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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 114

December 1992

Strikes!

Nearly 50,000 factory workers have been on strike in over 30 actions in one district of West Java alone in the past 6 weeks, bringing the number of strikes for 1992 to 130. At the centre of the worker's demands is reasonable wages. The government is trying to dismiss the actions as illegal, blaming "third parties" for stirring up trouble. The presence of security forces has been intensified to quell the strikes and mollify foreign investors disturbed at the militancy of their "docile" workers.

"Shoe factory workers run amok" ran the headline in the Indonesian daily *Merdeka* (29.09.92). Referring to the 8,000 workers from two shoe factories in West Java who went on strike, this is just one example of the recent proliferation of factory strikes which have been taking place all over Java.

The press reports strikes daily. The majority are taking place in West Java, in the Tangerang and Bekasi industrial regions outside Jakarta. The statistics are quite phenomenal. In September and October 1992, there were 33 strikes recorded in Tangerang alone, the October total of 17 exceeding the total in September (*Jakarta Post* 17.10.92). Between January and October this year, according to official figures, 82 strikes have been recorded in Tangerang, involving over 45,000 employees, making it the most strike prone area in Indonesia beside Bekasi, which recorded 52 strikes in the same period (*Kompas* 6.11.92).

Minister under pressure

Traditionally the attitude towards Indonesian workers is patronising and dismissive. "Workers...are actually a docile people who respect their elders and leaders... Besides being very docile, [they] are also easily trainable to do manual jobs" (*Jakarta Post*, editorial, 14.11.92). "[The] puzzling question as to how the workers...could turn into a highly agitated and militant mob," ponders the author.

In the past, strikes have been water off the government's back. The 27 year ban on strikes was lifted by the Ministry of Manpower in 1990; by the end of 1991 only 180 strike actions were recorded and minimal government comment. The current explosion of workers' frustration and discontent is unprecedented and has clearly shaken the government. Minister of Manpower Cosmas Batubara is now trying to control the situation by wielding government authority, revealing the increasing pressure felt by the government.

Cosmas now says that most of the recent strikes are illegal because "workers may only resort to a strike after the manpower office's special team in charge of the settlement of disputes fails to resolve the case and gives them the green light to go-ahead" (*Jakarta Post* 12.11.92). All other

"wildcat" strikes are illegal. Cosmas implored workers with grievances to send him a letter and he would discuss it with the company concerned. Yet letters sent by the Legal Aid Foundation (Jakarta) and others to the ministry remain unanswered (*Jakarta Post* 10.11.92). As Nursyahbani Kacasungkana of LBH Jakarta pointed out, "If the workers can directly discuss their problems with the companies, why should the ministry be involved?" (*Jakarta Post* 10.11.92).

Cosmas also blamed the workers for disrupting economic

Stop Press
Xanana Gusmao arrested!
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Workers

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growth and weakening Indonesia's competitive edge in the global marketplace (*Jakarta Post* 9.11.92). But economic development has not improved the financial conditions and welfare of the workers. "Things are the same for the labourers. They suffer all the time, even when the country enjoys economic growth," Kacasungkana said.

Cosmas has also alleged that the activities were organised by "third parties". The LBH and others strongly reject this, stating that the strikes "reflect growing legal awareness among workers" (*Jakarta Post* 10.11.92).

Central Java's governor, (ret'd) General HM Ismail, facing a wave of strikes in his own region, also pins the blame on "third parties". He warned that they will be "crushed" at the appropriate moment, and complained that the strikes have disrupted our "calm weather". (*Jawa Pos*, 7.XI.1992)

Economic demands

While the demands made by the striking workers are many, at the heart of the issue are wages. The Ministry of Manpower raised the basic minimum wage from Rp2,100 (US\$1.03) to Rp2,600 (US\$1.27) a day from 1 September 1992 (*Surat Keputusan Menaker* 264/MEN/1992). Many workers have resorted to strike action because company bosses have still not complied with the minimum wage, while others protest that the minimum wages are not adequate to meet their basic physical needs.

Cosmas himself recognises that the minimum wage (which he increased in July 1991) does not accord with the stipulations of the 1945 Constitution that every citizen has the right to a reasonable livelihood, acknowledging that the minimum wage was only 65 per cent of that required to meet basic needs (*Demokrasi masih terbenam* Legal Aid Institute, Jakarta, 1991 p135).

Cosmas told students in Central Java this year that he hoped that companies would pay more than the minimum wage. "Businessmen who adhere to the minimum wage... should not feel they are doing something that deserves praising, because the rate they are paying is the lowest allowed by the government." (*Jakarta Post* 14.09.92).

On 3 November, the Ministry of Manpower suddenly announced an increase in the minimum wage of Jakarta to Rp3000 as from 1 January 1993. A hike was not due yet and it shows a desperate attempt to curb the spate of strikes. Yet the sum still fulfils only 91 percent of workers' minimum physical needs and only 75 percent of workers' minimum living needs at mid-1992 rates. The ministry admitted that the minimum needed to meet physical needs was Rp6000 per day, double the new minimum wage! (*Jakarta Post* 9.11.92).

Keeping the investors happy

The reality is of course that the employers will pay as little as they can and many do not even pay the minimum wage, let alone more. For foreign investors, such as Nike Shoes in West Java (see below), Indonesia is attractive precisely because of the availability of cheap labour. In 1990, compared to other countries in Asia, Indonesia had the lowest minimum wage after Bangladesh. The Minister's statements that he "hopes" companies, which currently pay their workers no overtime, no sick pay, no holiday pay and use child labour, will pay more than they are obliged to, is hypocritical whitewash.

This is a highly political issue. As the LBH point out,

only the government has the power to fix the minimum wage and it is the government which is keeping the minimum so low. According to a high ranking official in the ministry, this has been done to protect investors (LBH, 1991, p138). Cosmas therefore wants to keep wages low knowing only too well that that companies will not pay their workers more than the minimum wage he sets.

30% of worker's needs

Even the existence of a minimum wage is ignored by the majority of employers. The Tangerang SPSI branch found that out of the 12,000 factories in Tangerang, only 30 to 40 percent paid the minimum wage. An SPSI and American Asian Free Labour Institute (AAFLI) study in 1989 found that 56 per cent of companies contravened the minimum wage regulations. (LBH, 1991 p136).



Garment workers on strike cheering as they hear that the company will increase their wages.

Since July 1991, the government has raised the minimum wage, which varies from region to region, by around 200 per cent. Yet it still does not even fulfil the basic physical needs of the workers. According to the SPSI/AAFLI study, the minimum wage of Rp2,600 in Jakarta only fulfils 31 percent of the basic physical needs of a worker with a spouse and two children (LBH, 1991 p134). At the end of 1989, *Dewan Penelitian Pengupahan Nasional* (National Wage Studies Council) calculated basic physical needs, in terms of income, as being:

- * Rp64,215 per month for a single worker;
- * Rp108,244 per month for a married worker with one child
- * Rp177,178 per month for a married worker with two children.

These figures are calculated in terms of the minimum calorific intake required for sustenance. As the LBH point out this is not humane as it takes no account of mental and spiritual needs and treats people essentially as robots. To provide a reasonable existence, the Tangerang branch of the SPSI estimates that a single man should earn approximately Rp95,000 (LBH, 1991 p134).

★

Confronting the shoe supremo

A strike in West Java of shoe factory workers has hit press headlines. A long history of abuse of rights at the hands of the company, led workers to attack factory bosses and buildings as well as the leader of the local branch of the state-run Trade Union, SPSI.

Seven in the morning on 28 September at the PT Sung Hwa Dunia factory in Tangerang. Workers pour out of the 34 delapidated buses laid on by the factory to ensure the 6,500 workers are not late for their shift; obliged to cram on the buses "like dried fish on hooks". They know this treatment is inhumane; but what choice do they have? This morning they take their only choice, a choice frowned upon by the state as being anti-Pancasila Industrial Relations (see box). Instead of going into the factory, the workers sit down in the forecourt. There is an air of expectation. By 7.30 most of the 6,500 workers are assembled and the chanting begins. The workers' demand their right to the minimum wage.

By eight, the workers begin to get frustrated. There has been no reaction whatsoever from the South Korean employers. Why were they being ignored? The leader of the factory's branch of SPSI, Kusno Utomo, turns up. The workers see red and hurl abuse and stones at him, claiming he did nothing to promote their interests. A barrage of stones chases the SPSI chief into the factory. Some workers chase him into the factory. Stones shatter windows and doors. Some personnel are slightly injured. Now the workers pour into the factory, grabbing the Nike sports shoes they had been making in return for wages of Rp2,100 per day (around 60p) and throw them up on the roof and into the fishpond.

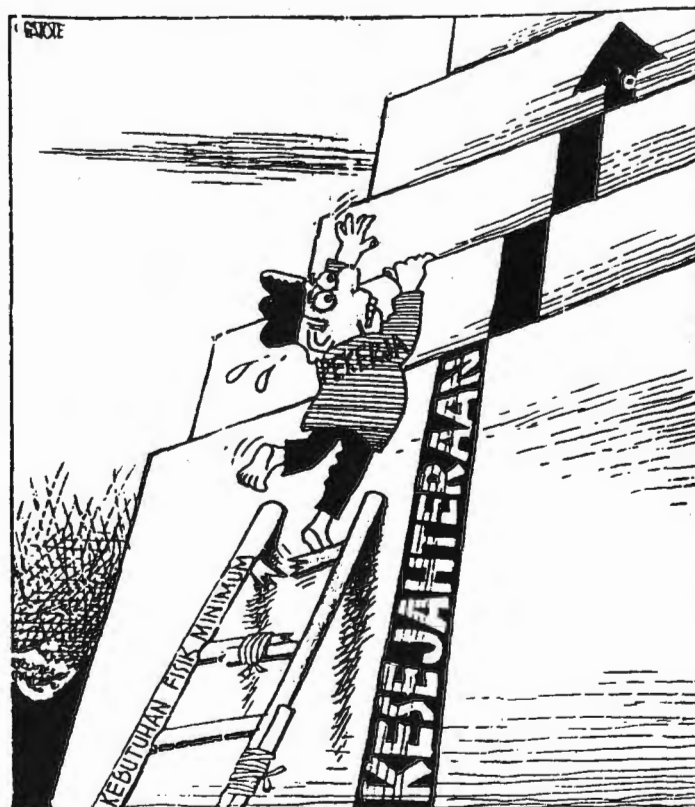
During all this the Korean bosses have not emerged to answer their workers demands. Instead they wait for the local military they summoned earlier to deal with their workforce. Security officers from the local police (*Polres Serang*) arrived. Deputy police chief, Major Rudiana tries to talk to the angry workers; he gets hit by a stone. Realising the bosses are not going to emerge and speak to them, a representative elected by the workers hands the security officers the list of demands intended for the company boss, showing the reasons for calling a strike. The demands were that:

- * wages be increased at least in accordance with the government minimum determined in the 1992 decision;
- * 2 days per month menstruation leave for female workers as prescribed by law;
- * the official collective Work Agreement (KKB) be validated and implemented;
- * the SPSI management be improved and, if necessary, replaced; and
- * the number of buses provided to pick up workers be increased to 47.

The security forces "coax" the workers to go home and urge them to hand over the problem to their leader to discuss the matters with the still absent bosses. By the time the workers agree to go home, a continuous traffic jam from Jakarta to Merak on the west coast has developed.

Success...?

The general manager, Lee Kyu Ho and the deputy manager,



*Kebutuhan Fisik Minimum = Minimum Physical Needs
KESEJAHTERAAN = WELFARE*

Suara Pembaruan 8-11-1992

Frans Keytumu, have decided to satisfy the workers demands. The company official has promised to bring in the basic minimum wage and to give menstruation leave provided the request for leave is accompanied by a letter from the company doctor. The KKB has now been ratified and the matter of its implementation would be dealt with. The company have agreed to gradually increase the number of factory buses. The leader of the Tangerang SPSI branch sacked Kusno from the union and has promised that he would immediately start proceedings to choose a new manager.

All the workers demands have been more or less met. But really what have they achieved? A wage to which they are entitled by law, which does not even come close to satisfying their basic physical needs, the (probable) implementation of an agreement in which they are not consulted and the probability of a few more delapidated buses to cart them into work. They have gained only the little that the law already demands. But if they had not gone on strike, they would not have even got that.

Union unsupportive

The regional leader of the SPSI in Serang, Drs Abdul Hanan, stated the obvious when he told the *Jakarta Post* that "this incident would never have happened if the bosses had immediately fulfilled the agreements" (30.09.92).

Imam Soedarwo, chairman of the national SPSI

management, confirmed this, urging bosses not "to wait until workers smash factory windows" before increasing wages to comply with government minimum standards. Stating that the Sung Hwa strike was for economic rather than political reasons, he went on to rebuke the workers: protests should be viewed as the last resort action of workers seeking better pay, he said, and should not involve the destruction of property and human life.

This weak response of the single trade union is typical,

Pancasila and the right to strike

The State ideology, Pancasila, propagates consultation (*musyawarah*) and consensus decision making (*mufakat*), demanding that conflicts should at best be prevented, at worst controlled. *Pancasila Industrial Relations (HIP)* is specially designed to apply that concept to the domain of labour relations: in HIP terms, workers and employers are members of one large harmonious family. Such a concept denies the inherent conflict of interest between labour and management. "The inevitable dissent is thus condemned as being anti consensus, hence anti-Pancasila and hence subversive" (*Asia Watch testimony before the US Trade Representative concerning Human Rights in Indonesia* October 1987).

HIP implies a three-way partnership between workers, employers and government. The National Institute for Tripartite Cooperation (LKTN) provides the forum: representatives of government, employers, Indonesian Chamber of Commerce and SPSI decide on policy guidelines in the field of industrial relations. Yet while the government and employers have a free hand in interfering with worker affairs, workers are never represented in other aspects of planning and implementing industrialisation.

The law provides for strikes; with prior government permission. However, in 61 different industries, government departments and development projects declared "scheduled" industries, it is punishable either to strike or engage in any action leading to strikes.

Even in permissive cases, permission is "never given" (US Department of State *Country Reports on Human Rights Practices for 1984* (1985)). The government consider that "strikes, which employees see as a way of improving their position, must not only be avoided but must be considered irreconcilable with the system of (HIP)" (Admiral Sudomo speaking as Minister of Manpower, *Tempo* 15 August 1987). Strikes are opposed to national development and, in the view of Pancasila, unnecessary. It is not without reason that newspapers use the term *unjuk rasa* (to show one's feelings) rather than *mogok* (to go on strike). As a result, the impression created is that strikes are illegal in all enterprises.

In reaction to Sudomo's speech, a lecturer in labour law argues that the right to strike, while not mentioned in the Constitution as such, nonetheless derives its legal ground from Article 28 pertaining to the right to freedom of speech (*Inside Indonesia* No 13 December 1988).

and encapsulates just why the workers have no faith in it as a representative of their needs. Being totally unwilling to take action on behalf of the workers for fear of falling foul of consensus Pancasila Industrial Relations, their post-event comments are useless; instead of defending the workers, they mimic the managers arguments.

Management fear loss of business

In the wake of the demo, the General Affairs Manager of PT Sung Hwa Dunia, Lee Kyu Ho, expressed concern that the violent demonstration by the workers would jeopardise licensing contracts. He said this would lead to thousands of dismissals. While he said the management was considering ways of avoiding the cancellations, he did not once mention whether it would accede to the worker's demands (*Merdeka* 30.09.92).

Lee Kyu Ho said the US conglomerates behind PT Sung Hwa, Nike and Adidas, had threatened to withdraw contracts because the shoes were being sold on the



Cosmas Batubara, from student leader to Minister of Manpower.

domestic market; Nike claims these were stolen from the factory. Clearly this risk becomes greater with workers demanding their rights: it could cost Nike and Adidas a cut of their profits.

Nike has authorised 4 South Korean joint venture factories in Jakarta and West Java to manufacture the shoes: PT Sung Hwa Dunia, PT Astra Doo Yang, PT Aneka Handaya Shoes Industry (one of the 13 export companies receiving the Primaniyatra awards for their participation in the country's development *Jakarta Post* 30.10.92) and PT Tae Hwa. A businessman from the Astra group showed no such concern over losing contracts. He told the press that that workers in Astra companies had never struck as the company had a humanitarian approach, largely because Astra holds 65 percent of the shares in Doo Yang so that the general affairs were dealt with by the Indonesians

instead of South Koreans. Workers in Astra Doo Yang received wages of between Rp 2,100 and Rp3,000 a day, as well as lunch and transportation services. Medical facilities were also supplied. To be boasting of providing wages below the minimum required to meet basic physical needs reveals just how much the government gives the companies free rein.

Military protection

The Deputy manager of Sung Hwa, Frans Kangae Keytimu, said that the management still needed security patrols in order to restore calm at the company compound: "We need guards from the Armed Forces until the factory can operate normally again". These patrols may appear excessive: a

Driven to strike

Workers are resorting to strike action despite the risks they run of being dismissed on the spot. Some of the reasons forcing them to take action are:

- * wages below the legal minimum, which in turn is way below the minimum needed to live.
- * deductions from wages for lunch and transport further reduce incomes
- * no overtime pay over 7 hours, with workers forced to work 12 hours a day
- * no sick pay, no holiday pay and no menstruation leave
- * working conditions dangerous and unhygienic, with little or no medical care for workers
- * constant risk of summary dismissal
- * wages not graded in recognition of experience and length of service
- * companies not fulfilling insurance obligations on behalf of workers
- * child labour (it is illegal to employ a child under 15 years of age)
- * companies block formation of factory units of SPSI union
- * corruption of SPSI branches
- * harassment of female workers by bosses
- * reorganisation of working conditions without consultation
- * when right to strike exercised, workers have their wages cut or are even dismissed on the spot.

Nike are a prime example of a company breaching Indonesian law: all factories require workers to do 2 hours "compulsory" overtime which is then falsely calculated, only two of their factories meet the legal obligation to allow trade union activity; two do not pay the minimum contributions to the compulsory worker assurance fund, company transport violates traffic law, and inadequate safety facilities mean frequent industrial accidents (*Inside Indonesia* June 1991).

platoon (8 to 10 soldiers) from the mobile brigade (police), a platoon from the battalion infantry (army) and a number of officers from the Serang police office (*Jakarta Post*, 2.10.92).

Regretting the violence at the factory, Kangae went on to say that the management had "learnt much from the incident". It is unclear what exactly they learnt: but certainly it seems not how to treat their workers. "As a

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company which produces famous brand name shoes such as Nike, we realise we have to preserve the name and the reputation of this country". ★

SPSI: a "trade union" organisation?

After the 1965 coup, the largest trade union organisation SOBSI (*Sentral Organisasi Buruh Seluruh Indonesia*: All Indonesia Central Organisation of Workers) was banned due to its links with the Communist Party, PKI. In 1973, a new union organisation emerged called the FBSI (*Federasi Buruh Seluruh Indonesia*: All Indonesia Federation of Workers) and presided by Agus Sudono.

The SPSI (*Serikat Pekerja Seluruh Indonesia*: All Indonesia Union of Employees) replaced the FBSI in 1985 and Imam Soedarwo, a textile industrialist, became the president. These changes represented government moves to depoliticise the labour movement by unifying the various unions, a concept more appropriate to the principles of Pancasila. The SPSI was formed as the sole labour union, bringing the 21 unions together into 9 departments. Although it is the only "trade union" organisation, the SPSI is not large: of a total labour force of 70 million people, only about 2 million are members.

In 1990, there was an attempt to form a real trade union. Called the *Setiakawan Trade Union* (Solidarity), the government immediately announced that it was illegal, although it did not make any moves to actually ban it. A similar attempt in 1992 to form the SBSI (*Serikat Buruh Sejahtera Indonesia*), has met with a similar dismissiveness. Both new unions have failed to achieve legal status because of the onerous conditions imposed by the Department of Manpower on community organisations. For example, new unions have to get representation in at least 20 of Indonesia's 27 provinces as well as branch offices in at least 100 districts and 1,000 union units in factories or plants (Minister of Manpower Regulation No. 05/Men/1987). SPSI alone has the capability to be recognized and has also rejected the new trade unions. Abroad the government denies that the SPSI is the only legitimate union, while within the country the workers have no other choice but to channel their interests through and join SPSI. In turn this means that the workers cannot assert their democratic right to set up genuine, independent unions.



Strikes prohibited. Help with my wages!

[Tempo, 31 August 1992]

PRIS 25921.

Multinational exploitation

Looking behind the national faces of the companies whose workers have been laying down tools to demand their basic rights as decreed by international standards, we find the presence of the ubiquitous multinational company, raking in its millions from exploiting third world subsidiaries, thriving off low overheads and cheap labour. INGI and the American press have recently been exposing the corporate activities of a major shoe multinational in Indonesia.

PT Sung Hwa Dunia, the company whose workers have just staged a vociferous protest against their desperate treatment at the hands of the company bosses, is in fact the South Korean offspring of the American multinational corporation, Nike.

Nike is the largest, most profitable shoe manufacturer in the world, its success stemming from its product's success on the sports field and on the street, and a marketing campaign putting it ahead of Coca Cola, Kodak and IBM in corporate sponsorship spending.

But behind the glossy public image lies a story of exploitation, law-breaking, oppressive labour practices and wages below subsistence levels. Indonesia is just one of the cheap labour third world countries where Nike operates. And PT Sung Hwa Dunia is just one among many independent producers with which Nike has contracted to produce its designer shoes for rock bottom prices.

Nike has authorised four South Korean joint venture factories in Jakarta and West Java to manufacture their trendy sports shoes: PT Sung Hwa Dunia, PT Astra Doo Yang, PT Aneka Hardaya Shoes Industry and PT Tae Hwa (*Jakarta Post* 30.09.92). Together with the dozens of other Nike subsidiaries in China, Malaysia, Thailand and Taiwan, 80 million pairs of shoes are produced for Nike annually.

Initially this was hailed as a breakthrough for investment hungry Indonesia, an extra US\$101 million, promising over 24,000 much needed jobs and almost US\$225 million of export earnings. Yet the promise soon turned sour. Within months of the first factory coming on line, hundreds of mostly female workers went on strike at Tae Hwa Ltd, protesting wages as low as 20 pence per day, half the legal minimum. Subsequent wildcat strikes and sporadic protests have resulted only in on-the-spot dismissals and managerial indifference.

Workers' rights cost profits

Nike closed its last US footwear factory in the 1980s, while establishing most of its new factories in South Korea. "Nike's actions were part of a broader 'globalisation' trend that saw the United States lose 63,000 footwear jobs between 1982 and 1989 as shoe companies sought non-unionised Third World workers who didn't require the US rubber shoe industry average of US\$6.94 an hour" (*Harper's Magazine*, August 1992).

But unfortunately for Nike, the South Korean workers did not put up with their exploitation for long. They demanded their rights and soon were able to form independent unions and strike. An expensive development for Nike. In the late 1980s, Nike-licensed South Korean firms began relocating in cheaper countries such as Indonesia, "where labour rights are generally ignored and wages are but one seventh of those in South Korea" (*Harpers*, August 1992).

Securing profits

Yet it cannot be said that Nike cannot afford to pay more. Year after year, Nike records increasing profits, grossing US\$3 billion in 1991. Nike's profits are only enjoyed by the few corporate giants and their stooges, such as sportsman Michael Jordan whose endorsement of Nike shoes earns him US\$20 million from the company, while the workers live in poverty. An employee of the Sung Hwa factory in Serang would need 44,492 years to earn Jordan's fee. Even the purchase price of one pair of Nike shoes is equivalent to 2 weeks toil (6 days a week; 10.5 hours a day) for the factory worker (*Harper's* August 1992).

While this sort of comparison brings home the inequity of the world created by the multinational corporation, and highlights the responsibility of government and individual responsibility in creating the market for goods produced in such inhumane conditions, the crux of the issue lies in the denial of the worker's inalienable right to a just and favourable remuneration, including their family, "ensuring an existence worthy of human dignity" (*Article 23(3), Universal Declaration of Human Rights*). The 6,500 workers of Nike's Serang factory do not even gain a basic living from their multi-million dollar employer.

Honoured companies

The Indonesian government has been handing out the new Primaniyantra awards, which are "meant to acknowledge the participation of the exporters in the country's development" according to the Minister of Trade, Arifin Siregar (*Jakarta Post* 30.10.92). 13 national and 21 provincial firms received the *Prima-niyatra* award. Among such infamous companies as PT Freeport and PT Astra, we find the export achievements of PT Aneka Hardaya Shoes Industry (the South Korean Nike contractor in West Java) rewarded.

Bosses fears well founded

Indeed the manager of PT Sung Hwa's fears that Nike and Adidas will not renew the company's manufacturing licences is not unfounded. Nike grants 2-3 year licences to companies it has worked with in South Korea. The hi-tech end of these companies' operations are still in South Korea, but the labour intensive end has been relocated to cheap labour countries. The companies pay an undisclosed sum for the licences which Nike can revoke at any time through a monthly review clause. Moreover a licence is no

guarantee of receiving orders: each licence is tendered out and granted on the basis of cost, time and quality. Since materials are still imported from South Korea, the factories compete almost entirely on labour costs.

If Nike left South Korea because workers started to have their universal union rights recognised, the fact that Indonesian workers have now begun to assert themselves will give the money makers cause for concern. If they have to start paying the workers a minimum wage, allow them to work reasonable hours, and fulfil government requirements, it will cost Nike and Adidas profits.

So as well as the positive impact of Indonesian workers taking a strong stand, there is the positive impact on the imperialist multinational corporation, which knows no law. By the workers' strikes, the exploitative company has to take stock and recognise that its workers will not simply remain a cheap labour source. As an unnamed legislator said "the spate of recent protests reflect the workers' awareness of their rights" (*Jakarta Post* 07.10.92). ☆

LABOUR UNION LEADERS ARRESTED

Police detained nine leaders of the Serikat Buruh Sejahtera Indonesia (SBSI: All Indonesia Workers Union, a union set up in 1992 as an alternative to the state-run SPSI) for 24 hours at the end of last month. As well as arresting the nine union leaders, which included union chairperson Muchtar Pakpahan, the Tangerang police also arrested the Labour Attache to the US Embassy in Jakarta, Gregory Talcot. Talcot was released within the hour.

The arrests took place after police broke up a meeting between the union's central board and the Tangerang Chapter.

According to Rekson Silaban, secretary of the SBSI's research department, the arrests took place because the SBSI leaders were suspected of attending a clandestine meeting since the government still did not recognise the



Nike billboard in Jakarta

Photo: M.E.Blowfield

existence of the SBSI. Rekson also said the union leaders and the police reached an agreement during the questioning about the union mission.

"The police neither permits nor prohibits the SBSI to operate" said Rekson. SBSI executive board submitted an application to the minister of home affairs, Rudini, to get government recognition of the SBSI union.

The Chief of Tangerang Police refused to comment on the case. ☆

British miners on the scrap-heap

The announcement by the UK government that 31 coal-mines would close created a uproar. Many economists and trade union leaders argued convincingly that the mines should remain open. Nothing was said about British Coal's extensive investments in mining ventures abroad, including Indonesia.

Indonesia possesses huge coal deposits. Though not yet fully explored, experts estimate that the deposits are anywhere between 25 to 31 billion metric tons. In the last decade Indonesia's coal output has increased tenfold, reaching 10 million tons. By the year 2000 annual output is predicted to reach 30 to 40 million tons. Practically all the neighbouring countries: Malaysia, Thailand, the Philippines, Hongkong, Taiwan, Japan, South Korea and Bangladesh import coal from Indonesia. Indonesia itself, the largest oil exporter in Asia and the largest gas exporter in the world, is gradually shifting to a coal-based energy policy. It is the energy source which is available in abundant quantities.

Shifting production

Indonesia's coal deposits are well known to British Coal. P.T. Kaltim Prima in East Kalimantan is a joint venture between Indonesia's state-owned P.N. Batu Bara, CRA and

British Coal. Figures for production at Kaltim Prima show that 1,951,061 tonnes of steaming coal were produced in the third quarter of 1992, bringing the total for the first nine months to 4,697,554 tonnes. The coal produced is high quality: high-calorific, low-ash and low-sulphur and is exported to the Netherlands, Germany, Italy, Japan and Hongkong.

The construction of Kaltim Prima was completed in September 1991 and output in its first year (September 1991 to August 1992) was a gigantic 6,397,153 tonnes, of which 6,101,228 tonnes were shipped.

Kaltim Prima is a highly profitable enterprise. British Coal's strategy is the old story of shifting production to third world countries. The results are obvious: paying low wages to the Indonesian workers and dumping British miners on the scrap-heap. ☆

ABRI's wargames

It is common for armies to hold military manoeuvres. Every four years, ABRI, the Indonesian armed forces, conduct major exercises. They include war simulation and portray the reality of threats or potential threats. This time ABRI held their Latgab (Latihan Gabungan, Combined Exercise) in Situbondo, East Java.

The first thing that struck everybody was the timing. They ended symbolically on 12 November, the commemoration of the Santa Cruz bloodbath. It confirms that the *Latgab* served as a warning to anyone involved in secessionist movements. Major-General Hartono, the commander of the *Brawijaya* Division, the East Java Military Command, and commander of the exercise said: "Present threats are different from 20 years ago. From our analysis of events and incoming information, the most likely scenario in the next 5-10 years will be domestic security disturbances" (*Editor*, 14.XI.1992). The peaceful demonstration of 12 November falls into this category

Show of force

About 15,000 troops, far more than in previous exercises, took part from all the four forces: the army, navy, air force and police. Special forces like *Kopassus*, the notorious red berets, the marines, air force paratroopers and special reserve units from *Kostrad* all took part. Two dozen battle-ships including the *Arun*, newly acquired from Britain, a few squadrons of fighter planes were included and the troops used real ammunition. As one officer said, there was everything from tracker-dogs to submarines.

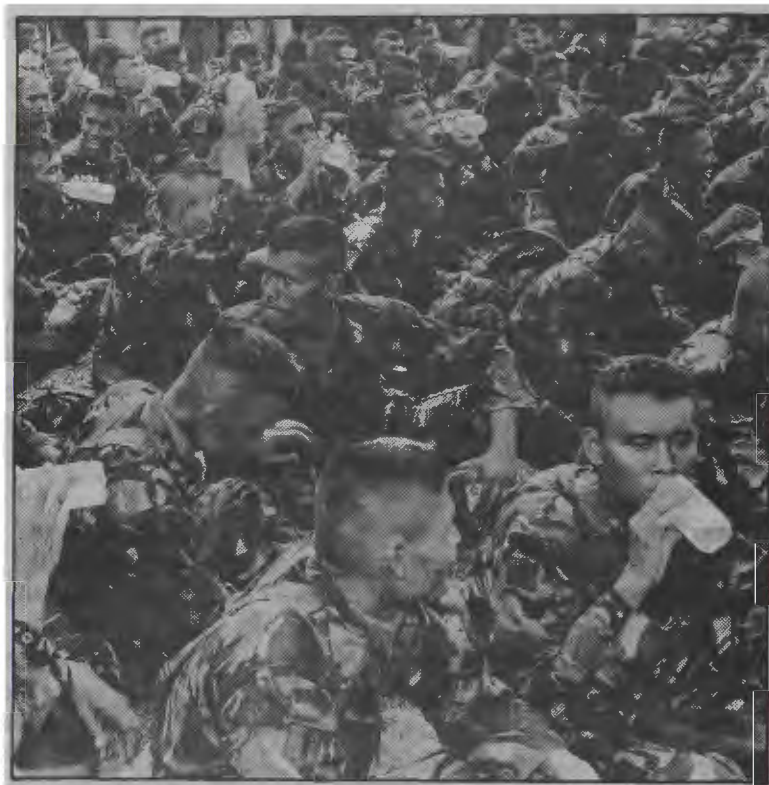
The previous *Latgab* in 1988 in West Java involved only 4,000 soldiers and hardly affected the local population. This time the entire population of Situbondo, the site of the exercise, was evacuated many days before. Traffic between Situbondo and Banyuwangi, the most easterly tip of East Java, was stopped for three days and diverted to other routes.

Extremists from left to right

The simulation in Situbondo was made to look very realistic. The 15,000 soldiers were despatched to crush a rebellion that began as a strike in a sugar factory and spontaneously grew into a regional rebellion. It is no coincidence that a workers' strike was chosen as the potential threat. Actions in factories throughout Java have become a daily event in the industrial areas.

The army usually describes domestic threats as coming from two extremes: left-wing or communist extremism and right-wing extremism or Muslim radicals. In the past few years, another wing of extremism has emerged, according to Major-General Hartono in the weekly *Tempo*:

Right and left extremisms are obvious. Left-extremism originates from the communist ideology. As for right-extremism, as I have often said, religion itself is not extremist. Right-extremism means those who use religion as the basis or justification for their activities. The other extremists besides these two make use of the issue of human rights. They are so extremist that they regard themselves or



Troops having a rest

their group as the only ones who know the truth. (*Tempo*, 7.XI.1992).

Officers like Major-General Hartono, from class '62 of the military academy, represent the views of the top echelon in the armed forces today. Any opinions at variance with those of *ABRI* are 'subversive'. Despite their so-called professionalism, the views of the average *ABRI* officer remain as rigidly totalitarian as ever. ★

Continued from page 18

They include his 74-year-old mother, his sister and brother-in-law and four sons and daughters. They were all taken to an unknown place of detention. Sources reporting these arrests said that the situation in the territory has further deteriorated, with troops spread everywhere.

Meanwhile in Jakarta, Hendardi speaking on behalf of the Legal Aid Institute, said that it is ready to defend Xanana Gusmao if he so wishes. It urged the authorities to treat him in accordance with the law "including allowing him to select lawyers to accompany him at every interrogation".

The human rights organisation, *Infight* (Indonesian Front for the Defence of Human Rights) warned that Xanana's arrest could represent a serious setback to efforts to reach an overall solution to the question of East Timor. It stressed that, in the eyes of the world community, the fundamental issue for the East Timorese is self-determination. ★

Human rights lawyer arrested

The recent arrest of a legal aid lawyer in East Java on charges of subversion and incitement has raised deep concern about the intimidation of lawyers, preventing their involvement in certain cases.

On Monday 19 October 1992, **Dadang Trisasongko**, a lawyer from the Surabaya chapter of the Legal Aid Foundation (LBH), was arrested at Tanjung Perak port by around 20 policemen, in uniform and civvies. The arrest warrant charged him with incitement (under section 160, KUHAP) and suspected engagement in subversive activities (1963 anti-subversion law). While the warrant did not give details, LBH headquarters in Jakarta (YLBHI) firmly believe that Dadang was arrested because of his legal work on behalf of the villagers of Singosari-Gresik, East Java, involved in a land dispute with the state electricity company, PLN. The villagers had protested against the company for erecting high voltage cables above their homes forcing them to abandon their land.

LBH demands lawyer's release

From the time of the arrest, Dadang was denied the right to be accompanied by a lawyer during his interrogation, an internationally recognised right also guaranteed under the Indonesian Code of Criminal Procedure (KUHAP).

On 20 October, YLBHI called for Dadang's immediate release because the arrest and detention had no legal basis; that the provisions of KUHAP be respected; and strongly protesting all intimidation by the government, civil or military, towards legal aid workers. "We hope law enforcement officers will respect the dedication and professionalism with which lawyers serve the public in trying to maintain the law." It sent letters of protest to the Supreme Commander of the Armed Forces, General Try Sutrisno, and the Chief of Police, General Kunarto.

Trumped up charges

Following the arrest, the head of the army's security agency for East Java, *Bakorstanasda*, Major General Hartono, said Trisasongko had been arrested because his activities "threatened national stability", an offence under the anti-subversion law, with a maximum penalty of death. In a second statement, YLBHI stated:

- * Dadang was authorised to act on behalf of the villagers of Singosari-Gresik in the High Tension Electricity Network (JLTT) case and that all his activities conformed with the aims and objectives of the LBH.

- * That the official reasons for the arrest and detention of Dadang were weak, trumped up legal arguments concocted to bring him within the anti-subversion law.

- * That not only is the anti-subversion law irrelevant to modern society; applying its articles as in this case "would enable all kinds of things that citizens do to be categorised as crimes". The anti-subversion law combined with such an arbitrary attitude enables the state to distort valid and legal activity into crimes which "threaten national stability".

Conditional release

A week later, the police dropped the subversion charge but

charged him with hostility towards/publicly opposing the government (Article 154, KUHAP) and inciting unrest (Article 160, KUHAP), carrying 7 and 6 year prison sentences respectively.

Hakim, head of YLBHI, said he would support Dadang if he sued the police for unlawful arrest and detention. Dadang however has decided not to pursue such a course until the police examination of his case is completed. Dadang continues to be interrogated.

The YLBHI was clearly deeply angered by the blatant abuse of power manifested by Dadang's arrest. In a press release two days after the arrest, it condemned the use of intimidation by the authorities against people who seek to uphold justice and the law. It identified its guiding principles as: developing the public's critical consciousness, supplying its clients with information for self-help and providing education and training to facilitate this.

It announced that all its offices had been instructed "to continue to handle cases using methods already employed, including those used by Dadang" and not let the arrest and detention of a fellow legal aid worker affect their work in any way. Intimidatory tactics cannot be allowed to prevail. The YLBHI "must continue to serve people in accordance with its ideals, in the struggle for justice and the maintenance of law with human rights in Indonesia." ★

Challenging press censorship

In an unprecedented move for Indonesia's press world, **Surya Paloh**, editor-in-chief of the daily *Media Indonesia*, has decided to contest the decision of Information Minister Harmoko to close down *Prioritas*, in 1987; Surya Paloh was editor of the paper. The ban was issued by Minister Harmoko, formerly a journalist, on the basis of his own ministerial decree, giving him powers to withdraw newspaper licences.

The regime insists that the press must be "free and responsible", which it alone has the power to interpret. Hence, Harmoko's decree hangs like the sword of Damocles over every media worker in the country. *Prioritas* was closed down because of "innuendos and sensational news which could cause social unrest or offend foreign diplomats in Indonesia".

Surya Paloh has also lodged a request with the Supreme Court calling on it to review the ministerial decree on the grounds that it is in conflict with the Basic Press Law. This initiative has been welcomed by many editors. Six lawyers have formed a Committee for Judicial Review to support the action and help him generally with the legal aspects of the case.

LBH faces financial crisis

"Building democracy with the community" was the slogan at the LBH's (Lembaga Bantuan Hukum: Legal Aid Institute) 22nd birthday party in Jakarta. However, the celebrations were marred by severe financial concerns which put the LBH's vital legal service in jeopardy.

Since the government rejected all aid from Holland last March, the LBH has lost nearly half its funding. Ninety percent of its work is funded by the Dutch NGO, NOVIB, but from 1993 the LBH can only receive 50 percent funding since NOVIB receives money from the Dutch Government's overseas development department. From 1993, NOVIB will only provide money from private Dutch sources, although the legitimacy of such Dutch funding in the eyes of Jakarta is still unclear.

With 13 provincial offices, posts in Aceh, West Papua and East Timor) and 160 staff, LBH needs at least Rp 1.4 billion per year (£400,000). The LBH is seeking funding from the US, Germany and Scandinavian sources. It hopes to get funds from *Dana Mitra Hukum* (Friends of the Law Fund), set up by the YLBHI last April to supplement funds coming from outside the country.

The direct result of the loss of funding has been a cut in staff and lawyers. The contracts of young lawyers are not being renewed though they will be employed as the need arises. Various projects have also been reduced, such as training for young lawyers, with less focus on individual cases. "We will give more priority to the problems of human rights, workers, landholders and the environment," said Hakim [Editor, 7.11.92] because these cases concern the interests of the majority of society."

This change of emphasis reflects the actual shifts in case work: the number of individual cases has dropped since 1988 while workers' cases have risen dramatically, from 170 in 1988 to 257 in 1991. Criminal cases (including political crime) fell from 1,067 to 576 in the same period. While the number of cases handled by the LBH has fallen over the years, the quality of these cases has risen.

While the number of posts in the villages has decreased, posts have been set up in 'trouble spots' such as Aceh, Lampung and East Timor. "Certainly, these areas are full of political problems which involve the interests of the people," said Hendaridi, public relations officer.

The LBH is being affected by the dominance of the security approach, which has led to more suspicion of NGOs by government officials, both at central and local level.

LBH has face financial problems before. Seven years ago the Jakarta municipal government stopped a monthly Rp2.5 million grant after the LBH defended several subversion cases but it managed to survive with funding from abroad. The LBH is optimistic that the current financial problems will be overcome.

Buyung Nasution gains his doctorate

Indonesia's leading human rights lawyer, Adnan Buyung Nasution, defended his doctoral thesis on 4 November 1992 at the Rijks University, Utrecht. His thesis is entitled: *The Aspiration for Constitutional Government in Indonesia: A Socio-legal Study of the Indonesian Konstituante 1956-1959*.

He sets out to debunk the widely-held view that principles such as responsibility of government, democracy and human rights are typically Western and inappropriate for Indonesia. The *Konstituante* [Constituent Assembly] was a democratically-elected body which was dissolved by President Sukarno after years of detailed consideration of a new Constitution. With the army's backing, Suharno reinstated the 1945 Constitution and paved the way for his 'guided democracy'.

Nasution speaks in his Introduction of the lack of scholarly study of the *Konstituante*. It is nowadays generally perceived as a fiasco. "Seemingly people want to erase this unsuccessful attempt...to draft a constitution from the collective memory." He sees the *Konstituante* as "a historical culminating point of the striving for a constitutional government since the very beginnings of the independent Republic of Indonesia in 1945".



In a chapter devoted to the *Konstituante*'s debate on human rights, he argues that agreement was reached across the political spectrum on the main body of universally-recognised human rights:

In the history of Indonesia this discussion stands out as a monument of emancipated and civil political thought. I want to recover it from the obfuscations caused by later events and obscurantisms, so that it can stand as a constant reminder of our sincere constitutional aspirations and of our true potential for political decency.

This is not yet a review of this important work; it should whet the appetite of those troubled by the present regime's attempt to argue that universally-accepted human rights principles have no place in Indonesia. This is a claim which Nasution can be expected to challenge when he returns to Indonesia later this year to resume his work as a lawyer, abruptly halted when his licence to practise was withdrawn for alleged contempt of court, during his defence of General Dharsono in 1987. ★

Human rights briefs

Youth Forum broken up by police

An Open Forum in Yogyakarta calling for regime-backed youth organisations, including the National Youth Committee (KPNI), to be disbanded, was broken up by police using truncheons and other anti-riot equipment. A number of participants in the peaceful action were beaten, kicked and taken in for questioning. They were released the next day, with orders to report to the police.

The Forum, which took place on the city's main thoroughfare, Malioboro Street, at a spot known as Democracy Pavement, was held by the National Independent Solidarity Youth Committee on 27 October, one day before the day celebrated in Indonesia as Youth Pledge Day.

Already before people attending the Forum had assembled, intelligence agents and anti-riot squads were hanging around. At 3pm, the organisers asked the one hundred or so people wanting to attend the event to gather together. As soon they did so, police closed in, attacking the crowd; they grabbed the leader, Heli, dragged him by the hair to a waiting truck, punching him in the stomach. Others were arrested with similar brutality. Among those rounded up were two journalists who had come to cover the event; their cameras were smashed. Altogether 16 people were arrested, including six women.

The Forum, attended by students from several cities in Java, Bali and Sumatra, was planned as the forerunner of a youth and student rally to be held at the Gajah Mada University, Yogyakarta.

The banners seized by the police condemned existing youth organisations as puppets of the regime which have no concern about the poor and their sufferings. Forum participants also held up a statue on a bamboo pole, with a poster round its neck saying: "Disband the KNPI". This was confiscated by the police.

[Source: Indonesian Human Rights Centre, Sydney] ★

Lampung detainee goes to trial

Jayus bin Karmo, 32 years, one of three men detained without charge since June 1990 in connection with the Lampung Affair [TAPOL Bulletin 113, October 1992], has gone on trial. [Tempo 17.10.92]. Meanwhile the two others, Hasan Tito and Slamet Suryadi, have been freed [Kompas, 16.10.92].

Jayus was arrested after the massacre in Lampung in February 1989. Fourteen people were tried in Lampung in September of that year and got sentences from 6 years to life imprisonment. Most were sent to the notorious Nusakambangan Island prison. Jayus has now been charged with subversion for association with the "subversive Lampung guerrillas", a charge which could result in anything up to the death penalty. Jayus is charged with being in favour of an Islamic state and of disseminating leaflets written by Warsidi, supposed leader of the movement in Talangsari. Warsidi was among the dozens shot dead during the army massacre.

Why has Jayus only now come to court when the massacre took place over three years ago? According to the Legal Aid Institute, the YLBHI, the case was brought after it challenged the legality of the detentions in September. Lampung's chief public prosecutor, A. Hambali, claims the

case has been brought regardless of any protest.

The YLBHI had demanded a pre-trial review on the grounds that under the Criminal Procedural Code (KUHP) the military does not have the right of arrest. They asked for the men's names to be cleared and have sued the military command which made the arrests for compensation of Rp 3 million for each of the men. However there will be no pre-trial review now as Jayus has been charged.

The village head of Talangsari where the massacre took place told the court that Jayus not only took part in the "anti-Pancasila" work of Warsidi, he also invited Warsidi to stay in the village and run a Muslim school (*pesantren*) on his land. Two military witnesses told the court they had never seen Jayus, saying this may have been because Warsidi's congregants always avoided members of the security forces.

Jayus denied this testimony. "I did not invite Warsidi to stay in Talangsari. The house and the land which became Warsidi's complex did not belong to me," he said. ★



From: YLBH, Indonesia

YLBHI: Human rights "could worsen"

Lawyer Abdul Hakim Garuda Nusantara who heads Indonesia's Legal Aid Foundation told the Jakarta foreign correspondents' club that he was "very upset about the human rights situation in Indonesia". The government was drafting changes to the Criminal Code which could mean the death penalty for any conduct considered against the state ideology. "The draft is very, very dangerous, especially on definitions of crimes against the state." [The anti-subversion law already allows the death penalty for crimes of subversion; it appears that the government now plans to incorporate these provisions into the Criminal Code.]

Hakim said the police would even have the right investigate anyone staying in a hotel in case they were committing adultery. He said there had been no significant progress on political rights in Indonesia which has been ruled by a military-backed president for a quarter of a century. [AP and Reuter, 6.XI.1992] ★

Political vetting for taxi drivers

Nearly three hundred taxi-drivers employed by Praja Taxis in Denpasar, Bali, have been subjected to political screening by the local military command. They had to answer oral and written questions ranging from personal details to saying which political party they voted for at the general election earlier this year.

The leader of the trade union at the company, Hery Marpaung, said 286 drivers had been screened from in October. No results were announced but some of the drivers have since been black-listed and threatened with dismissal.

Marpaung described the screening as 'inappropriate', considering that each driver already possesses a Letter of Good Conduct from the police certifying that they have not been involved in any unlawful political organisation. [This in itself is an extraordinary admission!] Marpaung said his colleagues had been intimidated during the screening, which they described as resembling an interrogation. [Jakarta Post, 28.X.1992] ★

Communists barred from returning home

Indonesia communists who have been abroad since the army's crackdown on the PKI in 1965 will not be permitted to return home, according to director-general of immigration, Roni S. Sinuraya. He said some communists who had taken refuge in eastern Europe had applied for permission to return but had been refused. Exceptions would only be made to visit sick relatives.

This reverses President Suharto's announcement in November 1990 that communists *could* return but would "have to account for their actions before a court of law". [TAPOL Bulletin, No 102, Dec. 1990]

The number of blacklisted Indonesian citizens banned from entering or leaving the country is now said to be 33,000, double the figure given last year by the authorities. Admiral Sudomo, Coordinating Minister for Security and Political Affairs, said most of those on the list were communists. [UPI, 13.XI.1992] ★

Playing with words is dangerous

Two students from Yogyakarta's Gadjah Mada University who played word games with tracts from the Koran were imprisoned for two and a half years last month: the prosecution had demanded six months. Two others were arrested for a similar "offence" at the beginning of October and remain in detention.

Last May, Bambang Wahyu Nurbito and A. Ambar Widiatmoko (Moko) were among 500 performers at a rock concert in Yogyakarta, held at the Accountancy Academy. The two played word games, known as *pelesetan*, using phrases and tracts from the Koran. Indonesians are fond of words games, a recognised form of humour: many of the most popular comedians have perfected this art. By changing a single letter or sound, a different meaning can be given to a word or phrase.

Three days later, the leader of the Islamic students group at the academy angrily accused the performers of insulting the Islamic religion. They demanded that the organiser of the concert be expelled and that the performers beg forgiveness to the Islamic students on the campus. The first request was fulfilled but Bambang and Moko were arrested by the Yogyakarta police before they could apologise.

Judge Moelyono in sentencing the students said they had

been given heavier sentences (than demanded by the prosecutor) because as educated people they should not play with religion. Bambang and Moko's lawyer protested that this sentence was not a punishment, but revenge.

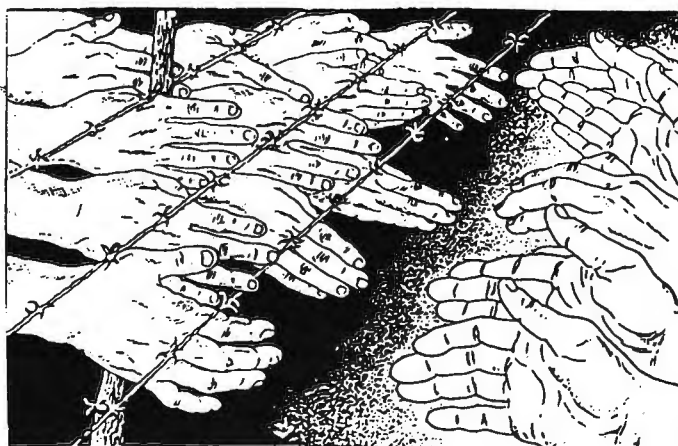
An almost identical case occurred after a puppet show in Salatiga a few weeks earlier when the narrator also played on words from the Koran. The next day, over 100 members of the Islamic community protested to the police and military. The head of the committee apologised after the police and military promised the local Islamic community that they would take the case to court. The narrator, Jonny Narjono, and the director, Giri Asmani, were still under arrest two weeks later [Tempo 17.10.92]. ★

British Aerospace and the First Family

British Aerospace, the flagship of British industry, moves in high circles, notably Margaret Thatcher and Suharto. The huge military orders BAe has received from the rulers in Jakarta – Rapiers, Hawks and Land Rovers – are proof of this. BAe public relations stand in a class of their own: against the global trend of declining arms sales, BAe has recorded the largest increase in arms sales worldwide!

Generally speaking, the difference between BAe's military and civilian products is indistinguishable. But the latest BAe product to be promoted in Jakarta is more "civilian". A new company has been established in Jakarta, *PT Aero Dwiguna Utama (ADW)*, to be the sole agent of British Aerospace plc. It will promote and sell a small executive jet aircraft, the BAe 125-1000, equipped to carry 6 to 12 passengers. The price: US\$ 14.2 million. The President Director of ADW is Martina Sudwikatmono, daughter of Sudwikatmono, a cousin of President Suharto, which makes her the president's second cousin. Martina is a well-known jetsetter and prominent in Jakarta's nightlife while her father, Sudwikatmono, who grew up with Suharto, is one of Indonesia's most successful businessmen.

During the demonstration flight, Sudwikatmono said: "For the present-day corporate executive, the plane is cheap. For Indonesians, if one buys it, others will rush to follow suit." Perfect BAe sales talk from Indonesia's first family.



OPM elects a new leader

According to a document received from the interior, the OPM, the West Papuan resistance movement, has elected a new leader. We have received no independent verification of this report. The new leader is Colonel John.

The election was held in October this year as the result of a National Congress in March which decided that the leader of the OPM should be elected. It also adopted decisions aimed at improving the organisational structure and creating centralised coordination of strategy. The Congress condemned the existence of factions.

A second meeting on 2 July heard reports from the regions expressing full support from the civilian and military in the regions for these decisions. It entrusted the West New Guinea National Liberation Front [WNNLF], a new structure led by younger activists – the new order OPM – to take over the OPM leadership and have a democratic election to choose the new OPM leader who should be based in West Papua. An election commission was set up under OPM chief-of-staff, Colonel Damianus Warip. The election involved four sectors of the community, the eight OPM military regions, the nine refugee camps along the border in PNG, the East Awin refugee camp, and civilian groups within West Papua.

There were six candidates, all military commanders or officers. The election took place on 29 October with 62,000 votes being represented: half were from sections within West Papua (students, Papuans in the Indonesian armed forces, missionaries and many others). Colonel John, advisor to the OPM leadership and head of the WNNLF was elected, with 65 per cent of the votes. Brigadier-General Bernard Mawen, commander of the Vth Military Region (Merauke), came second with 20 per cent.

Colonel John

Colonel John was interviewed by an Australian journalist, James Matthews, who spent three days in the bush with the guerrillas earlier this year. He described Colonel John as a natural leader with an enormous charisma, who commands unquestionable respect. [See *New Zealand Herald*, 29.VII.1992 and *Inside Indonesia*, June 1992]

The new order's political programme for independence covers four stages: the first two are preparatory, the third is the establishment of a National Congress and solidarity with other countries, leading to the fourth stage, a full-scale military offensive to force a political solution. Colonel John believes that they could reach the fourth stage in three or four years time.

Much depends on raising people's solidarity and political awareness. This is being promoted by sending out mobilisation patrols to various parts of the country. A patrol was due to go to the Asmat region which has been subjected to destruction by logging companies from Japan, Korea and the US. This was part of the plan to develop a strategy of resistance to cultural repression.

Colonel John told Matthews that there must be a political perspective to the struggle. "People have to know the importance of having independence. Our struggle has to have a political colour. The old order were only concerned with the military struggle." The educational efforts extend

to student groups, trade unions and farmers' organisations.

Colonel John, described by Matthews as "the architect of the new order", said that West Papua is broken up into eight military zones with about six battalions each. Battalions consist of 800 to 1,000 persons under arms. Hence, *Tepenal*, the military wing of the OPM, has some 50,000 people under arms. [These are mostly spears and other traditional weapons as well as a small quantity of firearms.]

Aged 35, Colonel John has two degrees, one in philosophy from the University of Papua New Guinea. He was very active inside West Papua in 1984, when thousands of West Papuans fled across the border into PNG. While in Port Moresby, he helped to found *Melanesian Solidarity* (MelSol) which campaigns in PNG for support to the struggle in West Papua. In 1989, he went overseas and underwent military training for 18 months.

Before returning to PNG two years ago, he spent a brief period in the UK. Soon after returning to PNG, he crossed the border and joined forces with the OPM. ★



Indonesian Consulate in PNG

A diplomatic victory in Indonesia's border relations with Papua New Guinea was symbolised at the end of October, with the opening of the Indonesian consulate in the northern border town of Vanimo. While Indonesian Foreign Minister Ali Alatas was busy dodging human rights commitments at a Manila meeting of ASEAN countries with EC foreign ministers, he sent a message to the inauguration ceremony of the Consulate. "We can look back with pride now on all that we have achieved together in transforming what was once a controversial border into an area of constructive cooperation," he said [Post Courier, 30.X.92]. The location of the consulate in the border area is a clear sign of Indonesia's increasing influence there.

When in June this year Indonesian troops crossed into Wutung, PNG to track down OPM members, killing one and wounding two, the PNG government made no objection.

Following the crossing of up to 1500 West Papuans into PNG early this year, Indonesian officials made intensive efforts to bring the refugees back over the border, with little attention to the desires of the refugees themselves.

The new Consulate will provide 'consular functions' for Indonesian citizens there: is this any more than a formalisation of Indonesia's political operations in PNG?

An election in a West Papuan village

*While in many parts of Indonesia, the authorities claim that voting at general elections is luber, meaning "fair, free and confidential", in remote areas like West Papua things hardly fit with this description. The following report was published in *Forum Keadilan* (No.6, 9 July 1992).*

Fog still hangs over the village of Korupun, subdistrict Kurima Selatan in the district of Jayawijaya, Irian Jaya. The area, 2700 metres above sea level and known for sudden climatic changes, is inhabited by the Kimyal tribe. Like other Indonesians, on 9 June 1992 they participated in the general elections.

This was the first "festival of democracy" held in the village. Previously, the Korupun villagers had to vote in the neighbouring village of Ninia, situated almost 100 kms away. To get to Ninia, the Korupun people had to walk for 4 to 7 days over a rough terrain. Korupun, which can be reached in one hour by helicopter from Wamena, the capital of Jayawijaya, was only given village status last year. It includes a number of kampungs.



The official summoning the villagers to vote Golkar

Unlike elsewhere in Indonesia, the elections in this foggy village only begin at 11.30 am. The registered population is 11,056 while the number of registered voters is 657. Some voters had to walk four days and nights to vote.

The polling booth was hastily prepared on the same day. The modest polling booth was built with bits of wood, covered with leaves and elephant grass. A couple of pieces of blue cloth served for a door. It has to be said that building a proper booth would be quite difficult. Everything has to be transported by air or carried up and down hill along slippery paths.

Young and old gather around the polling booth. From the beginning there are no witnesses from PDI and PPP. [According to the rules, witnesses from the three contestants should be present]. Before the people exercise their rights, representatives from the election committee still manage squeeze in some last-minute campaigning. "Do you know which one you want to pierce?" yells one campaign official. "Do you know the number?" adds another spokesperson. "Don't forget to pierce number two, the number in the middle!" shouts another.

"Ya, Golkar, number two!" the villagers respond in unison.

The voting begins. In amongst the rows of adults, several under-age children can be seen taking part in the voting. The basis for allowing these kids to vote is unclear. Some people say that the children are standing in for their sick parents.

After the voting, the ballot box is taken to the village chief's house. The votes are counted here, still without witnesses from PPP or PDI. The result: 650 people pierced the number two symbol. Seven other votes are unaccounted for; maybe the people have not yet come down from the village at the top of the fog-bound mountain.

A consequence of the ever-changing weather is that the results of the voting will not be reported immediately to the capital city of Kurima district. Only three days after the election are the ballot box and results taken from Korupun.

Indonesia is a vast land, made up of many different tribal cultures and social levels. The political system appears to be made to conform with the structure and social conditions of local communities, including the method used in Korupun village.

★



The results: 100% Golkar

West Papuan refugees evicted

There is great concern in PNG about the treatment of 70 West Papuan refugees who are threatened with eviction from land where they have settled. The group, of whom about 25 have permissive residence, negotiated an agreement with a local landlord to settle on the land in 1989. The ownership of the land has been in dispute since 1990 when an MP, Sir Peta Lus bought the land from the state. Last December, he issued the settlers with a Summary Ejection Act Warrant. The only alternative they have been offered is to shift to land already inhabited by others.

In October, four truckloads of armed police drove up to warn them to move out or be removed by force. There are fears that those without permissive residence may be returned to West Papua. Speaking for the group, Victor Hembring said most of the people did not want to go back. [Post Courier, 8.IV.92 and 7.X.1992]

The silence of the grave

*In June the Dutch freelance journalist Wiecher Hulst visited Aceh. His impressive account was published in the Dutch weekly *Vrij Nederland*, on 19 September 1992. We translate some excerpts here. The article will be published in full as an Occasional Report.*

In Aceh everything is "quiet" again. But it is the silence of the grave. Two and a half years of fierce warfare has made the population terrified, unwilling to speak to the anyone from outside. During my ten-day journey through Aceh, I spoke to some well informed and some less well informed inhabitants. But no-one wanted to their names published in the press or even to disclose their occupations. *"If the army finds out that I'm giving you this information"*, said one person who had just described in detail acts of torture by the *Kopassus* (the red berets commandos), *"they will appear late at night in front of my house and then..."*. He left the sentence unfinished, and made as if to slit his throat....

On 9 April this year 25 lawyers in the district of North Aceh received a letter from the regional military command Korem 011 signed by chief-of-staff Lt.-Colonel Sudradjat, inviting them to have supper with the Korem commander on 14 April at 9.30pm in the Lido Graha Hotel, the most luxurious hotel in Lhok Seumawe. *"Pakaian: bebas rapi"* ('dress: informal but tidy') said the invitation. Five days is very short notice for an invitation, especially for busy lawyers. Despite this, everybody turned up *"because if you're summoned by the military and you don't come, it can be unfortunate for you"*, a well-informed observer told me.

The evening was pleasant with a lot of laughter, as is usual the case in Indonesia. In a speech, the commander told the gathered jurists that a series of trials of GPK members would soon start and said that they had been appointed to defend them. [*"GPK"* stands for *Gerombolan Pengacau Keamanan*, the term used by the authorities for all subversive movements.] *"Please remember"*, the commander said, *"they are subversive elements and have turned against the state. They deserve to be severely punished"*. A few days later all those who had been at the supper received a list with their names, neatly divided into 9 defence teams of 4 persons each for the defence of GPK members in the five district courts of North Aceh. The list was compiled by the chairmen of the district court and submitted to the bar association of North Aceh.

"This is how things are done in Aceh", said a representative of the Legal Aid Bureau (LBH) in Medan. *"The courts appoint the defence lawyers as designated by the military and the defendants have no say at all. They are only allowed to talk to their defence lawyers at the first court session begins. How is it possible to have a fair trial?"*

During the dirty war in Aceh, it is estimated that between 5,000 and 10,000 persons were arrested, suspected of being involved in *"GPK activities"*. Most have been released, after signing a pledge of loyalty to the Indonesian Constitution of 1945 and the State Philosophy, Pancasila. They must also promise in writing to stop following *"the instructions of Hasan di Tiro"*. According to my informers about 1,000 persons are still in detention, the majority of whom are likely to be released this year.

The Governor of Aceh, Ibrahim Hasan told me that there were three categories of prisoners. *"The real diehards who have been trained in Libya. They will go on trial. The second and third categories are people who have only been slightly influenced (by the Aceh Merdeka ideology). They will be released"*.

So far about sixty *"GPK-trials"* have been conducted in Aceh. Around twenty of these trials were mounted against military men, for alleged cooperation with the rebels or for not properly performing their duties. Twenty two cases are still pending. The verdicts range from 5 to 20 years. Several defendants were in such a bad physical state that they had to be helped when they entered and left the courtroom.

I spoke with several persons directly involved but for security reasons, I can only refer to them as *"well informed observers"*. They told me the following story:

"None of the defendants was allowed to appoint their own counsel. It was always arranged by the court, at the behest of the military. The lawyer is usually told only three days before that he/she has been appointed in a case. The lawyers meet their clients for the first time in the waiting-room at the opening session for about ten minutes and after that, 2 or 3 times."

"All the defendants have already been in detention in military prisons for about a year and have undergone severe torture. After signing confessions of guilt, they are handed over to the police, tried and punished within three weeks. Some of the trials have been about events that never happened but even so, they sign, fearing that otherwise, they will be tortured again. Most of the defendants told their lawyers about the torture but withdrew these statements at the trials; otherwise they would have been taken back to the military detention centres."

"Didn't the lawyers protested against the whole procedure?", I asked.

"Yes, of course! But never loudly and always very cautiously, otherwise they might be sent packing by the judges, hahaha!"

Governor Ibrahim Hasan vigorously denied that GPK-prisoners had been tortured. *"Oh, no, that's impossible here! We are Muslims! Indeed, those chaps from Kopassus come from Java, but they are very friendly people. When a GPK person gets arrested by the army, they say: 'Alhamdulillah' (Praise Allah) because they know that they are safe and under military protection. It's not necessary to torture those people. They answer all the questions of their own accord."*

"Some defendants could not even stand upright during the trial", I said.

"Ach", said Ibrahim Hasan, *"maybe they weren't very healthy"*. ★

Campaigns against plutonium and ammonia poisoning

University students from Jakarta, Bandung, Yogyakarta, Surabaya, Bogor and Salatiga, marched to the Japanese embassy in Jakarta on 4 November to protest the shipment of plutonium through Indonesian waters from France to Japan. Villagers in Aceh have been fighting for years against the poisonous discharge of two fertilizer plants near their village.

The Japanese freighter *Akatsuki Maru* left the French port of Cherbourg for Japan on 11 November, carrying 1.7 tons of reprocessed plutonium, considered the most deadly substance known to science. Ten kilograms of plutonium were used in the nuclear bomb which devastated Nagasaki. According to scientists, a millionth of a gram can cause lung cancer if inhaled.

One of the main demands of the fifty students who identify themselves as the Indonesian Anti-Nuclear Students and Youth Front, was that the Indonesian government should refuse to allow the ship to pass through Indonesian waters. Armed forces commander-in-chief Gen Try Sutrisno had said that Indonesia would allow the ship to pass through any of its international sea lanes excepting the busy Malacca Strait.



Demonstrating in front of the Japanese Embassy in Jakarta

Protesters said this contradicted an earlier statement by Foreign Minister Ali Alatas which barred the ship. The Indonesian Forum for the Environment, Walhi, backed their claim and urged the government to follow the example of Malaysia and Singapore which have declared their waters closed to the *Akatsuki Maru* [*Jakarta Post*, 4.11.92]. Walhi said the government should refuse passage whatever fees the Japanese were prepared to pay. The students said: "Japan should not force Indonesia to let the ship through even though it is one of the largest donors of financial aid to Indonesia" (*Jakarta Post*, 5.11.92).

The ship left Cherbourg despite international protests and strong opposition by Greenpeace. There is complete secrecy surrounding the ship's route; it is still unclear whether the ship will be using Indonesian waters and even what date it is due to enter the region. Japan, which needs the plutonium for the next phase of its nuclear energy programme, claims that the movement of the ship must be kept secret because of the fear of terrorist attack.

Pollution in Aceh

The Lhok Seumawe region of Aceh is full of huge factories. Two of the worst polluters are the fertiliser plants *PT Pupuk Iskandar Muda (PIM)* and *PT Asean Aceh Fertiliser (AAF)*. The villagers of Tambon Baroh have the misfortune to live close to these plants. Their suffering dates back to 1988 when a serious ammonia eruption occurred at PIM. People were unable to stand upright and many fainted. The villagers sued the company but the district court of Lhok Seumawe found in favour of PIM.

Four months later another eruption took place. The difficulties continued for months, and on 30 November 1990 a huge ammonia tank started to leak at AAF. Again there were headaches, vomiting and respiratory difficulties. On 23 January last year another leak occurred, affecting 300 people, and on 24 December yet another one, affecting 800 residents. Every time an ammonia eruption occurs, the companies offer villagers just two tins of powdered milk, some oranges and a small sum of money (between £1.00 and £2.00) for each family.

Besides the frequent ammonia eruptions, the factories produce a great deal of waste and dust which is hazardous to the health, according to researchers from the nearby Syah Kuala University in Banda Aceh. It pollutes the vegetation, wells and rivers and kills the fish and shrimps.

The villagers have now taken their case to the Legal Aid Institute (LBH) and have urged the Minister of Industry Hartarto to set up a fact-finding commission to probe the pollution. Two villagers attended the Permanent Peoples Tribunal on Industrial and Environmental Hazards and Human Rights in Bhopal, India, in October. The villagers testified against the companies. The Tribunal is expected to make recommendations to the companies as well as to the Indonesian government.

TU GALALA

SOCIAL
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IN THE
PACIFIC

Edited by David Robie

NEW

The Pacific is in upheaval - growing poverty, nuclear testing, independence struggles, militarisation and massive dislocation are pressing, often intractable issues. Topics covered include the Bougainville crisis, the environmental impact of mining on indigenous communities in Australia, Aotearoa and PNG, hazardous waste dumping and the Johnston Atoll, human rights violations in Fiji, PNG, the Philippines and East Timor, the struggle in Kanaky and tino rangatiranga in Aotearoa.

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Clash of Interests on Yamdena

The determination to log 95% of Yamdena's semitropical rainforest is sparking an explosive situation. Any antagonism between the islanders and the government over the concession has for long been expressed with restraint. But in recent months the tension has mounted and people's security is at stake.

Yamdena, the main island of the Tanimbars in Southeast Maluku, is recognised by environmental researcher John Dick as possibly the last resort for conservation of Indonesia's most sensitive heritage. Hence, the director-general of forestry in 1971 decreed Yamdena a protected island, accessible only for research purposes. Yet last April, the government granted a 164,000 hectare forestry concession on Yamdena to PT Alam Nusa Segar. The company is a subsidiary of Indonesia's biggest conglomerate, the Salim Group, led by tycoon Liem Sioe Liong.

The concession was backed by Sebastianus Sekoso, Governor of Maluku, to bring prosperity to the island. But the Tanimbarese in Yamdena were never consulted.

Protest

Their ensuing protests have been cautious. Organising themselves locally, the people have used every conceivable formality to protest at the destruction of their island.

The environmental threat

The ecological survey carried out for the Tanimbar Intellectuals Association has brought concern over the effects of forest degradation in Yamdena to an international audience. Undertaken by the Agroclimate and Land Research Centre of West Java, the study concluded that Yamdena's 50cm of topsoil would be eroded within 2 to 3 years. Since 1cm of this topsoil takes over 100 years to develop, it is feared that, should logging operations continue, Yamdena will soon become a mere rock of limestone, eventually disappearing into the sea. Such has been the fate of some of the nearby islands of Kei, which were logged by a Dutch company in the late 19th century.

The environmental impact of the logging is already apparent to Yamdena's inhabitants: road construction has caused soil erosion, not only causing pollution to the people's water supply, but also threatening the supply itself.

Before starting operations, PT ANS is understood to have carried out its own Environmental Impact Assessment, which predicted a negative impact in 27 out of 40 ecological categories.

In August 1991, the association of Tanimbar village leaders began sending a series of letters to government departments, rejecting the concession. Their action was reinforced by the Tanimbar Intellectuals Association (ICTI) in Jakarta, which also asked the company to stop its operations until the matter had been settled. When ICTI commissioned an independent ecological study into the effects of forest degradation on Yamdena in early 1992, the

results were alarming (see box).

Getting little response to their letters, ICTI went further and arranged to meet the people. Meetings were held in May and June with representatives of the government, the DPR and PT ANS. After negotiations, ICTI won a promise from the Minister of Forestry for a new six-month environmental study of the island. Back in Yamdena, however, logging operations continued unabated.

So on July 17, in the first of a number of large-scale local actions in Yamdena, 200 Tanimbarese staged a demonstration against PT ANS. Tensions were contained when villagers from the concession area gathered to talk the matter over. But since then, the temperature has become almost unbearable. Clashes between local people and company 'bully-boys' have been reported. Local protestors and others suspected of supporting the protests, have been arrested, beaten up and even fired at by police. Pastors are closely watched by police, who believe they are supporting the dissatisfied people. According to Skephi, the Jakarta-based network for forest conservation, Yamdena's communication with the outside world has been cut.

Arrests

The most recent incident suggests an even more alarming situation. A few days after the government's research team arrived on Yamdena on September 9, local people again protested against PT ANS' continuing operations. Up to 39 people (reports vary) were arrested including the village heads of Tumbur and Lorulung, and two Tanimbarese students who had flown back from Jakarta, **Batsire**, aged about 27, and **Benyamin Fenyatuwain**, 28, a former seminarian. According to reports received by the US-based Asia Watch, the arrestees were taken to Saumlaki where they were beaten. They were then transferred to Tual, where, having been physically abused on arrival, they remain detained without charge, in the local prison.

Yamdena is an island accessible only by boat or two flights per week from Ambon, capital of Maluku. As their first encounter with 'development', the people find their forests being removed, their water supply damaged. Then, on the grounds where they carry out traditional rites and ceremonies, two five-storey tall white buildings are erected: the only modern shopping centre in southeast Maluku. In this weird whirlwind of development, where are the interests of the Tanimbarese, their culture and their environment? [Sources: Jakarta Post, 19 & 24.IX.92; Skephi: *To Sink the Island*]

★

ACTION

Letters supporting the protests of the Yamdena people to:
Minister for Forestry Hasrul Harahap
Forestry Building Manggala Wanabhakti,
Jl. Gatot Subroto, Senayan,
Jakarta Pusat, Indonesia

Release Xanana Gusmao immediately!

Kay Rala Xanana Gusmao, chairman of the National Council of Maubere Resistance and commander of FALINTIL, its armed wing, was arrested in Dili by Indonesian soldiers on 20 November. His arrest led to worldwide protests, calls for his release and concern for his physical well-being.

Xanana Gusmao, 45, was captured during a dawn raid in a house in Lahane, on the outskirts of Dili. He was taken to a military detention centre and immediately subjected to intensive interrogation. He was arrested at the home of the mother and sister of Abilio Araujo, the Fretilin leader in Portugal. They too were arrested.

His arrest came in a period of deep gloom in Dili, six days after army controls had prevented any commemoration of the 12 November massacre. The impact of the news on the population, for whom Xanana has long been the symbol of resistance, must have been devastating, magnifying the sense of frustration and anger.

International protest

President Mario Soares of Portugal who said he had heard of the arrest with "deep emotion and sadness", led the protest, calling for Xanana's release. "It is necessary for all people throughout the world to watch closely and exert pressure for Xanana Gusmao to be set free and to be treated with humanity and respect." He described the resistance leader as a "man of courage and determination who is struggling for the independence of his country".

President Soares phoned the UN Secretary-General asking him to intervene with the Indonesian authorities to safeguard his well-being and press for his release. He also asked President Mitterand to intercede on Xanana's behalf with President Suharto during a state visit to France on 23 - 25 November.

In a letter to the UN Secretary-General, Lord Avebury of *Parliamentarians for East Timor* and chair of the *Parliamentary Human Rights Group* wrote: "The treatment of Xanana Gusmao while he remains in detention should be governed by the Geneva Conventions on prisoners of war and this should include access by the Red Cross. Will you please ask for an immediate visit, to protest Xanana Gusmao from torture?"

In a statement to the press a few hours after his arrest, TAPOL called for his immediate and unconditional release:

The international community has long recognised Xanana Gusmao as the undisputed leader of East Timor's courageous resistance to its invasion and annexation by Indonesia in 1975. He has led the resistance movement with great courage, foresight and determination since 1980, having restored the movement's fortunes after the severe defeat it suffered in the late 1970s. Xanana has long been the symbol of resistance for both the older and younger generations of East Timorese.

The Indonesian army is known to treat their political prisoners with extreme brutality. [With] Xanana Gusmao now in their hands, it is essential for him to be given full protection by the international community. The International Red Cross should be given immediate access.

The statement went on:

As leader of the national resistance, Xanana Gusmao has a crucial role to play in the talks about the future of East Timor which are now underway under UN auspices. The UN Secretary-General Dr Boutros-Ghali is understood to be planning to hold consultations with representatives of the East Timorese people as part of this process. Xanana Gusmao must not be prevented from taking part in these consultations.

TAPOL wrote to the UN Secretary-General and the British government along these lines.

A statement by Amnesty International expressed deep concern for Xanana's safety. It said it was seeking immediate guarantees from the Indonesian authorities that Xanana Gusmao would be treated humanely, that the International Red Cross would be granted immediate and unconditional access to his place of detention and that he would be accompanied by a lawyer of his own choice while being interrogated, as required by Indonesian law.

Horta: East Timor's Nelson Mandela!

In an interview on the BBC World Service on 20 November, José Ramos-Horta, official spokesperson of the CNRM abroad, said that the capture of commander Xanana Gusmao has only created another problem for the Indonesians. "They have an explosive situation on their hands. The arrest of Commander Xanana Gusmao is not going to resolve the problem for them. Quite the contrary. For us it can be a big turning point."

He described Xanana as a nationalist, a patriot, a humble person, "incredibly intelligent, with an incredible determination. He's a poet, a writer, a journalist, and above all, he's a humanist."

Xanana's arrest would mean as much to the people of East Timor as Nelson Mandela's imprisonment on Robben Island had meant to the people of South Africa. Just as "the people of South Africa were inspired by Nelson Mandela, the people of East Timor are inspired by Commander Xanana Gusmao. Around him there are a lot of young and experienced cadres, in the resistance in the mountains and also in the occupied areas, who will continue to be guided by Commander Xanana Gusmao in the struggle against the occupation."

If Xanana goes on trial, said Horta, "he and all of us around the world will turn his trial into a theatre of denunciation of Indonesia, as much as Nelson Mandela used his trial to denounce the apartheid regime."

More arrests in Dili

Seven members of the family of Abilio Araujo were arrested when Xanana Gusmao was captured in their home.

Continued on page 8

Xanana, a life of struggle and dedication

FRETILIN activist

Xanana Gusmao was born in Laleia, Manatuto, in 1948. He attended the Jesuit seminary in Dare and joined FRETILIN soon after its establishment in 1974. Colleagues who knew him then describe him as very reserved, absorbed by poetry and showing a capacity for political observation and analysis. During FRETILIN's *de facto* administration from August – December 1975, he worked at its Department of Information and was elected a member of the central committee.

After the invasion on 7 December, he stayed behind to report on the situation in Dili where brutal atrocities had occurred, and was the last central committee member to leave the capital. Once in the bush, he became a platoon commander and later secretary for the Hacsolok guerrilla base. At the time of ABRI's encirclement and annihilation campaign from 1977 till 1979, he was in charge of the Ponte Leste section, in the most easterly part of the island. Massive Indonesian bombardment broke the back of the resistance movement, decimating FRETILIN and leading to the capture or murder of almost the entire central committee, including the leader, Nicolau Lobato. Xanana Gusmao was one of the few survivors.

Rebuilding the resistance

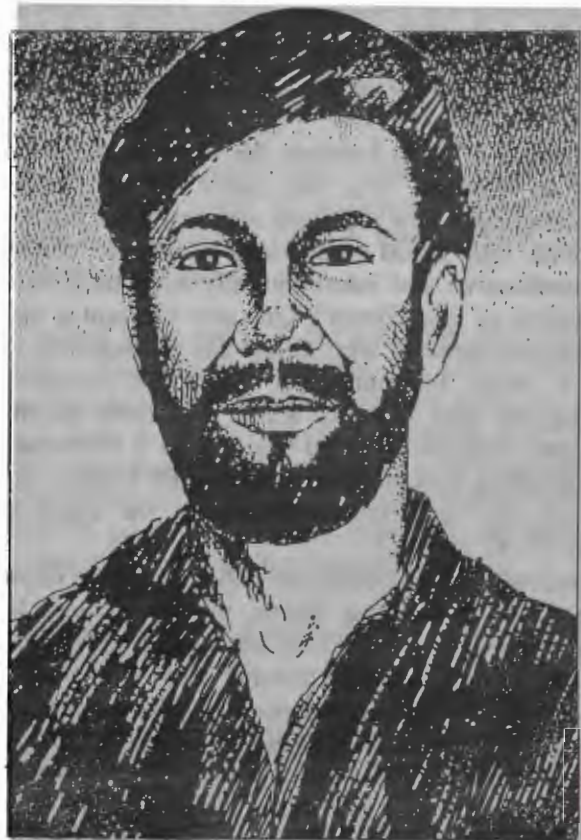
Along with two other survivors, Serakey and Mau Huno – who is today second-in-command of FALINTIL – Xanana Gusmao succeeded in re-establishing contact with the scattered guerrilla forces and painstakingly restored the fortunes of the resistance. In 1981, the armed resistance withstood a country-wide 'fence-of-legs' campaign by the Indonesians to round up the guerrillas. By 1982, it had again become a significant threat to Indonesia's hold on the country. Secret Indonesian military documents leaked abroad in early 1983, revealed that the resistance had created a huge network of undercover contacts with the camps where the vast majority of East Timorese people had been herded in the course of the 1977–79 campaign of annihilation.

With his forces under intense pressure from the guerrillas and suffering high casualties, Colonel Purwanto, Indonesia's military commander in Dili sued for peace and held talks with Xanana in Lari Gutu on 21 and 23 March 1983. This led to a ceasefire, based on the understanding that Jakarta would involve the United Nations in finding a solution. The Indonesians reneged on their promise.

The ceasefire last five months and was broken when General Banny Murdani, who had taken over as armed forces commander-in-chief in April, announced that ABRI would use all forces at their disposal to destroy the guerrillas. Renewed fighting broke out in August 1983; there has been a succession of major offensives ever since.

A major objective of all these operations was the capture of Xanana Gusmao, but he succeeded in eluding them... till 20 November 1992.

By the mid 1980s he had become a legendary guerrilla leader; with no material support from outside, the armed wing of the resistance, FALINTIL, under his leadership, had survived in the face of tremendous odds. It had close ties



with the population in the occupied areas, with East Timorese students at Indonesian universities and with the movement's diplomatic front abroad.

In 1989, the resistance movement underwent structural transformation. The National Council of Maubere Resistance (CNRM) replaced the Revolutionary Council of National Resistance. Xanana resigned as a member of FRETILIN and was chosen to lead the CNRM, concurrently commander of FALINTIL. The CNRM umbrella included the two main parties, FRETILIN and the UDT, and organisations from various sections of the community.

At the end of 1988, Indonesia 'opened up' East Timor to counter international pressure about lack of access. Although access was still limited, the greater chance of contact with the outside world provided openings for young activists in the occupied areas of East Timor to campaign for independence. The new town-based resistance which took its lead from Xanana in the bush, gave the resistance a new, political dimension. These youngsters, all the product of Indonesian schooling, looked to Xanana for their inspiration.

On 27 September 1990, Robert Domm, for the Australian Broadcasting Corporation, reached Xanana in his guerrilla hideout for an interview, the first meeting with the foreign media. The interview provided the first direct portrayal of the man and a comprehensive account of his assessment of ABRI's strategy and of the difficulties under which FALINTIL was functioning. The most outstanding remark in this interview were: "To resist is to win!", a call that has been reverberated among East Timorese communities everywhere since hearing of their leader's arrest. [For interview, see *TAPOL Bulletin* No. 102, December 1990]

For a peaceful solution in East Timor

There can only be peace in East Timor when the essential condition, self-determination, has been met. Talks between Indonesia and Portugal have resumed on the initiative of the UN Secretary-General Boutros Boutros-Ghali. This has given rise to cautious optimism.

The next round of talks between the foreign ministers and the Secretary-General will take place on 17 December. There are important new elements and, provided there is the political will, they could create an atmosphere "conducive to a comprehensive and internationally acceptable solution to the question of East Timor". One new element is the role of the secretary-general who unlike his predecessor, wants to play a more interventionist role. His initiative in announcing the idea of talks while in Jakarta during the Non-Aligned Summit showed vision and a determination to seek a solution. His predecessor Perez de Cuellar took no initiative of any significance following the adoption of resolution 37/30 in 1982.

The bloodbath of 12 November 1991 created a unprecedented momentum for East Timor, placing it more firmly on the international agenda. This has forced the Indonesian government into a more defensive position, with little option but to accept negotiations. The global atmosphere today is more conducive to seeking solutions to conflicts by negotiation. Now that Suharto is chairman of the Non-Aligned Movement, he is obliged, publicly at least, to adhere to this position. Another new element is the role of Portugal which has stepped up its activity in favour of East Timor in the last few years. Lisbon is much more assertive and principled, which has bore fruit internationally while Indonesia's international image has been further tarnished; for the first time since coming to power Suharto has had to face sanctions and cuts in development aid.

Consulting the Timorese

The real breakthrough however is that, besides talks between Portugal and Indonesia, the secretary-general will consult with representatives of the East Timorese. This is required by resolution 37/30 which mandates the Secretary-General to consult "with all parties directly concerned". Although Indonesia has ridiculed the inclusion of the East Timorese in the consultations, the truth lies elsewhere. During this year's UN General Assembly, the foreign ministers of Portugal and Indonesia met at UN headquarters to agree on a mutually acceptable format for substantive talks. The Indonesian delegation did not object to the intention of the secretary-general to consult the Timorese. The question now is: who should represent the Timorese? Considering political realities in East Timor, Xanana Gusmao and Bishop Ximenes Belo are the obvious choices.

Xanana's role paramount

Following the arrest of Xanana Gusmao, the undisputed leader of the resistance, the army now claims that his role is at an end, even alleging that negotiations are no longer needed. The army see the resumption of talks as a betrayal and regard East Timor as "finished business".

The international outcry over the arrest of Xanana Gusmao only strengthens the view that East Timor is "unfinished business". In a message to the Non-Aligned

Summit in Jakarta last September, Xanana offered Suharto an olive branch. In his message to mark the first anniversary of the 12 November massacre, he said that if Portugal and Indonesia were to agree to a ceasefire, he would willingly comply. Xanana has proven himself to be a man of peace. He has always said that he seeks a political solution. ★

Transmigration to Timor stepped up

425 families are to be transferred to East Timor from various parts of Java during 1992/93. To our knowledge, this is as yet the largest wave of transmigration to East Timor. Seventy-five families will come from Central Java, the others from West and East Java. This is also the first transfer of Javanese families to East Timor. In the past, transmigrants have come mainly from Bali. [Kedaulatan Rakyat, 2.XI.1992]

The families will settle in a transmigration area called Culuan, in the district of Zumulai. They will be given two hectares of land each, along with food and basic farming necessities to tide them over for one year.

The transmigration programme involves the relocation of families from the countryside financed by the government. Until now, transmigration to East Timor has been on a limited scale. The vast majority of Indonesians who have moved into East Timor are people working in the administration and commerce, army families, petty traders, teachers and the like. Altogether, there are believed to be well over 100,000 Indonesians now settled in East Timor, in a bid to transform the demography of East Timor and marginalise the East Timorese people.

General flees US lawsuit

Major-General Sintong Panjaitan, who was served with a writ charging him with responsibility for the 12 November 1991 massacre, has fled the US to avoid the lawsuit. The lawsuit was filed on behalf of Helen Todd, whose son Kamal Bamadhaj, died from fatal gunshot wounds on the day of the massacre. The Center for Constitutional Rights said his departure constitutes an admission of guilt. A Boston federal court judge may order him to pay millions of dollars to Kamal's family.

Beth Stephanie, a CCR attorney working on the case, said: "Panjaitan's departure underscores one of the objectives of this type of lawsuit and the laws under which they are filed: the United States is not a safe refuge for torturers and murderers." Michael Ratner, an attorney with CCR, added, "The Timorese people have a right to struggle peacefully for democracy without being massacred."

"General Panjaitan has admitted his guilt by running away," Helen Todd said. "I hope the Indonesian military now realises that none of their officers travelling abroad will be able to hold up their heads with honour until the East Timor issue is solved."

Demonstration leader escapes from Indonesia

Constantio Pinto, 29, who led the preparations for the demonstration in Dili on 12 November last year, escaped from Indonesia in October, in time to reach Lisbon for the commemoration of the Santa Cruz massacre. Constantio spent nearly a year in hiding from the army, in Dili and Jakarta. TAPOL interviewed him the day after he arrived in Lisbon:

Did you take part in the demonstration in Dili on 12 November?

I was intending to but army intelligence had been searching for me since 2 November and I had to be careful about appearing anywhere in public. I was intending to join the crowd after they arrived at Santa Cruz cemetery but, as I was about to join them, the soldiers started shooting so I left the spot immediately.

How did you spend the next few months up to leaving Dili in May?

I was in hiding all the time, moving from house to house almost every night and never going out during daylight hours. More than once soldiers searched the house in which I was hiding. I could hear their voices but each time, the people I was staying with managed to get rid of them.

When the authorities failed to find me, they spread a story that I was a government spy, hoping that the resistance would take care of me. But nobody believed them. Our leaders decided it was too dangerous for me to remain so I moved to Jakarta and after a few months in hiding there, I left Indonesia on a forged passport.

While hiding in Dili, I started to gather information about the number of casualties from the massacre. The information sent abroad by the resistance movement earlier this year came from this investigation. As you know, experts examined our lists of dead, missing and wounded and concluded that 273 people were killed and 376 were wounded.

What about the security situation since the massacre?

The army has greatly increased the number of troops in East Timor. They have placed platoons (8 to 10 soldiers) in every village. In some villages there are many more than this. They have stationed a hundred troops in the village of Kuluhun on the outskirts of Dili, for example, because this village lost many people in the massacre and there are many bereaved families there. There are also many troops in the village of Santa Cruz which suffered a high number of casualties.

Since the massacre, it has been virtually impossible for East Timorese people to go out in Dili after 8pm. The only people on the streets after then are soldiers, police and intelligence officers.

What is the situation like there today?

Far worse than before. The families of the dead would like to place wreaths or flowers where their loved ones died a year ago, but the army will not allow them to do this.

The Reuter correspondent reported from Dili yesterday [11 November] that he only saw soldiers surrounding the Santa Cruz cemetery and that the streets of Dili were calm. What is your comment?

People should understand that Indonesian soldiers do not walk around the town in uniform, but they are there nevertheless. They wear civilian dress but the East Timorese know who they are.

What about your family? Do you fear for their safety?

My wife is Gabriela Lopes Pinto. I've never seen our son, Tilsao, who is 9 months old. They live with my parents.

Yes, I fear for their safety, especially now that I am abroad and can speak out about what is happening at home. I hope governments and others with influence in Indonesia will help to protect my family, and urge the authorities to make sure they don't suffer because of me.

[Part of this interview is taken from The Independent of 12 November 1992.]

Human rights award for Araujo

Fernando de Araujo, the East Timorese human rights activist who was tried and sentenced to nine years' imprisonment in Jakarta earlier this year on charges of subversion, is one of four people to receive awards this year from the Reebok Human Rights Programme. He will receive a sum of \$25,000. The award citation reads as follows:

"Fernando de Araujo works to promote human rights and to alert the world to the suffering in occupied East Timor. For his efforts, he is currently serving a nine-year sentence on the charge of 'subversion'. He is chairman of RENETIL, a student group campaigning for the independence of East Timor from Indonesia.

"Working in an environment of repression, intimidation and fear, de Araujo collects information on government human rights abuses, acting as an invaluable source of information for the international human rights groups. He has alerted the world to the arrest and prolonged torture of students; developed a network of young people to promote human rights, and organised peaceful demonstrations in East Timor and Indonesia."

Fernando was refused permission to go to the US to collect his award.

[Note: Reebok, the world's second largest shoe manufacturer, contracts production from factories in Indonesia which pay starvation wages to their workers.]

Dili, Nov. 12: mourning prohibited

Hundreds of families in East Timor who lost relatives in the Santa Cruz massacre last November 12 were banned from commemorating the first anniversary of the deaths. No church masses were said, approaches to Motael Church from which last year's demonstration set out were lined with troops, and the cemetery where the killings occurred was off-limits.

It is now known that 273 East Timorese lost their lives in the massacre. The military commander, Brig.Gen. Theo Syafei has made it his primary task to prevent anything happening – protests, demonstrations, even public mourning. The ultimate test was on first anniversary when, under normal circumstances, there would have been commemorations and masses. But it was not to be.

Troops were on full alert to prevent any commemorations, let alone demonstrations. The grief of East Timorese mourning their dead was compounded by the fact that, to this very day, none of the bodies of the victims has been returned to the families for burial.

Already weeks before the anniversary, troops rounded up thousands of people. There were house-to-house searches late at night, to check people's identity cards. Those found without cards were taken in for questioning; those with cards issued elsewhere were ordered to return to the place of issue. The arrests went far beyond those without identity cards. The military commander, Brig.Gen. Theo Syafei announced a show of force, to impress upon the East Timorese that nothing would be allowed.



Indonesian combat troops arriving in East Timor

On 28 October, the first anniversary of the death of Sebastiao Gomes, the army said it foiled a plot by the armed resistance to stage a rebellion in Dili. This signalled that the authorities were determined to create an atmosphere of tension for the two weeks from the anniversary of Sebastiao's death to the anniversary of the massacre on 12 November. Last year's procession on 12 November was a commemoration for Sebastiao.

Amnesty International asked for permission to send a mission to East Timor because it believed "that heightened

tensions around the anniversary... have increased the need for an independent humanitarian presence". The request was rejected by the Indonesian government, alleging that "it would create problems" for the East Timorese people.

TAPOL appealed to the British government as president of the European Community to send a team of diplomats to East Timor for the occasion.

Foreign journalists in Jakarta were keen to visit Dili but the army refused all requests. A few days before 12 November, Reuter announced that they alone had been given permission to go. This may have been the result of pressure from foreign governments.

Many arrests

During the months preceding the anniversary, there were numerous arrests in Lospalos, Maliana, Ermera, Viqueque and Baucau, as well as in Dili.

In Viqueque, 22 people were arrested in late July and August, among them an official of the local administration, Fernando da Silva Nobai, 30 years. Miguel Soares Pinto and Xisto Pereira, both officials at the education department, were severely tortured after being taken into custody. Others named were Faustino da Silva, a 30-year old farmer, the 19-year-old Rui Jose da Silva, and a woman student, Benvida Rodriques.

Eyewitness account

As we went to press, we received a report from a contact who spent several weeks in East Timor and left on the morning of 12 November. Here are some highlights:

This is worse than 1975, says a Catholic priest. Military presence is total. The Timorese are afraid to speak to us. "I must not be seen speaking to you," some whisper as they turn their backs. The place is crowded with spies and informers. "Paid by the military, they are everywhere, in every village," says a priest.

Not even the church is sacred. In Ermera, we are told how soldiers with weapons at the ready interrupt mass and arrested people. One priest was arrested at home at 3am. Another had his house searched, accused of hiding a boy.

On 5 October, Armed Forces Day, a soldier was shot in a restaurant in Baucau. Shooting and tumult broke out. A civilian was shot dead by the military. Another was executed at a hospital. Many were arrested.

Many young Timorese have fled to the bush since the massacre. We were told of 60 students from a school in Los Palos who joined the resistance in October. Other cases are reported by priests elsewhere. One priest believes there are 5,000 in the bush, many unarmed, including women and children. In the villages, there are networks of people supporting the armed resistance with food and supplies.

In Viqueque, the fear is apparent. In two houses, the army

keep women from a neighbouring village who are raped every night. Anyone refusing or trying to escape is killed.

We are followed by the military, every minute, day and night. We are photographed and filmed on video. They want our film and threaten to confiscate our passports. Our passport data is recorded about 30 times.

We met a priest from (...) in Dili. He offers us lists of people killed and arrested there, but with heavy military presence, this is not a good idea. There are security officers waiting outside the house where we are meeting.

On 12 November, we pass through six checkpoints from Baucau to Dili. A week earlier, there was only one. People say that young Timorese will try to demonstrate but the

church, wanting to avoid bloodshed, will hold no special masses. One priest says the military have been watching Motael Church and the Santa Cruz cemetery for two weeks. On the morning of 12 November, military and police are to be seen at every crossing in Dili. The streets are patrolled by open trucks filled with soldiers, back to back, ready for combat, in helmets and holding their guns close to their chests. We leave Dili on 12 November without hearing whether anything happened. Indonesian press reports in the following days say that nothing happened. ★

We shall not forget

Protests and actions were staged worldwide to commemorate the 12 November massacre in Dili last year. Ranging from parliamentary lobbies to church services, formal documents to street theatre, all the activities had the same message: solidarity.

In East Timor the mood was subdued on 12 November. In the afternoon, about 20 people filed into the Santa Cruz cemetery, talking in whispers, followed by the watchful eye of soldiers and police. The mourners placed flowers at a grave marked only by a large black cross which they said stood for all those who had died on November 12. "For us the youth, it is an important day, our anniversary. We will remember it but we fear to do so openly," said a girl at a church near the Santa Cruz cemetery.

Around the world people came out in solidarity with the people of East Timor, protesting the massacre and remembering the dead: a simple act of remembrance is denied the Timorese. East Timor became a public issue in Malaysia as Malaysian intellectuals and students condemned the massacre. In a signed statement, the meeting of almost 100 Malaysians called on their government to speak out for victims of human rights violations in ASEAN. The meeting closed with a candle-lit vigil and songs.

The 12 November was officially declared a "day of reflection" in Portugal. Every school held a debate on East Timor. Portuguese protesters fixed crosses in a Lisbon park for each of the hundreds of people killed, wounded and disappeared, all named in a three-page advertisement in the newspapers. Parliament held a special debate on East Timor. Communists to rightwing Christian Democrats took the floor to condemn Indonesian rule.

In the Netherlands, a demonstration outside the Indonesian Embassy on 12 November with representatives of 49 groups made the front pages of the Dutch press. The Embassy refused to accept a joint letter to the Indonesian government, copies of which were sent to the UN Secretary General, the President of the EC and the Dutch government.

Opposition politicians and peace activists in Canada marked the anniversary with an open letter to their government. Signed by a Nobel peace prize winner, writers, an ex-ambassadors and parliamentarians, the letter, published in the press, called for a ban on weapons sales to Indonesia.

In London a church service was followed by a candle-lit procession to the Indonesian embassy where a vigil was held. The dozens of protesters placed crosses on the embassy steps bearing the names of those who died. British parliamentarians expressed their outrage at the events in both the press and in both houses of Parliament. A theatre group, formed to commemorate the massacre, presented the events in East Timor to the public in Covent Garden.

Militancy drew the Australian press' attention to the anniversary when over 270 Timorese and their supporters carrying wooden crosses, blocked peak hour traffic in Darwin. Unlike the demonstration to the Indonesian consulate in Sydney, the Darwin protest ended with windows being broken and the detention of one protester.

In Ireland, the public gave a huge response to a 20 minute radio interview with an East Timorese living in exile, while in Sweden, the perseverance of groups which demonstrated outside the Indonesian embassy on the 12th of every month since June paid off with the largest turnout on 12 November. With widespread support from NGOs and most political parties, five MPs (including the vice-chair of the Parliamentary foreign affairs committee) spoke at the demonstration.

In Tokyo, a large procession to the Indonesian embassy was held as well as a press conference organised with Amnesty International and a panel discussion at a university in the evening. A speaking tour for three Timorese women refugees to over 50 cities in Japan was timed to coincide with the anniversary. ★



A protestor in front of the Indonesian Embassy in The Hague.



On 16 January 1990, an Australian couple holidaying in Indonesia, decided for no particular reason to hop on a bus from Kupang to Dili, the first lap of what was intended to be an extended trip around the archipelago. But they got no further. The next day, when they went to Hotel Turismo to check in for a couple of days, they stumbled into one of the landmark events of urban East Timorese resistance, the 40-minute dialogue between US ambassador John Monjo and protesting youths and students about conditions in East Timor.

One of the two was Jenny Groves, an experienced photographer. Showing great presence of mind and without a thought for her own safety, she shot dozens of photographs which were soon flashed around the world, vividly portraying the horror of an army crackdown. Jenny persisted despite pleas from her companion to 'for God's sake, behave normal', as Indonesians flashed their cameras and videos to photograph protestors and spectators alike. Her companion was Andrew McMillan. Terrified of losing the film and fearing repercussions from the army whose agents certainly had their faces on film, they decided to leave Dili on the next flight out and didn't look back till they arrived safe and sound in Darwin. Just the army's luck to conduct their crackdown in the presence of two professionals, a photographer and a writer with several works already to his credit. It was almost like a rehearsal for the Santa Cruz massacre with the two critical ingredients of local victims and outside observers.

When I met Andrew a month later in Geneva, he was still in a state of shock, having rushed there with Jenny's photos to testify to the UN Human Rights Commission.

Andrew's book is without doubt the most readable and accessible work currently available on East Timor. Part travelogue, part history, part denunciation of Australian betrayal alongside a record of Indonesian brutality and arrogance, it gives an excellent account of how East Timor got to where it is today. He uses a mix of quotes from East Timorese refugees, Australian commandos who saw service in East Timor during the Pacific War, statements by governments and politicians, UN documents and press reports to provide an authentic summary for anyone starting

BOOK REVIEW

from scratch to understand 'the question of East Timor'. There are few faults in his historical survey.

The highlights of the book are the drama that unfolded before his eyes on Dili on 17 January 1990 and, much later, the *Peace Mission* which he joined, aboard the Portuguese vessel, *Lusitania Expresso*, and its confrontation with a fleet of Indonesian warships. Perhaps the moment that seared itself most indelibly on his mind on 17 January was when one of the young East Timorese, pressed hard against wire fencing as soldiers beat them with rifle-butts, threw a bloodied t-shirt over the fence to Andrew and Jenny, for them to take abroad. These youngsters have always been conscious of the need to get their message of suffering out to the world beyond. But the soldiers got there first and snatched the t-shirt out of reach.

Andrew's account of the *Peace Mission* makes no attempt to hide the many flaws, even the unrealistic aim of a once-off, momentary gesture that succeeded in grabbing the headlines for a few days, at tremendous cost. There is plenty of what he calls 'gallows humour' as the participants contemplated the many scenarios of possible disaster. As the *Lusitania* set out from Darwin, Australian naval vessels engaged in a major military exercise, *Kangaroo '92* avoided doing anything that might be conceived as 'keeping an eye' on the Portuguese vessel. Earlier, when the ship reported, as it approached Darwin on its way from Lisbon, that it had been buzzed by Indonesian military aircraft inside Australian territorial waters, Andrew's efforts to persuade the Australian defence establishment to protest fell on deaf ears.

Death in Dili reads in places like a novel. The style is gutsy, the language often so colloquial as to be almost incomprehensible to a non-Australian. But that's fine. Even if it's meant primarily for an Australian audience, this reviewer can recommend it to all and sundry for a good, informative read. Even for someone who has read so much on the subject, this book was often hard to put down, as gripping as a well-told yarn. It's the first of its kind in the growing bibliography on East Timor. Unfortunately, for the time being, it is available only in Australia as the UK-based parent company of Sceptre do not have it on their lists for the foreseeable future, so read these columns for advice on how to place your orders.

Carmel Budiardjo

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