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UN victory for Timor

Indonesia suffered a double humiliation at the United Nations Commission on Human Rights this year. An East Timor resolution, resoundingly adopted by 23 votes to 12 with 15 abstentions, is a disaster for Indonesia. It calls for investigation of the human rights situation by four special rapporteurs who should visit the territory this year. This is a serious blow for newly re-elected Suharto and ABRI.

Despite all Indonesia's attempts to remove the "stone from its shoe", East Timor remains firmly on the UN agenda. In the resolution on the situation in the territory, the Commission expresses its "deep concern" at the reports of continuing human rights abuses in East Timor.

The resolution follows the Consensus Statement agreed at last year's Commission. The Commission acknowledges the failure of Indonesia to honour its commitments and:

- * calls on it to ensure all East Timorese in custody are treated in accordance with international humanitarian law and to expand NGO access;

- * expresses its concern about the investigations of the 12 November 1991 massacre; and

- * urges the government to invite **four** special rapporteurs & working groups to the territory (this is thought to be unprecedented).

The Commission also invites the Secretary-General to release the report of his special envoy, Amos Wako. Wako will return to East Timor in March or April this year: his report from 1992 remains secret but informed sources describe it as "horrific".

The last resolution on East Timor was in 1983 and dealt with the right to self-determination for East Timor.

Hardline mistake

The draft resolution, proposed and supported by the European Community under the Presidency of Denmark, was finally voted after 48 hours delay.

Indonesia maintained a hardline approach throughout, repeatedly breaking off negotiations, then re-opening them. Everybody expected a consensus statement: the damage for Indonesia from a resolution going against them was far too great. Yet, despite 5 redrafts of the consensus statement proposed by the co-sponsors of the resolution and meetings between Denmark, United States and Indonesia, the regime refused to budge. They claimed that there was no further need for investigations in East Timor and that, rather than expecting them to do more, a consensus should congratulate them on the steps they had taken since last year.

Clearly the Indonesian delegation knew this would be unacceptable to the majority but they were determined that East Timor should be taken off the UN agenda.

Military pressure

The main stumbling block to negotiations on a consensus was the provision for a continuing investigation into the massacre. The line taken by the Indonesian delegation was that in 1992 the Commission had adopted a consensus in the wake of the massacre: this year there was no massacre so there should be no action! This argument smacks of military involvement.

Also the Indonesian delegation refused to accept that the reports of the special rapporteurs should be ready for the next session of the Commission.

UK and Germany favour guns

Indonesia was confident that a resolution on East Timor would be defeated. And maybe they had reason to be, as vice-chair of the Commission this year and chair of the

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Non-Aligned Movement (of whom 10 were voting Commission members this year) as well as being a member of the Organisation of Islamic Countries (OIC) and co-sponsor with France of the peace talks in Cambodia. In addition, there is their economic hold over Latin American and European countries.

Indonesia even tried to break up the EC block vote for the resolution by pulling on their economic ties. And they nearly succeeded. Britain, and later Germany, terrified of losing their lucrative arms deals with Indonesia, played a disgraceful role trying to bully the EC into accepting Indonesia's self-congratulatory statement. Showing itself as a state without any morals, the United Kingdom was guided only by politics and economics.

Thanks to a strong statement by the Portuguese president warning of a break up of political cooperation in Europe should the EC not back the East Timorese resolution, together with a principled stance by Denmark, the UK and Germany could not afford to dissociate themselves from their EC partners.

Key to the victory

In the end all Indonesia's 'leading roles' and economic bullying could not bring them enough support. Indeed in those final days, the contrast between the calm and strength of the Portuguese delegation and Indonesia's frantic on-off negotiating, with reports of governments at home being threatened, induced states to take a position.

The break up of the South vote was the key to the success of the East Timor Campaign at the UN this year. The anti-western and anti-neo-colonial attitude of the southern nations was one of the politically most striking facts of the Commission. This was most bluntly stated by Iran who said that Portugal's only interest in East Timor was colonialist in intent. This argument was used to greatest effect in blocking a resolution on human rights abuse in China. In presenting a motion that the Commission should take no action on the situation in China, the ten southern states who spoke described the western sponsors as hegemonists.

First defeat

Riding on China's back, Indonesia tried to pull off the same much criticised tactic. Malaysia, Indonesia's Asian ally, presented a no-action motion. But here the break up in the southern block became apparent.

Angola, Guinea-Bissau and Costa Rica opposed the motion. Together with the other southern co-sponsors of the resolution (Brazil and Mozambique) it was clear that Indonesia was wrong to rely on a united southern backup. Even Pakistan, Tunisia and Mauritania abstained. The no-action motion was defeated by 22 votes to 15, with 12 abstentions.

Final victory!

The East Timorese had won once the motion of no-action had been defeated. The Commission, with 53 member governments entitled to vote, supported the resolution by 22 votes to 12, with 15 abstentions. The votes in favour increased to 23 the next day when the absent Uruguay requested that its vote be registered.

The co-sponsors of the resolution, not all of whom are voting members of the Commission, also increased to 24 at the last minute, with Canada adding its support along with

the United States. Among Islamic states, Libya did not even bother to turn up for the vote while Pakistan and Tunisia abstained. Japan and Mauritania (a NAM member) also abstained. (Japan had voted in favour of the no-action motion.)

Surprises for East Timor

The decision by the United States to support and even co-sponsor the East Timor resolution marks a major turning point for the campaign. In the past, the US State Department has never followed Congress in taking a positive stand on East Timor. At the commission, in 1983, the US voted against a resolution on East Timor.



Two East Timorese petitioners: Abe Baretto (left) and Constancio Pinto.

The turn-around in the stand of the Clinton administration marks a positive step in US foreign policy and shows that the Clinton administration's claims to put human rights at the top of the agenda may have some substance.

Even more startling was the support from Australia. Australia regards East Timor as integrated with Indonesia both *de jure* and *de facto*. They even have a oil treaty with Indonesia to exploit East Timor's oil. From the beginning of the Commission, the delegation had shown its clear intent to vote against any resolution on East Timor.

Yet they voted with the people of East Timor. Australian friends saw this as a "goodbye kiss to East Timor" from Gareth Evans, since Labour seemed certain to lose the Australian elections in March, leaving the conservatives to deal with the policy anomaly. In fact Labour won and they are now trying to backtrack on their stand by saying that it was only the inflexibility of the Indonesians which forced them to vote with East Timor.

Japan was another unexpected decision. While voting in favour of no action, the delegation stressed over and over how difficult the decision was. When they abstained on the resolution it became clear that this country, with huge economic links with Indonesia, allowed their concern about human rights to override their economic interests.

It is unclear whether the same is true for Pakistan. In voting trends, they always vote in the opposite lobby to India which invariably supports Indonesia.

Future implications

In Indonesia, there are implications in the short and medium term. The hardline approach sponsored by the military failed and has led to defeat for Indonesia in front of the world. The embarrassment of not being able to silence a tiny nation of people, after 17 years, may well be blamed on the inflexibility imposed on the delegation in Geneva by the military.

Responses in Jakarta following the UN defeat point to a major row between the foreign ministry and the army over who is responsible for the debacle. Although Ali Alatas has kept his portfolio in Suharto's new cabinet and several generals have lost theirs, the army still calls the shots in East Timor. This means that the hardliners may continue to enforce their will when talks between Indonesia and Portugal on the question of East Timor resume in Rome on 20 April.

However, the press in Indonesia have had extensive reports on the outcome of the Commission. An article in the Jakarta Post, which led with the headline "Indonesia defeated", reflects a growing concern within Indonesia for the situation of the Timorese people and the role of their government in perpetrating the crimes against humanity in that territory. This awareness among Indonesian people, which has increased dramatically since the massacre in Dili, is taking on more and more of a role in forcing the regime to allow a just and satisfactory outcome to the East Timorese struggle. ★

Country voting on East Timor Resolution:

For: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Guinea Bissau, Mauritius, Netherlands, Poland, Portugal, Russian Federation, United Kingdom, USA, Uruguay (late registration) and Zambia (23)

Against: Bangladesh, China, Cuba, Gambia, India, Indonesia, Iran, Malaysia, Nigeria, Sri Lanka, Sudan and Syrian Arab Republic (12).

Abstentions: Argentina, Burundi, Colombia, Cyprus, Gabon, Japan, Kenya, Lesotho, Mauritania, Mexico, Pakistan, Peru, Republic of Korea, Tunisia and Venezuela (15)

Absent: Libyan Arab Jamahiriya, Romania and Togo.

Country voting on Motion of Non Action

Votes against this motion match those in favour of the resolution. Three of the abstentions on the motion had previously voted in favour of no action: Japan, Kenya and Republic of Korea.

East Timorese at the UN

East Timorese eye witnesses of the human rights atrocities in their home spoke before the Commission this year. Their testimonies were appalling and deeply moving. Here are excerpts of their stories.

"I was arrested on 25th January 1991 at 9.30am, I was beaten for over 14 hours until blood came from my mouth, my nose, my eyes and my ears," Constancio Pinto told the UN. Constancio came to Portugal last November, having been in hiding since before the Massacre, to speak out about the plight of his fellow Timorese.

Extermination of the youth

The Commission heard Constancio's story and the stories of scores of other prisoners, and could not help but be shocked by the horrific torture perpetrated by Indonesian security forces.

"The military commander of East Timor, Theo Syafei, continues to use "operasi Tuntas" (operation thoroughness or operation once and for all)", Constancio told the Commission. "The victims of this operation are and will continue to be the young Timorese people. Hence, the extermination of the Timorese youth will be the extermination of the next generation of Timorese people."

Fifteen years in jail

A Timorese imprisoned by the Indonesian authorities for 15 years came to testify to the Commission. Domingos Seixas, a nurse with no political affiliations, was finally arrested on 14 December 1982 after years of intimidation. "There were 180 of us then in the Dili District Prison, all suspected of belonging to clandestine resistance groups," Domingos said. "I was tortured: beaten with rifle butts, beaten with iron

bars, burned with cigarettes, given electric shocks...

"One day, while I was being interrogated, I asked for a drink of water. They gave me a liquid which burnt my mouth, and then they poured the rest of it over my head. Once, at about 2 in the morning, men from the secret service (Kotis) took me down to the dock at Motael, tied a large stone around my neck and then threw me into the sea. The stone worked loose, I surfaced and was recaptured."

The authorities claimed that Domingos and his colleagues had met resistance leaders Mauk Moruk and Xanana Gusmao. "This was untrue. I was sentenced to 15 years imprisonment," Domingos told the Commission.

Domingos was moved to Cipinang Prison in Jakarta where he "discovered that the East Timorese were not the only victims of this persecution. There, we found political prisoners from West Papua, from North Sumatra, and from Java itself."

"Pulling a scab off an old wound"

Abe Barreto Soares spent five years at university in Java and then, while on a study tour in Canada, decided to stay and speak out about the atrocities in his country.

"Talking about human rights abuse in East Timor is like 'pulling a scab off an old wound'. For any East Timorese like me who experienced the brutal invasion and occupation of their country by the Indonesian military, it is hard to make a decision to choose between speaking out or not speaking out about human rights abuse in East Timor. I

chose the latter and so I am here free to talk about my experience." He spoke about one incident which remains clearly in his memory. "One afternoon as I was playing football with my friends in the street, I saw an army truck drive past full of *Hansip* soldiers (army-trained militia). The men were shouting and singing and holding high, so that everyone could see, the severed heads of several guerrillas. This was meant as a warning to all of us not to support the resistance."

Fears for family

"Even though I am free to speak out about conditions in East Timor since the invasion in 1975, I feel rather scared as it might cause trouble to my family back home: my family could be harassed by the Indonesian military... but that is a risk that I have to face," Abe said.

This sentiment expressed by all three East Timorese is a reality. Constancio's wife has been harassed by the authorities since he "disappeared". Recent reports say that Jose Ramos Horta's sister-in-law has been interrogated.

Timorese women cry out

Alexandra Reis, a Timorese student who has been living in Portugal since the invasion, spoke for East Timorese women who recently sent out a statement about violations of women by the Indonesian forces of occupation.

"They have experienced many sufferings because their husbands are arrested and tortured sadistically and members of their families 'disappear' on their way home. But they spoke also of the atrocities committed against the women themselves."

Alexandra called on the Commission to carry out an "exhaustive investigation about human rights violations in East Timor and to pay special attention to the sufferings of our womenfolk, especially the atrocity of rape. The power of Alexandra's speech was heightened by her joining with Siswa Santoso, an Indonesian activist living in Holland, who spoke about the climate of terror in Indonesia, refer-

ring specifically to the recent arrests at Blangguan (see article).

Indonesian response

Commission members were clearly moved by these testimonies. So powerful were they, the Indonesian delegation tried to smear the statements through their puppet Timorese delegates. In their right of reply they referred to Domingos as someone "who claimed to be an East Timorese". Such invidious attacks held no sway with the Commission, who later expressed their concern with a resounding vote in favour of the resolution. ★



Some of the petitioners who contributed to the victory in Geneva. Standing (left to right): Constancio Pinto (East Timor), Carmel Budiardjo (UK), Siswa Santoso (Indonesia), Shahbuddin A. Rauf (Aceh) and Nelson Santos (East Timor). Sitting: Domingos Seixas (East Timor).

Speaking out for East Timor

The human rights situation in East Timor was raised by 22 governments and NGOs at Commission this year. Denmark, representing the 12 EC countries, expressed the Community's concern over the lack of clear information after the massacre, the denial of access to the territory and the disparity in sentencing of military and civilians. They also reiterated its support for the talks under the auspices of the UN "with full respect for the legitimate interests and aspirations of the East Timorese.

Canada added that access to the territory for international human rights activists and journalists should be expanded, while Switzerland considered East Timor "an occupied territory" which is the first time a western country has used such blunt diplomatic and legal language. Sri Lanka, Bangladesh and the Czech Republic also expressed their deep concern over the situation in East Timor, as did Australia.

NGOs spoke of the "barbaric genocide of the tiny nation" (Anglican Consultative Council), the apparent "cleansing" of the East Timorese Youth and the "determination, bravery and great courage of the Timorese" (International League for the Rights and Liberation of Peoples).

Human rights violations in East Timor were also raised by Amnesty International, World Council of Churches, International Commission of Jurists, Pax Christi, Indian Treaty Council, Danielle Mitterand Foundation, SOS Torture, Anti Slavery International, International Federation of Christians for the Abolition of Torture, Movement against Racism, National Aboriginal and Islander Legal Services Secretariat, Liberation and International Peace Council.

UN Resolution on East Timor

The resolution was brought before the Commission by 24 sponsors: Angola, Belgium, Brazil, Costa Rica, Canada, Denmark*, Finland, France, Germany, Greece*, Guinea-Bissau, Iceland*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, Mozambique*, Netherlands, Norway*, Portugal, Spain*, Sweden*, Switzerland*, United Kingdom and United States of America. [* states not members of the Commission and therefore cannot vote].*

The Commission on Human Rights, guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor as agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84 para.457) following the violent incident of 12 November 1991 in Dili,

Recalling the resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned at the continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/26) and of the Working Group on enforced or involuntary disappearances (E/CN.4/1993/25);

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its Resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra Legal and Arbitrary and Summary executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided to the Commission on its actions it has taken since during the past year,

Welcoming the recent access to East Timor to human rights organisations as to some other relevant human rights observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. **Expresses** its deep concern at the reports of continuing human rights violations in the territory of East Timor;

2. **Recalls** that the Commission has commended the decision of the Government of Indonesia to set up an inquiry Commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for those actions;

3. **Expresses** its concern at the lack of clear information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;

4. **Regrets** the disparity in the severity of sentences imposed on those civilians not indicted for violent activities

- who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. **Calls upon** the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its 48th session;

6. **Calls upon** the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognise the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities will be released without delay;

7. **Welcomes** the greater access recently granted by the Indonesian authorities to human rights organisations and additional humanitarian organisations and calls upon the Indonesian government to expand this further;

8. **Encourages** once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on torture in its report (Doc. E/C. 4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. **Urges** the Government of Indonesia to invite the Special Rapporteur on Torture, the Special Rapporteur on extra-judicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. **Welcomes** the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his personal envoy in the coming months, and invites the Secretary-General to consider transmitting the full report of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. **Also welcomes** the resumption of talks about the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. **Decides** to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, *inter alia*, Governments, intergovernmental and non-governmental organisations.★



The trial of Xanana Gusmao

In violation of international humanitarian law, the East Timorese resistance leader, Xanana Gusmao, has been on trial in Dili since 1 February, facing charges of rebellion and undermining national stability which carry a possible life sentence, and of being in illegal possession of firearms, which could incur the death sentence.

For reasons best known to themselves, the regime decided not to charge Xanana under the anti-subversion law although East Timorese tried last year for participating in demonstrations in Dili and Jakarta received harsh sentences, including life imprisonment, on anti-subversion charges.

Defence counsel

Xanana is being defended by a Jakarta-based lawyer, Sudjono, whose appointment was clearly foisted on him by the authorities. The Legal Aid Institute (LBH), which handled most of the East Timorese trials in 1992, offered to defend him but sources in Jakarta say that when Xanana was held at the Jakarta police headquarters, the police prevented communication between him and the LBH.

By contrast, Sudjono has good connections with the police. He was allowed to meet Xanana in police custody several times, eventually convincing him to let him handle the case. Sudjono's conduct during the trial suggests that he looks upon this high-profile trial as a useful boost to his career. Speaking frequently outside the courtroom, he has expressed confidence that he will win a low sentence for the defendant by pursuing a non-confrontational strategy. He claims that this strategy secured a sentence of ten months for Agapito Cardoso, the East Timorese whom he defended in Jakarta last year. Other human rights lawyers in Jakarta, however, are privately less complimentary about the way he handled the Agapito trial.

It is obvious that Sudjono and Xanana are not following an agreed line. It is not even certain that they fully understand each other as they can communicate only in English, a language which neither speaks very well. Responding to testimony from prosecution witnesses, Xanana has confirmed almost everything they have said, concurring with claims that he himself led actions against Indonesian troops and taking responsibility for everything reportedly done by his troops. After one hearing when Xanana accepted responsibility for killing Indonesian troops, Sudjono who was clearly exasperated, said he could not understand Xanana's position and would consider his own representations a success if his client escaped execution and received life imprisonment on the charges he faces. [*The Age*, 17.II.1993]

Court's competence challenged

Sudjono's first initiative was to challenge the court's competence to try the defendant. After the charges had been laid, he argued that the court has no jurisdiction in the territory. "My argument is that *de facto* East Timor is part of Indonesia but *de jure* it is not yet. The United Nations is still questioning this problem.... From the beginning, the Indonesian government was not recognised in the former Portuguese colony. Therefore all the institutions there do not exist." [*Reuter and The Times*, 4.II.1993] Sudjono also

challenged the prosecutor's indictment for laying charges against Xanana as from 17 July 1976 (the date when

Witness's defiant stand

When Saturnino da Costa Belo, a young East Timorese now serving a nine-year sentence, appeared in court on 4 March to testify on behalf of the prosecution, he suddenly stood up and began to shout, "Viva independencencia! Viva Timor Leste! Viva Xanana!" The judge ordered him to sit down but instead he continued with his defiance, saying: "I ask the government of Indonesia to respect human rights in East Timor."

The court hearing was thereupon suspended; Saturnino was removed and an army doctor was called in to examine him. Forty-five minutes later, the doctor told the court that the witness had "a mental disorder" and was not fit to appear.

It is widely feared that Saturnino, known to be a man of courage and daring, will have been seriously mal-treated for this act of defiance and there have been calls for special attention to him by the International Red Cross.

Saturnino was arrested on 30 November 1991 in Baucau, along with his brothers, Alcino Vital Freitas and Custodio Freitas. They were accused of being in contact with the guerrillas. All three were tortured and badly beaten. The brothers were later released but Saturnino remained in custody. He later went on trial in Baucau, on charges connected with the demonstration in Dili on 12 November 1991. Little is known about the trial, except that he refused to be defended by an Indonesian lawyer, saying he would only accept a "Fretilin lawyer". He was found guilty, given a nine-year sentence and has since spent most of the time in a prison in Baucau.

During an incident in Baucau on 5 October last year, his brother Alcino, was wounded. After being taken to hospital, Alcino was dragged away by soldiers and shot dead three days later in cold blood. Like so many East Timorese, Saturnino is burning with anger at the atrocities inflicted on them and their families.

Indonesia formally annexed the territory), whereas Xanana was engaged in his activities against Indonesia long before then.

The court rejected the challenge and declared itself to be

Prosecution witnesses

Before the trial, the prosecution said it would summon thirty witnesses. Some of the witnesses are captured guerrillas and other East Timorese now in captivity who, by rights could well be summoned as defence witnesses. The defence lawyer however has no access to any prisoners other than the defendant and is not in a position to consider their suitability as defence witnesses. The very fact that a 'prosecution witness' used his appearance to condemn Indonesia shows how farcical the proceedings are.

Defence lawyer Sudjono has complained that it is proving impossible for him to call witnesses for the defence. Two men who fought under Xanana told him they were "to scared" to appear on his behalf. Sudjono also said he wanted Abilio Soares, East Timor's governor, to appear as a witness, apparently to testify that he knew Xanana when they were at school together. Sudjono should have known better. Soares replied that he had no intention of doing anything "to help a rebel".

Another of Sudjono's initiatives was to approach Jose Ramos Horta with a request that he appear in court as a witness. Horta wrote to Sudjono reiterating that Indonesia has no jurisdiction to hold such a trial which is illegal under interational law; he was nevertheless "ready to travel to my homeland, East Timor (to help) you prove beyond doubt that Xanana Gusmao and all our compatriots... have not violated any laws of any country."

Reports in the Indonesian press later twisted things, alleging falsely that the initiative to testify had come from Horta himself. Quotes allegedly from Sudjono to this effect are difficult to assess. Did he deliberately set a trap for Horta or was he being maliciously misquoted? Considering the way the press is manipulated in Indonesia, the latter could well be true.

Xanana in court

The appearance of Xanana Gusmao in court has attracted a large number of East Timorese. Security around the courthouse has been strict and everyone attending a hearing is required to have a special form of identification. Many people were only able to follow the proceedings outside. Xanana's father and mother have attended all the hearings, along with his youngest sister, Filomena.

For the first few hearings, six Portuguese journalists were in Dili to attend the hearings. They were not allowed to be present however when witnesses began to appear. Several Australian journalists have also been in Dili to follow the trial. Some embassies in Jakarta, including the US and Australian embassies as well as one of the EC embassies, have also sent diplomats to Dili for the trial. The International Commission of Jurists was given permission to send a jurist but he was only granted a six-day visa and probably did not attend more than a single hearing.

A request by Amnesty International for its representative, Geoffrey Robinson, who was in Jakarta at the end of January for the Asia-Pacific Human Rights Workshop, to proceed to Dili and observe the trial, was rejected. The authorities flatly refused to extend his five-day visa.

Xanana himself has been very reluctant to speak to anyone and appears to be under strict orders not to approach anyone at all. At his first appearance in court, when asked his nationality, Xanana baffled everyone by telling the court that he was 'Indonesian'. As he was entering the court for the second hearing, he suddenly

turned to the journalists outside and said, in English, "Please stay on till the end." This has raised expectations that he intends to make his stand clear on all the issues connected with his capture and trial when he presents his defence statement in court at the end of the trial. This is unlikely to happen until late March or early April.



Xanana Gusmao entering the District Court.

When he appeared at the third hearing, it was clear that this gesture had caused him trouble. He kept his face turned away from journalists and covered it with the papers he was carrying, to avoid eye contact.

Subsequently, observers say, he has been more relaxed, closely following the proceedings and taking extensive notes. He has rarely acknowledged the presence of his parents and sister, but on the one occasion when he did turn to smile at them, blowing them a kiss, the presiding-judge reprimanded him for 'misbehaving'. His sister later angrily condemned the judge: "Fancy telling him off for smiling at his parents," she said, sobbing.

Testimony of the witnesses

Several of the witnesses are Indonesian soldiers whose task has been to tell the court about guerrilla actions and alleged atrocities against villagers. Several, including an East Timorese soldier, were summoned to describe the assault on the house in Dili where Xanana was captured and the firearms allegedly found in his possession. The charge about illegal possession of firearms is apparently based on this. The East Timorese soldier, Corporal Joao Jesus da Costa was the first witness to be called; his involvement in the capture of Xanana is being deliberately highlighted.

Two former guerrillas summoned as witnesses told the court that although, after their capture, they had been forced to help the Indonesian troops in their search for guerrilla bases, they had never ceased to work for the resistance. **Mariano da Silva**, 43 years, said that after his capture in 1987, he began to work as a courier and guide for Indonesian troops on operation. "But I continued to function as a courier, keeping contact between Xanana and the resistance in the towns. When I went out into the forest with members of the armed forces, I always concealed Xanana's hiding places. I pretending to be working for the

Indonesians but I still worked for Xanana and kept him informed of ABRI presence in Dili and Ainaro." [*Suara Pembaruan*, 26.II.1993]

Indonesian press reporting of witnesses' testimony is clearly manipulated and very incomplete. One has to turn to a report in Melbourne's *The Age* to learn for instance that another former guerrilla, Antonio Campos was prevented from continuing by the presiding-judge when he started talking about beatings by Indonesian troops. Later, asked by a judge whether he had seen guerrillas kill villagers "in a cruel and sadistic way", he replied, "Yes." When asked, "And who would those people have been?" he replied:

"Spies." He also told the court that Xanana had ordered the death sentence for any guerrilla who raped villagers.

Farcical use of Saturnino 'testimony'

At a hearing on 11 March, the judge announced that one of the witnesses, Saturnino da Costa Belo, who was to have appeared on that day, was 'too mentally disturbed' to appear. The prosecution was therefore given permission to read out the 'verbatim report' of his interrogation. This is an outrageous abuse. When Saturnino appeared in court a week earlier, he used the opportunity to shout pro-independence slogans, clearly signalling that he did not want to testify. The document read out has him 'testifying' about alleged attacks by guerrilla units in Baucau in 1984 when villagers

Continued on page 20

The true aim of territorial operations

The military commander of East Timor, Brig.Gen. Theo Syafei, claims that Indonesian troops in East Timor are being reduced to eight territorial and two local battalions, a total of 6,000 men, while western military analysts believe the number of troops there is twice that. Syafei hopes to defuse worldwide concern about human rights in East Timor. But he has recently explained that his territorial troops are doing much more than building roads and bridges.

In an article entitled "Building a new civilisation", Syafei's views on creating a totally new social structure at the base of East Timorese society are set out. As he sees it, the role of the army in the project is pivotal.

Syafei says that the "civil war" which, he alleges, occurred before East Timor was incorporated into Indonesia and cost one hundred thousand lives (his figure), resulted in the total destruction of indigenous social structures. This has made it extremely difficult for government institutions to function at the lowest levels of society. "Structures such as the RT/RW [residential units] and LKMD [village social organs] exist on paper but are not linked to any indigenous structures," he told *Kompas*: [1.III.1993]



Tempo published this photo of the landing of Indonesian troops on 7 December in Dili: This is first time such a picture has ever appeared in the Indonesian press.

What Syafei refers to as the "civil war" is of course, Indonesia's war of invasion and annexation from 1975 to

1979, in which he personally fought for several years. Indigenous structures were indeed gravely damaged. Almost the entire population in the countryside was uprooted and forced to re-settle in areas designated by the army of occupation. This led not only to massive physical annihilation – at least two hundred thousand deaths – but to a social trauma from which the people of East Timor have still not recovered.

The trauma inflicted on East Timorese society was described at some length in a sociological survey produced by academics from Yogyakarta's Gajah Mada university, led by Dr Mubyarto. [See *TAPOL Bulletin*, No 99, June 1990] The study spoke about the 'trauma of war', the 'culture shock' suffered by the East Timorese as well as by the Catholic church and the 'overdose' of military presence not only in their physical presence but in their 'dominating role'. The Gajah Mada team undertook its survey in early 1990. Since then, things in East Timor have got steadily worse following the Santa Cruz massacre, the appointment of Theo Syafei and the fiercer-than-ever clampdown on all forms of resistance to Indonesian rule.

Territorial operations and village society

It has become an integral part of Syafei's policy of control to undermine the role of the church and its priests who today are the only remaining buffer to protect the population from the depravities of the army. Syafei is now bent on using his troops to impose a new set of social structures and a new value system on the entire population. He complains about the absence of a network of organs of authority through which the people's loyalties can flow. The fact is, according to Syafei, that people's participation in any kind of activity can occur only if ABRI brings it about. Thus, whenever a community needs some organ of authority through which to channel its loyalties, the only option is ABRI. All leaders, from Governor Abilio Soares down, according to the military commander, agree that the army's

territorial operations are still needed. The aim of these territorial operations, said Pak Theo, is to close the gap between the new social values and society's aspirations. Come what may, East Timorese society must be guided towards a new village culture, bringing it in line with other parts of Indonesia. This process is needed to fill the gaps and cracks in social and political life.

The project Syafei envisages entails the constant presence of Indonesian troops and their assertion of control in all centres of population. But can he and his jack-booted assassins succeed? It was Bishop Belo, head of East Timor's Catholic church, who said recently, when asked whether Xanana Gusmao's capture would end the people's resistance: "*I don't believe so. Xanana is only a man. The armed resistance can end but the psychology and cultural resistance of the people will continue. As long as the people exist, resistance will continue. They have their own identity, their own legends, traditions and way of life.*" [The Age, 13.II.1993]

Syafei on Indonesia's war

Brig.Gen. Syafei has also begun to contradict Indonesia's official version of how it gained control of East Timor. He is in effect re-writing the official history of annexation according to which there was no invasion and no war, only

'Indonesian volunteers' who helped anti-Fretilin parties in their 'civil war' with Fretilin.

Syafei told Indonesian journalists who visited East Timor in January this year: "Initially, ABRI had to cope with Fretilin which possessed 17,000 weapons. From 1975 to 1977-78, territorial operations were focused on seizing control of the district and sub-district towns from Fretilin's 'stranglehold'. As a result, the rebels were pushed back, forcing them to flee to the hills or the villages in the interior. From 1978-80, ABRI had seized villages 'controlled' by Fretilin while in 1981-83, territorial operations were charged with wiping out the remnant forces of Fretilin." [Kedaulatan Rakyat, 26.II.1993]

Why has Syafei started putting the record straight on Indonesia's war? Officers like him who have spent many years fighting in East Timor feel that their warlike feats have gone too long unrewarded. Secrecy surrounds the war and the army's dead and wounded are unsung heroes. But more than that, officers like Syafei are now demanding a say in resolving the question of East Timor internationally. This will rest on their claim to have fought and won a war of conquest. ★

Indonesia shaken by events in Geneva

The Indonesian regime has clearly been shaken by the numerous statements made in Geneva condemning the human rights situation in East Timor and by the defeat it suffered at the hands of the UN Human Rights Commission. As the Commission meeting was drawing to a close in Geneva, several East Timorese collaborators gave voice to the regime's irritation by complaining especially at the harsh words directed against Indonesia by the EC Twelve in their statement under Item 12 of the agenda. They directed their ire at Denmark (which holds the EC presidency) whose diplomat read out the statement, but also attacked Canada and Finland for criticising Indonesia along similar lines.

These remarks were made *before* the Commission adopted its resolution when Jakarta still was assuming that the resolution would be defeated.

An East Timorese member of the DPR, Salvadore Ximenes Soares, who was in Geneva, criticised the Twelve for failing to acknowledge Indonesia's efforts to conform with the Commission's Consensus Statement last year, requiring Indonesia to allow international human rights organisations to visit East Timor. "Did we not allow Portuguese journalists to attend the Xanana trial and allow an Amnesty representative to attend the UN workshop in Jakarta?" [In fact, the journalists were only allowed to attend the opening sessions of the trial whilst AI's Geoff Robinson was denied permission to go to Dili for the trial.] Soares also accused Portugal of "dramatising" things by repeating the "claim" that 200,000 East Timorese have died. He was pleased to note that the US had not joined in this chorus of anti-Indonesian abuse (though the US delegation in Geneva voted in favour of the resolution).

He claimed that people attending the Commission were "very impressed" by the presence of five East Timorese who spoke up for Indonesia and "refuted" all kinds of attacks coming from a number of non-governmental

organisations. It was important in future for elements representing East Timorese society to attend UN meetings so as to contradict these "anti-Indonesian elements". [Perhaps he believes that accredited NGOs with the right to speak at the Commission will be willing to give the floor to Indonesian collaborators. The problem for him and his friends is that their only opening in Geneva is as part of the official Indonesian mission.]

Was it not striking, he went on, that an East Timorese named Leonardo dos Reis had taken his place as a member of the Indonesian diplomatic corps and was now a third secretary at the Indonesian mission in Geneva?

Soares also assailed NGO representatives who spoke on behalf of the OPM and the Aceh Liberation Front and made "ridiculous allegations" against Indonesia. It was, he said, infuriating that these stupid charges should find a platform in that highly-respected UN forum.

Soares claimed that agreement had been reached that another consensus statement would be adopted at this year's Commission. Unfortunately for him, he was speaking on the very day that the consensus statement was thrown out and the Commission voted on its strongly-worded resolution. [Indonesian Observer, 10.III.93 and Suara Karya, 11.III.93]

As for the puppet governor, Abilio Soares, he alleged that the NGOs who criticise Indonesia on these international forums were doing so to "earn money" for their activities. "They want to drive Indonesia into a corner on the international arena and do so by distorting the facts," he said.

For him the ultimate proof that human rights are respected in East Timor was the trial of Xanana Gusmao. "As a war criminal, Xanana should by rights not have been tried at all but immediately punished." [Jawa Pos, 10.III.93] [This is indeed what has happened to very large numbers of East Timorese who have 'disappeared' or been the victims of extra-judicial killings.] ★

Suharto and ABRI

The appointment of General Try Sutrisno as vice-president was not as smooth as it may have seemed. In an unprecedented move, General Try Sutrisno was nominated by ABRI, confronting Suharto with a fait accompli and leaving him little room for manoeuvre. But Suharto took up the gauntlet and emerged on top, for the time being at least.

Most commentators argue that President Suharto is the only ruthless and shrewd politician around; all the others, including the ABRI top-brass are *macan kertas* (paper tigers). Politics in Suharto's Indonesia has never been very exciting; everything is stage-managed and predictable. In the words of the London *Economist*: "Redundant Kremlin-ologists should consider a move to Jakarta. Indonesia's politics presents a smooth, indeed monotonous surface" [*Economist*, 13.III.1993]. Most real politics happen below the surface in the informal circuit.

Try Sutrisno versus Habibie

ABRI's nomination of General Try was therefore a rare moment of excitement. Never before under Suharto's rule has ABRI dared push anyone up front. This time, the risk of Suharto appointing his favourite minister B.J. Habibie as vice-president was simply to great. *Cilangkap* (the armed forces HQ) had to move fast to prevent it.

Rivalry between Habibie and *Cilangkap* has loomed large; it is primarily over who controls arms purchases. Habibie, the high-tech czar, is in charge of Indonesia's military industrial complex and has taken charge of practically all arms purchases from the US, the UK, Germany and France. Arms deals involve huge amounts of cash, both above-board and under the table. The *Cilangkap* top-brass has had to swallow the fact that Habibie, a civilian, has made the juicy deals with British Aerospace, General Electric and other companies. Last year *Cilangkap* struck back and many arms negotiations such as the Hawks deal are now in the hands of the air force command.

The other source of irritation is Habibie's emergence as leader of *ICMI*, the organisation of Muslim intellectuals established two years ago. *ICMI* has rapidly become a power-house in Jakarta's stale-mated world of politics. Suharto's flirtation with Islam boils down basically to a flirtation with *ICMI*, just one of the many Muslim organisations. *ICMI* leaders include bureaucrats, technocrats and social activists, now the vanguard of Suharto loyalists known as *ATS* (*Asal Tetap Suharto*, 'Suharto must stay'). His opponents are known as the *ABS gang* (*Asal Bukan Suharto*, 'anybody but Suharto'). Suharto has rewarded *ICMI* members by catapulting them into the new *DPR* and *MPR* assemblies. In February, Habibie withdrew from the race for vice-president, realising that ABRI meant business in promoting General Try. Try's candidacy was a certainty when all the other groups had jumped on the bandwagon.

But *ABRI*'s decision to promote Try Sutrisno meant kicking at an open door. Try was *ABRI*'s top man and could not possibly be by-passed. From 1974-1978 he was Suharto's aide-de-camp. Suharto's children still fondly remember him as the young officer who used to play piggy-back with them. Had Try, as vice-president, been backed by a team of generals in the new cabinet, he could

have voiced *Cilangkap*'s views. But this did not happen as Suharto brought only one other *Cilangkap* stalwart into the cabinet, the new ABRI commander-in-chief, General Edi Sudradjat who has become Defence Minister. General Try Sutrisno is known as an officer with below average intelligence, *otak lemah* (weak brained) as some Indonesianists say. The new vice-president is no match for Suharto and will be at the mercy of his boss.

Suharto, the master dalang

The emergence of *ICMI* has unsettled the political balance, meaning that a new balance was needed. ABRI's dissatisfaction has been transparent for some time as public statements by high-placed military have become more belligerent. Suharto's (and Alatas') diplomatic efforts on



East Timor have been openly criticised and portrayed as an insult to the nation. Some officers have publicly criticised the vast business affairs of the Suharto offspring.

Suharto's personalised dictatorship has had to cope with this situation and as yet Suharto, always a pragmatist, has managed to weather the various political storms of the last 27 years. The balance Suharto must now strike is between *ICMI* and *ABRI*. Though *ICMI* is well entrenched at the top of the bureaucracy it has no grass roots; *ABRI* is the only institution in Indonesia with its jackboots firmly implanted from Aceh to West Papua. The new faces in the cabinet reflect this new balance. Suharto struck back at *ABRI* by removing several top generals from the cabinet.

Suharto and ABRI

It is a public secret that Suharto's relationship with the *Cilangkap* general staff has plummeted. In particular since the mid-eighties, Suharto's economic policies have been allied to the free-market technocrats and the burgeoning conglomerates. Statist economic policies of the seventies which were beneficial for the military were partly abandoned. Since then, Habibie's high-tech projects have absorbed huge state subsidies and a number of state cash-crop plantations have been losing billions every year.

The recent period, a period of deregulation has meant a boost for the free marketeers and a steady decline in military influence in politics and the economy. Suharto has increasingly relied on skills and know-how from a stream of young, dynamic and well-trained academics. Horizontally in the different ministries and vertically down to village-heads, the non-military have forged ahead. The civilian careers of retired officers are not so secure as they used to be. Although key positions in the bureaucracy are still filled by retired officers, the main trend is the civilianisation of the bureaucracy. Indonesia watchers have wondered why the military allowed this to happen. This decline could not continue forever and already prior to the general elections of 1992 there were determined efforts by the military to reverse the process.

ABRI back to the basics

One of the central power structures in Indonesian politics is a huge and stodgy bureaucracy. After 1965, *ABRI* took over many positions in the bureaucracy by purging, arresting and executing alleged leftist civil servants. Overnight, sergeant-majors became village heads and lieutenant-colonels took on top ministerial positions. The majority of this 1965 generation have retired and have been replaced by civilians.

The easiest way to pursue a career is to join the government party *GOLKAR* and *KORPRI*, the civil servants' association. Proposals for provincial posts like subdistrict and village head are nowadays often channelled in this way. Although *ABRI* is the founding father of *GOLKAR*, its influence has been on the wane. Before the 1992 general elections, *Cilangkap* designed a strategy to re-assert their influence. *GOLKAR* was the obvious choice and the local military moved to take over *GOLKAR* branches. *ABRI* fielded many candidates and succeeded in creating a new network of officers and NCOs in civilian posts.

Likewise, *ABRI* fielded candidates for provincial governors; throughout 1992 *ABRI* arm-twisted local assemblies to accept officers as provincial governors. *Cilangkap* was relatively successful, not least because ret'd General Rudini, as Home Minister, helped the process along.

At the top, things are more tricky because Suharto has the final say. In a presidential system, cabinet ministers are

assistants of the president and are appointed by him. Moreover Suharto is concurrently Supreme Commander of the armed forces which means he fills the top positions in *Cilangkap*. There is a serious bottleneck as several officers



The two newly appointed four star generals in the cabinet, Try Sutrisno and Edi Sudradjat, lonely at the top.

have stuck to their posts. Army chief-of-staff General Edi Sudradjat stayed in the post for almost five years and now occupies the prestigious position of Minister of Defence and *ABRI* commander-in-chief. Chief of social and political affairs Lt. General Harsudiono Hartas has remained in the post for the same length of time. Suharto and *Cilangkap* have been at loggerheads about *ABRI* appointments and the announcement of the new cabinet has proven that Suharto is still determined to restrict *ABRI* influence at the top.

He will not be pushed around

The general assumption was that growing pressure from *ABRI* would ultimately bear fruit but Try's nomination proved counter-productive. There had been no consultation with Suharto and Major-General Moerdiono, the powerful State Secretary, warned that the president was upset and would not be pushed around.

In the event, *ABRI*'s presence in the cabinet has declined. The two powerful generals from the transitional generation (between the Suharto-generation and the *AMN*/Military Academy generation), Benny Murdani and Rudini have gone. Both were instrumental in streamlining the armed forces in 1983 and became key ministers in the cabinet. Both were expected to maintain positions in the new cabinet but were ditched. General Benny Murdani has been a Suharto stalwart for many years but in the last five years they have drifted apart. On most key issues Murdani now disagrees with Suharto's policies, in particular the Suharto-Alatas policies regarding East Timor in the international arena. As for the high-profile Rudini, he has been too independent-minded for Suharto's liking.

Cilangkap's position in the new cabinet is paltry. Besides General Edi Sudradjat the only generals are Major General Tiopan Bernard Silalahi as Minister of Administrative Reforms and Lt. General Ida Bagus Sudjana as Minister of Mining. Both left active service in the eighties and are not *Cilangkap* stalwarts. Sudjana became member of *MPR* in 1986 and was appointed secretary-general of the Defence Ministry in October 1987. Major-General Silalahi became secretary-general of the Mining Department in June 1988. Lt. General Soegiarto, former Minister for Transmigration,

has disappeared from the cabinet.

From the old generation of *ABRI* officers, only one new name has appeared, ret'd Lt. General Yogie S. Memet, a red-beret and former Governor of West Java who becomes

Home Minister. Many retired generals, Admiral Sudomo, Lt. General Sudharmono, Lt. General Ismael Saleh, Lt. General Bustanil Arifin and Lt. General Soepardjo Roestam have left the scene. The result is that Suharto's new cabinet has fewer generals than ever before and a much larger number of technocrats. ☆

A more nationalistic course

Suharto's critics and supporters agree on one thing, Suharto's rule is typified by a strong emphasis on economic development. While critics say Suharto neglects the political, social and cultural aspects, his supporters hail the economic achievements of the New Order. Suharto's new cabinet, announced on 17 March, again reflects a strong focus on the economy.

The first thing that strikes one about the new cabinet is the disappearance of the *RMS* gang, the technocrats who have been in charge of finance, trade and industry. Radius Prawiro (former Coordinating Minister for Economy, Finance and Industry), Adrianus Mooy (Governor of the Central Bank) and J.B. Sumarlin (Finance Minister) have all been replaced, along with Arifin Siregar, the former Trade Minister. The *RMS* gang is usually seen as the offspring of the first generation of technocrats (also known as the Berkeley Mafia) who, in the late sixties, paved the way for the Indonesian economy to come into line with IMF and World Bank guidelines. The *RMS* gang is known for its adherence to free market principles and stood in the forefront of the "boom and bubble economy" of the eighties. They have been replaced by a younger generation

Aribowo, Minister for Trade, Billy Yudono and Governor of the Central Bank, Sudradjat Djwandono. There are some old faces, but the new boys, like their predecessors, mostly have had an academic training abroad.

The sluggish Indonesian economy, partly due to the global



Security officers arresting demonstrators in front of MPR building (see box).

of technocrats, with a more nationalistic outlook and a preference for statist policies. The sole survivor of the Berkeley Mafia is Saleh Affif who will lead the Indonesian delegation to the CGI, the consultative group of donor countries and agencies which meets annually in Paris.

Suharto against the West?

Some striking names of the new group in charge are: Saleh Affif, Coordinating Minister for Economic and Monetary Affairs, Hartarto, Coordinating Minister for Industry and Trade, Johnny Ginandjar Kartasasmita, the new Head of *Bappenas*, the State Planning Bureau, Sanyoto Sastrowardoyo, Minister for Investment (a new department), Finance Minister, Mar'ie Muhammad, Minister for Industry, Tungki

Student protest at the MPR

The MPR session was surrounded by intense security with some 11,000 troops on duty throughout, inside and outside the hall. Every attempt was made to prevent interruptions from the floor; the microphones were all located on the platform, making it virtually impossible for anyone to speak from the hall without shouting. The military commander of Jakarta, Major-General Kentot Harseno, had spent months preparing the security and rehearsing his troops. All roads leading to the MPR building were closed and under heavy guard, making it very risky for anyone to dare to demonstrate.

Yet despite all these precautions, around 20 students from various universities in Java succeeded in penetrating the barriers and reaching the front of the MPR building on 9 March. As they arrived, they unfurled a number of banners and started yelling slogans. The group bore the name *Kelompok Solidaritas Rakyat untuk Demokrasi* (Solidarity with the People for Democracy). Some of the banners read: "We reject Suharto for our people's future", "Petrol prices go up, electricity prices go up, MPs wages go up, president's wages go up, the people go bankrupt", and "Indonesia is a Republic, not a Kingdom". Journalists nearby, realising that something interesting was happening at last, rushed to the scene but were prevented from getting near the protesters.

The protesters had a 3-page statement which they wanted to discuss with the *ABRI* (armed forces) fraction. Instead, security officers assaulted them, striking them with their truncheons. Five students, Ferry Yuliantono, Yeni Damayanti, Hendrik Sirait, Effendi Saman and Feri Bachus, were detained and driven off to Jakarta police headquarters. They were subjected to tough interrogation and not released till the following day.

recession and falling world market prices, is causing great concern and the *RMS* gang failed to curb inflation which is still between 7-8%. Both foreign and domestic investments have dropped almost by half and the banking sector had a particularly bad year with the traumatic collapse of Bank Summa and mergers of other banks. The unbridled growth of the eighties has had serious side effects and increasingly, state intervention has been needed to bail out companies with bad investments. Tommy Suharto's bad deals in the clove monopoly and Bambang Suharto's failure to acquire the orange monopoly are some of the more blatant examples where state banks had to step in by forking out huge sums of money.

As the Holy Bible says, 7 lean years will follow 7 fat years. To bring the economy back on even keel, companies are screaming for state intervention (ie. state subsidies). Ginandjar Kartasmita, the new Chief of Bappenas is a typical representative of the statist economy. He spent his early career in the top bureaucracy of *Sekneg* (the state secretariat) and in 1987 was promoted to Minister of Energy and Mining, directly involved with state revenues.

Suharto's switch to a more statist kind of economy is in many ways understandable. The creation of the North American NAFTA trade block and the Europe of Maastricht are bad signs for an export-oriented economy like Indonesia. Therefore Suharto is not in the position to show a strong fist against the IMF/World Bank although, with his new cabinet, he is giving a clear signal that a period of regulation is approaching. In his accountability speech to the *MPR* Suharto stressed the eradication of poverty, the creation of jobs and supplying the needs of the people. The

gap between the haves and have-nots has grown and Suharto knows that state intervention is needed to cope with the inevitable social problems.

The balance in the new cabinet

This cabinet is most likely Suharto's last cabinet and in many ways it reflects his final days. The two power structures *ICMI* and *ABRI* are represented in the cabinet but in a modest way. The *ABRI* ministers (see separate article) lack punch and the *ICMI* ministers consist of technocrats. Suharto decided to keep the two cliques at arm's length outside the cabinet. Some of his closest associates have become ministers, the family-planning supremo Harjono Sujono was made Minister for Population and Family Planning and Sonny Harsono who headed the Land Bureau in Suharto's office has become Minister for Land Affairs, handling one of the most explosive issues in present-day Indonesia. With the removal of the *RMS* trio, three Christians, Suharto got rid of the accusation that the economic policies are designed by this minority. The new Christian face is Sudradjat Djiwandono, the new governor of Bank Indonesia.

The cabinet is entirely a Suharto hand-picked cabinet full of colourless technocrats and bureaucrats. The majority are experts in their own field and none of them show any political ambition. Important issues like the succession and Suharto's conflict with *ABRI* have been left unresolved; it looks like the battle has just begun. ✪

Acehnese refugees in Malaysia under threat

Conditions of Acehnese refugees in prison in Malaysia continue to deteriorate according to a press release of the Aceh/Sumatra National Liberation Front on 8 February:

Alor Star Prison, Kedah State

Prisoners have been subjected to physical abuse causing injuries but refused medical treatment. Food is mixed with grit causing intestinal bleeding. They are told return to Indonesia is their best option. On 17 January, they mounted a protest, refusing to return to their cells in the evening. Nothing has been heard about conditions since then.

Taipung Prison, Perak State

Living conditions are much the same as in Alor Star. The prisoners were recently told that a court would decide whether they were political refugees or illegal immigrants which could mean refoulement. With no legal aid, they fear they will not be able to argue their case. International observers should attend the proceedings.

Juru Prison, Penang

Prisoners' spokesman Sulaiman Ismail was removed from here in December, since when conditions have worsened. Food is meagre and children are suffering the most. They have been warned of transfer to an unknown location.

Penang Police dungeon

Conditions have not improved. Malaysian Police special branch chief, Datok Zulkifli, visited the 12 men there and told them: "We regard you as illegal immigrants, with

no possibility of political asylum here. You have no alternative but to return to Indonesia." He would not concede to a request that they be allowed to go to the UNHCR office or to a third country for asylum.

Aceh situation raised in Geneva

An Acehnese activist, Syahbuddin, told the UN Human Rights Commission meeting in Geneva that fear still stalks the land with villagers dreading the midnight knock on the door followed by torture and in many cases 'disappearance'. Torture is commonplace, he said. When victims are killed, the bodies are left lying in the street as a warning to others.

He spoke of rape which is being used as a military strategy to demoralised and intimidate villagers. His aunt suffered this indignity when troops came to arrest her husband. He escaped but she was captured and held for four days and nights during which time she was repeatedly raped.

He warned that transmigration of Javanese to Aceh means Javanisation and ethnic cleansing.

Transmigration to resume

Transmigration of Javanese to Aceh will soon resume after years of standstill because of "security disturbances", said Aceh's governor, Ibrahim Hasan. Many transmigrants had been moved to safer areas or had returned to Java. "Now," he said, "Aceh has been designated a priority area for transmigrants" and alleged that development there would be "impossible" without them. [*Jakarta Post*, 4.III.1993] ✪

Discrimination against the Chinese minority

With the ban on the Chinese New Year celebrations in Central Java this year, discrimination against the Chinese minority in Indonesia has come into the open. Discrimination against ethnic Chinese has been latent since the birth of the Republic, with waves of pogroms against them. Rapid economic growth in the Asia-Pacific region and the growth in Chinese business interests have exacerbated anti-Chinese sentiments. The restoration of diplomatic relations with China has further increased animosity.

On 15 January this year, the Governor of Central Java, Lt. General Ismail (ret'd), announced the ban on public celebrations for the Chinese New Year "to prevent charges of exclusiveness or racism" and "to speed up the process of integration of the Chinese ethnics and the native people in the region". The erection of posters and banners with New Year salutations was also prohibited.

All the mayors and district heads in the Central Java province were instructed to implement the rule and, one week later, the ban was extended by the Director-General of the Department for Religious Affairs to a ban on any celebration of the event in Buddhist temples. Those who went to temple on Chinese New Year's day were questioned and registered by the authorities.

InPres no. 14/1967

The ban on celebrating New Year did not come from nowhere: it is simply a reinforcement of earlier decisions. In fact as early as 1967, the new government of Suharto also banned Chinese New Year. The Central Java Police authorities commented that the present ban was a reminder that the old regulation is still in effect.

The period between 1965 and 1967 was particularly bad: the Chinese became a target in the massive "red drive". Killings took place and many ethnic Chinese ended up in prison camps.

In June 1967, Presidential Instruction No.37/U/IN/6/1967 concerning "The Basic Policy for the Solution of the Chinese Problem" was issued, followed by Presidential Instruction No.14/1967 on Religion, Beliefs and Chinese Customs. This was signed by acting President Suharto.

These regulations implemented a series of harsh measures against the Chinese. The operation of Chinese language schools was prohibited: schools were closed down and the buildings were confiscated by the military authorities. Chinese cultural groups and trade associations were disbanded and the public display of Chinese characters and the selling of books and magazines in the Chinese language were prohibited. To this day, using Chinese characters to write envelopes sent abroad is prohibited, while letters with Chinese characters coming into the country are examined by intelligence officers.

In another regulation the Indonesian authorities state that only one Chinese language daily, *Harian Indonesia*, is permitted. This publication is sponsored and controlled by the Indonesian military intelligence and mostly contains government communiques.

Left to the mercy of the authorities

The implementation of Presidential Instruction No.14 varies from place to place, depending on the flexibility and lenience of the local military authorities. But the ban still

stands and frequently local officials will show their authority by reinforcing it. In the last few years pop music cassettes, laser discs and karaoke video recordings from Hongkong or Taiwan have been prohibited and on several occasions the police authorities have arranged public burnings of the confiscated material.

For example, in the beginning of 1989 a performance in Medan of the Chinese play *Sam Pek Eng Tay* (the Chinese version of Romeo and Juliet) was abruptly cancelled by the



In Jakarta, Chinatown stalls were allowed to sell fruit and decorations for Chinese Lunar New Year. The celebrations had to be discrete and indoors.

local military authorities. In April 1989, BAKIN, the Military Intelligence Body, ordered a ban on a performance by a Chinese Opera troupe from Taiwan. In January 1990, the Bandung municipality issued a ban on the use of Chinese characters in any form at offices of foundations, temples, houses of prayer and cemeteries.

Changing names

Indonesia is the only place in the entire Asia-Pacific region (or probably worldwide) where Chinatowns exist without public display of Chinese signs. In Presidential Instruction No.14/1967, Indonesian Chinese were strongly urged to change their names to 'native' names. Although there was no official ban on using Chinese names, the pressure on businessmen and youth was immense and the overall majority of ethnic Chinese changed their names in order to avoid discrimination.

In 1959, the promulgation of Government Decree PP10, prohibited ethnic Chinese from trading below district level. As in many other parts of the Asia-Pacific region, a lot of ethnic Chinese are small traders and shop-keepers. As a result of PP10, an estimated 120,000 ethnic Chinese lost their living and were shipped 'back' to mainland China. Others did not have the opportunity to leave and were held

as unwanted aliens in camps. In North Sumatra and West Kalimantan, ethnic Chinese were held for years without any legal justification.

The deterioration of relations between China and Indonesia (in 1967 the diplomatic relations were frozen to be resumed only in August 1990) created problems for another 300,000 persons who formerly carried a Chinese passport. The Indonesian Immigration Office has divided this latest group into four categories and, with the renewal of diplomatic relations with Peking, will try to resolve this problem.

"The final solution"

The Indonesian Government refer to the issue of the Chinese minority as the "Chinese problem" (*Masalah Cina*). It is no accident that the June 1967 regulations were named as they were: their explicit intent was to accelerate the process of *pembauran* or assimilation. In the regulations, *pembauran* is defined as the "eventual disappearance of a group as a socio-cultural entity". The plentiful racist measures mentioned before are a logical consequence of this 'final solution' policy.

Before 1965 the term *Tiong Hoa* was commonly used to indicate Chinese ethnicity but the official term nowadays is *Cina*, a term having clearly derogatory connotations.

Used as milch cows

Despite the official policy of total assimilation, many Indonesian Chinese suffer from routine discrimination to serve both as milch cows and scape-goats for unscrupulous government officials. The notorious Indonesian red tape is used as an extra source of income for low paid officials and severely affects the ethnic Chinese. Extortion and bribery on a large and petty scale is common practice if an ID card, passport, birth, death or marriage certificate, name-change document or business licence has to be arranged. In places like Jakarta, ID cards for the ethnic Chinese carry a special code, to distinguish them from the "locals".

Widening gap

One of the major sources of anti-Chinese sentiment is their relative success in trade and manufacturing. The economic boom of the eighties strongly enhanced the economic power of a small group of Chinese entrepreneurs. It is the era of accumulation and the dramatic growth of dozens of conglomerates.

This spectacular growth is a common feature over the entire Asia-Pacific region but "the Chinese Factor", as the *Indonesia Business Weekly* calls it, exerts a disproportionate grip on the economy. Only 2.1 per cent (or 5 million) of Indonesia's 180 million people are ethnic Chinese, but according to the weekly they control some 75 per cent of the country's wealth in comparison with the 10 per cent of ethnic Chinese in the Philippines that control 68 per cent of the economy or the 8 per cent in Thailand that control 60 per cent of the wealth and the 33 per cent of Malaysian Chinese that control 67 per cent of the Malaysian economy.

Anti-Chinese outbreaks have become endemic, and usually taking the form of rioting and shop looting. Any form of social protest can erupt into an anti-Chinese riot. In 1981 anti-Chinese riots erupted in Semarang and Solo, followed by Bandung in 1983. In October 1984, three bomb attacks took place against Chinese banks and factories and, in October 1986, Surabaya became the centre of anti-Chinese riots that lasted for 10 days.

DISCRIMINATION

Alliance with the power holders

The emergence of the *cukong*, Chinese businessmen in alliance with Indonesian power holders, is creating anti-Chinese sentiments among the impoverished masses. The Suharto family have close business ties with the biggest *cukongs* notably Sudono Salim (aka Liem Sioe Liong), Bob Hasan (aka Thee Kian Seng) and Prayogo Pangestu (Phang Djun Phen).

The phenomena is also creating a new wave of Assaatism but on a much larger scale. Assaatism was first coined in the fifties and it was a policy of deliberately encouraging the "indigenous" traders while discriminating against the Chinese. Nowadays the attack on the Chinese is being led by Probosutedjo, the half-brother of President Suharto and himself a successful businessman and "*cukong*". Probosutedjo now uses the same racist cliches as Assaat about the Chinese.



The economic cooperation between Suharto and Liem Sioe Liong goes back to the fifties.

Despite a long and deep tradition of acculturation, the Indonesian resentment and prejudice against the Chinese follow the stereotypes: The Chinese are 'economically strong', their loyalties towards Indonesia are doubtful, they lack nationalist feelings, they refuse to assimilate and integrate, and behave in an exclusive manner. Recent investments in China by Indonesian Chinese like Liem Sioe Liong, Oei Hong Leong and Oey Ek Tjhong (aka eka Tjipta Widjaya) has only strengthened the views of people like Probosutedjo.

Multi-ethnicity

While the Indonesian archipelago is a very mixed and multi-ethnic place, official Indonesian policies ignore or even reject the global trend of multi-ethnicity.

An estimated 90 per cent of Indonesian Chinese were born in Indonesia. The overall majority of Chinese arrived before 1930, while Chinese settlements had existed long before the Europeans arrived. Many Chinese, in particular in Java, can claim to be a settled population going back for many

generations. The vast majority of the Indonesian Chinese only speak Bahasa Indonesia and other local languages and carry Indonesian passports.

The ethnic Chinese, despite their centuries long presence in the archipelago, are still however seen as a distinct ethnic group and are still viewed by many as aliens or outsiders. While for most, the eighties exemplified the global trend of the assertion of diversity and pride in ethnic and cultural identity, the clock in Jakarta went the opposite way. The Indonesian decision-makers heavily promoted uniformity in all fields: adherence to the State ideology **Pancasila** and the development of a *Kepribadian Indonesia*, a specific Indonesian identity, which is identical to the cultural patterns of a middle-class Javanese, the dominant ethnic group in Indonesia.

After 25 years, it is clear that the strategy of total assimilation has failed to achieve its aim: the total disappearance of ethnic Chinese as a socio-cultural entity has not happened. Despite the progress of integration in mainstream Indonesian society, a countervailing trend is now emerging. Many of the young generation Indonesian

Chinese, much more mobile and cosmopolitan than the previous generation, will not accept the idea of total immersion. The idea of accepting the cultural values of the ethnic Chinese within the diverse Indonesian society is gaining ground.

The acceptance of many different cultural and ethnic values is an enrichment of society. For individuals or ethnic groups to be able to contribute positively to the multi-ethnic society, they should be encouraged to strengthen their own roots and identity. Only then can acceptance and exchange of other cultural values occur in a fruitful way.

This requires an open and democratic political system; it also requires the acceptance of multi-ethnicity as a reality. Both requirements are absent in present-day Indonesia. There is still a long way to go before the Chinese minority in Indonesia is truly emancipated. ★

This is part of a longer report prepared by TAPOL, which will be used as a campaigning document. Readers are invited to order copies from the TAPOL office at £1.00 (including postage).

Draft Criminal Code under attack

A draft bill to replace Indonesia's Criminal Code is being strongly attacked for enabling stringent penalties for political opposition. Human rights lawyers have criticised it in particular for enabling harsh punishment against anyone critical of the government or 'spreading hatred' of the authorities. The bill also introduces stiff penalties for couples who live together out of wedlock.

Indonesia's Criminal Code [*Kitab Undang-Undang Hukum Pidana, KUHP*] is still based largely on laws introduced during the Dutch colonial era. A draft for a new KUHP to bring the country's penal code into line with contemporary society has been many years in the making and has already aroused wide controversy.

In the name of protecting national stability, the drafters are leaving nothing to chance by giving the judiciary powers to pass the death sentence on anyone dissenting from government policy or on anyone associated with groups advocating Marxist ideology. One article would allow the death sentence, life imprisonment or a fixed-term maximum of twenty years or a minimum of seven years for "anyone who engages in activities to oppose the state ideology of Pancasila or the 1945 Constitution". Astounded by the severity of possible sentences, Mrs Amartiwi M. Saleh, former head of the Bandung Legal Aid Institute (LBH) warned that this meant courts could try and punish anyone who, say, proposed that there should be a maximum of two terms for the state presidency. This has been an issue recently as Suharto begins his sixth term as president.

Another article allows the same penalties for "anyone in Indonesia who establishes or joins or has contact with or gives any kind of support to any organisation at home or abroad which is known to be, or ought to be known to be, founded on the principles of communism, marxism, leninism".

The article comes in for harsh criticism from Abdul Hakim Garuda Nusantara, chair of the Indonesian Foundation of Legal Aid Institutes (YLBHI) who asks: how will this affect Indonesian businessmen doing business with companies in China? And what about Indonesia's state

contacts with several communist countries?

Mrs Amartiwi rejects any reference to communism in the Criminal Code and takes issue with another article allowing the death sentence for "anyone who makes propaganda for or disseminates the ideas of communism, marxism, leninism in all forms or manifestations". In the view of these human rights lawyers, the draft as it stands needs a complete overhaul. [Editor, 27.II.1993]

Anti-subversion law 'here to stay'

These articles would appear to cover the kinds of 'crimes' dealt with in Indonesia's Anti-Subversion Law which is repeatedly used against the government's political opponents. This law was first introduced as a presidential decree by President Sukarno in 1963 and enacted into law under



Judge's decision according to wishes of the military

Kompas 22 April 1989

Suharto in 1969. Indonesian human rights lawyers have repeatedly called for the Anti-Subversion Law to be scrapped. This demand was reinforced by the UN Special Rapporteur on Torture, Professor Kooijmans, in a report on his visit to Indonesia and East Timor in November 1991, calling for the Anti-Subversion Law to be repealed.

Attorney-General, Singgih told a Legislative Assembly (DPR) commission that Indonesia still needs the law in order to quell underground activities. Although he conceded that the wording of the law could be adjusted, he insisted that the law is "here to stay". [Jakarta Post, 5.II.1993]

Many commentators thought that the decision not to try East Timorese resistance leader, Xanana Gusmao, under the anti-subversion law was a sign that the law might be repealed but the Attorney-General now makes a distinction between 'above-ground rebellion' (for which Xanana stands accused), which does not count as subversion and 'underground' activities which do. He warned of subversion coming from "leftists, ie communists, or rightists, including Muslim hard-liners" and said that "subversive activities could increase without the deterrent imposed by the (anti-subversion) law". [Jakarta Post, 20.II.1993]

'Hate-articles' tightened up

Far from excluding the much-criticised 'hate-articles' which have been used against many critics of the government, the

draft KUHP actually reinforces the wording of Article 154 in the present KUHP. It would allow a maximum penalty of seven years for "anyone who in public expresses hostile feelings, hatred or contempt for the government such as might disturb stability in the fields of politics and security".

"This is even worse than Article 154. Who is to decide how to classify an act as one that disturbs the political and security situation? The addition of this provision makes the formulation even more open to abuse." [Editor, 27.II.1993]

Punishing 'co-habitation'

The draft bill has also aroused criticism from human rights activists for the inclusion of articles which criminalise co-habitation between unmarried couples. A man and woman found guilty of living together will be liable to a penalty of up to seven years. A man who causes a woman to become pregnant and refuses to marry her will be liable to up to five years in prison.

Other articles have been welcomed by human rights activists include stiff penalties for rapists, but an article which would have made marital rape an offence has been removed from the draft on the insistence of the Muslim lobby. ★

Tortured for defending land rights

As a UN human rights conference opened in Jakarta on 26 January, student activists were being severely tortured in detention. Involved in a peaceful protest against the expropriation of 150 ha of fertile land from the villagers of Blangguan, farmers and students were intimidated and tortured by security personnel.

A land dispute

The case began in the small isolated village of Blangguan. The 136 farmer families there have farmed the land since 1923. But since 1992, they have been the targets of intimidation by a local battalion of marines which has been claiming the land as a permanent war-games area.

Throughout December 1992, the villagers, 600 in all, had their cornfields bombarded and their fields and fences destroyed by tanks. Homes were wrecked by tank attacks or by marines dismantling the roofs and taking the tiles and wood back to their base.

The marines threatened to destroy all the villagers homes. The local food stall was ordered to close down permanently and farmers were told that if they planted any more corn the marines would come and pull it out after one month's growth.

The farmers had already protested to the local parliament to no avail. They were offered compensation of a mere Rp200 (10 US cents) per square metre of land.

Military swarm Blangguan

On 23 January, the day of the planned protest, involving the symbolic planting of corn to show that the people depend on the land, the area was swarming with marines and intelligence officers. When KIRAB, the Blangguan Solidarity Group, arrived at the village, they saw that it had been sealed off by troops. (TAPOL Bulletin, No 115, February 1993.)

Marines, supported by the police, blockaded the village,

harassed and interrogated the villagers and local people passing by, and searched for students who had come from



universities in Jakarta, Yogyakarta, Semarang, and Salatiga. There were reports of women's screams being heard as soldiers attempted to extract information.

Police brutality

On 25 January, the student members of KIRAB demon-

STUDENT PROTESTS

strated at the local parliament. They presented the case to the local members of the armed forces, the PPP (development unity party), PDI (democracy party) and Golkar (the government party).

Despite a guarantee of safety being given to them, when the students left they were immediately surrounded by 50 local military and police personnel. They were ordered to leave after presenting their identity cards.

KIRAB headed to the bus terminal where they were approached again by intelligence officers. One officer approached a student, Irwan, from behind, grabbed his hair and began to punch him in the head. Meanwhile an officer shouted "Arrest them all!" Marines arrived and started to threaten the students with machetes.

Seventeen students, including a woman, were rounded up and arrested. During interrogation they were severely tortured by both police and navy in Surabaya (see box).

Climate of fear

While the students were being tortured in Surabaya, President Suharto was opening the Human Rights Asia-Pacific Workshop in Jakarta. As Suharto was telling the workshop about Indonesia's own version of human rights principles, the students were being electrocuted and beaten.

The Blangguan land case has become a testimony to the growing climate of terror and brutality perpetrated by the Indonesian security forces against the people of Indonesia. It is also a testimony to the lies of the regime's drive to be regarded as a advocate of human rights by the rest of the world.

On 28 January, the government claimed that the dispute is over when it issued a decree stating that the disputed land in Blangguan is legally owned by the marines. There was no consultation with the villagers and no proper compensation. This is a situation to which the people of Indonesia are already accustomed. How much longer must they continue to experience violence and torture as a means of quelling protests for social justice? ★

Students electrocuted

"Having been forced to strip down to their underwear, they were put in damp cells measuring 4 x 3 metres lit by a 25 watt bulb. They were hit repeatedly with steel rods, punched in the stomach, face and chest; their moustaches and beards were burnt; and they were given electric shocks.

"Electrocution. This was the most brutal method employed, and is very effective in opening mouths," says the report from KIRAB. "Each shock usually lasted about 10-15 minutes, at 10-15 watts/225 volts. Wires were attached to the students' the little fingers on their left and right hands.

"During the interrogation if the student did not answer or was hesitant in answering, they were electrocuted. Their bodies convulsed, they 'saw stars', they lost their hearing and found it hard to make a sound, their lips and hands shook and continued to shake after the shocks.

"The electrocution equipment was portable, and was taken from room to room. It was in a box, measuring about 40 x 40 x 40 centimetres, with a handle on top. It was made of iron, painted brown, and about 10 kg in weight.

"The students who were electrocuted are: Wilson (6 times), Jayadi (8 times), Irwan (6 times), Gombloh (7 times), Danuri (7 times), Anto (5 times), Wibowo (5 times), Catur (6 times), Khalid (5 times), Slamet (8 times), and Bonsai (5 times). This makes a total of 68 electrocutions."

These horrific tortures continued for eight hours from 5pm on 25 January, and then from 9am to 2pm the next day. Some students suffered serious mental and physical damage, among others Irwan, and Justine who up to this moment is suffering from loss of memory and is unable to control his emotions.

DISCRIMINATION

Indonesians accused of implicit racism

An Indonesian sociologist has accused Indonesian academics and the Indonesian press of "implicit racism" for ignoring the achievements of West Papuan intellectuals and cultural workers. George Aditjondro, senior lecturer in development studies at Satya Wacana University, Salatiga, said Indonesian academics regard Irianese, the name by which West Papuans are known in Indonesia, as having "brawn but no brains".

Speaking at a seminar in Salatiga, Aditjondro mentioned leading Papuan academics: Wospakrik, an astronomer from Biak, Benny Nasendi from the Moi tribe and head of the Forestry Department in Jayapura, theologians Karel Philemon Erari and Benny Gai, Tom Wainggai, an economist trained in Japan who raised the Morning Star flag in Jayapura [and is now serving an eight-year sentence], and Daniel Ajemiseba, a linguist from Manokwari. Such people were rarely mentioned in the press, nor were their writings

published.

Among cultural workers Aditjondro mentioned Arnold Ap, curator of Cendrawasih University museum whose Mam-besak song-and-dance group popularised Papuan music. [Arnold Ap was killed by Indonesian troops in April 1984 after being held in detention for several months.] He also mentioned the Black Brothers pop group which was acclaimed in Indonesia till they fled abroad and expressed support for the OPM. Now they were acclaimed in PNG and other Melanesian countries.

Disputing the contempt in which Papuans life-styles were held, Aditjondro spoke of the creativity of mountain dwellers who used natural products to the full. The marrows they grow are used not only to eat. Some are allowed to grow old, then hollowed out and used as water-containers; young marrows are stretched and used as penis-gourds. [Suara Pembaruan, 17.XII.1993] ★

East Awin camp conditions exposed

Early this year, mounting tension in the East Awin refugee camp in Papua New Guinea exploded, revealing that conditions of the West Papuan refugees are very unsatisfactory. Yet the UNHCR is reportedly planning to wind down its operations there.

In January, between fifty and one hundred West Papuan refugees at the East Awin camp pulled down the flag of the United Nations High Commission for Refugees, and in its place hoisted the West Papuan flag. In an event that has been played down in the PNG press, the refugees – mostly from the Blackwater and Waraston settlements at East Awin camp – were protesting to the PNG authorities and the UNHCR about aspects of camp management. The demonstration, reported all too sketchily in the press, protested that refugees were being required to pay for the use of UNHCR-provided vehicles to travel to Kiunga.

Refugees arrested

Seven of the West Papuan refugees were arrested, including the demonstration's leader John Wakum. Reports suggest that he and three West Papuan women were responsible for exchanging the camp's flags. The case against Wakum, charged with threatening behaviour, was dismissed through lack of evidence in early February.

The West Papuan refugees, in a statement giving voice to their frustrations, asked why the UNHCR, an organisation which relies on donations from states, had turned to "begging to ruin financially the West Papuan refugees at East Awin ..."

More fundamentally, they complained that, after nine years of hardship and denial of genuine refugee status, they have still been granted no rights. They live under "the constant threat of extradition ... but cannot afford to pay for legal assistance." This policy, implemented by the PNG government and the UNHCR, is, say the refugees, "blocking our future".

They also complained that the fact that there had been "no compensation to the landowners [of the East Awin site] for the use of their land by the PNG government has caused a lot of problems between the landowners and the West Papuan refugees". Indeed the landowners have lodged a formal protest with the government, threatening to move the refugees, who number between eight and nine thousand, off their land.

In sum, they complained of an "active discouragement policy" carried out by the PNG government and the UNHCR towards the refugees "so that they hopefully will return to Irian Jaya/West Papua on a voluntary basis."

Foodstore raid

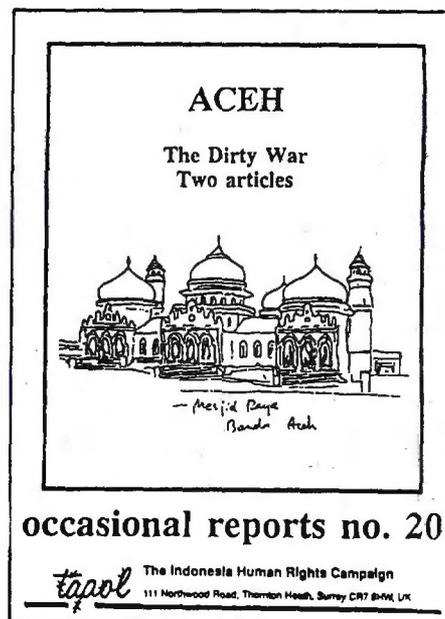
The complaints of the 50 West Papuan refugees at East Awin coincided with another event, when refugees at the same camp looted the camp's food store, taking 2,500 kinas worth of tinned meat, salt and rice. The PNG Department of Provincial Affairs had reportedly not yet received its 1993 budget, nor had the refugees been receiving any support for some time. Following the raid, fifty-six people were charged with theft and destruction of property, and fined K80 each. After anonymous benefactors paid off their fines, they were returned to the camp.

The frustrations manifested in these two recent incidents echo those communicated to TAPOL by refugees from East Awin in 1991 when the West Papuan Youth Solidarity Association wrote to the United Nations Centre for Human Rights to draw attention to their problems. They asked that due process for refugees seeking asylum be applied to them, and complained of a lack of housing, education, social, legal and employment assistance provided to the West Papuans at East Awin by the PNG authorities. This gross neglect has forced the refugees at East Awin camp to live – as one described it – like prisoners for up to nine years. This denial of facilities violates the obligations entered into by PNG when it signed the 1951 Convention on Refugees and the 1967 Protocol.

Two years later, the hope of fair and proper treatment for the refugees seems further away than ever. Far from stepping up its efforts to implement and protect the refugees' rights, the UNHCR is reported to be scaling down its operations on the border, which will thereafter be controlled solely by the PNG government. The refugees have apparently been given no assurances of a long term future in PNG, but suspect that the present policy of 'soft persuasion' will soon get harder.

Indonesia wants the UNHCR out

Meanwhile, the Indonesian authorities are making no secret of their discontent over the UNHCR presence in PNG. The Merauke district head, Raden Soepardjo, recently complained about the continued presence in PNG of 150 families from four sub-districts bordering with PNG who fled across the border following a clash with the OPM in Sota last year. It was regrettable, he said, that these people had been given protection by the UNHCR. "Why were we not informed so that the process for repatriating our citizens could begin?" Soepardjo said that Indonesia's strategy to



Occasional Reports no. 20 contains two reports about the situation in Aceh.

Price £ 1.00 incl. postage

paralyse the armed resistance relies primarily on building close ties of friendship with PNG. [*Kompas*, 3-III-1993]

For the moment, those West Papuan refugees involved in the events described above have escaped widely feared deportation to Indonesia, where there would be little guarantee of their safety. Yet while their future has never really lain in the hands of the UNHCR, it is now being threatened by the ever closer relations between PNG and Indonesia. In February 1993, PNG Prime Minister Paias Wingti built another bridge between the two countries, taking a brigade of around 200 PNG businessmen and politicians to Jakarta for his state visit.

In a discussion with their PNG counterparts, Indonesian parliamentarians sought their views on dealing with the OPM and suggested that an extradition treaty between the two countries would be beneficial to both. Had such a treaty already been in place, the refugees who unfurled the West Papuan flag at East Awin could have been handed over to the Indonesian authorities for staging an act of hostility against the state of Indonesia.

PNG prisoners maltreated

Two Papua New Guineans are being held in an Indonesian

Darkness over Yamdena report

When you know your long-awaited announcement is going to be controversial, tell everyone they won't like it, and then tell them you've decided not to let them hear it anyway.

A strange tactic perhaps. Nonetheless it was used in an announcement by the then Forestry Minister Hasjru Harahap about Yamdena at the beginning of March. Its style was an all-too-blatant exposure of the regime's attitude towards of public opinion and freedom of information.

The government had been due to release the results of an environmental review of Yamdena, initiated last July after persistent protests by local Tanimbarese about the logging activities of PT Alam Nusa on their island.

Speaking in Jakarta, Hasjru said that the decision on whether to allow logging activities to continue, based on the study, would be sure to provoke public reaction one way or another. And so as not to disturb the ongoing General Session of the People's Consultative Assembly (MPR), he said he had decided to announce the results 2700km away in Yamdena itself.

"It will be easier to muffle the reactions in Maluku than here," he said.

In July of last year, Tanimbarese had staged a demonstration outside the MPR in Jakarta. Then in September, islanders protesting against the logging on Yamdena were beaten up by police.

Although there have been no reports to date of the actual announcement in Yamdena, Skephi sources reveal that Hasjru had actually signed an agreement with PT Alam Nusa for the continuation of logging activities on February 27. The company, Skephi said, had moved its heavy equipment from a field under Skephi's observation in order to avoid local residents' ire should they not accept the government's decision. [*Jakarta Post* 1 & 3.III.93]

military prison in West Papua for illegally crossing the border last October. Noel Lessai and Phillip Poma are reported to be in poor health and suffering from mal-treatment, according to the Individual and Community Rights Advocacy Forum (ICRAF) based in Port Moresby.

The men, who appear to have been traditional border crossers, were reported to have been fishing across the international boundary. When they went into Jayapura to buy fish hooks, they were arrested for having no immigration documents. They have appeared in court five times – the latest on 20 February – defended by the Indonesian Legal Aid Institute, the LBH, but on each occasion the case has been adjourned, apparently for lack of witnesses.

The two men's families and ICRAF are concerned about their treatment in the Abepura military prison, just outside Jayapura. Their poor health was confirmed by a medical orderly from the PNG Department of Health in Vanimo who visited the two men. Phillip Poma, it was revealed, suffered from a hernia early this year.

The Indonesian authorities have said they will release them on bail of about K1500 but their relatives cannot afford it. One of the men, Noel Lissai, is thought to have been in contact with the OPM, and it is likely that the mistreatment the men are receiving is a result of this.

Secret deal?

Several refugees in East Awin have been refused papers to travel abroad briefly to fulfil invitations from overseas. Rev. Karel Waromi was prevented from attending a UN meeting of indigenous people. It suggests that there may be a secret agreement between PNG and Indonesia for no ID cards to be issued, under any circumstances. ★

Continued from page 8

were allegedly killed, their possessions looted and houses burned to the ground. Saturnino allegedly 'confesses' that he acted as a courier between the guerrillas and the clandestine movement. There is no hint in the press that Saturnino's testimony was challenged by the defence lawyer, Sudjono, as a gross violation. Perhaps he did, but the press was 'advised' not to report it.

This incident again highlights the fact that Saturnino's life is in grave danger. TAPOL has been informed that a request by an International Red Cross delegate to meet Saturnino following his appearance in court on 4 March was turned down.

The only witness to appear on that day was Akuilong alias Lui Tjung Nan, a truck-driver who told the court that he had transported Xanana on several occasions from Dili to Same for meetings at the home of Luis Cardoso, the local village chief.

Trial timetable revised

When the trial began, the court announced a detailed timetable with the verdict due on 20 March. Then, after a couple of weeks of so-called 'marathon' hearings, the proceedings slowed down, at first to twice a week, then once a week. As a result, witnesses were still being heard right up to late March. In a change of plans, it was announced on 19 March that the trial would end at the earliest by the end of April. The revised timetable suggests that Jakarta is now manipulating the trial to dovetail with plans for a move at the UN-sponsored talks due to take place in Rome on 20 April. ★

Human rights under the spotlight

Indonesia's record as a violator of human rights is thoroughly assessed in several publications produced in the last couple of months. Readers and government officials wishing to understand the scale of the problem would do well to study them all.

Lawyers Committee for Human Rights, Broken Laws, Broken Bodies, Torture and the Right to Redress in Indonesia, 90 pages. Copies available for \$10 from the LCHR, 330 Seventh Avenue, New York, NY 10001.

When seeking to defend themselves against accusations regarding the abuse of human rights, Indonesian officials insist that they cannot be faulted because of their use of due process for persons suspected of posing a threat to the government or to 'national stability'. Indeed as compared to the early years of Suharto's New Order, far fewer people are being held without trial; the proportion of detainees brought to trial these days is far higher. But how much of an improvement is this?

The *Lawyers Committee for Human Rights* has produced the most thorough-going study yet of how the law enforcement agencies operate, the almost unsurmountable difficulties confronting lawyers and the failure of the judiciary to perform an independent role. From the moment a person is arrested, whether for criminal or political reasons, he/she is the likely victim of torture or rape, threats and intimidation, without access to legal assistance and facing a virtual conspiracy between police, prosecutors and judges to prevent defendants from defending themselves and seeking redress for the wrongs they suffer while in custody.

For the purposes of their investigation, the LCHR sent a fact-finding mission to Indonesia in June/July last year and collected information from a variety of sources. Predictably, its request to the Indonesian government to meet with government officials has been met with stony silence.

The study recognises from the outset that a nation's justice system is inseparable from the political system within which it exists and that the Indonesian justice system is defined by a centralised, bureaucratic system that is dominated by the executive and the military. This shows through at every level, even where innovative laws have been enacted to protect the detainee. When the new Criminal Procedure Code [*KUHAP*] was enacted in 1981, lawyers welcomed in particular the *pra-pengadilan* (pre-trial) procedure enabling wronged detainees to seek speedy redress, but today, these same lawyers have serious doubts about its value; it has proven ineffectual either in protecting people's rights or reducing the incidence of torture during detention.

KUHAP introduced many other improvements, in particular by stipulating that it is for the police, not the military, to arrest and detain suspects and to conduct interrogations. But in practice, the police are just as liable to mal-treat their captives, and in any case, the *KUHAP* included a 'transitional' clause exempting 'national security' cases from the provisions of the Code.

There are areas where the LCHR study is misleading. *Bakorstanas*, the security agency which replaced *Kopkamtib*

in 1988 is wrongfully described as "nominally civilian". It is in fact chaired by the armed forces commander-in-chief or the military commanders in the regions although, unlike its predecessor, it is supposed to include civilian officials (how far this is so is difficult to tell as it never meets in public). It is also rather misleading to state that press censorship has lessened considerably in recent years as newspapers are left in no doubt that they operate within very strict limits although the system works less through bans and more by threats and instructions over the phone and the ever-present danger of losing one's licence to publish.

The bleak conditions in which victims of the system and their largely powerless lawyers function is portrayed vigorously and accurately by these New York-based lawyers. Perhaps the message of their study is best summed up in the words of a lieutenant-colonel who told a student in his custody who was asking for a lawyer: "We (the military) make the rules. We can change the rules. You can't have a lawyer."

The book should be compulsory reading for all foreign ministry officials around the world who deal with Indonesia and all foreign diplomats in Jakarta. Foreign journalists in Jakarta should also arm themselves with a copy. It is detailed and avoids rhetoric, it is well-documented and is based firmly on the views and experiences of lawyers and victims in Indonesia. Hopefully, it will get the wide distribution it so justly deserves.

Amnesty International, Indonesia/East Timor: A New Order? Human rights in 1992, February 1993. (AI Index ASA 21/03/93.)

This year's Amnesty International report spares no punches. Strongly worded and hard hitting, the report condemns the Indonesian regime and scorns its hypocrisy: their public facade is of a country making a positive shift toward human rights but "the grim factual record of human rights practice in 1992 tells a different story".

The report finds that extra-judicial execution and 'disappearance' have become a central part of the government's institutional repertoire. Torture, arbitrary detention, political imprisonment and the use of the death penalty have "continued without significant interruption," says the report.

The central thrust is that human rights abuse is "institutionalised", with the country gripped in a climate of terror instilled by the regime through its security approach.

The gravest violations of human rights were said to be in East Timor and Aceh, where "military authorities have been free to employ virtually any means in the interest of maintaining national security". The government forces executed and 'disappeared' scores of alleged supporters of

independence in these territories last year.

Arbitrary arrest, incommunicado detention and torture have been used, in the name of national stability, against striking workers, peaceful demonstrators and those advocating the rights of vulnerable communities. "Torture and ill-treatment of political detainees, peaceful demonstrators and criminal suspects continued to be common and resulted in some deaths," says the report.

The report remarks on the re-emergence of the shoot-to-kill policy in Jakarta aimed at ridding the city of criminals: a policy reminiscent of the early 1980s when many thousands of "suspected criminals" were shot by police in a state endorsed crackdown on crime.

While Amnesty has over 180 prisoners of conscience, the report states that there are at least 300 other political prisoners, "if not more", who continue to serve lengthy sentences imposed after unfair trials. Twenty-two political prisoners were judicially executed between 1985 and 1992, most after serving twenty years in prison.

Amnesty ends the report with recommendations to the Indonesian government and the United Nations Commission on Human Rights. The report finds that there has been "no fundamental change in the government's repressive posture toward political dissent" in Indonesia and East Timor since the Santa Cruz massacre in 1991. "Basic human rights continue to be violated in the name of national security, stability and order. Unless concrete measures are taken", warns the report, "there is every likelihood that this pattern of abuse will continue".

This excellent 34-page report is an important document. Through it, Amnesty throws open the sham of Indonesia's public claims to advocate human rights. Human rights conferences held in Jakarta and pretty words to diplomats cannot mask the horrors perpetrated against the people of Indonesia and East Timor.

US State Department, Washington: Human Rights Report For 1992: Chapter on Indonesia, February 1993.

Compiled under the Bush administration, this year's US State Department report on human rights in Indonesia clearly recognises there are "serious human rights problems" in Indonesia and East Timor. The gist is somewhat ambiguous: it seems the authors wanted to encourage Indonesia's efforts, but that in the end, they found little progress to commend. The praise is over trivial factors such as foreign travel requirements being eased, while the attacks address fundamental issues of law and democracy.

The report considers the government to be "authoritarian" and restrictive of all basic human rights. With regard to East Timor, the report notes that the government has "as yet made no response on the recommendations [of the UN Consensus statement of March 1992] nor has it allowed greater access to East Timor". Welcoming the disciplinary action against military involved in the Santa Cruz massacre, it notes that the Timorese got "extremely harsh sentences" while security officers were charged with relatively minor offenses. As for the Timorese trials, "while generally conducted in accordance with Indonesian law, they failed to meet all international standards of fairness". Subversion trials in Aceh and North Sumatra were also unfair, a clear attack on the legal foundations on which the regime purports to rely.

The report also questions the regime's concept of "democracy". It notes "the inability of the citizen to change their government" which clearly challenges Suharto's Pancasila democracy as well as the validity of his recent election.

Along with extra-judicial killings and unfair trials, the State Department lists torture and mistreatment of prisoners and detainees, arbitrary arrest and detention, arbitrary interference with privacy and significant restrictions on freedom of speech, press, assembly and movement as endemic problems in Indonesia.

Two other issues which are highlighted are the recognition that official and informal discrimination against ethnic Chinese persists and the issue of labour. A fairly lengthy and detailed consideration of workers' rights recognises that it is impossible for Indonesian workers to form trade unions in practice and that the government and military are involved at all levels of the one official union.

The Lawyer's Committee whose credentials are well established with the book reviewed above, will be producing a critique of this report in due course.

LBH receives 'Liberty Award'

The Indonesian Legal Aid Institute Foundation, the YLBHI, has received the Roger Baldwin Liberty Award from the Lawyers' Committee for Human Rights for "outstanding commitment to the causes of civil liberties and human rights".

Soekardjo Adidjojo, chair of the Foundation's board of trustees, and executive director Abdul Hakim Nusantara accepted the award. The LCHR said both have worked to promote respect for human rights in Indonesia and have stood up for the rights of political detainees whilst the Foundation has been the target of government harassment.

The Lawyers' Committee noted that because the YLBHI receives foreign funds as a registered non-governmental organisation, the Indonesian government has accused it of serving foreign interests and damaging Indonesia's name abroad. ★

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The issue was raised by several NGOs, including the World Council of Churches, at the UN Human Rights Commission in Geneva in February.

Army interference has aroused widespread consternation among Protestant churches particularly in Germany. The Protestant church in North Sumatra was founded by German missionaries and has close links with German churches.

In a press release issued in Hanover on 23 January, the German Evangelical Church (EKD) described the HKBP as one of the largest Protestant churches in the third world. It condemned the arrest and maltreatment of church activists and priests and the fact that their release had been conditional on accepting army-imposed decisions about the internal affairs of the church. Article 29 of the Indonesian Constitution guarantees religious freedom and recognises the right of religious bodies to manage their own affairs. Hence, what has happened is in breach of the Constitution. It is also in breach of the UN Convention Against Torture or Degrading Treatment or Punishment, of which Indonesia is a signatory, said the EKD. ★

East Timor resource list

For a free-of-charge pricelist of books on East Timor, write to the Australia-East Timor Association, PO Box 93, Fitzroy, Vic. 3065, Australia.

Arms sales briefs

Clinching German arms deals

Chancellor Kohl and Suharto shook hands on lucrative arms contracts during the German leader's two-week Asian tour in February. Indonesia is getting 39 frigates, minesweepers and coastguard vessels from the arsenal of former East Germany plus three new submarines. The East German vessels were given almost free of charge, with Indonesia only incurring costs for refurbishing the ships. Authorisation for the deal was given last year by a top-secret government panel in time for Kohl's visit.

Germany is having problems getting rid of the weapons inherited on unification, which by law it cannot deliver outside the North Atlantic Treaty Organisation (NATO) if the client lies in a "region of tension."

As the deal with Indonesia was being announced, the German Federal Security Council blocked Taiwan from buying 20 German submarines and corvettes for this reason (in fact triggering China's hostility was probably a more accurate assessment). Indonesia was given the green light because it is a member of the pro-western Association of Southeast Asian Nations (ASEAN), which enjoys similar status to NATO under Germany's arms control laws. The tensions of East Timor, Aceh and West Papua were conveniently ignored.

The Social Democratic Party (SPD) spokesman for security affairs, Norbert Gansel, attacked Kohl's "profligate weapons policy" and said Indonesia should not get any military encouragement after its involvement in East Timor.

Blossoming economic relations

Economic relations between the two countries are blossoming. At the bilateral talks the two countries agreed to cooperate on the construction of passenger ships and a copper smelter in Gresik, East Java. Metallgesellschaft of Germany has been appointed to construct the shaft and will have a 55% interest in the project, with 45% interest held by Nippon Mining Co, Freeport Indonesia and Indonesian shareholders.

Germany has also agreed to provide soft loans (annual interest rate of only 0.75%, maturing in 40 years, with grace period of 10 years) and grants of up to US\$67.5 million in 1993. This assistance is part of Germany's US\$135.5 million pledge made during the Consultative Group on Indonesia meeting in France last July.

Kohl's price

Understandably, Kohl was apprehensive of raising human rights with Suharto. Fearing that his host would be "somewhat ill at ease" discussing human rights, Kohl told Suharto, "it is normal to discuss the issue among friends".

Kohl was easily satisfied with the usual empty words about the regime's commitment to upholding the Universal Nations Declaration on Human Rights.

Conveniently forgetting East Timor, Aceh and West Papua, Kohl left Indonesia in high spirits, claiming the talks a success. Clearly Kohl's concern for human rights has a price - and Suharto has paid it.

[Source: Jakarta Post; Date: 24/25/26 February 1993] ★

Habibie's brother at 'Court of St James'

In a surprise announcement, J.E. Habibie, the brother of Dr B.J. Habibie, Minister of Research and Technology and president-director of Indonesia's aerospace industry, IPTN, was named Indonesia's new ambassador to the United Kingdom in March. The younger Habibie has been the Director-General for Sea Communications at the Department of Transport and is popularly known as the 'harbour king' because of his handling of huge takings to 'facilitate' import passage through customs and excise.

Normally, ambassadorial appointees come from the diplomatic corps or from the armed forces. J.E. Habibie comes from neither so his appointment as Jakarta's man at the Court of St James can only be explained by the importance attached by the regime to London as its leading base to equip the armed forces, and in particular to further enhance its close ties with British Aerospace, one of the older Habibie's most reliable partners. ★



Picketing in front of the British Aerospace office. On the right: Carmel Budiardjo from TAPOL.

Demonstrating against British Aerospace

Members of *British Aerospace/Ploughshares* in Oxford who call themselves the Oxford Diggers, held a protest outside a British Aerospace factory in Stevenage, north of London, on 6 March. The banners and posters rang with angry condemnation of the company's deal to sell Hawk aircraft to Indonesia. Their slogans included: "No BAe Hawks to Indonesia!", "Remember Dili!" and "Hands off East Timor".

This was the factory which peace activist Chris Cole managed to penetrate, inflicting considerable damage on aircraft nose-cones and a computer system. He is still in custody in Bedford Prison, having been refused bail.

The demonstrators intended to carry out a mass trespass of the BAe complex but were prevented from entering the area by a heavy police presence, supported by a number of company security guards. ★

Army interference in Batak church continues

Blatant army interference in the affairs of Indonesia's leading Protestant Church has continued unabated. The affair has caused the first major clash between Indonesian churches and the government since Suharto came to power.

The North Sumatra military command, under its commander, Major-General Djoko Pramono, is continuing to impose its will upon the *Huria Kristen Batak Protestan (HKBP)*, the Batak Protestant Church. The army-installed acting head of the church unlawfully convened a General Synod in February and proceeded to appoint a new 'bishop'.

This follows prolonged conflict in the church over who should replace the present Bishop (*Ephorus*), Dr S.A.E. Nababan, who was due to retire, and the move by the regional military command to impose an 'acting bishop' against the wishes of the vast majority of congregation. [See *TAPOL Bulletin*, No. 115, February 1993]

In a move clearly intended to intimidate members of the congregation into accepting the army's intentions, troops rounded up dozens of church members, including many priests, and subjected them to persistent torture and maltreatment.

Ruthless army intervention

A chronology of their experience lasting from 17 - 22 January 1993, which was written by Rev. RT Munthe, head of the HKBP Information Bureau, has been made available to TAPOL.

The nightmare began when troops surrounded a house in Medan where the *Ephorus* was staying and rounded up dozens of people who had gone there to greet him. Some 40 people were driven off in army trucks, beaten and harangued during the journey, and taken to the district military command. After being photographed in pairs, they were forced out onto the parade ground and kicked and clubbed with rifle-butts and truncheons. The detainees were soon covered with bruises; many had bleeding noses, badly swollen faces and cuts all over their bodies. They were ordered to do push-ups, then to start beating each other. Many fainted, either from shock or from being concussed. These brutalities lasted nearly three hours. Among those subjected to such treatment were several women priests.

Then 17 of the victims were taken to the intelligence headquarters of the regional security command, *Bakorstanasda*, where their identities were again recorded and the beatings resumed. As they continued to beat, kick and strike us, Rev. Munthe wrote, "the troops yelled abuse, accusing us of rebelling against the government". Intelligence officers then began to vilify the *Ephorus* with allegations of corruption and relying on funds from Germany. The abuse and physical attacks continued all night.

The following day, during interrogations and further physical abuse, they were accused of insulting the military commander and warned to accept the army-backed 'acting bishop' or suffer the consequences. The officers even claimed that the church was led by communists and extremists who were allegedly instigating social protest.

After several more days in custody, the detainees were ordered to sign a pledge as the condition for their release expressing support an extraordinary church Synod meeting convened with the backing of *Bakorstanasda* and accepting that they could be charged if they breached this undertaking.

'Grand Synod' challenged in court

Soon after these horrific events, the army-backed extraordinary Grand Synod was convened, with the backing of the regional military commander and proceeded to 'elect' a new bishop for 1993 to 1998.

HKBP leaders are planning to challenge this decision through the courts. Several lawsuits are in preparation, one against the army-installed 'acting bishop', Siahaan, for convening an unlawful meeting of the Grand Synod, another filed by several priests who have been dismissed by Siahaan. It is doubtful however whether the courts can be relied on to resolve the conflict. An earlier court decision when a judge found in favour of the HKBP leadership was later overturned when the military appealed before the same court, though this time a different judge was presiding over the proceedings. The previous judge was said to be 'not available' to hear the case.

Protests at home and abroad

This army interference in church affairs has aroused strong opposition and protest, both in Indonesia and abroad. The Indonesian Communion of Churches (PGI) has criticised the move. On 7 January, the *Jakarta Post* published an editorial criticising army interference and calling on the government to "retract the military appointment of a church leader in order to prevent further misunderstanding between the authorities and religious communities in this country". A Catholic youth organisation, *Pemuda Katolik*, has criticised the Medan military command for becoming involved in the internal affairs of the church and described this as a "negative precedent for religious life" in Indonesia.

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