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Party office stormed by the military

For several weeks the head office of the PDI was one of the few places in the republic where free speech was being practised. Every day there were huge rallies, attended by many thousands, in defiance of Suharto and the army. Free-speech forums were held daily. Then at dawn on 27 July, the armed forces struck.

On that day, after weeks of preparation, around 800 troops, dressed up in red PDI shirts with headbands and backed by uniformed troops and police, started attacking the office of the Indonesian Democratic Party on Jalan Diponegoro. The building had been held by the PDI led by Megawati Sukarnoputri in defiance of government demands that it should be handed over to Soerjadi, who was imposed as 'party leader' by an army-backed 'PDI congress' held in June. With this, the regime transformed a party that had for years been loyal to the regime into a rallying point for the forces of opposition.

Around 300 PDI members were defending the building. The attacking forces, posing as Soerjadi supporters, lobbed a hail of rocks and petrol bombs into the building, supported by police who sprayed the office with tear gas, using UK-supplied water cannons [see separate item]. After a stand-off lasting a couple of hours, the police and troops disguised as Soerjadi supporters gained entry by forcing down the fence and gate. The building which had been surrounded by troops for days was invaded. The Megawati defenders were quickly overpowered. Dozens were injured in fierce clashes inside. A doctor who arrived in an ambulance described the scene as a 'sea of blood'. Many injured people were taken to hospital but attempts to check on their condition and verify reports about the number killed were thwarted when security forces denied access to the victims.

The Legal Aid Institute monitored several hearses leaving one hospital under heavy guard and reports that the hospital morgue was under army guard. It believes that altogether six or seven people died.

Jakarta explodes in fury

News of the storming of the PDI office spread fast, bringing tens of thousands onto the streets. Troops were out in force, blockading streets in the vicinity. But the crowds re-mustered elsewhere as the situation went out of

control, according to the BBC World Service. In their fury, the crowds set fire to a number of buildings, seen as symbols of affluence and regime greed. The buildings torched included several banks, car showrooms, a nine-story building which houses the Department of Agriculture and the barracks of the army's women's corps. It was, as most commentators agreed, the most powerful outburst of opposition since Suharto took power in 1965.

Many of the demonstrators shouted slogans supporting Megawati and condemning the military for their brutality. More than 170 people were rounded up. In a statement issued on Sunday, Megawati strongly condemned the violent

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takeover of the party's headquarters. The action was 'blatantly against the law.... It is a misuse of power and someone must be held responsible,' she said.

When several hundred people assembled near the occupied PDI office on Sunday, police again fired tear gas and used rattan sticks. Several people who fled the scene were

bleeding as they scattered in face of the heavy blows. At least ten more people were arrested.

In other cities, including Bandung in West Java and Surabaya in East Java, troops were on high alert to prevent pro-Megawati demonstrations from breaking out. To ensure that only the official version would reach the population, editors were warned, a day before the operation, not to publish pro-Megawati accounts. Several papers, including *Kompas* and *Merdeka*, whose reporting has been generally supportive of Megawati, are under threat of losing their licences to publish. *

Pro-democracy: The great leap forward

The pro-democracy movement in Indonesia has taken a great leap forward with the nation-wide support for Megawati Sukarnoputri, after she was ousted as chair of the PDI as the result of a manoeuvre by the government and the armed forces. Support for Megawati is coming from all sections of the public, while the Suharto regime has been discredited as never before in the eyes of the population.

The pro-democracy movement in Indonesia has been on the march already for more than a year. A plethora of groups, labour, students and journalists in particular, have been pushing hard for their own demands as well as denouncing authoritarianism and the role of the military in political and security affairs in ever more strident terms. The upsurge of anger in many cities that greeted the army's storming of a university campus in Ujung Pandang

elled by the months of simmering unrest and has added strength to these developments. The Suharto regime, which still likes to call itself the New Order, can no longer rely on subservience from a very restless population.

PDI, a Suharto creation

The PDI (*Partai Demokrasi Indonesia*) is a creation of the Suharto regime, one of the three parties recognised by the government and permitted to take part in the general elections. It came into existence in 1973, when Suharto compelled several nationalist and Christian political parties to fuse. Muslim parties were compelled to fuse into the PPP. This suited Suharto's vision of a three-party system with an in-built advantage for the government party, avoiding the opprobrium heaped on one-party states and making it appear as if democracy of a kind was in operation.

The two parties have never enjoyed the many privileges conferred on the government party, GOLKAR. There are numerous restrictions on their ability to organise as compared to GOLKAR whose members include all government officials and employees with unhindered access to the population. Among others, they are denied the right to organise below the sub-district level. The regime believes that people in the countryside should not be distracted from development activities and should be treated as a 'floating mass'. In past elections, GOLKAR has always been assured of over 70 percent of the votes, although in the 1992 elections, the PDI, which enjoyed a considerable degree of support among younger voters, marginally increased its share, pushing GOLKAR's share down to 68 percent.

Megawati takes over

Until the late 1980s, Megawati Sukarnoputri was reluctant to become involved in politics but she was persuaded by the then chair of the PDI, Soerjadi, to join the party as a 'vote-getter' because he felt she could attract a large number of votes, thanks to the continuing popularity



Megawati at a PDI rally

in April this year was unprecedented. The mass support for Megawati when she faced such blatant intervention by the regime in her party's internal affairs was certainly fu-

of her late father, the country's first president who was ousted in the 1960s by Suharto. Until then, Soerjadi had been the man favoured by the regime to run the party but he lost favour and when the PDI held its congress in 1993, there was a groundswell of support for Megawati to chair the party.

This took the regime by surprise and may in part have been due to support from some senior army officers, not least by retired General Benny Murdani, who welcomed a boost for the PDI because of their own discontent with GOLKAR.

Following her election, the government set in motion a series of moves to undermine her position. A whispering campaign was initiated against some local PDI leaders, alleging that they had 'PKI affiliations'. In East Java, the governor, a retired army general, publicly promoted a local PDI functionary who challenged the central council's decision about who should head the provincial branch. The governor's undisguised intervention in the dispute even resulted in Megawati being prevented from visiting the province to attend meetings or speak at party functions.

Megawati, the threat

Far from deflating the popularity of the PDI, its posi-



Defiant demonstrators facing security forces

tion has grown from strength to strength, with the party devoting more attention to consolidating regional and local branches. It has become increasingly clear that up to twenty million first-time voters will be likely to vote for the PDI at the general elections due to be held in May next year, seriously cutting back GOLKAR's majority. Still worse, the idea has been mooted that Megawati might agree to stand for president in 1998 when Suharto's sixth term comes to an end. No one has ever challenged Suharto before. The very idea of voting on the presidency is utterly abhorrent to Suharto. According to his own firmly-held Javanese beliefs, power is an absolute concept and it cannot be diminished by a minority voting for an alternative candidate. This would be seen as a menacing challenge to the holder of that power.

According to *Suara Independen*, [No. 11/II/June 1996], the journal of AJI, the Alliance of Independent Journalists, after several false starts, the conspiracy to oust Megawati crystallised when PDI central committee member Fatimah Ahmad met armed forces commander, General Faisal Tanjung and Akbar Tanjung, the Minister for Sports and Youth Affairs. All are Bataks from North Sumatra and apparently distantly related. They decided that the only way ahead was to convene a 'PDI Congress' to replace Megawati. It is worth noting that several other senior army generals were not convinced that this was the best way forward. Fatimah, it appears, was promised a ministerial position in the next Suharto cabinet if the scheme succeeded.

The Congress would have to be held somewhere outside Java which is the PDI stronghold, so as to prevent Megawati supporters from attending or demonstrating in large numbers against the event. It would need massive funding, not only to cover huge travel expenses but to bribe local PDI members to attend. Altogether Rp3 billion was raised, much of it used by local military commands to ensure participation from their locality. In some regions, blatant intimidation was used against local party functionaries. Elsewhere, for instance in Jayapura, the local PDI functionaries took the money, bought plane tickets to Jakarta where they pledged their support for Megawati.

Adding to the sense of urgency was the fact that the deadline for parties to submit the names of candidates for the 1997 elections was fast approaching. The government and the armed forces (ABRI) felt that Megawati had to be got rid of by hook or by crook, in time for nominations day.

The chosen instrument was none other than the former chair, Soerjadi who, according to commentators, was hand-picked by Suharto himself to replace Megawati. When Fatimah and others in the party announced that they would convene a PDI congress, the first to respond and give assurances that the meeting would be granted facilities and all the necessary protection was General Faisal Tanjung. Megawati and the rest of the leadership insisted that such a gathering was in contravention of party statutes and immediately sacked Fatimah and others on the central council who were collaborating with her.

In charge of the 'operation PDI Congress' were Lt.-General Syarwan Hamid, ABRI's social and political affairs chief-of-staff, and retired General Yogie Memet, the Minister of the Interior. Pressure was brought to bear on chief editors, who were summoned several times in June by the Information Ministry not to give prominence to

news about Megawati and her supporters, along with an instruction to stop referring to her as Megawati Sukarnoputri, 'the daughter of Sukarno', and use her husband's surname instead. Judging by press coverage of the issue during the past two months, the instruction has been largely ignored. The only major paper that has toed the line is *Republika*, which is backed by ICMI, the political vehicle of Dr Habibie, a close ally of Suharto's.

On 6 June, the *Jakarta Post* wrote:

'What has happened in the PDI is truly deplorable. The use of such a contemptuous method to topple a constitutionally elected leader is not merely a political setback for Indonesia but also a tragedy for our embryonic democracy. Remember that times have changed. Our political landscape has changed. We have a more open society and our citizens are becoming increasingly politically aware. Anyone with an education will be able to see what is really behind this lamentable affair.'

Despite protestations by the generals in charge of the dirty tricks campaign that there was no intervention, this is accepted as fact by most commentators and the clear message running through most domestic and international press reporting on the issue.



Bloody Gambir on 20 June

The regime-backed meeting took place in Medan, North Sumatra on 20-21 June, under heavy guard by police and troops, as a warning to anyone intending to protest. Soerjadi was duly 'elected' and the 'congress' which was scheduled to last for four days dispersed halfway through the second day as there was nothing more to talk about.

Within days, the Interior Minister officially recognised the Soerjadi leadership, and said that it was now up to Soerjadi alone to submit nominations for next year's elections.

Thousands rally: Another bloody incident

On 20 June, many thousands of PDI members, with support from many other groups, rallied in the centre of

Jakarta to denounce the Medan event and declare full support for Megawati. Troops were out in force, blocking roads leading to the main square but by sheer force of numbers, the demonstrators broke through. The troops wielded their weapons in all directions, hitting out at the protesters. Most of the brutality occurred as protesters were fleeing from the scene, near Gambir Station. The event is now known as *Gambir Berdarah* or Bloody Gambir. Photographs of army brutality were flashed across the world in the print media and on CNN. More than 120 people were injured, some seriously. There were dozens of arrests. In early July, five persons were still being held, with no indication yet of whether they are to face charges. The ferocity of the attack was clearly intended as a warning against further demonstrations, reminiscent of what happened in June 1994 when brute force was used against hundreds of people protesting at the banning of three popular periodicals. On that occasion, the strategy worked but protesters these days can no longer be subdued by such blatant intimidation.

Although most of the protesters were PDI members, there was also support from a number of militant activist groups, among them PIJAR, the student solidarity group for democracy, SMID and two newly-established political parties, Sri-Bintang Pamungkas' PUDI, and the People's Democratic Party, PRD.

Megawati, now the popular leader

Since then, the PDI head office in Jakarta has become the rallying point for huge crowds of Megawati supporters, many of whom remain there night and day to guard it against attempts to seize it for Soerjadi. Messages of support have been arriving from all quarters, as well as donations and other contributions to feed the crowds. For days, events at 58 Jalan Diponegoro, a major thoroughfare along which many ambassadors have their residences, were shown on CNN.

So, instead of getting rid of Megawati, she has now become the popular leader of a nationwide pro-democracy movement which could threaten the very existence of Suharto's New Order. Open-air public forums are held almost daily at which Megawati often speaks. Her appearances are being compared to the weekly meetings held by Burma's popular leader, Aung San Suu Kyi, over the fence of her home on University Avenue in Rangoon.

According to Goenawan Mohamad in *Tempo Interaktif* No 20/1:

The PDI under Megawati could be transformed from being an electoral machine which only supports the status quo, legitimises Parliament and the government, into becoming a grassroots people's movement, a transformation of profound significance for the future political developments.... If the present militancy can be well harnessed, she will be able to build a party stronger than anything we've seen hitherto, based on something that is very real, widespread public dissatisfaction.

The fightback:

POLITICS

(1) Consolidating the PDI

As for Megawati and her reconstructed executive council, they have moved forward on several fronts. Megawati has issued a number of statements strongly criticising the government for their contemptible interference and insisting that she has no intention of accepting the alleged decisions of the Medan gathering. Her first move was to issue instructions to all regional and local party branches throughout the country to convene delegate conferences at every level to consolidate her leadership of the party. These have been taking place all over the country and from the many reports in the national and regional press, it is clear that members of the party are incensed by the trickery and full of contempt for those local functionaries who agreed to go to Medan. In many places, local military commanders have tried to banned PDI branch meetings but these have taken place regardless, resulting in the ousting of pro-Soerjadi committee members, in other words, a clean sweep.

In some localities, pro-Megawati activists in the party have had to play 'cat and mouse' with the local military to hold their meetings. Control of local party offices has been a matter of conflict, with some pro-Megawati groups having to hold their consolidation conferences out in the open. Local Soerjadi groups are never at a loss for a place to meet; where they have lost control of the local party office, they hold their meetings instead at the local military command. There has been a constant stream of messages of support for Megawati reaching head office in Jakarta, with more and more branches coming out against the 'Medan congress'.

Equally significant have been the countless local rallies, sometimes with hundreds, but often with thousands of people cramming the streets and taking part in 'long marches' of support for Megawati. At the very time the governor of Central Java, one of the PDI's strongholds, was saying that no branch conferences should take place in his province because PDI members should 'defer to the government's decision to recognise Soerjadi', thousands of PDI members and supporters, according to *Jawa Pos* [2 July], turned Semarang, the provincial capital into a 'sea of red'. (For public events, PDI members dress in black and wear bright red headware, carrying bright red banners.) Many of those taking part had converged on the city from all parts of the province.

In some places, Medan participants have failed to return home or show up at meetings, afraid of facing the anger of the grassroots membership. The regime has only itself to blame for galvanising the mass of PDI members by its grotesque intervention, turning the party into a powerful opposition party.

Meanwhile in Jakarta, rallies have continued to occur. On 5 July, thousands converged on Parliament, some walking, some on motorbikes, some aboard public transport, demanding to meet the Speaker and convey their anger at what has happened. He and other parliamentary faction leaders refused to meet the protesters who then walked to the PDI head office where they held an open-air public forum. This action like others in the capital have blocked the main roads for hours, adding to the huge traffic congestion that has become a feature of life in Jakarta. One banner which greets motorists read: *We do apologise*

for the congestion. We are busy fighting for democracy.

On 11 July, thousands of people gathered at the Proclamation Monument, the spot where Sukarno and Hatta proclaimed independence on 17 August 1945. They unfurled a white banner said to be 1,000 metres long and invited passers-by to sign their names as an expression of support for Megawati. Within thirty minutes, the banner was covered with signatures. Passing motorists and passengers on buses got out to add their names.

(2) Taking the government to court

After days of deliberation, Megawati and her executive decided to mount several legal challenges in the courts. A nine-person legal team, under Amartiwi Saleh of the Legal Aid Institute (YLBHI), have initiated proceedings against the sixteen PDI leaders who formed the organising committee of the Medan 'congress', against the two PDI members who chaired the congress and against Soerjadi and his 'secretary-general' Buttu Hutapea. They have also taken out proceedings against the Interior Minister, for assisting with congress preparations, against the armed forces commander, General Faisal Tanjung, for giving all-out support to the event, and against the national chief-of-police, Police General Dibyso Widodo, for issuing the permit allowing the Medan meeting to take place.

Local branches have also been advised to initiate proceedings against local PDI leaders who took part in the Medan meeting. The YLBHI has announced that no fewer than three thousand lawyers have come forward, offering their services to PDI branches.

(3) Building a broad coalition

One striking feature of the rallies and demonstrations has been the participation of activist groups and parties. Quite predictably, the army have insinuated that 'external forces' or 'third parties' are responsible for stirring up the pro-Megawati mass movement (although when much of the press talks about 'external forces' and the PDI, what they mean is ABRI). Such talk is designed to split the pro-democracy forces and could lead to a clampdown on groups they would like to scapegoat.

In order to consolidate the coalition that has emerged around Megawati and the PDI, a number of groups and parties the *Majelis Rakyat Indonesia*, MARI, (Indonesian People's Council) to mobilise public opinion and press for the repeal of the five 1985 political laws which provide the basis for the rigged elections and the tightly-controlled role of the political parties. The 26 founding members of MARI include the Muslim-based Masyumi-Baru, the two independent trade unions, SBSI and PPBI, the Indonesian Legal Aid Foundation, YLBHI, the LBH Federation set up by lawyers who split away from the YLBHI, H.C. Princeton's human rights group, LP-HAM, the People's Democratic Party, PRD, the students' solidarity movement for democracy, SMID, the human rights group PIPHAM, Sri-Bintang Pamungkas's new party, PUDI, the Batak Protestant Church, HKPB, PIJAR and others.

Announcing the establishment of MARI, Ridwan Saidi

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Years of living nervously

Suharto's sudden trip to Germany sent tremors through the country. He had to cancel several important appointments including a visit to Malaysia. Although Bina Graha, the Presidential Office, insisted that it was just a routine medical checkup, the public wasn't convinced. The 75-year old dictator has not looked the same since his wife Tien suddenly passed away in April.

The Jakarta stock market dived and the value of the rupiah slid throughout Southeast Asia when it was announced that the President had to leave for Germany for health reasons. He left Jakarta accompanied by his three daughters and one son, creating the impression that his health problems were indeed serious. The world of business reacted in panic. There were indications of capital flight and tremors shook the stock markets for three days until it became clear that Suharto's heart and kidney problems were not as acute as some had surmised.

Suharto's visit to Germany couldn't have come at a worst moment. Political tensions were intensifying with the PDI crisis and investors have become more cautious because of the uncertain political situation.

His medical condition

The clinic he visited in Bad Oeynhausen near Hanover was the clinic where Technology Minister Habibie underwent a triple heart bypass last year. German specialists stated that for a 75-year old person, he was 'in better health than many people think'. It is probably another way of telling the outside world that the president did not urgently need heart surgery. Other health problems like diabetes, kidney stones and prostate ailments were not mentioned.

The health scare came as a real shock. It is not simply a medical problem, but a political one. It is a strong reminder that Suharto has done nothing about the succession. People are reminded that Suharto is not immortal and with the mounting political problems, the need to know what will follow Suharto is more pressing than ever.

Political tensions intensifying

Some of the world's leading business journals have shown just how nervous Suharto's backers have become. The *Far Eastern Economic Review* published an editorial "Success and Succession, Preparing Indonesia for after Suharto" while a leader in *The Economist* was titled: "Après Suharto". *Asiaweek* asked on its front cover: 'How ill is Suharto?' while *Business Week* published a lead article: 'Suharto's Grip is Loosening: Who Will Come Next?' The gist of the articles is the same, Suharto has been in power too long and should resign before political turbulence hits the country. He is described by *Business Week* as one of Asia's last authoritarian patriarchs. *The Economist* describes him as one of world's three-longest running dictators. He is criticised for having created a political system which could implode because it doesn't allow any opposition. The journals all blame Suharto for going back on his promises about openness, moving instead towards more blatantly protecting his children's ubiquitous business interests. He is soft on corruption and accused of being out of touch with political reality. *Business Week* quotes ana-

lysts who believe that Suharto lacks the stamina to run Indonesia much longer, in particular now that a credible opposition has emerged.

Suharto's *Orde Baru* has always had the support of the financial and business community. He was always been seen as the one who salvaged Indonesia from the economic ruins of the Sukarno era. He opened up the country to unbridled foreign investment and was seen for decades as the safeguard for foreign investments. He also provided political stability, an important asset for investors. All this is swiftly crumbling. Suharto is now seen as a liability. Now, the overriding concern of his backers is a decent and orderly succession.



Catch 22 situation

A decent and orderly succession is indeed a key question. But all the signs are that Suharto wants to stand for a seventh term. By then, in 1998, he will be 77 years old. All odds are against him. If he leaves everything unchanged, letting corruption and favouritism flourish, it will only enhance the opposition. If he acts tough on his opponents it will create a favourable momentum for the opposition. The rift in the armed forces is definitely growing. It is more than likely that the opposition will receive open support from some ABRI officers. His cabinet is also divided on many fundamental issues and Suharto is no longer able to hold them together as a team.

Even if Suharto is willing to leave office, as Tien Suharto suggested a few years back, family interests will not allow this to happen. Any successor, even with his blessing, will not be able to protect the economic interests of the Suharto dynasty. These days, criticism of the wealth of the Suhartos can be compared to the political atmosphere in Manila before the downfall of Marcos. It is difficult to imagine Suharto playing a backstage role. All the signs indicate that the succession could be rough and bumpy. *

Supreme Court in crisis

Confidence in the Indonesian judiciary has sunk to a new low. The Supreme Court has been plagued with controversy for months. A bitter conflict between justices has raged following the call by a deputy chief justice for a re-trial after he found indisputable evidence of collusion relating to a Court verdict last year. Many public figures and lawyers were also stunned by the Court's decision to uphold the Information Minister's ban of the popular weekly, Tempo, in June 1994.

In Indonesia, there is no such thing as an independent judiciary and corruption is known to be rife from top to bottom. However, in the past year or so, some verdicts have revealed that some judges and even some justices are beginning to assert their independence by passing verdicts very much at variance with what the executive wanted. One such judge is Benjamin Mangundilaga, who chaired the State Administrative Court in Jakarta that found in favour of the editors of *Tempo*, when they sued Information Minister Harmoko for banning the journal in June 1994. Another is Deputy Chief Justice Adi Sutjipto Andojo, who stunned the legal profession when he acquitted nine people who had been found guilty of the murder of labour activist, Marsinah, in trials that were riddled with grave procedural errors and which were part of the cover-up of military involvement in the activist's murder.

Supreme Court backs Harmoko

But in the end, Mangundilaga's courageous ruling was reversed. On 13 June 1996, the Supreme Court, sitting under Chief Justice Surjono, confounded public opinion and the views of many in the journalist and legal profession when it upheld Information Minister Harmoko's ban on *Tempo*, even though it was clearly in breach of the Press Law of 1980 which rules out press bans. Furthermore, the Minister even failed to abide by his own regulations with regard to implementing the powers he had granted himself to revoke the licences of publications. The Supreme Court decision reversed the clear cut verdicts of the Jakarta Administration Court (PTUN) and the higher administrative court, both of which had sought to restore the principles of the Press Law.

Goenawan: it's a 'farce'

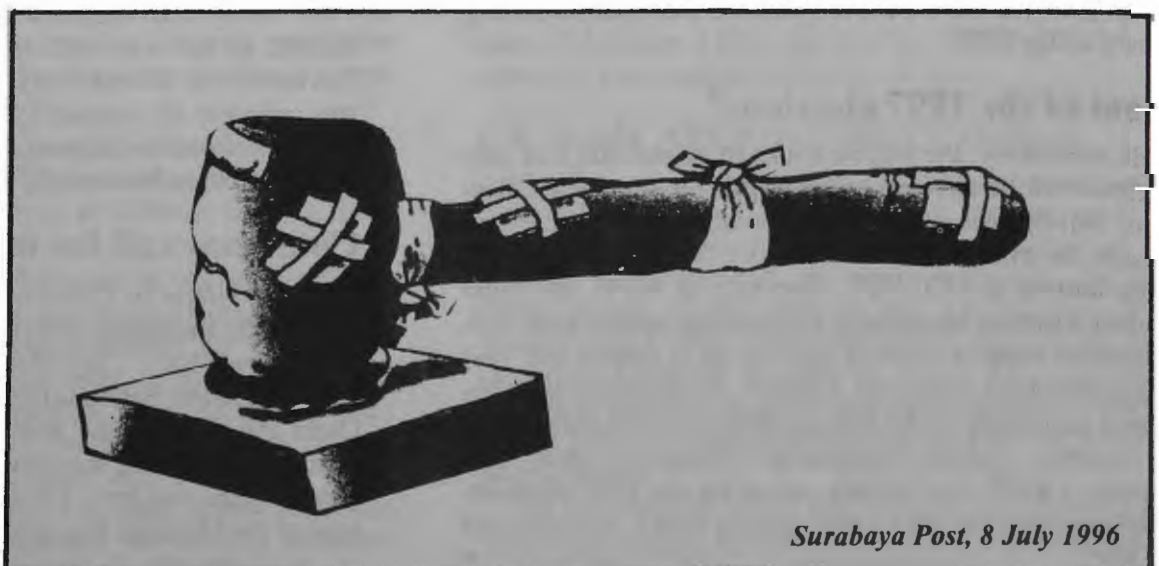
Interviewed by dozens of journalists after the hearing which was announced to a packed courtroom, *Tempo's* founder and editor, Goenawan Mohamad, said that further efforts through the legal system to

restore the publication were now at an end. 'But don't think I will do nothing further. What has happened today is a huge farce.... The ruling shows that the foundations of the press in Indonesia are very wobbly indeed. I am absolutely convinced that they will be defeated in good time. We have many activists who are ready to continue the fight for press freedom in their own ways.' [*Jawa Pos*, 14 June]

One human rights lawyer described the ruling as 'a show of bureaucratic solidarity'. [*Jakarta Post*, 15 June]. M. Budyatna, dean of the University of Indonesia's School of Social and Political Sciences, expressed the view that 'a political game' was behind the verdict, to prevent the government from losing face, while Andi Muis, law professor at Hasanuddin University, Ujung Pandang, felt that 'non-legal factors' had influenced the Court. He expressed the fear, as did many others, that the ruling 'will encourage the government to tighten control over the press'. [*Jakarta Post*, 14 June] In an editorial comment, the same daily assailed the Court for 'twisting legal terminology' when it declared that revocation of a licence was not the same as a ban. 'In the last several years,' it wrote, 'more and more people have begun to question the integrity of this Supreme Court'.

Indonesian language newspapers also gave prominence to statements by many legal experts who felt that the ruling was evidence of the Court subservience to the government.

In New York, the Committee to Protect Journalists which has campaigned vigorously against the June 1994 bans and in support of journalists who were sentenced in 1995, said: 'By overturning the lower court verdict, the



Surabaya Post, 8 July 1996

Supreme Court has extinguished one of the few rays of hope for press freedom in Indonesia'.

The great collusion row

At the centre of the Supreme Court controversy over the question of collusion is Deputy Chief Justice Adi Sutjipto Andojo who in the past year or so has shown great tenacity in his search for justice, rare for anyone so close to the pinnacle of the judiciary. In a number of cases recently, the Supreme Court has failed dismally to withstand pressure from the executive, even going so far as to reverse its own verdicts, after pressure from the President or other government officials. A Supreme Court ruling in favour of peasants driven from their land by the World Bank-funded Kedung Ombo dam in Central Java which would have entitled the plaintiffs to millions in compensation was later reversed, and a West Papuan tribal landowner who obtained a favourable ruling from the Court was later told that the decision was 'unenforceable'.

But Adi Andojo's name has been associated with several efforts to uphold justice against pressures from the bureaucracy. Besides acquitting the group who were found guilty of murdering Marsinah, Adi Andojo decided to allow trade union leader Mochtar Pakpahan to go free while his four-year sentence was under review.

However, the case that has shot him into prominence was his demand for a full inquiry into a Supreme Court verdict acquitting a businessman found guilty of fraud amounting to billions of rupiahs. Andojo charged that a sum of Rp. 1.4 billion (nearly £500,000) had been paid in bribes to Supreme Court judges to acquit the man in question. Adi alleged that the case had been allocated to a panel without his consent although he was in charge of allocating cases, that the case had gone to the top of the pile and was settled in record time.

His letter of complaint to Chief Justice Surjono was leaked to the press in April and provoked lively comment in the press and among some parliamentarians. He insists he has hard evidence to back up the charges he is making. He went so far as to say that corruption is rife in the

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of Masyumi-Baru said: 'MARI has a strong sense of solidarity with the PDI but we have no intention of taking control of the PDI'.

What of the 1997 elections?

If, as is likely, the regime sticks to its position that only Soerjadi will be allowed to participate in next year's elections, the chances are that huge numbers of people will boycott the event, becoming part of the 'blank' or 'white' group known as GOLPUT. The role of KIPP, the Independent Election Monitoring Committee, which won such nationwide support when it was set up in March this year is fast becoming irrelevant because the elections will become a non-event as the tide of democracy sweeps across the country. Indeed, Goenawan Mohamad, chair and founder of KIPP, has already called for the 1997 elections to be cancelled, as have other groups which are involved in KIPP. *

Supreme Court.

The storm that broke out over Andojo's allegations forced the Chief Justice to set up an inquiry. When the inquiry team announced that it found no evidence of collusion, only of 'procedural violations', Adi condemned the findings as unacceptable and complained that he had been denied access to the contents of the report. He also pressed for a more wide-ranging investigation. What is remarkable is that such a senior member of the Supreme Court has refused to be silenced and is in effect condemning the investigation as being nothing more than a cover-up.

Like other controversial figures, Adi Andojo is very much in demand these days for interviews and talks. An invitation for him to give a lecture at the Islamic University in Yogyakarta was withdrawn when the local authorities refused to allow the lecture to proceed.

Clearly rattled by Andojo's outspokenness, Chief Justice Surjono first relieved him of his responsibilities to allocate cases in the Court, then announced that he has asked the President to dismiss Andojo as a member of the Court. By placing the ball in Suharto's court, Surjono has forced the President to decide on an issue that is very much in the public eye. If he sacks the deputy chief justice, there will certainly be a storm of protest. Public sympathy for Andojo has been vociferous, with many lawyers insisting that Surjono, not Adi Andojo should be sacked. Moreover, while the controversy was raging, it was announced that a high court judge named Soetrisno has been suspended from the bench because of allegations of corrupt practices involving some very high-profile cases, including the case at the heart of Adi Andojo's charges of collusion.

The controversy within the Supreme Court has taken place in full public view. 'This is not the first time,' wrote *The Jakarta Post* [6 July], 'that allegations of corruption and collusion in the Supreme Court have been heard. What (has) made this case different is that the allegations were made by an insider, a very senior and respected figure in the Court.'

The collusion row and the *Tempo* ruling has focused attention as never before on the crucial issue of the independence of the judiciary. *

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the remains of their loved ones could not be taken to Australia for burial 'for health reasons'?

* Why was Maureen Tolfree, who touched down in Jakarta, on her way back to Bristol from Australia, on 26 November (or thereabouts), to get back to her father who was seriously ill, warned by a diplomat who she contacted by phone from the airport, that she should not wait for the funeral because her security 'could not be guaranteed'?

Commons call for inquiry

In the House of Commons, 108/MPs from seven political parties, including twelve from the Conservative Party, have signed Early Day Motion No. 204 calling for a full inquiry into the Balibo killings. The EDM will stand on the Order Papers until the end of the present session in November. Thereafter, we hope to have another EDM tabled repeating the call for a full inquiry, in the light of the findings of the Sherman Report. *

Hugh Dowson

UK water cannons used in Jakarta

Tactica armoured water cannons manufactured in the UK have been out on the streets in Jakarta and Medan for use against demonstrators protesting against the government-backed plot to remove Megawati Sukarnoputri from the leadership of the PDI. Photos of the vehicle were supplied to TAPOL.

The revelation about the use of these water cannon by the Indonesian police shows the extent to which British firms are supporting repressive policing, with backing from the British Government. It comes at a time when pro-democracy forces are taking to the streets everywhere and shows clearly how the British Government is collaborating with the anti-democracy forces in Indonesia.

Ann Clwyd: Assurances shattered

In a press release on 19 July, Ann Clwyd MP said that deployment of these water cannon had 'shattered assurances accepted by the UK Government that Indonesia does not use British supplied defence equipment against its own population'. She said that photographs of the vehicles had been verified by independent and well respected experts to be Tactica armoured water cannon. She quoted Foreign Office Minister Alistair Goodlad as telling her on 11 May 1995:

'We have on several occasions... sought the assurance of the Indonesian Government that British supplied defence equipment would not be used for internal repression in Indonesia and East Timor.'

The Tactica armoured water cannon is manufactured by Glover Webb in Hampshire, a subsidiary of GKN Defence in Shropshire, which has been supplying Indonesia with military equipment for years. Nothing was known about this latest deal involving the water cannon until information about its use was made available by contacts in Indonesia. The deal must have been concluded recently as the Tactica water cannon is a new product by Glover Webb.

The photo sent to TAPOL shows the water cannon in place during the early stages of the PDI demonstration on 20 June which has since becoming known as Bloody Gambir. [See separate item.]

The water cannon was also deployed in Medan, North Sumatra when massive army and police reinforcements were flown in from Jakarta to provide protection for the government-backed PDI Congress which voted to replace Megawati Sukarnoputri by Soerjadi. A report in *Surya* [20 June] states that several armoured vehicles from Britain - armoured personnel carriers, bomb disposal units and the Tactica water cannon - were out on the streets. For local inhabitants, who had never before seen such equipment, 'the security measures to protect the PDI Congress were truly very frightening'.

The water cannon is part of the Tactica family of riot-control vehicles, which includes armoured personnel carriers and assault vehicles. It has a 360-degree vision turret and the capacity to take 4,000 litres of water. It emits a jet



The police vehicle at the bottom of the picture is a UK made Tactica water cannon

which knocks down anyone in its path and can cause severe injury. The water can be mixed with paint that sticks to clothes, turning demonstrators into 'marked people'. The paint can only be removed with special chemicals.

'Police and security forces around the world face increasing threat levels during public disorder,' Glover Webb sales literature says of the cannon. 'The selection of the correct internal-security vehicles to counter those threats has never been more important.'

According to the catalogue of the British Army Equipment Exhibition 1995, the Glover Webb Tactica water cannon is also equipped to carry CS gas.

UK-made APCs in Ujung Pandang

We can now confirm that the two armoured vehicles that crashed their way into the Islamic University in Ujung Pandang while mass demonstrations were underway there in April were Saracen armoured personnel carriers. A photo of one of the vehicles was published in *Forum Keadilan* on 3 June. The photo shows the vehicle to be a six-wheeled vehicle; the Saracen, manufactured by Alvis in Coventry, supplied in the 1980s and upgraded a few years ago, is the only six-wheel APC owned by the Indonesian armed forces.

As we reported in our last *Bulletin*, the storming of the university campus by troops on these APCs resulted in the deaths of three students. *

Balibo killings: full inquiry essential

More than twenty years after six Australia-based journalists were murdered by Indonesian troops in East Timor, the Australian government launched an official inquiry into the deaths. The report produced by Tom Sherman was made public in July this year.

On 26 May 1996, former armed forces commander and defence minister General Benny Murdani indicated to Tom Sherman that he was prepared to acknowledge publicly that, prior to the 16 October 1975 attack on Balibo, he had known that five western newsmen were in the village. Previously Murdani had maintained the fiction that the Balibo Five died in East Timor's 'civil war'. He now claims that these Western 'spies' as he calls them died by mistake 'in the heat of battle'. After 27 June when the Sherman Report was published, Indonesian Foreign Minister Ali Alatas and Australian Prime Minister John Howard rushed to cover their nakedness. They had good reason to do so: the West's silence in the wake of the murders of the Balibo Five is the key to the genocidal tragedy that followed.

Last October, the deaths 20 years earlier in East Timor of six Western newsmen - including Britons, Malcolm Rennie and Brian Peters - again hit the headlines in Australia. Coinciding with the publication in London and Australia of a new study of the Balibo deaths by Jim Dunn, which had been commissioned by Lord Avebury for the Parliamentary Human Rights Group, came a series of revelations by key players, including former East Timor governor, Guilherme Goncalves, retracting a statement he had signed at the behest of the Indonesians about how the men met their deaths, and retired General Dading Kal

buadi. Several East Timorese now living in Australia also came forward for the first time with disturbing new evidence. In response, the Labour Government set up an inquiry, the third since the murders (though the second, conducted in 1977, was never made public).

Tom Sherman, former head of Australia's National Crime Authority was chosen as 'eminently well equipped' for the job. His task was a precarious one. Between 5 February and 21 June - with a 21-day over-run - he had to familiarise himself with the issues, evade political minefields, interview those willing to speak to him (excluding key witnesses in East Timor and Indonesia because of Jakarta's refusal to collaborate with the inquiry), and compose a report that would not invite immediate suppression.

Sherman's terms of reference

On 15 December 1995, Australia's then Foreign Minister, Gareth Evans, told Tom Sherman: 'As discussed with you, this exercise is essentially a response to statements made by East Timorese now resident in Australia... that they, and other East Timorese now resident in Portugal, were prepared to make available new evidence about the deaths of the journalists. *Primarily to satisfy the concerns of the families of the deceased*, the Government has decided to take steps to gather such new evidence as may be available *from these East Timorese sources* about the circumstances surrounding the deaths.' After the evaluation, it would be for the Australian Government 'to decide what further steps, *if any*, might need to be taken... It will be for the Australian Government to determine what part, *if any*, of your report will be made public: *you might care to give some consideration to how the material might best be handled in this respect.*' [Appendix C, emphasis added.]

The five newsmen killed in Balibo were: Greg Shackleton, Gary Cunningham and Tony Stewart who were working for Channel 7, and Brian Peters and Malcolm Rennie who were working for Channel 9. The sixth newsman was Roger East who went to East Timor among other things to investigate the deaths of the Balibo Five. In December 1975, just before the Indonesian invasion on 7 December, even as the Red Cross was being evacuated at the behest of the Australian Government and Indonesian propaganda, Roger told pilot Paul Spottiswood: 'I can't leave these people, everyone else has but I can't.' [Sherman, para 7.4].

The 139-page Sherman Report, described by the author as 'a preliminary evaluation', is an explosive device wrapped in cottonwool. In summary:

* The Balibo Five were killed on 16 October 1975 by members of an attacking force that 'consisted, in the main, of Indonesian soldiers (operating as irregulars in East Timor)' [para 5.6]. Afterwards, 'some of the bodies... were dressed up in Fretilin military clothes and photographed



The alleged burial of the five journalists. On the right, the Australian ambassador Richard Woolcott, on the left, the chair of the Indonesian Journalists Association, PWI.

beside captured machine guns. All bodies appear to have been burnt later in the day' [para 9.11].

* The sixth newsman, Roger East, was 'more likely than not... summarily executed by an identified Indonesian soldier late in the morning of 8 December 1975 in the wharf area of Dili' [para 9.14]. 'He was shot at close range and fell from the edge of the wharf into the sea. He was then shot again.' [para 8.21].

Despite General Murdani's remark, the Indonesian Government announced on 12 July that the Sherman Report 'is in no way contradictory to its basic position... that East Timor at that time was embroiled in a tragic civil war in which many people died.... (F)urther investigation... will only rekindle the grief of the people of East Timor and of the families of the ill-fated journalists.' In other words, Jakarta wishes you to believe that it had no troops in East Timor until 17 July 1976, following an East Timorese 'act of free choice' inviting Indonesia in.

It was this fiction that Australian Prime Minister John Howard chose to endorse when, on 16 July, he claimed that further action over the murders was out of the question for the Australian Government, an 'act of hostility towards Indonesia because their value system is different to ours'. In an all-out effort to reverse this ringing endorsement of genocide, the majority of the families of the deceased newsmen insist that a full inquiry is essential.

Jim Dunn's assessment of Sherman

In an evaluation of the Sherman Report, Jim Dunn, author of the PHRG study, writes:

'The strength of the Sherman Report is in its comprehensive collection of evidence, based on interviews in Australia and Portugal of East Timorese and others, such as the journalists Jill Jolliffe and Adelino Gomes, whose first-hand knowledge of the situation at Balibo and of the position of the Balibo Five prior to their deaths.... At last, after more than two decades of mystery and controversy, the families of these victims - and the family of Roger East - have now an official statement of sorts which sets out how the newsmen met their fate and focuses on the involvement of the Indonesian military.

Arrest and try the Balibo murderers

On 27 July, Lord Avebury, who chairs the Parliamentary Human Rights Group, tabled the following question in the House of Lords:

Whether, in the light of the report by Mr Tom Sherman on the deaths of Australian-based journalists at Balibo, East Timor, on October 16 1975, which finds that two British citizens, Brian Peters and Malcolm Rennie, were killed by members of an attacking force under Indonesian officers, they will ask the Indonesian government to arrest former Colonel Dading Kalbuadi, the field commander of the assault on Balibo, and former Major Mohammad Yunus Yosfiah, who was in direct command of the Balibo troops, on murder charges; and if they will ask the Indonesian government to make a formal apology to the relatives of the British victims, and offer them appropriate compensation.

'Unfortunately, his conclusions are surprisingly tentative, given the considerable amount of information he was able to assemble, and the Indonesian authorities have

clearly seized on this aspect to suggest that his findings support their own position.

'From the outset, Mr Sherman was saddled with tight terms of reference... It would be a fair speculation that the terms of the inquiry were framed in such a way as to limit possible damage to the sensitive relationship between Canberra and Jakarta.

'As in the case of the Bosnia inquiry, investigations into killings by the military need to be based squarely on international human rights conventions, and the need to focus on command structures, in order to isolate those responsible. In this case, the coronial-style findings steer well clear of the burning question of command responsibility, leaving the latter open in a directionless way. It contains no hint of further judicial options open to Australia, perhaps as was hoped for by those who drafted Tom Sherman's terms of reference.'

Vital evidence hidden for 20 years

The Sherman Report includes part of a letter that Brian Peters wrote to his father from Balibo on 15 October. The Report acknowledges that Maureen Tolfree, Brian's sister, identified her brother's handwriting when she met Sherman in London but fails to hint that this was the first time Maureen had seen the letter or that the Australian Government had kept the letter from Brian's father, who died in 1990.

Sherman found photocopies of the first two pages of the letter misfiled as part of the Australian Government's copy of Greg Shackleton's Timor notebook. He reports that he was 'unable to locate the original' [para 4.48], adding that Brian's letter 'is revealing as to the sense of threat. It was probably the last writing of Brian Peters. After referring to the presence of Indonesian warships off Batugade, the text goes on: "If the Indonesians decide to get really involved and start shelling from a ship, there will be no chance for this place. Our main worry if that happened (apart from being blasted apart) is how to get out of Balibo (there are five Aussies here) because of the shortage of transport.' [para 4.50]

Maureen Tolfree later commented: 'I'd like to say how kind and how sensitive Mr Sherman was that day. When he showed me the letter I was so shocked that I couldn't react. Dad had served as a soldier, under fire. Dad would have appreciated Brian's vivid account of the risks he faced while filming incoming mortar shells. How dare the Australian Government keep that letter hidden for twenty years!'

Photo of the alleged burial

The photograph reproduced on this page was one of four photographs handed over to Maureen Tolfree when she met an official of the Foreign Office earlier this year. The photograph was never made available to Shirley Shackleton, wife of Greg Shackleton, who has campaigned vigorously for information about what happened ever since she heard that her husband had been murdered.

This photograph raises many questions:

- * Why is there only one coffin?
- * Why were none of the families invited?
- * Why were the British families told at the time that

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Xanana and Belo interviewed

The two outstanding leaders of the East Timorese people, Xanana Gusmao and Bishop Belo, were interviewed recently by Indonesian pro-democracy activists. The interviews, which coincided with the twentieth anniversary of Indonesia's annexation of East Timor, reflect the extent to which East Timor is now firmly on the agenda of the pro-democracy movement.

Xanana Gusmao

Xanana Gusmao, the leader of the East Timor who is now serving a 20-year sentence in Cipinang Prison, Jakarta, was interviewed by the pro-democracy activist group, PIJAR. A group of people from PIJAR and other NGOs had visited Cipinang Prison on 20 June, hoping to greet Xanana on his 50th birthday but he was not permitted to leave his cell to receive them. The interview was given later:

On the pro-democracy movement

The pro-democracy movement faces the historic task of transforming the system in Indonesia. We Timorese are very happy indeed that many groups in Indonesia now regard the question of East Timor as an international issue and acknowledge that Indonesia has violated the principles of justice and peace. Yes, it's true that they are still in a minority so we shouldn't rush things. As things stand at present, the government always imposes its version of 'the truth'. This is the case with Tempo, with Sri Bintang, the PDI, Adi Andoyo, and it's also the case with East Timor. But in an atmosphere of democracy, it will be possible to discuss the question of East Timor freely and it will be easy to reject the government's version.



Xanana Gusmao, prisoner of the Indonesians

Megawati has become a symbol of the struggle. I don't know anything about her personally though my impression is that she isn't very mature yet.. But she has already become a moral force in the struggle. I very much hope that support for her will continue to grow and that all the pro-democracy forces will give her their support.

As for Suharto, he's very clever. That's because he has had thirty years experience. I think he knows very well that something is going to happen. He knows that it's no longer possible to hold back the demand for change. He now faces a dilemma: if he makes any concessions, things will be very bad for him but if he resorts to force, things will be even worse. This is indeed a pre-revolutionary moment. Suharto is very confused by the demands people are now making, especially demands for an end to the Dwi-Fungsi [dual function] of the armed forces and for an end to military domination.

On Indonesia's war criminals

[Responding to a question about the two Bosnian Serb war criminals Radavan Karadzic and Ratko Mladic who have been indicted for war crimes and are due to be brought before the International War Crimes Tribunal in The Hague, he said:]

In Indonesia the people who should be charged for their role in the genocide in East Timor are Suharto, Ali Moertopo (who's now dead), Benny Murdani, Sahala Rajaguguk, Dading Kalbuadi and Prabowo Subianto.

The total number of East Timorese killed is 200,000. They died from starvation and other things during the Indonesian occupation. But more than half died because of the war crimes committed by those men. If Indonesia were to permit an independent inspection team or UN investigators to visit East Timor, they would discover many mass graves of people who were murdered by Indonesian troops. People in East Timor can still remember where the killings took place and which generals were responsible for these massacres. It's not only in Santa Cruz that massacres occurred. But there just happen to have been foreign journalists there who were able to record the massacre.

On colonialism

[At the prompting of Foreign Minister Ali Alatas and Governor Abilio Soares, some East Timorese have announced their intention to take Portugal to the International Court of Justice for its 450 years of colonising East Timor.]

This is absolutely ridiculous. What they don't seem to understand is that there's no such thing as good colonial-

ism, whether it's Portuguese, Japanese or Indonesian. If Ali Alatas can manipulate people to do this, I can take Indonesia to the International Court for causing the deaths of 200,000 people who died in only twenty years of Indonesian rule. During the 450 years of Portuguese colonial rule, the number of people who died was far less than that. Why doesn't Indonesia take Holland to the Court for its 350 years of colonial rule?. They haven't even asked the Dutch to apologise.

On the Komnas HAM office in Dili

I was very disappointed with the statement by Baharudin Lopa (secretary of Komnas HAM, Indonesia's National Commission for Human Rights) who said that the task of the Komnas HAM office in Dili would not be to protect people there but to tell people abroad that many bad things were being said about Indonesia. The important thing in defending human rights is not to invent stories. Komnas HAM must be independent, it must not collaborate with the military. If it's not independent, I'm quite sure that the East Timorese will have far greater trust in the International Red Cross.

Bishop Belo

Bishop Belo's interview with a member of ISAI, the Institute for the Flow of Information, was published in *Tempo Interaktif*, published on the Internet, on 24 July 1996:

On Indonesia's 20-year rule

For me, the most striking thing is the political uncertainty. Although Indonesia regards integration as having been settled for all time and regards East Timor as its 27th province, the question is still under discussion on the international forum.

One important development was that in the 1980s, members of Apodeti, the party which accepted integration, began to say that integration needs to have international recognition. They now say that what they wanted in 1975 was that East Timor's integration with Indonesia should be tested in circumstances of freedom and should be recognised under international law.

Consultation about integration should be under conditions of freedom. What happened in fact (in 1976) was that East Timor had just been seized by the military and people were forced to integrate.

Do I think there should be a referendum? I don't know how things should be done but what I do know is that young people came to me when I was still just a pastor and said that when they came down from the mountains, soldiers in the villages thrust Indonesian flags into their hands. One day they were Portuguese, the next day they were Indonesians without having the chance to say that they are Timorese. People are still traumatised by this.

On a special status for East Timor

When people talk about autonomy, they want to know what form it would take, what affairs it would cover. All this should be discussed. But whenever we mention the word autonomy, the Indonesians cut us off. Besides political aspects there are the social problems, the huge number

of newcomers and military here result in our people feeling that they have lost their birthplace.

I proposed a referendum back in 1989. It's the most democratic, free and genuine way. We ask people what they really want. But it must be absolutely free. This was what was ignored then (in 1976) which has resulted in the question of East Timor dragging on and on.

On the role of the military

There are army posts in every village. Anyone entering or leaving must first report to the army post. Young people who want to go to Dili must report to the security post, show their ID and other documents. It's like a state of war. I once said to the military commander: we recently celebrated the 50th anniversary of Indonesia's independence but it seems that the East Timorese are not allowed to enjoy that independence. They often behave very brutally and inhumanely.



Bishop Ximenes Belo

The day before you arrived, a woman came to see me to complain that twelve army vehicles suddenly turned up in front of her house and accused her of hiding weapons and helping the rebels. She knew absolutely nothing and anyway, her house has been vacant for two years. The soldiers seem to be competing with each other for promotion. I sometimes think that East Timor is just a project for them, to make money or get promoted.

I couldn't say how many troops there are here but what I see is that there are many troops in every village, far more than there ever were under the Portuguese.

Kopassus has even set up a special youth organisation called *Garda Pemuda Penegak Integrasi*, the Pro-Integration Youth Guard. Kopassus soldiers are also members. The governor has said it's for training purposes, to give young Timorese something to do, but they are the ones who are always causing disturbances. They are *intel* agents and the army officers always believe everything they say.

On army interference in religious affairs

Their interference in religious affairs is very great indeed. It was the military that took the initiative for an intra-

religious communications forum to be set up. You don't have anything like that in other provinces. Recently the army wrote to all the district heads saying that forums have to be set up in every district.

As for relations between Muslims and Catholics, in the old days there was no pressure involved, not like now. In the late seventies, many people in the villages were forced to convert to Islam. If they refused, they were accused of being communists and this could mean death. Such things have happened in virtually all East Timorese villages.

On social and economic conditions

There have been a few improvements recently. Some of our people have started up businesses, opening stalls in the markets, running transport services, but nothing much. The newcomers from outside do much better. A few of our people have jobs in the administration but far less than it should be. Almost all have posts in the lower or middle echelons.

There are many hurdles in the way of becoming a civil servant. Sometimes you have to pay bribes. Many young people come to me and complain that to get a job in the

administration, they have to pay Rp2 million. To go on to higher education, they need recommendations, and a letter of non-involvement in the G30S/PKI [the 30 September 1965 affair]. This is illogical because that event had nothing whatever to do with East Timor.

On the best solution for East Timor

The first thing is to end the state of war. This is extremely urgent. The military approach must end. Any conflicts must be resolved in a political way and that needs dialogue. We need dialogue which means listening to each other, but that never happens. The only dialogue allowed here requires us to accept integration, nothing else. It's all one-way.

In the longer term, East Timor must be given special status - not in any exclusivist sense - but recognising that our background and past are quite different. For instance, East Timor was not mentioned at all in the 1945 Constitution. This is a very basic question.

Another thing is that the number of troops here must be reduced and East Timorese must be given the chance to regulate their own affairs. If possible, East Timor should be granted special status. *

EU adopts Common Position on East Timor

The European Union has adopted a Common Position on the question of East Timor. The document was approved in January this year but it was not released until 25 June because the UK blocked publication in January because of the hostage crisis in West Papua, then in May because of the beef crisis. The European Parliament has also adopted a resolution on East Timor and Indonesia.

On the substantive issue of status, the EU undertakes to:

Contribute to the achievement by dialogue of a fair, comprehensive and internationally acceptable solution to the question of East Timor, which fully respects the interests and legitimate aspirations of the Timorese people, in accordance with international law.

On the question of human rights, it undertakes to seek 'to improve the situation in East Timor regarding respect for human rights' and states that, in order to pursue this aim, it:

'calls upon the Indonesian Government to adopt effective measures leading to a significant improvement in the human right situation in East Timor, in particular by implementing fully the relevant decisions adopted by the United Nations Commission on Human Rights', and

'supports all appropriate action with the objective of generally strengthening respect for human rights in East Timor and substantially improving the situation of its people, by means of the resources available to the European Union and aid for actions by NGOs'.

Although the position would appear to be clearcut, the EU has proven to be remiss when it comes to acting. The Position was already agreed in January (though not yet made public), yet the EU, then under the Italian presidency, did nothing at the UN Human Rights Commission in Geneva in March this year to push for a clearly-worded reso-

lution. It allowed Indonesia to get away with a Chairman's Consensus Statement which was virtually meaningless for the people of East Timor.

A great deal of pressure will clearly be needed to get the EU to act in accordance with the fine principles it has adopted.

European Parliament resolution

The European Parliament resolution, adopted on 19 June 1996, encompasses both East Timor and Indonesia. On East Timor it deplores the provocative acts perpetrated by the Indonesians against freedom of religion, condemns the illegal occupation of East Timor, calls for the release of all political prisoners, including Xanana Gusmoa, reiterates its demand to the Member States of the European Union to halt all military assistance and all arms sales to Indonesia, and, recalling its 1991 resolution to send a delegation on a fact-finding mission to East Timor, 'insists that the Indonesian authorities... refrain from trying to prevent this visit'.

Concerning Indonesia, the resolution calls on Indonesia to drop the charges against former parliamentarian Sri-Bintang Pamungkas, calls for free and fair trials, and urges the Indonesian authorities 'to stop violating the rights of peaceful critics and activists and to guarantee all individuals, including independent journalists, their rights to freedom of speech and association'.

Komnas HAM office set up in Dili

In December last year, when the UN High Commissioner for Human Rights visited East Timor and Indonesia, he proposed that a UN human rights office be set up in Dili. The proposal was firmly rejected by Foreign Minister Ali Alatas who accepted only that the UNDP office might include a staff person who could visit East Timor from time to time to look at the human rights situation.

Now, *Komnas HAM*, the National Commission for Human Rights, has set up an office in Dili in July. While some Commission members have shown a degree of independence, there are fundamental flaws to its work. The office in Dili is a prime example, because it will function as an extension of government policy and to ward off criticism from abroad. In the words of Baharuddin Lopa, secretary-general: 'There are reports circulating abroad about human rights violations in East Timor practically every month. But inquiries by the Commission have revealed that they were either exaggerated or did not accurately reflect what actually happened.' [*Jawa Pos*, 10-VII-96].

The Commission said it will monitor incidents in East Timor but will not have powers to solve anything. Moreover, it will work closely with the civilian and military authorities.

Brutality on the streets of Baucau

On 10 June, hundreds of young people in Baucau demonstrated peacefully in protest against the desecration of a photo of the Virgin Mary a week earlier. The crowds reacted with fury when security forces opened fire. The unrest continued in the town for two days. There were reports of two or three persons being killed, and two others who had been severely injured being taken into custody. While the unrest was in progress, reports from elsewhere in East Timor spoke of the situation there in alarming terms.

Altogether, according to the East Timor Human Rights Centre in Melbourne, 165 people were arrested during the two days of unrest. Four truckloads of prisoners, a total of about one hundred people, were driven to Dili and incarcerated there at Comoro and Mercado police stations, and at the intelligence headquarters of Kopassus, the special forces unit. It goes without saying that many will have been tortured in these interrogation centres. Two weeks later, the Human Rights Centre published the names of twenty-three of the detainees, saying that they had been unable to identify the remaining 142, most of whom were thought to be in custody in Dili.

This is the second time in two months that Baucau has been the scene of demonstrations, shooting and arrests.

East Timor conference in Sydney

From 20-24 June 1996 an important international East Timor gathering took place in Sydney organised by three universities in Sydney and the University of Oporto in Portugal. Participants from all parts of the world came to express the importance of East Timor as an international issue. The presence of a dozen Indonesians from the pro-democracy movement signified the importance attached to East Timor by the movement in Indonesia; they included representatives from opposition political parties, trade unions, NGOs and the academic world. East Timorese representation was also impressive. Besides leaders of CNRM, the umbrella of the resistance, the two Timorese political

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parties, Fretilin and UDT, were present, along with Timorese living in East Timor and Indonesia, representing social organisations, church organisations, youth organisations and the clandestine resistance. Lively discussion between the Timorese and Indonesians helped to forge strong links between the struggle for democracy in Indonesia and the struggle for self-determination in East Timor.



l to r: Jose Ramos Horta, A. Barbedo Magelhaes and Wilson

Key speakers at the conference were Dr. George Aditjondro, Indonesian academic who now lives in exile in Australia, and Dr. Peter Carey, senior lecturer at Oxford University. The combination of academics and activists, a feature of conferences organised by the University of Oporto, was particularly fruitful in several workshops. Important papers were also given by Dr. John Taylor, Dr. Geoff Robinson, Prof. Loekman Soetriono, Dr. Jose Ramos Horta, Dr. Armindo Maia, Dr. Arlindo Marchal, Prof. A. Barbedo Magelhaes and many others. TAPOL was represented by Liem Soei Liong. A conference report is available from:

Prof. A. Barbedo Magelhaes
DEMEGI-SMPT, Faculdade de Engenharia
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PORTUGAL
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The conference was also an occasion for other activities. The CNRM held a 5-day internal conference with participants coming from all parts of the world. The widely-dispersed Australian East Timor solidarity movement also held a national gathering.

Bad for bilateral relations

But Jakarta made no secret of its annoyance. Golkar MP Theo Sambuaga alleged that it would sour relations between Indonesia and Australia; he went so far as to say that such events were aimed at reflected negatively on Indonesia. 'We don't like things like this. It's unfortunate for the issue of East Timor to be used to reflect badly on Indonesia'.

Adi Sasono, secretary-general of *ICMI*, the pro-government Muslim Intellectuals' Association, announced that *CIDES*, the think-tank of *ICMI*, plans to organise a seminar on East Timor in Jakarta in August. Adi Sasono was invited to the Sydney event but he didn't turn up and failed to say why.

*

West Papuan town rocked by riots

For the third time this year, there has been an upsurge of discontent in West Papua, this time in the town of Nabire, capital of the district of Paniai. The persistence of major disturbances in West Papua is a clear sign of the deep-rooted discontent in the territory. As in East Timor, the youth and students stand in the forefront, causing yet more security headaches for the Suharto regime.

Thousands of young people rampaged through the town of Nabire for two days, on 2 - 3 July, attacking government offices and setting buildings and vehicles on fire. At least eight people were shot in the legs as troops opened fire. Among the buildings attacked were the district legislative assembly and the prison. At the prison the crowds managed to push the door down, enabling more than forty prisoners to escape. Most of the escape prisoners were later re-captured.

According to the Jakarta press, dozens of government offices were destroyed, along with the office of GOLKAR, the government party. Angry crowds also inflicted damage on the district chief's office. Another target of attack was the earth station based in the town. Had they succeeded there, the effect on local and regional telecommunications would have been devastating. The local station of the national radio, RRI, also came under attack.

The immediate issue bringing the huge crowds out onto the streets was discontent over the recruitment of people to work for the local administration. There is widespread discontent in Indonesia's 'province of Irian Jaya' that the lion's share of jobs in the administration goes to outsiders and not to Papuans.

To our knowledge, this is the first time there has been an outbreak of unrest in Nabire which is located several hundred kilometres to the west of Jayapura. Although press reports sought to play down the significance of the unrest as being one of 'discontent' and 'envy' over jobs, it is clear from the buildings and properties targeted that, at bottom, the issue was political, a sense of profound grievance at being second-class citizens under foreign rule from Jakarta.

Chief of general staff, Lieutenant-General Soeyono, sought to assure the public that what happened had nothing to do with politics. It was, he said, just a mass action started by people who were trying to get jobs. He said he has given instructions to the regional military command to take 'preventive measures' to make sure such incidents do not recur elsewhere. [*Surya*, 5 July]

Similar issues raised in Jakarta

A month before the events in Nabire, in a move that clearly foreshadowed the upsurge in Nabire, about 120 students, members of the Communications Forum of the Irian Jaya Younger Generation (FKGMIJ) descended on Parliament in Jakarta to present a series of complaints. It was intolerable, the group said, that eighty percent of jobs in the government administration go to outsiders. The group also complained about the excessive role of the military within the bureaucracy. This refers to the fact that many of the district and sub-district chiefs are not civilians but members of the armed forces. Moreover, all local branch offices of

government departments in the province are headed by outsiders. [*Gatra*, 8 June]

The Forum later issued a statement in response to the unrest in Nabire stressing that, besides the issue of jobs for local people, there was deep discontent at the way the district chief had been chosen, giving preference to an outsider over the other candidate who was a Papuan. The Forum also drew attention to the occurrence of human rights abuses; the press reports not specific say anything about the nature of these abuses. [*Kompas*, 11 July]



Thirty-nine go on trial in Abepura

Altogether 39 people, six of whom are high school students, have gone on trial at the district court in Abepura on charges connected with their alleged involvement in protests and rioting that broke out in Abepura on 18 March, when the body of Dr Tom Wainggai arrived at Sentani airport a few days after he died in custody in Jakarta. The opening hearing on 26 June was attended by a large number of people, most of them students. The trial is expected to continue on 4 July. Press reports do not identify the defendants by name but only by their initials. The sketchy reports available so far suggest that they are all being tried on charges of destruction, arson and robbery.

A team of lawyers from the Jayapura Legal Aid Institute and from a legal aid institute connected to the Cendrawasih University in Abepura has been appointed to defend the 39 accused. There was tight security around the courthouse where the trials took place in three courtrooms.

Another four people are due to go on trial in connection with the four deaths that occurred in Abepura during the unrest.

Meanwhile several dozen students from Cendrawasih University who were hounded by the security forces for many weeks after the Abepura protests have fled from their homes and are now believed to have crossed the border into Papua New Guinea. The present whereabouts are not known. *

The state versus Irene Fernandez

On 18 March this year Irene Fernandez, a long time Malaysian social activist, was arrested at her home in Kuala Lumpur. Her only sin was that she had published a memo on detained migrant workers. The well-documented memo exposes the inhumane conditions in the camps. Published in July 1995, the memo was submitted to the Malaysian government. Since then, Irene has become virtually an enemy of the state.

The 40 page memo titled: "Abuse, Torture, Dehumanised Treatment and Deaths of Migrant Workers at Detention Centres" is a carefully argued document based on interviews of more than 300 illegal migrant workers detained by the Malaysian authorities. Irene Fernandez is director of Tenaganita, a women workers' organisation. For the past two years Tenaganita has focused increasingly on the issue of protecting migrant labour in Malaysia.

The memo gives a general picture of the huge influx of migrant labour into Malaysia, especially from Indonesia, Bangladesh and the Philippines and provides a graphic portrayal of the fate of the migrant workers, a kind of modern slavery, exploited by recruiting agents and ruthless bosses. It describes the condition of migrant workers in detention camps where they suffer humiliating and inhumane treatment and live in very unhealthy conditions. Most of the migrant detainees said they had been abused, punished and even tortured during detention. Several dozen detainees have died, according to Tenaganita, because of negligence and maltreatment by state enforcement agencies.

Harassment and arrest

On 30 July 1995, a few days after the publication of the memo, Deputy Home Minister Megat Junid admitted that 46 detained had died of beri beri and other curable illnesses in the detention camps. Several organisations, including the Malaysian Medical Association, the Malaysian Bar Association and 31 other organisations called for a thorough investigation into the deaths. But instead of taking the contents of the memo seriously, the authorities started to harass Irene Fernandez.

On 1 September 1995 the Malaysian police filed a criminal defamation report against Irene Fernandez and later interrogated her for more than ten days. The police were particularly interested in the names and particulars of the informants which Irene Fernandez refused to reveal, because of possible reprisals. A month later pressure was stepped up; the police ordered the surrender of all the documents pertaining to information on former detainees, particulars about interviewers and volunteers. Irene refused to comply because of her concern for the safety of the informants and migrants and the principle of confidentiality.

Later on, other Tenaganita staff members were taken in by the police. In January 1996, Irene Fernandez refused for a second time to surrender the documents. On 18 March she was arrested by the police and charged at the Magistrates Court under section 8A of the Printing Presses and Publication Act 1984 which deals with publishing false

news, with a maximum 3 years or a fine up to RM 20,000. This clearly violates Article 10 of the Malaysian Constitution which guarantees the right to freedom of expression.



Much of Malaysia's economic miracle is built on the backs of cheap foreign labour

Her passport has been impounded by the court. Bail was posted at RM 3,000. Irene Fernandez's two lawyers, R. Sivarasa and M. Puravelan, advised her to make an application to transfer the case from the Magistrates Court to the High Court but in June this appeal was rejected by the court. Her defence lawyers also asked the court to summon Deputy Minister Ong Ka Ting to produce two documents including a post mortem on 71 migrants who died while under detention. This was also rejected by the court. The case against Irene Fernandez could last for months.

The Malaysian authorities allowed Irene to testify on the issue at the UN Human Rights Commission in Geneva in March this year. On her return home, she had to hand in her passport again. In between the court hearings TAPOL co-editor Liem Soei Liong visited Irene Fernandez at the Tenaganita office.

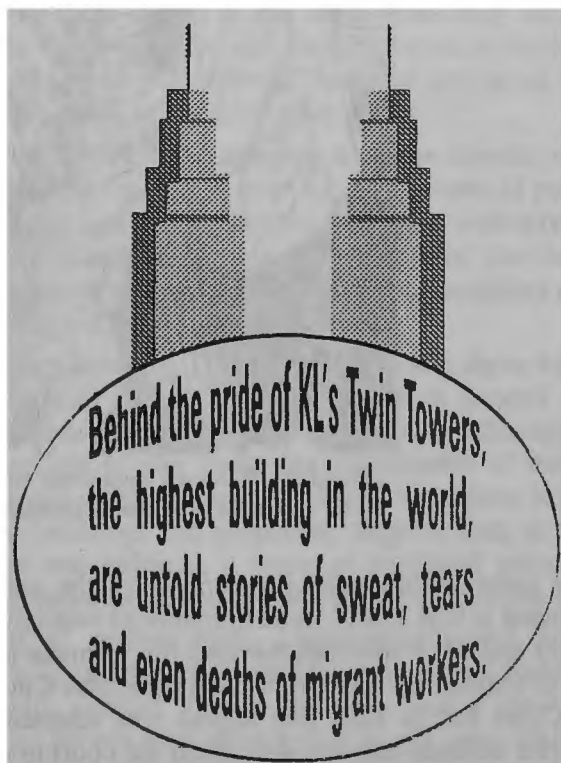
Malaysia, a tiger economy

In the boom economy of Southeast Asia, Malaysia has achieved impressive macro-economic figures. With the economy growing at around 8 per cent in the past decade, a

relatively small population of 18 million and an abundance of oil, minerals and tropical forestry, Malaysia fits the description of an Asian tiger economy. The Mahathir government has launched its *Vision 2020* economic plan which plans to turn the country into a fully industrialised era by the year 2020. The Malaysian GNP per capita is around US\$4,000 while neighbouring countries like Indonesia and the Philippines have figures four times lower. Indonesian migrant workers often earn four times as much as they can earn back home.

But there is a dark side. Several mega projects like the Bakun dam which have damaged the interests of the local people, destroyed tropical forests and caused pollution because of the unbridled growth of industries. Another burning issue is the huge influx of foreign labour. At present Malaysia is one of the leading countries in the recruitment of foreign workers. Lack of employment possibilities at home have attracted many migrant workers to Malaysia.

While the Malaysian economy needs and absorbs more and more foreign labour and agencies are being urged to bring in more skilled workers, the migrant workers aren't properly protected. The UN Convention on the Protection of the Rights of All Migrant Workers and Families is ignored.



Migrant workers, a major issue

An estimated three million migrant workers are now working and living in Malaysia. The official figure is much lower but the Malaysian authorities also realise that many migrant workers simply 'disappear' in the crowd. The largest group, the Indonesians, have the advantage of speaking the same language, often the same religion and they can settle in Indonesian villages or neighbourhoods.

The sudden increase in the demand for migrant workers, according to Tenaganita, has led to numerous problems. Ruthless employers and greedy recruiting agents have profited from the countless Indonesians, Bangladeshi, Thai and Filipinos who, pushed by poverty, often borrow

heavily to leave their home villages for a better fortune in Malaysia. The migrant workers are victims of abuse, exploitation and discrimination. Passports are held by employers and workers get arrested for not possessing work permits or travel documents.

Recently, government enforcement agencies like the police and the immigration have stepped up operations to crack down on 'illegal' migrants. The number of migrants being detained has increased annually. In 1994 65,823 foreigners were arrested mostly for not being able to produce valid documents. In the first half of 1995 the immigration department detained 28,160 people. About half were deported while others were held in detention or released. Most of those deported are Indonesians.

Indonesian migrant workers

Although officially, the number of Indonesians working in Malaysia is around 730,000, the actual amount is probably double that. People living in Sumatra have a long tradition of crossing the Malacca Straits to find work, visit relatives and do errands. A busy trade traffic has existed for many centuries. But the big explosion of Indonesians going to Malaysia in search of work has occurred in the last ten years with Indonesians coming from Bali, Lombok, Sumba, Sulawesi and Kalimantan. The attraction is obvious. The average wage on a electronic production line in Malaysia is the same as what an academic is paid in Indonesia. People who have worked for five years are entitled to a blue card, a kind of ID which confers greater rights.

Most Indonesians are working on construction sites and in plantations. But increasingly Indonesians are also setting up as small stall-holders in markets. Many menial workers in restaurants and hotels are Indonesians. Others work as domestic servants, caddies and washing cars in garages. The image of the Indonesian in Malaysia has fallen. They are seen as being poorly educated, or still worse, pick pockets and petty criminals.

Mass arrests

Many Indonesians arrive in Malaysia without proper papers. It is costly and complicated for a villager to acquire a passport. Indonesian bureaucracy is notoriously corrupt and cumbersome. Besides obtaining a passport, a worker is required to take a training course and apply for a work permit. An official recruiting agent is very costly, the future employer needs to pay at least US\$700 to hire a migrant worker. This sum is in most cases deducted from the wages. So, many leave Indonesia with the help of illegal agents who simply ferry the passengers across the canal. Some carry passports but don't possess a work permit while others carry forged ID documents. The Malaysian authorities have launched several operations to arrest people without proper papers.

In the first operation, the Malaysian coasts were sealed to catch vessels carrying Indonesian passengers. In the second wave the Malaysian authorities raided construction sites and went as far as organising Indonesian pop concerts. Afterwards people were rounded up and asked for identification. Those who fail to produce the proper documents were taken to the detention camps.

At any given moment about 10,000 Indonesian migrant workers are being detained in the eleven camps, Semenyih, Juru, Kemayan, Pekan Nenas, Macap Umbul and one camp in Kelantan. The deportation figures are colossal. On average, 2,000 Indonesians are sent back monthly. The figures

in 1996 have increased: from January till April this year nearly 10,000 Indonesians were sent back. The port of Dumai in the Indonesian Riau islands is where these unfortunate people are handed over to the Indonesian authorities.

Condition in the camps

The Pekan Nenas camp in Johor holds most Indonesians. On average about 2,000 Indonesians are detained there. There are about 1,500 in the Macan Umbul camp in Malacca while in camp Semenyih in Selangor, there are about a thousand. The camps consist of wooden shacks with zinc roofs which make the heat unbearable. Lack of sanitation has caused health hazards. Many detainees fall ill: high fever and diarrhoea are common. Medical care is scarce. The detainees often have stay in the camps for months even though Indonesia is so close.

Hunger strike

On 17 June this year some 650 detained Indonesians decided to go on hunger strike in camp Kemayan in Pahang. There were about 1,000 Indonesians in the camp at the time, most having been there for five months. Some refused to join the action for fear of repercussions. The hunger strike was the only way to express their grievances, in particular the refusal of the Malaysian authorities to disclose a date for deportation.

The issue of migrant workers is a major issue for the

Malaysian government and will continue to be so for many years to come. The way it is being handled is woeful. Labour migration is not just an economic activity. It deals with human beings and involves political, ethical and moral principles. Instead of creating an environment of protecting the rights of migrant workers, the Malaysian government is intent on suppressing reports about abuses and misconduct. A recent account of Indonesian migrant labour in Malaysia published in *Forum Keadilan* Nr.7/V, 15 July 1996 was torn out of the copies reaching subscribers in Malaysia.

Send protests

We urge our readers to send letters of protest to the Malaysian government at the unjust trial of Irene Fernandez, urging the Malaysian government to conduct an independent inquiry on the camps and develop a clear, humane policy towards recruitment and employment of migrant labour.

Prime Minister Datuk Seri Mahathir Mohammed
Jalan Datuk Onn,
50502 Kuala Lumpur,
Malaysia
(Fax 60 3 238 3784)

Nike's 70 million pairs of sneakers

Nike has become the global trend-setter of modernity, leisure and the good life. Nike promotion ads use the 'greats' among sportsmen like Michael Jordan, Andre Agassi and Eric Cantona. Nike's Atlanta Olympic ad campaign has cost US\$35 million. US-based labour rights groups like Global Exchange and Press for Change have stepped up their campaign against cheap-labour factories in developing nations. Nike sub-contractors in Indonesia have become the major target.

The choice of Nike was logical; the sneaker giant is riding on the crest of the international sports boom and has become a multinational giant with a revenue of US\$6.5 billion. In the year ending 31 May, Nike's earnings rose 38 percent to a whopping US\$553.2 million. A pair of Pegasus runner shoes retails for US\$75 while production costs plus shipping amounts to \$18.25.

The Nike symbol has become a global trademark; everywhere, young people wear Nike sneakers, T-shirts or shell suits. It was targeted because it is the biggest, the most visible and by far the most hypocritical of all the companies producing sportswear. Nike invests huge sums of money to improve its image, contributing money to charities and public schools.

Like other global brands, Nike nowadays manufactures its goods in many parts of the world, preferable in those places where labour is cheap. Instead of setting up Nike companies in these countries, it is more convenient to use sub-contractors. Criticism of labour conditions can be deflected by blaming the sub-contractor. Philip Knight, Nike's top executive, argue that the minimum-wage workers are paid enough to live reasonable comfortable lives.

Indonesia, the shoe fits

Indonesia has become the major producer of Nike goods. A phenomenal 70 million pairs of sneakers are glued, stitched, pressed and boxed annually by a mostly female workforce. The twelve sub-contracting companies are: PT Star Win, PT Nasa, PT Doson Indonesia, PT Pratama Abadi Industry, PT Garuda Indawa and PT Hasi in the Tangerang industrial area; PT Sung Hwa, PT Tae Hwa, PT Eltri Indo Footwear and PT Nikomas Gemilang in Serang, West Java; Mitracorp Footwear International in Jakarta and PT Feng Tay in Bandung. At least half are Korean or Taiwanese, the countries where Nike used to produce their goods. When labour there became too expensive, the companies moved to Indonesia and more recently to China. The two countries have notorious records of government intervention in labour matters and no freedom of association for workers.

PT Nikomas Gemilang, the company based in Serang, 75 kms west of Jakarta, produces 1.2 million pairs a month. Sumantri, a 25-year old labour activist, said of the factory: "From the outside, it looks like heaven, but for workers on the inside, it's hell" [*Business Week*, 29 July]. The same

their lunch break" [*International Herald Tribune*, 13/14 July].

report continues: 'Overtime is mandatory. Workers say exhausted colleagues regularly faint from overwork. Punishment for misdeeds consists of petty humiliation. A supervisor who skipped work one Sunday to care for his sick wife and child was forced to clean toilets and then was demoted. Another worker had to run laps around the factory because shoes she assembled had defects.'

Reporter Mark L. Clifford of *Business Week* who went to the site was detained and interrogated for four hours by 18 plainclothes police demanding to know what he was doing. In particular they were inquiring about information the workers had given him about the conditions and whether the minimum wage was regarded as sufficient.

Some Nike sub-contractors are situated in brand new, glossy buildings. PT Feng Tay Indonesia, a Taiwanese-owned company, is described as a quiet, well-ventilated US\$45 million factory. Another, PT Nasa is, according to union leader, Mochtar Pakpahan, 'the best factory I've ever

Cicik Sukaesih and her fellow workers have taken their case to court but it still hasn't reached the Supreme Court and a decision is unlikely in the foreseeable future. Her prospects are grim; at 32, she is already considered to be 'too old'. During her visit to the US, she also tried to settle a claim against Nike for her and her co-workers' dismissal and force the Oregon-based company to agree to independent monitoring of sub-contracting companies as a safeguard against abuses on the shopfloor.

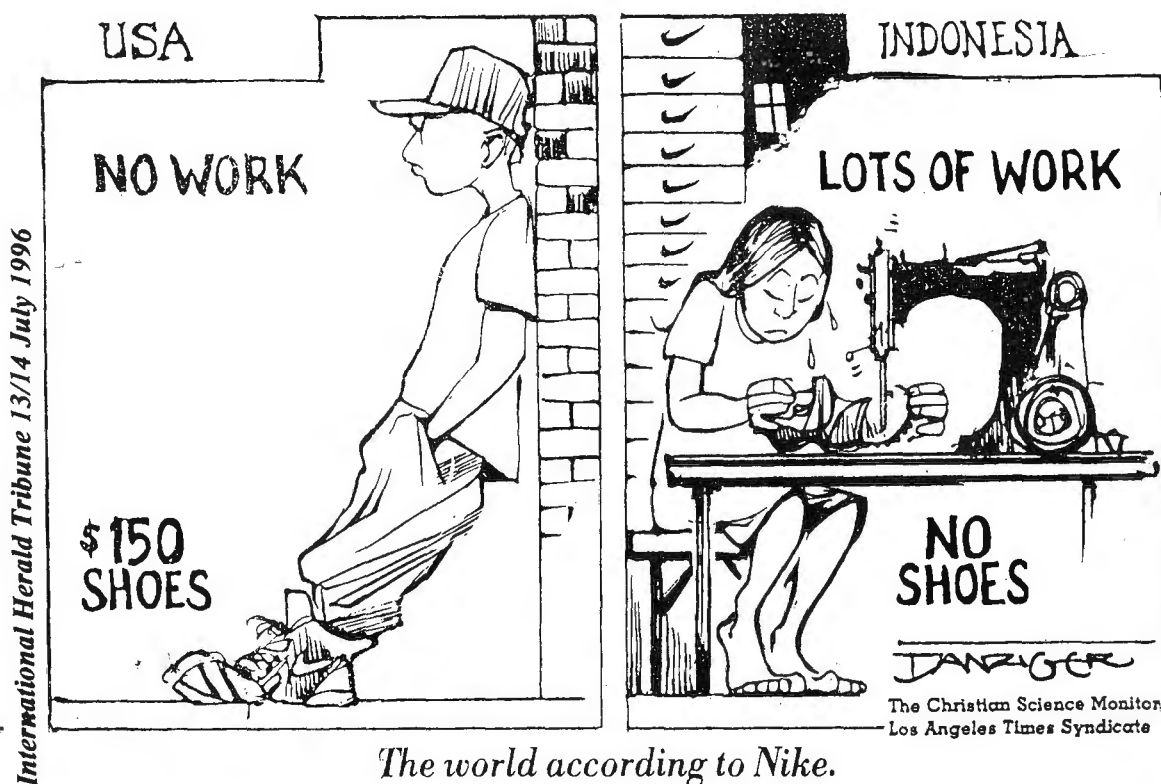
Consumer pressure

Present day lobbying and pressure on companies requires much more than strikes. In many countries in the north, campaigning against sweatshops has become very effective. In the face of bad publicity and consumer boycotts, companies have been forced to reform semi-slavery conditions.

It forced the trendy US clothing chain, GAP, to adopt a code of vendor conduct, including standards relating to child labour, forced labour and working conditions. Kathie Lee Gifford, the popular TV talkshow host in the US, moved the hearts of many millions in June when she broke down during a live broadcast. She told viewers she had no idea that clothing endorsed by her and sold in the Wal-Mart department store chain was manufactured in sweatshop conditions in Honduras and New York by girls earning 31 dollar cents an hour. Other manufacturing giants like The Disney Corporation, J.C. Penney and Talbots have now promised to monitor their subcontractors more closely and have threatened to terminate contracts if violations persist.

In July Robert Reich, the US labour secretary joined the campaign 'to eradicate sweatshops from the American garment industry and erase the word entirely from the American lexicon'. [*Financial Times*, 15 July 1996]. The same week, labour activists stepped up their campaign against Nike by demonstrating on 16 July in front of a Nike shop in downtown Washington. Spokesperson for *Global Exchange*, Medea Benjamin, said: "We are using this opportunity to launch a national campaign in order for Nike to accept the results of an independent inquiry on all the Nike companies in Indonesia, to resolve the matter of workers who have been dismissed, to raise their wages and improve their working conditions" [*Media Indonesia*, 17 July 1996].

Jeff Ballinger from *Press for Change* stressed that Nike sub-contractors in Indonesia pay wages not adequate for a reasonable standard of living and are forcing workers to do overtime. In several cases, workers have been paid the rates payable to a trainee. Both organisations argue that



The world according to Nike.

visited'. After Pakpahan's visit, the authorities forced the management to sack three of his union's members and banned further contact with the free trade union, SBSI.

Cicik Sukaesih

Labour and human rights campaigners in the US invited a former Nike worker to tour the US. Cicik Sukaesih who is 32 years old and unmarried, used to work at PT Sung Hwa in Serang and led several actions against the company. In 1991, after the minimum wage had been raised to US\$1.25 a day, the company refused to pay up, so the 600 workers including Cicik Sukaesih staged a walk-out. Labour conditions then were much worse than nowadays. The police and military quickly suppressed the action. In January 1992 she and 23 others, regarded as the ring-leaders, were sacked. The Korean foremen were particularly rude. Cicik says: "They yelled at us. There were some who liked to hit people, slap people. There were some who would kick the Muslim workers when they were praying during

Nike control of sub-contracting companies in Indonesia is bad and have called for an inspection team to be sent to Indonesia.

Strike at Reebok and Adidas

Other shoe giants, notably Adidas and Reebok couldn't brag about their working conditions. A strike at PT Indoshoes, one of the biggest shoe factories in Tangerang, West Java created quite a stir in the capital. The 1500 workers staged a two-day strike on 18 and 19 June and staged an all-night sit-in at the Parliament building. They demanded better pay, lower prices and a new president for the country. The next morning the workers were forced out by anti-riot police who used sticks and shields. The strike action was supported by activists from the opposition party PRD. The protestors then marched to the Ministry of Manpower, some 5 kms along the same main street.

PT Indoshoes is owned by the Salim family, Indonesia's most powerful business conglomerate. The company produces 2.7 million pairs of shoes annually. *

Just (don't) do it

Nike is clearly embarrassed by the campaign. Intensified pressure by US NGOs as well as labour conflicts in the Nike companies have led to improvements over the years. But Nike still has a long way to go before it can live up to its stated goal of providing a fair environment for all. Some of the twelve companies working for Nike have not even

LABOUR

attained Indonesia's very low labour standards. Improvements are essential regarding compulsory overtime, erratic overtime pay, failure to register workers on the social pensions scheme and insufficient medical care. Women workers are not allowed menstruation leave, provided for under Indonesian law, nor is there adequate provision of food for workers doing overtime.

Nike executives in Indonesia have been instructed not to respond to the campaign and company offices in Hongkong and Oregon have launched a counter-offensive. Philip Knight, Nike founder and chief executive, argues that Indonesians are queuing up for jobs in Nike factories. He dismisses talk of low wages and warns that if wages were allowed to go up too much, it would wreck the country's economy. While still an under-graduate at Yale in the early 1960s, Knight wrote a paper on the profit potential of manufacturing athletes' shoes in Asia. His dream may have come true but he's delivered nightmare jobs for Nike workers.

Jesse Jackson refused to visit factories

At the start of the Atlanta Olympics, the well-known civil rights campaigner Reverend Jesse Jackson went to Jakarta, hoping to visit some Nike companies but was told to keep out. Dusty Kidd, Nike representative for the Asia-Pacific, said the companies were open to 'neutral' people who were not prepared to use visits to 'spread all this kind of rubbish'. [*Suara Pembaruan*, 20 July]

Thousands demonstrate in Surabaya

Up to 15,000 workers from 10 factories in Surabaya went out onto the streets to demonstrate in July. All the factories are situated in the Tandés industrial estate. The workers were protesting against a range of issues relating to wages and working conditions. But some demonstrators also carried banners against militarism. The security forces were instructed to hit hard at the demonstrators.

The workers' demonstration in Surabaya is probably the largest since Suharto came to power 31 years ago. The demonstration in Medan two years ago which attracted international attention involved about 10,000 workers. This time the demonstration was primarily organised by the new political party PRD (*Partai Rakyat Demokratik*, People's Democracy Party) and the new trade union PPBI (*Pusat Perjuangan Buruh Indonesia*, Centre for Indonesia's Workers' Struggle).

Two groups began to assemble early on 9 July. Budi-man, PRD chair, led a group from Tanjung Sari while Dita Sari, PPBI chair, led the other group from Banyu Urip. The intention was to bring the groups together but the security forces - the police and the military - managed to prevent this from happening. The key slogans were: 'For a minimum wage of Rp 7,000', 'Bring down prices' and 'Monitor the general elections'. The plan was to go to the local assembly and the local office of the Manpower Department. When the workers insisted on getting together, the security forces started to use force. Scores of demonstrators were hit; many were covered in blood. A dozen

had to be rushed to hospital. Many students had taken part in the action; two of them, Zainal and Taufiq Rachman, were taken to hospital with serious injuries. The security forces struck with particular ferocity at those who carried anti-militarist banners like "*Cabut Dwi Fungsi ABRI*" (Abolish the dual function of the military).

Three activists likely to be charged

Initially, the police arrested eleven people and in a second wave rounded up a dozen more. Altogether 35 people underwent interrogation. Most were later released but three who are regarded as the instigators are still in custody and are likely to go on trial. The first two are: Dita Sari, chair of PPBI and Coen Hussein Pontoh an activist from STN (*Serikat Tani Nasional*, National Peasant Association). According to the police in East Java, they will be charged under Article 160 of the criminal code for publicly expressing hatred for the government; they face a maximum sentence of seven years. Dita Sari, 24 years old, is a former law student at the University of Indonesia. Since 1995 she has been arrested six times while taking part in various work-

ers' actions. The most recent prior to her arrest in Surabaya was during a strike against *PT Indoshoes* on 19 June. The company is a sub-contractor for Reebok and Adidas shoes. Coen Husein Pontoh, an activist on peasant affairs, graduated from the Faculty of Animal Husbandry at the Sam Ratulangi University in Manado, North Sulawesi. He became involved in the Peasants' Union last year.

A few days later, on 12 July, the police re-arrested student activist **M. Sholeh** who studies at the Universitas Wijaya Kusuma in Surabaya. Earlier, M. Sholeh was held for questioning, then released. When the police discovered that he had allegedly convened a meeting at his university without the permission of the rector, he was re-arrested. One of the speakers was Goenawan Mohammad, chairman of KIPP, the Independent Election Committee. Sholeh will be charged under article 154 of the criminal code for creating public order which could land him in jail for six years.

LBH Surabaya, the legal aid bureau branch in Surabaya, will defend the three. The noted lawyer, Trimoelja D. Soerjadi will join in the defence team. Initially the military threatened the defendants with anti-subversion charges which could result in a death sentence.

Teten Masduki, speaking for the LBH Foundation in Jakarta, called for the immediate release of the defendants and demanded that violence and military intervention in labour matters should immediately stop.

Strong language by the military

This action in Surabaya is not the first to be organised by *PPBI*. Two weeks earlier, activists from this recently-established free trade union were involved in a strike at *PT Indoshoes*, a sub-contractor for Reebok and Adidas sport shoes [see separate item on Nike]. But the political demands raised in Surabaya were more strident. PRD leaflets dealt with political demands like the abolition of the 5 Laws of 1985 which control political life, against military intervention in labour affairs, calling for the abolition of *Dwi Fungsi* and supporting Megawati for president.

The military commander of East Java Major General Imam Oetomo, infuriated by the action, accused the 'instigators' of wanting to change the basis of the Indonesian state, the 1945 Constitution and Pancasila, the state ideology. He warned of attempts at reviving a socialist-communist movement. The next day, the general said: 'PRD is clearly socialist in nature and is trying to revive communism or the PKI in East Java' [*Surya*, 11 July] His superior at headquarters, the chief of general staff, Lt. General Soeyono has used the same language: 'There were agitators at the demonstration who were forcing workers to demonstrate, even though the workers didn't want to take part,' he alleged. 'This is clearly a subversive movement aimed at changing the state system'. [*Republika*, 11 July].

East Java military commander Major-General Imam Oetomo who concurrently chairs the national stability agency, *Bakorstanasda*, has banned the PRD from engaging in any activities in his region and has said he is examining the connections between this 'banned party' and other organisations like *SMID*, *PPBI* and *STN*.

Companies demand exemption

There are reports about strikes every day in the Indonesian press. In West Java alone in April, May and June, 63 strikes were reported. Bekasi, an industrial area west of Jakarta is a typical example where strikes are a daily event. According to official statistics, there have already been 37 strikes in Bekasi since the beginning of this year, involving 27,000 workers.

In the majority of cases, workers are demanding payment of the new minimum wage, which was set in April 1996. But striking workers are also raising issues related to working conditions, medical facilities, social insurance policies and holidays with pay.

For the first time, the new rate was fixed at ten per cent above the previous rate which caused consternation among the employers, many of whom started complaining that this could drive them out of business.

The minimum wage varies from region to region. The lowest rate has been set in Central Sulawesi at Rp 3,200 (about US\$1.4) a day, while the highest is in Batam island, close to Singapore where it is Rp7,350 (US\$3.1). The rate in Jakarta is Rp. 5,800 while it is somewhat lower in Central and East Java. Responding to hundreds of requests from companies arguing they could not afford the new rates, Manpower Minister Abdul Latief granted exemptions to 215 companies for nine months up to one year. It was a decision calculated to spark off a new wave of strikes.

Analysts have shown that labour costs in Indonesia are only a fraction of total production costs while 'hidden costs', including paying 'special fees' to local military units, absorbs much more. The Indonesian economy is often described as a high-cost economy, the main features of which are cheap labour and massive corruption.

Worker actions with political demands

What is striking about some of the recent strikes is that workers are taking on board political demands as well as demanding improvements in their conditions.

On 18 June several thousand workers from *Indoshoes* and *Kingstone* companies in Bogor decided to take a number of complaints to parliament, supported by *PPBI* and the new political party, PRD. Many students also joined them on the trip to Jakarta. The main grievance was about non-payment of the minimum wage and getting only 26 days pay instead of 30 days, as required by the new regulation. They were received by MPs from the PDI fraction. One representative, Ria Kurniawati expressed support for Megawati as the lawful leader of the PDI. Some of the workers decided to press their demands by organising a sleep-in in parliament. Around midnight, security forces came and used force against the workers. A few hundred were forced onto trucks and driven back to their workplaces. Next morning, about 2,000 people returned to parliament to protest against police brutality.

Hundreds of workers organised by *SBSI*, the Prosperity Trade Union, demonstrated on 8 July in support of Megawati and the PDI [see separate item]. During a march from the office of the Legal Aid Institute in Jakarta to the PDI headquarters, *SBSI* chair Mochtar Pakpahan made public a written statement protesting at government and military interference in the PDI's internal affairs and announcing three *SBSI* demands: 'Higher wages', 'Upholding truthfulness' and 'Upholding justice and consistently implementing the 1945 Constitution and Pancasila'. *

Stop Press: Acquitted!!

Ploughshares Four go on trial

Four women, members of Seeds of Hope - East Timor Ploughshares, who were involved in an action to disarm a Hawk fighter aircraft last January in a hangar at a British Aerospace factory in the north of England have gone on trial at Liverpool Crown Court charged with criminal damage. They could face convictions of up to ten years. The trial has aroused wide support in the whole region.

The women, Lotta Kronlid, Andrea Needham and Joanna Wilson who entered the factory, and Angie Zelter who planned to follow up with her own action, have not denied that they inflicted serious damage on the Hawk aircraft with ordinary household hammers but they have pleaded not guilty, arguing that they acted 'with reasonable force' to prevent a crime, the crime of genocide, from being perpetrated, under a law enacted in 1967.

The ground-attack plane which they disarmed at BAe's Warton factory was one of the 24 Hawk aircraft built for the Indonesian armed forces, under a deal signed in June 1993. Delivery of the planes started in May this year. It has now been confirmed that a second deal for 16 more single-seater Hawks has been signed.

By the start of the trial, the women had spent six months in prison, having twice been refused bail.

During their action, the women left videos and documentation in the cockpit of the plane and elsewhere on BAe premises, explaining the reasons for their decision to disarm a Hawk. They argued in court that they had every reason to believe that the plane would be used against the people of East Timor, justifying their decision to act. During the hours they spent in the hangar, undisturbed by security guards, they were able to wreck the display screens and an air speed probe in the cockpit, as well as smashing holes in the fuselage. The company alleges that the damage inflicted was worth £1.5 million though the company refused to release documentation to enable an independent assessment. The Indonesians later insisted on the damaged plane being replaced by another aircraft.

Seeking publicity, says prosecution

Prosecutor David Pickup has sought to prove that the women had no reason to believe the plane would be used for genocidal purposes and that their sole purpose was to gain publicity for themselves. He told the Court it did not matter if they had 'sincere and genuine' views. What they did was a criminal offence for which they should be convicted. For the prosecution, a BAe site manager alleged that the plane was primarily a trainer; he felt confident it could not play a part in genocide. Under cross-examination, however, he conceded that it could carry cluster bombs. Pressed by defence lawyer, Vera Baird QC, he admitted that it was no concern of his that people might be killed during its operations.

On instructions from the judge, the video was played in court, after it had been mentioned several times during



Demo in front of the Liverpool Crown Court

presentation of the case against the women. It contains information about East Timor, including footage of the Santa Cruz massacre in November 1991, information about the Hawks deal and personal statements by the four women. They said that, if other methods to stop the deal failed, they would use hammers to disarm the planes. Andrea Needham held up in court copies of eighty letters she had sent to the company, the government and MPs, trying to stop the deal. The jury of twelve men and women will certainly have received a great deal of political education about an issue they probably knew nothing about before the trial.

Testifying for the defence were Jose Ramos-Horta, co-chair of the CNRM, film-maker John Pilger, Carmel Budiardjo of TAPOL, and Paul Rogers, professor of peace studies at Bradford University. Rogers told the court that three Hawks had been supplied to the Indonesian air force's 'Bandung squadron' which was dedicated to attacking lightly armed insurgents. 'There would have been four,' he said, 'if the women had not disarmed the jet in Warton.'

The verdict is expected on 29 or 30 July, too late to be reported in this issue.

Support network in Liverpool

Hundreds of people in and around Liverpool have been mobilised to support the women on trial. Demonstrations were held every day through the city and the forecourt of the Crown Court building was used for commemorative displays about the East Timorese who have died at the hands of the forces of occupation, as well as the six journalists who were killed by Indonesian troops in 1975.

Freeport/RTZ conflict with Amungme intensifies

The battle between the copper and gold giant mining company and tribal people in Timika, West Papua continues to intensify. A court in New Orleans has ruled that the case of Amungme leader Tom Beanal against the Freeport Cooper & Gold may proceed despite objections from the company. In Timika, the tribal council has rejected Freeport/RTZ's offer of a share of 1 percent in its profits.

The New Orleans District Court ruling on 3 July that the class action lawsuit filed by Amungme tribal leader Tom Beanal against Freeport McMoRan Copper & Gold could proceed was a major setback for the giant mining company. Attempts in court by the company to discredit Beanal and allege that he had not properly authorised his lawyer to file the suit were of no avail.

Beanal, representing people victimised by the company, is suing for \$6 billion for social and environmental damage inflicted on tribal peoples in Timika. Freeport Indonesia is 82 percent owned by the New Orleans company while the remaining 18 percent is shared between the Indonesian government and a private Indonesian company. In 1995, the giant mining company RTZ bought a major stake in the company in order to provide it with funds to expand its operations after its concession was increased from 11,000 hectares to 2.6 million hectares.

One percent offer 'an insult'

In Timika itself, the company has sought through financial inducements to split the Amungme people over its offer of one percent of company profits. The offer came in the wake of three days of violent unrest in March this year when millions of dollars worth of company property was destroyed.

A statement issued in July by Lemasa, the tribal council of the Amungme people, stresses that the one percent offer 'deliberately ignores the constitutional efforts made by Lemasa to seek justice in face of human rights violations, environmental damage and the seizure of land that has resulted from the company's activities'. The offer fails to address the central demand, namely recognition of the existence and integrity of the tribe. Nor does it reflect the huge profits made till now by the company. 'We regard the one percent offer,' says the council, 'as an insult to us as human beings with rights and as Indonesian citizens.' Lemasa also states that the company has been engaged in attempts to bribe leaders of the several tribes damaged by the company's operations in order to persuade them to accept the offer.

According to the company, the one percent offer would involve a sum of \$15 million a year for ten years, the use of which would be strictly controlled by a Programme Implementation Unit, a consultative body of government officials and tribal representatives. In other words, the tribal people's say over the use of the funds would be very limited.

Apart from this, the company say they have suggested that the tribes whose land has been seized will be offered a portfolio of shares giving them an annual income of \$500,000. Quite understandably, this offer has been met with derision. How does this compare with the company's annual revenue of \$1.5 billion from land that does not by rights even belong to them, which they grabbed and have completely destroyed, in collusion with Suharto and his military regime?

Freeport looking forward to a 'rosy year'

Placed against the profits being made by the company, such a 'settlement' is contemptible indeed. Freeport makes no secret of its confidence about the profits it will amass from its operations in West Papua, despite the fall in copper prices which followed the recent copper trading scandal by an operative in Sumitomo Bank. Chief executive Jim-Bob Moffett was positively euphoric about the company's prospects, saying that 1996 would be 'a rosy year' for Freeport. Even though the price had fallen by \$0.16 to \$0.90 a pound, the company's earnings picture 'would be very rosy', since it produces copper at a cost of about \$0.20 a pound.

In a remark which scoffs at the local people whose sacred property he has exploited for nearly twenty years, Moffett said: 'We're operating in a very primitive country so we have to continue to try to bring the largest gold mine in the world, the third largest copper mine, onto production and expand it and do it in a very primitive society. It's a challenge every day.' [A *Reuter* report quoted in *Jakarta Post* 24 June] *

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