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## The Indonesia Human Rights Campaign

TAPOL Bulletin No. 143

October 1997

# SBSI Congress broken up

*On 19 September, the security forces detained nine labour activists, two Australian trade unionists and two Dutch journalists. The police had moved in to break up the Congress of the independent trade union, the SBSI. The SBSI has not been recognised by the government and has been subjected to continuous harassment by the authorities.*

The SBSI, the Indonesian Welfare Trade Union, had decided to hold its Second Congress under difficult circumstances. Its chairperson and founder, Muchtar Pakpahan is on trial and has spent more than a year in jail on subversion charges. One of the main purposes of the Congress was to elect a new board and develop a new strategy. The authorities didn't allow it to happen.

It takes a lot of courage to become a member of the SBSI. The mere fact that a worker had joined the union can result in dismissal. Many SBSI members have served prison sentences because of their role in labour conflicts. SBSI is well known internationally; it has affiliated to the World Confederation of Labour and has established close contacts with trade unions all over the world.

The Congress was attended by SBSI representatives from 87 different places in Indonesia. It was also attended by a dozen international representatives from trade union federations in Australia, Canada, Holland, Malaysia and the Philippines. Present also were representatives from two international federations, the ICFTU and the WCL, as well as delegates from the ILO, the Asian-American Free Labour Institute, the International Metalworkers Federation and representatives from a dozen foreign embassies.

## Enemy of the state

From the outset the organisers were dogged by difficulties. The authorities turned down a request for the Congress to be held at a Jakarta hotel as a result of which the board decided to hold the Congress on their own premises. This does not require a permit but the authorities were determined to stop the Congress anyway.

The participants had just heard a message from Pakpahan in which he urged the union to 'continue to fight and not to surrender until the destiny of the workers had improved (and) remember that only workers themselves,

through real unions, can improve their destiny'. Statements of solidarity had also been read out. During the intermission, police from the South Jakarta district backed up by forces from the Metropolitan Police moved in. Thirteen people were taken in, including four foreign guests. Sunarty, SBSI's secretary-general and Lutfie Hakim, an SBSI lawyer were among those arrested.

The two detained foreign trade unionists were Greg Sword, senior vice-president of the Australian Congress of Trade Unions, a senior official in the Australian Labour

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Party and Ma Wei Pin, the regional secretary of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Association. Two Dutch journalists were released in the evening after having their identities checked.

SBSI has always been seen as a major threat by the authorities. The emergence of SBSI in 1992 was very timely. It coincided with a wave of labour conflicts. In February 1994 Muchtar Pakpahan declared a nation-wide one-hour stoppage in which an estimated 750,000 workers took part. The main demands were freedom of association and the adoption of a minimum wage of Rp 7,000. A month later, a workers' protest in Medan turned into a long hot week of action and rioting in this main city of North Su-

matra. SBSI and in particular Muchtar Pakpahan were accused of having 'incited' the workers..

During the short period of its existence, the SBSI has managed to shatter two ideological bastions of the New Order. One is the corporatist model of allowing only a single organisation in any sector of the community. The SBSI as an independent trade union has shown that such a body conforms with the needs of the workers, exposing the official union, the FSPSI, as being nothing more than an empty shell. The protests in Medan along with the riots that followed in their wake also shattered the reputation of the Suharto regime as being capable of guaranteeing political stability for foreign and domestic investors. Many factories were damaged and the main shopping centres in Medan sustained heavy losses because of the looting and arson. \*

## New labour law widely rejected

*Despite the many protests from grass roots organisations, the Indonesian parliament unanimously adopted a controversial labour bill on 11 September. Outside parliament, workers demonstrated against the bill but the government organised a counter demonstration in support of the bill.*

The day after the legislation was enacted, President Suharto instructed Labour Minister Abdul Latief to do everything possible to popularise the new law before it goes into effect next year. Abdul Latief then announced that the government would issue eight new regulations covering the right to strike and to organise as well as a regulation regarding lay-offs. The new law replaces fourteen ordinances and labour laws, some dating back to the fifties.

### Workers left with no rights

The basic ideology of the New Order is to deny the existence of classes. All groups in society must work harmoniously together and Daddy State will take care of everything. For workers, this is translated into a doctrine called *Hubungan Industrial Pancasila (HIP, Pancasila Industrial Relations)* which denies workers all their rights. This doctrine was devised by the corrupt, authoritarian Admiral Sudomo, during his term as labour minister, after completing a stint as head of the all-powerful security body Kopkamtib (dissolved in 1988).

The new law has been in preparation for four years and throughout, it has come under strong criticism. Even within the rubber-stamp parliament, some MPs have pressed for changes. Although much of the wording has been revised, the fundamentals remained: no basic rights for the workers.

On paper, workers are allowed to set up unions in the workplace but the new law will require trade unions to register and submit the names of all their members to the government. Article 33 stipulates that it will be for the government to decide whether the new organisation complies with the legislation. This is in contravention of international conventions, in particular ILO conventions No. 98 and 87, which uphold freedom of association and reject any intervention by the government. Teten Masduki, labour coordinator at the legal aid foundation (YLBHI), argues that it will be virtually impossible for independent trade unions like the SBSI, the SBM and the PPBI to win recognition. In any case, the law specifically mentions the FSPSI as the only recognised workers' organisation in the country.

On strikes, workers will be required to notify the government and the company management about plans to go on strike. Moreover, all actions must be kept within the factory. According to Minister Latief, 'Rallies will be banned because we want workers to resolve problems with the management at the workplace and through deliberation'. He warns against the danger of 'third parties' intervening if rallies are allowed. Workers who break the law will face criminal charges, with heavy fines or prison sentences.

It is precisely because workers' rights do not exist that NGOs and student groups have come forward to assist workers in their disputes with the bosses. Independent unions have no direct access to the factories and are therefore forced to recruit members outside the factory gates. Rallies are now part of the tradition of workers' actions, as a way of linking up with workers at other factories, and raising similar slogans for better wages and conditions.

*continued on page 6*



*Workers demonstrating in front of Parliament against the new Labour Law*



# Currency crisis grips the economy

*In just a few weeks in August this year, the value of the rupiah plummeted against the US dollar by 21 per cent. Some economists predict that the Indonesian currency will continue to fall for the rest of the year. The debacle started with the fall in the value of the Thai currency, the baht, in July. Within days it became clear that Thailand's economic crisis was contagious and would spread throughout the region. Within days all the currencies in the region had plunged sharply.*

The social and political implications are certain to be substantial. Years of uninterrupted economic growth in the Southeast Asian economies had led ASEAN rulers to believe in their own invincibility. It has become an article of faith for them to proclaim to the world at large that 'as long as we can fill the bellies of our people, civil and political freedoms can take a back seat'. These so-called Asian values have been shown to be fundamentally flawed as financial crisis begins to grip the economies of Southeast Asia. The prestige and legitimacy of the ASEAN rulers have suffered a severe blow, while the social and political consequences are likely to be felt for years to come.

## Clawless tigers

The Thai baht fell in value by 25 per cent in early July and soon the other currencies followed suit. Thailand tried to buck the market by using billions of dollars in an attempt to defend the baht, but to no avail. Even an IMF-led rescue operation worth US\$16 billion has done little to contain the crisis, as other currencies continued to tumble. By the end of August, the value of the rupiah had fallen to more than Rp3,000 to the US dollar, an unprecedented decline. Forecasts that 1998 would be another year of 'robust' growth for the ASEAN economies have had to be drastically revised. In early September, economists who had predicted growth rates of between 7 and 10 percent for 1998 have now lowered their forecasts to between 3 and 4 per cent.

The ASEAN crisis has been front page news in the international financial press for weeks. As a result of the operations of the globalised economy, the crisis in Southeast Asia has now shaken Wall Street and stock markets around the world.

The old saying that when Wall Street sneezes the rest of the world catches cold is now working in reverse. Some analysts estimated that the Southeast Asian crisis could cut global economic growth by 0.5 per cent.

All of a sudden, all the euphoria about the miraculous tiger economies in Southeast Asia has been replaced by doom-laden talk of speculation, overheating, disregard for regulations and wasteful displays of wealth. The fundamentals of the tiger economies are no longer being described as sound.

## Capital influx, a blessing and a curse

The ASEAN economic boom started little more than a decade ago, in 1985. The core countries of ASEAN, Thailand, Singapore, the Philippines, Malaysia and Indonesia, started to attract large foreign investments, initially from

Japan and later from the more advanced 'tiger' Asian economies, Taiwan, South Korea and Hong Kong. There was a major shift of labour-intensive production to cheap-labour economies on the southern periphery of Asia. By 1996, Japan had ploughed an unprecedented US\$50 billion into the ASEAN economies, resulting in dizzying growth rates. The young tigers, the so-called cub economies of Southeast Asia, quickly became part of the global economy, introducing deregulation in tune with global free market principles.



*Limping tiger economies*

*Guardian 30 Aug.97*

The ASEAN stock markets quickly became integrated into the world equity market. By the early nineties, the ASEAN bourses had become the hottest thing around, attracting more and more of the global financial flow. Many ASEAN corporations went public and their equities were much sought after in the global stock market. US investments in Asian funds increased no less than eighteen-fold in five years. The emerging markets of the cub economies also became a target for speculative capital. Portfolio capital poured in, on the lookout for quick-yielding profits. A new class of business tycoon emerged, the Gordon Gekko types. These high-spending ASEAN yuppies could easily

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acquire loans from abroad with massive investments being made in risky and often unsavoury projects.

With the collapse of the currency markets in July and August, international speculators came under attack and were blamed for the catastrophe. This was the line taken by Malaysian Prime Minister Mahathir Muhammad who portrayed George Soros as the evil genius behind the turmoil, bent on destroying ASEAN for admitting Burma as a member. The Indonesian authorities announced that market speculation was an act of subversion punishable by death. Of course, speculation has played a key role, but what the ASEAN rulers have chosen to ignore is that speculation can only flourish if the circumstances are ripe.

### Casino economy

During the past decade, huge sums of money have been invested in quick-yielding projects, notably the real estate sector, golf courses and other useless ventures. The real estate sector soon became overheated and is now on the verge of collapse. It's the same everywhere: empty high-rise office buildings in Manila, Bangkok, Kuala Lumpur and Jakarta, half-empty five-star hotels and half-finished projects. Thailand was the first to be struck as developers dragged their financiers into bankruptcy. Non-performing loans, the current euphemism for loans that can't be serviced or repaid, have increased exponentially.

In the past decade, the private sector in Indonesia has exceeded the State in foreign debts. About 60 per cent of Indonesia's foreign debt which now amounts to US\$115 billion, is in the private sector, while about US\$33 billion are short-term loans. The fall in value of the rupiah can only pile on the agony as more and more domestic currency will be needed to repay these debts, some of which are bound to default.

The World Bank which has for years heaped praise on the tiger economies has now published a report lamenting the weaknesses of the financial sectors in the ASEAN countries and recommending a drastic reform of the banking sector. The Bank has advised these governments not to postpone difficult choices like liquidating bad debtors and closing down insolvent financial institutions. It has called for the application of global standards in banking supervision, capital adequacy requirements and risk-taking techniques. Yet until very recently, the World Bank was speaking about Indonesia in glowing terms as a success story.

Probably the most important feature of the global casino economy is the fact that finance has gained the upper hand over industry, while rentiers have gained the upper hand over investors. Trading in equities has often been more profitable than creating wealth through industrial ventures. Hot capital, otherwise known as portfolio capital, has poured in to ASEAN capitals. Young Asian nouveau riche patronise fashionable bars in Bangkok, Manila and Jakarta, flaunting their wealth in brandnew Mercedes or BMWs.

Financial reports show that up to 60 per cent of Indonesian listed companies have debts totally denominated in foreign currencies, mostly US dollars. Another fundamental flaw is the lack of any long-term industrial strategy. Investment in human resources - education, research and development - is the most important dimension of any long-term strategy but most ASEAN countries have ignored this. With the exception of Singapore, ASEAN countries still rely on the mass production of consumer goods through the exploitation of cheap labour. Corporations like Nike which thrive in the global economy will have no trouble finding new havens for production in countries with semi-starvation wages capable of competing with countries in the ASEAN region.

ASEAN elites have also become involved in glamorous, prestige projects of doubtful profitability. Malaysia and Indonesia in particular have launched mega projects in which the families of the ruling elite are the lead players.

### Mega projects shelved

While the Malaysian Prime Minister has shown a preference for projects dressed in superlatives like the tallest towers and the biggest dams, Indonesia's dictator is more interested in promoting the business interests of his six sons and daughters. Both are long on prestige but short on

**ANDAKAH  
TERORIS  
NEGERI INI?**

Dengan illu-kuasi, manipulasi Dolar, dan lain-lain, Anda termasuk teroris ekonomi negeri ini. Anda turut mengacaukan perhitungan roda ekonomi dan menyengsarakan rakyat banyak. Mengapa rakyat banyak tak tahu banyak tentang manipulasi Dolar, depresiasi, devaluasi atau apa pun istilahnya. Tetapi mereka tahu betul bahwa uang banyak jadi masalah mereka.

Kini, meski nilai Dolar telah terkendali dan bila mental teroris Anda belum berubah, bahaya besar masih mengancam negeri ini.

**BILA RUPIAH  
BELA BANGSA**

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*Ad in Indonesian daily REPUBLIKA warning the public about dollar speculation*

But the problems go much deeper than the collapse of the building sector. Unsound banking has mushroomed in the past fifteen years. There are no fewer than 240 domestic banks in Indonesia, most of which came into being in the roaring eighties when it was as if the sky was the limit. Many are expected to collapse, causing havoc for smaller companies and businesses. The financial systems of Thailand, Indonesia and Malaysia lack transparency and are notoriously inefficient. The central banks are unable to exert control over the financial institutions. Rampant corruption and collusion between the bureaucracy and business have only exacerbated the present financial problems.



benefit for the economy. Their projects are wasteful and a burden for tax-payers. Now, as they stand on the brink of financial disaster, both countries have been compelled to shelve a number of major projects. The postponement, or perhaps even the abandonment, of the controversial Bakun dam in East Malaysia is one of the positive outcomes of the present turmoil.

As for Suharto, he has been forced to cut down his own flesh and blood by postponing favoured First Family projects. One project likely to be axed is a 95km (sic) bridge, the world's longest of course, connecting Indonesia and Malaysia, to be constructed by a private consortium of Indonesian and Malaysian companies. The Indonesian partner, PT Malindo Transmadu, is owned by Siti Hediati (Titiek), Suharto's second daughter, wife of Major General Prabowo, who commands the notorious Kopassus, the red-beret corps. The Malaysian government has already indicated that this costly project will not go ahead on schedule.

Another project under a cloud is a rail-and-road terminal in the leafy sector of central Jakarta. This US\$285 million project is linked to Tutut Suharto, the eldest and politically most ambitious daughter. Another of Tutut's pet projects to be slashed is a US\$176 million bridge linking Java and the island of Madura. Another in the Family to have his wings clipped is grandson Ary Sigit Suharto whose US\$950 million bridge linking Java and Sumatra has been shelved. Ary Sigit is now famed as one of the greediest in the Suharto brood, with a knack of choosing business ventures that have a direct impact on consumers. A year ago, he was forced by his grandfather to abandon a venture which would have earned him millions from taxing bottled beer, causing a rumpus throughout the tourist industry. A month ago he grabbed the headlines with a scheme obliging parents to buy his 'national shoe' or *sepnas*, for their children. Like Tommy Suharto's 'national car', the shoes are in fact manufactured in Korea but granddad had to intervene again after a public outcry against the scheme.

Another mega project to be postponed is the Jakarta Tower, a 558-meter high telecommunications tower financed by Suharto's cousin Sudwikatmono and slated to become one of the tallest structures in the world. Altogether US\$13.3 billion worth of projects have been shelved by the government, including fourteen power-generation projects.

## Down and out

Confronted by the ASEAN stock market crisis, portfolio or hot capital is turning to less turbulent regions like Latin America and Eastern Europe and it could take a year or more for foreign funds to return to the region with any confidence. Comparisons are being made with the crisis that struck Mexico in December 1994 known as the *tequila crisis*, as well as the Japanese economic recession now entering its fifth year. The financial crisis in ASEAN replicates the tequila crisis in a number of respects. On that occasion, it fell to Washington to cobble together a rescue operation, injecting tens of billions of US dollars into Mexico's central bank. With both economies being so closely intertwined, Mexico's downfall would have had severe repercussions for its northern brother. Mexico has never been the same since. The Mexican political landscape has changed beyond recognition, the tequila crisis having precipitated the collapse of the 60-year rule of PRI

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GOLKAR strategists are no doubt pondering the consequences of the current financial turmoil.

Japan's economic woes started with the collapse of land and share prices and now, the gradual recovery has received another blow from the turbulence in the countries of Southeast Asia, all of which are closely integrated with the Japanese banking and manufacturing sectors. Many Japanese banks are in a bad shape, having to write off a large number of loans. There was yet more bad news when, prior to the G7 meeting in Hong Kong last month, it was announced that Japan's Gross Domestic Product had fallen again.



Economics can hardly be called an exact science and economic theories seem to have little relevance to real life. Practising good economics is more a question of confidence-building, like going to the shrink. If a government takes measures that are perceived as being satisfactory, all the players in the economy can settle down in the knowledge that things are bound to improve. But the very thing that is lacking today in Southeast Asia is confidence and most commentators see the plight of Indonesia and Thailand as being the worst. Both have huge insolvencies in the banking sector as well as a major crisis of confidence among investors and businessmen.

## Rumblings at the top

In September a team of cabinet ministers announced a package of ten measures, including the revision of the State budget, the liquidation of insolvent banks, removal of the restriction on foreigners owning only 49 per cent of shares in listed Indonesian companies and the rescheduling of some State and private projects. Bank Indonesia more than doubled the base interest rate from 14 to 30 per cent. This extreme tightening of fiscal policy has hit a number of businesses very hard, causing many to shift their money into bank deposits and out of productive activity. Along with the postponement of a number of mega projects, these measures appear to have steadied the value of the rupiah, suggesting that crisis management has begun to take effect. Indonesian ministers have shown more restraint than their counterparts in Bangkok and Kuala Lumpur. But the fundamentals of the Indonesian economy look far from

healthy. Indonesia is the world's third largest debtor, while the ratio of Indonesia's total foreign debt to foreign reserves in June 1997 was about 500 per cent compared to 220 per cent in Thailand.

While Indonesia watchers have compared Indonesian politics to Jurassic Park, the Indonesian economy has been portrayed as being full of vigour. Such assessments are beginning to come unstuck as many sections of the Indonesian elite are likely to be hit as the financial crisis takes its toll. Criticism of Suharto and his family could escalate after years of enjoying the support of a middle class who has the regime to thank for its affluence. Anger at the greed of the Suharto dynasty is already widespread and it can be predicted that Suharto's political and ideological fundamentals will be damaged as the economy contracts. Blaming the communists has lost its shine, while conflicts between social and religious groups have become more apparent. The time for showing fear and deference towards brute military power is passing as criticism of the military and the police is becoming more vocal. A weakened economy can only strengthen anti-regime sentiments as more people begin to realise that the dinosaurs stifling the body politic have to be removed. Nepotism, corruption and collusion have become fundamentals in Indonesia and the stumbling block for urgent reforms. New openings for fundamental change in Indonesia are beginning to emerge.

## More social unrest

According to official figures, 11.5 per cent (around 22.5 million people) of the population still live below the poverty line, but others conclude that around 100 million people, half the population, are living in poverty. The present economic crisis can only worsen their plight. Free marketeer theoreticians have argued that wealth created by rapid economic growth will 'trickle down' to people at the bottom of the pile, but as one economist has recently remarked: 'Of all the crackpot theories dreamt up by the free-marketeers in the past 20 years, trickle-down economics has been the biggest flop'.

Already in the past year, many parts of Indonesia have exploded in riots triggered by often trivial issues. After a few months of relative calm, Indonesia is again being rocked by social unrest. In August thousands of angry villagers attacked and destroyed the police station in Pelabuhan Ratu, West Java. A few weeks later an angry crowd in Garut, West Java burned down another police station. In Pasuruan, East Java, villagers blocked the main road to Surabaya for a whole day to protest against confiscation of their land by the Indonesian air force. In Mataram, eastern Lombok, villagers destroyed the town hall in Prampuan, following a land conflict with the authorities which escalated because of the heavy-handed methods employed by the local police. Elsewhere in South Sulawesi, two police headquarters were burnt down.

The worst riot occurred in Ujung Pandang, the capital of South Sulawesi. For three days anti-Chinese riots swept the city leaving at least four dead and over 1,500 buildings damaged, including shops, homes and temples; 28 ethnic Chinese were wounded and had to be hospitalised.

The underlying causes of this unrest cannot be directly linked to the sudden financial crisis but as the cutbacks begin to bite and industries begin to contract, many work-

ers will face dismissal as banks, financial institutions and factories close. Suharto's determination to exert tight control on civil society between now and the forthcoming session of the MPR, the upper legislative assembly, when he will be appointed for a seventh term as president, could founder if, as some commentators predict, the financial crisis deepens. \*

*continued from page 2*

## Right of dismissal

The new law reinforces the position of management. Companies will be able to sack their workers far more easily than hitherto. When a company closes down, it will be allowed to dismiss the entire workforce without severance pay. Teten Masduki says, 'This means treating workers as a commodity and not as a workforce with fundamental rights'. Minimum wages will be set according to what are called 'appropriate living conditions', whatever that may mean. In a high-cost economy like Indonesia's, where companies have to pay countless illegal levies to the military and the bureaucracy, 'appropriate living conditions' will leave the workers at the bottom of the pile..

## Many protests

The labour law brought many groups onto the streets. Most protests have taken place outside Parliament or the Labour Department. On the day the bill was adopted two rival demonstrations were held, both by groups from the official union, the FSPSI, indicating that there is a split between the rank-and-file and the union bosses. Several senior FSPSI officials are members of Parliament and have endorsed the bill. Others, including FSPSI vice-chair Hikayat Atika Karwa, joined the protest, insisting that the new law fails to fulfil the aspirations of the workers.

Those taking part in the protest against the law include the Consortium of Migrant Workers Advocates, the Women's Group for Labour Justice and a new coalition called the National Committee for the Struggle for Democracy (KNPD, *Komite Nasional Perjuangan Demokrasi*). \*

## NEW PUBLICATION

### Human Rights Deteriorate in East Timor

**Bi-annual Report of Human  
Rights Violations in East Timor,  
January-July 1997**

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## No end to British arms sales

*Foreign Secretary Robin Cook's announcement on 28 July of new arms export licencing criteria was a bitter disappointment to those hoping that the Labour Government's ethical foreign policy would stop arms sales to Indonesia. The Government failed the litmus test of its new policy by refusing to revoke licences granted last year by the Conservative Government and refusing to ban future arms exports. Sadly, as many feared, it is business as usual.*

In announcing the new criteria, Robin Cook said it would not be 'realistic or practical' to revoke existing licences. The export of 16 British Aerospace Hawk aircraft, worth £160 million, 50 Alvis Scorpion armoured vehicles, worth £80 million, and 300 Glover Webb armoured vehicles, including seven Tactica water cannon will go ahead despite evidence that similar equipment has been used for internal repression in Indonesia [see *TAPOL Bulletins* Nos. 139-142, February - August 1997].

The announcement provoked an angry response. The following day, supporters of TAPOL, World Development Movement and Campaign Against Arms Trade held a vigil and funeral procession (to mark the stillbirth of Labour's ethical foreign policy) outside Downing Street and a group of MPs presented a letter of protest to Prime Minister Tony Blair on behalf of the three organisations. In Parliament, the Foreign Secretary was condemned for making the announcement in the form of a written answer three days before the summer recess instead of in an oral statement which could have been questioned in the House. When Parliament adjourned for the recess, 148 MPs had signed Early Day Motion 201 [see *TAPOL Bulletin* No. 142, August 1997], indicating the strength of feeling against continued arms sales to Indonesia. In a further highly unusual development, the Portuguese Prime Minister, Antonio Guterres, telephoned Tony Blair, to express his government's 'displeasure' at the export of Hawk aircraft, which have been used by Indonesia against the former Portuguese colony of East Timor.

The Government has not yet explained why it is not 'realistic or practical' to revoke the licences. It has the legal power to do so and it would probably not have to pay compensation. Writing in *The Observer*, the former Liberal Democrat MP, David Alton, rebutted arguments about the need to honour existing obligations: 'If British weapons are likely to be used for evil purposes, no moral duty exists to honour any such agreement,' he said.

### The new licencing criteria

The Foreign Secretary opened his statement on the new arms sales criteria, not with a reference to human rights, but with a commitment to a strong defence industry. No doubt he was influenced in part by last year's export figures, which show that arms sales worth £438 million accounted for half the UK's total exports to Indonesia.

Although the new criteria give 'full weight' to the UK's national interests - including, significantly, economic, financial and commercial interests and the effect on the UK's relations with the recipient country - they require the Government only to 'take into account' respect for human

rights. This implies that, in the case of Indonesia, greater weight should, for example, be given to Britain's position as one of Indonesia's largest foreign investors than to Indonesia's human rights record.

Export licences will not be issued 'if there is a *clearly identifiable* risk that the proposed export might be used for internal repression.' This includes 'Equipment where there is *clear* evidence of the recent use of similar equipment for internal repression' and 'Equipment which has *obvious* application for internal repression, in cases where the recipient country has a *significant* and *continuing* record of such repression'. [All emphasis added.] Remarkably, however, the new criteria allow exports to a country with a record of repression if 'the end-use of the equipment is judged to be legitimate, such as protection of members of security forces from violence.'



*The Guardian 29 August 1997*

The Government's claim that the new criteria are tighter is questionable, especially as the new 'national interests' guideline provides a convenient excuse for granting a licence. There is an apparent shift in emphasis in that licences will not be granted where equipment *might be used* for internal repression; the previous criteria referred to equipment *likely to be used* for internal repression. In both cases, however, the formula is interpreted subjectively, and the qualifications in the new criteria allow them to be interpreted with considerable laxity.



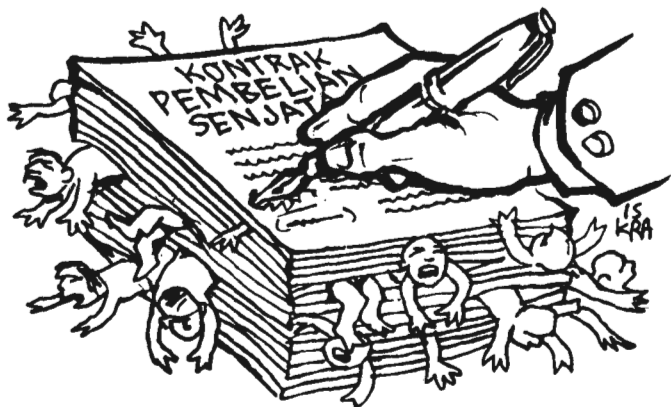
## ARMS SALES

What, for example, is meant by 'a clearly identifiable risk' and 'clear evidence', and how will such risks and evidence be assessed? In June, TAPOL sent to Robin Cook a video of a BBC news report from 20 May showing a British water cannon breaking up a demonstration by the United Democratic Party (PPP). The report showed security forces wearing gas masks and demonstrators rubbing their eyes and putting their hands over their mouths after being sprayed by the water cannon, indicating that chemicals had been added to the water. Robin Cook's office responded with a letter which dismissed the video evidence as 'allegations', which would be 'considered if we receive any application in future for export of similar equipment'. If this wholly inadequate response is typical, there can be little hope that the new criteria will lead to stricter controls on arms exports.

The fundamental problem with the new criteria (as with the old) is that they cannot be objectively tested and legally enforced. In any event, the effect of the recent High Court ruling on TAPOL's judicial review application [see *TAPOL Bulletins* Nos. 140 & 141, April & July 1997] is that the criteria will count for nothing if the Government decides that exports to Indonesia should be allowed in view of 'overall foreign policy considerations'.

### Arms exports to escalate?

So far, the Government has offered no real hope that future licence applications will be rejected. It has steadfastly insisted that all applications will be considered on a case by case basis and refused to discuss the specific application of the new criteria, beyond saying that internal security equipment, such as armoured personnel carriers, will be considered particularly carefully.



arms contract

The Government has not ruled out the sale of more Hawk aircraft. On the contrary, officials have tried to pre-empt criticism of future sales by stating there is no evidence that the aircraft are being used in East Timor (whether or not Hawks are now being used in East Timor is of course irrelevant). In May, the Indonesian press reported discussions for the purchase by Indonesia of 18 more Hawks, which 'will not be hampered by the change in the British government'.

Another possible deal involves the sale of Piranha class mini-submarines made by GEC Marine. The Piranha is designed to support attacks on land targets by covert special forces and is capable of discreet surveillance and counter-insurgency operations.

## Arms sales linked to investments

Following Robin Cook's visit to Indonesia from 29-30 August, the *Financial Times* reported that the Government will shortly grant licences for a range of military equipment, including air defence systems and artillery, provided that it will be used to protect Indonesia's oil and gas industry, principally the giant Natuna gasfield in the South China Sea. British officials believe that it will be possible to defend further sales to Indonesia on this basis.

The Natuna gasfield, which lies between the Malay peninsula and Kalimantan has 47 trillion cubic feet of estimated reserves valued at \$42 billion. Not surprisingly, British industry is bidding for billions of pounds worth of contracts linked to Natuna, although the exploration rights are owned by the US oil companies, Exxon and Mobil and Indonesia's state oil company, Pertamina. The UK company, Premier Oil, already has interests in the area. The Department of Trade and Industry (DTI) has emphasised 'its firm resolve to ensure that UK firms are well to the fore when Natuna moves ahead,' while AMEC, the UK construction group, which is already well established in Indonesia and has been asked to organise the construction consortium, said: 'Natuna represents one of the biggest investment opportunities in the world.'

In April 1996, Lord Fraser, a Minister of State at the DTI, on a visit to Indonesia to discuss matters including possible Natuna contracts, was accompanied by senior executives from the defence companies British Aerospace, GEC and Rolls Royce, and other companies, such as AMEC, BICC, British Steel, Cable and Wireless, Costain and Racal Electronics. In February 1997, representatives of AMEC, Trafalgar House, GEC and Rolls Royce attended a briefing in Jakarta on the Natuna project by Indonesian Research and Technology Minister, BJ Habibie.

One of the less-publicised objectives of the arms trade and British foreign policy is to protect British commercial interests and to guarantee continued access to Third World resources, whatever the human rights implications. In countries such as Indonesia, this is achieved in part by providing security forces with equipment to suppress popular movements which challenge vested political and economic interests and to protect particular investments such as those in the Natuna area. The attempt by British officials to present the latter as a worthy justification for exporting arms to Indonesia must be strongly resisted.

### Cook and Alatas discuss arms sales

Robin Cook's recent visit to Indonesia featured 'very frank' talks with Foreign Minister, Ali Alatas. But Cook was very careful not to rule out future arms sales, saying only that the new criteria will be applied to Indonesia on the same basis as any other country and that no decision has been made regarding future exports.

Alatas attempted to put pressure on Cook by rejecting the link between arms sales and human rights and threatening to 'look elsewhere' for equipment denied by Britain. It may be possible for him to find alternative suppliers now, but Indonesia will eventually run out of options. Despite Alatas's bluff, a ban on British arms exports would be a significant blow to the Indonesian regime in view of the recent cancellation of a deal to purchase American F-16 warplanes and the bans on the export of American armoured vehicles and small and light arms [see *TAPOL Bulletin* No. 141, July 1997]. \*

## Cook prevented from meeting Pakpahan

During a visit to Indonesia in August, the British Foreign Secretary, Robin Cook was prevented from visiting the independent trade union leader, Muchtar Pakpahan in hospital. Pakpahan chairs the SBSI and is on trial for subversion; he has been hospitalised for six months suffering from a variety of ailments. The Indonesian authorities have refused his request to go abroad for treatment that is unavailable in Indonesia.



*Robin Cook in Jakarta giving conflicting signals*

The Foreign Secretary had announced his intention to meet the union leader before leaving London but the

meeting was cancelled on the insistence of the Indonesian authorities. Acting chair of the union, Tohap Simanungkalit told TAPOL that Pakpahan had not been informed of the cancellation, nor had journalists who were at the hospital to cover the event. TAPOL has written to Robin Cook expressing dismay at the cancellation and saying the Pakpahan is owed an apology.

The Foreign Secretary announced a six-point human rights initiative. It includes a plan to train Indonesian police officers which is totally unacceptable to TAPOL (see article on the Indonesian police elsewhere in this Bulletin). He also announced plans to provide support for human rights groups, including the government-appointed National Human Rights Commission.

He later held a 15-minute meeting with several human rights NGOs at the request of TAPOL. The activists present were Gunawan Muhammad, former editor of the banned magazine, TEMPO who also chairs the election monitoring group KIPP, Bambang Widjoyanto, director of the Indonesian Legal Aid Foundation, Tohap Simanungkalit representing SBSI and Bonar Tigor Naipospos of PIJAR. Although the meeting was so brief, those present were able to convey to the Foreign Secretary their opposition to arms sales for the Indonesian armed forces. Gunawan also criticised plans to train the Indonesian police, saying there was not a shred of evidence that past courses had made any difference to a force dedicated to the use of violence in the protection of the State.

His initiative on East Timor and his failure to take action on arms sales to Indonesia are reported elsewhere in this Bulletin. \*

## ARMED FORCES

### New Law sanctions excessive police powers

*A controversial Police Law passed by the Indonesian Parliament on 8 September gives unprecedented powers to the police, but does nothing to curb police brutality, and fails to address the fundamental problem concerning the police's role as part of the armed forces (ABRI). Meanwhile, Foreign Secretary Robin Cook's attempt to boost his image as a champion of human rights by offering police training on crowd control techniques is a disgrace and doomed to failure.*

The new Police Law has been widely criticised, especially by lawyers organisations, for failing to end the culture of violence which permeates the force. Although the draft bill was amended to exclude an article that would actually have allowed police to use violence during interrogations, 'a number of very basic problems still remain,' said Bambang Widjoyanto, director of the Indonesian Legal Aid Foundation (YLBHI). The Law gives the police excessive authority to use violence in the absence of a clear, controlling body, and 'If the state is given such power, it would be prone to human rights violations,' he said.

The Law allows the police to use force and arms in self defence, which begs the question of what is self defence. Many of the recent extra-judicial killings by the police (see below) have been justified on the grounds of self defence.

An article which allowed the police to disperse mass gatherings was also deleted from the bill, but its removal is unlikely to deter them. The unrest on 27 July last year was sparked off by a police-led raid on a gathering of Indonesian Democratic Party (PDI) supporters, while in North Sumatra, a network of NGOs are suing the police for breaking up their annual general meeting in June this year.



## ARMED FORCES

In any event, the Law allows the police free reign to take measures 'based on their own considerations,' when necessary.

As if to confirm that the police can commit human rights violations with virtual impunity, the Law focuses only on violations committed by the general public, without referring to abuses committed by officials. Provisions on a police code of ethics, pre-trial hearings and the disciplinary powers of senior officers are completely inadequate. It is known, for example, that almost every complaint about police behaviour made at the pre-trial stage has been rejected by the courts.



**Anti-riot Police: modern gear to commit more brutalities**

The fundamental problem which the Law does not address is the lack of civilian control over the police. Lawyers insist that the police must be separated from ABRI because of their basic philosophical differences. The police force protects and defends the community, while the military deals with enemy forces, they point out.

The UN Special Rapporteur on Extra Judicial, Summary and Arbitrary Executions, in his report on his mission to Indonesia and East Timor in July 1994, called on the Indonesian Government to establish a civilian police force *as a matter of urgency*. Until that is done, police violence will remain institutionalised and will probably worsen in line with this year's appalling trend.

### 'Shoot-on-sight' policy

Shortly before the Indonesian general election on 29 May, ABRI personnel, including the police, were given instructions to 'shoot-on-sight' anyone disrupting the campaign. According to the fortnightly journal, *Forum Keadilan*, ABRI issued two manuals entitled, 'Procedures on Defending the Legal Position of Officers in their Handling of Unrest', and 'Procedures regarding Loading Ammunition and the Use of Firearms'. The first aimed to ensure that officers would be protected against legal action should they be responsible for civilian injuries or deaths. In other words, to ensure that they could act with impunity.

The second instructed officers on the bullets they should use. Bullets were colour coded according to whether they were blank, rubber or live. Soldiers and police would decide on the spot when to start shooting.

Asked to comment, the then army chief of staff, General Hartono, denied that the policy was for the period of the election. 'The shoot-on-sight order applies for all kinds of unrest, before as well as after the election,' he said. Chief of Police, General Dibyo Widodo said that operations involving shootings would be considered as police operations, even though other forces may be involved. Emphasising the importance of impunity, he added: 'Anyone who shoots people during a disturbance will be protected by the law.'

### Police brutality worsens

It was probably not necessary for ABRI to adopt its 'shoot-on-sight' policy, since in practice such a policy - or, more accurately, a 'shoot-to-kill' policy - already existed and was being vigorously implemented by the police, particularly against criminal suspects. In April, the *Jakarta Post* reported that 32 people had been shot dead by the Jakarta police since the New Year. That compared to 46 killings in the whole of 1996. In Surabaya, Indonesia's second largest city, 28 were killed between January and March. The figure has risen dramatically since. It is believed that 70 had been killed by July. The *Sinar* weekly magazine put the figure even higher, reporting that 110 suspected criminals were shot dead in the Greater Jakarta area between January and April.

The police frequently justify the killings by saying that they acted in self defence, that the suspect was resisting arrest, that they initially fired warning shots into the air, and that all shootings are 'carried out according to procedures'. Curiously, shootings often take place after a suspect is asked by the police to locate his accomplices, and many suspects are shot in the back.

Although some shot suspects were under arrest for violent crimes such as robbery, many alleged crimes were relatively minor, such as car thefts. In June, a man was shot and wounded after resisting arrest on a charge of buying stolen goods. In July, a suspected vehicle thief was gunned down after he jumped out of a police car. In August, a man was shot in the leg and back and died after trying to escape when asked by the police to locate his accomplices involved in a series of shopping centre thefts.

The killings are defended by high-ranking officials, even by members of the National Commission on Human Rights (*Komnas Ham*). Jakarta police chief, Maj. Gen. Hamami Nata, has told officers to shoot if they feel at all threatened. 'If the criminal reacts and threatens officers, just shoot,' he said. According to *Komnas Ham*'s Deputy Chairman, Marzuki Darusman, the 'shoot-on-sight' policy does not violate human rights. 'The criminals violated other people's right to safety,' he said.

Deaths resulting from ill treatment and torture in custody are also common. In April, a Surabaya dockworker was beaten to death by the police after he failed to produce

his identity card. In June, police in Ujungpandang, South Sulawesi, were accused of beating a man to death after he spent a night in the police cells. But, virtual impunity still applies. In July, a policeman from Bandung was sentenced to a mere nine months and 10 days in prison for the fatal torture of a robbery suspect.

## Support from Robin Cook

President Suharto is engaged in a public relations exercise to present the police as the moderate defenders of internal security, and he received unexpected support for this from Robin Cook during his trip to Indonesia at the end of August. In an ill-advised attempt to counter criticism of his decision to allow the export to Indonesia of Hawk aircraft, armoured vehicles and water cannon, Cook unveiled a six-point plan for improving human rights, which included a series of lectures by senior British police officers on effective and non-confrontational crowd control at demonstrations.

It is indefensible for Britain to try and legitimise, through training, the brutal, para-military Indonesian police force at the same time as supplying it with arms. The *Independent on Sunday* columnist, Joan Smith, suggested that if we are going to help the Indonesian police control demonstrations against the regime's brutal practices at home and in East Timor, we might as well begin selling swords to the Saudis, as long as a few lessons in humane beheading are thrown in free.

There is also the question of the extent to which Britain is unwittingly assisting Suharto in his propaganda and po-

## ARMED FORCES

litical machinations concerning the armed forces. Suharto has instructed the police to take the lead in handling civil unrest so that security measures taken against unarmed civilians look better. At the same time, boosting the police gives the impression of a move away from military rule to civilian rule. It is also argued by political analysts that the shift towards a greater role for the police is part of an overall strategy designed by Suharto to counter the decreasing loyalty of large sections of the army [see *TAPOL Bulletin* No. 139, February 1997].

In reality, the army remains present at major street demonstrations and will step in without hesitation. It is doubted whether the police force is able to handle unrest on its own as it is declining in numbers and is not as well trained and equipped as the army. The supply of arms, the provision of police training, and the general respectability Robin Cook is giving to the police is, therefore, a considerable bonus to Suharto and shows a failure to understand that the police force, as presently constituted, is part of the problem and not part of the solution.

Robin Cook has also forgotten that Britain spent over ten years in the 1980s and 1990s training Indonesian police officers under the aid programme without any discernible impact on their human rights record [see *TAPOL Bulletin* No. 139, February 1997]. Instead of offering lectures on crowd control, he should speak out in support of the right to assembly and revoke all licences for the export of repressive crowd-control equipment. \*

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*continued from page 18*

pletely abandoned. Many refugees 'disappeared' by mingling among the more than a million Indonesian migrants in Malaysia. But hundreds were detained by the Malaysian authorities.

Recent reports from the Acehese Refugee Committee (ARC), a committee set up by the Acehese community in Malaysia, estimates that about 400 Acehese have been detained in the last two years by the Malaysian authorities. A number of those detained have been forcibly returned to Indonesia. Nothing is known about what happened to them.

## Protest in the Lenggeng depot

The Acehese refugees are detained in several so-called immigration depots, another name for a prison camp. Conditions can be very harsh, depending on the behaviour of the Malaysian officials. On 28 August, 143 Acehese refugees detained in blocks A, B, C and D took action, they broke down the zinc fence and held a protest outside the compound. They demanded to meet UNHCR officials, members of the ARC and their lawyers. The action went on for two days. On 30 August they peacefully went back to their barracks. It turns out that Malaysian police had conducted a round-up and seized a flag of Aceh Merdeka, the Independent State of Aceh. This had been the reason for their action.

## Letter to the Malaysian authorities

On 28 August, the Acehese Refugee Committee wrote a four-page report to the Malaysian Deputy Minister for Internal Affairs, Datuk Tajul Rosli Ghazali, a copy of

## ACEH

which was sent to *TAPOL*. It covers incidents between Malaysian security officials and Acehese detainees going back to December 1996.

The report deals with sixteen serious cases, all involving ill-treatment by the Malaysian authorities. Twice in December 1996, refugees were forced to return to Indonesia. The first occurred on 3 December when sixteen Acehese activists were forced to board a vessel at Penang Harbour. They were badly treated by the authorities. During the journey home they took control of the ferry and forced the captain to return to Malaysia, threatening to sink the ship. On arrival back in Port Penang they were locked up in the Juru Immigration Depot in Penang. It is feared that one of the sixteen, Muhammad Nasir bin Adam lost his life as his whereabouts are not known.

On Christmas eve there was a similar incident at the Langkap Immigration Depot in Perak, involving 53 Acehese detainees, also to be deported by the authorities. A clash was unavoidable and the Acehese were confronted by more than 200 Federal Reserve Unit policemen. The bloody incident lasted the whole morning. In the end the 53, many of whom had sustained injuries, managed to postpone their deportation. They were split up in three groups and sent to different immigration depots. Two months later Abdul Karim bin Muhammad Ali, one of the 53, died at Malacca General Hospital of haemorrhage of the lung from being beaten during the fight. \*



## More trouble at Freeport/Rio Tinto mine

*Protest has erupted yet again in Timika, West Papua, in the continuing conflict between the mining giant Freeport/Rio Tinto, and the tribal peoples whose land was stolen to exploit the fabulous reserves of copper and gold. Two people were killed in mysterious circumstances in a road accident and two more were shot dead by Indonesian troops. Six thousand troops are in the area to protect the mine and crush simmering discontent. A brief visit by the National Human Rights Commission did nothing to alleviate the tension.*

### ABRI, the guardians of Freeport

The Indonesian armed forces (ABRI) have acknowledged the depth of hostility towards the copper-and-gold mine in and around the Freeport citadel by creating a special Task Force to Safeguard a Vital Object in Timika (*Satgas Pam Obvit*), the only one of its kind to exist anywhere in Indonesia. The headquarters of the Task Force was set up last December when ABRI commander-in-chief General Feisal Tanjung visited Timika in the company of an array of top brass from the army and the police. General Tanjung announced at the time that, ABRI has never throughout its history had such a concentration of armed power in a single sub-district. He also announced the creation of an army sub-district command (*kodim*) and a police sub-district command (*polres*) with headquarters at Mile 28, on the access road to the mine's headquarters in Tembagapura. In addition, ABRI will build bases for the air force and the navy in Amamapare.

'ABRI believes that Timika has the potential to become the major growth area in the region. It therefore needs army and police commands at the sub-district level in order to safeguard security and crush any disturbances that may occur.' [*Suara Pembaruan*, 27 December 1996]

To further bolster ABRI's presence, it was announced in September that six tank units landed at Freeport's harbour, Portsite together with 34 members of the Tank Attack command. These forces are described as the embryo of a Tank Detachment of the Trikora Military Command. [*Suara Pembaruan*, 9 September] Well might we ask, why bring tanks to Timika? Certainly not to fight the OPM in the bush or chase anti-Freeport demonstrators. Perhaps the tanks will be used to give a greater sense of security to the tens of thousands of Indonesian immigrants who now inhabit new urban areas like Kuala Kencana. Timika is now being described as the 'fastest growing region in Indonesia'. The chances of hostilities erupting between these outsiders and the uprooted local communities should not be under-estimated.

Freeport publicly acknowledges that is paying for ABRI facilities. Its spokesman Ed Pressman said recently that the company is building a new barracks for ABRI, adding that after the barracks had been completed, it would 'no longer supply ABRI with support of any kind'. [*Sydney Morning Herald*, 19 September]

The man in charge of security in Timika and throughout the province of Irian Jaya is Major-General Johnny Lumintang, who hails from the army's elite corps, Kopassus, and who previously held the post of army commander in

East Timor. Lumintang was very much in evidence in Timika, overseeing the security response, throughout the latest disturbances there.

### US Foundation honours Beanal

The Tides Foundation in San Francisco announced on 5 September that it would be honouring Tom Beanal, leader of the Amungme people, the Jane Bagley Award for Excellence in Public Advocacy. The award which includes a cash grant of \$5,000, is awarded annually to two people.

The citation states:

Tom Beanal, an elder in the Indonesian province of Irian Jaya, has led a 25-year struggle for corporate accountability by his people, the Amungme, against the largest gold mine in the world, operated by New Orleans-based Freeport McMoRan corporation. Beanal's efforts have resulted in increased awareness of the environmental destruction and human rights abuses by this American multinational in Indonesia. Beanal has helped organise a \$6 billion class action lawsuit against Freeport for human rights abuses in which he is a principal litigant. The Federal Court of Louisiana recently moved to consider the case. Tom explains: 'These companies have taken over and occupied our land. Even the sacred mountains we think of as our mother have been arbitrarily torn up by them. We have not been silent. We protest and are angry. But we have been arrested, beaten and put into containers. Our settlements are covered with so much sand that our people have been scattered apart. One moves here, one moves there. Our water is contaminated by chemicals so we can no longer drink it. Gold and copper have been taken by Freeport for the past thirty years, but what have we gotten in return? We have become strangers in our own land.'

### Huge expansion planned

The latest unrest in Timika occurred against the background of the mining company's plans to vastly increase resource throughput at the mine, more than doubling tailings dumped from 120,000 to 300,000 metric tons per day. 'The scale of these operations is mind-boggling,' writes mining activist Danny Kennedy. 'In word pictures, Freeport already dumps the equivalent of two and a half million 50kg people over the edge of the mine site every day into the Ajkwa River system. Now they want to expand this to a six million body count.' The current level of operations has already resulted in massive degradation of the downstream catchment into which this waste rock is dumped. 'The



sediment has choked the Ajkwa as it enters into the slow flat river bends of the lowlands and caused it to breach its bank. Muddy water - unfit to drink even by the provincial government reckoning - has sheeted eastwards into the watershed drowning as much as 50 square kms of productive rainforest. Over the remaining life of the mine. Freeport estimates it will drown 130kms. [See *Down to Earth*, No 34, August 1997]

## Company access road blockaded

When renewed disturbances erupted on 21 August, the local army and police commands initially appear to have been caught napping, and planeloads of troop reinforcements were flown in to regain control of the company's access road as local people set up a blockade.



***Jim-Bob Moffett, Freeport's CEO special relationship with the Indonesian regime is sealed with the prestigious Satya Lencana Wirakarya Medal of Merit from President Suharto.***

The trouble erupted just before the second annual disbursement of Freeport's 1% Trust Fund was about to be paid out in August. The Fund was created last year, after widespread disruption of the mine's operations earlier in the year, following a series of human rights atrocities linked to the mine. Rejecting demands for the company to acknowledge the local people's land rights, Freeport thought it could buy them off with a meagre share of the company's colossal profits.

Just before the second disbursement was due, local church leaders warned that it could trigger new tensions and pleaded with the authorities to reconsider the scheme. They pointed out that the Amungme and Kamoro peoples who have the strongest claim to the land had been largely ignored in favour of other tribes with no entitlement. Disbursement had triggered jealousies, conflict and even tribal warfare between and within tribes. The churchmen urged the Indonesian government and the company to enter into dialogue with Amungme and Kamoro leaders to work out an agreed re-assessment of the Fund and warned that new conflicts could emerge. But their pleading fell on deaf ears. In fact, the Amungme and Kamoro people have never accepted the Fund as a way of compensating them for their egregious losses and accuse the company of failing to acknowledge or respect their legitimate rights to the resources now being exploited. Moreover the Fund has been implemented without properly consulting the rightful owners.

## WEST PAPUA

The use to which the money is put is determined by the local administration for investment in a development plan that is dictated by military needs in the region. Moreover, the sum total, about \$15 million a year is less than half of what Freeport's chief executive, Jim-Bob Moffett alone earns as salary. [Down to Earth, No 34, August 1997]

Hardly had the churchmen issued their warning than a thousand tribesmen from several tribes blocked the access road linking the mine in Tembagapura to Timika and Port-site on the coast; they hijacked an excavator and dug deep holes, hoping to make the road impassable. This outburst of fury came in the wake of a serious accident the previous day when four young West Papuans on their way to a cultural event in Timika were given a lift by a passing vehicle owned by Freeport. Instead of taking them to Timika, the driver suddenly veered in the opposite direction, driving towards Tembagapura. Terrified that their lives might be at risk, two of the young people managed to jump out of the van, injuring themselves quite badly; the bodies of the other two were later found abandoned by the roadside. The two victims were later named as Akulian Kotouki, aged 17, and Nela Pakage aged 16. As with other unexplained incidents, the company was suspected of being responsible in some way for the young people's deaths.

In London, the head office of Rio Tinto was quick to deny culpability on behalf of Freeport, seeking to suggest that the victims had been murdered by members of their own clan. It issued a statement alleging that the two victims bore wounds 'not consistent with a vehicle accident' and that 'they were both hit on the back of the neck with a club', adding: 'It is reported that this is a typical Ikari (sic) style method of retribution.'

## Two shot dead

With tensions running high on the next day and more troops pouring in to end the blockade, army and police special forces surrounded Harahap Village in Kwamki Lama to quell a conflict between groups from the Moni tribe who were in dispute over the share-out of the Trust Fund. Fighting broke out between onlookers and truckloads of troops who were being driven into the area. As they alighted, soldiers armed with rifles and wielding batons hit out at the people along the road, seriously injuring at least seven people.

Meanwhile eight Ekari people who were marching in a crowd in the direction of Timika Airport were set upon, beaten up and driven off in a truck. After being held for a day, they were released. At the same time, the inhabitants of Desa Harapan were out in force, demanding that the local army and police investigate the incident that had killed two young people from their community. As they were marching towards the police command headquarters, a crowd of youngsters split away from the crowd and walked towards the spot where their two friends had died. Soldiers who were out in force guarding the spot started shooting at the youngsters, who responded by throwing stones and other missiles. The soldiers then fired directly into the crowd, killing Stevanus Tekege, 23, who was shot in the head, and fatally wounding Timotius Koga, who was shot in the stomach. Many others were beaten up and injured in the fighting that ensued.



## Funeral rites abused

The Ekari people were now mourning the deaths of four young people. Initially they wanted to postpone the funerals, hoping that members of the National Human Rights Commission would visit Timika quickly to investigate the circumstances in which the four had died. But they changed their minds and buried the bodies close to their homes in Desa Harapan. However, in contravention of tradition, the bodies were later removed and reburied in the Timika public cemetery, apparently so as to prevent others from visiting their graves to pay homage.

## LEMASA plea to Rights Commission

The terrible events led the Amungme Tribal Council, LEMASA, to send a document to the National Commission of Human Rights in Jakarta, pleading with them to send a mission immediately, not only to investigate the recent tragic events but also to investigate a number of killings and atrocities over a two-year period. The statement listed incidents that have involved Freeport personnel. It argued that the government and ABRI regard everything in terms of 'safeguarding security, the so-called 'security approach'. Because Freeport is regarded as a 'vital national project', the government is biased towards the company to the detriment of the people. The huge armed presence of approximately 6,000 people has caused anxiety and depression among local people. It complains that a number of the Commission's recommendations from its previous visit in 1995 have not been implemented and attacks Freeport for failing to acknowledge or respect the Amungme and Kamoro as the rightful owners of the natural resources which are currently being exploited and complains of 'inhuman behaviour by company employees, especially non-Irianese, towards the local community such as chasing off every trespass onto its concession which have resulted in hard feelings and hatred (towards the company).'

It calls for:

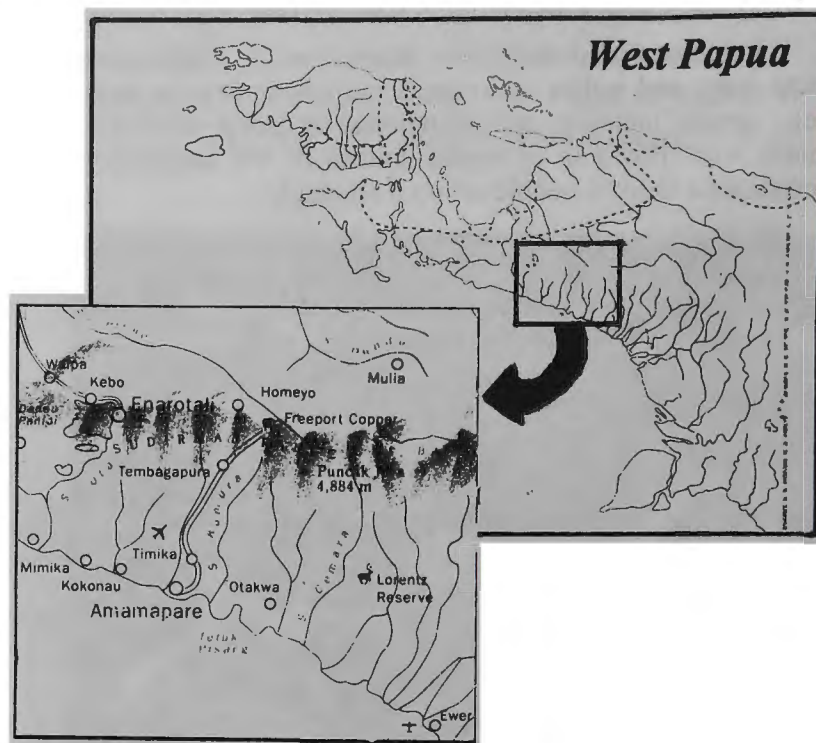
- regular monitoring by the Commission of the human rights situation at the operation site of Freeport and generally throughout Mimika;
- a reduction in the military presence in the region;
- a more thorough investigation of the human rights situation in the past two years in and around the operational site of the mine which would require the cooperation of Freeport

## Timika a 'no-go area' for Commission.

The Commission's response was to send a three-man team, not to investigate anything but merely to 'familiarise itself' with the surroundings. 'We're making the visit because of the local people's expectations,' said deputy chair, Marzuki Darusman. We made the 1995 visit because there were reported violations of human rights that we needed to probe, while tomorrow's is just a friendly visit.' [*Jakarta Post*, 30 August]

The Commission members were in the area for just 36 hours and spoke to only one witness of the incidents that need to be scrutinised. They had no time to meet other witnesses who were present at a meeting between the team and LEMASA. Much of the time was spent listening to the version of the police and the army. Speaking to the press

after a meeting with military commander Major-General Johnny Lumintang, Darusman said that the events in Timika had nothing to do with any conflict between Freeport and the local community; the problem was local dissatisfaction with the way in which the company's Trust Fund was being distributed. He even claimed that the actions taken the security forces during the three days of disturbances was 'reasonable'. [*Suara Pembaruan*, 2 September]



It is worth recalling that when the Commission sent a team of investigation to Timika in 1995, there was dissatisfaction that it had not dealt with Freeport's involvement. They made an undertaking at the time to visit Timika a second time but never did so.

## Two more victims of ABRI brutality

On 11 September, Yapens/Rony Imingkawak Magai from Harapan Village, Kwamki Lama was fatally wounded after being beaten by four members of the special police force, Brimob, and three Freeport security officers. He had taken a bus to Tembapapura to visit his brother Tadius who works for Freeport. He arrived at his brother's house the next day, handcuffed and in very bad shape. He was taken to a Freeport hospital at Mile 68 but died soon after. His body was covered in bruises inflicted by heavy clubs, while there were blood clots in his brain and stomach. Although his family were told that the incident would be investigated, they doubt whether anything will happen.

Four days later, two Danis, Agus Tabani, 26, and Weni Tabani, 25, were eating lunch by the Iwaka river, on their way out to hunt. There were many soldiers in the area. They were both hit when a bomb suddenly exploded. Weni died instantly. Agus was wounded in the face, arm and thigh.

At first the family of the dead man said they would carry his body to the district chief's office to complain about what the army had done but they later changed their minds, saying: 'There's nothing we can do. Everyone knows what ABRI is up to. They kill us like animals. If we protest, more people will be murdered. We will bury our brother quietly and pray to God to prevail on ABRI to stop the killing.'

★

## Mandela takes the initiative

*East Timor's righteous struggle gained new recognition when Nelson Mandela announced his intention to help bring about an early solution to the question. The President of South Africa had a two-hour meeting with resistance leader, Xanana Gusmao, at the State guest-house in Jakarta and later wrote to President Suharto, urging him to release the resistance leader as a crucial step towards solving the East Timor question.*

The talks between Xanana Gusmao, often referred to as East Timor's Mandela, and the former Robben Island prisoner who now leads South Africa, took place while Nelson Mandela was on a State visit to Jakarta. Xanana was taken from his cell in Cipinang Prison to have dinner and talks with President Mandela on 15 July. Nothing was known about the encounter until it was leaked by a Jakarta weekly. Although the regime persists in referring to Xanana as 'a criminal', the fact that President Suharto felt compelled to respond positively to Mandela's request for a meeting, after initially saying no, is in fact acknowledgement of Xanana's standing as leader of the East Timorese resistance with a crucial role to play in seeking a solution to the question of East Timor. Just before departing for his visit to Jakarta, Mandela was quoted as saying that East Timor was being talked about 'in every corner of the globe'.



*Nelson Mandela in a bright Batik shirt with the host Suharto*

There is little doubt that Mandela alone, of all world leaders, could have prevailed upon Suharto to permit a meeting with Xanana. The two men have met frequently since Mandela was released in February 1990. Mandela is known to have accepted financial assistance from the Indonesian dictator on at least one occasion and relations between the two countries have flourished in the past few years. South Africa takes over the presidency of the Non-Aligned Movement in 1998 and is also keen to win a seat on the UN Security Council.

As one South African daily commented: 'The unexpected meeting between the world's most admired head of state and a leader of one of its most popular liberation organisations of the 1990s, at a state guest house a stone's throw from the presidential palace in Jakarta, has as much potential as anything to break the logjam.' [Gerry van Klinken in the Darwin-based *Australasia*]

After returning to South Africa, Mandela invited Portuguese President Jorge Sampaio, Prime Minister Antonio Guterres, and Nobel Prize laureates Jose Ramos-Horta and Bishop Carlos Filipe Ximenes Belo to South Africa to inform them of his intentions. It was also announced that Mandela had written to President Suharto calling for the release of Xanana Gusmao. For about a week, confusion surrounded the whereabouts of his letter as it appears that South African officials had failed to send it to the Indonesian embassy in Pretoria for transmission to Jakarta. Hoping to cast Portugal in a bad light, Jakarta alleged that the Portuguese embassy in Pretoria, which had also been sent a copy, had leaked the letter to the press and prevailed upon the South African authorities to expel the Portuguese ambassador. Lisbon's measured response to this diplomatic slight - by refraining from retaliating - ensured that the Mandela initiative stayed on track.

Mandela has stressed that his efforts are strictly within the UN process under the auspices of UN Secretary General, Kofi Annan. Suharto is due to visit South Africa in November this year, when it is expected that East Timor will be the major talking point. A recent suggestion by Mandela that autonomy might be the solution has led some to wonder whether he realises the implications of such an idea. The CNRM Peace Plan makes provision for autonomy as a transitional stage, after which a UN-supervised referendum would have to be held.

### Xanana's response

Speaking on several occasions after the historic meeting with Mandela, Xanana said: 'I was greatly honoured. It means our struggle is being respected and acknowledged.' As for the proposal that he be released, it became clear that Jakarta might consider this only as the precursor to deportation. In Xanana's own words: 'If I wanted to, I could have been out of jail years ago. I am much more use staying in jail. If I went into exile, then the meaning of this struggle would be lost.' [Sydney Morning Herald, 12 September]

In the event, Suharto refused to release the East Timorese leader. Instead, the authorities thought they would make a gesture by granting him three months' re-



## **EAST TIMOR**

mission on the occasion of Indonesian Independence Day, to which Xanana responded contemptuously, as being 'irrelevant'.

### **World leaders appeal to Suharto**

Nobel Peace Laureates and eminent persons from around the world, attending Forum 2000 in Prague at the invitation of President Vaclav Havel called on President Suharto to give 'your fullest support to the efforts of the UN Secretary General and of President Mandela, towards a speedy resolution of the East Timor conflict'. The signatories included Richard von Weizsacker, a former German president, Oscar Arias Sanchez, a former president of Costa Rica, and Willem De Klerk, a former president of South Africa. Gareth Evans, former Australian Foreign Minister, who signed and sealed the Timor Gap Treaty with Indonesia in 1989, was also among the signatories.

The statement described President Mandela's initiative on East Timor as being 'of great significance', adding: 'The developing world, and Indonesia in particular, should play a leadership role in resolving tragic conflicts such as in East Timor that have claimed so many lives. Indonesia itself has had its share of loss of life in East Timor.'

### **Robin Cook also wants to help**

During his two-day visit to Indonesia at the end of August, Foreign Secretary Robin Cook made a point of calling Bishop Belo by phone soon after arriving in Jakarta to discuss the situation in East Timor. He later told the press that Belo had said the human rights situation was 'hardening' and also talked of the need for a reduction in the number of Indonesian troops.

Cook later announced that during the UK's presidency of the European Union in the first half of 1998, he would propose that the EU send a Troika ambassadorial mission to East Timor 'to hear the views of the mass of the population and to be more fully informed of the situation in East Timor'. In fact, EU countries have so far refused to send their ambassadors to East Timor as this might be taken as a sign of recognising integration. Cook's proposal would only avoid this by stating that the visit does not signify recognition. In addition, consulting East Timorese would have to take place free from intervention by the forces of occupation and with firm safeguards for anyone who speaks to the mission.

### **Human rights continue to deteriorate**

Meanwhile, although there has been such marked progress on the international arena regarding East Timor, along with the resolution adopted at the UN Human Rights Commission in April this year, the human rights situation in the country has continued to deteriorate. In its bi-annual report for the first half of 1997, published at the end of August, the East Timor Human Rights Centre in Melbourne states that there has been 'a marked increase in violations, particularly extra-judicial executions, arbitrary arrests and detentions, and systematic torture and ill-treatment of prisoners. It is believed at least 707 East Timorese were arrested and 49 killed.' These figures are more than double the arrests and extra-judicial executions reported by the Centre in the whole of 1996.

Some of the documented killings involve people who were murdered in villages or travelling from one part of the

country to another. For instance, in January a young Timorese was shot and decapitated in the village of Wailili, Baucau. His body which was too badly injured to be identified, was found dumped in an area under the supervision of Battalion 745 in Fatumaca. **Fernando Lopes**, 32, was shot in the back in the main street of Comoro about 50 metres from the local police headquarters, on 8 February. On 23 March, a youth named **Marcal** was believed to have been stabbed to death by security forces during a demonstration at Mahkota Hotel, during the visit of UN envoy Jamsheed Marker. On 25 April, **Alcino da Costa** was shot by security forces who fired into the air to break up a dispute during a concert organised by GOLKAR's youth wing. None of these and many other killings have been investigated by the Indonesian authorities.

The 34-page document, with numerous lists of victims and details of incidents provides graphic testimony of the random, brutal behaviour of Indonesian soldiers, knowing full well that they can act with impunity. The Centre stresses the need for a permanent UN presence in East Timor, as well as access to the territory for international human rights organisations and foreign journalists. 'International scrutiny and condemnation of Indonesia's human rights record must continue if East Timorese people are to have any hope of basic human rights denied to them for over twenty-one years.'

### **Asylum bid at the Austrian embassy**


Six East Timorese whose names have not been made public entered the Austrian embassy in Jakarta on 19 September and asked for asylum. This is the first asylum bid at a Jakarta embassy for several months. The six, four of whom were a couple and their two children, were taken from the embassy within 36 hours and put on board a plane for Lisbon.

### **Mary Robinson to meet Ali Alatas**

The newly-appointed UN Human Rights Commissioner, Mary Robinson, announced in Geneva that she would be meeting Indonesian Foreign Minister Ali Alatas at the start of the UN General Assembly in New York. This will be one of the first moves by the former president of Ireland since taking up her post at the beginning of September. \*

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# Aceh still like a war zone

*Aceh is hardly ever mentioned in the press these days. This is more the silence of the grave and the belief that no news is good news does not apply to Aceh. Nothing could be further from the truth. From consistent reports received by TAPOL from contacts in the region since the beginning of 1997, we can conclude that the Indonesian military still treat the region as a war zone.*

Aceh remains arguably the most isolated spot in the Indonesian archipelago, even more isolated than the other two 'trouble spots', East Timor and West Papua. No independent observer has been able to conduct investigations about the human rights situation in this most westerly part of the archipelago.

As in Timika [see separate article] and parts of East Timor, ABRI, the Indonesian armed forces, identify these regions as 'red zones' or 'trouble hot spots' (the English term is used) and treat them accordingly. What it means is that the territorial troops are subordinate to the elite troops, mostly the notorious Kopassus commandos.

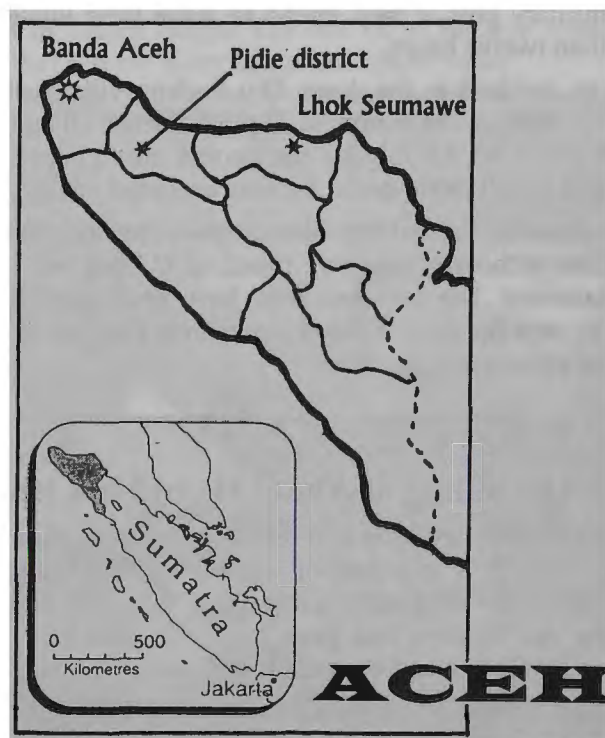
When Major-General Arifin Tarigan was still commander of Seskoad, the army staff command school, he explained what he sees as the differences between the three hot spots. East Timor and West Papua became part of the Indonesian unitary state at a much latter stage; Aceh on the other hand became part of the Indonesian republic from the outset. Tarigan then asked why the Acehnese, who were renowned for their fierce resistance to the Dutch, have also taken up arms against Jakarta. He called on academics at the University in Aceh to try to give an answer to this question.

## Wilayah operasi militer

Since the early nineties Aceh has been officially declared a *wilayah operasi militer* (military operational region). According to local press reports, the Aceh provincial administration is trying to get rid of this label which has made life tough for the Acehnese as it confers almost unlimited powers on the military. House-to-house searches, roadblocks, regular checking of ID cards and body searches make daily life very unpleasant.

Aceh was the battleground of fierce combat between ABRI and GAM, the Free Aceh Movement armed resistance, from 1989 till 1993. It peaked in late 1990 and early 1991 when ABRI forces brutally applied its 'low intensity conflict' strategy by killing thousands of innocent villagers. Thousands of villagers were forced to flee to neighbouring Malaysia creating a major refugee problem.

In December 1996 the Acehnese press reported appeals by the provincial government, informal leaders, religious leaders and prominent academics for an end to the designation of Aceh as a military operational region. Military commander Major General Sedaryanto's response was blunt: it was up to the Acehnese community to show that they were able to make the region safe and secure.



From February till April this year, ABRI launched a military operation called *Operasi Jaring Kikis* (Operation Network Extermination) resulting in dozens of arrests and the confiscation of a large number of weapons. [See *TAPOL Bulletin* No.140, April 1997]. No one says a word any longer about ending the *wilayah operasi militer* status.

## Grim situation

The present situation in Aceh has worsened in the last few months; Pidie district has endured a huge influx of troops. Since late June, soldiers in full combat dress harass people on the streets, checking ID cards and setting up roadblocks along the roads from Beureunuen to Guempang and from Sigli to Padang Tiji.

People living in the area have been forced to participate in a fence of legs operation, combing the undergrowth in search of guerrillas. People often hear gunfire at night but with nothing being reported in the press, it is difficult to say whether GAM activities have intensified.

The population have also been forced to participate in night patrols known as *siskamling* (*sistim keamanan lingkungan*, neighbourhood security system). Night patrols are rigorously enforced; if a villager dozes off or lacks energy, he is subjected to corporal punishment like running round the village, doing push-ups and so on.



## Dubious actions

There have been several nasty incidents in Pidie. On 28 May, a shoot-out took place in the village of Jiem-Jiem. The subdistrict head of Bandar Baru and his entourage were to visit the base camp of the forestry company PT Tri Jasa Karya Inti. On the way, their car was attacked with gunfire; a company official died and the subdistrict chief was seriously wounded. Local people say that employees of the company were planning to boycott the elections and the visit was meant to exert pressure on them not to do so. The attackers apparently wore battle dress. The Jiem-Jiem area is a no-go area where outsiders need special permission to enter. Local inhabitants are required to report to the local military post if they intend to leave their village for more than twelve hours.

In an incident in the Asan Thu Pudeng village also in the Pidie district, Muhammad Thaib a former village head was attacked on 16 July by ten people all equipped with rifles and in full battle dress. He was executed on the spot.

Predictably, the military blame the killings on the *GAM* guerrillas without giving any proof. *GAM* has not issued any statement. The two incidents have been used by the army to step up their military operations and justify their massive presence in the area.

### The killing of Abdul Hamid bin Itam

The situation in Pidie is a reflection of how grim things are in Aceh. It is in a state of siege where the military act with impunity in almost everything they do, including murder. An incident that goes back one year serves as a good example because the case is well documented.

Abdul Hamid, 45, a civil servant at the Pidie district office, lived in the village of Tampieng Baroh, about 6kms from the district capital, Pidie. He often took an evening stroll to Pidie to meet friends and to visit a local coffee shop popular as a meeting place for businessmen and officials to discuss deals and contracts.

At 9pm on 13 September 1996, Abdul Hamid was visited at the shop by a man known to be a member of Kopasus, the red beret commandos based in Sigli. They left together by car, a Taft-GT owned by Amirullah, a well-known businessman in Pidie. Abdul Hamid was taken to the Kopassus office in Sigli and told not to meddle in certain matters. A heated row ensued, Abdul Hamid was beaten and hit hard with the butt of a rifle. He lost consciousness and around midnight he was taken by car to a mountainous region some 180kms away from Sigli. He was shot twice and thrown down a cliff. In the morning somebody riding a motorbike saw blood on the road and after looking down the cliff, saw the body of Abdul Hamid. The police was called and his corpse was immediately taken to Lamno, a nearby village. Four days later his cousin identified the corpse as being that of Abdul Hamid.

There are enough witnesses who were at the coffee shop and who saw Abdul Hamid leaving with the soldier. Local people are well aware that he was being threatened and that the district chief of Pidie was deeply involved in the matter. The police is not willing to do anything, the silence of the grave.

## The BCA bank robbery

Aceh has been the scene of many brutal incidents since the late eighties. The security forces always blame everything, including ordinary criminal activities, on *GAM*.

On 4 February this year a spectacular bank robbery took place in Lhok Seumawe. At 11am, when the streets were very busy, a cash-box was grabbed from BCA security guards. During the chase of the three bank robbers, several soldiers were injured by gunfire. Many people saw the faces of the young bank robbers. As usual, the robbery was described as an act of *GAM* terrorism.

With not a shred of evidence, the military claimed a few days later that Rahman Paloh, a well known *GAM* commander from the Pase sub-district, and his unit were responsible for the robbery. Several arrests took place and it was later reported that Rahman Paloh and his lieutenant had been ambushed and killed. When photos of the dead men were published in the local Aceh newspaper, *Serambi Indonesia*, several witnesses said they bore no resemblance to the three young bank robbers they had seen. The bank robbery became a justification for the military to launch a vicious clampdown. More than 30 people have been detained for alleged involvement in the robbery or for having weapons at home. Most are to be put on trial. It is feared that some of the detained have suffered a great deal during interrogation [see *TAPOL* Bulletin No. 140, April 1997].

## Police attacked campus

The heavily militarised situation in Aceh often leads to nasty incidents. Quite unexpectedly on 1 September, a friendly soccer match between a team of the Technical Faculty of the Universitas Syiah Kuala (FT) and a team of Brimob, the mobile brigade special police task force, turned very nasty.

When a policeman ordered supporters of the FT team to fold up their banners during the match, a heated argument ensued; the policeman started beating up a student. Fighting broke out between students and the security apparatus. One Brimob sergeant who was particularly vicious received several blows from the angry crowd.

The same evening a car, two pick-ups and three trucks loaded with Brimob personnel arrived at the campus. Students were beaten up, kicked and mauled at random. Some were slashed with bayonets or bashed with rifle butts. The Brimob gang also entered several dormitories and started dragging students from their rooms. Some students who were taking a nap also received blows and their heads were dashed against the walls. A report by the Student Senate of Aceh's only university reports that at least 27 people were injured, some of them seriously, and had to be treated in hospital.

## The fate of the Acehnese refugees

The plight of the Acehnese refugees, most of them in neighbouring Malaysia, remains worrying. In general the Malaysian government has refused to grant them refugee status but call them 'illegal entrants' and regard them as a danger because their presence can jeopardise Malaysia's relations with Indonesia. [See *TAPOL* Bulletin No. 139, February 1997]

The thousands of Acehnese refugees came in droves during the early nineties when ABRI combed villages along the eastern and northern coast of Aceh. Things became so extreme that some villages were almost com-

*continued on page 11*

# Abducted East Timorese tells his story

*Tomas Alfredo is one of hundreds, perhaps thousands, of East Timorese who, as children were abducted by Indonesians during the occupation of their country. He was abducted in 1979 at the age of two, grew up in Indonesia and had no idea that he was East Timorese until he was seventeen years old. He has been living in Lisbon since May 1996, after escaping through the Dutch embassy in Jakarta. He told his story to TAPOL.*

## Were you alone when you were abducted?

No, I was abducted with my five-year-old my sister Sonia. I was two years old. But I should have had a younger sibling as well because my mother was pregnant when she was killed.

## What happened to your parents?

They were both arrested and killed in Los Palos by Indonesian soldiers on the same day, on 11 June 1979. They were separated from each other and killed in different places.

After our parents were killed, my sister and I were taken to a concentration camp at a Protestant church, Gereja Emanuel. While we were there an Indonesian named Jatrik who was working as an assistant to the bupati (district head) of Los Palos decided that he wanted to adopt us, so he and the bupati wrote a document handing us over to Jatrik. This was our so-called adoption certificate. Jatrik was a Protestant minister from Kalimantan living in Jakarta.

## What was Jatrik doing in East Timor?

He was a civil servant who worked at the Interior Ministry in Jakarta and he was given the task of learning about East Timorese society. Because of this, he learned to speak Tetum. So, having decided to adopt us, he took us to Jakarta by helicopter. There were altogether fourteen of us, all children as young as my sister and me, who were taken away by helicopter. We had all been kept in an orphanage for children who were thought to be the children of members of Fretilin.

## Do you have any recollections of what was happening at the time of your abduction?

Yes, even though I was so young, I still remember hearing people in pain, screaming. I remember hearing the sound of gunfire and I remember hearing bombs exploding and the drones of helicopters flying overhead. One thing I also remember was being thrown into a ditch but I can't remember who did this. I also have a clear recollection of my body being covered with flies.

## What happened when you got to Jakarta?

We only stay with Jatrik for about two or three weeks because he and his wife who was pregnant began to dislike us and wanted to get rid of us. So one night, they dumped us both. They dumped me in a ditch about 200 metres from their home and they dumped my sister on the doorstep of a children's home called Panti Asuhan van der Steur which

was run by Dutch people. The two of us became separated and I didn't see my sister again for fifteen years.



*Tomas Alfredo being interviewed by Carmel Budiardjo*

A woman named Ibu L. S. found me the next morning in the ditch and took me in. When she found me, I was unconscious. I stayed with Ibu S. for four years and she looked after me as if I was her own child. She told me before she died in 1983 that her husband had been arrested because he was from the PKI (Communist Party). He was imprisoned in Cimahi in West Java. She herself had been a member of the left wing women's organisation, Gerwani. Ibu S. had me baptised as a Catholic and put me into a primary school to start my education. She looked after me very well.

## Did she know you were from East Timor?

Yes, she did. After she found me, Jatrik showed her his adoption paper from East Timor. But she didn't want to tell anyone about my origins. The only person she told was her daughter Lucia but Lucia was told never to tell me. I didn't find out anything about my true origins until very much later, in 1994.

But to return to 1983, before she died my foster mother asked a friend of hers, Ibu Diana, a Muslim woman, to take me in after her death. Ibu Diana was a hajja, meaning she had done the pilgrimage to Mecca. She began to bring me



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up and educate me as a Muslim. I stayed with her for about two years. But she treated me very badly. She made me clean the house like a servant. She often beat me when I did something wrong. Once, she even pushed me down the stairs.

Then, Ibu S's daughter Lucia came to Ibu Diana's looking for me and asked her to let me go. She wouldn't let me out of her grip unless Lucia paid her two million rupiahs. After Lucia found the money, I went to live with her. By this time, Lucia was married and had a child of her own. I started going to school again and at first I was treated very well. But then, her husband took a dislike to me. I continued to be brought up as a Muslim because, although Lucia was a Catholic, her husband was a Muslim. Her husband was always angry with me and kept putting me into different schools. We also travelled all across Java, from west to east, then to Central Java. During the two years I was with them, I went to no fewer than nine different schools. He also changed my name several times because I was so naughty. I had been baptised Tomas Alfredo but now my name was changed to Abdulrahman, then to Tommy Abdulrahman. He seemed to think my behaviour would improve if my name was changed.

## How long did all this go on for?

About two years. Then they sent me to a Muslim school called Pesantren Gontor, in Ponorogo, East Java. I had to study Arabic during the week and study English on Saturday and Sunday. In 1987, after a year at the pesantren, I went back to Jakarta and I told Lucia and her husband that I didn't want to return to the pesantren. I didn't like it there because I was often punished. So they moved me again, to Cimahi, West Java. I stayed with a relative of Lucia's husband in the barracks of an army unit called *Armed-13* (field artillery unit.) The man I stayed with was from Menado. I was given a very harsh training, with army discipline and I always had to get up very early.

## Did anyone there know you were East Timorese?

Some of them thought I might be Timorese because I was so dark, but I thought I was Ambonese. I had never heard of East Timor, though I could remember hearing gunfire when I was small. I was at *Armed-13* for a year and went to school, starting at fourth grade, then going up to fifth grade of primary school, SD. But I had become so difficult to control that they moved me to a hostel in Yogyakarta for people from North Sulawesi. After staying there for a while, I returned to Jakarta hoping to enrol at an SMP (lower secondary school). This was in 1989. But Lucia and her husband wouldn't allow me to go to school. They wanted me to help in the house, look after the car and become their servant, not go to school. Lucia had by now changed, under the influence of her husband.

I was very unhappy so I ran away and I began to live like a street child, sleeping in railway carriages, in shop entrances, on the street. I never became a beggar but I was homeless, a street urchin. I started selling cigarettes, drinks, anything to make a living. I was often kicked out of places, beaten up or picked up during police raids. I lived like this for about a year. Then I went back to Lucia but after a while, I ran away again.

During this time, I travelled everywhere in Java. I can tell you, I have visited every place you can imagine in Java from Merak on the western tip to Surabaya in East Java,

riding on trains or buses. Like before, I made a living selling cigarettes or drinks. I often got involved in brawls with other children to protect my own trading patch. What I was doing was very risky because I didn't have permission to sell things in the street and I didn't have an identity card, a KTP. I was often arrested by the police and had to pay them money to be released. I lived like this for a long time and made many friends, in all parts of Java. I got involved in many actions against the police and also in workers' actions. Some of my friends managed to get jobs in factories and got involved in the workers' struggle.

## Were you able to get a job in a factory?

I almost did once but I didn't have a KTP so I was not taken on. But some of my friends got jobs so I got involved when they took part in industrial disputes.

Eventually I went back to Jakarta, to Lucia's place again. I asked her to let me go to SMP and in the end she agreed. Among the friends that I had made, there were East Timorese and I began to hear about conditions there, which made me very sad. But I still didn't realise that I was from East Timor. I met some Timorese in Blok M.

I went to SMP for three years, from 1991 till 1994. I stayed with Lucia for my first two years at SMP, then I went to stay with a relative of hers. This was when I went back to live in the place where I had lived with Ibu S. which was near Pak Jatrik. It was while I was there that I started getting letters from relatives in East Timor, from an uncle of mine. The man who had been bupati at the time of my abduction told my uncle in Los Palos that my sister and I had been taken to Jakarta. He was given Pak Jatrik's address and started writing to me.

I now discovered that I was born not on 15 June 1977 but on 8 August 1977. The date on my KTP was wrong. Now at last I knew that I was Timorese. My sister was still living at the Panti Asuhan. We met each other again in May 1994. She had stayed in the hostel all that time.

## What was it like meeting your sister again?

I had lived for such a long time without knowing anyone from my own family that when I met her, it came as a terrible shock. She knew she had a younger brother but I didn't know I had a sister. It was a big shock to me but it was an even greater shock to her. I felt very sad at all the things that had happened to us but I didn't want to show my feelings. I had had so many bitter experiences but I didn't want to express my feelings by crying. I was really very sad and I found it very difficult to believe that I was from East Timor. I wanted to see the evidence. I wanted to see the letter handing me over to Pak Jatrik. I got hold of the original which is now with my uncle in East Timor.

Pak Jatrik as well as Lucia and her husband didn't want to let me go back to East Timor. They said I should stay in Jakarta and continue with my education. But I very much wanted to go back. My uncle also said I should return home. He said that's where my parents were buried and I should go back home. I had a strange idea of what East Timor was like. I imagined it as very backward place, just mountains and villages, with no cities like Java.

So my sister and I went back to East Timor in June 1994. When I arrived back in East Timor, it was late at night. When I first saw Dili I thought it was a very beautiful place. The first thing I did in the harbour on my arrival was to kneel down three times and kiss the ground.

*to be continued in the next TAPOL Bulletin*

## Call for elderly tapols to be freed

Human rights activists from three NGOs in Jakarta met members of National Human Rights Commission to discuss the fate of convicted political prisoners (tapols), in particular those who are advanced in age.

Bonar Tigor Naipospos of MIK, the Humanitarian Association, said that a number of tapols who were convicted in connection with the events in October 1965 were suffering from various ailments and should be released on humanitarian grounds. Colonel Latief, formerly of the Jakarta military command, had recently suffered a stroke and was hardly able to speak. He is serving a life sentence. Two pleas for clemency were turned down and the fate of the third one is not known.

The others in the delegation were Gustav Dupe from the Indonesian Council of Churches and Mindo Rajagukguk from the New Life Foundation.

The group also spoke about two prisoners serving sentences for the Lampung incident in 1987. Fatah Kosim and Sudarsono had already served two thirds of their sentences and were now permitted to undertake activities outside prison (*asimilasi*). According to the rules, they were now entitled to conditional release but this had not been granted.

Mindo Rajagukguk said that prison conditions were deplorable in some parts of the country. Even in Jakarta where conditions were somewhat better, they did not conform with the Minimum Standards for the Treatment of Prisoners adopted by the UN. Having visited prisons throughout Indonesia, Mindo said that in many places, prisoners were suffering ailments because of the atrocious conditions.

Another of their concerns was that although the government had announced that distinguishing initials on identity cards, like ET for 'ex-tapol' and OT for 'organisasi terlarang' (banned organisation) would no longer be used, the fact was that the initials were still being used.

## NGO AGM broken up by police

A North Sumatran network of NGOs has sued the local police for banning its Annual General Meeting in June this year. The police accused the organisers of failing to obtain a police permit for the meeting, even though according to a recent regulation, no permit was needed.

The annual meeting of *Wahana Informasi Masyarakat* (WIM), the Information Network which brings together a number of NGOs throughout North Sumatra was scheduled to take place from 19 - 21 June 1997. Seventy people had gathered at a hotel in Haranggaol, sub-district of Simalungan, for the occasion, coming from the sub-districts of North and South Tapanuli, Langkat, Asahan, Deli Serdang, Daiiri and Medan.

From early afternoon on the first day, police were seen prowling around the hotel. They entered the meeting-place in the evening and ordered the participants to disperse. The organisers protested, saying that they had complied with requirements by notifying the authorities one week in advance. When the police said they did not have a permit, the convenors said that according to a regulation introduced in 1995, permission was not required; all that was required was for them to notify the police. However, they were forced to disband.

## HUMAN RIGHTS BRIEFS

When the participants woke the next morning, they were told to leave the hotel where they were staying without delay as the police had instructed the proprietor to tell them to leave.

A police officer told the press that permission had been refused because the meeting 'was bound' to discuss matters of a political nature. WIM leaders insisted that this was a routine meeting to evaluate past activities and enable its members to renew contact and discuss internal affairs. [*Republika*, 21 June]

WIM is suing the local police for Rp 1.3 trillion (£300,000) for material and non-material losses. In the early 1990s, many meetings were broken up by the police, leading to many protests at this intolerable abuse of the right of assembly. The interior and defence ministers then issued a joint decree in December 1995 stipulating that only large gatherings in public places required permission. In other cases, only advance notification was needed.

The first court hearing was scheduled to take place on 2 September.

## Timorese prisoner released to town arrest

An East Timorese political prisoner who was sentenced to six and a half years for being present at the demonstration in Dili on 12 November 1991 when the Santa Cruz massacre took place, was released from prison in Semarang, Central Java but was ordered not to leave the city. This means that he is being prevented from returning home to his family in East Timor.

Juvencio Martins was transferred from a prison in Dili in May 1994 to Kedung Pane Prison in Semarang along with five others, all of them survivors of the Santa Cruz massacre.

Bonar Tigor Naipospos whose association, MIK, is dedicated to the cause of political prisoners, said that the restrictions placed on Juvencio's movements was a breach of the regulations. Such restrictions were only allowed for people granted conditional release, whereas Juvencio has been released unconditionally, having served his full sentence.

## Megawati barred from speaking in Singapore

An invitation to Megawati Sukarnoputri, chairperson of the Indonesian Democratic Party, the PDI, to address a meeting of the Foreign Correspondents' Association in Singapore, was cancelled after Singapore's Ministry of Information and The Arts exerted pressure on the FCA. The FCA did not make this public at the time, but in a statement on 3 September, it said that the invitation to the Indonesian pro-democracy leader to address the Association in August had been withdrawn at the request of the Government of Singapore.

Responding to the news, Marzuki Darusman, deputy chair of Indonesia's National Human Rights Commission, said it was clear that the Singapore authorities had been under pressure. 'They were concerned to preserve their good relations with Indonesia,' was all he would say. Asked whether he thought the government of Singapore had gone too far, Marzuki would only say that it had acted

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'in a rather peculiar way in consideration of its national interests'. [Merdeka, 5 September]

## Arrested for Independence Day demo

Eleven youths were arrested by the police in Bogor, West Java for organising a demonstration to celebrate the 52<sup>nd</sup> anniversary of Indonesia's Independence Day on 17 August. The event, organised by a group called the Youth Front to Uphold People's Rights, was attended by about fifty people.

The event had passed peacefully with the singing of songs of struggle and speeches about the true meaning of independence. Banners saying, 'Independence should not teach people to be cowards', 'Development for the People', and 'Freedom of speech and opinion' were held high.

## ENVIRONMENT

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more than a thousand spots of dangerously high temperature and Minister Sarwono has publicly admitted that the extent of the damage this year is likely to exceed that of 1992.

### Who is to blame?

In the past, government officials have always pointed the finger at shifting cultivation by local people despite the fact that they have managed their forests without catastrophe for generations. These days however, everyone recognises that timber estates (HTI) and estates known as PIR or nuclear smallholding plantations, as well as transmigration sites set up by the government are the real culprits.

In an action that can only be described as being too little, too late, the Forestry Minister, Djameluddin, ordered one hundred and fifty plantation companies to halt operations. They were given two weeks to explain why hot spots

had occurred in their areas. He has threatened to terminate their licenses if they fail to come with satisfactory explanations.

Most of the so-called hot spots have been traced to land used by HTI and PIR estates, as well as transmigration sites. All three use fire for land-clearing purposes. The long dry monsoon this year has only made things worse. After the last calamity in 1994 the forestry department issued a decree prohibiting forestry companies from clearing land by burning but this year's disaster shows that enforcement has been pitiful although the state has powers to take violators to court.

On 20 September, students in Pontianak demonstrated outside the West Kalimantan forestry service in Pontianak. They were protesting against a statement earlier in the month when the head of the service blamed shifting cultivators for the fires. The demonstrators blamed the forestry service for the disaster and said that fourteen companies should be penalised. They carried posters calling for an end to all HTI and PIR estates in the region. [Kompas, 21 September] \*

## BOOK REVIEW

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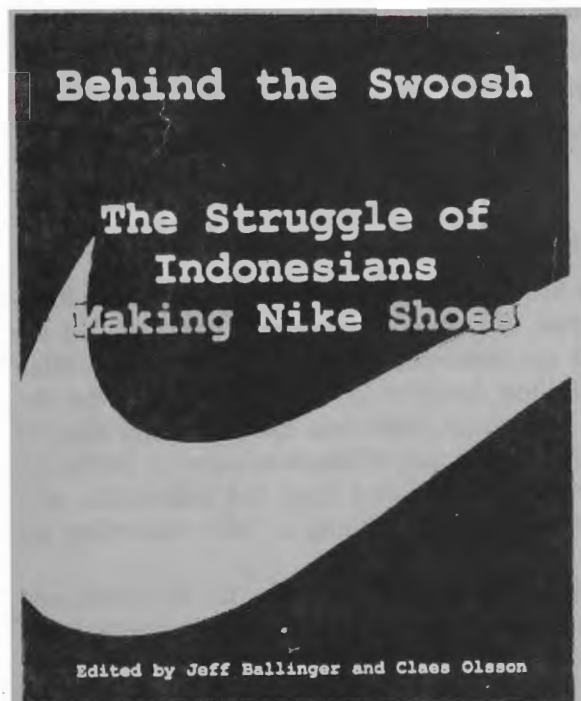
duction to this excellent publication draws the information together, pointing out that although Nike has been compelled by campaigners to adopt a Code of Conduct and make moves in the direction of monitoring practices by its contractors, conditions for the workers have hardly improved. All manner of tricks are used to keep wages to the bare minimum and keep the workers in ignorance of what Nike is supposed to be doing to help. Until now, a basic demand that Nike's Code of Conduct, translated into Indonesian, be displayed publicly in the factories has still not been met.

As Jeff points out, 'after developing the mechanism which was to bind contractors to a set of standards, Nike failed to convince (them) of their resolve. The result is a system which continues to generate huge rewards for Nike but leaves workers in the unenviable position of fighting greedy contractors (who) are backed by a corrupt, authoritarian regime.'

The campaign against Nike provides a model for labour activists in Indonesia as well as in the West. *Behind the Swoosh* is a powerful resource and an excellent example of how to back up a campaign with concrete information, free from rhetoric and focused on what needs to be done. \*

Carmel Budiardjo

Jeff Ballinger and Claes Olssen (eds), *Behind the Swoosh: The Struggle of Indonesians Making Nike Shoes*, Global Publications Foundation (UFFN Forlag, Box 1221, 751 42 Uppsala, Sweden), 1997. 224 pp.



During the past year, there has been growing awareness in the US about the political and human rights situation in Indonesia, prompted by publicity about the crackdown against the pro-democracy movement in July 1996, the unrest during this year's general election which shook Suharto's New Order regime, and the scandal surrounding contributions to Clinton's 1996 presidential campaign by a US-based Indonesian company which continues to receive many column inches of coverage in major US newspapers.

For several years, a number of US non-governmental organisations and groups have been campaigning to expose the exploitation of workers employed by foreign and domestic companies in Indonesia which manufacture shoes for Nike, the company that leads in the globalisation of shoe production. In June 1996, Cicih Sukaesih, a worker who was dismissed by a Nike contractor for her involvement in a strike, toured the US to alert consumers of conditions in Nike-related factories. Neither Nike's chief executive, Phil Knight, now one of America's richest men, nor its star endorser, Michael Jordan, wanted to meet her.

This book will certainly help to consolidate this campaign, providing well-documented information about the reality for workers producing the most sought-after, highly-priced footwear sold through one of the slickest advertising campaigns anywhere in the Western world.

120,000 Indonesian workers, most of them young women, are employed by fourteen companies in Indonesia contracted to manufacture Nike shoes. Nike's decision to shift manufacturing to Indonesia and Thailand came in 1987, as wages in South Korea and Taiwan began to rise. Indonesia offered an attractive alternative, not only because of the unlimited availability of cheap labour but also because the Suharto regime has imposed stricter controls on unions than anywhere in the Asia-Pacific region. Indonesia now accounts for 37 per cent of Nike products worldwide.

However, there are signs that Nike is already looking for other, cheaper labour in countries like Vietnam and China, now that the Suharto regime has marginally improved the minimum wage, albeit to a level that is still far from meeting a worker's most basic needs.

*Behind the Swoosh* reveals that the operations of Indonesia-based Nike contractors in particular and conditions in shoe-manufacturing companies in general, have been well-researched. The report by the Australian agency, Community Aid Abroad entitled, 'Sweating for Nike', gives a point-by-point rebuttal of the spurious arguments put forward by Nike's propaganda machine. In a section entitled 'The Cost of a Pair of Shoes', CAA shows that production labour accounts for \$2.75 or less than four per cent of the total cost of \$70.00 of a pair of shoes. Given that this figure includes salaries paid to managers, some of whom are earning as much as 65 times the wages paid to workers, the figure conceals the true level of exploitation of the factory workers. Promotion and advertising on the other hand which include fees for star promoters like Michael Jordan, accounts for \$4.00, revealing the obscene disparity between what star-endorsers receive and the pittance paid to the tens of thousands who make the shoes.

Nike's system of globalised production and subcontracting manufacturing to local companies reaps a number of advantages. It enables Nike to distance itself from the exploitative conditions involved in the manufacture of their products, it enables the company to play off one supplier against another so as to obtain the cheapest price while insisting on a high quality of work, and it enables the company to play off one government against another so as to obtain the best investment conditions for its contractors.

Another contribution contains the results of research undertaken in August 1996 by the Indonesian Sportshoes Monitoring Network, a group of seven Indonesian NGOs. At first, they approached Nike with a proposal for independent monitoring. After several months, the company's Director of Labour Practices Dusty Kidd sent them the Executive Summary of an audit undertaken by a Nike-appointed company, Ernst and Young, but refused to let them have the full report. The ISSMN research covered all 14 companies in Indonesia which produce shoes for Nike and dealt with every aspect of working conditions.

With regard to unions, it said that while most of the companies have unions, union officials are generally selected by management, not elected by the workers. Collective Bargaining Agreements are drafted by management and presented to union officials for their signature, without negotiation. Moreover, the Agreements are not made available to the workers even after they are formally adopted by management and union officials.

A contribution by Indonesian labour activist Fauzi Abdullah and Dutch union leader, Tom Etty puts such practices into context by describing the labour situation in Indonesia as 'would be' and 'make believe'. In other words, the reality has nothing whatever to do with appearances. So-called Collective Labour Agreements are in fact nothing of the sort. In most instances, there is no such thing as bargaining. 'If the union makes demands, it is in a setting where the employer listens and then makes a binding decision.'

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## Environmental calamity in the making

*In September several Southeast Asian countries declared a state of emergency. The thick smoke which has blanketed parts of Indonesia, Malaysia and Singapore for months had reached intolerable levels. The blame for the disasters lies squarely on forestry companies and the Indonesian government which has allowed deforestation to proceed virtually unchecked.*

In face of criticism from several ASEAN countries and growing public concern throughout Southeast Asia as scores of fires blaze unchecked in Kalimantan and Sumatra, President Suharto was forced to make a public apology, which is not normal for an autocratic Javanese ruler. After



months of inaction. Sumatra and Kalimantan were declared disaster areas in September, and a few days later the Malaysian government declared that Sarawak in eastern Malaysia was in the state of environmental emergency. Reports indicate that serious forest fires are also burning in the east, notably in West Papua.

### Choking the population

Tens of millions of people in Indonesia, Malaysia and Singapore are suffering the effects of the fires. An Air Pollution Index in excess of 200 is regarded as a health hazard, but with API above 600 in some parts of the region, doctors throughout the disaster area are reporting a huge upsurge in respiratory diseases such as asthma and bronchitis, as well as smarting eyes and skin rashes. In Central Kalimantan visibility has fallen to 25 metres and people in parts of Sumatra like Rengat in Riau have been advised to evacuate. Environment Minister Sarwono Kusumaatmadja told reporters that visibility in Rengat had fallen to zero. Transmigration sites in Central Kalimantan have been razed to the ground by the forest fires. Thousands of flights have been cancelled and road traffic has been brought to a virtual halt because of the thick smoke.

The Malaysian authorities are now blaming the Indonesian government which seems powerless to act. It has no adequate fire-fighting equipment and is waiting for the rains, while admitting that they are unlikely to start for months. Artificial rain techniques have been used with little effect and aircraft loaded with ocean water have been unable to take off because of the smoke.

### Not the first time

Fires have destroyed huge swathes of forest in Indonesia over the past decade and a half. In 1992, one of the world's worst environmental disasters struck Kalimantan when two million hectares of tropical forest were destroyed. Two years later, there was another major disaster when hundreds of thousands of hectares went up in flames. Despite the recurrence of forest fires, the Indonesian government has done virtually nothing to take preventive action.

Until recently, the latest disaster was hardly mentioned in the Indonesian press but it is now being admitted that things look very bleak. By the third week of September, 167 so-called 'hot spots' had been recorded across Sumatra and Kalimantan. The coordinating team for land and fire control estimates that about 300,000 hectares of forest have already been destroyed. Satellite photos have identified

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