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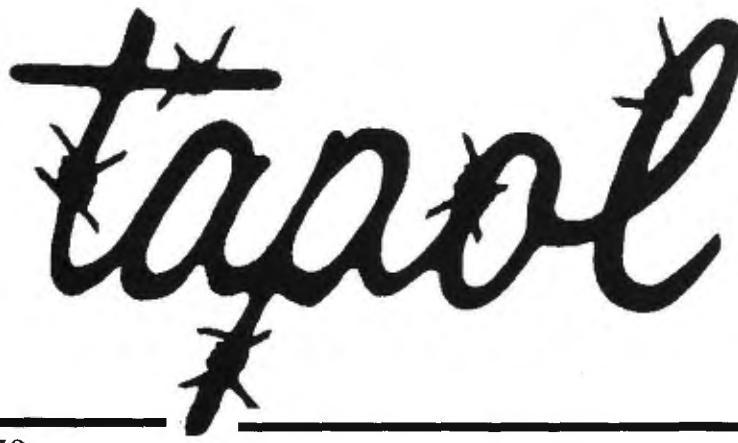
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Acehnese activist sadistically murdered

One of Aceh's foremost human rights activists, Jafar Siddiq Hamzah was abducted and brutally murdered while on a visit to Medan, North Sumatra. This tragedy has once again focused on the dangerous conditions in which human rights defenders function in Aceh. Security forces in Medan refused to conduct investigations into his abduction despite international pressure and protest.

Jafar Siddiq Hamzah, 34, was chair of the New York-based International Forum on Aceh which he founded in 1998. The IFA took the initiative to convene a number of international meetings to help set up an international network of solidarity for Aceh, and draw the attention of the international community to the grave human rights situation that has existed in Aceh since the late 1980s.

Jafar had only recently returned to Aceh after deciding to take time off from his studies in the US for a few months to devote his efforts to building an effective link between the human rights network in Aceh and international human rights organisations.

A month after his disappearance, his body was discovered down a ravine, some 80 kms from Medan, together with four other bodies which have not yet been identified. His hands and feet were bound and his body was covered with wounds. The body could only be identified after an autopsy revealed internal evidence of a past operation and positive dental evidence.

After a brief stay in Banda Aceh where he hosted Carmel Budiardjo of TAPOL and Sinapan Samyudurai, secretary-general of the Support Committee for Human Rights in Aceh on their three-day visit to Aceh, Jafar left Banda Aceh for Medan. On the way, he spent two days with his family in Lhokseumawe, his birthplace. Jafar was always conscious of the fact that he was a target of military intelligence and told friends shortly before his disappearance that he knew he was being followed. On several occasions, military intelligence claimed that he was the spokesperson of GAM, the Aceh Liberation Movement, in a clear attempt to damage his credibility as a human rights activist.

A carefully planned abduction

The circumstances of his abduction suggests that it was a carefully-planned operation and almost certainly carried out by a well-trained intelligence unit.

Jafar had arrived in Medan only a few days earlier and was staying with relatives. Because he realised he was being followed, he under took to phone home every two hours as a precaution. On the day of his disappearance, he left home in the morning to visit a lawyer friend, Alamsyah Hamdani, with whom he had formerly worked at the LBH-Medan, and had an

appointment with a Japanese activist, Saeki Natsuko at 5pm. He kept the first appointment and left to meet a journalist whose name is not known. After making two phone-calls home, he visited a business acquaintance and left at 1pm. From then on, he made no further phone-calls home. When he failed to turn up for his 5pm appointment, the Japanese friend contacted his family. By midnight, they realised something serious had happened.

The following day, after visiting all the hospitals in Medan to see whether he had been injured in an accident, they reported his disappearance to the North Sumatra chief of police, Brig-General Sutanto but were told that the complaint was not acceptable without evidence that he had disappeared. This inexcusable response was reported to Asmara Nababan, secretary-general of the National Human Rights Commission in Jakarta, who told the police chief that the police were obliged under the 1999 Human Rights Law to respond to all such complaints.

On 9 August, members of Jafar's family with friends and lawyers visited the regional military command in Medan, asking for a meeting with the regional commander but were told he was not available. When they returned the following

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day, they were told that neither the commander nor members of his staff could meet them. Efforts by the British and US embassies in Jakarta who very early on had been informed of the disappearance, to contact the military in Medan were unsuccessful. The US embassy pressed the military very hard throughout because of Jafar's status as a permanent US resident. The refusal of top police and military authorities to conduct investigations is an inexcusable dereliction of duty and suggests they knew there was something to hide.

Internationalising the Aceh case

For years, Jafar was totally committed to internationalising the Aceh case, to creating mechanisms to bring human rights violations in Aceh to a wider audience, in the conviction that this would force the Indonesian authorities to end the repression. Under the umbrella of the IFA, he drew together Acehnese living in all parts of the US and with their support,



Jafar on his recent visit to Banda Aceh

photo S.Samydurai

organised seminars in New York in December 1998 and in Washington in April 1999. This was at a time when Acehnese people back home, especially the women, were coming to the fore in their hundreds to expose the atrocities that had occurred throughout the 1990s when Aceh was a 'military operational zone' or DOM. Jafar keenly felt that the kind of attention by then being given to East Timor should also be given to Aceh.

At the third international meeting held in Bangkok in July 1999, a decision was taken to set up the Support Committee on Human Rights in Aceh (SCHRA). A special feature of the Bangkok meeting was that, largely at Jafar's instigation, representatives of GAM were invited from Sweden to meet with a delegation from Aceh, sponsored by the governor, in the hope this might lead to a meeting of minds about a peaceful settlement for Aceh. He went to Banda Aceh before the Bangkok meeting to persuade the governor to support this initiative.

The fourth international meeting was held in Banda Aceh in January this year at which many Acehnese NGOs and international human rights organisations were present. When Sinapan Samyudurai, SCHRA general-secretary, and Carmel Budiardjo of TAPOL met in Banda Aceh in July, they held discussions with Jafar about opening a SCHRA office, possibly in Banda Aceh.

One of Jafar's most recent initiatives was to launch an Acehnese-language publication, *SuAceh*, the Voice of Aceh, the second edition of which was in preparation at the time of

his death.

Human rights defenders in danger

The murder of Jafar has once again turned the spotlight on the dangers confronting human rights defenders in Aceh. In November 1999, five activists from *Yayasan Karya Bersama* who were supplying relief to a refugee camp were taken into custody by troops of a local military command in South Aceh. A member of the group, Muhammad Haikal was beaten and badly tortured but the others escaped more or less unscathed.

Another targeted organisation is the People's Crisis Centre which has safe houses and centres in many parts of Aceh. On 19 January 2000, a PCC member was beaten during an attack on the PCC branch in Cot Ijue, Matang Geulumpang Dua, Jeumpa Sub-district, North Aceh. Members of Brimob opened fire and forced their way into the PCC building damaging doors and windows. The male volunteers were ordered outside where they were told to eat dirt. Rizanur, the coordinator of PCC Matang Geulumpang Dua was beaten by a police officer from North Aceh who had arrived at the scene after the Brimob attack. Rizanur had to be treated in hospital for his injuries.

Two months later, an activist named Sukardi from an environmental and community development group called *Yayasan Rumpun Bamboo Indonesia* disappeared on 30 January 2000 in Sawang sub-district, South Aceh. His body was discovered the following day, covered with bruises and injuries, indicating that he had been tortured before being put to death. This event came as a severe shock to the NGO community in Aceh where human rights NGOs of many persuasions work closely together.

In January 2000, Tengku Nashiruddin Daud, a member of the Indonesian parliament who was a member of a special investigation commission set up under President Habibie to investigate atrocities in Aceh during the DOM period, made an official visit to Aceh. On his way back to Jakarta, the MP disappeared on 24 January while making a stopover in Medan. His body was found two days later covered with injuries. None of these cases have been investigated by the security forces and no one has been brought to justice. It is clear that people who torture, capture and kill human rights defenders can act with impunity in Aceh, without the authorities trying to investigate the cases. The official GAM spokesperson, Ismail Syahputra, also disappeared in Medan some months ago and nothing is known about what happened to him.

US mourns Jafar's death

Jafar lived and studied in New York for several years and was taking a course in political science at New University. He was granted permanent residence and became a member of the recently-established Indonesian Action Network. Members of IAN went into action to press for action in Indonesia and the US to secure his release. Many protest demonstrations and meetings were held in Washington and New York to highlight Jafar's disappearance.

On learning of his death, the US embassy said they had been in constant contact with his family, friends, and colleagues, to assist in the search for him. 'We expressed our deep concern about his welfare to the highest levels of the Indonesian government, and urged the police and other authorities to do all in their power to bring about his safe return. We regret profoundly that these efforts were unsuccessful. It is crucial now that the government redouble its efforts to find and bring to justice those responsible for the murder of Mr.

Hamzah and the four others found with him.'

Sidney Jones, Asia director of US-based Human Rights Watch, who campaigned hard for Jafar said he was 'one of the most dedicated human rights defenders I've ever known. The most fitting honor to his memory will be to bring to justice not only his killers, but those responsible for the thousands of disappearances that have taken place in Aceh over the last decade.'

TAPOL mourns the loss of a great friend

In a statement after Jafar's death was confirmed, TAPOL said that setting up an international network on human rights in Aceh 'had become his obsession in the last two years of his short life and this is what prompted him to leave the comfort of a university course in New York and return to Aceh.... He always knew he was a marked man and that his decision placed him in great personal danger.'

Carmel Budiardjo said: 'He was a gentle and kindly man, humane and peace-loving and always inspiring others with his enthusiasm. I feel privileged to have known him well.... His loss can only encourage us all to intensify our efforts to disseminate information about the appalling human rights situation in Aceh.'

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the mining company to suspend operations altogether for weeks.

Although a settlement was reached in July and the strike was ended, it was resumed when the company announced its decision to dismiss 66 workers; the workers also set up a blockade around the mining facility, again forcing production to cease.

The company is jointly owned by the Anglo-Australian mining company Rio Tinto and the British-American oil and gas company BP-Amoco. The company claimed in mid August that 1.85 million tons of output had been lost, with a sales value of \$50 million. In a press release on 12 August, the company warned that it might be forced to end its operations in East Kalimantan. It said: 'Shareholders from London and our Indonesian commissioners meet early next week. If the operation is still closed at that time, we expect we will be forced to take hard decisions.' [*Indonesian Observer*, 12 August 2000]

In a statement four days later, the SBSI said that the strike had been prolonged by the company's dismissal of workers and its refusal to withdraw a letter threatening more dismissals. Tensions became even worse after East Kalimantan police chief visited the site together with KPC's general manager and threatened to end the strike 'with the use of rubber bullets'. The SBSI called on the government to intervene to help settle the long-running dispute to prevent armed police from being brought in to end the protest. [*Indonesian Observer*, 18 August 2000]. On 20 August the workers decided to end the strike.

Military protection of mining sector

Mining has become a major foreign exchange earner for the Indonesian economy, following large-scale foreign investments in mining during the Suharto era. The Wahid government has made no secret of its determination to call in the troops if necessary to protect mines against unrest. [*Jakarta Post*, 11 July 2000] There have also been menacing comments by the minister for mines, Lt General (ret'd) Bambang Yudoyono alleging that 'external forces' are involved in recent actions by groups defending their rights in the mining sector. It is against this background that the strike at the KPC coal mine in East Kalimantan has threatened to escalate into a nasty confrontation. *

AURI and the 1965 Affair

Apology and Explanation

A book published jointly by TAPOL and Solidamor in Jakarta in July this year includes an article which seriously misrepresents the role of AURI, the Indonesian air force, and many of its members in the events of October 1965 which led to Suharto's seizure of power.

The book, entitled *Plot TNI-Barat Dibalik Tragedi 1965*, (The TNI-West's Plot in the 1965 Tragedy), includes an article by Coen Holtzappel first published in English in 1979, which alleges that AURI which at the time was headed by Air Vice Marshall Omar Dani, was directly in-volved in the movement of Lt.Col Untung, Col. Latief and Brig.Gen. Supardjo, that the air base, Halim Perdanakusumah, was the base for the group that kidnapped and killed a group of generals and that the key figure in this involve-ment was Lt.Colonel Heru Atmodjo who was then assistant director of AURI intelligence. At the time the article was first published in English, Omar Dani had been convicted and was under sentence of death and Heru Atmodjo was serving a life sentence. Omar Dani's death sentence was commuted and he was released in 1995; Heru Atmodjo was released after serving 15 years. Only since their release have they been in a position to reveal the true facts.

Holtzappel's analysis is based almost entirely on the records of trials held by Mahmilub, the Extraordinary Military Tribunal, which were conducted primarily to legitimise Suharto's version of the 1965 events. Such records should therefore be treated with circumspection in any analysis.

The article alleges that Heru Atmodjo was the 'boss' of an air force officer, Major Sujono who organised training for left-wing activists and even that he supplied equipment and cash. It also alleges that Heru Atmodjo was a member of the Untung group in charge of the kidnappings. These allegations are entirely groundless. The training had been denounced by the AURI leadership but Sujono ignored orders from his superiors to stop. Heru's meeting on 1 October with Brig.General Supardjo is misconstrued. In fact, Heru, acting on orders from Omar Dani who at the time was commander of the konfrontasi theatre of war, was told to contact Supardjo who at the time was on Omar Dani's staff, to ask him what was going on in the army.

Although Heru Atmodjo was listed as deputy head of the 'Revolutionary Council' announced on 1 October by Untung, he knew nothing about this; indeed most people listed as 'members' had never been consulted.

The Holtzappel article also falls into the trap, set by Suharto and perpetuated for many years, that the kidnap group operated inside AURI's Halim base. Lubang Buaya where the kidnapped officers were taken is several miles from the base. These facts are analysed at length in 'Menyingkap Kabut Halim 1965' (Dispelling the Fog over Halim 1965) published last year by the Association of Air Force Retirees.

TAPOL regrets the inclusion of this inaccurate and out-dated Holtzappel article in its book and wishes to apologise to many victims in the Air Force for re-opening painful wounds caused by the calumnies spread by Suharto. We hope to publish a much fuller account of Heru Atmodjo's recollections of these events in our forthcoming issue. *

A visit to Banda Aceh

During a one month visit to Indonesia in July, Carmel Budiardjo of TAPOL paid a visit to Banda Aceh, the capital of Aceh. The visit coincided with the first anniversary of the massacre on 23 July 1999 of more than sixty people at a religious school led by Tengku Bantagiah. Here is her report:

My visit to Banda Aceh has been darkly overshadowed by the disappearance and murder of Jafar Siddiq Hamzah, one of Aceh's foremost human rights activists, who had invited me to come and escorted me for much of the time. (See front page)

The visit took place halfway through the first three months of the Humanitarian Pause which came into force on 2 June following an agreement between the armed re-sistance, GAM, and the Indonesian Government. Two things preoccupied the many Acehnese NGOs devoted to human rights, the very disappointing results of the Humanitarian Pause and rejection of the koneksitas trial held in May in which two dozen lower-ranking soldiers were sentenced for their role in the killing of Tgk Bantagiah and scores of his students. (See TAPOL Bulletin No 159, April 2000)

flee on 26 May. He told me he wouldn't go home till the troops leave his village.

Both boys have not been getting any education because schools no longer function and many have been burnt down. The PCC is trying to give them 'alternative schooling'.

Victims describe their sufferings

I spent my first evening meeting victims of recent atrocities who were now living in the safety of a centre run by the PCC, the People's Crisis Centre. The Centre's home is sparse with nothing but mats to sit on. I met four men and two young boys who had recently arrived at the centre. A fifth man was lying in a back room, too traumatised by recent experiences to meet or speak to anyone.

Ridwan, a 12-year old from a village in Idi, East Aceh, told me that soldiers came to his home in May this year and asked where his brother was, alleging that he had been supplying rice to GAM. They started beating him when he said he knew nothing, and threatened to shoot him. Then, they grabbed him by the feet, held him upside down, bashed his head against a coconut tree and banged it on the floor. A few days after they left, he met the soldiers again while on his way to market when they struck him in the mouth. He ran back home where he lives alone with his brother as their parents are dead. Eventually he left home and made his way to Banda Aceh and was taken in by the PCC.

Ramli, a 13-year old said his home had been destroyed by the army so he went to stay with friends. Two months ago soldiers of the much-feared Rajawali unit forced their way into the house at 3 am and started accusing the in-habitants of supplying cigarettes to GAM. Another boy in the house was taken to the back and beaten up, kicked and punched. Ramli was then dragged to a nearby market, confronted with a friend and their heads were knocked together. The soldiers then took him to their command post and threatened to use electric torture but an Acehnese soldier in the room asked them not to do that because Ramli was only a kid. The soldiers then stuffed his mouth with five cigarettes and order him to start smoking. When he refused, they beat him with bamboo until he began to inhale. After he was allowed home later that day, he decided to



Rajawali troops checking people's identity cards at a road block

Isa Rachmat, a man in his 20s, said soldiers came to his home at crack of dawn on 20 May and arrested him for allegedly being in contact with GAM. They dragged him to a space below the house and when a neighbour named Tarmidi bin Ismail turned up, he was shot dead on the spot. After being taken to a Rajawali command post, he was set upon by a dog. His big toenail was pulled out and he was subjected to other forms of torture for a whole day. He was beaten in the chest till he started spitting blood. When the troops came to the village a second time, after he had been allowed home, all the villagers were beaten. The events have been reported to the local LBH who are investigating the military unit.

An older man in the room explained that he was trying to track down his nephew who has disappeared. This man has reported his problem to many authorities, up to the UN, as well as to the LBH.

Sri Jono, 22, was forced by his local administration head to become a TBO (auxiliary personnel) attached to a military unit. His task was to show troops the way when out on patrol. The local administration chief had also set up a *Front Penyelamat Aceh* or Front to Save Aceh, in favour of keeping Aceh as part of the Republic.

The unit to which he was attached was the notorious Rajawali. (See box.) Two months after he became a TBO he

Rajawali, hawks hunting the Acehnese

In many of my discussions in Aceh, people spoke about atrocities committed by Rajawali, which people see as having taken the place of the army's special elite force, Kopassus, in conducting special operations against the population. Kopassus troops were associated with some of the worst atrocities during DOM, the 'military operational zone' era and were withdrawn after DOM was formally revoked in August 1998.

Reports about Rajawali began to emerge at the beginning of 2000. Its full name is Satgas Rajawali or Rajawali Taskforce. The name itself is fearsome as it is the Indonesian word for a large black hawk. The members carry the sign of the bird on their epaulets and chests. I was shown a photo of a Rajawali barricade and photos of Rajawali troops checking the documents of residents.

Rajawali is a special detachment of Kostrad, the army's strategic corps, and might well be operating in other parts of the country. In Aceh, it is formally speaking under the police, the force in charge of special operations there. But it has set up its own 'tactical posts' everywhere which operate independently. Its links with the local territorial troops are also purely administrative. Being an independent force, it is often referred to as *Bawah Kendali Operasi*, BKO, or 'under operational control' but it functions under the command of Kostrad HQ. It is clearly acting as the spearhead in terrorising the population.

The force comprises troops recruited from different parts of the country and is spread throughout Aceh. Like Kopassus, it consists of specially-trained combat and intelligence troops. They operate usually in platoon-force groups of about 16 men. Their main task is to track down GAM forces and they do this by using strong-arm tactics against villagers to extract information about GAM. Like their Kopassus predecessors, torture and killing are a routine part of their operations.

From all that I heard, there appears to have been no let-up in their operations despite the Humanitarian Pause accord reached between GAM and the Indonesian Government. *

saw the soldiers torture two other men for three whole days and then shoot them dead. He named the victims as Trifan from a village called Lokibang and Muchtar from the village of Jambu Rehat. The killings upset him so much that he decided to flee and found his way to the PCC for protection.

Anger over the Bantaqiah trial

It had escaped my attention when fixing the date of my visit to Aceh that it would coincide with the first anniversary of the massacre of the religious teacher, Tgk Bantaqiah and scores of his pupils. On Saturday, I was told, student groups would be holding a protest in a tent just outside the Grand Mosque. It was not till I arrived there that I realised this was a protest against the Bantaqiah Massacre and against the koneksitas trial which recently ended. While in Jakarta, I had met two members of the Wahid government to express TAPOL's strong criticism of the trial in which military investigators were involved and before a joint military/civilian panel of judges. While low-ranking soldiers had been given harsh sentences for having opened fire on the victims, senior-ranking officers who ordered the operation and took part in it were not indicted. One lieutenant-colonel had even 'gone missing' while under investigation for the crime.

I was surprised to hear Attorney General Marzuki Darusman call it a 'very good trial', though he admitted that further trials would be needed before the case could be regarded as 'closed'. By contrast, Asmara Nababan, secretary-general of the National Human Rights Commission, told me he had opposed the holding of such a trial and tried unsuccessfully to persuade Human Rights Minister, Hasballah M Saad not to insist on such a trial being held.

My ten-minute meeting with Minister Hasballah (he arrived an hour late) turned into an argument about the trial. He started off by insisting that the trial 'had to go ahead' because people in Aceh had demanded it. To my insistence that the wrong people had been put on trial, that there had been no attempt to treat the Bantaqiah Massacre as part of a state/army-sponsored campaign of terror and the massacre had been treated as if it was an ordinary crime, not a crime against humanity, he said that haste was essential and he could not wait for a human rights court to be set up because people in Aceh were calling for speedy justice. I said that as minister for human rights, he could better have exerted his efforts to pressing for a human rights court law to be enacted speedily than promoting such a trial. In the end, he admitted that his motivation was to ensure that 'Aceh tidak akan lepas' 'Aceh will not leave (the Republic)'. These were his last words as I left for another appointment.

I related these encounters to the three hundred or so students gathered in the tent, among whom the word koneksitas has become a term of derision. Their banners told the same story. From everything I heard in Aceh, there was little interest in trials being held because, as at present conducted, they are remote from the need for true justice.

Tgk Bantaqiah's widow

A large group of the families of victims of the Bantaqiah Massacre was also in town for the anniversary, giving me the opportunity to meet the teacher's widow and others related to the 63 dead men. (Their figure of the number of casualties is higher than the figure of 56 given at the trial.)

Bantaqiah's widow, Nurliah, lost five close relatives, her husband, two sons and two sons-in-law. Altogether 55 families lost relatives in the slaughter. She had nothing but scorn for the recently-held koneksitas trial of low-ranking soldiers who actually shot her husband and the others. 'It's like trying people for stealing chickens,' were her opening remarks as we began our conversation. She and a relative who himself lost a nephew and a cousin in the massacre, described what happened:

On the day of the Massacre, troops first appeared in force in a neighbouring kampung at eight in the morning while two army helicopters circled overhead. After the number of troops increased, they approached the school and surrounded it. The pupils and their teacher were taking part in prayers at the time. Two men were asked where their teacher was. 'Upstairs,' they were told. 'Well, call him down.'

As he descended, the troops opened fire and killed him and many of the pupils on the spot. Nurliah and some other women who were upstairs, watched the slaughter from the upstairs windows. The wounded men were driven away and later killed.

After it was all over, the women were ordered to come down and strip down to their underwear. After being searched, they were taken to a nearby kampung and told to stay there until the following day. When they returned to the school premises, all the bodies had been buried and the wounded had been taken away. Twenty-four of the dead men were buried behind the school and still remain buried there. As far as the relatives

know, the other victims are buried in seven graves.

The head of the PCC, Juanda, said that he had heard that something was about to happen at the school but when he tried to enter the complex, he was unable to gain access as it was encircled by troops.

Another of the relatives, Zainuddin, who met me said that Tgk Bantaqiah had been warned that something might happen two weeks before when a soldier from the local military command arrived to warn him to be 'ready to die'. When he told local officials of the warning, they refused to believe it, saying that the government is now 'behaving decently'.

When I told them that Minister Hasballah said many Acehnese people had pressed him to make sure that the koneksi trial would go ahead, they said that the minister had never asked their opinion on the matter. In fact, he has never once visited them since the tragedy, they said. Nor has anyone from the military. There has been some talk of the families receiving compensation but nothing has happened.

Asked what they wanted to happen now, they said: 'We need help. The real culprits must be brought to trial, the men who gave the orders for the operation.' This would mean indicting not only the officers in command of the resort commands but the Bukit Barisan regional commander which oversees operations in Aceh. They said they had never been approached directly to give testimony at the trial. Their legal representative, *Kontras-Aceh*, received a letter but after consulting with the relatives, they decided not to testify as they feared for their security if they testified in court. When they requested safeguards from the court, they were told that their security in court could be guaranteed, but not afterwards.

More trials in Aceh?

Both Darusman and Hasballah assured me when I met them in Jakarta that the Bantaqiah case was not closed and another trial could follow. However, there have been no signs of this nor anything about the 'missing' suspect, Lieutenant-Colonel Sudjono who disappeared eight months ago.

In any case, the Coalition of Human Rights NGOs in Aceh has stated its strong opposition to any further trials along the lines of the Bantaqiah trial. In a statement in July, the Coalition's Team to Resolve Cases in Aceh called on the government to postpone further trials until such time as the trials can be held in accordance with international humanitarian law. They were disappointed with the announced intention of human rights minister, Hasballah M Saad, to hold a trial regarding the Rumoh Geudong case (this was the torture centre run by Kopassus, the army's elite command during DOM) some time in August this year. Abdul Rachim Yacob, who chairs the Team, said the government should give priority to setting up a human rights court where proper human rights instruments would be used and not hold any more trials based on the Criminal Code. [*Waspada*, 21 July 2000]

Demands are also being made for a Commission of Inquiry or KPP-HAM to be set up by Komnas-HAM for all the crimes against humanity in Aceh, along the lines of commissions set up for other crimes against humanity, especially the commis-

sion that investigated the crimes in East Timor. This could, if properly conducted, pave the way for formal investigations to be undertaken, leading to trials that would conform with international humanitarian law.

Meeting Flower

I had heard so much about the women's organisation, Flower



Demonstration in Banda Aceh demanding the immediate trial of local military commanders

whose founder, Soraiya Kamaruzamman I first met in Amsterdam last year, that I was very keen to spend an evening at their office. It was a very rewarding occasion.

Being a women's organisation with a strong feminist culture, it has a different perspective on some issues confronting the people of Aceh. The women I met told me first of all about the recent founding of an all-Aceh women's organisation, *Serikat Inang Aceh* which has branches in all the seven districts of the province. They explained that in Aceh's long history, women held a position of equality with men at the very highest levels of social and political activity, including becoming state leaders or commanding war operations. But an Islamic decree - fatwa - adopted some while ago had established the principle that women may not become rulers. This was the first step towards the domestication of women. Their role as decision-makers had been undercut and they were now less likely to speak out.

The women's conference held last year had led to the emergence of women's groups in many parts of Aceh, and *Serikat Inang Aceh* had come into being as a result.

They told me also of the key role Acehnese women play in economic and productive activity, although security operations frequently made it difficult for such activities to proceed. Decisions by local communities to evacuate in the face of security threats also undermines agricultural production. Observations by their network of contacts indicate that evacuations often happened at the prompting of unclear sources. The first phase of mass evacuations started in June 1999 when tens of thousands left their villages. Subsequently, most of the refugees returned home, but in recent weeks, evacuations are again on the increase because civilian communities feel unsafe when armed clashes occur or when the security forces conduct sweepings, searching for GAM members.

They were unimpressed by the Humanitarian Pause (see below) and felt that this is being used by GAM forces to regroup and consolidate. Their activities among the grass-roots

has made them critical of GAM activities which they believe is losing its popularity.

They also feel that people who strongly promote the referendum idea need to be more specific about what they mean and what kind of an independent state they visualise. They strongly reject the koneksitas system of justice but feel that not enough has been done to coordinate opposition to the trials.

How much of a Humanitarian Pause?

The people I met on my first day in Aceh all confirmed that whereas the level of violence had declined during the first month of the humanitarian pause, the trend had since reversed and was giving cause for alarm.

The humanitarian pause came into force on 2 June following a joint understanding between GAM, the Aceh Liberation Movement, and the Indonesian government, brokered by the Henry Dunant Centre based in Switzerland. Although it is often referred to as a ceasefire in press reports, the Joint Understanding is much less than that. As one HDC official described it, the agreement is 'minimalist'. As stipulated in the official document, the aim is 'to reduce tension'. The objectives are: 'delivery of humanitarian assistance to the population', 'provision of security modalities with a view to supporting the delivery of humanitarian assistance and to reducing tension and violence which may cause further suffering', and 'the promotion of confidence-building measures towards a peaceful solution to the conflict situation in Aceh'. [See *Joint Understanding on Humanitarian Pause for Aceh*, signed in Bavois, Switzerland on 12 May 2000.]

Under the agreement, two Joint Committees have been set up, the Joint Committee on Security Modalities and the Joint Committee on Humanitarian Aid, the former obviously being the key one. Both joint committees are composed of ten members, five from GAM and five from the Indonesian side. The five Indonesian members are all from the armed forces. Each of the committees is shadowed by a Joint Monitoring Committee whose task it is to investigate violations of the 'ground rules' which are set out in a separate document. However, the agreement makes no provision for sanctions against violators and neither is there any form of mediation. So when disputes arise about a violation, it's just a matter of one side's word against the other's. In other words, the Joint Understanding lacks teeth and relies on nothing more than the goodwill of both sides.

On the day I arrived in Banda Aceh, I attended a press conference which was held to announce the establishment of an NGO monitoring group called *Simpul*. This was in response to widespread dissatisfaction about the effectiveness of the officially sponsored monitoring committees. The NGOs have extensive networks of independent observers right across Aceh, with strong roots in the community and very well placed to investigate incidents which breach the security ground rules. It seemed to me that the role of civil society in Aceh may have been marginalised by the GAM-Indonesia accord, which is very strange considering that the whole point of the accord is to facilitate the provision of humanitarian aid to the population. The NGO network in Aceh includes some extremely well organised groups working at different levels and broadly complementing each other and their determination to become much more directly involved was clearly a step forward.

I heard from several well placed people that the Joint Committee on Humanitarian Aid had hardly got going, already halfway through the first three months of the accord.

Moreover, NGOs were confronting harassment from the security forces when they attempted to supply humanitarian aid to people in refugee camps.

There have been many instances of the security forces exerting strong pressure on thousands of people in camps to return home. A case in point is the 2,815 families who fled their homes in Tanah Luas and Matangkuli, North Aceh to find sanctuary in a location near the Exxon-Oil airport. Refugees were terrified at the sound of shots fired by troops who had come to persuade them to return home. 'Never in my life have I felt so scared, being driven away like some kind of animal,' said one refugee. *Jakarta Post*, 20 July 2000]

Security conditions during the Pause

There have been numerous incidents since the Pause began in which people have disappeared (some subsequently being found dead), sweepings in localities, armed clashes between the two armed sides in the conflict and the destruction of buildings. According to Kontras, in a press release issued on 17 July, in the six weeks since the Pause began, sixty people had been killed (including members of the security forces and GAM), which included ten extra-judicial killings, and forty people had been tortured.

In one incident, a rubber planter in Julok who was being harassed by two members of Rajawali to hand over part of the proceeds from his sales turned on his tormentors and struck them with a knife. The soldiers were making demands in addition to the percentage which the tappers are required to hand over to the unit. One of the soldiers died while the other who was injured opened fire with his automatic weapon and killed three rubber tappers standing nearby.

The Pause is up for renewal at the beginning of September and both sides have indicated that they intend to extend the agreement for another three months. While agreeing that the accord should be extended, Acehnese NGOs have called for the Joint Committees, particularly the one on humanitarian aid, to be re-structured so as to include representatives of civil society, or still better to be composed wholly of civilians. It is their contention that humanitarian aid is being used for political purposes by both sides, each seeking to take the credit for the provision of aid, whereas the beneficiaries themselves are not represented on the committee.

Special award

I was deeply touched by a special award given to me on my last evening in Banda Aceh by eight Acehnese NGOs. I was given the title 'Cut' (pronounced 'chut') which is a title of honour for Acehnese women. The ceremony was opened Jafar Siddiq and the plaque bearing my new name was handed to me by Ibu Nurliah, the widow of Tgk Bantaqiah. It quotes the words of Winston Churchill, 'Never in history have so many owed so much to so few', and says: 'In the internationalisation of the Aceh conflict, Carmel Budiardjo is definitely an ace among the few.' In my words of acceptance, I said that I did not stand alone but was part of a team in TAPOL which has been committed for years to reporting the situation in Aceh. *

Demand for international intervention in Maluku growing

It is now widely accepted that Maluku is where the most senseless and persistent violence in Indonesia is taking place. Almost half a million people have fled their villages in search of refuge. Many have found sanctuary in the neighbouring islands of Sulawesi, West Timor and West Papua. If the violence continues, this refugee problem could well spread to neighbouring countries.

Despite numerous statements by the most highly-placed authorities in Jakarta, the conflict in Maluku shows no signs of abating. The call for international intervention is becoming more strident and international bodies like the UN and the European Union are now exerting pressure on Jakarta. In mid July UN Secretary-General Kofi Annan phoned President Wahid to express his concern. He asked about actions taken by the Indonesian security apparatus to end the violence and also wanted to know whether the UN should establish a presence in Maluku. Gus Dur, as Wahid is popularly known, told Annan that his government was doing everything possible though he admitted that humanitarian assistance was needed. The initial follow-up has been the decision to set up two resource posts for four UN humanitarian agencies in Ambon

and Ternate though if security conditions do not improve, it is difficult to see how these agencies will operate.

The ASEAN ministerial meeting in Bangkok in the third week of July also discussed the problem of Maluku but produced nothing concrete. The sacred ASEAN doctrine of non-intervention has eroded in the last two years, especially over the Black September tragedy in East Timor last year and the appalling human rights situation in Burma which became a member of ASEAN despite strong protests over its human rights record. However, the violence in Maluku is beginning to create new challenges for ASEAN and this could spread to Australia and the Pacific islands.

Intervention, a Christian ploy?

There have been many calls for international intervention but most of the pressure has come from Christian bodies. The World Council of Churches has issued a statement demanding intervention as has the Vatican.

There is a widely-held perception in Indonesia that a scheme has been concocted in the West (the US, European Union and Australia) for the break-up of Indonesia. Statements by secular bodies such as the European Union or the US State Department are seen as part of this Christian conspiracy.

Many Indonesians see the 'loss' of East Timor as being the result of international intervention aimed at the disintegration of the Indonesian Republic. The very thought of a UN blue-

helmet intervention in Maluku has therefore become a very touchy political issue. But there is another side to the story. The call for international intervention did not fall from the sky. TNI (Indonesian armed forces) chief Admiral Widodo has frankly admitted that some of his troops have sided with the warring parties. National chief of police General Rusdihardjo has expressed the

fear that if the violence in Maluku continues, the UN Security Council will adopt a resolution to send in a peace-keeping force. Human Rights Minister Hasballah Saad has expressed sympathy for the idea of international intervention.

A number of peace and human rights organisations in Holland,

including TAPOL, issued a call at the time of the ASEAN ministerial meeting for limited intervention, consisting primarily of ASEAN forces. It referred to the conduct of Thai and Filipino troops in East Timor, saying that this suggested that they could play a helpful role in Maluku. It also took into consideration that the general view in Indonesia was still very much against a UN humanitarian intervention.

Leading human rights groups in Indonesia have already concluded that Indonesia is not capable of resolving the conflict in Maluku. PBHI, the Indonesian Legal Aid and Human Rights Association, was the first to demand international intervention. Chairman Hendardi urged Gus Dur to call for a UN presence. 'What are the choices?' he asked. 'Do we want to save the lives of thousands of people, or should we go on babbling about narrow nationalistic interests, inherited from the New Order'. Munir of Kontras, has issued a similar statement.

The secretary-general of Komnas HAM, the National Human Rights Commission, Asmara Nababan, also stated that the Jakarta government should invite international peace keeping forces. Eighteen months of unresolved conflict plus the failure of the civil emergency declared in June has only shown that Indonesia is not able to resolve the problem. Nababan said it would be better to invite troops from the ASEAN countries.

TNI actively involved in the fighting

It has been widely reported from Maluku that some Brimob



The streets of Ambon-City are full of military and militia units

(elite police) troops are siding with the Christians while Kostrad (elite army reserve) troops and Brawijaya (East Java territorial) troops are siding with the Muslims. In fact, the situation is far more complex. Reports on the internet and in the mainstream Indonesian press have given graphic accounts of attacks by both sides on villages of the other side. Particularly worrying is the fact that standard army weapons are increasingly being used by the warring militia units.

Since late June when the civil emergency was declared, the situation has only worsened. About 16,000 fresh troops have arrived to be stationed in different parts of Maluku, but the fighting has continued. The ineffectiveness of the Indonesian armed forces only strengthens the conviction that they are part of the problem, not part of the solution.

Two recent events have destroyed what remained of the TNI's credibility. On 21 June Muslim militia attacked the Brimob barracks in Tantui, on the island of Ambon, and destroyed the entire complex. Instead of defending their barracks, members of Brimob took sides, some with the Christians and others with the Muslims. The Christian Brimob units retreated to a Christian area, taking many weapons. The Muslim Brimob units joined the attack on their own headquarters. Police HQ in Jakarta had to send a special squad to resolve this conflict within Brimob ranks. The Brimob barracks are close to a military post where battalion 733 and KOSTRAD battalion 303 are stationed. It is widely assumed that soldiers from both battalions took part in the attack.

The second event was the tragic assault on Waai village north of Ambon city on 30 July, following an earlier attack when many houses and churches were burnt down. During Sunday mass on 30 July, a huge force of people, backed by around forty TNI soldiers, attacked the devastated village. Despite earlier appeals for a protective force of troops, the village had been left defenceless. Following the second attack, 5,000 villagers fled to the mountains, leaving 29 people dead. Aid agencies have described their circumstances in the mountains as deplorable and life-threatening. According to earlier reports, TNI units taking part in an attack on a Christian area in Ambon used a UK-made Saladin armoured personal carrier to provide cover to Muslim units. [*The Independent*, 18 July 2000]

The situation in Ambon has deteriorated even further with the growing number of snipers. These well-trained marksmen shoot at innocent people from both sides. These acts of provocation have increased the tension and deepened the animosity between the communities.

Divisions within the TNI

The events in Maluku point to a collapse in the military command structure but what is happening on the ground in Maluku mirrors the fracturing of the armed forces as a whole. In Maluku, local military commanders can be divided into three categories, those who are unable to stop the violence; those who are unwilling to stop the violence and those who are organising and fanning the conflict. The military HQ in Jakarta recently replaced the key commanders in Maluku. Brig. General Max Tamaela, the territorial commander was replaced and with him the four district commanders. The new territorial chief, Brig. General I Made Yasa, is a Balinese with a Hindu background. As a local Christian, his predecessor had become unacceptable to the Muslim community.

The divisions within the TNI reflect the divisions in Jakarta. Military analysts have divided TNI officers into three groups. About ten per cent are reformers, mostly in the navy and air

force plus a small number of army generals. They back the policy of the TNI's withdrawal from political affairs and have pushed hard for the abolition of the military doctrine Dwifungsi, which justifies the political role of the military. At a TNI seminar earlier this year, they pushed hard for an end to Dwifungsi. They are close to Gus Dur and the pro-reform movement but represent a small minority within TNI. In a major TNI reshuffle in January many reformers were appointed to strategic positions but in a subsequent reshuffle in July, most of them lost their jobs. Reform-minded officers like Agus Wirahadikusumah, Saurip Kadi and Romulo Simbolon have now been withdrawn to TNI headquarters without being assigned any posts.

The second group, the so-called hard-liners, believe they are still entitled to define the course of the nation and play a role in political affairs. They are mostly army officers and include powerful generals like Wiranto, Djadja Suparman and Prabowo. They are of a kind with officers who served the Orde Baru dictatorship for more than three decades. Their bottom line is to reject civilian supremacy over the military. In the past few years, their influence has diminished, not least because they resorted to so much violence to keep the Suharto regime afloat. Some are still loyal to the dictator Suharto but their common ground these days is the need to defend their political and economic assets. They are also well connected with former cronies and relatives of the Suharto family. Associated with this group are many officers with a military intelligence background. These are the officers who are likely to be stirring up the conflict in Maluku. They were the ones who financed and trained the militias in East Timor, a vivid example of how ruthless they are. Their aim is twofold: to create instability to show that the military are indispensable, and to underline the inadequacy of civilian rule.

The third group, by far the largest, are the so-called constitutionalists, and account for about 80 per cent of the officers. This group is more difficult to define. They function as average soldiers, obeying commands, which can also mean accepting the fact of an elected civilian government. On the other hand, many are unhappy with the present situation. They have lost political and economic power since Suharto's downfall with nothing to take its place.

The state budget for the military is very low and covers no more than 30 per cent of actual expenditure; the shortfall is covered by the proceeds from business corporations owned by the military. Large sections of the military are increasingly involved in organised crime like prostitution, drug-trafficking, illegal casinos, security arrangements for shopping malls and so on, to supplement their earnings. The Gus Dur government faces insuperable economic problems and cannot pay better wages, or provide better training and equipment for the average TNI soldier. Growing instability in the many trouble-spots (master-minded by their fellow officers of the second category) only forces them into the firing line, putting their lives at risk. Increasing numbers of soldiers are unwilling to be sent to war zones like Aceh or Maluku. The TNI rank and file, where demoralisation is rampant, is widely represented in this group.

Factors in the conflict

In the last few years Indonesia has experienced several ethnic and religious conflicts. The worst was the conflict in West Kalimantan between local Dayaks and settlers from Madura in December 1996. Such conflicts are often complex because many local and external factors play a part but the West

Kalimantan conflict remained local and eventually died out.

The conflict in Maluku also contains a local and an external factor but the latter, the power struggle in Jakarta, has played the dominant role. In most accounts, the conflict is analysed in terms of the contradictions between the local communities in Maluku. Many Indonesianists as well as academics from Maluku take this approach. But human rights organisations take a different approach and have put more emphasis on the power struggle in Jakarta and its impact on Maluku [see *TAPOL Bulletin* Nos. 151, 152, 156 and 158].

The dramatic demographic change in Maluku in the last two decades is seen by some as the source of the conflict. Many new settlers have poured into Maluku, gaining positions in the economy. There is also the shift from Christian domination of the provincial administration to a more Muslim bureaucracy. A Muslim entrepreneurial middle class has emerged. But there is no reason to believe that these changes could have sparked such a vicious and entrenched communal war.

Big money from Jakarta

The demographic changes in parts of Maluku are relatively small as compared with parts of Aceh, West Papua or West Kalimantan. Transmigration figures for the last 30 years (six 5-year development periods) in Maluku show that 22,799 families were resettled in four districts of Maluku, mostly in Central Maluku, North Seram and on Buru island. They constitute less than 5 per cent of the population of Maluku and are remote from the populated areas. These transmigrants were poor and remain poor and cannot be said to provoke economic envy.

The majority of refugees now living in other parts (see separate article) come from the populated areas, notably Ambon-City and other towns in Central Maluku. A bustling city like Ambon already enjoyed a multi-ethnic composition before the conflict. Some 35 per cent of the population were ethnic Buginese, Butonese or Makassarese, often lumped together as 'BBM'. Many, in particular the Butonese, have been living in Ambon for generations. It is difficult to imagine a town in Ambon without a Butonese neighbourhood. While some BBM merchants have become quite successful, the majority are small traders or work as manual labourers. These people have been part of the population of Maluku and became the first victims of the conflict.

The big change in Ambon in the last two or three decades has been the emergence of big capital from Jakarta. The clove monopoly business set up by Tommy Suharto is one example. But huge investments were also made in forestry, agri-business, mining and fishing. These companies employed people from Jakarta and Java as their managers, not locals or BBM people. As is always the case, they provided no job opportunities for the locals.

Conflict engineered from Jakarta

Statements by Defence Minister Yuwono Sudarsono that Suharto supporters are behind the Maluku riots and by the TNI spokesperson Marshal Graitto Usodo that troops are actually involved in the conflict has only confirmed the analysis of human rights organisations. Munir from Kontras, one of Indonesia's leading human rights organisations, has bluntly stated: 'It's up to the military whether the conflict will end, not the people in Maluku'.

Kontras is one of the few organisations which took the risk of monitoring violations in trouble spots. They had an active branch in East Timor and their branches in Maluku and Aceh

have provided first-class information. Earlier this year, Kontras produced a confidential report which provides a detailed account of the intricate connection between army personnel and warring gangs on both sides of the divide. Kontras decided to present the report only to the country's leading politicians, the president, the vice-president, the chair of the DPR and the chair of the People's Congress. Munir explained that it was kept confidential to protect the identity of their sources.

Munir points the finger at General Wiranto, former commander-in-chief of the TNI, as the main culprit who is responsible for the Maluku tragedy. This is the man who was removed from office because of his crimes in East Timor. Other names have been mentioned in the press, including Lt. General Djadja Suparman, the former Kostrad commander and Wiranto's most trusted officer. In recent press reports, he has been mentioned as the one who financed the training of Muslim jihad fighters with funds from the Kostrad business, *Yayasan Darma Putera Kostrad*. Investigations initiated by Agus Wirahadikusumah, recently sacked as Kostrad commander, revealed that an astounding 164 billion rupiahs (\$18 million) is unaccounted for in the books of the Kostrad business.

There is every reason to believe that the tragedy in Maluku is the great success story for the military hardliners. They have stage-managed so many horrific incidents in the archipelago that the population in conflict areas like Halmahera and Ambon now believe that the other party is out to exterminate them. Local warlords have virtually taken over as community leaders on the pretext of defending the population. It is now widely accepted that the military has its finger on the trigger in Aceh and Maluku.

At a time when President Wahid was coming under heavy pressure from his political rivals in the weeks prior to the MPR session, when he was facing threats of impeachment, he was forced to negotiate with Lt. General Djadja Suparman about Maluku. This was nothing short of humiliating for the president as he had removed Suparman only a few months earlier for his blunt statements of insubordination to Wahid as armed forces supreme commander. Some analysts argue that Wahid agreed to sack the reform-minded general who he had appointed to replace Suparman on the understanding that the hardliners would end the violence in Maluku. Even if this were true, there is no reason to believe that Suparman would keep to his side of the bargain.

Moreover, far from retreating on the question of the army's role in political affairs, the hardliners have won the agreement of virtually all the political groupings in the MPR to push through a constitutional amendment giving the TNI the constitutional right to occupy seats in the Assembly. Human rights activists in Indonesia have greeted news of this amendment with alarm and see it as a setback for the reform movement and the struggle for civilian supremacy over the military. Unbelievable as it may seem, stories are circulating that MPR members were railroaded by powerful generals into supporting the amendment or face the prospect of increased violence in Maluku.

The tragedy in Maluku, which has resulted in such terrible loss of life, has become the tool with which the armed forces are forcing political parties to comply with their wishes. If this situation is allowed to continue, the prospects for reform and democracy in Indonesia and an end to the conflict in Maluku are very bleak.

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East Timor, one year on

On 30 August last year, the people of East Timor voted overwhelmingly for independence. In the wake of that vote, the Indonesian army and their militia cohorts destroyed everything and drove a quarter of a million people across the border to West Timor. Run now by UNTAET, a transitional UN administration, the country stands on the threshold of becoming an independent state. Rebuilding their country from the ruins, the East Timorese are cautiously optimistic.

Security is now in the hands of an international peace-keeping force commanded by a Thai officer and negotiations are underway for FALINTIL to play a role in defending the territory. A joint cabinet composed of UN officials and East Timorese representatives in equal numbers has been set up, while key positions in the local administration are being taken over by local people, in preparation for independence that will follow general elections due to be held next August.

A major challenge is creating a new civil service. The Indonesian administration was far too corrupt and inefficient to provide the basis for the new East Timor's civil service.

CNRT, a gradual transformation

In August, the CNRT, the National Council of Timorese Resistance, held its first congress in Dili. Predictions that it would fall apart proved wrong. Although it was clearly apparent that the CNRT's organisation structure is still fragile, there was agreement that the Council should continue to exist during the period of transition. However, as political parties start campaigning in next year's general election, the Council is likely to disintegrate, having already served its function. The congress discussed moves to draft a state constitution, a law on political parties and general elections and future economic strategy. It was decided however to leave the final decisions on these matters to an elected national assembly, which will form the basis of East Timor's first government.

The CNRT came into being, in place of the CNRM, at a conference in Portugal in 1997 after encountering many internal difficulties. These arose largely from its complex structure which includes political parties of divergent views, and many organisations as well as individual members.

It became clear as the congress progressed that the roles of East Timor's two most outstanding leaders, its president, Xanana Kay Rala Gusmao, and its vice-president, Jose Ramos Horta, were still vital. In spite of all his protestations, Xanana Gusmao, the man who re-organised the resistance in the dark days after 1979, has emerged as the most likely person to lead an independent East Timor. The day before the congress opened, in a moving ceremony to mark the 25th anniversary of the founding of FALINTIL, the armed wing of the resistance, on 21 August 1975, he resigned as its commander, thus establishing a clear demarcation between the military and political leadership. On the same occasion, Nobel peace laureate, Jose Ramos Horta, handed over his award to the force. While he certainly has his critics, Horta has won world recognition as a formidable diplomat who has travelled the world for 25 years, tirelessly fighting for East Timor's right to self-determination.

The two men resigned as members of FRETILIN during the 1980s so as to free their hands as national leaders. They may well align themselves to existing or new political parties. But in the transition period, they still work closely as a team and

true to form, they both attended the UN's Millennium Summit in September.

The CNRT congress was attended by several generations of political leaders; the older generation, the leaders of FRETILIN and the UDT, who continued the struggle in the diaspora, and a much younger generation of men and women who cut their teeth in the clandestine struggle inside East Timor and in Indonesia.

The new parameters

Besides the nascent government structures, civil society is rapidly emerging. Scores of East Timorese NGOs are now functioning, at least 72 at the last count, a few of which did outstanding work under Indonesian rule. The NGO community was disappointed at being largely marginalised during the CNRT Congress. Observers have also noted a lack of coordination between the East Timorese NGOs and the 68 international NGOs, although in many sectors their operations overlap. The latter generally speaking are awash with facilities while most of the former lack the most basic necessities to enable them to function. An East Timorese NGO Forum was set up some months ago, but its director recently told TAPOL that he desperately needs more staff and equipment in order to help organise the NGO community to function properly.

UNTAET has come in for a great deal of criticism for its heavy-handed control in almost every sphere and for the many difficulties standing in the way of Timorese participation at all levels of the administration. Unemployment is still widespread and there is a glaring contrast between living standards and wages of foreign staff and local people.

There is a pressing need to create new state institutions and enact laws and regulations, with priority being given to setting up a judiciary with courts to handle ordinary crimes as well as dealing with the many people now in detention who committed crimes against humanity.

But in the countryside and in many of the towns, life is gradually returning to normal. Xanana Gusmao has emphasised that economic recovery must primarily be focused on rural areas so that the country can end its total dependence on external aid. He has stressed the need to encourage the population to return to the rural areas from which they were massively displaced by the violence. Building materials have started arriving and homes and schools are going up. Agricultural production is starting again in many parts of the country. But the excessive presence of international aid agencies poses the danger of aid-dependency because of the propensity for foreigners to undervalue home-grown methods in favour of foreign models.*

Carmel's visit to Indonesia

After an absence of nearly 29 years, Carmel Budiardjo, the founder of TAPOL, was finally able to visit Indonesia, having been removed from the blacklist. Although she had been granted a visa, immigration officials were on hand to check the records and only waved her through after a colleague got on the phone to President Wahid's office complaining that I was having 'problems' at the air-port. Here is her report.

The four weeks I spent in Indonesia filled me with excitement, seeing at first hand the activities of so many old friends and younger pro-democracy activists who have been able to retain a sense of optimism and dedication despite the disheartening political situation in which they are now forced to live and work.

One of the most frequent questions I was asked was, how has Indonesia changed since I was expelled from the country in November 1971. In those days, Suharto was in power, at least a hundred thousand people were still in prison, and I had to sneak out the country, seen off only by a British embassy official and watched in the shadows by army intelligence. Now, I was returning as an honoured visitor with many friends eager to shake my hand, welcoming me as someone who kept the flame of human rights burning when conditions in Indonesia and East Timor could hardly have been bleaker.

Democratic space

Two years after the ousting of Suharto, civil society still has a democratic space within which to work, made possible by the coming to power of Indonesia's first democratically-elected president. But this space may be under threat if the political instability which was so palpable to me turns the tide back to the advantage of authoritarian forces.

All the time, a fierce power struggle was underway between the 'political elite', with party leaders vying with each other to undermine the position of President Abdurrachman Wahid, making his hold on power tenuous to say the least. These intrigues seem to be pushing Indonesia to the brink of economic catastrophe and political disintegration with no one - not even Gus Dur as Wahid is known - having the capacity or the vision to build a democratic Indonesia, ushering in a complete break with Suharto's New Order.

It was obvious to everyone I met that these power games were far removed from the basic problems of resolving the economic crisis, getting some of the forty million unemployed back to work and pushing forward the reform agenda, about which there was so much enthusiasm last October when Wahid was voted into office. New Order forces still dominate all the state institutions and corruption is as rife as it has ever been.

At all times I was acutely aware of a dysfunction between what was happening at the top, among power-holders and would-be power-holders, and the determined efforts by our friends in civil society trying to press the reform agenda, seeking justice for the victims of so many massacres and atrocities during the New Order and pushing for an overhaul of the judiciary that would make it possible to hold trials of those guilty

of crimes against humanity in conformity with international humanitarian law. It is far from clear whether the latest changes in government, giving Vice President Megawati a far greater role in government, will make any difference to these critical issues.

One of the first and most moving events was my re-union with



Carmel among old friends. Second left former Colonel Latief; right, Coki Naipospos, who hosted the meeting.

twenty or so of my former prison mates in Bukit Duri. They all looked hale and hearty with the exception of Sri Ambar, so frail and incapacitated by a stroke that I wept as I hugged this formerly resolute trade union leader. She is now cared for by her one remaining daughter. The other daughter was abducted by an army officer in 1966 and has never been seen since.

Investigating the 1965/66 massacre

Much of my time was spent meeting groups that have been set up to investigate the 1965/66 massacre and to end discrimination that still affects the lives of millions of former prisoners from the 1965 event and other, more recent atrocities.

Foremost among these groups is *Yayasan Penelitian Korban Pembunuhan 1965/66*, the Institute for the Study of the 1965/66 Massacre. The Institute was founded in April 1999, inspired by the efforts of Ibu Sulami, herself a former political prisoner who from the moment of her re-release in 1988, has dedicated herself to investigating the massacre and to exposing the role of General Suharto in this horror which consolidated his grip on power after he had taken control of the armed forces in October 1965.

I was invited to a meeting at the Yayasan's office which is located in the very simple home of Ibu Sulami and her sister, in a remote part of Tangerang, on the outskirts of Jakarta. We had a long, bumpy, dusty drive, and only reached our destina-

tion after searching for the address and taking several wrong turnings.

I was swept off my feet as I entered, welcomed by a sea of eager, smiling faces, at least a hundred people who had come from many parts of Java to take part in the re-union. YPKP has grown in the fifteen months since its inception in April 1999 into an organisation with scores of branches in almost every province. Its prime purpose is to investigate the killings in each locality, by seeking to ascertain the number of people slaughtered and the way in which they died, as well as monitor the violations of people's civil rights. Investigations have been standardised; local groups use a questionnaire of thirty questions for each resource person, witnesses, relatives of victims. Village documents are also scrutinised for what they can reveal about the number of deaths. The groups always inform the local authorities of their activities and seek their collaboration though official endorsement is often not forthcoming.

It was wonderful to see plenty of young faces in the audience. Sitting by my side was Dr Ribka Tjiptaning, a member of the financial team. She has written a book entitled, *Saya bangga menjadi anak PKI* [I'm proud to be a PKI daughter] but has not yet found a publisher.

Suharto should be tried for crimes against humanity

In almost all my encounters with groups in Indonesia, I was asked whether it would be possible for an international tribunal to try Suharto for crimes against humanity. No one believed there would be the political will within the establishment in Indonesia to try him for these crimes in a domestic court.

Setting up an international tribunal is no easy matter, as we know with regard to East Timor, even though East Timor is firmly established on the agenda of the UN Security Council. I repeatedly said that it was TAPOL's view that it is far more important to try Suharto for human rights crimes than on corruption charges. Suharto has now been formally charged with corruption on counts involving around \$590 million (check figure), a trivial amount as compared with the billions he is known to have grabbed for family and friends. Even so, if the corruption trial goes ahead as planned, this will be a huge humiliation for Indonesia's former strongman.

But a trial for crimes against humanity and for war crimes in East Timor must remain firmly on the agenda. While the prospects for such a trial in Indonesia or abroad may seem remote at present, campaigning must begin. This means:

1. Building public opinion worldwide that Suharto's hands are steeped in blood from numerous atrocities since he seized power in 1965.

2. Preparing specific cases against Suharto with charges that will stand up in a court of law that has the powers to try someone under international humanitarian law. These could include his order to troops under his command to initiate the massacres that killed up to a million people in 1965/1966, his order that DN Aidit should be killed, his deliberate concealment of the findings of autopsies on the six soldiers killed in 1965 which led to a campaign of hate against the women's organisation GERWANI and helped incite the massacres, his admission that he ordered the so-called 'mysterious killings' of 1985, his role in ordering the attack on Muslim demonstrators in Tanjung Priok in September 1984 and his role in ordering the attack on the PDI head office in July, 1996. *

The YPKP has unleashed a new spirit among tens of thousands of people, many of them former political prisoners, who for years have suppressed their anger over past sufferings. The foundation provides a meeting place and gives them a sense of purpose in a society that is riddled with groups still promoting anti-communist sentiments. Many former prisoners still hide their past from their families, workmates or neighbours. They shun the idea of joining political parties or creating their own parties. But as Ibu Sulami has said on many occasions, the YPKP 'is not a mass organisation or political movement. It is a research foundation whose aim is to collect data about victims.' YPKP is soon to host Danielle Mitterand, widow of the French president and director of *France Libertés*, on a visit to Indonesia, which is likely to raise the organisation's profile at home and abroad. Mme Mitterand is a great admirer of Ibu Sulami and the work she is doing.

The dark side of Bali

One of my most moving encounters took place on a one-day visit to Bali, at the invitation of the Bali branch of the YPKP. Here I was to witness the first efforts at gathering data about the massacre.

Bali has a world reputation as a tourist attraction, making it better known than any other part of Indonesia, indeed than Indonesia itself. But there is a dark side to this tourists' paradise. It was in Bali that the post October 1965 massacres struck with an intensity unequalled anywhere in the country. The death toll in Bali, with a population of around four million, was at least 80,000 people although some put the figure much higher. I was quickly made aware that behind the facade of a rich culture, the dance, the gamelan, wood carvings and paintings laid on in spectacular exhibitions for foreigners, the trauma left by the killings 35 years ago still grips many communities.

At a meeting in the morning held to try to understand why the trauma had lasted so long, the discussion was largely dominated by a man whose father, Sutedja, was governor of Bali in 1965. In late 1965 he was summoned to Jakarta by President Sukarno who re-affirmed his appointment against the wishes of Suharto who wanted him removed. After attending several meetings of state organs, he was taken from his home in July 1966 by four uniformed men and has never been seen since. None of the letters the son has written to the authorities seeking information about his father has been answered. He is still a 'missing person'.

My host in Denpasar was a former prisoner who spent ten years on the prison labour camp in Buru, for much of the time sharing a barrack with the novelist, Pramoedya Ananta Toer. When I admired his beautiful garden, he said he was putting to good use some of the skills he learnt in Buru.

In a covered space which opened onto his garden, opposite the family temple (most Balinese are Hindus, have their own temples and make offerings to the gods daily), about fifty people gathered to talk in public about their own experiences of the massacre. For many, said my host, this was the first time that they would be speaking out like this.

One witness who was 20 years old at the time calmly told us how he had been arrested and held in a large cell by the military, 52 people in all, mostly members of mass organisations from nearby villages. Every few days, a batch of men was taken out, their hands tied behind their backs and driven off to be shot. Only two of the prisoners survived. In his own case,

this was because an uncle in the army secured his release. The witness said he knows where the victims were shot and buried.

Another witness, an ethnic Chinese Indonesian, gave testimony about the killing of 103 people, some as young as 15. They were all inhabitants of Karang Asem, a village in East Bali. In this case, the people were not arrested but simply taken from their homes and killed, as their names were ticked off a list. Several people survived simply because their names had

on Muslims, and Poncke Princen, also an adviser as well as an ex-prisoner. Poncke is frail in health and unable to walk unaided, his speech impaired by several strokes. (Difficult as it was for him to get around, he came to many of my meetings and was thrilled that one of my very first visits was to his home, to pay tribute to a man who set up Indonesia's very first human rights organisation in the late 1970s.)

Another of KAPTAN's members is Colonel Latief, who was a member of the trio of army officers who launched the kidnap action on 1 October 1965. At his trial in 1977, he accused Suharto of involvement because, hours before the kidnapping, he informed the general of what was about to happen. It was painful to watch as he struggled to express himself, having been stricken several years ago by a stroke. He was one of the many people who insisted that Suharto should stand trial for crimes against humanity. [See box]



Carmel Budiardjo in a workshop on West Papua held in Jakarta on 14-16 July 2000

inadvertently been overlooked or 'forgotten'.

In Bali where the conflict between the PKI and the PNI, the nationalist party, was intense, a PNI militia force known as *tameng* joined forces with the army to kill people. By 1965, Bali was a PKI stronghold and peasants, women's and youth organisations were present everywhere. By the time the killings had lost momentum in August 1966, all local PKI and organisation committees down to the lowest level has been decimated.

Were there any attempts to stop the killings, I asked. Yes, said one woman. 'In our village, as the killings gathered pace, the population decided to prevent any more villagers from being taken away, and it worked,' she said.

The notorious commander of the elite force, known then as RPKAD, Sarwo Edhie, had come to Bali in late 1965 to set the killer campaign going. Later he is reported to have been so shocked at how far things went that he ordered his men to stop.

Defending ex-prisoners and victims

Komite Aksi Pembebasan Tapol/Napol, KAPTAN, Action Committee for the Release of Convicted and Unconvicted Prisoners, has campaigned for years on behalf of prisoners and their families. It now focuses primarily on pressing for the removal of civil rights restrictions on ex-prisoners and for their complete rehabilitation. Their office, located on a noisy thoroughfare, consists of a few poky rooms with the bare minimum of equipment. Gustaf Dupe who heads KAPTAN was once a prisoner himself and stands out among an array of human rights activists who, since the 1980s, have supported prisoners and their families. KAPTAN works on behalf of many generations of prisoners, going back to 1965. Attending our meeting was Ir Sanusi, an adviser to the board, who received two concurrent prison sentences during the mid 1980s crackdown

abroad has been put on ice because law minister, Yusril Ihza Mahendra, now says that the present political climate is 'not conducive' to such a move.

Although KAPTAN supports the idea of revoking Decree XXV, it recently warned Gus Dur not to act precipitately for fear of rallying conservative forces opposed to such a move. There are several discriminatory ministerial regulations which the cabinet could and should repeal. This is where our two organisations can work together.

Spanning the generations, KAPTAN has several young people on its board. In charge of finances (of which they have very little) is Waskito, the son of Brig.General Sutarto, former head of the state intelligence agency under Sukarno who serve 30 years in prison. Waskito was kind enough to help the rest of us understand what Latief was saying.

Another group working to promote the interests of the victims of New Order crimes is *Paguyuban Korban Orde Baru* (Association of Victims of the New Order). It has a very different brief from the YPKP and aims to help victims take legal action to end the discrimination or violations of their human rights from which they are still suffering. *Pakorba* was set up in June 1999 and in the first year of its existence has already received no fewer than five thousand complaints that are substantial enough to be taken to court. The problem they face is raising the money to pay court expenses though lawyers would give their services free.

Many of the cases involve former government employees who were dismissed in 1965 or thereafter without their dismissal status ever being formalised. Their salaries and pension rights were stopped without regard to proper pro-cedures. Others who were held as political prisoners without trial for many years returned home to find that their land or other property had been seized by neighbours or military officers without

compensation. Former prisoners still suffer discrimination as a result of the continuance in force of ministerial regulations imposing restrictions on them.

Solidaritas Nusa Bangsa has also supported many initiatives supporting victims of the 1965 massacre. However, SNB's primary focus is racist discrimination and it is campaigning hard, with very well-documented publications, for all racist regulations to be revoked. This very impressive group which was set up after the anti-Chinese riots in May 1998 gave me a very warm welcome.

Ex air force chief nails Suharto's lies

Air Marshal Omar Dani, released from prison in 1995 after 30 years, like so many others I met, has one mission in life, to expose the lies fabricated by Suharto. I met him at his invitation with several of his former air force col-leagues in a rather grand old house, the walls bedecked with photos of Sukarno, of the men he commanded, the planes he flew and of himself



Former Air Force Chief Omar Dani

in uniform prior to October 1965. The book he has co-authored with other air force retirees is entitled *Menyingkap Kabut Halim*, (Dispelling the Fog over Halim.)

It argues that the propaganda war that followed the events of 1 October 1965 had as one of its aims to implicate the air force in the coup attempt. As a result, it is still widely believed that the well down which the murdered generals bodies were thrown, in Lubang Buaya, where para military training had also taken place, was located inside the air force base, Halim Perdanakusumah. This was deliberately confused with an area inside the base, also called Lubang Buaya, several kilometres away from the village of that name in Pondok Gde where the well and training base were located. The training there, mostly involving members of leftwing youth organisations, was led by an air force officer, Major Sudjono, who disregarded an order by his superiors to stop the training. (He was later sentenced to death and executed.)

The rivalry between sections of the army and the air force goes back a long time before 1965, primarily, according to Omar Dani, because the air force strongly supported Sukarno and had been substantially equipped by arms deals with the Soviet Union. Suharto, then com-mander of the army's strategic command, KOSTRAD, deeply resented Sukarno's decision to appoint Omar Dani to command the theatre of war set up to confront the British during *konfrontasi*. He sabotaged the dispatch of troops, even, according to Omar Dani, to the extent

of try-ing to have a Hercules plane that was flying in reinforcements to Kalimantan shot down. (It is well known that Suharto's chief intelligence agent, Ali Murtopo, was in secret negotiations with British intelligence in Singapore, months before October 1965, to sabotage *konfrontasi* in preparation for Suharto's eventual seizure of power.)

Omar Dani plans to publish his own memoir later this year, adding to the wealth of literature re-writing the history of 1965.

At the launching of a book jointly published by TAPOL and Solidamor which includes a number of well-known articles about 1965 and entitled: *Plot TNI AD - Barat Dibalik Tragedi '65*, I focused my talk on the role of British intelligence in support of Suharto both before October 1965 and during the massacre. I highlighted the activities of Britain's MI6 based in Singapore to disseminate information discrediting Sukarno and the PKI as the massacres were underway. The British government knew very well what was happening and actually encouraged the killings.

I got the impression from my discussion with Omar Dani that his experiences with Suharto during *konfrontasi* could shed new light on the Suharto-UK connection.

Interest in the 1965 events was everywhere huge and I gave three radio interviews with phone-ins (on one occasion, a two-hour programme) that were inundated with calls.

Human Rights Courts legislation

I devoted much time to discussing the human rights courts draft bill which was submitted to the Indonesian parliament, the DPR, in June. Several NGOs in Jakarta were following the issue very closely including the Legal Aid Institute with whom I had several meetings. They invited me to join them in a hearing of Commission I of the DPR which I did. I raised TAPOL's objections to many aspects of the bill and submitted our comments on the draft.

Some NGOs that had been invited decided not to attend, feeling that their presence would only legitimise later claims that the DPR had held consultations whereas they did not believe that members would really pay attention.

Although many groups had closely studied the draft bill and written up detailed comments, few had much optimism about the end result. The critical aspects of the bill involve the inclusion of crimes against humanity to conform with international humanitarian law as distinct from Indonesia's Criminal Code which does not include such crimes. The key to dealing with past crimes against humanity is the inclusion of an article enabling the establishment of ad hoc courts to try grave human rights violations committed under Suharto's New Order, putting aside the principle of non-retroactivity. The feeling of pessimism proves to have been warranted as the first annual session of the upper chamber, the MPR, adopted an amendment to the Indonesian Constitution which states: '... the right not to be charged on the basis of retroactivity is a basic human right that may not be breached under any circumstances'.

Thanks

I am deeply grateful to Solidamor for their help and support in organising my itinerary. Special thanks to Tri Agus who patiently accompanied me through out the four weeks of my visit. He gallantly put up with my moods and never-ending requests. Without him I would have been totally lost *

TNI-backed militias murder UNHCR workers

TNI-backed militias in West Timor murdered three foreign UNHCR workers in Atambua, forcing the agency and all other foreign agencies to evacuate, leaving tens of thousands of East Timorese refugees in West Timor at the mercy of the militias. Despite promises by Jakarta to end the refugee crisis in West Timor, the militias still reign supreme with evident support from the army.

The three UN High Commission for Refugees officials were killed in a savage attack on the agency's office in Atambua, near the border with East Timor, on 6 September. Other foreign and local staff made a hazardous escape by scaling surrounding walls. The three murdered men were dragged from the office, hacked and burned to death. The tragedy was condemned by UN High Commissioner for Refugees Sadako Ogata as 'the worst security incident ever to face the UNHCR'.

The killing in Atambua coincided with the opening of the UN Millennium Summit in New York. A one-minute silence and angry denunciations of the killings by Secretary-General Kofi Annan, President Clinton and other world leaders came as a huge humiliation for President Abdurrahman Wahid who was attending the Summit. However, he barely mentioned the tragedy in his own statement the following day. In her statement to the Summit, Ogata complained bitterly that there had been more than one hundred attacks on her staff in West Timor over the past year.

Two weeks before the murders, the UNHCR suspended its operations in West Timor after three of its personnel were attacked and badly wounded, but decided to resume operations, after getting renewed assurances of security from the Indonesians, just days before the Atambua killings. In the event, Indonesian police did nothing to halt the attack on the agency's office, but stood by watching.

The agency plays a crucial role in supplying the refugees with food and medical supplies and speeding up the repatriation of the tens of thousands of East Timorese refugees still stranded in dozens of camps throughout West Timor. However, the sequence of attacks on their personnel reveals that the militias and their backers are bent on driving all non-Indonesian personnel out of West Timor, giving themselves free rein and using the refugee camps as a base from which to threaten the security of East Timor. The remaining refugees are in effect hostages to a strategy to destabilise East Timor devised by hard-liners in the Indonesian army.

Although more than 100,000 refugees have been repatriated since late last year, repatriation has recently fallen to a trickle. There have been numerous reports of threats and intimidation by militias in the camps, hampering the activities of the aid agencies in West Timor. [See article in *TAPOL Bulletin*, No 158, June 2000]

While it is not possible to identify the TNI officers who are backing the militias, the regional commander in Denpasar, Major-General Kiki Syahnakri, whose command covers West Timor, must at the very least be held responsible for doing nothing to disarm and disband the militia gangs. In a letter to the Foreign Office on 7 September, TAPOL called for his dismissal. There are reports of *Kopassus* soldiers being present and their former commander, Prabowo Subianto is known to have visited West Timor.

The murderous attack on the UNHCR happened the day after a notorious militia leader, Olivio Mendoza Moruk,

recently named as a suspect in forthcoming trials on East Timor, was killed. His body was paraded in the streets of Atambua by machete-wielding men calling for the UNHCR to get out of West Timor. It was in this frenzied atmosphere that the UN office was attacked.

Olivio was leader of the Laksaur militia gang which attacked a church in Suai, East Timor last September, killing three priests and scores of villagers. On the day of Olivio's murder, thousands of people were gathered across the border in Suai to commemorate the first anniversary of the Suai massacre.

Within hours of the Atambua killings, there were reports that eleven people were massacred in a nearby village, confirming fears that a militia reign of terror may now sweep across West Timor.

The security and already dire living conditions of the refugees can only get worse. However, the UNHCR have made it absolutely clear that they will not contemplate returning to West Timor until Indonesia takes positive action to disarm, disband and remove the militias; verbal guarantees from Jakarta will no longer be acceptable.

Suspects named for East Timor trials

Olivio was one of three militia leaders named as suspects by a team of the attorney-general's office in forthcoming trials in Indonesia about grave human rights violations in East Timor. Altogether 19 suspects were listed, considerably fewer than the 33 persons named by Indonesia's Special Investigation Commission (KPP HAM) in January. The name of General Wiranto who was identified by the Commission as being responsible for the failure of the Indonesian armed forces to safeguard security during the plebiscite, was the most conspicuous absentee. The other missing name is Major-General Zacky Anwar Makarim, the high-ranking intelligence officer who played a crucial role master-minding the militia mayhem during the months leading up to the UN-conducted referendum on 30 August.

Other names left out from the 33 names recommended by the Commission are two top-ranking militia leaders. One is Eurico Guterres who led the *Aitarak* militia gang responsible for many atrocities in and around Dili. Eurico is now living in style in Kupang, West Timor, and acting as conduit for much of the financial support going to the militias. Astonishing as it may seem, Eurico is a trusted member of Megawati's PDI-P party and was responsible for security at the party's congress earlier this year. The other militia leader absent from the list is Joao Tavares, the notorious commander of the Halilintar militia gang.

The most senior officer named is Major-General Adam Damiri who was the military commander based in Bali with overall command of East Timor and who is known to have been responsible for arming and financial the militia units.

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Renewed violence threatens West Papua

In early August, the Indonesian armed forces dispatched thousands of additional troops to West Papua amid signs that the policy of the central government towards the territory has gone into re-verse. The arrival of these troops created an atmosphere of tension and fear after months of hoping that the people's aspirations for a change in West Papua's status might be resolved by dialogue. Within weeks, three people had been shot dead for raising the Papuan flag.

Since December 1999, President Abdurrachman Wahid has been trying to placate West Papuan aspirations. He announced a decision during a visit to Jayapura on New Year's Eve that the territory would now be known as Papua, not Irian Jaya. He also gave tacit support for a congress on West Papua's future by donating money. Although his concessions fell far short of acknowledging that the status of West Papua might change, it gave heart to people that dialogue and understanding would now be the path pursued by Jakarta.

When the top military and police chiefs were replaced in November, a new hearts-and-minds policy called a 'policy of affection' was announced and the flying of the Papuan 'Morning Star' flag was allowed as an expression of people's aspirations, as long as it was flown side by side with, and a little lower than, the Indonesian flag. However, while flag-raising was allowed in some places, elsewhere it provoked violent crackdowns as in Timika at the beginning of December when troops opened fire and killed one person, and in Nabire earlier this year when several people were killed. The conflicting policies were so confusing that a judge presiding over the trial in Sorong of a group of flag-raisers decided to acquit the accused as he was not sure which of the policies was the official one.

Para-military forces have also emerged on both sides of the political divide. Since the holding of the Second Papuan Congress (see *TAPOL Bulletin*, No 158, June 2000), thousands have joined *Satgas Papua*, the security force that successfully guarded the congress without official interference. Local groups, mostly armed with traditional weapons, have sprung up in many places and were criticised in early August for their attempts to prevent Malukan refugees from entering West Papua [see separate article]. At the same time, a pro-Indonesian para-military group known as *Satgas Merah-Putih*, or Red-and-White militia (named after the colours of the Indonesian flag), has also emerged. People on the ground fear that the policy of using militias which caused such devastation in East Timor last year is now being applied in West Papua, an order to provoke horizontal conflicts.

TNI victory at the MPR changed things

The most significant result of the Annual Session of Indonesia's supreme legislative assembly, the MPR, which was held in August was the change in the balance of forces between civil society and the military, with the latter coming out the stronger. Amid widespread public condemnation, the MPR agreed to allow the TNI, the Indonesian armed forces, to retain seats in the body until 2009 and granted amnesty to senior military officers and Suharto for past crimes against humanity committed during the New Order, including those committed in West Papua. But these decisions are only part of the reversal signalled by the MPR session. At its core is the fact that hardliners within the TNI are again in the ascendant, with grave implications for the situation in places like West Papua and

Aceh where Wahid's softly-softly approach towards 'separatism' had taken hold.

An MPR decision to grant special autonomy to Irian Jaya has angered West Papuans who had been led to believe that such an issue would first be discussed in West Papua as one of two options, the other being independence. Wahid's proposal to call Irian Jaya Papua was also ignored, and the prospects for more dialogue now appear to have been shelved.

The news that thousands of additional troops were pouring in to West Papua, happening as it did while the MPR session was still underway, was the most telling sign that a policy change was underway. According to sources in West Papua as well as Indonesia's *TNI Watch!*, three battalions from Kostrad, the army's strategic command, have been sent to West Papua. A battalion consists of between seven and eight hundred men, so this is the equivalent of around two thousand men. In addition, 1,700 Brimob troops have also arrived; this is the mobile brigade police force that has become widely feared for its brutality in many places. This adds up to at least 3,700 extra troops, besides the territorial troops.

These non-organic troops are concentrated mainly in Jayapura, Merauke and Timika, with smaller detachments spread in most other districts. According to human rights activists, the troop arrivals caused consternation everywhere. 'Our phones have never been so busy,' a human rights activist told TAPOL on 15 August. A large force has been sent to Timika for the express purpose of protecting the Freeport/Rio Tinto gold and copper mine.

Three shot dead in Sorong

The policy of allowing the Papuan flag to be unfurled has also been reversed. The first major crackdown came in Sorong on the western tip of West Papua, on 22 August. About sixty people from a nearby island arrived in Sorong the day before and unfurled the Papuan flag early next morning at the Imanuel Church. Two companies of Brimob troops arrived on the scene at 8.30am and ordered the flag to be pulled down. When the flag raisers refused, the police opened fire without any warning shots. Although the Papuans tried to fight back, they were quickly forced to retreat as the firing continued. A number of people escaped by jumping into the sea. Three men were shot dead and twelve people were taken to hospital, all but one with bullet wounds.

For months now, people have responded to the more relaxed policy by flying the Morning Star everywhere. In some districts, the flag is flying on every home. Flag-flying has a deep significance for West Papuans, an expression of their identity and carrying the conviction that this symbolic act will bring independence. With flag-raising now such a widely practised phenomenon, such peaceful actions are likely to become the flash-points for a crackdown.

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Suharto and TNI win immunity from MPR

Just as the world was congratulating the Chilean people for their success in getting Pinochet's immunity removed, paving the way for a trial in a domestic court, Indonesia's armed forces managed to 'persuade' the MPR to grant it immunity and impunity from any trials for grave human rights violations. This is a serious setback for justice and democracy.

The first Annual Session of the MPR, Indonesia's supreme legislative chamber met in August, amid a battle royal between the political parties for a share of power and an unseemly fight over cabinet posts. But while that battle was raging, scant attention was given to scores of amendments to the Indonesian Constitution under discussion, especially those relating to the role of the military. Halfway through the session, it became apparent that a decision would be taken to retain uncontested seats in the MPR for the armed forces (TNI) and the police till 2009 although leaders of the main parties had committed themselves to a cut-off date of 2004 (even that would have been a betrayal of the reform agenda so eagerly anticipated when Abdur-rachman Wahid took over the reins of government in October 1999). The argument, the public was told, was that since members of the security forces had surrendered their right to vote in general elections, they could legitimately insist on uncontested seats. But worse was still to come.

Written into the Constitution

Next came the disclosure that the role of the TNI would be written into the Constitution as the state organ solely responsible for 'defending, protecting and safeguarding state integrity and sovereignty.' Not even under Suharto was this established as a constitutional right although, to be fair, it wasn't really necessary; he would never have survived had he not given ABRI, as the security forces were then called, a special role in security and political affairs. Nor did Suharto want the 'sacred' 1945 Constitution to be tampered with or amended.

As human rights advocates have argued, if no limit is placed on the role of the TNI, it could return the military to the national political stage, the very ones who committed so many human rights violations. Such a blanket endorsement of the TNI role could moreover shatter confidence in many parts of the country, leading to the disintegration which the present government is so set against. It also provides the judicial basis for the TNI to declare a state of emergency as it deems fit, in the interests of 'safeguarding (the state's) integrity and sovereignty'.

But then, two days before the session ended when all that remained was the final plenary session, it became clear that another amendment would establish the principle that 'the right not to be charged on the basis of retroactivity is a basic human right that may not be breached under any circumstances'. As Munir of Kontras, the Commission for the Disappeared and to Combat Violence, said on learning of this, non-retroactivity is indeed a universal principle. 'But this amendment will make it impossible to try perpetrators of human rights which occurred in the past, specifically by the military,' he said. It is widely acknowledged under international humanitarian law that exceptions can and should be made in cases of gross violations of human rights which were the hallmark of Suharto's 32-year New Order.

When Munir challenged Amien Rais, the speaker of the MPR to reconsider these amendments, he was told: 'Unfortunately, you came when the food has already been served.' Rais even

admitted that leaders of the assembly's Commission A assigned to discuss the amendments were 'people with little knowledge on legal and human rights issues'. [*Jakarta Post*, 17 August 2000]

Call for an international tribunal

In June, the Wahid government submitted a draft human rights courts law to the DPR which would, if enacted, establish human rights instruments as a part of Indonesian law. It includes an article enabling the creation of ad hoc courts to apply these instruments for specific cases in the past. The constitutional amendment means that that paragraph becomes indefensible. It means that, insofar as human rights violators are brought to court, they will only be charged with ordinary crimes under the Criminal Code. The widely condemned *koneksitas* trial in Aceh earlier this year (see *TAPOL Bulletin*, No 158, June 2000) is now more than likely to become the norm.

A month later, more than a hundred organisations and individuals wrote to UN Secretary-General Kofi Annan, calling for the Security Council to set up an international tribunal for crimes against humanity in East Timor before and after last year's ballot. The letter said: '... we have concluded that progress (in creating a court in Indonesia) has not been satisfactory and that international standards of justice will not prevail in Indonesia for some considerable time. ... The main obstacles to the speedy completion of the Indonesian process are the lack of political will in certain quarters to ensure the process succeeds, the serious flaws in the human rights courts bill now before the Indonesian Parliament, and the poor calibre of judicial personnel.' As recent developments have shown, this was a gross understatement.

There has been deep disappointment and outrage in Indonesia at the MPR's decision which is bound to grow in the months to come. The issue is by no means over. If the UN does indeed set up an international tribunal, the powers that be in Indonesia will need to reconsider things. As events have shown, the Indonesian Constitution is now no longer regarded as sacrosanct. Calls are being made for a Constitutional Commission to draft a new constitution. It will be up to civil society to bring this about and force a revision of the dangerous concessions granted to the TNI during the MPR's inglorious 2000 Session.

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Peasants arrested for demanding land

In many parts of Indonesia, communities which lost land rights and suffered other violations during the Suharto dictatorship are now seeking redress. A struggle for the restoration of land rights has been underway in South Sumatra since early this year and has landed fifteen demonstrators in police custody since July. Four activists calling for an agrarian law were abducted in Jakarta and a strike at a coal mine in East Kalimantan has shut down production for weeks.

The struggle in South Sumatra involves 22,000 hectares of land seized in 1988 by three companies, two privately owned and one state company. The seized land was converted into plantations and the land-owners were given no say in the amount of compensation paid, nor were they given plots of land in the areas attached to the plantations known as plasma. Altogether 856 peasant families were affected by the land seizure.

Many injured when police open fire

During an action on 20 July this year, the peasants took their grievance to the local government administration of Muara Enim, South Sumatra. Altogether eight hundred people from several villages took part in the action. They demanded a meeting with an administration official to present their demands but were kept waiting without knowing whether they would be received. Then, after demanding to see someone within half an hour, someone in the crowd threw a brick at the office which broke a window. The police responded by opening fire and wounding a large number of demonstrators. A pedicab driver unconnected with the action who happened to be standing nearby was killed. Dozens of people had to be rushed to hospital, six of whom had serious bullet wounds.

A press release issued by *Serikat Tani Nasional*, (STN), the National Peasants' Union on 20 July, said that after warning shots were fired into the air, the police began to fire straight into the crowd. The firing continued even when the demonstrators had turned and fled from the scene. The release suggests that the brick was thrown by a provocateur.

Over a hundred people were taken into police custody, of whom fifteen are still being held. According to the latest information from the STN, the fifteen men, all peasants, will face charges under Article 170 of the Criminal Code for the collective use of violence, the maximum penalty for which is five and a half years.

The men who were released from police custody after being held overnight described how they were all punched, kicked and treated with great brutality. One man in particular sustained serious injuries when he was pushed against a barbed wire fence, leaving a pool of blood on the floor of the cell.

The action in July followed earlier actions in April and June this year. On 17 April, the peasants went to the office of PT Cipta Futura, one of the private companies involved in the land seizure, wanting to meet the management. They were blocked from getting near the building by soldiers. After talks with the troops, the action ended peacefully. Ten days later, on 27 April, the peasants went en masse to the local assembly to demand that they be given plots in the plasma section, in compensation for the land that had been seized. They had been given to understand two days earlier that the management of the company would meet them at the assembly on 27 April but nobody turned up.

Frustrated by the failure of their efforts to resolve the dispute peacefully, the peasants announced their intention to occupy land that was now being used by the plantation company. Peasants from seven kampungs launched this action on 14

June. A fierce conflict broke out after they were blocked by Pam Swakarsa para-militaries. During the course of this conflict, a company employee was killed though the protesters insist that they were not responsible for his death.

Now fifteen men face serious charges because of their efforts to resolve a grave injustice which they suffered under the New Order.

Four hunger-strikers disappear outside MPR

Four men who were waging a hunger and speech strike in front of the MPR building while the MPR session was underway disappeared after being forcibly removed by a unit of Brimob, the notoriously tough wing of the Indonesian police.

The action was aimed at highlighting the MPR's failure to discuss serious social issues and was calling for the country's top legislative organ to adopt a decree on agrarian reform. It began at midday on Monday, 14 August, halfway through the MPR's first annual session. Later that day, at 7.30pm, Brimob troops who were on duty to protect the MPR building, entered the area where the men were sitting, dragged them away and forced them into two waiting police ambulances. Later, security sources claimed that the men were allowed to alight from the ambulances on one of Jakarta's main thoroughfares but nothing was heard from them for two weeks after their forced removal from the premises of the MPR.

The wife of Usep Setiawan who heads an organisation, YP2AS, which advocates social change, told the press a week later that she had heard nothing from her husband since the evening before the action when he phoned to say he was on his way to Jakarta. [*Kompas*, 20 August 2000] The three other men involved in the hunger strike are all students at Pajajaran University, Bandung.

StopPress: Two weeks after disappearing, the four men turned up by plane in Jakarta, with no idea where they had been taken. They were grabbed in a Jakarta street not long after alighting from the ambulances. They had been kept blindfolded and questioned about their campaign in favour of agrarian reform. Although they were all deeply traumatised by their experience, the police accused them of faking the whole thing to gain attention.

Strike paralyses production at British-owned coal mine

A two-month long strike at PT Kaltim Prima Coal (KPC) in East Kalimantan which was launched by members of SBSI, the Indonesian Prosperity Trade Union, in support of a fifteen per cent wage claim and better working conditions, led to a workers' blockade following the company's decision to dismiss scores of workers for organising the strike.

The strike commenced on 14 June but escalated a week later after the local labour arbitration board ruled that the strike was illegal. A group of workers then managed to occupy the mine but were forcibly removed by the local police, an action that led to 150 striking workers taking control of the company's chief mining facilities in Sangatta, East Kalimantan, forcing

continued on page 3

Jakarta's refugee problem unmanageable

One grave problem facing Indonesia in the post-dictatorship period is the growing number of people who have been forced to flee their homes because of the explosion of violence. In particular the violence in Maluku and Aceh has created hundreds of thousands of refugees or 'internally displaced persons'. An overview of the refugee problem tells us a great deal about the many conflicts and acts of violence that have occurred in Indonesia during the post-Suharto period.

Official figures for refugees are notoriously unreliable but they give an indication of the magnitude of the problem. The office of the Coordinating Minister for People's Welfare estimates that there are now 860,000 refugees, while the Indonesian Red Cross figure is at least 700,000. The Indonesian government is overwhelmed by the situation and admits that, financially as well as logistically, the situation has become unmanageable.

As soon as he assumed control of the government, Abdurrachman Wahid abolished the social affairs ministry because it was so riddled with corruption. It is not clear which official body is now responsible for dealing with the refugee crisis.

The Coordinating Minister for People's Welfare and Poverty Eradication, Basri Hasanuddin, deals with problem and so does Erna Witular, the minister for settlement and regional development, a new department created when Wahid took over. Both complain about the lack of funds. There is no special budget for refugees and additional budgetary allocations from the department of finance take months to get approval, resulting in a logjam.

Regional administrations face the same problem. What so often happens is that they are suddenly inundated with a huge influx of people; temporary camps spring up, and the refugees have to be supplied with their most basic needs. Yet, usually the administrations have already used up their budget and additional money from Jakarta takes months to clear the many bureaucratic hurdles.

A sorry state of affairs

More and more reports about the appalling conditions in which the refugees live are appearing in the press. Only recently, the heart-rending experience of refugees from Ambon when they arrived at a port in West Papua aboard KM Dobonsolo was widely reported. Most of the 3,000 passengers were people desperate to leave the island of Ambon because of the conflict. Dozens had fled from the Christian village of Waai which had been attacked a few days earlier by Muslim militia groups. The entire village was razed to the ground and at least two dozen people were killed in this, the second attack on the village. When passengers tried to disembark in Sorong, they were rejected by local people. The ship then sailed Biak where the same thing happened, and finally it docked in Jayapura. Here too, the local administration and the newly set up *Satgas Papua* (Papua Militia) refused to allow the desperate refugees to leave the ship. It was only after three days of heated discussion, with the refugees remaining on board, that they were finally allowed to disembark. The Jayapura-based NGO, ELS-HAM publicly denounced the attitude of both the local government and the *Satgas Papua*.

In June an overcrowded ferry sailing from North Maluku to North Sulawesi sank in rough seas; 480 refugees drowned in the tragedy. The only ones to survive was a group of ten people including several youngsters who had clung to a raft for days. Their survival was little short of a miracle.

The number of refugees who have arrived in North Sulawesi, mostly from Halmahera and Ambon, is around 30,000, and there is no end in sight to the influx. The food situation in the Kitawaya area, inhabited by refugees is abysmal. Since June, relief supplies from Jakarta have dried up and conditions have deteriorated. The only ones handling the crisis in Manado, North Sulawesi are local NGOs and religious organisations



Refugees from Aceh villages

who have done what they could to keep the refugee camps supplied with basic needs.

The situation in camps elsewhere is at least as bad as in Manado. The tiny island of Buton in Southeast Sulawesi has had to take in no fewer than 100,000 refugees. The Buton islanders, all Muslims, have a long tradition of migration. Tens of thousands of Butonese have migrated to central Maluku over the years, in particular to the island of Ambon. From 1950s onwards, Butonese settlements sprung up in practically all Ambonese towns and villages. The Butonese were the ones to take on the manual jobs, driving pedicabs, growing vegetables as well as becoming small traders in the market places. The Butonese were among the first victims of the conflict in Maluku. Practically all the Butonese were driven from their homes by Christian gangs and sent back to Buton in ships. Most are second or third generation Butonese for whom Buton is a place they heard about from their grandparents. Now they are back there, living in refugee camps in atrocious conditions with little prospect for a return to Ambon or for setting up home again in their former 'homeland'.

Earlier waves of refugees

The situation of refugees in West Timor has been most widely reported because of the international ramifications and its impact on the security situation in East Timor. Unlike any other refugee situation, the UN Security Council takes a close interest and this is the only place where the UN High Commission for Refugees has become involved although their officials are frequently harassed and forced to halt their work because of the

presence of army-backed militias in the camps[see separate article].

Following the explosion of violence in East Timor in what has become known as Black September last year, after the results of the plebiscite were announced, hundreds of thousands of East Timorese were forced to flee from their homeland by the military and their proxies, the militia, and become unwilling refugees in West Timor. [See also *TAPOL Bulletins* No. 156 and 158]. Between 100,000 and 150,000 East Timorese are still trapped in camps in West Timor, held hostage by various militia groups. So far, the Indonesian military and police have not been able (or are unwilling) to disarm the militia and arrest their leaders. Despite strong pressure from the UN and individual countries and a host of promises from Jakarta, the Indonesian government has been unable to resolve the problem of refugees in West Timor.

Nearly a year since that tragedy, many East Timorese villages are being reconstructed and rehabilitated. The longer the refugees remain in West Timor, the more difficult it will be for them to be absorbed back into their former villages. Sources close to the military now claim that the refugees will be sent back once East Timor has become independent, creating a huge problem for the new-born state in coping with 100,000 homeless people.

West Kalimantan and Aceh

The bloody conflict that flared up in December 1996 in West Kalimantan between Dayaks and Madurese resulted in a wave of Madurese fleeing their homes [see also *TAPOL Bulletin* No. 139, February 1997]. According to the Indonesian Red Cross, 16,293 Madurese refugees are still living in camps in Sambas, Pontianak and Singkawang while another 14,798 Madurese have returned to Bangkalan, Madura, where they are being housed temporarily in camps.

The problem of refugees in Aceh dates back to 1989 when 6,000 Indonesian troops were deployed in a military offensive against GAM, the Aceh Liberation Front. Thousands of innocent people were killed, disappeared, tortured and raped. Thousands more fled to neighbouring Malaysia, while others went into hiding in the mountains. Aceh was declared a military operational zone (DOM, Daerah Operasi Militer) which remained in force until August 1998. Many of the Acehnese refugees have not returned home, and have remained in Malaysia. A small number have been given asylum in various parts of the world, including Scandinavian countries, the USA, Canada and Australia. No reliable figures are available of the Acehnese diaspora, in particular the ones who left during the DOM period.

Since DOM was lifted, a new political situation has arisen but violence continues unabated. [See also *TAPOL Special Report: A Reign Of Terror, Human Rights Violations in Aceh 1998 - 2000*]. Military operations have continued and as always, civilians have become the victims. Unidentified groups and persons have attacked and burned schools and government buildings. During the past two years, thousands of refugees have left their villages in circumstances that are largely the same. Reports of military 'sweepings' in an area spread a climate of fear. Often, an entire village will leave as soon as violence erupts. During 1998 and 1999, hundreds of thousands of Acehnese left their villages but the number of people fleeing nowadays is much less though it has continued to happen even after the accord on a Humanitarian Pause was introduced.

Often mosques and schools are used to provide temporary shelter for the refugees. It frequently happens that, after a few weeks, the people decide to return to their villages once they

are assured that the military operations have stopped. According to the Indonesian Red Cross, the number of refugees in Aceh is currently 21,179. Unlike elsewhere in Indonesia, the number of refugees fluctuates both up and down.

Maluku, by far the worst

The Maluku archipelago covers a vast area from north to south but the worst violence has occurred on the islands of Ambon, Ternate and the northern part of the island Halmahera. The violence on these three islands has prompted a flow of refugees to many parts of Maluku as well as to the other islands. According to the Indonesian Red Cross on 31 July 2000, the number of refugees from Maluku was as follows:

Ternate (North Maluku)	152,490
Seram, Tual, Buru (Central Maluku)	143,687
West Papua	30,000
Bitung (North Sulawesi)	30,000
Buton (Southeast Sulawesi)	99,572

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However, his chief of staff, Mahidin Simbolon, whose role in promoting the militias is widely acknowledged, is not on the list.

The list also includes the last two military commanders of East Timor: Tono Suratman and Nur Muis, and the last chief of police, Timbul Silaen, all of whom have been given promotions and new posts since Indonesia withdrew from East Timor, leaving a trail of devastation and death. The most senior-ranking civilian suspect is Abilio Osorio Soares, the governor of East Timor. The other suspects are TNI officers who were in charge of three of the most bloodthirsty operations in East Timor in the months preceding the referendum, the massacre in Suai, the massacre at the home of Manuel Carrascalao in Dili on 17 April, and the killings at the home of Bishop Belo on 5 September.

Although the suspects have been named, it is far from clear how or in which court they will be formally charged. Plans to set up *ad hoc* courts with powers to try past crimes against humanity have been undermined by the constitutional amendment adopted in August by the MPR, disallowing retroactive charges. [See separate article.] This unexpected development almost certainly persuaded the attorney-general's team to exclude Wiranto from the list as it would not be possible for him to be charged under Indonesia's Criminal Code.

According to Munir, a member of the KPP HAM, the death of Olivio Mendoza is a serious setback for the trials as he was expected to spill the beans about TNI officers in overall charge of the murderous campaign for which he would have been tried. He condemned the attorney-general's office for failing to give protection to suspects and witnesses, arguing that all the civilian suspects should be placed under protective custody for their own safety and to ensure the successful conduct of the trials.

The wheels of justice are moving forward painfully slowly in Indonesia, leading many to believe that the only way is for the UN to set up an international tribunal. Scores of international NGOs have written twice to the UN secretary-general since early July calling for a tribunal; following the events in Atambua, calls are growing, among others from the East Timorese leader, Xanana Gusmao, for the creation of an international war crimes tribunal.

*

Tanjung Priok revisited

On 12 September 1984 a tragic bloodbath occurred in Tanjung Priok, the dockland district of Jakarta. A group of around 1,500 demonstrators were suddenly hemmed in from two directions by heavily-armed troops. Responding to a signal, the troops started shooting at the crowd, hitting hundreds of people. Within minutes, dead bodies and wounded lay strewn all over the road. The Priok Massacre was the beginning of a ferocious witch hunt against Muslim activists.

It took sixteen years and the overthrow of Suharto before it was possible to reopen the Tanjung Priok case. During 1985 more than 150 Muslims were tried, convicted and sentenced to heavy terms of imprisonment. Their mistakes were merely that they had given sermons critical of the government, conducted religious courses not approved by the authorities or produced leaflets and journals denouncing government policy. Some were charged in connection with terrorist attacks in which bombs had been thrown but the cases were never properly investigated.

As with all the other bloodbaths that occurred during the New Order in any part of Indonesia, it started with an act of provocation. The trouble began when army officers ordered people in a mushollah (a small prayer-house) to remove leaflets from the wall. They had acted roughly in a house of worship and news spread that one of the officers did not remove his boots before entering the prayer-house. In response, many people gathered to protest against the behaviour of the officers.

Four mosque officials were arrested which only added to the turmoil. And when the 1,500 people marched to the police headquarters on 12 September demanding the release of the mosque officials, they were met with a volley of fire from troops who were present in large numbers. General Benny Murdani, then armed forces commander in chief and head of the security agency, KOPKAMTIB, and Major-General Try Sutrisno, then military commander of Jakarta, came to the scene to cover up the extent of the massacre, claiming that only nine people had died.

In March and April 1985, 28 survivors of the massacre were tried for having taken part in the demonstration. They were accused of 'waging resistance with violence' against the armed forces and sentenced to up to three years imprisonment. Twenty-four of the defendants had been wounded in the massacre and some of the men in court were still too ill to stand. One of their lawyers, the human rights activist Poncke Princen, said at the time: 'Where is the logic if people who fired the shots are not punished but those who were shot are?' [For a detailed account of the charges against the 28 men and their sentences, see *TAPOL Bulletin*, No 69, May 1985.]

Without a voice

For sixteen years, the survivors and relatives of the victims never had the chance to raise their voice. Any discussion of the Priok case was taboo, comparable only to the taboo surrounding the 1965 massacre which took place as Suharto seized

power. The victims of Priok became pariahs in society. The road to obtain justice has been lengthy, painful and frustrating.

Shortly before the end of the Suharto era, efforts were made by some TNI officers, notably former Jakarta military chief Lt. General Hendro Pryono, to curry favour with some of the victims' families by offering them money and jobs. Predictably, this split the group, leading to mutual recriminations, which has added to the difficulties of the inquiry set up to investigate the case.

The Priok case victimised many people, not only ordinary Muslims whose families were devastated by the massacre but also public figures like the late Lt. General Dharsono, Ir. Sanusi and A.M. Fatwa. All these men faced charges and were

imprisoned in the aftermath of the Priok Massacre. Fatwa has now joined PAN, a new, inclusive Muslim party that emerged in the post-Suharto era; he was one of the most outspoken dissidents in the early eighties. Now he is deputy chair of the DPR, the Indonesian parliament, representing PAN. He is one of the few Priok victims to have been able to return to public life. Sanusi, who was given two

heavy sentences, has thrown in his lot with groups seeking redress for the discrimination being suffered by victims of the New Order.

After pressure, inquiry team established

The demand for justice in the post-Suharto period has been enormous forcing the transitional Habibie government to enact laws enabling the creation of commissions of inquiry into notorious human rights violations during the New Order. Most notable of these are the East Timor case, the 27 July attack on the PDI HQ, the Marsinah (murdered trade unionist) case and the Tanjung Priok case. In all these cases, special commissions were set up by Komnas HAM, the National Human Rights Commission. After completing their investigations, the commissions are required to report back to Komnas HAM which must decide whether the findings are substantial enough to be passed on to the Attorney General's office for formal investigation, with a view to indicting the culprits.

KP3T (*Komisi Penyelidikan dan Pemeriksaan Pelanggaran HAM Tanjung Priok*, Commission to Investigate the Human Rights Violations in Tanjung Priok) was set up in March this year and was required to complete its investigations within



Twenty eight Tanjung Priok victims on trial in 1985. Many were still suffering from bullet wounds

three months. It consisted of nine members, chaired by Djoko Sugianto, the chair of Komnas HAM. The role of Djoko Sugianto was compromised by the fact that he was on the panel of judges that convicted the 28 victims of the massacre in 1985.

In the meantime several committees emerged claiming to represent the families of the victims. Mukhtar Beni Biki is the co-ordinator of the Priok victims while Ahmad Hambali co-ordinates the *KPKP (Koalisi Pembela Kasus Priok, Coalition for the Defence of the Priok Case)*.

Political background

The Tanjung Priok killings occurred in 1984, when Suharto was doing his utmost to impose his 'final solution', destroying political plurality in Indonesian society. The aim of his policy was to force all citizens into the Panca-Sila (the state doctrine) mould. The law forcing all organisations to accept the state doctrine as their 'sole principle' was enacted in 1985 but preparations for this were already well underway when the Tanjung Priok Massacre occurred. The most vociferous opposition



General Benny Murdani, left and Major-General Try Sutrisno, right, the two responsible men for the Priok bloodbath

came from different strands of political Islam and it was no surprise that a witchhunt was launched against Muslim activists. Despite the heavy press censorship, plenty of information on the trials appeared in the press, making it possible for TAPOL to produce a 116-page book in 1987 entitled: *Indonesia: Muslims on Trial*, analysing the background of this witch hunt. We still believe that the Tanjung Priok massacre was instigated and provoked by military intelligence and that it signalled the start of an operation designed to incriminate and victimise Muslim activism.

In many places in Java innocent Muslims were arrested. In Malang, East Java, people from a small Muslim congregation were arrested. The same happened in Central Java where dozens of pious Muslims were simply taken from their homes in the middle of the night and charged with acts of subversion. TAPOL recorded 157 verdicts while dozens of other people were arrested and imprisoned without trial.

The Indonesian armed forces played a crucial role in the implementation of this witch hunt. The commander-in-chief was General Benny Murdani, a ruthless man with a long career in military intelligence. The Jakarta military chief was Major-General Try Sutrisno, a staunch Suharto loyalist. The Priok bloodbath promoted his career; he later replaced Murdani as commander-in-chief and was subsequently appointed vice-president of the Republic.

A fundamentally flawed report

On 12 June 2000, the KP3T produced a report which was later handed over to Marzuki Darusman, the Attorney General. From the outset, it was clear that the work of the commission was fundamentally flawed. There was no intention to find the real culprits, the men who planned the operation, and this is obvious from the findings. Unlike the East Timor inquiry, no names of officers were mentioned as being suitable for further investigation by the Attorney General.

The KP3T report concludes that the Tanjung Priok blood bath resulted in 24 people being killed and another 36 sustaining heavy injuries. Eye witness accounts of the massacre tell a very different story. Some relate seeing army trucks driving bodies away and practically every family in the neighbourhood lost a relative. Human rights organisations have always insisted that hundreds of people lost their lives.

Another shocking claim of the KP3T report was that there was no advance plan by the security forces to shoot at the demonstrators. It even claims that the security officers were compelled to open fire because the demonstrating masses behaved in an unruly way and attacked them while at the same time destroying houses, shops, cars and a church. They were accused of trying to seize the weapon of a soldier and 'brutally' forcing the soldier to retreat, hence compelling him to open fire. Survivors deny that any such tussle occurred. They have graphically describe how the military received the command to shoot at the defenceless crowd. The demonstrators were also accused of committing a human rights violation by killing nine members of a Chinese family. Equating the army's planned operation with the murder of the family reveals the shallowness of the inquiry team's comprehension of human rights violations. The killing of the Chinese family has never been investigated. It was clearly an ordinary, very brutal crime that should be treated as such and not blamed collectively on the demonstrators.

On 24 March, in the early stages of the inquiry, members of the KP3T visited the TNI HQ in Cilangkap to meet top officers. This in itself was a compromising encounter, which explains why the meeting was never publicised. It seems that a deal was struck on how far the KP3T report should go: it could reach the conclusion that serious human rights violations occurred but should not incriminate senior TNI officers. A telling feature of the findings is that they mirror the statement made after the event by General Benny Murdani who alleged that the masses behaved in such an unruly fashion as to give the security forces no option but to open fire. [See report from AFP, dated 13 September 1984, quoted in *TAPOL Bulletin*, No 69, May 1995]

The human rights organisation, Kontras which represents one of the Priok victim groups, was also very unhappy about legal aspects of the KP3T inquiry. Instead of basing its investigations on Presidential Decree, Perpu No.1/1999, which would have meant that its findings would be the legal base for further investigations to mount a formal indictment, it became a free wheeling inquiry with no other clear purpose than to satisfy the public that the Priok case had been re-examined.

Mass graves not investigated

Even more worrying is the way KP3T (mis)-handled the matter of mass graves and its attempts to determine the death toll. Although the team questioned about two hundred people, some crucial witnesses were not summoned. In particular, they failed

to question two important witnesses, Kemis and Marsudi. Kemis had dug a mass grave in Kramat Ganceng on the night of 12 September 1984, while Marsudi, the village head of Pondok Rangon confirmed the whereabouts of the grave. However, the team only took a statement from Abdul Madjid, the cemetery proprietor who denied the existence of a mass grave.

Having done nothing to investigate reports about the disposal of a large number of bodies, the team's conclusion about the number of casualties, 23 dead and 36 injured, was based solely on the evidence of medical staff at the army hospital who can hardly be regarded as unbiased.

From the way they conducted the investigations, it is clear that the KP3T members had no intention of discovering the truth about the death toll or the existence of mass graves. When General Try Sutrisno was questioned, three burial places were mentioned but the KP3T did not insist on taking a look at the graves. Another important clue, the possibility that more than 300 bodies were air lifted on the night of the tragedy to Pulau Seribu, a cluster of uninhabited islands in the Jakarta bay, was also ignored by the KP3T team because a crucial witness failed to turn up for questioning. The likelihood that he had been under pressure not to appear was apparently not considered.

Marzuki Darusman returns the report

After the KP3T findings were delivered by Komnas HAM to the attorney general, Marzuki Darusman, Komnas HAM held a press conference to announce the findings. All the victims and their families exploded in anger and accused the team of slandering the demonstrators, while Kontras was strongly critical of the findings. Munir said that in many respects, the findings of the inquiry were identical with statements made at a press conference in 1984 given by the two generals involved in the matter, Murdani and Try Sutrisno. A few days later the office of Komnas HAM was attacked by several Muslim youth organisations and part of the interior was seriously damaged, including computers. On another occasion, the ground floor of the building was occupied, in protest at the Priok findings.

Marzuki Darusman himself was not satisfied with the report and returned it to Komnas HAM for several aspects to be further investigated. He mentioned in particular the question of the mass graves and the killing of the Chinese family which occurred when riots broke out in the vicinity of the demonstration.

But in fact the most glaring omission of the report is its failure to dig deeper into the incident and seriously consider how it fitted in with the provocative activities of top-level state organs intent on criminalising Muslim groups for daring to voice their opposition to the regime's 'Panca-sila as the sole principle' policy. Unless this matter is addressed, the chances of justice ever being done with regard to the Tanjung Priok Massacre are remote.

When Carmel Budiardjo met Komnas HAM secretary-general Nababan, during her recent visit to Jakarta, and pressed him on this, he threw up his hands and said: 'These are "intel" matters and we have no way of accessing such things.'*

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On 15 August, several human rights organisations and church leaders, including the Bishop of Jayapura, Leo Laba Ladjar and the heads of the two Protestant churches in West Papua, issued a wide-ranging statement warning of the danger of conflict re-emerging, following the arrival of extra troops. It referred to plans by the security forces to initiate a Rajawali operation (no doubt, along the lines of Rajawali operations in Aceh) to persuade Papuans to turn away from thoughts about independence.

It made a number of recommendations: (1) That the right of people to call themselves Papuans and the tradition of flag-raising should be acknowledged as their right to freedom of expression. (2) That the central and local governments should respect the principle of dialogue and do everything to prevent the re-emergence of militarism. For West Papua this means withdrawing all non-organic troops, as the use of violence can only create new problems. (3) That plans for regional autonomy should be shelved and the issue discussed with the Papuan people. (4) It also called upon all sections of society, in particular the Papuan Presidium Council (set up by the Second Papuan Congress in June this year), religious leaders, traditional leaders, Satgas Papua and Satgas Merah-Putih to focus on dialogue as the way to resolve conflict and to exercise the utmost restraint so as to avoid being trapped in a cycle of violence which can only lead to yet more bloodshed. *

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