



**VICTORIA UNIVERSITY**  
MELBOURNE AUSTRALIA

*Tapol bulletin no, 162, July-August 2001*

This is the Published version of the following publication

UNSPECIFIED (2001) Tapol bulletin no, 162, July-August 2001. Tapol bulletin (162). pp. 1-28. ISSN 1356-1154

The publisher's official version can be found at

Note that access to this version may require subscription.

Downloaded from VU Research Repository <https://vuir.vu.edu.au/25973/>



The Indonesia

Human Rights Campaign

TAPOL Bulletin No. 162

July/August 2001

## Megawati takes power with army backing

*On 23 July, Vice President Megawati was installed as Indonesian president after the People's Assembly sacked the man it had appointed two years ago. The same state organ that intrigued against her then has now promoted her, with the full backing of a regenerated military. Though former President Wahid fought to the bitter end, the odds were stacked against him: mutiny by the armed forces and large sections of the police who openly defied his orders, a huge majority in the People's Assembly bent on ousting him and a largely hostile press.*

While Megawati Sukarnoputri's party, the PDI-P, holds the largest block of seats in the People's Assembly, the MPR, and has mass support in the country, her assumption of power bodes ill for the principles of reformasi that were supposed to have been at the core of Wahid's policy.

Most will agree that it was not realistic to expect anyone to carry out a comprehensive pro-reform policy in Indonesia in the short term, having inherited a country damaged almost beyond repair by 40 years of autocratic rule and a paralysed economy. In hindsight, it could be said that Gus Dur, as Wahid is known, was bound to fail. Will Megawati Sukarnoputri do any better? Will she face the array of foes who were determined from the word 'go' to stab Gus Dur in the back? Only time will tell.

But Indonesia's present political crisis is not merely a crisis of the presidency. The deep economic crisis, the absence of the rule of law and the lack of democratic institutions cannot be blamed on the president. These are the results of a long term strategy during the 'New Order', when the population lived in a perpetual state of fear. Virtually nothing has been done in the three post-Suharto years to change all this.

### A huge power vacuum

As the new regime takes over, it is salutary to examine why Gus Dur failed to function effectively as president and promote the policies expected of him by civil society. As soon as he tried to dismantle the power base of the old forces, they rallied against him, sabotaging his every move. The irony is that, under the authoritarian 1945 Constitution, the president of Indonesia has enough powers to become a dictator, but Gus Dur was not given the chance even to implement a modest reform programme. Isolated and maligned by the very political elite who catapulted him into power, he became a pathetic figure, hoping against hope that his huge religious following could rescue him, while being afraid to bring them out onto the streets for fear of

clashes and bloodshed. For many months,

In the closing months of Gus Dur's presidency, there was a power vacuum in Indonesia, while regional conflicts and military crackdowns in many places continued unabated. The fact is that none of the political forces in Indonesia has been able to cope with the debilitating crisis. The old New Order gang, with massive resources stashed away and a bevy of supporters, has been mortally wounded. At the apex is Suharto and his cronies and family; they have lost much of

### TO OUR READERS

Our apologies for the long delay of this issue. This was partly the result of a lengthy illness of one of the editors

#### POLITICS

Megawati takes power with army backing p1

#### ACEH

Aceh sinks deeper into war p5

Peace talks sabotaged p8

Exxon taken to court in the US p9

#### HUMAN RIGHTS

EDITORIAL: Prospects of human rights in Indonesia p28

Rights trial still a distant dream p11

Police crackdown of seminar p14

#### WEST PAPUA

Mama Yosepha wins environmental award p15

Brimob violence engulfs Manokwari p16

Rights Commission accuses police p18

Wamena campaign p20

#### WEST TIMOR

Refugee registration a sham p21

#### MALUKU

Massacre by TNI in Ambon p24

#### LABOUR

New forms of terror against workers p25

their political clout and no one believes for a moment that they will ever make a comeback. But their staggering wealth is being used by sinister forces to finance covert and overt operations to sabotage the government and create instability. They have done everything possible, often by acts of terrorism, to frustrate efforts to bring about change and accountability. Their basic aim is to retain the system of privileges that was one of the hallmarks of the former regime.

The army has once again become a formidable political force and a killing machine, dedicated as always to the 'security' approach, but it too is incapable of coping with the present crisis. The 1997 economic meltdown also delivered a severe blow to the TNI as the armed forces are known, forcing many TNI companies to close shop. In compensation, the TNI has become mired even deeper into mafia type activities in the regions. The escalating conflicts in Aceh



and West Papua and ongoing problems in Maluku, Kalimantan and Sulawesi have overwhelmed the capacity of the security forces, even though they are themselves largely responsible for the mayhem. Troops have joined forces with the warring parties in some of these local conflicts, but as the power struggle in Jakarta reached a climax, the TNI top focused their attention increasingly on these events. Whilst it was not predicted that the army would try to grab power, Indonesia's rudderless government suited them admirably. They have recently been claiming to be 'force for peace' as civilian politicians fight it out in total disregard for the ailing economy and lawlessness everywhere.

The vast majority of parliamentarians in the DPR (Parliament) and the MPR (People's Assembly), were united in their determination to get rid of Gus Dur but apart from that, each of the parties have their own political agendas. Golkar, the former ruling party, is a shadow of its former self in Java, where they are despised as part of the old regime. But outside Java, the party is more or less intact, with its people occupying virtually all the positions of power, from governors and district chiefs down to village heads. The bureaucracy outside Java is still a Golkar stronghold which explains why it was more interested in keeping control of regional spoils than in the power struggle in Jakarta.

The politics of Islam are far more complex today than during the Suharto era. The first two post-Suharto presidents, President Wahid and his predecessor, President Habibie, represent the two major streams in Indonesian Islam, the urban-based and the more rural-based Islamic communities, but they are both secular Muslims. It was once widely accepted that political Islam in Indonesia is a majority with a minority mentality, but this is no longer true. The top Muslim politicians, including Gus Dur, show distinct Machiavellian tendencies in their attitude towards state power and having tasted the sweetness of power they show the same credentials as any average politician on this globe.

The rift between the pro and anti Gus Dur camp ran largely along urban and rural lines. Gus Dur still enjoys support in the rural hinterland of East and Central Java where the

organisation that he led for years, the Nahdlatul Ulama, enjoys a huge following. Elsewhere, the NU is relatively small among urban-based Muslims outside Java. Political Islam was always quite plural and are at least seven Muslim political parties competed in the general elections, each with their own agenda and distinct political subculture. Political Islam in Indonesia remains very divided, with no prospects of unity. As with all the other parties, clientele and money politics are still the dominant feature.

## Poisoned by intrigue from the start

There have been many examples in the world of transitions from autocratic regimes to democratic government, but they have varied enormously from place to place. In some cases transition has been accompanied by disintegration. Cynics will say that, despite the profound crisis in Indonesia, the country has not reached such a stage for the simple reason that the main components of the old New Order are still largely intact.

From the start, Gus Dur's presidency involved many compromises with these components. He was catapulted into the presidency through an unholy alliance of Muslim parties which included two components of the New Order: Golkar and the PPP. This unholy alliance was strongly represented in his first cabinet: military and New Order politicians held important posts and as a result of numerous reshuffles, (at least fifteen up to the time he was sacked) in less than two years, New Order elements became even more prominent. The military gained richly from the chops and changes, even winning back the post of defence minister. The deadly alliances saved the skin of many officers who should have faced indictments for corruption and abuse of power.

During the first two years of his presidency, Gus Dur pursued a puzzling two-pronged strategy, trying to take the path of reformasi while trying at the same time to please everybody, including New Order forces. The strategy soon backfired as the army and the New Order politicians and bureaucrats managed to regroup in such a favourable climate. The strategy forced Gus Dur to zigzag his way along creating yet more enemies at every turn. Let's take a look at this broad alliance, starting with the TNI-AD, the army.

## A military comeback

The Suharto regime was basically a military regime. A junta in the early years, with Suharto at the top, it was later changed to be ruled by the same Suharto assisted by a small group of cronies and members of his family. The role of military intelligence remained important throughout with the army functioning more and more as an oppressive force to crush rebellions and opposition in the cities. When Suharto was forced to stand down, there were very few top officers capable of functioning as politicians. The army was in a bad shape, with its image in tatters. They had suffered humiliating defeat in East Timor and their acts of gross human rights violations were now widely publicised.

Sad to say however, things changed dramatically after Gus Dur became president. In 1998, the atmosphere was favourable enough to expect that General Wiranto, then the TNI commander-in-chief, would be charged for his role in mass murder in East Timor, Aceh and elsewhere. These days, Wiranto feels confident enough to go onto the offensive. In May, he and several other senior officers filed a lawsuit against Dr. Thamrin Tomagola for 'falsely' accusing them of involvement in the Maluku riots. The chances of indictments against senior officers are now very remote (see separate article) and the former president's faltering efforts



to reform the army backfired and only helped to unified the several army factions.

The 1999 general election helped to clip the wings of TNI and its representation in the DPR was reduced to 38 seats (although they resisted any suggestion that unelected representation should end). In those days, TNI top-ranking officers were saying that the military would now take a back seat in politics but two years on, things are very different. The TNI parliamentary fraction voted in favour of censuring the president (their supreme commander) in May while adopting a position of 'neutrality' in the second vote. Being one of the smallest groups in parliament did not detract from that weight attached to their statements. The TNI spokesperson, Major General Hari Sabarno, was one of the most biting in his criticism of the president, thus clearing



*Megawati and her mass following*

the way for impeachment.

While Gus Dur was forced onto the defensive in clinging on to power, the military made no attempt to conceal their intransigence. The second censure vote further eroded the president's position, though he continued to behave as if nothing could prevent him from holding on to power.

When he made moves to replace the top TNI leadership in preparation for declaring an emergency and dissolving parliament, the top generals took counter-moves. The bitter irony was that now, a democratically elected head of state was contemplating dissolving parliament while the military, an institution without a shred of democracy in its being, claimed the moral high ground in their determination to oppose such an authoritarian move.

The weaker Gus Dur grew, the more audacious the military became. In 2000, they had offered no resistance when General Wiranto was sacked and went along with the appointment of a civilian as defence minister. There was talk of gradually downsizing dwifungsi, which allows the military to run the political system and the bureaucracy. But as Gus Dur weakened, they saw this as their chance to strike back. With the army being the most solid and best organised political institution in the country and the political elite bickering furiously, the army paraded itself as 'a stabilising force'.

### **A creeping coup d'etat**

On 24 May, General Endriartono Sutarto, the army chief-of-staff, convened a meeting of senior officers and key retired officers. The purpose was clear, to reject any move by Gus Dur to replace the TNI leadership and to reject any move to declare a state of emergency. As supreme command

der of TNI, Wahid certainly had the powers to do all this so the meeting was an act of insubordination, in fact part of a creeping coup d'etat.

A new unity had been forged in the TNI while the event passed off without anyone condemning it as an act of mutiny. All the factions were now on board, including retired officers. This was not the first time that the Indonesian armed forces had forged unity after being torn apart by rupture and division. Gus Dur's efforts to overhaul the TNI had come to a sticky end; instead the TNI's position as 'a state within a state' had been reinforced without a shot being fired.

Since May one incident after another has only resulted in the erosion of civilian supremacy. On 28 May Gus Dur granted special powers to Lt General Susilo Bambang Yudhoyono (SBY), the then coordinating minister for political, social and security affairs, as a step towards issuing an emergency decree. The general was given powers to take 'all necessary actions, in co-ordination with the security forces, to handle the crisis and enforce order, security and the law as quickly as possible'. In effect, this made SBY the most powerful man in the land. But a few days after treating the general with such trust, Gus Dur sacked him and appointed Lt. General Agum Gumelar in his place. Gumelar was soon to be appointed defence minister as well in a later cabinet merry-go-round. SBY, it turns out, was against issuing a decree so had to be removed.

### **Police chief refuses to go**

The most bitter (and public) of Gus Dur's confrontations occurred when he announced the dismissal of Police General Bimantoro, the national chief of police. Bimantoro had made no secret of his intention to round up Gus Dur supporters, including members of the PRD. Bimantoro rejected his dismissal and won the support of most top-ranking officers in the force. In his defence, the police chief of Jakarta, General Sofyan Yacub convened a rally of police and military units close to the presidential palace in defiance of the president, complete with tanks and armoured personal carriers. For the first time since the official separation of the police from the TNI in 1998, the two forces had been united and were pursuing a common cause.

When Gus Dur later ordered the arrest of Bimantoro, the order was ignored. His senior security affairs minister, Lt General Agum Gumelar urged the president to cancel the order while units of Brimob, the police crack troops, took up positions around Bimantoro's residence.

There were many shows of open defiance from the top of the TNI: a 'roll call' of Kostrad troops, with its commander making a speech atop a tank, the placing of troops round the residence of Bimantoro to protect him from being arrested, a joint press conference by the speaker of the MPR and the TNI commander-in-chief endorsing the holding of a special MPR session. These were moves that made a mockery of the TNI's professed neutrality.

### **Golkar and the other parties**

The principle of pluralism was upheld in the 1998 elections but many of the parties that won seats were new kids on the block. Only Golkar, often described as the ruling party in the New Order, the PPP, the Muslim political federation and the PDI were old timers. Golkar had the advantage of a solid infrastructure and most of the bureaucracy. PPP enjoyed fewer advantages as did the PDI (now the PDI-P), who fought the election under a new leadership. As was to be expected, these three parties came out as the big three in the elections. The other relatively new parties had to struggle

hard to win votes. For the vast majority of voters, this was their first experience of free elections.

The new parliament is a ragbag of old and new faces. Despite its image as the first parliament in the reformasi era, old-style politics have remained with the same old pattern of patron-client relationships. Becoming a member of parliament has turned out to be a privileged chance to climb the ladder of success and line the pockets of the 'people's representatives'. Genuine reform has had little place in their endeavours following a few months of reform minded actions.

## The declining national cake

The members of the unholy alliance of Muslim groups plus Golkar that brought Gus Dur to power were expecting to have juicy bits of the national cake come their way. But Gus Dur had little to offer, and what he did have went to his own followers. Very soon he was at loggerheads with his former promoters and removed some of his key Muslim ministers who had been appointed to 'repay' members of the central axis for their support.

Two scandals were used against Gus Dur, the so-called Bulog-gate and Brunei-gate. Despite being cleared by the Attorney General's office of involvement in the two cases, it was evident that cronies within Gus Dur's inner circle were involved in these relatively minor scandals. Gus Dur, himself a product of the patron-client system, had allowed this to happen. It would appear to be true that deep resentment in certain Muslim circles towards Gus Dur was simply based on the fact that the 'trickle down' effect had not applied to them. On the other hand, one of the failures of the Gus Dur government was its inability to end corruption or at least to bring it to 'manageable' levels.

## Megawati and the PDI-P

Two years ago it was widely expected that Megawati would become the president. A clear winner with 31 per cent of the votes, it was a matter of finding suitable coalition partners for her government. But a loose coalition of Muslim parties, the Central Axis, supported Gus Dur. History, it seems, has now corrected this injustice.

Megawati has proven ineffective as vice president and probably agreed to be second fiddle to calm down her supporters gathered on the streets. Although the two are always presented as being 'the best of friends', having known each other since childhood, she was clearly not comfortable as his deputy and often acted wearing her other cap as chair of the PDI-P to express her frustrations. Her 'good friend' Gus Dur often insulted her in public with slurs and 'jokes' about her femininity, suggesting that she does not have the qualities to run the government.

In the second year, the relationship between them soured and, apart from the formalities required by their offices, they were not on speaking terms for months. At the 2000 MPR session, Gus Dur was heavily criticised and agreed to concede day-to-day governing to Megawati, retaining for himself the broad outline of government policies and the power to appoint ministers and other state officials. But the division of labour never worked, leading only to indecision and confusion.

For her part, Megawati kept a low profile after losing the presidency. She kept her followers off the streets and retained the support of the majority of her party, while avoiding playing a direct part in the ousting Gus Dur. As

the daughter of Sukarno, she inherited a huge following but has yet to prove her skills as a political leader.

## PDI-P factions

Rifts within her own party have grown and the test will be whether she can keep the factions together or have to move to expel some people from the party. Broadly speaking, the PDI-P is the main secular party in Indonesia and is in essence a nationalist party. The nationalist wing within the party is quite conservative, representing the petty nationalist views of the past. There are two wings in the nationalist bloc: one wanted to preserve the Gus Dur-Megawati alliance while the other wanted to oust Gus Dur.

The military wing in the party has grown in importance, not only because of the retired TNI generals among its members but also because it enjoys the support of key active TNI officers. Previously Golkar was the political vehicle of the military but today's top echelon officers feel more at home in the conservative PDI-P.



**Taufiq Kiemas (l) and Arifin Panigoro, Indonesia's privileged elite.**

Another small but important wing is the group of powerful businessmen around Arifin Panigoro, an oil tycoon who switched loyalties after 1998 from Golkar to the PDI-P. One of the few achievements of the post-Suharto era has been the requirement for key public office holders to reveal their personal wealth. Arifin Panigoro emerged as the richest member of parliament with over US\$200 million, according to his own admission. Many reformers say people like him should be behind bars because of financial scandals and shady business deals with the Suharto family. Instead he has become a shining star in the PDI-P. Another key figure is Taufiq Kiemas, Megawati's husband, a self-confessed multi-millionaire. Known as TK, he is also a slick political operator who maintains good relations with the different wings in the party and will undoubtedly play a crucial role as 'the man behind the woman' now that she is 'RI 1', the president's number plate.

The PDI-P (then called the PDI) was one of Suharto's last victims when the PDI head office was stormed in July 1996 and has enjoyed much sympathy from the pro-reform movement. The reform wing, though small, is very active and continues to demand that military and New Order elements be ousted from the party. But these are the forces that will be Megawati's political base as she takes over the presidency for the coming three years.

Getting Indonesia out of the economic and political crisis is a Herculean job and will take many years of 'good governance'. Taking over the job from an impeached president isn't the most elegant way of entering the state leadership. Political analysts assess realistically that the coming 3 years will be 'tropical years' for Megawati.

\*



# Aceh sinks deeper into war

*Since the Indonesian armed forces launched new military operations at the beginning of May, conditions for the population of Aceh have rapidly deteriorated. A massacre in Central Aceh resulted in scores of deaths. The death toll in the first half of 2001 exceeded one thousand, most victims being civilians. NGOs working on human rights and humanitarian issues are in constant danger, forcing many activists to flee, in fear for their lives. Para-military militias are now being trained and armed by the army. Peace talks in Geneva did nothing to end the slaughter.*

On 11 April, Presidential Instruction No IV, Inpres IV/2001, was issued providing for a six-point 'comprehensive programme' for Aceh, intended to restore the machinery of local government to the province. However, the 'security' aspect is the only one to have been put into action. Well before the Instruction was announced, units of the army's elite forces and companies from various parts of the country were getting special training in counter-insurgency at the training base of KOPASSUS, in Batu Jajar, Bandung, ready to be sent to Aceh.



**TNI Commander-in-Chief Widodo sending off fresh troops to Aceh**

Three days after the Instruction was announced, the armed forces (TNI) commander-in-chief, Admiral Widodo, announced the creation of a special army command known as KOLAKOPS (Komando Pelaksanaan Operasi TNI), for Aceh under the command of a KOPASSUS officer, Brigadier-General Zumroni. The joint police/army operations are known by the name *OPSLIHKAM* (*Operasi Pemulihan Keamanan*), Operation for the Restoration of Security. The command went into action on 2 May and since then the level of military operations has steadily intensified. Counter-insurgency operations, mainly in the countryside, are in the hands of the army while the police confine their activities to the towns and cities.

Very early on, extra troops were sent to Aceh to strengthen armed protection of the gas field and liquefaction gas plant installations in Arun, North Aceh, following Exxon/Mobil's announcement that operations had been suspended from 9 March because of the security situation. The shutdown of

one of Indonesia's primary sources of foreign exchange was an additional reason for new military operations to be conducted.

## Jakarta's interests lie elsewhere

While Aceh descends deeper into all-out war, Jakarta's attention is focused on the scramble for power within the political elite. The national press devotes little attention to Aceh while most reports that do appear are based on army handouts. The lack of news reporting is partly the result of threats to journalists and pressure on local newspapers about how events are reporting, coming from both sides of the conflict.

The military operations have been conducted at the time of a virtual power vacuum in Jakarta. In June, parliament decided to call a special session of the supreme legislative body, the MPR, on 1 August to consider impeaching President Wahid. Vice-President Megawati is widely expected to take over as president.

As compared with Wahid who has been in conflict with the armed forces leadership over wide-ranging reforms and over his intention to issue a decree that would enable him to dissolve parliament, Megawati is very close to the armed forces. While Wahid was very reluctant to issue Presidential Instruction of 11 April (*Inpres IV/2001*) which gave the TNI the legal basis for renewed military operations,

Megawati is known to unreservedly support the military and its declared aim of preventing the secession of Aceh at all costs. At a limited cabinet meeting on 14 June, she was quoted as expressing her confidence that this year's celebration of independence day on 17 August would be blessed by a 'special gift', the final solution of the Aceh question. The armed forces are working to her agenda (almost certainly designed by her TNI advisers), not Wahid's, which explains the intensity with which the operations have been conducted.

Another factor driving the TNI's determination to 'finish off' GAM is the need to provide conducive security conditions to persuade the giant US oil company, Exxon, to resume operations which were suspended on 9 March. The continued closure is having a severe impact on the economy in lost revenues and foreign exchange earnings and now poses a threat to Indonesia's overseas market for the LNG produced by the Arun natural gas fields in Aceh. [See separate article about Exxon.]

Deputy director of the Indonesian Legal Aid Foundation,

YLBHI, Munir said the decision to launch new operations ignored the fact, as history has shown, that military operations have never solved anything in Aceh, going back to the Dutch war against Aceh in the 19th century. He described the TNI's determination to 'solve' the Aceh question as an attempt to compensate for their defeat in East Timor. The military want to reinforce the myth that they, not civilian politicians, are the only ones capable of solving conflicts and restoring peace in Aceh. Munir said that if the TNI were really interested in resolving the Aceh situation and rolling back the growing distrust towards Indonesia, they could easily do this by putting past perpetrators of human rights on trial [Detik.com, 28 April 2001] This remarks applies with equal force to the situation in West Papua.

## Massacre in Central Aceh

The day before talks between Indonesia and GAM were resumed in Geneva on 30 June, reports were received that twenty people had been killed in the village of Menderek, Timang Gajah in Central Aceh. While the security forces claimed they were all members of GAM, a GAM spokesperson insisted that only four of the dead were their members, and all the others were ordinary civilians. As the days passed, it became clear that the massacre in Menderek was the tip of the iceberg. The death toll mounted with reports from local hospitals and an Indonesian Red Cross team saying by 2 July that 62 bodies had been found, many with gunshot wounds and many charred beyond recognition. In mid July, TAPOL received a list of 184 people who had been killed in Central Aceh, along with the place of burial. The list was described as 'preliminary'.

Reports of serious disturbances in Central Aceh, of numerous houses having been burnt down, began to emerge earlier in June. On that occasion, the attacks appear to have come from GAM units, seeking to drive out the Javanese. Until then, Central Aceh was a region of calm; even during the DOM period (1989-1998), the district was untouched by the horrors that struck elsewhere.

There is a sizable Javanese population in Central Aceh, consisting not so much of recently arrived transmigrants but of people from Java and Tapanuli who settled in the province many decades ago. It is here that the security forces first began to set up and train para-military militias, recruited primarily from the Javanese. This is what seems to have angered local GAM units.

Central Aceh is also the home of a distinct ethnic group, the Gayo, who till recently, kept a distance from Acehnese aspirations. They have now been drawn into the conflict with some of their members joining forces with GAM.

According to reports from an observer in Central Aceh, Brimob and army troops have emptied three-quarters of the villages in some parts of Central Aceh. Gardens have been ravaged, animals killed and houses razed. Tens of thousands of Acehnese have fled their villages, suggesting a comparison with the huge displacement of the population of East Timor, in the wake of the ballot in August 1999.

On 7 July, AFP reported the discovery of 29 bodies in Matangkuli, North Aceh, scattered in a ravine in the Krueng Tuan and Salak Mountain range in Matangkuli, 31 miles west of Lhokseumawe. The bodies bore marks showing they had died violent deaths. The agency quoted a local journalist as saying 400 residents of Central Aceh had taken refuge in the Matangkuli area after being forced to flee their homes

by military-led militias; they had taken a week to reach their destination. Other sources suggested that the victims were local residents who had fled their homes when troops made 'sweepings' in their villages.

These reports prompted TAPOL to call on the British government to press for the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions to conduct an investigation in Aceh.

## Monitoring the mounting death toll

Meanwhile, elsewhere in Aceh, human rights NGOs have been attempting with great difficulty to keep a tally of the numbers killed. The Legal Aid Institute (LBH) in Banda



*A state of siege in the capital Banda Aceh*

Aceh said on 1 June that they had recorded 155 deaths since Inpres IV/2001 was announced on 11 April, an average of 25 deaths a week. Estimates of the number of deaths since the beginning of 2001 had reached one thousand by the end of June. Almost daily reports in the latter half of June suggest that there were on average five killings a day.

While all sources agree that the numbers dying are increasing throughout the province, it is not always possible to establish who was responsible. The security forces and GAM invariably give contradictory accounts. In those cases where monitors have been able to record the testimony of local people, the security forces are almost always to blame. Faisal Hadi of the Aceh Coalition of Human Rights NGOs highlighted the problem of accurate monitoring:

In the field, the soldiers or the police seem like they regard all of the Acehnese as GAM. But when people make a report or complain to their (local) commanders, they always say that you have to give the name and the unit of the soldiers (responsible). But it's very hard... because they



## Nashiruddin murder IPU questions police investigations

The Inter-Parliamentary Union has launched a special inquiry into the abduction on 21 January 2000 of Tengku Nashiruddin Daud, an Acehnese member of the Indonesian parliament, the DPR. The MP disappeared in Medan while on his way back to Jakarta following a visit to Aceh. His body was found two days later covered with wounds suggesting that he had been tortured.

At the time of his death, Nashiruddin was deputy chairman of the Independent Commission to Investigate Violations in Aceh, set up in 1999, when B.J. Habibie was president. He had distinguished himself as an outspoken member of the Commission and shortly before his death, he robustly challenged several top-ranking retired military officers who had been summoned by the DPR to answer questions about atrocities in Aceh during the DOM period, when Aceh was designated a 'military operations zone'. The televised encounter had the nation glued to their screens.

At the meeting of the IPU Council in Havana in April this year, a resolution was adopted expressing concern that police investigations of Nashiruddin's murder had failed as yet to produce conclusive results and expressed concern that 'only one line of inquiry seems to have been pursued', namely that GAM was responsible for the murder.

### Key witness disappears

At the meeting of its Committee for Human Rights of Parliamentarians in June, the IPU discussed new information that had been brought to its attention, namely that a young man, Abubakar Daud, who worked as a servant at the hostel where the MP was staying when he was abducted was summoned by the police to be questioned as a witness. However, the young man subsequently disappeared and nothing is known of his whereabouts. The Committee expressed alarm 'at the disappearance of a key witness', wanted to know whether the authorities had launched an investigation into his disappearance and urged the Indonesian parliament to enquire into the disappearance which it considers 'adds weight to the concerns (the Committee) has expressed regarding the conduct of the police investigation'.

The IPU's Human Rights Committee has under constant review the cases of 31 parliamentarians from around the world. \*

frequently don't wear their official uniform, just put on a black shirt.' [Australian Broadcasting Corporation, 21 June 2001] Here are some examples of what has been happening: On 18 June, a couple and their 18-year old daughter were found dead on Lampu'uk beach in Aceh Besar with bullet wounds in the chest and their faces smashed beyond recognition. The police said they had died during an armed clash with the 'rebels' but GAM said there had been no armed clash. Local people said the family had been kidnapped by an armed group riding a Kijang vehicle. [Cordova Post, 30 June 2001]

In a widely reported incident, three schoolboys were killed on the same day as the above incident was reported. The killing occurred following the gunning down outside a

school in Krueng Sabee, West Aceh of a member of Brimob by GAM. In revenge, police raided the school. Although it was a Sunday, schoolboys were there to register for a university entrance exam. During the raid, the police rounded up thirty youngsters and two members of staff. 'The three students died after being taken to the police headquarters which is about two kilometers (1.5 miles) from the school,' the source said, adding that several other students were injured. [AFP, 18 June]

On the same day too, five bodies were discovered by the roadside in Babah, Buloh, BlangPidie. The bodies had gunshot wounds and had been tortured. The security forces said they died in a round-up of GAM members, while GAM said the five men had been kidnapped by soldiers on 13 April. [Cordova Post, 30 June]

Such a confluence of reports on a single day is now becoming the norm in Aceh.

### NGOs targeted

Ever since the abduction and brutal murder of Jafar Siddiq Hamzah, the founder and chairperson of the International Forum on Aceh, in August 2000, there has been a deliberate campaign by the security forces to undermine and destroy the community of NGOs in Aceh dedicated to alerting national and international opinion about the human rights situation in Aceh.

In December 2000, three volunteers working for RATA, the Rehabilitation Action for Victims of Torture in Aceh, were gunned down by a unit consisting of members of the security forces and civilian associates. The murders were widely condemned and eight men were arrested, including four soldiers. However, four have since escaped and there is no news about whether the others are likely to go on trial.

Three months later, a well-known member of one of the joint monitoring committees working for the Humanitarian Pause was shot dead twenty minutes after leaving a police station where he had been questioned. He had been summoned in connection with the case of five women who were given protection by Kontras-Aceh (Committee for the Disappeared and Victims of Violence), after they alleged that they had been raped by members of Brimob. The women were later taken into police custody where they reversed their story, according to the police, now accusing GAM of having ordered them to accuse Brimob members of rape. The murdered man, Al Kamal, killed along with his lawyer and their driver, was travelling in a car clearly marked as belonging to the joint monitoring team.

This incident has been used by the police to accuse Kontras-Aceh activists of maligning their force because they had caused the story to be reported in the press. Besides facing serious charges, Kontras has been forced to curtail its monitoring activities because local volunteers were not able to submit their findings about local atrocities. Besides the dangers attached to monitoring incidents, they are also too scared to visit shops to fax their reports because of the proximity of the security forces.

### Rare glimpse of Aceh's horrors by journalist

Press reports by domestic and foreign journalists direct from Aceh are infrequent nowadays because of a deliberate policy by the security forces to keep the press out. A recent exception was a report in two leading Australian newspapers by a journalist who visited the village of Ujung Reuba,

*continued on page 27*



# Peace talks sabotaged

*A new round of talks between the Indonesian Government and GAM failed to make any progress. Jakarta unilaterally suspended the operations of the key joint committee on security. Three weeks later, GAM negotiators were arrested by the Indonesian police while follow-up talks were going on in Banda Aceh, striking the final blow to the talks.*

The arrest in Banda Aceh of four members of the GAM negotiating team on 20 July while talks were going on between the two sides was a serious breach of faith and the clearest sign that the Indonesian security forces were bent on sabotaging these efforts. The arrests, which took place as political tensions reached a new pitch in Jakarta over the Wahid presidency, distracting attention from developments in Aceh, were in flagrant violation of security guarantees given by the Indonesian side at talks held three weeks earlier in Geneva. Besides the four negotiators, a member of the security modalities monitoring team and another person were also arrested.

The talks in Banda Aceh had been convened to follow up decisions adopted in Geneva on 30 June-1 July during talks held under the auspices of the Henri Dunant Centre.

## Arrested by the police

The arrests took place at the Kuala Tripa Hotel in Banda Aceh where the talks had been going and where the negotiators from both sides were staying. This hotel was also used as the headquarters for the Henri Dunant Centre. More than two dozen heavily-armed members of Brimob, the Mobile Brigade of the Indonesian police, stormed the hotel while others stood on guard outside the building. The arrested men were taken to police headquarters in the city.

The arrested men are: Nashiruddin Ahmed, Amni A Marzuki and Hamdy Hamid, all members of the Joint Committee on Security Modalities, Teungku Kamaruzzaman, a member of the Joint Committee on Humanitarian Affairs, (all members of the GAM negotiating team), Nashrullah Dahlawi, a member of the Joint Monitoring Committee on Security Modalities, and Mohamad Usman, thought to be a member of GAM but not in any way connected with the negotiations.

On the day after the arrests, the police announced that the four GAM negotiators and one other detainee were under intense interrogation and will be charged for rebellion, under Article 106 of Indonesia's Criminal Code for which the maximum penalty is life. The sixth detainee, Nashrullah Dahlawi, was released. The GAM leadership warned that failure to release their negotiators would be met with a powerful response.

This blatant breach of faith will not go unnoticed by the Acehnese people and can only deepen their deep distrust of the Indonesian security forces.

The day before the arrests, members of Indonesia's negotiating team composed of senior police officers, had warned that these arrests would be made, adding that observers from the Henri Dunant Centre team would also be ordered to leave Aceh. [Waspada, 19 July] It is understood that the Centre was asked to leave Aceh by the Indonesian Foreign Ministry.

In a statement condemning the arrests, Human Rights

Watch warned that they could trigger all-out war. Its Asia director, Sidney Jones said: 'With the arrests of people whose security it had guaranteed, the Indonesian government is showing that commitments it makes with regard to Aceh are worthless. This could be a signal for all-out war.'

## Geneva talks

The talks three weeks earlier in Geneva were described as being a meeting of the 'Joint Council for Political Dialogue', as if a new stage had been reached in the dialogue. But what in fact happened was that the Indonesian side took a unilateral decision at the negotiations to suspend the Joint Committee on Security Modalities, on the grounds that GAM had not agreed to a meeting between their top commander in the field Abdullah Syafe'i and the commander of the Bukit Barisan regional military command based in Medan which includes Aceh. (The arrests in Banda Aceh signify that GAM's caution was well-founded!) The Indonesian side had also sought a statement from GAM regarding the operations of the natural gas installations in Aceh run by ExxonMobil.

The JCSM was the body set up under the Humanitarian Pause accord reached in May 2000 to allow both sides to file complaints about violations of the ceasefire under the terms of the accord. The real reason for its suspension is that the security forces needed to remove this organ so as to free themselves from any observation while military operations set in train by the April 11 Presidential Instruction proceeded. Its suspension was in fact the final blow to the talks. The idea of reaching a negotiated settlement had been promoted by President Wahid but as his political demise became assured, the security forces saw their opportunity to end the façade once and for all.

As we have reported earlier, the Humanitarian Pause which came into force at the beginning of June 2000 had little if any effect on conditions on the ground. It is no coincidence that on the day the GAM negotiators were arrested, the armed forces in Jakarta dispatched additional troops consisting of three Yon Gab, (joint battalions) of 2,000 men to Aceh consisting of specially-trained troops from the marines, the air force Paskhas and the army. Similar forces have recently been in operation in Maluku (see separate article). This is likely to be a special task force to capture and destroy GAM's local and regional units and annihilate their commanders. \*

# Exxon taken to court in the US

*Exxon, the world's largest oil company, has been taken to court in a US court, accused of complicity with the Indonesian military in egregious human rights violations in Aceh. The case, filed on behalf of eleven plaintiffs, makes grave charges against the company for its close collaboration with the Indonesian armed forces, employed by it to provide its installations with 'security'*

The lawsuit was filed in the District of Columbia court on 11 June by the Washington-based International Labour Rights Fund and is based on two US laws, the Alien Tort Claims Act under which foreign citizens can sue corporations in the US for human rights abuses, and the Torture Victim Protection Act which allow foreign victims of torture to sue corporations or individuals in the US.

The eleven Acehnese plaintiffs, seven men and four women, are not named in the lawsuit, special dispensation having been granted by the court to allow the plaintiffs to remain anonymous. As the lawsuit states, 'if they complained to the military authorities, they would face certain retribution and punishment'.

The lawsuit charges that the plaintiffs 'have been subjected to serious human rights abuses including genocide, murder, torture, crimes against humanity, sexual violence in violation of the Alien Tort Claims Act ... and the Torture Victims Protection Act'.

## Complicity with Suharto

ExxonMobil as the company is now known was created as the result of a merger on 30 November 1999 between Exxon Corporation and Mobil Corporation, owners of Mobil Oil Indonesia (MOI). 'Having reported approximately \$210 billion in revenue for the year 2000, ExxonMobil,' the lawsuit states, 'ExxonMobil is now listed as the largest publicly held American corporation by the magazine Fortune. In calendar year 2000, ExxonMobil reported the world's largest corporate profits'.

Having discovered a large natural gas field in Arun, Aceh in the early 1970s, Mobil Oil obtained exclusive rights over the exploitation of these reserves 'from the brutal military regime headed by General Suharto ... in exchange for providing the Suharto family with "blank shares" in MOI as well as other forms of direct and indirect payment'. Since then, the Arun Project which incorporates the extraction facilities now owned by ExxonMobil, and the liquefaction plant owned by the state company, Pertamina (55 per cent), Exxon (35 per cent) and a Japanese company (10 per cent), 'has been one of the largest and most profitable natural gas projects in the world and has helped catapult Indonesia as one of the world's largest natural gas producers and exporters'.

The suit charges that because of the extreme unpopularity of the Suharto regime, security was an essential element and the Project's activities 'could not have been performed without a heavy military presence'. Hence troops were assigned for that purpose, for which the company pays a regular fee. Moreover,

according to the suit, the company also controlled and directed the security forces, 'making decisions about where to place bases, strategic mission planning and making decisions about specific deployment areas. (Indeed, it is a recognised part of



**TNI crack troops on constant watch at the EXXONMOBIL site**

the 'duties' of the Indonesian armed forces to provide protection for so-called 'vital enterprises' which they have also been providing for three decades to the Freeport copper and gold mine in West Papua.)

By the time of the merger between Exxon and Mobil Oil, there was a 'clear public record of pervasive and systematic human rights violations perpetrated upon the innocent non-combatant villagers of Aceh by the TNI troops specifically hired to provide "security" for the Arun Project'. This included provision for two military barracks located near the installations, commonly referred to as 'Post 113' and 'Rancong Camp' which were used by Kopassus (special forces) units to interrogate, torture and murder Acehnese civilians suspected of engaging in separatist activities. It also included the provision of heavy equipment so that the Indonesian military could dig mass graves to bury their Acehnese victims, and the use of roads constructed by the companies to transport the military's victims to mass graves located near company premises.

Since the collapse of the Suharto regime, the defendants' 'security' service, the TNI, have continued without restraint to practice 'ethnic genocide', while the company has ignored pleas by numerous human rights groups to cease its operations in Aceh until it can make arrangements to operate without using the murderous TNI for security.



## A litany of abuses

All the plaintiffs, referred to simply as John or Jane Doe, were subjected to abuses at the hands of troops guarding the company's premises. One plaintiff was shot in the wrist, had a grenade thrown at him and was left for dead. He lost a hand and his left eye. The second was forced onto a truck, beaten severely on the head and body, blindfolded and taken to Rancong where he was tortured for months. The third was shot three times in the leg then dragged to a post where he was tortured while his gunshot wounds bled, had his skull cracked and was burnt with cigarettes. He was finally released after a bribe was paid. The fourth was beaten by soldiers, accused of being GAM and had the letters 'GAM' carved on his back with a knife. The fifth was held in a building inside the company's complex, tortured with cigarettes and electricity, sustaining severe injuries to his head and body. His captors also beat his son and broke his leg. The sixth plaintiff was tortured then taken to his village and ordered to identify all villagers who were members of GAM. When he denied knowing any GAM members, he was beaten and shot in the leg. After hospitalisation, he was tortured again, suffering more severe injuries. Finally, his village head made a collection in the village and bribed the police to release him. Male plaintiff No 7 was taken by his captors to an office inside the company compound where he was beaten with the butt of a gun and a hammer, sustaining severe injuries.

The house of the first female plaintiff, who was pregnant at the time, was forcibly entered by a soldier who threatened to kill her and her unborn child, then sexually assaulted her. The second woman plaintiff's husband was shot dead while working in a field, while the third woman's husband was taken from their home at gunpoint and never re-appeared. Female plaintiff No 4 also lost her husband when he was working in a field where he was shot and killed.

The court was requested to award the plaintiffs compensatory and punitive damages and to enjoin the defendant from further engaging in human rights abuses against the plaintiffs and their fellow villagers in complicity with the Indonesian government and military.

## Pertamina: 'We're responsible'

In response to the lawsuit, Exxon issued a statement 'categorically' denying any suggestion that it or its affiliate companies were involved in abuses by the security forces. For its part, Pertamina claimed that it was responsible for ExxonMobil security. 'The protection for all vital installations is the responsibility of Pertamina,' the company said, adding that it was common for the company to ask for assistance from the government if its vital installations came under threat. The president-director denied that they financed troops, but 'simply provided some health, housing and transportation facilities for the security officers ... in return for their services in guarding our facilities'. [Jakarta Post, 23 June 2001]

No one should expect early results from the lawsuit. Other cases, against Unocal in Burma and Shell/Chevron in Nigeria, are currently under consideration in US courts and it could take years for a verdict to be handed down.

## Exxon and US policy

Three months before the lawsuit was filed, Exxon halted all its operations in Arun for reasons of security. Four days later, the Indonesian cabinet adopted a decision to declare GAM a 'separatist' organisation and set in motion preparations for an

all-out offensive in Aceh. This came with Presidential Instruction No IV/2001 (Inpres/IV) on 11 April and the commencement of military operations on 2 May. A primary aim of the operations was the need to persuade Exxon to resume operations, as the shutdown was costing the Indonesian state \$100 million a month in revenue and a possible meltdown of its guaranteed overseas market for liquefied natural gas. Even before specially-trained counter-insurgency troops were sent to Aceh from various parts of Indonesia with a mission 'to crush GAM', an additional 2,000 troops were sent to increase 'security' at the Arun field.

Since the shutdown, there have been several explosions and attacks on company premises for which GAM has been blamed. The GAM leadership says that their units were not responsible and indeed would not have been able to penetrate the security surrounding the installation, had they wanted to. As the months have passed, Jakarta's efforts to persuade Exxon to resume operations have become more and more frenzied, including threats from Pertamina to take over the company or to insist on a shake-up of its executives. As we went to press, operations were expected to resume in mid-July.

US government policy on the question of Aceh is heavily focused on safeguarding Exxon's continued existence in Indonesia. This holds true especially since George W. Bush took office; Exxon contributed \$1.2 million to the Bush election war chest, one of the biggest donors.

During the talks in Geneva between the Indonesian government and GAM on 30 June/1 July, a key demand from Jakarta was for GAM to give a written assurance that it would not attack the installations; TAPOL understand that there was also strong pressure along these lines from the US shortly before the talks took place. For reasons known best to itself, GAM was not willing to give any such assurances, apparently because, to have done so would have meant acknowledging that they had been responsible for past attacks. \*

\*\*\*\*\*

## continuation from page 26

(SPMS), is affiliated to the International Union of Food, Hotel and Restaurant Workers, the IUF which has expressed full support for the strikers. The union filed a formal complaint against the mass dismissal of their members with the I.L.O in Geneva. The ACTU in Australia also came out in support of the striking Shangri-La workers. \*

## RECENTLY RECEIVED PUBLICATIONS

- \* Roland Challis, *Shadow of a Revolution, Indonesia and the Generals*, Sutton Publ, July 2001, 260pp
- \* Ben Anderson, ed., *Violence and the State in Suharto's Indonesia*, Cornell SEAP, 2001, 247pp
- \* Dan La Botz, *Made in Indonesia: Indonesian Workers since Suharto*, SouthEnd Press, 2001, 424p
- \* Mieke Kooistra, *Indonesia: Regional Conflicts and State Terror*, MRG International, July 2001, 32pp
- \* Richard Tanter, ed., *Bitter Flowers, Sweet Flowers, East Timor, Indonesia and the World Community*, Rowman&Littlefield, May 2001, 291pp

# Rights trials still a distant dream

*More than three years have passed since Suharto was overthrown. Grave human rights abuses occurred for more than three decades. Victims, NGOs, lawyers have urged that the perpetrators be called to account. In some cases, investigation teams have been hard at work. A law on human rights courts has been passed and provisions introduced for ad hoc courts to be set up to handle the older violations. But no one can predict when the first human rights trial will actually take place.*

Although the necessary laws (albeit flawed) are in place, the malaise goes far deeper. The fundamental problems are political and institutional. As the military re-asserts its political position and factions within the ruling political elite build their own alliances with the army, the chances of bringing the perpetrators to justice recede with every passing day.

The judiciary is also incapable of handling these crimes and the prosecution service needs a complete overhaul to weed out elements who have no training or conception of what is meant by crimes against humanity.

Shortly before he died on 3 July, Attorney General, Baharuddin Lopa, suggested that the country would need more than two decades to combat corruption institutionalised within the judicial system. He called the network of corruption within the judicial system a 'mafia' entangling all levels of the country's legal system [*Jakarta Post*, 6 June]. His untimely death will almost certainly scupper efforts to eliminate corrupt practices.



**Baharuddin Lopa died before even properly starting his anti-corruption drive**

## Rulers' justice

The principle of judicial independence and impartiality is routinely ignored by those supposed to uphold the law. A series of recent cases involving political activists in West Papua and Aceh has demonstrated that the law, the courts and the judiciary continue to

serve the interests of the State and those in power instead of upholding individual rights and freedoms [see separate item on the Wamena prisoners]. While impunity persists for state agents responsible for egregious rights abuses, independence supporters are imprisoned for peaceful political activities.

The law is also used by those who should themselves be in the dock to stifle freedom of expression, as in the case of

General (ret.) Wiranto and three other army generals suing University of Indonesia sociologist Thamrin Amal Tomagola for accusing them of provoking communal conflict in Maluku [*Jakarta Post*, 1 May 2001]. All this is more characteristic of a dictatorship than a democracy based on the rule of law. It is a clear sign that the transition to democracy in Indonesia still has a very long way to go.

The fact that the former dictator and greatest criminal of them all, Suharto, continues to evade justice is the ultimate symbol of a corrupt and unreformed system. His freedom, and that of other notorious rights abusers, encourages others to expect they will also enjoy impunity for past and future crimes, however heinous.

## International tribunal needed for Timor crimes

Any glimmer of hope that Indonesia might bring to trial the 22 persons named by the Attorney General as suspects in cases of crimes against humanity committed in East Timor in 1999 came crashing to the ground when President Wahid announced the establishment of an ad hoc court for East Timor that would only try crimes committed after the August 1999 ballot. It was bad enough that a UN investigation team and an Indonesian-appointed team had limited their investigations to what happened in 1999, ignoring the more than two decades of military crimes in East Timor.

The President's announcement came within days of Indonesia agreeing to a formal statement at the UN Commission on Human Rights which committed it to ensure accountability for crimes committed in East Timor during the whole of 1999.

Indonesia's inability and unwillingness to administer credible justice in relation to gross violations of human rights was demonstrated by the outcome in May 2001 of proceedings against those accused of involvement in the killing of three employees of the UN High Commission for Refugees (UNHCR) in Atambua, West Timor in September 2000 and by the impunity enjoyed by notorious militia leader, Eurico Guterres (see below).

Further evidence of Indonesia's failure to uphold the rule of law lies in its refusal to fulfil its obligations under a memorandum of understanding on legal co-operation with the UN administration in East Timor (UNTAET).

Minor players are now facing justice in East Timor, but the process is slow and unlikely to result in the conviction of Indonesian army officers ultimately responsible for the violence and killings [see TAPOL Bulletin No. 161, p. 12]. Ten Team Alpha militia members, on trial on crimes against humanity charges including the murders of a group of nuns and priests in the Los Palos area on 25 September 1999, have testified that they were created by the Indonesian



armed forces in the mid-1980s, that they were trained and armed by the Kopassus special forces and that they shared a base with Kopassus at the headquarters of Battalion 745 in Los Palos. [See *Judicial Systems Monitoring Project*, Dili, reports, 10 and 13 July.] A Kopassus officer charged with the militias is still at large in Indonesia and unlikely to face trial. No other Indonesian army officers have been charged.

An international tribunal is regarded by many as the only viable option to deliver Indonesian officers and other leading suspects to justice. In June this year, 45 aid agencies and human rights groups, including TAPOL, issued a statement at an international donor conference on East Timor in Canberra urging the international community to set up an international tribunal 'to bring to justice Indonesian military officers and others responsible for gross violations of human rights whenever they were committed'. At the same conference the East Timor NGO Forum asked the donors to provide funds for a conference on an international tribunal in Dili.

Later in June, East Timor's de facto government, the National Council, voted overwhelmingly to back the formation of an international tribunal [*Sydney Morning Herald*, 22 June]. In July, East Timor's political affairs minister, Peter Galbraith, supported calls for a tribunal saying 'he'd "seen very little evidence" that Indonesia was serious in its efforts to bring to trial those responsible for the violence' [AP, 13 July].

Crimes against humanity are crimes of universal jurisdiction and the international community has a special responsibility to ensure that the perpetrators are brought to justice. It has an additional moral responsibility in relation to the East Timor crimes because many of them were committed when the UN was administering the 'popular consultation' or after it abandoned the territory despite promises that it would stay after the vote.

The Milosevic case, now before the international criminal tribunal for the former Yugoslavia, demonstrates that political and military leaders responsible for war crimes and crimes against humanity are not immune from international justice. Western powers, which insisted on Milosevic's transfer to the tribunal in The Hague will continue to be charged with hypocrisy so long as Indonesian military suspects are not made to account for their alleged crimes.

## **Trial of UNHCR murderers a farce**

A taster of what can be expected from the Indonesian judiciary was the trial of six men accused of the murder of three UNHCR officials in Atambua, West Timor. The killings occurred on 6 September 2000 when the three officials, Samson Aragahegn (44) from Ethiopia, Carlos Luis Careres-Collazo (33) from the US and Pero Simundza (29), a Croat, were hacked to death by a gang of twenty to thirty pro-Jakarta militias wielding machetes and rifles in a poorly-protected UNHCR office close to the border with East Timor. Their bodies were then doused with kerosene and set on fire.

The murders, which were described by a senior UN official as 'the worse ever attack against UNHCR staff', led to the immediate closure of the agency's operations in West Timor and the withdrawal of all its staff. They had been there to tend to the needs of more than 100,000 East Timorese refugees still being held to ransom by militia thugs, living in appalling conditions in camps, and with a mandate to help those wishing to do so to return home. In the absence of the UNHCR and other international agencies that also decided to leave, militia gangs could control the camps without observation by the UN.

Given that - in the words of a US Senate resolution passed on 20 June - the murders 'fit a pattern of killings perpetrated, sanctioned or condoned by certain elements within the Indonesian military in Timor, both during and since the end of the Suharto regime', they were arguably crimes against humanity and should have been investigated as such. If necessary, an ad hoc human rights court for the trials should have been set up under Indonesia's new law on human rights courts.

Although this was without doubt a premeditated attack, the three men charged with the attack were charged with manslaughter, not murder. However, even this charge was dropped because, the presiding judge argued, the victims died at the hands of a mob, making it difficult to know the identities of the killers. He even alleged that the fact that the bodies were burnt beyond recognition made it more difficult to identify the killers. The three were given sentences of between 16 and 20 months. Two others were given ten months each for 'conspiring to incite violence' while a sixth man got 15 months for causing damage to property.

The derisory sentences were strongly condemned around the world. UN Secretary-General Kofi Annan described the verdicts as being 'incommensurate with what is known to have been deliberate and brutal killings'.

Indonesian lawyers and NGOs rounded on the prosecutors for the lamentable way they had prepared the charges. Asmara Nababan, secretary-general of the National Human Rights Commission criticised the prosecution for its handling of the case. Abdul Hakim Nusantara of ELSAM said the verdicts amounted to impunity, not punishment. He said that Indonesia's Criminal Code clearly stipulates that premeditated murder is punishable with a life sentence or even with death. [*Jakarta Post*, 8 May 2001]

## **Eurico Guterres goes free**

One of the most prominent beneficiaries of Indonesia's flawed justice system is the former head of the feared Dili-based Aitarak ('thorn') militia group, Eurico Guterres, now enjoying a reputation as one of Indonesia's national heroes.

Guterres was named as a suspect in the report of the Indonesian Commission for Human Rights Violations in East Timor (KPP-HAM), published in January 2000. In April 1999, he was filmed inciting a militia gathering to attack and 'kill if necessary' members of the family of independence leader Manuel Carrascalao. The same day at least 12 persons were killed when the Carrascalao house was attacked by a militia mob.

Guterres was subsequently involved in the forcible deportation of an estimated 250,000 to 300,000 East Timorese into West Timor and then appeared in Atambua just before the UNCHR workers were killed last September. A few weeks after the killings, he led a militia group which seized from the police weapons they had previously surrendered. He was arrested and sentenced to six months imprisonment for that offence, but served only 23 days in relative comfort under house arrest in a government housing complex in Jakarta. He is now enjoying life leading a local youth wing of Vice President Megawati Sukarnoputri's Democratic Party of Struggle (PDI-P), chairing an anti-communist organisation called the Front of the Red and White Defenders and in the style of fellow serious crimes suspect, General Wiranto, recording songs, in this case castigating the UN in East Timor.

Other leading suspects enjoying life 'on the run' include Major-General Adam Damiri - the most senior general with direct command in East Timor in 1999 - now in charge of

troop deployments to Aceh where East Timor-style militia groups are being set up [see separate item].

Others have been promoted as a reward for their efforts. Tono Suratman - the senior commander in East Timor for most of 1999 - has been promoted to colonel, his replacement M. Nur Muis - in charge during the September 1999 rampage - has been promoted to brigadier general and Yacob Sarosa - the commander of Battalion 745 - has been promoted to lieutenant colonel [*Christian Science Monitor*, 7 May, 2001]

## Military court hearing Trisakti case

Meanwhile, outrage greeted a decision by the Indonesian Parliament in July to hand over the Trisakti student killings in Jakarta in 1998 to a military court instead of setting up an ad hoc human rights court to handle this crime against humanity.

The killings took place nine days before Suharto was forced to resign on 21 May 1998, when four students of Trisakti University in Jakarta were shot dead by police, as they were returning to their campus after a peaceful demonstration. The tragedy, coming at the climax of nationwide student demonstrations calling for the dictator's resignation, led to three days of rioting, which the troops in Jakarta did nothing to prevent. More than a thousand people of Chinese extraction were killed, scores of Chinese women were raped and there was widespread destruction in mainly Chinese commercial centres in Jakarta and several other cities.



**Major General Syafrie Syamsuddin, Jakarta military commander during the riots in May 1998, sitting next to other high officers. So far all these military and police officers have managed to escape trial and conviction.**

Taken together, these tragedies are seen as having been part of a plot by top-ranking military officers to plunge the country into chaos and give the military the pretext to declare martial law, and crush the wave of protest against Suharto. The tide against Suharto was so overwhelming that he was forced to relinquish power anyway, but the evil consequences of the plot have gone unpunished.

Nine low-ranking police officers have now gone on trial before a military court for shooting the students. The prosecutor accused the men of opening fire 'without orders from their superiors', thus blocking any attempt to expose the line of command that caused the deaths.

Thorough investigations of the events have still not taken place despite a high-profile campaign by Trisakti students

and relatives of the victims, demanding that the army and police officers who ordered the killings be called to account. Their campaign also includes the killing of students in two later events, Semanggi I and Semanggi II. Semanggi I occurred on 13 November 1998 when 13 students were shot dead inside their campus and scores were injured during demonstrations against a special session of the supreme legislative assembly. Semanggi II occurred in late 1999, when students demonstrated against a new security law. On that occasion too, a number of students were shot dead.

No one, except those who want to save the skins of the perpetrators, denies that these were crimes against humanity. The campaigners want the charges to go right to the top, to the army and police officers who issued the orders for the deadly shootings. The names of General Wiranto, who was then commander-in-chief of the armed forces and Police General Dibyo Widodo, then the national chief of police, have been mentioned as the men answerable for these crimes.

However, in a decision that flew in the face of this legitimate demand, a special committee of the DPR rejected the proposal for an ad hoc human rights court to be set up, arguing that they were 'ordinary crimes', and decided to let a military court deal with the case. Only three of the parliamentary groups supported the ad hoc court proposal. Among the seven groups against were the armed forces and police faction and GOLKAR.

The committee's report was adopted by a plenary session of the DPR on 10 July. Relatives of the victims responded angrily and President Wahid expressed his disappointment by saying that the cases 'could not be described as pure crimes' since there was 'a political dimension behind the incidents'. Leading human rights NGOs accused parliament of harbouring New Order elements who will go to any lengths to protect human rights perpetrators who in virtually every case are serving or retired members of the armed forces. KontraS secretary, Usman Hamid, described the DPR as 'the political whipping boy of TNI and the police', while PBHI chairman, Hendardi, suggested the legislators 'deserve to be called the preservers of impunity who perpetuate the policies of the New Order in protecting violators of the law'. [*Jakarta Post*, 11 July]

#####

### continuation from page 20

of torture and ill-treatment inflicted on the prisoners. Their other demands include a recommendation to the international community to press Indonesia to invite the UN experts on extra-judicial killings, torture and the independence of judges and lawyers to carry out independent assessments of the human rights situation in West Papua. The report issued by the two organisations is available at [www.gn.apc.org/tapol/r010706wp.htm](http://www.gn.apc.org/tapol/r010706wp.htm)



## Police crackdown provokes hail of protest

*A police crackdown against an Asia-Pacific seminar attended by Indonesian and foreign activists to discuss neoliberalism and globalisation provoked a hail of protest and accusations that the Indonesian police are still wedded to the repressive practices of the Suharto dictatorship. The PRD chairperson Budiman Sujatmiko was the clear target in an action also involving right-wing thugs.*

The event that sparked the police crackdown was a three-day seminar convened by INCREASE, the Indonesian Centre for Reform and Social Emancipation. The conference convened to discuss the theme, Asia-Pacific People's Solidarity. It was held at a hotel in Sawangan, Depok, a short distance from Jakarta, to bring together activists from third world and first world countries to provide a forum for discussion on the impact of corporate globalisation on both North and South. Along with a number of Indonesian activists, there were more than thirty foreign activists present, from Australia, New Zealand, the US and Canada, as well as from India, Pakistan, Thailand and the Philippines.

### Police and thugs collude

The police operation started on the afternoon of the second day, Friday 8 June, but the evening before, suspicions were roused that something might be afoot when members of Pemuda Pancasila, an organisation known for its hooliganism and closeness to Suharto's New Order regime, were seen loitering outside the hotel where the seminar was being held.

At 2pm Friday, the venue was surrounded by 300 heavily-armed police; about a hundred police stormed the hall and halted the proceedings, brandishing firearms and tear-gas launchers. At first, they said the meeting was taking place without a permit but then turned their attention to the visitors from overseas, alleging that they were in breach of the terms of their tourist visas. After demanding to see their passports, the police rounded up the overseas visitors along with some of the organisers and drove them in an open truck to police headquarters in Jakarta. Among the foreign attendees were a French MEP, a member of the Auckland city council and a number of academics.

Not long after the police had left, thugs from a right-wing Islamic youth organisation, Angkatan Muda Ka'bah appeared and attacked the remaining Indonesians participants with swords and other sharp implements. Several people were injured in the fray, one of whom needed hospitalisation. One of those assaulted was Budiman Sujatmiko, chairperson of PRD, the People's Democracy Party, who was later taken into police custody overnight. The police operation was apparently conducted to remove the foreigners and clear the way for a violent physical attack on the Indonesians.

The foreign visitors were held overnight by the police, their passports were withheld, they were interrogated and threatened with orders to leave the country. For most of the foreigners, their local embassies intervened and in some cases protested, but the Pakistani participant, Farooq Tariq, secretary-general of the Pakistani Labour

Party, was deported to his country against his will, at the request of the Pakistani government, apparently to face arrest.

### Budiman, the target

There is little doubt that the target of this elaborate and vicious operation was Budiman Sujatmiko, chair of the PRD (People's Democracy Party) who was one of the discussants, though his party played no role in organising the event.

A few weeks before the operation, Indonesia's national police chief, Police General Bimantoro said that a number of activists, including Budiman, were on his 'hit list' for arrest.

The PRD is part of a coalition called Libas Orba, dedicated to exposing the role of Suharto-era, New Order elements scheming with politicians to remove President Abdurrahman Wahid from power.

A week before the police operation in Sawangan, the home of Budiman's parents was the target of two grenade attacks which fortunately did little damage. Days before, Budiman had received a phone call warning him that he and his family would be targeted. Budiman's parents have always been openly supportive of their son's activism ever since he was arrested and given a long prison sentence in 1996.

### Democracy in peril

In a letter to Foreign Minister Alwi Shihab, politicians and activists in the UK including Tony Benn, John Pilger, Paul Foot, Carmel Budiardjo and Bruce Kent said the police actions 'represent a grave threat to Indonesia's infant democracy' and called for action against the police officials and right-wing thugs responsible for breaking up the conference.

The Jakarta Post wrote in an editorial titled Democracy in Peril on 11 June: 'The police and its thug friends have made a complete mockery of every value and principle that this nation has been struggling to establish in the last three years... With a single stroke, the raid in Sawangan has simply turned the clock back on the nation.'

The PRD said the police had again been used 'as tools to repress civilian political activity' and warned that the 'rise of remnants of the New Order are clearly in evidence now.' TAPOL said in a statement that the police crackdown was 'a grim reminder that the methods and attitudes that reigned supreme during the hated era of Suharto's New Order are still powerful in Indonesia'.

\*

# Mama Yosepha wins environmental award

*Mama Yosepha Alomang, a leader of the Amungme people who has for years stood up to Freeport, the company that has relentlessly exploited her people's natural resources, was awarded the world's most prestigious environmental award in April. While her battle against one of the world's leading corporate predators continues, a major British company, BP, is in the early stages of exploiting West Papua's natural gas reserves in another part of the resource-rich territory.*

Mama Yosepha was one of eight environmental heroes from around the globe to be honoured with the Goldman Environmental Prize at a ceremony in San Francisco on 23 April. The citation says that 'she has organised resistance to the destruction of the world's largest gold mine operation,



**Mama Yosepha**

set amidst at-risk virgin rainforests'. In 1994, Mama Yosepha was detained during a clampdown by the Indonesian army to protect the interests of the company. During her detention, she was held for a week in a room knee-deep in water and human waste, without food or drink. She was held and tortured for altogether six weeks for allegedly giving food to Papuan fighters resisting the Indonesian occupation

and Freeport's land seizures.

A press release issued to mark the occasion said that because she and other leaders continued to speak out fearlessly, these and many other abuses became more widely known. 'Mama Yosepha has organised her community for over 20 years to resist Freeport's destruction and the Indonesian government's complacency.' She recently created Hamak, the Foundation for Human Rights and Against Violence, a women's group dedicated to human rights, environmentalism and traditional culture.

## Freeport up its old tricks

Unable to conceal its embarrassment and irritation at the honour bestowed on their most formidable foe, the New Orleans-based company announced a few days before the award ceremony that it had decided to grant Hamak, her women's organisation \$248,000, even giving the impression that the decision was in response to a request from the group. Since the mid-nineties, when protests against the company reached a peak, Freeport has pursued a policy of trying to buy off the tribal people whose land and ancestral sites it has ravaged, hoping in this way to pacify them and end organised resistance to the company. The offer of money to Hamak was another of the company's tricks, trying to share in the glow of recognition given to her.

The Wall Street Journal (23 April 2001) which described

Mama Yosepha as among the company's 'most strident foes', quoted her as accusing the company of throwing money recklessly at the indigenous people of her area. 'The main beneficiaries have been corrupt tribal leaders and the military, which controls the local houses of gambling, alcohol and prostitution,' she is quoted as saying. 'The money is killing our people slowly. The company must help us organise structures to use the money for local development. I give the company three or four more years to see if they really change. Otherwise, they must leave.'

Speaking at Freeport's Annual General Meeting in New Orleans on 3 May, John Rumbiak, director of ELS-HAM, the Institute for the Study of Human Rights and Advocacy, also referred to Freeport's attempt to bribe Mama Yosepha, and accused the company of manipulation and deception. He was scathing about the 1% fund set up by Freeport which had only caused friction and jealousy among the different tribal people. An assessment of the work of the LPMI, the organisation used by the company to channel the money to local communities, had found a great deal of corruption, unaccountability, and jealousy amongst the recipients.

Freeport has to stop all its deceitful and deadly games and open itself to a thorough investigation on human rights, environment, land rights and other problems that implicate the company, Rumbiak said. If Freeport wants to continue operating in West Papua, it should enter into negotiations with the indigenous owners whose mountains and lands were being exploited by the company.

## BP to exploit W Papua's natural gas

Meanwhile a new source of possible conflict is emerging in Bintuni Bay, in the area known as Birds'Head. Huge reserves of natural gas have attracted the UK's leading petroleum company, BP, to develop installations for the drilling, liquefaction and export of this commodity.

Little was known about the development of BP's investments in Bintuni Bay until a freelance journalist visited the area earlier this year. The project will initially involve two off-shore platforms with more emerging later as these reserves dry up. Marine pipelines will transport the gas to a liquefaction plant covering 600 hectares of what is now primary rainforest. A nearby fertiliser factory will be built by another company, as well as a port to export the LNG.

Before visiting the BP base camp, the journalist, Keith Hyams visited a village on the north side of the Bay to ask what villagers felt about the project. Weriagar villagers were still angry about the deaths of several dozen babies who succumbed to a mysterious disease in 1996, soon after



an American company, ARCO (later bought out by BP) started drilling for gas in a nearby river which is the village's sole source of water. Altogether 48 babies died of the disease, Hyams was told. The villagers had planned to report the tragedy to the regional government but were warned not to do so by military who moved into the area to protect the site. They have however filed a demand for compensation for the deaths from BP. ARCO also moved across the Bay to Ottoweri where 400 hectares of sago trees were burnt down without compensation.

As is so often the case, however, the villagers are torn between their anger at the terrible injustices they have suffered and a feeling of resignation that the company will move in anyway and seeking to get as much as they can out of it. Villagers say that BP has promised to fund a health clinic and school, provide scholarships for able students and help build better housing. One reason they gave for feeling more sympathetic towards BP was that the company was at least talking to them, unlike other companies in the area. West Papuan activists in Manokwari however told Hyams that they did not want the British company to come until after independence had been achieved.

As the journalist wrote: 'The bottom line is that the local people have no right of veto over the plant and thus only minimal control over how they are treated. [*The Ecologist*, June 2001]

Clearly, villagers now confronting the BP should pay close attention to the bitter experiences of the Amungme and other tribal people who have been confronting Freeport and their glowing promises for nearly three decades.

### BP and the role of the military

BP is reported to have decided that it would not use the Indonesian armed forces to provide security for its installations. Whether or not this is true, Hyams was told, when he met the boss of the BP camp, an American called Jim, that a military post was guarding the camp.

In any case, the authorities in Jayapura are well aware that the recent events in Wasior, some 60 kms to the east, have a direct bearing on the prospects of British investments in Bintuni Bay. The governor of Irian Jaya, Joop Salossa, a retired armed officer who formerly held the post of deputy governor of East Timor (where the governor was always a non-military East Timorese and his deputy was always a retired army officer), stressed that the provincial government's support for the LNG project would continue regardless of the recent disturbances in Warior. He said he had asked the security forces to 'secure the region, particularly in the vicinity of Bintuni Bay, so as to make sure that the LNG project can proceed.'

'The Bintuni Bay LNG project will be second only to Freeport in Timika as an economic asset,' he said. 'I very much hope there will be no repetition of the events in Wasior. But the most crucial thing is that those events should not stand in the way of the LNG project. I have therefore asked the chief of police and the military commander to assist the local government in providing security to the LNG project. Security is the top priority for the LNG project.' [*Cendrawasih Pos*, 19 June 2001]

#####

## Brimob violence engulfs Manokwari

*Widespread police operations have been underway since March this year in the district of Manokwari in the Bird's Head region of West Papua, following armed attacks on two logging companies. In the second of these incidents, five Brimob officers were killed. Retribution against the population has led to many civilian casualties and thousands of villagers fleeing to nearby forests. The area has been sealed off as sweepings continue undetected by outside observers.*

Events in Manokwari district have been a matter of deep concern for human rights organisations in West Papua and church activists from the GKI, because of the intensity of sweepings and operations conducted since April by the police force, backed up by the notorious crack police unit, Brimob and the Indonesian army, TNI.

The intensity of the response by the security forces is also related to plans by the British petroleum company, BP, to exploit huge gas reserves in and around Bintuni Bay which lies close by, to the west of Manokwari district. The governor of Irian Jaya, Salossa, has warned that security disturbances in Manokwari must not be allowed to obstruct the

progress of the BP project. [*Cendrawasih Pos*, 19 June] (See separate article.)

### Dispute with logging company

Earlier this year, local people were in dispute with one of the many logging companies operating in the sub-district of Wasior in the southern part of Manokwari district over unsatisfactory compensation for their trees and ancestral land taken over by the concessionaire. Then, on 31 March, the base camp of the company, PT Dharma Mukti Persada (DMP), was attacked by an armed gang and three company employees were killed. Although this was almost certainly the work of a unit of the OPM's armed wing, the TPN, the security forces

used the incident as the justification for bolstering their presence in the area, sending in reinforcements from the notorious crack force of the police, Brimob.

As so often happens, the local population bore the brunt of the crackdown. The police conducted sweepings in the area, entered villages and started shooting. Hundreds of terrified villagers fled into the forests, to avoid more acts of violence and intimidation. Alarming reports began to reach human rights groups in Jayapura about the catastrophe unfolding in Wasior.

Since most of the inhabitants in Wasior sub-district are



members of the GKI, one of the leading Protestant churches in West Papua, the church decided to set up a Pastoral Team to go

and investigate the alarming

developments and do what they could to give succour to their flock. However, the local police chief refused to allow the Team to enter the sub-district and it was forced to return to Jayapura.

In late April, a group of 22 villagers from Nabire, which lies to the east, set out on a journey to visit a sacred site in Wasior. On their way home about ten days later, they were intercepted by a unit of Brimob troops who opened fire for no apparent reason as the group had shown no signs of wanting to resist the troops. Six of the men were shot dead and the other 16 who survived by taking shelter in the hold of a vessel which was to have taken them back home by sea, were all arrested. The detainees were beaten and tortured as they were being transported to the town of Manokwari, in the north. The two most gravely wounded detainees were transferred to a hospital in Jayapura while the other fourteen have been held in detention in Manokwari.

### Flag-raising incident

Yet another incident occurred when the security forces in Manokwari town pulled down the Morning Star, the West Papuan flag, which had been unfurled on 1 May in the grounds of the home of the local Papuan leader, Bernadus Mandachan. The troops opened fire on the flag-raisers when they refused to lower the flag, injuring seven men and arresting twenty. Two of the five who have been held in detention are likely to face charges, along with others whom the police suspect of being involved in the flag-raising.

### Brimob members killed

As the sweepings continued in Wasior sub-district, another

logging company was the target of an armed attack on 13 June. Five Brimob members and a company employee were killed. These Brimob troops had been brought into the area after the attack on 31 March to provide greater protection to logging company premises.

When members of the security forces are slain, the fury of their officers knows no bounds and Wasior has become the target of yet more operations, sweepings and intimidation. An even larger area has been sealed off, stretching in the south from Fak-Fak in the west to Nabire in the east. A number of people living in the vicinity of the logging company have been rounded up and transported to Manokwari to be interrogated about the 13 June incident. The security forces have also appointed informers in all the villages, under orders to produce the men who killed the Brimob officers.

To make matters worse, two Belgian television journalists disappeared in Puncak Jaya, to the south of Wasior. It soon became apparent that they had been abducted by a local OPM group and the Belgian authorities became involved in negotiations to secure the men's release. As we went to press, it was announced that two church leaders had agreed to negotiate with the abductors to secure their release.

Human rights activists are facing tremendous problems responding to the situation in Manokwari district. Lawyers sent from Jayapura to assist the many people now in detention there have been hampered in their work and their lives even threatened by police officers, in total disregard of the right of detainees to have the assistance of legal counsel during interrogation. A human rights volunteer working in Nabire who had drawn attention to a number of mysterious murders in the town, was summoned for interrogation by the police in a clear attempt to hamper his investigations. This was how the police responded to a plea from ELSHAM to the police to investigate the killings.

The terrible retribution being visited on the population of Wasior is bound to have dire consequences for economic and social conditions, especially if villagers are forced to abandon their villages for any length of time and are prevented from tending their gardens or hunting and fishing. This could replicate the disastrous events that overcame villagers in Timika, in the south of West Papua in 1996, when the security forces imposed a clampdown, following the release of four British scientists who had been held captive by the OPM for five months. Later investigations revealed that more than two hundred villagers died, mostly of starvation and lack of medical care, after abandoning their homes. [See *TAPOL Bulletin*, No 144, December 1997]

If these security measures continue unabated, the people of Wasior and the Manokwari district are likely to have a very hard time for months to come, while more trials can be expected to take place.

\*



# Rights commission accuses police in Papua

*A damning report about police crimes against humanity in West Papua has been produced by Indonesia's human rights commission. However, injustices against West Papuans arrested and tried for flag-raising continue unabated.*

Twenty-five police officers have been named as suspects in a report drawn up by the National Human Rights Commission (Komnas HAM) following investigations into an attack on students in Abepura, West Papua last December. 'This case constitutes a gross violation of human rights and should be prosecuted under the rights' tribunal law rather than under the Criminal Code,' said Albert Hasibuan who headed the Commission's investigation team sent to Jayapura in February this year.

The police raided three student dormitories in Abepura on 7 December 2000 after an attack by unidentified persons on a police station in Jayapura, without having a shred of evidence that the students were responsible for the attack. The police were intent on pinning the incident on highlanders from Wamena. One police officer was killed in the attack.

The subsequent atrocities gained international attention because a Swiss journalist who had been arrested by the police for allegedly abusing his tourist visa witnessed what happened in the detention centre where he was held. [See *TAPOL Bulletin*, No 161, March-April 2001, page 20]

The police raided three dormitories accommodating Cendrawasih University students in Abepura, on the outskirts of Jayapura, and three residential complexes mostly occupied by people from Wamena, according to the inquiry. The incident claimed the lives of three persons, two of whom died while in police custody, while the third died after being shot in the head as he was being arrested. According to the investigation team, two others have suffered permanent physical injuries. [For a detailed account of the Abepura incident, see 'Violence and Political Impasse in Papua', *Human Rights Watch*, July 2001]

The Komnas HAM inquiry grouped the perpetrators into three categories: those who conducted the arrests and abused the prisoners, those who were responsible for the operation, and those who were responsible for order and security in Jayapura. The first category involves 21 police officers and members of Brimob, the elite police brigade. The other four suspects are high-ranking police officers in Irian Jaya who should be held responsible for the incident as they were in command. [*The Jakarta Post*, 18 May 2001]

According to the *Australian Financial Review* [19 May 2001], the report named the province's police chief, Brigadier-General Sylvanus Wenas, his deputy, Brigadier-General Moersoetidarno Moerhadi, Brimob commander Senior Superintendent Johnny Wainal Usman and Jayapura commander Superintendent Daud Sihombing, and calls for them to be prosecuted along with the lower ranks who were directly involved.

## Police exert pressure on witnesses

The Komnas HAM investigations did not run smoothly as the local police and civil authorities tried to scupper the mission by summoning witnesses after they had been inter-

viewed by the Komnas HAM team. Hasibuan condemned this as an 'obstruction to justice... because the witnesses and victims were scared and felt intimidated since the police often visited their residences'. Ironically, there was also interference from the Jayapura office of the justice and human rights ministry which, instead of supporting the Commission's investigations, advised the local police not to respond to the investigation team's summons since the office regarded the Abepura incident as 'an ordinary crime' and therefore outside the Commission's mandate. [*The Jakarta Post*, 24 March 2001]



*Pro-independence demonstration of Papuans in Jakarta*

Following their investigations, the Komnas HAM team submitted their findings to the Attorney General whose task it is to decide whether prosecutions should follow, in which case the trials will take place before a human rights court which will sit in Makassar, South Sulawesi. This will be a significant event, the first case to come before the Human Rights Court set up under the Human Rights Court Law of November 2000. On 18 June, the new attorney general, Baharuddin Lopa (who died two weeks later), appointed a team of more than thirty prosecutors to study the findings and report to him within thirty days about proceeding to the next stage.

## Meeting ends in walk-out and killing

A meeting convened by the authorities to discuss a proposal for 'special autonomy' for West Papua ended in everyone present walking out in disgust at the proposal. One man was shot dead and 13 people were arrested by security



forces trying to control the crowds, as more and more people walked out of the meeting.

One of the participants, Dr Keleili, who worked for 20 years as an assistant to Indonesian-appointed governors, said that hundreds of West Papuans from all the 14 districts, attended the autonomy seminar, held in Jayapura on 28 March 2000. The meeting was inaugurated by Joop Salossa, the governor of Irian Jaya province. The participants included government officials, representatives of women's groups, and traditional leaders. On the agenda was a request from Jakarta for West Papuans to put forward what they wanted in the way of special autonomy.

But the West Papuan delegates wanted to discuss quite a different agenda, independence. Suddenly, one by one each delegation stood up, announced that they rejected the autonomy offer and walked out of the meeting where they joined a crowd of more than 3,000 outside, chanting 'independence, not autonomy'.

Then several truckloads of students arrived and tried to restrain the police who were becoming increasingly violent. But the police opened fire and started wielding batons and iron rods; a highlander, Philipus Murib, (30 years old) who had been a delegate at the meeting, was struck in the stomach. He was rushed to hospital where he died, despite attempts by doctors to save him with a three-hour operation. Seven other civilians were injured. Thirteen students were arrested. [*Australian Broadcasting Corporation Asia-Pacific Report*, 30 March 2001]

### Fak-Fak trial, a gross abuse

Meanwhile, five West Papuans who were arrested in Fak-Fak last December after trying to protect their West Papuan flag from being pulled down by the police were convicted in a court and sentenced to one and a half years each on 20 May 2001.

The five men, Izak Baho (54), Lukas Tenau (42), Dance Iek (51), Azer Sagas (24) and Lukas Iha (22) were arrested on 1 December last year when police attacked a group of forty people in the village of Brongkedik who had raised the Morning Star flag. Two men, Evelinus Krispul and Fahrudin Hindom, both aged 20, were shot dead when the security forces opened fire on the group. Two others were wounded, Gerson Hindom and Esau Woy.

During the early period of their detention, they were subjected to violence; they were struck with rifle-butts, kicked and beaten till their bodies were covered in swellings and bruises. Lukas Iha sustained heavy blows on the head and is still suffering from damage to the brain. No attempt was made to provide the men with medical treatment.

The trial, which opened on 26 April was not open to the public, in violation of the procedural code. They were charged under Emergency Law No 12/1951 for being in possession of dangerous weapons without permission. (These were almost certainly traditional weapons carried by West Papuans in conformity with their customs.) In a trial that, according to the human rights NGO, ELS-HAM, contravened virtual every rule in the book, the men had no defence lawyers, were not allowed to call defence witnesses or permitted to present a defence plea. Because the trial was closed to the public, even their relatives were not able to attend.

### PPC leaders go on trial

The first hearings of the long-awaited trials of five lead-

ers of the Papuan Presidium Council have now started in Jayapura. The first to go on trial was the PPC chair, Theys Eluay, who was charged with rebellion, under article 106 of the Criminal Code, which carries a maximum penalty of 20 years. He is also charged under Article 154, one of the hate-sowing charges, for which the penalty is seven years. His trial was immediately followed by that of Don Flossy, a member of the Council. The three others, who are to be tried jointly, are the Reverend Herman Awom, Thaha Al Hamid and John Mambor. Their trial has been delayed because of the ill-health of John Mambor.

In their first statement to the court, Eluay and his lawyers said the aim of the Papuan struggle was no longer to create an independent state - because they have that already - but to retrieve their rights to sovereignty. His lawyer, Siregar, told the court that the May 2000 Papua Congress, which concluded by demanding that Jakarta recognise the province's sovereignty, could not be considered subversive, as it was held with the agreement of local government, military and police chiefs, all of whom attended.

'We told them that the Congress results were not just the aspirations of the five defendants but of the entire Papua community,' Siregar told journalists, after the hearing. 'So what Theys did was to express political aspirations. That doesn't constitute mobilising a political rebellion or subversion.'

The trial of Don Flassy, also facing the charge of rebellion, went ahead in Jayapura on 2 July after the court rejected a motion by the defence challenging the legitimacy of the court. He is accused among other things of attending a declaration at the home of Theys Eluay, of being present at a flag-raising ceremony on 1 December 1999, of being coordinator of the drafting committees of the Papuan Congress in February 2000 and the Second Papuan National Congress in May-June 2000. [*Kompas*, 2 July 2001]

### Four students trial drags on in Jakarta

Four West Papuan students who took part in a pro-independence demonstration in Jakarta, along with scores of others, have been on trial since 15 March. [See *TAPOL Bulletin* No 161, March/April 2001, page 16]

Although they originally faced the charge of rebellion, under article 106 of the Criminal Code, that has now been dropped. While the charge they now face is the lesser one of 'hate-sowing', they have needlessly suffered months of abuse, detention in a police cell and in prison. By rights they should be entitled to sue the police for wrongful arrest.

In his summing up, the prosecutor asked the court to find them guilty under the 'hate-sowing' Article 154 and asked for an eight-month sentence. While the trial was in progress, their detention order was suspended and they were allowed to leave prison. A defence plea on their behalf was scheduled for 17 July.

The four men are Matius Rumbapuk (31), graduate, Satyawacana University, Salatiga, Central Java, Laon Wenda (28), a student at FISIP Universitas Jenderal Achmad Yani, Ciamis, West Java, Joseph Wenda, (23), a student at the Theological College, Jakarta, and Hans Gobay, (22), a student at Universitas Proklamasi 45, Yogyakarta, Central Java. \*



# Wamena political prisoners campaign

*TAPOL joined forces in July with its partner organisation in West Papua, ELS-HAM, the Institute for Human Rights Study and Advocacy, to produce a report on the appalling abuses suffered by a group of 22 prisoners detained in Wamena, West Papua for their political beliefs and their support for independence for West Papua. The organisations launched a campaign demanding the release of the prisoners and investigations into the human right violations committed by State officials*

The report - Criminalising politics in West Papua: The trials of 22 Wamena political prisoners and their abuse by the police - lists a catalogue of abuses suffered by the prisoners while in detention and on trial, including torture and other forms of ill-treatment, and a death in custody. It reveals that the police and judicial authorities committed flagrant breaches of Indonesian law and international standards applicable to detention and the right to a fair trial. The report casts serious doubt on the independence and impartiality of the trial judges.

## Scapegoats for 'Bloody Wamena'

The 22 prisoners were arrested during and following a series of highly provocative operations by the Indonesian police in and around Wamena on 6 October 2000, which began when the police pulled down a number of 'Morning Star' West Papuan flags and brutally assaulted the flag-raisers. The tragic events in Wamena that day became known as 'Bloody Wamena'. They resulted in the killing of 13 Papuans by the police and the subsequent killing of two dozen migrants seen as being in collusion with the police. [see *TAPOL Bulletin* No. 161, p. 18]

The prisoners include five Panel (local representative) members of the pro-independence Papuan Presidium Council and 17 others. Thirteen of the 17 are members of the local Satgas Papua (Papuan Taskforce), one is a government employee and three are members of the public caught up by chance in the incidents for which the Satgas Papua members were arrested.

In January and February 2001, the prisoners were all found guilty of rebellion or attempting to separate part of the State of Indonesia and other lesser offences and were sentenced to terms of imprisonment ranging from one to four-and-a-half years. On 12 June 2001 they filed an appeal at the Indonesian Supreme Court. Their earlier appeal to the Wamena High Court was dismissed.

The 17 were convicted for exercising of their right to freedom of expression and assembly by unfurling the 'Morning Star' flag, despite the fact the authorities had given permission for the flag to be flown until 19 October 2000. The five Panel members were convicted in relation to their membership of the Presidium Council and their actions in disseminating the decisions of the Papuan Consultation meeting in February 2000 and the Second Papuan People's Congress in May-June 2000, which led to the founding of the Presidium Council [see *TAPOL Bulletin* no. 158, p. 17]. This despite the fact that the Congress was substantially funded by President Wahid.

It is clear that the prisoners were targeted for their political beliefs. Although no evidence could be found of their involvement in or responsibility for Bloody Wamena, they were made the scapegoats for that tragedy because of their support for independence for West Papua.

Their treatment is in stark contrast to the impunity enjoyed by the police and state officials who tortured and brutalised them.

## A new generation of political prisoners

The treatment of the Wamena prisoners is part of a concerted campaign by the Indonesian authorities to suppress legitimate independence aspirations, which has intensified since the recent deployment of additional security forces to the West Papua. The TAPOL/ELS-HAM report shows that little has changed since the dark days of the Suharto regime:

"In Indonesia, supremacy of the law has for decades been overridden by the political interests of the state, particularly in places such as West Papua where the demand for self-determination is strong. This remains true three years after the fall of the Suharto and the coming to power of a democratically-elected president twenty months ago."

Soon after it took office, the Wahid government released all remaining political prisoners indicating that the detention and conviction of people for involvement in political activities would have no place in the post-Suharto Indonesia. The Government has now reversed that policy and is creating a new generation of political prisoners.

It is likely that a similar fate awaits five other members of the Presidium Council, including its leader, Theys Eluay - also charged with rebellion - and four students in Jakarta charged under Indonesia's notorious 'hate sowing' articles with expressing hostility, hatred and contempt of the Government.

Five other pro-independence activists from the town of Fak-Fak are in prison and victims of arbitrary detention following a grossly unfair trial for weapons offences, which involved serious breaches of Indonesian law and international standards [see separate item].

## Recommendations

TAPOL and ELS-HAM are calling upon the Indonesian authorities to release the 22 prisoners immediately and unconditionally, to investigate and bring to justice those responsible for the violence and killings which resulted in Bloody Wamena, and to investigate and bring to justice those responsible for the death in custody and the acts of

*continued on page 13*



# Refugee registration a sham

*On 6 and 7 June, the Indonesian government went ahead with controversial plans to register East Timorese refugees in West Timor and determine whether they wished to remain in Indonesia or return to East Timor. With militias still in control of the refugee camps and security conditions preventing the direct involvement of the international community, the process was a dangerous sham which has done nothing to contribute to the safe repatriation or re-settlement of the refugees.*

The final figures for the registration showed that 295,751 refugees were registered of which 113,794 were over the age of 17 years. Of those over 17, 98.02 per cent opted to remain in Indonesia. These figures - both for the total number of refugees and the proportion wishing to remain in Indonesia - are far too high and clearly do not reflect the refugees' real wishes and long-term intentions. Local NGOs estimate that around 65 per cent of the refugees would prefer to return to East Timor at some stage.

The fact that the international community allowed the Indonesian government to go ahead with the registration is highly regrettable. Serious questions have to be asked about why the UN High Commissioner for Refugees (UNHCR) funded almost half the costs (using money provided by the European Union) and why the UN Transitional Administration for East Timor (UNTAET) and the International Organisation for Migration (IOM) lent credibility to the process by sending observers. Their involvement begs the question as to who will challenge the Indonesian authorities' handling of the refugee crisis and who is actually looking after the interests of the refugees. Almost two years after the East Timorese were forced into West Timor, it appears that the answer is nobody.

International diplomatic and media attention on the refugee crisis has waxed and waned since September 1999 when over 250,000 East Timorese were forcibly driven to West Timor following the post-ballot violence in East Timor. There was some renewal of interest after the murder of three UNHCR workers in Atambua, West Timor in September 2000, which resulted in the withdrawal of all international aid organisations and UN agencies. However, consistent and significant lobbying on behalf of the refugees has never materialised in either an international or East Timorese context.

Ironically, more international outrage was expressed over the light sentences handed out to those charged in connection with the UNHCR killings than was expressed over the plight of the tens of thousands of refugees who had been without significant humanitarian assistance for nine months. Never mind the fact that there has been no justice for the West Timorese also killed by militia in and around Atambua at the time of the UNHCR killings.

## Indonesia presses ahead regardless

In this vacuum of international concern, the Indonesian government forged ahead with its own solution to the problem with very little resistance from any quarter. The registration process it conducted was deeply flawed. In particular, it did not address the rampant militia intimidation, corruption and aggression that would prevent the refugees making a free and informed choice.

In November 2000, a UN Security Council mission to East Timor recommended that a team of experts should assess the security situation in West Timor and that the registration process should not start until the team had verified that it could be carried out safely. That security assessment was



*Small monument in Suai to commemorate the mass killings in 1998 by militia, TNI and Police forces.*

only started on 8 July, after the registration was completed.

The official participation of organisations such as UNTAS (a pro-integration political organisation associated with the militias) in publicising the registration undermined the neutrality of the process and should have been prohibited at all stages. The fact that the actual outcome almost matched an UNTAS prediction that 95 per cent of refugees would indicate a wish to remain in Indonesia is a clear indication that the whole process was tightly controlled by the pro-Indonesia forces.

The criterion that refugees had to register with their 'heads of families' nullified any illusion that the process would provide a comprehensive and accurate survey of refugees' intentions, bearing in mind that the majority of families in West Timor are headed by males, who are either militia or associated with the Indonesian military (TNI) or under their influence. Many refugees were swept into West Timor from villages dominated by militia leaders and are still helplessly under the authority of those leaders. Whole families and



communities would have had no option but to register according to the dictates of the militias or face violent retribution.

Only 12 international observers were present to cover 507 registration stations, 1,600 registration officials, 80 field supervisors and no less than 4,504 security personnel from the TNI and police. Even if the proposed number of 34 international observers had arrived and participated, they would never have had the capacity to comprehensively monitor the entire process. Several local NGOs with long experience of dealing with the refugee crisis were not given accreditation.

The fact that in the event the registration on 6 and 7 June was conducted in an orderly fashion and without any overt displays of violence or intimidation is largely irrelevant. The power and influence of the militias is far more insidious and operates at various levels above and below the surface. As the relative calm of the August 1999 East Timor ballot day demonstrated, the military and militias are able to turn the violence off and on at will. The atmosphere on the registration days says nothing about prior or subsequent intimidation and violence, which would have had a profound influence on the refugees' decisions.

In stating that the "people had been able to express their wishes freely without fear, threat or intimidation" [see *OCHA Consolidated Situation Report for Indonesia*, No. 29 for 15 - 22 June 2001], UNTAET and IOM were at best extremely naïve and at worst complicit in the violation of the refugees' rights.

The report of the international observers - including UNTAET and IOM - is a disgraceful cop-out. Incredibly, the word 'militia' is not used once throughout the entire six-page report. In a perversion of language, the observers prefer to use the term 'refugee community leader'. There is no reference to the general security situation in West Timor and its impact on the process. The observers were more concerned with technical issues such as whether the registration started on time and whether proper ink marking was used. The only worthwhile outcome of the mission was the finding that 'the ballot should be viewed as a choice made by the refugees on the day, and not necessarily as an indication of their permanent intentions'.

### **A rushed and deeply-flawed process**

The process was driven in part by the wish to complete the registration and repatriation in time for refugees to register for the East Timorese elections on 30 August 2001. That may have been a laudable objective, but the overriding objective of the process should have been to ensure that the refugees were able to make a free and informed choice about where they wished to live. The Indonesian authorities should not have been permitted to impose a timetable for registration unrelated to the situation on the ground in West Timor. If anything, the East Timorese authorities should have considered postponing the elections until conditions in West Timor allowed for the registration, repatriation and resettlement of the refugees according to international standards for the protection of refugees.

Apart from the major problem of militia violence and intimidation, the process was seriously flawed in failing to take account of the complexities of the refugees' circumstances and intentions.

Frank Brennan, Country Director of the Jesuit Refugee Service in East Timor wrote to Sergio de Mello, the head of UNTAET two months before the registration saying: 'Asking

the simple question whether people 'wish to return to East Timor or whether they wish to settle permanently in Indonesia' will provide little guidance about people's real intentions.'

After the registration, he said: 'It is impossible to read any sense into the result of such a simplistic survey conducted with inadequate public education and security.' He pointed out that many refugees actually wanted to wait and see what happens after the elections in East Timor. Others were still awaiting assurances regarding their homes and land. Some who wish to settle in Indonesia want to do so only if they can stay in West Timor; others want to stay so long as their salaries are paid by the Indonesian authorities. He went on: 'Most East Timorese want to return home eventually. Most of those still in the camps want to stay in West Timor in the foreseeable future. We all knew that before the registration. The registration results will now be used by the Government of Indonesia, UNHCR and UNTAET to rationalise the abandonment of the majority of the people left in the camps on the basis that they have exercised a choice to stay. UNHCR described this registration as 'a necessary first step towards identifying and promoting durable solutions for East Timor refugees...'. It was nothing of the sort. It was a further step backwards after the international community's departure in September 2000 and will now be used as a step along the way of UNHCR's withdrawal from Timor before these people have pursued their preferred durable solution.

'Any registration of intention (to remain or return) in camps as insecure as those in West Timor is dangerous and imprudent unless the anonymity of the registrants can be assured. Even if anonymity be assured, there is a need for transparent, independent socialisation about the process, none of which was in evidence when I visited camps around Atambua two weeks before the registration. The international community should not have given any endorsement (let alone paid for) a registration process which could proceed in a closed environment where militia leaders and their political masters enjoy a campaign monopoly without independent scrutiny. In one camp, even I was seen as an apologist for UNTAET because I was giving both sides of the story.

There was little public understanding in the camps about the purpose or nature of the registration process. And yet UNHCR covered half the costs...UNHCR would never have conducted such a process itself in camps where it had open and secure access. Pragmatism dictated the funding of a flawed process' [Frank Brennan SJ, 'Bridging Diverse Issues and Converging Interests in the West Pacific', The Australian Studies Centre University of Indonesia International Seminar, Jakarta, 13 June 2001].

Confusion was also caused by the fact that the registration was publicised by many people - including the Indonesian task force responsible for its administration - as a vote. The outcome was described as the 'result' and those who failed to indicate their intentions were said to have 'abstained'. Disinformation was spread by some militia that this was a re-run of the 1999 ballot in East Timor; the intention being to scare people into 'voting' to stay in Indonesia in order to avoid a reprise of the 1999 violence and devastation.

The outcome of the process was also seriously distorted by people registering in more than one place and non-refugees registering in order to obtain food and aid from the Indonesian government. This explains the high figure for the total number of refugees.

The government's budget for the registration included

plans for an extensive TV and print media socialisation campaign, registration of refugees outside of West Timor, try out registration runs in Tuapukan and Haliwen camps and money for indelible ink to be used on registration day. None of this was done and UNHCR must hold the government properly to account for the expenditure of the money it was given.

### International community must now act

It is now incumbent on the international community to hold the Indonesian Government to account for all its decisions regarding the refugees and the results of the registration. Once re-settlement commences, it will be much harder to monitor the ongoing welfare of the refugees especially



if they are taken to other parts of Indonesia against their will. There is increasing concern about what has happened to those who opted to return to East Timor.

If the Indonesian government has neither the means nor the will to proceed with the re-settlement and repatriation then all other efforts must continue to ensure freedom of choice for all those who remain in West Timor. The myriad of reasons for the ongoing refugee problem remain and must be addressed.

There are signs that Jakarta wants to deal with the crisis, but is powerless to confront the militias who are holding the upper hand. The Indonesian Government is also unable to confront the problem of disgruntled TNI elements, which refuse to accept the loss of East Timor and are determined to prolong the refugee crisis as a source of instability and possible means of revenge against the East Timorese. In April, the OCHA stated: 'TNI spokesman Rear Marshal Graito Usodo said that a certain elite group is still attempting to motivate former militiamen of the pro-integration group to reoccupy East Timor. He did not elaborate.' [OCHA report No. 20, 20 April 2001]

While the militias and TNI elements are succeeding in their long-term objective of keeping the refugees in the camps, the Government appears to be concerned about the social and economic consequences of large numbers of refugees remaining in Indonesia. Security minister, Agum Gumelar has said that he hopes tens of thousands of the East Timorese refugees will return home [Jakarta Post, 21 June 2001], while minister of resettlement and infrastructure, Erna Witoelar, has admitted that Indonesia is unable to shoulder the burden of all the refugees who have said they want to stay [Jakarta Post, 18 June 2001]. The Governor of East Nusa Tenggara province, which includes West Timor, said that the province could accommodate only 6,000 refugees [OCHA, 15 - 22 June 2001].

Indonesia also has to cope with the massive problem of an estimated 1.25 million internally displaced persons in other

provinces, such as Maluku [Jakarta Post, 12 July].

The problem of salaries and pensions remains an issue that affects up to 20,000 East Timorese refugees in West Timor. Negotiations during bilateral talks held in Denpasar, Bali in May between UNTAET and the Indonesian government made some progress regarding a planned severance or compensation fund for former state employees. In this connection, a consolidated appeal for West Timor refugees will probably be launched by Indonesia and the United Nations in July. However, a timetable for the scheme needs to be clearly defined and implemented as soon as possible.

Continuing disinformation regarding the security situation in East Timor and general confusion about the upcoming election and predicted violence are still major factors for non-return. Contact with family members and friends who have already returned to East Timor remains the most trusted manner in which refugees receive reliable information. 'Border Reunions' should be restarted in order for information from both sides of the border to be disseminated from and to communities who trust one another in the same manner that 'Go and See' visits and/or border meetings should be instigated at a grassroots level. A community approach to reconciliation and reintegration will be a much more effective way of fostering trust and successful return. Some local and international NGOs have been carrying out effective work in this area but do not have the capacity to bear this burden in full.

In this respect, there must be a more co-ordinated approach to reconciliation. High level delegations and visits do not impact at the grassroots level and can lead to more confusion and distrust amongst the ordinary refugee population. Reconciliation talks with militia leaders, although important for the future stability of East Timor, do nothing to encourage refugee return. They merely consolidate and legitimise the power militia leaders have in the refugee camps and increase the distrust refugees have of the UN, whom they see negotiating with the very people keeping them in West Timor.

UNTAET and the East Timorese leadership must take affirmative action to ensure the best possible conditions for return. Although foreign minister, José Ramos-Horta, publicly criticised the registration process as "an absolute farce" [AP, 8 June 2001], it is time for more than words. Motivated by financial and some international pressure, the Indonesia government has been the only body to take decisive action on the refugee problem in the last nine months; the registration being its solution. Not one of East Timor's new political parties has spoken about the potential refugee voters who are not being allowed the opportunity to participate in their country's future. If neither the international community nor the East Timorese show an interest, then who will hold the Indonesian government to account? If tens of thousands of refugees are forcibly resettled to other parts of Indonesia, who will take responsibility for their plight? Judging from recent history on West Timor, the answer, again, is nobody. \*

### Just Out:

**SUSTAINABLE DEVELOPMENT AND THE ENVIRONMENT IN EAST TIMOR, JULY 2001, 135 PP**

**Publ : Timor Aid, Inform.: cdeutsch@metz.une.edu.au**



# Massacre by TNI in Ambon

*On 14 June, a special battalion YON GAB (Batalyon Gabungan, Joint Battalion) stormed the headquarters of Laskar Jihad, the Muslim militia, in Kebon Cengkih on the island of Ambon. Using a huge force of heavily-armed troops, the elite unit killed at least 20 people and wounded another 40. Soon after the massacre, Brig. General I Made Yasa, who commanded the regional military command, was withdrawn and appointed director of Secapa, the cadet school for army officers.*

The June incident looked very much like a replica of the killings in March when an operation by Yon Gab inflicted heavy casualties on Laskar Jihad. On that occasion, several key officers from the police and army were captured, fighting on the Muslim side.

Prior to the military operation on 14 June, the predominantly Christian Wisma Gonzalo area was attacked by an armed group for two days running, resulting in five deaths. Prior to the first action against the Laskar Jihad, Agus Wattimena, the militia leader of the Christian Laskar Kristus, was killed by a professional gunman with a bullet in the head.

These ruthless actions by Indonesia's best troops raise a crucial question: why is the TNI suddenly so serious about ending the prolonged conflict that has cost thousands of lives and turned hundreds of thousands of people into refugees? It is a public secret that TNI soldiers and units have been fighting on both sides of the conflict with plenty of evidence of highly-placed officers in Jakarta fanning this so-called Christian-Muslim conflict.

## Yon Gab, a special command

The special battalion, Yon Gab, consists of Indonesia's best troops: the army's red berets, the marines and the Paskhasau, the Air Force rangers. It is very rare for such special battalions to be prepared and assigned for a special mission. It is more than obvious that Cilangkap, the TNI headquarters, took a decision earlier this year to take swift action to eradicate extreme elements on both sides.

Is it not ironic that key TNI officers who were involved in creating and fanning the conflict, are now engaged in swift actions to stop it? There are several answers to this conundrum, which are mutually reinforcing. Firstly, it is a fact of life that the TNI consists of different factions often with conflicting agendas. The inner TNI conflicts reached a climax in 1998 when Suharto was forced to step down. In the new era of civilian supremacy the military were forced to take a back seat.

## The hardliners

The hard-line faction was wedded to a strategy of creating instability in the regions, to persuade a disenchanted public that the armed forces were the only force capable of guaranteeing stability. Creating instability in Maluku was primarily a military intelligence operation, similar to the operation in East Timor from January till September 1999. Secondly, Maluku was fertile ground for such an operation with local conditions such as to make it easy to fan and exploit conflict. Local conflicts often have an economic background and so-called religious or ethnic conflicts are

deliberately fanned because of conflicting economic interests, while the military have a big share in local economic interests.

The more mainstream strands in the military were aware of the danger of fanning conflicts in the long term; they realised that, like the creator of Frankenstein, it is difficult to bring the beast back under control. This is the most likely reason why the prestigious Yon Gab was despatched to Maluku. In the meantime Maluku had been placed under a state of emergency, giving the military all the powers they needed to take heavy-handed measures.

It is also acknowledged that key elements on both sides of the conflict are close to the military, or were created by the military or at the very least were given the green light by the military to keep the conflict going. The most blatant example was the despatch of Laskar Jihad units from East Java to Maluku in mid 2000, despite strenuous efforts by the Jakarta government to prevent this. The military commander of East Java Major General Sudi Silalahi did nothing whatever to prevent radical Muslim units from leaving by ship from Surabaya.

The killing of Christian leader Agus Wattimena and key members of Laskar Jihad were a deliberate attempt on the part of TNI to eradicate all the evidence - dead men tell no tales, as they say. It is very cynical to note that TNI is now seen among some layers in public as the saviour of Maluku.

## Investigation of the killings

After a wave of protests by numerous Muslim organisations, the National Human Rights Commission decided to set up a fact-finding team to investigate the deadly attack on 14 June. Earlier the TNI had decided to conduct their own investigation. A fact-finding team dispatched by the advocacy team of Laskar Jihad discovered that the special forces had destroyed an entire medical clinic during the raid. The troops were apparently looking for a radio station: *Suara Perjuangan Muslim Maluku* (Voice of the Struggle of Muslim Malaysians) and destroyed the studio.

The operation by Yon Gab gives the impression that Cilangkap is serious about restoring law and order in Maluku. But experiences in Indonesian and elsewhere in the world show that prolonged conflicts cannot be resolved by a brutal law and order regime. The situation in Southeast Maluku where peace has been established has shown the way forward. Civil society, which includes all parties, has managed to find a peaceful way to reconciliation, using traditional as well as modern conflict resolution methods to restore society to normality. \*

# New forms of terror against workers

*There has been an upsurge of labour unrest in the past six months. With Indonesia's economic crisis still far from over, working conditions and wage rates have actually declined under President Wahid. Early moves to lift restrictions on the right to organise have not prevented strikers from confronting violence. Two workers were killed during a strike. A government U-turn on labour laws led to nationwide protests.*

The Wahid Government has been caught between wanting to improve better conditions for workers and pressure from business, both domestic and foreign, who squeal at any advancement for workers, even though in many industries, as little as 4 per cent of production costs go to paying their employees. With the economy in the doldrums, threats by foreign investors to withdraw from Indonesia because of the growing militancy among workers is likely to have a powerful impact on future developments.

In 2000, a labour law was enacted which included provisions to protect workers against losing severance pay, whatever the reason for losing their jobs. The law allowed for severance and service payment to all workers, regardless of why they were leaving their jobs. The business community lobbied hard for this provision to be withdrawn and won the day in March this year when the government announced the enactment of two decrees revoking these provisions.

The government was clearly taken aback by the strength of resistance to the U-turn. These days however, millions of workers have taken advantage of the ending of restrictions on union organisation and new unions have sprung up like wild-fire. At the latest count, there are around 35 trade union federations, more than a hundred non-affiliated unions in various industries and an estimated 11,000 company-based unions, while tens of thousands of workers have gained experience in organising themselves democratically and learning about their rights, including the right not to be sacked for taking strike action. Most observers agree that the fastest-growing federation is the FNPBI, the National Front for Indonesian Workers' Struggle, led by one of Indonesia's most experienced trade union leaders, Dita Indah Sari.

The new decrees were seen as an infringement of the right to legal trade union and protest activity. 'The issue is one of job security and workers' fundamental rights,' said Maulana, a garment factory worker who took part in a rally against the decrees outside the president's palace. With economic conditions still so uncertain, workers wish to ensure that they receive proper compensation for their years of service in case they lose their jobs for any reason. [*Inter-Press Service*, 25 June 2001]

The protests reached a climax on 13 June when thousands of workers demonstrated in Jakarta, in several West Java cities, in Medan, North Sumatra, and in Surabaya, East Java. In Sidoarjo, East Java, troops fired warning shots to disperse thousands of workers attempting to break through a security barricade set up to prevent them from reaching Surabaya. In Bandung, West Java, the protest demonstrations continued for three days. [*AFP*, 13 June 2001]

## Provocateurs at work?

While thousands of workers from the environs of Bandung were demonstrating in the provincial capital on 13 June, the

action suddenly turned violent, resulting in widespread damage to property. The local police then alleged that 'outsiders' were responsible and arrested 21 people, of whom six were members of the People's Democracy Party, PRD, and the remainder were workers. Dita Indah Sari of the FNPBI, later accused GOLKAR and PDI-P (Megawati's party) elements within the union movement of starting the violence in order to discredit President Wahid who was facing possible impeachment. [*Jakarta Post*, 18 June]

A few days later, the Bandung office of the lawyers organisation, PBHI, which was representing the 21 'suspects' being held by the police was raided by a gang of thugs claiming to be members of the Siliwangi Youth Generation, an organisation closely associated with the local military.

Here was a case of a legitimate workers' action being derailed, while giving the police grounds to swoop down on members of the PRD, a party already branded as 'dangerous' by the national chief of police, Bimantoro. If, as is expected, Wahid is replaced by Vice-President Megawati, moves against workers and left-wing organisations could turn very ugly.

Confronted by such widespread opposition, the Wahid government decided to delay implementation of the two controversial decrees. Most trade unions saw this not as a victory but as a move to put the issue on ice and will continue to press for the decrees to be revoked.

## Two strikers killed in unprovoked attack

Hundreds of workers who were conducting a strike against a car upholstery factory were suddenly attack by a gang of hoodlums armed with sharp weapons, swords and home-made bombs. One of the workers, Kimun Effendi (21) died from shrapnel wounds when an explosive device went off. Another, Rachmat Hidayat (22) died in hospital a few days later. Ten others were injured during the attack.

The attack by a gang of no fewer than 500 people occurred in the middle of the night on 29 March when the strikers were all asleep on the factory premises where they had been carrying out their action for ten days. One of the strikers told the press: 'They brandished their machetes and samurai swords and their screaming woke us up. They ordered us to leave the factory and halt the strike. We resisted their attack by hosing them with water but before leaving, the attackers threw an explosive at us.' [*Jakarta Post*, 20 March 2001]

The attack occurred a few days after negotiations with the company management had ended in deadlock. The strike against the Japanese-owned company was over a demand for a 100 per cent increase in salaries (later reduced to 75 per cent).

An employee of the company who came forward as a witness (asking that his name not be divulged) said that he saw an army truck with about 30 men on board, parked nearby at the time of the attack. 'The troops did nothing to halt the attack even though they witnessed what happen at



the factory.'

Workers later said they would continue the strike despite the attack. One said: 'I have been working for the company for nine years but I only receive Rps 374,000 (\$37.40) a month and a Rp 4,000 transportation allowance a day.' (The minimum wage for Jakarta was officially fixed at Rp 426.000 a month, starting on 1 February 2001.) They are also demanding that two suspended colleagues be re-instated, that workers who have worked for the company for more than 18 months should be given permanent status and that the company's vice-director should be dismissed. Muchtar Pakpahan of the Indonesian Prosperous Labour Union, SBSI, warned that collusion between businesspeople, security personnel and hoodlums had now become the fashion in putting down strikes. [*Jakarta Post*, 31 March and 2 April, 2001]

## Army-hoodlum link

Police investigations into the deadly attack say they have discovered a link between an army officer, a member of the local assembly and the deputy general manager of the company, Amrin Gobel who is a retired military officer. The investigating officer said when he visited the home of the assembly member; the house was filled with scores of hoodlums who were 'holding some kind of meeting'. The unnamed police officer said the assembly member was known to be paying for martial arts training for hoodlums. He said he could not possibly have made any arrests as his men were outnumbered. [*Jakarta Post*, 7 April 2001]

## Widespread abuse in Nike factories

An investigation conducted by the Global Alliance for Workers and Communities in nine factories in Indonesia that produce footwear for Nike reported that sexual and verbal harassment, limited access to medical care and compulsory overtime are commonplace in these factories. The investigators conducted one-hour interviews with no fewer than 4,400 people, mostly women. The investigation had been commissioned and funded by Nike. A spokesperson for the company described the alarming findings of the investigations as 'troubling', while admitting that the nine factories covered by the survey were among the most progressive in the country. Its vice-president for corporate responsibility, Dusty Kidd, said: 'No worker should be subject to some of the conditions reported in this assessment', and promised that the company would start a 'serious and reasonable remediable plan'.

The report documented two deaths in separate factories which workers said were related to denial of medical attention. Almost half those questioned said medical facilities were inadequate, while some said supervisors only allowed them to visit a clinic after they had collapsed. One woman said a supervisor threw a book at her for being too slow while others said they were forced to run round the factory or clean toilets if they worked too slowly.

Labour activists said there were many other problems not raised in the report. 'Freedom of association and the minimum wage are two other big issues we are campaigning on,' said Rudi Hartono, head of the Association of Shoe Factory Workers. He said wages would have to rise 75 per cent to cover basic needs. 'Is that such a hardship considering that the cost of making a pair of shoes, including the labour, is only about 0.4 per cent of what it is sold for in the shops?' [*The Guardian*, 23 February 2001]

Critics of Nike, while commending the company's recent conversion to greater transparency about conditions were worried that the workers have no tools to hold Nike accountable for its promises to improve. 'Global Alliance can't do anything because they are not a monitoring organisation,' said Bama Athreya, deputy director of the International Labor Rights Fund. Why not invite local NGOs trained in monitoring to come in and do a code of conduct investigation?' [*Asia Wall Street Journal*, 21 February 2001]

## Woman worker speaks her mind

A labour activist who was arrested and put on trial for her role in organising a strike at a factory that produces shoes for Adidas has accused the government of failing to protect workers' rights and defending the interests of business.

Ngadinah, 29, was arrested on 23 April and charged with 'inciting people to resist public authority' and for 'unpleasant conduct' towards 'other people', meaning towards the factory managers. She is general secretary of the trade union at the shoe factory. She was arrested after the company for whom she worked, PT Panarub complained to the police that she had 'masterminded' a four-day strike by 8,000 workers in September last year. After being held in jail for a month, she was released while her trial was still in progress, following the intervention of the minister for the environment, Sony Keraf and officials of the Legal Aid Foundation and the Commission for the Disappeared and Victims of Violence.

Speaking at the office of her union, the Federation of Independent Trade Unions (GSBI), she said that practices which prevailed under the Suharto regime have still persisted in the era of reform. 'The government's failure to ensure the rights of laborers to live a proper life is a form of crimes against humanity.' She also spoke of the practice of the bosses to hire hoodlums to torture workers.' She condemned the collusion between the company's executives, the prosecutor's office, the police and the government labour office in Tangerang where the company is located.

She was due to testify at the annual meeting of the International Labour Organisation in Geneva about the violation of workers' rights by the Indonesian government. [*Jakarta Post*, 25 May]

## Top Jakarta hotel closed for months

Hundreds of workers at one of Jakarta's top-quality hotel, the Shangri-La went on strike two days before Christmas Eve, forcing the hotel to close for more than three months. The hotel is owned by a Malaysian tycoon, Robert Kuok who has a variety of business interests in Indonesia.

The strike began in protest at the suspension of a worker for allegedly inciting his fellow workers to come out on strike. The workers were calling for improvements in working conditions and an equal share-out of service charges and the establishment of a pension fund. In a hotel where rooms cost \$95 a night, the workers earn at the most \$35 a month. It is one of the most sought-after locations for high-class wedding receptions. Shots of a wedding reception at the Shangri-La costing \$120,000, taken just days before the strike broke out, were used in a new film by John Pilger, *The New Rulers of the World*, shown on British television on 18 July.

Instead of complying with the workers demands, the management sacked the leaders and members of the union. International solidarity

Their union, the Shangri-La Independent Workers' Union

*continued on page 10*

*continuation from page 7*

20 kms east of Lhokseumawe, North Aceh. A young woman, Zubaidah, 25, told him troops had burst into her house, demanding to know where her husband was. He was not at home, she told them, clutching her four-month baby boy. They snatched the baby from her, threw him on the ground outside and poured boiling water over him. Warned that if they left their hut, they would be killed, neither she nor her 15-year old sister dared to go outside to rescue the baby 'as the soldiers went on a killing, looting and burning spree through the village'. By the time the troops had left, it was too late to save the scolded baby who died next morning and lies buried in a shallow grave marked by a stone.

The village that was home to 385 villagers had been devastated by an attack 6 May. All the houses were burnt or trashed. The journalist, Lindsay Murdoch, no stranger to the murderous behaviour of Indonesian troops on his country's doorstep in East Timor, wrote: 'The arrival of hundreds of fresh troops in Aceh has seen the military unleash a wave of largely unreported violence that in some areas is worse than the 1999 atrocities in East Timor. [The Age and Sydney Morning Herald, 14 May 2001]

Later that month, a Norwegian journalist, Torgeir Norling, thought he would follow up this account with an investigation of his own in North Aceh. When he arrived, with two Acehnese activists in Peudada, they were ordered off the bus, held at the local police station for 24 hours and then told to leave the area, 'because they had no official documents'. Norling reports widely for Scandinavian and East Asia newspapers. [The Nation - Bangkok, 27 May 2001]

According to Dini Djalal, writing in the *Far Eastern Economic Review* [5 July], Acehnese journalists are routinely threatened and beaten by the police. 'Yarmen Dinamika, of the local newspaper *Serambi*, says his office was bombed twice and seven office cars set ablaze in the last two years.' Commenting on army press releases that routinely identify civilians killed in crossfire, even children and the elderly, as 'GAM members', Dinamika said: 'In a conflict like this, the first victim is the truth.'

## NGOs forced to leave

Under intense pressure and facing constant threats or worse, many local activists have left Aceh for the relative safety of Jakarta or gone abroad. The *International Crisis Group*, in a special report on Aceh published in June, quoted a witness to the killing of three volunteers of the torture NGO, RATA, as saying that the killings were the work of intelligence operatives who told their victims: 'Anyone who works for an NGO is GAM.' Another rights activist was warned that the military only trusts half a dozen out of the 300 NGOs in Aceh. [Far Eastern Economic Review, 5 July 2001]

On 26 June, the head office in Banda Aceh of an NGO devoted to protecting the interests of children, *Yayasan Anak Bangsa*, was raided in the night by heavily-armed members of the special police unit, *Brimob*, some of whom were wearing black T-shirts. A man guarding the premises was forced to open up all the rooms and watched helpless as the intruders ransacked cupboards and confiscated diskettes. They refused to believe that YAB focuses on the plight of children and wanted to know whether it was linked to the Henri Dunant Centre (which oversees the peace talks).

Three days earlier, the Banda Aceh office the Legal Aid

Institute (LBH) was raided by unidentified men who destroyed a notice board on which were displayed photos of people who have been kidnapped by the security forces. [Tempo Interaktif 27 June 2001]

## International presence crucial

It is widely acknowledged that international observers and the permanent presence of international humanitarian agencies are crucially important to overcome Aceh's isolation, to provide protection to human rights activists and to the population at large. But the intensity of military operations is causing some agencies to leave.

The decision by two UN agencies, the UNDP and UNICEF, to leave Aceh is a serious setback because the presence of UN agencies is so critically important for Aceh. The UNDP says it decided to leave because the situation was 'not conducive', following the collapse of the Humanitarian Pause agreement. OXFAM has an office in Lhokseumawe but conditions in North Aceh are too dangerous for it to venture beyond the city. A Peace Brigades International team of volunteers give what protection they can in several cities to targeted NGOs and activists.

In a letter to the British government in July, TAPOL called for UN monitors to visit Aceh, in particular the Special Rapporteurs on Extrajudicial, Arbitrary and Summary Executions and on Torture, and the Special Representative on Human Rights Defenders.

## Strong warning from Australia

In July, the Australian foreign minister Alexander Downer issued a strong warning to the Indonesian military not to commit the kind of human rights abuses that were seen in East Timor in the past, in West Papua and Aceh, because this could lead to outrage by the international community. Launching a government publication about East Timor, he said he was concerned over reports from Aceh that pro-Indonesian militias were being formed. 'If the TNI go down that path, they will be making an enormous mistake', he said. [AP, 17 July 2001] \*

*continued from back page*

proportions. In his efforts to accommodate his political foes, the former president agreed to issue a presidential instruction in April which provided the armed forces with a 'legal umbrella' to conduct military operations, ending all hope of a peaceful solution there. Numerous acts of provocation, widespread arrests and kidnaps by the armed forces in West Papua have led human rights activists there to warn that West Papua could soon become a 'second Aceh'. Regional conflicts continue unabated and there are now more than a million internally-displaced people in Indonesia.

The commitment of Indonesia's new president to reform remains to be seen. Her close ties with the military do not augur well for the upholding of human rights, for a peaceful solution to the conflicts in West Papua and Aceh and for the restoration of the rule of law. Far from being able to take such an agenda forward, she may soon find herself mired in the same snake-pit of political intrigue that brought her predecessor down. The struggle for human rights in Indonesia is likely to become even more difficult in the months and years to come. \*



## The prospects for human rights in Indonesia

*The installation of Megawati Sukarnoputri as president of Indonesia confronts civil society and the human rights community in Indonesia with new challenges, after two wasted years under the presidency of Abdurrahman Wahid.*

Whatever his intentions when he accepted his election as president in October 1999, Wahid soon proved incapable of achieving anything in advancing the programme of reformasi that was supposed to be the hallmark of his government. This was because the forces rallied against him, the well-entrenched 'New Order' elements as well as the armed forces, were determined to sabotage such efforts.

### A creeping coup d'état

For months before he was deposed, activists were warning that the encirclement tactics used against him were shaping up into a coup d'état. The former president was effective only during his first few months in office when he sacked senior army officers, most notably General Wiranto, the TNI commander-in-chief who was responsible for the disastrous events in September 1999 in East Timor. By the middle of 2000, it was evident that Wahid was losing the political battle against the old forces. As the offensive against him escalated, his own erratic handling of the crisis damaged his reputation as someone who was able to run the country and resulted in a yawning vacuum at the heart of government.

Reformasi virtually became a dead letter and all efforts to bring the men responsible for past violations of human rights and crimes against humanity were frustrated by the legislature and by the executive's failure to overhaul the judiciary, in particular the judges and the public prosecutors office. Although the armed forces only occupies 38 seats in the People's Assembly, they were able to block any serious reform measures.

The former president became the target of a virulent hate campaign in the free press - one of the most important achievements of the post-Suharto era. This reflects the fact that most of the print media is owned by former Suharto cronies who know that substantial reform measures will jeopardise their vested interests. Not only was Wahid portrayed as being incompetent and corrupt but also as the root cause of the country's economic and political crisis.

### The role of the military

The military had their own grievances against the Wahid government. Discredited by decades of human rights violations and licking their wounds over their defeat in East Timor, they reluctantly agreed to take a back seat in political and economic affairs, and began to speak as if reform of the armed forces and the end of their dwifungsi role was on their agenda. But by the beginning of 2001, they had been able so effectively to consolidate themselves internally that they were in a position to strike back. When he tried to reshuffle the TNI leadership, they began to defy his orders, rather timidly at first but by May, they were engaged in open mutiny against their supreme commander. The main conflict was how to handle the opposition forces in Aceh and West

Papua where the pressure for self-determination is strong, and the need to end impunity.

While many human rights activists and NGOs did what they could to support the flagging efforts of the president, they too were unable to turn back the tide unleashed against him and were forced to stand by helplessly as he was unceremoniously dumped by forces whose commitment to reformasi is zero.

### Deteriorating human rights

There has been a marked deterioration in the human rights situation in the past year. Scores of people are now being held as political prisoners in various parts of the country. Far from repealing articles in the Criminal Code that criminalise legitimate political activities, 'hate-sowing' crimes and accusations of rebellion are again being used in the courts of law.

The level of killings in Aceh has reached monstrous

*continued on page 27*

#### SUBSCRIPTION RATES

Annual rates (six issues)	UK	Europe & overseas (air only)
Individuals	£18.00	£18.00
Unwaged	£9.00	£ 9.00
Institutions	£25.00	£25.00

Girocheques and Eurocheques are welcome.  
TAPOL's Giro account No. 33 338 3281

Please **NO** Australian, Canadian or US personal cheques to UK

Australian subscribers may pay in A\$ to:

TAPOL (Australia)

PO Box 121, Clifton Hill, Vic 3068

Rates for Individuals A\$45, Unwaged A\$22, Institutions A\$80

Dutch subscribers may pay in Dfl to

S.L. Liem

Binnenkadijk 267, 1018 ZG Amsterdam

Postbank 4637291

Rates for Individuals fl 54, Unwaged fl 27, Institutions fl 80

Kindly state the payment is for TAPOL subscription

Canadian and US subscribers may pay in C\$ or US\$ to:

TAPOL - Canada, c/o ETAN-Canada

PO Box 562, Station P, Toronto M5S 2T1

Rate for individuals \$35, Unwaged \$18, Institutions \$70

All other subscriptions and all correspondence to:  
TAPOL, 111 Northwood Road, Thornton Heath, Surrey CR7 8HW,  
England, Tel: 020 87712904, Fax: 020 86530322, email:  
tapol@gn.apc.org, homepage: <http://www.gn.apc.org/tapol>

PLEASE NOTE: DONATIONS ARE ALWAYS WELCOME