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The Indonesia Human Rights Campaign

TAPOL Bulletin No. 154/155

November 1999

Welcome to the post-Suharto era

The election of Abdurrahman Wahid and Megawati Sukarnoputri as President and Vice-President of Indonesia marks the end of the New Order Suharto period which lasted almost three and a half decades. For the first time in 54 years, the Indonesian people have been able to exercise their right to elect a government. The new leaders are both well known public figures and both are offspring of famous families. It has become a tradition in many Asian countries for heads of state to come from famous families.

Abdurrahman Wahid, known popularly as Gus Dur, descends from a famous dynasty. His grandfather KH Hasyim Asy'ari was the founder of *Nahdlatul Ulama* (NU), the Muslim organisation which is still led by Gus Dur. The NU is believed to be the largest Muslim organisation in the world with an estimated 30 million members. Gus Dur's father, Wahid Hasyim was appointed Minister of Religious Affairs in the Republic's first cabinet in 1945. Several Jakarta streets are named after both his grandfather and father. This family tradition is being continued with the election of Gus Dur as Indonesia's fourth President.

Megawati Sukarnoputri was elected as Vice-President the day after being defeated in the vote for the presidency. Until the very last moment, it had been widely assumed that she would win the presidency. In the elections in June, her party, the Indonesian Democratic Party-Struggle (PDI-Perjuangan), won more than a third of the votes, far ahead of the runner-up, Golkar, with 20 per cent. But the president is elected by an electoral college, the MPR composed of 700 members, and she was defeated by deft political deals struck behind her back by Wahid, her friend for many years. After the humiliation of such a defeat, the traditional Javanese style of seeking harmony was brought into play to persuade her to accept the nomination as vice-president.

In the days before the presidential election, Megawati supporters were out in many cities calling for her election and threatening to plunge the country into chaos if anyone else was elected. Her defeat brought angry crowds onto the streets in many cities and the fear of continuing unrest played a role in persuading her to agree to become second fiddle to President Wahid.

Much has been made of Gus Dur's frail health. He is almost totally blind, walks with difficulty and has suffered

two strokes recently. But he is a man with a towering personality and plenty of energy so it would be wrong to underestimate his ability to lead.

Santri-abangan dichotomy

Most students of contemporary Indonesia accept the concept of the *abangan-santri* division in Javanese society. The American anthropologist Clifford Geertz, who first observed this social phenomenon, described the two strands as pious Muslims (*santri*) and secular Muslims (*abangan*). While Gus Dur represents the *santri* group, Megawati comes from a typical *abangan* background. Megawati and

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POLITICS

Gus Dur both have mass followings in East Java as well as in large parts of Central Java, Indonesia's two most populous provinces. While Gus Dur's following is almost entirely rural, Megawati enjoys the support of the urban poor and lower middle class.

The *abangan-santri* dichotomy is political as well socio-cultural. Since the early days of the Indonesian Republic, the main political parties have divided along *santri-abangan* lines. The major Muslim parties were *santri* parties while the nationalist, socialist and communist parties relied on the *abangan* vote. The Gus Dur/Megawati could represent a unifying factor between the two communities.



Gus Dur and Mega, representing unity

Different backgrounds

It is no exaggeration to say that whoever is chosen to run present-day Indonesia can expect to become unpopular. The numerous problems the new government will face would be daunting for the most seasoned politicians. The Indonesian economy is still in deep crisis while unresolved political problems inherited from Habibie's transitional administration are immense. People's expectations are running high and the new government will not be able to deliver much in its first months in office. It will take more than one or two years to overcome the economic and political bankruptcy inherited from thirty-three years of the Suharto dictatorship and

The country's new leaders hail from very different backgrounds. Gus Dur has played the role of *guru bangsa* (teacher of the nation) for many years. As a religious leader he distanced himself from political parties during the Suharto era, using his moral authority to preach tolerance and moderation. Christian, Hindu and Buddhist minorities have learned to look to him for understanding and protection when they come under attack from racist mobs. Gus Dur was also the one who persuaded the *Nahdlatul Ulama* to withdraw from active politics in the 1980s. But in the closing years of the Suharto era, when de-politicisation, the hallmark of the New Order, was stifling everything, Gus Dur gradually became more active in politics.

Gus Dur is a melding of cosmopolitanism and traditionalism. He studied in Alexandria and Bagdad and had made a habit of travelling abroad frequently to Europe and North America. As proof of how broad-minded he is, he even travelled to Israel to attend a conference devoted to inter-faith reconciliation despite angry complaints from Muslims for whom any ties with the Jewish state are anathema. But he is also a very traditional leader who frequently speaks to his huge following in rural Java, knowing that they will mob him to kiss his hand or touch his clothes.

Megawati grew up in the presidential palace and after her father was ousted in 1967, her only claim to fame for many years was as the daughter of a famous and much-loved president and the wife of a rather wealthy businessman. It was not until the 1980s that she emerged as a political figure, when she was asked to help one of the two tiny parties, the PDI, to boost its fortunes in the fake elections that were held under Suharto and became a member of the rubber-stamp parliament. In 1993, she took over as the leader of the PDI where she was idolised as a symbol of Sukarno's former popularity rather than as someone with political skills. Her battle for the leadership of the PDI was fraught with difficulties because the regime feared that the Sukarno name might undermine Golkar's ability to go on winning its 70 per cent plurality in stage-managed elections. She only won the battle with the help of power-brokers from the army who were at odds with Suharto.

It was under her leadership that the PDI became a rallying point for growing opposition to Suharto. In an attempt to smash the party, she was removed as the chairperson in an inner-party coup engineered by Suharto and on 27 July 1996, security forces assisted by hired thugs attacked the PDI headquarters in Jakarta, setting it alight and killing many PDI activists trapped inside.

Since then Megawati has carried the cross of a martyr, while being hailed as Indonesia's most celebrated opposition leader. In the June elections, her PDI-P took a commanding lead, winning 34 per cent of the votes. Few doubted that she would be the next president and expected her to travel the country giving speeches and popularising her party's policies. But she said little, rarely gave interviews and hardly ever travelled anywhere, behaving like a queen, disdainful of the rough and tumble of everyday political campaigning. She and her advisers failed to understand that in the new political climate, it was necessary to build a coalition, at a time when the many small Muslim parties with seats in the supreme legislative assembly (MPR) were rallying round Gus Dur. While she was seen outside as the country's most popular leader, anti-Megawati sentiments were spreading inside the MPR, some Muslim leaders murmuring darkly that Islam did not allow a woman to become a head of state.

Civilian leadership

The most refreshing thing about the country's new leaders is that they are civilians and have made pledges to introduce political reforms. But it remains to be seen how far they will go, what team of ministers they will assemble and whether the Gus Dur/Megawati duo will curb the powers of the Indonesian armed forces.

We set out in the following article our own human rights agenda for Indonesia's new government.

Human rights agenda for the government

TAPOL has written to newly elected President Wahid and Vice-President Megawati calling on them to put the observance of human rights at the heart of their Government's policy. Our lengthy agenda is indicative of the parlous human rights situation inherited by the new Government and the drastic need for fundamental institutional and legislative changes. The letter reads as follows:

We congratulate you warmly on your election as Indonesia's President and Vice-President. We welcome this as the beginning of a new era bringing an end to the bleak years of the Suharto military dictatorship. In the spirit of *reformasi* which we believe should dominate the new Government's programme, we call on you to take the following measures in order to ensure that human rights observance is at the heart of your Government's policy:

Release all political prisoners

Scores of people are still in prison on political charges. They include dozens of people being held in Aceh and West Papua (Irian Jaya) as well as at least twenty people being held in prisons in Java.

We draw attention in particular to sixteen East Timorese prisoners held in Semarang prison of whom three have been in prison since 1991. They should be released forthwith and returned home to East Timor under the protection of the International Red Cross. We also demand the immediate release of the six prisoners arrested in 1996 as leaders or activists of the Partai Rakyat Demokratik (PRD) or related mass organisations.

Violators should not go unpunished

Ever since Suharto seized power in 1965, impunity has protected members of the security forces from due process and punishment for crimes against innocent and defenceless people.

Your Government will only be able make a true break with the New Order years if it ends impunity by:

1. Setting up independent commissions of inquiry to investigate grave incidents such as the Tanjung Priok Massacre in September 1984, the Lampung killings in 1987 and the killing of six Trisakti students in May 1998.

2. Revoking Presidential Decree in Lieu of Law enacted in September 1999 to establish a Human Rights Court (which allows exemptions for suspects from the security forces) and replacing it with a law to create a human rights court to try all those responsible for crimes against humanity during the New Order and since.

3. Conducting investigations into the serious human rights abuses in East Timor and bringing those responsible to justice in Indonesian or international courts

4. Co-operating fully with the UN's international commission of inquiry into human rights abuses in East Timor set up under UN Human Rights Commission Resolution

adopted on 27 September 1999 and with any subsequent decision by the UN Security Council to set up an ad hoc international criminal tribunal.

5. Initiating comprehensive investigations into the massacres perpetrated in the months following Suharto's seizure of power in 1965 when at least half a million people were slain, with a view to bringing all those responsible, including former President Suharto, to justice.

6. Conducting a thorough investigation into the disappearance of thirteen pro-democracy activists who were abducted in the months prior to Suharto's downfall. The families of the 'disappeared' should be told without delay whether they are alive or dead, and all those responsible should be brought to justice.

7. Conducting investigations into the thousands of human rights abuses perpetrated in Aceh during the period of DOM (military operations region) and all those responsible brought to justice.

8. Conducting investigations into many thousands of human rights abuses perpetrated in West Papua since the territory became Indonesia's 26th province in 1969 following a fraudulent 'act of free choice', with special emphasis on the abuses during the 1990s, and all those responsible brought to justice.



Repeal anti-human rights legislation

The Indonesian Criminal Code contains a number of articles which provide for persons to be charged and convicted for political activities. These include the 'hate-sowing' articles and articles which make it an offence to 'insult' the head of state or government officials. They also include six articles which were incorporated into the Criminal Code in April this year when the anti-subversion law was repealed, making it an offence to try to replace the Pancasila or to promote Marxist/Leninist teachings, the effect being that the basis for charging people for their political beliefs under the anti-subversion law has now become part of the Criminal Code.

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All these articles should be repealed so as to safeguard citizens' right to engage in peaceful political activity without fear of arrest and conviction.

The Law on States of Emergency adopted by the previous Parliament but not signed into law by the former President should be scrapped and the 1959 law on states of emergency should be revoked.

Reform of the Judiciary

During the Suharto era and the Habibie transitional administration, a number of organs having no basis in law or in the Constitution were created, such as *Bakorstanas(da)* (National Stability Coordinating Council), and the *Dewan Pemantapan Keamanan dan Sistem Hukum* (Council to Consolidate Security and the System of Law), both of which are dominated by the military. Such bodies should be dissolved without delay.



The Indonesian Judiciary is notorious for corruption and for its deep penetration by the military, as a result of which trials for political activities or corruption are heavily biased against the accused and the verdicts usually fixed in advance. An overhaul of the Judiciary is essential if Indonesia is to become a state based not on political power or bribery but on the rule of law. The Government should take steps to initiate a comprehensive reform of the Judiciary, in the

continuation from page 23

proaching the camps by hostile militias on guard and report that from what they could observe, the refugees were living in appalling conditions and in constant fear of their militia captors.

Food is in short supply, the refugees are living under plastic sheets with no sleeping mats and medical facilities are almost non-existent, according to two Indonesian child-protection activists who managed to gain access to six of the smaller camps. After a five-day study in mid-October, they confirmed that more than three hundred infants had died of easily curable diseases in these camps and warned that the death rate would soon explode because the rains were now making the camps uninhabitable. They also expressed alarm at the removal of at least forty children to Bali and Jakarta, fearing that they would become victims of economic exploitation, probably in the sex trade. Sixty per cent of the people in the camps were children, many without parents or relatives and there were hardly any men or women between 15 and 30; most of the rest were elderly or infirm.

Equally alarming are reports that thousands of refugee families have been transported to other parts of Indonesia as part of Jakarta's notorious transmigration programme. It has been impossible to discover how many have been moved and where they have been taken.

Repatriation little more than a trickle

The UN refugee agency, the UNHCR, has taken charge

meanwhile ensuring that all persons occupying key positions are beyond reproach and not susceptible to influence by special interests.

End TNI's political control through territorial commands

During the 34 years of Suharto's authoritarian rule and the 17 months of the Habibie transitional administration, the Indonesian armed forces (TNI) have maintained a tight grip on the population by means of the army's territorial structure. The TNI now plans to reinforce this structure by increasing the number of regional military commands (*kodam*), the district military commands (*kodim*) and lower-echelon commands. The TNI's military intelligence agency *BAIS* spies on citizens, spreads disinformation, blacklists people from entering or leaving the country on political grounds and exerts a repressive influence on political life through its covert operations.

The TNI's territorial structure should be dismantled, *BAIS* dissolved, and the Indonesian army, navy and air force should confine their activities to defending the state against the threat of external aggression, operating strictly under civilian control.

All so-called 'non-organic' troops being deployed in Aceh, West Papua and elsewhere where opposition to central control is intensifying should be withdrawn immediately. The Government should instead embark on a policy of dialogue with representatives of these restive communities.

Although the Indonesian Police (*POLRI*) has been separated from the TNI, it is still under the control of the Defence and Security Minister/Commander-in-chief of the TNI. In order to ensure that Polri functions to protect citizens and not to restrict legitimate social or political protest, the Government should immediately place the force under a civilian authority. Police training should be overhauled, ending the militarist ideology that now dominates. *

of the repatriation of the refugees but as yet, this has not amounted to more than a few thousand a week. A small number have been airlifted and sea transportation is now being used to take home two thousand refugees on each voyage, mainly from around Kupang. But complications have arisen because many are reluctant to reveal their true wishes.

The Indonesian authorities have started issuing the refugees with cards indicating whether they wish to go home, to remain in West Timor or to be transmigrated. This is an unworkable scheme as the refugees are afraid of reprisals from the militias if they reveal that they want to go home.

A growing number of refugees camped near the border have started making their own way back to their villages on foot, apparently having been able to evade the militias.

The most hopeful sign is that the top leadership of the TNI now appear to be distancing themselves from the militias, all part of the battle for power now underway between the top brass. Reflecting this shift, the TNI has responded positively to approaches from the UNHCR to free the camps of militia control. If this tendency wins out over the efforts of the likes of Major-General Adam Damiri mentioned above, the repatriation trickle could turn into a flood of humanity. But unless this happens fast, many refugees will fall victim to the atrocious conditions as the rains flood the camps, causing diseases like typhus to sweep through the camps and result in yet more loss of life. *

East Timor wins its independence

The people of East Timor have voted overwhelmingly for independence in a ballot conducted by the UN on 30 August 1999. Defying an Indonesian army-led campaign of murder and enforced removal from their homes, almost the entire population voted. Nearly eighty per cent voted for independence, rejecting Indonesia's offer of autonomy. But the announcement of the result unleashed two weeks of unprecedented barbarism which only ended when the UN belatedly agreed to foreign armed intervention.

The 30 August ballot represents an historic turning-point for the people of East Timor. A month earlier, more than 450,000 had registered to vote despite continuing acts of terror right across the territory. By then it was absolutely clear that the terror campaign launched in January by the Indonesian armed forces, using armed militia as their proxies, had failed to terrorise the Timorese into staying away from the ballot. Tens of thousands had been driven from their villages, pro-independence leaders, activists and human rights NGOs had been murdered or forced into hiding, almost the entire CNRT leadership had either been killed or driven out of the country. Yet even so, when ballot day came, the East Timorese travelled for miles, defying the terrorists, to cast their votes in favour of independence. Theirs was a collective act of boundless courage, a manifestation of the determination of the people, come what may, to bring to an end their nearly 24 years of genocide and suffering under brutal and relentless Indonesian rule.

Woeful security arrangements

The ballot process was conducted under woefully inadequate security arrangements. The accord reached at the UN on 5 May between Indonesia and Portugal handed over security to the Indonesian police force and left the Indonesian army of occupation in place throughout East Timor. Attached to the three documents signed by the Indonesian and Portuguese foreign ministers was a Memorandum setting out security requirements signed by the UN Secretary-General Kofi Annan. However, this document which called for the security forces to act in strict neutrality and said that Indonesian armed forces should 'deploy', had no force as UN attempts prior to 5 May to seek Indonesian endorsement of this Memorandum collapsed.

This security arrangement was approved by the UN Security Council despite the fact that one month earlier, the worst atrocity in East Timor since 1991 had taken place in



An impressive turnout, almost 99 per cent of the electorate participated in the ballot

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Liquica, 40 miles west of Dili when armed militiamen, aided and abetted by the local army command, had hacked to death scores of refugees who were taking refuge in the local church. [See *TAPOL Bulletin* No 152, May 1999] What better proof did the UN need that it would be a grave blunder to rely on the Indonesian security forces?



Indonesian Police arriving at Dili airport. They performed woefully as the security force and some units took part in the terror of the militia.

JNAMET, the UN Assistance Mission for East Timor, which conducted the ballot, had no mandate either to defend itself or the population. UNAMET personnel included 261 civilian police and fifty military liaison officers, all of whom were unarmed. Nor did UNAMET have powers of arrest and detention; it could do nothing more than report incidents to the Indonesian police and leave it to them to act. Despite countless killings and kidnappings, well known to the public and reported in the media throughout the world, not a single member of the militia was arrested and held for questioning.

By the time the ballot took place, more than 60,000 East Timorese had been driven from their villages and were living in encampments at the mercy of the TNI-backed militias. Numerous attacks were made on local electoral offices manned by UN officials and local East Timorese staff, while the Indonesian police did nothing to protect the victims and in some cases participated in the attacks.

The ballot was to have been held on 8 August. It was twice postponed by UN Secretary-General Kofi Annan for security reasons and finally took place on 30 August. Although the security situation failed to improve and many, including Bishop Belo and East Timor's leading human rights NGO, *Yayasan HAK*, believed that the voting should not be held until conditions improved, the ballot went ahead. This was in line with the wishes of the CNRT leadership on the grounds that further postponement would not help. CNRT leader Xanana Gusmao later told an audience of NGO activists in London:

'The people of East Timor have been crying and dying for 23 years. We knew there would be more crying and dying but we had to accept that sacrifice for the sake of having the ballot.'

Terror proceeds as the world watches

The events in East Timor leading up to and following the ballot were widely reported around the world as well as in Indonesia. As 30 August approached, Dili was inundated with foreign journalists and TV crews. Observers came from all parts of the globe, including parliamentarians, representatives of the Carter Centre and a 125-strong observer mission organised by the International Federation for East Timor (IFET-OP).

Never before in the long history of East Timor's bitter experience of Indonesian occupation had the world's spotlight shone so powerfully. This played a decisive role in alerting public opinion in many countries, forcing governments which had shamelessly procrastinated for so long to warn the Indonesian authorities that sanctions would be imposed if nothing was done to rein in the TNI-backed militias. The tragedy is that it took so long for the 'international community' to respond, costing the people of East Timor who had already sacrificed 250,000 lives to sacrifice yet more thousands. It was not until conditions on the ground had become so intolerable that western governments were forced to concede that armed international intervention had become inevitable.

Violence before the ballot

In the days just prior the ballot, the level of militia violence escalated. Their TNI masters had already realised that their initial plan to derail the ballot or to persuade the population to cast their votes in favour of autonomy had failed so they started preparing for Plan B to be brought into play after the ballot, to uproot the population and wage all-out violence by destroying everything in revenge for the people's overwhelming support for independence.

A detailed plan to wreak havoc in East Timor once the ballot results were announced had been drawn up. Pro-independence activists and human rights workers had seen leaked copies and warned the UN authorities of impending disaster but they were ignored. East Timor's military commander had said well before the ballot: *'If the pro-independents do win..., all will be destroyed. It will be worse than 23 years ago.'* As early as May, a leaked army documents ordered that *'massacres should be carried out from village to village... if the pro-independence supporters win.'*

In early July, a letter leaked to NGOs and sent to UNAMET from H.R Garnadi, to his boss, General Feisal Tanjung, the Minister Coordinator for Political and Security Affairs, outlined the contingency plan in readiness for the defeat of the autonomy option. These would include the mass evacuation of government employees and Indonesian migrants from East Timor, preparations in West Timor for a huge influx of evacuees from East Timor and the destruction of 'vital facilities' all along the evacuation route.

Later, citing diplomatic, church and militia sources, the Australian press reported that *'hundreds of modern assault rifles, grenades and mortars are being stockpiled, ready for use if the autonomy option is rejected in the ballot box.'*

As a foretaste of what was to come, IFET-OP reported on 28 August that the 14-day campaign period for the ballot 'came to a bloody end Friday.... Pro-autonomy forces attacked pro-independence groups and individuals during the final two days in Dili, while creating an atmosphere of terror in a number of locations throughout East Timor'. The report documented serious militia attacks in several places where its observers were still present. In Oecussi, (the enclave on the north coast of West Timor), the CNRT office was set ablaze after a night of constant gunfire. Eight people were wounded and many were missing. The Indonesian police took no action till 7am.

In the village of Memo, Maliana (near the border with West Timor), hundreds of machete-wielding militias carrying home-made rifles attacked villagers, leaving two people dead and many wounded. In this case, the Indonesian police led the militia attack. UNAMET personnel were forced to abandon their office and flee the area. Collusion between the militias and the local army commander, Lt-Colonel Burhanuddin Siagian, had become so blatant that he was dismissed and replaced, at the UN's behest. (Two months earlier, TAPOL had called for his dismissal.) [See also separate reports by IFET-OP observers in this issue.]

In Los Palos in the east of the territory, the CNRT office was attacked; the local traditional chief, a known supporter of independence, was killed. Police who had been guarding the building were nowhere to be seen when the attack was launched.

Responding to calls for the ballot to be called off, UNAMET spokesman, David Wimhurst said: 'We are locked into the process and we also have a moral obligation to allow the people of East Timor to vote. If we give in to thuggery, then democracy fails. That cannot be allowed to happen.' [The Independent, 27 August]

The day of the ballot

Despite this escalation of violence, virtually the entire population eligible to vote came to the polling stations. The total number of votes cast was 432,287, which was 98.6 per cent of the nearly 450,000 who had registered to vote.

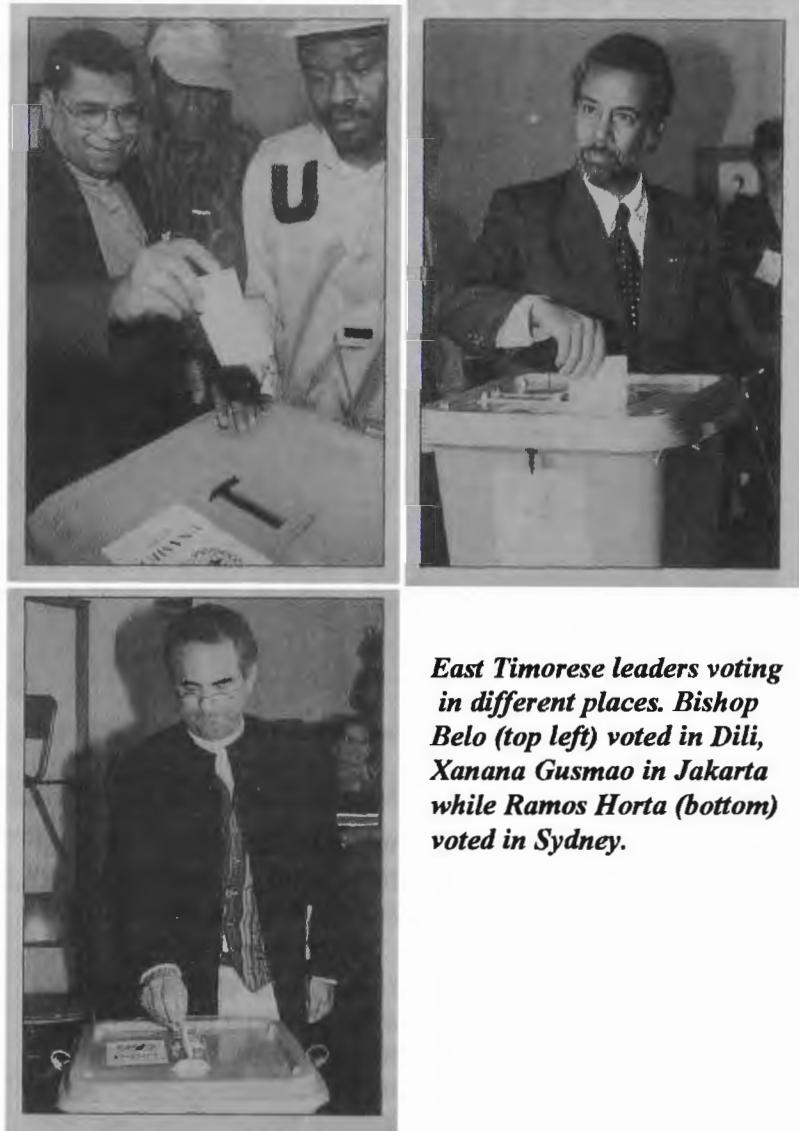
The very sight of thousands of people queuing up, defiantly waving their registration papers, was magnificent to behold. It quickly became clear that nothing could hold back the East Timorese in their determination to cast a vote that would bring to an end the much-reviled Indonesian occupation. An East Timorese man from Luidaha village in the hills high above Liquica, expressed these sentiments when he said that he would not be deterred from voting. Luis dos Santos told a journalist: 'They say they will burn our houses if we vote for independence, but we are going to do it anyway. The fear only makes us stronger.' He said he had made the long trek to the polling station despite frequent visits from the local militia, the recent kidnapping of a villager and the murder of a religious leader a few weeks earlier. [The Times, 30 August]

After casting their votes, the voters in many places did not return home but fled to the hills to escape the violence they knew would be unleashed.

Xanana Gusmao, the East Timorese leader, who was still under house arrest on the day of the ballot, cast his vote in Jakarta. Calling on his countrymen and women to contain their emotions and prevent further bloodshed, he said: 'Let

us vote, Let us all vote. Let us not be afraid. East Timor depends on the courage and the conviction we demonstrate today.' [The Times, 31 August]

In Maliana, one of the worst areas of militia violence, thousands had gathered hours before the polls opened at 6.30am. 'They came from all over the area, most of them on foot.... In a tiny mountain church, 600 people materialised on Sunday night after an epic trek through the hills. (They were) the parents, wives and children of the guerrilla army, FALINTIL. (After) queuing for hours and voting..., they evaporated once again into the hills. [The Independent, 31 August]



East Timorese leaders voting in different places. Bishop Belo (top left) voted in Dili, Xanana Gusmao in Jakarta while Ramos Horta (bottom) voted in Sydney.

Barbarism in the wake of the ballot

In the six days between the ballot and the announcement of the result on 4 September, the violence continued unabated. Militia spokesmen and members of the Indonesian government started accusing the UN of bias, claiming that they would submit proof of vote-rigging but the three-person independent Electoral Commission said they had no reason to doubt the legitimacy of the ballot. The pro-Indonesian forces were not planning to mount a challenge of voting procedures; they were readying themselves to ravage the country and uproot the entire population.

The several thousand East Timorese who had been recruited to assist the UN as drivers, translators and clerical assistants were targeted and several were killed in militia attacks immediately after the ballot.

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A large UNAMET vehicle on its way back from Ermera to Dili, carrying ballot boxes, was ambushed and held for many hours. The ambush followed the overnight murder of a local UN staff member, Joao Lopes Gomes, in Atsabe, Ermera. [Jakarta Post, 1 September] Two UNAMET local staff were killed and five others were missing in Maliana after militiamen set fire to dozens of houses, forcing the UN contingent to evacuate.

Two days after the ballot, following a clash between armed militias and unarmed pro-independence groups, serious violence erupted in Dili, during which a young Timorese was shot dead by an Indonesian policeman. A series of photographs showing how the murdered man was chased,



A TNI soldier and militia roaming in the streets of Dili

shot at and then lay dead on the road was published in many western papers [The Daily Telegraph, 1 September]. Nearby, the BBC correspondent in Jakarta, Jonathan Head, was chased and beaten; he survived thanks to the protection of a militiaman. Meanwhile, a few feet away, a Timorese man was hacked to death.

It was becoming clear that journalists were being targeted. Many foreign journalists were ordered by their agencies to leave but others decided to stay. Virtually all Indonesian journalists were driven out of East Timor on the pretext that they were 'in favour of independence'. This had the effect of curtailing comprehensive reporting in the Indonesian press of the true nature of the barbarism that was about to unfold.

As the violence continued to escalate, calls for armed international intervention intensified. Already for weeks, there had been reports of thousands of Australian troops deployed in Darwin, in readiness for use in East Timor.

All hell breaks loose

Following the announcement of the ballot result on 4 September showing that 78.5 per cent. of the population were in favour of independence, the pro-Indonesian forces unleashed a reign of terror in Dili and the other cities. The militias rampaged through Dili, starting fires, shooting in-

discriminately and attacking hotels still accommodating journalists. By 6 September, the residence of Bishop Belo, where thousands of people were taking refuge, was under siege, the office of the International Red Cross had been attacked and its personnel forced to evacuate and UNAMET's central compound was surrounded by troops and militiamen, with the constant sound of gunfire. The UNAMET compound remained under siege for ten days.

On 6 September, East Timorese taking refuge in a church premises nearby were attacked by militiamen. Hundreds fled to the compound and had to climb over razor-wire to gain access; many, including small children suffered serious cuts. The compound had now become sanctuary to several hundred UN personnel, more than 2,000 East Timorese and a number of foreign journalists forced to flee their hotel accommodation. When orders were received from the UN in New York for all UNAMET personnel to leave Dili, the UNAMET personnel in the compound, encouraged by the journalists, refused to do so, knowing that the East Timorese whom they left behind would be killed without mercy.

The attack on Bishop Belo's residence cost at least 25 lives. The Bishop was taken away by the police and flown to Baucau for his own safety. The following day, he left for Darwin, while Bishop Basilio do Nascimento in Baucau had to flee during an attack on his residence and evacuated to the countryside. He said in phone interview that intervention was urgent or else 'the people of East Timor will all die'

Australian journalist John Martinkus described the situation in Dili as 'political cleansing'. 'Government soldiers and pro-Indonesia militias move through the town shooting anyone who refuses to leave and setting fire to their homes.' He said he and other journalists had been trapped in their rooms by sustained gunfire. He quoted a New Zealand journalist who visited the pro-independence suburb of Becora. 'All night they came back, Indonesian soldiers driving up and down the street, shooting, firing rocket-propelled grenades, bazookas and talking through a loud-speaker telling those who were still there to evacuate.' A wounded man from Becora who reached the Motacl clinic in Dili said he had seen heads on top of sticks lined along the street. A doctor at the clinic said: 'We had ten gunshot wounds here yesterday, some to the head. These people are not aiming to scare people but kill them.' [The Express, 7 September]

As the rampaging increased, the world's press acknowledged what had been known by observers of East Timor for months, that there was a direct link between the Indonesian armed forces (TNI) on the one hand and the militias on the other. The Sydney Morning Herald (6 September) and The Guardian (7 September) made public leaked documents prepared by UNAMET staff giving proof of 'joint operations' between army, police and militia, including burning of houses and attacks on civilians. According to The Guardian, the documents specifically accused the TNI of fomenting violence. 'They cite specific examples in towns outside Dili, including a threat to burn down a UN compound by a militia leader who said he was acting on instructions from an Indonesian major'.

Bishop Ximenes Belo said from Darwin that it was 'necessary to protect the people, otherwise many of them will die'.

Armed intervention in sight at last

With the situation in East Timor reaching a new low, the UN Security Council held an emergency session and sent five ambassadors to Jakarta for top-level discussions.

A Security Council resolution condemned the 'uncontrolled violence' in East Timor, but as the *Financial Times'* Sander Thoenes wrote (7 September), to call the breakdown of law and order uncontrolled is profoundly misleading. 'It's authorised anarchy', he quoted a diplomat as saying. 'The military is organising it.' [This was one of the last pieces Thoenes ever wrote. A week later, he was slain in Dili by members of the Indonesian army. A month later, the army in Jakarta was still refusing to allow officers to go to Dili for investigations into his death.]

Meanwhile in Jakarta, President Habibie was forced by Wiranto to declare martial law in East Timor. The TNI commander in chief appointed Major-General Kiki Syahankri, a former military commander in East Timor, as martial law executor and announced that three more battalions (in additional to two sent a week earlier) would be deployed immediately. By now, Wiranto was facing a calamity in East Timor of his own making, a Frankenstein monster of his own creation that had now reached unmanageable proportions. He apparently hoped that martial law would rein in the militiamen but it only made matters worse.

World public opinion prevails

World leaders were about to gather in New Zealand for a meeting of APEC. There was much wringing of hands as news from East Timor grew worse by the hour but the bottom line was that no one would agree to send in an armed international force unless Indonesia gave its approval. 'To do otherwise,' said Alexander Downer, Australia's foreign minister, 'would mean going to war.' Of course there were other considerations. The fear of souring relations with Jakarta was uppermost in the minds of many world leaders.

East Timorese leader Xanana Gusmao, who had just been released from house arrest and had taken refuge in the British embassy in Jakarta, made a passionate plea during a meeting with the five Security Council ambassadors:

'If the outside world does not intervene to stop the violence, it will be too late and genocide will be committed. I kneel before the Security Council. I kneel before the international community. If you wait, even for a few more days, then you will later enter an empty land and the international community will be faced with another genocide.' [The Independent, 10 September]

With the world's press brimming over with horror reports from East Timor and calls coming from everywhere for international intervention, the world leaders were forced to act. En route to New Zealand, President Clinton declared that the attacks on the UN compound in Dili were 'simply unacceptable'. After being briefed by the US commander

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in the Pacific region during a stopover in Hawaii, Clinton said: 'It is now clear that the Indonesian military is aiding and abetting the militia violence. This is simply unacceptable. The actions of the Indonesian military stand in stark contrast to the commitments they have given to the international community.' [International Herald Tribune, 11-12 September]

He also threatened to suspend all economic assistance (implying that IMF and World Bank aid was included) if Indonesia continued to resist East Timor's desire for independence and announced that the US would be cutting ties with the Indonesian military and halting the delivery of military equipment to Indonesia.

The APEC meeting became the venue for international crisis talks about East Timor as horrific reports filling the TV screens and the front pages of the world's press. None doubted anymore that the TNI was the cause of the barbarity ravaging East Timor, uprooting the entire population and



Key people in the Timor tragedy, General Wiranto, General Feisal Tanjung and Ali Alatas. Wiranto is no longer defence minister and the other two are out

conducting a scorched-earth policy to destroy all the towns and villages.

Calls for armed foreign intervention continued to intensify, with some commentators asking how many more East Timorese would have to die before the international community took the only step that could save the nation from extermination. But members of the Indonesian government continued to insist that foreign intervention was not acceptable.

On 11 September, the five UN ambassadors visited Dili, accompanied by General Wiranto. They found much of the capital in ruins, burnt down by militia and their cohorts in the army and the police. The devastation they saw and the visit to the besieged UN compound horrified them, and left Wiranto unable to withstand any longer the threats of economic sanctions. Interviewed on CNN, he now admitted that 'the time had probably come to accept an armed international presence'.

The following day, the Indonesian cabinet held crisis talks, at the end of which President Habibie announced that he had notified Kofi Annan that an international force would

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before had been saying such a thing was unacceptable, was instructed to fly to New York to finalised arrangements. Three days later, the Security Council adopted a resolution endorsing the dispatch of a multinational force of 8,000 troops to East Timor without further delay.

INTERFET takes over

With thousands of Australian troops already in Darwin, troops of the International Force for East Timor, INTERFET, were rapidly deployed, landing in Dili on 20 September under the command of an Australian general, Major-General Peter Cosgrove. Half the force of 8,000 troops will be from Australia along with a small contingent of British Gurkhas, a contingent of New Zealand troops plus a sizeable force from Thailand and the Philippines to ensure an Asian presence. The US said it would only be willing to contribute non-combat troops as well as a couple of warships.

Two weeks after the arrival of INTERFET troops, the martial law commander withdrew while the vast majority of Indonesian troops were pulled out of East Timor, to the jeers of those East Timorese who were in Dili to 'see them off'. Formally speaking, the powers of the multinational force on questions of arrest and detention would remain limited until Indonesia's supreme assembly, the MPR, formally renounces all further claims to East Timor which is expected to happen before 21 October. Thereafter, INTERFET will be transformed into a UN Peace-Keeping Force under a UN administration known as the UN Transitional Administration for East Timor, UNTAET.

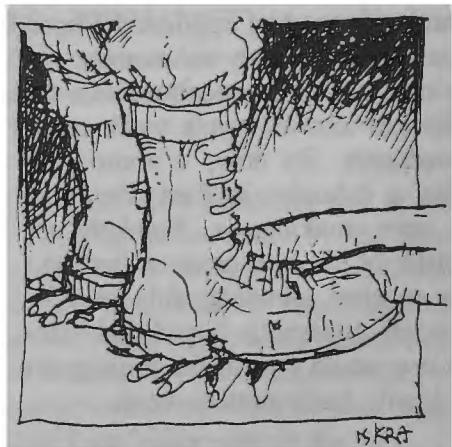
For the first week of INTERFET operations, militiamen and their TNI cohorts continued to raze buildings in Dili, including their own barracks. Like virtually every other town in East Timor, Dili was by now almost completely flattened and emptied of inhabitants. Fearful of the brutalities of the TNI/militia, almost the entire populace had taken to the hills. By now it was estimated that at least half the population of East Timor had fled to the mountainous interior, with meagre food supplies and no shelter.

With far fewer troops in East Timor than the more than 40,000 K-FOR troops in Kosovo, that has a terrain that is smaller and much less rugged than East Timor, INTERFET's progress has been painfully slow. At risk are the lives of those hundreds of thousands of people driven from their villages. Aid agencies arrived in Dili with plans to distribute food but were unable to proceed until troops secured the interior. By mid-October, there were fears that conditions would rapidly deteriorate once the rains began. The risk of widespread disease and starvation among people already ravaged by ill-health and traumatised by months of brutality cannot be under-estimated.

Many parts of the interior are under the control of the East Timorese armed resistance, the FALINTIL, whose bases have been inundated with thousands of fleeing East Timorese. In several places, FALINTIL forces have encountered members of the international force, only to be met by demands that they surrender their weapons. This met with a stern rebuff by Xanana Gusmao who insisted that are not 'bandits' but have been waging a legitimate struggle for independence.

Securing E Timor against attack from the west

INTERFET is also likely to concentrate at least half its troops on securing the 200-mile border with West Timor. This is critical to the success of its operations as militia leaders warned that they planned to re-muster their forces in West Timor in preparation for an attack. Major-General Adam Damiri, the military commander for the Nusatenggara Timor region which includes West Timor has publicly advised members of the TNI who wish to join forces with the militias to make sure to discard their army uniforms. With such blatant incitement coming from the army officer in charge, the militia threats should not be taken lightly. Damiri has played an active role in the recruitment, arming and training of the militia force since the start of the *Operasi Sapu Jagat* campaign at the beginning of 1999 (see separate item).



In the first week of October, INTERFET troops were engaged in brief skirmishes with militia gangs along the southern stretch of the border with West Timor during which three militiamen were killed and scores taken prisoner. On 10 October, a clash occurred further north between the international force and members of the TNI who fired warning shots. Australian troops returned fire, killing one police officer and wounding two others. While the Indonesians claimed that the Australian troops had entered Indonesian territory, the INTERFET commander insisted that according to his map, this was not true. Ironically, while the Australians were using a 1992 Indonesian army map, the TNI officer had a map drawn in the 1920s when Indonesia was still a Dutch colony.

Indonesia revokes integration decree

Indonesia's supreme assembly, the MPR, was required by the 5 May 1999 accord to relinquish its claim to East Timor in the event that the ballot resulted in the rejection of autonomy. In the run-up to the plenary session on 15-20 October, moves were afoot to adopt a resolution that would delay revocation of the MPR's decision in 1978 integrating East Timor. A draft resolution was circulating, that would have put the decision on hold until UNAMET had 'satisfactorily' answered charges that the ballot was rigged and insisting that Portugal amend its Constitution with regard to East Timor.

However, it soon became clear that most fractions in the assembly wanted to see an end to the issue. In the end, it was the TNI fraction that pressed for the 1978 decree to be revoked immediately. Whatever their motives, this paved the way for the decree to be revoked without opposition. *

How many people died ?

It is not yet possible to make a reasonably accurate estimate of the number of people killed in the weeks before and after the ballot.

As the events unfolded, there were numerous reports of killings in villages and towns up and down the country. Local CNRT leaders were slain in many places, local government officials suspected of pro-independence sympathies were killed, local UN staff were targeted. Scores of villagers especially in the western regions were slaughtered in local massacres. One of the worst massacres occurred in Suai where three priests were killed and scores of people taking refuge in the church were slain. While only a few mass graves have so far been discovered in the area, some local residents say that the gang responsible for the slaughter later burned the bodies and threw the ashes in a nearby lake. If true, this shows that not only were the killings systematic but also the disposal of the evidence.

An estimated 25 people died while taking refuge in the Bishop's residence in Dili on 6 September. In several places, local priests and nuns were killed. In late September, the week after Interfet troops arrived, a group of Catholic aid workers and nuns, together with an Indonesian journalist, nine people in all, were killed on a trip to deliver food and medicines from Baucau to Los Palos.

Some of these atrocities have been well documented, others have not and are still being investigated. On 21 September, the *Financial Times* journalist in Jakarta was killed on the outskirts of Dili.

After Interfet forces reached Dili on 20 September, a deep well containing an unspecified number of bodies was found. Scores of people were reportedly killed in Oecussi in mid October, before Interfet troops had landed in the enclave.

There were also numerous reports that young men among the tens of thousands of people driven from East Timor into

West Timor aboard ships were separated from the women, children and elderly people, shot and their bodies thrown overboard. Observers who later were able to visit refugee centres in West Timor noted that there were hardly any men. People along the coast near Batugade close to the border with West Timor, have reported bodies being washed ashore or finding people's belongings on the beaches while people in Dili have begun to dig up bodies that were buried in the beach.

In some cases, people reported to have been killed have subsequently turned up alive. This was the case with Xanana Gusmao's father. Although reported to have been killed he was under protection in a Catholic sisters' refuge in Dili. The head of the Caritas International programme in Dili also survived, following reports that he had been killed with other members of his team.

It is not known how many people died while being forcibly evacuated to West Timor. Nor is it possible to estimate how many people, driven to the mountains without adequate food supplies and shelter, may have died from exposure, starvation or other diseases. A group of Indonesian investigators who visited a few refugee camps in West Timor in mid-October reported that 312 infants had died because of lack of medicines and predicted that many malnourished children would soon die because of the heavy rains and lack of decent shelter.

With the entire country thrown into a state of chaos, it could take months, perhaps years, before the true death toll in the months before and after the ballot can be known. All we can say at the moment is that thousands died, and that most of the bodies will never be recovered.

They will be mourned as the victims of a tragedy which could have been prevented, had the UN and in particular members of the Security Council faced up to the reality of what the Indonesian armed forces were capable of doing in their blind attempt to hang on to East Timor. *

continuation from page 30

law includes provisions that effectively cancel this out.

Although it provides for human rights abusers to be tried before a human rights court composed of an independent panel of judges, it allows for exceptions in cases where the suspects are from the armed forces or the police by empowering the judiciary to establish an *ad hoc* court composed of a single judge. This clearly allows for members of the security forces (the very ones who are certain to be suspects in such cases) to be tried by judges from their own force, defeating the whole purpose of having perpetrators indicted by an independent tribunal. Far from ensuring that such criminals are called to account, it actually ensures their protection.

The law also rules out any investigation of abuses perpetrated prior to the enactment of the law. This lets off scores of torturers and murderers who were active during the three decades of Suharto's New Order and right up to the end of the Indonesian army's murderous campaign in East Timor, as well as numerous grave abuses in Aceh and West Papua.

The Habibie Government and the TNI were so anxious to have this law on the statute book before an international tribunal could start to function that it was enacted by a *Perpu*, a presidential decree in lieu of a law; it would have taken months or even years to have it enacted by parliament. *

Nationalist backlash and the Indonesian press

While Indonesian troops and their militia proxies were turning East Timor into a desolate wasteland and driving hundreds of thousands of people from their homes, the general public in Indonesia heard little about what was going on. They have been fed a stream of lies about the ballot being rigged, Interfet atrocities and distorted reporting of the clashes between the foreign troops and armed militiamen. Military intelligence is clearly to blame for this dis-information.

With a few honourable exceptions such as the leading English-language daily, *The Jakarta Post*, the afternoon daily, *Suara Pembaruan*, and to a lesser extent *Kompas*, almost all Indonesian newspapers have blamed the UN for Indonesia's resounding defeat in the 30 August ballot.

Steeped for 23 years in the lies spread during the Suharto dictatorship, it came as a profound shock to most Indonesians that the East Timorese could be 'so ungrateful' as to vote so heavily against remaining with Indonesia. For years, the general public in Indonesia has been led to believe that Indonesia showered 'our youngest province' with unlimited amounts of money to build roads, bridges and schools while hearing nothing about the systematic violence in East Timor throughout the occupation.

The UN was accused of rigging the votes and promoting the cause of independence in the way the ballot was conducted while Australia was vilified for taking the lead in the multinational force that landed in Dili on 20 September. Encouraged by a hostile Indonesian press, Australia bashing became the order of the day while the towns of East Timor were being razed to the ground. The NU leader, Abdurrahman Wahid (who was soon to become President) whose opinions are always widely reported, joined in the xenophobic chorus, accusing Australia of turning against Indonesia and calling for relations with Australia to be 'cooled'. He also complained that the international community and certain NGOs were deliberately 'cornering' Indonesia with 'biased reporting' about East Timor. We can only conclude that he was being fed a pack of lies by his close advisers.

Dis-information by military intelligence

This poisoned political atmosphere was the result of a campaign of dis-information organised by military intelligence. Until the end of August, there were many Indonesian journalists in Dili. The military authorities were not happy about this and started accusing the Indonesian press corps of being biased in favour of independence. On 2 September, three days before the worst violence was unleashed, they were warned by the military that their safety could not be guaranteed and they should leave immediately. Most of them took the warning seriously, leaving the field clear for the state news agency, *Antara*, whose Dili-based journalist is widely believed to be working for *BAIS*, the military intelligence body.

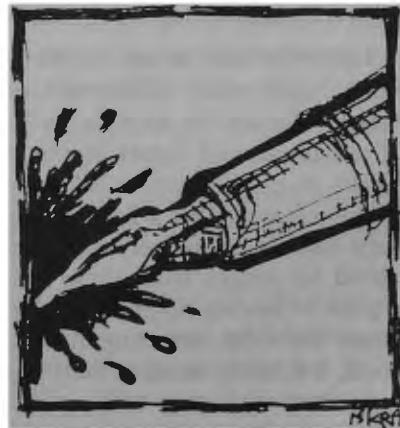
Scanning the pages of one leading regional daily, *Waspada* which relies heavily on *Antara* stories, during the first

half of September, we found no reports about the devastation underway in East Timor. Another regional daily, *Bali Pos*, filed reports about the scorched earth policy in East Timor on 6, 7, and 8 September but this was one of the few exceptions to the general pattern.

Once INTERFET had landed, reports began to appear about alleged atrocities by Australian troops. They were said to have captured and tortured four militiamen. One was allegedly killed and his body stuffed into an oil barrel and burned. They were also accused of burning an Indonesian flag. The stories have never been substantiated but were widely, and repeatedly, told in Indonesian newspapers.

Later, when INTERFET troops were involved in an armed clash with Indonesian security forces at a border point near the village of Motain, during which an Indonesian police officer was killed, it was widely, and repeatedly, reported in Indonesia that the foreign troops had violated the border even though the Indonesian officer involved in the incident acknowledged that this was not true. Although the incident was later resolved between INTERFET and the TNI, the accusations continued to reverberate.

The result of this media distortion is that the Indonesian armed forces have emerged unscathed by their horrific actions in East Timor. The only figure to have been vilified for Indonesia's 'loss' of East Timor is President Habibie for having suggested that East Timor should be given the option of deciding on its future. The truth is of course that it was the more than two decades of army violence that resulted in Indonesia's resounding defeat on 30 August. *



The Kopassus-militia alliance

The arrest of ten men wearing Kopassus outfit by INTERFET forces is proof of the overwhelming involvement of this elite force in the terror and violence in East Timor during the past two decades. The two weeks of violence that ravaged East Timor after the results of the referendum were announced was the responsibility of Kopassus and their proxies, the militia gangs.

Much has been written about the Kopassus/militia alliance and its role as a killing machine but nobody, perhaps not even the armed forces (TNI) leadership in Jakarta, imagined that it would descend to such a level of barbarity. In just two weeks, these murderous bandits had driven virtually the entire East Timorese population from their homes, killing hundreds or perhaps thousands of defenceless people. This can only be understood in the context of the structural relationship between the militia forces and their evil masters, the Kopassus elite troops.

Kopassus and East Timor

The involvement of Kopassus, the elite red-beret force, in East Timor started before the invasion. General Benny Murdani who planned the invasion was a senior officer of RPKAD as Kopassus was then known. Its role intensified as it became apparent that the resistance was far stronger than had been anticipated and it would take longer than expected to subjugate the East Timorese. Kopassus became the key player in the war against the East Timorese.

The average territorial soldier is not trained for the type of war needed to counter a guerrilla force like Falintil, the armed wing of the East Timorese resistance. Specially trained combat forces like Kostrad, the army's strategic command, and Kopassus were needed. Since 1975, every Kopassus soldier and officer has served, often repeatedly, in East Timor. During the eighties and mid-nineties, a tour of combat duty in East Timor was the stepping-stone for an officer's career prospects. Everyone who reached the top was an East Timor veteran, in most cases with a Kopassus background. By the early nineties the armed forces HQ was stuffed with high-ranking Kopassus officers.

East Timor as training ground

Kopassus soldiers are known to be tough. One initiation rite is to travel from the north coast to the south coast of Java armed only with a knife, survival training that is modelled on SAS in the UK and the Green Berets in the US.

After the invasion, East Timor became the training and battle ground for Kopassus which sustained many casualties in encounters with Falintil. A retired TNI general recently estimated that ten or eleven thousand Indonesian soldiers have fallen in battle which explains why Kopassus have behaved with such brutality in East Timor.



Kopassus troops arriving at the airport

Even in calm periods, serving in East Timor has been comparable to doing service in a war-zone. Every East Timorese was regarded as a suspect; the culture of violence was more extreme than anywhere else though lately the situation in Aceh has moved in the same direction. After serving in East Timor, soldiers are psychologically debriefed before returning to normal duties in Indonesia. Such brutal treatment, while used occasionally in Indonesia, is what the East Timorese have always had to endure.

Up to the early eighties the basic Kopassus credo was never to take prisoners: all captives were tortured, interrogated and killed. Until very recently, Kopassus had its own interrogation centres throughout East Timor. These SGI centres were regarded as chambers of horror by the East Timorese. It was only after the 1983 talks between the East Timorese resistance forces and the Indonesian military that Kopassus reluctantly agreed to hand their captives over for detention and trial.

The dual command structure

The TNI leadership created a special command structure for the military occupation of East Timor. Combat operations were handled by Kostrad and Kopassus under orders from Jakarta while the territorial structure, as elsewhere in Indonesia, came under the regional command.

The special combat structure came into being soon after the invasion. In 1976 a special command called Kohankam was set up; its name changed in 1984 to Koopskam and in 1989 to Kolakops. In 1993 Kolakops was dissolved but its functions were secretly transferred to Kopassus Group 3.

The combat structure has always been dominant though operational strategies have changed. In the first fifteen years of the occupation TNI launched many large-scale military operations to obliterate the guerrillas but Falintil has survived, thanks to its deep roots in society and its strategy of mobile guerrilla warfare, maintaining no permanent base. For many years East Timor was the only place where Indonesian troops and Kopassus soldiers could practise their combat training.

By the early nineties the resistance had developed a strong urban base known as the clandestine front, consisting mainly of young people. They took many actions against the forces of occupation, frequently attracting world attention. Gradually, the command structure switched, combating not only the guerrillas but also the urban resistance. The clandestine network also spread to several Indonesian university cities.

The main thrust of Kopassus operations is counter-insurgency. Everyone is seen as a potential target, the people in the bush as well as civilians in the towns. Creating militia forces was a logical consequence of this strategy, to get Timorese to fight Timorese.

Kopassus Groups 3, 4 and 5

Initially Kopassus consisted of three groups. Groups 1 and 2 were predominantly combat troops similar to combat troops anywhere in the world. Group 3 came into being in 1963, with additional training in counter insurgency, including interrogation techniques and torture methods. The SGI centres in East Timor were attached to Group 3. Increasingly the two lines of command in East Timor were headed by commanders from Kopassus' Group 3, with many lower-level territorial commanders also coming from the same force. In other words, Kopassus represented the core of the army of occupation.

After Prabowo, Suharto's son-in-law, became Kopassus commander in 1995, he increased the strength of Kopassus to 7,000 troops by 1998, almost double its earlier size. Prabowo's prowess as an elite force officer reached his peak in the closing years of the Suharto era, a period of huge labour strikes and demonstrations as pressure grew for Suharto to stand down. To deal with the growing unrest, Prabowo established Groups 4 and 5, most of whose members were recruited from Group 3. Group 4 and 5 members were trained in German anti-terrorist methods, Prabowo being one of the few Indonesian officers to train with the prestigious GSG anti-terrorist squad in Germany. One distinctive feature of Groups 4 and 5 are that the members do not wear uniforms.

Group 4 focuses on infiltrating opposition groups and act as provocateurs. They grow their hair long, dress shabbily, set up secret cells and sometimes carry out assassinations. Terror and violence are their stock in trade and they frequently recruit criminals as auxiliaries.

Group 5 is not unlike Group 4 but was set up to kidnap or kill influential opposition figures in the closing years of Suharto's rule. In August 1998 Prabowo admitted to a military investigation team that he was responsible for a number of kidnappings and disappearances. He and two other senior Kopassus officers were removed from their posts, Prabowo was dismissed from the army and 11 Kopassus Group 5 members were tried and given minor sentences. They were known as *Tim Mawar* (Rose Team).



Militia groups, trained and armed by Kopassus

The activities of Groups 4 and 5 are shrouded in mystery. After Prabowo's dismissal, several Group 4 and 5 platoons were reported as having defected. Since then, there has been talk of 'phantom' troops operating in Aceh and Maluku, which suggests that the 'disappeared' Kopassus platoons may still be operating though no one knows who is in command.

Rotten to the core

Kopassus, formerly called the RPKAD and then Kopassandha, is elite in every sense. One Kopassus soldier is said to equal four average soldiers. In the early sixties RPKAD was seen as the army's best unit, modelled along the lines of KST, a Dutch elite unit. But later on, the US green berets became the model as Kopassus troops relied on the US for all its training.

Throughout its history its men have enjoyed superior treatment, better uniforms and barracks, more high tech equipment and higher pay with extra bonuses. It was Prabowo's dream to provide every Kopassus soldier with high tech training, with a Heckler and Koch semi-automatic rifle and a hand-held computer for communications.

At the start of the Suharto era in October 1965, Brigadier-General Sarwo Edhy, the RPKAD commander, was ordered by General Suharto to unleash a wave of killings in Central Java; Muslim gangs quickly joined, spreading the

ordered by General Suharto to unleash a wave of killings in Central Java; Muslim gangs quickly joined, spreading the killings to East Java. Between half a million and one million people died in the slaughter.

This was when violence and impunity became the hallmark of the New Order. The RPKAD had become a killing machine that could do what it liked without taking the consequences. Assured of impunity, Kopassus soldiers got into the habit of behaving like animals in war zones like East Timor and Aceh.

Financial bonanzas

The years of rapid economic growth opened up new vistas for Kopassus soldiers. Businesses in the big cities needed protection and hired the services of Kopassus soldiers; partnerships were formed in the country's industrial and business centres between these troops and organised crime. They also recruited local thugs, including members of



More than two-thirds of the population of East Timor were forced to flee

the notorious youth group Pemuda Pancasila, for the more distasteful political jobs. Kopassus involvement with organised crime and the mafia became structural. Leading businessmen, the cronies of Suharto, hired Kopassus soldiers as bodyguards or chauffeurs. The private bodyguard of forestry tycoon Bob Hasan was from Kopassus.

Little is known about how Prabowo financed the rapid expansion of Kopassus or the expanded training and education programme for Kopassus officers who were sent to universities in Europe and the US. One likely source for this and later for secret Kopassus operations, including the recent operations in East Timor, is the Suharto clique, including Prabowo's business-woman wife, Titiek Suharto and his older brother Hashim Djojohadikusumo. Kopassus also had its own businesses, including a shopping mall in Jakarta, but the economic meltdown after 1997 may have had a damaging effect on these sources of funding.

The birth of the new militia

The relationship between militia groups and Kopassus is structural [see 'The army's dirty war in East Timor', TA

POL Bulletin No. 153, July 1999]. Habibie's decision in January to hold a referendum in East Timor led to the creation of militia units in all the thirteen districts (*kabupaten*). Most of the 11,000 militiamen were trained in West Timor by Group 4 and 5 Kopassus members. Most members of the militias were non-Timorese from other parts of Indonesia, the dregs of society, including criminals especially released from prison.

These new militia gangs or death squads included *Besi Merah Putih* (red-and-white steel) in Liquisa, *Aitarak* (thorn) in Dili, *Dadurus* in Maliana and *Mahidi* (dead or alive with integration) in Ainaro. These are the thugs who, with their Kopassus masters, were responsible for the killings and devastation that grew in intensity during 1999 and came to a terrifying climax in September 1999.

Sapu Jagad-I fails

There were two military operations called *Sapu Jagad* (universal sweep). The first was launched in January 1999; the second took over after the result of the referendum was announced on 4 September.

Operasi Sapu Jagad I targeted the CNRT, the pro-independence umbrella organisation, and influential members of society, the aim being to intimidate the population into supporting autonomy. It was hoped that months of violence would discourage people from registering and voting, to show to the world that the East Timorese rejected the referendum. Most TNI officers actually believed that *Sapu Jagad* would work.

Since Habibie's announcement in January, opinions have been divided as to why leading TNI generals accepted the move. The majority, including almost all Kopassus officers, could not accept the prospect of 'losing' East Timor and they would go to any lengths to prevent this from happening.

Wiranto's involvement

But what about commander-in-chief General Wiranto? What was his role in organising, training and supplying the militia? The training of around 11,000 militia in West Timor could never have gone ahead without his knowledge and consent. General Wiranto, an astute political strategist, wanted a win-win situation. As defence minister, he supported the referendum, believing, like Habibie, that the East Timor issue had cost Indonesia far too much internationally, politically and economically. But as TNI commander-in-chief, Wiranto supported the military intelligence/Kopassus strategy of ensuring a vote for autonomy. The key men in charge, Major-General Zacky Anwar Makarim and Major-General Sjafrie Sjamsuddin, were both appointed by him.

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Operasi Sapu Jagad-II

After the referendum results were announced on 4 September, the militias and their Kopassus bosses unleashed a scorched-earth policy of gigantic proportions. Para-military forces joined the fray, along with six TNI battalions, including two notorious local battalions, 744 and 745. Altogether about 15,000 men were involved. Without such a large contingent of men, it could never have taken hold so rapidly.

Although *Sapu Jagad-II* sought to create the impression that this was a spontaneous outpouring of anger by pro-Indonesia forces, there is overwhelming evidence that the destruction was a well-prepared military operation. In many places, villagers were forced to destroy and burn their own neighbourhoods, even their own houses. The aim was to destroy as much as possible and punish the pillars of the pro-independence movement. The Catholic Church, which had given sanctuary to fleeing East Timorese throughout the occupation, was one of the main targets.

General Wiranto may not have been aware of the scale of *Sapu Jagad II*, but within days, things had gone too far for him to rein in the monster he had helped to create. He was visibly shocked when he visited Dili with five Security Council ambassadors on 11 September. This was when he decided that he could no longer withstand world pressure for international intervention.

The main villains

For most of 1999, the man in charge was Major-General Zacky Anwar Makarim, until January 1999 head of BIA (renamed BAIS in April 1999), the military intelligence agency, who was the most senior officer on the ground in East Timor. After initially operating undercover, he was given official status when Wiranto appointed him as the TNI liaison officer with UNAMET. Zacky has had a long involvement with East Timor and served as an intelligence officer from 1983 to 1989; he is the proto-type of an officer who combines a Kopassus background with years of intelligence experience.

The other key officers were Major-General Syafrie Syamsuddin, Brig.-General Mahidin Simbolon and Major-General Adam Damiri.

Major-General Syafrie Syamsuddin also combines Kopassus combat and intelligence experience. He graduated from the military academy in 1974 and first saw duty in East Timor in 1976. He was a member of what became known as the '*nanggala*' teams, the Kopassus counter-insurgency units which became infamous throughout East Timor for their unremitting acts of terror and brutality. Syafrie attended a special intelligence course in the US in 1977 and later received anti-terrorist training there in 1986. During the Santa Cruz massacre in 1991, he was head of Kopassus intelligence in East Timor and is widely believed to have been the key man behind the massacre.

Brig-General Mahidin Simbolon, also from the class of 1974, has spent at least eight years in East Timor, including six tours of duty and between 1975 and 1997, eventually becoming military commander (*Danrem Wiradharma 164*). He took part in the invasion of East Timor in

December 1975. Mahidin Simbolon took the credit for arresting Xanana Gusmao in 1992 for which he was promoted to colonel. From 1993-1995 he headed intelligence at Kopassus. After his tour of duty as Dili commander, he retained his close connection with East Timor by being appointed chief-of-staff of *Kodam IX Udayana*, the military command in Bali, a post he still occupies.



These three officers are all very close to Prabowo whose connections with East Timor extend much farther and deeper than any other Kopassus officer. Sjafrie and Mahidin graduated from the military academy in 1974 together with Prabowo while Zacky Anwar from the class of '71 is a close personal friend of Prabowo's family.

Major-General Adam Damiri has also a Kopassus background but served most of his military life in Kostrad uniform. He is currently commander of *Kodam IX Udayana* and together with chief-of-staff Simbolon, facilitated the training of militias in West Timor. The logistics, financial support and weaponry for the militia mostly went through this territorial command. Throughout the two *Sapu Jagad* operations, intelligence, combat and territorial activities were closely co-ordinated.

Now that these operations have ended, Adam Damiri is encouraging TNI soldiers of East Timorese origin to shed their uniforms and fight a guerrilla war against independent East Timor. These openly subversive plans are based in West Timor which is under Damiri's command.

The second echelon operators

Two lower-ranking officers involved were: Lt.-Colonel Nugroho and Lt.-Colonel Yayak Sudradjat, both *Kopassus* intelligence officers. Yayak Sudradjat was involved in the Liquisa bloodbath in April. They worked closely with territorial officers, including Colonel Tono Suratman, the military commander of *Korem 164 Wiradharma* of East Timor and the thirteen district commanders. Many international observers who were in East Timor for the ballot have testified to the involvement of TNI territorial units in supporting the militia.

Another key operator was Colonel Gerhan Lantara, commander of the notorious Airborne Brigade *Brigif Linud 17*. This *Kostrad* brigade was one of the first units parachuted into Dili in 1975. He has a long history of service in East Timor with Prabowo. During the peaceful demonstration that preceded the Santa Cruz massacre on 12 November 1991, Lantara infiltrated the crowd.



East Timor can have its freedom!

When he was spotted behaving provocatively, someone slashed him with a knife. He was flown out of East Timor within hours and 'disappeared' for several years. Mystery surrounded his absence from the official inquiry into the massacre in 1992. [See *TAPOL Bulletin* No 108, December 1991.] In 1996 he re-emerged as commander of *Kopassus* intelligence, after having been protected all those years by Prabowo. He later re-appeared in East Timor as the officer in charge of sector A (Dili and surroundings). Although sectors A, B, and C had been formally disbanded many

continuation from page 20

of local financial resources. The TNI hopes to prevent this from happening by demanding a 100 per cent increase in the military budget.

Two types of *kodams*

In the new structure, there will be two types of *kodam*, A and B. Type A *kodams* will be those located in more security-sensitive places which will get an extra combat brigade including infantry and intelligence officers as well as a cavalry unit (tanks, armoured personal carriers) and anti-aircraft missiles. For places of strategic importance like oil refineries and so-called 'vital' industries, a special anti-aircraft unit will be on permanent standby.

Above the *kodams*, the country will be divided into three army *Kowilhans* (regional defence commands) a structure that was abolished in 1984 in the Murdani overhaul. A rapid deployment force has been set up known as *PPRM*, to deal with 'mass unrest'. It has already been in action in Aceh and was deployed on the streets of Jakarta this month when thousands demanded the revocation of the state security law, leading to a confrontation that cost seven

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years earlier when the operational command called *Koopskam* was disbanded, the structure remained in place.

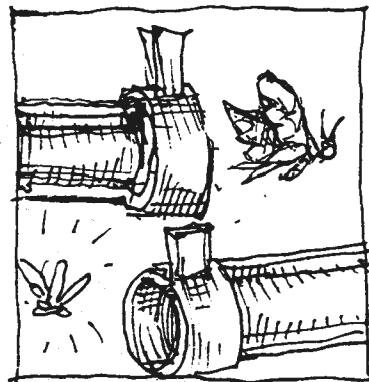
The International Commission of Inquiry should look closely at the role of all these officers and build up cases against them with the help of personal testimonies from East Timorese.

TNI in a crisis of its own making

Operasi Sapu Jagad was clearly a disaster for the TNI, and in political terms, its worst ever blunder. Although seasoned Indonesia watchers have known the capacity of the Indonesian army for unrelenting brutality, it was this campaign that finally exposed it to worldwide opprobrium. Now at last, governments around the world which have shamelessly fostered ties with this killer force are themselves realising that it will have to be called to account for war crimes and crimes against humanity. Domestically, the TNI is being widely condemned for its numerous acts of barbarism, dating back to the 1965/1966 massacre.

At the same time, tensions within the TNI are manifold and Wiranto's efforts to hold the factions together are proving increasing difficult [see article on TNI]. He tried to project a good image in May 1998 when he ditched Suharto and opted for *reformasi*. Foreign governments were impressed by what they saw as his leanings towards democracy. But the two weeks of terror in East Timor changed everything. He claims that the referendum was lost because of vote-rigging by East Timorese local staff working for UNAMET and argues that his troops were unable to stop the militia violence because of a 'psychological barrier' which prevented them from firing at their 'comrade-in-arms'. Such explanations impress few people in the world at large and not many people at home either. But they may be able to hold the TNI together, until the next disaster occurs. *

lives. [See separate article.] The *PPRM* consists of combat troops from the three TNI forces and the police and if recent developments are anything to go by, this strike force will use all the means at its disposal to prevent civil society from taking their demands and grievances onto the streets. *



The TNI's expanding territorial structure

There have been two dramatic events in Indonesia in the past seventeen months, the fall of Suharto and the loss of East Timor. In both cases, TNI, the armed forces, played a disastrous role. Never in the history of the Republic has the TNI been so discredited. A closer look at the TNI and its changing policies will help reach a better understanding of what is happening.

In the TNI's own jargon, they are busy 'repositioning, redefining and revitalising' themselves. Earlier this year they came up with 'four new paradigms' which were described as its 'new conceptual framework' (see also *TAPOL Bulletin* No. 152, May 1999). They were designed to confront the post-Suharto era, an era which for the military has been dogged with uncertainties. The economic meltdown starting in 1997 and the political crisis ending with the ousting of Suharto in May 1998 created a situation of great confusion for the average TNI soldier.

By and large, Indonesian academics are not very impressed with the TNI's new concept. LIPI, the Indonesian Academy of Sciences, has called the reforms 'half-hearted', accusing the TNI of being unwilling to go all the way for *reformasi*, the main slogan of the post Suharto era. As LIPI sees it, using terms like 'power sharing' and 'role sharing', means that the TNI still insists on playing a role in politics. Mahrus Irsyam, a senior researcher at the University of Indonesia, goes further and sees the new paradigms as being the same as the New Order, a continuum of the Java-centrist outlook that has dominated Indonesia for the last three decades.



Critics see the new paradigms as just a rephrasing of the Suharto doctrines which were defined in Javanese as: *Ing ngarso sung tulodo, ing madya mangun karso, tut wuri handayani* (set an example from the front, work hard in the middle, and steer from the behind). These concepts are rooted in feudal Javanese tradition and reflect a very militaristic way of thinking.

Many analysts have come to the conclusion that the TNI is in limbo. Suharto's removal created huge problems. Most officers at the top were chosen not because of skills and

experience but because of loyalty towards the old man. After two generations, the TNI brass are yes-men, only able to think in doctrines and act on orders from above.

New name, a break with the past?

In April, Wiranto announced that ABRI would change its name back to TNI (*Tentara Nasional Indonesia*), which was its name in the early years of the Republic. In his Address to the MPR on 15 October, President Habibie, speaking also as the armed forces supreme commander, said that the change in name was intended 'to draw a clear line between the ABRI of the past and the TNI of the present and future', adding: '(W)e have all seen how ABRI has been the target of many criticisms for its role in the past.' But to demonstrators on the streets of Jakarta or Acehnese villagers watching terrified as troops 'sweep through' their villages, there has been no break with the past.

On the surface other things have changed as well but a closer look shows how skin deep these changes are. Polri, the Police Force has been separated from the armed forces (see *TAPOL Bulletin* No. 153, July 1999) but it still falls under the authority of the Defence Ministry. The TNI commander-in-chief Wiranto is concurrently Defence Minister which makes Polri's independence even more dubious.

The infamous term *sospol*, (*sosial-politik*), a euphemism for military meddling in daily life, has been expunged and replaced by the term territorial. The powerful position of *Kassopol*, Chief of Staff for social-political affairs, has been replaced by *Kaster*, Chief of Staff for territorial affairs. Most of the discussion within TNI centres around redefining and revitalising its *sospol* and territorial tasks.

Suharto-isation of the TNI

In the early eighties, the TNI underwent a major overhaul; the territorial structure was drastically slimmed down. This was the work of the then armed forces commander-in-chief, General Benny Murdani. The three regional upper commands (*Kowilhan*) were dissolved and the seventeen regional commands (*Kodam*) were reduced to ten. The strike force component consisting of *Kopassus* and *Kostrad* were enlarged and modernised. The philosophy behind the reorganisation was simple: security-wise Indonesia is simply too big a country to be handled through a territorial structure and when unrest erupts anywhere, the centre needs to deploy special forces to quell the unrest. For many years, this Gen-

ghis Khan approach worked; the bottom line was to strike the right level of fear among the population.

Things changed after Suharto fell. Scenes of students in the big cities fighting with sticks against the military or the police have become quite common. People in Aceh have, over and over again, shown their defiance of military brutality and are fighting back. The referendum in East Timor boosted the morale of many people in regions demanding more autonomy.

The reorganisation of the eighties was meant to professionalise the armed forces. But by the end of the eighties, the work of General Benny Murdani had been overtaken by events. The Suharto family started to emerge as the dominant force in the economy as well as in politics. The TNI was transformed into a 'palace army'. Top generals were no longer selected on quality and professionalism but on loyalty towards the Suharto family. The present TNI leadership still reflects that kind of cronyism. The three top generals: Wiranto (armed forces c-in-c), Sugiono (armed forces chief of the general staff) and Subagyo (army chief of staff) were all former commanders of Suharto's Palace Guard or presidential aides.

General Benny Murdani, loyal to Suharto for many years, was unceremoniously ditched in 1988 when he criticised the business activities of Tutut Suharto, the eldest daughter.

Privatising the TNI

Things grew worse when it was decided in 1988 that strategic companies needed special protection. TNI units developed special relations with 'strategic' companies like the high-tech military industrial complex and private companies like Freeport/Rio Tinto in West Papua. TNI soldiers became security guards for these companies, on their payroll.



Until the early eighties the several military components, the territorial commands, *Kostrad*, and *Kopassus* had their own string of private companies to raise money. But globalisation brought many of these companies to their knees because of mismanagement, corruption and inability to compete in the free market. Many generals became increasingly

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reliant on one or more companies or conglomerates. While low-ranking officers supplemented their meagre wages by moonlighting as security guards or store detectives, top generals became the errand boys of big business.

There is a stark difference between the seventies and nineties. In the earlier years of the *Orde Baru*, the sky was the limit for TNI officers. Super-rich generals were part of the Jakarta jet set. But in the nineties, most of the super-rich were Suharto cronies, while military business ventures were in decline. The TNI had to supplement their earnings from schemes mentioned above as well as getting involved in organised crime. Illegal gambling dens, prostitution, drugs, protection-rackets in shopping malls became money-spinners for the TNI. Many TNI members earn more from their 'casual' jobs than from being soldiers. Against the background of such widespread breakdown of discipline, it has become increasingly difficult for HQ to assert its authority.

The faltering line of command

The recent events in East Timor have earned the TNI widespread condemnation. The two weeks in September when the *Kopassus*/militia went on the rampage in East Timor have proved conclusively that TNI HQ at Cilangkap is no longer able to control the troops. Some experienced foreign correspondents in Jakarta described these acts as open rebellion against Cilangkap (see also 'The Kopassus/militia alliance' in this issue). General Wiranto proved incapable of containing *Kopassus* but nor was he willing or able have a showdown with the elite force..

During the hectic days of May 1998 prior to the fall of Suharto, the signs were that the combat troops including *Kopassus*, the strike force within *Kostrad* and the strike force of the Jakarta military command sided with Prabowo against Wiranto. Prabowo strongly opposed the dismissal of his father-in-law and planned to assert his will on Suharto's successor by forcing his way into Habibie's residence. On the streets, troops loyal to Wiranto, including *Brimob*, the crack police unit, and the marines, 'rescued' demonstrating students who otherwise would have been butchered by Prabowo's forces. Prabowo was prevented from entering the palace by a senior officer, General Sintong Panjaitan, a military advisor to Habibie. He was overpowered and was later removed from his position, along with other senior *Kopassus* officers. It is far from clear whether this is the entire story; Prabowo fled overseas and the TNI closed ranks by sealing their lips.

Wiranto versus *Kopassus*

The failure of Prabowo's feeble coup attempt forced Wiranto's conflict with *Kopassus* out into the open. Wiranto came to rely on the combat forces of the navy, air force and police, the marines, *Paskhasau*, the airforce paratroopers, and *Brimob* and chose marines to guard his private residence.

In a reshuffle earlier this year, Wiranto removed a few key *Kopassus* officers including Major-General Zacky Anwar Makarim who was head of military intelligence but this was a half-hearted reshuffle. *Kopassus* was simply too big and too strong to be confronted head on and he failed to re-

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move Prabowo's close associate, the four-star General Subagyo who was army chief-of-staff. For months, rumours have been circulating that Subagyo would be sacked but nothing has happened. The events in East Timor show that Wiranto backed what *Kopassus* was doing there but he and other Cilangkap generals were not able to keep control of the operation. [See article on East Timor].



When martial law was declared in East Timor on 6 September in an attempt to rein in the militia, Cilangkap dispatched Major-General Kiki Syahnakri to Dili to take control. An old East Timor hand and *Kopassus* officer, Kiki became a staunch Wiranto loyalist. In 1995, when he was military commander in East Timor, he had a serious clash with Prabowo and was removed. As martial law executor, he was given three extra battalions but was hardly able to protect the besieged UN compound or the airport. Later he had the unrewarding job of co-operating with Interfet and finally handing over to them.

No confrontation

Wiranto's strategy has been to avoid confrontation with *Kopassus*, knowing that this would be disastrous for the armed forces. He may well calculate that he would come out the loser in such a clash. But this is not only a power struggle, it is also a conflict between two lines, one of which is rather reform-minded while the other, the hard-liners reject any change.

The reform-minded officers in Cilangkap, who are in the minority, want to curb the far-reaching autonomy which *Kopassus* still enjoys by lumping together the strike forces of the four forces into one rapid-deployment force. In addition they are proceeding to reverse the overhaul of the army by Murdani in the 1980s and to strengthen the territorial structure of the army.

The Cilangkap reformers have now acknowledged that they must take a few steps back with regard to some key elements of the army's 'dual function', relinquishing their political role in society and allowing civilians to take greater control. One area is their hold on seats in Parliament. Prior

to the June elections, there was a heated discussion in the old parliament about the number of TNI seats in the new parliament. Army representatives did not press the case for retention but the other parties reached a compromise, giving 38 seats to TNI, half of what they had previously. Some sources say the TNI top would not have minded losing all their seats but the civilian politicians, still thinking like Suharto-era pawns, opted to continue the army's role in politics.

The reform group, with the blessing of Wiranto, has also slashed the TNI *karyawan* doctrine much to the annoyance of the hard-liners. This is the doctrine that gives officers the assurance of decent jobs after retirement, as village heads, district heads, governors or ministerial posts. More than 3,000 active military were forced to choose between keeping their jobs in the bureaucracy or returning to the TNI.

But while taking these steps back, the Cilangkap reformers have made gains elsewhere, by strengthening the territorial structure, the structure through which the military maintain control over the population at large. This is a development that has major repercussions for democracy.

Territorial enlargement

There is one issue on which everyone in the TNI agrees, that Indonesia should not fall apart. The 'loss' of East Timor has raised the spectre of other regions wanting to break away. The TNI reform group has devised a plan to strengthen the territorial structure, as the way to prevent 'balkanisation'. Preserving the unitary state is seen as sacred by everybody in the TNI, the top priority. In this context, 'separatism' will become the main enemy.

The point was stressed recently by Lt.-General Agus Widjojo, one of the TNI's leading thinkers and director of the armed forces think-tank, Sesko-TNI, and in May, they held a seminar on how to deal with this danger. The restructuring introduced fifteen years ago by Benny Murdani is now being completely reversed.

The ten military commands (*kodam*) will be increased to seventeen. Each of the 'trouble spots' like Maluku, Aceh, East Kalimantan and Irian Jaya will have their own *Kodam*. The first new military command, *Kodam Pattimura* has already been inaugurated while Sumatra and Sulawesi will be divided into 4 and 3 *kodams* respectively.

It so happens that these trouble spots are all located in geo-politically sensitive areas. Aceh is lies at the northern tip of the strategic Malacca Straits, and Maluku is situated between the Pacific and the Asian continents so the TNI can argue that territorial enlargement is needed for military defence purposes. All the *kodams* with their subordinate commands down to village level shadow the civilian administrative structure and it is this shadow structure that represents the real power structure. The pro-democracy movement has done little as yet to call for this territorial structure to be disbanded. Opposition to the creation of new *kodams* has so far come only from people in Aceh and West Papua for whom the right to independence has become the key issue.

Another reason for enlarging the territorial structure is to provide new jobs for lower-ranking officers who have lost jobs in the *kekaryaan* structure. In the fifties, territorial commanders grew very powerful and waged rebellions against the centre, prompted by arguments over the control

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Xanana and Horta on Timor's future

Xanana Gusmao, president of the East Timorese Resistance Council, the CNRT, visited London in October. He met the Prime Minister, the Foreign Secretary and the Minister for International Development, and spoke to NGOs who have supported his people's struggle for years. He also spoke at Chatham House, a foreign affairs think-tank. The following combines Xanana's comments with a speech by Jose Ramos Horta at the Catholic Institute of International Relations two weeks later.

Speaking to a roomful of enthusiastic East Timor activists, the East Timorese leader, spoke warmly of the significance of the solidarity movement to his country's long struggle. There would be extremely difficult times ahead because East Timor had been left in such a state of total devastation, having to start rebuilding the country from 'below zero'. The meeting was chaired by Carmel Budiardjo of TAPOL

Reconciliation

On reconciliation with the pro-autonomy forces in East Timor, Xanana explained that the CNRT had devoted much time and effort to bringing about reconciliation but the deliberate destruction that had occurred during September had compelled them to re-think their policy. There could be reconciliation only with people who had campaigned for autonomy without resorting to violence and were prepared to accept the ballot result.

In interviews given after his return to Dili on 22 October, Xanana elaborated on this point, saying that amnesty would be granted to those former militiamen who confessed to their crimes, provided that local people were willing to forgive them. Granting a blanket amnesty would be an empty political gesture. Speaking at the CIIR event, Ramos-Horta said that many militiamen had been under the influence of drugs when they committed atrocities. One group who had killed a group of nuns and church activists has since confessed to the crime, saying they were drugged at the time.

Asked about East Timor's future relations with countries like Australia which had recognised integration in order to reach agreement with Indonesia to exploit East Timor's oil, Horta said that if his country judged its future foreign relations on the basis of how countries had behaved towards East Timor in the past, they would have hardly any friends. He stressed that the resistance leadership had never been disparaging about the Australian people or the Indonesian people and treasured their support. It was public opinion that had forced the world community to press Indonesia to accept an international peace-keeping force.

Sanctions against Indonesia

What role had economic sanctions against Indonesia played, Xanana was asked, and what about the impact on the people of Indonesia? He said that during his seven years in prison with Indonesian activists, they had said how im-



Xanana Gusmao among old friends: Lord Avebury (TAPOL President), Liem Soei Lioeng and Carmel Budiardjo

portant it was to put pressure on the world's financial institutions to threaten sanctions. Indonesia's poor did not benefit from foreign aid, so much of which has been corrupted or used to help fund the militia terror in East Timor. He did not believe that economic sanctions would harm the poor people of Indonesia. The threat of economic sanctions when East Timor was being destroyed had had an almost instantaneous effect.

Horta said that the question of sanctions was a matter for the people of East Timor, even if NGOs in Indonesia did not support the idea. And if sanctions hit the Indonesian military, this would help students in Indonesia who suffered so much at the hands of the military.

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Asked why the CNRT had accepted the 5 May accord for the holding of a ballot with very unfavourable security conditions, Xanana said that the East Timorese had been crying and dying for 23 years. They knew that they would be called on to make yet more sacrifices for freedom.

CNRT's demands to British Government

Jose Ramos-Horta said that in their meetings with British ministers, he and Xanana had raised a number of issues:

The East Timorese forced to flee to West Timor were now hostages in the hands of the militia; they must return home without delay. The CNRT rejects the argument that they have no homes to go to or that security is not assured. The UN and governments around the world must press Indonesia hard on this and help provide transportation.

Aid agencies and UN bodies now flooding into Dili must discipline themselves and properly co-ordinate their activities. There was a scramble for space in the city with the danger that the CNRT would be crowded out.

During the transitional period when East Timor will be run by UNTAET (UN Transitional Authority for East Timor), the UN should allow the CNRT to play a role in the administration in all departments except the judiciary.

The international community should press ahead with moves to set up a war crimes tribunal to try all those responsible for grievous human rights violations in East Timor.

Finally, they had urged the British Government to continue with the embargo on arms sales to Indonesia. This was necessary for strategic and moral reasons.

Building Timor Loro Sa'e from scratch

The East Timorese resistance leader told his many audiences that the new state about to be born would be called the Republic of Timor Loro Sa'e.

His speech at Chatham House was devoted to the task of building his country's future. The CNRT had drafted plans in April for reconstruction but these had now been scrapped because of the devastation wrought. Help would be needed from the international community; the World Bank had offered to help but the CNRT would avoid falling into the trap of indebtedness.

Year One of the three-year transition would be devoted to coping with the emergency. Not till 2001 would it be possible to think about development when the emphasis would be on creating food stability. The next stage would be to foster the creation of small industries. There were no plans to build mega projects.

On the Timor Gap Treaty signed in 1989 between Indonesia and Australia to exploit East Timor's oil, Horta said they had opposed the treaty at the time but he had encouraged Norway's state oil company to go ahead with exploration activities which would take years to bear fruit. The idea had now paid off as East Timor would be the beneficiary. East Timor would not re-negotiate the treaty. Talks would soon be held with Australia but during the transition administration, East Timor would not be entitled to sign international treaties.

Would Indonesia be likely to use West Timor as a base from which to destabilise East Timor? Horta felt that the army's crack unit, Kopassus, which had played the leading role in the militia campaign would not do this as it would drag their reputation even farther into the mud.

Language, currency and foreign relations

East Timor will adopt Portuguese as the official language and Tetum will be developed as the national language. There will be no restrictions on people using Indonesian, said Horta.

The currency of the new state will be the escudos which will be tied to the euro.

The CNRT has set up a Gender Equity Commission to rectify the present male bias. The organisation's highest body with 21 members includes only one woman, which was simply not good enough.

On foreign relations, East Timor will join the South Pacific Forum, not ASEAN, but will establish good bilateral relations with the ASEAN members. The CNRT recognises the importance of Australia as a regional power and wants it to continue to lead the peace-keeping force when this is taken over by the UN.

Efforts will be made to establish cordial relations with Indonesia. Following the election of Abdurrahman Wahid as President, Xanana said he hoped to visit Indonesia shortly to meet the new president. In a major policy address, President Wahid said he hoped to Dili or Darwin to meet Xanana.

Both Xanana and Horta were deeply moved and proud of the resilience and courage of their long-suffering people and spoke confidently of East Timor being the first new state of the 21st millennium. *

Rights activists deported from Jayapura

Two human rights activists, Abigail Abrash of the Washington-based Robert Kennedy Memorial Fund, and Christopher Ballard from the UK, were deported from Jayapura on the orders of the Irian Jaya chief of police. They were on their way to Timika to undertake investigations into the impact of Freeport/Rio Tinto mining operations on the lives of local people and human rights abuses which may have involved the company.

The deportation order was served soon after their arrival on 16 September, on the grounds that the two had violated the terms of their visas although this was untrue.

The investigations were launched after share-holders registered complaints about human rights abuses in Timika. After negotiations, the company agreed to co-operate. Supporting documents had been obtained in Jakarta for the two to go to Timika via Jayapura, and the mission had the backing of the National Human Rights Commission. But the security authorities in Irian Jaya thought otherwise.

After returning to Jakarta, the deportation order was rescinded but the mission has now been postponed and will probably take place early next year. *

East Timorese trapped in West Timor

When the TNI-backed militia wreaked havoc in East Timor following the ballot, they forcibly evacuated around a quarter of a million East Timorese to West Timor. These involuntary refugees have been congregated in concentration camps as virtual hostages in a plot to destabilise East Timor. With militia bandits controlling the camps, it has been difficult for humanitarian agencies to provide relief and make arrangements for their immediate repatriation.

Until the recent events, West Timor which became part of the Indonesian Republic after the transfer of sovereignty from the Dutch in 1949, has figured hardly at all in East Timor's plight although it surrounds the enclave, Oecussi, located on the north coast of the island, which became part of Portuguese Timor in an accord between the Dutch and Portuguese at the turn of the century.

UN Security Council Resolution 1264 adopted on 15 September, providing for a multinational force to take control of security in East Timor, did not extend the UN mandate to West Timor although Paragraph 7 states that 'it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor'. This was clearly applicable to the refugees in West Timor but progress has been unacceptably slow while the militia have imposed a reign of terror in the camps.

A premeditated plan for mass expulsion

The speed with which more than a quarter of the East Timorese population were driven over the border shows that this was a carefully-planned operation to destabilise East Timor and provide a base from which the Kopassus/militia alliance could launch acts of subversion. A letter dated 3 July written by a senior assistant to General Feisal Tanjung, Indonesia's Minister-Coordinator for Political and Security Affairs, outlined contingency plans in the event of the autonomy option being rejected. It referred to the need to make preparations in West Timor 'for the influx of a very large number of refugees (from East Timor) and arrangements to keep them under control.'

New militia training ground

The presence of thousands of militiamen in West Timor has also brought instability to the Indonesian province; they have thrown their weight around, behaved arrogantly towards local traders and spread their unruly behaviour to such an extent that local church leaders have complained.



Appalling conditions in the refugee camps in West Timor

Thousands of militiamen withdrew to West Timor for two reasons, to re-muster forces and recruit new members, conduct military training and make incursions into East Timor, and to maintain a grip on the hundreds of thousands of people from East Timor, hoping to use them as hostages.

Recruitment plans were boosted when hundreds of troops from the largely East Timorese Battalions 744 and 745 announced their eagerness to join the militias. Major-General Adam Damiri, commander of the Udayana military command which covers West Timor, along with a major general from the armed forces who is assistant for operations, encouraged them to go ahead 'as long as they shed their army uniforms'. This is tantamount to open incitement of subversion against East Timor.

Appalling conditions

The refugees are concentrated mainly in Atambua in the north just a few miles from Balibo in East Timor, and around the provincial capital, Kupang. Foreign journalists and aid agency officials have been prevented from

continued on page 4

Observing the fear and terror

The International Federation for East Timor (IFET) organised the largest international observer mission to the consultation. Its Observer Project brought volunteers from 22 countries to observe the process from before voter registration to the announcement of the result and beyond. On August 30, 125 observers observed balloting at 135 of the 200 polling centres. Here, four observers from Britain give graphic accounts of what happened and reflect on their experiences.

Baucau

High in the foothills of Mount Matebian, we rose early as the dawn mist shimmered below the settlement of Quelicai where we were to observe the ballot. By 5:30, as we drove to our first polling centre, hundreds of people were converging on the tiny village school to play their part in this defining moment in their country's history. Many had walked for several hours through the night to be there. To witness their determination and courage was a humbling experience.

Our team of two IFET-OP observers and five local observers visited five polling centres in the Quelicai district that morning. We were struck by the patience of people queuing for hours in the hot sun. Fortunately, the impressive efficiency of UNAMET electoral officers and local staff meant that most votes had been cast by lunchtime. No major incidents of intimidation or violence were reported, a pattern that was repeated throughout most of the country (in itself an indication that the militia were tightly controlled by TNI and under instructions not to start their offensive until after the ballot).

We stayed in the area until 4 o'clock, to witness the closure of the ballot boxes at a centre where 2,010 people out of a registration list of 2,015 (a staggering 99.75 per cent.) had voted. A similar massive turnout was confirmed across the whole of East Timor.

Driving home to Baucau through the spectacular mountain scenery, tired and relieved the day had passed without incident, it was not easy to imagine things could go so horribly wrong. But we knew that the days and weeks ahead would be extremely dangerous.

Baucau, East Timor's second city, some 80 miles east of Dili on the north coast, and the surrounding electoral region, had remained calm throughout the consultation process despite the presence of Team Saka militia and other smaller militia groups. CNRT was able to open offices and to campaign relatively freely. When the campaigning period closed on 27 August, a massive procession of CNRT trucks and minibuses with up to 5,000 people paraded around Baucau and nearby villages.

But there were plenty of warnings about the consequences of a vote in favour of independence. The underlying level of real fear was ominously apparent. A sense of unreality was summed up by the prominent slogan on the wall of the headquarters of the feared Brimob special forces: 'Fight crime, love humanity'.

The close relationship between TNI and the militias was never in any doubt. TNI/Kopassus personnel were among the militia leaders. In Quelicai, Team Saka operated out of a TNI barracks. New groups ('Partisan' and 'Rajawali') were being armed and trained by the local military command. Reports indicated that large quantities of guns were being shipped into the area and stored by the militia. A formal handing over of weapons was thought to be no more than a public relations exercise.



TIM SAKA

We were informed by local contacts of TNI/militia plans to 'shoot everything' in Baucau and flatten the infrastructure if autonomy was rejected. Warnings of a civil war and bloodshed were commonplace. At one meeting, militia leaders stated that a vote against autonomy would result in all militia family members being relocated to Kupang or Sulawesi. Those not prepared to leave would be shot. Bishop Basilio do Nascimento told us of his concern about the first few months after the ballot and said it was essential for foreigners to remain in the country.

But the most compelling indicator of the likely terror of the post-ballot period was the abject fear of ordinary Timorese who knew better than anyone what the TNI and their militia proxies were capable of, the kind of deep-rooted fear born of over 20 years suffering, which is apparent in eyes that have lost their natural ability to smile.

Our temporary lodging in Quelicai was the home of two UNAMET local staff, and therefore a target. Before the ballot, Team Saka members visited houses and warned that people would be killed and houses burned if independence won. Many young men left home at night to sleep in the bush.

A massive evacuation to the mountains – where Falantil could offer some protection - was planned after the ballot. Terrified villagers were urged UNAMET staff to stay as a deterrent. Time and time again, UNAMET assured them they would stay whatever the outcome of the vote. Sadly, it did not take them long to go back on their word.

Interfet has now established a presence in Baucau but the fate of our friends and colleagues in the city and the outlying villages and mountains is still unknown.

Paul Barber

Manatuto

Recent events in East Timor were predicted by many sources. Various reports have documented evidence that the intimidation, enforced evacuation and murder of thousands of East Timorese were carried out by the TNI, Kopassus and the militias working together.

The evidence gathered in Manatuto prior to, during and immediately after the popular consultation helps to confirm this and demonstrates that Manatuto was not a unique town. It was just another example of a widespread and premeditated policy of co-operation between TNI and the pro-autonomy forces.

Manatuto, East Timor's third largest town, on the northern coastal road almost half way between Dili and Baucau, is the capital of a large district that stretches from the north to the south coast, a strongly pro-independence town with a large Falantil base nearby. According to one resident, 3,000 of the 9,000 population are now hiding in the hills; the rest he presumed were forced to West Timor or are missing.

Unlike in many other towns in East Timor, the pro-independence side were able to campaign freely, distribute campaign literature and hold large meetings. CNRT provided their own security while the militia officially catered for the pro-autonomy group. However, this façade of a democratic campaign was always fraught with tension and did on occasions exploded into violence.

One incident, on 19 August, clearly demonstrated a link between the official and unofficial pro-Indonesia forces. For no obvious reason gunfire started at around 8 am. Around 30 neighbours ran into our house for cover. About half an hour later I witnessed a police truck full of uniformed and armed police firing their weapons into the air to intimidate the local population. Shooting directly in front of our house, they ensured that we remained inside.

Although we were not witnesses to other events that morning we saw armed militiamen walking around unimpeded by the police. While the police were firing around town, the CNRT building had its windows smashed. Local eyewitnesses reported that four militia and one Kopassus soldier hurled rocks into the building and tried to place a red and white piece of material inside.

In the days that followed the police apologised to UNAMET for their behaviour claiming that they had been

The same morning a UNAMET Military Liaison Officer (MLO) had been threatened with a 9mm brand new gun. A militia member was arrested and his weapon seized, but he was later released without charge. The police admitted they could not charge anyone as the local military commander was responsible for the militia and the police were therefore powerless to prosecute.

After the vote a police source and the Indonesian MLO alleged that UNAMET staff had told people how to vote and that the ballot papers were pre-marked. These and other allegations were presented to UNAMET to prove the ballot had been unfair and the result would be biased. Observers in Same heard exactly the same allegations. We saw no evidence to support the allegations. Plans to discredit the ballot had been conceived well in advance.

The IFET team were forced to evacuate Manatuto on 1 September. A militia leader had told me earlier that 'everything will be fine until the 31st.' One of our contacts who attended a meeting with the military and the police reported that the military had warned the militia would go on the offensive from 1 September, targeting specific people. Militia resources would come straight from the army and the militia would be armed with 1,000 army guns with which to carry out their campaign of terror.

We were able to leave, unharmed and safely. The tragedy is that the East Timorese were not.

Charmain Mohamed

Maubisse

Maubisse, on the edge of Ainaro and Aileu districts, is a beautiful small town high in the mountains of central East Timor. On top of a small hill sits a grand old Portuguese fort, originally a home in the hills for the Portuguese governor of East Timor. When our IFET-OP observer team arrived, two-and-a-half weeks before the referendum, the house and outbuildings were a temporary home for UNAMET - with accompanying Civilian Police (CivPol) and a squad of BRIMOB drafted into East Timor to help create and maintain 'a climate free of fear and intimidation'.

The local militia – Mahidi ('life or death for integration') - had instructed people to put red-and-white flags up or there would be trouble. When UNAMET asked about raising the UN flag, the police told them they could not guarantee their safety. They had no control over Mahidi.



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The town seemed peaceful on the surface - shops were busy, the market was a hive of activity, children tirelessly shouted 'Hallo Mee-ster' whenever a foreigner passed, people seemed to be going about their normal business. However, there was an almost tangible air of tension.

Outside the church a group of pro-independence activists gathered regularly. In fact, they slept in the church. This was the only place they felt safe because Mahidi had threatened them all with death. In May, between two and five people had been killed by the militia in every village in the surrounding area including five in Maubisse. At night, groups of militia patrolled the town carrying modern, semi-automatic weapons.

Ordinary people lived in a climate of fear. Everyone stayed indoors at night. We received repeated reports of militia threatening to burn down houses of independence activists, or threaten to burn whole villages if the ballot favoured for independence. 'A return to 1975' was almost the campaign slogan of the pro-autonomy political fronts - who were represented by the same people running the militia.

It was a miracle that no major incidents of violence occurred during the campaign period and on the day of the ballot. Perhaps it was because the Mahidi were in such tight control of the area and because such a prevalent climate of fear existed they felt no need to assert themselves. It was in part also due to the mediation skills of the local CivPols - frustrated about their lack of real authority (and firearms) they were good at defusing potential incidents. An uneasy stability existed in the run up to the ballot.

The atmosphere nose-dived from the day of the ballot. A commotion caused by the local sub-district head brought voting to a halt for an hour-and-a-half, and later all the local Timorese staff employed by UNAMET received death threats from senior militia members. They were too scared to go home after voting and slept in the voting centre. UNAMET/CivPols managed to negotiate a BRIMOB guard overnight, then persuaded the local militia leaders the next day to give their word, in front of UNAMET, that the local staff would come to no harm.

Meantime, the militia were gathering in strategic positions around the town, openly carrying clubs and machetes. Three roadblocks were put in place. Since many local people had voted and fled to the hills, or to Dili, Maubisse began to look like a ghost town: shops were shut, few people were in the streets, and the market was deserted.

It was plain there was nothing more we could do. We were not an army. Our team took the agonising decision to leave for IFET HQ in Dili, not knowing if we would see many of the people we had met alive again.

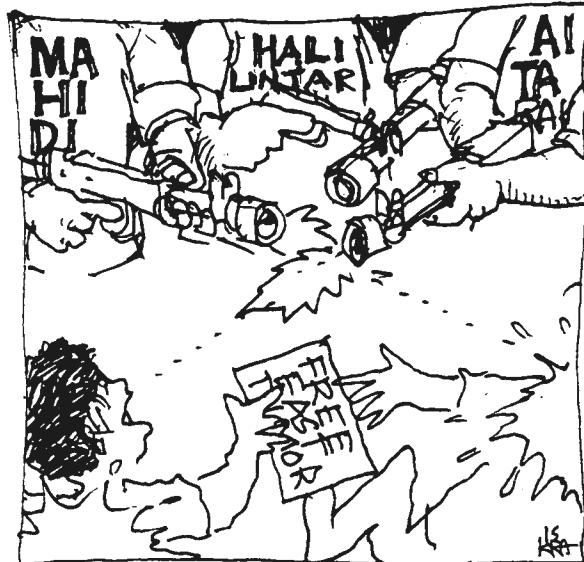
Stephen Malloch

Maliana

Since the announcement of the popular consultation, Maliana has been one of the most volatile areas as a militia stronghold and strategic centre for the pro-integrationist groups. The pro-autonomy/militia groups in Bobonaro - led by local warlord, mafioso figure and two-term district head Joao Tavares (who was present when five western journal-

ists were killed in 1975) - began their campaign of intimidation in February 1999.

In Bobonaro, two militia groups operated under the direction of district commander, along with twelve Kopassus officers attached to their SGI centre. Besi Merah Putih (with the local Maliana branch of Dadarus) included both coerced villagers and paid thugs who were initially ordered to carry out small-scale intimidation with home-made rifles and machetes. Halilintar (a salaried and long-standing paramilitary group with automatic weapons) carried out more extensive operations against pro-independence targets, such as killings and *ninja* kidnappings.



Many claimed that Halilintar was the de facto army of Joao Tavares. As the appointed chief of Bobonaro district (read: Godfather), Tavares always enjoyed substantial financial backing from Jakarta and local business deals. When TNI set up the militia structures, Tavares was chosen and paid to lead the PPI (militia umbrella organisation) as commander of the militia forces. Now based in Atambua, he remains the Supreme Commander of the newly-regrouped militia forces in West Timor.

In April 1999, six government officers and teachers suspected of being CNRT supporters were executed in public by special forces agents and the newly-formed BMP under the orders of the local military commander who was present. The bodies were left on the street for the afternoon as a warning. Documents have confirmed that funds used to pay military personnel, government leaders and militia were diverted from a development budget for schools and public works projects.

Around this time, local government employees (including teachers), were threatened with death by the local army and administration chiefs if they did not support the pro-autonomy campaign. An unknown number of civilians with suspected independence affiliations were captured and killed. Others were arrested, beaten and their houses burned. In the following months, the terrorisation of the population of Bobonaro escalated. Community leaders thought to be pro-independence activists were threatened with death and often received night-visits. In Bobonaro, people suspected of supporting independence were forced to eat their own ears cut off by militia members. With the arrival of UNAMET in June, the intimidation continued less overtly with the emphasis on night-time '*ninja*' visits.

houses burned or families killed if they did not participate in the pro-autonomy rallies. Often they were transported to the rallies by truck. At one rally, an official told the crowd, 'If you don't vote for autonomy, there will be a war like 1975, and you will not be able to tend to your rice fields.' The night before, Kopassus soldiers in civilian clothes and local militia members went to every house in the surrounding villages to tell people to attend the rally or they would be visited at night by the militia.

Many militia members and political leaders had been forced to support autonomy to protect themselves and their families. In a secret conversation, one militia commander revealed how he had ordered his members to carry out operations because he and his family were threatened with death by military intelligence agents. Villagers said this militia commander had used his position to warn villagers about imminent attacks so they could escape to the hills.

By the referendum date, thousands of people were displaced throughout the district having escaped attacks or the very real threats of attack. In late June, the militia attacked the UNAMET compound. In August, they attacked the Batugade registration centre after UNAMET refused to register West Timorese 'refugees' with fraudulent documents. The attack was ordered by a local pro-autonomy leader, resulted in a local UN staff member being badly beaten at the polling station.

Just prior to the ballot, the Bobonaro commander, who was widely known to be controlling the militia groups, was replaced in a deal struck by military leaders and UNAMET. However, he continued to orchestrate events in Maliana through his subordinates, often returning to the area from nearby Atambua in West Timor.

Ballot Day

The people of Bobonaro stole the day braving the intimidation to seize this long-awaited opportunity. There was a huge voter turn-out of around 95%. According to a local Priest at the final mass before the referendum, the choice was simple: between the forces of Satan and God. Some voters seem bewildered, some overcome with emotion and some just kissed the ballot box as they sent their 'voices' to be taken up into the heavens by UN helicopters.

In Tapo village, TNI members rumoured an imminent attack by BMP on the children of voting parents. The polling station practically cleared as villagers fled. Understandably, all the bravery and courage of the voters evaporated. Men from the village armed themselves with machetes and prepared for an attack. As the village emergency bell rang continuously, conversations overheard by a IFET-OP observer revealed that the armed police were too scared to intervene. UN Military Officers and Indonesian officers diffused the situation and the final UN figures revealed that around 97% of registered voters had voted in Tapo.

The aftermath

The threat of an all-out attack on the night of ballot forced the population to flee after voting. Most families ran to the mountain area of Loileo above the town. Many had already buried their belongings fearing that their houses would be burned, which is what happened. Autonomy supporters, fled to Atambua in trucks overflowing with belongings; their families had been moved to Atambua before the referendum, for fear of . fear retribution by Falintil.

Many autonomy supporters were local government officials coerced into joining and were playing a double-game to protect themselves, their families and their local communities. By obtaining information from the autonomy leaders and the military co-ordinators they used clandestine networks to inform local people of planned attacks.



With Maliana emptied of its population after the referendum, an autonomy insider reported that a hard-core of around 30 BMP militia (probably including local TNI and police) were operating in the town. Their base was the PPI office where they were in radio contact with SGI, the territorial army and the police. In the campaign period, SGI had co-ordinated militia operations out of this office..

According to reliable sources, the local army commander (who was supposed to have been replaced) and the local 'mayor' met two days after the ballot and made plans to 'finish' Maliana. The SGI military intelligence co-ordinator was sent to Atambua to obtain a large sum of money from the Accounts Department at the Atambua District Government to distribute to the remaining military militia commanders.

With the departure of the district commander, his deputy took control and directed the militia in Maliana. Amphetamine tablets were secretly added to alcohol given to militia before operations. People who believed they had been given the drug said the effect lasted for up to 36 hours when militia members might kill or attack and even burn their own houses without any recollection.

On 2 September, the operation to rid Bobonaro of international observers and destroy Maliana began. At around 12pm militiamen visited the CNRT information centre promising a peaceful reconciliation. At 4pm, the same militia launched an attack on the centre with TNI support. The centre housed many students and independence supporters who had been living together for weeks in large numbers because of threats against them.

According to a hand-written witness report, a band of machete-wielding militia attacked the front of the office with two local army members (KODIM) shouting "kill everyone and burn down the building". The two army members in full view of the police attacked the building from the back with

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automatic guns. One witness described how the centre began to burn and the continuous shooting of automatic weapons was heard all over the area for around an hour.

During this time shots were heard and houses were burning in the Colegio area where around 200 refugees were sheltering after 17 houses had been burned down by BMP the previous week. According to eye-witness accounts, two local UNAMET staff Domingos Soares and Ruben Barros were shot in front of their homes by an army member and then hacked to death by BMP.

On 3 September, all UNAMET military and police officers were evacuated from Maliana to Dili - the objective of the TNI/militia co-ordinated attack on Maliana had been achieved. Houses started burning at 7am and about 200 houses were destroyed during the day. Around 20 refugees at Colegio were reportedly shot and/or hacked to death by Ritabou BMP members.

After UNAMET left Maliana, around 30 armed militia members walked past the police command in full view of the chief-of-police and his men. Their conversation was overheard: 'Are they armed?' 'Yes. They must be from the Besi Merah Putih'. A refugee informed us that the militia were on their way up to the hills (Loilako) where hundreds of people had fled. Later a police helicopter was seen circling the hill area, the first heli seen that catastrophic day.

As we evacuated Atambu, all of Maliana was burning with most of the houses along the road already destroyed.

continuation from page 31

There were several regional gatherings of the hand-picked men, to which foreign diplomats and journalists were invited, culminating in the final Act, at which the 1,025 'representatives' voted unanimously to stay with Indonesia. What the observers were not allowed to see was how the council members were told in no uncertain terms what would become of them should they vote the wrong way.

After this farce, Indonesian officers were carried shoulder-high by Papuans as a piece of theatre, in a display of the 'brotherly love' between the military and the Papuans.

The thirty-year betrayal

In November the Sanz report was submitted to the UN General Assembly. Although so much had been happening in the months prior to the farce, the report devoted only a few paragraphs to the serious political violations that occurred. Even so, that should have been enough to warn discerning members of the General Assembly that something was amiss. Although it concluded that the Act had resulted in a unanimous decision to remain with Indonesia, the General Assembly went no further than to 'take note'

The deserted town with a population of 20,000 was now controlled by a handful of militia directed by the deputy army commander and an estimated six Kopassus men. And Bobonaro had been rid of all international observers. The operations that followed took place without any international scrutiny. All lines of communication were cut within hours of our departure.

Recent UN reconnaissance missions describe Maliana as 'a town of rubble'. We think that the 200 refugees at the police station were taken to 'refugee camps' in Atambua or Kupang. Manuel Magalhaes, a former Bobonaro government official and CNRT leader, was last seen at police HQ and is reported to have been killed. We have heard that after the ballot result was announced on 4 September, 20 or 30 people were executed at the police station.

The rest of the population of Bobonaro will be surviving in the hills and forests. Many of them have survived there before and said they are prepared to wait for independence. Some will have headed for the Bobonaro Falintil cantonment area.

Now detached from that desperate situation, I recall how so many friends and acquaintances answered the question of whether East Timor would be an economically viable nation: 'All we want to do is sleep. We have been waiting for 24 years to sleep at night.' We hope that one day the people of East Timor and the threatened diaspora will be able to sleep in peace.

Name withheld



of the result in its resolution of 19 November. The resolution was adopted by 84 votes with none against, but 30 countries decided to abstain. There were enough misgivings for a number of African countries to table an amendment calling for a second act of Papuan self-determination but this was rejected and the issue was forgotten.

The comparison between what happened then and the UN's treatment of East Timor thirty years later could hardly be more stark. The plight of the East Timorese became a major international issue, benefiting from public opinion already made aware by years of campaigning. The world's press and electronic media gave extensive coverage to the unspeakable brutalities perpetrated in East Timor in September this year. It was the same army that savaged the West Papuans thirty years ago and have been doing so ever since.

It is high time for the international community to recognise that the people of West Papua have suffered a grave injustice at the hands of the United Nations. After thirty-six years of suffering under Indonesian occupation, the right of the people of West Papua to self-determination should be restored by a decision to include West Papua on the list of Non Self-Governing Territories.



Legislation setbacks since Suharto ousted

In the seventeen months the Habibie Government was in power, a number of laws were introduced which represent a serious setback for human rights and democracy. While creating the impression that it was bringing Indonesia into line with international human rights principles by ratifying several important human rights instruments, Habibie's transitional government was tightening up anti-human rights legislation and reinforcing the state's role against the individual.

Ironically, these items of legislation were the product of a government which prided itself on being a *reformasi* administration. Its minister of justice, Professor Muladi, who was in charge of drafting these laws had been a leading member of the National Human Rights Commission until his ministerial appointment by Suharto in 1997.

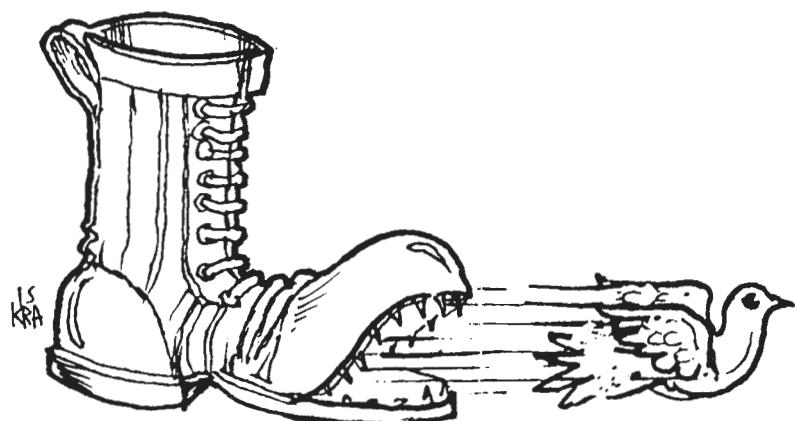
Anti-subversion law given new clothes

The notorious Anti-Subversion Law, introduced under President Sukarno in 1963, has been condemned for many years by human rights lawyers and activists and there have been constant demands for it to be repealed. This finally happened in April this year, but instead of putting an end once and for all to regulations that made citizens liable to trial and heavy penalties for engaging in political activities deemed to be a threat to the state, the provisions of the anti-subversion law were incorporated into the Criminal Code.

When the members of Parliament, the old rubber-stamp DPR set up under Suharto, repealed the anti-subversion law in April this year, they introduced six new clauses into the Criminal Code making it a crime to promote Marxism/Leninism in any way, to set up organisations which 'can be deemed' to adhere to Marxism/Leninism or to seek to replace the state ideology, Pancasila, with penalties of up to twenty years. The criminal procedural code now applies to these laws, meaning that a suspect can no longer be held for up to one year, and the death sentence has been removed but despite these minor improvements, anti-subversion regulations have now been integrated into the Criminal Code.

The law reeks of Cold War ideology. The preamble asserts that 'Communist/Marxist/Leninist teachings 'manifest themselves in activities that contravene the basic principles and pillars of the God-fearing Indonesian nation and pose a direct threat to the life of the Indonesian nation'. The old anti-subversion law could hardly have put it more succinctly!

These new articles now exist alongside a range of articles known as 'hate-spreading' articles as well as clauses making it an offence to 'insult the head of state' or 'officers of the state'. Habibie's Justice Minister, Muladi, is undertaking an overhaul of the Criminal Code's 600 articles but bearing in mind his recent legislative antics, there is no reason to expect that the new Code will defend the rights of the individual against the state.



Law on states of emergency

In the closing weeks of the old DPR's life, the members were under strong pressure to adopt a Law on States of Emergency which was tabled by General Wiranto, Minister of Defence and Security/Commander-in-Chief of the Armed Forces. The law was rushed through despite a wave of protest from civil society. The law was finally adopted on 23 September, the day before that discredited body ended its term of office.

All attempts by leaders of the political parties who would be taking up their seats in the country's new, democratically-elected parliament, student organisations and non-governmental organisations to persuade the government to abandon the law were ignored.

Draconian powers for the military

The States of Emergency Law enables the head of state to declare a state of emergency 'in the interest of safeguarding and protecting the state' whenever the security forces deem that conditions have become 'unmanageable' or when it is deemed that 'rebellions' or 'attempts at separation from the unitary state' are underway. Three states of emergency are envisaged, the highest being the declaration of martial law. A 'state of emergency' can be declared for the whole country or for a specific region.

Under a state of emergency, power will be vested in the highest military authority to exercise a range of draconian powers including preventing people from moving in or out of the region, arrest and detention, controlling postal communications, telecommunication and electronic communication (directed at the print and electronic media), searching and confiscating private property, enforced conscription by the military and a ban on strikes.

LEGAL AFFAIRS

Indonesia's leading English-language daily, *The Jakarta Post* (20 September) described the law as 'the death knell for reformasi'. It wrote that despite last-minute amendments to assuage public outrage, the law will give the military 'almost unlimited power ... including the right to jail people without trial'. 'Because the criteria for imposing a state of emergency is unclear, the legislation will give the president and the military the leeway to interpret situations according to their own political agendas.'



The Indonesian armed forces, the TNI, has never been so discredited internationally and in the eyes of the Indonesian people as it is today. This new law is clearly intended to reserve special powers to confront social movements anywhere in Indonesia whenever the military consider that the authority of the state is under threat. The TNI sees the greatest threat as coming from regions like Aceh and West Papua where military violence has already pushed the population beyond endurance. If the law is retained under the new Wahid/Megawati administration, it is certain to be used primarily to crush movements calling for a referendum or independence from the Indonesian state.

Although under the law a state of emergency must be declared by the head of state or head of region, it is clear that the military will exert pressure to get the decision it wants. When in September this year, the TNI asked President Habibie to declare martial law in East Timor under a 1959 law, Habibie initially turned down the request at a cabinet meeting but the next day he was forced to comply with the TNI's demand.

Defeated, with blood on the streets

Within hours of the law being passed in parliament, at least seven thousand students paralysed the streets of Jakarta calling for the law to be repealed and for an end to militarism. The security forces were out in force, including special riot troops known as the PPRM, a combination of police and army crack troops. Shots rang out and student demonstrators trying to approach the parliament building were beaten back to the Semanggi flyover, near Atma Jaya Catholic University, the scene of a similar bloody confrontation between the armed forces and defenceless students on 13 November last year.

As the firing continued, some demonstrators shouted: 'You're only brave enough to shoot your own people. Why don't you go and fight the Australians in East Timor!'

Forced to beat a retreat as dozens were wounded and taken into custody, students sought sanctuary in nearby buildings but were chased by the troops. By 8pm on 23 September, the Atma Jaya campus was surrounded by PPRM troops. Before dawn the next day, the electricity was cut off and troops entered the campus under cover of dark. By this time, four persons were known to have died, including a member of the security forces.

The confrontation continued for most of the following day. By the early evening when things had calmed down, in a wilful act of state terror, a truck full of troops sped along a road where hundreds of students were congregating and opened fire on a crowd of people sitting in a coffee stall near Jakarta's main hospital. Three people were shot dead including Yun Hap, a student at the University of Indonesia, and a nine-year old boy who happened to be seated nearby. The final death toll rose to eight when a woman student later died of her injuries.

As is their habit, the army sought to shift the blame for the mass protests and deaths on 'outside forces' who were alleged to have incited the students. One unlikely scapegoat was a well-known professor, Subroto, the former secretary-general of the oil cartel, OPEC. Army claims that live ammunition had not been used were contradicted by medical staff who examined the dead and treated the wounded.

Thousands more demonstrated in Bandung, West Java, Yogyakarta, Central Java and in Surabaya, East Java. In Lampung, South Sumatra, two people were killed as thousands demonstrated against the law and against militarism.

Presidential ratification put on hold

The day after the law was passed in parliament, with public opinion angered by the violence on the streets, Habibie came under pressure to call off the troops and revoke the law. Late on Friday, after the sixth young life had been lost, the TNI spokesperson, Major-General Sudradjat announced that President Habibie would delay signing the bill into law.

It is not yet clear what will happen to this law when the new DPR assembles. Will it be left to the new head of state to sign the bill as it stands into law, or will the DPR seek to amend or to scrap the law? The only correct way forward, to safeguard Indonesia's fragile democracy, is for this law to be scrapped and for the 1959 law on states of emergency which it replaces to be scrapped as well.

Human Rights Court set up

The third law which creates an illusion of promoting human rights is the *Perpu* (presidential decree in lieu of a law) setting up a Human Rights Court. It was enacted in September in great haste in a deliberate move to pre-empt UN investigations and possible indictments following the UN decision to set up an international commission of inquiry into abuses in East Timor (see separate article).

The court is being set up to try a number of serious human rights abuse; it charges the National Human Rights Commission with the task of conducting the preliminary investigations which could lead to formal charges being laid by the Attorney General. Although it sounds like a move in the direction of bringing violators to justice, the

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West Papua's fake referendum

Thirty years ago a referendum was conducted in the Indonesian archipelago under very different circumstances than the one conducted by UNAMET in East Timor. In July and August 1969 a so-called 'act of free choice' took place in West Papua with the UN vainly attempting to play a supervisory role. It was nothing more than an tragedy stage-managed by the Indonesian military. It led to the ultimate betrayal of the West Papuan people by the international community.

The 'Act of Free Choice' is known to the Papuans cynically as the 'Act of No Choice'. A council of 1,025 West Papuan 'tribal leaders', hand picked by the Indonesian military, were forced to show their allegiance and loyalty to Jakarta by voting unanimously to remain part of the Indonesian Republic. The military did not want a majority vote, they demanded unanimity. The claim that these council members represented the 800,000 inhabitants was a fiction.

The Act was held in fulfilment of a 1962 agreement brokered by the US to end the smouldering conflict between Indonesia and the Dutch and force the colonial power to accede to the wishes of Jakarta. On 19 November 1969 the United Nations General Assembly adopted Resolution 2504 (XXIV), 'taking note' of the report of UN Special Rapporteur Ortiz Sanz about the conduct of the 'Act of Free Choice'. West Papua was then removed from the list of Non-Self-Governing Territories of the UN Decolonisation Commission (Commission 24) and became Indonesia's 26th province.

The transitional years of Indonesian rule

Following the 1962 agreement, known as the New York agreement, the territory was briefly handed over to a transitional UN administration but even under UNTEA, the Papuans felt the heavy hand of the Indonesian police and military. All symbols of West Papuan culture were destroyed and political activities in support of a true act of self-determination were brutally crushed. Even though the UN was supposed to be in control, there were arrests, torture and acts of intimidation started under the very noses of UNTEA officials.

In May 1963, the administration was handed over to Indonesia and West Papua came directly under the Indonesian jackboot. There was plenty of evidence of Indonesian atrocities including military attacks on villages, rapes and the torching of villages but all this was hidden from view. The 'international community' notably the Netherlands, the US, Australia and the UN were ready to accept a fait accompli that would force West Papua to become a part of Indonesia.

The UN returned to the territory in 1968 to undertake a supervisory role during the 'Act of Free Choice' the following year. By now, resistance by the West Papuans was widespread and the Free Papua Movement (OPM) had been formed. State brutality intensified and West Papuans saw how their new masters shamelessly looted every removable thing in sight. As one US diplomat noted at the

time: "The Indonesians have tried everything from bombing them with B26s, to shelling and mortaring them, but a continuous state of semi-rebellion persists".

The feeble efforts of Ortiz Sanz

The Bolivian diplomat Ortiz Sanz was chosen to head the UN mission and from the outset, all the odds were stacked against him. The Indonesians rejected a UN proposal for a one-person-one-vote referendum, alleging that the Papuans were 'too primitive' to take part in such an exercise. They insisted instead on a 'consultative process'. Already the Indonesians had begun to select 'peoples representatives'. Instead of arm-twisting Jakarta or pulling out altogether, Ortiz Sanz and his team stayed on and play along with the Indonesian ploy. It was already clear by then that any Papuan dissent vote against Indonesia would be treated as an act of treason.

The UN team received numerous petitions from Papuans pleading for a proper referendum but the UN team was contemptuous of West Papuan attitudes. In a confidential report to New York, Ortiz Sanz wrote: "As you are very well aware only an insignificant percentage of the population is capable or has interest in any political actions or even thoughts".

Ortiz Sanz' racist attitude reflected the general opinion of the international community and the UN leadership that time. All that U Thant, the UN Secretary-General, wanted was to get rid of the issue and hand over the territory to Jakarta as quick as possible.

As the vote neared, Papuan resistance was growing stronger with the level of oppression growing apace. In May 1969 Ortiz Sanz made a final effort to postpone the vote until political freedoms and the human rights situation improved. In the meantime popular revolt against the Indonesians grew by the day and thousands of Papuans showed their public defiance against Jakarta rule.

Ali Murtopo, the fixer

The man in charge of the 'Act of Free Choice' was Major-General Ali Murtopo, who was then Indonesia's second most powerful man after Suharto. Ali Murtopo will go down in Indonesian history as one of the most sinister military intelligence officers and one of the main architect of Suharto's *Orde Baru*. He it was who designed the military-students alliance that brought Sukarno's government to its knees; who transformed Golkar into an electoral vehicle for Suharto and who was the fixer for the 'Act of Free Choice'.

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Splitting the people into three

There has been a storm of protest throughout West Papua against a government decision to split the province of Irian Jaya into three provinces. The decision is seen as a divisive move at a time when the West Papuan people have united around the demand for independence.

For three decades, the issue of independence for West Papua was an unmentionable topic. The only ones to raise the demand were the guerrillas fighting in the bush under the banner of the Free Papua Movement, the OPM. While being careful to keep a distance from the independence issue, human rights activists and tribal people challenging the operations of the giant copper and gold mining company Freeport/Rio Tinto in Timika, were nevertheless frequently branded as 'separatists' or members of the OPM, with all the risks that this involved.

Following the downfall of the dictator Suharto, independence calls began to reverberate as never before and people started to refer to themselves publicly as Papuans, a term that had been strictly forbidden since Indonesia took over the territory. In July last year, the Papuan Morning Star flag was raised in a number of cities. The security forces responded to these peaceful actions violently. The flag-raising incident in Biak which had gone on peacefully for five days was attacked by crack forces of the army using live ammunition and a number of people were killed.

The struggle then took on a new form with the creation of FORERI, supported by the Protestant and Catholic churches, which became a platform for the issue of West Papua's status to become a matter of public debate. This culminated in a meeting in February this year between West Papuan leaders calling themselves the 'Team of One Hundred' and President Habibie at which the issue of independence was raised. While the President was non-committal, he advised the Team to go home and 'consider the issue carefully'.

Taking their cue from the President's advice, the members of the Team decided to socialise the issue by setting up posts in many localities throughout the territory. But this was not acceptable to the security forces; the chief of police declared that such activities were unlawful and ordered all the posts to be closed. However, this did nothing to dampen people's eagerness to press for independence.

Splitting tactics

The response from Jakarta was to go ahead with a proposal for the province of Irian Jaya to be split into three provinces.

A government decree was adopted in September following discussions in a new body that had been created by the Habibie administration, called the Council for the Consolidation of Security and the System of Law, with a preponderance of representatives from the armed forces. The move was announced by General Feisal Tanjung, who was then Minister-Coordinator for Political and Security Affairs. Tanjung who had been commander-in-chief of the

armed forces in the closing years of the Suharto regime claimed that this was being done for greater efficiency in the running of such a large territory. But this explanation has not impressed the West Papuans.

As several West Papuan figures have pointed out, the initiative for the decision has come from the armed forces. According to the student leader Demianus T. Wanembo, the aim is to dampen the aspirations of the people for independence by forcing them to focus their attention on different issues. Conflicts and feelings of envy can easily emerge, he said, because of differing levels of prosperity in the three provinces. This could create horizontal conflicts, undermining the unity of the people. He warned that there could be an increase in the number of regional military commands and a rise in the number of army personnel on the ground. 'The people's aspirations will be crushed, they will be intimidated. The decision has nothing to do with developing Irian, it is nothing less than a project of HANKAM (the defence and security establishment).' [Media Komunikasi, August 1999]

Protests erupt everywhere

The decision to appoint governors of the three new provinces led to protests in many parts of West Papua. Following a peaceful protest in Jayapura on 14 October, thousands of protesters occupied the governor's office the next day. Words of support even came from senior officials, including the deputy governor R.G. Djopari when he met a delegation of protesters; he seemed to be shocked by the decision.

There were protests in many other places including Biak and Nabire, where more than 1,000 people joined in and marched to the local assembly. The protest in Biak was supported by more than 350 people who marched to the office of the district head.

One of the biggest demonstrations took place in Merauke in the south-east corner of West Papua. Thousands of people clogged the streets in the vicinity of the local assembly building on 22 October calling for independence and condemning the government's decision. Residents in Merauke were particularly angry following the sinking of a ferry off the south coast a few days earlier, with a heavy loss of life. The ferry disaster had already sparked angry scenes in Merauke with people demanding that families whose relatives were unaccounted for should be assisted in coping with their loss and guaranteed compensation. There is a deep sense of grievance because the shipping company which owns the ferry has been accused of using vessels unfit for service. The protests quickly became charged politically, with calls on the central govern-

ment to respect the people aspirations for independence and withdraw its decision to split up the province.

Protesters have questioned Jakarta's motives, saying: 'For years the central government has never listened to our aspirations. Why are they suddenly dividing up our province and installing new governors?'

More than a hundred West Papuan students Jakarta held a street protest in front of a five-star hotel where members of the MPR, the People's Legislative Assembly, were staying. Some of the demonstrators were carrying the OPM flag, something that would have been unimaginable during the Suharto era.

The three governors who have been installed are Abraham Oktavianus Atuturi as governor of West Irian Jaya, Herman Monim as governor of Central Irian Jaya and somebody new as governor of East Irian Jaya. Fred Numbcri the previous governor for the whole province of Irian Jaya has become minister in the new cabinet.

Special autonomy status

While all this was happening, the supreme legislative body, the MPR, meeting in Jakarta, adopted a decision requiring the new government to confer special autonomy status on Irian Jaya. It was also instructed to conduct investigations into past human rights abuses there and prosecute those responsible. The intention is clearly to dampen the fervour in favour of breaking away from Indonesia. The MPR does not appear to have addressed the decision to split Irian Jaya into three provinces.

It is unlikely that special status will be acceptable as the fraudulent 'act of free choice' still needs to be addressed.

WEST PAPUA

Now that the injustices of that act have been widely and publicly discussed, with calls for a genuine act of self-determination, the new government under President Abdurrahman Wahid may face one of its first challenges in a province that contributes so heavily to the national purse.

After taking office, President Wahid announced that Vice-President Megawati would be charged with tackling a number of 'thorny problems' in the eastern regions, including Irian Jaya.

New documents received

Two lengthy documents analysing recent events in West Papua have been received. One is by ELS-HAM, the Institute for the Study and Advocacy of Human Rights on the events in Mapnduma in mid 1996, in the immediate aftermath of the hostage crisis. Published in August 1999, it is entitled: '*The Military Operation to Free the Hostages and the Violation of Human Rights in the Central Highlands of Irian Jaya: Exposing the Bloody Mission of the International Red Cross, and the Involvement of Foreign Soldiers and the Indonesian National Army.*'

The other document is a report by the Justice and Peace Commission of the Diocese of Jayapura which was published in July 1999 under the title: '*The Impact of the Presence of the Security Forces on Local Communities and on Human Rights in the Bintang Mountains, 1998 to the Beginning of 1999.*'

A summary will be in our next issue. *

UK-INDONESIA TIES

Britain must share the blame

'For two years no other country with an embassy in Jakarta has done more for East Timor' wrote Foreign Secretary Robin Cook in the Observer on 19 September. Objective observers would argue to the contrary that Britain, along with other major powers, must share responsibility for the appalling violence and humanitarian crisis suffered by the East Timorese people.

On May 5, Britain, as a permanent member of the UN Security Council, affirmed the fatally-flawed accords, which placed security in the hands of the Indonesian authorities responsible for massive violations of human rights and killings during 23 years of armed occupation.

By proceeding with the ballot on August 30 under wholly inadequate security conditions, the international community set the East Timorese people up for the slaughter and political cleansing which has taken place.

According to Robin Cook, Britain took the lead on East Timor in Europe and in the Security Council so he must accept a large share of the blame.

Even on the day of the ballot, which was relatively peaceful, people were fleeing to the mountains afraid that they would be killed if the vote went in favour of independence. They were desperate for 'internationals' to stay after the ballot, but were sadly deserted because the Secu-

rity Council was not prepared to provide Unamet with the necessary security mandate to protect its own personnel, let alone the East Timorese people.

Prevarication and appeasement

What has happened was widely predicted and, therefore, preventable. It was clear for many weeks before the ballot that the Indonesian police and army were unwilling to maintain security. No attempt was made to disarm the militias, whose leaders openly threatened a 'bloodbath' in the event of an independence vote.

Human rights organisations and observer groups consistently warned of the likelihood of violence. In June, TAPOL wrote to the then Foreign Office minister Geoffrey Hoon and asked him to promote in the Security Council the idea of an armed UN presence to safeguard security during the consultation. His insulting reply accused TAPOL of

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proposing 'wrecking amendments...which would unravel the whole Agreement'.

On 24 August, the IFET Observer Project wrote to Kofi Annan from Dili and said: 'There are pervasive fears that the Indonesian-military backed militias will launch a wave of terror around or shortly after the time of the ballot in an effort to derail the consultation process...fears of a blood-bath are based on a variety of credible factors.'

Kofi Annan was supposed to make a formal determination that the security conditions were conducive to a free and fair ballot, but he never did. UN officials discussed contingency plans for the post-ballot period for weeks, but no formal strategy was finalised. If the pressure eventually exerted by the international community on Jakarta to allow an international force (Interfet) into East Timor had been applied much earlier, many lives may have been saved and the humanitarian catastrophe averted.

Robin Cook would have us believe that Jakarta's acceptance of Interfet was a triumph for British diplomacy. In truth, the British Government's efforts have been a mishmash of prevarication and appeasement. In accepting Indonesian assurances concerning security, it was guilty of complacency and negligence of the worst kind.

Arms embargo resisted

Robin Cook knows better than anyone that Indonesian assurances are worthless. In July, a British Aerospace Hawk aircraft made two low passes over Dili in a clear act of intimidation the day before the start of registration. Both the British and Indonesian governments later admitted the flight had taken place.

The British Government has always treated previous eye-witness reports of Hawks with contempt, preferring to rely on Indonesian assurances that they would not be used in East Timor. The Government's disgraceful response to this further crisis of credibility for its ethical foreign policy was to seek yet more meaningless assurances from Indonesia. The British Government should have stopped further Hawk deliveries there and then, but preferred to wait until East Timor was in ruins before sanctioning its friends in the Indonesian military.

Since Robin Cook is fully aware that the Indonesian military has always been the problem in East Timor, it beggars belief that he remains resolute in his defence of arms sales. The Government's reliance on the tired old arguments that Indonesia requires arms for self-defence and that export licences granted by the Tories cannot be revoked is now frankly embarrassing and plainly wrong. As TAPOL has repeated many times, the power to revoke licences is set out in the arms control legislation and legal opinion has confirmed that the Government has the right to exercise that power.

Equally embarrassing was Robin Cook's failure to withdraw an invitation to Indonesian military personnel to attend an arms fair in Surrey on 14 September. Eventually they decided not to take up the invitation.

The claim by Robin Cook in his *Observer* article that arms sales to Indonesia under Labour 'have all but vanished' is not true. According to ministerial statements in Hansard, over 120 licences for Indonesia have been

granted in the two-and-a-half years since Labour came to power. Mr Cook's argument that nearly all these licences are for spares and services for Tory contracts is irrelevant; spare parts are as lethal as the equipment they service.

Concern over ECGD support

There is now understandable public and parliamentary concern that sales of military equipment to Indonesia are heavily underwritten by the Export Credit Guarantee Department (ECGD). The ECGD is currently paying claims in relation to the deferment of principal agreed when Indonesia rescheduled part of its public sector debt in September 1998 [see *TAPOL Bulletin*, No 149/150]. Included in that rescheduled debt was £130 million for the purchase of Hawk aircraft [*Financial Times*, 16 September 1999]. By the end of July 1999, £48 million had been paid out by ECGD in relation to military contracts [letter ECGD to Campaign Against Arms Trade, 28 July 1999].



Although the ECGD is funded by the exporting companies and aims to break even, in the last resort any shortfall has to be met by the British taxpayer. Even if Indonesia does eventually repay the principal and there is no cost to the taxpayer, there is widespread concern that a government department underwrites arms sales without any regard to ethical and human rights criteria.

Licences suspended, deliveries continue

The Government's dogged resistance to stopping arms sales eventually broke down only after a week of appalling mayhem and terror in East Timor following the announcement of the ballot result on 4 September and after the imposition of military sanctions by the US and Australia.

A four-month suspension of existing licences and embargo on new sales came into effect on 16 September. Within a week, however, three more Hawk aircraft were being delivered in apparent contravention of the order suspending the licences. The aircraft, flown by British pilots, were on their way to Indonesia at the time the order was made. It appears they were intercepted en route and ordered to land in Bangkok. The British Government was concerned about whether the pilots should go ahead with the delivery, but eventually instructed them to continue their journey. Ann Clwyd MP has tabled questions in parliament to ascertain why the delivery was permitted.

The four-month suspension and embargo is inadequate and must continue until, at the very least, the new Indonesian Government has facilitated the safe return of all those forced out of East Timor, disarmed and disbanded the militias it created and controlled, and ensured all those responsible for human rights violations have been brought to justice.

Nor should arms sales continue as long as the Indonesian army continues to exert control on the population by means of its repressive territorial command structure. *

Killings and disappearances escalate in Aceh

Press reports portray conditions in Aceh as being grim. Killings and disappearances are daily events as villagers flee their homes in the face of army or police intrusions. President Wahid has appointed an Acehnese as minister for human rights at a time when the central government's standing in Aceh is weakening by the day and demands for a referendum is gaining ever wider support.

The present situation in Aceh is characterised by a deepening sense of alienation from Jakarta, dissatisfaction with the ham-handed operations by the Indonesian army and police, casualties every day on both sides, growing grassroots support for Aceh Merdeka (GAM) and renewed calls for a referendum.

While Acehnese activists were disappointed by the failure of the MPR at its recent session to adopt a special decree about Aceh, the new head of state surprised everyone by creating a ministry for human rights and appointing an Acehnese to the post. The MPR adopted a decision to grant special autonomy status to Aceh but since Aceh got nothing out of the 'special status' that it was granted in the 1950s, this is not going to impress most Acehnese.

The appointment of Hasballah M. Saad as minister for human rights has prompted hopes that the new government is serious about resolving grappling with the many human rights abuses, especially in Aceh. A former student activist and founder of a coalition of Acehnese NGOs, Hasballah has positioned himself within the Indonesian political scene and is not sympathetic to demands for a referendum in Aceh. Some commentators wonder why this new post was necessary. 'Why not make effective use of the National Human Rights Commission, which until now has been toothless,' some people have asked. Acehnese say that Hasballah's top priority must be to bring the perpetrators in Aceh during the DOM period to justice.

GAM-TNI clashes intensify

The many reports in the Indonesian press of soldiers and police being killed or disappearing suggest that armed conflict between guerrillas fighting under the banner of Free Aceh (GAM) and the Indonesian army and special police troops are happening almost daily. There is also a steady stream of news about members of the general public disappearing or being found dead. In most cases, the perpetrators have not been identified.

The impact on local residents is traumatic. When soldiers or police are killed or are said to have disappeared, troops respond by conducting sweepings in the countryside, terrifying villagers and causing them to flee to the safety of the nearest town. Although the number of refugees has now declined as many have returned to their villages, there are still a number of refugee centres.

Thousands of refugees taking refuge in Abu Beureueh Mosque, Pidie were panic-stricken when troops surrounded their sanctuary and started firing into the air. The chief of police said his men were looking for six people suspected of killing two police officers and that the refugees were not the target but some were wounded in scuffles with the security forces and had to be rushed to hospital.

At the beginning of September, two thousand people from several districts in Pidie travelled in a convoy of buses and trucks to Banda Aceh to attend a rally by students. On the way, they were stopped by security forces in Glumpangtiga district and told not to continue 'for their own safety'. The infuriated people then lay down on the road in protest. [Jakarta Post, 3 September]

In another incident, two army trucks collided with a lorry full of timber coming in the opposite direction. The soldiers got down and started firing. A young boy was injured in the leg and the lorry driver and two others on the lorry were arrested and beaten up.

Many civilians are falling victim in this war of attrition; animosity towards the security forces is running high and sympathy for GAM is growing. A woman whose husband has been abducted told a journalist: 'We are ready to join GAM if those responsible for our husbands' disappearance are not brought to justice.' [Jakarta Post, 14 September]

Muslim preachers want a referendum

Calls for a referendum have continued to reverberate. In September they came from an unexpected quarter when Muslim preachers from all over Aceh held a congress and issued a call for a referendum. Until then, they had distanced themselves from such a stand. The NU leader, Abdurrahman Wahid, had been invited and wept as the decision was read out. He said he could not do otherwise than agree 'although it makes me very sad indeed'. [Media Indonesia, 16 September] Now that he is Indonesia's president, Gus Dur, as he is known, will face strong demands to honour his declaration of support for a referendum.

Students who were the first to call for a referendum in January forced Jakarta to postpone the creation of a military command for Aceh. They ended a sit-in at the local assembly after securing a promise by President Habibie to postpone the decision until a new local assembly is elected and expresses its views on the matter.

Local government breaking down

In September, two thirds of the village chiefs in Pidie, six hundred in all, handed back their seals of office to their superiors and said that they could no longer work effectively. 'The security situation has made it impossible for us to do our work. We can't even protect ourselves, let alone the lives of our villagers,' one village head said. [Waspada, 1 October] At the same time, thousands of government employees in North Aceh failed to turn up for work, bringing the administration to a virtual halt, an action that lasted several days. They were apparently acting at the behest of GAM. *

UN Commission of Inquiry set up

A UN decision to set up an international commission of inquiry into Indonesian atrocities in East Timor should end the cycle of impunity that has protected Indonesian military personnel from being brought to justice for their crimes against humanity. However, a UN Security Council resolution has damaged the prospects of the chances of an international criminal tribunal being set up.

The inquiry commission was approved by the UN Commission on Human Rights at an emergency session in Geneva in September.

The Commission met after UN High Commissioner for Human Rights Mary Robinson denounced Indonesian atrocities after interviewing East Timorese refugees and UN staff in Darwin. She said: 'There is overwhelming evidence that East Timor has seen a deliberate, vicious and systematic campaign of gross violations of human rights.'

Jakarta defeated after bitter dispute

The Commission heard evidence from Nobel Peace Prize laureate, Bishop Belo, Aniceto Guterres, director of Yayasan HAK, East Timor's leading human rights organisation, East Timorese witnesses and foreign observers.

The resolution which was tabled by the European Union and sponsored by more than forty countries faced fierce opposition from Indonesia, backed by Asian states. Indonesia wants investigations to be left to fact-finding commission in Indonesia set up by Indonesia's National Human Rights Commission (*Komnas HAM*).

Jakarta was desperate to quash the resolution fearing that thoroughgoing international investigations could result in an international tribunal being set up to indict Indonesian military personnel. The aim is to protect the murderous Indonesian armed forces, the TNI, from being brought to justice before an international court.

The resolution which was adopted by 32 votes to twelve with six abstentions calls for the establishment of an international commission of inquiry and for all the main UN thematic special rapporteurs - for extra-judicial killings, torture, violence against women, internally displaced persons - and the Working Group on disappearances to conduct missions in East Timor and report to the Commission and the General Assembly next year.

However, while asserting that the international community 'will exert every effort' to ensure that those responsible are brought to justice, the resolution affirms that the 'primary responsibility for bringing perpetrators to justice rests with national judicial systems'.

Jakarta snubs the UN

Having failed to prevent the UN Human Rights Commission from putting Indonesia on the spot, the Indonesian government announced that it rejected the resolution and would only recognise the findings of its own fact-finding commission.

It is preposterous for anyone to believe that *Komnas HAM*'s fact-finding commission will be allowed by the military to conduct thoroughgoing investigations or that East Timorese will want to testify to a body whose intentions they have every reason to distrust. While the UN commission will investigate abuses since the beginning of 1999, Jakarta's fact-

finding commission will only investigate abuses *after* the ballot on 30 August.

Obstacles emerge

The resolution should have been endorsed by the UN Security Council which has the powers to set up an international crimes tribunal. However 'Asian solidarity' came to Indonesia's aid once again when China, using its threat of a veto, refused to accept any reference to the commission of inquiry in a Security Council resolution adopted on 25 October. This in effect means leaving it to Indonesia to indict (or not indict) the criminals.

Another setback is that there has been an unconscionable delay in the commission's first visit to East Timor which will not now take place until mid November, much to the disappointment of rights activists in East Timor who want the inquiry to start immediately and fear that any delay opens the prospects of evidence being destroyed. *

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