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The Indonesia Human Rights Campaign

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January/February 2003

## A step towards peace in Aceh

*An agreement on the cessation of hostilities signed by the Indonesian government and the Free Aceh Movement in December is a major step towards peace and a just political solution for the conflict in Aceh. The signing of the agreement has already helped to improve the situation in Aceh where armed clashes between the two forces have declined significantly in recent weeks. However, difficulties could emerge in the weeks and months ahead.*

The agreement was signed on 9 December 2002. The two delegations had shown the necessary political will to reach an agreement. In addition, political forces around the world, including the US, the UK, France, the Scandinavian countries, Japan and Switzerland were actively involved in the process, as well as the European Union, the UN and the World Bank. The accord has certainly put the Aceh question onto the international agenda.

So far the peace accord has had a favourable impact on the situation in Aceh. In many parts of the region, armed clashes have declined and Free Aceh Movement (GAM) units have returned to their bases. In its first report issued a few weeks after the agreement, the Joint Security Council (JSC), the body charged with implementing the accord and monitoring the situation on the ground reported a significant decrease in the number of civilian fatalities. Whereas during the first eleven months of 2002, there were on average 87 deaths a month, in the weeks following the accord, the figure was down to eleven.

In some places GAM units even have invited their adversaries, the security troops, to join them in traditional festivities which would have been unthinkable a few months ago. However, for nearly three decades Aceh has been a war zone and it will take a lot of time and effort to restore a sense of peace and security for its people.

A week before the accord was signed in Geneva, a conference on Aceh was held in Tokyo. The Preparatory Conference on Peace and Reconstruction focussed attention on economic developments in Aceh. The objective of the meeting, which was also attended by the Indonesian government and GAM, was to make clear the determination of the international community to provide economic assistance to a secure and peaceful Aceh. The World Bank has recently sent four teams to Aceh to assess basic needs in order to tackle the economic, social and governmental needs of the region.

On 14 January, the ambassadors of the US, Japan and Italy (representing the EU) visited Banda Aceh in a further display of support for the peace agreement. US ambassador

Ralph Boyce said: 'We are here to celebrate and honour the signing of the cessation of hostilities agreement....Our work and our support will be, of course, dependent on the security environment'. The Japanese ambassador Yutaka Limura said: 'Peace in Aceh is like a new born baby. All sides, including us, must look after this baby'. Two key ministers accompanied the ambassadors, the Co-ordinating Minister for Security and Political Affairs Susilo Bambang

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PLEASE ACCEPT OUR APOLOGIES FOR THE LATE PUBLICATION OF THIS EDITION.

Yudhoyono and the Minister of Trade and Industry Rini Suwandi. It was Yudhoyono, a retired general and the most senior minister in Megawati's government, who played a key role in the negotiations with GAM in Geneva.

### The HDC's crucial role

The body which facilitated the accord was the HDC, the Centre for Humanitarian Dialogue, more commonly known as the Henri Dunant Centre. Often criticised in the past for being unprofessional and slow to act, the HDC was confronted with what looked like an impossible task. It is indeed rare for negotiations of a conflict of this magnitude to be facilitated by an NGO but the HDC successfully achieved an important step on the road to peace in Aceh.

When negotiations first started two years ago, Acehnese



*Demo in Banda Aceh supporting the implementation of the cessation of hostilities.*

people were very enthusiastic and expected quick results but when this failed to materialise, they became disheartened. But the new accord has been met with great enthusiasm and there is a sense of huge relief that for now at least, the atmosphere is more peaceful and people can go about their daily business without fear. Some of the structures provided for in earlier agreements to secure the involvement of Acehnese civil society barely functioned because of the negative attitude of TNI/POLRI, the Indonesian security forces and police. They have always seen the HDC as an interfering intruder and have obstructed their work as much as possible. Back in July 2001, for example, the police arrested four members of the GAM negotiating team, which was a very serious breach of faith and a deliberate attempt to sabotage the talks.

The first two years of negotiations were indeed difficult and it was only thanks to the patience and persistence of the HDC staff and the GAM negotiators who, for security reasons, stayed at the same hotel as the HDC personnel, that things began to pay off. In the meantime international support for the HDC continued to be strong with financial support coming from Norway and the US.

Gradually the HDC managed to give the negotiations a stronger international dimension by securing the involvement of four senior politicians from other countries. These four 'wise men' played a crucial role in the talks: Major-General Anthony Zinni of the US who was also the US envoy for the Middle East talks, former Thai foreign minister Surin Pitsuwan, Budimir Linchar, former foreign minister of Yugoslavia and Bengt Soderbergh, former deputy foreign minister of Sweden. These men helped to create new openings at a time when the talks seemed to be going nowhere.

There has been significant international pressure on Jakarta for the talks to succeed, while the governments involved have invariably reiterated support for Indonesia's territorial integrity, which cuts across GAM's ultimate aim of independence from Indonesia. International pressure on GAM also intensified, along with a demand that they accept NAD, the special autonomy status offered by Jakarta. This is something that GAM has certainly not done.

In late October 2002, the two sides prepared drafts which were far apart on many issues. The Indonesian draft made it clear that GAM would have to accept NAD, which meant virtual surrender. In early November, the talks seemed to be going nowhere and were on the brink of collapse. GAM demanded more time to confer with representatives of Acehnese civil society. The HDC complied with this request and two delegations representing different strands of civil society were invited to Geneva. A new round of talks was held and on this occasion, the two sides were able to reach agreement.

The first paragraph of the accord reads as follows:

*On the basis of the NAD Law as a starting point, as discussed on 2-3 February 2002, (leading to) a democratic all-inclusive dialogue involving all elements of Acehnese society that will be facilitated by the HDC in Aceh. This process will seek to review elements of the NAD Law through the expression of the views of the Acehnese people in a free and safe manner. This will lead to the election of a democratic government in Aceh, Indonesia.*

The wording is somewhat disjointed but includes essential elements for a solution, needing to be fleshed out.

### Possible stumbling blocks

The accord is the result of compromise and is only the first step on the road towards the resolution of the conflict in Aceh. There is no denying that major problems could emerge. First and foremost is the fact that there is a huge discrepancy between the political will of the Jakarta government which negotiated the accord and the military and police who operate in Aceh.

One of the most contentious issues is the withdrawal of Indonesian troops and the storage (or de-commissioning) of GAM's weapons, arms and ordinance in designated places. The accord avoids using that term 'withdrawal' with regard to the security forces in Aceh and speaks instead of 'relocation'. The TNI is not likely to allow its troops to leave Aceh, if only on the basis that the army's territorial system requires their continued presence. 'Relocation' can be interpreted as meaning something quite different.

The accord states that within three months, TNI troops should be 'relocated'. There are estimated to be 28,000 TNI troops stationed in Aceh and as yet, there are no signs of any of them departing. The storage of weapons by GAM is required to happen simultaneously and GAM Foreign Minister Dr Zaini Abdullah has made it clear that this will be contingent on what happens regarding the 'relocation' of Indonesian troops.

Other contentious issues like the holding of democratic elections and the setting up of an All Inclusive Dialogue between the Acehnese are also far from settled. Jakarta interprets the elections as being the elections that are due to be held throughout the country in 2004, in which only nationally-based parties can take part. So, will GAM be allowed to take part? If the election is seen as an opportunity to test the support for independence from Indonesia, how will this be reflected? As for the All Inclusive Dialogue, nothing has yet been said about the procedure by

which the voice of Acehnese civil society will be reflected in this process.

A reconstituted Joint Security Commission (JSC) has been appointed under the leadership of Major General Thanongsak Tuwinan, a senior Thai military officer. The JSC has the difficult task of monitoring the security situation and making sure that implementation of the agreement goes ahead as agreed. The JSC will consist of 150 persons, composed of three groups, fifty each from the HDC, Indonesia and GAM.

Under the terms of the accord, the maintenance of law and order is the responsibility of the Indonesian police (POLRI). During the negotiations, GAM made a big issue of the role of Brimob, the crack police troops which have played a particularly brutal role in Aceh, and pressed for these troops to be withdrawn, but this was not agreed. Instead the accord says: *'..In this context, the mandate and mission of Brimob will be reformulated to strictly conform to regular police activities and as such will no longer initiate offensive*



*TNI troops patrolling in the Aceh countryside. Hopefully this will end soon*

*actions against members of GAM not in contravention of the Agreement!*. It remains to be seen how this will be implemented in the weeks to come.

### How the negotiations started

The negotiations facilitated by the HDC started in 2000 and resulted in a three-month peace accord called a Humanitarian Pause [see *TAPOL Bulletin* No. 158, June 2000]. This was during the presidency of Abdurrahman Wahid, who was eager to find a peaceful solution to the hostilities but was at loggerheads with the military throughout his rule. From the outset the humanitarian pause was sabotaged by the military. Acehnese human rights activists reported an escalation of violence by the military, an increase of road blocks and the emergence of 'unidentified persons' carrying out assaults, robberies, kidnappings and acts of arson against public facilities.

The initial enthusiasm of the Acehnese people quickly dissipated. It was a peace process that did not bring peace; on the contrary, it only created more violence. While the negotiations continued at a snail's pace, they had little relevance to the realities on the ground in Aceh where violence continued unabated.

It was indeed a difficult process as the arrest of the GAM

negotiators based in Banda Aceh, the capital, showed in July 2001. At the same time additional troops were sent to Aceh, a clear challenge from the TNI to President Wahid that the military would not accept any negotiations on Aceh that involved an international body like the HDC.

This attitude by the military has not changed much but there have been shifts at cabinet level in Jakarta. Senior cabinet ministers in the Megawati cabinet now realise that a military victory over GAM is impossible and negotiations are the only way ahead.

### The issue of justice

Many important issues have not been dealt with in the peace accord, notably the issue of justice and the matter of IDPs (internally displaced persons). Recent figures published by the human rights organisation Kontras provide an alarming account of victims of human rights violations. From January till November 2002, almost five thousand cases were recorded, including killings, disappearances, torture and arbitrary detention, perpetrated by the Indonesian security forces. From 1989 till 1998, more commonly known as the *DOM* period, when special military operations were underway in Aceh, tens of thousands of Acehnese were victims of military brutality. None of the perpetrators has been brought to justice.

Already, civil society organisations have criticised the accord for failing to deal with this issue and are clearly determined to keep the issue alive. This will be an important political struggle as the armed forces commander in chief, General Endriartono Sutarto insisted, within days of the accord being signed, that bringing perpetrators to justice 'would be damaging to peace'.

While the number of civilian fatalities has declined following the December accord, there is no indication that the number of IDPs has decreased. As reported by PCC (People's Crisis Centre) the number of IDPs in December 2002 was 33,158, more than 50 per cent higher than in December 2001 (21,578). On 14 January it was reported that 2,500 IDPs who fled eight villages in North Aceh in December fearing attack have returned home, escorted by nine JSC peace monitors.

### Clashes still occur

While there have been positive reports in the press, armed incidents continue to occur. Since the signing of the deal at least 12 civilians, 3 GAM members and 4 members of the security forces have been killed, according to an HDC report. Other reports mention that around 600 villagers in East Aceh have refused to go back to their villages because they are still traumatised. However, initial reports from Aceh are overwhelmingly positive and it is up to the people of Aceh to do everything they can to create conducive conditions throughout the region and exert continuous pressure on those in charge of implementation of the accord to listen to the wishes of the people. \*

# The Bali blast and beyond

*On 12 October, three bombs exploded in Legian, a beach resort on the island of Bali, killing at least 180 people and wounding hundreds. The blast was unprecedented, the worst incident since the Twin Towers tragedy in New York. The three bombs exploded almost simultaneously at Renon (close to the US consulate), Paddy's Cafe and Sari Club at Kuta beach. Some analysts believe that local terrorist cells working in conjunction with the Al Qaeda international network were responsible but in Indonesia, the focus has been on home-grown groups.*

In the last three years Indonesia has experienced more than a hundred terrorist bombings. In the wake of the Bali blast, three men, Amrozy, Imam Samudra and Muklas were arrested; while the arrests appear to be providing leads, they have left many questions unanswered.

No one had foreseen an attack on the tourist island of Bali but in hindsight it is clear that soft targets, hotels and night clubs like Paddy's Cafe and Sari Club in Kuta Beach, which are patronised mainly by white people, have been targets elsewhere. The attack on a hotel in Mombasa, Kenya and the killing of three American doctors in Yemen only strengthen this conclusion.

The relentless campaign against global terrorism by the Bush Administration has so far produced meagre results and none of the key suspects has been arrested. The 'war on terror' has made the world far less safe. These days, people everywhere can become targets for terrorist attacks.

## Contrasting perceptions

The many bomb attacks in Indonesia since the fall of Suharto have led to public indifference in Indonesia. Most of the outrages have not been resolved. The terrorist acts are widely seen as an extension of state terrorism, carried out with the co-operation of sections of state intelligence units or special army units.

This is in stark contrast with how things are perceived in the rest of the world. The US administration is convinced of the presence of an Al Qaeda network in Indonesia. In Malaysia, Singapore and the Philippines, the authorities have been busy mopping up alleged terrorist networks. While they focus attention on *Jema'ah Islamiyah (JI)*, it is hardly seen as a threat in Indonesia. According to Singapore and Malaysian intelligence reports, *JI* is Al Qaeda's arm in the region and its ring-leaders are mainly Indonesian though no one seems to know whether *JI* is a highly structured organisation of terror or simply a loose network of cells of like-minded people. While many Indonesians are not convinced about this 'terrorist threat', the US and the UN have placed it on their lists of terrorist organisations. Gradually an international consensus has emerged, portraying *JI* in the same light as Al Qaeda and it now seems to be taken for granted that the perpetrators of the Bali blast were Al-Qaeda connected.

But in Indonesia, commentators believe that the suspects are home-grown criminals and are far more cautious about linking these acts with global terrorism.

In Indonesia, *Jema'ah Islamiyah* has a more generic meaning, being the Arabic term for 'Muslim community'. In

the eighties, there was a loose network of Muslim communities in Central Java called *usroh* (family) with common ideas about moral self-improvement, guidance and self-help leading to a pure Muslim society. Many of their ideas were borrowed from the Egyptian movement *Al-Ikhwān al-Muslimun*. Another common feature was their defiance of Suharto, who was imposing Pancasila as the state ideology, much to the dismay of many Muslim groups.<sup>1</sup>

At the time, *Jema'ah Islamiyah* simply meant an umbrella for Muslim groups which were victims of state repression. Many *usroh* members were tried and given heavy sentences



*The site after the terrorist act*

for attending small, home-based religious gatherings, but they did not face charges of terrorism.

However, these days in Southeast Asia, *Jema'ah Islamiyah* as used by police and intelligence authorities has become synonymous with terrorism. The Singapore government has even issued a white paper on the connections between Al-Qaeda and *Jema'ah Islamiyah* and several anti-terrorism experts have branded *JI* as a terrorist organisation.

## Greater caution in Jakarta

The Megawati government's handling of global terrorism has been more cautious. While it has focused on surveillance and monitoring alleged suspects, the governments in Singapore, Malaysia and the Philippines have been engaged in pro-active policies like Washington, smashing up suspected cells and arresting scores of people. Long before the top suspect Abubakar Ba'asyir was arrested in

Indonesia, the authorities in Singapore and Malaysia were baying for his arrest and depicting him as the ringleader.

This gap in perception also explains the difference in reporting. The world media tends to link the Bali blast with international terrorist networks, linking *Jl* with Al-Qaeda, while the Indonesian press is more focused on the domestic nature of the plot. The differing approaches has led to



*Abubakar Ba'asyir in hospital visited by his lawyer A.B. Nasution*

conflicts within the armed forces and intelligence bodies. Since 11 September, US intelligence organisations have been seeking allies around the world against Osama bin Laden. Indonesia's National Intelligence Body, BIN, fell for this line and actively helped Washington. In at least two instances, terrorist suspects were seized from their homes and flown illegally to Egypt and Afghanistan for interrogation. This collaboration between BIN and the CIA angered senior police and military officers.

In the post-Suharto era, administrations have been far more circumspect about rounding up alleged political suspects, leading to complaints in Washington about Jakarta's lack of action. While governments in Malaysia and Singapore have arrested people under their draconian ISA laws, post-Suharto Indonesia has until now shown greater respect for civil rights. Some 70 people have been detained in Malaysia while Singapore is holding 31 persons under terrorist suspicions. The Singapore has issued a white paper on the connections between *Jema'ah Islamiyah* and Al-Qaeda based on the testimonies of the 31 detained. The conclusions of the paper are quite grim and basically state that the global jihad threat over Southeast Asia is still imminent. The Indonesian National Police Chief General Da'i Bachtiar takes a different position and stated in a seminar held in Singapore that so far the multinational police investigations in the Bali blast events has not unearthed any evidence linking *Jl* and Al-Qaeda.

A presidential decree on terrorism has now been introduced (see separate article) by the Jakarta government and the anti-terrorism law which will replace it, now being rushed through the parliament, may reverse this.

## Growing anti-US sentiments

Another feature is growing anti-US sentiment around the world. Washington's pro-Israel policy and its plans for war

against Iraq have provoked a new wave of anti-Americanism, even surpassing anti-US sentiments during the Vietnam war. According to an opinion poll in Indonesia soon after the Bali blast, some 80 per cent of Indonesians believed the CIA was behind the Bali outrage.

During the war on Afghanistan, the US embassy in Jakarta was the scene of daily protests. One has to go back to the sixties to see such vehement denunciations of US policies but the protesters were all Muslim groups, a new breed of organisations with a specific political agenda.

There are many reasons why pious Muslims have turned against Washington. In the eighties, the first generation of Indonesian Muslim radicals campaigned against the Soviet Union in Afghanistan and saw the Americans as friends but friends have now become enemies.

On a global scale the role of Osama bin Laden has become peripheral, if indeed he is still alive. But the movement of Muslim activists in the present unhealthy global atmosphere is a breeding ground for 'freelance operators' who are not necessarily aligned to Al-Qaeda.

## Anti-Islam policies in Indonesia

Since the birth of the Indonesian republic, the attitude of Indonesian governments towards radical Muslim groups has lurched from one extreme to the other, from accommodation to repression.

The Muslim groups now in the limelight, in particular in the context of the Bali blast and the present anti-US wave, are all relatively new. Some are part of an international network. The liberal Muslim scholar Ulil Absar Abdalla calls it a '*Gerakan Islam baru*' (new Muslim movement) as distinct from the 'old' mainstream Muslim organisations, *Nahdlatul Ulama (NU)* or *Muhammadiyah* which represent at least 80 per cent of Indonesian Muslims.<sup>2</sup>

The radicalisation of Islam has been fuelled by the Soviet and US wars in Afghanistan and the availability of training facilities in Sudan, Pakistan, Yemen and Afghanistan. Members of the new groups do not generally come from the mainstream organisations. Their social background is from the ranks of syncretic Muslims, from abangan communities as distinct from the pious Muslim communities across many parts of Central and East Java. Some of the key suspects of the Bali blast can be described as 'reborn' Muslims.<sup>3</sup>

*MMI (Majelis Mujahidin Indonesia)*, the Council of Jihad Fighters, is one such organisation, a loose umbrella set up in 2000 by Muslim clerics with strong anti-Suharto credentials. *MMI's* paramilitary wing, *Laskar Mujahidin*, is active in Maluku. Its most prominent preacher is Abubakar Ba'asyir who runs a small school in Ngruki, in Solo, Central Java called *Pesantren al Mukmin*. He is also seen at home and abroad as the spiritual leader of *Jema'ah Islamiyah*. He openly supports the views of Osama bin Laden which makes him an obvious target of the world's press. Ba'asyir was hounded during the anti-Muslim witch-hunt in the eighties and fled to Malaysia for 14 years until the fall of Suharto. *MMI* campaigns for the introduction of Syariah law not just in Indonesia but throughout the region. It has no clear organisational structure and no registered membership but is supported by the pupils who attend its religious schools.

Another group with an international dimension is *Hizbut Tahrir*, a spin-off from *Ichwanul Muslimin*, the Muslim Brotherhood movement, known for its radicalism in Egypt and Sudan. Like *MMI*, *HT* promotes pan-Islamism, and

advocates a purity of Islam. *HT* spokesperson Mohammad Ismail Yusanto is virulently anti-US and frequently quotes from Noam Chomsky on anti-US policies. It promotes the introduction of Syariah law and promotes a kind of Pan-Islamism, denouncing national borders.<sup>4</sup>

Several leaders of these new groups were prominent



*Tourists leaving Bali, a devastating impact for the economy*

Muslim leaders in the late seventies and eighties, when the Suharto regime persecuted radical Muslim groups.<sup>5</sup>

*MMI* in particular harbours many ex political prisoners of the eighties while *HT* only emerged into the open in the post-Suharto era. It is difficult to assess the support for these groups. In the 1999 general election, the Muslim vote went mostly to mainstream Muslim parties and to Golkar, the ruling party under Suharto. Some voters supported new Muslim parties, in particular Partai Keadilan (PK), a party with a clear structure and programme. But it should not be lumped together with the Muslim groups mentioned above which function outside the national democratic framework. PK enjoys solid support in many campuses and is likely to gain votes in 2004 while remaining relatively small.

Campaigning for Syariah law by the new Muslim groups is not likely to affect the results of the elections, though it is gaining in popularity in West Java, Madura and South Sulawesi.

## **Infiltration by the army**

As in some other Muslim countries, Indonesia has developed the tradition of a secular administration. Somewhat like Turkey, the Indonesian armed forces developed a secular, anti-Muslim tradition. In the early years of the republic, the Indonesian army frequently fought against rebel groups wanting to establish a Muslim state. Already in those days, military intelligence developed a habit of infiltrating Muslim groups and inciting them to get involved in dangerous activities, which were then crushed. Top army intelligence officers like Ali Murtopo and Benny Murdani became notorious for such intelligence operations, resulting in brutality towards Muslim radicals.

This tradition of financing, fostering and infiltration continues to this day, especially in the two best known militia groups, *Laskar Jihad* and *Front Pembela Islam (FPI)*. Against this background, it is not difficult to conclude that there are connections between the Bali blast perpetrators

and hardline military and/or intelligence officers.

Indonesianist Ben Anderson, retired professor from Cornell University, believes that the masterminds of the Bali outrage may be from a military faction that used to control East Timor. They would also be the ones to benefit from restoring the army's central role in Indonesian politics.

*'It (Bali bombing) is not an international conspiracy by al-Qaeda but is to do with domestic politics, especially this military group which has a long experience in black operations', he said. 'Terrorists in the case of Indonesia can be found within the state apparatus'.*<sup>6</sup> Many political analysts in Indonesia also think along these lines.

The Bali blast on 12 October accelerated measures by the authorities. Abu Bakar Ba'asyir who has been taken ill, was removed from hospital the day after the blast and taken into custody. Within a week the Megawati cabinet approved a new anti-terrorist decree giving greater leeway to arrest suspects and an enhanced role for military intelligence.

The authorities had already started clamping down on radical Muslim groups prior to the Bali blast, targeting in particular *Laskar Jihad* and *FPI*. Although the leaders of these organisations had strong ties with some highly-placed army and police officers, their military backers suddenly decided to pull the plug. Jafar Umar Thalib (*Laskar Jihad*) and Habib Rizieq (*FPI*) were both arrested just prior to the Bali blast.

This is believed to have been prompted by a decision of the TNI Commander-in-Chief General Endriartono Sutarto to summon 'rogue' elements in the army, threatening to take harsh action if they continued to support these organisations. As a result, *Laskar Jihad* announced its dissolution a few days before the Bali blast and the *FPI* froze its activities shortly after the blast. The two organisations crumbled within days.

## **The recent bombings**

Most recent blasts have been politically motivated. The blasts during the short presidency of Abdurrahman Wahid (Gus Dur), who was trying to curb the political muscle of the army, were widely regarded as being aimed at undermining his presidency.

An analysis by Kontras, a leading human rights organisation, concluded that none of the investigations or trials have been satisfactory as none looked at the motivation and none of the masterminds have been caught.

From 1976 till 1997, with Suharto in power, there were hardly any terrorist attacks but from 1998, when he was forced to step down, the attacks increased dramatically. In 1998 and 1999 13 attacks occurred, in 2000 there were 32, and from January till July 2001, there were 81, not including bombing incidents in conflict areas like Aceh, West Papua, Maluku and Poso. Some of the perpetrators have been identified, arrested and tried but the evidence has been far from convincing. There was plenty of evidence about the use of military equipment but military involvement has not been investigated. Many recent incidents prior to the Bali blast showed signs of greater professionalism as well as indications that the perpetrators were linked to the Bali tragedy.

On 1 August 2000, a huge blast shook the residence of the Philippines ambassador in Jakarta. The 20kg TNT bomb had been planted in a red Suzuki van parked close to the residence and caused huge material damage. Buildings and

## CHANGES IN THE MILITARY

There have been some significant changes within the military leadership. After the fall of Suharto, things changed drastically for the armed forces, the main feature being that they lost much of their political clout. While the moderate wings accepted the new paradigms the hard-liners thought otherwise.

The political landscape of Indonesia during the last five years is largely the result of this ongoing struggle. It reflects on the one hand the inability of the moderates (and also the government) to create political stability and a sense of security among its citizens. The hard-liners in the military are responsible for creating this instability.

Dividing up the military into mainstream and hard-line wings is arbitrary and is of limited value. The mainstream wing comprises those anxious to focus on maintaining law and order and can be called the 'law and order' wing. On other issues like national security and dealing with 'separatism' in Aceh and West Papua, the 'law and order' wing is as unbending as other TNI officers. TNI officers are also agreed on the issue of impunity. Despite serious efforts by the human rights community, so far no senior officers have been convicted; in some cases (see separate article), they have been acquitted. On such issues as raising extra funds, the divisions are deep and frequently lead to fights between the security forces.

The TNI chain of command has not been very effective; more often than not, orders from the top are sabotaged at lower levels. This has an impact everywhere but especially in places of conflict like Maluku where religious conflict has flared for the last three years. The situation there got out of hand because sections of the security apparatus, both military and police, took sides in the feud. In the second year of the conflict, hundreds of armed Laskar Jihad activists from different parts of Indonesia went to Maluku unhindered (or even protected) by sections of the military. Extreme Muslim militia groups like Laskar Jihad and FPI were encouraged by hard-line military commanders and have been allowed to parade in the big cities and even in front of the palace armed with swords and machetes. FPI units have attacked night clubs, massage parlours and other places they regard as unsavoury. Such activities have not been halted and even have the tacit support of the security forces.

Gradually the 'law and order' wing under Commander-in-Chief General Endriartono Sutarto has been able to restore the balance in his favour, not least because of the many atrocities involving Kopassus, the elite corps of the army. Kopassus officers have been charged for the murder of Theys Eluay, and are seen by the police as being responsible for the killing of teachers in Timika. Their role over the years in the conflict in Maluku is legendary.

homes and more than two dozen cars within a radius of 300 metres were badly destroyed. Three bystanders were killed and 22 seriously wounded, including the ambassador who has been crippled for life. A group called *Mujahidin Khandag* claimed responsibility but nothing is known about it. During the interrogation of Bali suspects, connections were made between the two incidents.

On 13 September 2000 the high-rise building where the Jakarta Stock Exchange is located was badly damaged by a huge bomb which exploded in the car park; Fifteen people were killed and 34 seriously wounded. The attack was very professional; the choice of target ensured maximum publicity and it was timed to hit when transactions at the stock exchange were at their busiest. The RDX explosive used is known to be used by the military. A number of men have been convicted, including three NCOs from the army's elite corps: Corporal Ibrahim Hasan from Kostrad and Sergeant Irwan Ibrahim from Kopassus were given life sentences, but Sergeant Ibrahim Abdul Manaf Wahab escaped from prison in February 2001 and is still at large. Two civilians were given 20-year sentences. The trials failed to reveal anything about the masterminds.

On Christmas Eve 2000 a series of explosions occurred almost simultaneously in 38 places; mostly churches in Jakarta, Bandung, Mojokerto, Medan, Batam, Pekanbaru, Sukabumi, Mataram and Pematang Siantar. Nineteen people were killed and 120 were seriously wounded. The Christmas attacks were clearly the work of a professional group. Most of the bombs contained TNT though some were home-made bombs using a mixture of chemicals. Military involvement is widely suspected because of the meticulous planning of an operation in many parts of the country. In Medan and Bandung connections were traced back to senior military officers but the investigation was shelved.

There have been few arrests and convictions. But links are being made following the Bali arrests. One suspect who has been eager to talk is Faiz bin Abu Bakar Bafana, who is being held in Singapore. He made many allegations about the involvement of *Jema'ah Islamiyah* in the church bombings giving names of people being held in Indonesia. Bafana also mentioned Imam Samudra as being connected with the blast at the Atrium shopping centre in Jakarta on 1 August 2001. His confessions may not carry much weight however as he is detained under ISA, had no access to a lawyer and probably made his confessions under duress. ISA detainees can be held indefinitely without trial. He incriminated Abubakar Ba'asyir, alleging that he took part in meetings in Solo at which forthcoming terrorist actions were discussed.

One name frequently mentioned is Hambali who is now Indonesia's most wanted man in connection with the Bali blast. Intelligence circles suspect that he has left the country and is hiding in Pakistan or Afghanistan.

### International or homegrown?

Since the arrest of Amrozi, Imam Samudra aka Abdul Aziz and Muchlas aka Ali Gufon, journalists have tried to piece together information from police reports. They suggest that a complex network of persons and cells was involved in preparing and carrying out the Legian bomb attack.

At least nine groups have been mentioned as being involved: the Serang Group (13 people), the Abdul Rauf group (4 people) and the Sukoharjo group (2 people) involved in the preparations: lodging, finances and survey. The Lamongan group (11 people) and the Bali group (4 people) were directly involved in the blast. The Solo group (9 persons) handled the aftermath, finding hiding places and so on. Groups in Riau

and Menado were indirectly involved in the preparations.

But the 'big fish' are said to be Imam Samudra and Muchlas. According to claims in the international press quoting from intelligence circles, Muchlas is alleged to be operational chief for the regional *Jema'ah Islamiyah*, replacing Hambali aka Riduan Isamuddin. Muchlas is also wanted in Singapore for his alleged role in a plot to blow up the US embassy in Singapore.

The 'war against terrorism' has prompted the authorities to trample upon civil rights. The radical preacher Abubakar Ba'asyir is widely spoken of as the spiritual leader of *Jema'ah Islamiyah* and his contacts and pupils are alleged to be involved in the Al-Qaeda terrorist network.

Testimony by 'key witnesses' said to provide irrefutable proof of terrorist connections has turned out to be very contentious. Confessions by Omar al-Faruq, an alleged Al-Qaeda, operative were reported in Time magazine. This man was kidnapped by the Indonesian intelligence agency BIN in June 2002 and handed over to the CIA in violation of correct procedures. According to his so-called confession under interrogation in Afghanistan, he admitted to being involved in several bombing incidents in Indonesia in 1999 and 2000 and in a plot to assassinate President Megawati. He mentioned many names, including Abubakar Ba'asyir, whom he described as being part of a terrorist ring.

In January 2002, Fathur Rahman al-Ghozi, was arrested in the Philippines, caught red handed with a huge quantity of chemicals. As a former pupil of Abubakar Ba'asyir, he spoke about his involvement in several bombing acts, mostly in the Philippines.

Two papers published by the Jakarta chapter of the International Crisis Group, headed by Sidney Jones focus on the domestic and international connections of Al-Qaeda in Southeast Asia and *Jema'ah Islamiyah*. Although the papers appear to be well researched and go into great detail about the organisational and personal connections between radical figures and groups in the Indonesian Muslim world, they fail to draw a distinction between radical right-wing exponents and organised terrorists groups. Some of the information, presented in the studies as facts, is less than convincing and would not stand scrutiny in a court of law.<sup>7</sup>

## Confusion about confessions

Less than three weeks after the blast, the Indonesians already appeared with their first suspect. It did not take long before the three key suspects, Amrozi, Imam Samudra and Muchlas admitted their role in the Bali bombing. In a sensational public appearance, Police Chief General Da'i Bachtiar appeared with Amrozi in front of TV cameras and radio reporters. The aim of the exercise was clear, to convince a sceptical world that police investigations have produced swift results. In January two other key suspects were arrested in Kalimantan: Ali Imron and Mubarak, bringing up to 17 the people who have been arrested in connection with the Bali blast.

Amrozi will be the first one to appear in court. The police forwarded 1600-page dossier to the prosecutors in mid January and it is expected that his trial will start in February, provided that the prosecutors do not find fault with the police dossier.

Initially, people were impressed by the swift results and the seeming professionalism of the police officers, assisted by colleagues from Australia, the US, the UK and Japan. But gradually, fundamental flaws have begun to emerge.

The first relates to the material used for the bombs and the remnants of the Mitsubishi van, containing the bomb which

was allegedly driven to the site by Amrozi. The huge crater, five-foot deep and twenty-foot wide indicates that the van would have been completely vaporised. It turns out the engine block was still intact and the police investigators were able to trace the owner of the van from reading van chassis number. This is what led to Amrozi's arrest. In his testimony Amrozi admitted carrying a huge amount of chemicals in his van to the site. In a later finding, the police traced 1 ton of explosives, owned by Amrozi, in Lamongan, creating confusion over whether the bomb had indeed been inside the van.

Robert Finnegan, an investigative journalist and editor of Jakarta Post raises a key question:

*'Day after day investigators trotted out a different explosives and combinations of explosives purportedly responsible for the blasts. In addition to C-4 and RDX there was now TNT, Ammonium Nitrate, HMX, Semtex, PETN, Chlorate and Napalm. Everything but the kitchen sink. Was this gross ineptitude? Or another ploy to throw independent investigators off the trail?'*<sup>8</sup>

Things became even more confused when the key suspect, Imam Samudra, who claimed that he was behind the idea of the Bali blast, is now giving a very different version. According to this version, Iqbal, who supposedly died in the event, was a suicide bomber who carried one kg of TNT and exploded the bomb inside the café. Imam Samudra claims that he drove Iqbal to the site by motorbike. He says he shocked by the scale of the blast.<sup>9</sup>

Well he might be, for such an amount of explosives could not have caused such a blast.

The testimonies regarding the preparation of the Bali blast also don't add up. According to the police the different groups met twice in Solo in different locations. In one of the locations the police found interesting documents about the organisational structure and strategy of *Jema'ah Islamiyah*, which is said to be the first hard evidence about the existence of JI.

As the story unravels, the evidence becomes ever more curious, but what is missing is any evidence of the military's role. As long as a tight veil of secrecy hides this part of the story, the real truth about the Bali outrage will remain hidden. \*

## ENDNOTES

1 See Martin van Bruinessen, *The Violent Fringes of Indonesia's Islam*, ISIM Newsletter 11/02, December 2002

2 Ulil Abshar-Abdalla, *'Fatwa itu Lemah, tapi Mengkhawatirkan'*, Tempo, 22 December 2002

3 United States-Indonesia Society, *Impact of the Bali Bombings*, Conference Report November 26, 2002

4 Mohammad Ismail Yusanto, *Terror Islam, Terror Global*, Makalah di HI, 14 November 2002

5 See also *Indonesia: Muslims on Trail*, TAPOL, 1987, and *Islam Diadili: Mengungkap Tragedi Tanjung Priok*, Teplok Press 2002

6 Supalak Ganjanakhunkee, *Bali Attack Result of Internal Politics*, The Nation, Asia News Network in Jakarta Post 27 December 2002

7 ICG, *Al-Qaeda in Southeast Asia: The Case of the 'Ngruki Network' in Indonesia*, Jakarta, August 2002 and ICG, *Indonesia Backgrounder: How the Jema'ah Islamiyah Terrorist Network Operates*, Jakarta, December 2002

8 see also Robert S. Finnegan, *Bali bombing: An Investigator's analysis*, The Jakarta Post, 3 January 2003

9 Tempo, 22 December 2002

## Anti-terrorism decree threatens basic rights

*An anti-terrorism decree issued by President Megawati Sukarnoputri on 18 October, in the wake of the Bali bombing atrocity, represents a grave threat to civil rights and could lead to a return to the authoritarianism of the Suharto era, say Indonesian lawyers and human rights activists. They are concerned that the objectives of bringing the Bali bombers to justice and preventing future such outrages will be pursued at the expense of fundamental rights and freedoms.*

The decree - known as Perpu (Government Decree in Lieu of Law) No. 1 of 2002 - gives the authorities the power to detain individuals for up to six months without trial and, while it makes no reference to the Indonesian armed forces, TNI, it opens the way for the TNI to play a decisive role in identifying individuals to be targeted. Intelligence reports - produced by agencies run by the armed forces and police - may be used to initiate investigations which could lead to the arbitrary arrest and detention of a wide range of people, even though no material evidence against them is available.

Terrorism is defined in such a way as to include ordinary crimes committed during legitimate political activities and activists in Aceh and West Papua are especially fearful that the decree will be used against them.

Although the decree may not be as draconian as equivalent measures in other countries - such as the Internal Security Acts in Malaysia and Singapore - the danger lies in the fact that it will be implemented in a country in which the military retains significant power and the corrupt legal system fails to protect individual rights.

There is concern that the renewed emphasis on internal security will lead to the neglect of pressing issues, such as military and judicial reform, and allow the security forces to reinforce their power and influence.

Moreover, it is likely to divert attention from widespread and systematic acts of state terror, which in the past several decades have claimed thousands of times more victims than the Bali bomb.

### Impunity for state terror is the norm

The extent to which Indonesia's anti-terrorism measures represent a major threat to human rights was made clear in a *Jakarta Post* editorial published on international human rights day, 10 December:

'In launching its campaign against terror after the Bali tragedy, the government of President Megawati Sukarnoputri has not only relegated human rights from the national agenda, but it may even have forsaken human rights principles.

'All the evidence throughout the year suggests that as a national political agenda, human rights have not only been put on the back burner, but we seem to have even abandoned all earlier efforts at setting our human rights record straight.'

In this situation, impunity remains the norm, with inevitable consequences for human rights, says the newspa-

per:

'Impunity, in short, is still the rule in Indonesia. And because people rarely get punished, they will not hesitate to do the same thing again, and what is more, other people will be encouraged to take the same path. As long as impunity remains the norm, we can expect human rights violations to escalate in the coming years.'

It goes on to point out that:

'External pressures on the government to set Indonesia's human rights record straight have also ebbed this year, with counter-terrorism now taking center stage in international diplomacy.'

### Indonesia joins the 'war on terror'

The decision to issue the anti-terror decree means that Indonesia has agreed to join the Bush administration's 'war on terror'.

The decree was issued in great haste by the Megawati administration in response to the Bali atrocity. A second decree - Perpu No. 2 of 2002 - was issued at the same time to provide for the specific implementation of the first decree in relation to the crimes committed in Bali.

Parliament, the DPR, had previously failed to agree to an



*Anti-PERPU demonstration*

anti-terrorism bill after months of controversy among MPs and vigorous protests from human rights activists. The Bali atrocity was used by the Executive as a reason to override Parliament although two new bills with similar provisions

are now being considered by Parliament. They will eventually replace the two decrees.

President Megawati has also issued two Presidential Instructions (Inpres). The first is directed at coordinating minister for political and security Affairs, General (retired) Susilo Bambang Yudhoyono, and gives him the powers to set up a mechanism for implementing the decree. It is not yet clear how he will exercise this power, but he is known to be cautious about setting up a body reminiscent of Kopkamtib, Suharto's feared special command for the restoration of security and order or its successor, Bakorstanas, which held a grip on political life in Indonesia for the thirty-three years of Suharto's New Order regime.

The second Inpres is directed at the head of the state intelligence agency, Badan Inteligen Negara (BIN), Lt-General (retired) Hendropriyono, and gives him the power to coordinate all intelligence activities. This is the most worrying aspect of the new measures, as will be explained.

## Terrorism broadly defined

The presidential decree defines terrorists primarily in Article 6 as 'Persons who deliberately use violence or the threat of violence to create an atmosphere of terror or spread fear among the general public or create victims on a mass scale by depriving persons of their liberty or their life, or inflict damage or destruction on strategic, vital objects or the living environment or public facilities or international facilities.'

The maximum punishments are death or life imprisonment. While the Decree then goes on to identify a whole range of acts of terrorism such as plane-hijacks and other threats to aircraft, the import of explosives, nuclear weapons and weapons of mass destruction, the broad definition stipulated at the outset encompasses ordinary crimes, such as criminal damage or common assault, which might occur during legitimate political actions such as protests outside mines and energy projects.

## Armed security for 'vital projects'

By virtue of their status as 'vital projects', major enterprises are routinely given special protection by members of the armed forces. Within twenty-four hours of the Bali bomb, Susilo Bambang Yudhoyono announced that armed forces protection of energy and mining operations would be stepped up.

The major enterprises in this category include the US corporations, Exxon in Aceh, which mines and exports liquified natural gas (LNG), and Freeport in West Papua, the world's largest copper-and-gold mine. It is precisely in the vicinity of these enterprises that some of the worst human rights violations have occurred because of the presence of the military. British Petroleum is currently in the process of establishing a major LNG project in West Papua where similar abuses may occur.

## Enhanced role for intelligence agencies

The decree specifically provides that 'intelligence reports' may be used to initiate a formal investigation. According to Munir, one of Indonesia's foremost human rights lawyers, this gives intelligence agencies the power to instigate the arrest of any suspect on the basis of preliminary evidence, which would normally be insufficient for charges to be brought. It may amount to no more than a mere suspicion that a person is involved in terrorism.

The State Intelligence Agency, BIN, is headed by retired

Lieutenant-General Hendropriyono, who is himself implicated in a grave atrocity against Muslim groups in Lampung in 1987. This highly dangerous provision in the Decree gives BIN and the military a direct and possibly decisive role in identifying suspects and ensuring their arrest and detention.

The decision on whether there is adequate evidence for an investigation to proceed is made by a district court in closed session (Article 26). This removes an important safeguard for suspects, namely the public scrutiny of the investigation process. It is especially disturbing given the power of the investigator to detain a suspect for up to six months without charge or trial (Article 25). Few people expect the corrupt judiciary to provide effective protection against arbitrary detention.

## Security overrides rights and reforms

Investigators who have been granted permission by a district court to proceed are given powers to intercept and confiscate the suspect's mail and other communications, and may tap his or her phone so as to monitor possible preparations for an act of terrorism, for a period of up to one year (Article 31, Para 2).

These are worrying departures from the procedures under Indonesia's Criminal Procedure Code, known as KUHAP. The Minister of Justice and Human Rights, Yusril Ihza Mahendra, who, with Susilo Bambang Yudhoyono, had the task of drafting the decree, argued in the press at the time that KUHAP is inadequate for the purposes of fighting terrorism, but many of Indonesia's leading human rights lawyers have said there was no need for a special decree. According to them, KUHAP, Indonesia's Penal Code and other legislation on explosives and money laundering would, with a few necessary amendments, have been sufficient to deal with terrorist crimes.

The anti-terrorism decree means that Indonesia is now pursuing the security approach which was the hallmark of the New Order regime under General Suharto, giving primacy to a wide range of security measures against so-called acts of terrorism while ignoring the pressing need for reform in many areas of government.

It would be more appropriate for the authorities to take steps to establish a properly functioning legal system capable of upholding the rule of law and protecting human rights. The Indonesian justice system is riven by corruption, institutional weaknesses and a lack of protection for individual rights and was described by the UN special rapporteur on the independence of judges and lawyers, during a visit to Indonesia in July last year, as one of the worst he had seen.

The decree's inclusion of the death penalty and its retrospective provisions are violations of the fundamental right to life and the right not to be tried and punished for an act which was not a crime at the time it was committed. These rights are supposed to be protected by the Indonesian Constitution.

TAPOL believes that the decree is a serious setback for human rights in Indonesia. Terrorism is clearly a grave threat to life and limb for all citizens, Indonesian as well as foreign, but TAPOL believes that this can only be effectively dealt with by root and branch reforms of the judiciary and the military. The Indonesian government should not allow the Washington sponsored 'war on terror' to force it to compromise Indonesia's faltering advance towards democracy and the rule of law. \*

## Tanjung Priok massacre: will justice be done?

*On 12 September 1984, troops opened fire on a huge crowd of protesters in Tanjung Priok, Jakarta's dockland, killing hundreds of people. This atrocity is one of many perpetrated during the Suharto years which are still awaiting justice. Fourteen soldiers are due to go on trial in February but the generals who were responsible for this crime against humanity are not among them.*

The Tanjung Priok massacre occurred at a time when the Suharto government was pushing for all parties and mass organisations including those based on religious principles to adopt Pancasila as their 'sole ideology'. This met with strong resistance in Muslim circles. The massacre occurred as part of a provocation to warn Muslims that opposition to this new law would have dire consequences.

Prior to the massacre, several soldiers entered the docklands mosque and tore down notices on the walls, provoking angry responses; four mosque officials were taken into custody. The shooting took place when an estimated one thousand five hundred people marched to the local police command, demanding the men's release. They were confronted by heavily armed soldiers who opened fire indiscriminately. Hundreds of people were killed. Local people say that seven hundred died. The streets were covered in blood but within hours, all traces of the massacre had been washed away and the bodies had been carried off in army trucks for burial in unknown parts.

On the following day, armed forces commander, General Benny Murdani, and the Jakarta military commander, Major-General Try Sutrisno, visited the scene and announced that nine people had been killed and fifty-three injured. They alleged that the troops had no option but to open fire after an angry crowd 'armed with knives, sickles, crowbars and fuel' mobbed the police station. Their account was hotly disputed by witnesses of the massacre but the tightly controlled press only reported what the generals had alleged.

### Ad hoc human rights court

Since the fall of the Indonesian dictator in May 1998, a powerful campaign has been waged by survivors and relatives of the victims to bring those responsible to justice.

In June last year, when President Megawati announced the formation of an ad hoc court for East Timor, she also announced the creation of an ad hoc court to deal with the Tanjung Priok massacre, under the terms of a law adopted in 2000 providing for special courts to be set up to handle past

crimes against humanity and grave human rights abuses.

After years of controversy over the inadequacies of the investigation into the massacre undertaken by Komnas HAM, the National Human Rights Commission, it has now been announced that fourteen military officers will go on trial in January or February. They include three major generals, one of whom is Major-General Sriyanto who is now commander of the army's elite corps, Kopassus. However, at the time of the massacre, 18 years ago, they were low-ranking officers commanding the operation in the field, acting on orders from their superiors. Sriyanto was head of the operations section of the North Jakarta military command (*kodim*) and would certainly have been under orders from his superiors at the Jakarta military command (*kodam*). The Komnas HAM investigation which became



*Twenty eight defendants of the Tanjung Priok trials in 1985*

the basis for examination of the case by the Attorney General's Office listed the names of 23 persons to be considered as suspects but nine have now been excluded from the list of men to be indicted.

The two generals who were responsible for the massacre were General Benny Murdani who was commander-in-chief of the armed forces and of the special security agency, Kopkamtib, and Major-General Try Sutrisno, then commander of the Jakarta military command. Try Sutrisno later served as vice-president of Indonesia. In an attempt to evade justice, he has been in negotiation with some of the survivors to enter into an *islah*, an act of reconciliation and forgiveness. However, such a deal cannot under law replace a judicial process.

### Distorted justice

One of Indonesia's foremost human rights lawyers, Munir

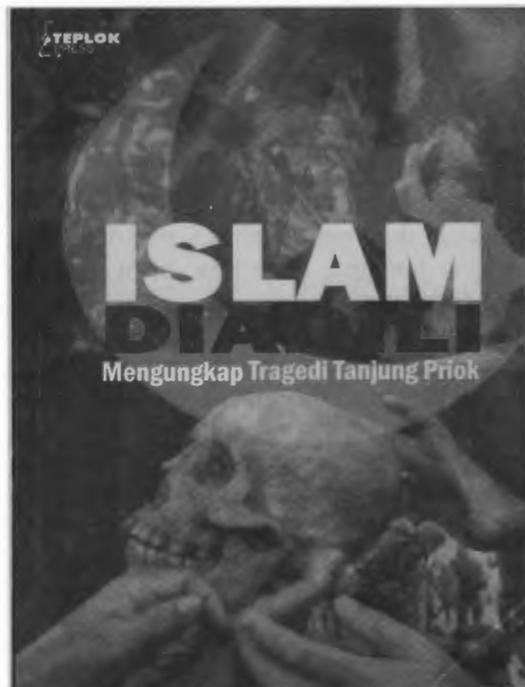
SH, the founder of Kontras, the Commission for the Disappeared and Victims of Violence, believes that in the preparatory stages, the case was reduced to a personal matter between the perpetrators and the victims, although the massacre had a profound impact on society at the time. Kontras has been acting as legal adviser of the victims and will represent them in court. 'From the way the case has been handled up to now by the Attorney General's Office, there is every reason to believe that the trial will be nothing less than a distortion of justice,' he told the press.

He said he believed that pressure had been brought to bear on the Attorney General by military circles over the selection of the men to be put on trial, focusing only on officers in the field. He also lambasted the Komnas HAM for initially producing an investigation report that placed the blame for the massacre on the victims. It was only after the findings were heavily criticised that the report was revised.

According to Kontras, which has worked closely for years with the victims, the number of persons, all military or police, who should be held responsible for the Tanjung Priok massacre is thirty-six, not the fourteen who will be charged before the ad hoc court. It should include Suharto who was the president and supreme commander of the Indonesian armed forces, and who, according to Kontras, masterminded the massacre.

The attorney general's office announced on 14 January 2003 that the Tanjung Priok trial would commence some time in February. The team of prosecutors will consist of 16 persons, including four military prosecutors (oditeur). Kontras complained bitterly in a statement that the prosecution team would fail to represent the interests of the victims. It feared that the abysmal performance of the prosecutors in the East Timor ad hoc trials would be replicated. \*

*Indonesia: Muslims On Trial*, published by TAPOL in 1987 gives a comprehensive analysis of the Tanjung Priok Massacre, and the scores of trials that followed in its wake. The book has been translated into Bahasa Indonesia which has been published in two editions. The latest version: *Islam Diadili : Mengungkap Tragedi Tanjung Priok* was published in September 2002 by Teplok Press, Jakarta



Military Law of the University of Melbourne and the East Timorese NGO, Judicial System Monitoring Programme. The event, which reviewed past efforts and future possibilities for accountability, was attended by representatives of the East Timorese government, the Serious Crimes Unit, the East Timorese judiciary, and representatives of East Timorese and Indonesian civil society and international NGOs.

Participants agreed that the Jakarta trials were a travesty of justice. It was suggested that one step towards generating support in the UN Security Council for an alternative international judicial mechanism would be to obtain a 'seal of disapproval' of the trials from UN Secretary General Kofi Annan, who is required to keep the Council informed of progress. This could be done by persuading him to appoint a team of legal experts to assess the trials.

There was substantial agreement that the serious crimes process in East Timor was an important part of the search for justice and that as much as possible should be done to get the most out of the process. It was generally felt that the East Timorese government needs to be open about its plans for the process, which must not be adversely affected by the withdrawal of the UN.

Consideration was given to the merits of a procedure created by the International Criminal Tribunal for Yugoslavia - the 'Rule 61' procedure - which would allow a panel of judges to confirm an indictment at a public hearing in the absence of the accused. The prosecution would present evidence to enable the judges to confirm the charges, but the procedure would not amount to a trial 'in absentia' and would not prejudice the accused's right to a fair trial.

This public procedure would be a source of pressure on the international community to fulfil its responsibilities, it would expose Indonesia's lack of co-operation and it would allow the victims to see that something was being done to bring high level Indonesian suspects to justice. Its introduction would require new East Timorese legislation to supplement the current rules on criminal procedure.

A number of NGOs, including TAPOL, agreed to continue the dialogue started by the symposium and to form an international coalition in support of an international tribunal for East Timor. A statement setting out the coalition's aims and objectives will be issued shortly. The coalition will be involved in several initiatives at the time of the conclusion of the Jakarta trials, including lobbying Kofi Annan and the members of the UN Commission on Human Rights and lobbying members of East Timor's parliament to support a resolution calling for an international tribunal.

**Brig. General  
Timbul Silaen,  
East Timor Police  
Chief - acquitted of  
charges.**



*continued on page 14*

# Fond farewell to a wonderful woman

When I heard in August 2002 that Ibu Sulami had died, memories of this wonderful woman came flooding back. Sulami, known affectionately as Ibu (Mother) Sulami, was a woman who I had grown to admire and love as one of Indonesia's most committed fighters for women's rights and a fierce defender of the victims of the massacre conducted on the orders of General Suharto when he seized power from President Sukarno in 1965. It was she above all who was fired with a determination to do what she could to expose the massacres masterminded by Suharto soon after he seized power from President Sukarno in October 1965. At least a million people met their deaths in horrific ways during the six months from October 1965.

I first met Ibu Sulami when I entered Bukit Duri Prison in Jakarta in August 1970. My most vivid recollection of her in prison was that she lived a self-contained life in her cell and kept herself very well informed about the world outside. That was quite an achievement as we political prisoners were strictly prohibited from reading newspapers or listening to the radio. But Ibu Sulami was not a person to allow these rules to cramp her style. She managed to keep herself supplied with newspapers and made it her task to keep the rest of us informed. Many years later, she told me that convicted women prisoners in the wing for criminal prisoners smuggled newspapers, pencil and paper to her in the evenings and took them back the following morning. 'That was how I kept my brain occupied,' she told me. What I didn't know then was that she wrote a novel, a novella, many short stories and poems during the twenty years she spent in prison.

There was one occasion, I heard, when a sudden inspection of the cells compelled her to masticate and swallow a letter that she was in the middle of writing.

## Fighting for women's rights

When Suharto took power in October 1965, Sulami was deputy secretary-general of the hugely popular women's organisation, *Gerwani* and was busily preparing for its fifth national congress later that year. Within days, she was forced to go underground and spent the next eighteen months building contacts with others who had escaped arrest and finding sanctuary with friends. until she was arrested in early 1967.

She was born in Sragen, Central Java on 15 August 1926. After the proclamation of Indonesia's independence in August 1945, she became a member of *Pemuda Putri Indonesia*, the Young Women's Association. At the time of the second Dutch aggression in 1949, she joined a women's guerrilla unit and took part in a 'long march' from Luwu Mountain to Mranggen, Semarang.

After life returned to normal in the new Indonesian state, she joined the left-wing women's organisation, Gerwis which changed its name to Gerwani in 1951. In those days, it described itself as an organisation that was committed to 'struggle and education'. In 1954, she was elected onto the

East Java executive committee of the organisation and three years later, she became second deputy secretary-general and moved to Jakarta. She was for years a regular contributor to the organisation's publication. She also attended meetings of the Women's International Democratic Federation and threw herself with great enthusiasm into strengthening



Gerwani's international ties.

Although it had no formal ties with the Indonesian Communist Party, Gerwani was acknowledged as a close ally. So, when Suharto cracked down on the left, Gerwani was not only banned and its members hunted down and killed; it was also subjected to a vicious assault for allegedly having conducted acts of sexual depravity in Lubang Buaya where the bodies of the six murdered generals were taken on 1 October. The demonisation of Gerwani played a major role in inciting the frenzied killings of 1965-1966.

In February 1975, she was one of four leading women activists to go on trial, charged with having participated 'directly or indirectly' in the October 1965 'coup', with trying to revive the banned Communist Party and engaging in illegal activities. Her co-defendants were Sudjinah, responsible for education and culture in Gerwani, Sri Ambar, head of the women's bureau of the banned trade union federation, SOBSI, and Suharti Harsono, a leader of the banned peasants' organisation, BTI.

Because she was from Gerwani, Sulami was treated in court as the 'leading defendant'; she was sentenced to twenty years while her co-defendants received sentences of 18 and 15 years. After the sentences were officially confirmed, the women were transferred to Tangerang Prison in 1981 where she remained until her conditional release in 1984. For several years, she was required to report monthly to the public prosecutor's office and was employed by the mother of the prison director who ran a factory canteen nearby. 'At least I was safe there,' she later

told me, 'as her husband was a member of the military police which gave me a kind of protection.' For many years, it was difficult for her to return home to Central Java because things were not easy for ex-political prisoners in the countryside.

## Exposing the 1965-66 massacre

From the early days of her imprisonment, Sulami was obsessed with the idea of exposing the massacre that swept through Indonesia after Suharto came to power. Considering how that massacre has virtually fallen into obscurity among the many horrific crimes against humanity perpetrated in the twentieth century, this is one aspect of her many contributions that should be carried forward, in her memory.

Once she was free from the constraints of her conditional release, she started travelling to regions where the killings had been most intense, meeting survivors and relatives of the victims and collecting accounts of how people had been slaughtered. Her findings are reported in an interview published in *TAPOL Bulletin* (No 156) in early 2000. It was through the many contacts that she made with survivors that the idea was born of setting up an organisation, YPKP (Indonesian Institute for the Study of the 1965-1966 Massacre) dedicated to investigating the 1965-1966 massacre and where possible exhuming the bodies of the victims, and returning them to their families for proper burial. This work exposed her and her colleagues to continual vilification and frequent physical abuse. Her humble home which became the organisation's central office in Tangerang, a rather remote suburb of Jakarta, was poorly protected against hostile groups and on one occasion was the target of an arson attack. Her contribution to this movement has been the subject of several documentaries about the massacre.

Sulami was a woman of boundless energy and passionate dedication. Yet she was physically very frail and painfully thin. When I met her in Amsterdam in December 1999 to attend a seminar on Impunity, she was also there for a medical check-up. The last time we met was in Jakarta in late 2000. She has just suffered a severe stroke and when I visited her at her new home in Jakarta that she shared with her beloved sister, she was bed-ridden and too ill to recognise the friends gathered round her bedside. I really thought that this was the end for her, but she survived.

Maybe it was her frailty that made it possible for others in the organisation to seize control and try to change the direction which she had spearheaded. Perhaps one of the lessons is that the great task of exposing the massacre is not one that should be left to the survivors and the relatives of the victims. The massacre is a matter for the entire Indonesian nation and only when this is acknowledged will it be possible for Indonesia to deal with this historic, humanitarian tragedy and build sound foundations for a true democracy.

*Carmel Budiardjo*

*continued from page 12*

## A damaging precedent for Indonesia

The failure of the ad hoc human rights court to dispense justice is a major blow for Indonesia as well as East Timor. It sends out a clear signal that those involved in serious crimes will not be punished.

It is disturbing to note that the TNI commander, General Endriartono Sutarto, is already lobbying hard against trials for past abuses in Aceh on the erroneous basis that they would undermine the peace process there. The reality is that there can be no peace without justice. A Jakarta Post editorial on 16 December rightly pointed out that injustice was the prime cause of discontent among the people of Aceh and helped to bolster popular support for the Free Aceh Movement, GAM.

Meanwhile, there is little sign of any meaningful progress towards the resolution of numerous cases in West Papua, most notably the killing of Papuan leader, Theys Eluay, in November 2001 and the killing of an Indonesian and two Americans near the Freeport mine in August 2002. The Indonesian military is strongly implicated in both cases.

The outcomes of the East Timor trials do not augur well for the trials in the ad hoc court for the Tanjung Priok case due to start in the early part of 2003. The current head of the army's special forces, Kopassus, Major General Sriyanto and 13 other suspects will be charged with gross violations of human rights in relation to their alleged involvement in a massacre in which scores of people were killed or 'disappeared' when the security forces opened fire on Muslim demonstrators in 1984. (See separate article.)

Without justice and adequate enforcement of the rule of law, the practice of impunity will continue and those involved in rights abuses, including veterans from East Timor, will expect to get away with their crimes however heinous. \*



*Former Governor of East Timor, Abilio Soares - found guilty and sentenced to three years in jail.*

*continued from page 26*

from Indonesian sub-contractors by 40 per cent during the year.

Following the closure of PT Doson, thousands of workers rallied to protest against the government's failure to compel the employer to honour a ministerial decree obliging the company to give severance pay to their laid-off workers.

Moreover, workers who lose their jobs do not enjoy unemployment benefits which exacerbates the level of destitution in those parts of the country that have been industrialised since the 1980s. According to workers sacked in Jakarta, many were now reduced to eating nothing more than rice and salt and could no longer afford to pay their rents.

There have been numerous actions by workers across the country in recent months which we will report on comprehensively in our next issue. \*

# Foreign tourists sentenced for visa abuse

*Two women on a visit to South Aceh in September 2002 were apprehended by the security forces, taken to Banda Aceh after being manhandled and subjected to sexual harassment and later charged for violating the terms of their tourist visas. Their treatment and trial have been condemned as being politically motivated.*

The two women are **Lesley McCulloch**, an academic from Scotland who is well known for her wide-ranging research work on the Indonesian military and her many articles about the human rights situation in Aceh, and **Joy Lee Sadler**, a retired nurse from Iowa who was making her first visit to Aceh.

They were accused of having violated the terms of their tourist visas by making contact with members of the Free Aceh Movement (GAM) and in Sadler's case, providing medical help to people in need. They strenuously denied the charges and claimed that they had encountered a group of armed men who compelled them to visit a GAM unit. Lesley McCulloch was sentenced to five months with deduction for the time already spent in police custody while Joy Sadler was sentenced to four months, also with deduction. They were due for release in early February and early January 2002 respectively.

The arrest of the two women attracted much international attention, especially in Scotland, because of the strenuous efforts on behalf Lesley by her parents, Mattie and Donnie McCulloch, in the US, thanks to the campaigning by Joy Sadler's large family in Iowa and the Indonesia Human Rights Network in Washington, as well as in Australia, where Lesley McCulloch had just ended a one-year lecture-ship at the University of Tasmania, and where academic colleagues campaigned vigorously on her behalf.

The arrests and subsequent sentencing were clearly motivated by a move by the security forces to warn foreigners against making what they consider to be visits to Aceh that could result in the dissemination of information about the

human rights abuses that have been rampant there for more than a decade. It was also intended to 'punish' Lesley McCulloch who has published numerous articles and research papers exposing the extensive business interests and corruption of the Indonesian military and whose many articles on the human rights situation in Aceh have been published in *The Jakarta Post* as well as in a number of newspapers in South East Asia.

## Witnessing abuse at first hand

After being held in South Aceh during which time they were subjected to physical assaults and sexual harassment when they resisted attempts to seized their possessions, the two women spent three months at the headquarters of the police in Banda Aceh where they were cooped up a small room with no chance to take physical exercise while scant attention was paid to their basic needs. They were repeatedly horrified to hear the screams of pain coming from Acehnese who were under interrogation by the police.

Shortly after their ordeal began, Joy Sadler drew attention to her failing health because she has been diagnosed as HIV-positive and in need of medication for her condition. But this made no difference to her treatment. Lesley complained throughout her detention of serious back problems because of the unsuitability of their sleeping conditions.

When the judge announced in early December, at the third hearing of their trial, that the next hearing would be postponed for nearly three weeks, Joy announced her intention to go on hunger strike, declaring that she had 'come to the end of her tether'. She spent the rest of her detention on

nothing more than a few glasses of liquid each day. Although their lawyers made strenuous efforts to persuade the authorities to allow them to be held under house arrest, this was repeatedly refused 'on security grounds'.

After a court hearing on 23 December, the judge ordered the two women to be transferred from the police command to the local women's prison. Here, they found themselves sharing a cell with two Acehnese women, one of whom was Reihan Diany who is facing charges after she led a demonstration by her women's organisation, ORPAD. She is being charged under the hate-



*Joy Sadler (left) and Lesley McCulloch in the prison cell*

spreading articles of the Criminal Code and could face a sentence of up to seven years for insulting the head of state.

### 'Threat to national security'

The charge sheet against Lesley McCulloch went far beyond the question of violating the terms of her tourist visa. She was accused of spying and of posing a 'threat to national security'. She was said to have illegally visited rebel held areas and accused of carrying 'sensitive documents' in violation of her visa. In her defence, she told the court that they had been accosted by a group of armed men who insisted on taking them to meet members of GAM, the Free Aceh Movement

As Stephen Jacobi of Fair Trials Abroad said following the verdict, the women's treatment appeared from the outset to be suspicious. 'Normally, for visa offences, people are simply booted out of the country. It's got to be politically linked.'

After the verdict was announced, McCulloch told the press: 'They wanted to make an example of us and to show foreigners that, if you violate your tourist visa, especially in places like Aceh, this is what can happen to you. For me, it was because of the work I had done in exposing military and police corruption.'

She went on to accuse all those concerned in bringing the charges and passing sentence of 'being driven by hatred and fear and paranoia of my work.' She said that, throughout the whole process, there was pressure from the military. 'The judge was under pressure to make me pay for past misdeeds, and for exposing human rights abuses here in Aceh.' Because of all this,' she said, 'the local military hate me.'

She described the court proceedings as 'flawed'. She said that no proof of the charges against her had been presented in court and no witnesses had been called. Although she was entitled, under Indonesian law, to appeal against the verdict, her lawyers later said that they had advised against this as it would only prolong the process because the justice system in Indonesia works very slowly. In the weeks before the trial, the prosecutor had tried to persuade her lawyers to provide financial inducements to speed up the legal process, a common practice in the Indonesian judiciary, but this they refused to do.

As Lesley also explained in court, the documents she was accused of carrying had been sent to her by email and were found on her laptop. There was nothing secret about the maps she had which had already been made public. Asked whether she regretted having these documents and photographs in her possession, she said: 'Even if I hadn't had the maps and other documents. I think that the process and the outcome would have been exactly the same.'

Although she foresaw that when, in future, she would apply for a visa to visit Indonesia, she might very well be refused, she said: 'I'm not worried about that. I'll be back.'

Following the court's decision to sentence Joy Sadler to four months which meant she would have to spend two more weeks in prison before being released, Lesley announced that she would go on hunger strike in protest against this decision.

### Declining health ignored

Although it was clear that Joy Sadler's condition had deteriorated rapidly during the last weeks of her imprisonment, largely because of the difficulty in obtaining the medication she needed to treat her HIV-positive condition, virtually nothing was done by the authorities to ameliorate her circumstances or ensure that she received proper medical attention.

One week before her release on 9 January, she had become so frail that she was taken out of prison by her lawyer and went in search of hospital treatment. However, none of the three hospitals she visited in Banda Aceh would agree to treat her. Her lawyers later circulated a letter that she wrote after this terrible experience. She said that the rejection by the three hospitals left her feeling ashamed, alone and helpless. She said this was the first time she had felt ashamed since being diagnosed HIV-positive five years ago. 'I was at the mercy of the health care profession, but was shown no mercy. And I was too sick to use my own medical knowledge to help myself. I felt so sick, I thought I would die.'

She said that she realised that many Acehnese were infected with HIV but because of the stigma, the true number is not known. She said she would like to initiate an education program on HIV and related illnesses in Aceh. 'I will work toward this in the near future. The Indonesian government has paid lip service to HIV programmes, but from my experience here, I know that progress has been slow and meanwhile, people continue to die because of lack of health care. This is unacceptable.'

\*

### Reihan Diany receives 6 month sentence

A few days after the trials against Joy Sadler and Lesley McCulloch ended, another trial was held, this time against woman activist Reihan Diany. Reihan is chairperson of ORPAD (*Organisasi Perempuan Aceh Demokratik*, Acehnese Democratic Woman's Organisation). She was arrested on 13 July last year during a demo in Banda Aceh. The demo demanded the resignation of the Megawati government. The charges against her were insulting the head of state under articles 134 and 137 of the Criminal Code, which made her liable to a maximum sentence of six years.

Reihan's defence team consisted of competent human rights lawyers, which included Nursyahbani Kacasungkana and Syarifah Murlina. In particular in the Netherlands, a campaign was launched for her release. The judges decided to give Reihan Diany a six month sentence, which she had already served. Reihan left the prison on 13 January.

# Kopassus and the Maluku crisis

*The involvement of security troops in fostering, training and financing the conflict in Maluku is a well known fact. But with the surrender to the Indonesian police of Berty Loupatty, the notorious leader of a Christian militia group, 'Gang Coker', more facts have come to light about the sinister role of Kopassus, the elite corps of the army.*

In late 2002, Idul Fitri, the festivities at the end of the Muslim fasting month, as well as the Christmas and New Year celebrations passed without any serious incidents in Maluku. In previous years, important religious celebrations were always the occasion for vicious attacks on churches or mosques. The hardliners on both sides deliberately chose holy days to create disturbances as a way of highlighting the animosity between the two communities. Things have changed for the better and proof that the religious conflict was largely stage-managed by sections of the military and their proxy militia groups is becoming clearer that ever.

In January 2003 positive signs have emerged. When Indonesian cities were deluged by demonstrations protesting against price hikes by the government, a new front, the unified student front, emerged in Ambon, consisting of Christian and Muslim students to demonstrate against hikes in the price of fuel and phones. As the feeling of war-weariness has spread among the population, street markets have started to function again with Muslim and Christian traders setting up stalls side by side. But while this was happening in Ambon City, the capital, conditions in Central Maluku have not improved: the region is still segregated into

## The Coker Gang

The Coker Gang is run by Berty Loupatty who has a long history of gangsterism in Jakarta and Surabaya. He managed to bring several gangs together, bearing highly colourful names like Papi Coret, the Sex Pistols and the Van Boomen Gang. When the Coker Gang decided to expand their operations to Ambon, he came into conflict with a local group headed by Agus Wattimena.

In the early days of the conflict Agus established his own Christian militia named Laskar Kristus. In those days, Laskar Kristus was superior in the quantity and quality of its weaponry. It often happened that the two Christian militia gangs fought each other over control of the Christian community. In January 2001 a shoot-out occurred in Kudamati, the stronghold of the Coker gang. Two months later Agus was found dead in his house. According to one version, the security forces killed the gang leader but others say Berty Loupatty was responsible.

The Coker gang began to play a major role in the Maluku conflict in 2001, with the arrival of Kopassus units. Berty Loupatty became a Kopassus informer and by August 2001 his gang was involved up to the hilt in a number of bloody operations.

Muslim and Christian quarters.

In October the police issued an arrest warrant for members of a militia group, *Gang Coker* (*Cowok Keren*, the Handsome Dudes), a vicious gang that has enjoyed the protection of *Kopassus*, the notorious red beret special corps of the army.

## A brief history

The conflict in Maluku started in January 1999 following a trivial incident between two pedestrians, a Christian and a Muslim. Such a thing can happen anywhere but this incident triggered a prolonged, bloody conflict, now in its fourth year, which has developed all the features of a religious feud. At least 9,000 people have been killed and 400,000 have become internally displaced as a result of this war. [see *TAPOL Bulletin* No. 168, September 2002, 'Maluku is now a closed territory'.]

From the outset the role of the military was the determining factor in escalating the conflict. As in East Timor, the military have utilised militia groups in a very effective way. These *preman* groups, as they are called in Indonesia, played a key role of escalating the conflict into a full blown religious feud. Several of the key Malukan *preman* gangs were originally based in Jakarta. The Muslim *preman* gangs were recruited as political thugs by General Wiranto, the most senior military officer in the second half of the nineties. The Christian *preman* gangs had a long tradition of being part of the Jakarta mafia, operating as security guards for illegal gambling dens, night clubs and brothels. From the start, the godfathers of the *preman* gangs were military officers. The gangs re-located to Maluku and helped to fuel the conflict. When the fighting escalated, both gangs recruited hot-headed youngsters from their communities and reciprocal attacks on villages started to happen.

In the first stage of the conflict, the Muslim community suffered the greatest damage. Many were forced to flee and in particular three long-established communities, known as BBM (people originating from Buton, Bugis and Makassar) had to flee from Maluku becoming refugees in other islands. Retaliation was bound to happen. All over Indonesia appeals were made to help the suffering Muslims in Maluku.

In February 2000 a horrific bloodbath occurred in Tobelo and Galela, in North Maluku. It is estimated that 1,500 Muslims were butchered within a short space of time, which was possibly the highest death toll in a religious conflict in the history of Indonesia. Then, a hardline Malukan officer, Major General Suaidi Marassabessy, brought 800 Muslim soldiers from Sulawesi to wage attacks on Christian communities. By mid-2000 a new militia group appeared on the scene, *Laskar Jihad*, with recruits mostly from Javanese villages. Hundreds of Jihad warriors arrived in Ambon City,

shifting the balance of power in favour of the Muslim side.

While all this was happening, the government in Jakarta sat idly by, watching on the sidelines. The conflict could only happen because of the consent and/or support of certain military wings. *Laskar Jihad* is a supreme example of hardline officers being the masters giving orders. Maluku increasingly descended into a war zone while measures taken by the government in Jakarta only strengthened the power base of the military. Maluku was given a second military command, with the province being split in two, Maluku and North Maluku and the whole area was placed under a civilian emergency. None of these measures contributed to improving security of the region. This situation did not last long because sections of the security forces adopted partisan positions in the conflict.

This was followed by a new phase with two military strategies vying with each other. The hardliners insisted on continuing the conflict because this would ensure that the military remained at the heart of the conflict, while creating opportunities to enjoy the spoils of war like smuggling, illegal logging and extortion. By 2002 the situation had become increasingly chaotic. Police units were siding with the Christians and army units were siding with the Muslims, with the marines trying to defend the beleaguered Christians. Lines of command no longer functioned and groups abroad adopted an attitude of resignation, feeling there was nothing useful they could do.

The other military strategy is based in Jakarta where the armed forces leadership have been trying to restore law and order but without much success. In just three years, three military commanders were appointed in Maluku, further proof that the line of command wasn't working. Maluku was overwhelmed with military. At the height of the conflict 9,000 military, 2,000 extra police and 500 marines were sent on top of the 15 battalions already in the region, but none of these efforts worked. Hostilities continued unabated and sections of the security forces continued to take sides. The present regional commander of the Pattimura military command which covers Maluku, Major General Djoko Santoso, was formerly commander of Kostrad's second division, one of the army's foremost combat units.

Then, Indonesia's best troops were sent in, a combination of *Kopassus*, marines and airforce commandos. This new force which is known as *Yon Gab* (*Batalyon Gabungan*, Joint Battalion) was formed to crack down on the *Laskar Jihad* forces. On two occasions, *Yon Gab* units viciously attacked two Muslim bastions, causing many casualties and extensive material damage. In the aftermath of those battles it became even clearer that scores of military were fighting alongside the Muslim combatants. But it was also the first clear sign that law and order was gaining ground.

## Peace efforts

At various levels, civil society in Maluku, Indonesian NGOs and the authorities tried to develop peace initiatives. With the best of intentions, none of these efforts bore much fruit because of the reality on the ground. The military and the militia groups were running the show and fuelling hostilities. Each time a peace initiative was taken, bloody incidents broke out.



But gradually conditions began to change. Efforts by traditional leaders and civil society organisations in Southeast Maluku started to bear fruit. Life returned to normal and the communities started to function under de-segregated conditions. In North Maluku hostilities also declined. Because of war-weariness, when incidents occurred, the targeted communities did not retaliate, realising that most of the incidents were stage-managed.

In due course, a joint effort by sections of civil society in Maluku and Indonesian NGOs, called the *Baku Bae* initiative, was taken, creating new openings. But the conditions were not yet conducive for establishing real reconciliation between the two sides.

In February 2002 the government in Jakarta brokered an important peace agreement called Malino II. but the military and their proxies responded by trying to sabotage the accord. A new round of bloody incidents occurred resulting in more disillusionment among the population in Central Maluku.

The authorities developed another strategy and began to round up the leaders of *FKM* (*Front Kedaulatan Maluku*, Maluku Sovereignty Front) and *Laskar Jihad*. The *FKM* had come into being early in the conflict and its leaders accused the authorities in Jakarta of carrying out a deliberate policy of creating mayhem in Maluku. In the second stage *FKM* decided to pick up the banner of *RMS* (South Maluku Republic), the independence struggle launched in 1950. The *FKM* as well as the *RMS* which still enjoys the support of the Malukan community in the Netherlands, are widely seen as Christian-based movements. *FKM* has no armed wing but is seen as a threat to Indonesia's territorial integrity. Several *FKM* leaders were arrested and charged

with flying the banned flag of the *RMS* on 25 April.

The *Laskar Jihad* leader Jafar Umar Thalib was arrested at around the same time, accused of inciting violence and insulting the president. A few months later, on 7 October, the leaders of *Laskar Jihad*, decided to disband and halt its activities. About a thousand members left Maluku and returned to Java.

In October the police in Ambon decided to round up the *Coker Gang*. In the first raid 13 people were arrested but some key members, especially Berty Loupatty, were beyond the reach of the police because they enjoyed the protection of *Kopassus*. In December Loupatty surrendered to the police in Central Java and was placed under the protection of Brimob, the elite corps of the police. The removal of the two main militia groups *Laskar Jihad* and *Coker Gang*, has created more favourable conditions for reconciliation.

### Unsavoury coalition

Confessions by Berty Loupatty have confirmed that most of the incidents were stage-managed by the military to fuel the ongoing conflict and ferment an atmosphere of fear and suspicion. *Tempo Magazine* in Jakarta gained access to police reports, revealing that *Coker* was involved in at least 13 incidents, 9 of which included members of *Kopassus*. [Tempo No. 46, 19 January 2003].

Christian Rahayaan, a lawyer for *Coker*, told the press: 'During questioning, members of the *Coker gang* said *Kopassus* soldiers gave them directives, weapons and bombs to carry out every attack (in 2002). It's clear that the unrest in Maluku is the work of provocateurs. They use the pretext to create the impression that without the military, Maluku won't be safe'. [AFP, 8 January 2003].

According to police reports *Coker* was involved in the destruction of a public transport terminal on 27 August 2001, killing 2 persons and wounding 16. A month later the Christian militia group placed a bomb in a minibus, killing one person. On 12 November 2001, supported by a *Kopassus* member called Ridwan, *Coker* members planted a bomb in an electronics shop killing 3 persons. Just before Christmas Day 2001 they exploded a bomb on a ferry carrying hundreds of passengers, heading towards the Galala harbour in Ambon. The ferry sank, 4 people were killed and scores were wounded. The *Kopassus* member involved was known as Dio.

Together with *Kopassus* troops, *Coker* launched attacks on the villages of Portho and Haria on 10 April and 8 May 2002, with the intention of provoking the villagers to fight each other.

### The attack on Soya

The most vicious combined operation of *Coker* and *Kopassus* was the attack on the village of Soya, located on the slopes of a mountain, on 28 April 2002. Logistically speaking, it would have been almost impossible for anyone without a professional background to launch an attack on Soya because of its location. The police report now explains what really happened. Ten members of *Coker* joined a force of 200 'phantom' troops in combat uniform and wearing masks. The attack happened at dawn using SS-1 machine guns and semi-automatic AK-47 rifles. Bombs and mortars were also used in the attack on defenceless villagers. A 'scorched earth' tactic was used, 22 houses were destroyed by fire, as well as the historic church of Soya built during

Portuguese times and 12 people were killed. The Soya bloodbath created new tensions between Muslim and Christian communities. It is now clear that the attack was not the work of Muslim warriors as was thought at the time but an attack by a Christian militia gang together with *Kopassus* units.

These revelations spread panic among senior *Kopassus* officers. The *Kopassus* commander in Maluku during 2002 admitted that Berty Loupatty had been an informer but denied that his unit had trained and supported *Coker*. Then, the commander of *Kopassus*, Major-General Sriyanto Muntasram, sought to evade responsibility by claiming that *Kopassus* units based in Maluku were not under his command, but were the responsibility of the Pattimura military command. Major General Sriyanto himself will shortly go on trial for his alleged role in a bloodbath in 1984 in Tanjung Priok against Muslim demonstrators (see separate article).

Loupatty's lawyer Rahajaan is convinced that the *Kopassus* men involved in these bloody incidents were part of the force's command structure and not 'rogue' elements or deserters. Berty Loupatty enjoyed protection from a *Kopassus* unit under First Lieutenant Rory Sitorus. In October the police finally decided to round up members of the *Coker Gang* but were not able to arrest Loupatty because of the protection of Lt. Sitorus. Even the support of Major General Djoko Santoso, the Pattimura military commander, did not help. But in December, Berty Loupatty, aware of the precariousness of his situation, left Ambon and surrendered to the police in Solo, Central Java.

It looks as if all the dirty tricks practised by *Kopassus* in East Timor for 25 years are being repeated in Maluku. \*



*Demonstration in Jakarta.*

# No justice for East Timor

*A series of verdicts delivered recently by Indonesia's ad hoc human rights court for East Timor have provided a further damning indictment of the state of Indonesian justice and reinforced the widely-held view that Indonesia is not committed to providing meaningful justice for the victims of human rights atrocities in East Timor.*

## Eurico Guterres convicted

On 27 November 2002, the ad hoc court found former militia leader Eurico Guterres guilty of crimes against humanity and sentenced him to ten years imprisonment. The court's decision to impose the first substantial sentence was encouraging, but ten years is no more than the minimum sentence allowed by Indonesian law for crimes against humanity and does not reflect the magnitude of Guterres' appalling crimes. Furthermore, like the others who have been convicted so far, he will not serve his sentence until his appeal has been heard by the Supreme Court, which could take years.

Guterres was charged in relation to an attack on the home of independence leader Manuel Carrascalao in Dili on 17 April 1999 in which twelve East Timorese, including Carrascalao's son, were brutally murdered. He was recorded on film inciting thousands of militiamen 'to capture and kill if you need' independence supporters who had 'betrayed integration [with Indonesia]'. He was not charged in relation to his alleged responsibility for other violent attacks which took place on the same day and on numerous other occasions.

Crucially, the proceedings against Guterres and others have failed to present the crimes in the context of a widespread and systematic attack on the civilian population of East Timor, masterminded and directed by the Indonesian military, TNI.

Despite the availability of overwhelming evidence that the violence was orchestrated by the TNI, it has been the prosecution policy to falsely portray the crimes as part of a conflict between two violent East Timorese factions which the Indonesian security forces failed to control. The whole process has been more an exercise in revisionism than justice.

## Five more acquitted, two convicted

Two days after the Guterres verdict, the ad hoc court acquitted two Indonesian military officers, a police chief, and a government official, of crimes against humanity.

Army Lieutenant Colonel Asep Kuswani, police Lieutenant Colonel Adios Salova and district head Leonita Martins were cleared of failing to prevent militias from attacking the church in the town of Liquica on 6 April 1999 when more than fifty people were killed.

Indonesia's police chief in Dili, Lieutenant Colonel Endar Priyanto, was cleared of failing to prevent the attack on Manuel Carrascalao's house on 17 April 1999.

In late December, two more verdicts were announced, including another acquittal for an army officer. Colonel Yayat Sudradjat was cleared of a charge that he failed to prevent the attack on a church in Liquica on 6 April by the notorious Besi Merah Putih (red-and-white iron). Sudradjat

was in command of the army's elite force, Kopassus, in East Timor. The judge, explaining the acquittal, said: 'Because of the absence of the line of command and effective control, the defendant cannot be legally



punished or held responsible for the violations by the Besi Merah Putih who were not under his command.'

In an article in *The Canberra Times* (7 January 2003), James Dunn described Sudradjat as 'surely one of those most responsible for the crimes against humanity that cost hundreds of lives and the near total destruction of the territory's towns and villages'. Dunn produced a comprehensive document for UNTAET (UN Transitional Administration in East Timor) about the Indonesian generals' involvement in the 1999 mayhem. He identified Sudradjat as 'a central actor' in that operation. From the time when senior army intelligence officers took the decision in mid-1998 to set up militia forces in East Timor, he writes, 'Sudradjat played a key role ... essentially as the link between the generals and the militia commanders'. He says that according to militia witnesses, 'he provided money to pay militia leaders, supplies of drugs to "make the militia brave" and operation directions.'

Three days before Sudradjat's acquittal, the ad hoc court for the first time found an army officer guilty. Lieutenant-Colonel Soedjarwo, who headed the military command in Dili, was found guilty of failing to prevent militias from attacking the Dili Diocese and the home of Bishop Ximenes Belo. Soedjarwo was sentenced to five years, half the minimum sentence provided for under Indonesian law.

On 20 January 2003, Dili's former police chief, Lt. Col. Hulman Gultom, was found guilty of failing to prevent the attack on Manuel Carrascalao's house, which was the subject of the charges against Eurico Guterres.

East Timor's foreign minister José Ramos Horta described the November acquittals as 'scandalous' [Lusa, 29

November 2002]. However, Horta has also said that East Timor may not seek a UN tribunal to deal with the Indonesian army's atrocities in East Timor. He said that his government is considering an alternative solution 'to satisfy the public's demand for justice'. He went on: 'We have to think about the consequences if we are to demand an international tribunal, what problems will emerge especially as far as our relations with Indonesia are concerned' [AFP, reported in *The Jakarta Post*, 19 November, 2003]. One solution suggested by Horta is an international Truth Commission, but it is doubtful whether such a mechanism could be an adequate alternative to an international criminal tribunal as a means of justice.

### A 'sham' process

The ad hoc court has now delivered verdicts against 15 accused. Two of the four convicted are East Timorese civilians. As well as Eurico Guterres, former East Timor Governor, Abilio Soares, was convicted of crimes against humanity in August 2002 and sentenced to three years imprisonment (well below the legal minimum of ten years). At the same time, six Indonesian army and police officers were acquitted [see *TAPOL Bulletin* No. 168, News Flash, p 19].

One of Indonesia's leading human rights activists, Hendardi, has called the whole process 'a sham'. He said the pattern was clear from the start when senior officers, including General Wiranto, armed forces commander at the time, was not named as a suspect. He said that the decision to sentence one army officer was 'only a way to respond to international criticism generated by all the other acquittals.'

Soares and Guterres were rightly found guilty of serious crimes, but their convictions are part of a pattern which fits perfectly with the revisionist view that the East Timorese themselves were primarily responsible for the violence.

Three more cases out of the 18 before the ad hoc court are yet to be concluded, including that of the most senior army officer to go on trial, Major-General Adam Damiri. Damiri was the regional military commander based in Denpasar, Bali (which included East Timor under its command) at the time of the killings and devastation of East Timor before, during and after the August 1999 independence ballot. At one point, the hearing against Damiri was suspended when the court announced that arrangements for Bishop Belo to testify through a video connection had not been honoured. Subsequently, Bishop Belo issued a statement strongly denying that he had ever agreed to testify in this or any other trial before Indonesia's ad hoc court.

### Limitations of East Timor's serious crimes process

In East Timor itself, the Special Panel for Serious Crimes has issued 46 indictments against 141 alleged perpetrators of serious crimes, including ten Indonesian military officers. The Panel has convicted 23 persons, but none of them are Indonesian military officers, who are effectively beyond the reach of the East Timorese courts. At the end of December 2002, 84 of the 141 persons indicted remained at large in Indonesia. Again, the fact that only East Timorese are being convicted could be used to boost the revisionist version of events.

Investigations are continuing and further indictments are expected soon. However, while it is becoming more effective, the serious crimes process is beset by its own problems related to a lack of proper planning, inadequate and insufficient resources, a lack of co-operation from the Indonesian

authorities, and serious delays in the appointment of judges. The Court of Appeal has not sat for over a year and appellants held in detention are being denied an expeditious hearing of their appeals. There continues to be concern also about the resources and personnel available to the Defence Unit, which provides lawyers for the accused.

The mandate of the current UN mission, UNMISET, comes to an end on 1 July 2004 and it is not yet clear what support the East Timorese government is willing and able to provide for the continuation of the process. The indications are that it gives greater priority to promoting reconciliation and forging closer links with the Indonesian government.

### International options under consideration

The unquestionable failure of the Indonesian judicial process means that the case for international accountability for crimes committed in East Timor is indisputable. Even western powers, whose foreign policy priority for Indonesia is the 'war on terror' and the resumption of full military ties, have admitted concern about the trials.

In its response to the recent acquittals, the US State Department said it would 'begin once again exploring international options for bringing to justice those responsible for atrocities in East Timor' [statement to East Timor Action Network, December 2002]. After the first series of verdicts in August, the British Foreign Office said that if the performance of the ad hoc court did not improve, it would 'certainly consider the case for an international tribunal with our EU partners and others in the international community' [letter to TAPOL, 26 September 2002].

### Justice symposium

In January 2003, TAPOL took part in a symposium on 'Justice for International Crimes Committed in the Territory of East Timor' organised by the Asia Pacific Centre for

*continued on page 12*



# More Kopassus crimes in Papua

*The shooting dead of three employees of the Freeport copper-and-gold mine in Timika, West Papua has added to the list of cases involving the army's elite corps. There is strong evidence that Kopassus members were involved in the murders. But now that the armed forces have seized control of the investigations, a cover-up is likely. However, seven Kopassus officers have gone on trial accused of the murder in November 2001 of West Papuan independence leader, Theys Eluay.*

In both of these cases, the investigations have failed to examine the motivation of those responsible for planning the crimes but have focused exclusively on the perpetrators. Human rights and other civil society organisations have expressed their dismay at this turn of events and have called for independent investigations.

## The Freeport murders

It was around midday on 31 August that a convoy of buses transporting teachers and children from Freeport's international school in Timika was attacked by gunmen. Three teachers were shot dead, an Indonesian and two Americans, while twelve adults and a child were injured. Major-General Mahidin Simbolon, the military commander of Papua, lost no time in blaming the OPM, the Free Papua Organisation, for the shooting. The allegation was quickly backed by a claim that a gunman, allegedly one of the killers, had been shot dead some hours later, during a search of the area; he was said to be a member of the OPM. But an autopsy of this unidentified man later revealed that he died some time before the attack, suggesting that the body had been planted to scapegoat the OPM. Investigations subsequently conducted by the human rights organisation, ELSHAM (Institute for the Study and Advocacy of Human Rights) and the provincial police have pointed to the involvement of members of the army's elite corps, Kopassus, in the murderous attack.

The OPM is not known to have directed attacks against civilians, Indonesian or foreign. While kidnappings have been carried out by OPM units, the killing of foreigners has never be part of their strategy. In a set of Principles of Operation announced in June last year, the OPM under Kelly Kwalik which is based in Timika said: 'Ordinary Indonesians or white people are not the enemy of the OPM'. In a statement issued a day after the Freeport employees were killed, Kelly Kwalik said: "I say to the TNI: don't dare accuse us of being involved in the attack on the Freeport employees. For many years since 1977, we have maintained our physical attacks and we announce every attack to the TNI."

Less than a week before the killings, John Rumbiak of ELSHAM met the OPM leader in Timika and obtained his agreement not to engage in acts of violence. This was part of a series of meetings Rumbiak held with OPM leaders, to secure their support for the idea of creating a Zone of Peace in Papua.

## Crisis in Freeport security arrangements

The military have a vested interest in ensuring that its role in handling security for the hugely profitable mine is preserved. Only 25 per cent of the armed forces budget is

covered by the state budget, meaning that it has to rely on a number of legal and illegal methods to help cover the deficit. An incident of this nature could well have been intended as a warning to Freeport not to deprive the army of this important source of income.

Freeport's outlay for the security arrangements is believed to have amounted to US\$34.8 million in the five years from 1996. According to *Tempo Magazine* (January 14-20, 2002), the company spends between US\$4 million and US\$6 million a year to support the logistical needs of the armed forces. Around 80 per cent of this is paid in kind, the remainder going in supplementary allowances to the soldiers who guard the property.

The shooting happened at a time when security arrangements for the mine, the world's large copper-and-gold mine, were under severe strain. Security for the mine has been the responsibility of the military for many years. During the past year, there have been reports of thefts of Freeport property on several occasions by security officers but according to ELSHAM, the company has taken no action to deal with these crimes.

Immediately following the killings, John Rumbiak, in Australia at the time, said he did not believe that the OPM was involved and called for an independent inquiry into the incident, involving Americans.

Australian scholar, Denise Leith, who published a book late last year about Freeport, said that the adoption in the US of the Corporate Fraud Act in August made company CEOs personally accountable for their financial statements. Top Freeport-McMoran executives in the US signed up to this legislation. This would make it more difficult for the company to make unlawful payments to the military for security arrangements. This may have affected Freeport's relationship with the Indonesian military, she said, because 'the company has been accused for many years of paying money to the Indonesian military. There certainly have been recorded incidents of them paying money into the military's bank accounts. Now if Freeport continue to do this, they're going to be held responsible.'

## Senior officers planned the attack?

On 3 November, *The Washington Post* came out with a startling report that shook the military establishment in Indonesia. It quoted intelligence sources as saying that the ambush of the Freeport convoy was discussed in advance by senior army officers.

'The discussions involved the top ranks of Indonesia's military, including Endriartono Sutarto, the influential commander in chief, and were aimed at discrediting a Papuan separatist group, the Free Papua Movement, said the US govern-

ment official and another American source. The intelligence was based on information supplied after the ambush by a person who claimed to be knowledgeable about the high-level military conversations. The source was described in the report as "highly reliable".

'This information was supported by an intercept of a conversation including that individual, said the U.S. government official and the American source. The intercept was shared with the United States by another country, identified by a Western source as Australia.'

Endriartono responded furiously, and announced his intention to sue the newspaper for libel and demand \$1 million in damages.

ELSHAM has also been warned that it will be sued by the military for suggesting that Kopassus may have been involved in the killings. In a report of their investigations made public on 25 September, an eye-witness who had been enlisted to assist Kopassus as an auxiliary was quoted as saying that Kopassus soldiers were involved in the shooting. It was the military commander of Papua, Major-General Mahidin Simbolon who is himself from Kopassus, who announced his intention to sue ELSHAM. Activists working for the human rights organisation have since been the target of intimidation and in late December, the wife and daughter of the organisation's executive director, Johannes Bonay were shot at and wounded. (See below.)

### Kopassus members accused

Confirming what ELSHAM had said two months earlier, the deputy police chief of Papua, Brig.General Raziman Tarigan, announced in mid-November that eleven members of the army's elite force, Kopassus, have been named as suspects in the Freeport killings. He said the evidence about the officers' involvement had come from statements made by a local Papuan resident named Decky Murib who was also involved in the operation. According to Tarigan forensic tests showed that military-issue weapons including an M16 machine gun, an SS-1 rifle and a mouser rifle were used in the attack. He said that these weapons are used by the army in the area. [*Jakarta Post*, 22 December 2002.]

This announcement led to a furious row between the army and the police, with senior army spokesmen insisting that the witness was lying.

However, according to *The Washington Post* issue, quoted above, a U.S. government official had confirmed that 'the FBI briefed State Department and embassy officials about three weeks ago on the bureau's own investigation of the attack. FBI investigators have visited Papua as part of the probe.

'The indications have pointed in that direction [of the military] but are not conclusive,' the official said. The FBI is still interviewing witnesses, Freeport contract employees and their family members who have returned to the United States, he said.'

Deputy Defence Secretary Paul Wolfowitz said it was 'very disturbing' that the military might be involved. 'And if it's true, I think it is extremely important for the government to get to the bottom of it.'

As we were going to press, there was intense pressure on the Megawati government from Washington for a thorough-

going investigation and a request that an FBI team visit Timika again to continue with its investigations.

### Police deputy chief pulled from case

Meanwhile, in a surprise move it was announced in early January that deputy police chief Brig.General Raziman Tarigan had been pulled from the investigation and withdrawn from Papua. Also withdrawn from the case and removed from his post was Police Commissioner H. Sumarjiyo, the police chief of Mimika (which covers Timika) who was also convinced of the involvement of Kopassus in the murders.



At the same time, it was *Members of Kopassus on trial* announced that a joint investigation team of the police and the army, a so-called *koneksitas* team was being set up to take over the investigation of the Freeport killings. With the two police officers out of the way, this was clearly a move to enable the military to establish its version of the crime.

This is a case in which Washington needs to know the truth and explains their insistence on the FBI's involvement in the investigations. President Bush has been on the phone to President Megawati about the case. It comes at a time when Congress is due to consider lifting the ban on US sales of military equipment and the provision of training to the Indonesian military.

*Kontras*, the Commission for the Disappeared and Victims of Violence, condemned the decision to set up a joint team of investigation and insisted that criminal investigations were the sole responsibility of the police. The army's involvement in the investigations was clearly aimed at protecting the military and ensuring that the investigations would be limited to the men who carried out the operation (if indeed even the military police are compelled to accept that Kopassus officers were involved), while covering up the chain of command responsible for ordering the ambush, the organisation said. 'By imposing a *koneksitas* investigation, the armed forces have moved to safeguard their impunity and protect the armed forces against legal charges,' *Kontras* said.

### Kopassus officers accused of Theys murder

Seven members of Kopassus went on trial before a military court in Surabaya in early January for the murder of the independence leader, Theys Hiyo Eluay. Eluay was the president of the Papuan Presidium Council which was set up at a congress attended by thousands of people in Jayapura in May-June 2000.

There is widespread scepticism in Papua that the trials will

mete out justice. 'Soldiers killed him and soldiers will try the case. What kind of justice is that?' said Tom Beanal, who was Eluay's deputy on the Council.

Eluay was found dead in his car on 11 November 2001, several hours after attending a Kopassus dinner at the Kopassus Tribuana headquarters in Hamadi, near Jayapura. He had been invited to attend the event by Lt.Colonel Hartomo, commander of the base. Hartomo is one of the seven men now being charged in connection with his death. The driver of Eluay's car, Aristoteles Masuko, disappeared after returning to the Kopassus base, intending to report that the car had been hijacked and he had been ejected from the

car and were picked up by a second vehicle carrying soldiers which had followed the Papuan leader's car when it left the base, and were driven back to base. When they reported the incident to their commander, Hartomo, he told them to get some rest and did not report the incident to his superiors but instead watched the security situation to see what the impact of the incident might be.

The indictment seems designed to stress that the soldiers who killed Theys had been provoked by his belligerence and his determined stand on the question of independence for his country. Although the charge they face carries a maximum sentence of 15 years, it appears likely that the military court will deal very leniently with the men because of these alleged circumstances. The only person who could have given a different account of what happened in the vehicle is Aristoteles Masuko, but he has disappeared, after returning to the Kopassus base, and is presumed dead.

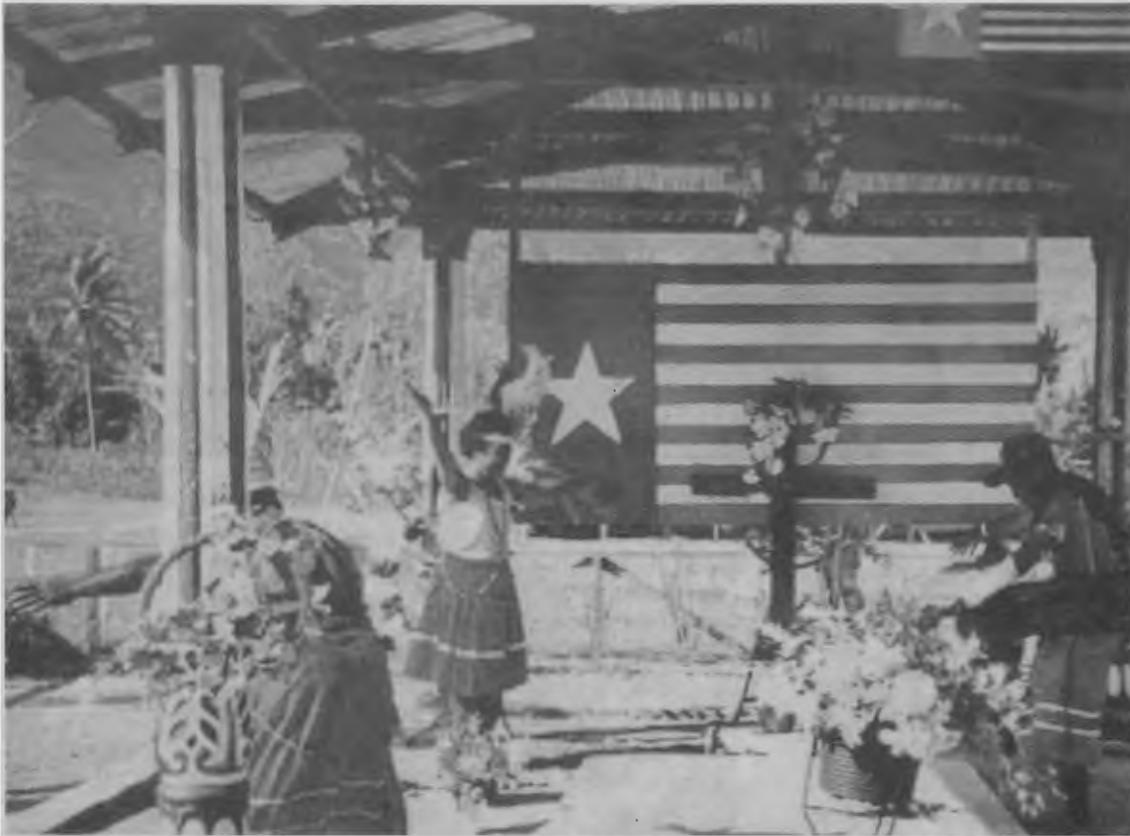
## ELSHAM director's wife shot

On 28 December, the wife and daughter of Johannes Bonay, executive director of ELSHAM were shot at and wounded while being driven back to Jayapura from the border with Papua New Guinea. A woman friend who was travelling with them was also wounded. Else Rumbiak, Bonay's wife, and her female companion, Yeni

Ireuw Meraundje, were both shot in the leg. Yeni was later flown to Jakarta for special treatment because of the seriousness of her injuries. Marlina Bonay, Bonay's daughter, sustained an injury to her shoulder.

It is very likely that the gunmen's target was Bonay himself who originally intended to accompany his wife on the journey, but decided at the last minute not to travel with her. The three women were on their way to Vanimo in PNG but when they arrived at a border post quite early in the morning, there were no immigration officials to check their documents so they decided to return to Jayapura. Later attempts to investigate the scene of the crime were called off when the police were shot at by unknown individuals.

ELSHAM's deputy director, Allosyus Renwarin later linked this attack to the activities of Johannes Bonay. He said that the tires of Bonay's car had recently been slashed and the phone at the family's home had been mysteriously disconnected. (*Jakarta Post*, 29 December) Renwarin would not speculate on who might have been responsible for the shooting but drew attention to the fact that it occurred only 100 metres from a military post. He said that the men who made the attack appear to have been professional; forty bullets were fired at the vehicle at close range. (*AP*, 29 December) \*



*Commemoration of the death of Theys Eluay one year ago*

vehicle. However, the trial is dealing only with the murder of Theys, and not with the driver's disappearance.

According to the indictment, after the dinner, Lt.Colonel Hartomo ordered two of his men to accompany Eluay on his journey home. During the journey, one of the soldiers clamped his hand over the Papuan leader's mouth several times until he stopped breathing.

The indictment alleges that Hartomo discovered that Theys was planning to re-affirm West Papua's independence on 1 December, the anniversary of the declaration in 1961. He had therefore instructed some of his men to accompany the Papuan leader in his car and try to persuade him not to go ahead with this plan. Theys rejected the request and, according to the prosecution, he started swearing at the soldiers. As the discussion became more acrimonious, the driver threatened to halt the car and draw attention to passersby. He then did this, shouting, 'thief, thief', with Theys joining in. The driver is then said to have run away, and one of the soldiers took over the wheel and drove the car to Koya. Inside the vehicle, according to the indictment, Theys continued to scream words of abuse, whereupon one of the soldiers clamped his hand over the Papuan leader's mouth to keep him quiet. He did this three times and then realised that the Papuan leader was dead. The soldiers then abandoned the

# BP in West Papua: the Tangguh project

***BP's massive \$2 billion liquified natural gas (LNG) project in Bintuni Bay, West Papua, will make the London-based multinational Indonesia's largest single foreign investor. The company is eager to demonstrate that the project will be developed and operated in a socially and environmentally responsible way, in consultation with local communities. But NGOs monitoring developments and independent visitors to the site continue to raise questions about the real impact and dangers of the project, and the link between BP's presence and human rights violations in the surrounding area.***

Bintuni Bay, the site of BP's Tangguh project, is located in one of West Papua's remotest regions in the Bird's Head region. The area contains the largest remaining mangroves in South East Asia.

BP's \$2 billion Tangguh project involves gas exploitation from offshore gas platforms and pipelines which will channel gas to an LNG processing plant on the shore. The processed gas will then be taken by ship to export markets.

The project base-camp, which is surrounded by indigenous coastal villages and rainforest, has already been built and the construction of a port and airstrip is underway. Construction of the processing plant will begin later this year.

The project area covers 3,164 hectares on the southern shore of Bintuni Bay, which is on the adat land of local indigenous peoples. The gas plant itself will occupy at least 600 hectares of rainforest.

BP estimates that around 4,200 villagers will be directly affected by the project. To make way for the development over 500 villagers will be moved to a new location 3.5 km to the west.

The facility is expected to be operational by 2006, and will eventually export 7 million tons of LNG each year. Proposed expansion plans could quadruple this output. The project has secured a US\$8 billion contract with China's state-owned oil company, CNOOC, to supply 2.6 million tonnes per year of LNG over 25 years.

## Will Tangguh be different?

As one of the world's biggest oil companies, British Petroleum has had its fair share of international criticism. The company has been the subject of numerous AGM and shareholder actions, and *Multinational Monitor* included BP in its list of the 10 worst corporations of 2000. The company has come in for heavy criticisms over its Baku-Ceyhan pipeline - a major oil and gas pipeline project planned for Azerbaijan, Georgia and Turkey, where an international investigation revealed the potential for major negative environmental and social impacts. [See *Some Common Concerns*, published by Friends of the Earth International/Platform/The Corner House/Kurdish Human Rights Project/CEE Bankwatch Network/Campagna per la Riforma della Banca Mondiale.] The company has also been criticised for its operations in Colombia, where it has not yet taken sufficient action to resolve many problems, including compensation for 350 peasant smallholders. [source: *Colombia Solidarity Campaign*.]



Against this backdrop, BP is eager to demonstrate that the Tangguh project will be different, and that the company has learnt from its past mistakes.

It has produced an Environmental and Social Impact Assessment (Amdal) which has been approved by the Indonesian government, has undertaken local consultations, set up funds for community projects, and is conducting a human rights impact assessment. However, Friends of the Earth Indonesia (*WALHI*) refuse to recognise the Amdal - on the basis that it has failed to go through the proper legal channels. Human rights NGOs are also concerned that the human rights impact assessment has not yet been made public - despite the fact that work on the project is currently going ahead.

BP's ongoing consultations with local people indicate the scale at which the project will disrupt traditional patterns of life for the many communities in the region. Whilst BP claims to advocate 'community-led development', doubts remain as to how much negotiating power local communities really have in relation to one of the world's most powerful multinationals. In May 50 local people from Saengga village blockaded the project's base camp, protesting at BP's failure to follow up on agreements made at an April workshop. The Manokwari Alliance for Tangguh Advocacy responded to the crisis by calling for a moratorium on Tangguh, followed by open consultations and greater provision of information on likely impacts, so local people were in a better position to "deliberate and choose what is best for them". More recently TAPOL has heard of at least one local NGO that has refused to participate in the consultations.

[JATAM, Kerebok, Vol 3 No. 21; *Down To Earth*, Newsletter 53-54.]

Beyond the specific developmental and environmental issues raised by the project, it is clear that whatever the status of BP's local consultations, communities do not have a right to veto the project.

However, regardless of whether BP has good intentions or is simply offering up 21st century 'greenwash', the political and military situation in the province means that very real risks are incurred in the development and operation of a nationally significant mega-project like Tangguh. Whilst some of those financial risks are necessarily borne by the company, the social, environmental and human rights risks will be borne by local people and the environment which provides local communities with their long-term livelihoods.

## The military and the mega-project

West Papua's other mega-project is the controversial Freeport/Rio Tinto mine, which has been linked to increased militarisation, human rights atrocities, disregard of land and indigenous rights and major environmental destruction.

Notwithstanding BP's genuine or cosmetic efforts to the contrary, the situation in West Papua means that Tangguh could become another Freeport.

A key concern for human rights organisations is the role of the military in relation to mega-projects. BP have sought to reassure NGOs that security for Tangguh will be provided by local people, not the military - but their policy of 'community-based security' remains unclear and unrealistic. A major problem is the established practice of the military providing security for projects of national importance - *projek vital*, or 'provits'. The military has special units called PAM Provit (*Pasukan Pengamanan Projek Vital*, Troops Securing Vital Projects), and there is expectation within the military that their services will be called upon to protect such projects.

In March 2001, Indonesia's military commander for West Papua, Major General Simbolon, visited BP's base camp at Bintuni. He identified the Tangguh project as a provit - a project requiring military protection.

The Indonesian Parliament has endorsed a new bill to form 14 new districts in Papua - including one in Bintuni Bay. As each new district will require an additional layer of military presence, increased militarisation around the project area and in its vicinity will become inevitable. [*Jakarta Post*, 13 November 2002.]

## Human Rights violations in Wasior

On 13 June 2001 British Ambassador Richard Gozney visited BP's Tangguh base camp in Bintuni Bay. On the same day five Brimob troops were killed in Wasior. On 4 May the same Brimob platoon killed six Papuans and arrested 16 others - also in Wasior. [Eben Kirksey, *Savage Colonial States*, quoting *Courier Mail*, 15/06/01, p 15.]

Some Papuans believe army intelligence agents initiated the Wasior killings and evidence suggests security forces ammunition and possibly guns were used.

Subsequent human rights violations in Wasior have included over 140 incidents of detention, torture and ill treatment, a death in custody and at least seven extra-judicial killings. A prominent local human rights investigator has been denied access and in 2002 an Amnesty International research team decided to abandon the mission

because of doubts being raised about visas.

Following numerous interviews in the region around Tangguh, Eben Kirksey has suggested that the timing of the 13 June killings to coincide with the visit of the British Ambassador 'suggests that West Papua's regional military command may be attempting to send BP a message: work with us'. [Ibid. p12.]

Other commentators who have spent time in the region, including Papuan human rights investigators, have described the 13 June killings as 'manufactured instability', which was 'incited by elements in the military... hoping to secure the desired contract with BP'. [*Down To Earth*, Newsletter 55, p 12 and *ELSHAM* report, August 2001.]

## Militarisation and fear for human rights

It is the sheer magnitude of the Tangguh project which makes it so important for both BP and, crucially, the Indonesian state. With many Papuans opposing rule from Jakarta, and a well-established independence movement (civilian, political and military), the significance of Tangguh cannot be ignored.

For economic as well as political reasons, Jakarta needs to demonstrate its authority by ensuring the smooth running of the Tangguh project. The military, for its part, will clearly exploit this need in order to consolidate its position.

In these ways, and regardless of BP's intentions, Tangguh is one reason for the increased militarisation of Papua. This cannot be good for human rights. \*

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## Unemployment threatens millions

The Bali blast in October last year is set to have a devastating impact on Indonesia's most serious economic and social problem, the high and soaring level of unemployment.

None of the governments since the fall of Suharto in May 1998 has made any impact on the problem and unemployment today stands at 38 million. A government minister gloomily forecast in November last year that two million more could lose their jobs as a result of the expected fall in tourism not only in Bali but in other major tourist attractions in Indonesia. Co-ordinating Minister for Social Welfare, Jusuf Kalla, said that unemployment in Bali alone could rise by 600,000. The impact would also be felt in East and Central Java as industries and workshops in these provinces supply around 70 per cent of the souvenirs sold in Bali. [*Jakarta Post*, 8 November 2002]

The problem is made even worse by the decision of many foreign investors to halt operations in Indonesia without notice and move elsewhere. During 2002, eight textile and garment factories in Greater Jakarta abruptly stopped operations leaving thousands of workers without jobs. In September, an Indonesian company, PT Doston Indonesia, contracted to make Nike shoes, ceased operations, leaving nearly 7,000 workers jobless, the vast majority of whom were told that severance pay would have to wait until the company's assets had been sold off. The *Jakarta Post* (21 November 2002) reported that Nike had reduced its orders

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# Solidarity for West Papua grows stronger

*Over 50 activists from around the world gathered in London at the beginning of October to attend the Third International Solidarity Meeting on West Papua. The participants heard reports from a number of prominent West Papuan speakers about the continuing tragedy of their country and devised a plan of solidarity action for the forthcoming year.*

The keynote speakers included Agus Alua, the Vice Secretary General of the Papuan Presidium Council - West Papua's largest political organisation, which represents widespread support for self-determination throughout the territory - Yusan Yeblo, the regional coordinator of *Solidaritas Perempuan Papua* (Solidarity of Papuan Women), Theo Sitokdana of the human rights group ELS-HAM, and Emmy Sahertian, the programme coordinator of the Jakarta-based *SNUP* (*Solidaritas Nasional Untuk Papua*, National Solidarity for Papua).

The solidarity movement was considerably strengthened by the participation of activists from 15 different countries including Indonesia, Australia, the US and various European countries. The meeting was able to build on the successes of the first two meetings held in the Netherlands and Germany in 2000 and 2001.

Discussions and strategic planning revolved around the issues of self-determination, human rights, women's rights, environment/development and media.

The Meeting looked at ways of increasing support for a UN review of the 'Act of Free Choice' [see *TAPOL Bulletin* No. 166/167, p. 27] and for the establishment of a 'Zone of Peace' in West Papua. Input was provided by Octo Mote of the Papuan Resource Center in the US, who was unable to attend the Meeting.

Noting that the human rights situation in West Papua has deteriorated since the Second Solidarity Meeting, participants determined to call for accountability for numerous killings and rights violations. These issues will be taken up with the members of the UN Commission on Human Rights who will be asked to press for visits to West Papua of UN human rights experts.

The issue of women's rights was addressed separately and participants considered ways of promoting the role of West Papuan women and of co-ordinating solidarity at the local, national and international levels.

The Meeting received a report from Katie Wilson of the Oxford West Papua Friendship Association about her recent visit to BP's Tangguh gas project in Bintuni Bay. Further input was provided in absentia by Roberth Mandosir of the environmental group, YALI. Numerous ideas were put forward for future action in relation to the Freeport mine, the BP Tangguh project and other environmental concerns, such as logging and the general linkage between resource extraction and rights violations.

The Meeting issued the following statement and agreed to convene in 2003, possibly in New Zealand at the time of the meeting of the Pacific Islands Forum.

## **Statement of the Third International Solidarity Meeting on West Papua.**

The Third International Solidarity Meeting on West Papua,

meeting in London from October 4-6, 2002, attended by over 20 organisations from 15 countries, confirmed its full support for the exercise of self-determination by the people of West Papua, a right belonging to all peoples in the world.

The Meeting called on the Government of the Republic of Indonesia to enter into a process of peaceful dialogue with the West Papua leadership, including the Papuan Presidium Council, and mediated by a third neutral party.

It called on the international community and the Government of the Republic of Indonesia to support the proposal of the West Papuan people to declare West Papua a Zone of Peace. It therefore called in particular on the Government of the Republic of Indonesia to withdraw the Indonesian Armed Forces (TNI) and Mobile Police Force (Brimob) from the territory of West Papua.

It called on all UN member states to request UN Secretary-General Kofi Annan to review the UN's conduct in relation to the discredited 'Act of Free Choice' in 1968-1969, which was part of a fraudulent attempt to legitimise West Papua's take-over by Indonesia.

The Meeting declared its warm solidarity with the Jakarta-based National Solidarity with Papua (*Solidaritas Nasional Untuk Papua*).

The Meeting was deeply concerned at the further deterioration of the human rights situation in West Papua. Leading human rights activists have received death threats following their efforts to investigate the killing in August 2002 of three employees of the Freeport mining company, and their discovery of evidence which suggests that members of the Indonesian army were involved. The Meeting stressed the urgent need for UN human rights monitors to visit West Papua and called for an independent team of experts to investigate the assassination last November of Theys Eluay, the chairman of the Papuan Presidium Council.

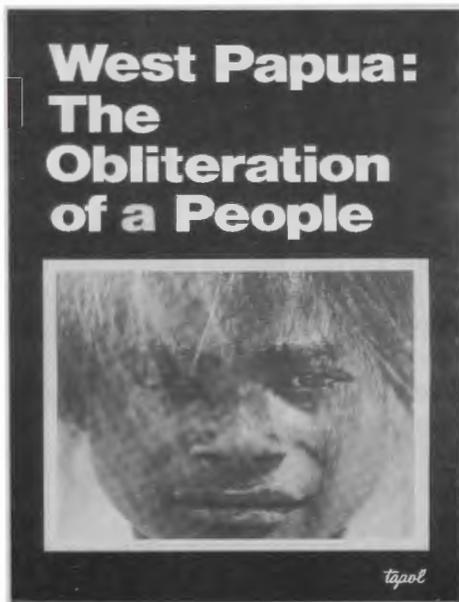
The Meeting recognised the important and unique role of Papuan women in society and in the struggle for human rights. It also recognised and encouraged the actions of *Solidaritas Perempuan Papua* (Papuan Women's Solidarity) and other women's groups in upholding their political, socio-economic and cultural rights. It called for a campaign to expose violations against Papuan women, including the crime of rape by the security forces and high levels of domestic violence. The Meeting urged aid agencies to support the Papuan women's struggle, including the provision of material aid, and to prioritise resources on empowerment of women at grassroots level, institution-building, and building women's skills - e.g. skills in information technology, in running meetings, budgeting, report-writing, and the media.

The Meeting called on the international community to press the Indonesian government to prevent the violation of the human rights of West Papuans, including their economic, social and cultural rights, by transnational

companies including Freeport McMoran, Rio Tinto and BP and by the Indonesian system of granting logging concessions on indigenous customary lands. \*

**London, October 6, 2002.**

*Please contact TAPOL for more information about the Meeting and its outcomes.*



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*continuation from page 31*

of those arrested were released within a few days, as of mid January, eight people were still in detention. It is not known whether there is any intention to charge and try these detainees.

A week later in Jayapura, about 500 people gathered outside the residence of the slain Papuan leader, Theys Eluay on 1 December and unfurled the Papuan flag alongside the Indonesian flag and managed to keep the flag aloft until the evening. Scuffles with the police occurred when some people tried to lower the Indonesian flag. During the day, seven people were arrested.

Later that month, a group of about fifty people who held an independence parade in the compound of Cendrawasih University were confronted by the police and three men were arrested. On this occasion, they were commemorating the declaration of West Melanesian independence conducted in 1988 by Dr Tom Waggai on 14 December. On that occasion, Waggai was arrested, tried and sentenced to twenty years. He died in 1996 while serving his sentence in Cipinang Prison, Jakarta. The return of his body for burial was the occasion of a huge demonstration in his support.

During parade, three men were arrested. It was later announced that the three men would face charges under Articles 106 and 108 of the Criminal Code, which carry a penalty of up to twenty years. Two of the men arrested, Edison Waromi and Jordan Ick, spent time in prison in Java after being arrested in 1988 together with Tom Waggai.

## Clashes on the border

In mid December, a number of clashes occurred in the vicinity of the border region of Wutung between a unit of

the OPM and Indonesian security forces. The clashes have led to mutual recriminations between Indonesia and Papua New Guinea amid claims from the Indonesian security forces that the OPM launched its attack from positions inside PNG, while PNG authorities have complained that the Indonesian security forces have crossed into their territory on several occasions in pursuit of the OPM.

It has also resulted in a major increase in the number of Indonesian troops stationed along the border. It mid January, it was reported that 1,500 Indonesian troops, backed by helicopter gunships and fixed-wing spotter planes were now operating in the border region. [*Asia Times*, 14 January 2003]

The Indonesian government has also renewed its demand for an extradition treaty with PNG so as to be able to lay its hands on OPM leaders thought to be taking sanctuary across the border. While the PNG government under the recently elected Michael Somare is known to be sympathetic to Jakarta, it may find it difficult to bow to Jakarta's wishes because of widespread sympathy in the country for Papuan living under Indonesian rule.

The crisis on the border has also placed thousands of Papuan refugees in PNG at risk. Amid Indonesian allegations that the refugee camps are being used by OPM fighters as sanctuaries, there are reports that the refugee camps will be closed down and all the refugees will be forced to return to Indonesian territory. A large number of these refugees fled West Papua in 1984 following a massive clampdown in Jayapura.

In mid January, the Bishop of Vanimo, Cesare Bonivento, joined others in warning that the security of Papuan refugees is under threat because of the escalating military tensions along the border.

## TNI exercises in Papua

At a time of heightened tensions in Papua, it was announced that 4,000 armed forces personnel from the army, navy and air force would take part in an amphibious exercise in Papua.

The troops were seen off in Surabaya by the navy's Eastern Fleet commander, Rear Admiral I Wayan Rampe. He denied that this exercise was intended as a 'show of force' and said that it would be carried out entirely at sea. He also said that the general public in Papua had been invited to observe the exercise. [*Media Indonesia*, 8 January 2003] \*

# 1965-1966 massacre to be investigated

*Komnas HAM, the National Human Rights Commission has decided to initiate an investigation into the massacres that swept Indonesia in 1965 and 1966, when at least one million people were slaughtered. The newly constituted Komnas HAM has managed to overcome a long period of deadlock where pro and anti military factions were fighting each other. Some new initiatives have been launched and issues that were swept under the carpet are being raised.*

Although in the past few years, the National Human Rights Commission - Komnas HAM - has initiated many investigations into grave human rights abuses that were perpetrated during the regime of General Suharto, the most serious case of all has not until now been mentioned as warranting the attention of the country's official human rights body.

The Commission has now set up an Ad Hoc Team to Investigate Grave Human Rights Abuses by Suharto. Chairing the team is M.M. Billah who said at a press conference on 3 January that of all incidents during the Suharto regime, the bloody happenings in 1965 are thought to be the worst case of human rights abuse.

The killings began in the third week of October, 1965, in Central Java and spread like wildfire from province to province. The army, under the command of General Suharto, who had taken over the helm earlier that month following the assassination of six generals, including armed forces commander General Yani, spearheaded the killings, inciting others to take part. Estimates of the numbers killed vary from half a million to three million. An investigation undertaken in late 1965 at the request of President Sukarno, who was still formally the country's president, arrived at a figure of 78,000 dead, but members of the team later said that the figure was certainly far higher.

Billah said that the composition of the team is still under consideration. It will have fifteen members, he explained, adding: 'They must be people who were never in any way involved in the Suharto government, had never been his underlings and were not close to Suharto.'

He said the team would also investigate a number of other human rights crimes for which Suharto can be held responsible, including the so-called 'mysterious killings' during the mid-1980s, the Tanjung Priok atrocity in September 1984, killings in Aceh during the 'military operational zone' period from 1989 till 1998 in Aceh and the kidnapping of activists in the closing months of 1997.

## May 1998 riots to be investigated

Komnas HAM also announced that it had set up a team to investigate the riots that occurred from 13 - 15 May 1998, during which many hundreds of mainly ethnic Chinese Indonesians were killed and scores of ethnic Chinese women were raped. These riots, which followed huge student demonstrations calling on the dictator to stand down, precipitated his fall from power later that month. This team will be headed by Komnas HAM member, Solahuddin Wahid.

In July 1998, the riots were the subject of an investigation by a Joint Fact-Finding Team, known by its Indonesian initials as TGPF. The findings and recommendations of the

team were never acted on. The head of the TGPF, Marzuki Darusman, announcing the results, said that members of the military and the political elite were directly involved in the riots and had instigated the atrocities in the hope that by provoking chaos, they could justify the imposition of martial law. One of the names he mentioned as being responsible for the riots was then Major-General Syafrie Syamsuddin who was military commander of Jakarta at the time. Syafrie is now the official spokesman of the armed forces, the TNI. [See *TAPOL Bulletin* Nos 148, September 1998 and 149/150, December 1998.]

While a team of humanitarian activists, the *Tim Relawan*, concluded earlier that 168 women had been raped or gang-raped during the riots, the TGPF reached a lower figure but it was recognised at the time that this team had not been able to complete its investigations because of outside pressure hampering its work. \*



**TEROR MERAJALELA: Pelanggaran Hak Asasi Manusia di Aceh 1998 - 2000, March 2001**  
Translation of TAPOL Publication, *A Reign of Terror: Human Rights Violations in Aceh 1998-2000*

**John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of Betrayal*, Routledge-Curzon, 2002**

Few people doubt that the vast majority of West Papuans crave independence from Indonesia. Even members of an EU mission that visited Papua a year ago to test support for special autonomy admitted privately that support for independence is overwhelming. Under Suharto, when any expression in favour of merdeka courted imprisonment or worse, the craving did not diminish. Indonesia's first post-Suharto presidents, B.J. Habibie and Abdurrahman Wahid recognised the strength of feeling and sought to allow space for Papuan feelings to express themselves. Not so Indonesia's present leader, Megawati Sukarnoputri, whose commitment to the country's territorial integrity is total.

But it was under her father, Sukarno, that Indonesia agreed, under pressure from the United States, to enter into a UN-brokered agreement with The Netherlands to allow an act of self-determination to take place, 'in accordance with international practice', as stipulated by the New York Agreement of August 1962. Although that agreement was aimed more at averting a war that would have driven Indonesia onto the 'wrong side' in the Cold War, it did make provisions not only for an act of self-determination but also acknowledged an obligation to protect the political rights and freedoms of the Papuan people.

Whilst it was the US that forced the two sides to the negotiating table and a US diplomat was in charge of mediating the talks, once the agreement had been concluded, Washington turned its attention away and did nothing to ensure implementation, leaving it to the United Nations, under Secretary-General U Thant, to handle affairs from then on. Indeed, well before the 'Act of Free Choice', as the self-determination exercise was misleadingly called, had taken place, a major US company, Freeport-McMoran, had obtained Indonesia's consent for its exploitation of West Papua's copper and gold reserves, to build a mine that is the largest of its kind worldwide.

John Saltford's writings on the 1969 'Act of Free Choice' have been widely published and his conclusion that the Act was a fraud will come as no surprise. What happened in West Papua - or Irian Barat as it was then known - bears no comparison with the UN-conducted referendum in East Timor in August 1999. Whereas the UN's role in 1969 'to advise, assist and participate' was implemented with a staff of sixteen persons including clerical staff, the UN deployed around one thousand UN officials, including 270 police, fifty military liaison officers and hundreds of electoral officials and administrators in East Timor three decades later.

But Saltford's book, based on years of research for his PhD, shows that the UN betrayal goes far beyond what happened in 1969. In fact, his startling conclusion is that the '[UN] Secretariat's priority throughout was to ensure that the territory became a recognised part of Indonesia with the minimum of controversy and disruption'. And moreover: 'This was a role that had been assigned to the UN by Washington in 1962 and U Thant saw no reason to deviate from it.' It was a scheme 'in which the rights of the Papuans counted for nothing'.

The UN's role began with the creation of UNTEA (UN Temporary Executive Authority) in October 1962. Within

two months, UNTEA, far from protecting the rights of the Papuan people, had colluded with the Indonesian authorities already based in the territory to ban a demonstration planned for 1 December 1962 to mark the first anniversary of Papua's declaration of independence and the adoption of its flag, the Morning Star, while the Dutch were still in control of the territory.

UNTEA's role in the territory officially came to an end on 1 May 1963, after which the New York Agreement stipulated in Article XVI that UN officials should remain in the territory 'to advise and assist the authorities in preparation for self-determination'. But the Indonesian authorities who were now in full control never permitted this to happen; apart from some officials who occasionally visited the territory for the purposes of administering the UN Fund for West Irian (FUNDWI). As the author comments, 'one might have expected some form of protest from the (UN) at Jakarta's refusal to abide by Article XVI', but this never happened. Besides preventing the UN from keeping an eye on developments as they unfolded, it also meant that when a UN mission was appointed to 'assist' in preparations for the act of self-determination in 1969, there were no officials who were well acquainted with what had been happening in the intervening years.

The author also reveals that the idea of conducting a 'plebiscite' (a word never actually used in the New York Agreement because of objections from Indonesia) by means of regional councils deciding on behalf of the population whether or not to remain in Indonesia was first mooted by UN Under Secretary General Jose Rolz-Bennett as far back as 1964. This was basically the method used in 1969 though it has been publicly presented ever since as being an Indonesian plan 'without any mention of the UN's long-standing support for the idea'.

In late 1965, the political situation in Indonesia underwent a profound change with the seizure of power by General Suharto. Attitudes by western powers towards Indonesia changed dramatically, and clearly, there was no enthusiasm to 'make a fuss' about how the consultation might be conducted. As one British diplomat said in a report to the Foreign Office in April 1968: 'I cannot imagine the US, Japanese, Dutch or Australian Governments putting at risk their economic and political relations with Indonesia on a matter of principle involving a relatively small number of very primitive people.'

By this time, private British and Australian diplomatic exchanges revealed that the governments concerned had already made up their minds that there was no other solution than for Indonesia to keep West Irian. As one Australian diplomat is quoted as saying, 'the more quietly the act of self-determination passes off next year, the better'.

In late 1968, a special UN representative, Ortiz Sanz, was appointed to head a mission to oversee the 'Act of Free Choice'. During the time he should have had a continual presence in the territory, several armed rebellions erupted and the Indonesian army used brutal methods to crush them. However, the UN representative failed to visit the regions to make his own assessment. Moreover, he is quoted as actually condoning security measures taken by the army that were in violation of Papuan political rights on the grounds that Indonesia had the right to act against 'anti-state activity', while ignoring the fact that this was in violation of the 1962 New York Agreement.

## Deliberate fabrication

Meanwhile, Papuans were making their views known in the form of petitions to the UN. Saltford shows that Ortiz Sanz's claim that 'more than half' were pro-Indonesian was simply untrue. For the purposes of his research, the author was able to examine 156 of the 179 petitions received by the UN up until the end of April 1969 and found that 95 were anti-Indonesian as compared to 59 that were pro-Indonesian, with two being neutral. According to a comment by Ortiz Sanz, the pro-Indonesian petitioners were 'better educated and aware of the issues' while he described some of the anti-Indonesian petitions as 'unintelligible' and spoke disparagingly about the alleged signatures being 'written by the same hand'. The author accuses the UN representative of deliberately misleading the UN General Assembly about the petitions and described this as a 'clear illustration of the UN leadership's collaboration with Indonesia to legitimise the latter's takeover of West Irian'.

Once it had been established that the consultation would be conducted by meetings of regional councils, the UN mission should then have ensured that they would at least witness the election of the council members which it said would be the 'touchstone' of the democratic credentials of the Act. But the Indonesian authorities made it virtually impossible for them to witness any elections. An Australian journalist, Hugh Lunn, himself saw how six men were indiscriminately picked from a crowd to be council members. But on the same occasion, cheering erupted when two men and a boy appeared with placards denouncing the process as unrepresentative and warning of new waves of arrests; the three were led away at gunpoint. A Dutch journalist with Lunn then appealed to Ortiz Sanz to intervene but he replied that 'the UN was only there to observe'.

John Saltford's book is essential reading for anyone wanting to understand the depth of betrayal surrounding the so-called Act of Free Choice that consigned the people of West Papua to become an Indonesian colony. But the UN would not have been able to get away with this without the collusion of western powers, notably the US, Australia, The Netherlands and Britain. The author's detailed investigation also helps to explain the depth of anger still felt today by West Papuans at their shabby treatment by the UN. The sense of betrayal is all the more acute because of the exemplary way the UN conducted the referendum in East Timor in 1999. It gives further support to the reasons for the campaign launched last year to urge the UN Secretary General, Kofi Annan to conduct a review of the UN's conduct. However, the campaign is limited to the years 1968 - 1969, whereas it is crystal clear that the UN behaved atrociously from the very beginning of its involvement in Papuan affairs in 1962.

Unfortunately, the price of the book, at £60, puts it beyond the means of most of our readers. All we can suggest is that you persuade your public library or your university library to stock a copy. \*

*Carmel Budiardjo*

*continuation from page 32*

building and formulating an operational programme.

Those attending the workshop were urged to work out action plans suitable to their respective organisations for the year 2003. The Justice and Peace Office agreed to co-ordinate an effective follow-up of the decisions adopted.

## US mission refused entry

A decision by a leading US foreign policy think-tank, the Council on Foreign Relations, to send a special commission to Papua as part of an effort to suggest the way forward, was thwarted when Foreign Minister Hassan Wirayuda declared during a press conference in the US that the government would refuse to allow the mission to visit Papua.

The commission, called: Indonesia Commission: Peace and Progress in Papua, is headed by Admiral Dennis Blair, the former US Pacific Fleet commander. Admiral Blair was until recently, in his former role, a frequent visitor to Indonesia to meet senior officers of the Indonesian armed forces. Admiral Blair denied that the commission had intended to visit Papua either on the invitation of the Papuan Presidium Council or the Indonesian government.

Jakarta's refusal to allow a mission, under such prestigious leadership, to visit Papua, shows how desperately the present Indonesian leadership fears any international involvement in seeking a solution for Papua. *The Jakarta Post* quoted a government source as saying: 'We are trying to minimise the possibility that the presence of such foreign groups could lead us in the direction of another fiasco like the secession of East Timor from Indonesia.' [*Jakarta Post*, 2 December 2002]

Although it has been prevented from visiting Papua, the Commission has conducted its investigations based on extensive talks with Papuans and others abroad and plans to publish its report in February 2003.

## Flag-raisers arrested

Despite efforts by the security forces to prevent Papuans from raising Kejora, the Morning Star, the Papuan flag adopted in 1961, flag-raising has continued to be a popular form of peaceful struggle in many parts of Papua.

In Manokwari, more than forty people were arrested on 26 and 27 November as the local police clamped down on a flag-raising ceremony that took place early on the morning of 27 November. As soon as the police got wind of the event, they arrived on the scene and pulled the flag down ten minutes later. There was no resistance on the part of those who unfurled the flag. Nevertheless, the police rounded up thirteen people on the spot and later rounded up another 29 people alleged to have been involved in the incident. Two of those arrested were women. It was later confirmed that the number of people arrested in Manokwari was 41.

The flag-raising was held to commemorate a declaration of independence on 27 November 1997. Although most

*continued on page 28*

# Creating a Zone of Peace in Papua

*Turning Papua into a Zone of Peace is gaining momentum with a number of initiatives taken by civil society. But the security forces regard these efforts as being a cover for those wanting to secede from Indonesia. In November and December, flag-raisers were arrested, and Jakarta announced that it would not allow a US mission to visit Papua for investigations. Clashes in the border region with Papua New Guinea have threatened the security of Papuan refugees.*

In a major speech, Tom Beanal, the deputy leader of the Papuan Presidium Council (PDP) set out the Council's programme for 2003. He was speaking on 1 December 2002, the anniversary of the day in 1961 when Papuans, still under Dutch control, made a formal declaration of their independence and the Papuan flag, *Kejora*, or Morning Star. Beanal was elected the deputy of the Council's leader, Theys Hiyo Eluay, and will retain that title until such time as Theys' assassination in November 2001 is properly resolved. He outlined the history of the Papuan struggle for independence and said that the so-called Act of Free Choice in 1969, conducted under the terms of the New York Agreement of August 1962 between the Indonesian and Dutch governments 'was nothing more than a conspiracy... leading to the integration and colonisation of West Papua by Indonesia. The threefold result was: 1. Unbridled exploitation of the country's natural resources, 2. Impoverishment of the Papuan people, and 3. A wave of atrocities, human rights abuses and crimes against humanity against the Papuan people.'

Faced with a complex set of problems, he said that it was the responsibility of the Papuan people to seek a solution by means of Political Dialogue, that should be undertaken within the context of a revision of their history. He advanced a seven-point programme for the coming year:

1. All components of the Papuan struggle must unite under the banner of One Nation and One Soul.
2. The land of Papua shall be a Zone of Peace, free from violence, exploitation and greed.
3. The agenda for 2003 must focus on reconciliation and Peaceful Diplomacy.
4. The people must engage in a struggle for economic rights, social emancipation and cultural rights.
5. The Papuan people must uphold human rights to achieve order and harmony in keeping with their religious beliefs and universal principles of humanity.
6. All components of the struggle must support peaceful dialogue as the way to independence.
7. Papuans must refrain from initiating wars or spreading hatred on the basis of group, ethnicity or race.

Writing in Indonesia's leading English-language daily, *Fr Neles Tebay* said that the idea of establishing a zone of peace in Papua was initiated by the Papuan Tribal Chiefs' Council at its congress in February 2002. He said that efforts to create a zone of peace has the full support of all parties in the province. 'The only institution which has rejected the idea is the Indonesian military (TNI).' A widely representative delegation of all sections of the Papuan

people, headed by John Ibo, chair of the provincial assembly had called on the Megawati government to declare Papua a zone of peace, but the appeal had been ignored. [*The Jakarta Post*, 17 December 2002]

## Catholic Church holds workshop

The Office of Justice and Peace of the Jayapura Diocese has also taken up the issue of creating a zone of peace. In late November, it held a four-day workshop on making Papua a Land of Peace. The event was attended by 45 representatives coming from a large number of civil society NGOs, members of the provincial assembly, representatives of all the religious communities in Papua, from academic institutions and from the press.

Among the objectives of the workshop were to reach a deeper understanding of the components of 'peace-culture'  
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