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The Indonesia

Human Rights Campaign

TAPOL Bulletin No. 161

March/April 2001

Deadly conflict in Central Kalimantan

An explosion of violence in Kalimantan in late February shook the entire province of Central Kalimantan. Thousands of Dayaks, armed with machetes and home-made spears, hunted down migrants from the island of Madura, killing at random and destroying entire villages. The violence, prompted by years of unresolved social conflicts, destroyed hundreds of homes and decapitated bodies were strewn along the roadside. Two years earlier, a similar eruption shook West Kalimantan.

This time the violence erupted in Sampit, the largest timber port in Indonesia. Sampit is a typical, red-necked frontier town where relations between the local population and newcomers have long been tense. As with conflicts elsewhere in Indonesia, it started with a rather trivial dispute about the dismissal of two government officials. On the night of 17 February, a Dayak house was reportedly burned down. As word spread that Madurese were responsible, a gang of Dayak youths attacked a Madurese neighbourhood. In less than two weeks, the Dayaks had killed 469 people though observers believe that at least 1,000 Madurese lives were lost and 30,000 were forced to leave Central Kalimantan.

Jakarta's tardy response

When the violence erupted, President Wahid was just about to leave for the Middle East on a tour that would take him to several Arab countries and to Mecca for the haj. He ignored pleas to cancel the trip. As for Vice-President Megawati, it was nearly two weeks before she made a visit to the stricken region, heavily protected by 15 companies of special police and 4,000 troops. By then, the violence had subsided sufficiently for her to make a 30-minute visit to a refugee camp in Sampit. By then, calm had been restored because most of the Madurese had sought sanctuary in camps or left for Java. Other districts in the province refused to receive the Madurese, fearing that violence would follow. The local authorities in Barito Utara, the location of Suharto's disastrous one-million hectare swamp rice project, started recording the ethnic origin of settlers and transmigrants; all Madurese were instructed to leave by 2 March. The Madurese had become victims of ethnic cleansing.

When he did return home, President Wahid made a brief visit to Central Kalimantan which led to another trail of violence. The moment he left Sampit, an incident happened in which riot police and Dayak protestors were killed and a protest gathering in Palangkaraya was fired on by troops killing at least five people.

Recent experience has shown that the government takes great pride in organising ceremonies or visits of ministers,

but when it comes to resolving conflicts or even maintaining law and order, the security forces have a record of utter failure, combined with deliberate neglect.

C. Kalimantan, a place of extremes

Central Kalimantan is in every sense a place of extremes, where poverty, hardship and the struggle for survival is harsh. The latest bout of violence exemplifies these problems. The local economy depends on timber and plantations. The district of Kotawaringin Timur, of which Sampit is the capital, covers about 5 million hectares, nearly all of which was forest thirty years ago. Now only 2.7 million hectares is designated 'forest land'. The rest has been turned into agricultural land, plantations, settlements or unproductive scrub and grassland. Only 0.5 million hectares is classified as 'protected forest' and local people are prohibited by law from using this to make a living. Over 1 million hectares of the remaining forest is due to be converted to

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estate crops. Illegal logging is rife and the forests will be commercially logged out within ten years. The Dayaks have little to show for the forests they have lost and most now live below the official poverty line.

A thriving port town, Sampit is the centre of the legal and illegal timber industry and the trading and administrative centre of the province. Almost all these activities are dominated by outsiders. Sampit has the air of a booming frontier town but for all its apparent wealth, its infrastructure is poor; electricity supply is intermittent and there is a lack of clean drinking water. The only asphalt road, running from Palangkaraya to Pangkalanbun, is in a state of disrepair, due to the heavy traffic of logging trucks. Sampit's 'get rich quick' atmosphere attracts migrants. Corruption is widespread. The local police who used to levy a 10% tax on tourists are now said to be soliciting levies from refugees desperate to leave Kalimantan.

Ongoing conflict



Violent confrontations between the indigenous Dayak and Madurese settlers in Kalimantan have erupted for decades. They occurred under Sukarno and intensified during the Suharto era, reaching a new level of horror under Wahid's government. Kotawaringin Timur suffered a bout of violence last December, in the village of Kareng Pangi, subdistrict Katingan Hilir, some 200 km from Sampit. A minor dispute about a gambling centre led to a full-scale attack on the Madurese. Many homes and vehicles were

destroyed or torched.

In late 1996/early 1997, violence between these two communities caused at least 600 deaths. The conflict, now referred to as the Sanggau Ledo (a Madurese settlement) Tragedy, was widely reported in the national and international press. *The Economist* of 15 February 1997 reported that "driving inland from the west coast of Kalimantan is like entering a war zone". Three years later, 40,000 Madurese refugees were still living in wretched conditions in 'temporary' camps in West Kalimantan's provincial capital, Pontianak [see also *TAPOL Bulletin* No. 139 & 140, February and April 1997].

In March 1999, while waves of violence were rippling across Maluku and West Java, West Kalimantan also had its share of trouble in Sambas. On that occasion, Malays joined forces with the Dayaks to target the Madurese. The district of Sambas has a population of 800,000, of which about eight per cent were Madurese. The official death toll was 200 but observers believe that many more people died. [See also *TAPOL Bulletin* No. 152, May 1999].

In all the conflicts up until 1999, Madurese vigilante groups fought fierce battles against the locals but in the latest blood-

bath, the Madurese were defenceless victims and entire families were butchered by rampaging indigenous Dayaks.

The worst incident occurred when several hundred Madurese who had taken refuge in the forest were persuaded by local officials to be trucked down to the harbour, under police protection. A Dayak mob got wind of the evacuation, diverted the trucks to a field and persuaded the police and officials to hand over the human cargo. The police fled, and in less than an hour, 118 Madurese had been slain.

Resolving conflicts, military style

The social, political, cultural and economic roots of the conflict have remained unresolved. Typically, the killings stop once the newcomers have been driven out. A well-publicised peace ceremony of government officials and prominent leaders of the two communities is held. Military chiefs recruit a few elders to sign a peace accord, accompanied by some photogenic rituals and everyone goes home, satisfied with a good day's work. A peace monument erected after the 1979 conflict was symbolically demolished in the 1997 violence. Impunity has been total, and none of the killers have been brought to justice.

One new factor that has become very evident in the post-Suharto period is the shameful inability of the security forces to deal with unrest. During the New Order, the military relied on the prevailing fear among the population to keep the lid on discontent. But nowadays the discredited image of both TNI (the armed forces) and POLRI (the police force) and the absence of the rule of law has meant that there are no law enforcement agencies capable of protecting citizens.

The ineptitude of the security apparatus in dealing with the unrest in Central Kalimantan is a measure of the sheer scale of the problems Indonesia is facing. Thirty thousand troops are now stationed in Aceh, about fourteen battalions are tied up controlling the security situation in Maluku, an unknown number of troops are stationed in West Papua and tens of thousands of troops are being kept ready to cope with street demonstrations across Java.

Moreover, the decision to shift responsibility for law and order from the army to POLRI has created its own problems. The police lack the capacity to deal with emergency situations like the violence in Central Kalimantan. Harrowing stories from Madurese survivors confirmed the ineffectiveness of the police. The Madurese were told to discard their weapons but when a huge force of Dayak vigilantes arrived, the police stood by and did nothing to halt the atrocities. Corruption is rife within the army and the police and is often a source of conflict between the two forces. Police officers profiteered from the fleeing Madurese by buying up their household goods cheaply. Another racket, demanding transport money from fleeing Madurese as they boarded marine ships created a conflict between TNI and POLRI.

The failure of policing during the Central Kalimantan tragedy has been used by army top brass to press for the army to resume responsibility for internal security; they have even asked parliament to introduce 'transitional' legislation to formalise this shift.

Dayaks and Madurese, both marginalised

Central Kalimantan is the poorest of the three provinces into which Indonesia's part of Borneo is divided. In all parts

of Kalimantan, the Dayaks and Madurese are competing for scarce economic resources, so much of which has been plundered by Jakarta.

Dayak is the generic name for at least 50 linguistically-related groups all over the island of Borneo, including the northern part which belongs to Malaysia. The Dayaks have widely divergent social structures and value systems and are the most marginalised group on the island. Exploitation of Kalimantan's rich natural resources, its forests and minerals, has sidelined the Dayaks. Mining companies,



Madurese refugees fleeing Central Kalimantan

logging companies, state and private plantations, have all joined the scramble. The labour force has been brought in from elsewhere, often Madurese, while the informal business sector, including public transport companies, are all in the hands of non-Dayaks. The Dayaks are not able to make a living from agro-forestry or small-scale logging once the logging companies have stripped all the valuable timber, especially once plantation companies move in to clear up the mess. The commercial loggers and oil palm estates which replace them prefer to use migrant labour rather than employ Dayaks.

The Madurese migrants originate from the small island of Madura off the north-east coast of Java. A shortage of arable land has forced Madurese to migrate and many have gone to Kalimantan. This has been going on since the sixties so they are now into the third generation. They were born in Kalimantan and have never lived, or perhaps even visited, their island of origin. Strictly speaking, the Madurese are not the mercantile class because most of the lucrative business enterprises are in the hands of Chinese or Malay traders. Some Madurese have emerged as small traders in the cities but their role is marginal.

As is often the case elsewhere in the world, marginalised communities have a lot in common with each other but their conflicting positions on the lowest rung of the ladder all too often set them on a collision course. The Dayaks have an animist tradition but many have been converted to Christianity while Madurese cling to their Muslim beliefs. The transmigration programmes and subsequent waves of migrants which brought many Madurese to Kalimantan have created pockets of Madurese settlements, making it virtually impossible to create a multi-ethnic community enjoying social interaction.

Development Suharto-style

The Dayaks, the customary landowners, became the victim of *pembangunan*, Suharto-style development schemes. Powerful business interests in Jakarta and the West were showered with lucrative concessions. The Dayaks were systematically robbed of their land and resource rights and had no recourse to legal action to defend their rights since, under Indonesian law, forests belong to the state.

Tropical rainforest was turned into plywood, veneers and sawn timber for export in the name of development. Large timber companies made substantial profits and moved on to invest in plantations, banking and real estate, becoming giant conglomerates. The natural wealth of Kalimantan flowed through the hands of Suharto's family and their business cronies and helped to fuel Indonesia's economic boom which lasted until the mid 1990s.

Much has changed in Indonesia since the Asian economic collapse, the fall of Suharto and a new democratically elected government, but the model of economic wealth driven by the ruthless exploitation of natural resources remains intact. Under new regional autonomy legislation, districts must raise sufficient income from their natural resources to finance public services, support the bureaucracy, cream off some profit for the local elite and send revenues to Jakarta.

The international community has supported this. The IMF's 'economic rescue package' promotes exports of timber, minerals and plantation crops such as palm oil to balance Indonesia's financial books. This includes paying off international creditors who were so keen to lend during the Suharto years. The World Bank funded Indonesia's transmigration programme for years and, with the Asian Development Bank, supported an estate crop system which depends on transmigrant labour.

Headhunters or a culture of violence

The mobs of angry local youths who can be seen in widely distributed photographs bearing severed heads on spears are being portrayed as Dayak warriors, head hunters or savages. While they are the perpetrators of ethnic cleansing, they are themselves victims of the destruction of their ethnic identity.

'Development' has eroded traditional lifestyles and undermined the authority of community leaders and offered young indigenous people little in return. The majority have had only a few years of primary education, due to the lack of schools and inability to pay school fees. They are ill-equipped to compete with migrants and can only expect poorly-paid manual work and casual employment.

Barbaric methods like severing heads on a mass scale are alien to Dayak traditions. These are methods frequently used in war situations as a tool to spread fear and terror among the population. The mass raping of women falls under the same category. Severing heads became part of the political scene in Indonesia in 1965, with the birth of the New Order. The severed heads of alleged communists in East Java in 1965 were often impaled as a warning to others. The Indonesian military employed this headhunting method frequently in East Timor. In 1999 an attack against alleged sorcerers in East Java, a Middle Age witch hunt, also engaged in headhunting. Decapitation is part of the culture of violence, nothing else. *

Human rights defenders slain in cold blood

Peace agreements come and go but on the ground nothing ever changes in Aceh. The death toll has continued to rise, even following a mid-January accord for a one-month moratorium on violence. Volunteers working for a group to assist victims of torture were murdered in cold blood, in a deliberate move to curb the activities of human rights defenders.

On average these days, there are at least three killings a day in Aceh, but it was the murder in cold blood of three volunteers working for RATA (Rehabilitation Action for Torture Victims in Aceh) that deeply shocked public opinion and resulted in a condemnation by the European Union and the UN.

RATA was inaugurated in Banda Aceh in September 1998 by the governor of Aceh and the Danish ambassador, and is led by a former political prisoner, Drs Nurdin Abdulrahman. It is sponsored and largely financed by the Danish Government and is a member of the Copenhagen-based International Rehabilitation Council for Torture Victims. Its volunteers work away from the spotlight, sending teams to provide counselling to victims and escorting victims to hospital when medical treatment is required.

As this cold-blooded murder shows, the Indonesian security forces regard the work of humanitarian workers and human rights defenders as dangerous because they are witnesses to what is happening on the ground.

A well-planned attack

The team that set out from Lhokseumawe in a vehicle clearly marked with the RATA insignia on 6 December to take patients in Tanah Pasir, North Aceh to a local medical centre consisted of three men and a woman, Idris bin Yusuf (27), Bachtiar bin Usman Daud (23), Nazaruddin bin Abdul Gani (22) and Ernita binti Wahab (23). The sole survivor, Nazaruddin, was able to tell the world what happened to his colleagues. He gave his testimony four days later, after going into hiding.

Soon after the RATA team had escorted some patients to a medical centre in North Aceh, their vehicle was halted by three cars. A well-known *cuak* - army informer - named Ampson Thayeb who seemed to be in charge, ordered the volunteers out of their car. All the men in the three cars were heavily armed; some were *cuak* and the others were almost certainly soldiers not in uniform. The volunteers were questioned at gunpoint and stripped of their wallets and ID cards. They were asked about their RATA activities and accused of being pro-GAM, because they were operating in a GAM area.

Nazaruddin and Bachtiar were ordered into one car, while Ernita and Idris were forced into the other cars. When the convoy stopped again, the volunteers were ordered out, told to take off their shoes and beaten. When they fell to the ground, shots were fired close to their feet. One of the

abductors who was apparently a soldier was filming everything with a video camera.

A family in a house nearby who had watched the team being maltreated was ordered into one of the cars. The convoy then drove off again, and stopped several times at local *koramil* (military command posts) to chat with the soldiers. When Thayeb asked an officer, 'Should we finish them off here?' he was told to go and do it somewhere else.

The convoy then approached a village where a bomb had just exploded; plenty of people were still milling around. The men in the convoy opened fire. As the people scattered, the kidnappers seized a man named Rusli and order him into one of the cars. The convoy drove off again and later stopped in front of a school in Kandang. The volunteers together with Rusli were ordered out and told to 'confess if you want to survive'. Their hands were bound behind their backs. As one of the men thrust a gun into Ernita's mouth, she pleaded with them not to kill her. After driving off again, they were ordered out. Ernita and Idris were stood in front of a house. As the camera continue to whirr, the two were kicked to the ground and shot dead in the head, each with a single bullet.

Meanwhile Nazaruddin had managed to loosen the cord



Refugees from different parts of Aceh, an unresolved problem

binding his hands and tried to do the same for Bachtiar. But as the men turned on them, he fled, escaping a volley of shots as he plunged through a nearby field, dressed only in his underpants. As he fled, he heard another two shots which killed Bachtiar and Rusli. Later that evening, he was taken in by a family in a village.

The following day, the bullet-riddled bodies of Ernita, Idris, Bachtiar and Rusli were discovered near an empty house in Alue Liem, Bland Mangat sub-district, North Aceh by the Red Cross and taken away for identification and burial. Following the atrocity, RATA teams stopped their activities for two weeks but then resumed their work, except the team in Lhokseumawe which now has no vehicle.

Koneksitas court could be convened

A month after the atrocity, the National Human Rights Commission, Komnas HAM, announced that it would set up a special investigation commission known as a KPP HAM, under the terms of the law on Ad Hoc Human Rights Courts enacted by Parliament in November 2000. This should lead to the establishment of an ad hoc human rights court which would deal with the atrocity as a crime against humanity. If this actually happens, it will set an important precedent in Indonesian legal history, as the first case heard under the Human Rights Court Law.

However, efforts are afoot to prevent this from happening. The details of the atrocity, which were made public within days by Nazaruddin, the sole survivor of the atrocity, also named some of the perpetrators, making it incumbent on the police in Aceh to make arrests and start investigating the case. Among those who are now under arrest are Ampon Thayib and three others, all civilians. Leading the investigations is Chief Commissioner of Police, Drs Manahan Daulay who told human rights activists that there were eight suspects. He refused to identify the other four apart from saying that they were from the security forces, 'though not from the police'. He said that the investigation team was a joint *koneksitas* team including military investigators which means that the suspects will be indicted before a *koneksitas* court.

This move has been roundly condemned by local human rights activists because such a court, in effect a military court, would not treat the atrocity as a crime against humanity and would deal only with the direct perpetrators, while those who ordered the kidnap and assassination operation would remain untouched. In a joint statement, the head of RATA, Drs Nurdin AR, and Iqbal Farabi, head of the Komnas HAM office in Banda Aceh, said: 'This case must not be taken to a *koneksitas* court. The RATA killing was clearly a crime against humanity, a grave, systematic and comprehensive crime, not just an incident. There are strong indications that this was a state-instigated crime with the deliberate aim of obstructing the work of humanitarian workers.' Investigations must expose the more senior military officers who were in overall command of those who perpetrated the crime. 'This can only be done in a human rights court,' Iqbal said.

By moving fast to set up *koneksitas* procedures, no doubt acting under pressure from the military, the police clearly want to pre-empt Komnas HAM intentions. A *koneksitas* trial would make it impossible to set up a human rights court subsequently because the principle of double jeopardy would foreclose the chances of holding a re-trial.

The toll rises steadily

The RATA killings occurred in a month when, according to one of Aceh's leading human rights' monitors, the number of victims has continued to rise. Kontras-Aceh, the Commission for the Disappeared and Victims of Violence, announced in early January that they had been able to verify

184 cases of killings, disappearances, torture and arrests in December. They stressed that this was not the complete story by any means, only cases where they had been able to identify the victims, the perpetrators and the locations. Their local monitors were frequently obstructed in their work by the authorities.

Their records included 88 deaths of which 35 were clearly the work of the security forces while 53 persons had been killed by unknown assailants. The killings were scattered right across Aceh. In North Aceh, there were 23 deaths, in Bireuen 21, in South Aceh 16 and in East Aceh 13. Altogether, according to Kontras-Aceh records, twenty people were still missing.

Kontras-Aceh coordinator, Aguswandi, told the press that it was imperative for the Indonesian authorities to reverse their present policy of violence; he insisted that they should accept responsibility for the escalating number of victims. [*Serambi Aceh*, 4 January 2001]

Petrus killings abound

One of striking features of the current spate of killings is that in many cases, corpses are left lying on the road. On one occasion in mid December, local people discovered five bodies lying side by side.

The director of Cordova, an NGO that focuses on social analysis and human rights, told a Jakarta daily: 'Today, we see a new type of violence in the style of mysterious murders (*petrus*) such as those committed during the Suharto years which were (on that occasion) applied on suspected criminals. Suddenly now in Aceh we have bodies placed deliberately in public places.' This made it difficult to believe the government when it says the violation of rights here can be stopped.

Interviewed by *The Jakarta Post*, Otto Syamsuddin Ishak said, '... since June, we've been seeing more *petrus* cases in which the victims are mostly civilians.'

Ishak is a member of the joint monitoring team for security modalities that works within the framework of the Joint Understanding for a Humanitarian Pause to monitor violations of the accord between the Indonesian government and the armed movement, GAM. Asked which of the two sides were responsible for most of the violations, he said: 'Maybe both parties are guilty of violating the Pause ... but both parties must be open to a transparent and comprehensive examination of rights violations.' This could be undertaken, he said, by an international NGO like Amnesty International or by the UN. [*Jakarta Post*, 18 December 2000]*

NEW BOOKS ON ACEH

- ACEH, the untold story, Publ. FORUM-ASIA & SCHRA, December 2000
- RUMOH GEUDONG, Tanda Luka Orang Aceh, Dyah Rahmany P., Publ. Terre des Hommes, Cordova & LSPP, January 2001
- ACEH MERDEKA, Ideologi, Kepemimpinan dan Gerakan, Dr. M.Isa Sulaiman, Publ. Pustaka Al Kautsar, August 2000

All-out war in Aceh as US oil company halts operations

Following a cabinet decision to brand GAM as a 'separatist movement', the way has been opened for the military to launch a major military operation in Aceh. This effectively ends efforts to enter into a truce with GAM and places the blood-soaked province on a war footing. Simultaneously, Exxon Mobil has halted operations because of the security situation and other major companies may soon close down as well.

Until the Wahid Cabinet met on 12 March for an emergency discussion about Aceh, efforts were still underway to reach truce accords between local field commanders of the Indonesian security forces, the TNI/Polri, and the armed forces of Aceh Merdeka, GAM. The Humanitarian Pause that was agreed last May had failed to end the violence; indeed the level of violence has continued to escalate throughout the time that the Pause remained in effect.

After agreeing to a one-month moratorium on violence in mid January, the two sides agreed in mid February, during talks brokered by the Henri Dunant Centre in Switzerland to replace the Pause with locally-negotiated security arrangements between field commanders on the ground. These tentative efforts to reach a truce, in line with the more conciliatory policy advocated by President Abdurrahman Wahid, were swept aside by the cabinet decision on 12 March to formally brand GAM as a 'separatist movement', paving the way for 'limited military operations'. TNI's top brass had been saying for weeks that they needed such a declaration to provide 'legal grounds' for their plans to launch new military operations. Besides putting Aceh on a war footing, the decision represents a victory for the Indonesian military and a serious political setback for Indonesia's already beleaguered president.

Military take over command

Since early 2000, security operations in Aceh have been led by POLRI, the Indonesian police force, in an operation code-named *Operasi Cinta Meunasah* (Operation Love-the-Mosque - Meunasah being a small Muslim place of worship). This operation has also involved the territorial troops in Aceh, along with non-organic troops brought in from outside; until now most of these non-organic troops have been Brimob (special police units) which are, like the army's special forces, Kopassus, notorious for their brutality. However, these operations have failed to end almost daily attacks on the security forces by GAM, resulting in many casualties for the army and the police. Military and police installations have been targeted on a regular basis by GAM, invariably leading to attacks on civilians in the countryside, where the death toll has been the highest.

GAM operations have also largely paralysed local government administration. In the districts of North Aceh, East Aceh and Pidie, three-quarters of the sub-district administrations are no longer functioning, while in other districts the situation is almost as grave in security terms for Indonesia. Aceh's chief of police said that police would 'temporarily fill the district chiefs' positions that have been abandoned because of security threats. [Jakarta Post, 13 March]

A few days before the cabinet decided to launch new military operations in Aceh, armed forces chief of general staff Lieut-General Djamari Chaniago, announced that troops from all over Java were undergoing special training at the *Kopassus* (special forces) training centre in Batu Jajar, Bandung, ready to be sent to Aceh. The training includes anti-guerrilla combat, control of the highways, operations in residential areas and anti-assault combat. [Antara, 8 March] At the same time, the commander of the special strategic command, Kostrad, Lieut.General Ryamizard Ryacudu, declared that more of his forces would be sent to Aceh, and that two Kostrad battalions were already there. 'GAM is an enemy of the state,' he said, 'we must quell them all.' [Jakarta Post, 8 March]

It is generally agreed that there are 30,000 Indonesian troops in Aceh, and recent reports suggest that an additional 6,000 are about to be sent. This represents a huge drain on Indonesia's armed forces but makes it clear that the armed forces will stop at nothing to preserve Aceh as part of Indonesia. Armed forces chief of staff, General Endriartono Sutarto recently said: 'If there are only two options, to conduct a military operation or to lose the region, we (the TNI) will firmly choose the first option.' [Jakarta Post, 13 March]



Soldier guarding Exxon-Mobil site

ExxonMobil halts operations

Three days before the decision to launch new military operations, the US-owned oil-and-gas company Exxon Mobil announced that its operations were being halted because of the security situation. Exxon Mobil, formerly known as Mobile Oil Indonesia (MOI), operates the Arun gas fields and is Indonesia's main producer of natural gas. Based in Lhokseumawe, North Aceh, the company

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accounts for 30 per cent of the country's total oil and gas exports. The company is part owned by Pertamina, Indonesia's state oil company. The gas produced by Exxon Mobil is processed into liquified natural gas ready for export to its main customers, Japan and South Korea, by PT Arun, also jointly owned by Exxon Mobil and Pertamina. On 13 March, it was announced that sixty top-level Exxon Mobil personnel, half of them foreigners, were being evacuated to Medan while PT Arun has cut its output by 30 per cent.

During the DOM (military operational zone) period through the 1990s, army torture centres were located on the company's grounds, resulting in the company being accused of involvement in human rights violations. In recent months, its aircraft have been hijacked and gun battles have occurred near the company's facilities. [Financial Times, 13 March]

The other companies reported to be on the verge of halting operations are PT Pupuk Iskandar Muda (a fertiliser company), PT Asean Fertiliser, and PT Kraft Kertas Aceh, a pulp and paper company. [Dow Jones, 9 March]

Exxon Mobil and the other companies are all designated as 'vital enterprises', meaning that they are at all times under heavy military guard; the presence of these companies is seen by the Acehnese as being a major cause of their sufferings because these troops are frequently used against the local population. Although business operations are to be suspended, the troops will certainly remain in place to safeguard the installations.

Already Jakarta is being forced to make alternative arrangements to supply its overseas customers, while news of the halt in operations helped weaken the rupiah, already battered by conflict over the presidency and regional violence. *

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development agency, CAFOD, in Suai, Adriano da Nascimento: "We are only human; we cannot forgive those who murdered and raped our families without them being made, somehow, to pay for their crimes. We need justice first, then we can work to be reconciled with those who did these things. Justice must come before reconciliation." [The Universe, August 2000].

As part of the process of establishing the truth behind the human rights abuses and serious crimes which accounted for the lives of around one third of the population since 1974, UN member states should also examine their own shameful role in helping to sustain the Indonesian military occupation of the territory for so long. *

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report of the US State Department was made public. The 30-page chapter on Indonesia does not mince words about the failures of the Indonesian government on the human rights front during 2000, the year under review.

'The human rights situation in Indonesia', it states, 'worsened steadily in 2000, mostly due to ethnic, social and religious strife in the country's most unstable provinces.' Despite the efforts of the government of President Abdurrahman Wahid to build on Indonesia's democratic transition of 1999 and expand basic freedoms, violence on the part of security

forces as well as by separatist groups and others resulted in widespread human rights abuses, it said.

'The (Indonesian) government was ineffective in deterring social, interethnic and inter-religious violence that accounted for the majority of deaths by violence during the year.' It went on: 'Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Irian Jaya (also known as Papua or West Papua), the Moluccas, Sulawesi and elsewhere in the country.' [Reuters, 26 February]

For the full text, please access <http://www.state.gov/g/drl/rls/hrrpt/2000> *

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arrived and shot them without warning. [Jakarta Post, 21 December 2000]

Brimob attack prisoners in their cells

As if the prisoners in Wamena had not suffered enough at the hands of their tormentors, members of the notorious Brimob gained access to their cells on 4 February and subjected the prisoners to severe beatings and other forms of torture. In a statement issued shortly after this atrocity, ELS-HAM described the injuries suffered by seven of the men who were kicked with jackboots, and struck with iron rods and rifle butts. Murjono Murip, a school-teacher who is one of the Panel members, was struck in the lower back and warned that if he failed to confess in court that he had instigated the violence in Wouma, he would have his nails pulled out and his nose cut off. The other six wounded men were all members of the Papua Taskforce. As TAPOL stated in its letter to the British government, calling for pressure on Jakarta to investigate the incident and punish those responsible, the Brimob attack 'was clearly aimed at intimidating the defendants into acknowledging the charges against them, for fear of further brutalisation'. *



East Timorese refugees

drawing by Donald Bason

A visit to the new East Timor

Although this was my first ever visit to East Timor, it was like a homecoming. Everything I saw felt so familiar. Everywhere I went reminded me of some past terrible event in the 24-year ordeal of the East Timorese. And there were the charred remains of buildings in Dili and Manatuto, reminders if such were needed, of the bestiality of the Indonesian forces of occupation who had, until the referendum, proclaimed 'economic development' to be their lasting contribution to East Timor's welfare. Carmel Budiardjo reports:

My impression driving from Dili's tiny airport to the office of the NGO Forum was of people going about their daily business, without fear and with heads held high. The sight of UN vehicles everywhere was such a relief. The impressive, Portuguese-style building, defiled for so many years to accommodate Indonesia's 'provincial' administration, was now emblazoned with the word, UNTAET, the UN Transitional Administration for East Timor. International agencies were in evidence everywhere, on name-boards outside buildings and the number-plates of vehicles on the streets. Shut your eyes for a moment, I sometimes told myself, and try to imagine what it was like when the Indonesian army ran the place. I was surrounded by concrete signs of the stunning victory of the East Timorese people who voted so convincingly for independence despite the reign of terror that engulfed their country, from the moment it was announced that the UN would conduct a ballot in 1999.

But rather symbolically, when I arrived at the office of the NGO Forum, there was a power cut which I was told was virtually a daily occurrence in the capital with no one understanding why the new administration was unable to cope with the problem. Perhaps, they were not too bothered as UN offices have their own generators and you could drive through darkened streets during a power cut and see the two huge floating hotels where most international personnel live blazing in light. Already I was getting a glimpse of the glaring contrast in living conditions between the local population and the international community.

By the time of my arrival in late November 2000, UNTAET had been in charge for more than a year. Although the rubble created by the Indonesian army's scorched earth policy had been cleared away, charred ruins were everywhere; 60 per cent of the buildings in Dili had been destroyed during Black September, after the ballot results were announced. In other towns and villages, the destruction was even worse, and as I was to discover, little had yet been done to rebuild homes and schools. According to the Centre on Housing Rights and Evictions (COHRE), altogether 80 per cent of East Timor's housing stock was destroyed in September 1999. When I travelled through Manatuto on my way to Baucau, the only building I saw that had been restored was the local UNTAET office. Everything else was in ruins. In a report published recently, COHRE lamented the fact that 'UNTAET has yet to adopt a housing policy, allocate sufficient resources or to appoint officials responsible for national housing reconstruction'. [Human Rights SOLIDARITY, February 2001]

Sight-seeing

I had my first sight-seeing drive with Jim Dunn, an old and much-beloved friend, the man who first gathered the horrific accounts from East Timorese refugees in Lisbon about the mass slaughter in Dili on the day of the Indonesian invasion in December 1975. Jim was now in Dili on an assignment for the Serious Crimes Unit of UNTAET. He drove me along Dili's magnificent seafront round to the farthest point of the bay, over-shadowed by a highly visible statue of Christ on the headland which had been built by the occupiers as their 'special gift' to their colonial subjects.



Carmel Budiardjo (centre), Arsenio Bano (left), Coordinator of the NGO Forum and Kerry Brogan from the UN Human Rights Division.

Earlier Jim drove me past a formerly Chinese-owned shop and pointed to an armed UN police officer guarding the narrow alleyway. Recently, he told me, investigators had discovered a mass grave there, covered over with concrete. He said the seven victims buried there were known to have been killed immediately after the Indonesian invasion on 7 December 1975. This was a poignant reminder for him of an encounter with a Chinese family at this very spot, when they asked his help to flee before the invaders arrived. He was now driven almost by a sense of guilt that he had been unable to do anything for these hapless victims of Indonesian military brutality. When we met later, just before my departure, he was even more distressed, having discovered that two of the victims were a baby and a two-year-old child.

When I got chatting to a taxi-driver on another of my drives around the city and asked him to take me to the Santa Cruz cemetery, he told me he took part in the demonstration on 12 November 1991. He drove me the whole length of the march from Motael Church and said that just before the shooting commenced, he climbed up onto the portal above the entrance to the cemetery. So he was one of those captured on the memorable photo taken on 12 November. Within minutes, he told me, he was shot in the back and later taken to the military hospital. He was taken from there by relatives, avoiding the fate of so many other wounded people who were killed on the day after the massacre. He bared his back to show me the wound and said a bullet was still lodged in his body.

Baucau

I travelled to Baucau along the spectacular coastal road from Dili, to attend the fourth APCET conference. [See below.] Baucau had suffered far less during the Black September days because Bishop Basilio Nascimento had kept up a dialogue with the local militia chief; as a result of which most buildings were unscathed. However, hundreds of Baucau families were forced to flee to West Timor and local people acknowledge that reconciliation could take time, if and when they return.

Together with delegates from several countries, I took part in 'community immersion' organised by our APCET hosts, an excellent opportunity to meet local groups and learn about life after a year under UN control. It soon became obvious that the problems were wide-ranging and feelings of frustration were very deep.

The local leadership of the CNRT, six men and two women, with Antonio da Costa as the leader, told us about the complex social problems they had inherited from the Indonesian occupiers. Most of the buffaloes in the countryside were killed in the wave of terror after the ballot. Ploughing the fields was difficult without tractors or buffaloes, and many farmers have no seeds. Huge tracts of forest were cut down during the occupation, leading to soil erosion. In June 2000, there was a serious landslide affecting a 12-km stretch which damaged many houses in Baguia, Fatumaca and Calicai. Where people have begun to produce food again, marketing is extremely difficult because there is no transport. I asked about the call from environmentalists for people not to cut down trees, to protect the remaining forests. Antonio said this was unrealistic because kerosene was far too expensive and timber was needed as fuel for cooking. With the economy in ruins, it was hard to persuade people to protect the environment. He said that farmers in Uatolari were successfully growing rice but were facing competition from imported rice. This would not be the only time I heard complaints about imports competing with local produce.

They felt that 'the 5 May 1999 agreement' with the UN was making it possible for the international community to remain in East Timor for too long. (In fact, the 5 May agreement provided the framework for the ballot in August 1999; the UN administration of East Timor and the length of its stay in East Timor is now the subject of resolutions of the Security Council.) They wanted the UN to leave as soon as possible to give the Timorese the chance to run things for themselves. What shone through for me was that they are a proud people who fought the occupiers, spent time in the

bush and ultimately led their people to victory and they were angry that they had no resources at their disposal, not a single vehicle to get them to work every day while every highly-paid UN official each a car at their disposal.

Timorisation

The reason for their impatience with the UN became clear when we met the former local CNRT leader, Marito dos Reis, who was recently appointed district chief of Baucau. Marito was arrested in 1984 and spent eleven years in Cipinang Prison, Jakarta. Now he was the district chief as part of a UN move to Timorise the administration. Three of the 13 districts, Baucau, Manatuto and Aileu now have Timorese district heads. Marito did not hide his disappointment at the slowness in solving so many economic and social problems. Now that he was district chief, we asked, was he able to change things and help local NGOs and communities to get involved? Unfortunately not, he said, because he has no powers and must act according to UNTEAT rules which still do not give any powers to the district chiefs they have appointed. His budget only covers his salary and a UN vehicle put at his disposal. He had no idea how long this would continue but there was no doubt from what he told us that he knew very well what needs to be done - rebuilding schools, opening local clinics, repairing the roads, providing transportation, supplying farm equipment. And we knew from our later discussions that there were plenty of groups and individuals eager to sort things out, provided they could lay their hands on essential facilities and equipment.

What an indignity for Timorese to be playing second fiddle to UN bureaucrats, nothing more than a fig leaf for an administration run by ex-pats for whom East Timor is a six-month stint, here today, gone tomorrow. As I heard so often, most of them know next to nothing about the country they now administer and according to what I frequently heard, make no attempt to learn. I was later told by the UN's second-in-command, Jean-Christian Cady, that it would 'take time' to train East Timorese for jobs in the future civil service but district chiefs were being appointed and not allowed to do anything. Yet these are people whose skills and ingenuity had withstood Indonesian oppression for a generation.

The local committee of OMT, the women's organisation, had a similar story to tell. They said that women in the villages needed help to start co-operatives and get involved in weaving but they were unable to visit the villages because there was no transportation. Health conditions are very bad and mortality rates for women at childbirth are very high. Women are also dying from infections caused by contraceptive implants that could not be removed because of the absence of medical professionals. Domestic violence against women is a serious problem and polygamy is widespread. There is an UNTAET gender affairs officer in Dili but they had yet to feel the benefit of her presence. The aim of their organisation is to achieve equal rights and responsibilities with men, to ensure that women occupy 30 per cent of the positions in the administration and on assemblies, as well as a position of equality within the family. On a positive note, they said that men's attitudes towards women had improved during the two and a half decades of Indonesian rule.

With the help of funding from OXFAM, they have set up

a training centre for women to learn to use sewing machines. We visited the centre which was full of people. The next step would be, how to market the garments the women would be able to produce.

Workers beginning to organise

Back in Dili, one of my most memorable encounters was at Laifet, the Labour Advocacy Institute of East Timor. The director and founder is Eusebio Gutierrez, who holds a law degree from Indonesia. The office was small and sparse, just a table and a few chairs, a few shelves with hardly anything on them. The Institute had recently moved to these new premises and was clearly attracting a lot of attention from workers experiencing problems at their place of work.

When I arrived, Eusebio was in discussion with several carpenters who had come for advice on how to set up a union. Inside, were other workers from newly-established unions. Eusebio told me that Laifet is not a workers' organisation; it sees its role as being to support workers with advice on handling disputes, organising themselves and lobbying for good labour laws. The tradition of setting up unions is very new in East Timor as unions were strictly forbidden during the Indonesian occupation.

As the level of economic and commercial activity intensifies, an East Timorese working class is emerging. Although unemployment is extremely high, thousands are getting jobs, mostly in the unskilled sector. Many are working for UN agencies, international NGOs and foreign firms, mostly Australian, but working conditions are poor and wages are low in all these sectors, with the result that many disputes have occurred. At this early stage, said Eusebio, Timorese don't feel the need for unions unless disputes occur, when their thoughts quickly turn in that direction. However, jobs are so few and far between that those in work are often afraid to act for fear of losing their jobs.

Eusebio had spent the previous evening in a lengthy discussion with Joao Carrascalao, leader of the UDT party and minister for the infrastructure in the East Timor Cabinet. Several electricians working for the electricity supply company had just been sacked without notice but the minister was forced to admit that he knew nothing about it. His departmental chiefs were all ex-pats and no one had reported the case to him. He promised to investigate the matter within a week. However, a few days later, the four East Timorese ministers in the cabinet, including Carrascalao, announced their intention to resign if they were not given proper powers and responsibilities to run their departments. I was not able to discover how the ministers' dispute was resolved but it was a vivid reflection at a much higher level of the frustrations expressed to us by Marito dos Reis in Baucau.

The workers who had gathered to meet me came from several sectors: port workers, teachers and workers in the food and restaurant section. The teachers union, the ETTU, is still very small, with only three hundred members. It was founded in November 2000 and has devoted much time to discussions with the authorities about the chances of getting teacher training abroad. Each of the unions seemed to have won the support of unions in Australia or New Zealand. Laifet recently announced plans to hold a national trade union conference in February 2001.

[For an excellent account of these early beginnings, see 'The Labour Situation and Workers' Support Groups in

Timor Lorosa'e' by Celia Mather, available on request for £5.00, from: c.mather@mcr1.poptel.org.uk.]

Sahe Institute for Liberation

The Sahe Institute for Liberation has a very well established office and library in Dili. It is named after Vicente Reis Sahe, a leader of Fretilin in the mid-1970s who died not long after the Indonesian invasion, though the circumstances and time of his death have not been established.

It was set up in Jakarta in December 1998 and was then known as the Sahe Study Club, set up by East Timorese and Indonesian activists. The Sahe Institute for Liberation as it is now known, devotes its energies to grass-roots conscientisation, publishing pamphlets and books and organising seminars and discussion groups. It was set up with the intention of looking beyond the declaration of independence to considering social, economic and political aspects of a future, independent East Timor. They have turned their attention in particular to the grassroots activities undertaken by Fretilin during 1974 and 1975, to combat illiteracy, develop agricultural co-operatives and build on traditional sources for healing and other social purposes. All these activities were halted during the Indonesian occupation but Sahe activists who visit the villages these days discover people who were involved in these activities in those days and are keen to take up such endeavours again. To popularise these programmes, Sahe published a translation into Indonesian of the classic study of Fretilin by Helen Hill written in 1975.

After the announcement in early 1999 that the people would be allowed to choose between accepting or rejecting Indonesia's offer of 'wide-ranging autonomy', Sahe published a pamphlet, *Jebakan Integrasi* (The Trap of Integration) exposing the true meaning of autonomy and distributed forty thousand copies throughout the country. This was a shining example of Sahe's efforts to take political issues to the grassroots.

The Sahe collective which includes several Indonesian activists is keen on building a comprehensive library about East Timor's independence struggle and the history of the Indonesian occupation and is keen to obtain material on this subject from TAPOL's archives and TAPOL Bulletins going back to 1974.

Law courts

I went to the Dili district court but unfortunately, no trial was in progress and the building struck me as devoid of any activity. Four district courts have been set up but serious crimes, that is to say, gross violations of human rights, will only be heard in the Dili court. In such cases, the panel of three judges will consist of two international judges and an East Timorese judge.

It was a special pleasure to meet Jacinta C. da Costa who is the only East Timorese to have been appointed to the High Court of East Timor, alongside two international judges. The high court had not yet held a session. A case regarding a legal technicality should have been heard but had to be postponed because one of the two international judges had left the country. Although for professional reasons, she refused to say anything about cases under consideration, she made no secret of the fact that things are moving far too slowly and that dozens of people are being held in detention for far too long because the justice system

was not functioning well. She told me that 25 judges had been appointed, of whom six were women.

APCET-4

The fourth Asia Pacific Conference on East Timor was the event that had brought me to East Timor. APCET was set up in the mid-1990s to expand the international solidarity movement for East Timor to the Asia-Pacific region. The first three conferences, in Manila, Kuala Lumpur and Bangkok, had been disrupted by the host governments, at the bidding of the Suharto regime.

At the Bangkok meeting, it was decided to hold the next conference in Jakarta but fast-moving events overrode that decision, so here we were in Baucau with participants from sixteen countries in the region as well as nearly thirty East Timorese representing a variety of NGOs. Our Filipino hosts certainly organised a splendid event and the decision to hold the conference in Baucau rather than in Dili made a very important political point by emphasising the need to pay attention to the wide scene in East Timor. The 'community immersion' visits took delegates to Maliana, Maubara and Bobonaro in the western border region, to Baucau on the north coast and Uatolari in the south-east. The conclusions from all the groups were much the same, as reported above, of a people confronted by daunting economic and social problems.

The final Conference Statement directed a number of demands at UNTAET, calling on it to ensure free and equitable elections and to ensure 'an effective decision-making by East Timorese on all levels, including planning and implementation' and stressing the importance of transparency as a necessary condition to ensure East Timorese participation. It also called on UNTAET 'to support the process of justice and reconciliation by strongly supporting the Serious Crimes Unit'.

Neo-colonialism should be avoided

A critically important point raised was the need to monitor the activities of the IMF, the World Bank, UNTAET and bilateral activity 'to ensure that the independence struggle is not going to be replaced by a new neo-colonial system'. It came out firmly against an 'IMF/World Bank and neo-liberal, economic-rationalist exploitation' and in support of an economic system 'beneficial to the majority of the East Timorese people' and one that protects the environment of East Timor.

However, problems did arise during the final session when we discussed the mechanisms for consulting with East Timorese civil society and the NGO community which were now the partners for APCET, rather than the CNRT with whom it worked so closely in the old days. Once UNTAET has left East Timor and the country has a democratically elected government, there will need to be a shift towards civil society which is far more heterogeneous and complex than consulting with the resistance movement.

I later discovered that some of the leading NGOs in Dili felt that they had not been properly consulted by the organisers during the conference preparations. Steps to improve this situation will depend very much on how the APCET steering committee handles this extremely important question. Proper consultation will be the deciding factor in the future work of APCET.

Timorese journalists hold congress

East Timorese journalists met in Dili in December to hold their first congress after initiation of their association exactly one year ago.

During the conference of (TLJA) Timor Loro Sae Journalist Association, a road in Dili was renamed *Avenida da Liberdade Imprensa*, Press Freedom Road. The 3-km road which runs from Becora to the old Mercado is the road on which Dutch journalist, Sander Thoenes, was killed by militia forces in September 1999. An engraved stone marks the spot where Thoenes, who worked for the *Financial Times* of London, was shot and his body mutilated.

The road is dedicated to the nine journalists who were killed in East Timor while on duty there. They include Roger East, murdered in Dili on the day of the Indonesian invasion, and the five journalists, from Australia, New Zealand and the UK who were killed on 16 October 1975 in Balibo by a unit of the Indonesian army during an incursion from across the border in West Timor.

A team of UN investigators has carried forward long-drawn-out investigations of the Balibo killings and recently submitted a request to UNTAET to issue international arrest warrants against three soldiers suspected of being responsible for the deaths. The most senior officer likely to be indicted is Yunus Yosfiah, now a lieutenant-general. A captain at the time, he was in command of the unit which carried out the killings. Yunus Yosfiah spent a two-year stint as minister of information in the government of B.J. Habibie. The other two are another Indonesian soldier, Christoforus da Silva, and East Timorese Domingos Bere.

Speaking at the ceremony to rename the road, Australian journalist Hamish McDonald, who has played a key role in investigating the Balibo killings, said that the Balibo incident is important to East Timor and Indonesia to understand 'the beginnings of a pattern of impunity repeated in the following 25 years'.



East Timorese Dancer

Drawing by Donald Bason

UNTAET slow to investigate crimes against humanity

18 months ago, on 6 September 1999, dozens of men, women and children were brutally murdered by pro-Indonesian militias in the Suai Church compound in south-western East Timor in one of the worst massacres following the vote for independence on 30 August. The atrocity took place in front of hundreds of witnesses and there is an abundance of evidence identifying the killers and the Indonesian army officers who directed the slaughter, but not a single person has been tried for the crime against humanity committed that day. The same applies to many other cases. Serious questions continue to be asked about the UN's commitment to criminal justice in East Timor.

The international community has the primary duty to try those responsible for the Suai killings before an international tribunal. However, the United Nations Transitional Authority for East Timor (UNTAET), together with the East Timor Transitional Administration (ETTA) headed by East Timorese and non-East Timorese cabinet members, also has a responsibility under its justice mandate to investigate and prosecute gross violations of human rights.

To demonstrate that justice can prevail in East Timor, UNTAET must show a commitment to proceed against the militia commanders and the Indonesian officers behind them and not just the lower-ranking militiamen. It must also prosecute them for crimes against humanity in order to expose the systematic involvement of the Indonesian State.

Unsatisfactory progress

To date, UNTAET's performance has been far from satisfactory due to its structural and bureaucratic weaknesses and an underlying lack of political will to pursue the perpetrators. Its investigations have been arbitrary and undermined by lack of resources, bad management and incompetence. Many people in Suai and elsewhere have no confidence in UNTAET's willingness and ability to deliver justice.

Some initial problems were inevitable given that UNTAET was faced with the task of building the necessary legal and judicial institutions from scratch. However, much more progress could have been made if the UN had allocated more financial and human resources at an early stage, if it had adopted more simplified and flexible bureaucratic procedures and delegated more authority to East Timorese people.

The incompetence of the investigators derives not only from their lack of professional expertise, but also from their lack of local knowledge and sensitivity. Investigators should speak a language intelligible to the local people and properly understand the local community in order to facilitate effective communication with witnesses and build confidence in the judicial process.

To that end, continuity is essential, but unfortunately has not been achieved because the overall authority for investigations has changed several times. Initially, the task fell to UNTAET's civilian police (Civpol). The Civpol officers came from 50 different countries. In most cases, they did not speak a local language and their overall quality was low. They were initially recruited for just three months, which gave them no time to develop an understanding of the community in which they were working.

The Civpol who were empowered to investigate the 1999 crimes did not receive any training in investigating crimes

against humanity until June 2000. Most Civpol treated each case as a routine homicide investigation, giving no attention to the systematic nature of the crimes and the role of the Indonesian State. Their short tours of duty meant that every new investigator tended to start the questioning of witnesses from scratch. Furthermore, Civpol's investigation unit was responsible not only for investigating the 1999 violence, but also for all ongoing ordinary crimes. This meant that attention to the 1999 crimes was often poorly focused. [see Human Rights Watch World Report 2001, chapter on East Timor, Dec. 2000.]

The responsibility for investigations subsequently passed to the Serious Crimes Unit (SCU) established under the Office of Human Rights Affairs and later transferred to the Department of Justice of ETTA. The SCU is separate from Civpol and from the prosecution service, which now deal with ordinary crimes. It remains under-funded and understaffed and lacks basic necessities, such as proper transport.

Much of the initial work carried out by the civpols has been wasted. Some now have a reasonable understanding of the local community and are keen to pursue cases, but are being prevented from doing so. Civpol in Suai are privately furious that they have been unofficially instructed not to arrest anyone for murder unless they can prove that the suspect was not forced to kill. This imposes on them the difficulty of proving a negative. In any event the question of whether the defendant was acting under duress is one for the court to decide and not the investigator.

In relation to the Suai case, investigators from the SCU have spent very little time in the area and until recently have not treated it as a priority case. No attempt has been made to employ any of the many people who know precisely what happened in September 1999 to assist in the investigations. There is an urgent need generally to expedite the training of East Timorese police officers as recommended by the UN Security Council mission which visited East Timor in November 2000.

The above problems have been exacerbated by delays in establishing the necessary legal framework and infrastructure for serious crimes investigations. UNTAET did not come up with an acceptable criminal procedure code until September 2000 and there are no proper prison facilities in many areas, including Suai. UNTAET has been forced to release suspects who have confessed to crimes, such as murder and rape, because of a lack of resources to pursue investigations.

Cases addressed

To date, the SCU has focused on five cases: a) the attack

on the Liquica Church compound on 6 April 1999; b) the attack on the house of Manuel Carrascalao on 17 April 1999; c) the attack on the Maliana Police Station compound on 8 September 1999; d) a series of killings from April to September 1999 in Los Palos, including the killing of members of religious orders in September 1999, and the forcible transfer and deportation of the population; and e) gender related crimes, involving arbitrary arrest, unlawful detention and sexual violence, committed in Lolotoe, Bobonaro district from May to September 1999.

There is no apparent strategic reason for the decision to concentrate on these cases and other cases should be pursued without delay. Otherwise, evidence will be lost, destroyed or damaged or will become unreliable with the result that fair and successful prosecutions will be impossible. Many shallow graves and wells throughout East Timor require urgent investigation.

In the first successful prosecution, Joao Fernandes, a member of the Merah Putih militia group was found guilty of murdering a pro-independence activist in Maliana on 8 September 1999 and sentenced to 12 years in prison. The sentence was supposed to reflect the fact that the defendant agreed to co-operate in providing evidence in other cases. His conviction was an important first step, but he was found guilty only of the ordinary crime of murder, not of a crime against humanity, which would have linked his crime to the wider policy of the Indonesian military to destroy East Timor after the ballot.

In other developments, on 1 March 2001, a member of Falintil, Julio Fernandes (no relation), was sentenced to seven years imprisonment for murdering a pro-Indonesia militiaman in September 1999.

On 16 February, nine members of the Team Alpha militia group went on trial in connection with the Los Palos crimes. They are charged with killing 12 people, including three priests, two nuns and an Indonesian journalist, on 25 September 1999. Another suspect, Lieutenant Sayful Anwar, an officer of Indonesia's Kopassus special forces is still at large in Indonesia, as well as a militiaman who is also now in Indonesia. The trial has been beset with problems such as a shortage of translators, missing records and inadequate funding, which should have been resolved ages ago. On 6 February, prosecutors filed charges against an Indonesian army officer and four pro-Indonesia militiamen in relation to the Lolotoe crimes. The indictments concern sexual offences and crimes of murder, torture and kidnapping.

Balibo killings, a step forward

In a separate investigation not under the auspices of the SCU, Civpol have gathered evidence concerning the murder of five Australian-based television newsmen at Balibo in October 1975. The victims included two Australians, a New Zealander and two Britons. The journalists were in Balibo to report on incursions from West Timor by Indonesian troops, two months before the Indonesian invasion of East Timor. Past investigations in Australia have failed to persuade the Australian government to make formal charges, while the British government still refuses to hold investigations into the deaths of two of its citizens.

But now, East Timor's chief prosecutor, Mohamed Othman has said that there are grounds to continue with the investigation which could lead to an international arrest

warrant being issued for former Indonesian Information Minister, Yunus Yosfiah, amongst others; Yunus has been named as a suspect, having been identified as the army captain in charge of the unit that shot the journalists dead. However, the case can only proceed to trial if the investigators can produce sufficient evidence that a war crime was committed since the time limit for a prosecution for the ordinary crime of murder has expired.

Crimes of sexual violence

The International Criminal Tribunal for the former Yugoslavia recently ruled that mass rape and sexual enslavement in times of conflict can be regarded as crimes against humanity. This is a landmark decision with potentially far-reaching implications for East Timor.

It is becoming increasingly clear that crimes of sexual violence were widespread following the independence vote in August 1999. According to East Timor's leading women's organisation, Fokupers, militia members and soldiers connived 'to abduct women or share them like a chattel, or in some cases forcibly taking women across the border into West Timor where the women were raped daily and made to perform household chores'. As of late last year, the organisation had documented 165 cases of 'gender-based violations' in 1999, including 46 cases of rape, many committed in Suai. However, the actual total is likely to be considerably higher and violations are still continuing in the refugee camps in West Timor. The trauma experienced by women is often made worse by the fact that they are considered 'dirty' and ostracised by their communities. [Sexual Violence as Tool of War, New York Times, 1 March 2001].

UNTAET has been slow to respond to the need for a systematic investigation into crimes of sexual violence. Serious investigations into rapes as crimes against humanity began only in July 2000. One factor was the lack of women investigators. Less than four per cent of civpols are female and of the handful of women investigators, only one had special training in sexual offences. [see Human Rights Watch World Report, op. cit.]

Truth and Reconciliation Commission

On 28 February, the ETTA Cabinet endorsed a draft regulation on the establishment of a Reception, Truth and Reconciliation Commission for East Timor which aims to expose the truth about human rights violations going back to 1974. The Commission will not have jurisdiction over serious crimes, which will continue to be dealt with by the normal justice system and the SCU. It is hoped that lesser crimes will be resolved through the Commission using community dispute resolution mechanisms. The decisions of the Commission will have the same degree of enforceability as court orders. It is likely to start work in the middle of 2001 and will continue to function for two years.

The Commission is being set up following consultations in the districts. However there is a clear nationwide consensus that it cannot be substitute for justice.

The Commission will obtain a budget of \$78 million and a staff of three hundred which far exceeds the amount invested in serious crimes investigations. The East Timor NGO Forum is concerned at this imbalance, and does not believe the Commission will help end the refugee problem in West Timor. Other complaints have been voiced by many in East Timor. In the words of a partner of the Catholic

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Suharto-style trials back in fashion

Less than three years after the fall of Suharto amid calls for 'reformasi', there are serious signs that the democratically-elected government of Abdurrahman Wahid is slipping back into the bad, repressive ways of the Suharto dictatorship. In West Papua and Aceh, people who exercised their right to peaceful protest are facing charges that criminalise legitimate political protest. TAPOL has again called for these repressive laws to be repealed.

Already under the transitional government of B.J Habibie, in power from May 1998 till October 1999, the authorities responded to strong pressure to release all political prisoners throughout Indonesia, including the many dozens held in Aceh and West Papua. The releases were completed soon after Abdurrahman Wahid took office on 20 October 1999 and it was hoped that forthwith, no one would fall victim to charges under the anti-subversion law or the politically motivated articles in the Criminal Code known as the 'hate-sowing' articles.

However, these articles were not repealed and still worse, when the Habibie government decided in April 1999 to repeal the much-hated and widely-criticised draconian Anti-Subversion Law, far from expunging from the statute books the most damaging, politically-motivated articles of that law, it incorporated them into the Criminal Code. So we now have an additional six articles, Articles 107a - 107f which were lifted from the anti-subversion law. These articles codify 'crimes' of a purely political nature such as 'endangering the Pancasila' and 'promoting the spread of Marxism-Leninism'.

In a letter to the new Minister of Justice and Human rights, Dr Baharuddin Lopa, on 1 March 2001, TAPOL called for the repeal of all these articles on the grounds that they 'should have no place in a state based on democratic principles'.

Article 154 of the Criminal Code states that anyone who expresses 'feelings of hostility, hatred or contempt for the Indonesian Government', shall face a penalty of up to seven years. Article 154a states that 'anyone who besmirches the national flag and symbols of the state of the Republic of Indonesia' shall face a maximum penalty of up to four years'.

Article 155 states that 'anyone who makes public, displays or hangs out writings or pictures in public places that contain feelings of hostility, hatred or contempt for the Indonesian Government for the purposes of making them known to the public' shall be liable to a maximum penalty of four and a half years.

Article 160 states that anyone who 'in a public place, verbally or in writing, incites others to commit a crime, to use violence towards public officials or incites persons not to comply with laws or official instructions issued on the basis of the law' shall be liable to a penalty of up to six years.

'Hate-sowing' in Aceh

Muhammad Nazar has chaired SIRA, the Centre of Information for a Referendum in Aceh, since its establishment in 1999. The organisation is dedicated to a peaceful struggle for a referendum on the status of Aceh and its future relationship with Indonesia. SIRA's first major action was to organise a mass rally in Banda Aceh calling for a referen-

dum in November 1999 attended by around a million people who had travelled from all parts of Aceh. The security forces made no attempt to prevent the rally and security was left to members of SIRA. The event passed off peacefully.



Muhammad Nazar in the courtroom

In August 2000, SIRA called on people not to raise the Indonesian national flag to mark the national day on 17 August but asked them instead to raise the flag of the United Nations. The SIRA office was raided in the run-up to that event and UN flags were confiscated. In November, SIRA called on people to come to Banda Aceh to attend another pro-referendum rally on the first anniversary of the pro-referendum rally in 1999. However, this time round, security forces were out in force in all parts of Aceh, setting up road blocks and using armed violence to prevent hundreds of thousands of people from reaching Banda Aceh. Dozens of people were killed; *Kontras-Aceh* (Commission for the Disappeared and the Victims of Violence) was able to identify more than three dozen deaths but acknowledges that the death toll was probably far higher. The rally went ahead as planned but hundreds of thousands of people were prevented from attending. [See *TAPOL Bulletin*, No 160, November-December 2000]

By this time, Nazar had been summoned for questioning by the police regarding the raising of the UN flag in August and was arrested on 20 November after being interrogated for a whole day. It was later announced that he would face charges under the 'hate-sowing articles' and he was transferred from police custody to prison, to await trial. Although according to the procedural code, the trial should be held in the place where the alleged 'crime' was committed, a deci-

sion was issued by the then Justice Minister that the trial would take place in Medan, apparently on the grounds that there were not sufficient judges to hear the case in Banda Aceh. The decision was strongly condemned by his team of lawyers, his family and his associates in SIRA who warned against transferring him to Medan where Acehnese activists have been kidnapped and assassinated, most recently Jafar Siddiq Hamzah who disappeared in Medan last August and whose body was found three weeks later.

The Nazar trial formally opened in Medan on 21 February but the defendant did not appear at the courthouse and the trial was adjourned. Shortly beforehand, Justice and Human Rights Minister Yusril Irzha Mahendra had been dismissed by President Wahid and was replaced by Baharuddin Lopa, who was secretary-general of Indonesia's National Human Rights Commission during its first years of existence. The new minister had made a last-minute intervention, rescinding his predecessor's decision and decided that the trial should be held in the district court in Banda Aceh.

In a letter to Justice Minister Baharuddin Lopa welcoming the switch in venue, TAPOL said:

'... we believe that there is no justification for the trial of Nazar Muhammad to proceed. The defendant is being indicted for the peaceful exercise of his right to express views about the situation in Aceh. It is deplorable that he will face charges under articles 154, 155 and 160, the notorious "hate-spreading" articles of Indonesia's Criminal Code. We would urge you to exercise your authority to press the Attorney General's office to drop the charges and order the unconditional release of the prisoner.'

The trial was resumed in Banda Aceh on 8 March with a heavy security presence to keep hundreds of supporters at bay.

'Hate-sowing' in West Papua

On 5 February this year, five local members in Wamena of the Papuan Presidium Council went on trial at the Wamena district court. They were arrested on 13 December last year, two months after the Wamena Tragedy (see separate item) and have been accused of 'masterminding' the violence in Wamena on 6-7 October. The four men and one woman are: Rev. Obed Komba, Rev. Yudas Meage, Yafet Yelemaken, Murjono Murib, and Amelia Yigibalom. Although all the evidence suggests that they had tried to calm down the angry crowds and halt the violence, they have been charged under the three 'hate-sowing' articles, as well as under Article 106 which prescribes a maximum life sentence for attempting to commit 'separatism' and under Article 110 which prescribes a sentence of up to six years for 'conspiring to commit separatism'. On 10 March, they were sentenced to between four and four and a half years.

Seventeen men also went on trial in Wamena for their alleged part in the violence on 6 - 7 October. Sixteen of the men, who are alleged to be members of the Papua Taskforce (Satgas Papua), faced charges under Article 214 which makes it an offence to use 'violence or threats of violence towards a state official' in collusion with two or more persons, punishable by up to seven years. They also face charges for the illegal use or possession of firearms under an emergency law of 1951. The sixteen are: Yohakim Huby, Frans Huby, Heri Kosay, Hendrik Siep, Agus Sorabut, Jakson Itlay, Edi Marian, Timatus Kogoya, Pilius Wenda, Les Wenda, Atinus Wenda, Teri Wenda, Isak Wenda, Elius Wenda, Yoel Wenda and Yules Wenda.

The seventeenth man on trial is Sudirman Pagawak who is charged with 'inciting' others to disobey a government order or break the law under Article 160 of the Criminal Code.

On 10 March, the 17 men were found guilty and given sentences of between one year and nine months and three and a half years.



Flag raising in West Papua, sometimes allowed, sometimes regarded as a subversive act.

It goes without saying that the police authorities who ordered and/or took part in the operation to lower the West Papuan flag in violation of an agreement that had been reached three days earlier with the Papuan Presidium Council (see separate article) and caused the deaths of thirteen West Papuans are not facing any charges. Nor are the members of Brimob who violently attacked defenceless prisoners in their cells (see separate article), while they were awaiting trial.

International observers denied entry

A request by the Australian branch of the International Commission of Jurists to send an observer team to attend the trials in Wamena was turned down by the Indonesian authorities. The mission was to have been headed by Justice Elizabeth Evatt. The ICJ's Australian branch has frequently sent observer missions to attend political trials in Indonesia but this is the first time ever that an observer mission has been rejected.

Amnesty condemns the trials

Amnesty International has strongly condemned the use of the 'hate-sowing' articles in Aceh and West Papua. In a statement issued on 7 February 2001 in which it announced that the five Papua Presidium Council members in Wamena and Muhammad Nazar in Aceh had been granted recogni-

tion as prisoners of conscience, the organisation said:

'In Aceh and Papua, it is becoming increasingly difficult to distinguish between the current government and that of President Suharto. Agents of the state are resorting to the same tactics of intimidating, imprisoning, torturing and killing those suspected of opposing Jakarta's rule.'

Five Presidium leaders await trial

The crackdown on the pro-independence movement in West Papua took yet another turn with the arrest of five senior members of the Papuan Presidium Council. Four of the leaders, Theys Eluay (Presidium chairman), Taha Al Hamid (Presidium secretary-general), John Mambor and Don Flassy were taken into police custody the day before 1 December 2001, the day on which the Presidium planned to hold events to mark the anniversary of the day in 1961 when the Dutch colonial authorities agreed to recognise the West Papuan flag and anthem and said they would make preparations for West Papuan independence. Four days later a fifth Presidium Council leader, the Rev. Herman Awom, was also taken into custody. All five men still remain in custody but, as far as is known, no formal charges have been laid although it is believed that they will be charged under Article 106 for 'rebellion' or 'separatism'. In December, they were transferred from police custody to Abepura prison

Peaceful demo is now 'treasonable'

Meanwhile in Jakarta, hundreds of West Papuan students held a demonstration on 1 December in support of calls for independence. The demonstration was organised by the National Front of West Papuan Student (in Exile), and students came from universities throughout Java. They made their way to the Dutch and US embassies and to the UNDP office in Jakarta to present petitions about their demands. They expressed full support for the Second Papuan Congress in Jayapura last June and called for the withdrawal of extra troops which were sent to West Papua in the months leading up to 1 December.

Towards midday they were assaulted by Brimob forces who laid into them with batons, tear gas and firearms. The students were forced to scatter when tear gas was fired. Two demonstrators were hit by rubber bullets fired by the police, one in the head, the other in the shoulder. Seven of the demonstrators were taken into custody. Three were released on the following day after being forced to reverse their support for the demands contained in the petitions.

The other four who refused to make any concessions about their views, went on trial in Jakarta on 15 March after having been subjected to constant racist abuse and humiliation by their captors, combined with a failure to treat serious medical conditions. The

four students are: Laun Wenda, Yosep Wenda, Hans Gobay, and Mathius Rumbrapuk. They have all been adopted by Amnesty International as prisoners of conscience. After being held in police custody for two months, they were transferred to Salemba Prison, Jakarta on 31 January.

Mathius Rumbrapuk is suffering from a serious injury to his right leg as the result of being trampled on by one of the police officers during the demonstration. Yosep Wenda suffered a blow in the head from the police which has impaired the hearing in his right ear. In late February, Rubrapuk was taken to St Carolus Hospital

for a check-up where doctors diagnosed him as suffering from severe depression, needing psychiatric treatment in addition to treatment for his leg wound.

The charges they are facing are very grave: 'rebellion' and 'separatism' under article 106 of the Criminal Code for which the maximum penalty is life, and charges under the 'hate-sowing' articles. Why should people who took part in a peaceful demonstration be treated with such severity? For the answer, we should recall how effective East Timorese students studying in Indonesia were in alerting the diplomatic community in Jakarta and the wider international community about the situation in their country. West Papuan students in Indonesia are now being warned against indulging in such activities on behalf of their people. *



Peaceful demonstration of Papuans in the main street of Jakarta

Following their arrest, Gus Dur, as President Wahid is popularly known, several times called for their release but he was ignored. The deep disagreement between the president and his senior officers was aired very publicly with Gus Dur even lamenting the fact that top ministers and the national police chief had held a meeting and turned down his call for the men's release. [*Jakarta Post*, 9 December 2000]

This is not the first time these men have been arrested to 'await trial' but the cases against them fizzled out and no charges were laid. Sources close to the Presidium Council told TAPOL last year that this was because Gus Dur had ordered their release. It is a sign of the weakening position of Gus Dur and the major switch in Jakarta's policy towards West Papua that such orders from the president no longer hold sway.

West Papuan refugees at risk in PNG

The crackdown in West Papua since October last year has resulted in new pressures on Papua New Guinea to tighten security along the 800-km border with Indonesia. Hundreds of West Papuans who have fled across the border since the Wamena Tragedy are in danger of forced repatriation while an OPM leader has gone on trial in PNG for 'illegal entry'

The increased presence of Indonesian troops and Brimob (police crack forces) units in the district of Jayawijaya since the Wamena Tragedy in early October (see separate item) resulted in hundreds of West Papuans from the Central Highlands fleeing their homes and crossing the border into Papua New Guinea. Their position has now become precarious with efforts underway by the Indonesian authorities to pressure the government of Papua New Guinea not to recognise them as refugees and to collude in an operation to force the West Papuans back to Indonesia.

Catholic bishops issue warning

In an unprecedented move, the four Catholic bishops in West Papua, the bishops of Merauke, Agats, Sorong and Jayapura, wrote to the governor of Irian Jaya, as West Papua is known by the Indonesian authorities, warning against any move to force the refugees to return home unless certain conditions are met. At present, the people who fled have not been classified as 'refugees' which means that they do not qualify for assistance either from the PNG government or from the UN High Commission for Refugees. This has led to a major humanitarian problem which the bishops said the church alone could not handle.

The bishops pointed out that the number of people who fled before and after 1 December 2000 to Vanimo, the PNG town close to the border on the north coast, had risen from around 180 last November to five hundred today. More had fled across the border in the south, to Daru-Kiunga.

The bishops said that while it was true that the West Papuans wanted to return home, they should not be forced to do so as long as their fear and mistrust about conditions in their homeland continue to prevail. Their fear was in part because, the bishops said, a 'number of their people had "disappeared" and their fate was not known'. While the PNG and the UNHCR were now saying that repatriation is the only solution, the bishops insisted on three conditions being met before people went home: no compulsion should be used, they should not be sent home until the situation back home 'has returned to normal', and the repatriation should be monitored by an international agency.

The bishops drew attention to the 'disproportionate' presence of security forces in the area. There was also widespread confusion among West Papuans over how the security forces treated different OPM units; some were handled harshly while others were 'molly-coddled'.

Recent actions towards OPM units do indeed reveal that the bishops' comment is accurate, as the following reports show.

OPM kidnap unit handled with kid gloves

In January, an OPM unit operating near the PNG border led by commander Willy Onde kidnapped more than a dozen workers at a South Korean owned timber works. From the start, this action was seen by some observers as a put-up job as Willy Onde is known to operate with the approval of the local military. The kidnap lasted several weeks and after what were described as prolonged negotiations, the hostages were all released. One of Onde's demands was to meet the Indonesian president, and lo and behold, at the end of this saga, Onde was taken to Jakarta to meet the president. There have indeed been reports for some time that Indonesian military intelligence have infiltrated some OPM units which are more or less functioning under their control.

By contrast, an OPM leader who has operated from a base across the border in PNG for several years, apparently with the knowledge of the PNG authorities, was suddenly arrested. Mathias Wenda was taken into custody along with twelve of his men in late January in a surprise raid on his base in Sepik, PNG. Eleven of the men have been tried for 'unlawful presence' in PNG and sentenced to six months' hard labour by a court in Vanimo, while Mathias Wenda and his deputy, James Kogoiya, are to face more serious charges at a national court.

Human rights activists in PNG suspect that the arrest has come about as a result of Indonesian pressure and they have mounted a campaign to oppose any move by the PNG government to deport Wenda to Indonesia. Powes Parkop who chairs Melanesian Solidarity based in Port Moresby, told Radio Australia. 'It is a well-known fact in PNG that Wenda has been operating in West Sepik. For... I think the last 15 to 20 years, he has been living in West Sepik around Bewani area, and also around Vanimo area, operating out of PNG. And government officials have spoken to him in the past. [The] military have also spoken to him in the past, and they know that he has been operating in PNG. [Radio Australia, 7 February]

OPM regrouping

Following the arrest of Mathias Wenda, OPM representative abroad, John Ondawame, announced that the command of OPM forces right along the 800-km border with PNG was now in the hands of 71-year old OPM leader, Bernard Mawen who has for years been commander of the southern sector. Ondawame said that with the arrest of Wenda and the killing last year in PNG of the other northern sector OPM leader, Hans Bomay, the northern border command of the OPM was no longer operational. He also spoke disparagingly of other people who claim to be OPM leaders, like Willy Onde. [Sydney Morning Herald, 31 January] *

Wamena tragedy a provocation

The Wamena tragedy of 6 October 2000 which led to the deaths of 37 people, with scores injured and eighty people taken into custody had a profound impact on life in the Baliem Valley and West Papua, bringing about fundamental changes of lasting significance, according to an investigation. Actions by the security forces triggered a cycle of violence and the emergence of inter-group conflict. Thousands fled the area, paralysing the economy and inflicting lasting damage on education.

These are the conclusions drawn by an investigation team composed of the main human rights NGOs in Jayapura, Kontras-Papua (Commission for the Disappeared and Victims of Violence), ELSHAM-Papua (the Institute for Human Rights Study and Advocacy), the Jayapura Legal Aid Institute, and the Justice and Peace Commission of the Jayapura Diocese.

The tragedy began with a series of operations by army and police forces, forcibly pulling down the Papuan flag at a number of command posts being manned by Satgas-Papua (Papuan special unit) members. In each case, the flag-poles were cut down with mechanical saws, the flags torn up and the command posts torched or destroyed.

Flag-lowering agreement breached

On 3 October, three days before the operation, a meeting was held in Jayapura between the Papuan Presidium Council on the one hand and the acting governor, the military commander, the chief of police and the rector of Cendrawasih University, at which agreement was reached for Papuan flags to be lowered in orderly fashion by 19 October after the Presidium Council had been able to discuss the flag-raising issue with President Abdurrahman Wahid and a senior member of his cabinet. The decision by the security forces to launch the Wamena operation was in flagrant breach of this agreement and sent shock-waves through the Baliem Valley where local communities fully believed the flag-raising was in keeping with guidelines agreed by the authorities in Jayapura.

A couple of weeks before the onslaught, feelings had been running high in Wamena after low-flying aircraft buzzed the town, calling in people's minds the aerial operations over the Baliem Valley in 1977. The aircraft used on that occasion were British-made Hawks which had been stationed in Biak. In response to pressure from TAPOL, the Hawk aircraft were withdrawn in early October. [See TAPOL Bulletin No 160, November-December 2000.]

The forcible removal of Papuan flags occurred in a series of actions in the town of Wamena, capital of Jayawijaya district. Well-armed teams of Brimob (police commandos) and Kostrad (army strategic command) troops, moved from command post to command post. Papuans at the posts offered no resistance and in most cases fled. On each occasion, a number of people were rounded up, beaten with great brutality, forced into police vans and placed in police custody. Altogether two Papuans were shot dead during the flag-lowering incidents and eleven Papuans were shot dead during later operations that day.

News of the operations spread like wildfire through the town and beyond, bringing large crowds into the area from surrounding villages. Attempts were made to block the movement of the troops by placing obstacles in the roads. However, community elders and local members of the Presidium Council intervened to calm rising passions, and tried to persuade the crowds to desist from engaging in armed resistance.

After the flag-poles and command posts had been destroyed, the troops carried out 'sweepings' in parts of the town. In one incident, they forced their way into a hostel for school-pupils and ordered the youngsters out with their teacher. They were kicked and beaten and shots were fired. Twenty-seven pupils and the teacher were taken to a nearby police post; on the way they were forced to crawl on their knees while being hit with rifle butts.

Setting Papuans against non-Papuans

In the afternoon, troops fanned out to a nearby village, Wouma, where they were confronted by an angry crowd, some of whom responded by shooting arrows at the soldiers. The troops opened fire in the air and at the ground, then withdrew in the direction of the town, followed by the Papuans in hot pursuit. At a market-place, shots were fired at the crowd from inside one of the houses. Seeing that the troops were now using the houses of non-Papuans from which to attack, the crowd attacked the homes, triggering a murderous attack on the non-Papuan inhabitants and the destruction of many homes.

For the first time in the history of the Papuan struggle, several dozen non-Papuan inhabitants were killed, injecting a new and ugly element into the situation - inter-ethnic strife. This appears to have been a deliberate move to fan the flame of inter-communal conflict, in order to undermine and discredit the Papuan struggle. Altogether twenty-four non-Papuans were killed, including several children. In the next few days, thousands of non-Papuans fled the area, believing that their lives were now in danger. Until that time, the two communities had lived peacefully, side by side.

During the course of the operations, around eighty Papuans were arrested, including the group of school-children; they were all treated with great brutality. On the following day, all but sixteen of the detainees were released. The sixteen were joined by another man, Josep Udin, who was already severely battered. He was rushed to hospital where he later died.

More sweepings took place on the next day when troops

broke their way into many people's home.

Three weeks after the Wamena tragedy, on 30 October, the Minister-Coordinator for Political, Social and Security Affairs, General (ret'd) Bambang Susilo Yudhoyono, visited the troops in Wamena and praised them for their handling of the unrest which, he said, was 'extremely well done, appropriate and relatively speedy'. [See BBC Summary of World Broadcasts, 1 November 2000-

Presidium scapegoated

Two days later, senior military, police and civilian officials held talks with the Jayawijaya representatives (Panel) of the Papuan Presidium Council. At first the talks, appeared to be aimed at calming things down and agreeing on guidelines for lowering Papuan flags in other parts of the district. But suddenly, after agreement had been reached, five Panel members including the Rev. Obeth Komba, were 'invited' to the police command. When the police started to interrogate them, they protested vigorously. The interrogations went on into the night and for most of the following two days. In the end, they were ordered to identify and hand over the men who had taken part in the attack on non-Papuan homes near Wouma. Failure to do so would result in their being held responsible for the tragedy and facing charges of rebellion. Not surprisingly, local people later refused to identify anyone when approached by the Panel members. Placing the Panel members in such an invidious position had the effect of discrediting the PPC whose legitimacy had been so well established after its successful congress in May-June 2000.

When the Panel members, escorted by local officials, later travelled to other parts of the district to try to persuade local people to lower the Papuan flag, they were greeted with howls of abuse.

Just prior to the Wamena tragedy, chief of police S.Y. Wenas told the press about the agreement reached with the Papuan Presidium Council, to lower the flags after a meeting between the PPC and the president, by 19 October. [Cendrawasih Pos, 6 October] Yet on the very day this appeared in print, the police, acting on his orders, took action in Wamena in breach of this agreement.

Three days later, Wenas told the local press: 'The Papuan Presidium Council, in particular the Wamena Panel, must be held responsible for the bloody Wamena incident. There were dozens of victims including a pregnant woman, people were tortured and property was torched.' [Cendrawasih Pos, 9 October 2000]

Casualties

Altogether thirty-seven people were killed during the Wamena Tragedy, and 89 were seriously injured. 13,565 non-Papuans left Wamena for elsewhere in the Baliem Valley. The 37 deaths included two Papuans shot dead when their flags were forcibly lowered, eleven Papuans shot dead during subsequent operations on 6 October, and 24 non-Papuans killed on the following day.

Twenty-two people remain in custody and have since been formally indicted. They include sixteen Satgas-Papua members, five PPC/Panel members and one government employee.

Another casualty has been severe disruption in the education system in Jayawijaya. Many teachers, the majority of whom are non-Papuans, have fled the area, with no inten-

tion of returning. In the three months since the tragedy, nothing has been done to repair the damage to the system, to help teachers and pupils who were traumatised. Although many people were wounded, almost all the medical personnel fled the area.

The investigation team said that the tragedy had created deep divisions within society: Baliem Valley people against non-Baliem Valley people, Papuans against non-Papuans, coastal Papuans against highland Papuans.

The truth turned on its head

'In essence, the Wamena incident consisted of violence by the security forces against the community,' the team concluded. 'There is no evidence that the violence was triggered by ethnic differences, differences of skin colour or differences of religion. All sections of the community were victimised by the incident. Nevertheless, these facts were gradually blotted out because the events were never properly investigated. Gradually, a different perception emerged as a result of the way things were reported in the press and the biased statements by the police, pitting one group against the other. Out of all this emerged the perception that in essence, the Wamena incident was an act of violence by Papuans against non-Papuans.'

Stigmatising the Papuans for the Wamena incident became the order of the day, not only by the local police chief but also by senior members of the government in Jakarta. These distortions triggered a attack a few days later on a hostel in Yogyakarta, Central Java. It was also used by the police in Jayapura as the pretext to launch an attack on students' hostels in Abepura in the wake of an attack on a police command post there on 7 December.

Moreover, following the Wamena tragedy, there was a substantial increase in the number of troops throughout the district of Jayawijaya. According to an announcement by district chief, Drs David Hubi, there are now between ten and twenty TNI and Brimob troops stationed in every sub-district. Furthermore, now that non-Papuan teachers have fled the area, soldiers are taking over as teachers in the schools. (This is reminiscent of what happened for many years in East Timor.)

Notorious Timor veteran takes command

At the end of January, the TNI central command announced the appointment of Major-General Mahidin Simbolon as the commander of the Trikora military command in Jayapura. His appointment followed the death in an air crash of the previous commander.

Simbolon, a member of Kopassus, the army's elite commandos, has had no fewer than six tours of duty in East Timor, starting with Operasi Seroja, the invasion of the territory in December 1975. Like all Kopassus officers serving in East Timor, Simbolon played an active role in SGI, the special Kopassus unit designed for counter-insurgency, whose local command posts were used to torture captured East Timorese. He graduated from the military academy in 1974. He and many of his class-mates have distinguished themselves as 'East Timor veterans' who whose military careers have been advanced by their many operational duties in East Timor.

He led the unit which arrested resistance leader, Xanana Gusmao, in 1992, for which he was given a special promotion from major to colonel. From 1995 to 1997, he was

commander of the Wira Dharma Korem in charge of East Timor. Then, until 1999, he was chief of staff at the Udayana military command based in Bali, the command in overall control of East Timor. The Udayana commander at that time was the notorious Major-General Adam Damiri. It was during the tenure of these two generals in Bali that Operasi Sapu Jagad, was launched, the operation whose main purpose was to create, recruit and finance the many militia units that spearheaded the army's violence before, during and after the UN-supervised ballot. This operation must be held responsible for the widespread destruction and killings that climaxed in September, after the ballot result was announced on 4 September. One of the militia units, Mahidi, an acronym, meaning 'dead or alive with integration', was actually named after him.

His appointment to take command in West Papua can be expected to result in an intensification of the use of intelligence operations which he practised during his many years of service in East Timor. Militia gangs, Satgas Merah-Putih (red-and-white militias) are already known to be active in the territory. The new commander is likely to further refine this strategy.

Students killed and brutalised

Two months after the Wamena tragedy, police in Jayapura raided several students' and school-pupils hostels in the city, in retaliation for an attack by unidentified assailants on a police station during which two police officers and a security guard were killed. Although there was no evidence to suggest that students had anything to do with the attack, the police directed their retaliatory raids on several hostels where students and pupils from the central highlands are accommodated, apparently intending to draw a connection between these students and the people blamed for the attacks on non-Papuans during the Wamena incident. While the raids were underway, police officers yelled abusive remarks at 'Wamena inhabitants who killed our men'. [Report by ELS-HAM, 14 December 2000]

The totally unprovoked attack on the students took place early on 7 December. The first victim was Elkius Suhuniab, 18, who was shot and fatally wounded during the raid. He died the next day in hospital.

During the raid, more than one hundred students and pupils were taken into police custody where they were subjected to extreme acts of brutality, during the course of which two more students were killed: Johnny Karunggu, 18, and Orry Doronggi, 17.

Eyewitness account

It so happens that shortly before the police raid, a visiting Swiss journalist, Oswald Iten, was arrested by the police for taking 'political photographs' and was held in police custody for eleven days until he was deported following intervention on his behalf by the Swiss embassy in Jakarta. He wrote later about the 'unspeakably shocking' things he saw from his cell.

He describes how he heard detainees being brought in early in the morning of 7 December and was able to peer through the bars of the cell-block door leading to the guard-room where they were being held.

About half a dozen policemen were swinging their clubs at bodies that were lying on the floor and, oddly enough, did not cry out; at most, only soft groans issued from them. (When a policeman saw me, I went back to my usual

place) from where I could still see the clubs, staffs and split bamboo whips at their work. Their ends were smeared with blood and blood sprayed the walls all the way up to the ceiling. Sometimes I saw the policemen hopping up on benches, continuing to strike blows from there or jumping back down on the bodies below.

Later that day, the Swiss journalist witnessed the death of Orry Doronggi in his cell:

The last one to enter (my cell) was a large man, who fell over the bodies on the floor and lay there groaning. He tried repeatedly to straighten himself up, only to fall back down again. Now and again the faces of guards appeared at the barred window, looking down impassively at the tangle of maltreated bodies. In the back of the big man's head, there appeared to be a coin-sized hole through which I believed to spot some brain tissue. After nearly an hour and a half of groaning and spasmodic movement, his suffering body neared its end. About two metres from me, his powerful body raised itself again and his head struck the wall. A final laboured breath issued from him, then his head dropped down onto the cement floor. At last his agony was over. After a while, three lackeys came and dragged the body out. Later I learned that the man who had been tortured to death was named Ori Doronggi. I saw a picture of his corpse in the newspaper, *Cendrawasih Pos*. The dispatch said three dead Papuans had been brought to the morgue and the police stated they had 'died in the fighting.' [Sydney Morning Herald, 9 January 2001.]

As far as is known, all the other students and pupils arrested at the time were later released. However, the director of ELS-HAM, the Institute for Human Rights Study and Advocacy, Yohanis G. Bonay, was taken into police custody for 24 hours, questioned under Article 311 of the Criminal Code and accused of 'discrediting public officials' for publicising the deaths of the students at the hands of the police. An official of the local legal aid institute and a journalist who had printed information about the police behaviour were also questioned.

Killings in Merauke and Tiom

Security forces opened fire on flag-raisers in two other places. Both these atrocities occurred when West Papuans were hoping that they could mark the anniversary of 1 December 1961 by peacefully raising the flag. There was tension everywhere but some relief when 1 December proceeded in Jayapura without incident. But what happened in Merauke and Tiom shows that the troops were on orders to shoot at groups raising the flag.

In Merauke, in the south-east, about 500 people gathered together to raise the flag on 2 December, in spite of a government ban on flag-raising. When security forces arrived on the scene to force down the flag, a scuffle broke out and the troops opened fire, killing six people, all of whom were reportedly shot in the head.

The other atrocity occurred in Tiom, a small town in the Central Highlands. The incident occurred on 17 December when the police claimed that local tribesmen attacked a group of soldiers who were trying to tear down a flag. According to the police, one soldier was killed. But John Rumbiak of ELS-HAM, the Institute for Human Rights Study and Advocacy: 'Sources at the Baptist Church in Tiom told us the locals were singing, dancing and going wild over the flag they'd just raised when the soldiers

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Give peace a chance in Maluku

A gradual shift to peace is becoming apparent in Maluku. Local representatives from the disputing communities agreed in March to meet and find a solution. The first meeting was due to take place in the Kei islands in Southeast Maluku. Early signs of war-weariness intensified in December when the warring parties in Ambon anticipated another outburst of violence during Christmas and Idul Fitri, coming within two days of each other. Instead, the religious holidays passed off relatively peacefully.

This important initiative is called *Tim Baku Bae Maluku* (the Maluku Good Efforts Team) and it was in their third meeting in Yogya earlier this year that they agreed to their present format. TBBM includes a wide range of people, local traditional leaders, local warlords, religious leaders from the Christian and Muslim side and several facilitators.

On 7 March a TBBM delegation presented their demands to the MPR, the People's Consultative Assembly, and Vice-President Megawati. They formulated a series of demands which provided the analytical framework of TBBM:

To press the government to reconsider the model and orientation of development applied so far. Until now, this has provoked social conflicts and threatened disintegration. Another model should be embraced which focuses much more on local interests and gives people better access to economic, political and cultural resources in Maluku.

To reconsider the position of TNI/POLRI (Armed Forces/Police) within the state system. The role of TNI/POLRI has been far too costly and should not be continued. The team expressed the hope that a democratic civilian government would control the security forces and end the civil emergency.

To call on the government to end the violence once and for all and act as the initiator of a process of reconciliation and to call on the government to handle the post-conflict situation wisely by introducing reintegration programmes, taking care of the refugees, and restoring the economy, politics and law in Maluku.

In August last year, the first steps towards reconciliation were taken by Muslim and Christian leaders, in a series of low-key discussions. The meetings took place outside Maluku, to pave the way for a more substantial series of reconciliation meetings in Maluku itself.

Reconciliation meeting on Kei islands

On 9 March, after four days of intensive dialogue, another important agreement was reached in the efforts to find a solution to the ongoing conflict. One thousand five hundred people from a variety of organisations and social groups in many parts of Maluku came together the following week for an initial meeting. Participants from both sides of the conflict expressed their conviction that dialogue was the only way to end the dispute.

Maluku watchers are these days more optimistic. In an assessment of conditions in North Maluku, Central Maluku and Southeast Maluku, North Malukan sociologist Thamrin Amal Tomagola, came to the conclusion that the only remaining tinderbox was Central Maluku which is where peace efforts have failed to get off the ground. Press and radio reports have alleged that some top military hard-liners



have been involved in creating unrest in Maluku. The fact that Tomagola mentioned General Wiranto in this connection led the retired general, the former armed forces commander-in-chief, to file a lawsuit

against the sociologist and the Ambon newspaper *Siwa Lima* for publishing his comments. Other military officers frequently accused of being behind the violence are Lt. General Djadja Suparman (former chief of Kostrad, the army's strategic command) and Major-General Suaidy Marassabessy (former commander of the Maluku military command).

Security situation improves

According to Tomagola, about 80 per cent of North Maluku has returned to normal. Both the 'whites' (the Muslims) and the 'reds' (the Christians) have agreed to a truce and the laying down of arms. In the remainder of the territory, people still cling to their weapons, fearing that violence may erupt again.

In South-east Maluku the situation has vastly improved; the region has now entered the stage of social reconstruction. Religious and traditional leaders are determined to heal the wounds of past conflicts and gradually restore the traditional values to their society. In particular, informal leaders and the local Catholic Church have shown great courage in their efforts to restore peace. Individuals from outside harbouring malicious intentions have been expelled and any suspicious visitors have been told to leave. Most of the provocation originates from these external elements, including armed groups who claim that they can create 'stability' through violence.

The newly-appointed governor of the recently-created North Maluku province, has played a positive role in the process of reconciliation. Both sides recognise him as non-partisan and having good intentions. The number of outsiders is relatively small as compared with Central Maluku and there are far fewer Laskar Jihad trouble-

makers, not more than 200 people. In contrast with the armed Laskar Jihad gangs in Central Maluku, these people confine themselves to social activities and proselytising non-Muslims rather than getting involved in warlike pursuits.

Many lines of command in Maluku

The government's decision last June to declare a state of civil emergency has done nothing to improve security in Maluku. On the contrary, it created a situation where the military have the power and authority to take action. While the military commander, Brig. General I Made Yasa, has special emergency powers, the presence of many non-organic troops (reinforcements from elsewhere in Indonesia) has further exacerbated the violence. Altogether 14 battalions were sent to Maluku, some of them fresh from East Timor, having left there in 1999, before the arrival of the UN troops.



Approximately half a million people were forced to leave their homes and villages.

A new force known as *Yon Gab* (*Batalyon Gabungan* or Combined Battalion) was recently despatched to Maluku by TNI headquarters in Cilangkap for 'special duties'; it combines elite troops from the army, navy and airforce, and falls under the direct command of TNI headquarters. Now that the police force has been separated from the armed forces, they have their own line of command but the duties performed by the police under the civil emergency are not clear, nor is the division between the army/TNI and Polri (the police force). Formally speaking, under the civil emergency, the highest authority is the governor of Maluku, but in fact, Governor Saleh Latuconsina who is a civilian and is seen as a moderate, is virtually powerless, with security handled by military commander Brig. General I Made Yasa. But to further complicate things, *Yon Gab*, is not under his command but under the command of Cilangkap.

Recent developments

Everybody recognises, including the military top in Jakarta, that the situation in Maluku got out of control. TNI senior officers have themselves admitted that elements within the security forces have intensified the violence and blame 'rogue elements' within the ranks of the security forces. Maluku watchers agree with this analysis but go much further, rightly concluding that the violence was deliberately provoked by military allies and cronies of the

old Suharto regime. The worsening security and the deep animosity between the two religious communities in Maluku are used as proof that civilian rule in Indonesia won't work.

However, not all sections of the TNI have contributed to fanning the conflict. Mainstream sections, including officers who back President Wahid, fear that prolonged violence in Maluku could threaten the country with disintegration and have tried to bring it to a halt.

Drastic measures

Recent events have compelled the TNI leadership to reconsider their strategy in Maluku. This led to the decision to withdraw a number of non-organic battalions. The number of military and police battalions was suddenly drastically reduced from 17 to 4 by the end of February. The battalions withdrawn included two from Central Java, two from East Java, one from South Sumatra, one from Kalimantan and two Brimob battalions. Two joint security battalions consisting of police and military were also expected to be withdrawn in February.

The withdrawal of these battalions is an admission on the part of the armed forces leadership that the strategy of flooding Maluku with territorial soldiers from all over Indonesia has failed. It is probably also recognition of the fact that the security situation in parts of Maluku has improved. Ironically, there were always fewer troops in North and Southeast Maluku, both regions which have remained relatively peaceful, far fewer than the number of troops concentrated in Central Maluku where security has continued to be very precarious.

It is widely recognised that Indonesian territorial troops are poorly trained, undisciplined and lack the basic skills needed for peace-keeping in the war situation prevailing in the islands of Ambon, Saparua and other islands in Central Maluku. Far from resolving the problem, army and police battalions have only exacerbated security problems. While the two warring parties, equipped with standard TNI weapons, were continuing their armed feud, TNI and Polri officers and soldiers have themselves become involved in one of the two sides. The TNI leadership have been forced to admit that soldiers have gone absent without leave to throw their lot in with Christian or Muslim militia. While they avoid mentioning figures, Tomagola says that 280 security officers have deserted.

New offensive from Jakarta?

On 21 January, members of *Yon Gab* TNI launched a surprise attack on one of the headquarters of the Muslim militia. Already for several days a marine post in *Mardika*, a neighbourhood in Ambon City had been fired on from several directions. Having concluded that the attacks had come from a hotel in the Muslim area, a platoon of the *Yon Gab* decided to go onto the attack. Five police and military officers were caught red-handed and store of TNI standard weapons was captured, plus a small quantity of *shabu-shabu*, a popular amphetamine drug, widely used in Indonesia. The following day another nine police officers were arrested.

The arrests on 22 and 23 January constituted the first concrete action in the two-year conflict against mutinous TNI and Polri personnel. Among the 14 arrested, five held senior positions. On 10 March Governor Saleh Latuconsina

revealed that the authorities have identified groups of defiant security officers responsible for provoking chaos in the region. He said that they were the leaders who conducted rogue shootings and caused random bomb blasts. The governor also said that the deserted officers have been trying to infiltrate the crowds by provoking people in restive areas and along the borders of Muslim and Christian neighbourhoods such as Batu Merah in Mardika and Air Kuning in Ahuru.

Entrenchment and development

Two years of fighting have created a situation in Central Maluku which foreign journalists describe as a cycle of violence with no end in sight. Terrible things have been done by both sides, in the name of religion. Mosques in Christian areas have been reduced to heaps of rubble; one mosque is now used as a billiard hall while in Muslim-held areas, churches have been destroyed.

The main Christian militia group is led by Agus Wattimena who claims to have a vigilante force of 20,000 people in Ambon City and vicinity. The core of the armed Muslim unit, Laskar Jihad which consists of 2,000 people have come from Java, but they have gained numerical equality with the Christians thanks to the recruitment of huge numbers of fanatics. Both sides are equally fanatical, vowing to avenge all attacks from the other side. Anyone who dares to promote peace and reconciliation between these militia is seen as a traitor.

Should the level of violence continue to worsen, the situation would be comparable to Somalia or Congo. Warlords from both sides have become increasingly powerful; it is in their interest to keep the conflict going because this provides them with a power base and a reliable source of income. There is a constant flow of assistance from outside for both sides. Muslims claim that the Christians receive plenty of aid from Europe while the Christians blame fundamentalist Muslim groups for aiding the Muslims. In such circumstances, the subsistence economy has stagnated. Peasants cannot tend their fields or have become refugees. Small traders cannot buy and sell goods.

Terror on the island of Kesui

The level of terror on the island of Kesui in East Seram in late November reached such a scale that many outsiders refused at first to believe that such things could happen. The Muslim and Christian inhabitants of Kesui have lived in harmony with each other for generations. But this harmony was shattered when a group of Muslims arrived, dressed in white robes and armed with machetes. They demanded that the Catholics convert to Islam. One school teacher who refused to do so was beheaded.

Out of fear for their lives, the entire village of 100 agreed to convert, but what came next was unimaginable. At the beginning of December, the villagers were herded into several mosques and a bloody ritual started. The women, including young girls, were taken into a small room; their genitals were washed and their clitorises cut with a knife without antiseptics or pain-killers. The men were circumcised with a single razor blade, also without painkillers and antiseptics. Many of the victims later suffered from infections. Although Kesui is small and



Ambon-city, a place in rubbles

isolated, several Kesui villagers managed to escape to Ambon and the news finally reached the outside world.

The campaign of forced conversion in Kesui provoked anger and dismay among Muslims and Christians alike. The Catholic Church organised a special mass to undo the forced conversion. One theory holds that the barbaric act in Kesui was the final straw for the military authorities in Jakarta. Until then, the only policy that was pursued was to send another battalion to a restive area. But the Kesui case angered many people and a special battalion was sent to the area with orders for a shoot-to-kill approach. Some of the culprits have been arrested and several ring leaders have been identified.

Violence in decline

While provocation and acts of violence by outside forces still continue, there has been a decline. Efforts to unleash conflict during Christmas and Idul Fitri failed. Instead the same dark forces organised a nationwide campaign of instability by organising a number of bomb blasts in churches right across Indonesia. However, the campaign backfired; far from setting Christians against Muslims, the act of terror strengthened grassroots solidarity among the two communities. Immediately after the bombings, Muslim and Christian youth organisations rallied together and organised mutual security measures for places of worship.

There is cautious optimism because the weapon of provocation and violence is becoming blunt and less effective, while war-weariness is taking hold in Maluku. The 500,000 IDPs (internally displaced persons) in Maluku and the surrounding islands are becoming increasingly restless. The majority want to go back home to restart their lives and rebuild their villages, wherever conditions have become conducive to such intentions. The reconciliation efforts by *Tim Baku Bae Maluku* and the meeting in Kei are positive signs that the end of the bloody conflict in Maluku is now in sight. *

New solidarity organisation born

An international conference at George Washington University from 23-25 February in Washington led to the establishment of IHRN, the Indonesia Human Rights Network. Thanks to months of thorough-going preparations, the conference was a resounding success. As a new kid on the block, IHRN will bolster the growth of international solidarity with Indonesia at a time when this has become sorely needed.

IHRN was fortunate in being able to use the expertise and facilities of ETAN, the East Timor Action Network, which has been a valued grassroots organisation for the last decade. The ETAN Washington office took charge of the preparations for the IHRN kick-off conference. Activists from a wide variety of NGOs, Indonesia Alert, the US Committee for Refugees, Global Exchange, Direct Relief, Nonviolence International, the International Labour Rights Fund, Peace Brigades International and ETAN were elected onto the Executive Board of IHRN.

For the time being, Lynn Fredriksson who was Washington Coordinator of ETAN, is the interim co-ordinator for IHRN. Through her tireless efforts, the conference was attended by activists from all parts of the US, Indonesianists from many universities, key people from human rights organisations, lawyers involved in international legal affairs and peace activists. Indonesian Chinese living in the US as well as Acehnese, West Papuan and people from Maluku also participated. The international character of the conference was strengthened by the presence of activists from the Netherlands, the UK, Germany and Australia and the discussions were enriched by the presence of activists from Jakarta, Aceh, Maluku, West Papua and East Timor. TAPOL was represented by Liem Soei Liong.

Jafar Siddiq Hamzah

Following an opening message from Carmel Budiardjo of TAPOL who was unable to be present herself, the conference paid tribute to one of its founders, Jafar Siddiq Hamzah, who disappeared in August last year while on a visit to Medan. One month later his body was found outside Medan, together with the bodies of four unidentified persons. Jafar was a human rights lawyer from Aceh. He founded IFA, the International Forum for Aceh based in New York, an NGO working for human rights and democracy in Aceh. He was also actively involved in the founding of SCHRA, the Support Committee for Human Rights in Aceh which was set up in Bangkok in July 1999.

The first IHRN conference made a pledge that its advocacy for human rights in Indonesia would honour the legacy of Jafar and help to prevent further violence against Indonesian and Acehnese people.

Panel discussions

Hendardi, the chair of PBHI (the Indonesian Legal Aid and Human Rights Association), one of the leading human rights and legal aid organisations in Jakarta was the keynote speaker. He is a leading columnist in the Indonesian press and writes about a range of topics like human rights, corruption, the military and land and labour issues. He spoke about the present complex political situation in Indonesia,

the many waves of violence and the beleaguered position of the nominally civilian government of Abdurrahman Wahid.

Support for civilian supremacy and a strong anti-military position was the dominant feature of all the conference discussions. The topics discussed were wide-ranging and the discussions were lively, making the conference a memorable occasion. The conference panels focused on topics like: The Politics of Indonesia; Human Rights in Aceh, West Papua & Maluku; Military Rule: TNI, Police & Paramilitary Violence & US Military Assistance; The Economics of Indonesia, US Government on Indonesia; East & West Timor: Human Rights, Nation-Building & Refugees; Systems of Justice: East Timor & International Tribunals. There was also a panel on religion in Indonesia. Practical workshops were held on: People's Justice: Labour, Women, Land, the Environment & Displaced People, Lobbying in Washington and a panel on Grassroots Organising & Media Work. The conference ended with a session on strategy in the coming months and it was decided to focus on strengthening civil society in Indonesia and pressing for the retention of the US arms embargo against Indonesia.

More than fifty people made contributions as resource persons, including people with many years of experience working on a variety of issues in Indonesia and/or East Timor. They included Sidney Jones, Jeff Ballinger, Sylvia Tiwon, Abigail Abrash, Charlie Scheiner, Roger Clark, John Miller, T. Kumar, Liem Soei Liong and Jana Mason. Several officials working in government agencies contributed to discussions at the panel sessions, including Ed McWilliams who is head of the Democracy, Human Rights and Labor Division of the State Department.

In keeping with NGO tradition in the US, the conference was followed by two days of lobbying in the Senate and the House of Representatives on Capitol Hill, and meeting people at the State Department. For many of those coming from outside the US, lobbying in Washington D.C. was a new experience which helped broaden their horizons. In the meantime, also in the good tradition of conferences held by activists, the positive atmosphere resulted in the launching of many new initiatives. On the second day of the conference a small gathering agreed to found a new West Papua solidarity group.

For more information about the activities of IHRN or for papers presented at the conference, please contact IHRN, 1101 Pennsylvania Avenue SE, Washington, D.C. 20003, (202) 546-0044, (202) 546-6118 fax, ihrn@etan.org, www.indonesianetwork.org

US report on human rights in Indonesia

Shortly after the conference, the annual human rights

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Regional autonomy, an essential part of democratisation

Even at the best of times, Indonesia, the largest archipelago in the world, is a tough country to govern not least because of the many ethnic, cultural and economic differences. In colonial days a highly centralised system was imposed by the rulers and during the three decades of Suharto rule, centralism was greatly intensified. On 1 January 2001, two bills on autonomy came into force, granting districts and cities very broad autonomy. This process of devolution will affect all aspects of life. TAPOL hopes to follow the progress of this important experiment in governance.

Implementing regional autonomy in Indonesia after such a long period of a highly centralised system means going from one extreme to the extreme. While there are some who strongly support the change and others who fiercely oppose it, the majority of people take a position of wait and see. The discussion about decentralisation has been going on for years. In the final years of the Suharto era, decentralisation was part of the reform agenda. When Suharto was forced to step down, autonomy at last became a possibility.

Being a non-Javanese and more open to the idea of decentralisation, B.J. Habibie, a Buginese from South Sulawesi, who was president for a year after Suharto stepped down, was very much in favour of autonomy and it was his government that initiated the process of drafting the two autonomy laws. The Indonesian nation state is often seen by non-Javanese as a Javanese kingdom. During the Suharto era, a favourite theme for many political cartoonists in the underground press was to portray Suharto as a greedy Javanese sultan.

The pros and cons

The proponents of devolution argue that it will guarantee implementation of the reform programme. Heavy-handed rule from Jakarta must stop and the regions can only develop their potential if local people can participate in democratic local government through elected local assemblies. The matter became even more pressing after the East Timorese rejected Jakarta's offer of autonomy in late 1999. While proponents of devolution insisted that, unless this was implemented quickly, the country would face disintegration and saw it as a way to curb the voices of separatism, others argued that autonomy would fuel separatist violence. There are also those who fear that autonomy will weaken the economy and encourage the spread of corruption.



Regional autonomy, power to the 350 districts ?

The people who drafted the laws on devolution had impeccable credentials with no hidden agendas. At the helm was non-Javanese Prof. Ryaas Rasyid, Minister of Administrative Reform whose portfolio included regional autonomy in Wahid's first cabinet but in August 2000, his department was stripped of responsibility for implementation of the two autonomy bills even though he was busily engaged in preparing a hundred or so implementary regulations. Implementation was handed over to the interior ministry which is headed by a retired Javanese general, Suriadi Sudirdja, and made the responsibility of a directorate-general in his department. Apart from the defence ministry, this is the most heavily militarised department. In disgust, Ryaas Rasyid resigned and accused the government of backtracking on the autonomy issue. His intention had been to place devolution under the control of an independent regional autonomy board, but this was overruled by President Wahid.

A stillborn child?

Some people strongly believe that implementing devolution in a period of political and economic chaos is like playing with fire while others argue that devolution is the only way ahead to avoid the country's disintegration. But behind this

deep divide, it is a fact that non-Javanese at the centre of power are much more in favour of devolution than the Javanese power-holders. Both the president and vice-president are Javanese and the minister in charge of the programme is a retired, authoritarian Javanese general; hence the lack of political will at the centre to devolve powers.

Vice President Megawati has claimed that most regions are not yet ready to assume these new powers and responsibilities. This negative attitude found a willing response from other members of the Wahid cabinet. Hardly had things got started when the government revealed that it was planning to repossess some powers from the regions. Interior affairs minister Surjadi, announced in mid-February that the government would ask parliament to amend Law No 22 without even consulting the regions, alleging that insufficient thought had been given to prevailing social and political conditions.

It is certainly to be expected that the process of devolution will proceed in some places better than in others.. Some regions will need help from the central government for some time to come while others, with the backing of grassroots NGOs and a vibrant civil society, are determined to make devolution a success.

Most arguments in favour of backtracking have been technocratic ones. One is that even with a flow of money from the centre, some regions will be incapable of running health care, agriculture or education. Another criticism alleges that the transfer of civil servants from the centre to the regions will create huge problems. Both problems are certain to arise in the initial period but devolution proponents say that trial and error is more than legitimate for such a major experiment.

Proponents of devolution are aware of the serious flaws in the devolution process, in particular the absence of a solid, transparent local government machinery and a set of regulations capable of sorting out the division of authority between central and local government. Briefing of the bupati, the district chiefs who will head the devolved administrations, has been pathetic and virtually nothing has been done to apprise the general public and civil servants of the changes. No fewer than 1.9 million civil servants will transfer from the central to the local bureaucracy. By August 2000, when the regional autonomy division became part of the interior ministry, only one set of regulations had been drafted and 15 others were hastily cobbled together as the date for implementation drew near.

The opponents of devolution take the example of China where devolution resulted in a decline in the standard of public services and the process of devolution went into reverse. It was lack of political will that killed devolution in China and many observers wonder whether the same will happen in Indonesia.

Law 22 and Law 25

In May 1999, a month before the general elections, parliament enacted Law 22 on regional government and Law 25 on financial relations between central government and the regions. The main provisions of Law 22 are:

- The abolition of the hierarchical relationship between the central government, the provinces and the districts or cities. Regional heads at province and district/city level will be elected by the regional legislative body and will be accountable to that body rather than to the higher level government (as in the past). Governors (heads of provinces) will continue to represent the central government but district

chiefs (bupati) and mayors (walikota) will no longer act as representatives of the central government and will be accountable to the local assembly and local electorate.

- The central government is responsible for international relations, defence, justice, monetary and fiscal affairs. It will also retain overall control of national economic planning, national administration, advanced technology, human resource development policies and natural resource conservation.

- The districts (kabupaten) and cities (kotamadya) will assume responsibility for public works, health, education and culture, agriculture, communications, industry and trade, investment, environmental and land-use affairs, cooperatives and labour. In cases where a region is unable to carry out some of its functions, it may merge with another region or ask the provinces to take over some of the tasks.

The main provisions of Law 25 are:

- Grants from the central government to the regions (province, district and city) from the routine and development budgets will be abolished and replaced by 'equalisation grants' (dana perimbangan) consisting of a general allocation (DAU, dana alokasi umum) and a special allocation (DAK, dana alokasi khusus), receipts from land and building taxes (pajak bumi dan bangunan), building titles administration fees (Bea Perolehan Hak atas Tanah dan Bangunan) and a share of the revenue from natural resource exploitation.

- The general allocation (DAU) will amount to at least 25 per cent of the central government domestic revenue as determined in the annual state budget (APBN). The provinces will retain ten per cent of this allocation and the remaining 90 per cent will go to the districts and cities. Provisions are made in cases where the circumstances are different. The special allocation (DAK) will come from the central budget earmarked for special development needs in a region.

- Regions will receive 15 per cent of receipts from oil exploitation and 30 per cent from natural gas exploitation within their region. They will receive 80 per cent of government revenue from mining, forestry and fisheries.

- Regions are permitted to borrow domestically, with the permission of the local assembly but overseas lending will need central government approval. Regional heads will be responsible in all financial matters to the regional assembly which must approve budgets and receive full reports on budget implementation from the relevant officials.

As these provisions show, Law 22 introduces the critically important principle of local democracy in place of the top down system in which all authority is held by officials appointed from above. Greater local control of revenues raised from the exploitation of local resources should help to reduce the resentment widely felt in many regions which have seen virtually all the local proceeds being drain away to the centre. These factors alone should ensure that devolution will bring a breath of fresh air to the governance of the unwieldy and virtually ungovernable country called Indonesia. But everything depends on whether the men and women in power at the centre are willing to allow this experiment in local autonomy to proceed. Only time will tell. *

PRD takes Suharto to court

While efforts by the state to mount a lawsuit against Indonesia's former dictator collapsed ignominiously last year, the PRD has succeeded in taking Suharto and twelve other generals to court for the unlawful arrest of their members in 1996. This is the only lawsuit now before a court in Indonesia which is exposing the human rights abuses of Suharto and his generals.

The lawsuit was mounted last July by the *Partai Rakyat Demokratik* (the Democratic People's Party, PRD) before the Central Jakarta district court. The PRD is suing Suharto and twelve other generals for the unlawful arrest of its members in the aftermath of the attack on the head office of the PDI (*Partai Demokrat Indonesia*) in central Jakarta. Despite challenges by the legal team of the accused, urging the court to refuse to allow the lawsuit to proceed, the court decided in late November to let the case go ahead and further hearings have taken place since the beginning of the year.

Government efforts not serious

The Wahid government has failed as yet to prepare any case against Suharto for his crimes against humanity. In 2000, charges of corruption were laid against the former dictator but even these collapsed when the court was persuaded by a team of doctors that he was not fit to stand trial. As for charges against members of the Suharto family, his son Tommy was charged with corruption, found guilty and sentenced to 18 months but disappeared before the police had got round to arresting him and to this day, he is still in hiding. Only one of Suharto's cronies, timber tycoon Bob Hassan is now behind bars, serving a six-year sentence for malpractices with reforestation funds.

The PRD lawsuit is therefore unique as a serious effort to put Suharto on trial for human rights abuses. It is the first attempt from within civil society to hold Suharto to account for human rights violations and sets a precedent for future efforts to deal with the grave crimes of the dictator during his 32-year dictatorial regime.

The lawsuit takes as its starting point the violent onslaught in July 1996 against the head office in Jakarta of the PDI, which was then controlled by the party's democratically elected leader, Megawati Sukarnoputri. Many people were killed during the attack.

In order to legitimise the attack, the PRD, which was openly supportive of Megawati, was chosen as the scapegoat because the regime feared that the party could upset Suharto's plans to be elected for a seventh term. A campaign of vilification against the PRD was launched, and it was accused of being the reincarnation of the PKI.

The lawsuit describes the actions of the security forces in arresting and terrorising members of the PRD in Jakarta, Bogor (West Java), Semarang, Ungaran, Solo and Yogyakarta (Central Java), Gresik, Wonokromo, Surabaya, Malang, Mojokerto and Blitar (East Java) and names 58 PRD activists who were arrested during August and September 1996. It describes the stage-managed trials of thirteen PRD leaders who received heavy sentences, after being charged under the anti-subversion law.

Besides Suharto, those being sued include General Feisal

Tandjung who was then commander-in-chief of the armed forces, Lt.General Syarwan Hamid who was sopsol assistant of the armed forces, Major-General Syamsir Siregar who was head of BIA, the armed forces intelligence agency, Lt.General Dibyo Widodo who was Indonesia's chief of police, Major-General Zacky A. Makarim, a director of BIA, Major-General Sutiyo who was Jakarta military commander (he is now the governor of Jakarta), as well as the minister of justice, the attorney general and the minister of the interior.

The lawsuit is seeking a decision by the court to order the return of confiscated PRD property and documents which were seized unlawfully. The PRD makes a claim for compensation of Rp 516 million, along with punitive damages of five billion rupiahs, about US\$500,000.

Speaking after the first hearing of the case in August, PRD chairman Budiman Sudjatmiko said: 'We want to say that no one who has committed crimes in the past can escape the law.' (*Jakarta Post*, 11 August)

Witnesses testify

Witnesses called by the plaintiffs include several members of the PRD, a member of the PDI and the father of the PRD chairman. Sandra Fertasari is a member of the PDI who was a witness to the attack on the head office. She told the court that members of the security forces did indeed take part in the assault; she herself saw that before taking part, they took off their uniforms and put on T-shirts to conceal their true identity. She was later taken into police custody where she was subjected to sexual harassment.

Father Sandyawan, a Jesuit priest who gave several PRD leaders sanctuary when they were being sought by the army told the court about the 'shoot-to-kill' order for activists issued by the Jakarta military commander, Major-General Sutiyo and the allegation by General Syarwan Hamid that the PRD was a communist organisation. Father Sandyawan, who then headed the Jakarta Social Institute, was a member of an investigation team which conducted an investigation into the attack on the PDI office.

Budiman's father, H. Wartono Karya Utomo, told the court that he and his family had been subjected to terror and intimidation by members of the security forces while his son was being hounded. His home in Bogor was raided by the army and he himself was accused of being a member of the outlawed PKI which was a complete fabrication. This allegation led to his being sacked from his job at the Good Year factory. *

Whither civilian supremacy in Indonesia?

When Abdurrahman Wahid was elected president of Indonesia in October 1999 after democratically held elections, there were high hopes that after more than three decades of military dictatorship, the country was now on the path towards root and branch reform of the corrupted state and a gradual progress towards democratisation. Recent developments have dashed these hopes and place the reform agenda in serious jeopardy.

We have always argued that the essential ingredient for this to succeed is that the military role in political and security matters must end and civilian supremacy must prevail. For the first few months of Wahid's presidency, things appeared to be moving in that direction as Wahid removed key hardliners in the military from positions of power. However, right from the start, there was no progress in pushing ahead with a reform programme to repeal repressive laws, to overhaul key state institutions such as the judiciary or to start solving the deep-rooted social conflicts afflicting so many parts of the archipelago that had been inherited from the Suharto era.

Instead, the political elite who had schemed to catapult Wahid to the presidency became embroiled in incessant infighting over the spoils of office. Indonesia's democratically elected parliament has failed to focus on the grave social and economic problems facing the country and has instead become bogged down in a senseless power struggle over the presidency. Corruption is rife within the legislature, and what is even worse, the leading parties have all built alliances with elements within the military.

In the early post-Suharto years, the military was weak and divided and gravely compromised by its record of repression and egregious human rights abuses which, to this day, have gone unpunished. The weak and faltering position of the military provided the political establishment with a window of opportunity to end its role but with other, more important things on their minds, the military have been able to reverse their fortunes and now pose a real threat to civilian supremacy. How did this come about?

TNI again in the ascendant

Although investigations into the military's role in the mayhem in East Timor in 1999 which destroyed the infrastructure, left hundreds dead and tens of thousands stranded as refugees across the border in West Timor, exposed the top-level military figures responsible for these crimes against humanity, the military and political establishments have rallied to protect the culprits. The long-awaited trials are farther from realisation than ever.

The government has shown its inability and lack of political will to resolve grave social conflicts in Maluku and most recently in Central Kalimantan. Although the security forces have themselves been implicated in these conflicts or, in the case of C. Kalimantan, allowed mass killings to proceed unhindered, the army is now using these tragedies to demand that their security functions be restored because of the ineffectiveness of the police. Although the police was separated from the armed forces two years ago, hopes for a civilian police force are receding.

But the main battle over the role of the military is being played out in West Papua and Aceh. Wahid's policy of

dialogue has been reversed. As several articles in this issue show, the TNI has regained the ascendant, with the complicity of the political elite, to impose a heavy-handed military 'solution'. When it comes to defending Indonesia's territory integrity, they all pull together, regardless of the consequences for the people in these territories..

As we were going to press, the military secured the agreement of the Wahid cabinet and of parliament to launch a 'limited' military operation in Aceh even though the dialogue process is supposedly still in progress. Three specially-trained battalions have been dispatched with orders to 'wipe out' GAM which can only have dire consequences for the civilian population. By means of this coup de grace, the TNI has become the pivotal security and political force while Wahid devotes his waning energies on what is a probably a futile battle for political survival. Civilian supremacy is withering on the vine *

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