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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 111

June 1992

Suharto threatens aid donors

On 25 March, the Suharto government cut its aid link with the Netherlands, accusing the Dutch government of using aid as intimidation because it criticised human rights abuses and suspended aid in protest at the Dili bloodbath last November. Jakarta announced the disbandment of the Inter-Governmental Group on Indonesia which was chaired by Holland and invited the World Bank to chair a new Consultative Group on Indonesia.

At a time of worldwide outrage at the latest atrocity perpetrated by Indonesian troops against the East Timorese people, Suharto chose to direct a blow not only at the Dutch government which, under strong domestic pressure, had led the way in imposing sanctions against Indonesia. He was also challenging the trend in many parts of the world to link development aid to human rights performance. The Suharto Government wanted to make it clear that it would reject any linkage between human rights and aid.

The Dili massacre had also prompted Canada and Denmark to suspend aid, forcing Suharto to carry out a series of measures at home, mildly censuring the army for allowing a huge pro-independence rally to take place in Dili and for responding 'excessively' to the 'provocations' of the crowd. The conciliatory report of the National Commission of Inquiry into the Dili massacre and in particular, the report of the Honorary Military Council which resulted in the dismissal or replacement of a number of army officers from the Dili Military Command, went some way towards appeasing major aid donors, limiting the spread of sanctions that had threatened Indonesia's entire foreign aid programme. But even so, the aid community, especially in Europe, continued to warn that aid could be cut if Jakarta's responses towards the situation in East Timor were not satisfactory.

Meanwhile, conditions in East Timor under the new military commander, Brigadier-General Theo Syafei, were worse than ever, with the entire country in the grip of terror, foreign journalists banned, tourists being turned away or closely monitored, and peaceful demonstrators going on trial for subversion. With the possibility of more sanctions, Suharto decided to go onto the offensive.

Taking on the European Community

On 28 November 1991, during the Dutch presidency, the Council of Ministers of the European Community had adopted a resolution paragraph 10 of which reads:

The Community and its Member States will explicitly

introduce the consideration of human rights as an element of their relations with developing countries; human rights clauses will be inserted in future cooperation agreements. Regular discussions on human rights and democracy will be held, within the framework of development co-operation, with the aim of seeking improvements.

The chances of this resolution being applied to Indonesia grew when Portugal took over the presidency of the European Community in January 1992. Suharto calculated that his move against The Hague would isolate the Netherlands as most EC and IGGI countries had restricted their responses to the Dili massacre to expressions of concern

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and 'silent diplomacy'. As *The Economist* commented, few western countries were prepared to risk publicly offending a valued trading partner whose population represents a major market for western exports.

Another of Suharto's aims was to punish Minister Jan Pronk, the Dutch Development Cooperation Minister and chair of IGGI, a high-profile politician who, with majority support in Parliament, has often criticised Indonesia's woeful human rights record. In particular, he condemned the execution of longterm PKI prisoners in 1990, the compulsory features of Indonesia's family planning programme and the Dili massacre. As chair of IGGI, he visited Indonesia every year to oversee IGGI projects, using the opportunity to meet dissidents and human rights groups. Offended by such behaviour, Suharto decided to teach this Dutch social democrat a lesson.



Pronk's initial response was to urge other western governments to treat the aid cut as a bilateral affair between Holland and Indonesia. In Holland, Pronk was accused, even by some of his closest allies, of doing a disservice to Dutch commercial interests in Indonesia and failing to act in consort with the other donors. For a while, it seemed as if his political career was in jeopardy, but once the dust had settled, he sought to raise the issue of aid conditionality at the European Community. During a meeting of EC development ministers in May, he complained of double standards in the application of the principles established six months earlier. Commissioner Matutes, in charge of relations with Asia, has shown little interest in the matter, while Commissioner Marin, in charge of relations with African countries has pushed hard for conditionality. [*NRC Handelsblad*, 5.05.1992]

Britain's Lynda Chalker (who retained her job as Overseas Development Minister after losing her seat in the June election by being elevated to the House of Lords) retorted by arguing that the West's economic interests in Asia were far greater as compared with Africa. That cynical response tells us all we need to know about the attitude of the British government and so many others in the West: too bad about all those abuses but trade is too important to allow such 'aberrations' to get in the way of business as usual.

The Dutch business community was in turmoil over the possible damaging impact of the aid conflict on its trading and investment interests. Jakarta was quick to stress that business ties with Holland would not be affected, prompting the Dutch Minister for Trade, Mrs Yvonne van Rooij to pay a visit to Jakarta to safeguard Dutch business interests.

Reactions in Holland

Reactions in Holland reverberated for weeks as a major political topic and a special parliamentary session was held to discuss the matter, causing cracks in the Dutch coalition government. Among the reactions reported in the Dutch press were the following:

"Indonesia has succeeded in putting Holland in the dock, which is quite extraordinary. Misdeeds like the ones in East Timor and other violations of human rights have been pushed to the background... they're looking for a scape-goat."

[**Theo van Boven**, Professor of International Law in Maastricht and expert member of the UN Human Rights Sub-commission, *Volkskrant*, 6 April 1992].

"Totally unacceptable. Indonesia has retreated to the entirely rigid position that human rights is not a matter for the outside world. It places itself at one with China, the only country in the world that sees human rights as an internal political responsibility. The international community can and should not accept this...."

[**Pieter Kooijmans**, Law professor in Leiden and responsible for the UN Human Rights report on torture in Indonesia]

"You Dutch are the product of the Renaissance and the Enlightenment Period.... but the present Indonesian rulers grew up during the period of the Japanese Occupation. They were good pupils of Japanese materialism..."

"...During my imprisonment on Buru island the military executed dissidents without charge or trial. And they are still killing. Look at Dili, Aceh, Lampung, Tanjung Priok. The victims just wanted to express their wishes. They wanted a dialogue with the authorities. But the government answered with automatic rifles... The military do not want any change. They firmly stick to the status quo..."

"...We are human beings. It is not only about material possessions. We also have the right to be human beings, to live in a democracy. But this kind of human dignity is not respected in modern Indonesia."

[**Pramoedya Ananta Toer**, imprisoned during the Dutch period and under the governments of Sukarno and Suharto, *Het Parool*, 26 March 1992].

World Bank agrees to chair new aid group

Before sacking Holland as IGGI chair, the Indonesian cabinet consulted the key donors, Japan, the US, Germany and the Asian Development Bank, to safeguard their share of ODA, and sought assurances from the World Bank that it would assume the chairmanship of the Consultative Group on Indonesia (CGI) which would take IGGI's place. Now Indonesia's aid consortium falls in line with a host of other debtor nations, all of which have 'Paris Clubs' chaired by the World Bank. In any case, within IGGI, the World Bank, which accounts for more than a third of Indonesia's annual foreign aid, has always played the key role in determining the thrust of domestic economic strategy and assessing Indonesia's annual aid requirements. The cancelled Dutch aid, \$95.6 million-worth of projects, less than 2 per cent of total IGGI aid (which amounted to \$US4.7 billion in 1991), it soon transpired, would be covered by Japan or newcomers to the Club. Efforts are under way to recruit new members, among them South

Bill to stop aid tabled in US Congress

Congressman Tony Hall and a bi-partisan group of members of Congress have taken a major step towards pressing the Bush Administration to stop aiding the Suharto regime until it withdraws from East Timor. Bill H.R. 5175 was introduced in the House of Representatives on 14 May and is now the focus of a major campaign by East Timor solidarity groups that have emerged in the US in the wake of the Dili massacre.

The draft sets out the reasons for the suspension of US aid: Indonesia's illegal invasion of East Timor; Indonesia's integration of East Timor has not been recognised by the UN which has adopted a number of resolutions calling on Indonesia to withdraw; the most recent UN resolution, in 1982, asked the Secretary-General to initiate consultations with all parties directly concerned to achieve a comprehensive solution; tens of thousands of East Timorese have died since the invasion; international NGOs have reported persistent abuses, most recently highlighted by the Dili massacre of 12 November 1991; whereas in Section 359 of the Foreign Relations Authorisation Act for Fiscal Year 1992/1993, Congress called for an end to all forms of human rights abuses in East Timor and for an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

The Bill then stipulates that:

United States assistance to Indonesia shall be suspended on the date of the enactment of this Act until the President determines and certifies to the Congress that -

(1) Indonesia is permitting immediate and unrestricted access to East Timor for international human rights organisations and international organisations;

(2) International human rights organisations report that Indonesian government forces or other military or para-military forces under the control of the Government of Indonesia have ended all forms of inhuman treatment, including torture;

(3) Indonesia is in compliance with United Nations

Korea and the Nordic Bank in which Swedish, Norwegian and Danish banks are involved.

The first meeting of the CGI will take place in Paris on 16-17 July 1992. This is the opportunity for human rights activists to show a powerful and united fist to the world's aid donors. Pressure is needed on CGI members states, well in advance of this meeting, to refuse to go on assisting one of the world's worst human rights violators. World Bank vice-president for East Asia and the Pacific, Gautam Kaji, told representatives of a Dutch funding agency recently that, although the World Bank itself would not raise human rights issues on its own account, *it would ensure that human rights would be discussed if other CGI members so wished.*

Meanwhile in Washington, a bill was tabled in the US House of Representatives in May calling for the suspension of US military and economic aid, arms sales and military training for Indonesia until Indonesia withdraws from East Timor. (See box.)

Indonesian NGOs also hit

For many years, Indonesian non-governmental organisations have survived largely thanks to the funding received from Dutch funding agencies. Hence, the government's

General Assembly Resolution 3485 and United Nations Security Council Resolutions 384 and 389, and

(4) Indonesia allows a United Nations supervised referendum on self-determination for the people of East Timor.

The Bill covers all military and economic aid, arms sales and military training to Indonesian personnel, financing under the Export-Import Bank Act of 1945 and assistance provided by the CIA in connection with intelligence or intelligence-related activities.

The Bill is co-sponsored by three Democrats and one Republican.

Strong legislation needed, says Hall

Announcing the introduction of the Bill, Congressman Hall said: "This is strong legislation but a strong response is long overdue to Indonesia's aggression, repression and terror in East Timor. At a time when every US foreign aid dollar is undergoing rigorous scrutiny, why should the taxpayers provide aid to a nation which has seized and subjugated its neighbour?"

'It is insufficient to beg the Indonesians repeatedly to treat the Timorese with basic human decency. This is like condoning slavery but asking the slave driver to spare the whip. Attention must instead be focused on getting the Indonesians to withdraw from East Timor and allow the Timorese to participate in a referendum on self-determination.'

*

decision, announced in the wake of the aid cut-off with The Hague, to prohibit Indonesian NGOs from accepting any funds from the Netherlands has placed these NGOs in serious trouble. Particularly at risk are the Legal Aid Institutes (LBH) 80 per cent of whose resources has come from Holland.

The LBH Foundation's chair, Abdul Hakim Garuda Nusantara said: 'On the one hand, the government opens the door wide for Dutch businessmen to exploit the natural and human resources of the country. On the other hand, it prohibits Dutch financial assistance for local NGOs which work towards improving the quality of the nation's human resources through assisting the needy.' [Jakarta Post, 6.05.1992]

Greater vulnerability

Suharto's gambit is a risky one. His annual budget is still 20% dependent on foreign aid. The trade balance has worsened this year because the three main non-oil exports, plywood, rubber and garments, are not doing well and prices for oil and liquefied natural gas on the world market are sluggish.

Although none of Holland's EC partners, with the excep-

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Suharto's waning power

The months leading to the June elections have given one clear signal, that the almost absolute power of the aging president is in decline. As we write, the four-week campaign has started but the leaders of GOLKAR, Suharto's political vehicle have yet to endorse a sixth term for him, even criticising those who have done so. There are indications that the period from now to the presidential election in March 1993 will be crucial, for Suharto and for Indonesia.

Indonesian politics in a nutshell

Indonesian elections are a non-event and the majority of the Indonesian electorate, about 100 million people, know this. Since Suharto came into power in 1965, what was once a highly politicised society has been depoliticised. The relatively liberal tradition of the fifties, with an array of parties from right to left, from feudal to religious, from parties named after an individual to nationalist parties, all types had the right to exist. All this was destroyed. Since the early seventies only three political groups exist: the government party *GOLKAR* and the two others, *PPP* and *PDI*.

GOLKAR lacks the features of a political party and is quite difficult to define: all cabinet members are members of *GOLKAR*, everyone who holds a top position is in *GOLKAR*, Suharto being at the top as chair of its Advisory Board; the millions of civil servants, employees of state companies, teachers, lecturers and their wives and children are more or less dependent on it for their career prospects. The *GOLKAR* structures run parallel with state structures and it can almost effortlessly win two thirds of the votes.

PPP (initially a forced fusion of four Muslim political parties) and *PDI* (a forced fusion of nationalist and Christian parties) are little more than decoration. Before the 1987 elections they were forced to shed the last shreds of their identities and adopt the state doctrine *Pancasila* as their party doctrine. In other words, Indonesian elections are between *Pancasila* parties one, two or three.

The general elections are for 400 members of the *DPR* (the legislative assembly) who are also members of the upper house or *MPR*. One hundred *DPR* seats are reserved for the armed forces. The remaining 500 members of the *MPR* are appointed. All candidates are screened through the *litus* procedure for political 'cleanliness', carried out by army teams.

New developments

So, elections in Indonesia are about nothing, the results are pre-determined, the excitement is only about gains or losses at the margins. Yet, things aren't static, even in an authoritarian system like Indonesia's. The *gleichschaltung* (standardisation) of the political entities into *Pancasila* straight jackets has created an interesting phenomena. Instead of having a unifying effect, *Pancasilaisation* has led to pluriformity. *GOLKAR* dominance has become less relevant, the pressure on people to join *GOLKAR* has declined now that the other parties also adhere to the *Pancasila*. The compulsory attendance at *Pancasila* courses has become obsolete. Within *GOLKAR*, different wings have emerged each with their interests and political programmes, the important wings being the bureaucracy, the

technocrats, the military in civilian posts, the professionals (who work in the *GOLKAR* apparatus) and in the last few years a growing number of Muslim groups. The face of *GOLKAR* is now a divided one; large sections still support the Suharto leadership while others want radical change. Several *GOLKAR* MPs have been most vocal in criticising the government.

The *PPP* has also moved in different directions. While it is still seen as a Muslim federation, the fact is that far more Muslims vote *GOLKAR*. In the seventies, *PPP* voters were often seen as anti-government voters. In some areas like Aceh or Jakarta, *PPP* won resounding victories, beating *GOLKAR* against all odds. The conflict between *GOLKAR*-government and the *PPP* was the outcome of a historical feud between the military and political Islam but in the last few years drastic changes have taken place, not least caused by Suharto himself. In his efforts to broaden his shrinking power-base Suharto has been able to embrace certain Muslim groups, including the present leadership of *PPP*. The *PPP* seems satisfied with Suharto's minor gestures, more prestige for Islamic courts, more places for Muslim intellectuals in the upper echelons and the establishment of a Muslim bank.

The *PDI* has become an interesting platform for many groups, each with its own political agenda. Already in 1987, disgruntled generals like Benny Murdani used the *PDI* as



Ret'd Admiral Sudomo, now in the role of political clown, performing at a GOLKAR rally.

an outlet but increasingly this party has occupied the role of the *PPP*. Opposition groups, radical and mainstream, channel their views through it. A large section of the electorate is young and the *PDI* will certainly get a share of their votes. As a party, the *PDI* was always an impossible monstrosity: Protestants, Catholics, ex-Trotskyites and Nationalists lumped together. It remains very divided and rife with conflicts. This time round, it could get a larger share of the votes.

The *ABRI* (armed forces) fraction with 100 appointed members has become a staunch critic of the government and the president. Although the most vocal members have been removed as candidates under pressure from Suharto, new middle-ranking officers may display the same degree of criticism.

The 1992 campaign

From the outset of the 25-day campaign it has been lacklustre. *GOLKAR* rallies are attended by tens of thousands of people. Working people are given a holiday and special gifts, and required to attend the rally. *GOLKAR* funds are unlimited; every provincial *GOLKAR* branch receives a few hundred million rupiahs while the total campaign will cost 50 billion rupiahs. Businessmen have supplied *GOLKAR* with 2 billion rupiahs, emulating the US tradition of stuffing themselves at fund-raising dinners.

GOLKAR rallies are more like pop concerts than political rallies, to entertain the crowd with performances by popular bands. Ministers and pop stars behaved like clowns together on stage. The *PDI* and *PPP* lack the financial resources and resort to more inventive ways of attracting the crowds. They recruit popular figures, not necessarily highly-placed persons. The *PDI* relies heavily on the sons and daughters of Indonesia's first president while the *PPP* invites populist Muslim preachers to speak on their platforms.

The 1992 elections have also seen a growing number of *Golput* (*Golongan putih*, or 'blank-paper') groups. *Golput* first emerged in 1971 when students and intellectuals, dissatisfied with the Suharto government, propagated a boycott. *Golput* has been a factor at every election but always restricted to the youth. A *Golput* 'vote' can vary from a blank vote, a tampered vote or simply staying away. This time, the *Golput* vote may increase. Two students in Yogyakarta were arrested for distributing leaflets urging people to vote *golput*. An opinion poll of students at Gadjah Mada University, the state university in Yogyakarta, showed that almost 30% favoured *golput*.

Demokrasi loyo

The authorities describe the elections as *pesta demokrasi* (feast of democracy) but Indonesians and even politicians call it *demokrasi loyo* (a spineless democracy). Ever since the *Pancasila*isation of the parties, elections in Indonesia have become even less attractive. They are free elections in a severely circumscribed political system – one can freely vote between the three authorised and tightly controlled parties, the ultimate in cynicism.

Numerous restrictions have been announced. Seminars and meetings have been banned during the campaign, speeches of candidates are screened in advance. Several informal meetings were dissolved, in particular, a *Forum Demokrasi* gathering in mid April and an *ICMI* seminar in May. The year-old informal group *Forum Demokrasi* has members from practically all political streams and advocates more openness and democracy. Its chair Abdurrahman Wahid has become a more vociferous critic of the government. The

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banning of an *ICMI* seminar was a surprise as *ICMI*, a group of Muslim intellectuals, is widely seen as a pro-Suharto entity. The guest-list of the banned seminar suggests that *ICMI* is now divided and can no longer be seen as a Suharto tool.

Rallies are allowed but restricted; in the first days of the campaign, *PDI* youth in Jakarta ignored the restrictions, without repercussions. Foreign press coverage was initially allowed but at the first rally in Surabaya a BBC TV crew and an AFP photographer were barred. Information Ministry permits were demanded and the films of the AFP reporter were seized by the authorities.



LITSUS = *Penelitian Khusus*, special screening of candidates, Editor, 14 Sept. 1991

Probably the most severe restriction in the election is the *floating mass* concept. Introduced in the early seventies, it has been retained to the present day. It means that political parties are not allowed to campaign below *kabupaten* (district) level, leaving the countryside to *GOLKAR*. In the present elections, the *floating mass* concept may be less heavy handed but *GOLKAR* will still be the beneficiary.

Symptomatic of the edginess of the regime that 'something' could happen to disturb electoral calm, the government banned the showing on TV of scenes of the disorders in Los Angeles that followed the acquittal of four police officers in April on charges of beating a black motorist.

Using the elections

Opposition groups gave up hope long ago of changes ever happening through Suharto-style elections. The months before the elections were used to promote their own political agendas. Indonesian MPs and ministers tend to be more receptive in a pre-election atmosphere. The opportunity was used by a new group called *Forum Pemurnian Kedaulatan Rakyat*, *FPKR* (Forum for the Purification of People's Sovereignty) to pay two visits to Parliament. At the first, they spoke with General Syaiful Sulun, the deputy speaker, when three representatives, former *PDI* leader

Abdul Madjid, the academic Deliar Noer and ret'd general H.R.Dharsono, delivered a statement denouncing the elections and stating their intention not to take part. Abdul Madjid said, about the presidency, that Suharto should step down – from the 180 million Indonesians there must be a better candidate, he argued.

Another new group, *Badan Pengawas Pelaksanaan Hak-Hak Politik Rakyat* (Body to Control the Implementation of People's Political Rights) launched itself on 22 April with a statement describing the elections as an attempt by the government to curb people's participation in every decision-making process. The new group with familiar names like Poncke Princen, Indro Sukmadji and Sunardi SH, expresses itself in strong language about the undemocratic nature of the elections.



Suharto: still holding the reins?

Many more pressure groups have emerged; *KMIK*, *Kelompok Mahasiswa Indonesia Kritis* (Indonesian Critical Student Group) met the *ABRI* fraction in parliament in May and was told by armed forces spokesperson General Syamsudin that *ABRI* doesn't mind whether the presidential candidate is army or civilian. Other issues discussed were the monopolies of the Suharto family and the crude efforts to promote Suharto's sixth term by the loyalists.

A constant theme during the elections has been the succession and criticism of the president's monopolies. It is more than likely that Suharto and his allies will strike back.

The Suharto loyalists

Formally speaking the president is elected by the *MPR*. This will not convene till next March so it ought not to be a matter of urgency. But loyalist groups started to campaign for a sixth term two years ago when a former minister, ret'd General Alamsyah launched the first so-called *bultek* (*kebulatan tekad* or pledge) rallying Muslim preachers to sign a declaration in favour of Suharto. Alamsyah recently took his campaign forward with a mass prayer for the re-election of Haji Muhammad Suharto, the president's new name and title adopted when he went on the *haj* last year. As many as 37, mostly Muslim organisations attended the mass prayer though not all signed the loyalty pledge afterwards. The event caused consternation among politicians and pious Muslims alike. An interesting comment came from ret'd General Hasnan Habib who attended the

prayer but refused to sign, saying: "Yeah, he is still healthy, but in the future, with new challenges, we will need another type of leadership" [*Tempo*, 9 May 1992].

Political observers say Alamsyah's manoeuvre is motivated by ambitions to be vice-president. The Suharto-Alamsyah relationship goes back to the late fifties but Suharto has, on several occasions, had to correct several embarrassing mistakes. This time round, Alamsyah again made himself look like a fool. Rebutting growing complaints about nepotism surrounding Suharto, Alamsyah said: "What's wrong with nepotism?".

The *PPP* is the only party to have endorsed Suharto's sixth term and it may live to regret this. This may very well discourage potential *PPP* voters from supporting 'their' party.

The *GOLKAR* leadership strongly criticised all the variants of *bultek*, including the mass prayer. Ret'd General Wahono, the present chair has made several statements about the excessive powers of the president. Law and order, he argued, are in good shape and Suharto does not need the extra-parliamentary powers he acquired in 1966.

Is Suharto stronger or weaker?

With all the fuss about Suharto's sixth term, the big question is, is the old man as powerful today as five or ten years ago? Political commentators agree that Suharto is a skilled politician, which is hardly debatable about somebody who has stayed in power for over a quarter of a century. More than that, Suharto has been able to adjust his rule in times of change and this is probably the key asset other dictators lacked. Taking account of the many changes in Indonesia since 1965, it is obvious that Suharto was not a mere military officer but also a ruthless and brutal political animal. His ruthlessness distinguishes him from the other generals and politicians who have threatened his rule.

If one has to name a potential successor for Suharto, no-one currently being promoted seems to have what it takes to create a democratic alternative. This has acted in Suharto's favour. People like the notorious General Soemitro (in the early seventies, head of the security body *KOPKAMTIB*, and creator of Buru prison island) or the present armed forces commander-in-chief General Try Sutrisno (known for his hawkish language after the Santa Cruz massacre) cannot be seen as serious alternatives. Radical opposition groups have stopped looking for alternatives and instead have worked at other levels to build democracy in all areas of the society. This strategy is working well; at all levels, criticism is growing, civil courage is mounting. Simply from reading the Indonesian press, it is obvious that the Indonesian public has become increasingly opposed to Suharto and his family. Taking everything into account, there is reason to conclude that Suharto's position today is much weaker and that times of change may be close at hand.

Having said that, as some argue: "Mr. Suharto's marbles are firmly in place" [*Economist*, 9 May 1992]. His handling of the East Timor crisis, his successful wooing of sections of the Muslims, his eventual success in assuming the chairmanship of the Non-Aligned Movement, are the latest examples of the skills of a cunning statesman. But many things have exposed him to criticism. A major cause for complaint is the greedy business practices of his sons and daughters, condoned by him. Recently things got out of hand, forcing Suharto to step in. The controversial clove monopoly, citrus monopoly and TV fee collection, all run by the family, had to be rectified, the first clear sign that

Suharto is losing overall control.

But it tells also another story. The Indonesian economy has become a complex, mixed economy of free enterprise along with a strong state component. The middle-class is getting more powerful and richer and less willing to accept the dictatorial rule of Suharto. Events in Bangkok tell the same story: the Suchindas and Suhartos are becoming anachronisms. Suharto's economic policies of the late eighties, liberalisation and deregulation, have been followed by measures favouring his family's business interests. A blatant example is the weird construction of a 100% foreign investment (illegal according to Indonesian law) to build a huge polyolefine project in Serang. The project, owned by a son and a crony, was stalled because of a decision to halt mega-projects and save foreign currency. But the idea of allowing it to become wholly foreign-owned removed it from the 'suspended-projects' list. Although the investment is now entirely foreign, Bambang

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Trihatmodjo (the second son) and Prayogo Pangestu (the family's major crony) still retain their share. The way this piece of magic has been performed is still a mystery.

Another less public but possibly more important question is the growing gap between Suharto and large sections of the armed forces. It is well known that the majority of generals at ABRI headquarters are opposed to the president. So far a coup d'etat is an option they would prefer to avoid but a single event could destabilise the delicate balance. Criticism of Suharto and his children has never been so open and frank. In the last two months before the elections, Suharto was not only publicly criticised from obvious quarters but increasingly, traditional loyalists drifted away. The end of Suharto has been predicted many times but now the time has come to take the prediction seriously. *

EAST TIMOR TRIALS

Indonesian lawyers defend East Timor's rights

Two Indonesian lawyers defending Joao Freitas de Camara made an outspoken challenge to Indonesia's unlawful integration of East Timor. Their defence plea, submitted at a court hearing on 2 May 1992, represents a turning point for the Indonesian legal profession in speaking out on the fundamental issues affecting East Timor. Space allows us to give only a few excerpts from this important document.

Joewono SH and Waskito Adiribowo SH said that their arguments would be based on the principles set out in a red-and-white book possessed by millions of Indonesians, the indoctrination manual for Pancasila courses known as P4. 'We are obliged to resolve the question of East Timor according to the key pillars of the Republic of Indonesia, to do it decently and without taking decades about it.'

They said they were of the opinion that it was extremely doubtful whether the Defendant could be tried by an Indonesian court because the Prosecutor had ignored the provisions of article 9 of the Criminal Code (KUHP) which stipulate that the validity of previous articles 'is limited by exceptions recognised under international law.' They said that the resolutions adopted by the UN General Assembly on the question of East Timor were limitations within the meaning of article 9.

The lawyers' next devastating argument was based on the Preamble of the Indonesian Constitution which reads:

That freedom is the right of all nations and therefore colonialism must be eradicated from the face of the earth because it does not conform with humanity and justice.

They went on:

This right also belongs to the East Timorese nation. Hence on 28 November 1975, they proclaimed their independent state called the Democratic Republic of East Timor, as was stated by the witness Fernando de Araujo on 20 April 1992 and by the Defendant on 22 April 1992, but that independence was wiped out by the Armed Forces of the Republic of Indonesia on 7 December 1975. Five days later, the United Nations adopted a decision calling on the

Indonesian army to withdraw, a decision which the Government of the Republic of Indonesia ignored.

The motivation of the judges in twice refusing to allow defence counsel to ask questions about the period prior to "integration" is not known.

RENETIL did not violate the law

Turning to the Prosecutor's charges that the Defendant set up a clandestine organisation (RENETIL), held illegal meetings, organised a demonstration without a permit, drew up petitions and the like, the lawyers argue that 'it is not RENETIL which violated the law; it is the Societies Law No 8, 1985 that is a violation of the state's Guiding Principles'.

They further argue that in the case of East Timor, 'the



Joao Freitas da Camara in court. His two defence lawyers are seated at the back.

security forces, in Dili and Jakarta, have taken measures which are only permissible during a State of Emergency (which has not been declared).... Hence, it is not the Defendant who is guilty of holding meetings and demonstrations but others who abuse the provisions of the 1959 Law on States of Emergency. Not only that, article 12 of the 1945 Constitution has been violated because... in order to take such measures, it is necessary first to proclaim an area to be under a State of Emergency'.

No basis for East Timorese to automatically become Indonesian citizens

Another profoundly important question was challenged by the lawyers, the claim by the Indonesian government that East Timorese automatically became Indonesian citizens simply by virtue of integration. There was nothing in Indonesian law which made that possible. Nor was it correct for the prosecutor to argue that the Defendant was an Indonesian citizen because his identity card gave his

citizenship as 'Indonesian'. An identity card, they insisted, is a document issued for administration purposes, to establish a persons identity. 'It is proof of nothing!'

Turning then the the Defendant's justification for his political activities, the lawyers said:

According to his statement in Court on 22 April 1992, the Defendant was an official of the proclaimed Democratic State of East Timor.... Even though he was only an official in the sphere of political information, it was his duty to defend that independence, all the more so after illegal actions, physical and non-physical, had been taken against his state in 1975, a fact recognised by the world body called the United Nations. Hence, everything done by the Defendant since 1975 can be justified according to article 49, para (1) of the Criminal Code which reads:

"Anyone who acts in order to defend his/her person, dignity or possessions or those of others against attack made in violation of the law may not be punished."

That which the Defendant was defending was the person, dignity and possessions of the people of East Timor which obliterates the basis for any punishment. *

Timorese defendants speak out in court

The East Timorese defendants in trials in Jakarta and Dili have spoken courageously against their prosecution, in defence of the people of East Timor who have suffered 17 years of atrocities and have been deprived their right to self-determination.

Many documents from the Jakarta trials have reached us though none from the Dili trials. We focus here on the defence plea of Virgilio da Silva Guterres, a powerful and moving document, and the defence plea of Fernando de Araujo, who debunks Jakarta's claims about the legitimacy of integration.

At the outset, Virgilio da Silva Guterres, charged with spreading hatred and animosity towards the government because he took part in a demonstration in Jakarta last November, said that his defence plea was not aimed at getting a lighter sentence or an acquittal. 'My purpose is to defend the correctness of our action on 19 November 1991.'

In justification of the demonstration, Virgilio said:

The aim of the demonstration on 19 November 1991 was to protest against the policy of the Indonesian government in East Timor because, in our opinion, it is the Indonesian government's policy which has made it possible for the security forces to implement intimidatory measures against the people and the youth of East Timor during the past 17 years, in particular the measures taken by them against the mass action in Santa Cruz, Dili.

We as the younger generation, the hope of the people of East Timor, vehemently condemn those measures.... It is deeply to be regretted that such a thing could happen as the twentieth century draws to a close, in a democratic state, in the era of globalisation and industrialisation. In a century when humanitarian principles should be upheld, in an era when anti-riot implements have been modernised, when officers are called upon to use persuasive methods of self defence.

GPK = 'Gerilyawan Pro Kemerdekaan'

Throughout his statement, Virgilio uses the initials 'GPK' to stand for 'Gerilyawan Pro Kemerdekaan' (pro-independence guerrillas) or 'Gerakan Pembela Kemerdekaan' (movement

to defend independence). [GPK is the regime's term for 'gerombolan pengacau keamanan' or security disruptor gangs.]



Fernando de Araujo speaking with his lawyer in court. He received a sentence of nine years.

Why, he asked, has East Timor become an army base? "Is there still a war going on there? I don't know. Only the Indonesian government can answer that question. My own impression is that if there are so many soldiers equipped with war equipment, it must mean that a war is going on, a real war or training for war."

The Santa Cruz tragedy "was enough to convince me that it is not fitting for our people to become good Indonesians. Indeed, we were not born Indonesians".

We based our action, he went on, on principles in the United Nations Charter and also in the Preamble of Indonesia's own 1945 Constitution: *"That independence is the right of all nations and therefore, colonialism must be wiped off the face of the earth because it does not conform with humanitarianism and justice.... Independence is the main factor for development."*

He defended his actions as having legal force accepted by the world community which recognises the basic right of the people of East Timor to self-determination as affirmed in UN General Assembly resolution 3485 (XXX) adopted on 12 December 1975. This was followed by other Security Council and General Assembly resolutions from 1975 to 1982. [The texts of all the resolutions, as published in UN documents, are reproduced in the defence plea and were all read out in court.]

"Our slogans were the same as yours!"

Virgilio said that the slogans used by the demonstrators in Dili and in Jakarta were identical to those used by Sukarno and Hatta, in Indonesia as well as in the Netherlands, to defend the oppressed people of Indonesia. Our slogan, *'Lebih baik mati daripada integrasi'* "Death is better than integration" is the same as the slogan, *'Merdeka atau mati'*,

"Independence or death!" used by demonstrators in Surabaya in the 1940s. If the Indonesian government now considers these slogans to be expressions of hatred and insult, they are entitled to their subjective assessment, just as the Dutch East Indies government regarded Sukarno and Hatta's slogans as expressions of hatred and insult. Both attitudes are based on the same 'hatred articles'.

The feelings that swelled in our hearts, the spirit which has coursed through our veins from the time of our action up to this very day are the same as the feelings and spirit which inspired the youth of this country in the 1940s.

Why I accepted an Indonesian scholarship

After expressing thanks to the Indonesian government for giving him the facilities to study in Java, Virgilio said:

When I accepted the scholarship (1989), I tried to forget all my bitter experiences since 1975.... I was often dishonest with myself, lying to myself because I so badly wanted the chance to study. I gave priority to study because the knowledge I would acquire overseas would enable me to change the conditions of my people.... I have to say that, had I been honest with myself at the time, I would not have been given these facilities to study in Java, I would probably not have been able to survive. Would I have obtained these facilities had I not agreed to become an 'Indonesian citizen by force'? Definitely not....

Here in front of this court, I must be frank. I agreed to become a citizen by force because I was indeed forced to



Agapito Cardoso, arriving in court, surrounded by military police guards.

Agapito has been sentenced to ten months in prison.

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do this. I was forced to leave the place of refuge where I had lived for three years because there was nowhere left where I could get protection, there was nowhere to protect myself from the attacks of the Indonesian infantry and the warplanes which bombarded us for days on end. I was forced to return to the city in order to survive, not because I wanted to become an Indonesian.

...Why did Ir Sukarno who opposed the Dutch East Indies government get his title as engineer during the Dutch colonial era? Why did Moh. Hatta, Sutan Syahir and Moh Yamin who all opposed the Dutch East Indies government accept facilities to study in Holland?

And as for development, the Dutch could not possibly have left nothing behind in Indonesia. We learnt at school about the roads and railways built by the Dutch from Anyer to Panarukan. Many big buildings in Java were built by the Dutch. I don't know for sure whether this courthouse was built by the Dutch or after independence.

Three grim years

Most moving of all is Virgilio's account of his own experiences as a young boy after 1975:

I will start with 1975. On my ninth birthday, 8 December 1975, two bombers attacked the Baucau airport (I lived in Baucau) from dawn till dusk. The next day, everyone in Baucau witnessed the arrival of warships along the coast. They saw soldiers being parachuted from Hercules planes all round the airport. I saw it clearly myself because my home was on a hillside from where I could watch everything happening on the coast and at the airport.

From then on, the sound of cannon-fire from warships,

of gunfire from 'SP', G-3, mausers, grenades and other weapons of war resonated like a 'tape-recorder' playing Deep Purple rock 'n roll music over and over again. This was when the young people of Baucau in particular became acquainted for the first time with war. And war means death and casualties. This is when the people of Baucau evacuated from Baucau and went to the forest....

I too fled into hiding and knew what it was to have no flesh on my body, only skin and bones. Sometimes I cried night and day because I had become separated from my family as a result of air bombardment. I cried because I was afraid I would lose my loved ones, afraid I would lose my own life. I knew what it was to live underground, in man-made caves, for weeks on end. We were forced underground because we could not stay out in the open. The planes flew overhead, constantly, from early morning, bombing camps where people were living. I knew what it was to have blood from fellow refugees splash all over me when they were hit by machine-gun bullets raining down from the planes. I knew what it was to sit down and eat on top of human remains, without realising it. I knew what it was to live without my cousins, brothers and sisters who had disappeared without trace, even though some had surrendered. I saw my uncles being beaten and tortured in my very presence by East Timorese who had joined forces with ABRI.

I saw my friend's finger being broken after being crushed by the leg of a chair on which the interrogator was seated. I saw my friends being given electric shocks, having their bodies used as an ash-tray.

The people of East Timor especially in the east saw Mount Matebian turn into a field of bodies. They witnessed about 60 people being buried alive when a rock blocked the entrance to the place where they were hiding. People outside could hear them shouting for help but what could they do. The cave entrance had been blocked by a huge rock dislodged by bombs dropped from supersonic aircraft.

People from Baucau district, especially in Quelicai at the foot of Matebian, saw their brothers and sisters being executed at a place which the local people called the 'place of skeletons', because every morning and evening local youngsters were murdered and executed there. People in Lospalos were witness to how they were ordered to bayonet their own brothers and sisters. People in Viqueque, especially in Kraras witnessed their husbands and sons aged eight years or more being clubbed. They saw bulldozers and loaders intended for construction being used to bury their husbands and sons. Mass burials. Kraras became a place with only women inhabitants....

The people of East Timor were witness in 1981 to bayonets intended for war being used in an operation in Aitana when unborn babies were murdered. This occurred during an operation in 1981 which ABRI called 'Operation extermination'. I know this because I too had to take part in the operation. Everyone had to take part, from primary school children to grown people, mainly men. I was still at primary school then. After returning home from the National Pramuka Jamboree in Cibubur, West Java, I was forced to take part. A friend of mine, Maria, who also went to the Jamboree is now a 'gerilyawan pro-kemerdekaan' fighter. She fled to the bush after returning home from the Jamboree to find that her parents had disappeared.

In 1987/88, East Timorese people in Dili witnessed the destruction of Holy Mary statues, one in Comoro and one at the Dare Seminary.

I myself witnessed soldiers, with bank notes in their mouths, taking young women away from our village. I don't

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know what happened to them after their arrest. Maybe God alone knows. What I do know is that hundreds of fatherless children have been born in East Timor. Who knows whether some of these teen-agers were not among those who died at Santa Cruz.

Must we stay silent about all this? If things like Santa Cruz could happen in 1991, at a time when East Timor had been opened up to the outside world, is it possible to imagine what went on when East Timor was still closed, from 1975 to 1987/88?

Many other issues are discussed by Virgilio. Like all his colleagues on trial in Jakarta, he devotes part of his statement to demolishing the alleged validity of the Balibo statement, signed by East Timorese party leaders on 30 November 1975, two days after Fretilin unilaterally proclaimed independence with the establishment of the Democratic Republic of East Timor. After the UDT's unsuccessful attempt to take control by launching a coup in Dili on 11 August 1975, UDT leader Francisco Lopes da Cruz, who



A slogan been borne aloft during the 19 November 1991 demonstration in Jakarta.

had fled across the border to West Timor, wrote to President Suharto asking for help and weapons, presenting his conditions for integration: that East Timor should become Indonesia's 27th province with an East Timorese governor, that the East Timorese should be allowed to use Portuguese while also learning Indonesian, that East Timorese should have autonomy for three years, after which there should be an act of free choice between independence or staying with Indonesia. Da Cruz was later informed that the Indonesian government replied in the affirmative. Virgilio quotes *Tempo*, 11 September 1975, pages 11-12 as the source of this information. The other party of any significance to sign the Balibo statement, Apodeti, also favoured phased integration, in the first stage becoming united with the people of West Timor. "How could they possibly claim to represent the people of East Timor, the vast majority of whom were under Fretilin control? East Timor is a Portuguese colony, not a UDT colony, so decolonisation can

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only be carried out by Portugal and the process has to be witnessed by a neutral body like the UN."

Referring to the 28 persons in the so-called People's Assembly in Dili in May 1976, which formally requested integration, Virgilio said that the seventy who demonstrated in Jakarta on 19 November could claim to be more representative than they were.

Virgilio: 'I stand by everything I did'

Finally, Virgilio says: 'As for my activities which are deemed to have broken the law, I have never regretted nor will I ever regret anything.'

On 20 May, the court passed sentence of thirty months on Virgilio.

Araujo: East Timor is an international question

Fernando de Araujo, on trial for subversion, presented his defence plea after the prosecutor had asked the court to sentence him to 15 years. He was contemptuous of the sentence demand which he described as totally unjust and out of all proportion.

His statement did not dwell on the details of the charges against him. He concentrated instead on the issue of East Timor itself. East Timor is not a national question, it is an international question,' and from the start, Indonesia itself treated it as such. Foreign Minister Adam Malik had told Jose Ramos-Horta in 1974: 'The independence of every country is the right of every nation, with no exception for the people of (East) Timor.' Other Indonesian foreign ministers in the 1960s had repeatedly told the UN that Indonesia lays no claim to the Portuguese colony.

A meeting in Rome between Indonesia and Portugal in November 1975 concluded that responsibility for decolonising East Timor rested with Portugal which should organise a referendum to determine East Timor's fate. Later that month, Portugal wanted to convene a meeting in Darwin of East Timor's three main parties to establish a mechanism for a transitional government leading to self-determination and to arrange for the return home of East Timorese refugees who had fled following the civil war. The meeting never took place because Indonesia influenced the two parties whose leaders had fled to West Timor into not attending.

It is wrong to say that after the civil war, Portugal washed its hands of East Timor. The leaders of the UDT and Apodeti who fled across to Indonesian West Timor sought Indonesian protection and asked for weapons to fight Fretilin which had won control of the country. Two days after Fretilin's declaration of independence, the Timorese refugees under Indonesian protection issued their Balibo Declaration which, according to Araujo, was in fact signed at Bali Beach. Portugal did not recognise the Declaration because it failed to conform with procedures established for such an act by the UN.

The Indonesian invasion was the most serious of all violations of East Timor's basic rights. Moreover, Indonesia intervened illegally in the internal affairs of East Timor, in violation of UN principles and many subsequent UN resolutions, the first of which was adopted five days after the invasion. All subsequent acts by Indonesia up to the

integration in July 1976 were unlawful and were driven by territorial ambitions. It was not for Indonesia, a neighbouring state, to interfere in the internal affairs of East Timor and Portugal. Portugal has a moral, legal and historical duty towards East Timor, not to re-establish its control but to complete the self-determination process.

Balibo Declaration unlawful

Araujo spoke at length about the Balibo Declaration. In so doing, he was debunking Indonesia's recent propaganda which places emphasis on this Declaration as an act by East Timorese legitimising integration. [The Declaration was signed on 30 November 1975 by leaders of UDT, Apodeti and two minuscule parties, asking Indonesia to integrate East Timor.] Araujo listed twelve reasons why the Declaration was devoid of any legitimacy; primarily it is because the signatories were refugees under Indonesian protection. They faced a dilemma – if they remained on Indonesian territory, they had no option but to agree to whatever

Indonesia wanted of them. Araujo listed many other factors which rendered the Balibo Declaration unlawful. It was, he said, fatally flawed.

Araujo, chair of RENETIL, the resistance council of East Timorese students, said the right to organise was upheld by the UN and was an integral part of democracy. 'We thought it absolutely essential for us to create an organisation to clarify East Timor's future which had been distorted by Indonesia... True, RENETIL has the objective of demanding the right to freedom. We have to demand this because of very distinct historical differences between Indonesia and East Timor.'

Araujo dealt finally with the question of citizenship. 'As long as decolonisation has not been completed, I remain *de jure* a Portuguese citizen. I have the right to demand a citizenship which accords with my aspirations and is recognised internationally. The facilities I received from the Indonesian government are the result of force of circumstances. These facilities cannot be used as the basis for intimidation.'

*
[We hope to summarise more defence pleas in our forthcoming Bulletin.]

Ruthless 'justice' for Timorese on trial

Timorese on trial in Jakarta and Dili are being dealt with ruthlessly by the courts for taking part in peaceful demonstrations. After having slaughtered so many last November, the regime is determined to punish severely those who survived for daring to express publicly their demand for independence.

The Dili trials

In Dili, eight East Timorese are on trial for their part in the 12 November demonstration. However, not a single soldier has yet been tried for opening fire on peaceful demonstrators or giving the order to shoot. Another five Timorese, arrested at the Motael Church on 28 October after their colleague, Sebastiao Rangel Gomes, was murdered, are on trial for the murder of Afonso Henriques, one of the gang which attacked the church and killed Gomes. No-one from the attacking gang has been brought to trial. Clearly, the rule of law in Indonesia has nothing whatsoever to do with justice.

No verdicts had been passed in the Dili trials as we went to press but prosecution demands suggest that there will be many harsh sentences. **Gregorio da Cunha Saldanha**, on trial for subversion and accused of leading the 12 November demonstration, a charge which he has not denied, will get a life sentence, if the court complies with the demand of the prosecution. The prosecution has called for a 15-year sentence for **Francisco Mirando Branco**, ten years for **Juvencio de Jesus Martins**, and an 8-year sentence for **Jacinto das Neves Raimundo Alves**.

The five who are on trial for the murder of Afonso Henriques are **Bobby Xavier**, **Alexio da Silva**, **Jacob da Silva**, **Bonifacio Barreto** and **Joao dos Santos**. The prosecution's case makes it clear that the young East Timorese who were taking refuge in Motael Church were goaded by 'pro-integrationists' who attacked the church and challenged them to 'come out and fight'. Having failed in their first attempt to provoke a fight, the attackers came a second time; this was when the two deaths occurred.

According to the prosecution, a post mortem of Afonso revealed that he died from a cracked skull and injuries inflicted by sharp implements. Nothing has been said about a post mortem of Sebastiao Gomes, the other casualty in an incident which official sources persist in referring to as 'a brawl'.

Bobby Xavier argued in court that Afonso and his cohorts were responsible for the incident, hence it is they who should be tried. In another of the murder trials, the defence lawyers complained that the defendants had been subjected to pressure during interrogation. The criminal code articles under which they are charged allow a sentence of up to 20 years.

The Jakarta trials

Four of the accused in Jakarta have now been sentenced. **Fernando de Araujo**, tried for subversion, was sentenced to nine years. After sentence was passed, Fernando stood up and gave a victory salute. "I want to say once again that I am not an Indonesian." Fernando has been adopted by Amnesty as a prisoner of conscience.

Domingus Barreto was given 6 months. Considering that he made abject apologies in court and vowed that he did not oppose integration, one wonders why he was not acquitted. **Agapito Cardoso** has been sentenced to ten months, while **Virgilio da Silva Guterres**, whose powerful defence plea is summarised elsewhere in this Bulletin has been sentenced to 2 years and 6 months.

The prosecution has asked the court to sentence **Joao Freitas da Camara** to 13 years.

European Parliament hearing on East Timor

The European Parliament's Foreign Affairs Committee plans to send a mission to East Timor to study the human rights situation. This follows a Hearing conducted by the Committee in Brussels on 23 April at which five East Timorese, one Indonesian and three others presented testimony. Representatives of the Indonesian and Portuguese governments also spoke.

The nine witnesses addressing the Hearing were: **Dr John G. Taylor**, author of *Indonesia's Forgotten History: The Hidden History of East Timor*; **Sidney Jones**, Executive Director of Asia Watch; **Russell Anderson**, an eye-witness of the Santa Cruz Cemetery massacre; **Donaciano Gomes**, **Mrs Sebastiana Saldanha**, **Jose Evaristo Madeira Soares** and **Jose Antonio Amorim Dias**, East Timorese refugees; **Jose Ramos-Horta**, external representative of the National Council for Maubere Resistance (CNRM); and **Liem Soei Liong**, representing TAPOL and the Front Demokrasi Indonesia.

John Taylor said conditions for the solution of the East Timor issue were far more favourable now than at the time of the invasion which was at the height of the Cold War. The main problem today was Indonesia's recalcitrance, its refusal to listen to reason. Indonesia's refusal to negotiate was governed by its fear of having thereby to admit that it had made a terrible mistake. The continuation of Indonesian rule in East Timor was closely connected with the army's pride in maintaining its hold, and a fear that self-determination in East Timor could trigger separatist moves elsewhere in Indonesia.

A changing pattern of killings

Sidney Jones, who recently visited East Timor and has since been blacklisted, described the changing pattern of killings in East Timor. Early on, they were directed at liquidating the armed resistance, terrorising supportive local populations and punishing rebels and their sympathisers. The Santa Cruz massacre was not part of a counter-insurgency operation. Many demonstrations had occurred in East Timor since 1989 without a shot being fired, until Santa Cruz.

On the pattern of arrests, in the early period, the policy was to arrest as many as possible to break up support for the rebels, detain them anywhere and use all means, including torture, to extract information. Since 1984, trials had been held, to create the impression that Indonesia respects the rule of law and to deflect attention from ongoing military operations. But holding scores of convicted prisoners made it hard to deny widespread resistance to Indonesian rule. Later, the pattern of arrests shifted again, holding people for brief periods, long enough to be tortured and intimidated but not long enough for a world outcry. While the pattern of arrests has changed over the years, the use of torture has remained constant.

She listed actions the European Community could take:

* With the creation of a new World Bank-led donor consortium after Indonesia cut aid links with Holland for being too strident about human rights, donor countries should publicly declare their commitment to linking aid to human rights observance. If the European Community fails to uphold this principle, Indonesia will be seen to have



Petitioners to the European Parliament Hearing: Left to right: Russell Anderson, Donaciano Gomes, Sebastiana Saldanha and Jose Antonio Amorim Dias.

successfully called the European bluff.

* With Suharto's rule nearing its end, East Timor faces a critical period. It needs more journalists and visitors; governments should protest if their nationals are denied access.

* Embassies in Jakarta should press for access by observers to the ongoing political trials and to the military trials, when and if they begin.

* Every meeting of ASEAN and Community foreign ministers should be used to review the human rights situation, not only in East Timor but in Aceh and other parts of Indonesia proper.

* If questions about the November massacre remain unanswered when the new aid consortium meets in Paris, there should be a close look at how development aid is allocated to Indonesia.

Timorese testimony

Following an eye-witness report of the Santa Cruz massacre by **Russell Anderson**, **Donaciano Gomes** spoke about the role of the Church in East Timor. The destruction of churches and seminaries had followed the invasion and many priests fled to the bush with the armed resistance. The church has provided protection against persecution and defended the fundamental rights of the people. Adherence to Catholicism has risen from 30 per cent in 1975 to more than 90 per cent now.

Following the murder on 28 October of **Sebastiao Gomes** at Motael Church, the authorities accused the church of protecting anti-Indonesian youths, and threatened to

investigate the link between the church and Fretilin. As a result, Bishop Belo refused to attend the annual conference of the Indonesian Conference of Bishops, in protest at the arrogance of the Indonesian army.

A new generation of Timorese has emerged, demanding independence as their right, said Gomes.

Another young refugee, Jose Evaristo Madeira Soares who left Indonesia this year, spoke about repression and the types of torture which are the everyday experience of East Timorese. He also described how the Indonesian forces of occupation have tried to indoctrinate people to accept integration.

Mrs Sebastiana Saldanha spoke about disappearances and family reunification. She also dwelt on the crimes perpetrated against women. She left East Timor with her family in 1986, leaving a son studying in Bali and a daughter who remained in Dili to be with her husband.

Many women who fell into the clutches of the Indonesian troops were violated, sometimes by a whole platoon. Even pregnant women were raped and later killed. Our sons and daughters have no security, she said, and death strikes people of all ages. Small children have been taken by officers and never returned to their families.

No credibility could be attached to the Indonesian inquiry commission's report. Far more people had disappeared than they said. Figures reaching abroad suggested that more than 200 people disappeared whereas the death toll during the massacre was in the region of 250. The families of these victims have had no official response to their inquiries.

Her son, Jose Maria Pompeia Saldanha Ribeiro, was arrested in Bali with other Timorese students after the Santa Cruz massacre and later conditionally released. In 1986, he opted to stay in Indonesia when the family left for Portugal, to complete his studies. After his recent difficulties, the family was told by the International Red Cross that he could not be re-united with the family because of his decision not to leave in 1986. Even though her son was free, it was impossible to contact him by phone or letter.

Joao Antonio Amorim Dias, who arrived in Europe in April 1992 from Jakarta, participated in the demonstration in Jakarta on 19 November, following which altogether 70 East Timorese were arrested. Intelligence officers tried to persuade 21 students held in detention after 49, including himself, were released in November 1991, to apologise for the demonstration and pledge allegiance to Indonesia.

Indonesia's 'own goal' at the Hearing

Three Indonesian government officials were given the chance to speak. One can only characterise their performance as an 'own goal'. Far from winning sympathy from the MEPs, their performance infuriated most of those present.

Ambassador to the European Community, Suryo Atmono, said respect for human rights was integral to the Indonesian state philosophy and Constitution and claimed that the UN principles gave no country the right to act as judge and jury of others. The position of human rights is different in developed and developing countries. As a developing country, Indonesia's objectives were: stability, development and eventual equitable distribution of wealth.

Before the two Timorese accompanying him had a chance to speak, several MEPs protested that the ambassador had spoken as if nothing was happening in East Timor. How did he justify genocide, the 12 November massacre, gross

human rights abuses and the refusal to allow US senators to visit East Timor? While a Dutch MEP said no-one could set themselves up to judge Indonesia, a Greek MEP criticised the ambassador for being vague and unhelpful. Though Indonesia's experience was different from Europe, this did not give it the right to commit genocide. The ambassador responded to none of these points.

Francisco Lopez da Cruz, member of Suharto's Supreme Advisory Council and vice-governor of East Timor from 1976 to 1982, told the Hearing that self-determination was a non-issue in East Timor as the people had taken part in several general elections. Arguing that no moral weight could be attached to the 1982 UN General Assembly resolution because the voting was 50 to 46, he said East Timor is now self-sufficient in food, has hundreds of schools and there has been a five-fold increase in the number of churches. He also said that instigating young people to demonstrate was against democratic principles.



Jose Ramos-Horta, CNRM, and Liem Soei Liong, TAPOL, at the European Parliament Hearing on East Timor.

One MEP said that if the Indonesian representatives did not deny the testimonies presented at the Hearing, they must be assumed to be accurate.

A British MEP asked for answers to specific questions: how many people were shot dead in Santa Cruz, why had troops opened fire, who gave the order, what action had been taken to discipline the troops and where were the bodies of the victims? These questions remained unanswered.

It was then the turn of Clementino dos Reis Amaral, member of Parliament and of the National Inquiry Commission who said that there had been much mis-information about the 12 November incident. The demonstration was not peaceful or orderly and had been held to raise tensions. He then repeated the findings of the National Inquiry Commission's preliminary report. But before he could finish his statement, the one hour allotted to Indonesia ran out.

Portuguese ambassador Rui Quartin Santos commended the European Parliament for its resolutions on East Timor; the resolution of September 1988 was still applicable. It was important for the Parliament to press for a mission to visit East Timor. After the recent global changes, the situation in East Timor was an anomaly. In the past few months, the human rights situation had further deteriorated, making the solution to the basic issue of self-determination

even more pressing. The issue can no longer be ignored. Indonesia had complained that accusations of human rights abuses were a calumny but the Santa Cruz massacre had proven that this was false.

Horta on process to self-determination

Speaking for the National Council of Maubere Resistance, **Jose Ramos-Horta** said that despite all the sufferings during 16 years of occupation, the resistance movement would extend a hand to the Indonesians, for negotiations without pre-conditions, under UN auspices. During a trip to Jakarta in 1974, he had been given assurances by foreign minister Adam Malik about East Timor's right to independence.

In brief, his three-stage plan is as follows:

In the first 2-year phase, talks between Portugal and Indonesia would start, not necessarily with the Timorese. Jakarta's refusal to talk to Timorese could be overcome by 'proximity talks' with the UN as go-between. The talks would aim at the withdrawal of most Indonesian troops, demilitarisation and Indonesian civilian personnel being cut by half. In phase 2, Portugal and Indonesia would restore relations, remaining troops would be withdrawn in three months, an assembly and governor would be elected under UN supervision, and political parties would be legalised.

In the third stage, an act of self-determination would take place. If the people opted for independence, East Timor would apply for membership of ASEAN and the South Pacific Forum.

Growing consciousness in Indonesia

Liem Soei Liong spoke about the growing consciousness in Indonesia of the illegality of Indonesia's annexation of East Timor. From being an obscure issue, East Timor had now become headline news. The Santa Cruz massacre had increased awareness in Indonesia about the true situation in East Timor, and there had been many protests. Many in Indonesia had been shocked by the Yorkshire film of the massacre, copies of which had been smuggled in.

He described depoliticisation under the Suharto regime

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and the role of non-governmental organisations in political activities and human rights work. After the increased flow of information from East Timor since 1989, this information, reaching the outside world, had been channelled to Indonesia, creating a new awareness among NGOs and the younger generation. During the Gulf War, protesters had drawn analogies between Iraq's invasion of Kuwait and Indonesia's invasion of East Timor. The massacre last November had been denounced by many student groups.

Development aid and conditionality

During the question and answer sessions that followed each contribution, questions were asked about Indonesia's announcement in March to reject Dutch aid. Many MEPs were concerned that West European governments had not condemned Indonesia's challenge to the principle of making aid conditional upon a country's human rights record. [See separate item for fuller discussion of this development.]

'Profoundly shocked'

Summing up, Ken Coates MEP, chair of the Parliament's Human Rights Sub-Committee said everyone had been profoundly shocked at the scale of East Timor's tragedy revealed at the Hearing. While it was not the task of the sub-committee to involve itself in the diplomatic problems – the complexity of which had been revealed during today's discussions – it would continue to monitor the human rights situation. He paid tribute to the proposals by Jose Ramos-Horta, made in a spirit of generosity to the Indonesian government.

The fact that the Indonesian government had wanted to participate in the Hearing was proof of the impact of international pressure on Jakarta. It was now the task of the sub-committee to consider its next moves; East Timor would be on the agenda of its next meeting in Lisbon in May. Special attention would be paid to making preparations for a mission to East Timor. *

Human rights briefs

Tried after seven years in prison

A Muslim preacher and engineer, **Ir Fatchul Wiyoto**, 42 years, who was a teacher at a prestigious technical college in Malang, was charged with subversion in the Malang district court in March this year, exactly seven years after being arrested, on 19 March 1985. The prosecutor asked the court to sentence him to 15 years.

Wiyoto was arrested along with four Muslim preachers who were each charged and sentenced to eight years in 1985. They faced accusations about their role in an educational network, the Islamic Crash Course Institute (LP3K). Wiyoto's name was mentioned as a defendant at the time but he never appeared in court. It later emerged that he had suffered a mental breakdown though nothing was ever said about the cause of the breakdown. [See TAPOL, *Indonesia: Muslims on Trial*, April 1987, page 81]

He was accused of undermining the authority of the state, falsifying the state ideology, Pancasila, and spreading feelings of hate in the community. He had done all this through discussions and lectures, under the cloak of religion, the prosecutor said.

A lawyer acting for the accused said the prosecutor's demand for 15 years was beyond comprehension. His client had been in detention for many years, much of the time suffering from mental illness and was not in a condition even to understand the indictment. [*Jawa Pos* 24.03.1992 and *Surabaya Pos*, 25.03.1992]

[We have not seen any press report of the verdict in this case.]

UN Timor resolutions in Indonesian

TAPOL's Occasional Reports No. 14 which reproduces all ten UN resolutions about East Timor, adopted by the Security Council and General Assembly from 1975 to 1982, has been translated into Indonesian and published in Indonesia. In addition, the handbook contains the Terms of Reference agreed by Indonesia and Portugal for the aborted visit to East Timor of the Portuguese parliamentary mission.

It is published jointly by the *Islamic Front for Democracy and Human Rights in Indonesia*, *Christian Youth Alliance for the Release of all Tapols in Indonesia*, and the *Indonesian Democratic Front*, Holland.

Contact address: Vespuccisstraat 1, 1057 CJ Amsterdam.

Many Acehnese at risk in Malaysia

More information has become available this month about the threatened circumstances of many Acehnese refugees in Malaysia. Some are boatpeople, some are Acehnese who have been living 'illegally' in Malaysia for a number of years. If any of them suspected of supporting the rebellion in Aceh were deported, they could face immediate arrest or worse. The degree of Malaysian government complicity is truly alarming.

Acehnese boatpeople refouled

Some five hundred Acehnese are believed to have fled in small boats across the Malacca Strait to Malaysia since March last year. The large-scale exodus by hazardous means came in the wake of atrocities in Aceh since the Indonesian army launched a major operation in late 1989 to stamp out the Free Aceh Movement or Aceh/Sumatra National Liberation Front (ASNLF).

According to the ASNLF, about half the boatpeople have already been returned against their wishes, or refouled, to Aceh. An independent source in Malaysia, whose identity cannot be divulged, confirms that refoulement has indeed taken place, but he puts the number at 75. The higher figure may well be correct if it includes Acehnese returned immediately on arrival, caught as they attempted to come ashore. Refoulement is a gross violation of the UN Protocol on Refugees yet the UN High Commission for Refugees appears to have been powerless to prevent it.

It is particularly tragic that the Acehnese boatpeople have been held incommunicado since their arrival, and not even allowed to contact the Kuala Lumpur office of the UNHCR so as to make formal applications for refugee status. In mid 1991, the Malaysian authorities succumbed to Indonesian government pressure and allowed Indonesian officials to visit the boatpeople in prisons and police lock-ups where they are being held. However, the UN High Commission for Refugees has throughout been denied access.

Even close relatives of the boatpeople have not been allowed to visit them. Three young Acehnese, all legal residents of Malaysia, Nurdin Harun, Ansari Ali and Effendi Abdullah, each of whom have a parent or parents among the boatpeople, were arrested on 27 November last year and sentenced to three-and-a-half months in prison for attempting to visit their parents at Juru Prison in Penang because the prison is said to be a 'forbidden place'.

Conditions at the lock-ups are described as deplorable. According to our independent source, a truckload of food and clothes for the internees was sent to Penang by Acehnese sympathisers in Singapore. However, it has not been distributed to them as the only people authorised to bring them necessities are Indonesian officials who use supply in a coercive way.

Incommunicado detention has made it impossible to confirm the number being held or their identities. Our independent source says that boatpeople have been shipped back to Aceh in small groups of 8 to 10. Of those already refouled, at least thirty are now in custody in Aceh.

Disguising returnees as 'TKI'

Evidence now in our hands shows that the Indonesian authorities have disguised the enforced return of political refugees by describing them as illegal 'TKI' or 'Indonesian

labourers'; TKI is used for Indonesians who go abroad in search of work. Many TKIs in Malaysia have no documents, hence they are 'illegal TKI'.

In September last year, at the early stage of the refoulement programme, *Reuter* reported from Jakarta that 16 'suspected rebels' had returned home from Malaysia. 'We sent them home but they are under surveillance,' said an official. [*Reuter*, 23.9.1991, see *TAPOL Bulletin*, No. 107, October 1991] Documents which have just reached TAPOL now show what actually happened to the 16 men. (See opposite page.)

Many more Acehnese under threat

The threat of forcible repatriation from Malaysia now extends far beyond the boatpeople. For years, Acehnese have drifted into Malaysia and have stayed on without documents legitimising their presence, helped by the large Acehnese community resident in the country. Indonesian intelligence agents have spied on them to identify ASNLF sympathisers. Here too, the Malaysian authorities are complying with Jakarta's wishes to force them to return.

Over the past few months, the Malaysian government has made much of the problem of 'illegals', mostly Indonesians. All who report to the Indonesian embassy for identity papers will be allowed to legitimise their presence. Speaking on TV on 21 March, the Malaysian Deputy Interior Minister announced a deadline of 30 June, after which all 'illegals' will be deported without question. House-to-house searches have been threatened in known Indonesian areas. Acehnese 'illegals' who sympathise with ASNLF and are afraid to report to the embassy will face summary deportation and possible arrest.

One group of Acehnese refugees is at particular risk. The twenty persons include members of the Free Aceh Information Bureau and their families. According to ASNLF sources, Jakarta has asked Kuala Lumpur to round them up and hand them over to the embassy for immediate deportation. On 23 April, Lord Avebury, chair of the Parliamentary Human Rights Group, informed the UN High Commission for Refugees, Mrs Ogata, of the names of these persons, stressing that their lives may be in danger if they are returned to Aceh. He asked her to try to persuade the Malaysian authorities to give the UNHCR time to find a third country that would take them in. When we went to press, Lord Avebury's letter had not been answered. *



Refouled Acehnese placed under military guidance

Acehnese refugees who fled to Malaysia in the wake of fierce repression at home by Indonesian troops have been returned to Aceh and handed over to local military commands for 'guidance'. TAPOL has received a confidential document produced by the intelligence chief of Bukit Barisan Regional Military Command ordering sixteen Acehnese to be placed under military surveillance.

The sixteen persons are identified at the head of the document as 'TKI' (tenaga kerja Indonesia) or 'Indonesian labourers', [a term used for Indonesians who seek employment abroad]. This distracts attention from the fact that they are political refugees.

The document, No. K/167/VIII/1991, classified 'Confidential' and dated 8 August 1991, is addressed to seven Dan Dim (district military commanders) - Dan Dim-0101/A.-Besar, Dan Dim-0102/Pidie, Dan Dim-0103/AUT, Dan Dim-0104/ATIM, Dan Dim-0106/ATENG, Dan Dim-0201/BS and Dan Dim-0209/LB. Paragraph 1 sets out the Grounds for the instruction:

- a. The order for Operation Round-up [*Operasi Jaring*] from Kodam I/BB [Bukit Barisan Regional Command] to crush the GPK Aceh.
- b. An oral instruction from Pangdam I/BB to the chief of intelligence I/BB on 6 August 1991 regarding the return of 16 illegal TKI prisoners suspected of involvement in GPK Aceh.

The document then states that the 16 persons will be handed over to each of the above-mentioned district commanders to be returned to their place of origin and subjected 'to guidance and supervision by each of the commands'.

Dan Dim 0101 is given charge of Syahril, 26, Dan Dim 0102 is given charge of two persons, Mahdi bin Abd. Rahman, 19, and M. Husen bin Abdullah, 25. Dan Dim 0103 is given charge of 6 persons: Herman, 25, Ibrahim bin Muda Rayek, 39, Ridwan bin Kasim, 19, Muhammad Nur, 25, Halim bin Syahrin, 22, and Karimuddin bin M. Yahya, 20. Dan Dim 0104 is given charge of Irwansyah bin Yunus, 23, Erwin Suryanto, 24, and Hasanusi bin Usman, 28. Dan Dim 0106 is given charge of Ruslan, 36. Dan Dim 0201 is given charge of Daud bin Ibrahim, 38, and Muhammad Nur Hamzah, 24. And finally, Dan Dim 0209 is given charge of Zainan bin Tgk. Yunus, 31.

Each of the 16 was required to sign a Declaration which reads as follows:

1. *That I will not give any information regarding the events which befell me to other persons or authorities, either regarding that which I saw, heard or came to know at the Kantor Den Inteldam-I/BB (Office of the Detachment of Intelligence of the Bukit Barisan Ist Regional Command).*
2. *That I am willing not to disseminate to other persons that which I saw, heard or came to know at the Kantor Den Inteldam-I/BB.*
3. *That I will not engage in activities (or) deeds or sympathise with, either in my behaviour, deeds, or words, express sympathy with or exert influence upon others*



regarding that which calls itself GPK Aceh.

4. *That I am willing to assist the Government Authorities in crushing the GPK Aceh both regarding that which I hear or with regard to its activities.*

5. *If I violate or disobey this Declaration, I am prepared to be charged in accord with the laws in force.*

Herewith my Declaration which I made in truth, free from any influences or force from others and in accord with my own consciousness, in order to be used as may be deemed appropriate.

The Declaration which we have received is dated 7 August 1991 and was signed in Medan by Syahril, the person who was placed in the charge of Dan Dim 0101. *

Refouled Acehnese murdered?

Two or more Acehnese forcibly repatriated to Indonesia on 30 April may have been murdered by Kopassus troops after arriving in Dumai harbour, West Sumatra. They were deported from Pudu Prison, having been rounded up by the Malaysian authorities months ago, after tipoffs from Indonesian intelligence about supporters of Acehnese independence.

According to several Acehnese, also deported, who escaped and fled back to Malaysia, the troops attacked the camp where the returnees were being held, with assault rifles. Fear pervades the Acehnese community in Malaysia as the deadline for the return of 'illegal' immigrants nears, aggravated by lack of protection from the UNHCR office in Kuala Lumpur.

OPM supporters on trial

In recent months, at least two men have gone on trial in Jayapura. These are the first trials about which details have emerged for quite some time. They indicate an organised network of support for the OPM among West Papuans in the north-east of West Papua.

The two men whose trials have been covered in the Indonesian press are Zeth Rumkabu, a first-lieutenant serving in the Indonesian army since 1975, and Drs Theo Rumkabu, an economics graduate aged 35, employed at the Christian Schools Foundation (Yayasan Pendidikan Kristen).

Zeth Rumkabu, who served in the *Trikora* 8th Military Command, was tried by a military court and sentenced on March 19, charged with stealing 100 weapons – M16s and SP1s – from an ABRI arsenal on two occasions in 1991. Through Theo Rumkabu and another, identified only as JF, he was alleged to have supplied the weapons to the OPM. For this, it was said, he received 30,000 rupiah (about £10) from Theo Rumkabu.

Pleading guilty, the defendant told the court his motive was purely financial. He was sentenced to six years and dismissed from military service. For 12 of the 17 years he served in the army, Zeth Rumkabu was a member of the prestigious Kopassus in Cijantung, Jakarta.

Theo Rumkabu, who is charged under the subversion law, was accused of supporting the OPM from 1984 and 1991 as an arms supplier, spy and contact for Marthen Prawar, an OPM (the West Papuan Liberation Movement) regional leader. The prosecution also mentioned his contacts with Zeth Rumkabu who is due to appear as a prosecution witness.

As supplier for the OPM, the defendant allegedly used

five couriers, all identified only by their initials. Two, according to the indictment, have fled into the bush, while NU and YP will be tried separately. The fifth is now dead, according to the prosecutor, but nothing was said about the circumstances in which he died.

Theo Rumkabu was also alleged to have sent Marthen Prawar a letter of support, signed in the name of West Papua by 25 people; the defendant represented Biak Numfor. In addition, he allegedly received, at his office in Argapura the journal *Suara Papua* [published by the West Papua People's Front in Holland], cassettes, films and a memorandum from Marthen Prawar.

Pleading guilty, the defendant said, "since my activities were against the law, there is no need for any defence."

But because of the gravity of the charges against him, the judge said he must have defence counsel which was provided by the court. When the opportunity arose for the defence lawyer to submit his 'eksepsi' or formal objections to proceedings, Bernard Akasian of the Cendrawasih University Legal Aid Institute said that although he had three objections to raise, he would not do so as his client did not want him to. He quoted his client as saying: "There's no point presenting any objections. It would only prolong the proceedings. I have already said that I am guilty." [*Jawa Pos*, 23.III.92 and 22 & 29.IV.92]. *

Film-maker killed on PNG border

Details of events on the West Papua/Papua New Guinea border are never well-endowed. But the mystery surrounding the murder of a Swedish film-maker in Kiunga, PNG, at the end of April is particularly alarming.

As yet, no light has been shed on the circumstances of the killing. The Swedish Embassy in Canberra, which is aware of the case, has not released his name. The PNG government had received no visa application from a Swedish film-maker, nor did they have any knowledge of his presence in the country.

He is, however, thought to have been in West Papua during April, but it is unclear how he entered the territory. Assuming that the film-maker wanted to visit the border area where OPM guerrillas are active and which is closed to tourists, his trip would have been clandestine. Its nature may have cost him his life.

A similar visit to East Timor brought the world unique footage of the guerilla resistance and evidence of atrocities committed by the Indonesian occupation; it is unlikely that such material from West Papua will reach a foreign audience this time.

Although the case is being investigated by the PNG police, the PNG military are apparently involved as well, indicating that it is more than a criminal affair. This,

coming in the wake of the recently-signed Status of Forces Agreement for even closer cooperation between Indonesia and PNG on their common border, suggests that the death is a suspicious tragedy.

More Refugees

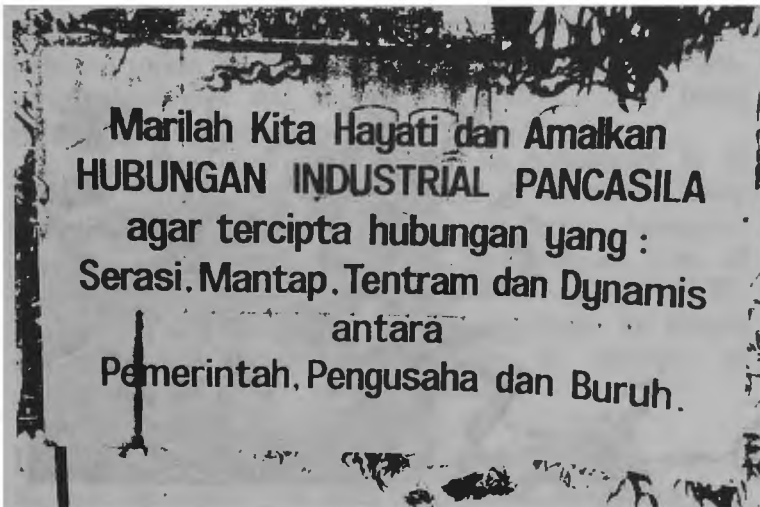
At the end of March, there was another exodus of Papuan refugees across the border with PNG at Suki, about five miles from Kiunga. The *Post-Courier* on 27 March reported that people were fleeing from a "possible confrontation between pro-independence OPM rebels and Indonesian forces in Irian Jaya". The paper gave no details of what provoked the flood, talking in general terms about "harassment by elements of the OPM operating in the southern end of the 700 km land border". It said there had been a recent build-up of Indonesian troops along the border with PNG.

The OPM meanwhile say that 1,166 people crossed the border in March. They also reported a number of deaths among the Indonesian forces (military and police) during the first few months of this year. The Indonesian government has not released any information about their own casualties; it is their practice only to announce the number of OPM rebels who have died [See *TAPOL Bulletin* 110]. *

Latest strike wave spawns new union

Indonesia is now seen as an Asian-Pacific 'tiger'. Although still a cub it already displays the features of a manufacturing country. Along with pollution and the disruption of rural traditions, one of the ugliest features is the treatment of the workers. No wonder strikes have become a daily phenomenon.

The Department of Manpower, in theory responsible for the huge Indonesian workforce, has time and again given proof of the futility of its talk about guaranteeing workers a decent living. On the contrary, to attract foreign investors, Indonesia officially promotes itself as a cheap labour country. The official minimum daily wage in Greater Jakarta has just gone up to 3,000 rupiahs (less than £1.00) about 70% of the minimum physical needs of a family in the capital. Workers in other places earn even less. The Manpower Department has been kept busy coping with the persistent spread of strikes throughout Java.



A corporatist billboard slogan: "Come, let us imbibe and spread Pancasila Industrial Relations so as to create harmonious, solid, peaceful and dynamic relations between the Government, the Management and the Workers."

Indonesian workers can consider themselves lucky if the bosses actually pay the minimum wage. The majority of strikes are all about achieving that minimum. Others erupt because holiday allowances are not paid or in protest at excessive working hours. Indonesian workers strike around issues of survival, not to achieve decent living conditions.

Growing radicalism

The Indonesian press is full of reports about industrial disputes. The only officially recognised trade union, the *SPSI*, is not merely incompetent; in many strikes it sides with the management. In East Java it actually advocated postponement of the payment of minimum wages in many factories. But the treachery of the union has not discouraged the workers from pressing their demands. It has led to the emergence of independent or autonomous groups of workers during strike actions, creating the foundations for alternative structures.

In some disputes around modest demands for the minimum wage, the employers have given way, creating its own momentum. The news of successful strike actions spreads like wildfire, creating more organisational experience for other workers. Skills in negotiating with the management,

coping with security officers and dealing with government authorities have strengthened confidence among the workers.

Some actions have led to physical conflict. During a strike at PT Alim Surya Steel in Surabaya, about 2,000 workers were promised a bonus for the fasting month. When the management failed to keep their promise, feelings exploded. The company car park was targeted; 65 vehicles, trucks and vans were destroyed and three Mercedes cars were burned. An entire floor of offices was destroyed. In the end, the workers won their demand. The director immediately paid out bonus and promised not to sue the workers for damages.

In most cases, workers' actions have been peaceful but in the Tangerang area (a Greater Jakarta industrial zone), interference and round-ups by the security officers escalated the conflict.

During the recent spate of strikes, small groups of students and NGOs have come to the support of the workers, providing legal aid, information about workers' struggles in other countries and also in direct solidarity actions.

Solidarity of students and NGOs

During the planning of a strike in Medan, North Sumatra, six workers and a student were arrested without warrant. A wave of protest in several university cities culminated in the birth of the *KMPBI*, the Students Committee for the Defence of Workers composed of students from Yogyakarta, Salatiga, Semarang and Jakarta. Twenty-five students went on a May Day protest to parliament. The demonstrators told deputy speaker Soeryadi: "The arrests show that the bureaucracy takes sides with the capitalists rather than defending the workers". The demonstrators used the opportunity to raise many matters like the dubious role of *SPSI* and intimidation of workers on strike by the bosses and the government. They asked parliament to support the demand for 1 May to be recognised as Labour Day. If the government rejects these demands, *KMPBI* said it would campaign for a *golput* (protest) vote in the elections.

May Day celebration

At the *IAIN Sunan Kalijaga* (Muslim State College) in Yogyakarta hundreds of students attended the celebration of International Labour Day organised by *DMPY* (*Dewan Mahasiswa dan Pemuda Yogyakarta*, Yogyakarta Student and Youth Council). May Day celebrations have been banned since 1965 because the government sees them as a communist propaganda tool. This unique event attracted student activists from Surabaya, Solo, Salatiga, Semarang and even Medan. At the last moment, the Dean stepped in to ban the meeting. It later turned out that he had done this at the behest of security officers who were present in large numbers.

Another group, Forum of Solidarity for Labourers, issued a statement strongly criticising the government's plan to regulate the activities of trade union activities. A new Draft Bill for "The Improvement, Guidance and Development of Labour Unions", describes unions as '*partners of employers in guiding workers to be honest, industrious, productive and disciplined*', the kind of language used in Nazi Germany. The Bill will give the Ministry of Manpower and the *SPSI* powers to control any genuine movement on the shopfloor.

The Forum includes nine NGOs, including *YLBHI* (the Legal Aid Institute Foundation), *LINK*, the Foundation of Information and Social Review, *JARIM*, the Network of Social Information and several active local groups like the Jakarta Social Institute.

SBSI, a new union

A new trade union called *SBSI*, *Serikat Buruh Sejahtera Indonesia*, Indonesian Welfare Trade Union has emerged. Following a three-day conference in Cipayung, 107 worker delegates from 18 provinces decided on 23 April to set up

a new trade union. A board of 11 people was elected, including Muchtar Pakpahan, a wellknown lawyer-activist, Ida Farida, a woman garment-worker and former *SPSI* local board-member, and Siti Musdalifah also ex-*SPSI*, who was sacked for defending her co-workers.

Muchtar Pakpahan came to prominence when his bulletin *Suara Pinggiran* (Voice of the Marginalised), reporting many tragic workers cases, was banned by the authorities. Poncke Princen, formally still chair of the first independent union *SBM-SK*, welcomed the new union saying there was room for new unions, considering that the vast majority of workers in Indonesia are unorganised.

The *SBSI* plans to work for workers' welfare, to provide legal aid and shop steward training. Branches will be set up all over the country; Mochtar announced that about 15,000 workers has already joined the new union. In the Priok area alone, the harbour of Jakarta, *SBSI* has attracted more than 5,000 members. Political endorsement has come from many directions: Abdurrahman Wahid, chair of *NU* and *Forum Demokrasi* delivered a speech at the *SBSI* meeting, as did Mintorahardjo, a deputy-chair of *PDI*. The *ILO* delegation in Jakarta invited the new board to an informal meeting. *

The Gulliver File:

Mines, people and land: a Global Battlefield by Roger Moody.

[Minewatch: 1992, 884pp. £150*]

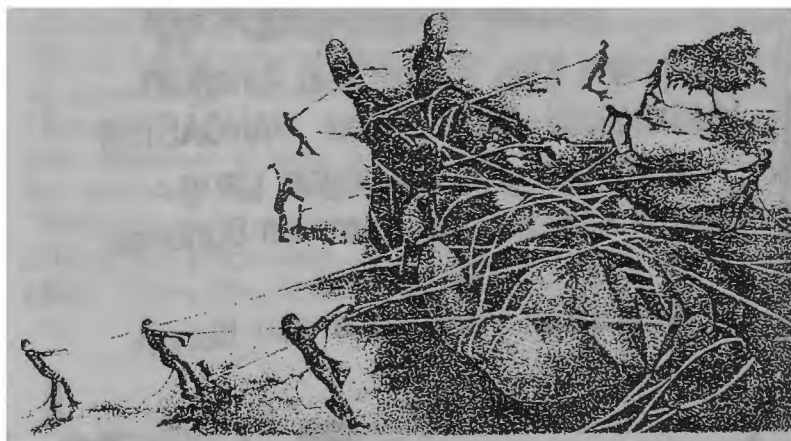
As the book's subtitle suggests, the mining industry is as much about people and land as it is about minerals. So although *The Gulliver File* is at first glance a directory of mining companies and their operations, it is also, of necessity, a companion to the social and environmental havoc that has been wrought by the industry, catalogued company by company.

The scope of this master dossier is therefore enormous, both in its content and in its usage. Equipping the reader with a handy glossary of mining terminology, it then vividly traces the development and interests of 700 international mining companies, constantly conscious of the political and economic context in which these occur. Freeport, for example, in extracting copper from West Papua, "distinguishes itself for being perhaps the only major foreign company to operate in this tortured land and to profit from the suppression of its people."

While *the File* could usefully serve as an easy-reference book, the cross-referencing index will swiftly carry any reader into the fascinating labyrinth of inter-company relations explored in the text, which continuously updates one's perception of the size and power of this yammoth industry.

Invariably, the reader will eventually be caught up in reading about one or other of two companies: RTZ and AAC. A Martian making a whirlwind tour of global mining, the author suggests, would be forgiven for assuming that only these two names need be recorded to take back home. The length of their entries in the File (RTZ gets 13 pages plus 55 more on CRA, 21 on Rossing while 35 pages are devoted to AAC) is a proportionate reflection of the amount of concerned research carried out on these companies over their ever-expanding existence.

Since many entries note companies' activities, and



generous space is given to statements by prospecting company officials, as well as those by local people, NGOs, researchers (and sometimes ill-fated company technicians), the author hopes the reader will be equipped "to evaluate the intentions of specific companies against their record."

This facility is unique. It is also frightening in its results. One reads for example that RTZ has "polluted and devastated natural environments in a chain that stretches around the world." Then one learns that its chair, Derek Birkin, is determined not to let any opportunity slip in Asia, for "by the turn of the century ... there will be a southerly shift in world economic power [to] developing countries, especially those in Southeast Asia" he says. Turning to the country index, one can then refer to 37 other companies with interests in Indonesia (and 6 more in West Papua), a figure that far exceeds any other country in Southeast Asia. The growing significance of Indonesia as a key regional target for the mining industry is not hard to see. The *Gulliver File* will, by means of the regular updates Minewatch will publish, keep us informed.

* Indigenous groups may apply for a free copy. £25 to non-profit-making NGOs on application;

Contact: Minewatch, 218 Liverpool Rd, London NI 1LE, UK. Tel: 44 71 609 1852 Fax: 44 71 700 6189.

Cheques payable to 'The Gulliver Trust' with 'The Gulliver File' written on the back. *

British support for Indonesian military: at any cost?

TAPOL Bulletin 110 described Indonesia's plans to raise its military role in Southeast Asia. Britain, conscious of the growing regional importance of Indonesia, is anxious not to lose out in these developments. Even the Santa Cruz massacre seems to have had no effect on UK policy.

In October this year, the Society of British Aerospace Companies will hold a Symposium in Bandung, at the headquarters of Indonesia's aerospace industry, IPTN, covering both military and civil aerospace technology. The participants will include British companies manufacturing military equipment. British Aerospace, Dowty, GEC-Avionics, Ricardo and Rolls Royce will be involved in a week of lectures, seminars, presentations and displays for Indonesia's growing aerospace industry, according to *The Engineer* [26.03.92].

TAPOL and Campaign Against Arms Trade (CAAT) members have written to the Society, condemning the Symposium. In a reply to TAPOL, the Society denies that it will be a sales or arms symposium, describing it as 'a technical forum to discuss... the manufacturing processes, core technologies and engineering skills currently being utilised by member companies of the Society'.

It is all too obvious that aviation technology is of immense value to AURI, the Indonesian air force. Dowty propellers, Rolls Royce engines, and British Aerospace expertise in building fighter jets, for example, have all proved attractive to IPTN, the industry that supplies AURI. The Symposium will clearly be an opportunity for British and Indonesian aerospace companies to establish or strengthen relationships with each other.

DFSO sets up office in Jakarta

So, need we worry? For sales to go ahead, companies need export licences from the Department of Trade and Industry (DTI) for each type of equipment. "A licence is not issued unless the government [is] satisfied that the end user is acceptable", according to the DTI [*Hansard* 2.II.87]. But the DTI is not likely to be concerned about whether the end user in Indonesia is civilian or military, for even the latter seems to be 'acceptable' to the British government.

In 1991 Whitehall's Defence Exports Services Organisation, whose role is 'to assist British defence industries to promote and sell their goods abroad', set up an office in Jakarta. No doubt the office will take part in the Bandung symposium.

The behaviour of Indonesian troops in East Timor seems to have made no difference to the government's assessment. Facing questions on the government's arms policy recently, the Earl of Caithness argued that there is 'no evidence to show British arms have been used against the people of East Timor'. Is the government suggesting that the Indonesian army in East Timor is wholly separate from that institution to which British arms are sold?

It has certainly pursued a dual foreign policy towards Indonesia. To deal with the army massacre in East Timor November, a diplomatic approach was used: 'strong representations' were made to the Indonesian government [*Hansard* 25.II.92]. But to deal with declining demand for Britain's defence industry, the government promotes British arms and military technology to the very government whose

armed forces are responsible for atrocities in East Timor and elsewhere.

There are reasons for this. Indonesia is fast becoming a regional strongman in Southeast Asia, not only militarily but economically. RENSTRA-V, the armed forces' fifth 5-year development plan begins in 1994 and Britain doesn't want to miss the launch.

Tyneside shipbuilders Swan Hunter is a good example. Having purchased a Royal Fleet auxiliary tanker, *Green Rover*, from the Ministry of Defence, Swan Hunter is refitting it for the Indonesian Navy. The work is expected to last until August. CAAT and TAPOL have protested to the company that the sale to Indonesia of a tanker to support its navy means support for the military regime that so brutalizes the country. But at a time when the British shipbuilding industry is under enormous pressure to find new customers, the government tries to downplay the sale, arguing that the tanker is 'only' a supply vessel, not a warship. Who do the government think they can fool?

The only way the sale of the *Green Rover* can be stopped is for the DTI to refuse to issue a licence.

We ask our UK members to join a letter writing campaign to protest against the *Green Rover* sale and the Bandung Symposium, especially in the light of the Santa Cruz massacre. Please write to:

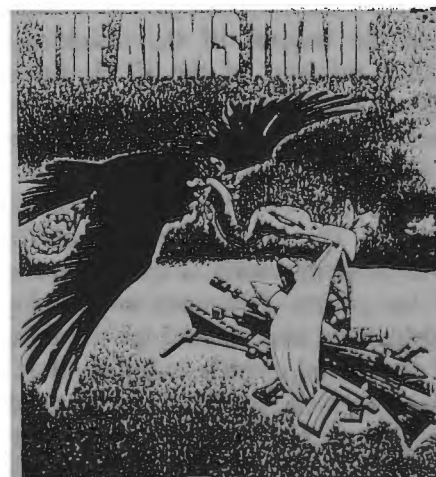
* Rt Hon Michael Heseltine MP
Department of Trade and Industry
Ashdown House, 123 Victoria St
London SW1E 6RB

Ask for his assurance that the government will not support the Symposium, nor allow the sale of the *Green Rover*.

About the Symposium, also write to:

* Air Marshall Sir Barry Duxbury, Director
Society of British Aerospace Companies
29 King St, London SW1Y 6RD
asking him to cancel the Symposium.

*



Siberut still under threat

The Siberut case hit the headlines in Indonesia in April when the President ordered Forestry Minister Harahap to cancel three logging concessions on the Mentawai island in West Sumatra. The decision has been welcomed by indigenous and environmental groups campaigning to prevent the mindless destruction of this unique island and its peoples. However the government's response is inadequate. The future of this tropical forest island and its people remain in the balance. SOS Siberut reports:

The presidential instruction

On 2 April 1992, the Minister of Forestry, Hasjru Harahap, announced Presidential Decision ordering 190,000 hectares of Siberut forest to be conserved as protection forest and nature reserve. The President also instructed Harahap not to extend three of the logging concessions [Berita Buana, 3 April 1992]. "Since the decision came from the President himself, this will definitely strengthen Indonesia's commitment to environmental protection," the daily commented. "The director of UNESCO hopes that this step will be emulated by other countries giving increased priority to the development of nature reserves".

SKEPHI, the Indonesian NGO Network for Forest Conservation, has welcomed the decision but says the whole of Siberut, 480,000 hectares, should be made a National Biosphere Reserve, not just 190,000 hectares, in line with international recommendations. The NGO also stresses that the decision can only have practical effect if government departments cooperate and implement the order. For at least ten years, government officials, notably in Forestry and Social Affairs, have shown no intention to protect the island or people of Siberut.

Police cancel people's forum

Siberut has always been a sensitive subject; looking at the history of abuse since at least the 1950s, the Indonesian government has had good reason to suppress the whole affair. TAPOL reported on the Siberut workshop, to be held in West Sumatra, which was cancelled at the last minute by the Directorate General for Forest Protection and Nature Conservation (PHPA in the Ministry of Forestry) despite support and endorsement of the Indonesian Ministry for Population and Environment (KLH) [see TAPOL Bulletin 109, February 1992]. SKEPHI also planned to hold a seminar on Siberut in Jakarta but it was cancelled, this time by intelligence police [Jakarta Post, 17 December 1991]. Both forums aimed to facilitate open discussion between the local people of Siberut and the government. No reasons for the cancellation were given in either case.

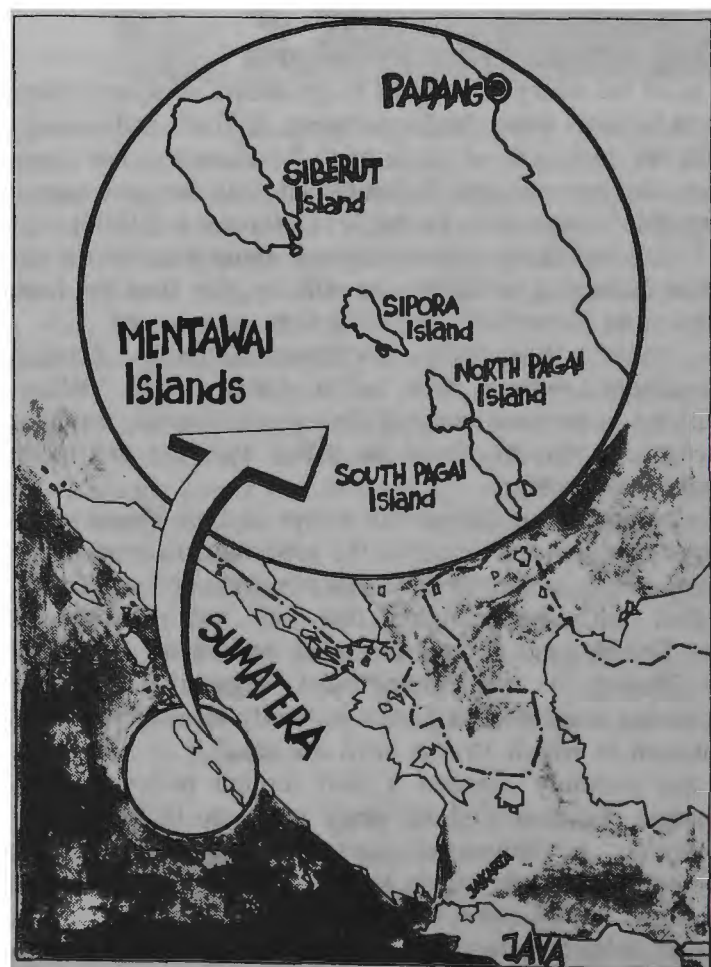
At the request of the disappointed local people, Emil Salim, minister of the KLH, agreed to meet them in his office. The islanders told the minister about their home and the agents threatening its destruction.

About the size of Bali, Siberut is covered in primary rainforest and contains a wide diversity of animal and plant species. The World Wide Fund for Nature estimates that over 65% of mammal species are endemic as well as 15% of the plants. Scientists and ecologists from all over the world have commented on the uniqueness and importance of the island, which culminated in the designation of the island as a Biosphere Reserve under UNESCO's Man and the Biosphere Programme, a status which UNESCO have

now reneged on by claiming that "only [an unidentified] part of Siberut was declared a biosphere reserve under the UNESCO programme" (Open letter from UNESCO, 23 March 1992).

The people told Salim how logging companies, granted concessions over the whole island in the 1970s, were destroying the forest with their destructive timber-cutting practices. They told how the companies were stealing their land and natural resources and polluting their water supplies. They even showed evidence of the companies logging inside the 90,000 hectare nature reserve protected under Indonesian law. As SKEPHI points out "in fact, according to UNESCO's proposal in 1981, all the logging activities should be stopped".

The plan for oil palm plantations over half the island with associated transmigration of 10,000 families, would mark the end of their island and their culture. Over forty years of forcible resettlement policies for the "backward" indigenous peoples into unsuitable government villages has already deprived people of their traditional land and culture. Such acculturation, using intimidation and weapons, is a common experience for indigenous people in Indonesia.



While the Indonesian government is silent on the issue of oil palm plantations on Siberut, UNESCO say "to [our] knowledge, the plans for new oil palm plantations have already been cancelled last year if not earlier". A letter from the Governor of West Sumatra to the villagers of Tailelu in South Siberut last September demanding 17,000 hectares of village land for oil palm plantation with associated transmigration of 437 families proves this is untrue.

Moreover, Minister Harahap stated that "the local people, employed by the concessionaires in the logging operations will get new jobs as workers at oil palm plantations under the nucleus-estate scheme (PIR)" [*Indonesian News* 15 April 1992]. Oil palm and the associated transmigration under the PIR scheme remains very much on the agenda.

What you can do

The case has reached a crucial point. The Indonesian government and UNESCO have been forced to make public statements on the future of Siberut, but the position is still unclear and dangerous for the Siberut people and their rainforest. Letters from the international public have proved

important in the campaign to date, and SOS Siberut are asking you to continue to write letters in courteous terms as follows:

1. To President Suharto supporting his decision concerning Siberut but asking for clarification on the status of the oil palm plans and transmigration. [*Presidential Palace, Bina Graha, Jakarta Pusat. Copies to: Minister Emil Salim, Kantor KLH, Merdeka Barat 15, Jakarta Pusat.*]
2. To UNESCO raising concerns about their position on the status of Siberut as outlined above. [*MAB International Secretariat, Division of Ecological Sciences, UNESCO, 7 Place de Fontenoy, 75700 Paris. Copies to: Dr Jurgen Hillig, Direktorat IPTEK (UNESCO), Tromolpos 1273/JKT, Jakarta 10012.*]

Copies of replies please to SOS SIBERUT, 36 Matlock Court, 46 Kensington Park Rd, LONDON, W11 3BS.

Copies of our Siberut Report are available for £7.00. *

Human rights briefs

HUMAN RIGHTS

Man shot dead by police

A man was shot dead and another was wounded when Mobile Brigade police officers guarding a gold mining concession in West Java open fired, suspecting that the men were 'illegal' gold panners. The police were guarding the area for the state-owned mining company, PT Aneka Tambang. Four others escaped injury.

There have been two previous shooting incidents, one resulting in a death and the other in serious injury.

Last year, the mining company, after winning the concession to mine for gold, evicted 218 families living on 63 hectares of land. It plans to start mining gold later this year and expects to produce two-and-a-half tons of gold and 20-30 tons of silver annually. Local inhabitants have been in the habit of panning for gold to improve their impoverished circumstances.

Investigating the shooting for the Bogor Ampera Legal Aid Institute, Maradang Hasoloan Sinaga said the dead man, Imam Sujono, 23, who had got married only a month ago, was not even in the concession area when he was shot. He was walking nearby in the forest with a friend, Yahya, who was injured; they were not carrying any gold-panning equipment. He also said the victim's father had been cajoled into accepting 'compensation' of Rp150,000 (about £50) and signing a statement promising not to report the incident to the authorities or press for charges against those responsible.

A fortnight after the shooting, Sinaga complained bitterly that no-one had yet been charged for the shooting and the company had not even sent condolences to the bereaved family. "It rakes in huge profits yet it has done little to improve the lives of the people, most of whom are poor," he said. A week later, still nothing had been done to bring anyone to justice. [*Jakarta Post*, 23 and 25 April, and 2 and 14 May 1992]

Land eviction in North Jakarta

Late last year people from three subdistricts in North Jakarta were told to leave their homes. According to a

claim by Pertamina, the state oil company, the 160 ha plot known as Plumpang belongs to them, but the 3,000 residents dispute this claim and have engaged in a persistent struggle ever since.

The Plumpang area has been a source of conflict since 1968. From then on, people from all parts of Indonesia have settled there. Pertamina has offered the people compensation but the amount is so paltry that most residents have rejected it as insufficient to pay for alternative housing. The area is still remembered by the people of Jakarta because of the tragic events in 1984. Eight years ago a peaceful demonstration in Rawa Badak (part of Plumpang which is situated in Tanjung Priok, the harbour of Jakarta) protesting against police brutalities was met by bullets by the security forces. As with the *Santa Cruz* tragedy in East Timor, the exact number of casualties has never been established.

Pertamina, backed by the mayor of North Jakarta, ignoring the protests, started to demolish the houses last January. The people have remained on the site and have erected temporary housing and tents next to the rubble.

On 13 April a new conflict erupted when 5 trucks from the municipality arrived to clear the site. The inhabitants, including women and children, stood side by side in defiance of the authorities. Symbolically, many held *bamboo runcing* (a sharpened bamboo stick used in the independence struggle of 1945-1949).

LBH, the legal aid institute, representing the Plumpang people, has taken Pertamina and the mayor of North Jakarta to court for irregularities. But intimidation and terror has not stopped there. At the end of April two informal leaders of the local community, both named Muhidin, were 'taken' by the military for questioning. The LBH lawyer Nursyahbani Katjasungkana filed a complaint and after a few days the two were released. The first Muhidin has since disappeared and is thought to have gone into hiding while the second, in poor mental shape, sought refuge at the LBH office. "I do not stay at home but in many places. If I were to stay at home, I'm afraid the officers would come back."

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[*Jakarta Post*, 29 April 1992).

He has retracted the statement he signed during interrogation. The security officers told him that by signing the statement he had dismissed the lawyers; he was told that his release was conditional on his accepting compensation. Muhidin decided to sign under duress.

In the meantime three more Plumpang residents have sought refuge at the LBH office. As we go to press, the Plumpang tragedy is unresolved. This case is by no means exceptional; similar conflicts are occurring everywhere.

Muslim activist on trial

A Muslim activist, identified only by the initials 'AFW', aged 68, has gone on trial in Bandung on charges of supporting aspirations for the creation of an Islamic state, the NII. He was charged under the subversion act, which

allows a maximum penalty of death.

AFW has been involved with the NII since the proclamation of the movement in 1949 by its leader, Kartosuwirjo. He has already served two prison terms for his beliefs - nine years in Nusakambangan Prison, Central Java, from 1953, after being found guilty of subversion, and seven years in Kebon Waru Prison, Bandung, from 1975 to 1982.

According to the indictment, the accused has since 1985 advocated his beliefs in four mosques in West Java and has been engaged in activities to 'consolidate' the movement, along with a number of associates all of whom are identified only by their initials. (This would suggest that more trials may follow.) He allegedly has tried to mobilise young people to his cause by preaching lectures and sermons in a variety of places. He urges his listeners not to honour the flag and other human contraptions but to honour only that which has been created by Allah. He is also accused of speaking disparagingly of Indonesia's political leaders. [*Suara Karya and Pikiran Rakyat*, 21.04.1992] *

AID & HUMAN RIGHTS

continuation of page 3

tion of Portugal, have so far come to its defence, in the longer term Suharto could encounter resistance if there is growing international consensus on linking aid to human rights.

An early test will come when the EC negotiates its new treaty on economic cooperation with ASEAN countries later this year. Conditionality has been adopted as EC policy and Portugal has made it known that it will insist on the inclusion of a strongly-worded human rights clause because of the situation in East Timor. A great deal of pressure will be needed to persuade other EC member-states to support the Portuguese position and challenge Indonesia on its rejection of aid conditionality.

In recent months, several Paris Clubs have punished countries for their human rights record, setting a precedent for the CGI. The linkage between ODA and human rights should be constantly stressed. If countries like Iraq, Libya

or Malawi are being subjected to sanctions, the US, the EC member states and Japan should be pressed to apply the criteria consistently. The World Bank and the IMF should not be allowed to escape from linking human rights and the environment to aid. By sticking his neck out, Suharto has made himself vulnerable. It is up to the international aid community to make Suharto pay for this, but this is not likely to happen without strong pressure from human rights activists around the world.

The message conveyed in Indonesia's letter to the Dutch government on 25 March is: *Yes, we do violate human rights but we regard this as a domestic matter. Any country such as Holland that criticises us will have to bear the consequences.* This must not be tolerated. Upholding human rights is a universal principle which even Indonesia has acknowledged by its acceptance of the Universal Declaration of Human Rights.

The dissolution of IGGI is a matter for celebration by all human rights NGOs. The consortium always supported the Suharto regime politically and economically. It was never possible to press the question of human rights abuses at IGGI meetings. Now that the World Bank has agreed to chair a new-style IGGI, it should be roundly condemned for submitting to Indonesian arrogance. Although human rights have never been high on the Bank's list of priorities, NGOs and solidarity groups must make sure that the Bank will live to regret its decision. *

IGGI aid in 1991/1992

Donor	Amount US\$m	% age
World Bank	1,630.0	34.26
Japan	1,320.0	27.76
ADBANK	1,100.0	23.13
US	133.2	2.80
France	111.6	2.35
Holland	91.3	1.92
Germany	76.2	1.60
UNDP	70.5	1.48
Canada	40.3	0.85
Australia	39.8	0.84
UK	29.9	0.63
IFAD	24.0	0.50
EC	23.3	0.49
UNICEF	16.0	0.34
Switzerland	15.2	0.32
Belgium	13.7	0.29
Spain	10.0	0.21
Austria	8.0	0.17
New Zealand	2.1	0.04
Total	4,755.1	100.0

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