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1965 tapols: Amnesty the only way

On 28 July, President Suharto granted clemency to three longterm political prisoners. But a month earlier, another prisoner was refused clemency. While the three men will be released before 17 August, the fate of another twenty-four, including five on death row, is bleak.

The three men who were granted clemency are Dr Subandrio, 81 years old, Deputy Prime Minister and Foreign Minister until his arrest in March 1966; Air Marshal Omar Dhani, 71 years old, commander of the Indonesian Air Force until his arrest in March 1966; and Brigadier-General Sugeng Sutarto, 75 years old, who was executive chief of BPI, the state intelligence agency headed by Dr Subandrio under the old regime, also arrested in 1966.

All three had been sentenced to death and had had their sentences commuted to life imprisonment as a result of previous clemency pleas. Some months ago, the Justice Minister changed the rules regarding clemency, opening the way for prisoners to lodge a second plea. Pressure from many quarters in Indonesia for the release of elderly and ailing prisoners was decisive in securing their release. [See *TAPOL Bulletin*, No 129, June 1995] The condition of Sugeng Sutarto was particularly alarming. He has suffered from severe mental health problems for a very long time, along with several physical ailments, and has been under treatment at St Carolus Hospital, Jakarta, for about a year.

Clemency plea rejected

Less than three weeks earlier, another prisoner was informed that his clemency plea had been rejected. Sergeant-Major I. Bungkus was a member of *Cakrabirawa*, the late President Sukarno's Palace Guard. This was the unit whose troops were ordered to carry out the kidnappings of seven army generals on 1 October 1965, the event that triggered the abortive coup attempt which in turn triggered Suharto's seizure of power. Bungkus was arrested in October 1965. He was tried by a military court and sentenced to death in July 1971.

After appealing unsuccessfully through the courts, he lodged a plea for clemency through the Military Supreme Court in February 1990. Five and a half years later, in July 1995, three senior officers visited him in Cipinang Prison, Jakarta, to inform him that clemency had been rejected. According to the rules, execution could follow within forty days. Whether or not that happens, it is not difficult to

imagine the impact this news had on the prisoner and on the three other death-sentence prisoners at the same prison (A fifth death-sentence prisoner is being held at Tanjung Gusta Prison, Medan, North Sumatra.)

The execution of Bungkus would violate the Universal Declaration of Human Rights which protects the right to life and would be an act of gross inhumanity, considering that he has already spent nearly thirty years in prison, most of them under the shadow of death. As Human Rights Watch-Asia declared in a letter to President Suharto pleading for Sergeant-Major Bungkus to be spared, 'serious questions have been raised about the lack of due process in his case and the cases of other remaining political prisoners linked to the events of 1965'.

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Up until 1988, Bungkus was one of seven *Cakrabirawa* soldiers under sentence of death. Two were executed in 1988 and another four in 1990. (See below)



Latief (left) and Bungkus.

Executions since the 1980s

There have been twenty-two executions of 1965 prisoners since 1985. Until that year, nothing was heard of any judicial executions, following the many executions that had occurred in the late 1960s of people formally convicted and sentenced to death in the immediate aftermath of the 1 October event.

The first to be executed after such a long spell was Munir, the trade union leader who was shot by firing squad on 14 May, 1985. Since then, there have been 21 executions:

- * Three were executed in July 1985 in Pamekasan Prison, Madura.
- * In November or December 1985, another nine were executed in Jakarta.
- * On 17 November 1987, another prisoner was executed in Pamekasan.
- * On 15 October 1988, two members of *Cakrabirawa* were taken out and shot in Jakarta.
- * In October 1989, two men were executed in Medan North Sumatra. Information about these executions did not come to light for five months.
- * Another four *Cakrabirawa* members were shot dead in February 1990.

On 4 March 1990, six 1965 prisoners were taken from their cells in Cipinang Prison, Jakarta and told they would be executed a week later but the executions did not go ahead. The decision to halt the executions came following outrage in the Netherlands in the wake of the executions of February 1990 along with news that one of the remaining death-sentence prisoners, Asep Suryaman, had had his clemency plea turned down. Asep was one of the six taken from his cell in preparation for execution. Dutch Overseas Development Minister, Jan Pronk, was due to visit Indone-

sia in April and previously the Dutch Foreign Minister Hans van den Broek had sought assurances from Jakarta that no further executions would take place. The issue of executions was high on Pronk's agenda during the visit and a group of Indonesians staged a hunger strike in Amsterdam, to press the Dutch government to take a firm stand on the issue. [TAPOL Bulletin, No. 99, June 1990]

Parliamentary protest

A number of British Members of Parliament have signed a Commons motion in an attempt to stop the execution of Sergeant-Major Bungkus. The motion was tabled by a cross-section of MPs including Liberal Democrats, a Conservative, two Labour MPs and a Welsh nationalist, immediately after news of the rejection of his clemency plea, and reads:

That this House, noting the Government's determination to continue trade with Indonesia, urges it to use its influence to stop the execution of Sgt-Major Bungkus who has been in prison for 30 years, and to suggest that as Indonesia approaches its 50th anniversary of independence next month, Mr Bungkus and all others convicted in the 1965 events should as a humanitarian gesture be granted an amnesty,

Regime politics and the lives of men

Suharto's decision to grant clemency to three prisoners was intended to convey a clear political message and bolster his regime's international image at a time when it has been taking a severe battering. The three clemencies were announced in a blaze of publicity, but the rejection of Bungkus's clemency was not even mentioned in the Indonesian press. News of the rejection came from several impeccable sources, including ELSAM, the Institute for Policy Research and Advocacy which is chaired by the lawyer, Abdul Hakim Nusantara.

The fact that three top-level political prisoners had lodged pleas for clemency has been headline news for months. Views for and against were given great prominence. Those against were led by General Feisal Tanjung, commander of the armed forces, retired General Wahono, who chairs the two legislative assemblies, the DPR and MPR; and Admiral Sudomo, who chairs the Supreme Advisory Council. By choosing to ignore advice from such quarters, Suharto has again shown his independence from the armed forces on some crucial political decisions.

Most press reports about the three men, before the clemencies were granted, described them as '*orang PKI*', or communists. This is blatantly false although it set the terms in which the issue was discussed: those against repeated *ad nauseam* that releasing communists was still far too risky.

When State Secretary Moerdiono announced the clemencies, he made a point of stressing that the three 'were not PKI', and had been convicted 'for facilitating the (1 October 1965) rebellion'. [Jakarta Post, 29 July 1995] Prior to the announcement, the Minister of Justice, Oetoyo Oesman, and General Secretary of the National Commission for Human Rights, Baharudin Lopa, also said they are not 'die-hard communists' so the government and others need not fear that they would start spreading communist ideology in Indonesia.

Having clearly identified the three as being 'not PKI', the chances of the other remaining prisoners, under sentence

the chances of the other remaining prisoners, under sentence of death or serving life sentences, look very bleak. Apart from four soldiers, the others are or were avowedly members of the PKI or associated mass organisations.

The Latief mystery

When reports first began to appear about the three clemency pleas, the name of Colonel A. Latief, not Brigadier-General Sugeng Sutarto, was included. However, he was not mentioned at all by Moerdiono. If, as is certain, he has lodged a plea for clemency, it appears that Suharto has decided to ignore it, and understandably so. Colonel Latief was one of the three army officers who organised the kidnappings on 1 October 1965. He is also known to have been the link between the plotters and Suharto, then commander of the army's strategic command, *KOSTRAD*. Unlike the other two plotters who were both sentenced to death and executed in the late 1960s, he was not sentenced to death. Latief told the court at his trial in 1978 about his midnight meeting with Suharto, just hours before the kidnappings, when he told the general of their plans. Suharto has confirmed that such a meeting took place, with his own version of what happened. If Latief were freed, the real nature of this link might be difficult to conceal for much longer.

Latief is known to have lodged a plea for clemency in 1990. [See below for more about the Latief case.]

The fate of the remaining 24

According to records that are not easy to verify, there are twenty-four 1965 tapols still being held in prisons throughout the country, convicted of alleged involvement in the events of October 1965 or in subsequent events to re-build the PKI. We published two lists of names in *TAPOL Bulletin* Nos 125 and 129. Since then a few more names have come to light. Information about 1965 prisoners in prisons outside Java is particularly hard to obtain.

Five of the remaining prisoners are under sentence of death: Asep Suryaman, Sukatno, Sergeant-Major Bungkus and Sergeant-Major Nataneal Marsudi, who are all being held in Cipinang Prison, Jakarta, and Isnanto, who is being held in Tanjung Gusta Prison, Medan, North Sumatra. The others are all serving life sentences, in some cases after commutation of a death sentence. Joseph Rabidi who was being held in Nusakambangan Prison, Central Java (listed in *TAPOL Bulletin* No. 125) has since been released.

Four are former members of the armed forces, the others may all have been PKI members or active in one or other of the mass organisations banned after October 1965.

Changing the rules of lifers

Until 1987, prisoners serving life sentences could automatically get commutation to a fixed-term sentence of twenty years, after serving five years following final confirmation of their life sentences. This enabled a number of well-known senior communists to be released. In March 1987, Suharto issued Presidential Decision No. 5, 1987 which decreed that life sentences could only be commuted to a fixed-term sentence by lodging a clemency plea for *grasi* to the president. A year later, in March 1988, the Justice Minister Ismael Saleh issued a ruling that death sentence prisoners whose sentences had been commuted to life could not seek any further commutation, with the inevitable consequence that lifers would remain in jail till they died. [See *TAPOL Bulletin*, No. 107, October 1991, page 11.] It was

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this ruling which the present Justice Minister relaxed, enabling Subandrio, Omar Dhani and Sugeng Sutarto to lodge clemency pleas. In our issue No 107 of October 1991, we wrote specifically about these three men that '*will live out the rest of their lives in prison unless President Suharto deems it politically expedient to release them*'.



Iskandar Subekti, died in prison in August 1993

The presidential decision to change the rules, in March 1987, came just as Colonel Latief's documents for release in August 1987 were being processed, which would have been possible under the old rules. The 1987 decree meant that Latief had to start all over again and seek presidential clemency. There is strong reason to believe that Latief was the main target of Suharto's new ruling.

As for the other men serving life, little is known about which of them has lodged clemency pleas and whether indeed they have lawyers to act on their behalf. If Suharto has now done his 'good deed' for the year and the clamouring by people like Feisal Tanjung that '*orang PKI*' are a danger to society continue to reverberate, the chances of anyone else being granted clemency are indeed remote..

Even those within the regime who are making more conciliatory noises about freeing the prisoners stress that this should only be done for those who *bertobat*, who have repented or 'seen the error of their ways'.

Amnesty, not clemency

Former minister Emil Salim who chairs the Independence Day Committee has been quoted as saying that more clemencies may be granted before the 17 August anniversary. [*Jakarta Post*, 1 August]

But clemency is not the only way; in fact, it is the most difficult path to take, because it implies a confession of guilt and means dealing with the question on an individual basis, placing prisoners who have been in prison for nearly thirty years at the mercy of the whim of the president.

Amnesty, on the other hand, would be a decision applicable to all convicted 1965 prisoners, a decision implying forgiveness and rehabilitation. Professor Muladi, Rector of Diponegoro University in Semarang, a legal expert who is also a member of the National Commission of Human Rights, firmly believes that there is no legal remedy for any

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of the 1965 prisoners to be released on the basis of a plea for clemency. He believes that amnesty is the only way out. 'Amnesty has no legal consequences. It would be an act of forgiveness. All those found guilty of involvement in the G30S/PKI would simply be released from jail and that would be the end of the affair. Amnesty is nothing new for Indonesia. Years ago (in the 1960s), the government granted amnesty to all political prisoners who were being held because they had been involved in the PRRI/Permesta rebellion (of 1957/1958).' [Gatra, 22 July 1995]

ABRI clings to security approach

The strong resistance mounted by senior armed forces officers to prevent the release of even men like Subandrio and Omar Dhani means that enormous pressure will be needed to convince the regime to change its mind. Incredible as it may seem, they still insist that communism represents a serious threat to the state; they depict the PKI as a party that has repeatedly betrayed the Republic. Armed forces commander in chief General Feisal Tanjung made a very strong bid to prevent the clemencies, ruling out any pardon 'for former communists. We have to be alert to the latent threat of the PKI. We still foresee dangers if they are released.' [Jakarta Post, 5 July 1995]. Also outspoken in this respect was Major-General Syarwan Hamid, Assistant for Social and Political Affairs at armed forces headquarters. 'They are perpetual rebels' was the theme of a two-page interview published by Gatra. [22 July 1995]

The main reason would appear to be that the armed forces are using the issue to insist on their continuing role in security affairs. Following the clemency announcement, armed forces spokesman, Brigadier-General Suwarno Adiwijoyo said the activities of the released men would be monitored. 'ABRI's attitude towards communism remains the same. We will never forgive the communists.'

What is also uppermost in their minds, though never publicly stated, is that the very legitimacy of the regime rests on its assertion that the PKI threatened the Republic in 1965 justifying its destruction as the enemy of Indonesia in perpetuity. Suharto naturally supports such arguments but political expediency compels him to occasionally act more leniently.

'Don't let them die in jail!'

A campaign for amnesty is already underway in Indonesia, where the case for amnesty is argued primarily on humanitarian grounds. Pressure from the international community, in particular from governments which foster economic and political ties with the Suharto regime, will be essential to persuade Jakarta to change its mind, despite ferocious opposition from the armed forces.

Professor Muladi who has made a strong plea for amnesty is also worried that some of these prisoners might die in prison. He said that since this 'would provoke an international outcry; we should do everything possible to prevent this from happening'. In fact, three 1965 prisoners have died in prison, in less than two years. The first to die was Iskandar Subekti, who was in his late sixties. He had been under sentence of death since his trial in the early 1970s and was known to have been ailing for several years. Iskandar died in Cipinang Prison in August 1993. The second to die was Haji Kamba, a devout Muslim as his name implies

('Haji' means that he has been on the pilgrimage to Mecca), who died in Ujung Pandang Prison, South Sulawesi, in January 1994. He was 94 years old and had been paralysed and incapable of moving without the assistance of co-prisoners, for ages. His mental faculties had also ceased to function. Ruslan Widjajasastra, aged 78 years, was the third to die in April this year. He was also a death-sentence prisoner, paralysed and had lost control of his mental faculties.

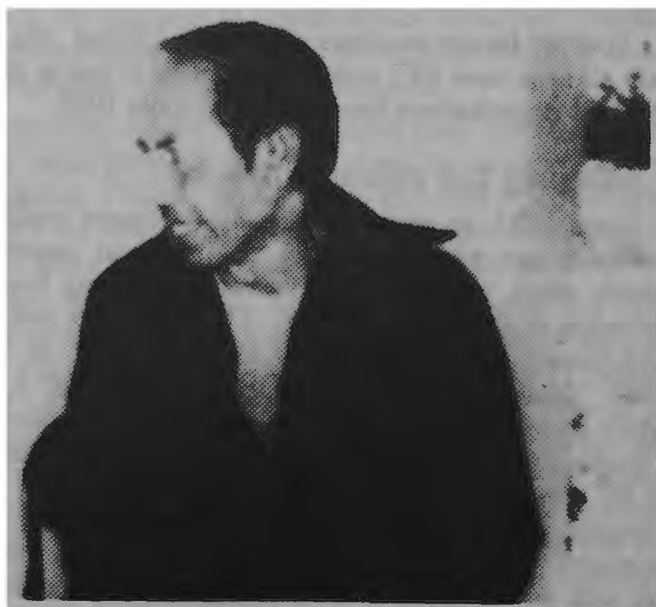
Profile of a death sentence prisoner

Sukatno, who will be sixty-six years old in December, was arrested in July 1968, when troops carried out an assault on a base in South Blitar, East Java. Activists from the PKI and associated mass organisations had congregated there, in the hope of developing a movement to restore the right to exist of their banned organisations. Sukatno was Secretary-General of the pro-communist youth organisation, *Pemuda Rakjat (PR)* at the time. He was tried in 1971 and sentenced to death in March of that year. Several appeals against his sentence have only resulted in the sentence being upheld.

Sukatno was a factory worker in East Java at the end of the Pacific War. When the Republic proclaimed in 1945 came under attack by British forces seeking to restore Dutch colonial rule, Sukatno joined the youth militia to fight back. He became very active in *Pesindo*, the forerunner of *Pemuda Rakjat* and spent time in South Sumatra building up the organisation there. He joined the PKI in 1950 and rose to prominence in the *PR*, becoming its First Secretary in November 1952.

He was frequently sent on missions abroad. He stood on the PKI ticket at the 1955 general election and became a member of Parliament. In July 1964, he became a member of the PKI Central Committee. He escaped arrest after 1 October 1965 and emerged three years later in South Blitar.

Sukatno has been imprisoned in Cipinang Prison, Jakarta ever since his conviction in 1971. Until recently, he was bearing up well but late last year, it was reported that he had begun to lose heart, refusing to eat and staying in bed most of the time. Latest information suggests that he has improved slightly but his physique is very much in decline. Said one fellow prisoner: 'He used to do thirty rounds in the prison yard every day but now he can only manage five, then has to return to his cell.'



Sukatno

All forms of discrimination must end

Nearly thirty years after Suharto seized power in October 1965, millions of people suspected of association with the PKI still face discrimination. These include the 1.4 million or so people described as 'ex-tapols', their offspring and close relatives, as well as many hundreds of political exiles who are afraid to return home.

Monitoring 1.4 million ex-tapols

One of the most insidious forms of discrimination still in operation against people who were detained for alleged communist associations or 'involvement in the 1965 events' has been the use of a special code, *ET*, standing for 'ex-tapol' on the identity cards of everyone who was detained. Along with calls for the release of the remaining 1965 prisoners, there has been strong pressure inside Indonesia for this coding to end.

On 2 August, the *Indonesian Legal Aid Foundation [YLBHI]* said the top priority now was to end this practice. Marking identity cards has no basis in law and is an act of blatant discrimination with serious social consequences for former prisoners. *'It is in fact a verdict or punishment without any legal process as most of those affected were never tried.'* Furthermore, it has serious consequences for the children of former prisoners, for which there can be absolutely no justification. *'After three decades of the existence of the New Order... along with the transformation of the global situation and the ending of the Cold War, such repressive political controls are simply not relevant.'*

ET coding to be phased out

On 7 August it was announced in Jakarta that there would be no more coding for ex-prisoners when new identity cards are issued. However, Minister-Co-ordinator for Political and Security Affairs, Soesilo Soedarman said that the government 'is not letting down its guard and monitoring activities of these former detainees will continue in other forms'. [*Jakarta Post*, 8 August 1995] He gave no indication of how monitoring would occur. It is well known, however, that data about former prisoners has long since been computerised and is accessible to local administrative offices. This will still make it possible for local authorities to continue imposing restrictions and special requirements for former prisoners. The absence of the code on ID cards will, however, relieve the long-suffering victims of the public branding of their second-rate status.

Alongside Soesilo Soedarman sat another retired general, Yogie S. Memet, now Interior Minister, who announced that 1,352,551 former detainees have ET coding on their IDs, based on a survey carried out before the elections in 1992. Of these people, 36,345 were barred from taking part in the elections.

At this early date, it is not possible to assess the effect of this decision regarding ID coding on ex-tapols and their

close relatives. Only recently, some former prisoners in Jakarta wrote to TAPOL giving details of the restrictions to which they are still subjected. They said:

'We propose an end to the ET sign on identity cards, an end to the obligation to report, and abolition of the political clearance for children and relatives of ex-tapols.'

It still remains to be seen whether these impositions will be lifted in the wake of the decision to end ET coding.

Let political exiles return home

A very large number of Indonesians are still living abroad as political exiles. Figures are hard to come by but in the Netherlands alone, there are at least seven hundred, with others living in Germany, France and elsewhere in Europe. These are people who, for one reason or another, were overseas at the time of the October 1965 events and decided not to return home because they would certainly have been detained or worse. Many now hold foreign passports or have become stateless.

The first person to raise the call for political exiles to be allowed to return home was Dr Arief Budiman, recently-dismissed senior lecturer at the *Universitas Kristen Satya Wacana* in Salatiga, Central Java.

'If the President grants clemency to the three (Dr Subandrio and his two colleagues), there is nothing wrong with respecting the wishes of those (abroad) who wish to die here. Many of them were abroad at the time and because of one thing or another, they were fearful of returning.' [*Jakarta Post*, 1 August 1995]

Budiman's call prompted a typically robust response from General Feisal Tanjung, armed forces commander in chief, who said that returning citizens who once supported communism must be held accountable. *'We have to uphold the law (sic). We must investigate their involvement in the abortive coup attempt. The courts will then decide whether they are guilty or not'*, he said. [*UPI and AP*, 3 August] Perhaps someone should remind the general that far fewer than a thousand of the hundreds of thousands of people held in detention after 1965 ever saw the inside of a courtroom.

Some years ago, on a journey back home from China, where a small number of Indonesian exiles still reside, Suharto also spoke about the possibility of political exiles being allowed home; he too said that they would have to face investigation. No wonder so few have taken advantage of such an offer.

Pramoedya receives Magsaysay Award

The Magsaysay Prize for Literature for 1995, known as Asia's Nobel Prize, is to be given to Indonesia's leading writer Pramoedya Ananta Toer. After his release in 1979 from 14 years of imprisonment without charge or trial, Pramoedya's international reputation has soared.

While all his books published in Indonesia since his release have been banned, along with all the books he wrote before 1965, publishers in other countries have produced his works in no fewer than twenty languages.

The Ramon Magsaysay Foundation stated that the Indonesian writer had been chosen as this year's laureate 'because of his exceptional works dealing with the historical awakening and modern experiences of Indonesian society'.

No permission to travel abroad

The award coming from another ASEAN country is clearly an acute embarrassment for the Indonesian government. Soon after it was announced in Manila, Defence Minister General Edi Sudradjat said that Pramoedya would not be allowed to travel to Manila to receive the award on 31 August. He alleged that the Magsaysay Foundation 'understands' the Indonesian Government's position and this 'will not create a problem'. Pramoedya is still on the restricted list so 'of course, he can't leave the country'. Other senior government ministers have also poured scorn on the award, which indicates how infuriated they are by this outstanding international honour bestowed on a man who is held under virtual house arrest in his own country.

In a statement to the press, Pramoedya said there had been restrictions on foreign travel for him since 1961, in the Sukarno era, when his passport was withdrawn after the publication of *Hoa Kiau di Indonesia* [The Chinese in Indonesia], a book that infuriated the military. Since then, he has not sought permission to go abroad but would try to find a 'legal route to Manila' to accept the award.

The latest of his books to attract the wrath of the authorities was his Buru memoirs, *Silent Song of a Mute*, which was reviewed in the last issue of *TAPOL Bulletin*.

Democratisation in Asia

Speaking about the significance of the award, Pramoedya saw it as a sign of the spread of democratisation in Asia, following the release from house arrest of Aung San Suu Kyi in Burma. He condemned the continuing incarceration in Indonesia of people held for alleged involvement in the 1965 affair. 'Other countries with no Pancasila can grant amnesty or clemency to political prisoners, but here, we have Pancasila, and nothing like that can happen.'

'These people have suffered for long enough and what they are guilty of isn't clear. There has been no proper study of the G30S (the 1 October 1965 event), only political statements. What I'd like to see is a scientific investigation of the G30S. The government claims that conditions are stable, yet old men who are powerless to do anything are considered to be dangerous. It doesn't make sense.' [Interview with *Radio Netherlands* 'Fokus Achir Pekan' on 22 July 1995]

Magsaysay Committee stands firm

It was not only the government which was dismayed by the award to Pramoedya. A group of 26 Indonesian writers, headed by Mochtar Lubis and H.B. Jassin, both Magsaysay laureates, called on the Manila Committee to withdraw its decision. They said they believed the Foundation was 'not fully aware of the role of Pramoedya in the darkest period for artistic creativity during 1959-1965 when he joined in hunting his fellow writers who happened to be on the other side of the fence'. [*Jakarta Post* 5 August 1995]

Lubis and Jassin even went so far as to say that they would return their awards unless the Foundation changed its mind. But the Foundation was firm:

'The Foundation regrets having disappointed its former esteemed awardees but it remains firm in its decision to recognise Pramoedya. The attacks and counter-attacks of the time (pre-1965) were harsh and we are indeed aware that some writers suffered badly'. (But current attacks on Pramoedya) 'bear little weight in light of the penalties already imposed on him as well as a change in world attitudes towards communism accompanying the end of the Cold War'.

Wertheim award

On 15 August, Pramoedya will also receive another prize, the Wertheim award. Award ceremonies will take place in Jakarta and the Netherlands.

On the same day, a new book by Pramoedya will be published in Jakarta. This epic novel is called *Arus Balik* is about the 16th and 17th century. Pramoedya's books are collector's items in Indonesia and are usually sold out within days.

How to order books by Pramoedya

Several books by Pramoedya Ananta Toer are available from Wira Karya, a publishing company in Malaysia.

His latest book, *Nyanyi Sunyi Seorang Bisu (Silent Song of a Mute)*, which was recently banned in Indonesia, shortly after its appearance last April, is available, price £6.00 plus £2.00 seamail.

Two other books, *Bumi Manusia* and *Rumah Kaca*, are available for £5.00 each.

Three others, *Gadis Pantai*, *Cerita Dari Blora* and *Perburuan*, are available for £3.00 each.

Gulat Di Jakarta and *Subuh* are available for £2.00 each.

The cost of postage should be adjusted accordingly.

Please send your orders to:

Wira Karya, 11 Lorong/4E, 46200 Petaling Jaya, Malaysia. Cheques should be made payable to J. Sundaram. They will also accept cheques in the Australian or US dollar equivalent.

Trials in a time of madness

Trials are in fashion again. The issue this time, as so often in the past, is the right to speak one's mind freely and to publish. By clamping down so hard on their critics, the Suharto regime and its armed forces backers reveal their fear of opposition and the weakness of their own position.

Four people are on trial in Jakarta for putting out publications without a government licence. A well-known soothsayer is on trial in Yogyakarta for blasphemy and an activist has been found guilty of defamation of the head of state and sentenced to two-and-a-half years. A member of Parliament, facing moves to dismiss him from the legislature, is expecting to go on trial soon. Efforts to pursue academic George Aditjondro, also for defamation, have failed because George is now on a fellowship in Perth, Australia.

Pijar editor on trial

The editor-in-chief of *Kabar Dari Pijar* (KDP), Triagus Susanto Siswihardjo, 29 years old, known to his friends as TASS, went on trial in Jakarta on 17 July, charged under Article 154 of the Criminal Code for expressing hostility, hatred or contempt of the government, which carries a maximum sentence of seven years.

Triagus was arrested on 9 March when police raided the Pijar office very late at night. Since then, the office has been occupied by security forces. A week later, the office of *AJI*, the *Alliance of Independent Journalists* was also raided by the police. In both cases, the organisations were under attack for publishing publications without a government licence.

Triagus started his career as a journalist in 1990 with a two-year stint at *Editor*, one of the three weeklies banned in June 1994. He left the journal to become a full-time pro-democracy activist, in the conviction that press freedom could never be implemented by licensed publications constantly under siege by censorship and the threat of bans. He joined Pijar and in 1993, became editor of its occasional journal, KDP. After the bannings in June 1994, he became involved in protests and wrote sharp, witty commentaries. In fact, Triagus has quite a reputation for being a wit. In June 1994, he attended the Asia-Pacific Conference on East Timor in Manila, together with another Pijar activist, Rachland Nashidik.



The four on trial, from left: Triagus, Taufik, Eko Maryadi and Danang

'The source of the turmoil is Suharto'

When the trial opened, the court was heavily guarded by troops from the army and the police. Demonstrators outside denounced the trial and called for the release of Triagus.

The main indictment against Triagus relates to an article in KDP under the headline: 'Adnan Buyung Nasution: *This country is in turmoil because of a man named Suharto*'. Because of this sentence, he could be treated with greater severity than the AJI activists who are also on trial (see below).

To show that he himself fully agrees with the sentiments expressed by Buyung Nasution, one of the country's leading human rights activists and director of the Indonesian Legal Aid Foundation, the YLBHI, Triagus used the sentence as the title for his opening statement in court.

The indictment accuses him of writing the offending headline, of printing 500 copies of the issue and circulating it

widely. Two other Pijar activists, also mentioned in the indictment, have not yet been arrested, according to the prosecutor, who alleged that Nasution never uttered the words attributed to him.

The opening session of the trial was attended by a large number of supporters. As Triagus was being driven back to prison afterwards, dozens of supporters staged a demonstration near the court, with banners describing the trial of Triagus as a denial of democracy and calling for a 'resistance press'. Two people were arrested as police dispersed the protesters.

In his opening statement on the second day of the trial, Triagus said that for Pijar, 'Free access to information is the pillar of democracy and respect for human rights.' The article with the offending headline was a report on a commemorative gathering a week after the June 1994 bans, which took place at the office of the YLBHI and at which

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the statement was made by Buyung. Triagus said he had used the quote for three reasons, because it came from Buyung, because it was about Suharto and because he totally agreed with it. No one protested at the time about the quote and no one asked for a correction to be published.

KDP, he told the court, upholds the principles of 'resistance journalism': resistance to the centralisation of power; resistance to uniformity of thinking; resistance to the constraints on pluralism; and, resistance to restraints on the flowering of critical understanding.

Support for East Timor

The defendant also expressed strong support for East Timor in its resistance to Indonesian occupation.

For me, this trial is a gift of gold for the fiftieth anniversary of Indonesian independence, coming on the occasion of the thirtieth anniversary of the Suharto regime and the twentieth anniversary of the Indonesian invasion and occupation of East Timor, an illegal act that is still not recognised by the United Nations and the international community.

For the first time, an Indonesian declared unreserved support in open court for East Timor. The statement was applauded by supporters in the public gallery.

The AJI trials

A week after Triagus was arrested, the police swooped on a reception being held by *Aliansi Jurnalis Independen* (AJI) to mark the end of the Muslim fasting month. Copies of the organisation's journal, *Independen*, were being handed round at the reception. Several activists including Ahmad Taufik and an office worker employed by the organisation, Danang Kukuh Wardaya, were taken into custody by the police. Apart from Danang, they were all released a few hours later. That same evening the police raided the AJI office in Jakarta and confiscated office equipment, including computers and discs, as well as many documents. When later that night, AJI member Eko Maryadi returned to the office which was his home, he was arrested. At the crack of dawn the next day, Ahmad Taufik was re-arrested.

On 5 June, three months after their arrest, Ahmad Taufik, 30 years old, chair of the AJI presidium, Eko Maryadi, 27 years old, one of the editors of *Independen*, the journal of the organisation, and Danang Kukuh Wardaya, 18 years old, an office worker at the AJI office, went on trial. The opening sessions were well attended by supporters and foreign journalists. Several embassies in Jakarta also sent observers. An observer representing Article 19, Wesley Gryk, an international human rights lawyer from the US, was also present.

'Alternative press' on trial

Taufik and Maryadi are being tried jointly and charged under Article 154 for spreading hostility and contempt of the government, punishable by up to seven years; Article 134 for defamation of the head of state, punishable by up to six years; and Article 19 of the Press Law for using the press for personal or group advantage and misusing the function of the press, which is punishable by up to four years.

The entire indictment revolves round the publication of AJI's journal, *Independen*, and consists largely of quotations from the publication taken from articles which analyse government policy and discuss the activities of a number of ministers as well as President Suharto. The sharply critical tone of this analysis is what made *Independen* such a distinctive and highly sought-after publication. Analysis of this sort is totally absent from the licensed Indonesian media. The publication appeared without a government licence; the print-run and distribution were such as to keep within the rules, particularly by not becoming a mass-circulation journal. *Independen* and *Berita Dari Pijar* became Indonesia's alternative press, and sprang to life in the wake of the press bans of June last year.



The alternative press, notably Suara Independen and Kabar dari Pijar continue to reach the public.

It is evident that the last straw for the government was issue No 10 of *Independen*, published in January this year, which contained a devastating account of the business interests of Information Minister Harmoko, acquired largely from pay-offs and shares, in return for the granting of publication licences, known as *SIUPP*, over which Harmoko has total control. Information from that article was reproduced in *TAPOL Bulletin* No. 128, April 1995.

The charges against Danang are largely the same, with the addition of Article 56 as an accomplice to a crime, which is punishable by one third less than the crime itself. Danang, 18 years old, will also be called to testify at the trial of the other two, which is a gross infringement of his rights as a defendant, violating the principle of non-self-incrimination. As a witness, he must testify under oath, which is not the case when he speaks in his own trial.

Police spies give evidence

Witnesses for the prosecution include police agents who told the court they had been members of a team to spy on AJI and its publication, to prove that it was being circulated to the general public and available on subscription. Two

agents said their aim had been to catch the people behind the publication, following a tip from the Information Ministry. They had read articles in the magazine 'which were so inflammatory that they could cause instability nation-wide'. [Jakarta Post, 22 July 1995]

MP to face charges

The case against the MP, Sri-Bintang Pamungkas, is not going at all smoothly for the regime. Initially, in the wake of Suharto's angry outburst when he returned home from Germany last April, the clear intention was to charge the MP for his alleged responsibility for anti-Suharto demonstrations in Dresden and Hanover. However, it has proven difficult to proceed along these lines, partly because the German authorities will not permit Indonesian police to conduct their own investigations on German soil. Even more crucially, a key figure at the top, Dr. Habibie, whose links with German business interests are wide-ranging, is clearly unhappy that a court case regarding public events in Germany could place Jakarta's relations with Bonn in jeopardy.



Anti-Suharto demo in Hanover, April 1995

So, with one case having collapsed, the authorities have had to scramble around for another one. Sri-Bintang will now face charges instead for a lecture he delivered at two German universities during which he is alleged to have defamed the president. We are now back to the basis issue of freedom of expression and freedom of speech.

The Jakarta police have completed their questioning of the suspect and have passed the documents on to the Public Prosecutor's office, meaning that the case may soon go for trial. He is expected to be charged under four articles of the Criminal Code: 104 for attempting to deprive the president of his life or liberty (maximum penalty, death); 131 for factual assault against the person of the president (maximum penalty, 8 years); 134 for defamation of the president (maximum penalty, six years); and 137 for defamation of the president in writing or pictorial form (maximum penalty, sixteen months).

The police say that prosecution witnesses will include three Indonesian students who were present at his lectures in Germany. Sri-Bintang also intends to call several Indonesian students now in Germany as witnesses.

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Since his return from Germany in April this year, Sri-Bintang, a lecturer in economics at the University of Indonesia, Jakarta, has been barred from speaking on a number of university campuses around the country. Already well-known in Indonesia, his stature has been further enhanced by all the publicity about his forthcoming trial, and invitations to speak have come thick and fast.

Counter suits from Sri-Bintang

Sri-Bintang and his lawyers have meanwhile decided to take out several lawsuits of their own. The first relates to the decision in April by the Attorney-General barring him from leaving the country for a year. The second relates to the question of his dismissal from the DPR (Parliament). This case will be against the President who confirmed the MP's dismissal in May. Sri-Bintang will argue that according to Law No 2, 1965, an inter-session dismissal must be based on a special regulation but no such regulation yet exists. He therefore regards his dismissal as invalid under the law. He also intends to insist on being told the grounds for his dismissal, possibly by taking his own party, the PPP to court. Another lawsuit will be against a senior police officer in Jakarta for inaccurately stating that, when summoned as a suspect, Sri-Bintang refused to answer questions.

Komnas HAM and the IPU

Although Sri-Bintang has made several approaches to the National Commission for Human Rights (Komnas-HAM), it has failed as yet to come to his assistance. At a meeting with Commission members in July, the members made a point of urging Sri-Bintang not to take his case to the Inter-Parliamentary Union, arguing that this 'could only make the case even more complex'. The MP said he himself was not responsible for submitting his case to the Geneva-based organisation. The question may have been raised, he said, because of the international ramifications of the case. [Jawa Pos, 22 July 1995]

Blasphemy trial

The trial of Indonesia's highly popular soothsayer, Permadi Satrio Wiwoho, is now underway at the Sleman district court in Yogyakarta, Central Java. The charge of insulting the sentiments of a religious group, which carries a maximum sentence of five years, focuses on a remark he is alleged to have made during a question and answer session that followed a lecture at a seminar at Gadjah Mada University, Yogyakarta on 28 April 1994. The blasphemy charge revolves round his use of the word 'dictator' regarding the Prophet Mohammed, a term that he does not deny using though he placed in the context of the day, adding that there were 'good' and 'bad' dictators.

As the testimony from prosecution witnesses got going, four of the witnesses retracted statements they made during the police investigations. Some of those retracting were police intelligence agents who had attended the lecture as spies; they seemed to be unclear as to what they heard. At one session, a judge reprimanded a witness for giving contradictory evidence. One said that he had listened to a tape of Permadi played to him during the police investigation and confirmed that the tape which Permadi played in court

and confirmed that the tape which Permadi played in court was correct, but it was not the tape played by the police. [Bernas, 26 July 1995] It would appear that the witnesses themselves were in thrall to the psychic powers of the defendant and feared the consequences of misconstruing his words.

Such a turn of events clearly discredits the case, which in any event is an attempt to turn a serious discussion into a punishable crime. By rights, the judges ought to throw out the case, but even if they do, others are ready to see Permadi convicted for other remarks that have given offence. [See TAPOL Bulletin, No 129, June 1995]

George Aditjondro is now untouchable

A month or so after George Aditjondro, a senior lecturer in development studies at *Universitas Kristen Satya Wacana*, had left for Perth to take up a one-year research

fellowship at Murdoch University, Perth, the police in Yogyakarta announced that they would be proceeding with charges against him for insulting government authorities. For several months, he had been under investigation for remarks made in a lecture at a university in Yogyakarta.

For several weeks, there was talk in the Indonesian press about extradition proceedings being initiated to bring George back to Indonesia. However, it soon became apparent that the recently-concluded extradition treaty between Indonesia and Australia could not be used to force George to return to Indonesia for trial on political charges.

His latest piece of research, *Bali, Jakarta's Colony*, gives a detailed analysis of the way in which the Bali tourist industry is now dominated by Jakarta-based conglomerates and the adverse social and ecological impact of elite-oriented tourism projects on the island. His well-documented account of the companies involved shows how companies owned or controlled by members of the Suharto family are up to their necks in despoliation of Balinese culture and life.

Marsinah murder cover-up continues

In May, the Supreme Court exonerated eight people who had been convicted of the murder of labour activist, Marsinah and ordered their immediate release. The police announced that they would re-open the investigations. But events since then reinforce the impression that a massive cover-up is continuing to hide the army's involvement in the crime.

Altogether nine people, including one woman, all of them on the staff of the company where Marsinah worked, were convicted of her murder. The director, Yudi Susanto, sentenced to seventeen years, had been exonerated some months earlier.

The woman strike leader, Marsinah, was murdered in May 1993 after complaining to the local military command about the forced dismissal of thirteen workers who had also been involved in organising the strike. The dismissals had taken place at the military command. Five months later, the nine people who have now been exonerated were kidnapped by the army command, held for nineteen days and forced to confess to taking part in a conspiracy to murder Marsinah. They were all later tried and convicted even though they retracted their confessions in court, insisting that they had been tortured while in army hands.

Army involvement at issue

Ever since the Supreme Court's verdict, there has been renewed interest in the Marsinah case in the Indonesian press, with extensive coverage of the latest twists and turns in the police investigations. Everyone from President Suharto down has said that the case should be thoroughly investigated. The army chief-of-staff, General Hartono, declared that if any member of the armed forces is suspect, justice should be done.

Both the East Java military commander, Major General Imam Utomo, and the province's chief of police Major-General Roesmanhadi have clearly been taken aback by this setback. The latter insists that there is no need for the police to apologise for unlawful arrest while Imam Utomo repeatedly declares that the same people could again face charges, if new evidence can be produced.

But, as Hendardi, of the Indonesian Legal Aid Foundation (YLBHI) insists, the Marsinah scandal now has entered its second phase. 'The cover-up has two objectives, to hide the identity of those responsible for Marsinah's death, and to deflect attention from the policy of violence to control the workers.' The investigations should, first and foremost, seek to establish who was behind the construction of the conspiracy myth that led to the conviction of innocent people. Repression is bound to follow when those who pursue the policy of violence fail to subdue the workers. 'Especially when, as happened in this case, Marsinah insisted on discussing the fate of her thirteen colleagues at the Sidoarjo military command HQ after the end of the strike.' [Republika, 1 June 1995]

Others have said that the police should seek to establish who ordered Marsinah's blood-soaked clothes to be burnt at the hospital where her body was taken, and who was responsible for destroying the hut where her body was discovered five days after her disappearance, in a forest in Nganjuk, 200kms from Sidoarjo.

Police investigations however, have taken a very different course. In fact, they are focused primarily on again examining the home of the company director, even with the suggestion that some of those already acquitted might again be charged. Even though the conspiracy theory has been totally discredited by the Supreme Court's verdict, it still stands at the heart of current police investigations.

The only new element to have emerged is that four army officers who held posts at the Sidoarjo military command where Marsinah was almost certainly murdered are now under investigation. They include Captain Sugeng who was in charge of intelligence at the command. However, army military investigators insist that they are not being questioned about the murder, only about the dismissal of the thirteen factory workers which took place at command HQ.

Nineteen days in military hands

Now that the nine people who were tried and convicted for involvement in the murder of the labour activist, Marsinah, have been exonerated by the Supreme Court, some have been speaking out about their experiences during the nineteen days they were in illegal army custody. Their experiences epitomise the way the military intervene in labour disputes.

Mutiari, the only woman among the nine, was head of personnel at PT Catur Putra Surya, the watch-making factory in Sidoarjo, East Java, where Marsinah worked. She was the first to go on trial and although she retracted her 'confessions' in court, she was convicted and sentenced to seven months.

In an interview with the weekly, *Tirias*, excerpts of which were published in *The Jakarta Post* [20 May 1995], she spoke first about the way in which thirteen CPS employees were dismissed on orders of the local military command, Kodim Sidoarjo. On 5 May 1993, after the strike had ended, she was informed that 'several CPS workers had been summoned to Kodim and that 13 of them had resigned suddenly. The company was asked to pay a severance allowance, a very unusual practice. But an employee who gave me the message from the management said it was an order from Kodim... Later we went to the military office to pay the allowances.... On 7 May, I was informed that six more workers were about to quit their jobs. We went again to Kodim to do the same job. I was completely in the dark about the relation between Kodim and PT CPS.'



Mutiari then mentioned two of Marsinah's work-mates named Mutmainah and Nasiah who had discussed plans for a demonstration with Marsinah. 'Once when they were

questioned at Kodim, Captain Sugeng [intelligence chief of Kodim Sidoarjo at the time] threw an ashtray at her, causing bleeding.'

Kidnapped by the army

Five months later, on 1 October, an officer arrived at the factory and arrested two employees. 'Before answering my question about what had happened, the officer dragged me in a waiting vehicle. "You are a law graduate, aren't you? You can pour out all your knowledge about the law later. Ayip, head of production [another of the nine who were later convicted] was also dragged and thrown in front of me. I saw his face bleeding. Me, Ayip, and a company guard and two other employees were taken to the headquarters of Bakorstanasda, the [army's] provincial security agency in Surabaya.

'I saw Yudi Susanto [another of the nine], the owner of the CPS. He had clearly been beaten black and blue. "All of you are bastards," an officer shouted repeatedly.... (An) officer said that I would testify about the meeting on 5 May at which a plan to murder Marsinah had been discussed. I was shocked. I told him that there had never been such a meeting.

'Some officers ordered me to confess and started beating me. Widayat, [another of the nine] the CPS driver, entered, bringing a diagram of a meeting room. He looked exhausted and weak. He told the officer that it was a meeting discussing the plan to murder Marsinah. Widayat also pointed out a chair which he claimed was my chair. "By God, it's not true", I said. I was ready to be killed if it was true.... I kept saying "no". An officer told me that if I wanted to confess that I was involved, I would be freed soon. In the evening, Brigadier-General Farid Zaenuddin, then chief of staff of the East Java military command, came to urge me to do the same thing.

'I was not allowed to sleep for three nights during the interrogation, which was marked by repeated orders that I be tortured with electric shocks. But it was just to scare me.... Altogether I was interrogated for 14 days. On the evening of 14 October, the officer produced a warrant. Five days later another officer told me that he would take me home after my evening prayers but later I found myself at the police office. I cried and resisted the arrest. In November 1993, my trial started.'

'Seeing an Abri uniform makes me tremble'

Suprpto, another CPS employee, who was sentenced to twelve years for Marsinah's murder, gave his account of 19 days in army custody to *Forum Keadilan* [8 June 1995]. 'I

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still feel traumatised. I tremble when I hear "buk, buk, buk", like the sound of army boots, or see an Abri uniform'

On 1 October 1993, he was taken by a neighbour from the police *Brimob* to the intelligence HQ of the East Java military command. He was immediately ordered to strip and was photographed in his underpants. He was taken to the bathroom where he was kicked and beaten.

'They kept asking me, "You took part in Marsinah's murder, didn't you?" When I said I knew nothing, I was beaten again. What I found completely intolerable was when I was forced to drink an officer's urine. I vomited....'

The torture continued every day, any time. At night I had to sleep naked on the floor. The floor was showered with water; I lay there shivering all night. After three days of this, I couldn't stand it any more so I said 'yes' to all their questions.

Some days later when he was transferred to police custody, the treatment was not so rough. *'It was while I was*

being held by the police that I was "taught" about how Marsinah had been kidnapped and murdered, and how her body had been disposed of in Nganjuk. Everything about Marsinah's death was repeated over and over again. They threatened to kill me if I couldn't get it right. "If you get it wrong, I'll skin your scalp," a policeman said to me.

Suprpto was later called to testify at Mutiari's trial. *'I was so terrified, I was unable to do anything. I felt as if every word I spoke was being watched by an officer. What could I do. It was because of my testimony that Mutiari was convicted.'*

It was only later, when he met some lawyers, that he was advised to tell the truth. Yet even though he retracted everything in the interrogation report and described the torture to which he had been subjected in court, he was convicted and sentenced to twelve years.

Now, all I want to do is to forget those fearful days. This is why I don't want to sue for compensation. I will leave it all to God. I only hope that the real murderers of Marsinah are found.'

Wave of strikes continues

Labour unrest remains at the top of the social agenda. Right across the industrial belt of Indonesia, from Aceh to East Java, strikes continue to be headline news and to attract public attention. Workers' actions have become more visible as many actions are not limited to the shop-floor. Frequently workers go onto the streets, and visit the local parliament and manpower department.

The majority of the strikes are about wage demands and many end in a kind of victory for the workers. This has undoubtedly encouraged workers elsewhere to take action.

According to government figures, strikes are currently running at three a day, which may well be a conservative figure. But where else in the world are workers taking action on this scale? Besides wage demands, other grievances include (lack of) freedom of association and military intervention in disputes. Workers have become more skilful and experienced in coping with the security forces and the bosses. Experiences are not confined to a single factory but are shared with workers from other factories. Despite the lack of representation, workers often organise themselves at shop-floor level, at the same time refusing to be represented by the official union, the *SPSI*.

Although reporting in the Indonesian press is biased, news of strikes does published. Workers actions in the larger factories, especially when they start marching along thoroughfares, creating traffic jams, always get on to the front pages.

Victory at Wismilak

Wismilak is a large clove cigarette company in East Java. Between 8-10 June the entire workforce decided to stop production. In an earlier strike in 1993, the Wismilak workers achieved nothing and a group of strike leaders were sacked. This time the actions were better prepared. Ten demands were raised, including payment of the minimum wage, reducing working hours and overtime, a collective labour agreement and clear wage specification. Three thou-

sand workers took their demands on to the streets and refused to accept an offer to negotiate through a workers' delegation. Because workers' leaders had been sacked in 1993, the workers now insisted that the entire workforce should be present at the negotiations. The ten demands were presented to the management in the presence of security forces (military, anti-riot squads, police and dozens of plainclothes intelligence). All the demands were met by the management.



Great River Industries workers demonstrating in front of the national parliament.

The strike at Great River Industries.

Action at Great River Industries (PT GRI) lasted almost a week, from 18 till 24 July. PT GRI is a wellknown garment factory producing top-brand clothes like Arrow, Donna Karan, Cerruti, Benetton, Disney, Swatch, Kenzo and Triumph underwear. Most of these upmarket products are exported to third countries. Since opening in 1976, the company has grown steadily. Part of the equity is now owned by companies in South Korea, Japan and Taiwan. Most of the workers are women, in two factories in Cibinong along the highway near Bogor, a famous mountain resort in West Java.

The strike at PT GRI was solid. The workers had the support of *SMID* (Indonesian Student Solidarity Front for Democracy), and the *PPBI* (Centre for Indonesian Workers Struggle), a newly established free trade union. On the first day, the workers marched to the local assembly in Bogor. Anti-riot squads tried to prevent the demonstrators from reaching the building, using a great deal of force. Twelve people were arrested, six workers and six people from *SMID* and *PPBI*. The six workers were Asmarullah, Carna, Agus, Yustina, Sahroni and Cucup; while two *PPBI* members were detained: Dita Indah Sari and Lukman Hakim. Four members of *SMID* were also arrested: Andi Ali Akbar, Margiono, Setyabudi and Kelik Ismunanto. None of the members of the local assembly were willing to listen to the plight of the demonstrating workers. While PT GRI employs about 5000 people, the action swelled to double that as many members of the public joined in.

The next day the workers decided to go to Jakarta, 50 kms away. The thousands of mostly women workers marched in orderly rows of five, singing popular songs. They were received by PDI members led by Sabam Sirait and Soetardjo Soerjogoeritno. On this occasion the workers were able to raise their eleven-point demand, including raising their wages to the official minimum wage, an increase in lunch-money and in the housing-subsidy and dissolving the *SPSI*, the official trade union, seen by the workers as a government mouthpiece. The compulsory *SPSI* levy of Rp 500 is a particular grievance. According to the management, the wage demands would be met but demands like allowing other workers' organisations to exist could not be granted.

Official reactions and solidarity

Government sources claimed that the PT GRI strike was being used for political reasons. The presence of many *PPBI* and *SMID* members at the strike was taken as proof of this. Suwanto, director-general of industrial relations at the Manpower Ministry, accused the two organisations of engineering the strikes, ignoring the fact that there was nothing exceptional about the strike. Suwanto told reporters: "*There are strong indications of political elements at play here. There are people who have used workers for their own political interests*". H. Safioen, operational director of the company, alleged that his company was just an intermediate target and said he expected future actions to target policy makers and the government-sponsored *SPSI*.

Major human rights organisations like *YLBHI*, *LPHAM*, *ELSAM* and *Infight* all protested against the arrests of the twelve. They argued that demonstrations or strikes are legal and should be seen as a way of expressing opinion when dialogue has broken down. The *SMID* branch in Yogyakarta

sent a delegation to the local parliament to express concern about their arrested colleagues. They carried banners saying: "*Release our friends*" and "*Guarantee freedom of association*". According to the latest news, seven of those arrested will be charged.

All the Medan detainees released

The last three labour activists, arrested after the labour unrest in Medan last year, were released in July. Johan Maiyasyak was released after serving ten months for inciting labour unrest. Also released was Aris Hia, a member of the *SBSI*, the *Indonesian Prosperous Labour Union*, for his alleged role in killing an ethnic Chinese businessman. The last person to be released was Amosi Telaumbanua, *SBSI* chair of the Medan chapter who had served a 15-month sentence.

On 1 July, Mochtar Pakpahan, who was released on 19 May, officially resumed leadership of the *SBSI* and pledged to continue to implement its programmes. The arrests of key *SBSI* key activists seriously hampered the growth of the union. Hopefully, their release will enable the union to make a fresh start.

A series of meetings with local officials held at the initiative of church leaders have called on the security forces to show a greater understanding for local feelings and urged that officers who opened fired on peaceful protesters should be brought to justice. Although dozens of people were taken into custody at the military command in Sikka, only ten detainees attended a communion service that had been arranged specially for those in custody. There have also been calls for thorough investigations into the recent killing of a member of the security forces and of a young person named Yohanes Gensi from Nara.

The events of April 1995 have deeply wounded local feelings and damaged the good relations between the different religions which until now have been carefully nurtured. Material damage is estimated at around Rp. 1.4 billion or about \$700,000.

The document gives the strong impression of a community in turmoil, caused by people in authority who appear to be set upon fermenting trouble.

New report by Article 19

Article 19 will be publishing a report entitled:

Indonesia: The Press on Trial

on 17 August 1995.

Copies at £1.00 each can be obtained from:

Article 19

Lancaster House, 33 Islington High Street,
London N1 9LH

Phone: 44-171 278 9292

Fax: 44-171 713 1356

Human rights raised at CGI meeting

This year's meeting of the international aid consortium for Indonesia, the CGI, brought financial assistance to the Indonesian regime to new heights. The amount agreed at its meeting in Paris in July was US\$5.36 billion as compared with US\$5.2 billion last year. The US and German delegations took the unusual step of raising human rights issues.

The Consultative Group on Indonesia (CGI) meets annually in Paris, under the guidance of the World Bank. For many years, none of the delegations have raised human rights issues at these aid consultation meetings, but this year, a break was made with tradition. According to the Jakarta weekly, *Gatra*, Margaret Carpenter, head of the US delegation, focused attention on the need for democratisation, in particular freedom of expression. She expressed regret that three publications had been banned in 1994. 'The world community is watching Indonesia, not only because of the economic development taking place but also with regard to democracy.' Economic development would be enhanced, she said, if people had the chance to express their opinions. US aid fell this year to \$81 million, from \$90 million a year ago.

The German delegation chief, Wolf Pruesse, said his government regretted that the benefits of development were not being shared equally. Workers in particular were having to take action to bring their wages up to the minimum rate fixed by the government. 'We would all agree that development should not mean that some benefit at the expense of others' Germany's aid commitment fell from \$157 million in 1994 to \$125 million.

World Bank vice-president Russell J. Cheetham was not happy about these interventions. 'The World Bank confines its activities to giving aid. Political issues should not be discussed here.' [*Gatra*, 29 July 1995]

The meeting this year was also the occasion for the publication of a document by the New York-based Lawyers Committee for Human Rights and ELSAM, the Institute for Policy Research and Advocacy, based in Jakarta, attacking two major World Bank-funded projects for violation of human rights. One of the projects, the Kedung Ombo Dam, became the focus of controversy and protest in the late 1980s. The World Bank supported the dam to the tune of \$US156 million. The other strongly criticised project was Indonesia's Family Planning Programme which the World Bank has supported with US\$211.8 million. For reasons of space, we have been unable to give a summary of these criticisms and have held the article over till next time.

UK aid on the increase again

Of all western countries, the UK was the only country, apart from Japan, to increase its aid this year. UK assistance for 1995-1996 was US\$155 million, a \$5 million increase on last year. As we noted after last year's CGI meeting [*TAPOL Bulletin* No 124, August 1994], the UK was one of only two western countries to increase its aid on that occasion too, the other being Spain. The latest increase puts the UK into second place after Japan, which is way ahead of all

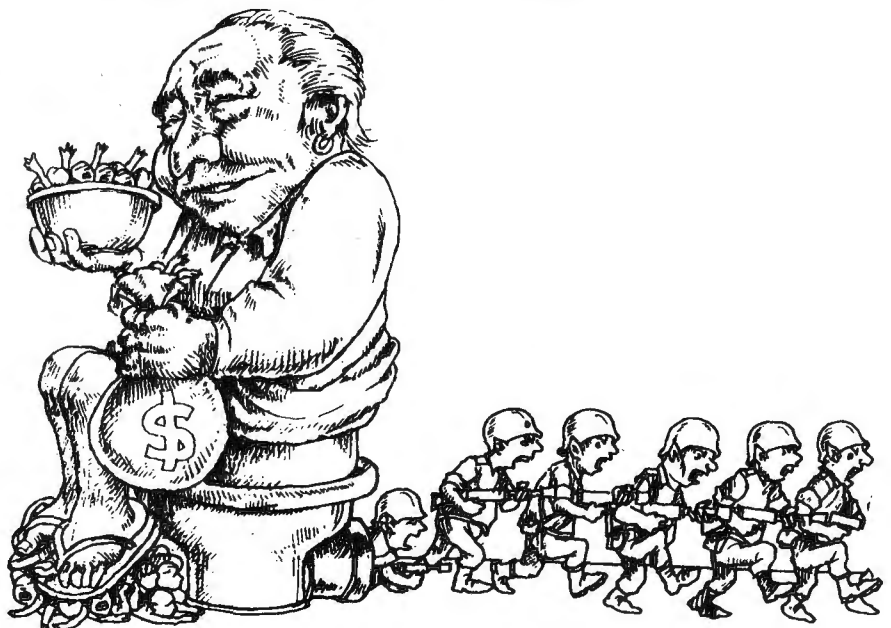
other countries as a financial backer of the Indonesian regime. The main reason for the increase in Japanese financial assistance was to help Indonesia cope with its growing foreign debt burden which has been exacerbated by the sharp rise in the value of the Japanese yen vis-a-vis the dollar; a high proportion of Indonesia's foreign debt is repayable in yen.

Following her visit to Indonesia in April this year, the UK's Minister for Overseas Development, Baroness Chalker, actually commended Indonesia for 'an improvement in the human rights situation'.

Papuans and Timorese protest

A protest by several dozen West Papuans and East Timorese took place outside the venue of the aid meeting on 18 July with the express purpose of informing the countries present of the parlous conditions of their people. The demonstration was organised by two Netherlands-based Papuan groups, the West Papua People's Front and PaVo, and two organisations based in Paris, Forum pour Timor and Tribal Act. They insisted that aid should be conditional on Indonesia's respect for the rights of indigenous peoples.

Several protesters met a World Bank official, Denis de Tray, and were told that all the money invested by the bank in Indonesia went to the poor. The West Papuan representative refuted this, and told the official that the source of all the misfortunes befalling his people was so-called development financing, much of it from the CGI, which has been responsible for displacement of the population, deforestation, mineral exploitation and degradation of the soil. The official had nothing to say in response except to declare that this was 'an internal matter for Indonesia'.



Batak churches again under attack

Batak churches in North Sumatra and Jakarta have been under attack by gangs armed with knives and stones, in a revival of conflict which has plagued the *Huria Kristen Batak Protestan* (HKBP) since 1992. There have been three incidents since June; one person died and many were injured in the attacks.

The conflict flared up in 1992 when an army-backed faction in the church managed to take over the key post, the *ephorus*, (bishop) using methods that were challenged by the former *ephorus*, SAE Nababan. Since then, there have been many attacks on churches controlled by Nababan supporters.

In June 1993, agreement was reached between the two wings for a cooling-off period, while awaiting the outcome of a lawsuit taken to the State Administrative Court, the *PTUN*, challenging the manner in which Nababan's rival, Simandjuntak, took control. Under the agreement, Nababan would allow Simandjuntak, the rival bishop to remain in place while no moves would be taken to challenge control of the churches in various parts of the country. Both sides also agreed to refrain from physical violence in resolving disputes.

One dead, many injured

The first of the recent incidents occurred in early June when the homes of church leaders in Rantau Parapat, Labuhan district, North Sumatra, were attacked by hooded gangs,

recruited by Simandjuntak supporters. According to a mission of clergymen who took their protest about the attack to the National Human Rights Commission in Jakarta, the aim was to take control of the local church.

The worst incident occurred in Binjai, North Sumatra when a gang of armed men attacked the local church, demanding that the minister in charge leave the church, and when he refused, to do so the attack began. The attackers claimed they were given permission by the police to have a party in the church. The attackers eventually managed to gain control of the church. Many people were injured; seventeen were taken to hospital where one parishioner named Sitompul later died.

A lawyer from the Legal Aid Institute in Jakarta, Luhut Pangaribuan, later told *AFP* that the police stood by and did nothing during the attack; they only secured the building after the attacking group had taken over. 'It has become a pattern that there is a symbiotic relationship between Simandjuntak's faction and the police and military,' he said.

Then in early July, a similar incident occurred at a Batak church in the centre of Jakarta, on Jalan Sudirman. No fewer than 600 armed men were involved, arriving at the church in seventeen minibuses. Although police and military personnel were on the scene, they did nothing to stop the attackers and no arrests were made. According to *Republika*, [3 July 1995], many of the attackers were people who had been picked up from the streets and were not members of the church.

Atrocities perpetrated in Maumere

Protests by Catholics in Maumere, Flores on 28/29 April led to a large number of arrests and reports of torture and maltreatment. A foreign observer who was in the town at the time told TAPOL that a huge crowd of some 10,000 people took to the streets to protest.

The protests occurred when local residents were infuriated because the prosecution in a trial had asked for such a low sentence for a defendant charged with trampling on the Host during a church service. [See *TAPOL Bulletin*, No 129, June 1995]

Dozens of priests and nuns at the Maumere bishopric have issued an account of atrocities committed by the security forces and arrests of people suspected of taking an active part in the protest. The document is marked by a sense of urgency and desperation. It says that abusing the Host has occurred 'dozens of times' at local churches throughout the province of largely Catholic Nusatenggara Timur over the past few years, causing sentiments to erupt in anger. Local communities are under strong economic, cultural and political pressure and the sense of injustice and lawlessness is widespread. It is widely believed that a group of people have been deliberately stirring

up trouble but there have been no investigations to discover what is really going on.

Arrests and torture

Following the protests on 28/29 April, there appears to have been a concerted effort to strike terror into the local community. The priests and nuns said that many young people were taken from their homes late at night after troops had surrounded their houses. One young person was beaten, kicked and his head bashed against the wall. In a state of unconsciousness, he was returned home with no explanations given. Another was attacked from behind till he was black and blue and tortured with lighted cigarettes. People, including taxi-drivers and pedestrians, were set upon at random in the streets, troops shouting abuse at people and searching homes.

1975 Balibo killings under the spotlight

Pressure is mounting for an inquiry into the murder by Indonesian forces of five journalists at Balibo, East Timor on 16 October, 1975. Maureen Tolfree, the sister of one of the murdered journalists, Brian Peters, is campaigning for an inquiry with the support of TAPOL and the British Coalition for East Timor. A House of Commons motion has already won all-party support.

Maureen Tolfree, who lives in Bristol, began her campaign last March after hearing of a demonstration in her home town (see *TAPOL Bulletin* No. 124).

After first hearing of her brother's death in 1975, Maureen went to Australia a month later to make inquiries, but learned nothing. She tried to visit Jakarta, but was advised by an official of the British or Australian embassy not to do so. In 1976, Geoff Edge, MP for Aldridge-Brownhills, raised the matter in Parliament and was told by David Ennals, then Secretary of State for Foreign Affairs, that the journalists had probably died when 'the house in which they were sheltering in company with Fretilin forces was hit by mortar fire from the opposing UDT/Apodeti forces.'



Fretilin rally in May 1975

photo: Oliver Strowe

But in fact, there is strong evidence that the British government was aware, just hours after the killings took place, that the five men had been killed by Indonesian troops, despite clearly identifying themselves as foreign journalists. Nor were they in the company of Fretilin forces. Feeling

there was nothing more she could do, Maureen did not become active again until her encounter with solidarity groups last year, but is now extremely active in pressing for an inquiry in the killings.

All-party support in the Commons

On February 14, Roger Berry, Labour MP for Kingswood, and Don Foster, Liberal Democrat MP for Bath, tabled Early Day Motion 607, which reads as follows:

That this House notes that the British television newsmen, Malcolm Rennie and Brian Peters, were killed, with three other Australia-based newsmen, at Balibo, East Timor, on 16 October 1975, to prevent them informing the world that Indonesia had begun its invasion of East Timor; notes that Australian Foreign Minister Evans confirmed this when he stated, in the Australian Senate on 7 June 1994, that the five newsmen were executed in a major military invasion; and therefore urges Her Majesty's Government to institute an inquiry into the Balibo killings of 16 October 1975.

Among the 153 MPs who had signed EDM 607 by the start of the summer recess were sixteen Liberal Democrats; nine Conservatives, three Unionists and two from the mainly Catholic SDLP from Northern Ireland, all four members of Plaid Cymru (Welsh nationalists), and a large number of Labour MPs.

An Early Day Motion is not likely to be discussed in the House but is a test of opinion and is watched closely by government ministers.

Foreign Office misinformation

As support for EDM 607 mounted, the Foreign Office agreed to a request from Maureen for a meeting with an FCO minister. On 20 April, she met Foreign Office Under-Secretary Tony Baldry who presented her with a bundle of papers relating to the killings, and six photographs of the funeral of the journalists which had never previously been sent to any member of her family. It is not clear why these photographs were withheld for 19 years, but Maureen is now concerned to find out as much as possible about the funerals; for instance, who devised the headstone and the strange statement printed under her brother's name ('No words can explain this pointless death in Balibo').

One of the documents which had never before been passed on to the family was a report from a British embassy official in Jakarta who represented the British government, then a Labour government, at the funeral of the journalists on 5 December. This was only days after Maureen made her ill-fated stopover in Jakarta on her way home from Australia and tried to seek the help of the British Embassy to leave the

airport to inquire after the circumstances of her brother's death.

Earlier, on 27 February, Ann Clwyd had received a written response to a question to Alastair Goodlad, asking what action he had taken to institute an inquiry. Goodlad replied that *"We have no plans to institute an inquiry. The Australians took the lead at the time in investigating the deaths ... In view of the circumstances then prevailing in East Timor, there was no means of ascertaining the precise circumstances in which they died ... it is most unlikely, at this distance from the events, that another inquiry would shed any new light on the matter."* This is transparently false; it seems clear that the British government did, and does, know the precise circumstances in which the five men died. The Australian investigation to which Goodlad refers was nothing but a public relations exercise.

Goodlad's response, interestingly, does not directly claim, as almost all previous government responses have claimed, that the journalists were killed by UDT forces. It is clear that the growing pressure and the information released by scholars and journalists including James Dunn, John Taylor and Jill Jolliffe, is making even those most determined to cover up the story less inclined to issue detailed and blatant untrue information.

As the EDM notes, Gareth Evans, Australia's Foreign Minister, when closely questioned in the Senate last June, admitted that "a major military invasion was occurring and a group of Australian journalists, unhappily, got caught up in the path of it," a statement which suggests, albeit indirectly, that Evans is admitting Indonesian responsibility.

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Even Indonesia's Foreign Minister, Ali Alatas' statement on 5 December 1994 includes at least an ambiguous admission of responsibility. While not admitting that the journalists were killed by Indonesian troops, he also does not deny it, saying only that "at that time East Timor was controlled by Fretilin" and that Fretilin gave the journalists "assurances of security/safety". These are the only reasons for his assertion that Fretilin should "take responsibility" for the deaths "if during that battle an accident happened and the five journalists died." He clearly does not believe he can blame the killings on either Fretilin or UDT. In the same statement, he says that "Indonesia rejects the accusation of being 100 per cent guilty", suggesting that he accepts some degree of guilt.

Maureen Tolfree and other campaigners will continue to urge MPs to sign EDM 607. James Dunn, former Australian Consul to East Timor, who has made detailed investigations into the murders, will visit Britain in October for a commemorative ceremony for Brian Peters and his colleagues in Bristol, and the launch of Dunn's updated account of the Balibo killings at the Palace of Westminster on 16 October, as well as other events.

There is still time for UK readers to urge their MPs to sign the EDM if they have not already done so. The Motion will be open for signatories up to the end of the present session, just before the Queen's Speech in November.

Interview of Domingos Alves, Part 2

The leader of the East Timorese students organisation, Renetil, talks this time about the spectacular sit-in at the US embassy last November. For more about this event, see TAPOL Bulletin No 126, December 1995. The first part of this interview was published in TAPOL Bulletin No 129.

I want to ask you now about the events in Jakarta last November when you and 28 other East Timorese entered the US embassy at the time of the APEC meeting and President Clinton's visit to Indonesia. As our readers already know, you played a leading role in that event. How did it all happen? Did you really intend to have so many people 'invade' the US embassy grounds?

As a matter of fact, it was not our intention to enter the embassy grounds at all. We had planned to have a big demonstration outside the embassy, hoping that about three hundred East Timorese students and workers would take part. We knew very well that we would be taking very great risks.

Major-General Hendro Priyono who was then military commander of Jakarta had announced some time before the APEC event that the army would have a presence in force, with tanks, if anyone dared to demonstrate while the Asia-Pacific summit meeting was in progress. We saw this as an admission that such an event would have a major impact. To us this was a sign of weakness, not of strength, and we decided to take advantage of their weakness.

Why did you decided to focus on the US embassy?

We did this because the US bears special responsibility for the calamity that has befallen our people. East Timor became a victim of US global strategy right from the start. Remember that the invasion of our country took place the day after President Ford and Secretary of State Henry Kissinger had paid a state visit to Jakarta.

President Clinton's visit to Jakarta was an occasion that we could not afford to miss. We foresaw that the issue of East Timor and also Indonesian people like Mochtar Pakpahan, who was then under arrest, would become victims of US economic interests. As you know, a multi-billion dollar deal with Indonesia for the exploitation of oil was signed during Clinton's visit. We were not saying that economic ties are bad, but we wanted to insist that the international community, and the US in particular, would not forget that the UN has adopted many resolutions upholding our right to self-determination, and not forget that our people have been the victims of perpetual human rights violations.

Did you get any support from outside for this action?

Let me make it clear. The only country that supports us in everything we do is Indonesia. That is true for those of us who were living in Java and it's also true for our armed struggle in East Timor. Everything we have, everything we eat, the guns our people use, all comes from Indonesia.

What were you planning to do at the time of APEC?

We thought that we would only be able to mount a very brief demonstration, perhaps no longer than one minute. But then, things happened that changed the course of the whole event.

Many of the people who were planning to take part were coming from other parts of Java, particularly from East Java. Unfortunately while on the train they didn't stick to the rules and drew attention to themselves by speaking Tetum. When they arrived at the station in Jakarta, the police were waiting. About thirty of them were arrested; the others, about half, escaped, and of these about a third actually reached the embassy area. They were determined to get there, come what may. They managed to get to Monas [monument in the centre of Merdeka square, which is where the US embassy is located]. There, we all jumped into several taxis and drove in convoy to the embassy. But by the time we arrived at the embassy, the police were already there. Because of the arrests that had occurred at the station, we had lost the element of surprise.

In face of what was then a very dangerous situation, with lives at risk, some of our people scaled the fence and the others followed suit.

At that point, how did staff at the embassy react?

At first, they allowed the police to enter the embassy compound which made it possible for them to seize some of our banners. The embassy personnel asked us to leave. We thought that this was extremely unfair. It was in any case quite unjustified for them to have allowed the police in. So from then on, we simply refused to leave. Then, they ordered us to remain in a very small area just a few square metres.

How many of you were there? Wasn't there one fellow who entered a bit later on?

Yes. In fact, the police had spotted another of our comrades who was being interviewed by a foreign journalist. They rushed forward to arrest him and while they were busy doing that, another East Timorese still outside the fence managed to jump over the shoulders of the police, scale the fence and join us inside. It was quite a feat!

What about your material needs?

For the whole of the first day, the embassy people gave us nothing, not even water. Then on the next day, Sunday, they supplied us with water and only allowed us access to an external tap for washing and our basic needs.

Two of our colleagues had been injured jumping over the fence but we had nothing to treat them with.

On Sunday afternoon, the embassy people started supplying us with food, but only rice. There was pressure on us all the time to leave the embassy but we could not have done that. We could see that the place outside was swarming with 'intel' and we feared for our lives if we left.

Our conditions quickly deteriorated. Sleeping in the open air was awful and we were not given access to toilets, only supplied with boxes. Of course we had no change of clothing. Several of us fell ill with fever. One was very ill, with

typhus, and could hardly open his mouth to drink. He was the one who was later taken to hospital for treatment.



Domingos Alves behind the gates of the US Embassy

What happened regarding how you might leave the embassy?

We had been informed that the Indonesians had given assurances about our safety if we left the embassy and stayed in Indonesia, but we had no faith at all in such assurances.

Early on it was conveyed to us that the Portuguese government was willing to grant us asylum. We refused to accept any talk of asylum. Portugal is internationally recognised as the Administering Power. We were then told that we would be granted political refugee status, but we were still worried about the formulation. This prompted the Portuguese to issue a statement saying that they would 'embrace' us.

Some ten days after our sit-in started, seven of our comrades were getting very weak. At this point, we had a four-hour meeting to consider the options. We totally rejected Indonesia's assurances, knowing that we could later be killed secretly. They would certainly try to extract information from us about the clandestine movement. This was far too risky. So we decided that the only option was for us to leave and go to Portugal.

The departure of 29 activists must have been quite a blow to your movement.

Yes indeed, and it was never our intention that this should happen. But as I have already said, there are many others who will take our place.

How seriously did you take Hendro Priyono's threats to shoot demonstrators if necessary?

Very seriously indeed. We made it quite clear to all the East Timorese who were thinking of taking part that they were putting their lives at risk. But we had decided that we would have to act. By not acting, we would be accepting the army's strategy.

What's your assessment of the sit-in? It certainly attracted enormous international attention and we all saw it as a very important action.

Well, you can say that it was a step in the right direction, drawing attention to East Timor. But we have to say that it hasn't solved the problem.

Thank you so much for talking to TAPOL.

East Timor solidarity worldwide

The international movement for solidarity with East Timor continues to thrive, with important conferences taking place in Portugal and Australia, and the founding of a new solidarity group in South Africa.

The International Inter-Parliamentary Conference on East Timor took place in Lisbon from May 31 to June 2, and was attended by parliamentarians from 32 countries. The final declaration called on Indonesia to abide by UN resolutions on East Timor, called on the UN to ensure respect for human rights; urged that the UN and all countries selling arms to Indonesia take measures to implement an arms embargo; demanded the immediate release of Xanana Gusmao and other Timorese political prisoners; and requested that the UN proclaim December 7 as the International Day of East Timor.

The conference also drew up an action plan for parliamentarians, including parliamentary missions to Indonesia and East Timor; a plan for the establishment of parliamentary committees to receive reports and focus attention on East Timor; a plan for the introduction in national parliaments of motions and legislation on an arms embargo, and a number of other points.

Decisions were also taken which aimed at strengthening Parliamentarians for East Timor, by establishing an International Board to develop communications and promote initiatives, and supporting the work of the Secretariat in Ottawa, Canada.

The participants also called on the Indonesian government to halt its investigation of Indonesian parliamentarian Sri Bintang Pamungkas, and to cease all efforts to bring charges against him.

Solidarity conference in Darwin

On July 26-28, a conference took place in Darwin entitled "Indonesia and Regional Conflict Resolution". Particularly striking was the high attendance of delegates from Indonesia, coming from nine Indonesian NGOs. Messages were received from several more. In their final statement the participants 'unanimously agreed on the close link existing between the Indonesian pro-democracy struggle, aimed at liberating the Indonesian people from the Suharto dictatorship, and the East Timorese people's struggle for self-determination ... The strengthening of solidarity of Indonesians with the Maubere people is increasingly evident.'

The conference called for the immediate and unconditional release of Xanana Gusmao and all East Timorese political prisoners, noting also an appeal from the six Timorese in Semarang and from Jose Antonio Neves in Malang, that they be transferred to Dili or Cipinang; expressed unanimous support for Triagus of PIJAR, who is currently standing trial; expressed concern about the situation of political prisoners in Indonesia; and saluted the courage of the nine Indonesian visitors, who will now face possible reprisals for 'their support for justice and freedom for the East Timorese people, and their love of Indonesia which drives them to seek freedom and justice for the Indonesian people, and full respect for the Republic's Constitution'.

Canberra conference

Two weeks earlier, from 10 - 12 July, the Faculty of Arts of the Australian National University in Canberra organised an international conference called "Peacemaking Initiatives on East Timor". The presence of several Timorese informal leaders from inside East Timor gave a special flavour to the event. The combination of academics, human rights and peace activists, East Timorese and Indonesian human rights activists made the conference very worthwhile. The ANU conference was a clear reflection of growing interest in East Timor within Australia.

While the conference was in progress, the Australian media was reporting daily on the embarrassing difficulties surrounding the appointment of General Mantiri as Indonesian ambassador to Canberra because of statements he had made justifying the Santa Cruz massacre. In the end, Jakarta was compelled to withdraw his nomination, leaving the post vacant for the time being. TAPOL was represented at the Darwin and Canberra conferences by Liem Soei Liong.

South African solidarity

Meanwhile, activists in South Africa are launching the East Timor Alliance South Africa (ETASA), 'to develop and promote activities in support of East Timor here in South Africa'. Their priorities for 1995 are to facilitate and encourage links between East Timor and South Africa; to develop a resource pack and newsletter; to encourage multi-sector and people-to-people links; to mobilise and broaden a consensus against the occupation of East Timor; and to develop ties with other solidarity groups internationally. Given not only the open atmosphere for political work in the newly democratic South Africa, but also the reports that President Nelson Mandela has received financial aid from the Indonesian government, and rumours that South African arms may be sold to Indonesia, this is a very appropriate time for such a group to be set up.

ETASA can be contacted c/o Centre for South-South Relations, 2nd Floor Melofin Centre, Old Klipfontein Road, Athlone, Cape Town, South Africa 7965, tel +21-696-8347/50, fax +21-696-8349, e-mail cssr@wn.apc.org

FORUM-ASIA a regional network of 20 human rights organisations in South and Southeast Asia, has, as part of a campaign to support Indonesian NGOs, launched a very accessible and comprehensive book: "INDONESIA 50 YEARS AFTER INDEPENDENCE: STABILITY AND UNITY ON A CULTURE OF FEAR". TAPOL will review this book, a most valuable regional contribution to the democracy movement in Indonesia, in the next *Tapol Bulletin*, issue 131. The book is available for US\$15 (inc.p&p): FORUM-ASIA, 109 Suthisarn Winichai Road, Samsennok, Huaykwang, Bangkok 10310, Thailand.

Liquica soldiers punished

Two low-ranking officers were tried by a military court for their part in the killing of six unarmed East Timorese villagers in Liquica on 12 January this year. The trial brought to light the type of operations employed by troops in East Timor and resulted in relative harsh sentences.

The Liquica massacre provoked international condemnation within days, forcing the military authorities to carry out an investigation. An investigation by the National Commission for Human Rights found that the troops had acted 'recklessly' and that the shooting was 'in violation of the law'. [TAPOL Bulletin, No. 128, April 1995]

The two officers convicted for the crime were First Lieutenant Jeremias Kasse, intelligence officer for the Liquica sub-district military command, and Private Rusdin Maumere, a member of the 30-man patrol unit which carried out the operation. The private said that four villagers had been arrested, Jose Nunes, Abel Nunes, Victor and Augusto Pinto, on suspicion of helping the guerrillas and were used by his unit to lead them to the guerrillas' hideout. The other two victims, Osorio Soares and Americo Araujo, were found in a hut raided by the unit.

Private Maumere admitted in court that he shot the six villagers while they were squatting, with their hands tied behind their backs. Private Maumere said that Jeremias had given the order for the captives to be '*dihabiskan*' (eliminated) if an Indonesian soldier was hurt. Jeremias admitted in court that he intended this order to apply to all six East Timorese. The order to kill was carried out after one of the Indonesians was stabbed and wounded by a Timorese.

Jeremias was charged with defying orders from his superior officer, giving an order to kill in breach of procedures and making a false report of the incident. His immediate superior, Lt Col. Trys Suryawan had earlier told the court that his orders were to respond only if the enemy opened fire and that if the rebels were unarmed, they should be taken alive.

[Jakarta Post, 10 June 1995]

Jeremias Kasse was sentenced to four and a half years, while Rusdin Maumere got a lesser sentence of four years. Both were dishonourably dismissed from the service.

The trial and sentencing of two soldiers was certainly a blow to army morale, the price to be paid for an incident that attracted international attention. Some Indonesian observers were later worried that this might cause soldiers to be less willing to do service in East Timor.

The trial was widely reported in the Indonesian press, with detailed accounts of how the unarmed villagers were killed. It would have helped make the Indonesian public more aware of what the East Timorese have to put up with in their occupied country. But in another sense, this was a damage-limitation move. There was nothing unusual about the Liquica massacre in East Timor's 19-year experience of army operations, but the higher command in the territory certainly made sure that the blame would fall on two low-ranking officers.

Military commander replaced

Shortly before the trial, on 27 May, Colonel Kiki Syahnakri was replaced as military commander of East Timor by Colonel Mahidin Simbolon. Syahnakri had served less than a year at the post. He insisted that his removal had nothing to do with the Liquica affair.

Simbolon comes from the notorious elite command, *Kopassus*, and has seen service six times in East Timor. He is known to be close to Colonel Prabowo, son-in-law of President Suharto.

East Timorese hold talks in Austria

An historic dialogue between East Timorese representatives and individuals from the diaspora and from inside East Timor was held in Burg Schlaining, Austria, resulting in a joint declaration and the prospect of further talks. A few weeks later, the World Court in The Hague affirmed East Timor's right to self-determination but decided that it could not rule on the Timor Gap Treaty in the absence of one of the signatories.

The talks in Austria were in many senses a major disappointment for Jakarta. Expectations that resistance representatives from outside might be too insistent on pushing the talks beyond the bounds that had been set, of sticking to 'non-political issues', giving pro-Indonesian participants grounds to walk out, did not materialise. Some of the most forceful remarks to be made public came from Guilherme Goncalves from inside, very critical of the situation in East Timor. It later transpired that during the talks, he conveyed a message to the UN Secretary-General

that he had withdrawn his signature from the Balibo Declaration of 30 November 1975.

UN resolution cited

The Burg Schlaining Declaration spoke of the need to take measures on human rights and the preservation of the cultural identity of the people of East Timor, including tradition, religion, history and language as well as the teaching of Tetun and Portuguese. But crucially, it affirmed the importance of UN-sponsored negotiations between

Indonesia and Portugal with a view to finding a just, comprehensive and internationally acceptable solution to the question of East Timor according to the provisions, letter and spirit of UN General Assembly resolution 37/30 (of 1982).

The mention of the UN resolution appears to have escaped the attention of Indonesia's chief lackey, Lopes da Cruz, in charge of ensuring that the talks did not go beyond what his masters in Jakarta wanted. He was called to account for this serious lapse and tried to shift the blame to CNRM co-chair, Jose Ramos-Horta, the only person at the talks in possession of a laptop who was part of the group assigned to draft the communiqué.

Foreign Ministers meet again

A month later, on 9 July, the Indonesian and Portuguese foreign ministers had their sixth meeting under the auspices of the UN Secretary-General. They welcomed the East Timorese dialogue as 'a positive effort to help create an atmosphere conducive to the achievement of a solution' and agreed on the convening of further such talks. But Foreign Minister Ali Alatas, showing just how ruffled he was by the results in Austria, later insisted that these talks were not to be regarded as integral to the UN sponsored talks and said that in his opinion, the next round should take place *after* the seventh round of ministerial talks in January 1996, not before.

The two ministers also discussed 'substantive issues'

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though the official communiqué did not reveal what they were.

World Court ruling

The World Court passed down its ruling on the Timor Gap Treaty between Australia and Indonesia, in response to a case submitted by Portugal. Portugal had brought its case against Australia alone because Indonesia does not recognise the jurisdiction of the Court. The most significant point in the ruling, in favour of East Timor, was its observation that:

Portugal's assertion that the right of peoples to self-determination ... has an erga omnes character, is irreproachable.

It also emphasised that:

for the two parties, the Territory of East Timor remains a non-self-governing territory and people has the right to self-determination.

It decided however that it could not adjudicate upon the dispute referred to it by Portugal. This would require it to make a determination on whether Indonesia had the authority to enter into treaties on behalf of East Timor. However, the Statutes of the Court stipulated that it could not make such a determination on Indonesia's rights in its absence.

More killings and protests in Timor

As the Indonesian military and civil authorities in Dili celebrated the 19th anniversary of the 'integration' of East Timor on 16 July, tensions in the country continued to escalate, with rioting in Baucau and Ermera and new reports of arrests and killings.

In Balibo, a heavily-guarded ceremony, which residents watched "with stern faces and folded arms" [Reuter, 17 July], was attended by foreign journalists on a trip sponsored by the military. Local residents were "not invited" to the 20 July military parade at the governor's residence in Dili, which was cordoned off and heavily guarded [AFP, 20 July]

While these tense commemorations took place, an official of the International Committee of the Red Cross, Symeon Antoulas, said that his organisation was concerned about an increase in detentions, killings and disappearances, and stated that the situation had deteriorated since the beginning of the year, a very unusual statement for an ICRC official. [BBC World Service, 18 July]

More trouble in Baucau

Ironically, military authorities in Baucau took advantage of the foreign journalists' staged visit to boast that "the situation is safe. The problem in the market is over", and that peace had returned after the riots in January. "I would like people to come here to invest, open shops and help the people," said the district chief Virgilio Marcal. [Reuter, 18 July] Only two days later, rioting broke out once again in Baucau.

The exact circumstances which sparked the riot are not entirely clear, but it seems that once again it began when

one or more Timorese were killed by an Indonesian trader, reportedly a Javanese woman [AP, 27 July] A series of clashes continued for at least a week -- once again, the market was burned down; tight screening was introduced of anyone entering or leaving Baucau district and road-blocks were set up [UPI, 27 July].

A week after the disturbances began, the local military commander was shot in the stomach in the village of Bucoli, near Baucau, and hospitalised with serious injuries. Residents said that guerrillas claimed responsibility for the shooting, [Reuter, 3 August] Troops then rushed to the area and fired on youths who had set fire to the commander's motorbike, although it is by no means clear whether these youths had been involved in the shooting.

Killings escalate

On 3 August, Reuter in Jakarta reported that two youths had been shot dead in East Timor, but information from sources inside early in August point to a much more serious spate of killings. In Lelalai village, Quelicai, Baucau, three youths identified as Sabino, his younger brother Igido and Joaquim Romano, were arrested by soldiers, driven off, tortured, then shot dead. The same source says that twelve youths have disappeared in Baucau since the events in July. There have been nine more arrests and the places where detainees are being held include local military commands, police offices and even the district head's office.

Five other killings have been reported. Two young men and a woman not yet identified were shot dead in Tasi Tolu, near Dili. They had been taken into custody by members of Battalion 745 for no apparent reason. Nothing is known about the whereabouts of their bodies. The other two people shot dead were Marciano Freitas Belo, a 25-year-old farmer, and Augusto Belo, a 15-year-old student, also killed by members of Battalion 745. A 60-year-old farmer, Manuel Pereira, was also taken into custody and tortured.

Coffee farmers protest

There have also been two protests in Ermera and one in Gleno (near Dili) in the past month. These uprisings are not connected with incidents elsewhere and have involved coffee farmers demanding higher prices for their coffee. The government controls coffee prices, and the farmers report that they are paid only the equivalent of three US cents per kg of coffee. [Reuter, 10 and 30 July]

In the wake of the coffee protests, a violent clash broke out at Ermera market place between youths and Indonesian soldiers. After five youths were beaten up, angry local residents proceeded to burn down shops. A number of people were arrested on the same night and taken to an unknown destination.

In Suai, many youths were rounded up recently, after failing to turn up for an indoctrination course on the legitimacy of integration. Such events are frequently held and everyone is obliged to attend.

Most recently, four young men were arrested by military police in Jakarta, on a vague charge of "creating a disturbance", although police have not explained the nature of the disturbance they are alleged to have caused. They have been subjected to maltreatment and torture, and remain in custody of the military police.

[East Timor Centre for Human Rights Information, Education and Training, 28 July and 6 August]

18 boat people reach Australia

In Australia, meanwhile, eighteen Timorese "boat people", who arrived in Darwin after a perilous ocean crossing in late May, have at last been released from an immigration detention centre and permitted to stay in the community with relatives and friends, although Australian authorities only granted them "bridging visas" while their applications for asylum are being considered. The government's decision was apparently based on the need of many of them for counselling and treatment for trauma -- many are survivors of the Santa Cruz massacre and have terrible stories of severe maltreatment in prison.

Jacob da Silva, arrested the morning after the massacre, reports that he was beaten and kicked, given electric shocks, fed rice studded with glass, and had a tattoo removed from his hand with pliers. Released in 1993, he was rearrested after reporting his mistreatment to the International Red Cross, and sent on a forced labour assignment to the village of Natarbora. [The Australian, 22-23 July]. Mauricio Simoes, who was shot in the side at the Santa Cruz cemetery and later arrested, has burn scars over much of his body as a result of torture administered in prison, and also reports being put in a waist-high pool before being given electric

shocks; Jose da Costa's face was carved with razor blades. [The Age, 26 July 26]



The Indonesian government warned Australia that the release of the eighteen would threaten relations between the two countries, and that if they were granted refugee status there could be even more difficulty. Ali Alatas stated that "there is no ground" for Australia's decision. "Our position is that these people are not being persecuted. They are not in any way in jeopardy." [The Sunday Age, 23 July]

The Indonesian navy's deputy chief of staff, Rear Admiral Gofar Suwarno, also announced that Indonesia would increase its naval patrols of the waters around East Timor to prevent any more boat people from escaping [AP, 28 July 1995]

Balibo statement signature withdrawn

At the same time, one of the six signatories to the notorious Balibo Declaration announced that he was withdrawing his signature. Guilherme Goncalves from Apodeti, a former governor of East Timor, told Reuter that he no longer supported the declaration because "integration has failed." This Declaration, allegedly signed in Balibo, East Timor by six East Timorese from four parties, including the UDT and Apodeti and two insignificant groups, on 30 November 1975, called on Indonesia to take over East Timor. It is always used to legitimise Jakarta's claim to the territory.

Goncalves also confirmed that the document was not signed in Balibo, and that he and most of the others signed in Bali. Although other signatories have also withdrawn their signatures before now, Goncalves is the first to do so while still living in Indonesia [Reuter, 18 July]

New publications on East Timor in Indonesian

- Referendum thinl No.1, Juni 1995, SPRIM, Solidaritas Perjuangan Rakyat Indonesia untuk Rakyat Maubere
- Anak Muda Timor Timur Melihat Persoalan Bangsaanya, Pijar, Jakarta, 10 Desember 1994
- Timor Timur, Laporan Resmi Bacre Waly Ndiaye, Pijar, Jakarta, Juni 1995
- Suara Rakyat Maubere No.5, Sepuluh Hari di Timtim dan Kasus yang membutuhkan Perundingan, Lekhat, Yogyakarta

M.R. Siregar, *Tragedi Manusia dan Kemanusiaan*, (A Human and Humanitarian Tragedy) published by TAPOL, September 1995, 620 pages.

History in Suharto's New Order Indonesia has for far too long been the preserve of the regime. Since Suharto's claim to be the legitimate ruler of the country is based on a lie, it is in his interest to make sure that accounts of what happened not only in 1965 but in the decades before are tailored to fit the regime's version, the official version. History books in the schools, articles in literary and academic journals and discussions about contemporary affairs as reported in the media must all conform.

This is not to say that many people are unaware of the untruths that pass for history in present-day Indonesia. Some who dared to speak out have been persecuted for their courage.

Within days of Suharto's seizure of the initiative on 1 October 1965, when he crushed the group of conspirators under the leadership of Lt-Colonel Untung and launched his own coup, the Suharto Coup, he proclaimed that the 30 September Movement, the G30S, had been masterminded by the Indonesian Communist Party. In Indonesia itself, this claim has never been properly investigated. It is a claim that legitimised the massacre of hundreds of thousands of people, the arrest and detention of hundreds of thousands more and the outlawing of the PKI and dozens of mass organisations which represented up to fifteen million people striving to bring about the peaceful transformation of social and political life in Indonesia.

Thirty years on, with elderly men still serving life sentences or awaiting execution as death-sentence prisoners, the growing number of people clamouring for their release insist that they should be released because they were found guilty in show trials, stage-managed by Suharto to bolster his legitimacy and build a case against the PKI. Instead, the argument for their release is couched in terms of a humanitarian gesture for aging and ailing men, not in terms of the injustice of their conviction.

M.R. Siregar has performed a great service in setting down the facts from the point of view of the PKI, whose voice has been stifled in Indonesia for thirty years. Central to his book *Tragedi Manusia dan Kemanusiaan* is a careful description and analysis of the events leading up to that fateful day, 1 October 1965, and the events which followed in its wake. He once told me that his inspiration to write the book came after his own children, on a visit to Holland from Indonesia, asked him to explain what had *really* happen in October 1965. This brought home to him the fact that the younger generation had been deprived of the right to know about the colossal dimensions of the political upheaval that transformed Indonesia into a military dictatorship.

But the author rightly decided that this would not be enough. It was also necessary to give a detailed account of the activities of the PKI and the leftwing movement throughout the fifties and sixties so as to nail the lie of the regime which has made it an act of faith for every Indonesian to believe that, throughout its history, the PKI pursued an insurrectionist strategy.

To someone like myself who lived through that period, it is refreshing to read about events with which I am very familiar but which have been submerged in a web of fabri-

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cation and deceit. But for people who have grown up since Suharto came to power, it is not merely refreshing, it is essential to have access to information about the political developments in the fifteen years before the Suharto Coup.

Unlike Suharto's New Order, it was not a period of 'economic miracles', of unbridled foreign investment, of state-sponsored corruption, of the unfettered domination of a few powerful families clustered around the First Family. Initially, it was a period of the growth of mass organisations fighting for decent wages and land reform, and of democracy where many political parties flourished and a truly democratic general election was held. Later on, it was gradually destroyed by intrigues and subterfuge by the military, culminating in the greatest intrigue of them all - Suharto's carefully planned seizure of power.

Siregar took on the massive task he set himself without the advantage of any academic training in history. In the early fifties, he was an activist in the trade union movement in Tapanuli, North Sumatra and was later elected onto local, then regional, PKI committees, also in his native Tapanuli. In early 1965, he was sent to Moscow to study but was unable to return home after the crackdown against the PKI.

Using whatever documentation he could find in the Netherlands, his country of exile, a number of writings by Western academics on some of the crucial events of the period, and his own intimate political knowledge and understanding, he has produced an impressive work which should be widely read in Indonesia, where it is most needed. It is not, by any means, the definitive version. No historical account can ever claim that. But it is a book written by someone who knew the period well from the perspective of an activist involved in the struggle, and who decided that it was necessary to put the record straight.

The first edition was published by the author himself with a very limited print-run. TAPOL decided to take over publication of the second edition in recognition of the importance to which we attach to the subject matter. In our early days, our focus was the release of the 1965 political prisoners. We very soon broadened the scope of our work, but exposing the human rights violations against the left-wing movement crushed by Suharto and nailing the lie of the PKI's alleged master-minding of the 1 October event has continued to be an important aspect of what we do. Hence, Siregar's book is very much in line with one of the main thrusts of our campaigning.

Carmel Budiardjo

Copies of *Tragedi Manusia dan Kemanusiaan* are available in October 1995 from TAPOL, price £ 25 plus postage £ 2.50.

Orders can be placed also in the Netherlands, with M.R. Siregar, ph. 31 20 695 1477, fax 31 20 690 5811, price fl 65 plus postage.

BOOK REVIEW

Pembantu Presiden Sukarno [President Sukarno's Assistant] by Oei Tjoe Tat. Hasta Mitra, April 1995

The first edition of this book was sold out within days, a clear indication of keen public interest. Many memoirs have been published in Indonesia in the past few years, but this one is different. Most biographies can be better described as hagiographies or self-glorification, empty of objective evaluation. Not so with this book. Oei Tjoe Tat gives a frank account as someone who held high office in the sixties and spent many years as a prisoner of Suharto's *Orde Baru*. He also describes his early life in the Dutch East Indies, his student days, during the Japanese occupation, and in the first years of the young republic. Being Chinese-born adds a special flavour to Oei's account, reflecting the ethnic variety of Indonesia.

The book is useful in many ways. It provides a picture of Indonesian politics in the fifties and sixties, seen through the eyes of somebody who was close to President Sukarno. It is a useful contribution to contemporary history, in particular for the young generation who have had the official version of the period stuffed into them by the *Orde Baru*.

It gives a fascinating account of political imprisonment during the Suharto era, as one of many hundreds of thousands of voiceless people. Arrested in March 1966, Oei Tjoe Tat was luckier than most. As a former cabinet minister, he was given VIP treatment and spent most of his time in Nirbaya, a special prison, together with former Foreign Minister Subandrio, Air Marshal Omar Dhani and others. Oei was also 'fortunate' to have been put on trial; hundreds of thousands were imprisoned for almost two decades without charge. Oei was tried in 1976, ten years after his arrest and got a 13-year sentence. Described vividly, the trial was typical of political trials under the *Orde Baru*, a travesty of justice in all respect. He was finally released after serving 11 years and 10 months.

Massacre Fact-Finding Commission

The section on the Fact-Finding Commission set up by Sukarno in November 1965 to investigate the mass-killings, is of special significance; the killings of 1965-1967 are still taboo in Indonesia. The author produces many new facts and figures. As a member of the commission, Oei travelled to several parts of the country. Using informal contacts, he obtained figures that were five or six times the death toll given by the military authorities. According to Oei's estimates, from visits to just a few places, half a million people had already died during the first few months of the massacre.

The story of his life after release from prison is refreshing. It reflects the ordeals of people often scathingly referred to as *Orde Lama* (Old Order). But it conveys the high morale and principles still upheld by 'Orde Lama' proponents and shatters the myth that the *Orde Baru* has destroyed the political movement that backed Sukarno.

His experiences as a prominent member of the *peranakan* Chinese community runs like a red thread. Growing up in Solo, attending a Dutch secondary school in Semarang and reading law in Jakarta establishes his middle-class origins. His years as a lawyer were like many middle-class *peranakan* intellectuals: professional and not much involved in politics. Politics began when he joined *Baperki* and became a member of the Constituent Assembly in 1955. Later, he joined *Partindo*, a nationalist political party that was

resurrected in 1958, having being dissolved in 1934 by the Dutch. Partindo was staunchly pro-Sukarno and stood to the left of the PNI. Sukarno invited him to join the cabinet because of his Partindo background so in 1963 he became the only *peranakan* in the cabinet, later to be followed by Tan Kim Liong (Haji Muhammad Hasan) and David Cheng. In 30 years of Suharto's *Orde Baru* there has never been an Indonesian Chinese of cabinet rank.

As for *Baperki*, according to the official version, it was under the control of the PKI, the Indonesian Communist Party. Also because most members were Indonesian Chinese, it was seen as the organisation of *cukongs*, a derogatory term for Chinese financiers close to those in power. In fact, *Baperki* was pluralistic in class composition and political orientation. Initially set up to promote the integration of the Chinese into Indonesian society, *Baperki* contested the elections in 1955, winning eight seats; Oei Tjoe Tat became one of its MP.

Baperki had schools all over the country and founded a university in the 1960s, partly because of restrictions on Chinese enrolment in state universities. One might disagree with its aims, but in many ways it was unique. Like Muslim social organisations, *Muhammadiyah* and *NU*, it enjoyed the support of the community, building an extensive network of institutions from the contributions of its members. Peasants, workers, fishermen, doctors, lawyers and big businessmen all joined *Baperki*. It experienced many internal political disputes, reflecting the variety of views among the *peranakan* Chinese.

Sub-editing by Stanley Adi Prasetyo and Pramodya Ananta Toer has enhanced its readability. Let's hope there will be many more editions and that it will survive without being banned.

Liem Soei Liong

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