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The Indonesia Human Rights Campaign

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The military and the arrogance of power

The Indonesian military is accustomed to ruling the country and enjoying political and economic power. The habit has turned soldiers into a special breed with all the characteristics of a ruling elite: arrogant, power crazy, greedy. General Wiranto's recent outburst at the ad hoc court on East Timor says it all. Showing no remorse, he blamed the destruction of East Timor in September 1999 on the UN, not on the barbaric acts of his own men.

For a brief period following the downfall of Suharto, the armed forces (TNI), in particular the army, was in a state of limbo. Having committed grave human rights violations, its image was gravely tarnished, forcing them to step back to make way for civilian rule. But within months of the election of Abdurrachman Wahid as president, some groups had started obstructing his administration. In the closing months of his brief reign, the military were in open revolt, parading in front of the palace. His successor Megawati took over with army and police backing, a clear sign that TNI-AD, the army, was back in the saddle and determined to stay there.

On the offensive

Several events in February and March signalled a big political offensive by the military, displaying their determination to grab back what they had briefly lost. First, was the decision of highly-placed military and police officers to refuse to be questioned in an investigation into the riots in Jakarta in 1998 and 1999 and the killing of student demonstrators. Next was the establishment of a new territorial military command in Aceh, Kodam Iskandar Muda, despite big protests in Jakarta and Banda Aceh. Then the TNI leadership arrogantly appointed two notorious human rights violators into strategic positions; Major-General Syafrie Syamsuddin became official spokesperson of the armed forces and Major-General Muchdi PR became Deputy of BIN (Badan Intelijen Negara, the revamped State Intelligence Body).

In April retired General Wiranto and the still-serving Major-General Adam Damiri appeared in court as witnesses at the ad hoc court on the disastrous events in East Timor in 1999. Although the world had seen how the Indonesian military and their proxy, the militias, plunged East Timor in an orgy of terror and destruction, these generals used the courtroom to make an unprecedented attack on the UN in East Timor, blaming it for the destruction.

These are examples of how army officers have shown utter contempt for civilian rule. Looking back in history to the birth of the Republic in 1945, the military have played a dominant role in political decision making throughout, with

the exception of the 1950s, the period of liberal democracy, and the two years after the fall of Suharto from 1998 till 2000. Both these periods of civilian rule were ridden with secessionist moves and political instability. It has become second nature for most army officers to regard civilian rule as ineffective as compared with the military who are the 'divine rulers', or 'saviours of the nation'.

Protecting NKRI

There are strong grounds to believe that the army's swift return to the centre stage of politics is largely due to Indonesia's woeful political and economic condition. In many countries, the collapse of an authoritarian regime has been followed by a long period of instability and disintegration. The upsurge of the independence movements in Aceh and West Papua is now the main justification for the

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army to step forward and involve themselves directly in decision making. Civilian politicians are seen as being too ineffective and liable to give the separatists too much leeway.

For a brief period during the *reformasi* period, when civil society was vibrant, a handful of public-spirited army officers drew up an agenda for reform of the TNI, accepting the principle of civilian supremacy but this reform wing soon collapsed, as the result of sabotage and obstruction from fellow officers.

By mid-2001 the military were back at the helm, determining the composition of Megawati's cabinet. The key members of her cabinet are influential army officers. Lt. General Hendropriyono heads the state intelligence agency, BIN, with a seat in the cabinet, Lt General Hari Sabarno is the interior minister and General Susilo Bambang Yudhoyono is the coordinating minister for politics and security affairs. These appointments signalled that *reformasi* was already dead.

During the Habibie and Wahid periods, there was a significant push towards civilian supremacy, which also gave democratic space for the spectacular growth of the pro-referendum movement in Aceh and the birth of the Papuan Presidium Council with independence demands on its agenda. The TNI used the threat of separatism as justification to re-enter politics, and enjoyed the tacit support of broad sections of the public where the concept of NKRI, the unitary state, is deeply ingrained. In the name of protecting NKRI, the TNI started to conduct massive military operations in Aceh and West Papua without noticeable protest in parliament.

The two wings in the military

With the collapse of the *reformasi* wing, TNI officers now mainly consist of two wings: the political wing and the mandiri (self-reliant) wing. While there are clear differences between the two groups, they basically agree on the army's 'divine rule', the ineffectiveness of civilian politicians and the TNI's guardian role for the state. This found clear expression in Megawati's working program: 'To defend the unification and unity of the nation in the framework of the Unitary State of Indonesia (NKRI).'

One could argue that there are good grounds for feeling frustrated with the achievements of Indonesia's civilian political elite. Civilian rule under Habibie, Wahid and Megawati has not successfully promoted the principle of civilian supremacy. Gradually Indonesia has become one of the world's 'failing states', characterised by corruption, mismanagement, disintegration and the inability to build democratic institutions. In such conditions, the TNI appears to be the only institution able to hold the country together.

Indonesia is now reckoned to be the most corrupt country in Asia, even surpassing Vietnam and China. During the orgy of personal plunder in the final years of the Suharto period, the bureaucracy-military partnership always guaran-

teed a share for the military. Up to the bitter end most military factions supported Suharto.

But now, nominal civilian rule has replaced the authoritarian pyramid constructed under Suharto, with new groups of politicians in the executive and the legislature. They have been able to build their own power bases and grab every business opportunity in sight. The free-for-all fight for economic resources in the post-Suharto period led to another orgy of corruption and plunder, involving old and new cronies and creating a new layer of mostly civilian nouveau riche. The military top had hardly any share of the cake, fuelling more discontent with the new civilian elite. At the same time the dire economic situation could not

provide an adequate budget for a professional armed forces, encouraging the military to get involved in organised crime and rackets.

Politically speaking, the young plural party system is in a mess. All the major parties are split into at least two wings, and fighting publicly over political issues and economic gains. Although some retired generals have joined parties, the majority are reluctant to do so. This mirrors the early fifties when political officers and mandiri officers also were part of the political constellation.

The political generals

There are significant differences among the political generals in strategy and approach. Retired General Wiranto, one of the main decision makers up to early 2000, is a typical exponent of this group but functions outside the formal system. Everyone knows that his contacts with the Suharto family are close, giving him access to plenty of money. While Wiranto represents the voice of many disgruntled officers who have lost the political and economic clout they enjoyed in the post-Suharto era, their real influence in politics is limited. Wiranto himself has a high profile in the media, on TV and radio and uses bribes to get interviewed. He deals primarily with the closing years of Suharto, when there was much turbulence and ABRI, later renamed TNI, gained a very negative image. As the then commander-in-chief, Wiranto must take responsibility for the many atrocities in the second half of the nineties. His line of defence is predictable: it was all done in the line of duty and the military were simply functioning as public servants.

The other wings of the political generals are more up front and have remained part of the political system. Two important officers, now cabinet ministers, should be mentioned: Lt-General Hendropriyono, who heads BIN (see below) and General Susilo Bambang Yudhoyono (SBY), co-ordinating minister for political and security affairs.

SBY is typical of the TNI officers involved in daily politics, which was so widespread during the Suharto era. His image is very respectable; he was a cabinet minister under



President Megawati and the generals

Wahid and now under Megawati. He is in effect the prime minister because the president is indecisive and says very little. In public at least, he is seen as the one who has determined policies regarding Aceh and West Papua and who coordinated the peace talks in Malino on the Poso and Maluku conflicts.

He clearly has political ambitions. The confusion that reigned under Wahid prompted him to find alternatives. After refusing an invitation to join Wahid's party, he set up a new party which includes former stalwarts of GOLKAR, the government party under Suharto. This party hopes to emerge as an alternative, a new military-bureaucracy coalition. Other parties set up by retired generals have failed to win significant support. The SBY alternative is banking on a further decay in day-to-day politics under Megawati and then emerge strongly in the 2004 elections.

The mandiri group

While most retired officers are accustomed to being active in politics, most active officers, in particular those who run Cilangkap, the Indonesian Pentagon, have developed a different approach. While the older generation, the so-called political generals, still function as members of parliament, provincial governors or mayors, the present generation have structurally said goodbye to the idea of holding public office.

In contrast to his seniors like SBY or Wiranto, army chief of staff General Endriartono Sutarto, sees things differently. In his own words, the army's main task is to guarantee national sovereignty and protect the country against the danger of disintegration, in effect, a declaration of war on separatism. The best examples of the mandiri group are Endriartono Sutarto himself and Lt.-General Ryamizard Ryacudu, a no-nonsense general who prefers military action to words. While Endriartono needs to be careful about what he says, Ryacudu functions as the spokesperson of the group. 'The army has always been on the losing side', he laments. 'Even during the New Order, we always came last. Can you imagine, we only received a fraction of the state budget (around 3 per cent). It was only when General Yusuf was Minister of Defence (1978-1983) that the allocation was adequate. After that, never again' [Tempo, 7 April 2002].

His views on *reformasi* are clear: the reform measures are in disarray. Reflecting the views of most soldiers, he says. 'The reform programme did not proceed as expected. Each one went their own way.' [Garda, 3 March 2002]. He openly criticises fellow officers who joined the ranks of reformasi and got infected with the disease of reform and democracy. But 95 per cent of the troops still hold firmly to the TNI identity, according to the general. It is clear that the mandiri stalwarts have nothing but contempt for civilians and showed open defiance of President Wahid. While the army remained on the sidelines during the moves to overthrow Wahid, their open defiance of Wahid's policies gave the signal to other political forces to start impeachment proceedings.

Kostrad and Kopassus

Ryamizard Ryacudu is the commander of Kostrad, the Army Strategic Command, the backbone of Kotama (*Komando Utama*, Main Command Forces) and the main command force of the army. Kostrad has 40,000 well

trained troops and takes the lead in fighting armed GAM units in Aceh. As a leading exponent of the mandiri wing, Ryacudu is driven by the fear of Indonesia falling apart.

The other force in *Kotama* is Kopassus, the special forces with around 7,000 men. In the turbulent period from 1998 to 2000 Kopassus was widely condemned for its role in kidnappings and other serious human rights violations including torture and disappearances but in 2001 Kopassus made a comeback. For a while there was bitter rivalry between Kostrad and Kopassus officers but it seems that Kostrad has once again taken the lead in *Kotama*.

In Aceh, during the DOM period from 1989 till 1998,



Military in Aceh

Kopassus led the counter insurgency operations against GAM. A condition of low intensity conflict was maintained, resulting in grave human rights violations in the countryside. After a brief pause, military operations were resumed on an even larger scale in 2001, with Kostrad as the main combat force. Now, Kostrad and Kopassus work hand in hand in Aceh.

Some new elements have emerged in dealing with the problems in conflict areas. The practice now is to use a combination of elite forces, including marines, air force commandos and Kopassus troops, against separatists or armed groups in Poso or Maluku. Together with Kostrad units, these 'joint battalions' (*yongab*), Brimob troops (the special command unit of the police force), are also taking part. By the end of 2001 about 50 battalions from the TNI and the police were deployed across the nation in trouble spots. While several battalions are deployed in eastern Indonesia (West Papua, Maluku and Sulawesi), most of the joint battalions are deployed in Aceh, where the TNI faces the most serious challenge.

Another new element in the war against separatist forces is the specially trained combat intelligence units called *tontaikam* (*peleton pengintai keamanan*, security surveillance platoon). These units are trained and groomed at the Kopassus training centre in Batudjadar and are responsible for reconnaissance and intelligence work in trouble spots ahead of military operations. The activities of *tontaikam* are directly felt by the population in Aceh where around a dozen people die every day. While there has been consoli-

dation within Kotama, other TNI structures are beginning to re-emerge.

Kotama's military operations against GAM have been quite successful. The armed wing of GAM has been pushed back to the mountains while OPM activities in West Papua are hardly noticeable. But as conflicts in other parts of the world show, military might does not solve anything and only creates more violence. The idea that GAM can be obliterated is an illusion and has only increased its popularity among the Acehnese. The death toll in 2001 reached 1,700, largely due to intensified war operations by Kotama troops.

The territorial structure

For some time there was confusion about the decisions of an important TNI seminar regarding the future of the territorial structure. One decision was to hand over the military territorial structure to local governments. Some far-reaching ideas were floated about abolishing military structures below sub-district level. [Gatra, 1 September 2001]. In discussions outside the TNI, academics and military watchers agreed that the military territorial structure should be gradually dismantled.

The territorial structure functions as a shadow government, often more powerful than the regional administration. The territorial structure or *koter* (*komando teritorial*) was initially the foundation of the Indonesian army. In the early days of the young republic, military units were primarily organised in regional battalions and officers were identified by their territorial affinity. After a big overhaul in 1984, kotama forces, Kostrad and Kopassus became the backbone of the army. Financial constraints transformed the territorial commands into cesspools of criminal activities. Regional commands increasingly involved themselves in mafia practices instead of concentrating on security matters.

The separation of the police from the TNI strengthened the view among civilians that *koter* had become redundant. The police are now responsible for law and order. The downgrading of the position of *Kaster* (*Kepala Staf Teritorial*, chief of staff of territorial affairs) into an assistant position at the general staff was another indication that territorial affairs would be sidelined.

But in the end, the results were very different, with a big victory for the military. Instead of downsizing *koter*, the army top is determined to maintain or enlarge the territorial structure. Lt. General Ryamizard Ryacudu bluntly told a journalist: 'Like it or not, the glue of the nation nowadays is the TNI. If people want to dismantle the state, go ahead and abolish the territorial units. If the Trikora military command in Irian Jaya were dissolved, Irian Jaya would be independent' [Tempo, 7 April 2002].

The new military territorial command in Aceh, Kodam (military area command) Iskandar Muda set up in February 2002 is the latest example of the army's determination to expand rather than downsize *koter*. In May 1999, Kodam Pattimura was re-established in Maluku while two other kodams, Tanjung Pura in West Kalimantan and Lambung Mangkurat in Central and South Kalimantan are in the pipeline. With the creation of new provinces, a string of new districts and subdistricts are emerging. The TNI Information Centre recently said this might lead to the creation of new district and subdistrict military commands.

Since the establishment of kodams in Maluku and Aceh,

military operations have continued in both regions, primarily by *kotama* forces under the command of the headquarters in Jakarta. The operations in Aceh are run by a special command called *Kolakops*, similar to the military operation in East Timor while operations in Maluku are in the hands of *Yongab*, the joint battalions.

The real reason for the expansion of the territorial commands lies elsewhere. Firstly, finances. Territorial commands can siphon off money from the provincial budget. In particular the autonomy law can, in practice, provide more money for the regions. Regional 'projects' like offering protection for local companies or vital projects can be co-ordinated by the command through a special unit called *PAM Provit* (*Pasukan Pengamanan Proyek Vital*, Troops Securing Vital Projects).



President Megawati and the military, West Java

So-called self-financing by the military can for a great part function through the local commands. Lack of funding by the state is used to justify efforts to find other sources of money. Local businesses have become more viable thanks to the autonomy law. The territorial commands can play a crucial role in these business activities. A more sinister role for commands is the recruitment and deployment of militia groups in conflict areas. Despite the disastrous experience in East Timor, the military top continue to consider militia groups as part of their security doctrine. Increasing the number of territorial commands is another example of how the military have gained leverage over civilian politics.

The intelligence agency

While kotama and koter are primarily in the hands of the mandiri group, the intelligence community is a much more complex entity. Retired General Hendropriyono, the new intelligence supremo, is an important exponent of the political generals and is often at loggerheads with the mandiri generals. Since the start of civilian rule in the post-Suharto era, the need was felt to reorganise the intelligence agencies and bring them under overall control. The several intelligence outfits functioned as small empires and have become the playground for influential officers or politicians. At one point President Wahid felt that he could no longer rely on information from the intelligence services and decided to

have his own private intelligence outfit.

Reorganisation of the military and civilian intelligence agencies started in April 1999 when the notorious military intelligence body BIA was reorganised and renamed BAIS (*Badan Intelijen Strategis*, Strategic Intelligence Agency). The police intelligence and the intelligence service of the defence ministry were also overhauled. Then, BIN (*Badan Intelijen Negara*, State Intelligence Agency) emerged and Hendropriyono was appointed its chief when Megawati announced her cabinet in July 2001. The retired general was given a seat in the cabinet and his role can be compared to the director of the National Security Council at the White House, a pivotal decision-making job. Previously the head of BAKIN (*Badan Koordinasi Intelijen*, Coordinating Body of the Intelligence) was the president's top advisor on intelligence matters but functioned like a sphinx. Hendropriyono functions much more openly, not unlike the high profile of national security advisors in Washington like Kissinger, Brzezinski and Condoleezza Rice.

When Hendropriyono accepted the job, he knew he would need to revamp the entire intelligence structure and promised 'to repair our intelligence world so that we



Lt Gen Hendropriyono, chief of BIN

produce better intelligence data" (*Jakarta Post*, 10 August 2001). Hendropriyono is a typical political general in the mould of General Wiranto. His background as an intelligence operator and ruthless Kopassus combat soldier, has ensured a successful career but also many enemies. A highly ambitious man, he joined Megawati's party, the PDI-P, so as to have the ear of the president. Mandiri generals at TNI headquarters openly disagree with him and prefer the old structures where military intelligence was dominant.

While Hendropriyono's achievements are not impressive, the 11 September events shook the intelligence community profoundly. There has been an increase in contacts with intelligence agencies abroad, including the CIA and MI6 but it is not known whether BIN agents are being trained abroad to improve their lamentable skills. For Hendropriyono the 11 September tragedy provided the pretext to join the Bush bandwagon in his crusade against terrorism. In October Hendropriyono claimed that Al Qaeda units were training in South Sulawesi, echoing statements by the hawks in Washington and by Singapore's senior politician Lee Kuan Yew who complained that not enough has been done to track down potential extremist groups in Indonesia. But statements by Indonesian ministers contradict Hendropriyono's claims and deny that there is any evidence of terrorist activities in the country.

The conflict between Hendropriyono and the mandiri

generals is growing. The suggestion that the US should send troops to Indonesia is very controversial and has been used by the mandiri officers to raise the banner of nationalism. 'We can deal with our own affairs and don't need foreign intervention' blared headlines while the BIN chief was portrayed as too friendly with the Americans. The hawks in Washington, notably under-secretary of defence Paul Wolfowitz, have strong reasons to seek to restore contacts with the TNI, which were cut back in 1999 after the events in East Timor. But the black-and-white Bush doctrine, 'you are either with us or against us' doesn't go down well in Indonesia where there are many shades of grey.

In March, Robert Mueller, the FBI chief, visited Hendropriyono. BIN has been quite helpful to the Americans by handing over a Pakistani terror suspect. Wolfowitz is trying to undo the legislative restrictions that were imposed on arms supplies to Indonesia by proposing new schemes of co-operation between the two militaries for counter-terrorism and counter-narcotics programmes. Yet, the State Department and Congress continue to insist that the officers responsible for the devastation in East Timor should be punished before ties can be normalised. The average TNI officer is deeply hurt by this attitude which could threaten Hendropriyono's position if he gets too close to the Washington hawks.

While this conflict persists, the intelligence agencies continue to malfunction. The lack of transparency for outsiders, a universal problem in dealing with intelligence agencies, plus lack of control by parliament, points to the problems the country's political elite still has to cope with.

TNI reforms at a dead end

Soon after the fall of Suharto, the TNI launched its own internal reform programme, called 'repositioning, redefining and refreshing' the role of TNI. While giving the impression that it had accepted the principle of civilian supremacy, things were quite different. Although the mandiri group has agreed to abandon the political arena by leaving parliament in 2008, they still play a dominant role in Indonesian politics. The expansion of the territorial command system shows that the military are not prepared to take a few steps back; still worse, they hope to use the system as an economic and political tool to influence local conditions. The refusal to be questioned by human rights investigators is another sign of the TNI's refusal to assist in efforts to deal with grave past abuses.

The strong re-emergence of TNI on the political scene largely reflects the weakness of civil society and the deep economic crisis, strengthening the bargaining position of the military vis-à-vis the civilians. Still worse, civilian members of parliament now accept the dominant role of the military and fall over themselves to win their support.

On key issues like fighting separatism, the military have closed ranks, but on most other issues, they remain deeply divided. The political wing is convinced that the old style of working closely with the political establishment produces the best results. But the present batch of commanding officers loathe politics and prefer to stick to military affairs. What this means is ignoring the civilian administration and continuing to implement their own doctrines and concepts.

The chances of the military accepting the democratic principle of returning to barracks are still a long way off.

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Aceh: Visit to a war zone

In February Liem Soei Liong, TAPOL co-editor, made a brief visit to Aceh. Aceh has been a focus for TAPOL for many years. Serious human rights violations have been going for well over a decade and since 2001 troops have flooded into Aceh, inflicting heavy casualties on the population. The daily death toll has reached twenty, mostly civilians, and there are no signs that Jakarta is about to reverse its policies.

From the moment of arriving at the airport of Banda Aceh, it is clear that it is a war zone. Heavily-armed police are everywhere and on the short journey to the city we passed several road blocks, both military and police. The Acehnese have learned to live with this but for an outsider like me, it certainly looks abnormal. According to reports, there are scores of road blocks on the main road from Medan to Banda Aceh. The streets in Banda Aceh also show all the signs of war. A wide variety of tanks and armoured personal carriers are part of the regular traffic. Street patrolling by military and police is also common; more often than not, the soldiers wear army trousers, casual t-shirts and baseball caps, with semi-automatic rifles dangling from their shoulders. A grim scene indeed. Security people are present in such big numbers that it is impossible not to notice them when taking a stroll in the centre of the city.

A few days after my arrival in Jakarta before leaving for Aceh, heavy fighting broke out between TNI and GAM in the GAM stronghold of Pidie. In a battle that lasted for days, the GAM commander Abdullah Syafei, was killed together with his wife. Abdullah Syafei, or Teuku Lah as he was fondly known to the Acehnese, was very popular, a much-loved person whose passing was mourned by the majority of Acehnese who saw it as the passing of a martyr.

A week later a new territorial command, Kodam Iskandar Muda, was installed by the TNI chief of staff General Endriartono Sutarto. These events forced me to postpone my departure for Aceh and I finally arrived in Banda Aceh the day after the installation of the new command.

The TNI has achieved a string of military successes over the past year and in many regions the armed wing of GAM has retreated to the mountains. But the political wing of GAM has spread its influence all over Aceh. According to a recent statement by the Indonesian police, at least one third of Acehnese villages are strongholds of GAM sympathisers.

Most people I met in Aceh showed an amazing vitality with a strong dose of civil courage. Although I had previously met very few of the local activists, I quickly got along very well with everyone I met and had many intense discussions during my short stay.

After the huge mobilisation of support for a referendum in 1999 and 2000, the military stepped in with a vengeance and it became impossible to organise mass meetings or rallies. The democratic space provided by the civilian administration in Jakarta came to an end. The military authorities concluded that the danger of Indonesia's disintegration was imminent. A series of military operations were launched in 2001 and 2002. The aim was clear: to drive AGAM, the military wing of GAM, out of the villages and towns while striking hard at civil society organisations. When I arrived in Banda Aceh many activists groups were

still assessing the worsening conditions and strategising on how to cope with the new situation.

Despite the huge presence of the military, the situation in Banda Aceh was less tense than I had expected. The string of military successes had probably led the TNI top to conclude that it would be advisable to lift the lid for a while. The recent tense atmosphere in Aceh has had a very deleterious effect on economic activity. Shortly before I arrived, dozens of women held a protest about difficulties marketing goods and complaining about the levies taken from traders on their way to market. Shops and streets stalls close quite early with the result that the 24-hour economy that exists in most Asian cities is less apparent in Banda Aceh. But I sometimes strolled in the streets after 10pm and life seemed to be gradually returning to normal.

The stories I heard about the countryside are much worse. More often than not, people are told by the authorities to stay at home after dark which amounts to an unofficial curfew.

Background of the visit

After the fall of Suharto in May 1998, there was an explosion of social activities in Aceh. A dazzling array of new NGOs/CSOs (civil society organisations) emerged and from 1998 till the end of 2000 civil society in Aceh flowered and the political arena was full of vitality. Acehnese people organised themselves on a variety of issues. They held conferences and rallies, there were gatherings organised by victims of human rights abuses, rallies against military brutality and against violence against women, and in 1999, a mass rally calling for a referendum.

This period brought to an end the gruesome decade (1989-1998) known as DOM (*Daerah Operasi Militer*), Military Operations Zone, when Aceh was under virtual military occupation and numerous human rights violations occurred. Within just two years, the Acehnese, despite a continuing reign of terror by the military, managed to give voice to their call for peace and justice. This brief 'Prague Spring' reached a climax in November 2000 when an estimated one million people rallied for peace in Banda Aceh, organised by SIRA (Centre of Information for a Referendum in Aceh), with the active support of the many civil society organisations. One year earlier, a similar peaceful rally was held in Banda Aceh, attended by half a million people. These rallies marked a turning point for Aceh civil society. But such was the impact that the security forces were bent on doing whatever necessary to prevent such a thing from happening again.

In May 2000 an unprecedented Peace Accord was signed in Davos, Switzerland facilitated by the Henri Dunant Centre for Humanitarian Dialogue. But despite the accord, Aceh was plunged into an all-out war situation. The

year 2001 was a very bleak year when dozens of civilians, most villagers, were killed, captured or 'disappeared' every week, when Acehese activists were harassed, put on trial, or had to flee abroad; when NGOs/CSOs had barely any room to manoeuvre. As my hosts told me, it became urgent to make a re-appraisal of the situation in Aceh and in particular the strength and weaknesses of civil society.

Jakarta's attitude towards Aceh

As explained elsewhere in this issue, the Megawati government in Jakarta has not shown the political will to assert its supremacy over the military, and has accommodated the military, allowing them to do what they like. This applies with a vengeance in Aceh. The Jakarta government has failed to provide the people of Aceh with a sense that justice is being done. On the contrary, the so-called comprehensive measures taken by Jakarta under the latest version of the 'presidential instruction' have only meant sending more troops. The thousands of horrific abuses that occurred during DOM and many more since DOM was lifted, have not been punished, leaving the Acehese with a sense of deep betrayal.

According to official figures, between 20,000 and 30,000 troops are now stationed in Aceh but several local sources I spoke to say that the actual number is nearer to 60,000 troops. The number of daily killings continues to mount. In 2001 the average daily death toll was ten, with non-combatants accounting for the vast majority of victims. In the first months of 2002 it increased to an average of twenty deaths a day, with up to 1,700 deaths by mid April.

The military approach taken by Jakarta is a clear sign of weakness and, as shown in other parts of the world, will only lead to more violence. If the Jakarta government were confident that it had the support of the people of Aceh, a withdrawal of troops would be the logical step. The Wahid government tried unsuccessfully to find a peaceful solution to the Aceh conflict while the Megawati government has



Military on patrol in Aceh

basically given free rein to the military to conduct military operations on a massive scale. Successive Jakarta governments have failed to understand the need for a policy that would resolve the conflict. The Indonesian authorities have

ignored the political aspirations of the Acehese, in particular their yearning for justice. The most basic questions have not been addressed. None of the massacres has been properly investigated and not one of the perpetrators of gross human rights violations has been brought to justice.

Instead, the Jakarta government decided to grant Aceh special autonomy status known as NAD (*Nanggroë Aceh Darussalam*). The Acehese had virtually no say in drafting the special autonomy law and have overwhelmingly rejected it.

Two other schemes were foisted on the Acehese: the introduction of syariah law and the re-establishment of the Aceh military command. A special Aceh desk was set up in Jakarta which has decided to use religion (Islamic concepts) as the solution for Aceh. This desk is under the direct control of General Susilo Bambang Yudhoyono, the co-ordinating minister for political and security affairs.

Syariah law is expected to help solve the conflict in Aceh but many Acehese disagree. Acehese are already very devout in their religious beliefs and moreover, the conflict in Aceh is not about religion, but about sovereignty and justice. Still worse, the police have now taken it upon themselves to become a religious police, imposing penalties on women for not wearing the jilbab or keeping themselves 'suitable attired'. There is even talk about people being punished for not praying five times a day.

On 10 February 2002 a new Presidential Instruction was signed by President Megawati (Inpres No.1/2002) the stated purpose of which, like the two previous presidential instructions, is to find a 'comprehensive solution' to the conflict in Aceh. Megawati's presidential instruction continues in the footsteps of Inpres 4 and 7/2001 which both gave a free hand to the military and the intelligence to conduct military and counter-insurgency operations. It is evident that the Megawati government is bereft of new ideas on how to solve the political problems of Aceh. One of the crucial questions raised by this lack of vision is that, with the Indonesian economy in a state of virtual bankruptcy, how does the government think it can finance the running costs of what is likely to be a long-drawn-out war in Aceh?

Strategy of TNI

The re-establishment of the military command Kodam Iskandar Muda (which had been dissolved in 1985) is a victory for the military over the civilian government and Parliament. The lifting of DOM in 1998 and the growing strength of GAM seems to have persuaded TNI headquarters that the carrot-and-stick approach hasn't worked and the security approach - sending more troops - is the only option.

In the last three years, seven military operations have been launched: Operasi Wibawa '99, Operasi Sadar Rencong I, II and III, Operasi Cinta Meunasah I, II and III. In military terms, the TNI has been quite successful and, although it is difficult to make a proper assessment, it is true that GAM guerrilla units have been driven back from several areas in the last two years.

The 23-year experience of military occupation of East Timor and its ever-mutating military strategies is now being implemented in Aceh; the similarity is quite striking. The military operational command called Kolakops, established in April 2001, even bears the same name as the military operational command in East Timor in the late eighties and is also directly commanded from the army HQ in Jakarta, as was the case in East Timor.

The military power of AGAM is still considerable, and

AGAM recruits enjoy better training and often have better equipment than their TNI adversaries, not to speak of their dedication to the struggle. In most parts of Indonesia, the police are responsible for law and order but in a war zone like Aceh, things are very different and the military are responsible for law and order.

Brig. General Djali Yusuf who was and still is commander of Kolakops, has been appointed commander of Aceh military command, while the chief of staff is Colonel Syarifuddin Tippe, formerly commander of the Teuku Umar sub-district military command. While Brig. General Djali Yusuf represents the traditional combat officer, focusing on standard military operations, Colonel Syarifuddin Tippe is an officer with well-honed social skills who makes a habit of mixing with the general public and prides himself on getting involved in more intellectual pursuits. He recently wrote a book called *El Hur*, where he uses examples from the conflict in the Middle East to suggest ways of achieving reconciliation in Aceh. One of his briefs will be using reli-



Installation of Brig General Djali Yusuf as commander of Iskandar Muda

gion to woo the population. Another of his briefs will likely be to intensify the use of militia gangs, a sure way to try and stir up division among the Acehnese.

The Djali Yusuf gained high marks with the Jakarta authorities when his troops (mainly Kostrad elite troops) succeeded in killing the GAM commander Abdullah Syafei in January 2002. This is the approach that typifies the style of the post-Suharto professional officer. The Syarifuddin Tippe approach will pursue 'reconciliation' efforts or as described in Inpres No.1/2002 'to deal with social discontent' (original in English).

While old style political generals like Wiranto and Hendropriyono directly involve themselves in daily politics [see separate article], the new style officers 'just follow orders'. This attitude is taken as meaning, 'we are the guardians of the nation and we know best how to deal with rebels'. And the order from Kostrad commander Lt. General Ryamizard Ryacudu is very clear: 'No mercy for the separatists'.

Aceh and civil society in Indonesia

Most Indonesian NGOs adopt an attitude towards Aceh that can only be described as irrational or emotional. While understanding that there is widespread injustice in Aceh, they believe that pressing for accountability and bringing the perpetrators of abuses to court is all that needs to be done. The idea that the Aceh tragedy involves a political

dimension, is simply not understood by most Indonesians.

In the past few years the Indonesian political community has become used to the idea that one day West Papua might become an independent state but the idea of an Acehnese independent state is too painful to contemplate. Emotionally there is a boundary in the mindset of many Indonesians. An independent West Papua would still keep Indonesia intact, they seem to think, but were Aceh to leave the fold, this would be the ultimate blow, leading to the disintegration of the Indonesian nation-state.

Many seminars are held in Jakarta openly discussing the issue of independence for West Papua and most Indonesian intellectuals tend to agree with the idea. But if Acehnese or Indonesians publicly speak out in favour of independence for Aceh, they are seen as traitors. The problem lies in the deeply ingrained idea of NKRI, the unitary state of Indonesia, among many Indonesians. Ever since the birth of the Republic up to today, there have been attempts in Aceh to break away from Jakarta. These secessionist movements had limited political agendas; they were either led by right-wing military groups or local groups who wanted Indonesia to become an Islamic state. Many Indonesians consider the idea of Aceh breaking away as being very negative. It will take time before Indonesians can learn to sympathise or at least behave less emotionally towards the idea of Acehnese independence.

The peace process

After a stalemate lasting seven months, the HDC conducted a new round of talks between the Jakarta government and GAM in Geneva. The meeting in the first week-end of February created new openings, notably the willingness on GAM's part to discuss the issue of NAD, the special autonomy law for Aceh. The GAM spokesperson at the Geneva talks, Sofyan Ibrahim Tiba, said afterwards that GAM regarded the results as satisfactory, welcoming the fact it has been agreed to resolve the conflict by democratic means. 'This is a good result for the people of Aceh. We are committed to implementing the agreement. We hope that the Indonesian side are similarly committed.' (*Kontras* No.176, 6-12 February 2002)

It was agreed that four points would be discussed in greater detail at a later stage (30 to 45 days after the February meeting):

(1) Cessation of all acts of violence. (2) A transparent, all-inclusive dialogue to be held in 2002 or 2003. (3) The election of a democratic government in Aceh through free and fair elections in May 2004, and (4) Both sides conducting a review of the above points.

Things may look fine in Geneva, but the political atmosphere in Jakarta is quite different. The professional TNI officers who are dedicated to a military solution are implacably opposed to the talks; they see it as humiliating to negotiate with rebels who want independence. However, the political generals in the cabinet, notably retired General Susilo Bambang Yudhoyono, coordinating minister for political and security affairs, realise on one hand that a military approach will not result in a solution but at the same time want to avoid internationalising the issue. He is on record as saying that a 'Malino type' solution (used for the conflicts in Poso and Maluku) should be sought for Aceh. The Malino accords were concluded earlier this year between Muslim and Christian groups which have been fighting each other for years. Clearly such an approach has no relevance in Aceh.

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Aceh: from rights abuses to Syari'a law

As in previous years, violence in Aceh has continued in the midst of uncertainty about the peace process between GAM and the government. More civilians were reported killed by the TNI and Brimob in their efforts to locate GAM units and establish better 'security' through intensive and indiscriminate military operations.

The victims of these operations are not only suspected GAM members but also women, children and the elderly. Four women and three children have been killed since January this year in addition to an estimated four hundred civilians. Many were found dead after being arrested by the TNI for questioning. Their bodies were dumped in villages or by the roadside as a warning to others not to support GAM, the Free Aceh Movement. Such tactics have been practised by TNI, the Indonesian armed forces, since military operations began in Aceh back in 1989.

TNI and Brimob (special police force) units have destroyed and burned houses in villages suspected of being used as GAM bases, though they have produced no evidence of GAM fighters hiding there. They have occupied private businesses such as a rice milling factory in North Aceh for use as their operational base. The mill is being used as a 'concentration camp', where civilians are tortured to extract information about GAM units. This is a new military strategy, not unlike the one they practised when *Pos Sattis* were set up in different parts of Aceh during the DOM (military operations zone) period in the 1990s, when thousands of people were detained, tortured, and killed.

Syarifuddin Tippe, chief of staff of the recently established military command, Kodam Iskandar Muda, has told his Rajawali soldiers (a unit that is known to have committed grave human rights abuses in Aceh), that 'dialogue is unrelated to military operations in Aceh, so don't hesitate to go ahead with your actions'. (*Serambi Indonesia*, 1 April). His statement has been supported by the deployment of another 1,358 Kostrad, (Strategic Reserve Command) troops in Aceh on 26 April. The TNI believes that it has the right to conduct these operations in Aceh beyond the control of President Megawati. So we now have a repeat of practices under the Suharto-style government, where power is in the hands of the military.

The many grievances of the people of Aceh at the hands of TNI and Brimob since 1989 have gone unheeded by the Jakarta government. For the Acehnese, it is not a question of having better economic benefits through the special autonomy law imposed from Jakarta or introducing the unwanted Syari'ah law. It is a question of achieving justice for victims of the conflict and punishing those guilty of crimes against humanity.

Syari'a law, an unnecessary intrusion

Jakarta's response to Acehnese demands for justice and the withdrawal of the military has been to implement Syari'ah law, which is an unnecessary measure for Acehnese who are already devout and have practised Islam for generations without any problems. There is no religious conflict between Acehnese and Jakarta; the dispute is about seeking justice and political rights.

Acehnese intellectuals, NGO activists and women's groups see the implementation of Syari'ah law in Aceh as an attempt by Jakarta to distract attention from political and human rights issues by creating an image of Acehnese as

fundamentalist, radical Muslims, and persuading the outside world not to support them as they try to cope with state brutality. Also the government hopes to convey a message to Indonesians elsewhere that Jakarta has paid serious attention to the sufferings of the Acehnese by fulfilling their wishes.

Implementation of the law began on 15 March. To mark the occasion, the governor held a rally of three thousand high school students, paying them each Rp.7,500 (US\$ 0,90) to take part (*Jakarta Post*, 16 March). Female students were required to wear dresses down to their ankles and jilbab (head cover) and male students had to wear trousers and kopiah to look like Muslims. Government and private offices and shops are required to write their names in Arabic script. In East Aceh, the police set up checkpoints where women not wearing a jilbab are stopped, given one free and told to put it on. No one has explained what the role of police is in this matter but the authorities are trying to win the hearts and minds of the Acehnese. However, Acehnese see this as a camouflage; the authorities don't seem to realise that they are discriminating against women and abusing their rights, dignity and the freedom to practice their beliefs in the way they see fit.

Women in Aceh see Syari'ah law as a means of restricting their freedom of movement. Acehnese women know how to behave as good Muslims, without Jakarta telling them what to do. In Aceh, parents are responsible for the religious education of their children. Some women say they are afraid that, if traditionally interpreted, Syari'ah law will tie them to the kitchen and prevent them from engaging in activities now dominated by men. The law could also trigger new conflict in Aceh, as there are groups with traditional beliefs and others with modern beliefs of Islam. Many intellectuals in Aceh gained degrees in Islamic studies at western universities, while others stick to a traditional interpretation of Islam. This could be a time bomb for Aceh, making it possible for Jakarta to claim that the conflict in Aceh is religious, not political.

People in Aceh are in the dark about how this new law will be implemented. There is confusion among intellectuals and ulamas while the general public are on the whole apathetic and very unresponsive. *

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In mid-April, in advance of the forthcoming HDC encounter at the end of April, General Susilo Bambang Yudhoyono went to Europe on a mission connected with the Aceh conflict. There were reports that he was planning to hold 'informal' talks with a GAM delegation. He did indeed go to Sweden which is where the GAM leadership is based but to meet members of the Swedish government, not anyone from GAM. His mission, by all accounts, was to seek the help of the Swedish authorities to convince the GAM people to accept special autonomy. *

Peasant activists under fire

Brutal actions against peasant actions in many parts of the Indonesian countryside to take back their land seized during the Suharto era, point to a pattern of collusion between companies protecting land against the rightful owners, local government, the courts and the security forces.

In the previous Bulletin, we outlined the link between human rights abuses and land rights issues and the importance of implementing genuine agrarian reform in order to respect and uphold the rights the Indonesian people, the majority of whom still live in rural areas. The article indicated that the use of violence against peasant farmers and indigenous peoples asserting their right to reclaim their land since *reformasi* has not decreased. Patterns of the pre-meditated and systematic use of repression, involving the collusion of local government, security forces, business interests and the courts of law are increasingly apparent and this article, the second in the series, aims to focus on this aspect of the reality of the struggle for land and human rights violations in Indonesia.

Patterns of repression

Violence and Impunity: usually perpetrated with the aid of the security forces, is still the most common response to the peaceful struggle for land. One pattern increasingly evident is the use of Brimob, the special combat force of the police, by both private and state companies to respond to organised resistance. Poltak, Director of the Land Section of the Indonesian Legal Aid Foundation, YLBHI, stated that one consequence of the fall of Suharto and the separation between the military and the police, was the increasingly 'freelance' nature of Brimob's operations, and agreed that they were particularly evident in the area of land disputes. Two such examples were given in the previous Bulletin, namely the Sosa case of North Sumatra, and the Cibaliung case of Banten, where Brimob are known to be in the pay of local companies.

The Ladongi case

On 11 March this year in the Ladongi case, once again the collusion between companies, local government and the security forces was all too eloquently demonstrated as three squads comprised of Brimob and local police officers fired into a crowd of around 400 farmers and indigenous peoples occupying a cocoa plantation in Kolaka sub-district, Southeast Sulawesi. Permission to camp on the disputed land had been negotiated between the local leaders and the police on 24 February 2002. This particularly cynical shooting incident, injuring at least 30 people, took place as a pre-arranged meeting was taking place at the district assembly office in Kolaka between representatives of the people, the company (the privately owned PT Hasfarm, in which Tutut, Suharto's oldest daughter, is a shareholder) and local government.

Targeting of Human Rights Defenders/Leaders and intimidation: It is clear that in all cases where there is organised resistance to land rights violations, it is the leaders who are targeted in an attempt to break up the movement. In the Ladongi incident Iskandar Amin, coordinator

of the Southeast Sulawesi Farmers Forum and the Southeast Sulawesi Indigenous Peoples Alliance, was one of those injured as Brimob and the local police fired into the crowd.



Banten peasant activists behind bars

Iskandar was shot in the right thigh, and though he struggled to escape, the police gave chase and apprehended him as he fell onto the ground. The police punched and kicked him in the chest and head, taking him to one of their vehicles. Once in the vehicle, Iskandar was shot at point blank range two more times, once in the right calf and once in his

left thigh. He was then taken to Kolaka hospital. Altogether nine farmers were arrested and are still in detention, including Iskandar Amin.

Courts used to criminalise resistance

The courts of law are used in many ways. The collusion of the courts in land rights cases by finding in favour of the companies responsible for land rights violations is nothing new. A number of farmers and indigenous peoples have tried to take their cases to court and aside from the inherent financial limitations and the risks involved, in by far the largest number of cases the court finds in favour of the company.

An exception to that rule is evidence in a recent case in Yogyakarta, where a small plot of land (around 2 ha) was taken from local people by the military, who planted sugar cane. The local people reoccupied the land and the military took the case to court but in a deviation from the norm, the court found in favour of the farmers. However, the military, angry at this decision, are now counter-suing the farmers and are taking them to court, accusing them of 'undermining the authority of the military'

It is becoming increasingly evident however, that the power and authority of the courts is being used to undermine the credibility of the peasant movement and to break up the movement by criminalising peaceful forms of resistance, imprisoning leaders and intimidating ordinary members. The criminalisation of the peaceful assertion of rights also has the effect of legitimising repressive action taken against the farmers. For example, in the Cibaliung case referred to in the previous article, nine activists of the Banten Peasants Union (SPB) are currently on trial accused of criminal damage, including local adat chief, Rais Amsar. Although the SPB have land ownership certificates and maps proving ownership of the land under dispute, they are the ones being taken to court, and the public prosecutor has called for sentences to be handed down of between 2 to 3 years each. This clearly has the aim of both weakening the SPB leadership by imprisoning a number of its activists as well as intimidating ordinary members and local farmers. Thus, the power and authority of the courts are used in the first instance to deny peasant farmers their rights by finding in favour of the company and secondly, to break up organised resistance.

and machetes with them into the fields, their tools of trade. If the farmers resort to violence, the case against them is clear and they are charged, and even when they do not, the very fact that they are carrying 'offensive weapons' is used to charge them. Thus, the organisation of local thugs into what may be described as 'mini-militia' is also a feature of the attack on organised resistance and the peaceful assertion of land rights.

Land rights are human rights

The examples above are only a few of many indicating the pre-meditated and systematic nature of the use of repression against the peaceful struggle for land in individual

land rights disputes. However, they also demonstrate that discernible patterns of a national trend in the handling of land rights cases by the state are increasingly evident. Violence and impunity, the corruption of the courts and lack of access to legal remedies, and criminalisation of resistance represent a trend not only in Indonesia, but globally, as trade liberalisation and the burden of debt on developing countries



Despite continued intimidation, the people of Cibaliung have returned to their land and can be seen here rebuilding the village hall - one of 67 buildings burnt to the ground with the assistance of Brimob and local police officers.

demand that more and more land is turned over to cash crops. It is imperative that, as these patterns of human rights violations linked to land rights disputes become increasingly evident, human rights organisations take up the issue of land rights and access to natural resources as a serious focus for their campaign work. *

Divide et impera and provocation

One tactic adopted by companies involved in land disputes with local people is to attempt to create hostility between villagers at local level. This is done in a number of ways, and often with the collusion of members of the security forces and local government. For example, in the Cibaliung case, the company set up an 'NGO' by the name of the Erlina Bakti Foundation which attempted to cause rifts between villagers in the area who were members of the SPB and those who were not. Erlina Bakti Foundation used local *preman*, or thugs to intimidate local villagers. In a case in Wonosari, local elements in the pay of the company attempted to encourage local villagers to take a local peasant farmers organisation to court because they were using the name 'Wonosari.' It was suggested to the villagers that the peasant farmers use of the name Wonosari was illegitimate and was giving the location a bad name. A means which according to Poltak is sometimes still used in Java in particular to cause suspicion and break up unity amongst local people is to accuse organised peasant resistance of being communist.

Peasant farmers and indigenous peoples, angry at the theft of their land - which means much more to them than as a source of income - are often all too easily provoked into acts of violence by company foremen, local thugs and members of the security forces. Farmers often carry knives

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Please contact the address and website below for access to the petition and supporting documents. Organisations and others are encouraged to support the campaign by contacting West Papua Action, Ireland at wpaction@ol.ie <http://westpapuaaction.buz.org/unreview> *

Theys murder inquiry blocked by cover-up

The investigation into the murder of the chairperson of the Papuan Presidium Council has led to the arrest of three Kopassus soldiers who are likely to be charged with murder... and anger that the motives for the killing are not being investigated. Meanwhile, fears are growing in West Papua about the arrival of thousands of Laskar Jihad militias in many parts of the territory. Also, the military are demanding a role in guarding British Petroleum's huge natural gas plant under construction in Bintuni Bay.

The special commission (KPN) set up in March by President Megawati to investigate the abduction and assassination of Theys Hiyo Eluay, the chairperson of the Papuan Presidium Council (PDP), delivered its report on 1 May, the contents of which have not been made public. But the main development surrounding the assassination is the announcement that three Kopassus (the elite special force) soldiers, and possibly another three suspects, have been arrested and are likely to go on trial for murder. They include middle-ranking officers and NCOs, and are to be charged under Article 338 of the Criminal Code 'for unlawfully taking a life', for which the maximum penalty is fifteen years. This will be coupled with the charge of 'insubordination', protecting their superior officers against being incriminating in the crime. Because all the suspects are military men, they will face a court-martial, not a trial in a civil court.

Motive will not be investigated

Theys Eluay was abducted on 10 November last year as he was returning home from a reception at the Kopassus Tribuana headquarters in Jayapura and his body was found on 11 November. An autopsy found that he had been strangled. His driver, Aristoteles Masuko, was ejected from the vehicle as soon as it was ambushed; he then returned to the Kopassus base, apparently with the intention of reporting the assault to the commander who had just hosted Theys. However, nothing has been heard of him since entering the base, and he is presumed dead. His disappearance has complicated the investigations because he would have been the key witness. Nothing has been said about whether his disappearance, clearly at the hands of Kopassus, will be investigated as a crime, as well as the killing of Theys Eluay.

Although local human rights organisations and leaders of the PDP have insisted that this was an assassination with clear political motives, everything suggests that the military authorities will deal with the killing as a straightforward murder case. The way the case is being handled suggests

that everything is being done to prevent a thorough investigation to discover who masterminded the crime and what the true motive was. Military commanders in Jayapura and Jakarta have vigorously denied that there was any order to murder the Papuan independence leader and insist that the killing was committed by 'rogue elements' in Kopassus.

Some commentators have pointed the finger at the country's leading intelligence agency, BIN headed by Lt.General Hendropriyono, for having a hand in the killing.

To distract attention from the political dimensions of the assassination, reports began to circulate in the press that Theys was the victim of a business row over the proceeds of a timber project but such claims were slapped down by PDP General Secretary, Thaha Al Hamid. 'People should stop playing around; the murder has nothing whatever to do with business interests', he told *Suara Pembaruan* [4 April].

KPN results condemned

The findings of the KPN were greeted with howls of protest.

West Papuans held a rally in Jayapura to reject the findings and also to mark the 39th anniversary of the day (1 May) when Indonesia took over control of West Papua from UNTEA, the UN transitional administration.

The chairperson of KPN, Kusparmono Irsan, a former senior police officer and currently member of the National Human Rights Commission, admitted in an inter-



Theys Eluay's funeral

view that it was 'unlikely' that the members of Kopassus would have acted without having been ordered, but said that the KPN could not go farther than to establish that a crime had taken place and to identify those who committed the crime. 'It had no powers to conduct an investigation into the motive behind the killing.'

John Rumbiak of the Jayapura-based human rights organisation ELSHAM responded angrily, saying that there was clear evidence that Theys was killed as part of a secret

operation directed from Jakarta towards West Papua. 'His leadership of the independence movement, in the eyes of Jakarta (was) threatening the unity of Indonesia.'

Asmara Nababan, general secretary of the National Human Rights Commission also expressed deep dissatisfaction with the KPN findings. He condemned the KPN's recommendation that follow-up investigations into the motive should be left to the military police, because 'the military police is not an independent institution'. [ABC's Asia/Pacific Programme, 1 May.]

Laskar Jihad presence a serious threat

In the past few months, there has been growing alarm in West Papua about the arrival of members of the militant Muslim organisation, Laskar Jihad. According to ELSHAM and other sources, at least three thousand members are now spread in many parts of West Papua.

Laskar Jihad has caused immeasurable damage in Maluku and in Poso, Central Sulawesi, by fomenting conflict between the Muslim and Christian communities, causing thousands of deaths and forcing hundreds of thousands of people to flee their home in search of sanctuary. The aim of the organisation, under its inflammatory commander, Jafar Umar Thalib, is clearly to trigger horizontal conflict between religious communities. But a new strategy has now been adopted by the organisation, that of posing as protectors of the unitary state of Indonesia (NKRI) against 'separatists', a term which they are beginning to use synonymously with Christians. This was the thrust of a speech given by Jafar Umar Thalib in a mosque in Ambon in late April (see separate article).

They clearly see West Papua as fertile soil for their divisive activities, a region where the Christian religion has a wide following and where there is widespread support for independence from the Republic of Indonesia. There are Muslims among the indigenous population of West Papua, most of whom live in the western regions of Sorong and Fak-Fak, but the number of Muslims in West Papua has risen sharply with the arrival over the past three decades of tens of thousands of transmigrant families from Java, the vast majority of whom are Muslims.

Laskar Jihad leaders, who always claim that their aim is to engage in social activities, now admit that their *Forum Komunikasi Ahlus Sunaah Wal Jamaah* has set up branches in seven regions in West Papua, including Sorong, Fak-Fak, Manokwari, Nabire, Timika and Jayapura. Their members are easily distinguishable by the long white robes they wear, with a sword dangling from the waist.

Rapid expansion in Sorong

According to a report received in Jayapura from local ELSHAM activists in Sorong, there has been a marked increase in the numbers arriving since the peace accords were concluded in February this year between Muslims and Christians in Poso and Maluku. No fewer than seventy members are arriving in Sorong every week by ship from Maluku and North Maluku. Local members distribute their publication, *Buletin Laskar Jihad*. The 15 January issue carried a report accusing Christians of being supporters of separatism in Ambon, North Maluku, Poso and East Nusa Tenggara.

In March, twenty church leaders, eight local tribal lead-

ers and local youth leaders met to discuss the problem and issued a joint statement on 18 March, rejecting the arrival of large numbers of Laskar Jihad in Sorong. They said they were fearful of the impact of leaflets, newsletters, videos showing scenes of rioting and conflict in Maluku being distributed in Sorong. They expressed support for a declaration issued in February by a conference of tribal leaders from all parts of West Papua, in support of living in close co-operation with communities from outside, to create a West Papua free from violence, oppression and greed and expressing respect for other communities living in West Papua, irrespective of ethnicity or religion.

Army-sponsored 'red-and-white' militias

In the Central Highlands town of Wamena, there have for several months been reports of the recruitment and training of government-sponsored 'Merah-Putih' militia groups (named after the red-and-white colours of the Indonesian flag). This is reminiscent of the militia groups set up in East Timor in the months before the August 1999 ballot, to destroy the independence movement there.

Now, the human rights organisation, ELSHAM has obtained a leaked copy of a three-page document, dated 8 April, which lists the names of eighty farmers described as 'candidates' of *Satgas Merah Putih*. The document is signed by the commander of the local military command in Wamena. John Rumbiak told the press that he had been aware of 'red-and-white' militias getting training in Wamena since August last year, but this letter was the first documentary evidence that proves the relationship between the militias and the Indonesian army. [Times Online, UK, 27 April 2002]

Thaha Al Hamid, secretary-general of the PDP, himself a Muslim, has added his voice to those rejecting the presence of Laskar Jihad in West Papua. 'There is no reason for them to be here. What we worry about most is that their presence may cause conflict between Papuan people - religious conflict, ethnic conflict, racial conflict,' he told CNN. 'They never once came to talk to me. I am Muslim. Even the local branch of the Indonesian Council of Ulemmas (Muslim leaders) reject them,' said Thoha. 'We may be fighting for independence from an unjust government but we never once have any conflict amongst the people. In Papua, not one mosque has ever been burnt, not one grass has ever been pulled from the front of a mosque,' Thaha added. [CNN, 19 April]

Who will guard BP's gas project?

A huge natural gas project run by British Petroleum, which is known as the Tangguh project, is currently under construction in and around Bintuni Bay and is expected to start production in 2006. The company has gone out of its way to convey a friendly face, insisting that they will consult with and listen to local people in dealing with the impact of its operations on local communities who will be required to move their homes.

In particular, they have announced their intention to have a 'military-free' complex, hoping to make arrangements with local communities and the police about guarding the project. They are trying hard to give the company a facelift, to counter the bitter disputes they are grappling with in other countries, especially in Columbia. They also

want to avoid the conflicts triggered by the presence of a large contingent of army troops guarding the Freeport/Rio Tinto gold and copper mine in Timika, West Papua, and the many human rights violations around the periphery of the Exxon/Mobile natural gas project in North Aceh also under heavy army 'protection', where security concerns forced the company to halt production for several months last year.

However, whatever the intentions of the company, they certainly knew before deciding to invest in West Papua that the military are present in large numbers and are notorious not only for their utter disregard for the rights and interests of local people but also for finding ways to bolster their earnings by giving 'protection' to local companies, particularly to 'vital projects' which would definitely include BP's natural gas project.

It should have come as no surprise therefore when the regional military commander, Major-General Mahidin Simbolon, said it was the duty of the military to protect the site. In March, the commander, along with a dozen officers accompanied by their wives, made an unannounced visit to the site. According to company officials, the officers strolled round the site, brandishing automatic weapons, which 'made us feel uncomfortable', said one official. During a meeting at the site, the general said the military has an obligation under the Indonesian Constitution to protect 'national assets' such as the BP plant. He said that only a ruling by President Megawati could deter the armed forces from taking charge of security. [*Wall Street Journal*,

19 April]

Local NGOs not satisfied

Meanwhile, local NGOs have expressed disappointment with a planned public hearing about the project's environmental impact assessment (AMDAL), saying that local NGOs and communities have not been given enough time to study the relevant documents, in particular the terms of reference of the assessment, which have not been made available to local communities. The Manokwari NGO Alliance for Tangguh Advocacy complained that only nine villages had received the terms of reference, namely the villages that will be 'directly' impacted by the project. There were no grounds for the more than forty villages that will be 'indirectly' impacted to be excluded. The Alliance said it did not understand how local communities could make an assessment of the project if they have not seen the relevant documents in advance.

The Alliance called for the project to be reconsidered, saying that the ecosystem in the Bintuni Bay is unique and has been supporting the life of the communities living round the Bay for centuries. 'Short-term economic growth interests pushing this project threaten to destroy the ability of the Bintuni Bay to provide future natural support systems to the community and thus threaten to destroy the very survival of the Bintuni Bay community,' the Alliance said in a press release issued on 12 April. *

Special NI issue on West Papua

West Papua is the central focus of the *New Internationalist's* April 2002 issue. The seven articles and fact sheets provide an excellent overview of the present situation in West Papua.

The editor, Chris Richards, arrived in West Papua just in time to attend the funeral of Theys Hiyo Eluay, chairperson of the Papuan Presidium Council whose abduction and assassination on 10-11 November last year shocked and angered the people of West Papua. The twenty thousand people who attended the funeral came from all parts of the huge territory. She writes: 'Judging from the unity among the funeral crowd, Indonesia has already lost West Papua.'

She explains how she had to correct her understanding of the OPM which she had thought of as a 'small and secret band of freedom fighters based deep in the highlands'. Instead, she found that every West Papuan she met during her travels claimed allegiance to the OPM. As one man told her: '... being OPM is in the heart, it is

about being West Papuan and wanting independence.'

An article about British Petroleum's natural gas project in Bintuni Bay describes the company's ties with the Papuan Presidium Council, helping to pay the PDP's running costs and even, Richards was told, being prepared to fund international investigators to lift the lid on the activities of the armed forces in the area. The company wants to ensure community support by making sure the benefits from the company flow back to the community, after the resources have been extracted, NI was told.

'Playing up the primitive' by anthropologist and historian Eben Kirkskey, describes how the Indonesian authorities have misused very lively Papuan traditions by selecting fragments for incorporation into the Indonesian identity within a racist system that devalues Papuans as primitives. He writes: 'Deep, sometimes mystical, convictions, drive Papuan cultural resistance to Indonesian rule'.

Another article puts the spotlight on a highland organisation, DEMMAK, the Penis Gourd People's Assembly, which is pushing for new government structures based on tribal traditions rather than political parties. But as the article points out, women don't have a vote in these assemblies and DEMMAK unashamedly excludes women. Copies of the issue are available from TAPOL. Please contact us on tapol@gn.apc.org for details.



Jakarta trials unlikely to provide justice for East Timor

After much delay, the trials of seven men charged with crimes against humanity in East Timor finally began before an ad hoc human rights court in Jakarta on 14 March. There is little evidence, however, that the proceedings will satisfy East Timorese demands for justice. The UN High Commissioner for Human Rights, Mary Robinson has once again recommended an international tribunal for East Timor and that remains the only real option for meaningful justice.

Those currently on trial in Jakarta include former governor of East Timor, Abilio Soares, former East Timor police chief, Brigadier General Timbul Silaen, four middle-ranking Indonesian military officers and one police officer.

The charges relate mainly to the attacks on Liquica Church on 6 April 1999, on Manuel Carrascalao's house in Dili on 17 April 1999, on Bishop Belo's house in Dili on 6 September 1999 and on the Suai Church compound on 6 September 1999.

Each of the accused is charged under the principle of command responsibility for acts committed by his subordinates. In each case, it is alleged that the accused failed to exercise proper control over his subordinates, and either had, or deliberately ignored, information that showed his subordinates were committing or had committed serious human rights violations. Furthermore, the accused did not take the necessary steps to prevent or stop those acts or to surrender the perpetrators to investigation, prosecution and punishment.

The following commentary is not intended to imply anything about the guilt or otherwise of the accused, who are all innocent until proved guilty.

Case 1: Abilio Soares

In the first case, former governor Abilio Soares is charged under Articles 9(a) and 9(h) of Indonesia's Law on Human Rights Courts (Law 26/2000) with crimes against humanity for killings and acts of 'persecution' committed by subordinates during the four incidents in April and September 1999.

Persecution (in some unofficial translations of the Law the word used is 'terrorisation') is defined by Article 9(h) as 'persecution of a particular group or association based on political views, race, nationality, ethnic origin, culture, religion, sex or any other basis, regarded universally as contravening international law'. The offence has been copied largely from the Rome Statute of the International Criminal Court, which further defines persecution as the 'intentional and severe deprivation of fundamental rights contrary to international law by reason of the group or collectivity'.

However, since the Indonesian word for persecution is similar to the word for assault, it seems that this offence is being used primarily for alleged assaults. In practice, what seems to be happening is that Article 9(a) is being used in relation to victims who were killed and Article 9(h) is being used in relation to victims who were injured (i.e. assaulted), but survived.

Soares is accused of having overall responsibility for virtually everything that happened in East Timor. The specific allegation against him is that he had civilian command responsibility for the failings of his subordinates,

namely the two bupatis (district heads), Leonito Martins of Liquica and Herman Sedyono of Covalima (which covers Suai), Eurico Guterres as deputy PPI commander (the overarching organisation of pro-integration groups in East Timor), and groups of People's Volunteer Guards (Pam Swakarsa) popularly known as militias.

The alleged lines of responsibility to Soares and the connection between the subordinates and the alleged crimes are not entirely clear from the indictment, but these matters may be clarified during the course of the proceedings.

Case 2: Timbul Silaen

In the second case, former police chief, Timbul Silaen is charged under Articles 9(a) and 9(h) of Law 26/2000 with crimes against humanity for killings and acts of persecution perpetrated by subordinates during the same incidents and also for persecution in relation to an attack on the UNAMET (United Nations Mission in East Timor) office in Liquica on 4 September 1999.

The indictment alleges that Silaen failed to secure public safety and security in relation to the four incidents and was liable for the crimes committed by way of police command responsibility.

The indictment further alleges that there was a widespread and systematic attack against the civilian population committed by those under Silaen's power and control, including Aitarak, and BMP militias.

Case 3: Suai Church massacre

In the third case, the five accused are charged under Article 9(a) with crimes against humanity for failing to prevent killings perpetrated during the attack on the Suai Church compound (it is not clear whether they are also charged under Article 9(h)).

The five accused are:

Lieutenant colonel Herman Sudyono, former bupati of Covalima district;
Lieutenant colonel Liliek Koeshadianto, former commander Suai District military command;
Lieutenant, Colonel Gatot Subiyaktoro the former police chief of Suai;
Captain Achmad Syamsudin, former chief-of-staff, Suai district military command; and
Lieutenant Sugito, former commander, Suai military sector command.

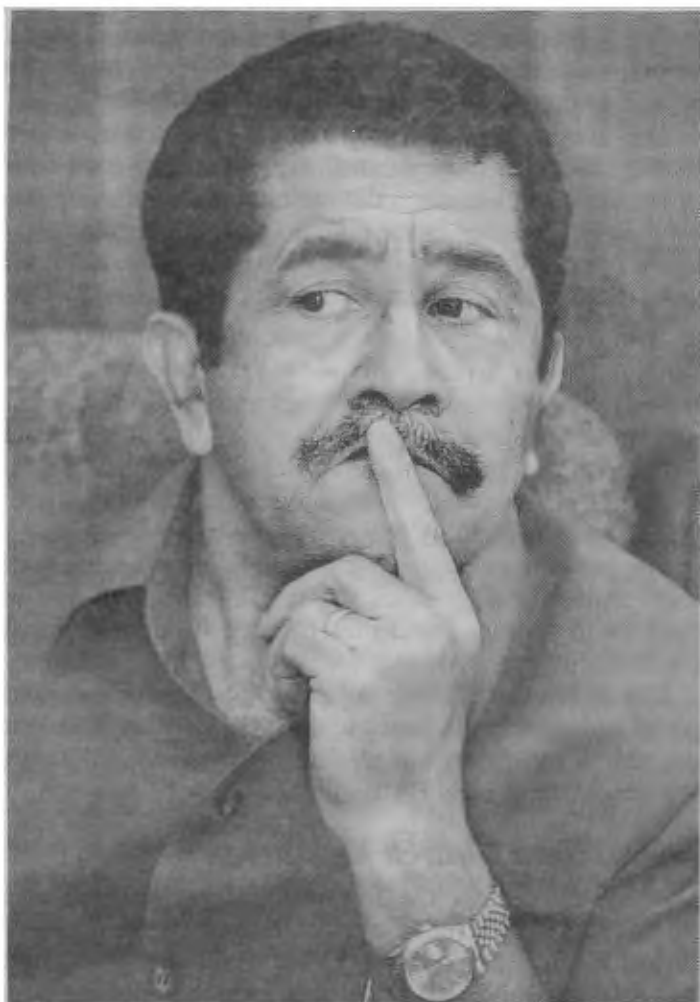
According to the indictment, the actual attack was carried out by Mahidi and Laksaur militias supported by lower-level members of the Indonesian armed forces. The prosecution claims that approximately 27 people were killed in the attack, including three priests. The figure is disputed by East Timorese sources who say the number is

closer to 200 [see JSMP/IPJET, 'Suai Church massacre trial starts in Jakarta', 21 March 2002].

The indictment alleges that the first three accused went to the church when shots were fired. They did nothing to stop the shooting and did not take steps to identify and assist victims, calm the situation, save people or notify families of victims. An Indonesian soldier has testified that he was ordered by his commanding officer, the accused Sugito, to transport and bury around 25 bodies following the atrocity [AFP, 23 April 2002].

Remaining suspects

No indictments have yet been issued against the remaining 11 of the 18 persons named by the attorney general's



Former governor of East Timor, Abilio Soares, charged with crimes against humanity.

office as suspects in the East Timor violence, including the former regional military commander, Major-General Adam Damiri and militia leader Eurico Guterres.

The indictment in the case of the Suai Church massacre claims that charges will also be laid individually against militias involved in the attack, including some who are not on the list of 18 suspects (eg. Vasco da Cruz, Martins Dongki Alfon, Serda I Gede Santika, Sertu I Wayan, Praka Alfredo Amaral).

Show trials

Although it is too early to make a proper analysis of the trials, it is fair to say that nothing has happened so far to counter the strong impression that they are little more than

show trials designed to avoid the embarrassment of Indonesian military officers being called to account before an international tribunal. It certainly does not appear to be a process aimed at establishing the truth of what happened in East Timor.

In an editorial on 19 March, *The Jakarta Post* suggested that the trials 'may be seen largely as a response to outside pressure or an attempt to please the international community, rather than a genuine attempt to find the truth, uphold justice and punish the guilty'.

Serious flaws in the process remain and there is little sign that they will be addressed. The Indonesian government seems insistent that it will not extend the jurisdiction of the court, which is limited to crimes committed only in April and in September 1999 in Dili, Liquica and Suai.

There are indications that the authorities intend to proceed with just five cases in total [see Amnesty International press release 22 April 2002]. That would mean there will be no accountability for the thousands of crimes committed at other times and in other areas, including those relating to the forcible deportation of around 250,000 East Timorese to West Timor, the wave of violence and destruction which left up to 80 per cent. of the infrastructure destroyed, and atrocities such as the massacre at the Maliana police station on 8 September 1999 and at Passabe, Oecussi on 10 September 1999 in which dozens were killed. Much of the evidence of the systematic nature of the violence will also remain suppressed.

The Indonesian authorities may also be reluctant to prosecute in the case of the murder of Dutch journalist Sander Thoenes in Dili on 21 September 1999 despite convincing evidence implicating Indonesian army battalion 745 [*Christian Science Monitor*, 29 April 2002]. Their reluctance is most likely connected to the fact that the case exposes the role of the army and senior officers in systematic abuse against civilians. Sander Thoenes was one of twelve civilians allegedly killed by Battalion 745 in three days in September 1999 during its bloody withdrawal from East Timor.

UN and Dutch officials have carried out a detailed investigation into the case and a European Union diplomat has said: "This is probably the best documented atrocity in East Timor, and the one that most clearly demonstrates a pattern of abuse by the Indonesian military." Claims by the Attorney General's office that witnesses lack credibility have been rejected by UNTAET.

It is significant that the accused in the current trials are charged with failing to control their subordinates and no one has yet been charged with planning or orchestrating the violence. This fits in with the mendacious Indonesian version of events, which is being widely publicised during the trials. This version portrays the violence as either part of a civil war between the pro-Indonesia and pro-independence factions or as an instinctive reaction to the loss of the independence ballot and the perceived bias of the UN by militias acting beyond the control of the security forces.

A programme of technical co-operation between the Office of the UN High Commissioner for Human Rights and the Indonesian government remains suspended because of the government's refusal to extend the jurisdiction of the court. As a result, much-needed judicial training is not being provided, justifying continued concerns about the lack of competence of the judges and prosecutors.

Inadequate witness protection

Just a day before the start of the trials, President Megawati signed a decree on witness protection, which is wholly inadequate. The decree only provides for three measures of protection - protection from physical or mental threat (it is not clear how that is to be achieved); anonymity of victims/witnesses; and provision for the giving of evidence out of sight of the accused. It is for the witness/victim to request protective measures from the court.

The need for proper protection has been underlined by the highly intimidating atmosphere of many of the court sessions to date. Senior generals have occupied the front rows of the public gallery while noisy demonstrators led by militia leader, Eurico Guterres, have made their presence felt in and around the court room, burning effigies of Australian prime minister John Howard and denouncing the UN.

It is questionable whether any victim or witness would want to testify in public in proceedings where there is no security in the courtroom, and where a rowdy, undisciplined and aggressive public audience, is repeatedly laughing and jeering at witnesses of whom they disapprove. According to observers, it has at times been difficult to hear the actual proceedings.

It remains to be seen how all this will affect the judges, let alone witnesses traumatised by their experiences at the hands of the Indonesian military and their militia cohorts. Already one East Timorese witness has failed to turn up. It is not clear how many other East Timorese witnesses the prosecution teams intend to call, but the absence of substantive evidence from East Timor will raise further questions about the credibility of the trials.

Past crimes can be prosecuted

In one positive development, the judges in each case have overruled defence lawyers' arguments that the trials should not proceed because of the prohibition on retroactive prosecutions in the Indonesian Constitution [see *TAPOL Bulletin* No. 160, p. 16].

Although the judges' reasoning is somewhat confused, it appears to be ultimately correct. This is because Law 26/2000 does not create a new category of crimes, but recognises as crimes acts or omissions which were already crimes under international law (genocide and crimes against humanity), and provides a means of prosecuting those crimes under Indonesian law. It is, therefore, arguable that Law 26/2000 and prosecutions under it do not offend the principle of non-retroactivity in the Constitution.

The fact that the judges referred to international criminal law in their rulings is encouraging and could in itself be an important development for Indonesian jurisprudence.

Impunity for top brass

This positive development notwithstanding, the overall process is a travesty of justice. Leading human rights lawyer, Hendardi, is adamant that the blame for this lies squarely with the military and is certain that the highest-ranking officers implicated in the East Timor violence will not be brought to trial. 'They have been given

impunity because international pressure is weak,' he said. 'Power in Indonesia is not in President Megawati's hands, it's still held by the military.' [*The Age*, 30 March].

The list of suspects does not include former armed forces commander-in-chief, General Wiranto and intelligence chief Zacky Anwar Makarim, both named in the January 2000 report of the Indonesian Commission for Human Rights Violations in East Timor (KPP-HAM).

Also excluded are former generals Feisal Tanjung who was Coordinating Minister for Security at the time and in overall charge of what happened in East Timor, AM Hendropriyono (currently Indonesia's supreme intelligence chief and a member of Megawati's cabinet) or Major-General Sjafrie Sjamuddin (recently promoted as spokesperson of the armed forces), all implicated in the East Timor violence by recently-released Australian intelligence materials.

Far from facing justice, Wiranto has used his appearance in court - as a prosecution witness in the case against Timbul Silaen - to present a shamelessly self-serving and distorted version of events in East Timor. Describing his task in assisting with security for the popular consultation as a "mission impossible", he blamed the post-ballot violence on an "emotional response" by the pro-Jakarta camp to the perceived unfairness and dishonesty of the UN-administered process. Testifying in the same trial, former regional military commander, Adam Damiri, also blamed the violence on cheating by UNAMET.

Prosecution witnesses, such as Wiranto and Damiri, seem to have given evidence more favourable to the defence than the prosecution. This is not surprising given that prosecution lawyers are behaving more like defence counsel in their conduct of the trials.

Clearly witnesses such as these will use their day in court, in the blaze of Indonesian media publicity, to put forth their version of events and defend Indonesia's actions, knowing full well that the East Timorese version is unlikely to be heard by the court and the Indonesian public. They may also believe that the international community, which is anxious for closure on East Timor, will not make much of a fuss as long as there are a few token convictions.

International pressure weakens

Concerns about the weakness of international pressure on Indonesia, expressed by Hendardi and others, will have been reinforced by the shameful capitulation of the UN Commission on Human Rights (CHR) to Indonesian demands that the Commission should not be critical of the government's efforts in dealing with the East Timor crimes.

The Commission effectively gave a ringing endorsement to the Indonesian process in a Chairperson's Statement on 19 April 2002 by welcoming the start of the trials and the 'important steps' taken by the Indonesian Government in bringing the perpetrators to justice.

The CHR Statement also welcomed the agreement of the Indonesian and East Timorese authorities to strengthen co-operation on judicial matters. It ignored the fact that Indonesia has so far refused to co-operate,

continued on p 26.

Kissinger and East Timor: More comes to light

With Henry Kissinger, the former US Secretary of State, facing more warnings of indictment in more countries about his involvement in past crimes against humanity, new facts have come to light about his role in giving the go-ahead to the Suharto dictatorship to invade East Timor in December 1975.

On 6 December 1975, Kissinger and the US president, Gerald Ford, held a meeting with President Suharto during a brief stopover in the Indonesian capital. Less than 24 hours later, thousands of Indonesian troops descended on Dili, the capital of East Timor. This was the start of an act of aggression that was to last for more than 24 years, leaving at least 200,000 people, one third of the population, dead.

Kissinger has always claimed that Indonesia's plans to invade East Timor were not discussed at the meeting, alleging on one occasion in 1995 that it was only 'at the airport as we were leaving that the Indonesians told us that they were going to occupy the Portuguese colony of Timor.... So when the Indonesians informed us, we neither said yes or no.' He also alleges that Timor did not figure in US foreign policy and was much too insignificant to engage the attention of his State Department.

In late 1975, the US was in the process of intensifying its economic and military ties with Suharto's Indonesia. After the humiliating collapse of the US war in Indochina in April of that year, it was strategically crucial for the western superpower to support the largest anti-communist power in South East Asia and help to rescue it from the \$10 billion scandal that had struck its state petroleum company, Pertamina. Indonesia was certainly a major factor in US foreign policy and it goes without saying that Indonesian plans to stage an act of aggression against a neighbouring territory, then still a Portuguese colony, would have been monitored very closely by the US embassy and the State Department. To claim therefore, as Kissinger has repeatedly done, that Timor was too insignificant an issue for him to pay attention to, it simply unbelievable, especially considering that the Indonesian army was at the time almost entirely dependent on military equipment from the US and bound, under US law, not to use this equipment for anything other than defence.

Yet, East Timor does not merit even a mention in the former secretary of state's memoirs or other books he has published recording his activities during his time in office. His attempts to airbrush East Timor from his accounts of the period shows that he knows he has a great deal to hide about his own role in encouraging the Suharto regime to embark on a military venture that has entered the annals of the twentieth century as one of the worst war crimes of that benighted century.

New documents released

Until now, little has been known about a meeting on 5 July 1975 between Suharto and Gerald Ford, attended by Kissinger, and its impact on Suharto's decision to go ahead with an invasion of East Timor.

Along with other hitherto classified documents, the official record of this conversation between the two presidents at the 5 July meeting has now been made public by the US National Security Archive at the George Washington University, under the title: East Timor Revisited: Ford Kissinger and the Indonesian Invasion. The two presidents discussed US military assistance to Indonesia, foreign investment and Portugal's decolonisation activities.

While paying lip-service to the principle of self-determination for East Timor, Suharto told the US president that independence was not viable. 'So the only way is to integrate [East Timor] into Indonesia,' he told Ford. While saying that Indonesia did not want to interfere in East Timor's self-determination, he implied that it might have to because 'those who want independence are those who are



Jakarta, 6 December 1975. Kissinger and Ford meet with Suharto hours before Indonesia invades East Timor.

Communist influenced'. Immediately after returning home, on 8 July 1975, Suharto publicly expressed the view for the first time that an independent East Timor 'is not viable'. [Transcript of Staff Meetings of Secretary of State Kissinger]

By this time too, Indonesia's campaign of destabilisation in East Timor was well underway. In May, intelligence operatives had persuaded the UDT, the pro-Portuguese party, to walk out of its coalition with Fretilin. This led in

August to a coup attempt by the UDT, instigated by Indonesia, to destroy Fretilin's growing popularity. These events were of course widely known to the international community and it comes as no surprise that East Timor was a topic of conversation when Suharto met President Ford and his secretary of state, Henry Kissinger in that July meeting.

Another matter raised by Suharto was a request for increased military assistance from the US. He needed help to increase the mobility of his armed forces for dealing with 'insurgent elements', saying: 'Especially at this moment, intelligence and territorial operations are very important.' In response, Ford proposed setting up a joint commission to scrutinise Suharto's military request and left it to Kissinger to settle the details. Kissinger knew very well that US military equipment was supplied on condition that it would only be used for purposes of defence. In any case, by this time, ninety per cent of the equipment being used by the Indonesian army was from the US.

According to a declassified document recording discussions at subsequent State Department staff meetings, Kissinger, at a meeting on 12 August when the UDT coup was discussed, concurred with the view of one of his advisers that an Indonesian takeover would take place 'sooner or later' as they would not let a 'communist-dominated group' (ie, Fretilin) take over. Four days later, the Australian ambassador in Jakarta relayed a comment by the US ambassador John Newsom to the effect that, if Indonesia were to invade East Timor, it should do so 'effectively, quickly, and not use our equipment'. He must have known, as did his boss, Kissinger, that Indonesian troops could not possibly have mounted an action like that without using US equipment.

A memorandum to President Ford written by Kissinger on 21 November 1975 in preparation for Ford's visit to Indonesia gave East Timor a low priority, being last on the topics mentioned. The memo said that Indonesia was 'manoeuvring' to absorb East Timor through negotiations with Portugal and 'covert military operations in the colony itself'. Kissinger apparently did not expect an overt invasion, as this would violate US law regarding the use of US-supplied military equipment. An accompanying briefing paper suggested that this consideration had induced 'restraint' on Jakarta.

The 6 December meeting

While still in Beijing and about to depart for Jakarta, Kissinger received a cable from the State Department referring to Indonesia's 'plans' to invade East Timor. It would therefore have come as no surprise when Suharto brought up East Timor at the meeting with Ford on 6 December, claiming that the current situation would 'prolong the suffering of the refugees and increase stability in the area'. (The refugees were the pro-UDT East Timorese who had fled across the border into West Timor following a month of hostilities between the UDT and Fretilin following the UDT coup. UDT leaders had already been forced to sign a statement on 30 November, agreeing to their country's integration with Indonesia.)

The cable from the US embassy to Washington that reported on the discussion between Suharto, Ford and Kissinger, quoted Suharto as complaining that Fretilin had 'declared independence unilaterally'. He then said: 'We want

your understanding if we deem it necessary to take rapid or drastic action'. Ford's response was unambiguous: 'We will understand and will not press you on the issue'. Kissinger admitted that 'the use of US-made arms could create problems' but added: 'It depends on how we construe it; whether it is in self defence or is a foreign operation.' He then went on: 'It is important that whatever you do succeeds quickly.' Here we have Kissinger conspiring with the Indonesian dictator to prevent the invasion from becoming a big issue.. 'If you have made plans,' he said, 'we will do our best to keep everyone quiet until the President returns.'

For Kissinger to claim, when questioned about his and Ford's talks with Suharto on 6 December, the day before the Indonesian invasion, that East Timor was not discussed and he only heard about it at the airport 'as we were leaving', is a blatant lie. The question had been put by Constancio Pinto, an East Timorese then living in the US, after Kissinger spoke at the launch of one of his books in New York.

The charade of halting arms sales

After returning to Washington from Jakarta, Kissinger had to deal with the problem of Indonesia's unlawful use of US-supplied weapons for the invasion. He discovered to his utter annoyance that senior members of his staff had written and circulated a memo setting out this problem and concluding that US military aid to the Indonesian armed forces would have to be cut off. This led to a fierce row between the secretary of state and his staff at a meeting on 18 December 1975.

Kissinger's main fear was that the memo would fall into the hands of members of Congress and journalists, and also lambasted his aides for revealing that he, their boss, was at odds with members of his staff. As to whether there should be a cut-off in arms deliveries because of the invasion, his staff asked what the Department should say to Congress if the matter was raised. Kissinger's reply was quite straightforward and blunt. 'We cut it off while we are studying it. We intend to start again in January.' Which is indeed what happened.

There is now clear and indisputable evidence that alongside his many other crimes, former US Secretary of State Henry Kissinger stands accused of giving the go-ahead to Indonesia's invasion of East Timor. One day, he will be forced to account for this, there is no doubt.

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NGOs' role at Rights Commission under threat

This year's 58th session of the UN Commission on Human Rights was a huge disappointment for NGOs lobbying for improved protection of human rights in Indonesia and elsewhere. There are now real concerns about attempts by certain countries to diminish the role of NGOs and silence the voice of victims around the world.

NGOs have always had to confront the fact that the Commission is a political body which often makes pronouncements determined more by international politics than by a concern to promote human rights. This year's Chairperson's Statement on East Timor is a case in point [see separate article on Jakarta trials]. Despite this, NGOs have until now had some success in raising country-specific concerns by means of interventions and lobbying for country-specific resolutions.

The experiences of many at this year's session - described by High Commissioner, Mary Robinson, as 'very difficult' - have, however, led NGOs to question whether their effectiveness is under attack and likely to be reduced in future.

The work of NGOs was made almost impossible by a directive from the UN Secretariat in New York which banned evening meetings of the Commission, supposedly for financial reasons. All oral interventions were initially cut back by 30 per cent. and NGOs had only three-and-a-half minutes to speak instead of five. Towards the end of the session, NGOs' allotted time was further reduced to one minute 45 seconds. Government delegates were also under greater time pressure and were at times difficult to meet, especially as the Commission held numerous meetings in closed session.

Acehnese activist walks out in protest

The time restraints quickly caused the Commission to fall way behind schedule. Eventually a point was reached on item 9 (which deals with country-specific concerns) when the chairperson decided to discontinue the debate with the result that dozens of NGOs were unable to speak. In response, a disgusted Acehnese activist walked out of the session in protest at this abuse of NGOs' rights. Afridal Darmi, from the Banda Aceh Legal Aid Foundation, representing the Dutch NGO, NOVIB, stated at a plenary session of the Commission: 'out of solidarity with my NGO colleagues who have come from very far away and have spent lots of money to attend this session, but who have not been given their rights and an opportunity to speak, I refuse to read out my statement...' He added: 'In the name of solidarity with all the victims of human rights abuses in the world, I truly hope that conditions at the Commission in the future will be much better.'

The statement was received with rapturous applause from all the NGOs present, and Pax Romana, whose turn was next, also refused to speak.

Even UN special rapporteurs and other thematic mandate holders were unable to speak before the Commission and were forced to submit written reports on their work.

A joint statement issued by a number of NGOs on 10 April condemned this 'unprecedented negation of the voice and effective participation of victims' in the Commission.

'We have come to Geneva with enormous sacrifices and unexpectedly we have found the door closed against us. We are returning to our countries with empty hands. It is gravely unjust that our participation should be of so little importance to the 58th HRC. Yet without the presence of the voice of the victims and their representatives this Commission will have no reason for its existence,' they said.

Such problems did not affect visiting dignitaries who were allowed (and often exceeded) a generous 15 minutes for speeches which were little more than public relations exercises for their governments. With a blatant disregard for the facts, Indonesia's minister of justice and human rights, Yusril Ihza Mahendra, claimed in a speech on 27 March that Indonesia: '...has been remarkably successful in dealing with the complex problems besetting it on a number of fronts. Indeed the outbreak of horizontal conflicts and the existence of separatism in far-flung provinces have been successfully addressed using a battery of comprehensive means. Today, our endeavours to reform the country and our commitment to the democratic process are beginning to bear fruit, as witnessed by tangible results in the enhancement of the national capacity to respond to the aspirations of the people and to deal with conflicts.'

Asian bloc on the offensive

Earlier, in the first week of the session, an intervention by the Japanese ambassador had provided a strong indication of an attempt by the Asian bloc to undermine the work of the Commission and the role of NGOs. His call for the Commission to avoid politicisation of its work with specific reference to item 9 was interpreted as a call for reduced debate about the human rights situation in particular countries [see 'Incapacitating the CHR: Asian bloc's ongoing agenda' in Human Rights Features, 22 March - 1 April 2002, South Asia Human Rights Documentation Centre]. It seems that his wish was granted by the later events described above.

Ironically this pressure for the de-politicisation of Commission is being exerted after the powers of the Sub-Commission - which is made up of independent human rights experts and is therefore inherently less political than the Commission - were recently reduced because it was too effective at raising country-specific issues. That led to a 40 per cent. reduction in NGO participation in sub-Commission debate on certain agenda items.

In an attack on NGO freedom, the Japanese ambassador stated: 'there have been instances where NGO accreditation procedures have not been fully complied with and sometimes even exploited or misused to advance interests outside the scope of human rights...cases of NGOs misleading fellow NGO representatives into unwittingly subscribing to spurious documents for circulation in the Commission...'

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Violence flares up again in Maluku

Renewed acts of violence have occurred in Ambon despite a peace accord brokered by Indonesian cabinet ministers in February. On 28 April, well-armed Muslim gangs attacked a Christian village near the city of Ambon, killing 14 people and injuring scores. Laskar Jihad commander has threatened a 'war against separatism' while Jakarta says it may declare martial law in Maluku, giving wide-ranging powers to the army.

The deadly conflict in Maluku dates back to January 1999 and has taken the lives of at least 5,000 people while an estimated 700,000 people have fled their homes to become displaced people.

The peace accord known as Malino II (the second of two accords between Christian and Muslim communities, the first being an accord reached between the two communities in Poso, Central Sulawesi) which was signed by leaders from the two communities on 12 February this year did not inspire a great deal of confidence. Militant Muslim groups and Christian militias were not involved in the talks and the authorities refused to incorporate grassroots groups where conflict resolution is most vital. Moreover, although the accord stipulated that outside groups should leave the province, nothing has been done to put this into effect.

The conflict in Maluku intensified in 2000 after members of the militant Islamic organisation, Laskar Jihad, arrived in Ambon in large numbers, after receiving training in West Java. They departed very publicly from Surabaya, East Java, while the armed forces did nothing to prevent them from leaving. Their continued presence in Maluku is in contravention of the Malino peace accord but according to the *Straits Times* [29 April], the authorities have done nothing to expel or disarm these men, because of the perception that its leader, Jafar Umar Thalib enjoys support even in government circles.

According to Munir of Kontras, the Commission for the Disappeared and Victims of Violence, the Malino peace accord will not resolve anything because civil society organisations were excluded from the discussions and the accord was nothing more than an agreement between bureaucrats.

After the accord was signed, there were a few weeks of calm but on 31 March, a bomb exploded in Ambon city, killing seven people, injuring fifty-five and destroying a hotel. The governor's office was also destroyed by fire. Local observers were convinced that the explosive device used must have been the work of persons with military skills and members of the armed forces were suspected of involvement. These suspicions were reinforced when a black Orari walkie-talkie, routinely used by the army and the police, fell from a van as it sped away from the scene of the atrocity.

After this incident, some commentators observed that the aim was probably to show that the state of civil emergency was ineffective and that the armed forces would have to be given a much more prominent role in this violence-torn territory.

Tensions increased when the chairperson of an organisation calling for the establishment of a South Maluku Republic (RMS) was arrested, followed by demonstrations calling for his release. The RMS movement was crushed in the early 1950s and has hardly reverberated in the interven-

ing period. On 25 April, the anniversary of the day when the RMS was proclaimed 52 years ago, the RMS flag was unfurled in some places, provoking counter protests.

Support for the RMS is known to be very limited today but it now appears that elements within the military are happy to use its re-emergence as a way of pointing to growing separatist sentiments and fuelling Muslim discontent.

Villagers killed at dawn

The shocking attack on the village of Soya on 28 April has once again thrown the spotlight on the unresolved conflict in Maluku. A gang of a dozen or so heavily-armed men with their faces painted black attacked the village at 4am killing fourteen people, including women and an eight-month-old baby. The attackers wore uniforms and carried army standard-issue M-16 rifles. A local priest said they yelled 'Allahhu Akbar', brandishing weapons and firing guns, mortars and homemade bombs as they rampaged through the village. Two days prior to the attack, Laskar Jihad commander, Jafar Umar Thalid had made a highly inflammatory call for Muslims to 'wage war on Christians'.

Twenty-three houses, a church and the village hall were destroyed in the attack. Security forces were nowhere to be seen while the attack was in progress and did not arrive on the scene till more than two hours later, by which time the attackers had left. Christian community leaders were justifiably angry at the failure of the security forces to prevent this attack and to be so tardy in their response.

According to Media Indonesia, the village was targeted because an RMS flag had been unfurled there on 25 April and the villagers had 'done nothing' to prevent this from happening.

There have been accusations of military involvement in the attack which have been strenuously denied. Soya villagers were among those making these accusations, which reflects the fact that Christian communities in Maluku do not trust the security forces and believe that they are siding with the Muslims.

Laskar Jihad wants to fight separatism

On the day of the Soya atrocity, the commander of Laskar Jihad, Jafar Umar Thalid, in a speech to a large crowd of supporters in a mosque in Ambon, again sought to foment conflict between Muslims and Christians in Indonesia. He declared his total dedication to NKRI, the unitary state of the Republic of Indonesia, alleging that Christians were the ones stirring up rebellion against the Republic.

The occasion was also used to issue a 'declaration of war' against separatism everywhere in Indonesia, against the RMS in Maluku, the OPM in West Papua and GAM in Aceh. This must be seen as a very real threat in Maluku and

in West Papua where Jihad forces have been building bases for months (see separate article). However, in Aceh, Jihad members were compelled to retreat some months ago, after a strong rebuff from GAM.

This highly inflammatory speech comes from a man whose forces should long since have been driven out of Maluku. Serious questions need to be answered as to who is giving protection to them and providing them with weapons, funds and training. By promoting such a dangerous force, elements within the military hope to fuel the conflict in the province, creating 'threats to security' that would justify intensifying security measures.

Christian community leaders have been urging the authorities to arrest the Laskar Jihad commander, and although Governor Saleh Latuconsina, who exercises special powers under the civil emergency in Maluku, has made known his intentions to order Jafar's arrest, he says that this won't be easy because of the 'local consequences'. Jafar's legal team has declared that they will never hand over their client to any arresting authority and warned that physical means will be used to protect him. There had been plans to arrest him for a long while, the governor said, but the authorities were 'still waiting for the security forces to be ready for such a move'. [AFP, 1 May 2002] The governor could hardly have made it clearer that the security forces are in fact protecting Jafar.

Martial law wont solve anything

The latest atrocity has led senior ministers and armed forces generals to suggest that martial law is now the only alternative for Maluku. Eighteen months ago, a civil emergency was declared in the province but it has signally failed to end the bloodshed. Among those making this suggestion were Minister Co-ordinator for Security and Political Affairs, Susilo Bambang Yudhoyono, and army chief-of-staff, General Endiarsono Sutarto. Susilo Bambang claims that he has been inundated with demands from civil groups in Maluku, and also from the governor to introduce martial law.

The introduction of martial law would convey the message that the civilian authorities are powerless to keep control, providing further justification for the military to take over. Yet, there has been no lack of security forces in Maluku, and additional troops were brought in after the Malino accord was signed. The widely-held view is that the military and the police in Maluku have been signally incapable of maintain law and order. Martial law will give wide-ranging powers to the military to act at will, suspending laws that protect basic rights. However, as long as the roots of the conflict in Maluku are allowed to fester, the chances of ending the violence are bleak.

[For an analysis of the background to this conflict, see *TAPOL Bulletin*, No 151, March 1999, No. 156 January/February 2000, No 158. June 2000, No 161 March/April 2001 and No. 162 July/August 2001.] *

Building solidarity for Aceh

As the human rights situation in Aceh continues to deteriorate, moves have been made to revitalise international solidarity for the people of Aceh with a meeting held in Banda Aceh. The meeting took place behind closed doors, to avoid being disrupted by the security forces which had a day earlier banned a seminar to discuss the progress in the talks process between Indonesia and GAM.

Two days after the police in Aceh had banned a seminar that was to have discussed how the talks on resolving the conflict in Aceh are faring and how to ensure greater civil society participation in the process, a closed meeting took place in Banda Aceh to revitalise SCHRA, the Support Committee for Human Rights in Aceh.

SCHRA was set up in July 1999 in Bangkok but failed to coordinate the activities of many solidarity groups around the world effectively. The meeting in Banda Aceh on Sunday 5 May took place in a very tense atmosphere, with participants being taken to the venue in small groups, to avoid police detection.

There was strong representation from Indonesian human rights NGOs, including Bonar Tigor Naipospos from Solidamor (Solidarity Without Borders), Hendardi from PBHI, the human rights study and advocacy organisation, Ori Rahman from Kontras, Commission for the Disappeared and the Victims of Violence, a representative from Imparsial, a Jakarta-based NGO devoted to supporting Aceh and Natcom, a Medan-based NGO. Such strong Indonesian participation is crucially important, to build

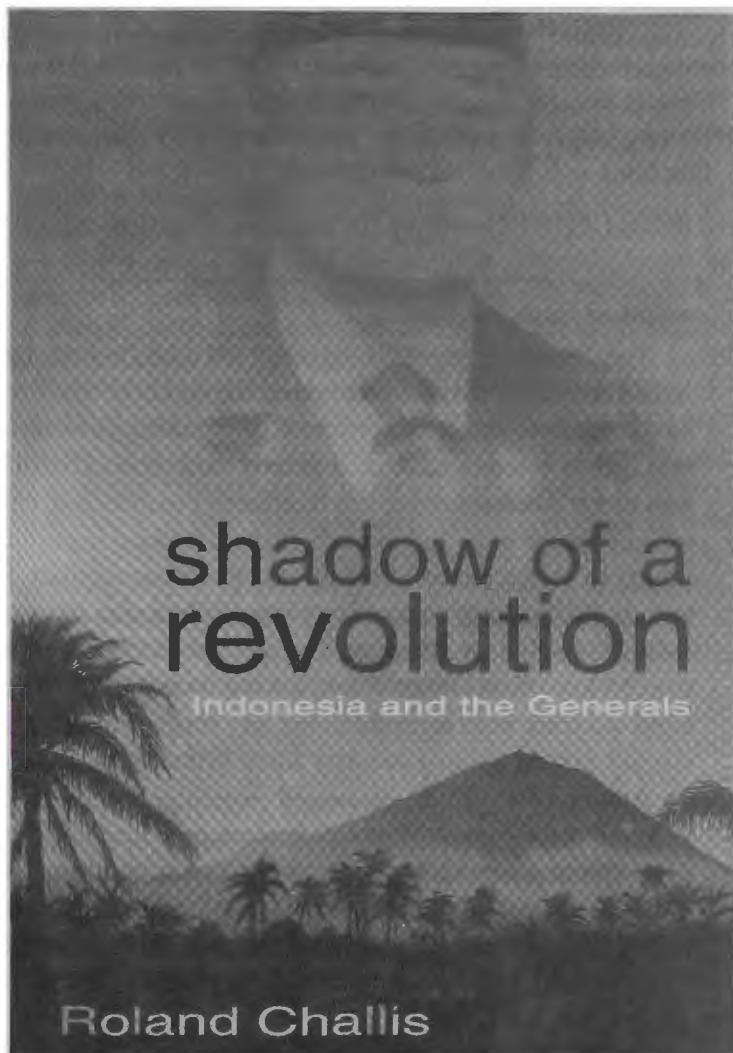
far greater understanding among Indonesians about the horrors being inflicted on the people of Aceh in the name of Indonesia's territorial integrity. Other NGOs represented were from Australia, the US, Japan, the Philippines and Europe.

In view of the difficult situation in the city, Acehnese activists decided to limit their participation at the meeting to five persons, who submitted a four-page document outlining their wishes for the future programme of international solidarity. As the discussions wore on, more and more Acehnese came, eager to follow the discussions.

The agenda for the one-day meeting was very packed because of the lack of regular meetings and also because of the grave deterioration in the political and economic situation in Aceh, as a result of intensified military operations underway in the past two years. When SCHRA was set up in 1999, there was still a degree of democratic space in Aceh which is no longer true. The meeting was also taking place just a few days before talks between the Indonesian government and GAM were due to resume in Geneva on 8 May.

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Shadow of a Revolution: Indonesia and the Generals, by Roland Challis, *Sutton Publishing Ltd, 2001.*



How better to start a review of this very committed book than to quote the author's dedication:

Dedicated with respect to the memory of more than one million Indonesians who died and are still dying because of the greed, brutality and indifference of the military, politicians, corporations and 'statesmen' of all nations.

Books by journalists about Indonesia are all too few and far between, as compared for instance with the flood of books that have been published in the past year or so about East Timor. That there is so much to say about East Timor following the dramatic events of 1999 is indisputable. Yet Indonesia too has passed through many dramatic events since the 1997 financial crisis, and the removal from power in May 1998 of the dictator, Suharto, who ran the country with an iron rod for more than three decades. Which is why this book is so welcome.

What Roland Challis has produced is not just a survey of the years under the Suharto dictatorship, which are well covered in his concluding chapters. He has taken the trouble to set the scene of the generals' take-over in 1965 against a historical background, looking at the development of Indonesia as a nation-state which has coloured subse-

quent developments. In particular, he provides a comprehensive overview of Indonesia's *konfrontasi* with Malaysia from 1963 till 1965, regarding which he is particularly well qualified as he was the BBC's correspondent in Southeast Asia throughout that period.

As he shows, at a time when British forces in North Borneo were escalating operations and were given permission to carry out incursions across the border into Indonesian territory, there were two quite separate approaches being made from Jakarta to end the conflict. One was from Sukarno who sent senior members of his cabinet for secret talks with Malaysia, while another, dating back to mid-1964, was pursued by Suharto loyalists behind President Sukarno's back and only became public several years later. Meanwhile, on the ground in Indonesian Kalimantan, troops that had been dispatched there were not being deployed, indicating, as Brig.General Supardjo told a military court while on trial for his part in the 1 October 1965 coup attempt, 'that some army leaders were not keen on the confrontation', an obvious reference to Suharto, who was then in charge of troop deployment to the 'front'. Challis also documents the fact that British military officers and the British government realised by early 1965 that Indonesian's campaign was running out of steam.

While acknowledging that many aspects of the events of 1 October 1965 are still shrouded in mystery, Challis deals with the developments leading to Suharto's formal assumption of the presidency in 1968 in three distinct stages, the coup attempt itself, the brutal extermination of communists, presided over by sections of the army, and the gradual process of removing Sukarno from power. However, one significant error of fact needs correcting. Challis records that the newspaper of the Indonesian Communist Party (PKI), *Karian Rakjat*, made a 'misjudgement' by coming out on the 2 October in support of the putsch. In fact, that newspaper was the only non army paper allowed to appear on that day, with an editorial written while events were still unfolding, and describing them as an 'internal army affair'. This editorial later enabled the army to claim that the PKI was involved in the events and suggests that the paper's appearance was quite deliberate.

The UK's black propaganda campaign

The most intriguing section of Challis' account of the 1965 events relates to the activities of the UK's propaganda agency, the Information Research Department, which set up office in Singapore less than a month after the coup attempt. The IRD head Norman Reddaway, one of the Foreign Office's most senior propaganda specialists, took charge, and worked in close collaboration with Andrew Gilchrist, the UK ambassador in Jakarta, in a campaign to spread lies and distortions as the massacre of hundreds of thousands of communist suspects gathered pace throughout Indonesia.

As the BBC correspondent in Southeast Asia, Roland Challis was a prime target of this campaign and was told by Reddaway many years later, as he began to work on this book, that his terms of reference were to 'do anything you can think of to get rid of Sukarno'. Many of the accounts spread by the IRD to journalists in the region were simply re-cycled reports that had been received from the ambassador. This even led to the ambassador complaining,

according to a recently declassified letter from Reddaway to Gilchrist when the latter was writing his memoirs, recalling that the ambassador had on one occasion complained 'that the versions put back [by the IRD, and hence used in the press] were uncomfortably close to those put out by yourself [ie, Gilchrist]', and causing Reddaway to wonder 'whether this was the first time in history that an Ambassador had been able to address the people in his country of work almost at will and virtually instantaneously'. Challis also writes: 'While MI6 agents 'came and went at will' between Jakarta and other regional capitals, other journalists, including himself, were kept out, and forced to rely on handouts from the IRD. 'The control of information was rigorous,' writes Challis. 'No word of the slaughter came my way.'

If one casts one's mind back to those horrendous events and to the lack of reporting in the world's press about the massacre of communists, it explains why Suharto was able to seize power with virtually no mention of the crime against humanity he committed to eliminate a potential opposition to military power. Even today, the repercussions are evident: rarely does Suharto's name appear when journalists or academics survey the worst cases of genocide or massacres from the twentieth century.

The IRD's strategy was threefold: to target the PKI, to tar Sukarno with the communist brush and to provide documentary support for Suharto's interpretation of the events of 1 October. They were stunningly successful, as Challis shows.

Suharto's tyrannical rule

The second half of this highly readable book deals comprehensively with the Suharto era. A chapter on Suharto's Javanese empire provides an overview of the dictator's moves to exploit the fabulous natural resources in the non-Javanese regions of the Republic. Challis rightly has nothing but contempt for the term 'outer islands' so often used for everything except Java (including West Java, where the people are Sundanese, not Javanese), calling it a phrase 'loaded with assumptions of Javanese superiority'. The conflict in Aceh led to desperate attempts, already under Sukarno, to curb secessionist sympathies though the rebel movement under Daud Beureuh in the 1950s was focused on calling for Indonesia to become an Islamic republic, rather than supporting the idea of an Islamic Republic of Aceh, as the author suggests.

As for West Papua, western powers made no secret (in secret documents, of course) of their contempt for West Papuan aspirations, in the months preceding the so-called Act of Free Choice in August 1969. As one British diplomat wrote, 'I cannot imagine the US, Japanese, Dutch or Australian governments putting at risk their economic and political relations with Indonesia on a matter of principle involving a relatively small number of very primitive people'.

Suharto's unbridled exploitation of the hugely rich regions beyond Java under Javanese control are briefly covered, as well as the invasion of East Timor, shortly after Suharto had proclaimed (as we now know, following a meeting in the US in early July 1975 with President Gerald Ford and Kissinger) that independence 'was not a viable option' for the Portuguese colony. When asked at the time what he might do if Indonesia invaded East Timor, the Australian prime minister, Malcolm Fraser replied, 'absolutely nothing'.

However, the Santa Cruz massacre in November 1991, as Challis records, caused reverberations around the world, and 'started processes that would strike at the very heart of General Suharto's military regime'.

After dealing in some depth with the human rights (and wrongs) situation, the author described the dictator's strategy over the more than three decades of his rule to play military and political forces against each other, while keeping himself in power and building for himself, his family and his cronies a huge business empire. His account of Suharto's moves in the late 1980s to curb the military and build an alliance with Muslims, who earlier had been the target of many brutal crackdowns, are a reminder of Suharto's shrewdness as a political operator.

For the general reader who wants to understand Indonesian contemporary history up to the downfall of Suharto in 1998, this book is highly recommended.

Carmel Budiardjo

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The meeting strongly condemned the police ban issued two days earlier, preventing the holding of a one-day seminar to assess the progress of the talks. [See separate article.] This decision, a totally unwarranted violation of the Acehnese people's freedom of expression, cast serious doubt over Indonesia's real intentions regarding efforts to seek a peaceful solution to the bitter conflict. In fact, as the meeting was taking place, Indonesian security forces launched an attack on a suspected GAM base less than 10 kms from Banda Aceh, killing four people. Also, eight students were arrested in the city for participating in a small protest against security force brutalities in Aceh.

Among the topics discussed was the question of protection for human rights defenders and finding more opportunities for Acehnese activists to travel abroad to undertake speaking tours and to obtain training in a variety of related matters. Efforts to support civil society in Aceh was also discussed, including giving support to the Acehnese Civil Society Task Force set up late last year. A great deal of attention was also given to carrying out research projects about the grave human rights situation in Aceh. The meeting also made a strong call for accountability and justice, and an end to the impunity that still allows the security forces to conduct their operations and violations at will.

The meeting decided to re-structure SCHRA and build it into a powerful non-Acehnese international solidarity organisation. SCHRA is now a broad coalition or umbrella of non-Acehnese organisations from all over the world, but with strong participation from Jakarta- and Medan-based organisations.

A steering committee was set up with representatives from TAPOL from the UK, Ninja from Japan, Imparsial from Jakarta, Natcom from Medan, and IID (Initiative for International Dialogue) from Davao City, Mindanao in The Philippines. It is hoped that the Steering Committee will be further strengthened in the near future by the inclusion of representatives from Australia, from the Indonesian Human Rights Network in Washington and from Suaram in Kuala Lumpur. *

Indonesia's first rights activist passes away

During the dark early years of the Suharto era, there were very few Indonesians who dared to speak out and take action on behalf of the hundreds of thousands of men and women who were victims of one of the world's harshest regimes. The shining exception was Johannes Cornelis Princen, known affectionately as Poncke who passed away in March after many years of illness.

Poncke was a fearless individual, who had deep convictions about justice and the evils of repression, and saw it as his moral responsibility to speak out against the men in power, whoever they may be. He did this under Sukarno, and after Suharto came to power in 1965, he was the first to draw attention to the killings of alleged communists as early as 1968. That was when reports were received that hundreds of political prisoners who had been rounded up in 1965 were taken to a plantation in Purwodadi, Central Java and put to death. His exposure incurred the wrath of the army and attempts to publish his findings in the Indonesian press were thwarted. This was at a time when literally nothing was being said in Indonesia about the injustice of Suharto's brutal crackdown on the Communist Party. Being himself a devout Muslim and an existentialist in outlook, he clearly understood the universality of human rights.

Poncke was born in The Hague in 1925. During the Nazi occupation, he joined the resistance, was caught and spent time in a concentration camp. After the end of the war, he was conscripted into the Dutch army and was sent to Indonesia to take part in what the Dutch colonial power called a 'police action' in 1948. It didn't take him long to realise that he was fighting on the wrong side, so he deserted and threw his lot in with Indonesians defending the Republic. This turned him into a traitor in Dutch eyes and for many years, he was not allowed to visit the country, because of a campaign of vilification by army veterans who were (and still are) a vocal force in the country.

It was not long before he threw in his lot with his new homeland, became an Indonesian citizen, won a seat in Parliament, and became a Muslim.

Confronting the regime in Geneva

I well remember being with him in Geneva where he had come to attend the UN Human Rights Commission some time in the early 1990s to speak about Indonesia. His intention was to go to Holland afterwards to visit his many relatives there but he was refused a visa and was forced to arrange a rendez-vous with them across the border in Germany. With journalists constantly buzzing around him for interviews about his fight with the Dutch authorities, his attention was frequently distracted from the work of the Commission.

It was in 1966 that he set up Indonesia's very first human rights organisation, LPHAM, the Institute for the Defence of Human Rights, along with Yap Thiam Hien, one of the country's foremost lawyers. The organisation had little in the way of resources but Poncke as its director spoke out on numerous occasions. He was also a founder of the Legal Aid Institute (LBH) in 1980 and remained on its board of advisers until serious illness incapacitated him in the final

years of his life.

There was no issue that escaped his attention and he never for a moment considered whether speaking out might



Poncke Princen with Carmel Budiardjo and behind, Tri Agus and Poncke's wife.

damage him personally. His personal initiatives were endless and breathtaking. The full story of his LPHAM would provide a comprehensive account of the human rights record of the Suharto regime.

He was arrested during the student demonstrations in 1974, when students were demonstrating against the visit of the Japanese prime minister, and again during the student protest movement in 1978. In 1983, he wrote an open letter to Suharto protesting against death squad activities in East Java, the so-called 'mysterious killings'. Princen exploded the myth, saying there was nothing mysterious about this because soldiers were known to be rounding up 'criminals', trussing them in sacks and taking them away to be killed.

In 1989, Ponske was the first Indonesian ever to try to attend a meeting of the UN Human Rights Sub-Commission to testify against Indonesia, but was prevented from leaving Indonesia. He had planned to protest about the killings of Muslims in Lampung in February 1989 and about the worsening human rights situation in East Timor.

Supporter of the East Timorese

In 1989, on the occasion of the Pope's visit to East Timor, he wrote to the Pope urging him to 'convince the Indonesian government to stop arresting and detaining people who do not fully support integration with Indonesia'. The letter, like so much else that he did, never got so much as a mention in the Indonesian press. In 1990, he was the first person to set up an independent trade union association called the Solidarity Free Trade Union, intended as a union 'free from the influence of industry, employers and the government.' The union collapsed under the weight of internal disputes, but it had shown the way for Mochtar Pakpahan's more successful move, with the SBSI.

When he visited Portugal in 1993 to discuss with the Portuguese authorities the fate of seven East Timorese seeking asylum abroad, he was attacked for being a 'traitor' (sounds familiar!) by no less a person than former general Ali Said, who had just been appointed to head Indonesia's National Human Rights Commission. This visit to Portugal came after attending a session of the UN Human Rights Sub-Commission at which he lambasted Indonesia, describing East Timor as an 'endless story of violent violations of human rights' and also condemned the 'wave of extra-judicial killings, "disappearances", arbitrary detentions without trial and unfair trials (that have) occurred on a massive scale'.

In the 1990s, dozens of East Timorese fleeing the horrors of the Indonesian occupation, leapt over the fences of many embassies in Jakarta, demanding political asylum. This required negotiation between Jakarta and the Portuguese authorities who were always willing to take such fugitives in, provided that safe conduct to an airport could be guaranteed. On one occasion, seven East Timorese had taken refuge in several Scandinavian embassies but were ordered to leave the premises. It was Poncke who decided to take them to his own home. As Jose Amorim Diaz said in a special tribute, 'this humble human being, full of compassion and humour...open his doors and windows to the persecuted East Timorese at risk of his own life'.

Frail body, indomitable will

When I visited Indonesia in June 2000 after having been removed from the blacklist that had kept me out of the country for 29 years, the first person I went to visit was Poncke. By this time, he was a shadow of his former self. He had suffered several severe strokes, he was paralysed down his left side and unable to cope with his own personal needs. His face was disfigured from an operation for skin cancer. When I was about to leave for a visit to a woman with whom I had spent years in prison, he insisted on joining me which required delicate preparations to dress him and help him onto a vehicle. He also insisted on knowing where else I would be going during the next few days and there he was, helped and supported by a loving wife and a housemaid. Physical frailty had not diminished his spirits one iota.

I mourn the passing of an endlessly compassionate man and celebrate a life that is an inspiration to human rights defenders not only in Indonesia but throughout the world.
Carmel Budiardjo

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The attack was joined by the Indonesian ambassador, Nugroho Wisnumurti, who in a speech on 19 March stated: 'a number of them [NGOs] nevertheless repeatedly resort to certain tactics which are uncalled for and in some cases improper. We are referring in particular to practices which include, among others, targeting countries during proceedings and distributing slanderous materials for political ends.' He called for the Commission's secretariat to '...deter any misuse of UN resources by certain parties for politically-motivated propaganda'.

US back on board

A few days after the end of the session, it was announced that the US has been voted back onto the 53-member

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most notably in refusing to transfer to East Timor suspects indicted there for crimes against humanity, despite an obligation to do so under a Memorandum of Understanding signed in April 2000.

The Statement made no reference to the flaws in the Indonesian process and exerted no pressure on Indonesia to ensure that justice is done. The Statement also took no account of the critical link between the crimes committed in East Timor and ongoing violations in Aceh, West Papua, and elsewhere in Indonesia. Grave violations are being committed by the same institutions, and in some cases the same individuals, as were responsible for serious crimes in East Timor. The continued freedom of prominent suspects encourages others to expect that they will enjoy impunity for past and future crimes, however heinous.

Significantly, the CHR also ignored a report made to it by the UN High Commissioner for Human Rights, Mary Robinson, which called upon the international community to 'reconsider the recommendations of the International Commission of Inquiry on East Timor, including that concerning the establishment by the United Nations of an international human rights tribunal'.

The East Timor NGO Forum and all major East Timorese NGOs have repeatedly called for an international tribunal and have expressed anger at Indonesia's lack of action against those responsible for organising the violence.

Indonesian NGOs who have followed the process closely have also concluded that an international tribunal is necessary. In a document prepared for the CHR, they referred to the establishment of the ad hoc court as paying 'mere lip service' to the implementation of human rights in Indonesia. They say it is clear that the ad hoc court is not capable of bringing justice to the victims of human rights violation in East Timor and call for the international community to take 'concrete steps in the preparation of an International Tribunal for East Timor' [see "Combating the climate of impunity: An end to the politics of violence and torture in Indonesia" - Indonesian NGO Delegation to the 58th session of the UNCHR, March/April 2002].

The legal and moral arguments in favour of an international tribunal are overwhelming. Indonesia's current process is not a means to justice, but a denial of justice. The international community must not betray the East Timorese once again by sanctioning the process and allowing the truth of what happened to remain suppressed forever. *

Commission. It lost its seat last year for the first time in the Commission's history. The US government has a reputation for undermining the effectiveness of international organisations and spent much of this year's session - in its capacity as an observer - lobbying against a mission by the Human Rights High Commissioner to the occupied territories in Palestine and against an initiative aimed at ensuring the protection of human rights in relation to the fight against terrorism.

Unfortunately, it seems there may be more difficult times ahead for those endeavouring to ensure that the Commission fulfils its role in providing a voice for victims and setting standards for the promotion and protection of human rights around the world. *

West Papua campaign launched at UN

On 26 March, an international campaign to persuade UN Secretary-General, Kofi Annan to review the UN's conduct in relation the 'Act of Free Choice' in 1968-69 was launched by West Papuans and solidarity activists at the UN in New York. A formal submission was made based on detailed research of official records, which confirm that the process was a complete sham and flagrant denial of West Papua's right to self-determination.

The delegation launching the campaign, including TAPOL's Carmel Budiardjo and representatives of West Papua's leading human rights organisation, ELS-HAM, presented a petition to senior UN officials and met with the influential US Council on Foreign Relations and diplomats from a number of Pacific Island missions who agreed to monitor Kofi Annan's response. The eight-page petition is supported by thirteen original documents on which the petition is based. (Several years ago, the UN conducted investigations into the UN's conduct in Rwanda and in Srebrenice.)

During their meetings the delegation stressed how the 'Act of Free Choice' - which led to West Papua's incorporation into Indonesia - had condemned the West Papuan people to more than three decades of brutality and repression at the hands of the Indonesian military, culminating last November in the assassination of independence leader, Theys Eluay [see separate article].

The campaign, organised following a decision taken at the Second International Solidarity Meeting on West Papua in Germany in October 2001, was launched simultaneously in several countries, including the UK, Ireland and Australia. It has been endorsed by 40 organisations around the world.

UN complicity in 'Act of No Choice'

Under an international agreement between the Netherlands (the colonial power) and Indonesia, brokered by the UN and the US in 1962 (the New York Agreement), the UN was under an obligation to 'advise, assist and participate' in an 'act of self-determination in accordance with international practice'.

The act was conducted in 1969 by Indonesia, which had occupied West Papua since May 1963. International practice at the time required universal adult suffrage, but in the event, just 1,022 people, out of a population of around 800,000, were forced to vote under duress for their country to become part of Indonesia. The process is known as the 'Act of Free Choice', but to this day is condemned by West Papuans as the 'Act of No Choice'.

In November 2001, the former UN Under Secretary-General, in charge of the UN's mission in West Papua, Chakravarthy Narasimhan, condemned what happened as a 'whitewash'.

The documents presented to the UN in March were based on detailed research of hitherto classified official records by historian Dr John Saltford. They reveal the extent to which the UN turned a blind eye to the manipulations of the Indonesian military in order to satisfy US requirements that the territory should become Indonesia's 26th province. The US was desperate to satisfy Indonesia's

claims over West Papua, to prevent Indonesia becoming a cold-war ally of the Soviet Union.

A small UN team arrived in West Papua in 1968 to help Indonesia prepare for the promised act of self determination. By then, the West Papuans had already experienced five years of Jakarta's repressive military rule. One American diplomat noted that the Indonesians 'had tried everything from bombing to shelling and mortaring, but a continuous state of semi-rebellion persists'. The UN had acquiesced in its exclusion from West Papua between 1963 and 1968 in clear breach of the New York Agreement. This meant there was no mechanism to safeguard the human rights and political freedoms guaranteed by the Agreement.

The UN team was supposed to comprise at least 50 members, but following pressure from Jakarta, the total never exceeded 16, including administrative personnel.

Aware of their deep unpopularity, the Indonesians declared in January 1969 that a referendum was impractical because the people were too 'primitive'. They then selected 1,026 or so West Papuans to act as representatives of the population (four were unable to participate 'due to illness').

Rather than protest, the UN chose to co-operate. Unsurprisingly, given the level of intimidation, the West Papuan representatives unanimously declared their love for Indonesia and their desire to join the Republic.

Despite the farcical nature of the process, there was no objection from the UN and little international interest. It is clear that the intention of the UN Secretary-General's representative, Ortiz Sanz, had been to ensure that West Papua remained with Indonesia. The US embassy in Jakarta had noted in 1968:

'He is therefore attempting to devise a formula for an "act of free choice" in West Irian which will result in affirmation of Indonesian sovereignty...Ortiz recognizes that the problem facing both him and the GOI [Indonesia] is the risk that the Irian representatives, however they might be constituted, would vote against remaining in Indonesia. He concedes that it would be inconceivable from the point of view of the interests of the UN as well as GOI, that a result other than the continuance of West Irian within Indonesian sovereignty should emerge.'

After the event, the British Foreign Office noted 'that the people of West Irian have no desire to be ruled by the Indonesians who are of an alien (Javanese) race, and that the process of consultation did not allow a genuinely free choice to be made.'

Despite this, the UN General Assembly, with opposition from a small number of African countries, simply voted in November 1969 to 'take note' of a UN report of the Papuan declaration of loyalty, and with that the UN washed its hands of responsibility for the West Papuan people.

continued on p 11.

Seminar on conflict resolution in Aceh banned

A seminar which was due to take place in Banda Aceh on 4 May, to assess the progress in the resolution of the long-drawn-out conflict in Aceh was banned at the last minute by the Aceh chief of police, dealing a serious blow to freedom of expression.

The one-day seminar on the topic, 'Building a New Commitment in Aceh', was organised by the Aceh Civil Society Task Force and was aimed at discussing progress made so far in talks brokered by the Henri Dunant Centre for Humanitarian Dialogue, and seeking ways of bringing Acehese civil society into the process.

Another round of talks between the Indonesian government and GAM, the Free Aceh Movement, was due to open in Geneva on 8 May. Until now, the talks have been exclusively the domain of the two sides in the armed conflict while civil society has been kept on the sidelines, although the conflict impinges so profoundly on the lives of the people of Aceh.

The seminar was to have been addressed by the vice-governor of Aceh and a representative of GAM, while representatives from a number of NGOs from Indonesia and overseas who had come to Banda Aceh to attend a meeting of SCHRA, the Solidarity Committee for Human Rights in Aceh on the following day, were eager to attend the seminar as well.

However, two days before the seminar was scheduled to take place, the police started harassing the organisers, the vice-governor announced that he would not address the seminar, and the Kuala Tripa Hotel which had agreed to provide a meeting place for the event, announced that they had changed their mind.

On 3 May, hours before the seminar was due to open, the police sent a letter to the organisers to say that the event was prohibited, forcing the organisers to announce the cancellation of the seminar. In a statement to the press that was widely reported in the local and national press, the organisers said that they had decided not to go ahead in order to prevent acts of repression. Given the extremely tense atmosphere in Banda Aceh and throughout Aceh, such caution is fully understandable.

The organisers said they had decided to hold the seminar in order 'to open up democratic space in Aceh, in our efforts to promote peaceful processes and to safeguard the interests of civil society'. The statement went on: 'It is in the interest of civil society that justice be upheld and a democratic society be realised, even though it is a fact that at present, democracy is not acceptable to all sides. Respect for freedom of expression in society must be the stepping stone for resolving the conflict in Aceh. Without this, democracy will be dominated by the Violence Mafia.'

Ban condemned by non-Acehnese NGOs

The police ban came under strong attack from non-Acehnese NGOs who had sent representatives to Banda Aceh for the occasion. At a press conference held on 4 May under the chairmanship of Bonar Tigor Naipospos of Solidamor (Solidarity Without Frontiers), Hendaridi, head of PBHI, a lead-

ing Indonesian human rights advocacy institution, deeply regretted that laws were being used to trample on freedom of expression. He said that the letter from the police to the seminar organisers was 'an insult to the intelligence'. Ori Rahman, co-ordinator of Kontras, the Commission for the Disappeared and the Victims of Violence, attacked the authorities for duplicity, on the one hand allowing the talks to go ahead in Geneva, while denying the democratic space for Acehese society to participate in the process.

Liem Soei Liong of TAPOL challenged the Indonesian authorities for trying to turn the Aceh conflict into a domestic issue. Globalisation of human rights means that places where serious human rights are taking place are by definition international affairs and international concern is more than justified.

Non-Acehnese NGOs and individuals who were in Banda Aceh for the seminar and the SCHRA meeting included seven Indonesian NGOs, one from the US, two from Europe (including TAPOL), two from Australia, one from Japan and one from the Philippines. *

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