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A Reign of Terror in Aceh

A major report on the grave human rights situation in Aceh has been published by TAPOL. It documents the escalation in human rights violations since the army announced the lifting of Aceh's designation as a 'military operations area' in August 1998. Among its many recommendations is a call on the Indonesian armed forces and the Free Aceh Movement to end the violence and agree to a ceasefire.

Entitled 'A Reign of Terror: Human Rights Violations in Aceh, 1998 - 2000', the Report focuses primarily on the human rights situation in Aceh following the lifting of DOM in August 1998. From 1989 until 1998, Aceh was designated a *military operations area*, giving the armed forces free rein to inflict massive human rights abuses on the people of Aceh. Following the downfall of Suharto in May 1998, Aceh was awash with complaints about the terrible things that had happened, killings, torture, disappearances, the raping of women and dozens of subversion trials. The revelations shocked the whole country.

Civil society, with women taking the lead, called for DOM to be lifted and for the perpetrators of the abuses to be brought to justice. In August 1998, the armed forces commander-in-chief General Wiranto was forced to come to Banda Aceh, to offer his apologies and announce the lifting of DOM. But nothing changed; in fact, military terror has reached a new level of ferocity. While it was estimated by Amnesty International, in a report published in 1993, that at least two thousand people killed in the three years from 1989, there were no fewer than 215 deaths in the first ten weeks of 2000, with reports of more deaths pouring in every day.

Four periods of escalating terror

The Report identifies four phases in the eighteen months since DOM was lifted.

Phase One, Intimidation and the Re-Emergence of GAM, began immediately after the end of DOM, and was characterised by the unexplained killings of a number of people thought to have been informants who had helped the armed forces during DOM. A group of eight soldiers were kidnapped and killed, apparently by GAM, the armed Free Aceh Movement, causing the security forces to seek revenge.

Phase Two, Operation Wibawa 99 - Military Massacre of Civilians began in January 1999. The ostensible reason for the new military operation was to capture an alleged GAM leader whose identity was never verified, but it led to a number of very grave incidents in which many civilians were killed in cold blood. Massacres that occurred from February until July 1999 resulted in more than a hundred deaths and a much larger number of wounded. Hundreds of school buildings were torched and tens of thousands of villagers fled from their homes and took refuge in camps for the internally displaced. Meanwhile, nothing was done, de

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spite government promises, to bring the men guilty for crimes during DOM to justice. Confidence in the Indonesian authorities plummeted and grassroots support for GAM grew. It was also during this period that students organisations started to campaign for a referendum, to determine the future status of Aceh, either as an autonomous region of Indonesia or as an independent state.

Phase Three, Return to Shock Therapy - Operasi Sadar Rencong II covering the last five months of 1999 began in August of that year. The strategy of killing dozens of people at a time was replaced by one of attrition, with sweepings by the armed forces in villages; many people who disappeared during these operations were later found dead. GAM operations also escalated with villagers often being the ones to suffer the casualties when the security forces undertook operations against GAM. During this period, civil society was in the ascendant with demands for a referendum becoming every more persistent. A three-day mass strike occurred in August and in November an estimated one million people descended on Banda Aceh to attend a rally in favour of a referendum. There was a growing sentiment among civilian organisations that GAM operations were solving nothing and only exacerbating the situation, so the search for a peaceful solution intensified.

Phase Four, Targeting Civilian Activists - Operasi Sadar Rencong III began at the end of 1999 and with the launching of a new operation in February this year. The police chief of Aceh, announcing the new operation, said the

aim was to capture eight hundred GAM activists and sympathisers and to adopt a 'much more aggressive approach'. Many humanitarian workers, human rights defenders, NGO activists have been harassed, arrested, tortured and in some cases, killed. Army raids in the countryside ostensibly to search for members of GAM have resulted in many civilian deaths and disappearances. The rape and sexual harassment of women has again become a feature.

Recommendations

The Report ends with a number of recommendations calling on the Indonesian Government to respond to the demands of the people of Aceh for full accountability for past human rights abuses, for the creation of ad hoc human rights courts to mete out justice to the perpetrators, for the protection of witnesses, for compensation and rehabilitation for the victims of abuses, and for an end to the harassment and persecution of humanitarian activists and human rights defenders. It calls on both sides in the armed struggle to end the violence and agree to a ceasefire. It calls on the Indonesian government to call a halt to the military operations now underway in Aceh and withdraw all non-organic troops from the region including the special police forces, as the prelude to withdrawing all organic troops, leaving the security situation in the hands of a normal police force. It also addresses a call on the international community, in particular the US and EU governments, to press for the dispatch of UN special rapporteurs, in particular those dealing with extrajudicial killings, disappearances, torture and violence against women as well as the UN working group on arbitrary detentions.

Seeking justice in Aceh getting nowhere

Last November, a government-appointed commission to investigate human rights abuses in Aceh announced that seven thousand violations had occurred during and after the period of DOM. It recommended that five primary cases should be taken to court immediately. Nearly half a year later not a single trial has taken place. A middle-ranking army officer named as the chief suspect in a massacre case has disappeared, casting the validity of the trial in doubt..

The five cases recommended for immediate trial by the investigation commission which was set up last July by the former President Habibie were: the rape of a woman in 1996, three massacres which took place in 1999 - at Idi Cut on 2 February, in the vicinity of the KKA junction on 3 May and at the religious school of Tengku Bantaqiah in Beutong Ateuh on 23 July - and atrocities committed on a continuing basis at the notorious Rumoh Geudong torture centre during DOM, the period when Aceh was designated as a 'military operations zone' and in particular during 1997 and 1998.

Koneksitas courts

The military in Aceh have, throughout the reign of terror in Aceh, enjoyed complete impunity. Insofar as any trials have taken place anywhere in Indonesia, they have been before military courts with lower-ranking officers facing charges of 'procedural errors' or 'exceeding orders'. The trials have been deliberately framed to protect senior officers who ordered the crimes.

It was decided last year that some of the Aceh trials involving both military and civilian defendants would be held in 'inter-connection' or *koneksitas* courts before a panel including civilian and military judges. This was presented as being a way to ensure greater impartiality. The trials moreover were regarded as a top priority in support of Jakarta's policy to undermine calls for a referendum about Aceh's future status. By finally responding to demands from the Acehnese for accountability for crimes against humanity committed since 1989, the central government would dampen pressure from civil society for possible separation. Speed was therefore essential. Calls by human rights activists in Aceh and from TAPOL for these trials to be heard before properly constituted *ad hoc* human rights courts have been ignored.

Under the *koneksitas* system, the military are also involved in pre-trial interrogations and as members of the prosecution team. Events of the past few months have shown how they have used this role to effectively sabotage court proceedings.

Key witness/suspect disappears

The first case scheduled for trial was the massacre and disappearance of more five dozen people in July at the religious school of Tengku Bantaqiah. When a key witness and suspect in the trial disappeared, it placed the proceedings in jeopardy. Lieutenant-colonel Sudjono, intelligence chief at the Lilawangsa district command, is believed to have led the lethal attack on the school headed by Tengku Bantaqiah when he, his first wife and dozens of his pupils were killed in cold blood on 23 July 1999. According to the findings of a fact-finding mission to Beutong Ateuh, thirty-one people were gunned down in cold blood and another twenty who had witnessed the massacre were subjected to severe ill-treatment then taken away and killed. Altogether at least 51 people lost their lives on that day while another five have since disappeared. Claims by the army that their unit acted in self-defence in a gun battle have been hotly denied by local inhabitants and refuted by the fact-finding mission on the basis of material evidence.

In February this year, the army announced that Sudjono had disappeared. Initially it was said he disappeared in mid-January when he failed to return to his unit after being given leave but it later became apparent that he disappeared in late November last year when he was first undergoing interrogation. Sudjono was slated to appear as the chief suspect but he would also have been able to identify the line of command which lay behind the massacre, implicating his superiors at the district level or even higher up. The army claim that he absconded but it is more likely that he has been eliminated and could already be dead.

The Bantaqiah trial has been plagued with difficulties. Originally scheduled to begin in January, it has been postponed repeatedly and is now scheduled to open 'in late April at the earliest'. There has been confusion over its venue; most courts in Aceh no longer function because of the grave security situation. The likely venue is now said to be the Banda Aceh district court and the police have announced that one thousand men will be deployed to ensure that the trial proceeds without interference. Then, it was reported that the dossiers submitted to the public prosecutor by the interrogation team were rejected as 'incomplete'.

The final irony was that lack of funds have apparently delayed the proceedings. In a highly unusual move, the authorities said the recently-established ministry of human rights should foot the bill. The minister, Hasballah M. Saad, who is himself Acehnese and who has pushed hardest to get the trial started, responded, saying his ministry has hardly enough money to run its own affairs, let alone to pay for the trial.

The *koneksitas* mechanism means that the military are in a strategic position to sabotage the proceedings at all stages.

A group of relatives and pupils of the murdered religious teacher, including his second wife, came to Jakarta in March, seeking protection. They said that their homes situated near the site of the massacre are now difficult to approach because of the presence of armed security forces who have set up command posts on all of the approach roads.

Rape victim under pressure

Another trial which may soon be held concerns the rape of a crippled woman named Sumiyati Hamzah, who was raped by a member of the security forces in August

1996. She subsequently gave birth resulting from the rape. She was taken from her home by army officers from the local military command on 12 March. Although it was feared at the time that she had disappeared, it later emerged that she had been taken to a military command in Medan where she may have been put under pressure about her evidence. This trial, if and when it happens, will be heard by a military court.

Sumiyati Hamzah is an orphan. She walks with great difficulty because both her legs are deformed. The rapist was a member of Battalion 126 which was stationed in her village, Peumanah, Trieng Gadeng, Pidie. After giving birth, she went to Tebing Tinggi where the man's unit had been re-located. The rapist confessed to the crime in the presence of his commander. Yet, he has never been disciplined and is now on another tour of duty in Aceh, in Kampong Tiro.

Sumiyati's vulnerability and the representations by relatives of the murdered religious leader, focus attention on the lack of protection for witnesses in a region where lawlessness prevails.

TAPOL calls for *ad hoc* court

In a letter addressed to the human rights minister on 7 March, TAPOL called on him to acknowledge that the only way to proceed with human rights trials in Aceh was to abandon the *koneksitas* system and press for the creation of a properly-constituted *ad hoc* human rights court. In its letter, it argued that:

* Persons suspected of gross human rights abuses or crimes against humanity cannot be tried in courts that are only empowered to try persons for ordinary crimes under

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A REIGN OF TERROR HUMAN RIGHTS VIOLATIONS IN ACEH, 1998 - 2000

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No respite in Aceh killings

The human rights situation in Aceh has continued to deteriorate, and has worsened even since TAPOL published its report, 'A Reign of Terror' in late March. The contradiction between central government and military policy became glaringly obvious from events surrounding a meeting between a government envoy and the GAM commander in North Aceh. Meanwhile efforts to water down civil society's calls for a peaceful solution continue apace.

There has been a great deal of talk about the need for face to face negotiations with Tengku Hasan di Tiro, to reach an agreement on ending the violence. Hasan di Tiro is regarded as the acknowledged leader of GAM, the Free Aceh Movement, whose forces have been keeping up sustained military operations in most parts of Aceh throughout 1999. He fled Aceh in the late 1970s and has been based in Sweden now for many years. Although he was seriously ill a few years ago, claims that he is incapacitated are clearly wide of the mark. He or members of his entourage are known to have been involved in 'proximity talks' in Geneva, brokered by a Geneva-based conflict-resolution organisation.

Jakarta envoy meets GAM commander

On 16 March, a meeting that could have been a breakthrough took place between Bondan Gunawan, the recently appointed secretary of state and a trusted associate of President Abdurrahman Wahid, and Abdullah Syafi'ie, the acknowledged leader in the field of GAM forces.

When Bondan introduced himself to Syafi'ie as the envoy from the central government, the commander was clearly taken aback and said he had no authority to engage in official talks. Tensions quickly relaxed when the two men agreed to talk just as individuals. Remarks were exchanged about the need to end the violence but during the twenty-minute encounter, little more was achieved.

Reports that later appeared in the Indonesian press claimed that according to Bondan, Syafi'ie acknowledged the viability of Aceh becoming part of a federal state, but a representative of one of Aceh's leading NGOs, Cordova, who was present during the encounter, said this was a misrepresentation.

On his way to the venue in Pidie, Bondan had to pass through heavily militarised territory and later remarked that he had found the experience quite terrifying. According to an observer who was present at the encounter, Bondan had to pass through army or police checkpoints at every command post, all manned by heavily-armed personnel directing their weapons towards the local people. On his return, he sought and was given assurances from the regional military commander that the security forces would not take retaliatory actions against the local inhabitants. However, this pledge was not honoured.



Four villages raided

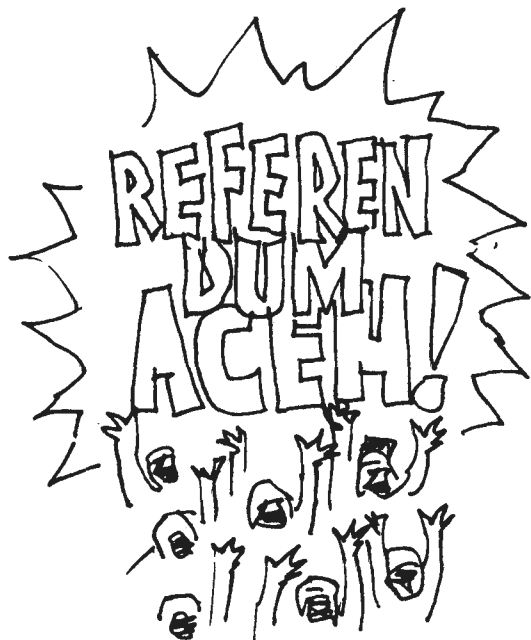
At 3am the following morning, security forces arrived in the sub-district of Teupin Raya, near to the meeting place; they fanned out in all directions and raided four villages. Villagers were ordered out of their homes, the identity cards were checked and they were asked to reveal the whereabouts of the GAM commander. A number of villagers were beaten black and blue for failing to answer coherently, and several men needed treatment in a nearby medical centre for their injuries.

Initially, the local military command denied that these raids had occurred but the facts, which had been reported fully in the Jakarta daily *Kompas* [18 March] whose reporter arrived on the scene later the same day, were irrefutable. President Wahid ordered an investigation and suggested that the raids were the work of 'rogue elements'.

It is difficult to assess the degree to which this effort to reach agreement may have retarded efforts to reach any agreement on a ceasefire. Certainly, civil society as represented by the students and other NGOs condemned the inability of the government in Jakarta to assert its control over the security forces in the region.

ICRC alarmed

The International Red Cross (ICRC), a body which is normally very reticent about making public pronouncements, is clearly alarmed about the human rights situation in Aceh. Despite recent claims by President Wahid that the situation in Aceh is improving, Paul Grossrieder, direct-general of the ICRC said the violence is 'as bad as ever' with torture and murder a common occurrence.



He described the situation in Aceh as 'very critical'. Speaking to the press in Jakarta after a ten-day visit to Aceh, he said their delegates on the spot 'have...indications of disappearances, missing people, groups being killed. We are seeing people who are left on the ground, killed, hands detached.' He said up to 30 people every week asked the Red Cross for assistance in tracing family members who have disappeared. Most aren't found. [AP, 14 March]

With reports being received every day about more killings or the discovery of the bodies of persons who had been reported missing, it is impossible to give any reliable figures. The death rate in Aceh since the beginning of 2000 is at least 300, of whom the vast majority are civilians.

A typical case is that of Faridah, a 23-year old university student from UNIMA university, Lhokseumawe, who was accosted on 15 March with her uncle by an unknown assailant near the village of Manyang Cut, subdistrict Meureudu, Pidie, on her way home from market, by a man on a motorbike. He opened fire, killing her instantly while her uncle escaped death by fleeing the scene. Faridah's death was the second tragedy to have struck her family, as her father, M Gade Basyah, aged 70, was attacked in the family home three weeks earlier by an unknown assailant and shot dead. [Serambi Indonesia, 16 March]

A number of rapes have also occurred. On one recent occasion, troops raided three villages in the North Aceh subdistrict of Matangkuli on 7 March and raped three women. Many other women were subjected to sexual harassment. Houses were looted and jewelry and money stolen, according to a report from the women's division of Cordova. [23 March]

Undermining civil society

The need for a referendum is still strong in Aceh though it has been subsumed by the level of violence and the need for human rights and humanitarian activists to focus all their attention on monitoring atrocities and avoiding being arrested or worse. Taking advantage of such a complex and difficult situation, the authorities are now concentrating on organising a *Kongres Rakyat Aceh* in late April at which they hope to bring together more than a thousand people.

The organisers are coordinating their preparations with the central government and have sought and obtained assurances from the national chief of police that the event will be strongly protected by the police. Since the police are themselves at the forefront of the current military operation in Jakarta, code-named *Operasi Sadar Rencong III* (Operation Rencong Aware, *rencong* being a traditional Acehnese knife), it would surely be more appropriate for the organisers of the gathering to call on the police to halt these operations which are the cause of so much of the violence. The need for police protection compares with the one-million strong rally held in Banda Aceh on 8 November last year when the security forces were conspicuous by their absence, thus assuring that the event passed off peacefully, thanks to the stewarding efforts of activists from SIRA (Aceh Referendum Information Centre).

It is being said that all subdistricts throughout the province will be represented at the congress by four people each, but local NGOs are highly sceptical about the way in which these 'representatives' will be selected.

It is also clear that Washington is heavily involved in ensuring the successful outcome of this event. The head of the New York-based International Forum for Aceh, Jaffar Siddiq, on a visit to the US capital in March, found himself being pressed hard by the State Department official he met to support this initiative. Some months ago during a visit to the US by President Wahid, Washington pledged full support for Jakarta's determination to avoid any moves towards separatism in Aceh. One of their key concerns is certainly the fate of the US oil company operating in Aceh, Mobile Oil.

A major women's conference held in February was also under strong pressure to avoid supporting a referendum. The conference, attended by 400 women from the twelve districts of Aceh, adopted decisions on the position of women under Islamic law, their position in political and economic affairs, and the question of human rights. Among the resolutions adopted were a call for a ceasefire and for the withdrawal of non-organic security forces. But the most controversial issue was whether to adopt a decision on a referendum. After seven hours of heated debate and a walk-out by pro-referendum participants, it was decided not to comment on the issue. Both sides in the argument said that they had been subjected to fierce outside pressure, in some cases accompanied by death threats. [See separate item for an interview of one of Aceh's foremost women activists.]

★

Defending women's rights in Aceh

Women in Aceh have been in the forefront exposing the atrocities committed in Aceh during the last decade of the Suharto era. They are also among their most harassed victims. Flower Aceh campaigns on their behalf and co-ordinates volunteers who visit refugee camps. Suraiya Kamaruzzaman, the founder of Flower Aceh, spoke to Carmel Budiardjo of TAPOL when they met at a conference in Amsterdam in December.

What is it that prompted you to set up Flower Aceh and to start speaking out on behalf of the victims of human rights abuses?

I helped to set up Flower in 1989. I was 21 years old at the time. In those days, it focused on women's issues, reproductive rights and helping women to set up small businesses as a way of ensuring their independence.

In 1992, I was on a job training course at Mobil Oil as part of my studies at the faculty of chemical technology. I used to return home at weekends, travelling from Lhokseumawe to Banda Aceh and I discovered that there were many corpses lying in the mountainous area through which I travelled, along the roads or down ravines. I soon realised that local people were terrified and didn't dare to say anything about what was happening. I was told that parents were telling their children, especially their sons, not to return home during the vacations, for fear of being killed. So we began to turn our attention to monitoring these atrocities.

Some time later, I went to Jakarta to attend a workshop on feminist perspectives and I was shocked to discover that no one there had the slightest notion of what was going on in Aceh. Information was being hidden because people were too afraid to talk to outsiders, especially to foreigners. If you spoke to foreigners, military intelligence agents would check up on you afterwards with dangerous consequences.

But over the years, our volunteers have collected many photos and evidence. We have photos of soldiers holding people with guns pointed at their heads, soldiers holding up the severed heads of their victims, and we have detailed information about the perpetrators of many atrocities.

Were you aware in those days that Aceh was a 'military operation zone' or DOM? We abroad never heard that term used until after Suharto was removed from power.

We didn't hear it either. What we knew was that there were frequent military operations. They were called *Jaring Merah* (Red Net). They happened in phases, Red Net I, II, III and IV, conducted by the military.

After Suharto stepped down, there were demands for DOM to be lifted. It was the time of *reformasi* and the students began to organise themselves. And people started to come forward, especially the women, to talk about the terrible abuses they had suffered. Many student organisations and NGOs came into existence. The local government also got involved in collecting information about the human rights abuses. They co-opted some of the NGOs, hoping to



Suraiya Kamaruzzaman in Amsterdam

ensure that they would toe the government line. False NGOs were also set up. Some activists, myself included, found themselves being accused of all kinds of things. A rumour started to circulate that I was in the pay of military intelligence. The intention was to discredit us in the eyes of the people and to set us against each other, to create what we call 'horizontal conflicts', but it didn't work.

In what way has Flower Aceh campaigned on behalf of women?

One of our most difficult campaigns has been to speak out on behalf of women who have been raped. This is a quite common occurrence but it's difficult to press for the rapists to be punished. In 1997, a villager complained that she had been raped by the village chief. There was plenty of evidence to prove that this was true; people living nearby said that they had heard her scream. We decided to take this case to court and have the rapist charged. The man was actually held for five months but no one dared to testify in court against him although he had plenty of friends speaking in his defence. In the end, the case was dropped. I wrote to

MUI, the ulamas' council, urging them to condemn this and protect women against this crime, but they were not prepared to accept the victim's evidence. The first issue of our Flower Aceh newsletter was devoted to discussing this case.

President Wahid now says that if the people of Aceh want a referendum, he will allow you to vote on whether you want Syariah Law in Aceh. This isn't what the referendum campaign is about is it? How did this idea emerge?

Before Gus Dur took over as president, President Habibie had a lot of trouble with Aceh during his years in office. He set up a special team to work out a strategy. The head of the team was Usman Hasan and he came up with this idea of adopting Syariah Law in Aceh. It was supported by MUI but not by the rest of us.

Another idea they had was to enact a Law on Special Autonomy for Aceh, Law 44/1999. The law has been passed but for a long time, it was very difficult to get a copy of the law. The law states that Aceh will take control in four areas - education, religion, traditional law and increasing the role of the local ulamas. As a matter of fact, Aceh is supposed to have had special autonomy since 1957. The new law adds nothing to what was granted before except for the fourth point about the ulamas. The government says it will also introduce a law allocating 75 per cent of the wealth produced by Aceh to us.

I have seen several reports recently about Acehnese women being required to wear a *jilbab* (head cover). Is there a regulation like this?

No, there isn't, but many people are talking as if there was. Recently, huge banners were hung in front of the Grand Mosque in Banda Aceh, written in Indonesian, Arabic and Acehnese, saying that women must wear head covers. There is no such law but this is being promoted as a distraction from the real issues, bringing human rights violators to account and holding a referendum.

There have been many instances where women have been attacked for not wearing a *jilbab*. There have been raids in the streets against women whose heads are uncovered and some have even had their hair shaved off. Sad to say, some women do this kind of thing. My organisation became so concerned about this that we held a press conference on 4 October 1999. We said that wearing a *jilbab* is a personal matter and the state has no right to interfere and make it compulsory. While making so much fuss about *jilbab*, the authorities do absolutely nothing to protect women against acts of violence like rape.

Strange to say, it's far more difficult for people to speak out on the *jilbab* issue than to protest about the presence of the military. When we protest about the *jilbab*, we are accused of being anti-Islam and that gets you into real trouble!

Aceh is not like Ambon where there are two distinct religious communities, so they have to create horizontal conflicts along different lines, setting men against women and even women against women.

Why are women being harassed in this way?

Well, Acehnese women have always played a very militant role. During the Acehnese War at the end of the 19th century, they even occupied positions of command. Under Suharto, they were heavily suppressed but after DOM was lifted, the women were the ones who spoke out first and most courageously.

This is seen as being the way to undermine civil society. The question of how women dress and what they do is becoming the main issue. It's now being said that women shouldn't be allowed to teach gymnastics and physical education in school.

What will you be doing when you return home?

I'll go back to monitoring conditions in the refugee camps. This often gets us into hot water, you know, because the security forces accuse us of being pro-GAM which is absolute rubbish.

Just before I left for Holland, there was an attempt by some men to burn down one of the camps that had been set up in the vicinity of a mosque. The man involved was caught. He was thoroughly searched and a Kopassus card was found in his trouser pocket, showing he was in fact from the army. We handed him over to the security forces, to the police and he was sent to Jakarta but we never heard what happened to him afterwards.

Thank you for sharing your experiences with me. ●

New documentary on East Timor

Scenes from an Occupation:

Synopsis:

"They killed a child. The adults came out of their houses and said, kill us, not innocent children'. They came out, praying and shouting. That's when they machine gunned the adults."

This documentary is an intimate account of the last six months of Indonesia's occupation of East Timor. Filmmaker Carmela Baranowska is the only person to have documented this period. She first travelled to East Timor in March 1999, working as a one person crew and stayed on until the UN evacuated its compound in September 1999.

"Scenes from an Occupation" is an observational film closely aligned to the East Timorese people and the events which unfolded. The footage includes eyewitness accounts of the role the Indonesian military played in a systematic campaign of destruction, murder and terror. "We may all die", says an East Timorese woman, "but if one is left, he will tell the story".

This film is a testament to the East Timorese people's courage, strength and determination to gain their independence.

Viagem Films

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Impressions of East Timor

For three weeks in December and January, I was able for the first time ever to visit East Timor. I had been invited to be one of the facilitators for a media course but this visit provided me with an excellent opportunity to learn about East Timor at this new phase of its history and to meet old friends. Here are my impressions.

I had been prepared for the worst. I knew of the destruction that had been wrought on the country as the forces of occupation withdrew in a fit of wrath and vengeance. Having been involved in solidarity work for East Timor since 1975, it has become part of my daily routine to follow the situation there closely. Being in East Timor has a kind of familiarity for me. Not only because the many people I know but also all the places I visit always has the historic connection with a certain moment or incident in the past two decades.



Arriving at Comoro airport in Dili

Bad as things were, I soon realised that not quite everything had been destroyed, not so bad for instance as the devastation the Russian army has inflicted on Grozny. Several neighbourhoods of Dili have been left unscathed or only partly destroyed. By comparison, when the Dutch left Indonesia in the late 1940s, the Republic's new elite had plenty of finely-furnished houses for them to occupy and claim as their own.

During my stay in Dili, I was accommodated in a house that had formerly been the home of AURI (the Indonesian Air Force) officers, which is now home to several East Timorese families as well as being the meeting point for media activists. It was in the leafy area of Farol, a rather grand, colonial-style house built during the Portuguese era. Stripped of all its furnishings, conditions were very basic, sleeping on the floor on mats, but it was a great pleasure for me to bask in the warmth and generous hospitality of my East Timorese friends.

Now that the Indonesian occupation has ended, East Timorese walk with a light step and a smile on their face. It was such a pleasure to celebrate Christmas without the pres-

ence of the dreaded Indonesian army. But Dili was still heavily militarised because of the overwhelming presence of INTERFET troops. I had the impression that the troops had nothing much to do in Dili so they engaged in unnecessary manoeuvres in the streets. Almost every day, there were tanks rolling in the streets and helicopters droning over the houses, much to everyone's annoyance.

No institutions

There is something almost surreal about living in a newly liberated country where nothing that we normally associate with modern living exists. When I arrived at the airport, there were no immigration officers to pester me (this has since changed). There were no local police officers, no public services, no local laws, no shops, no newspapers, practically nothing was there. One only realises what this means when you are confronted with such a situation. There's nowhere to go shopping, no supermarket, no department store or corner shop, as they say in London. This creates its own problems. Even for a tablet to cure a headache you have to go to a clinic or hospital and buying a light bulb can mean searching for hours.

In the weeks that I was there, a very basic market economy was slowly coming back to life. At the central market in Dili, small traders or farmers were selling a few products like vegetables and fruit (they were better than anything I had ever tasted). Street vendors were beginning to emerge, mostly selling fresh vegetables. A few restaurants had (re)opened as well as some cigarette kiosks, mostly selling the Indonesian clove cigarettes which are very popular among the Timorese. But with everything in short supply, prices had spiralled beyond the reach of the vast majority of East Timorese.

Another strange experience was living in a city without laws and regulations. There was plenty of traffic but no traffic police. The huge influx of vehicles belonging to the UN and the many international NGOs is perhaps the most striking symbol of East Timor in transition. Brand new cars were to be seen everywhere, all sporting their own license plates, Australian, Portuguese, British, Canadian, and with plenty of Indonesian licence plates as well. The Indonesian presence was still visible everywhere, on billboards and boards in front of buildings that until recently had been occupied by Indonesian organisations and offices.

As always, there is a positive side to all this; electricity has been restored in Dili and is free (for the moment) though it doesn't always work, and there were quite a few blackouts during my short stay.

While I was there, the UN started to set up a rudimentary court system and twenty East Timorese law graduates, all from Indonesian universities, were given a crash course on how to run the transitional judiciary. The new law officials will hopefully fill the gap of uncertainty, building up a set of criteria for arresting and interrogating people. A sense of justice needs to be established, in particular to deal with those who were involved in militia gangs.

There was (and still is) no such thing as a civil service. It was not clear to me how such basic things as getting married or what kind of travel document the East Timorese will get in this transitional period. Public transport, which is privately run as in many parts of Asia, was functioning but public services like the post and garbage collection were not. There was no phone service and UN and NGO officials relied on Australian hand-phones powerful enough to reach Dili.

But these are trivial as compared to the much vaster problem for the UN, creating from scratch some of the essential institutions such as a country-wide fiscal authority, a banking system and a civil service.

Timor Loro Sae is at the cross-roads on the way to full independence. The administration is a hybrid, run by the UN in consultation with the East Timorese, with the latter being much less than a junior partner. The UN has been given the task, within these two years, of creating optimal conditions for the East Timorese to run an independent country but as far as I could see, the imbalance between the two was creating its own difficulties and causing resentment and frustration among local people.

Emergency situation

The first year of the new millennium has been declared by CNRT, the East Timorese political umbrella, as the year of emergency, the year in which solving the humanitarian crisis in East Timor is the top priority. The humanitarian crisis covers absolutely everything, food, shelter, security, electricity, water, education and health care. Each of these sectors is fraught with problems.

Early on, the CNRT set an emergency taskforce but it soon became apparent that there would be many practical as well as structural problems. During the weeks I was in East Timor, two important meetings were held. One was between the CNRT and the big international NGOs (BINGOs) in Dili on 17 December. On the previous day in Tokyo, twenty-four East Timorese NGOs had a meeting with twenty NGOs from all parts of the world. On both occasions, the wishes and grievances of the East Timorese were addressed.

The East Timorese are deeply worried that during this transitional period, a dual economy is coming into being with negative consequences for the population. They fear that most of the attention will be on urban development at the expense of the rural sector, and that there will be a disparity between administrative costs and the development budgets of the UN and BINGOs.

The grassroots activists with whom I spent much of my time want the emergency phase to be as brief as possible and to give way to the development phase. Experience around the world shows that emergency aid creates a culture of dependency and promotes negative attitudes regarding such important principles as food self-reliance and recon

struction. Everything that I heard during my short visit and since leads me to the regrettable conclusion that the emergency phase now underway in East Timor is fundamentally flawed because it excludes that critical element which was so important during the country's resistance to the forces of occupation, the participation of the people. The UN pays lip service to this principle of participation when it speaks of *'...organised efforts to increase control over resources and regulative institutions in given social conditions, on the part of groups and movements of those hitherto excluded from such control'*.

The more radical activists had come to the conclusion that, after three months, the UN/BINGO system had failed to involve the population in the task of reconstruction.

The UN and the BINGOs

In an attempt to reverse the lack of people's participation, the CNRT leadership has stressed the importance of partnership with the transitional UN administration but day to day experience shows that 'partnership' usually means nothing more than being consulted. Many of the BINGOs lack a basic knowledge of East Timor. I discovered that some of their officials knew nothing about the flourishing network of local NGOs and some didn't even know who Xanana Gusmao was. The BINGOs complain about the unwillingness of East Timorese to attend their meetings but it is often understandable that the East Timorese doesn't want to get involved in the bureaucracy and intricacies of the BINGOs.

This warped understanding is reflected in an unwillingness to co-operate with Timorese organisations. Initially OCHA, the co-ordinating body of UN humanitarian agencies, refused to liaise with the CNRT and only wanted to work with the Catholic Church in their relief activities. Whatever its weaknesses, having been so heavily persecuted during the months leading up to last August's ballot, the CNRT is often the only political structure in the village; the CNRT should under no circumstances be ignored in the distribution of relief. Things have improved but there is another stumbling block, the lack of co-ordination between the UN and the BINGOs or in between the BINGOs.



Remnants of militia/TNI violence: graffiti expressing death threats towards Xanana Gusmao

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Another delicate matter is the extent to which East Timorese are employed by the UN and the BINGOs. With most staff positions already filled by foreigners, the only vacancies left for East Timorese are unskilled, low-paid jobs. UN and BINGO officials are highly paid and enjoy a very different standard of living from the East Timorese, which has given birth to a dualistic economy with all the dangers of social envy and incitement to petty crime. This has had a negative impact on the growth of East Timorese NGOs and on East Timorese civil society in general. While local NGOs lack everything, even the most basic office equipment such as paper, pens and pencils, staplers and envelopes, not to speak of office space, computers and photocopiers, their well-endowed international counterparts have everything in abundance. But many East Timorese intellectuals and activists have turned down jobs on offer by the UN and the BINGOs, even though this would transform their economic circumstances, preferring to work with their local groups and devoting their energies to strengthening civil society which they see as being incompatible with working in a UN/BINGO environment.

The UN hopes to wind up its role in East Timor within two years although that could be extended if the basic structures are not yet in place. It has drafted concrete plans for reconstruction but the wheels of the UN turn very slowly. In the three weeks I was there, I saw nothing that could be remotely described as reconstruction. Even now, much needed building material and equipment have not arrived and people are still unable to start rebuilding their destroyed homes and schools.

Many of the UN personnel I spoke to were aware of the problems and agreed that it is difficult to get things done in East Timor. A major problem is the lack of funds. Only one third of the money pledged by the international community to help East Timor has been forthcoming so far.

Unresolved problems

One major unresolved problem relates to the return of refugees from West Timor and other parts of Indonesia. I soon realised that part of the problem lies within East Timor. I met many East Timorese who had recently returned home from refugee camps in the interior of East Timor or in West Timor.

The refugees in West Timor confront a complex situation with many being trapped in camps that remain under the control of militia gangs. [See *TAPOL Bulletin* No 156, February 2000] But there are many who are reluctant to return home for the time being for a variety of reasons, including the fear of reprisals from the population. There have been instances when people who returned home were beaten up by the population. Feelings of anger still run deep among the East Timorese for the terrible destruction wrought on their villages and homes, for which they hold the army-backed militias responsible. Many of the people who return from West Timor are eyed with suspicion while the lack of any authority or accountability for these crimes only aggravates the problem. Several hundred returnees have sought protection from the *Falintil* forces in Aileu.

One incident during my stay involved a group of Indonesian refugees who had arrived back in Dili from West

Timor. They had lived in East Timor for several decades and had come to regard East Timor as their home. Misunderstandings and feelings of resentment among East Timorese led to an outburst of anger in the neighbourhood where they were re-settled but fortunately Jose Ramos-Horta was on hand to talk to the East Timorese and persuade them to receive the new arrivals back as friends and the incident ended happily.

Another grave problem is health and the availability of medical services. For many years, tuberculosis and malaria have been major killers in East Timor. Living for months in close proximity in refugee camps caused the incidence of TB to intensify, while the many unfilled ditches and empty houses have become the breeding ground during the rainy season for mosquitoes, spreading malaria and dengue fever. Although a number of medical teams had arrived from various parts of the world, the state of health of the population is still very poor. I saw many very sick people wherever I went, East Timorese and foreigners alike. Almost everyone in the house where I was staying came down with something or other. Darwin has become a relief post for the very sick, mostly foreigners, and I was told that there were more than a thousand people from East Timor being treated there.

The CNRT

The CNRT is the only East Timorese political organisation which has a presence down to the villages. Despite its many problems, it is impressive to see that it has been able to mobilise the population to a considerable degree. But certain internal weaknesses had already begun to emerge in the early months of the emergency. By its very nature, the CNRT is a joint political platform consisting of groups and individuals with different political persuasions which has made it difficult structurally to adopt united positions on a number of burning issues.

UN officials have been known to complain that CNRT leaders take different positions on some issues. It is unlikely to expect this fragile unity to improve in the coming months, especially as general elections are due to be held in East Timor within two years. This means that the several political strands in the CNRT are bound to go their own way, emerging as distinct political parties. A new political map is already beginning to emerge, reflecting the transformation of East Timor into a pluralist society. While the old parties like Fretilin, UDT and Apodeti will take their rightful place, other parties are certain to appear, adding to the mosaic enriching East Timor's post-colonial era. One party that has already emerged is the PST, the Socialist Party of Timor, which is represented on the transitional leadership of the CNRT administration. It is questionable whether the many activists will feel at home in any of the political groupings. I do believe many will remain active in their respective NGO constituencies.

The CNRT's president and vice-president, Xanana Gusmao and Jose Ramos Horta, are enormously popular. Indeed, the East Timorese are lucky to have such experienced, impressive leaders. But at the same time, the CNRT leadership has failed as yet to recruit new blood from the hundreds of activists who did so much to keep the resistance alive under conditions of clandestinity during the final years of the Indonesian occupation, both in East Timor and Indonesia. Many of the second echelon CNRT leaders originate from the diaspora, mostly from Australia and Portugal, and

an uneasy relationship now exists between former clandestine cadres and leaders from the diaspora. The decision to adopt Portuguese as the official language hasn't helped to bridge the gap; this is not the language of the younger generation of East Timorese who speak Indonesian fluently but mostly struggle with Portuguese. The extensive use of Indonesian made it easy for me to communicate with almost everyone I met and to get a clearer picture of the present situation.

Civil society

In the difficult days of the Indonesian occupation, the Catholic Church played a critically important role in protecting and organising the people but now, things have changed. Of course, the role of the church is still important. I attended traditional masses at Christmas and New Year with thousands of people present. But these days, Bishop Ximenes Belo is much less prominent as a public figure than during the Indonesian occupation.

An incident during New Year's Eve celebrations in front of the former governor's office drew attention to a rather awkward clash of traditions. A big party had been organised by INTERFET and the CNRT to entertain the troops and the population, but this clashes with the tradition of going to midnight mass. Some angry church activists grabbed the mike and urged the crowd to go the church but most people stayed.

In public affairs, it is now the CNRT rather than the Church which organises the people politically while local NGOs are building a vibrant civil society. With time, the Church and its many followers will surely fit into this changed milieu.

During the media training I had been invited to assist, I was deeply moved by the boundless enthusiasm of the participants, eager to start up a range of media outlets. The moment the facilities are available, radio programmes, newspapers and magazines will begin to appear. At the end of the media course, the participants announced the establishment of a Timor Loro Sae Journalists' Association, with mainstream and activist journalists joining forces in the new association.

NGO activists across the board have been quick off the mark. The impressive *Yayasan Hak* is continuing with its human rights work while others have come into existence, a Commission for Human Rights, women's organisations as well as wide range of other NGOs.

During my stay I also attended a public gathering organised by *Yayasan Hak* to greet the home-coming of the last batch of East Timorese political prisoners. The seventeen ex-prisoners, all staunch freedom fighters spent many years in prisons in Indonesia, accused of terrorism and other acts of subversion. It reminds me of South Africa where many top leaders have also spent many years in prison because of their conviction. It was an emotional meeting, opened by Xanana Gusmao, an ex-political prisoner himself.

The youth of East Timor are also finding their own place in civil society. A new group called *Forum Demokrasi* already exists with clear left-wing credentials. The more established youth and student organisations like *Renetil*, *Ojetil* and *Solidaritas Mahasiswa* have also begun to re-organise themselves.

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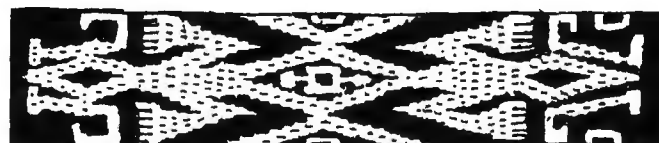


During the media training in Dili

During my stay, preparations for the *Renetil* congress were under way. Many *Renetil* activists played an important role during their years of study at Indonesian universities, promoting the issue of East Timor to the outside world. Over the years, TAPOL worked closely with these activists and it was thrilling to be there among old friends, sharing their enthusiasm. I was privileged to be able to attend several preparatory meetings along with hundreds of participants. One of the options considered was for *Renetil* to become a political party but it was decided at the congress in January to continue as a mass organisation, functioning also as a political watchdog. The existence of organisations like *Renetil* is a guarantee that East Timorese civil society will remain vibrant and alert, bridging the gap between the population and the UN/BINGOs.

Having been a campaigner for so many years, I realise how much East Timor has changed. The international solidarity movement for East Timor must come to terms with this new situation. Dozens of activists have already become involved in helping the reconstruction of the country. Others have drawn the conclusion that now that the main task, the right of self determination, has been achieved, their future role in solidarity with East Timor will need to be adjusted. I believe that the time has come to reconsider the strategy.

Liem Soei Liong



Human rights court to be established

A draft bill for the creation of a human rights court has been finalised and has been submitted to the Indonesian parliament, the DPR. If enacted, this will be a major advance towards ending the cycle of impunity in Indonesia. Many analysts abroad are pessimistic that this can happen in short term and demand an international court for the crimes committed in East Timor in 1999.

It has taken months for the drafting committee composed of lawyers, government officials and human rights activists to agree on a bill that would make it possible for past crimes against humanity to be tried in courts with the necessary powers to try grave human rights abuses while not infringing the key principle of non-retroactivity that underpins the legal system. The modus reached was for the new law to set up a permanent human rights court *without* retroactive powers, while enabling the president to set up *ad hoc* courts with similar powers to try specific past crimes.

Countless crimes committed during the 33 years of the Suharto dictatorship are now queuing up to be investigated and taken to court. They include: the massacre of hundreds of Muslims in Tanjung Priok, near Jakarta in September 1984, the attack on the head office of the Indonesian Democracy Party headed by Megawati Sukarnoputri in July 1996, the multiple atrocities perpetrated against the people of Aceh from 1989 - 1998 and subsequently, and the orgy of violence that struck East Timor before and after the ballot on 30 August 1999 when more than 78 per cent of East Timorese voted for independence.

Crimes against humanity becomes law

The new law inscribes into law a number of *gross* or *extraordinary* crimes as defined under international humanitarian law which until now have not been indictable under Indonesia's Criminal Code. These include the crimes of genocide, enforced disappearances, slavery and torture, in all cases as defined in international conventions. Another critical addition to the statute books is the principle of 'command responsibility' which makes officers liable to prosecution for the criminal acts of subordinates under their command or for failing to exercise proper control, failing to prevent the crimes or failing to submit the matter to the competent authorities for investigation and prosecution. Until now, senior army officers have enjoyed impunity; in the few cases where soldiers have been charged for abuses, they have been from the lower ranks and charged with 'procedural errors' or 'exceeding orders', while those who issued the orders have escaped prosecution. Under the draft law now before the DPR, commanding officers will be liable to the same penalty as the officers who actually committed the crime. Several of the crimes included in the bill provide for a penalty of up to life imprisonment. The law excludes the use of the death penalty.

The law also makes provision for *ad hoc* judges to be appointed who need not be lawyers who normally function as judges but will be appointed for their proven integrity

and commitment to human rights. It is widely acknowledged that the judiciary in Indonesia is riddled with corruption. Judges by and large are susceptible to external pressures and are part of a profession with no tradition in upholding human rights.

Crimes of humanity in East Timor

The first *ad hoc* court that is likely to be established will be for crimes against humanity that were committed in East Timor during 1999. As we reported in our previous issue [TAPOL Bulletin, No 155/156, January-February 2000], national and international teams undertook investigations in East Timor in the latter months of 1999. Both teams were restricted to investigating crimes committed during 1999. The lengthy catalogue of crimes going back to the invasion in December 1975 and before are therefore excluded, much to the dissatisfaction of human rights activists around the world.



The UN is under strong pressure to set up an international tribunal to try perpetrators of crimes against humanity in East Timor, as it has done for the former Yugoslavia and Rwanda. However, UN secretary-general Kofi Annan has made it clear that he will not request the Security Council to do so if Indonesia succeeds in setting up its own court with powers to try crimes against humanity in conformity with international standards. Hence much depends on whether Indonesia is able, within a reasonable time, to set up a court properly empowered to try such cases.

Indonesia's Commission to Investigate Violations of Human Rights (KPP HAM) in East Timor published its findings on 31 January. The 16-page Executive Summary (the report itself runs into around two thousand pages) named thirty persons, including seventeen senior and mid-

dle-ranking officers of the Indonesian armed forces and police, who should undergo further investigation. The remainder on the list are Timorese militia leaders along with a few East Timorese administration officials. General Wiranto who was commander in chief of the armed forces gets a special mention in the report as being the person who should bear responsibility 'for failing to guarantee security during the implementation of the two options announced by the government'. This makes Wiranto liable to possible indictment as the one responsible for the debacle.



The full report contains many more names of persons regarded as having been directly or indirectly involved in crimes so it is not at present possible to say precisely how many people are likely to face prosecution.

From the Executive Summary it is clear that the KPP HAM's investigations were thorough-going and comprehensive. They included systematic mass murders, torture and ill-treatment, enforced disappearances, gender-based violence, forced displacement of civilians, the scorched-earth policy, sexual slavery and the crime of rape. The Commission dealt in detail with a number of primary cases including the massacre at the Liquica Church in April, the attack a couple of weeks later on the home of Manuel Carrascalao, the attack on the residence of Bishop Belo and the Dili Diocese, murders in Maliana, the massacre at the Suai church when three priests and at least fifty people were slain, the murder of Sander Thoenes, the Dutch journalist, and the killing of religious figures in Los Palos. The latter two crimes were committed shortly after the arrival in East Timor of the international peace-keeping force.

The Commission made a number of recommendations calling for the setting up of a human rights court, for security guarantees for witnesses and for rehabilitation and compensation for the victims and their families. It also called on the National Human Rights Commission to conduct investigations into all human rights violations in East Timor since 1975. In addition, it called for the 're-positioning' of the Indonesian armed forces to transform it into a security institution that hold human rights in high esteem as befits a democratic state.

The next steps

Within weeks of the KPP HAM arriving on the desk of Attorney-General Marzuki Darusman (who was until recently the chair of the National Human Rights Commission), the KPP HAM report had been examined and accepted as the basis for initiating the interrogation of witnesses and possible suspects in preparation for court proceedings. At the beginning of March, Darusman announced that these preparations would be completed within three months. Depending on the speed with which the DPR deliberates upon the human rights court draft bill, it is possible that an ad hoc court for East Timor will come into being in time to start trying army and police officers and militia leaders.

But much now depends on the composition of the interrogation team, the appointment of prosecutors and of ad hoc judges to hear the cases. Already problems have arisen over the decision of the attorney general to include personnel from the police and the military police in the interrogation team. The leaders of Indonesia's three leading human rights and legal aid institutions have declined invitations to join the team, arguing that they regard the inclusion of these officers as unacceptable. The attorney general knows very well that if these human rights activists refuse to participate, the interrogation team will lose all credibility. It remains to be seen how this dispute will be resolved. Furthermore the UN will be closely monitoring developments, as will the international solidarity movement.

In TAPOL's view, a successful outcome leading to credible investigations and acceptable courts run by persons of high integrity will represent an important victory for civil society in Indonesia. Failure to achieve this will intensify pressure on the UN to press ahead with the creation of an international tribunal. The East Timorese people who have suffered so much at the hands of the Indonesian occupiers have a right to justice; international community is morally bound to ensure that this happens either in domestic courts or before an international tribunal. ●

• continued from page 3

Indonesia's Criminal Code. A properly constituted *ad hoc* human rights court would have powers to try suspects for a much broader range of crimes in accordance with international humanitarian law.

* Properly constituted *ad hoc* human rights courts would ensure the appointment of respected judges whose integrity with regard to human rights is unimpeachable and would be served by prosecutors and pre-trial investigators of similarly unimpeachable integrity.

* The use of properly constituted *ad hoc* human rights courts [See separate item for more on moves to establish human rights courts in Indonesia.] would show that the Indonesian government will act without discrimination towards the Acehnese people by affording them the same consideration as is to be afforded with regard to crimes against humanity committed in East Timor. *



Serious blows for the military

In February, 74 officers, among them three three-star generals, got the sack. A week later Bakorstanas, the security body, was dissolved, making another 110 middle-ranking officers jobless. This overhaul is the biggest blow so far sustained by the TNI (the Indonesian armed forces) in the short reign of Abdurrahman Wahid. The moves were not unexpected, following the suspension of General Wiranto from his post in the cabinet.

The military have been at centre stage in politics since the Suharto takeover in 1965; this overhaul is the most serious blow they have sustained for 35 years. During the 17-month transition period under President Habibie, a civilian-military showdown was becoming apparent at practically all levels of society, but the Habibie government had neither the legitimacy nor political will to push for *reformasi* within the TNI. It was left to the democratically elected government of Wahid to start taking serious steps against the military.

Wiranto as the one who should be held responsible for the violence. The report became the symbol of a new emerging political system that is making a serious attempt to end impunity for the military. It was obvious that some groups in the TNI were furious and rumours of a coup d'état abounded in Jakarta. [See 'The danger of a military take-over?' in *TAPOL Bulletin* No. 156, February 2000].

The Wiranto 'suspension'

For weeks in January, the most lively talking-point in Jakarta was when and how Wahid was going to get rid of Wiranto, Indonesia's most influential soldier. Under the new president, Wiranto held the position of *Menko Polkam* (Coordinating-Minister for Politics and Security), a position with little real power. Wiranto had lost direct command over the troops, which he had maintained in the Habibie cabinet as commander-in-chief of the TNI and concurrently defence minister.

But in reality Wiranto still controlled most lines of command because the people in all the key positions were Wiranto appointees. Perhaps the most important of these was Admiral Widodo, the present TNI commander, a childhood friend of Wiranto, who Wiranto appointed as his deputy when he was commander of the TNI. The two other key positions, army chief of staff and the commander of *Kostrad* (the prestigious reserve troops), General Tyasno Sudarto and Lt.-General Djadja Suparman, were also regarded as Wiranto loyalists.

Wiranto had two contrasting images. In mainstream circles he was seen as the one who skilfully manoeuvred the Suharto transfer of power to Habibie in May 1998 in a peaceful manner. From the vantage point of the pro-reform however, it was the army that did nothing during the May 1998 riots (or may even have been behind the rioting), it was the army that conducted the violence in East Timor in 1999 and the army that has been behind all the upheavals and atrocities in Maluku, Aceh, West Papua and other places. All the disasters since 1998 happened while Wiranto was TNI chief.

As soon as the KPP HAM report on East Timor [see separate article] was published, it became clear that Wiranto's days were over. The report pointed the finger at a few dozen TNI officers and others who should be questioned about their role in the destruction and atrocities in East Timor and drew attention in particular to the role of General



Wahid versus TNI

President Wahid, who was on a prolonged overseas trip, responded immediately by stating that Wiranto should resign. During the two weeks Wahid was abroad, Wiranto insisted that he would not resign but it soon became apparent that the majority of the TNI rank and file had decided not to side with him in the conflict. Within hours of Wahid's return, Wiranto was unceremoniously sacked. To soften the blow, Wahid described the move as a 'suspension' from his post, he had been made 'non-active'. A new word has now entered the vocabulary, *pe-nonaktif-an*. In the eyes of the public, Wiranto is now a spent force who confronts almost daily criticism and condemnation in the press.

TNI loyalty, rotten to the core

It is commonly accepted that loyalty and discipline are important values in military circles anywhere in the world but the principle of loyalty in the TNI is actually quite feeble. The dictator Suharto, a soldier himself, well understood the dangers of an army with strong discipline and loyalty towards their superiors. Whenever he had to remove powerful officers, which he did all the time, it could create potential rebellions. Over the years, Suharto managed to weaken the TNI from within in a variety of ways, not least

by speedily switching people round. Officers were replaced after two years, making it virtually impossible for anyone to build a power base in a military unit or region. Moreover he created a loyalty structure based not on military skills and professionalism but on personal loyalty to him. The most recent TNI commanders, including four-star generals like Try Sutrisno, Feisal Tanjung and Hartono, were all mediocre officers who won their promotions from being brutal to dissenters and being loyal to Suharto.

Wiranto was the last in line of the Suharto-pack, groomed in the Suharto court. When the Suharto house of cards crumbled, it was Wiranto who betrayed his boss. The Judas betrayal is happening again but this time the victim is Wiranto. Both Admiral Widodo and General Tyasno Sudarto switched to the Wahid camp while Lt.-General Djadja Suparman who made some belligerent remarks against the overhaul was nevertheless removed from his position. Djadja held the post of *Kostrad* commander for a mere three months and no one expects him to make a comeback. Suharto-style patronage is gradually coming to an end.

Two weeks after Wiranto was removed, Wahid made another spectacular move by closing down *Bakorstanas*, the security agency [see separate article]. At one fell swoop, three generals and more than a hundred middle ranking officers lost their jobs.



De-Wiranto-isation

Key people in the Wiranto-camp have been replaced by reformers and officers who have pledged loyalty to the new government. Analysts say that discussions at Cilangkap (the TNI HQ) on this major reshuffle were tense but in the end, the reform-camp which is nowadays called the Tyasno-Agus Wirahadikusumah (Agus WK) duo, managed to remove all the staunch Wiranto loyalists. At the same time, the remnants of the Prabowo camp were also ditched. Two key positions, *Kasum* (chief of staff of the general staff) and *Kostrad* commander went to Lt.-General Djamari Chaniago and Lt.-General Agus WK respectively. These are the two command positions with direct control over the troops. Initially, Agus WK was expected to take over as *Kasum* but many top generals regarded this as going too far.

It was Agus WK, while still the commander in South Sulawesi, who publicly demanded the resignation of Wiranto and who stated that the army owes its loyalty not to any general but to the country and its people. Agus WK also said he did not believe that the problems in Aceh and West Papua could be resolved by military means. He also stunned everyone with a remark that the country has been savaged by militarism for too long, fuelling angry responses from his colleagues. Although several generals in Cilangkap were calling for him to be sacked, this did not happen; on the contrary, he was promoted. But the battle is far from over. The Tyasno-Agus WK duo have won this round but they will confront many difficulties in the near and medium term from disgruntled officers.

More reforms still needed

Some key TNI institutions have been left relatively unscathed. *BAIS*, the notorious military intelligence agency is still intact and Chief of Staff General Tyasno Sudarto comes from this outfit, where until recently he was the chief. This is probably one of the reasons why President Wahid left *BAIS* intact because he needed Tyasno's support in the battle against the Wiranto gang. But there have been suggestions that *BAIS* should restrict itself to military intelligence while matters of domestic security are dealt with by the police.

According to reports in the *Sydney Morning Herald*, the civilian defence minister, Yuwono Sudarsono was intending to downsize *Kopassus* (the elite red berets) from 6,000 men to 700 but latest reports say that the cutback will be no greater than 700. It looks as though the plan has been shelved for the time being to avoid creating an explosive situation.

Kopassus soldiers are combat soldiers who are trained to kill. They have a track record of killing and kidnapping in many parts of the country, including Indonesia's former 'province', East Timor. Although according to official pronouncements, *Kopassus* units have not been despatched to trouble spots like Aceh and Maluku, it is widely acknowledged that *Kopassus* soldiers are there. Any *Kopassus* soldier is a killing machine and is capable of creating havoc in a village or city neighbourhood. By all accounts, the new government is trying to find alternative employment for the surplus *Kopassus* soldiers. One suggestion is that *Kopassus* soldiers should join the marines and take on the task of safeguarding Indonesia's vast waters from piracy, illegal fishing, smuggling and other illegal activities. This would mean transforming the military into an exclusively defence force.

Another Herculean task is the overhaul of the territorial structure of the army, which reaches right down to the village and is a virtual shadow government; still worse, it is often more powerful than the civilian administration. It has been common practice for retired officers to take leading jobs in the provincial, district or sub-district system, creating a militarised structure. This is the last stronghold of the army and it could take several years before the Jakarta government is able to create a properly functioning, democratically accountable civilian structure down to village level. •

Bakorstanas and Litsus powers revoked

The government of Abdurrahman Wahid has driven another nail in the coffin of the army's role with its decision to dissolve Bakorstanas which vested special powers in the army, and to end the pernicious anti-communist screening mechanism known as 'litsus'.

Bakorstanas, the Coordination Body to Safeguard National Stability, was set up in 1988 to replace *Kopkamtib*, the Command for the Restoration of Security and Order. *Kopkamtib* was created by General Suharto only days after he crushed the so-called '30 September Movement' in October 1965, launching his campaign to destroyed the Indonesian Communist Party and all its associated organisations with a combined membership of well over ten million and, within months, ousting President Sukarno from power. *Kopkamtib* had command authority and vested unlimited powers in army commanders at the centre and down to the lowest command structures to exercise control over Indonesian society.



In a move to make it appear as though he was loosening control, *Kopkamtib* was replaced by *Bakorstanas*. Unlike the former agency, the new one was described as having nothing more than a co-ordinating function over the different regional and local government structures to deal with events that posed a threat to 'national stability', with the army commander in charge. Free from any control however, *Bakorstanas* and its regional structures which are known as *Bakorstanasda*, did very much as they liked. Because of the way it operated, like *Kopkamtib* before it, the agency basically vested extra powers to the army to rule the roost, dealing with anything from crushing 'the latent danger of communist infiltration to controlling the payment of TV licence fees'. Using the pretext of a 'PKI threat', it used its powers to undermine the PDI after it came under

the leadership of Megawati Sukarnoputri in the mid-1990s by brand hundreds of activists as being 'PKI elements'. [Gatra, 18 March 2000]

Announcing the decision to disband *Bakorstanas*, Cabinet Secretary Marsilam Simanjuntak, said that *Bakorstanas* should go because it 'was the source of too much trouble'.

But the army still retains another mechanism to watch over local political activity. In the early nineties, 'vigilance posts' (*posko kewaspadaan*) were set up at the sub-district and lower levels of the territorial command structure. These too need to be disbanded.

But getting rid of these structures is only a partial solution. As long as the territorial role of the army remains, people in the localities will not be free of military interference in their everyday lives.

An end to political screening

Litsus, the abbreviation of 'special investigations' or *penelitian khusus*, was formalised by a regulation adopted in 1990. However, the system had been functioning for years in order to prevent anyone suspected of being a communist or members of their families from entering the armed forces, the civil service and many other sections of society and the economy..

Before the *litsus* system was born, people were required to possess 'non-involvement certificates' (*Surat Keterangan Tidak Terlibat*), confirming that they had not been 'involved' in the events of 1 October 1965 known by the term G30S/PKI. Anyone suspected of being a former member of the PKI or of being a sympathiser, in fact millions of people, would not be eligible for such a certificate. [See 'The clean-self and clean-environment witch-hunt' in *TAPOL Bulletin* No 90, December 1988 This article looked into the history of the term *litsus*.] The non-involvement certificate, a highly visible form of discrimination, had been widely condemned internationally. Being more discrete, the *litsus* mechanism has served the same objective ever since without attracting international opprobrium.

Litsus is the means by which army intelligence can determine a person's 'clean-self' (*bersih diri*) or his or her 'clean environment' (*bersih lingkungan*) credentials. 'Clean-self' means being 'clean' of communist antecedents, membership of or sympathy for the PKI. A 'clean environment' means not being related by blood-ties or marriage to such people. Without a 'clean-self' or 'clean-environment' certificate, many sectors of society have been closed, including being nominated for election as a member of parliament or the local assemblies. The first time the

litsus requirement was abandoned in national and regional elections was for the elections in 1999.

The term *litsus* was first used in a *Kopkamtib* pronouncement in 1982 when Admiral Sudomo was its head. Astonishingly, Sudomo, the creator of some of the worst mechanisms of repression during Suharto's New Order, was one of the first people to welcome the Wahid government's decision to end this system, saying that the decision was 'long overdue'. [*Kompas*, 9 March 2000]

Litsus has spawned corruption as well. In South Sulawesi recently, applicants for jobs in the civil service were dismayed to hear that successful screening could be quite costly, the higher the post, the higher the price. [*Gatra*, 18 March 2000]

Moves to end the many pernicious forms of discrimination against communists suspects have been taken in the past but implementation has been patchy, to say the least. At the beginning of 1997, it was announced that the initials 'ET' for ex-tapol, or OT for member of a banned organisation should no longer be entered on identity cards to stigmatise people but, according to Asmara Nababan, secretary-general of the National Human Rights Commission, even in the past few months, the commission has received complaints about the initials still being used. [*Kompas*, 15 March]

Another ministerial instruction still in force dates back to 1981. Issued by the Minister of the Interior, it gives local authorities (primarily the military) powers to summon released political prisoners imprisoned after the 1965 events to attend indoctrination courses. *Instruksi Mendagri No. 32/1981*: 'The Guidance and Monitoring of Former Political Detainees and Prisoners from the G30S/PKI', stigmatises former tapols by periodically reminding them and their neighbours of their 'suspect' status. Wahid has reportedly told some NGOs of his intention to scrap this instruction.

The real test now is to see whether the decisions to scrap these discriminatory mechanisms are properly implemented everywhere.

Life is still difficult for ex-tapols

The continuing reality of life for 1965 former political prisoners was spelt out by Hardoyo who was arrested in November 1966 and spent thirteen years in detention without trial. Before the 1965 events, Hardoyo was a member of the left-wing students organisation, CGMI, which was banned when Suharto came to power.

Addressing a conference in Melbourne in March, he said that he is not allowed to travel between provinces without a permit from the governor's office. 'In essence, we are regarded as no more than idiots who do not have full control of our faculties,' he said. Conditions that have to be met for ex-tapols wanting to travel abroad were even more onerous: a testimony of good behaviour, no involvement in political activities and a written guarantee from a 'reliable' person or institution that s/he will return to his/her place of residence and not go anywhere other than places mentioned in the permit application.

Ex-tapols may not have jobs where they can influence others directly or indirectly, such as teaching, religious work, puppeteering, legal aid and journalism. Nor can they work in places where there is a large concentration of peo

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ple or among other former tapols. Control even extends to monitoring the thoughts of former detainees who are warned not to display attitudes deemed to have the potential to undermine the state ideology, Pancasila.

On release, Hardoyo told his audience, these tens of thousands of untried political prisoners were required to give a written undertaking not to promote Marxism, to uphold the Pancasila and not get involved in political activities. They also had to forfeit their right to sue the government for having been (unlawfully!) detained. Hardoyo said it was not his intention to seek compensation; all he wanted was to have his rights as a citizen fully restored. [*Jakarta Post*, 18 March 2000]

1966 MPR decree must also be revoked

Although *Bakorstanas* and *litsus* are to be revoked, a decree adopted by the supreme legislative assembly, the MPR, in 1966 outlawing the communist party and associated organisations, and banning the dissemination of Marxism and Leninism still remains in force.. TAP MPR XXV/1966 gave *ex post facto* 'legitimacy' to the persecution of millions of people for having been members of organisations that were lawful at the time. This viciously discriminatory decree is frequently referred to by groups in Indonesia whose minds are still poisoned by the Cold War ideology that was so assiduously nurtured during the Suharto New Order. *

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BY: PRAMOEDYA ANANTA TOER

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President wants 1965 killings investigated

President Abdurrahman Wahid has taken the unprecedented step of publicly stated that his government would support any initiatives from society for the 1965/1966 massacres to be investigated.

Endorsing a probe into the killings on a nationwide, phone-in television talk-show, President Wahid said it would be the government's task 'to follow up the findings of the investigations, to punish those...who are found guilty.' In his bold initiative to force people to confront the evil that ushered in Suharto's New Order, Wahid also said:

'It will be very good if the case is opened...because many people claimed that the communists were guilty, but many others did not believe that. Therefore it should go to the court.'

Recently, Indonesia has been awash with demands for past grave abuses to be investigated and the perpetrators brought to justice. But the only people calling for an investigation into the 1965 killings are former political prisoners whose efforts have been largely rebuffed. [See *TAPOL Bulletin* No 156, January/February 2000 for an interview of Sulami.] When Sulami's organisation, the Institute for the Study of the 1965/66 Massacres (YPKP), met members of the National Human Rights Commission recently to ask them to investigate the 1965 killings, they were told that this could not be done because the MPR anti-communist decree adopted in 1966 was still in force.

Wahid: 'I have already apologised'

In his televised interview, President Wahid who is popularly known as Gus Dur, went even further, implicating his own organisation. 'Frankly speaking, I have apologised long ago for the killings of those alleged members of the Communist party.' He said that members of his own party, the Nahdlatul Ulama, had joined in the bloodletting. The party at the time was headed by his father. The NU was, and still is, one of the biggest Muslim organisations in the world.

Interviewed in a documentary made by Mike Carey And screened by *Dateline* in late 1998, a senior NU member, Jusuf Hasjim, who is Wahid's uncle, admitted that he took a leading role in organising *Banser*, a youth organisation affiliated to the NU for the specific purpose of joining in the killings. He said that Hitler's *Mein Kampf* had provided the inspiration on how to organise the youth.

Interviewed in the documentary, Gus Dur said that people knew that 'it was Suharto who was involved in the killing of the six generals (on 1 October)' which later became the justification for slaughtering hundreds of thousands of people. [See *TAPOL Bulletin*, No 153, July 1999]

The killings which took the lives of at least half a million people began in October 1965 when General Suharto ordered his crack troops, *RPKAD*, (now *Kopassus*) to go to Central Java and exterminate the PKI. Gangs of youths

from various political groups were recruited, armed and trained by the Indonesian army to join in the killing.

Responses to the Wahid initiative

The question of what happened in 1965 touches many raw nerves. Circles close to the military and to some Muslim parties were clearly unhappy, claiming that such an investigation 'would benefit no one'. Retired General Hassan Habib said people should accept the bloody event 'as part of history' because of 'the darkness and mystery blanketing the event'. [*Jakarta Post*, 17 March] Amien Rais of the Muslim party PAN, who chairs the MPR, said the president should 'clarify' his apology to the victims of the 1965 purges, adding that Indonesia must guard against reviving the communist party and teachings. [*South China Morning Post*, 23 March] while the chair of the NU, Hasyim Mazadi insisted that the 1966 MPR Decree banning the PKI should never be lifted. [*Media Indonesia*, 20 March] However, speaking on behalf of the Indonesian air force, Commodore Bachrum Rasir, said that those witnesses still living 'bore a moral responsibility... to clarify the event.' [*Jakarta Post*, 17 March] Leading figures in the air force were implicated in the 1 October 1965 event and the present leaders of the force have been pressing for a review of what happened, in order to clear their predecessors.

However, the leading English-language daily, *The Jakarta Post*, [17 March] was outspoken in its praise for Wahid: 'Indonesia must count as one of the few nations in the world which can remain indifferent to the carnage that saw more than half a million of their own people killed 30 years ago.' Arguing that people's acceptance of the tragedy 'explains the nation's penchant for violence today', it said in conclusion: 'The ultimate aim in reopening the G30S file is to clear, once and for all, our conscience of this collective guilt.'

TAPOL hailed Gus Dur's statement, saying: 'At a time when many groups in Indonesia are pressing for numerous human rights abuses and killings to be investigated, it is important to realise that all those targeted - imprisoned, torture, killed during the 33 years of the Suharto New Order were victims of the same repressive machinery which Suharto created, built on the bones of the victims of the 1965/1966 massacre. It is important that President Wahid has added his voice to these demands by calling for a probe into this massacre, in the face of possible opposition from circles within the army and other groups in Indonesian society who still bear deep, irrational grudges against the Indonesian communist party and the leftwing movement which was decimated by Suharto's killer thugs.' *

UK companies must help remove military from the workplace

While much attention is paid to the more extreme acts of repression perpetrated by the Indonesian military and to the high-level struggle for political dominance between military hard-liners, reformers, civilian politicians and civil society, it is at the grassroots where the most insidious repression occurs and where the role of the military has to be decisively challenged. An important new report highlights the particular need to end military involvement in the workplace.

The territorial command structure of the armed forces is such that military personnel are stationed at every level of the civilian administration right down to the village level. One particularly oppressive aspect of this is the pervasive role of the military in industrial relations and in suppressing labour rights.

The new report, *UK Companies Operating in Indonesia: Responses to ethical trade issues* by labour consultants Celia Mather and Maggie Burns confirms that military intervention takes many forms. Troops are used to quell strikes and demonstrations. Military intelligence officers ('Intel') are placed inside factories to spy on and intimidate activists. Retired army staff are employed as 'personnel managers'. Military representatives are present during negotiations between management, police and official trades union representatives to resolve strikes. Local communities and families are often intimidated when there is a workers' protest.

The need for ethical standards

The report, published by the Catholic Institute for International Relations, points out that while the ethical and social standards of foreign investors have gained a high profile in recent years, what has been missing from most discussions and existing Codes of Conduct is a recognition of the harmful affect of military involvement in the workplace in countries such as Indonesia. Foreign companies and their governments must address this issue if they are serious about raising ethical standards.

This and other related issues are examined by the authors in their study of selected UK manufacturing companies with production facilities in Indonesia and of production facilities owned by non-UK nationals producing goods for the UK market. The views of all stakeholders, including workers and company representatives, are obtained where possible. The companies featured include C&A, Coats Viyella, Marks & Spencer, Next, Sears and Pentland.

Allied to the issue of military intervention in the workplace is the problem of bribery and corruption involving 'illegal payments' to the military and civil authorities. Payment of bribes and levies is estimated to account for 15-25 per cent of production costs in the garments industry and up to 40 per cent in other industries.



Workers demanding better wages and conditions

By contrast, labour costs generally represent less than 15 per cent of production costs. It is clearly in the companies' own interests to halt the financial drain represented by these extra-legal payments.

No concern for workers' well-being

The report is concerned that British firms' demand for consumer safety does not appear to be matched by practical action to protect the safety and well-being of workers. Core international labour standards and Indonesian national legislation are routinely ignored. Working standards are poor and wages are kept low despite the fact that Indonesian-made goods have historically been highly profitable for UK-based retailers. The authors estimate that if the Indonesian manufacturer PT Sindoll Pratama, for example, raised the wages of its staff by 75 per cent and passed the cost on to the UK buyer, Pentland, the cost to Pentland would be just £350,000 a year, equivalent to less than one per cent of annual operating profit.

Some of the worst affected workers are young women working in low-waged, labour-intensive export industries, such as garments and shoes. Often, the terms and conditions applying to women workers are inferior to those

enjoyed by men and women often receive lower rates of pay. Women can face sexual harassment and pregnancy can be used as an excuse to dismiss workers.

Britain is the second-largest foreign investor in Indonesia after Japan and British companies have a particular responsibility to ensure that the serious issues raised by this report are comprehensively addressed. The British Government must work with the companies and demonstrate that the so-called ethical dimension of foreign policy is just as important as the commercial dimension.

'UK Companies Operating in Indonesia' is available from the publishers, CIIR (Tel: 020 7354 0883; Email: ciir@ciir.org) at £4.50.

Draft labour law condemned

A draft labour law which was submitted to parliament in February by Manpower Minister Bomer Pasaribu has been strongly criticised by the Legal Aid Institute (YLBHI) and other NGOs for bowing to the wishes of the IMF and international capital and ignoring the basic interests of the workers. The draft law incorporates a number of ministerial decrees regulating the right of workers to form trade unions. Some decrees date back to the days when retired Admiral Sudomo was labour minister; Sudomo headed Suharto's notorious security agency, *Kopkamtib*, before

taking on the job of controlling labour.

Munir of the YLBHI said that the law would enhance the powers of the executive to intervene in labour affairs, instead of strengthening their independence. [*Suara Pamburuan*, 25 March]

The YLBHI and the PBHI, both legal aid organisations which deal with labour rights, have made strong representations to the DPR for the draft bill to be rejected on the grounds that it would restrict the right to set up unions. What the DPR should be doing, they said, is to ratify the 1948 International Labour Organisation (ILO) Convention No. 87 on Freedom of Association and Protection of Workers' Right to Organise. Johnson Panjaitan of the PBHI said: 'Articles in the bill clearly show that the government is trying to control workers. It's a violation of the freedom to organise'. The fact that the bill gave the ministry of manpower the authority to register unions would effectively allow the government to limit workers' right to set up unions. The bill was also silent on the right to strike. [*Jakarta Post*, 28 March]

Pasaribu's appointment as minister of manpower by President Wahid last October attracted widespread condemnation from workers' organisations and many calls for his dismissal. Pasaribu chaired the FSPSI, the only trade union permitted to exist during the Suharto dictatorship, which invariably took the side of the employers during labour disputes and was always deeply distrusted by workers. *

George McTurnan Kahin passes away

On Saturday 29 January 2000 George Kahin died after a long illness and years of fragile health. He was in his early eighties and was one of the world's leading scholars of Southeast Asian studies.

In the early fifties he founded the Southeast Asia program at Cornell University, in Ithaca, upstate New York. He became the Aaron L. Binnenkorb Professor of International Studies. The Southeast Program became world famous because of its high academic standards and its valuable collection of material and documents. He will be remembered as one of the founders of Indonesian studies and a giant in his field. Many of his students are now among the foremost scholars of Indonesian studies at universities around the world.

His academic credentials are impeccable and several of his academic works have become classics. Indonesian studies as they are now being taught in academia in many parts of the world would not have been the same without George Kahin. He was one of the first post-colonial and anti-colonial Indonesianists as expressed in his classic work 'Nationalism and Revolution in Indonesia' published in 1952 after years of study in Indonesia during the late 1940s when the leadership of the Indonesian revolution was based in Yogyakarta. Many young Indonesian academics regard this book as the definitive work on the struggle for independence after the second World War. It was an honour for Indonesian academics to be able to visit Cornell to do a

course there or to take their PhD under the guidance of such a teacher.

His last major work, written together with his wife Audrey: 'Subversion as Foreign Policy' exposed the disastrous US policies towards Indonesia in the fifties. Using declassified documents and interviews of political actors of the time, the Kahins produced an invaluable historic document which provoked the wrath of many of those responsible for the disaster.

George Kahin was a man of character with a warm heart. His stand against the Vietnam War was an embarrassment for many in power in Washington. The Indonesia programme of Cornell was seen by the Suharto government as 'anti-Indonesia' and for many years George Kahin was blacklisted and unable to enter Indonesia.

While the Southeast Asia Program became a prestigious academic institution with George Kahin in its head, George remained the humble, gentle individual he had always been. I was fortunate to have known him and cherish the few occasions in London and Amsterdam when we met.

We at TAPOL will fondly remember our encounters with George Kahin and express our gratitude to his invaluable academic contribution to the growth of Indonesian studies worldwide. Our condolences and sympathies go to his wife Audrey and his children. We wish them the fortitude to stand their loss.

Liem Soei Liong,

The Nabire tragedy

Since late last year, unfurling the West Papuan flag has occurred in many parts of the territory. In some places, the flag-raisers have been largely ignored by the security forces. But elsewhere, the activity has resulted in violence and death. The events in Nabire recorded below occurred a few days after one person was killed in Merauke, the most easterly town in West Papua.

For four days from 28 February to 2 March, Nabire, a town on the north coast of West Papua, was in a state of turmoil because of firearms attacks by the security forces on the local people. Three men were killed when members of *Brimob*, the special forces of the Indonesian police, opened fire on three separate occasions. At least ten Papuans were wounded while a *Brimob* member was wounded by an arrow. At least sixteen people were arrested, of whom at least ten are still believed to be under detention.

Confusion at the top

The events in Nabire are symptomatic of the confusion between a government policy allowing people to give expression to their aspirations by peaceful actions such as flag-raising while the security forces regard such actions as a threat to security.

According to a report by ELS-HAM, the Jayapura-based human rights organisation, the events in Nabire occurred after months of escalating tensions dating back to 1 December last year when the local people hoisted the West Papuan flag, *Kejora* or Morning Star, alongside the Indonesian flag. That date was chosen to mark the declaration of West Papuan independence in 1960 while the territory was still under Dutch control. Flag-raising is happening throughout the territory and the civilian authorities have indicated their approval, provided that the Indonesian flag is also flown.

The people of Nabire have been involved in the pro-independence struggle for many years, in the face of brutal oppression by the Indonesian forces of occupation. After the fall of the dictator Suharto in May 1998, the spirit of *reformasi* spread across the archipelago, leading to a resurgence of pro-independence sentiment. When one hundred West Papuans went to Jakarta to meet President Habibie in February 1999 to present West Papua's demand for independence, Nabire was well represented. After the delegates returned home, they were harassed by the police who declared that activities to socialise the meeting with the president were unlawful. People in Nabire responded by creating a local militia force called *Laskar Papua* in March 1999, to guard information dissemination posts set up following the Habibie meeting.

The local authorities, civilian and military, were informed about the militia force and nodded their approval. Nevertheless, the police accused them of engaging in unlawful activities. *Laskar Papua* grew in size from 50 to two thousand members, reflecting the breadth of local support for a free West Papua.

Police hostility latched on to local people's tradition of sporting traditional weapons, not for offensive purposes but as part of the culture of mountain tribes, many of whom had moved north to the coastal region and made Nabire their home. Some of these tribesmen are members of *Laskar Papua* and are in the habit of carrying these weapons when on duty.

Kejora stays aloft for three months

The flag-raising which began on 1 December has been going on daily ever since. However, during the month of February, the local security forces started to level accusations at the militia and there were a number of local incidents. On 15 February, more *Brimob* troops arrived in Nabire, which local people interpreted as the precursor to an assault on the flag-raisers. A week later, the local police chief wrote to the head of the local assembly warning him to be prepared for action 'against unlawful actions by *Satgas Papua*' (another name by which the militia is known).

So when *Laskar* members on their way to the flag-raising on 28 February were attacked by *Brimob* troops, this it was seen as a premeditated action. The troops opened fire after seizing and destroying some of the traditional weapons. **Menase Erari**, (30), a local government official and a student at the State Administration College, was hit in the face and died instantaneously. A witness said that the victim had been shot from a range of 10-15 metres. Unfortunately, the witness was mortally wounded two days later.

The following day, troops opened fire near the flag raising; a number of people were wounded, of whom seven were hospitalised. During a scuffle, one *Brimob* member was seriously wounded by an arrow.

On 1 March, as news of Erari's death spread, angry crowds gathered and marched in protest and mounted a siege around the Nabire police headquarters. Once again, police opened fire. **Maksimus Bunay Umur**, 27, was shot dead. He had been shot and slightly wounded two days earlier but was fit enough to go out onto the streets again. Elsewhere, people cut down trees which they used to block roads leading into the town. Sixteen people were arrested on suspicion of being members of *Laskar Papua*. Meanwhile, police claimed that Erari had not been shot by them but by a *Laskar* member to incite people against the security forces. They claimed that the bullet that killed him was not regular army issue. There has been no independent autopsy of the victim's remains.

On the following day, *Brimob* troops travelling in convoy to clear road blocks once again opened fire near the flag raising. People fled in all directions, including some who were carrying the remains of Maksimus, in preparation for burial. **Willem Manimwarba**, 37, was shot in the arm and thigh. He died the following morning from loss of blood; his wife complained that he had not been looked after properly in the hospital where he was taken.

On 7 March, when ELS-HAM investigated the tragedy, ten people were listed as still being held, of whom two are teenagers.

Police torture detainees

Yance Pekei, a 21-year old man, a militia member who was detained by the police for five days, described his

maltreatment and torture. He was arrested by *Brimob* on 28 February on his way home. When they discovered that he was armed with traditional weapons, he was beaten, thrown to the ground, kicked, then driven to Nabire police headquarters. During five days of incarceration, pieces of plastic were bound round his middle finger and his shoulder, then set on fire. As the plastic melted, it penetrated the skin. On another occasion, an earlobe was pierced with a stapler. On the fifth day, he was struck repeatedly in the chest with a rifle butt; after falling unconscious with blood streaming from his mouth and nose, he was taken to hospital. Three days later relatives arrived to take him home.

Yance told ELS-HAM that about thirty people were being held by the police at the time, many of whom were subjected to similar forms of torture. *

Papuan Congress rejects 1969 Act

A Papuan Congress has unanimously rejected the so-called Act of Free Choice held in 1969 which consigned their country to the mercies of an Indonesian occupation. Flag-raising continues in many places and are expected to reach a climax on 1 May. More subversions trials are expected to be held.

Five hundred people, representing communities throughout West Papua, attended a four-day Papuan Congress in Port Numbay (the Papuan people's name for their capital city) and unanimously supported a declaration rejecting the Act of Free Choice held in 1969 which led the United Nations to recognise the territory's integration into Indonesia. The Final Declaration said:

'The West Papuan people denounce the transfer of sovereignty from the Netherlands to Indonesia via the UN ... and consider it to be unlawful. This transfer had the approval neither of the Papuan people nor the National Council of West Papua which was the only body with the power and authority to determine the fate of the Papuan nation.'

It pointed out that the 1969 Act was conducted in violation of the New York Agreement of 1962 which stipulated that it should be held 'in accordance with international practice'. Less than one per cent of the population were allowed to take part. [See *TAPOL Bulletin* No 156 for an analysis of the Act] Since then, the people have experienced inhuman brutality, human rights abuses, murder, rape, ignorance, impoverishment and social and judicial injustice, tending towards ethnic and cultural genocide.

'We have therefore chosen independence, to separate ourselves from the Indonesian unitary state, as was conveyed to the reformasi cabinet of President Habibie on 26 February 1999.'

The declaration, which was signed by Theys Eluay who heads the council of tribal peoples in West Papua, Tom Beanal, head of the Lemasa Tribal Council of the Amungme people, and representatives and NGOs from all parts of the country, pledged that dialogue and other peaceful and democratic means would be used to win the ap-

proval of the Indonesian government. The Congress set up a Papuan Presidium Council charged with preparing a much bigger congress held in April.

Nine accused of plotting against the state

Irian Jaya chief of detectives, Colonel Tukarno, has meanwhile announced that nine people, all of them members of the Papuan Presidium Council, have been named as suspects for allegedly plotting against the government. The nine are: **Theys Eluay**, **Father Herman Awom**, **Isaac Ayomi**, a university lecturer, planning board secretary **Don Al Flassy**, former political prisoner **John Mambor**, former councillor **Beatrix Rumbino** and student leaders **Martinus Werimon**, **Barnabas Yufuway** and **Laurens Mehue**.

They will face charges for involvement in three incidents: a gathering on 12 September 1999 at the home of Theys Eluay when it was decided to unfurl the Morning Star Flag on 1 December, the unfurling of the flag on 1 December and the convening of the Papuan Congress from 23 - 26 February 2000. Tukarno said they would be charged under articles 106 (rebellion, maximum penalty twenty years), 110 (conspiracy to rebel, also 20 years) and 154 (hostility towards the government, maximum penalty seven years) of the Criminal Code. Two other Papuan leaders, Tom Beanal and Willy Mandowen, are being questioned, the policeman said. [*Jakarta Post*, 17 March]

Several of the men listed above are already on trial for raising the West Papuan flag on several occasions in mid 1999. Two separate trials commenced at the end of January and in early February but no reports have been received about the proceedings. *

UK involved in TNI misuse of ICRC emblem

The Indonesian army, helped by the British military attaché in Jakarta, a former SAS officer, were involved in a military operation in West Papua in 1996, during which an International Red Cross (ICRC) plane was used to deceive villagers, many of whom were then shot dead. These are the conclusions of an independent investigation commissioned by the ICRC following revelations in a TV documentary shown last July in Australia and Switzerland.

The tragic incident occurred in the village of Ngese-lama, in the central highlands of West Papua on 9 May 1996, in the concluding stages of the four-month hostage crisis. A white plane, one of the aircraft which had been used for months in the region by the ICRC which had flown in supplies for the hostages and tried to mediate with the hostage takers, was mistaken by the villagers as being on a Red Cross mission. As they rushed out to greet the aircraft, armed westerners emerged from the plane, including a woman apparently impersonating an ICRC official who had been involved in the negotiations, and opened fire, killing many villagers.

At the time of the incident, the deception was known to have taken place but it was only after the Jayapura-based NGO, ELS-HAM, thoroughly investigated the incident and the *Four Corners* programme broadcast a documentary entitled *Blood on the Cross* made by Mark Davies, in July 1999 that the International Committee of the Red Cross decided to appoint an independent consultant to conduct an investigation. The devastating results of the investigation were made public in March this year.

Eleven hostages were taken by the OPM, the Free Papua Organisation, in January 1996, in an attempt to draw international attention to their neglected struggle. Four British scientists and a Dutch couple were among the hostages, as well as four Indonesian scientists. They were finally rescued on 15 May 1996 by *Kopassus* troops, though two of the Indonesians were killed moments before the rescue. [See *TAPOL Bulletin*, Nos 133, 134 and 135, February, April and June, 1996 and No 153, July 1999] Although the international media gave extensive coverage to the hostage-taking while the foreigners were still being held, the moment they were freed, interest waned although it was clear that villagers in the surrounding region would be hounded by the Indonesian army in their efforts to capture the OPM members involved. Despite reports that villagers nearby were known to have been killed, neither the British nor the Dutch governments showed any interest in conducting investigations, despite calls from TAPOL and other organisations.

'Perfidious use' of ICRC emblem

The ICRC consultant, Piotr Obuchowicz, said in his report that although he had met local people and NGOs as well as British and Dutch diplomats, he had been unable to meet Major-General Prabowo Subianto, the commander of the army's elite corps, *Kopassus*, who headed the operation to free the hostages, or Ivor Helberg, who was the military attaché at the British embassy in Jakarta at the time and

who was present in West Papua during the hostage crisis. Helberg is a former SAS colonel.

The findings make it clear that armed westerners were on board the white helicopter and says that 'a serious and transparent investigation by the relevant government authorities' is needed to determine who they were. British special forces (SAS) were known to be in the area. The report declares that 'it is ... certain that western advisers, including Mr Ivor Helberg, helped the Indonesian armed forces prepare the operation'. Following the screening of the documentary, the Foreign Office again denied SAS involvement in the operation but the *London Times* was told by authoritative sources close to the regiment that four to six of its members had indeed participated. [*The Times*, 13 July 1999]

On a visit to Jakarta in March this year, the ICRC director-general, Paul Grossreider said that the ICRC inquiry found that 'military forces made perfidious use of the ICRC's role by employing a white helicopter that could have been perceived by the local population as an ICRC helicopter'. He added: 'Use of the Red Cross emblem is a serious violation of humanitarian law.' [*Jakarta Post*, 15 March 2000] This violation is probably unprecedented in the annals of the world's leading humanitarian agency.

The British government has repeatedly refused requests for an investigation into the affair made by members of parliament, on the grounds that sensitive security matters are at stake and nothing will be said about the possible involvement of SAS forces in the operation.

The ICRC's tardy response

The ICRC itself comes in for criticism in the findings for failing 'to approach Papuan representatives with a view to verifying the allegations'. It is criticised also for being 'tardy in approaching the Indonesian authorities formally and in writing' until after the publication of the ELS-HAM report and the broadcast of Mark Davies' documentary, more than three years after the tragedy. The Indonesian authorities have still not replied to the ICRC's letter.

In an acknowledgement of the ICRC's low esteem in the eyes of the local people, the investigator said: 'Steps must also be taken to restore dialogue with the Papuans.'

For many months following the hostage crisis, a swathe of villages were subjected to prolonged military operations in the region where the hostage taking had occurred; eleven people were killed while scores died from hunger and disease because they lost control of the gardens and hunting grounds. [See *TAPOL Bulletin*, 147, July 1998] Recent reports from the area indicate that military presence is still high and villagers continue to live in fear. ★

Freeport comes under attack

The world's largest copper-and-gold mine, PT Freeport Indonesia, has come under sustained attack in West Papua and Indonesia for its environmental and human rights conduct. Calls for its contract to be revised have been resisted by President Wahid and Foreign Minister Alwi Shihab, with Henry Kissinger, former US secretary of state, weighing in to defend the company.

Freeport Indonesia Corporation (FIC) is owned by US mining corporation, Freeport McMoRan while Britain's Rio Tinto invested heavily in the company to fund a huge expansion made possible by a new Contract of Work signed in 1991. Ever since operations began in the mid-1970s, the mine has been opposed by local inhabitants whose land rights were violated and whose livelihoods have been destroyed by massive levels of pollution.

Sustained attack

While the company is certainly accustomed to attack from the local inhabitants whose rights have been so massively abused, it is a new experience for it to encounter sustained criticism from within the government and a variety of sources in Jakarta.

While Suharto remained in power, such concerns were muted. In 1995, two human rights reports - by the Australian aid agency ACFOA and the Catholic Church in West Papua - drew a clear connection between killings and other abuses near the mine, and the company but the issue was shelved after a visit by the National Human Rights Commission. While confirming the findings of these reports, it refrained from making the connection with the company, whose reputation in those days was still sacrosanct.

The company has been assailed in particular for its appalling environmental record. An environmental audit conducted by US auditor, Montgomery Watson which lauded the company's performance as 'exemplary' has met widespread scepticism. Minister for the Environment Sonny Keraf drew attention to irregularities in the audit. The company's verbal and written responses were insufficient to explain these irregularities and another audit will have to be conducted, he said. Meanwhile, two parliamentary commissions have called for the contract to be revised. MPs who visited the mine said the company had contributed to socio-economic injustice, human rights abuses and political tension'. [*Jakarta Post*, 21 February]

These complaints were reinforced by the Environmental Impact Assessment Agency (*Bapedal*) which accused Freeport of seriously damaging 133,000 hectares of land and polluting nearby rivers. Ali Kastella, head of the agency, said that the Montgomery Watson audit failed to reveal the extent to which the mining operations had damaged the ecosystem. [*Indonesian Observer*, 25 February]

Henry Kissinger to the rescue

Alarm bells have clearly been ringing in Washington at the prospect of this tidal wave of complaints. Former US secretary of state Henry Kissinger, a Freeport director whose company, Kissinger Associates rakes in more than \$500,000 a year from Freeport in consultancy fees, arrived in Jakarta for talks with President Wahid. He convinced Wahid that Indonesia's attraction to foreign investors

would be damaged by moves to amend the Freeport contract. He also got himself appointed as the president's political and economic affairs adviser, generously offering his services for free. Following these talks Foreign Minister Alwi Shihab said the government rejects calls for the contract to be amended. [*Jakarta Post*, 6 March] But calls for change continue to be voiced. Donna Woodward, a former US diplomat in Indonesia, has urged Indonesian officials not to be intimidated by 'well-dressed international bullies like Kissinger into believing that challenging suspect contracts and seeking re-negotiation will necessarily harm Indonesia's competitive standing as a location for investment'. [*Jakarta Post*, 21 March]

US ambassador Robert Gelhard, has also rallied to the company's defence, denying Freeport culpability for human rights abuses and saying that the military should be investigated. But TNI spokesman, Vice Air Marshal Graitto Usodo rejected this 'one-sided view', saying (quite correctly!) that the TNI was present in the area 'precisely in order to protect a vital enterprise'. [*Republika*, 4 March] *

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