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British Campaign for the Release of Indonesian Political Prisoners

TAPOL Bulletin No 31

Dec-Jan 1978-9

6157 Tapols Held on Plantations

A total of 6,157 men officially described as "released Category-C political prisoners" from Central and East Java are being held as forced labour on State-owned and military-run plantations in North Sumatra and Aceh. They are among 18,000 contract labourers all of whom are being held against their will at the plantations.

This is reported by two Jakarta newspapers **Merdeka** and **Kompas** (21 October, 1978) which said that the men had signed 5-year contracts, in some cases as long as 10 or 15 years ago, but had been unable to return home after their contracts expired because the employers failed to buy them return tickets. The conditions described are reminiscent of those of the infamous colonial indentured labour contracts of the first decades of this century.

It is not clear from the reports whether the Category-C men also signed contracts or were coerced in other ways to go to the plantations. State-run plantations are all under military management as is the plantation recruitment office, and 'released' prisoners could easily have been coerced into accepting 'recruitment' as a condition of release. The newspapers do make it clear however that the reason why the Category-C men cannot return home is not the lack of return tickets which the contract labourers had been promised but because "the competent authorities have not yet stipulated whether they may return to their villages".

This was confirmed by Admiral Sudomo, Commander of KOPKAMTIB, the Army security command when he told **Merdeka** (23 October, 1978): "Everyone in society is free and can go home (sic). But those in Category C are still subject to supervision. Their return home depends on whether they have jobs in their places of origin. If the local military authorities consider that this is not so, (they) may indeed not be allowed to go home."

This is clear proof that the Indonesian Government has

'Tapol' is an Indonesian contraction for 'tahanan politik' meaning political prisoner. It is still widely used although it was banned in 1974 because the military authorities said that all prisoners are 'criminals'.

for many years been engaged in the practice of sending 'released' prisoners as forced labour to work in conditions of captivity. It confirms that there are far more political prisoners being held than the 10,239 officially acknowledged after the reported release of 10,005 prisoners in 1978.

It confirms moreover that thousands of Category-C prisoners are still being held despite government claims that all people in this category were freed by 1972. Reports received in the past that prisoners were being used on plantations have now been confirmed indisputably, but it is not possible to estimate how many people are involved. The **Merdeka** and **Kompas** reports may do nothing more than reveal the tip of an iceberg.

These reports only came to light because a group of contract labourers managed to escape from the plantations, as the papers put it. After finding jobs elsewhere in the vicinity, they earned enough money to purchase tickets home for themselves and their families. When they reached Jakarta, they told the press about the plight of the many thousands left behind.

HOIST BY THEIR OWN PETARD

Editorial

By the same process in which tapols become "criminals", Buru becomes a "transmigration project", and G30S/PKI Group C prisoners engaged in forced labour in Sumatra become "indentured labourers", Attorney-General Ali Said hopes to bestow Buru with a new name (perhaps "Sunnyhaven" would be appropriate for the astounding processes of "doublethink" we are witnessing).

The blatant hypocrisy behind these "changes", so clearly enunciated by Suharto's generals should remove the scales from the eyes of western policy-makers and newspapers which have been applauding Indonesia's human rights concessions in releasing political prisoners. For every publicised step forward, there is at least one unpublicised step back, although recently several generals have themselves revealed the warped logic behind the continuing abuse of tapols, even after they have been "released". We ask our readers to consider very carefully the implications of forced labour and forced transmigration policies, which have been described for us by the generals in their own words.

1978 Releases Completed

General Yoga Sugama, KOPKAMTIB Chief-of-Staff, announced on 4 December last that a total of 10,005 tapols would be released in 1978. Up to November, 5,717 had been released and the remaining 4,288 were being released during December. Most of those released in December would be from the Buru detention camp. (*Suara Merdeka*, 6 December, 1978)

Yoga Sugama was speaking at the release ceremony in Surabaya of 1,350 tapols from Buru. Two further Buru groups would be released—about 1,300 on 18 December and another 1,300 towards the end of the month.

All Tapols with Families will remain on Buru

Yoga Sugama also announced that all 207 Buru tapols who have their families with them and are located at the Savana Jaya unit "have declared that they will remain there as transmigrants".

Current KOPKAMTIB Figures

KOPKAMTIB now claims that with the completion of the 1978 releases, there will remain a total of 9,739 tapols (according to *Suara Merdeka*, 6 December) or 9,339 (according to *Suara Merdeka*, 5 December, 1978). Of these, 5,927 are said to be on Buru, not including of course those remaining permanently at the Savana Jaya unit.

The number of A-Category prisoners is now officially given as 1,391 who "will be tried or re-classified", Yoga Sugama said. KOPKAMTIB had previously announced that all A-Category trials would be completed before the end of 1978, a deadline which will evidently not be met. When Yoga was asked how many prisoners had been tried so far, all he could say was: "I don't know. We don't have figures." The reader should be reminded that sentenced prisoners are not included at all in the KOPKAMTIB figures of tapols remaining in prison.

Another pointer to confusion over figures appears from the figure quoted by *Kompas* (3 December, 1978) following an interview with Admiral Sudomo, KOPKAMTIB's Commander-in-Chief. According to him the total number of tapols of all categories, after all 1978 releases have been completed, will be 10,239, a figure which is said to include A and B categories and "new arrests". But if we add Yoga Sugama's figures for the A and B categories alone, we get 10,730, according to *Suara Merdeka*'s 5 December figure, or 11,130 according to that paper's 6 December figure.

To all this, we must add the 6,157 C-Category tapols who have now been discovered working on plantations in North Sumatra and who are altogether excluded from KOPKAMTIB figures.

'Pioneers' Needed?

There is yet another statement by General Yoga Sugama which we feel obliged to report to our long-suffering readers. This one was made on 27 September (*Kompas*, 28 September, 1978), on the occasion of the release of 1,324 tapols from Central Java. On this occasion, the

General returned to his now-familiar theme of enthusing over the attractions of "transmigration" for ex-tapols. He has now excelled himself with a new turn of phrase, to make it sound as if the government is favouring these ungrateful ex-tapols in letting them go to camps. "We need pioneers regardless of whether they are ex-PKI or not," he said. In an effort to explain away the prejudices that have been nurtured against anyone with an unacceptable political past, he went on to say: "It would be better to urge the ex-prisoners to seek new lives in regions made ready for them by the government. In such places, the local



Mardiana, 17 years, shouts, weeping as she embraces her father, just returned from Buru: "Mama, Mama, this is Papa!" (*Kompas*, 5 December, 1978.)

populations do not know their background and there would be no one to start stirring up old conflicts".

When asked whether any communities had displayed negative attitudes towards returned tapols, he said: "No, but don't forget. The releases happened only last year. We reckon that the critical point will be reached in the second or third year after their release". He did not expand on what he meant by this "critical" point.

We must now turn again to the General's statement made on 4 December in Surabaya for some further light on his attitude towards the problems of released tapols. He said:

"I have not received any report of ex-tapols obtaining employment. Former civil servants and members of the Armed Forces, having been involved in an act of treachery, have all been dismissed. Without any discriminatory practices (sic), the laws of nature have resulted in their being pushed aside. Private companies, for instance, want to employ people who are younger, more capable and with better educational backgrounds." (*Suara Merdeka*, 6 December, 1978)

Buru: A Rose by Any Other Name...

A plan to rename the island of Buru was announced in December last by Indonesia's Attorney-General, General Ali Said, during a visit to the island. The idea had emerged, he said, to facilitate attempts to convince Buru tapols to remain on the island as permanent "transmigrants" and to persuade other prospective transmigrants to go and settle in the island.

"One reason why the prisoners don't want to stay on Buru," said General Ali, "is the 'trade-mark' of the island, its association as a place of detention. A way must be found to remove this obstacle." The "way", he said, would include "information, and efforts to rename the island". (*Kompas*, 14 December, 1978)

General Ali Said, as Indonesia's Attorney-General, is concurrently chairman of BAPRERU, the central administrative agency in charge of Buru. He declared on the same occasion that his formal position rendered him "the only person with the power to determine where a detained person shall be held. I have complete authority to 'intern' or 'extern' anyone." And he went on: "The detention of B-Category G30S/PKI prisoners on Buru is based on the law. Likewise, the length of their detention is based on existing Emergency Law." (*Sinar Harapan*, 11 December, 1978)

These categorical statements were made during an inspection tour of Buru undertaken by General Ali Said, together with many other government officials concerned mostly with the general transmigration programme. The main purpose of the inspection tour was to ensure that all the enormous investments made in Buru would not be wasted, and to consider ways of turning the island into a major transmigration project.

The Attorney-General took the opportunity to enumerate the phenomenal achievements of his BAPRERU project which have cost the government the sum of Rp 3,000 million (about \$7 million at the former exchange rate). "Land brought under cultivation includes 1,400 hectares of garden-land. There are now 1,200 cattle, 110 bullocks, 90 horses, 15,000 chickens, 10,800 ducks. 12,500 perennial plants had also been planted including copra trees and clove bushes."

THREE TAPOLS KILLED IN BURU

Three tapols on Buru were killed in November when, according to the Jakarta daily, *Kompas* "they were struck by lightning". Two prison guards and one local inhabitant were also killed.

Kompas reported this incident, virtually in passing, in a major news story summing up the number of releases and the number of tapols remaining on Buru. "The number still on Buru after the December releases should have been 5,927, but because three prisoners living in Unit XV together with two guards and one local inhabitant were struck by lightning in November, the number remaining is now 5,924." (*Kompas*, 12 December, 1978)

The Minister for Transmigration, Mr Martono, whom General Ali had taken along with him, was truly impressed. "This project is by far the best transmigration project (sic) I have ever seen in any part of the country." *Sinar Harapan* (11 December), reporting these words, said that Minister Martono was "unable to conceal his sense of deep pride at the achievements of the Buru agricultural project".

At this point, there was clearly some danger that someone might be so bold as to suggest that the men who had lived, worked and in many cases died for this "great achievement" might perhaps get some of the credit, but General Ali was quick to put the record straight. His words are so full of simple logic and profundity that we feel bound to quote them in full:

"If Buru has been such a stunning success, this is not because those G30S/PKI fellows are such splendid farmers. No. It is due entirely to the system and discipline enforced by BAPRERU. Let no one be deceived or hypnotised into thinking that Buru's success is proof of the superiority of the PKI. That would be quite mistaken. The success is due precisely to the system and discipline adopted, a system that was implemented by the 11,000 or so people who made up the work force. If such a system and discipline were implemented by the rest of the work-force, with all the many tens of thousands" (a slip here, surely, Attorney-General, for Indonesia has a work-force of tens of millions. But no matter. Indonesian officials are never strong on figures. . .) "of people, to clear the forests and open up land, there would be more successes like this. It is not because these fellows are from the PKI." (*Sinar Harapan*, 11 December)

"Safeguard Our Investments"

Ali Said and his team went to Buru, we are told, with strict instructions from President Suharto to ensure that all the investments already made in Buru would not be wasted as a result of the release of the B-Category prisoners. "There must be no vacuum," said Ali Said, referring again to the Rp 3,000 million already spent on the project.

The Minister for Transmigration came in at this point to stress that transmigration to Buru would mean an enormous saving for the government. "It costs us," he said, "Rp 2 million per family to transmigrate people to regions where the land has not been opened up."

In other words, to use the Minister's own figures, if the 11,000 men who laboured on Buru since 1969 had been normal settlers, the Buru project would have cost the government Rp 22,000 million, more than seven times the investment actually made! But then, of course, there would not have been that "system and discipline" and results would have been paltry by comparison.

Still More Land to be Reclaimed by Tapols

But, enough of the past! Let us turn now to the future. Unfortunately for the government, the reduction in the number of prisoners on Buru (by 1,501 in 1977, and 4,000 in 1978) threatens the infrastructure with serious under-

Families Demand Right to Return Home

When General Yoga Sugama reported on 4 December that 207 tapols together with their families were now re-settled as "transmigrants" on the Buru unit of Savana Jaya, he stated that they had "declared that they would remain there". Less than two weeks later, on 13 December, the Attorney-General Ali Said was telling the press something quite different: "Many of those on Savana Jaya want to go home. . . despite our explanations about the difficulties they will have finding work or livelihoods. We can't prevent them from going home."

What had happened in between these two statements? A contact in Central Java, writing immediately after the return there of many tapols from Buru in December, has told us that when Ali Said paid a visit to Savana Jaya during his inspection of Buru in December, the wives and children there organised a demonstration demanding that they be granted the right to return home.

He eventually conceded that they should have this right, though insisted that they should "think things over for one week". He also reiterated the statement that had been made earlier by the Commander of Buru to one tapol's wife who had made a similar demand, that **all wives and children would be required to pay their own transport costs!** Moreover, like all Buru tapols they were told that their husbands would be issued with identity-cards bearing the words "released Buru prisoner", a sure way, under the restrictions imposed by the Army, of preventing them from finding a livelihood in Java.

It now remains to be seen how many of the Savana Jaya families will in fact return to Java.

We have been informed of the following names of tapols now on Savana Jaya with their families: Drs Setiahadi, formerly employed by the Gresik Cement Works, Subur from Kediri, Rafii from Mojokerto, Lukman from Pekalongan, Tawil from Pesuruan, Karma from Bandung, Mujimin from Banter., Sutaji from Kedungpring/Babat, Maun from Cirebon and Sugeng from Jakarta.

Ancol Tapols May Not Return

Tapols returning from Buru have also reported fears that the prisoners now being held on the special Sector of Buru named Ancol will not be allowed to return home. They are said to be the 'diehards' and include Drs Piry, economist, Rivai Apin, poet, Karel Supit, member of Parliament and Chaerun Chaeripeboka, economics graduate from Amsterdam.

Savana Jaya Tapol Returns Home Paralysed

There is one tapol who has been allowed to return home from Savana Jaya. His name is Sugeng. His wife died three years ago at childbirth. He remained at Savana Jaya with his four children and after becoming paralysed, was unable to work. He was helped by other prisoners, until allowed to return to Java in last December. Other tapols contributed Rp 1,000 each to help him re-establish himself after his return home. There is, of course, no social security available for anyone in Indonesia, including prisoners released from Buru who have worked to provide the country with such a "stunningly successful" agricultural project.

* * * *

PRAMUDYA AND HASJIM RACHMAD WILL NOT BE RELEASED THIS YEAR

Neither the well-known writer, Pramudya Ananta Toer, nor the journalist Hasjim Rachmad will be included among the tapols released from Buru this year. Both are known to be very outspoken. Pramudya has frequently been interviewed by Indonesian and foreign journalists visiting Buru, and Hasjim Rachmad was the man who was led away by a security officer after he had been talking to a large group of journalists at Buru Command HQ in December 1977.

When asked about Pramudya's chances of being released this year, Admiral Sudomo, Commander of KOPKAMTIB, said: "He will be left until the very last."

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maintenance. Moreover, of the remaining prisoners, 60 per cent are over the age of 50 "and are no longer efficient as a work-force", to quote Ali Said again. He feared, too, that most of those still there would prefer to return to Java on their release. "Even many of those who are free and are living on Savana Jaya would prefer to return to Java." (Kompas, 14 December) This is a surprisingly frank admission, especially as we have been told elsewhere that all 207 families on Savana Jaya have "chosen" to stay.

However, two units on Buru, Unit XV and Unit XVI are to be cleared completely of inmates and held ready for released tapols who, having encountered difficulties in re-assimilating in society back in Java, decide to return to the

island of (quick, help needed to think of another name). But this attractive option will not be open indefinitely. Returned prisoners will be given no longer than four months to register themselves for "transmigration", together with their families, to

In addition, Ali Said pointed out that the 1,400 hectares of wetland already opened up were only one-tenth of potential riceland on the island. As chairman of BAPRERU (which, after all, still has 5,924 tapols at its disposal on the island), he declared that the prisoners there "would now be concentrated more onto the southern stretches of the Wai Apu valley, where they would be put to use to further extend the area of cultivable land. Already inhabitable units would be left vacant for newcomers." And so, the forced labour goes on.

Dozens of Students to be Tried

It has been announced in Jakarta that over thirty students are soon to be tried for alleged involvement in student protests in January 1978. **Tempo** reports (2 December, 1978) that trials were to commence simultaneously on 4th December in no fewer than eight cities: Jakarta, Bandung, Yogyakarta, Semarang, Surabaya, Ujung Pandang, Palembang and Medan. It was then reported that some of the trials would be held on different days, the first being the trial of one group of students in Jakarta on 29 November. But when defence lawyers and members of the public turned up for the session, they were confronted with an announcement that the trial had been postponed and would not take place until at least January 1979 as the courts were "too busy". Similar postponements were announced in the case of two trials that were to have commenced early in December in Bandung and Surabaya, and it is now not clear when any of the trials will take place.

The Public Prosecutor's Office has decided not to charge the students on the basis of the Anti-Subversion Law (the law used to try students in 1974), although the Deputy Attorney-General, Sadili Sastrawojaya claims that technically they could be charged with subversion. They are instead to face charges under the notorious *hatzaai* articles of the colonial Criminal Code which cover such generalised offences as "spreading hatred", "undermining the prestige of the Head of State", and "disseminating writings that are offensive".

The students to be tried are broadly speaking divided into two groups. The first group which includes five of the Jakarta students as well as all those being tried in other cities, are alleged to have been involved in a series of offences such as opposing bus fare increases (July 1977), setting up an alternative Parliament (September 1977), attending meetings in Bogor (December 1977) and Jakarta (January 1977), the first of which drew the conclusion that "the Suharto Government had failed", while the second drew up the Student Charter. They also proposed that "President Suharto should not nominate himself for President again", and committed other similar "offences" up to the time of their arrest, just prior to the General Session of the People's Consultative Congress, held in March 1978. The second group are to be charged only with the "offence" of having disseminated pamphlets prior to the Consultative Congress session.

Lawyers from the Legal Aid Institute, *Peradin* (Bar Association) and the Institute of Justice (a new body set up by Mr Kasman Singodimedjo), assisted by law graduates from several faculties and members of the newly-established Student Defence Coordination Group will defend the students. The defence team, which will provide their services free of charge, will be coordinated by four well-known lawyers: Lukman Wiradinata, Yap Thiam Hien, S. Tasrif and Adnan Buyung Nasution.

Confusion over Re-arrest of Bandung Students

Several students who had been held in detention until 18 August 1978 were re-arrested on 28th October, and taken

straight to Sukamiskin Prison, a prison usually used for convicted persons. The Chairman of the Bandung Institute of Technology (ITB) Student Council, Heri Akhmadi, and six others were in this group. Four other students failed to appear when summoned and are still being sought.

Many questions were raised about the procedure adopted in making these arrests. An agreement had been reached when the students were released in August that if the students were required for further interrogations, applications would be made through the Rector of ITB. But the Rector told the press that he was not consulted about the re-arrests and knew nothing until several days after.

The West Java Public Prosecutor's Office announced that the students were being re-arrested for two reasons: firstly because they had repeated the offences committed prior to their first arrest, and secondly, in preparation for the trial. The students in question did not understand the first reason. "Which one of our activities undertaken between 18 August and 28 October can be classified as a crime?" they asked in a joint letter addressed to the W. Java Public Prosecutor.

Meanwhile, students at ITB have tried several times without success to meet the W. Java Public Prosecutor, to enquire about the fate of their colleagues. They wish in particular to press for a speedy trial. The Public Prosecutor has refused to meet them because "they apparently want to ask not only about technical legal matters but also about political matters which I am not competent to talk about." (*Tempo*, 11 November, 1978)

MALCOLM CALDWELL

Shortly before Christmas TAPOL lost a good friend with the tragic death in Kampuchea (Cambodia) of Dr Malcolm Caldwell, who was murdered in Phnomh Penh at the end of a visit in which he had gone to see for himself the war-torn country's efforts of social and economic reconstruction.

Malcolm was an energetic worker for justice and against imperialism in all its forms in Southeast Asia, and much of his work was concerned with Indonesia. For many years he was the chairman of the British Indonesia Committee, he was an editor of the *Journal of Contemporary Asia*, he was a co-editor of *PERESU (Percikan Revolusi Dari Suaka - Revolutionary Spark from Exile)*, he edited *Ten Years' Military Terror in Indonesia* (1975), and contributed to *Repression and Exploitation in Indonesia* (1974), and he was the author of *Indonesia* (1968). He also authored and edited many other publications on Southeast Asia.

It is too soon after his death to fully appreciate the many ways in which we will miss Malcolm in the future, but it is already certain that we will greatly miss a willing and enthusiastic colleague, and a warmly regarded friend.

Religious Freedoms Under Attack

Protestants and Catholics Protest

The major church organs in Indonesia, the Indonesian Council of Churches (DGI) and the Catholic Bishops' Conference (MAWI) have jointly protested to President Suharto against two Ministerial Decisions issued last August by the Minister for Religious Affairs, General Alamsyah.

The first Decision (SK 70/1978) dated 1 August prohibits the dissemination of religion among persons who are believers of another faith. It outlaws the use of material gifts as a means of attracting converts and forbids the distribution of pamphlets, books and magazines among persons of a different faith as well as attempts to proselytise by means of house visits. The second Decision (SK 77/1978) dated 15 August places all foreign aid to religious bodies under strict government control. It requires all financial and material aid to be recorded with the government and formally approved. Religious bodies employing foreign missionaries are now obliged to obtain formal government approval and to draw up plans for the training of local personnel to replace foreigners within two years.

General Alamsyah told *Tempo* (23 September, 1978) that his Decisions had been taken "in the interest of strengthening stability and preserving national security". He warned that non-compliance "could result in the law enforcement agencies taking action on the grounds of disturbing the public order". There had been no consultations with religious bodies before the Decisions had been issued, he said, because they dealt with issues which were "a matter of government policy".

The joint DGI-MAWI protests urged the withdrawal of the two Decisions on the grounds that they conflict with Article 29 of the Indonesian Constitution which safeguards

religious freedom. They also questioned the legality of the Decisions which totally ignored the recent resolution on religions and beliefs which had been adopted at this year's session of the People's Assembly.

Monsieur Leo Sukoto, Secretary of the Catholic Bishops Conference told *Tempo* that the Decisions seriously undermine religious freedom. There is no longer the freedom, he said, to convert from one religion to another. He feared moreover that the stipulations regarding material gifts would be subject to arbitrary interpretation by local officials, whereas for the churches, "social good works are the external manifestation of our faith".

General (retired) T. B. Simatupang, Chairman of the Indonesian Council of Churches was concerned in particular about the effects of past and present ministerial edicts on religious observance by persons of one faith in areas where other faiths predominate. Erroneous political concepts, planted in Dutch colonial times, were still inspiring government decisions. These concepts saw Indonesia as being geographically divided into "religious pockets". Besides having the effect of splitting the nation, such ideas also ignored the consequences of demographic mobility. He referred to an instruction issued in 1975 by the Minister of the Interior to all provincial governors restricting the use of private homes for religious services. At the same time, ministerial edicts had made it obligatory for official consent to be obtained before any new temples were built. Thus, local congregations faced the dilemma of not being permitted to build a church while at the same time being prevented from holding services at home because this might be seen as "disrupting the peace".

Suharto Rejects Church Protests

The church protests were effectively rejected by President Suharto when he instructed the Minister of Religious Affairs (*Kompas*, 11 September, 1978) to proceed with implementing the two Decisions. Announcing this, General Alamsyah denied charges that religious freedoms were in any way being restricted, though he did not elaborate. He told the press that the chief objective was to keep a check on the foreign aid being supplied to religious bodies.

Moslem Leaders Support Government

Several Moslem leaders have welcomed the Decisions. Professor Hamka, Chairman of the Council of *Ulamas*, felt that without some kind of regulation of preaching, Moslems could find themselves in positions that might expose them to the charge of being involved with the *Jihad* (Holy War) *Command*. These Decisions, he said, would help "prevent the radicalisation of the Moslem community".

"People often come to me", he said, complaining about attempts at proselytisation through house visits. "Fanatic Moslems believe they have the right to kill such visitors. And if they were sentenced to death as a result, they would see themselves as martyrs."

RENDRA — RELEASED BUT NOT FREE

The well-known writer, Rendra, was released from detention in mid-October. In an interview with *Kompas* (18 October) shortly after his release Rendra appeared to be cheerful as his official release document described his release as "unconditional". He told reporters that he planned to go first to Yogyakarta to reorganise the *Bengkel Teater* (Theatre Workshop), which, it is reported, had fallen into some chaos. He had also planned to lecture to students on November 4th at the University of Indonesia in Jakarta, following an invitation from the Union of Economics Students. He said that his subject was to be "Social, Political and Economic Problems in Culture", and that he planned to find someone to read his new poems.

Recent news from Indonesia however indicates that perhaps the lecture never took place as Rendra is not allowed to perform. This also explains why it was reported that Rendra was looking for someone else to read his poetry. TAPOL has been informed that Rendra is being kept under constant surveillance. The *Bengkel Teater* is not performing except as a children's theatre.

Indonesia: Power and Justice

On 23rd September 1978 Dutch television viewers of KRO Nederlands watched a programme entitled "Indonesia: Wealth, Power and Justice" in which Dutch interviewer Aag van den Heuvel conducted interviews with prominent Indonesians: Professor Widyoyo Nitisastro, the Co-ordinating Minister of Economics, Finance and Industry, General Yoga Sugama, the Head of the Secret Services, BAKIN and KOPKAMTIB, Mr Yap Thiam Hien, the well known civil rights lawyer, and General Abdul Haris Nasution, a former Chairman of the MPRS (Peoples' Consultative Congress).

Below we reproduce from the transcript of the programme, a large section which concentrates on power and justice in Indonesia, or in other words the interviews with General Yoga Sugama and Mr Yap Thiam Hien. Except where indicated the interview with Yoga Sugama is conducted in English, and is reproduced as spoken, while the interview with Mr Yap Thiam Hien is translated from the Dutch.

THE POWER (GENERAL YOGA SUGAMA)

Yoga Sugama (in English):

What I like to say is this: the position given to me has never had any precedent in any country, not before. The only precedent was during Hitler's time and was given by Himmler—only with a great difference—that Himmler is doing it subjectively, because he has the power to do that and he is a powerful man who can do anything on earth, responsible to Hitler himself. While me, I am doing this and like to be responsible to the parliament and the government.

van den Heuvel (in Dutch):

President Suharto recently paid a visit to East Timor, the Portuguese colony annexed two years ago. FRETILIN are still resisting, but it was thought safe enough for Suharto to visit. In West Irian they deal with OPM (Free Papua Movement—ed.) who fight for independence. In Jakarta things look more quiet.

The power of Suharto lies within the army, and with the bureaucrats who originate from the army, and at this moment his power looks quite unassailable. One of the major repositories of power is a section of the army called KOPKAMTIB (Command for the Restoration of Security and Order). This division acts when they suspect that the safety of the state is endangered, and they suspect that almost every day. They can act outside of the constitution under the powers of a state of emergency. Suharto was the Head of KOPKAMTIB in 1965. Now one of the prominent people (Chief-of-Staff—ed.) is the four-star General Yoga Sugama.

(Addressing Yoga Sugama)

General Sugama, in the first place, what exactly is your function?

Yoga Sugama (in English):

At present I am the so-called Chief of Staff of the KOPKAMTIB and at the same time I am also Chief of the BAKIN.

van den Heuvel:

And what is KOPKAMTIB and what is BAKIN?

Yoga Sugama:

KOPKAMTIB is the abbreviation of *Kommando Operasi Pemulihan Keamanan dan Ketertiban*, and is freely translated as the Command for the Restoration of Peace and Order. And BAKIN is in fact *Badan Koordinasi Intelijensi Negara*, which is freely interpreted in English as State Intelligence Body. So they are the general things what I have at present.

van den Heuvel:

You are a very mighty man.

Yoga Sugama

(Laughing)

I don't think so. I have what you might call quite a burden and responsibility, but I like this. I enjoy this kind of thing.

van den Heuvel:

You told me before that you are as mighty as Mr Himmler was in Germany.

Yoga Sugama:

No, I would not say that exactly, you see, I am not saying that I am as mighty as Himmler, but there is nothing in the history in this country in which the Chief of Intelligence is at the same time the Chief of Staff of the Operation of Restoration. Aside from being Chief of Intelligence, I am in my capacity also entitled to give orders to certain commands, elements to fulfil certain operations, for the peace and order. While Himmler is quite different. Himmler is in fact a powerful man who is only serving Hitler and his party. My responsibility is to serve the country and the government.

van den Heuvel:

Let's start with the political prisoners. You are responsible for them. You have a scheme to release them. Can you explain that scheme?

OUR DEBT TO GENERAL YOGA SUGAMA

With this issue of **TAPOL Bulletin** we owe a great debt to this loquacious man. Since we anticipate that we can look forward to publishing many more of his extraordinarily stirring statements, we feel that we owe our readers a photograph of General Sugama. However we are sorry to report that despite our most strenuous efforts to obtain one we have failed. We have not even discovered whether the paucity of photographs of this selfconfessed "mighty man" is because of, or despite his commendable frankness and willingness to discourse with the press. For those readers who will have difficulty containing their curiosity about what such a co-operative interviewee looks like, we would like to make the assurance that his appearance closely accords with the substance of his statements.

Yoga Sugama:

I'd like to make some small correction before I answer your question, Mr van den Heuvel. I am not in agreement with the term "political prisoner", because we call them in fact—I will say it in Hollandse words—political "*misdadigers*" (criminals—ed.) because by way of politics they have committed a crime against the state. So in English I would like to say the "political detainees". As you know we have released last year close to ten thousand political detainees coming from various places in Java and out of Java. This year we like also to fulfil the wishes of the people to release ten thousand more, amounting to 4,000 in the first place, 2,000 in the second place, and the rest of 4,000 in the third place. If that goes right we will only have amounts of close to 11,000 political detainees which we can hope to release next year.

van den Heuvel (in Dutch):

It is claimed by the government that there are about 20,000 political prisoners, but it is very difficult to check who have really been released. Lists of names have not yet been made known.

(addressing Yoga in English):

You don't publish their names?

Yoga Sugama:

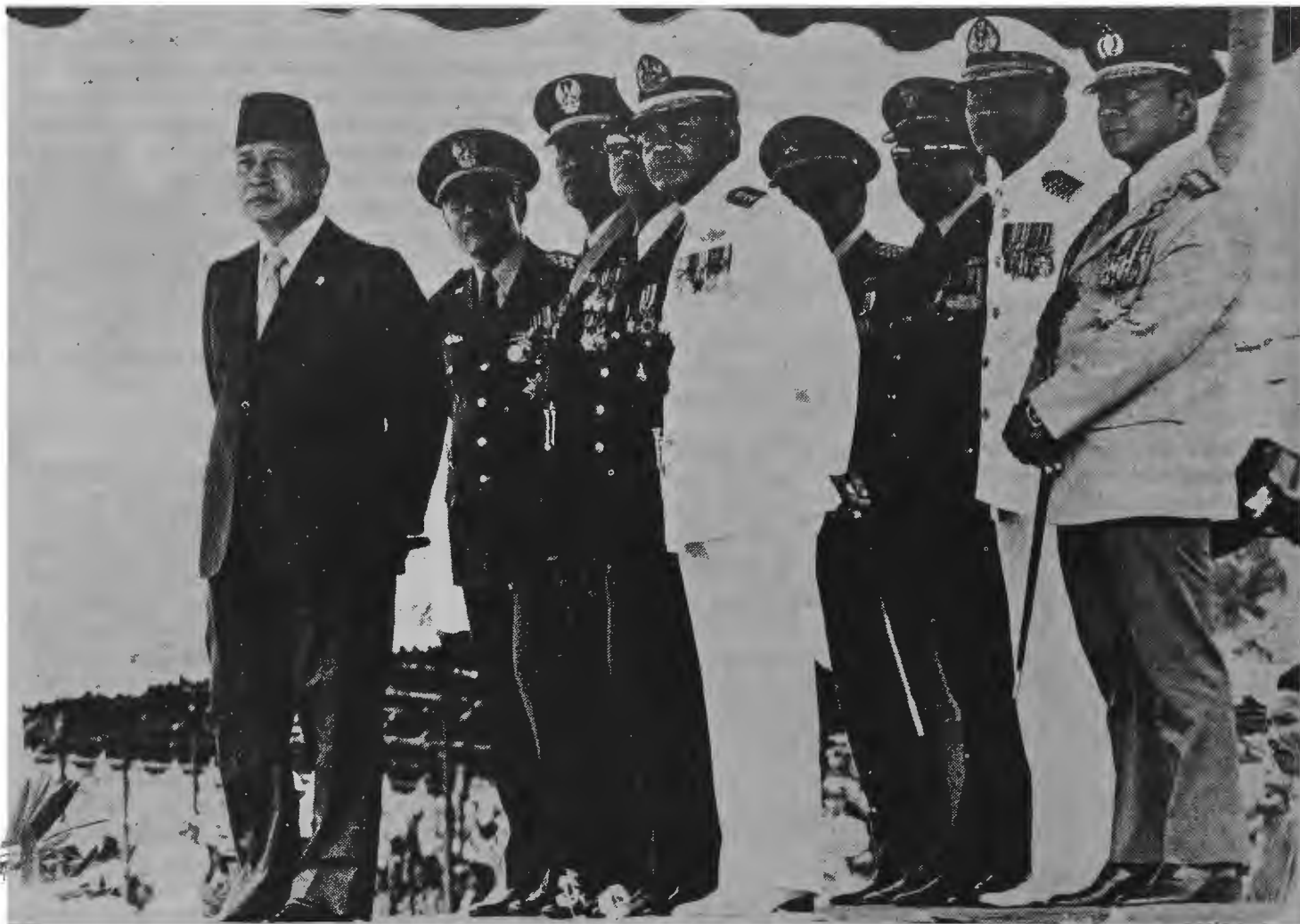
We don't publish. That would involve a lot of work. Of course we had the list, especially since the practice of releasing the political detainees is done throughout all Indonesia, in places like Aceh—from Aceh up till the other places. We have so many amount, numbers, and of course to decide on the number we have you release the names. It will be quite a lot of work to release so many names and it is in fact not at all important.

van den Heuvel (in Dutch):

Now of course, this is important. How many are being released, and where do they go? There is no possible check. People on the overcrowded island of Java seem to have little chance, even if they really are released.

Yoga Sugama (in English):

The Society—whether you like it or not, whether you have to admit it or not, whether you want to or not—the society is still there, and for the bigger part people are still having some sort of reservations against the ex-political detainees. It is really a pity, because we as the government, we have been in fact already expecting this kind of situation. It is for that reason that the government has been spending millions and millions of rupiah in creating so-called resettlement places out of Java, with



President Suharto and the Armed Forces leadership. (*Tempo*, 19 August, 1978)

the hope that these people, once they are free, will freely and voluntarily accept to be transferred or transmigrated to these kind of places. But I'm sorry to say that up till now, we have never had any big response. Take for instance the first 10,000 we have had last year —out of the 10,000 we have released, only a little over 200 has accepted our plan.

van den Heuvel (in Dutch):

There is an impression that because of political pressure from abroad, political prisoners will for the most part be released—but many originate from Java, and they want to go back to their birth-place. The authorities would prefer they did not.

(Addressing Yoga in English):

So what can you do now for them? Force them?

Yoga Sugama (in English):

It will be against the law to force them, for once they are free, they are free. We are going to have reactions abroad, specially from abroad, if we force them. Then, not to forget the so-called activities from people who like to count as heroes of the humanity. See?

van den Heuvel (in Dutch):

Since independence the army has much influence, and according to many the army now has too much power, and the internal relationships are now being disturbed. In any function there is the military. The army will determine whether and how Suharto will serve out his five year term.

(Addressing Yoga in English):

Indonesia is no longer a democracy. It is a government owned by generals.

Yoga Sugama (in English):

Well, Mr van Heuvel, I think we like to correct this kind of opinion which is mostly in the mind of the western people, because the situation what we have right now, it happens to be that so many generals are in the government, so many governors are military people, even the so-called chief of the estates, there is mostly military people. If you look at it subjectively, yes, you can have the impression that it is only a military power who are governing Indonesia. This is what makes the evaluation a little bit wrong, because people are only looking at the situation without understanding the history of the situation. Now to make a clear picture, and to be understood by the people outside Indonesia, we have to go back to the history when the Indonesians were fighting for their so-called independence at that time. In this case we could say that people in the so-called volunteer army at that time were mostly taking over the so-called responsibilities from even the lowest level to the highest level. I would like to stress the word of *volunteers* because a lot of Indonesians, including my person, at the time we are about seventeen or eighteen years old. We are volunteering in an army without even any strong ambitions, the slightest ambition. At that time when most of us at my age were seventeen or eighteen years old, we were the so-called platoon commanders, chosen by the boys we have, chosen by the people who have set us as so-called platoon commanders. With such—what we call in Dutch, a *leerschool* (training period—ed.). . .

(garbled—ed.). . . this kind of knowledge could be taught and accepted by a boy of seventeen or eighteen years old. That is through that experience, and later on some sort of *sanering* (cleansing—ed.) of all this kind of life, that the army were able to provide more able leaders who know the problems on the grounds and above him. It is for that reason that automatically at this time most of the people would like to have or prefer to have the so-called ex-officers.

van den Heuvel (in Dutch):

39% of the Parliament is the result of elections. The majority is appointed. Is democracy as we know it the luxury of a highly developed country, or can it be used in a country like Indonesia?

What does a prominent military man like Yoga Sugama say about it?

(Addressing Yoga in English):

Can you handle democracy in a country like Indonesia? Is that possible?

Yoga Sugama (in English):

Oh yes. We have as a principle, democracy, and we are convinced that what we are doing right now is still democracy—democracy in our sense of to meet what we think is more correct because the principle of democracy is that everybody will have the freedom to express things, to say things, to do things, on the right time and the right place, as long as it is not against the law—and that is also our principle of democracy here. We call it—we don't call it liberal democracy—but we have a democracy based on our *Pancasila*, and "*Democracy Pancasila*" is: everything should be done, not for the interest of a certain group, but for the majority and then everybody will benefit.

van den Heuvel (in Dutch):

This springtime when Congress met to elect the President, the papers were heavily censored, and several papers, including **Sinar Harapan** were forbidden to appear. Jakarta was changed into a besieged city and hundreds of students were imprisoned, and a number of them continue to be detained.

(Addressing Yoga in Dutch):

Is that the democracy of the man who was responsible for these measures?

Yoga Sugama:

I would like to correct this kind of opinion in the first place. These kind of people are, should I say, put away because they have been trespassing the democracy—no—but they have been doing things that was endangering the situation at the time, either by instigating, or provocation, or by deeds which could be classified as disturbances. And these people are not being put away for any political reason—for what they have been saying—but for what they have been planning, or what they are planning to do. And this is different. For that reason I could mention that the so-called for instance student body, student group, has been put away for a certain period. The bulk of the students are going to be released soon. My orders have been already that these people should be released before the end of this year, preferably

before the end of this month. Except for those people, who based on documents and proof, should be brought to trial.

van den Heuvel (to Yoga Sugama in English):

The difficulty for me is that when you are saying that they do endanger the situation, you can arrest them and keep them for a long time without a trial.

Yoga Sugama (in English):

Well, as a matter of fact—you know in your Dutch words, the so-called “*staat van oorlog en beleg*” (state of martial law—ed.)—we don’t want to use that, and I think that although according to our laws and constitution, we still have that kind of word, we have the KOPKAMTIB. The KOPKAMTIB, for that matter, and its elements can take steps to prevent this kind of situation from becoming worse.

At this point General Nasution observes that KOPKAMTIB is not really necessary because the constitution provides for the proclamation of martial law. He expresses his own opposition to the existence of KOPKAMTIB, but says that some government groups in Congress think that it is still necessary, and so it continues to exist (ed.).

van den Heuvel (to Yoga Sugama in English):

What do you consider as the most important problem for your country?

Yoga Sugama (in English):

The problem in our country right now is that: knowing and understanding the threat globally or regionally, and based on our experiences. The problem that I personally think, and what the government considers as being important is to create a situation in which everybody will be happy to defend what we have here.

* * *

THE JUSTICE (Mr YAP THIAM HIEN)

van den Heuvel (in Dutch):

In Indonesia, practically speaking, you can again say that there is a Guided Democracy, and a parliament which is dominated by GOLKAR. The Peoples’ Congress comes only rarely together, and the army which holds power acts not infrequently against the constitution. This is harmful for the democracy, harmful for the people—but there is more. Within the society it will be very difficult to accomplish change. Incompetent and corrupt people cannot be tackled without tackling the whole system.

This is Mr Yap Thiam Hien, one of the most competent defence lawyers in Indonesia, a man who fights an unremitting battle against the injustice of a corrupt society.

What do you think is the biggest problem for Indonesia?

Yap Thiam Hien (in Dutch):

The biggest problem as I have said before, is the situation of injustice, and the so-to-speak impossibility of combatting it.

van den Heuvel:

What do you mean by that?

Yap Thiam Hien:

That there is no right. The people who look for justice don’t get justice, and they can’t find ways or means to appeal against the situation. Let’s take someone who is forced to give up his land because someone else has been given the right to build on it. The compensation is so little that you can’t get another piece of land of the same size for that amount of money, but the local authorities simply say that you have to accept that. You can go to court, but before the case has come up, your house has already been demolished.

van den Heuvel:

Are there still people being detained without trial?



Vice-President Adam Malik visits a prison. (*Merdeka*, 23 November, 1978) In an interview with the *Far Eastern Economic Review*, 5 January 1979, in which he was describing Indonesia’s special kind of democracy, he said: “They (the released political prisoners) continue to be a risk because we don’t know what their political beliefs are. . .”

Yap Thiam Hien:

Oh yes. But that does not apply to political prisoners alone. It is very common here. That is what we fight against. I think that the number of ordinary arrests, apart from so-called political activities, is much bigger than what we think, because it happens every day and in every town.

van den Heuvel:

Have you an estimate of the number?

Yap Thiam Hien:

Impossible—but if every lawyer can tell you how many, then you will have a slight idea of what really happens. My work here every day of the week mainly consists of listening to people from morning to evening, about experiences of unlawful arrests.

van den Heuvel:

Can you act against it?

Yap Thiam Hien:

To me it seems practically impossible. People can change of course, if not by conviction, then by circumstances outside the people—if there is more pressure from outside—perhaps if there is no more aid from IGGI—if names of people are published in connection with corruption, and all that sort of thing.

van den Heuvel:

If the aid were stopped, of the ten countries for instance, would you favour that?

Yap Thiam Hien:

I would not favour that. Then you do not help very many people. We know that normally speaking, 40% disappears into the pockets of many people, and yet the other 60% can perhaps help, and will be used for the aim for which it was asked and given.

van den Heuvel:

So it should not be used as a means of political pressure?

Yap Thiam Hien:

No, but perhaps moral pressure. If you are being a friend, you can expect to be considered as a friend, and you are entitled to give good advice.

van den Heuvel:

... A prison in Jakarta (Salemba—ed.), a white wall with no end. At the end of 1965 hundreds of thousands were murdered or detained, and this has not been forgotten.

(to Yap Thiam Hien):

In 1974 you were detained for eleven months, and I think that you still feel threatened in case it happens again.

Yap Thiam Hien:

Oh, that can happen to anyone under this political constellation. Everybody can be detained without any form of trial, under all sorts of pretences. You know the anti-subversion act is so wide, and its interpretation so broad that everybody can be affected. Some people even say that breathing is subversive!

van den Heuvel:

So it is not surprising that a lot of people are afraid?

Yap Thiam Hien:

Oh yes. A lot of people. Even so long after the coup, the massive murders are still fresh in the memory of many

people.

van den Heuvel:

You just mentioned fear. Are you afraid yourself?

Yap Thiam Hien:

Oh yes. I'm very afraid. (Laughs) But the fear passes. It is only whether it will happen again. . . (garbled). . . And of course you are afraid because of the stories of maltreatment etc. You can never believe that they will treat you the same way as last time, or with a soft hand. Perhaps you think that this time is worse than the last, and all that sort of thing.

van den Heuvel:

Another thing which also threatens Suharto is the sensational case against **Sawito Kartowibono**, a civil servant and a mystic. Together with other Indonesians, he produced a number of documents, which pressed for the resignation of Suharto, in favour of Mohammed Hatta. In 1976 Sawito was arrested. Amongst other things he was alleged to have offended the President.

(Addressing Yap Thiam Hien):

Mr Yap is one of the defenders of Sawito. What was the offense against the President?

Yap Thiam Hien:

The group wrote a document, describing the general situation, and said that the President is responsible for the bad situation. They say that the President has given opportunities to his family and friends to enrich themselves.

van den Heuvel:

At the end of this corridor, there is a room from which the defence was conducted by Mr Yap, after Sawito uttered the accusation that the relatives of the President had enriched themselves. That is an open secret in Indonesia. . . (garbled). . .

Yap Thiam Hien:

We can confirm that with authentic proof, namely state documents, which publish the various enterprises, in which the close relatives have shares, in, amongst other things, real estate. . . (garbled). . . possesses thousands of hectares, although there is a law forbidding holdings over ten hectares.

van den Heuvel:

Apart from the President and his close relatives, corruption is a deep matter in Indonesia?

Yap Thiam Hien:

Vice-President Hatta says in respect to corruption, that it has become a deep matter in Indonesia—corruption right from the top, to right downstairs.

van den Heuvel:

If it is so high up in the state apparatus, can you think of measures against it?

Yap Thiam Hien:

Practically not. Until now there have been no measures against high military officers. Just recently a police officer was charged with corruption involving 6½ billion Rupiah. But the greatest corruption has been committed by Pertamina, the oil company. So far after two years of investigation we hear nothing about it, except recently

East Timor Update

On December 3rd, 1978, a Reuters report from Jakarta stated that Alarico Fernandes, Minister of Information for the Democratic Republic of East Timor, had been captured by Indonesian forces. According to the report, several other Fretilin central committee members were captured with him.

For some months, Fretilin forces have been under considerable pressure in the Alieu area, south and east of the capital, Dili. After the capture of Remexio, 15 kms. south of Dili in August, hundreds of people appear to have come down from the hills in this area. The Indonesian military's strategy of starving the population through a massive aerial bombardment of cultivated areas, combined with a prolonged, full-scale offensive on the ground, seems to have succeeded.

The capture of Alarico Fernandes and other Fretilin members marks a temporary defeat for Fretilin forces in the northern area of the island. It is particularly serious, since the radio which was Fretilin's only means of communication with the outside world was in the group's possession when they were captured.

Meanwhile, Fretilin has officially stated that, contrary to Indonesian government claims, Alarico Fernandes was not captured, but surrendered. A statement published by the external front of Fretilin on December 7th, 1978, says that Fernandes had been negotiating an agreement with the Indonesian military through which, after a cease-fire, an administration would be set up in the Alieu sector, and joint operations would be carried out against Fretilin forces in other sectors. The front condemns Fernandes as a traitor to Fretilin.

Heavy fighting continues in other sectors of East Timor, notably in the northern-border area (with Indonesian Timor)

and southern areas. Four Australian yachtsmen who drifted into Dili harbour in their disabled boat last month, reported that fighting was continuing unabated. The owner of the steel sloop, 'Daytripper', Mr Jim Hayward, said in Darwin on 19th October, that he and his crew had seen frigates, patrol boats and barges crammed with Indonesian soldiers, together with many helicopters and fighters. Said Hayward, "We heard explosions in the distance, and Dili looked like a big, active military base... We were left with no doubt that Dili was still a war zone".

In the international arena, the Fourth Commission of the United Nations General Assembly voted, on December 6th, to support a resolution presented by 13 countries, calling for Indonesian withdrawal and reaffirming the right of East Timor to self-determination and independence.



Defence Minister, General Jusuf, inspects the front line in East Timor. (*Merdeka*, 23 November, 1978)

continued from page 11

when we heard that **Ibnu Sutowo**, the ex-head of Pertamina is not under arrest any more. There is doubt whether he was ever arrested without it being said that he was really free.

van den Heuvel:

Apart from Untung another man who was siezed in connection with the 1965 coup was **Colonel Latief**, the Military Commander of Jakarta, who was alleged to have worked with the rebels.

Now 13 years later Latief is in court after receiving inhuman treatment in the past years, and again Mr Yap is one of the defenders.

Yap Thiam Hien:

He has been in isolation for ten years in a cell, and has had practically no medical treatment for the wounds he received during his arrest. He even told the court that he woke one night to find maggots coming out of the wounds in his body. There was even a question of both his legs being amputated, but he refused that, and he still walks on crutches.

van den Heuvel:

How in God's name is it possible that someone who has been in isolation for ten years can survive mentally?

Yap Thiam Hien:

Yes that surprises me very much. The resistance of man is unbelievably great. But what have been his motives which have kept him alive and so aggressive in defending himself?

van den Heuvel:

Altogether, is it not a situation where you are becoming desperate?

Yap Thiam Hien:

There are times when you can become very hopeless. You don't know where to turn, or to whom to go in order to be heard about the abuse of power and the attacks on human rights. And yet now and then a small door opens, and you can express your complaints, and occasionally you are listened to, and you get results.

van den Heuvel:

So you do not despair?

Yap Thiam Hien:

Oh no, we do not despair. We just continue. That is all we can do.

Noam Chomsky Addresses the UN

In a penetrating address delivered to the Fourth Committee of the United Nations General Assembly in November 1978, the well-known linguist and human rights advocate, Professor Noam Chomsky raised issues concerned with East Timor which are of major international import. The address deals with the continuing suffering of the East Timorese people at the hands of the Indonesian invaders, but it is primarily concerned with the impact and implications of foreign policy and its domestic basis in western countries, particularly the United States. The statement throws into question the role of the United States in East Timor, as well as that of its allies, the mass media and the United Nations, so that the thrust of the Carter-sponsored human rights movement today is left open to question.

Reporting of events in East Timor in the United States (and this is to a large extent reflected in Britain, and to a lesser extent in Australia) has been gravely misleading, mainly through a faithful adherence to the position of the US State Department. Professor Chomsky details several examples of this, observing that a precedent was established in August 1975 when diplomatic cables at the time reveal that the Australian Ambassador in Jakarta, forewarned of the impending Indonesian invasion of East Timor, informed his government that the US State Department had instructed its Jakarta embassy to "cut down its reporting on Timor". The US Ambassador had recommended that his government "should keep out of the Portuguese Timor situation and allow events to take their course". Following suit, the Australian Ambassador advised the Whitlam government "that Australian knowledge of Indonesian intervention be concealed" in order to avoid complications with Indonesia.

Subsequent documentation of events in East Timor has followed a sordid path of cynicism, deception and grave omission, but even more serious has been the deception of the public about military aid to Indonesia. Professing ignorance about events in East Timor, the US government claims that it suspended military assistance to East Timor from the time of invasion in December 1975 until June 1976. However Chomsky reveals that this claim is false and that, "military aid during this period actually was above what the State Department had originally proposed to Congress, and has increased since". The ludicrous nature of the profession of ignorance, and the actual responsibility which must be borne by United States policy-makers becomes clear in the later Congressional testimony of the Deputy Legal Advisor of the State Department, George Aldrich, who concedes that Indonesia was "armed roughly 90 per cent with our [i.e. US] equipment". An astounding example of the cynicism of some US policy makers is given with the assertion before Congress by the Country Officer for Indonesia in the State Department, David T. Kenny, that one purpose of the maintenance of the flow of US arms is "to keep that area peaceful".

The influence of the United States in the United Nations has been decisive, so that US interests have been able to

take precedence over the interests of the East Timorese, and over the principles upheld in the United Nations Universal Declaration of Human Rights. On 23rd January 1976, the then UN Ambassador Daniel P. Moynihan was able to applaud the "considerable progress" made by US strategy at the United Nations "toward a basic foreign policy goal, that of breaking up the massive blocs of nations, mostly new nations, which for so long have been arrayed against us in international forums..." The cablegram referred specifically to the General Assembly vote on Timor following the Indonesian invasion. Later Professor Thomas Franck of New York University Law School testified before Congress that the division of the non-aligned nations in the voting, and the US abstention from the vote, "sent a clear signal to Indonesia that the United Nations lacked the political will to oppose Jakarta's action and that the United States would turn a deaf ear to the demands of the East Timorese to be accorded the benefits of the firmly established international normative right of self-determination".

In conclusion Chomsky points to the stark contrast between the clamour in the west over alleged human rights violations in Kampuchea, and the silence about East Timor, though in absolute terms, even using "neutral" or pro-Indonesian sources, the killing in East Timor proportional to the population is some five to ten times higher than that alleged by Kampuchea's harshest critics. Perhaps it is because the instruments of slaughter in East Timor have been supplied by the United States and its allies. But is it merely through shame that the press has been so blinkered and the public so misled? Chomsky provides another possible answer, in saying how the difference in international reaction to these two cases, "reveals how empty and hypocritical is much of the 'human rights' clamour in the West. It teaches us something about the meaning of the sudden concern for 'human rights' that has moved to stage center just at moment when the lustre of classical colonialist and interventionist ideologies has dimmed".

The full text of Chomsky's powerful statement is available at £0.35p plus postage from:

The British Campaign for an Independent East Timor,
40 Concannon Road,
London SW2. (Phone: 274 5945)



STOP PRESS:

On Monday, January 1st, 1979, a statement was put out on Indonesian state television, claiming that the President of Fretilin, Nicolau Lobato, had been killed in East Timor, in a battle with Indonesian troops.

LEGAL REFORM:

Stricken Conscience or Tactical Manoeuvre?

Recently there has been renewed concern in Indonesia about the implementation of the rule of law, particularly in connection with the provisions for detention. The 1970 Basic Law (no. 14), on the Judiciary, although it guarantees in principle the right to contact and ask for legal assistance after arrest, has no implementation code, and so it is subject to considerable abuse. Until now the colonial Revised Procedural Code (HIR) has been used, but this has been interpreted subjectively by police and prosecutors, so that a great many arrests and detentions have been arbitrary.

Growing concern and pressure about this problem, particularly from lawyers who are working outside government institutions, has finally led General Jusuf, the Minister of Defence and Security, to make a statement affirming the principles expressed in the Basic Law on the Judiciary. He has directed that members of the police and the military consider aspects of "humanitarianism" when they are investigating or detaining people. While the fact that this statement has been made demonstrates growing concern about legal rights in Indonesia, it is in effect still confined to abstract concepts.

The Attorney General, Ali Said, has applauded the statement, and has elaborated on some of the problems which generated it. He said that there must be clearly defined and objective stipulations for arrests and detentions, and confirmed that in the past subjective interpretation of the law has led to much abuse. He sees the main problem as being one of a lack of understanding and co-ordination between the various authorities who are empowered to detain people. He claims that the foundations and the authority already exist for a properly defined procedural code, and that there is no need for a new law.

Another pressing problem remains with the lawful period of detention without trial. Although the police have full authority to arrest and detain people, they must report the matter within two days, "Ah... this is what is not done", said Ali Said. However, he was unwilling to elaborate, "in order to safeguard good relations" according to *Suara Karya* (28.9.78). Even if an effort were made to enforce the present stipulation that prolongation of detention without trial must be authorised by the central public prosecutor's office within a maximum period of twenty days, there still remains an often practiced method of prolonging detention without trial. According to Ali Said this tactic is often used "for administrative reasons". In other words, prisoners are by his own admission, denied their rights for administrative convenience. The executive officers of KOPKAMTIB may, and do detain people without trial on the basis of *Penpres* XI/1963 (Presidential Decree on Anti-Subversion) 1963 later enacted as law. In this case, a person may be held up to one year without trial (after which time it can of course be prolonged!). But, concedes Ali Said, this does not mean that prisoners have to be detained for a year.

Ali Said was quick to propose a meeting with General Jusuf in order to ensure that the latter's instructions will be rapidly implemented, "so that they won't merely be instructions without results", he said. Nonetheless, the fact that KOPKAMTIB (Command for the Restoration of Security and Order) will not relinquish its power to make arrests and detentions ensures that the rule of law will not be able to operate effectively. This authority of KOPKAMTIB to make arrests and detentions under the rubric of "subversion" and "Operation Order" has been emphasised by both Ali Said and the Deputy Commander of the Armed Forces and Commander of KOPKAMTIB, Admiral Sudomo. It is unlikely that KOPKAMTIB's powers will be curtailed by General Jusuf's directive as "subversion" and its punishment are very broadly defined.

Detention by KOPKAMTIB Now 'Judicial'

Appearances have been maintained, however with a meeting to discuss the Jusuf directive between Admiral Sudomo, General Yoga Sugama (the Chief-of-Staff of KOPKAMTIB) and Professor Oemar Seno Adji (the Chairman of the High Court). A joint statement issued after the meeting has again affirmed basic principles. It guarantees that after arrest a person can obtain legal aid, and contact relatives, and it again guarantees "humanitarianism" in the processes of arrest, investigation and detention. In addition the statement indicates an attempt to regularise the powers of KOPKAMTIB of detention without trial. That KOPKAMTIB's exclusive powers in this regard are outside the judicial framework was recognised early in 1977 in a Supreme Court circular which acknowledged that there are two kinds of detention, the first described as judicial or repressive detention, and the second, exercised by KOPKAMTIB, described as, "for security and order which is not judicial or repressive provisional detention" (see *TAPOL bulletin*, no. 21, April 1977). Since the second kind of detention was not recognised judicially, the circular recommended that the pre-trial period of detention by KOPKAMTIB should not be taken into account when the cases eventually came to trial. The latest move, although it apparently has some merit in trying to ensure that the pre-trial period of KOPKAMTIB detention is deducted from the final sentence, is ultimately retrogressive, for in order to achieve this, judicial recognition is to be accorded KOPKAMTIB's powers of detention which in fact lie beyond the rule of law.

Legal Scepticism

Many concerned lawyers remain sceptical about the effective implementation of these resolutions. For example S. Tasrif of *Peradin* (Bar Association) said: "This time we hope that the resolutions will be properly implemented, so that they do not become empty hopes like those of the last agreement".

The recent concern about the operation of the rule of law has been considerably influenced by the cases of the students who were detained for some months after their January 1978 activities, and who are only now being

BOOK REVIEW

Nonie Sharp, *The Rule of the Sword: The Story of West Irian*, Kibble Books (Australia), 1977.

West Irian is the name commonly given to the western half of the island of New Guinea, of which the eastern half consists of the newly independent Papua New Guinea. When Indonesia took over the administration of West Irian in 1963, it was renamed Irian Jaya, but now, significantly, it is called West Papua New Guinea by freedom fighters and their supporters.

Since Indonesia took control, little news of West Irian has reached the rest of the world. The border between West Irian and Papua New Guinea has been sealed, while Indonesia has imposed a press ban on the area, and allows only restricted access to visitors. So a tale of brutal oppression, and widespread resistance to it has gone largely unrecorded. Nonie Sharp's booklet is the only available source in English which documents the origins and the course of the long struggle of the people of West Irian for their independence—from the earliest millenarian movements in the Dutch colonial period, to the widespread guerilla warfare against Indonesian state control today.

Nonie Sharp discusses the inter-relationships between West Irian, Papua New Guinea, Indonesia and Australia, so that it becomes clear that the interests of the people of West Irian have become subjugated to economic, political and strategic interests in the area with a cost of tens of thousands of lives. In this light, the so-called Act of Free Choice of 1969, in which the West Irianese were to choose whether or not they would continue as part of Indonesia is exposed for its fraud and coercion on the Indonesian part, and for its shabby hypocrisy and neglect on the part of the United Nations. In the decolonisation euphoria of the early 1960s even third world countries and their supporters upheld Sukarno's claims to West Irian, without considering the aspirations of its people, perhaps because of the challenge it raised for the conventional thinking that the post-colonial state should be defined by its colonial boundaries.

The die was cast in 1962 when the United Nations agreed to hand over the administration of West Irian to Indonesia, subject to the condition that the people could express their will in an "Act of Free Choice" before the end of 1969. From the time of the Indonesian occupation in 1963 there were numerous popular expressions of resis-

tance to incorporation into Indonesia, with Indonesian retaliation involving strafing raids and many executions. All this was ignored along with the open contempt of Indonesian politicians for the conditions of the agreement, and the fact that the United Nations' representative observing the Act of Free Choice made it clear in his report that it was far from a genuine act of self determination. The United Nations' vote on the outcome of the Act of Free Choice in November 1969 condemned the people of West Irian to a future of repression, exploitation and political powerlessness in the face of international apathy.

Recent heavy bombing in West Irian, and the violation of Papua New Guinea's territorial integrity by Indonesian troops and bombs, and the flow of thousands of refugees into Papua New Guinea has brought the West Irian issue into some prominence, particularly in Australia where some policy headaches have been created. The background provided in the booklet makes the efforts of the United Nations and the Australian and Papua New Guinea governments to settle current problems, while appeasing Indonesia, look very feeble. The booklet makes it very clear that the *causes* of the refugee problem must be remedied as the combination of intense West Papuan nationalism and Indonesian brutality will ensure that the refugee flow will persist as long as Indonesia is in control, to say nothing of the suffering endured by those who stay behind.

Towards the end of the booklet the analysis is marred by references to "cultural politics" and "cultural revolutionary politics" (p. 57), a concept which remains hazy, especially as a number of assumptions are made about its potential for independent development. As a corollary the strength of the acculturating influence of neocolonialism in Papua New Guinea is underestimated when "pan-Papuanism" is discussed as a potentially viable political force—although Papua New Guinean identity with the West Irianese is naturally strong in the border areas. The last part of the book, "Towards a Free Melanesia" is rather ambiguous, although it does raise some interesting questions about the political potential of "primordial sentiments". The booklet is strongly recommended for the thought provoking issues it raises, as well as for its very valuable documentation of a lengthy but little-known struggle for self-determination, with its attendant Indonesian brutality and international negligence.

Copies of *The Rule of the Sword* are available at £1.00 plus postage from:

The Republic of West Papua New Guinea,
London Information Office,
105 Calabria Road,
London N5 1HS
England,

or at Aust \$1 plus postage from:

Kibble Books,
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brought to trial. However it must not be forgotten that there are still thousands of political prisoners who have been detained since 1965 without any pretence of legality, and until these political prisoners are released and are restored their full rights, any attempt to make Indonesia's judicial processes more respectable will remain entirely hollow, and may justifiably be seen as an attempt to divert attention from Indonesia's most urgent legal and humanitarian issue.

Sources: *Suara Karya*, 28.9.78; *Tempo*, 18.11.78.

ARMY SUPPRESSES WORKER ACTIVITIES

The dismissal of fourteen workers by a cable-manufacturing company in Jakarta after the local military authorities had exerted pressure on the company has provided clear evidence of military suppression of attempts by workers to protect their rights.

The dismissal which occurred at the end of August, 1978 came two months after a one-day total strike at PT SUCACO (Supreme Cable Manufacturing Corporation). The workers were dismissed without severance allowance. The strike had been called to protest against efforts of the company to prevent the establishment of a trade union by dismissing workers in favour of trade unions. The strike also aimed to reject a bonus system which would discriminate against supporters of the trade union. Initially, the strike had led to negotiations between the company and the workers, resulting in an agreement to re-instate the dismissed workers and halt the discriminatory practices. (See **Kompas**, 2 August, 1978).

But the Military District Command of West Jakarta (where the company is located) intervened by summoning a group of twenty workers to interrogations which lasted for two whole months, during which the workers' identity cards were held. The company's director, Mr Islam Salim, told **Kompas** that he felt compelled to dismiss 14 workers after the military authorities had accused them of "manipulating the workers" and of "being involved in an illegal meeting". According to the military, he said, the workers were trying to organise a movement that extended beyond the company for which they worked. They believe, he said, that these workers are involved "in a movement to sabotage and disrupt national stability... I was afraid of being accused of protecting workers who are involved in a movement to oppose the government", said Mr Islam Salim.

The Army 'Explains'

Following the **Kompas** report of these dismissals, the West Jakarta Military Command called a special meeting to present their version of the event. Representatives of the company, the Labour Ministry, the Labour Arbitration Board and the press were invited to this meeting, but not, **Kompas** points out, (4 August, 1978) representatives of the workers. A military spokesman denied that the military had instructed the company to dismiss the workers (which is not precisely what **Kompas** reported), but said that the interrogations (which were not denied) had revealed that the workers had attended an illegal meeting.

Kompas then reports verbatim the following exchange that took place between its reporter and the military spokesman:

Kompas: What is the criterion for 'an illegal meeting'?

TAPOL campaigns for the release of Indonesian political prisoners and is a humanitarian organisation. It is not associated with any political groups, either in Indonesia or abroad, and is supported by individuals and organisations of many shades of opinion.

Military spokesman: I think there is a regulation requiring that a permit is needed to hold a meeting. An illegal meeting is a meeting held without a permit.

Kompas: But journalists, for example members of the Journalists' Association's sectional branches, often hold meetings. When we meet, we never apply for a permit and we are never asked to show a permit. Could it not be that these workers didn't know anything about such a criterion for an illegal meeting?

M.S.: Yes, I'm sure they don't know, but anyhow an illegal meeting is a meeting held without permission.

Kompas: Where can one find a copy of this regulation so that we can explain that an illegal meeting is a meeting that contravenes regulation number so-and-so, of year so-and-so?

M.S.: Let's get back to the main topic of discussion and stop talking about the term 'illegal meeting'.

Regulation on Banning of Strikes

In its efforts to investigate the background to this case, **Kompas** also made enquiries with the Labour Arbitration Board about the regulation banning the right to strike. The strike ban is based on Law No 7/1963 which bans the right to strike or carry out a lock-out in companies, offices and departments defined as 'vital'. Presidential Decision No 123, issued in 1963 listed the following as being 'vital' enterprises: State-run departments, agencies and companies, state institutions and banks, and the following private-run companies: Shell, Standard Vacuum, Caltex, the Goodyear Tyre Company, Dunlop and shipping companies that have been licenced by the Ministry of Shipping. Thus, says **Kompas**, private cable companies like PT SUCACO are not included among 'vital' enterprises.

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