not only as a dedicated Sukarno-ist but also as the top-ranking minister most closely associated with the leadership of the PKI, the Communist Party, in particular its second deputy secretary-general, Njoto. Indeed, it was later alleged that his trip to North Sumatra at the beginning of October, during which he was accompanied by several ministers, including Njoto, was aimed at organising demonstrations in response to the events that occurred in Jakarta.

A show trial

The widely publicised Subandrio trial (loud-speakers relayed the proceedings to crowds outside the courthouse) followed soon after the trial of Lieutenant-Colonel Untung, the leading plotter of the assassinations on 1 October. The trial took place before Mahmilub, the Special Military Tribunal set up by Suharto to try the many senior figures accused of involvement in the October events. The country's leading human rights lawyer, Yap Thiam Hien, took on the brief as his defence lawyer. Suharto calculated that he would better be able to win international approval for his seizure of power by putting on trial a number of high-profile figures, to give his government an appearance of legitimacy. While the trials were in progress, hundreds of thousands of people were being slaughtered in many parts of the country.

The main charge against Subandrio was subversion. From the start, he stood no chance of a fair trial and was denied the right to appeal against sentence. Ironically, the subversion law under which he was tried had been enacted by Sukarno in 1963 and Subandrio was to suffer the consequences of a law which seriously curtailed the rights of the defendant, and required the death sentence or lengthy prison terms for anyone found guilty.

He was convicted of seeking to overthrow the lawful government (of which he was a member), which is precisely what Suharto had done. There were many specific charges, such as for example, arranging for the purchase of weapons from China (which he had negotiated during a visit to Peking), advising Sukarno to withdraw from the United Nations and intriguing with leftwing elements within the army leadership to strike against alleged CIA agents at the top of the armed forces.

Like the many hundreds who faced Suharto's kangaroo courts, it was also alleged that he knew in advance of the October assassination plot but did nothing to prevent it from happening. He also faced a number of charges alleging that he obstructed the policies of Suharto's 'New Order' regime and sought to counter pro-Suharto demonstrations.

The death sentence was subsequently commuted to life imprisonment after a plea for mercy from Queen Elizabeth and President Lyndon Johnson. The fact that his death sentence was never implemented is certainly due to Suharto's fear of unfavourable international repercussions. He was eventually released in August 1995, along with several other high-profile political prisoners, after spending

nearly thirty years in prison.

During his incarceration, he was struck by personal tragedy when his only son died in February 1974, followed soon after by the death of his wife, Hurustiati. He subsequently married Sri Kusdyantinah, the widow of a close friend, Bambang Supeno.

Unpublished testimony

While he was in prison, he wrote a book titled *Kesaksianku Tentang G30S* (My Testimony of the G30S). He is believed to have argued that Suharto manipulated the coup attempt on 1 October 1965 in pursuance of his own interests. For reasons that remain unclear, he decided not to go ahead with publication of the book. Some believe that he may have been warned that the contents would jeopardise his chances of ever being released. It remains to be seen whether the manuscript is still extant and whether his widow will consider that publication is now possible. Two volumes of his speeches during the Sukarno era have been published under the title, *Indonesia on the March*.

During the final years of his life, he lived in obscurity, rarely wanting to receive visitors apart from relatives and close friends. He honed his skills as a gardener and spent much of the time deepening his knowledge of religion. *

Carmel Budiardjo, London, August 2004

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