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TAPOL Bulletin No. 82

August 1987

# Sweeping powers hit legal profession Lawyers protest

Sweeping new powers assumed by the Justice Minister, Lieutenant-General (retired) Ismail Saleh, and the chairman of the Supreme Court, Lieutenant-General (retired) Ali Said, to control and dismiss lawyers have been sharply denounced by the lawyers association, Ikadin (Ikatan Advokat Indonesia or Indonesian Advocates' Association) as being in violation of the law. The new powers are contained in a joint decision issued by the two senior law officers at the beginning of July.

The Ikadin central board felt so strongly about the issue that they went in a group to the DPR (parliament) in order to hand General (retired) Amir Machmud, chairman of the DPR, a statement urging that the joint decision be pronounced unlawful and therefore invalid. The DPR chairman refused to see the 28 central board members.

He also refused to receive members of the Legal Aid Institute (LBH) later the same day who wished to make similar representations [Kompas, 15 July 1987].

The stand taken by Ikadin, an organisation set up two years ago under pressure from the chairman of the Supreme Court, General Ali Said, is all the more remarkable as it is the government's declared intention that Ikadin, which has been pronounced the sole officially-recognised lawyers' organisation, will collaborate with the law officers in policing and punishing members of the legal profession.

## Draconian powers against lawyers

The new powers cover a range of alleged misdemeanours, loosely enough defined to enable the two law officers to act at will. Among other things, lawyers are prohibited "from acting, behaving, assuming attitudes, using words or issuing statements that display disrespect for the legal system, the laws of the land, the general powers, the courts and their officials." They are also required to refrain from behaving unduly towards their opponents and from acting in conflict with the responsibilities, respect and reputation of their profession.

The judiciary will now have powers to inflict wide-ranging disciplinary measures against lawyers, from verbal and written warnings up to disbarment for life. Under the joint decision, district court judges and high court chairmen are empowered to inflict the lesser punishments up to disbarment for six months, while disbarment for longer periods will be the prerogative of the Justice Minister in consultation with the Supreme Court Chairman.

## Ikadin's objections

The Ikadin statement, which was drafted during a nine-hour meeting attended by central board members and representatives of nine of its seventeen regional chapters [Jakarta Post, 16 July], condemns the new powers as being in flagrant violation of two recent laws on the judiciary. These are Law 14/1985 on the Supreme Court and Law 2/1986 on the Law Courts which are both cited in the introduction to the joint decision as being its formal justification. Law 14/1985 specifically upholds the principle of the independent status of lawyers in the performance of their professional duties, a principle that has been violated by the new powers.

Above all, Ikadin condemns the joint decision because "it seeks to control and supervise the lives and

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# Western powers stand by Indonesia's ailing economy

This year's meeting of the Inter-Governmental Group on Indonesia (IGGI) took place at a time when the Indonesian economy was facing acute crisis. For a more than a month prior to the meeting of Indonesia's western backers in the Netherlands on 17-18 June, the economy had been hit by a loss of confidence in the rupiah, reflected in panic buying of dollars and other foreign currency.

Against this background, IGGI unexpectedly decided to give Indonesia 21 per cent more credit than in 1986 when Indonesia was pledged a record \$2.61 billion. The total of \$3.19 billion announced on 18 June after the two-day meeting was well above the \$2.5 billion recommended by the World Bank in its annual report on the Indonesian economy completed shortly before the IGGI meeting.

If the depreciation of the dollar is taken into account, the real value of this year's IGGI credit is roughly the same as last year's, but the fact remains that the officials meeting in The Hague had a last-minute re-think of earlier intentions and decided to increase support for the flagging Indonesian economy. The run on the rupiah which began to look unstoppable appears to have been a major factor in their re-assessment of the situation.

## Business confidence at an all-time low

The 45 per cent devaluation of the rupiah announced in September last year failed to renew business confidence in the economy. The devaluation was intended primarily to promote domestic production. In particular it should have increased the output and export of non-oil products in order to compensate for the sharp decline in the price of oil and natural gas. Throughout the boom years to 1983, Indonesia relied for more than 70 per cent of its foreign exchange earnings on these two commodities, so when prices fell in 1984 and even more dramatically in 1986, the impact on Indonesia's economy was little short of disastrous.

However, far from restoring confidence, the 1986 devaluation appears to have had the opposite effect. People remembered the many promises made in the months before, that devaluation would not happen. By the end of 1986, rumours were circulating that another devaluation was on the cards. In December, these rumours fed the first of a series of 'flights from the rupiah'. The year-end crisis was eventually halted when interest rates were increased. But in May this year, the rush began again, and continued for weeks despite government efforts to end the crisis with two further hikes in the rate of interest.

The lack of confidence was caused by growing cynicism about the ability of the bureaucracy to solve Indonesia's mounting economic problems. For several weeks after the April elections, newspapers like *Kompas* and *Prioritas* (banned on 29 June) were full of articles and comments highlighting the nature of the country's woes. A constant theme was that tinkering with monetary measures would not restore confidence. Despite a series of measures taken by the government following last year's devaluation to promote foreign investments and de-regulate trade, few people believed the policy would work. The issue few dared to discuss in public was that the malaise would continue until something was done to end the import monopolies held by members of the Suharto family [see *TAPOL Buletin*, No 79, February 1987, p. 9].

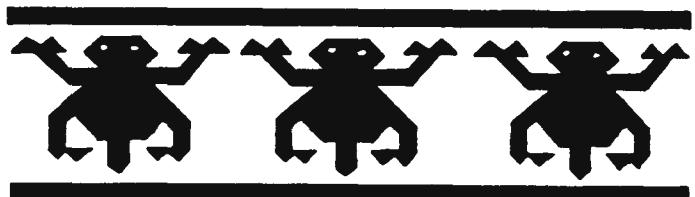
One exception was Golkar's maverick elder statesman,

General Suhardiman who called a press conference early in May to point out bluntly that money was being parked abroad because certain monopolistic practices frustrate business plans. The *Far Eastern Economic Review* wrote: "Most [businessmen] think the government has done nothing serious on monopolies, especially in plastics, steel and flour among others," said a private banker....Most of these monopolies are held by groups with some special relationship to the family of President Suharto." [ *FEER*, 4 July 1987]

Business confidence was also undermined by the enormity of Indonesia's foreign debt now estimated to be in excess of \$41 billion, and the rapidly expanding burden of its debt service ratio. Debt servicing now gobbles up 41 per cent of annual foreign exchange earnings and is expected to go on increasing as a percentage of foreign earnings for at least the next three years.

Since December 1986, the government has compounded the debt problem by accepting extra credit worth \$1.5 billion from Japan, the US Eximbank, the World Bank and the International Monetary Fund. While ministers claim that these loans reflect confidence, economists and business people fear that the economy is becoming so debt-ridden that there will be little foreign currency left to keep domestic industry running.

In the weeks prior to the IGGI meeting, voices were heard urging the government to re-schedule the foreign debt, but this was rejected out of hand. The government was clearly set on bailing itself out with the help of western financiers. For their part, the western banks have enough trouble with unrecoverable debts in Latin America and Africa. The last thing they want is for Indonesia, now the world's sixth largest debtor state, to



start defaulting on some of its repayments.

Although there is consternation in some western circles about backing such a corrupt regime as Suharto's, it is still seen as politically the best thing around in Asia. The scene was thus set for a major rescue operation mounted by Indonesia's IGGI supporters.

## Bilateral credit increased by over 60%

The IGGI handout this year included \$1.68 billion from the multilateral agencies, the World Bank, the Asian Development Bank, the International Monetary Fund, the UN Development Programme and others. This was more or less the same as last year's multilateral credit, though it came on top of huge special trade adjustment credits agreed earlier this year by the World Bank and the IMF.

The bilateral aid component increased by more than sixty per cent from \$838 million last year to \$1,480.8 million this year. But while some countries pledged far

higher amounts than last year, others reduced their aid, in some cases to zero. As the following table shows, four West European countries plus Japan and the USA now account for the lion's share of IGGI credit:

|               | 1987    | 1986     |
|---------------|---------|----------|
| Japan         | \$696.8 | \$473.6  |
| France        | \$190.0 | Nil      |
| USA           | \$190.0 | \$ 86.0  |
| Britain       | \$179.7 | \$ 67.64 |
| Netherlands   | \$112.9 | \$ 70.96 |
| West Germany  | \$ 72.9 | \$ 59.1  |
| Canada        | \$ 31.8 | \$ 38.8  |
| Italy         | \$ 30.0 | \$ 30.0  |
| Australia     | \$ 27.9 | \$ 32.5  |
| Spain         | \$ 18.0 | \$ 12.0  |
| Switzerland   | \$ 11.5 | \$ 8.38  |
| Austria       | \$ 7.7  | \$ 6.4   |
| Finland       | \$ 1.6  | \$ 2.4   |
| (in millions) |         |          |

New Zealand, Sweden, Belgium and Denmark made no pledges at all.

Japan's increased support through IGGI came on top of the \$900 million credit granted by the Japanese Exim bank earlier this year. Japan also softened its terms, cutting interest from 3.5 to 3 per cent and lengthening the repayment period from ten to thirty years.

Perhaps the most unexpected increase was that announced by the US delegation. Under the Gramm-Rudman Act which cuts US foreign aid, Indonesia should have received only \$58 million but the US delegation in The Hague was constantly on the phone to Washington to discuss a sizable increase. Eventually, the legal limit was set aside by providing food aid under PL-480 and aid programmes [Kompas, 19 June 1987]. Such was the sense of urgency in dealing with this year's crisis in Indonesia.

But even more important than the 60 per cent increase in bilateral aid is that, for the first time, the bulk is programme aid which can be used for conversion into rupiahs and to boost the foreign currency reserves. Previously, IGGI aid consisted of project aid, to be used for mutually agreed projects and tied to the purchase of imports from the creditor country. Freed from obligatory project implementation, IGGI aid is now more or less geared to covering the country's balance of payments deficit or in other words, compensating for the country's inability to boost its export performance.

For the managers of Indonesia's economy who negotiated the IGGI rescue operation in Holland, this was "a vote of confidence", the kind of confidence that was lacking in the business world at home [Jakarta Post, 20 June 1987].

### Crisis measures

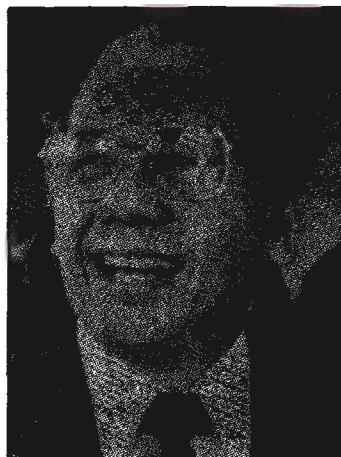
Returning from the euphoria that prevailed in The Hague, it was clear to Indonesia's technocrats that crisis measures were needed back home to restore confidence in rupiah. Shortly after the IGGI meeting, four leading state corporations were ordered to use 800

### Western powers helped establish dictatorship, says Buyung

The Indonesian human rights lawyer, Adnan Buyung Nasution, has accused the western states in the IGGI of being accessories to the development of a military dictatorship in Indonesia. In a hard-hitting speech at a seminar in Amsterdam convened by Aid to Socially Deprived People in Need (HASMIN), an institute of the Dutch Labour Party, Buyung said that since 1967, western countries had poured hundreds of millions of dollars into Indonesia's economic development. By turning their faces away from human rights violations while supporting the economy,

trillion rupiahs deposited in state banks to purchase government securities. The effect was to create a liquidity crisis throughout the banking system and, still worse, in the world of industry and commerce. By soaking up such a huge amount of rupiahs, many businesses were compelled to sell foreign currency, reversing the speculative outflow of foreign funds.

The business world is still reeling from the effects of



Johan Baptist Sumarlin, the Minister for State Planning, who, as Finance Minister ad interim, was responsible for introducing the shock therapy.

this shock therapy (gebrakan). While the aim was to halt speculative dealing in foreign currency, the prime victims have been businesses trying to make a (relatively) honest living. Bank credit has completely dried up, interest rates have soared, while businesses have seen their production plans thrown into disarray.

It is generally acknowledged that such a crisis measure cannot remain in place for long. When the economic managers deem it time to pump rupiahs back into the system, it remains to be seen how long things will stagger on before the next crisis occurs.

### Press silenced

The closedown of *Prioritas* (see separate item) occurred in the middle of all these events. This paper had become one of the more outspoken critics of the economy, but the ban was also meant as a warning to other papers. Since late June, the press has become far more muted about the economy.

Underlying the controversy about the economy is the factionalism now raging between Indonesia's top bureaucrat, General Sudharmono, extremely powerful yet vulnerable as the man in charge of such a creaky machine, and General Mardani, armed forces commander-in-chief. Both hope to become Suharto's successor, and both are certain to use economic policy and performance as a battle-ground for their ambitions. The tragedy is that other newspapers who try to use any occasional relaxations to discuss these issues could well experience the same fate as the two papers already felled since last October.



they must be held jointly responsible for the development of a dictatorship.

The democratic institutions have become weaker and weaker and the human rights situation worse and worse. "Yet, why have they done nothing to prevent Indonesia from turning into a totalitarian state?"

He disagreed with a Hasmin report which expressed the view that the New Order was a military dictatorship right from the start in 1965. There was an attempt at first, said Buyung, to restore democratic life, and it was a matter for regret that IGGI countries had done nothing in those days to help restore democracy and human rights.

[Sources: *Volkskrant* and *NRC*, 15 June 1987]



# Growing up in an Indonesian colony

*Rogerio A.P., 24 years old, is an East Timorese refugee now living in Lisbon. He left Dili less than a year ago. He was still a child when the Indonesian invasion occurred. In an interview with TAPOL, he talks about how the Indonesian occupation affected his life. The second part of the interview will appear in TAPOL Bulletin No 83.*

## What were your experiences of the Indonesian invasion of Dili on 7 December 1975?

I was eleven, nearly twelve, at the time, and was living with relatives in Taibesse, a village on the outskirts of Dili. My cousin and uncle were both in the army, first the Portuguese army then Fretilin. I didn't attend the proclamation on 28 November but we knew it had taken place. At the time, the whole of East Timor was in Fretilin's hands. There was security in the country and Fretilin had begun to build a new future.

But Indonesia had started crossing the border in the region of Atsabe. We heard that Indonesia was about to invade, though we didn't know when. Then on 7 December, very early in the morning, the planes started coming. huge numbers of paratroopers were dropped. On the Fretilin side, the army was led by sergeants. There were no officers of captain's rank or higher. Their heaviest weapons were mausers, they had no heavy artillery so they weren't able to defend Dili.

But many Indonesians were killed. Some dropped onto trees and couldn't get down and were shot and killed. When we heard the Indonesians had invaded, we fled to a building which is now the Social Services office, a sturdy building from which we thought we could put up a defence. But as the Indonesians gained control of various parts of the capital, Dili, we withdrew to Lahane on the outskirts.

On 8 December, we children went south to Ainaro while the older people stayed behind to fight the Indonesians together with Fretilin. But our side was not well armed. Even so, our people were able to hold back the Indonesian advance. Thus, a month after the invasion, the invaders were still not able to enter Dili, and not till a year later did they capture Ainaro, about fifty kilometres south-west of Dili.

## How did Indonesian troops behave towards civilians?

I saw many people being killed. The soldiers would just go up to people and say, "Where's your card?" They just said the word "kartu!" If people took out a Fretilin card or a safe-conduct card, the soldier shot them dead. They rounded people up. I saw a whole family arrested in Lahane and taken away to the coast. Those who tried to resist were severely beaten.

## What troops were used in the invasion?

Paratroops, red-berets, troops landing by sea, masses of them. They looted things from the shops and houses. They took everything out, furniture, tables, and carried everything off.

## What were things like in Ainaro?

Things there were different. We heard about what was going on in Dili, but life went on as usual in Ainaro. We had enough food though some things like soap ran out because the road to Dili was blocked. But there was plenty of food from the gardens. And there were enough stocks of sugar in the shops.

But we didn't go to school because we were afraid that the Indonesians might suddenly enter the town.

## What were the events leading to the fall of Ainaro?

First, Indonesian troops captured Same which is to the east of Ainaro. There was fierce resistance, under the leadership of a Fretilin commander, Raul Isaak. They tried to hold back the Indonesian tanks by planting mines along the road. As the tanks came along, they were blown up. Many tanks were destroyed by Raul's mines. Many wrecks can still be seen, upside-down, strewn in many places along the road to Betano. As you enter Same, there



are two destroyed tanks, and on the road from Same to Betano, there are many, many more.

Betano on the coast was captured first, then Hato-Udo, inland to the west, then Same to the north-east, and then Ainaro. Before capturing Ainaro, they dropped many bombs to frighten people. After that, the troops flooded in, in huge numbers. Some were dropped from the air, others came on foot.

## Was there any attempt to defend Ainaro?

No, Ainaro was not an easy place to defend, so the Indonesians took control in a day. The Fretilin troops all left, and those who were caught were all murdered. I was there for a day and I saw how the Indonesians behaved. Then we fled to the mountains, to a place called Mau-Ulo Lau. Later others joined us. As things got worse, more people left, fleeing to places in the interior.

## How were things in the mountains?

Fine at first. Sometimes, we would go down to the town to get provisions. We'd go in the middle of the night when the soldiers were sheltering in holes in the ground. In all the military posts in town, they dug holes and slept in them for protection.

We were able to find our way without lights because we knew the terrain so well. When we reached the town, we crept along in silence and went to the homes of people we knew, our relatives and friends, who would give us things we needed. Then we left. The Indonesian troops were in their holes, asleep, and never knew we'd been there.

The soldiers were afraid to go anywhere at night as they could easily have been killed. We kept contact with people in the town so we knew how they behaved and thought. I went to Ainaro twice like this to get sugar, salt, soap, noodles. Not coffee, we had plenty of that.

**Were people reluctant to give you things?**

No, they wanted to support us, but they urged us not say anything if we ever got caught because they'd be in terrible trouble if the Indonesians found out. Everyone felt the same way, united in helping us, whether they were our relatives or not.

**Wasn't it difficult for the resistance to have so many people fleeing from the towns?**

Yes, there were problems. People would fall ill. But



A typical Dili scene. The boy in the front, extreme right, has everything he needs for school. The girl in the middle, probably also on her way to school, is less well equipped. The boy behind her looks more like a working child. Behind them stands a Timorese member of Hansip, the civil guard.

everyone felt much safer in the mountains because there was so much brutality in the towns.

**How did you get captured?**

I was with Fretilin in the mountains for four months. Then, the Indonesians attacked us. Some people were able to flee, but we couldn't get away. When the Indonesians found us, they pointed their weapons and shouted, "Surrender!" so we had no option but to surrender. They accepted our surrender. We were taken to Ainaro which was full of all kinds of troops. My father didn't have a weapon, and besides he knew how to behave because he remembered how things were during the Japanese invasion. He knew he had to be respectful to the soldiers and could

## INTERVIEW

say, in Indonesian "Selamat pagi, Tuan!" [Good morning, Sir!].

The Indonesians gave us Indonesian flags to wave and father said that we wanted to go to Suro Crac. When we arrived there, many people were coming down to surrender. Many were arrested and killed.

Then father said we'd better go to Hato-Udo, although our own village was not occupied by Indonesian troops. Many of those who had surrendered started fleeing back into the mountains to join Fretilin again because conditions were so tense and difficult. But a year later, they come down again - some surrendered, some were captured.

**Did you go to school in Hato-Udo?**

Yes, in 1977, after we had settled down, I went to school again, in the third grade. There were no East Timorese teachers, only teachers from West Timor, and soldiers. I stayed till the fifth grade, then moved to Dili in 1979. I was 15 and I registered to go to the Portuguese school in Dili, in the second class of SMP [lower secondary school].

I had already been registered to leave East Timor as a Portuguese. That was in 1976, when people were first asked to register if they wanted to leave. Many people registered. Everyone wanted to leave.

**What did you learn at the Indonesian school?**

We learnt Indonesian, we had lessons about Indonesian history, we had PMP or Pendidikan Moral Pancasila [Education in Pancasila Morality], we had to learn by heart the words, "freedom is the right of all nations", taken from Indonesia's declaration of independence. The only things I remember now is that it happened on 17 August, and the names, Sukarno and Hatta. We had to sing, "Indonesia tanah-airku" [My Fatherland, Indonesia] and so on. We had to sing it every Monday morning at a special flag ceremony. Every day we had to spend an hour singing Indonesian songs, and an hour learning PMP.

We had to do physical jerks every morning, and we all had to join Pramuka [the Indonesian scouts organisation]. It was compulsory to go to Pramuka meetings every Monday, Thursday and Saturday afternoon. When things were tense and we'd try not to go, father would say, "you'd better go or you might be beaten up". We were always afraid, so we went not because we wanted to but because it was compulsory.

They taught us a lot about Indonesian history, about various uprisings, on 10 November and so on, about the proclamation, and about the communist coup in 1965.

Some people who think that older people will never be persuaded to accept integrasi believe that younger people will be won over because they are growing up in a different environment, under the influence of Indonesian education. What do you say to that?

It's true children can be influenced by the Indonesians in many ways, in organisations like Pramuka, and particularly at school. But don't forget that after school, they go home and spend the rest of the time with their parents. Younger people do come under Indonesian influence in cultural matters, but it's impossible to blot out the things they see around them every day, people being beaten up, their own relatives or friends killed, close relatives arrested and suffering all kinds of cruelty.

I wouldn't say young people aren't influenced by the Indonesians, but this is only culturally, their way of dress, speaking Indonesian instead of Portuguese. Their dance traditions have changed. But this won't blot out the things they see and know about.

As for the young people who get education in Jakarta, some may be related to Timorese in prison in Jakarta or

Dili. They know they can't reveal their true feelings to the Indonesians. If I had said what I'm telling you now when I was still there, I could have had my head chopped off. But I can assure you our young people only want one thing, independence.

I often wonder what goes through the minds of East Timorese we often see getting awards from Suharto or his wife in this or that national competition. The government always makes sure a Timorese is among the prize winners.

Of course they look happy but that's only on the surface. They know what happens to people back home, to their own relatives. Such things are very painful to them.

There's a constant tension among Timorese and Indonesians, in the schools for instance. If a row breaks out, the East Timorese kids who normally keep their feelings to themselves will support each other when an Indonesian kid insults a kid from East Timor.

It also happens among the adults. During a football match between teams from Ermera and Baucau, the Ermera team were all Indonesians while the others were all East Timorese. When the Ermera team won, they called the East Timorese stupid. Everyone on the East Timorese side, including the spectators, started beating them up. When soldiers came to stop the fighting, the East Timorese attacked them too, even though they were well armed. People's feelings sometimes explode when Indonesians start insulting them.

*To be continued in the next issue.*

## Birth control in East Timor

Birth control is being imposed on East Timorese families without their consent. Traditionally, East Timorese people favour large families, a sentiment reinforced by the grief of having lost about a third of the population in the last eleven years. Widespread adherence to Catholicism further reinforces the opposition to birth control.

The birth control programme in East Timor has the active support of the World Bank, a UN agency, which contributed 95 per cent of the costs of building the programme's 'provincial' office in Dili [Berita Yudha, 26 April 1985]. This is despite the fact that the UN does not recognise Indonesian integration.

According to recent statements by officials of the National Family Planning Board (BKKBN), the birth control programme in East Timor is now nearing completion of the first stage, when fifteen per cent of child-bearing families are targeted to become acceptors of the pill, injections or the spiral (IUD). According to BKKBN figures, there are 80,000 East Timorese couples of child-bearing age, so twelve thousand couples should be practising birth control when stage one is completed next year.

Evidence that East Timorese women resist the programme became public when two Catholic priests from East Timor, Mariano Soares and Yoseph Capital, visited Dr Haryono Suyono, BKKBN head, to warn him that East Timor women object to using contraceptives [Merdeka, 19 May 1987].

Although Dr Haryono agreed that Church-favoured methods of abstinence should play a role, there has been no change in the focus on contraceptives. Two weeks later the East Timor BKKBN office announced it was raising its target of acceptors and plans to recruit seven thousand new acceptors by March 1988 bringing the total number of women in the programme to eleven thousand [Merdeka, 2 June 1987].

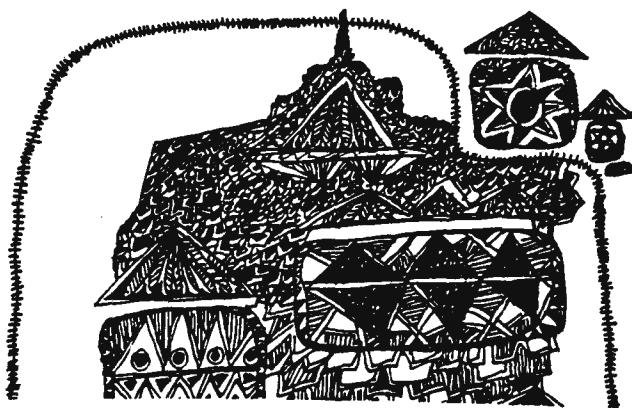
Information from resistance sources in Dili draws a very different conclusion about the link between the high death rate among women during pregnancy and childbirth and birth control. A document signed by Jaquel Machado and dated 14 April 1987 reveals the following:

- \* Birth control pills, capsules and IUDs are freely distributed to ana pressed upon women.
- \* Pregnant women are often persuaded to have treatment and injections with harmful consequences for the ovary or foetus, resulting in a miscarriage. They therefore avoid attending ante-natal clinics or giving birth in maternity wards which means giving birth without proper care. If there are complications, the risks are very high.
- \* Women with diseased ovaries, often the result of unsupervised contraceptive usage, are prevailed upon to have their ovary removed.
- \* Newly-married women are advised to be sterilised and told it will improve their health and keep them young.
- \* In schools, colleges and family-welfare clinics, there is persistent propaganda about birth control and the advantages of having small families.
- \* Women who practising birth control suffer anaemia, loss of blood and other disorders which often prove fatal.
- \* Whereas birth control pills and IUDs are distributed free of charge, medicine even for common ailments is in short supply and very expensive. It costs at least five thousand rupiahs to consult a doctor. Medical facilities and personnel in East Timor are devoted primarily to birth control with scant attention to health care and the treatment of disease.

The imposition of birth control on East Timorese women is a serious violations of their civil rights. Far from being a remedy for the high death rate among East Timorese women of child-bearing age, it is itself a major if not the primary cause of this mortality. \*

### Birth control and the high mortality among women

Dr Haryono claims that birth control contributes to improving the health of mothers and babies in East Timor where mortality rates are exceptionally high. He admits that the death rate among women during pregnancy and childbirth is between twenty and twenty-five per cent [Merdeka, 19 May 1987]. Indonesian officials also refer frequently to an alarming mortality rate among babies, though figures published in the press are not precise enough to be used for analytical purposes. The health authorities considered the problem so serious that a two-day seminar on the mortality rate among babies was held in May this year [Jakarta Post, 14 May 1987].



# Military control of Red Cross correspondence for political prisoners

Brief personal messages no longer than twenty-five words which are exchanged between East Timorese prisoners and their families under the auspices of the International Red Cross (ICRC) must pass through no fewer than five military check-points.

The message exchange is arranged under the ICRC's Tracing and Mailing Service (TMS), a service that is intended to facilitate correspondence between families separated by a war situation. In East Timor, the TMS programme is restricted by the Indonesian military to correspondence between a limited number of political prisoners and their families. The only prisoners allowed to use the service are the 43 convicted East Timorese political prisoners held in prisons in Jakarta, and the two hundred or so political prisoners held in prisons in Dili. Political prisoners in other places of detention are out of the reach of the ICRC.

The personnel working for the TMS are Timorese but they function under the supervision of a team of four Indonesians known as the Tim Operasi. The Tim Operasi does not function under the supervision of the ICRC.

## Military control and censorship

Messages exchanged between prisoners and their families take a lengthy route, as explained by an East Timorese who has had recent personal experience of the system.

1. A member of the TMS goes to the prison (in Jakarta or Dili) and presents the prison director (an army officer) with a standard Red Cross message form. The director fixes the day when the completed form can be collected.
2. The prisoner may write the message in Tetum, Portuguese or Indonesian. If either of the first two languages is used, the prisoner must tell the director the content of the message.
3. If the message contains nothing unacceptable to the director, it is given to the TMS official on the agreed day.
4. A TMS official must translate the message into Indonesian and attach the translation to the message.
5. The TMS must submit the message to the kodim (district military command) in Dili for censorship. About one week later, the censored message is returned to the TMS.
6. Once they have collected a sufficient number of messages to warrant a journey to a particular destination in East Timor, the TMS applies to the Tim Operasi for permission to go to that place.
7. When written authorisation from the Tim Operasi has been issued, the TMS must apply to the kodim for a 'surat jalan' or travel pass.



This photograph is one of a large number taken by the Canadian photographer, Elaine Briere during a visit to East Timor in 1974. An exhibition of her photographs, entitled 'Holocaust in Paradise', is currently on tour in Sweden. It is due to be shown in ten cities throughout the country during the coming year.

- oooooooooooooooo
8. After the surat jalan has been issued, the TMS official makes the journey, accompanied at all times by an officer from army intelligence.
  9. After arriving at the destination, the TMS official must report to the local kodim and submit the messages to the kodim commander who checks the messages and the names of the recipients before allowing them to be delivered. The intelligence officer accompanies the TMS official when the messages are handed over to the prisoner's family. The recipient may reply to the message on the same ICRC form. The process for the reply message is exactly the same in reverse order.



**INDONESIA'S  
SECRET WAR**  
**THE GUERRILLA STRUGGLE  
IN IRIAN JAYA**

ROBIN OSBORNE

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# Troubles hit transmigration site in Aceh

A transmigrant was killed and several others were injured when a large group of farmers marched to the office of their transmigration site demanding to know whether food desperately need on the site would be supplied as promised. The transmigrant was killed by a site official who struck him repeatedly with a dagger. The killing occurred at a transmigration site in Patek, in Western Aceh, about 127 kilometres west of Banda Aceh.

The incident was widely reported in the national press and has helped shed light on conditions at transmigration sites in Aceh.

## Warped justice

At first, it was said that the person killed was an official, felled down by one of several hundred transmigrants who had angrily besieged the management office of their site, brandishing sharp weapons of various kinds. It became clear later that the transmigrants were not armed at all and that Juweni, the man who was killed, was not an official. He was a farmer and was trying to restrain a site official who had drawn his dagger and was lashing out at one of the farmers. While it was the local police commander who rectified the distorted account of the incident, he also announced that four transmigrants had been arrested for allegedly engineering the protest. The site official responsible for Juweni's death appears to have gone scot free.

## Broken Golkar promises

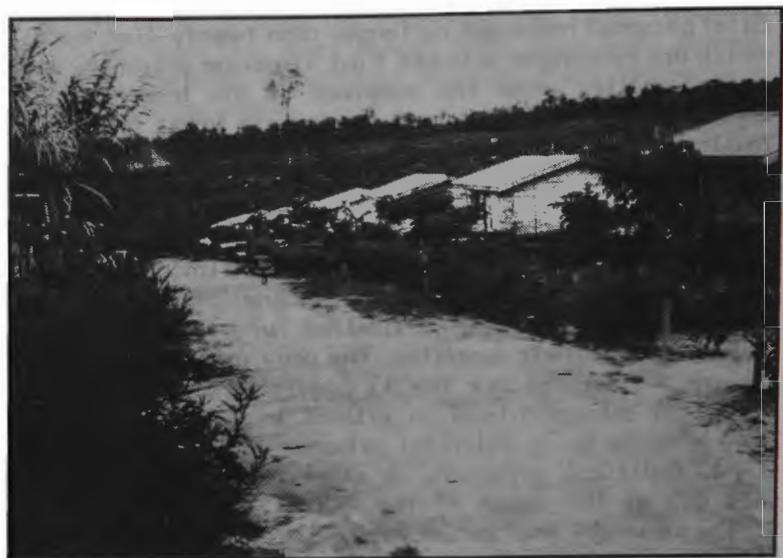
The transmigrants who were demanding food supplies later told journalists that following a harvest failure earlier this year, they asked the management to prolong the free provision of basic foodstuffs beyond the period of one year normally allowed to transmigrants. There are four hundred settler families in Patek coming from various parts of Java, plus one hundred local families, the so-called 'translok's'.

The transmigrants arrived in Patek early in 1986 and had a good rice harvest last year but the second harvest was a disaster. Even so, government food supplies were halted, leaving them with severe food shortages.

It so happens that the food crisis struck just as Golkar was campaigning hard to garner enough votes to be able to defeat the PPP in Aceh, the only province where the PPP retained its superiority over the government party in the 1982 general election. The camat (sub-district chief) told the transmigrants that their demand for uninterrupted food supplies would be met provided they all voted for Golkar. They duly complied but the food never arrived. (See TAPOL Bulletin, No 81, June 1987, for a report on how Golkar defeated the PPP in Aceh.)

In May, a month after the election, site managers told the hungry transmigrants that extra food could not in fact be supplied without the approval of the Department of Transmigration in Jakarta.

On three previous occasions, Patek transmigrants went to the management office inquiring about the food they had been promised. Local security authorities have insinuated that "certain elements" are behind the affair. In Indonesian parlance, such comments infer that there is



The Bayubang transmigration site in Jambi, Sumatra

a PKI or communist connection, the easy way to discredit any protest.

## On-site problems

The difficulties in Patek afflict many transmigration sites in Aceh where altogether 19,000 families or a total of more than 80,000 people have been transported from Java in the past few years. Indeed, the problems elsewhere are bound to be worse since Patek is described as the most fertile transmigration site in Aceh.

The incident brought many journalists to Patek to investigate conditions. Their findings are pretty grim:

- \* The transmigrants were given no advice on how to till the soil which is very different from soils they were used to in Java. They should have followed their first rice harvest by planting other crops to regenerate the soil. No agricultural extension officer has visited the site with advice on growing food in their new location. No fertilisers were supplied.

- \* The management corrupted part of the food rations provided free for their first year. Of the fifty kilos of rice they were supposed to receive monthly per family, seven kilos were kept and sold off by the staff. Other basic foodstuffs were also corrupted and resold.

- \* Their crops were attacked by wild boars and rats.

- \* Attempts to sell sweet potatoes and yams which they grew near their houses to make up for the poor harvest proved futile. The closest market is 7 kms away whereas prices were too low to make such a trip worth while.

- \* There is a puskesmas (clinic) on the site but no medical personnel has ever visited Patek.

Reporters quoted many transmigrants as saying that they had lost all interest in their new home and only wanted to return to Java.

A week after Juweni was killed, the Department of Transmigration sent a team to Patek to investigate the complaints. These experts came away with the impression that conditions at the site did not warrant any prolongation of free food rations and that since the soil

was fertile, the transmigrants had only themselves to blame for their problems, though the team did grudgingly admit that advice on how to till the soil might have helped.

As the tragic events of 4 June recede, the transmigrants in Patek will no doubt be forgotten. It is not difficult to imagine however that this site will one day join the growing list of sites in need of complete rehabilitation. \*

[Sources: *Kompas*, 9 June; *Kedaulatan Rakyat*, 10 June; *Merdeka* and *Waspada*, 11 June; *Suara Merdeka*, *Waspada*, and *Suara Pembaruan*, 12 June; *Merdeka*, 17 June; *Merdeka*, 24 June 1987.]

## Transmigration's loadful of problems

An investigation by a *Merdeka* journalist into the availability of expert staff for transmigration sites throughout the country exposes a massive shortage of agricultural specialists, medical staff and teachers. It reinforces the impression that while the authorities in Jakarta have been able to dispatch hundreds of thousands of impoverished families to remote parts of Indonesia, they have largely abandoned the transmigrants to their fate by their inability to provide essential services to make life on the sites bearable.

Official figures reveal a staggering shortage of personnel for the 1,202 transmigration sites now accommodating hundreds of thousands of migrant families in twenty Indonesian provinces. The sites lack 777 agricultural extension officers, 30,829 teachers, 1,540 para medics, 77 doctors and 573 family planning officers. [The figures, though revealing, are unsatisfactory in that they do not compare these shortages with the number of personnel actually needed.]

The investigation deals only with the non-availability of agricultural specialists whose services as extension officer (PPL) are essential to assist and advise transmigrants on how to grow food on land that is very different from the land they tilled in Java. It leaves unsaid the problems created by such a huge shortage of doctors, nurses and teachers.

The investigation shows that people with the necessary training to become extension officers refuse jobs in remote, inaccessible places. "They are unwilling to mingle with transmigrants, to be far from city life, to go out to work on the fields in the blazing sun. They don't want to get their hands dirty and are scared of living in the quiet and isolation of the sites."

Few site managers (KUPT) have any experience or training in agriculture so they cannot compensate for the lack of extension officers. Without guidance and advice, the results achieved by the hard-working transmigrants are often pathetically inadequate. Whereas [as was the case in Patek, Aceh] the first year's harvest may be a

success, subsequent harvests are failures because the topsoil has been overworked by trying each time to grow rice instead of planting other crops to re-generate the soil. Moreover, attempts to grow cash crops like cloves and coffee founder because transmigrants are unfamiliar with the problems that are likely to arise.

In 1985, the Transmigration Department tried to solve recruitment problems by deciding to give site managers and extension officers an extra Rp 175,000 a month as an incentive to work on the sites. But Bappenas, the Central Planning Board, refused to make the necessary funds available.

Another idea was to appoint agricultural specialists as site managers but this proved unworkable as the Department was tied by a decision not to take on any new personnel because it is no longer setting up old-style transmigration sites where the focus is on food production and self-sufficiency.

One idea which has been implemented is to have a team of thirty agricultural specialists at the centre answering letters from transmigrants on technical problems as they arise. [It boggles the mind to see how a small group of specialists in Jakarta can cope with day-to-day problems occurring in 1,202 sites in a variety of locations and conditions.]

What the *Merdeka* investigation does not discuss is that the former forest land now occupied by transmigrants is inherently unsuitable for the purposes to which it is now being put. While not drawing the obvious conclusions, it also reveals that there is a world of difference between the attitudes of trained, city-based personnel refusing to support the regime's most important programme and poor peasant families who have no option but to accept transfer to the outer reaches of the country as the regime's only solution to over-population and poverty in Java. \*

[Source: *Merdeka*, 2 and 3 July 1987]

## Indonesia: Muslims on trial

Published by: TAPOL, the Indonesia Human Rights Campaign

Since early 1985, more than 150 Muslims have been tried, convicted and sentenced to heavy terms of imprisonment in Indonesia for giving public sermons critical of the government, conducting religious courses not approved by the authorities, or producing leaflets or journals that denounce government policy. Some were held responsible for bombing incidents that were never properly investigated.

The trials followed the army's crackdown on a demonstration of Muslims in September 1984. Dozens, possibly even hundreds, were killed when troops opened fire on the unarmed crowd. The trials took place at a time of deep disquiet in Indonesia about the military government's imposition of total ideological conformity, preventing organisations from proclaiming Islamic or other religious principles.

*Indonesia: Muslims on trial* analyses the trials, placing them in the context of the continuing conflict between Indonesia's Muslims and the military regime.



128 pp. £4.00 plus p & p.  
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# West Papuan refugee interviewed III

*In November 1985, three West Papuans reached Boigu island, Australia and asked for asylum. One of the three, Thomas Agaky Wanda later gave TAPOL an account of his experiences. The first two instalments appeared in TAPOL Bulletins No 80 and 81.*

## Organising under the enemy's nose

**Can you explain how people holding official positions in local government were able to engage in political activities against the government?**

I will tell you a bit more about the activities in Mindiptanah and Waropka. After the OPM leader, Gorry Tommy arrived, campaigns and ceremonies took place to draw the attention of the public. Such things still continue to this day. Several attacks were also launched on local military posts by people armed with bows and arrows and choppers.

On one occasion there was a skirmish between the OPM and an army post during which an OPM guerrilla shot an arrow from his bow, and it struck the firearm being held by an Indonesian army captain, Harun Hanafi. His weapon was destroyed and his arm badly wounded.

As this activity intensified, the Indonesians resorted to using landing craft and warships to bring troops from Java, Bali, Sulawesi and Maluku. They came ashore in the estuary of Kali Maro, far from where people could see them. Then they were transported by helicopter from the coast direct to Mindiptanah and Waropka to prevent the local population from seeing what was happening.

As for my own activities, the people under my leadership were held together not in a structured organisation but in a loose network. [The former he calls 'pergerakan', the latter 'gerakan'. There is little difference in the two Indonesian words, though they have distinct attributes in this interview which we have tried to interpret as above.] \*) Hardly any information was committed to paper so it was not easy for others to find out what was going on. Everything was in my hands, and anything I had to pass on to other people I did verbally or by passing messages from tribe to tribe. It was never easy for 'straight-haired' people [the Indonesians] to spy on us because we hardly ever mingled socially with them anyway. So even though we occupied official posts, OPM work could and did continue without interruption.

There were other pergerakan-type groups which kept documents but this was dangerous. If a document was captured, everyone named would certainly be arrested.

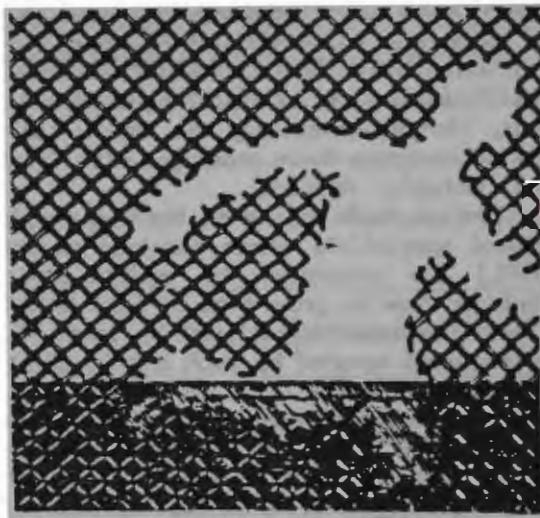
After the Dutch left in 1963, the OPM was set up as a well-organised political movement. Some carried out physical operations in groups. Each member had a card and was under a defined leadership. After Pepera [the 'act of free choice' in 1969], many documents were captured, leaders were arrested and some were murdered. New groups emerged, some well organised, others not. The groups included civil servants, members of the armed forces, fishermen, villagers, school-pupils, students, the unemployed and so on.

People were strongly influenced by economic, political, cultural and educational developments which prompted Papuans from all tribes to join in the struggle for independence. Developments in Indonesia and overseas also encouraged Papuans to get involved, so that in the end a real unity emerged, rooted in an awareness of the need for a Papuan state. All this enabled people in official positions to become involved in anti-government political activities.

## What made you decide to leave West Papua?

I decided to leave because of the Indonesian government's plans to finish off all ex OPM prisoners, leaders, ordinary members, sympathisers and so on.

The plans to murder former OPM prisoners began with the murders of Arnold Ap and Eddy Mofu. Even before that, six prisoners I had been with since 1981 disappeared. They were: Jonas Tuu, Paulus Tabisu, Agus Elly, Wellem Joku, Markus Velba and a sixth man whose name I have forgotten. They were all taken from their place of detention and never returned up to the time of my release. When I was moved to the 17th police/regional interrogation team and held temporarily for interrogation, Tabisu's wife and



family came there to inquire about him because he had disappeared, but they were told nothing about him.

After my release, I heard about the discovery of several headless corpses that were found under the bridge linking Abepura and Jayapura, a place known as Kelapa Dua, and along the Hamadi coast. According to reports, the heads of these six corpses had been chemically treated and sent to Jakarta at the request of Defence Minister General M. Joesoef as proof that the people involved in the 8 October 1981 incident had been taken into custody. But as it turns out, the six beheaded people were victims of a local round-up, not people who had been fighting in the bush.

After arriving back in Merauke, I met John Papare who had returned home a week earlier. John was a friend of (four names deleted) who were all involved in the same case. John Papare had been released although he was due to be tried. After my return, we two started organising but the army got wind of our activities. On 9 June 1984 at 11 pm, I was detained by a unit of the Merauke district military command, Kodim 1707, and handed over to Merauke police force 1707. Although I was told to appear on 12 June, the officer on duty, Darius Wau let me go home because it was a holiday. After returning home, I packed a few things, said goodbye to my wife and four children and went to John Papare's home. I woke him and we set out for the border that very night, Saturday 9 June 1984 at 2 in the morning [this would be on Sunday].

We walked along the Jayapura Merauke highway, taking nothing with us in the way of knives, matches or food. On

\*) Remarks added in square brackets are from TAPOL.

Monday, 11 June we reached the village of Sota on the border and spent the night there.

The next day, Tuesday we crossed the Torasi river and arrived at the village of Vereaver. The inhabitants gave us food and then we made our way to the Weam Police



OPM guerrillas photographed recently at Markas Victoria, the mobile headquarters of the resistance

Patrol Post which we reached at 5 pm. Police officer Corporal Sobi Jawa and his wife gave us a meal and the next day he reported our arrival to Daru, the capital of Western Province. We waited at Weam until 28 June when Mozes Poi, the Foreign Affairs officer in Daru, and Daru police station commander P. Rongkup arrived. They took us to Daru. There we stayed in a police house for about a week and were looked after by Mozes Poi. But when he was replaced as Foreign Affairs officer and sent to Vanimo, his successor Christ Kitty did not look after us. We had to fend for ourselves, while waiting for our cases to be heard.

In September 1984, we were returned to Morehead sub-district and told to make our own way back home. Other refugees arrived while we were in Weam and Morehead. From Morehead, we made our way to the border, wanting to see whether there had been any changes on the Indonesian side making it possible for us to return home.

In December, I went to Vereaver and spent Christmas there. We met some refugees who had been told to go back home and who all had the same experience [the experience is not explained]: Joseph Macaomana, John Rumbarar, Chris Mobby, Markus Webi Ndikeu, Julius Yarom Mahuze and Marthinus Tili Gebze. While waiting, we tried twice to return to Merauke, in January and February 1985, to see whether things were alright but each time it proved impossible. While in Vereaver, several friends arrived from Merauke, among them Melkias Koibur.

Several times, the PNG police from Daru tried to arrest us but we evaded them. Finally we talked things over and left Vereaver to set up camp near the border on the West Papuan side. After more discussions, we decided to leave the border region and go to Australia. Some hunters came by, so we asked them for an axe. They gave us one and we made a small, Cendrawasih-Bay-type vessel big enough for four people, only knee-high in the middle. On another occasion, we met villagers from Vereaver who were repairing the bridges between Sota and Vereaver and they gave us some nails.

We started making our craft in August 1985 and it took the three of us, John Papare, Melkias Koibur and me, only

a week to build. On 12 September 1985 we sailed down the Torasi river towards the estuary. People in PNG were busy celebrating their independence on 16 September, so we escaped without trouble. But for the celebrations, we might have been caught and arrested.

We reached the estuary on 19 September and turned eastward. The sea was very rough and a hurricane beat against our tiny craft which felt as if it would sink, but we kept going, praying and in high spirits. We had no food or water, so we landed several times to rest and find nourishment. We found coconuts, anything to fill our stomachs. We asked for help at two villages, Jarai and Mari, where the teachers gave us food.

Finally, we reached Boigu island safely on 14 October 1985. On our arrival, we were met by police sergeant Lenny Peter, the police commander, Denis Peter, the village chief, Philip Matthew, the deputy village chief, and police corporal Greg Gibuma. After checking up and reporting to Thursday Island, Canberra replied saying we should go home. But we said we could not go home as we might be killed, so we were told to wait.

#### How did the Australian authorities treat you?

They treated us quite well. We were interviewed by immigration officials for two days, and were able to show them why we had fled. We showed them a detention warrant, a document about our release from prison, our tickets from Daru to Morehead and other documents.

One day, Bishop A.T.G. Hall Matthews came to interview us, then Robin Osborne came, as well as TV journalists and press people who wrote about us in the newspapers. John Gaylor, a Federal Member of Parliament also interviewed me and took photographs.

#### What about the other refugees who arrived in Australia?

While we were in Boigu, a refugee friend named Benny Yolmen arrived from Buzi kampung. Because he was ill, he was immediately sent to Thursday Island.

Three months before our arrival, on 9 June 1985, five West Papuan refugees had arrived from Buzi kampung which borders on the Torres Strait, Australia. Their names are Mathew Jolmen, Philipus Basik-Basik, Antonius Gebze, Ignatius Somkakai and Ignatius Kaize. They had been repatriated from PNG back to West Papua in those awful days when Michael Somare was still prime minister. They had paid \$25.00 each to the inhabitants of Buzi for transport from Buzi to Boigu.

The day after they arrived, they were taken by Sunbird Airline to Thursday Island. They spent a week in prison but were then moved to hospital because they were ill. From there they went to a hotel, but their cases were not processed because, in the words of the officials, they "did not have strong reasons (to flee) and did not possess authentic documents".

In February 1986, Theodorus Mahuze from Tais kampung and Gerry Samkakai from Buzi kampung arrived in Boigu and after a few days they were transferred to Thursday Island as well. Their cases were processed in March when immigration officials returned to ask the three of us to sign our interrogation reports. Actually, the Australian government had already decided that we were acceptable and could stay but following a visit by Indonesian officials, including Foreign Minister Mochtar Kusumaatmadja, the Australian government changed their mind and rejected us.

But we refused to give up, and later when we were afraid of what might happen, I wrote to Bishop Hall-Matthews asking him to help us move to another place where we would feel safer, while waiting for the final decision. He went farther than that and got an appointment to see the Immigration Minister, Chris Hurford. Eventually John and I were granted refugee status and our cases were handed over to the UNHCR in Australia.

On 26 June 1986, those of us who were in Boigu and in Thursday Island were flown to Cairns. An official from

the Catholic Church arranged social support for us from the government, and in July we joined a course for migrants to learn English.



### Australian bishop took a firm stand

There is more to the stand adopted by Bishop Hall-Matthews than is revealed by our interviewee. According to Denis Reinhardt in *The Bulletin* [3 December 1985],

three days after he delivered a sermon calling on Islanders on Boigu and Salbal "to offer Christian succour to anyone", the resident immigration officer, Joanne McRae, authorised large advertisements in Thursday Island's weekly newspaper warning that it was an offence to harbour or assist non-citizens in any way.

Despite such warnings, the bishop told *The Bulletin* that he would physically intervene to stop the deportation of the Papuans from Australia's Torres Strait Islands.



### MUSLIM TRIALS

## Usroh trials shift to Temanggung

It is now a year and a half since the first trial of an activist of usroh was held. The usroh movement is a grassroots Muslim movement with many followers in Central Java which advocates a return to pietry and organises its members in small, home-based groups. [See Chapter 7 of *Indonesia: Muslims on Trial*, published by TAPOL in April 1987.]

The first usroh victim was Tubagus Muhammad Jidan, a peasant from the village of Banaran, sub-district Kulon Progo, near Jogjakarta, found guilty of subversion and sentenced to six years in February 1986.

Since that time, according to TAPOL's records, a total of twenty-seven usroh activists have been tried and sentenced. Most are in their early twenties. There have been no acquittals. The lowest sentence passed was four years; twenty of the convicted men have received sentences of seven years or more, including one sentence of twelve years, four of fourteen years and one of fifteen.

The accused are tried in groups, each based in different districts of Central Java. So far trials have been held in Banyumas, Karanganyar, Sukoharjo, Boyolali, Klaten, Jogjakarta, Surakarta, Bantul and Brebes.

Now the roadshow has shifted to Temanggung in the centre of Central Java, where four usroh members were formally indicted in May and June this year. As usual, they are identified only by their initials. There are two pairs of trials in which two defendants are being tried separately, one after the other, in the same court-room, on the same day, before the same panel of judges and facing the same charges.

### The four accused

'Fa' bin Badaruddin, 25 years, from the village of Greges, sub-district Tembarak, is accused of lecturing at 'illegal' meetings over a period of two years from 1983 to 1985. (This suggests that he was arrested in 1985 and has spent two years in detention without trial.) During his lectures, he sought to undermine the state ideology of Pancasila and to spread feelings of animosity.

More specifically, he is charged with urging people not to honour the Indonesian flag, to refuse to enter the civil service as wages from the government are regarded as 'sinful', and not to elect as leaders people who are not themselves devout. For these 'crimes', he is being charged under Article 55 of the Criminal Code which concerns incitement to commit an offence, and under the draconian Anti-Subversion Law.

His co-defendant, whose court hearings are taking place immediately afterwards, is 'Su' bin Cholik Mahfud, 24 years, from the village of Danupayan, sub-district Bulu [Suara Merdeka, 5 June 1987].

The prosecution witnesses heard so far include two 'expert witnesses' one of whom told the court that the Department of Religious Affairs had issued instructions prohibiting preachers from saying anything derogatory about the Pancasila, from criticising the government or



discouraging development activities. The other 'expert witness' told the court that usroh meetings could be called 'illegal' because the people in charge had failed to inform the police or local officials about the meetings [Suara Merdeka, 24 June 1987].

So many people turned up to attend sessions of these trials that the authorities started issuing entrance tickets. Anyone failing to get a ticket can listen to the proceedings through loud-speakers outside the court.

'FT' bin 'BD', 25 years, is likewise accused of undermining state ideology and spreading hatred. The charge sheet includes allegations that he was involved in a conspiracy to organise rebellion said to have been discussed at usroh meetings. He was appointed treasurer for the usroh organisation in Temanggung.

His co-defendant is 'SH' bin 'BD', 24 years. Since reports of his trial are incorporated into the reports about 'FT's trial, few details have been given [Kedaulatan Rakyat, 4 June 1987]. The two men are also charged under Article 55 of the Criminal Code and under the Anti-Subversion Law.



The 1987 Indonesian election in East Timor



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The 1987 Indonesian election in East Timor

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# Villagers persecuted for defending land rights



Kompas, 20 June 1987

*In the past few years, there has been a dramatic increase in land disputes in Indonesia. Many are disputes over unfair compensation for land forcibly requisitioned for state projects.*

*A dispute recently flared up about land requisitioned for a World Bank-funded multi-purpose dam in Central Java. It has been well reported in the press and brings to light many forms of persecution, including compulsory transmigration. It has spotlighted the beleaguered position of former political prisoners or alleged communist sympathisers, as well as the intimidation used by civil and military officials to force villagers to accept grossly unfair levels of compensation.*

A dispute has recently flared up about land being requisitioned for a World Bank-funded multi-purpose dam under construction in Central Java. It has been well reported in the press and brings to light many forms of persecution, including enforced transmigration. It has spotlighted the beleaguered position of former political prisoners or alleged former communist sympathisers, as well as the intimidation used by local government and military officials determined to force villagers to accept grossly unfair levels of compensation.]

A number of farmers in Central Java who have, since early last year, been demanding proper recompense for their land soon to be inundated by a huge dam project, have been persecuted by local military and government officials. Some were arbitrarily branded as "ex PKI political prisoners" while a group of them felt so threatened that they fled their villages and went into hiding in nearby forests.

The Kedung Ombo dam project is located at the meeting point between three districts of Central Java, Grobogan, Boyolali and Sragen. The project will provide irrigation, electricity and drinking water to 7,900 square kilometres in a region that stretches from the north coast to the central districts of Central Java.

About six thousand hectares of land are being cleared of inhabitants to make way for dam. Altogether 5,359 families in twenty-two villages have been told to move.

## Ex-tapols , the first victims

The World Bank has provided 74 per cent of the funding with the remainder from the government. Construction of the project commenced in 1985 and since then, thousands of villagers have been under acute pressure to give up

their land with scant regard for their future.

In January 1986, it was announced that villagers living in the affected area were told that the only option open to them was transmigration out of Java. However, the policy of enforced transmigration was in conflict with a long-standing decision by the security forces banning people branded as former members or supporters of the outlawed communist party (PKI) from becoming transmigrants.

According to press reports at the time, 326 of the families (a total of 1,635 people) were described as 'ex-PKI elements', meaning that one or other of the parents had spent years in detention without trial or had been identified as PKI sympathisers.

For several months, bureaucrats wrangled with each other over the fate of these families. Eventually the security forces were obliged to concede that the 'ex-PKI families' should be allowed to re-settle (forcibly) outside Java. It was announced that they would be moved to transmigration sites in West and South Kalimantan while Major-General (retired) Harti Soegiman, Director-General for Social and Political Affairs at the Department of the Interior said that, in the interests of security, these families would be kept in isolation from other transmigrants [Suara Merdeka, 19 February 1986]. Two months later, it was announced that the families would be placed under the close scrutiny of the military commands (Laksusda) in their new 'homes' [Kedaulatan Rakyat, 23 April 1986].

It was stressed at the time that this was a once-only concession and should not be seen as in any way reversing the policy of excluding 'ex-PKI elements' from transmigration. Needless to say, not a word was said about whether the families in question wanted to transmigrate. Nor was there any discussion at the time about whether the families not labelled as 'ex-PKI' were happy to be forcibly transmigrated.

## Land disputes erupt

Later it became apparent that many non-ex-PKI families in the area were in dispute with the authorities over compensation for their land. In August 1986 three villagers representing hundreds of families in a number of villages complained to the Legal Aid Institute (LBH) in Jogjakarta that local officials were using terror to force them to accept low prices for their land. They were being offered compensation at only a tenth of its market value. They told LBH lawyers they wanted either a fair price or alternative land equivalent in size to their present holdings. Above all, they did not want to transmigrate.

In the sub-district of Kemasu alone, 2,649 families or a total of about 13,000 people were under threat. A major proportion of land affected by the dam lies in Boyolali sub-district and it is in this district that peasant resistance has been strongest.

The villagers complained bitterly that the sub-district chief of Kemasu had arrested one of the villagers and held him handcuffed for a whole day. The official accused those demanding fair compensation of 'obstructing development' and being 'enemies of the state', warning them that if they persisted, they would be branded as ex-PKI prisoners and have the initials E.T. (ex-tapol) inscribed on their identity cards. The village chief of Kedung Complang threatened villagers with three months in jail and the loss of their land rights.

The villagers also said that some people had been tricked into finger-printing documents accepting low compensation. On top of this, local officials then arbitrarily deducted a proportion of the amount due to them under these enforced accords. Such experience had strengthened the resolve of the rest to resist the local officials and seek legal protection [Sinar Harapan, 30 August 1986]. Other newspapers gave further details about the methods of intimidation used against the villagers by both civilian and military officials [see for instance Suara Merdeka, 24 September and Kedaulatan Rakyat, 8

September 1986].

After the local LBH battled unsuccessfully for months with provincial government and military officers on behalf of the aggrieved villagers, it was reported that twenty-five villagers had fled their homes because seven others had been detained for varying periods for refusing to accept the compensation on offer.

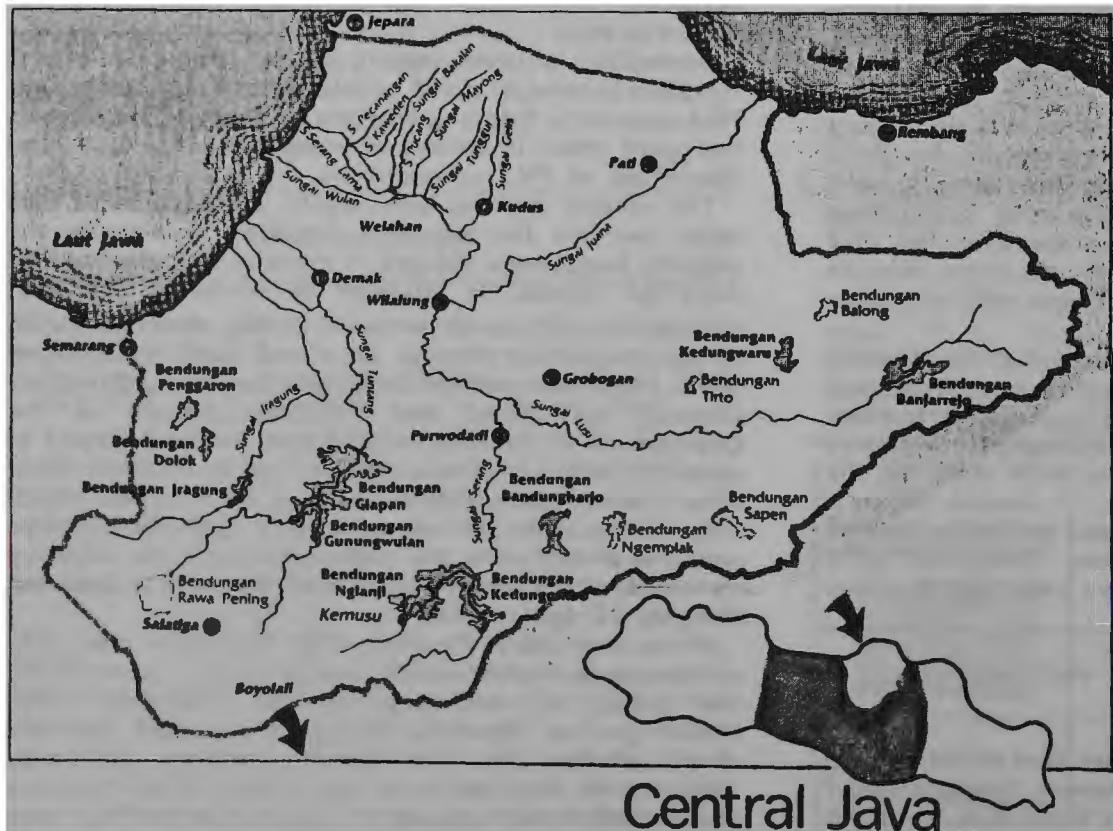
## Sentenced to become 'ex political prisoners'

In despair six villagers from Kemasu valley who all refused to disclose their identities travelled to Jakarta in June to seek the help of the Jakarta-based LBH, hoping that their dispute might receive national attention. They reported that many villagers had been interrogated by local officials, including the local military (koramil), and warned that they would be branded as ex-PKI prisoners. In fact, a number later discovered to their horror that the initials E.T. had been inscribed on their identity cards when their cards were handed in for renewal. Thus a new kind of punishment has been created, "divonis sebagai ex-tapol" or "sentenced to become an ex-tapol" [Kompas, 18 June 1987]. So far, twenty-two villagers have had ET inscribed on their identity cards.

They told LBH-Jakarta that whereas land in the vicinity of the dam had now risen in price to around Rp 12,000 per square metre, they were being offered from Rp. 325 to Rp. 700 per square metre according to the type of land. Because many families would need to buy land to replace present holdings, they felt that their only alternative was to be given land-for-land rather than compensation in cash.

The Boyolali social and political affairs chief (a key security post usually occupied by a military officer) responded by angrily denying that villagers had been interrogated. All that had happened was they had been summoned by the Regional Intelligence Coordination Board (Bakorin)\* to be given guidance about transmigration. "Anyone formerly involved in outlawed organisations must receive guidance before going on transmigration," he said [Suara Merdeka, 23 June 1987].

The Boyolali district head (bupati), Major Moh. Hasbi, also made a statement, insisting that the dispute would have to be resolved by 23 June. Come what may, he said,



\*) Bakorin is also known as Staf Koordinasi Intelijen or Intelligence Coordinating Staff, a regional body which meets every two weeks at the provincial offices of the director-general for social and political affairs, and is attended by the army's assistant for intelligence, the high prosecutor's assistant for intelligence and the police security intelligence. [See Indonesia Reports, No 21, June 1987, page 12]

A map of the area served by the Kedung Ombo dam.  
Kompas, 5 July 1987

the villagers could not get any more for their land than what was being offered. The bupati was previously commander of the Jogjakarta district military command (kodim). He denied that villagers had been labelled 'extremists' but added that "anyway most people living in that area were 'involved' [ie. suspected of being pro-PKI] which is the source of all the trouble" [Kompas, 20 June 1987].

A few days later, Boyolali officials held a meeting with LBH representatives and asked for their help to approach villagers who had apparently become so incensed against officialdom that they were refusing to attend any meetings called by local officials [Kompas Minggu, 5 July 1987]. It is highly unusual for local authorities to involve the LBH. They apparently feel they now need the LBH's collaboration to enforce their will on the villagers.

The lawyers are obviously aware of this danger. The discussion was reported to have been "heated", with LBH lawyers insisting that they would make house-to-house visits and refuse to be escorted by local officials. Hasto Atmodjo Soerojo of LBH-Jakarta said: "We don't want to operate through intermediaries. We want to hear people's complaints and difficulties first hand. This is why we intend to carry out on-the-spot investigations," [Kompas, 1 and 4 July 1987]. →



### System heavily weighted against small land-owners

The acquisition of land for government projects is controlled by land acquisition committees (Panitia Pembebasan Tanah) composed of government bureaucrats and chaired by the head of agrarian affairs. In the case of land under five hectares, project managements are given powers to handle compensation [Kompas, 25 June 1987]. These committees impose government-fixed compensation rates to force land-owners to agree to unacceptable terms. They also mobilise local government and military personnel to back them against villagers.

According to Mulya Lubis, a leading human rights lawyer, villagers are powerless to confront such an array of forces. Although an independent agency exists in theory to adjudicate disputes, it is never used [Suara Merdeka, 12 June 1987].

### Appeal to the UN and the World Bank

H. Princen, one of the LBH lawyers in Jakarta who has agreed to handle the Kedung Ombo dispute, said the case will be reported to the UN Human Rights Commission. He would appeal to the World Bank to pay attention to the social and economic consequences of the project, considering that it is largely funded by the Bank [Jakarta Post, 18 June 1987]. ★

## Prioritas banned

On 29 June, the Jakarta daily *Prioritas* was closed down. This is the second time in less than a year that a national daily has been shut down in Indonesia. Last October, the evening paper *Sinar Harapan* was banned amid widespread protest and condemnation from other sections of the national press.

Unlike *Sinar Harapan* (SH) which was in its twenty-fifth year, *Prioritas* first appeared in April 1986 and was gradually becoming one of Jakarta's more popular dailies. As compared with SH and the other large circulation daily, *Kompas*, each with circulations well in excess of a quarter of a million, *Prioritas* was still building up its circulation, with sales approaching 100,000 a day. It was an attractive-looking paper with regular colour features on the front and back pages, and was fast establishing itself as one of the capital's more serious dailies.

The ban came six months after it received a "stern and final warning" in January for publishing a report about Indonesia's foreign debt problem "under a misleading headline", and for other alleged misdemeanours. The paper said at the time that though this was said to be the "final" warning, no previous warnings had been received.

The Information Department closed *Prioritas* down for violating the terms of its permit requiring it to devote 75 per cent of space to economic news and 25 per cent to political news. Furthermore, it allegedly published "inaccurate reports not based on facts, which were cynical, insinuative and biased".

### Golkar in-fighting takes its toll

The paper was owned by Suryo Paloh, a successful Acehnese businessman and chair of AMPI, the youth



organisation of the ruling party, Golkar. The editor was Nasruddin Hars, who came to the paper from the armed forces daily, *Angkatan Bersenjata*, and was until a few weeks ago, chair of the Jakarta branch of the PWI, the journalists' association. Their credentials might be thought to have protected the newspaper against closure. These days, however, the bitterest political battles are being fought out among different factions within the regime. With rumours about Suharto's successor now in the air and speculation rife about who is likely to be chosen by him as vice-president when he starts his fifth term next March, the stakes are high.

Like SH, *Prioritas* had its Business Licence (SIUPP) revoked. The SIUPP licencing system was introduced under a 1982 law amending the 1966 Press Law under which the government controlled the press by means of publishing

licences (SIT). The new licence called SIUPP was said to focus on regulating the business aspects of publishing and aimed primarily at preventing established papers from facing too much unruly competition. In some circles, the abolition of the much-hated SIT system was welcomed as a relaxation in Indonesia's press censorship laws. In actual fact, under the new system, the government can destroy not only the offending newspaper but its entire business operation as well.

Nor do publishers have any right of appeal. The law stipulates that the Information Minister must consult the Press Council but since he is chairman of the Council, this is nothing more than a formality.

Shortly after *Sinar Harapan* was banned, the former chairman of the Supreme Court, Professor Seno Adji, sharply criticised the government for using its SIUPP powers to ban a newspaper [*Kompas*, 1 April and *Tempo*, 11 April 1987]. He argued that this was an abuse of power under the 1982 law, and that it would be better to prefer charges against journalists in court, giving them the right to defend themselves while not putting hundreds of other people's jobs at risk.

The axe fell on *Prioritas* because of an interview it carried in which the Indonesian ambassador to Japan explained why Japanese businessmen are now reluctant to invest in Indonesia. This appears to have annoyed the ministers and officials in charge of managing foreign investments, all of them close to General Sudharmono who chairs Golkar and heads the country's bureaucracy.

*Prioritas* has been an irritant to the Sudharmono faction for some time. Shortly before the recent general elections, it published an interview with Sudharmono's son focusing on his forty or so business ventures. Although Sudharmono's progeny was not bashful about his accomplishments, the revelations must have proved highly embarrassing to his father.

Another sore point for Sudharmono was *Prioritas'* preference in its reporting, during the elections, for the PDI, the party which made small gains and which also enjoys the support of General Murdani, armed forces commander-in-chief, who is currently Sudharmono's chief political rival.



## Military tighten grip on Information Department

Shortly before *Prioritas* was banned, three new top appointments at the Department of Information were announced. All are men in or close to the armed forces, with long experience of intelligence work.

The new Secretary-General is Vice-Admiral Emir Hamzah Mangaweang, 52, former head of the Navy's information service, and later Defence Attaché at the Indonesian embassy in Singapore, a sensitive post usually held by a senior intelligence officer. He later became head of the Navy Information Service and from there took over as head of the Central Information Service of the armed forces, another extremely sensitive post. The vice-admiral received training in intelligence in the UK in 1960.

Dr Edward Sinaga, 56, takes over as Director-General for Press and Graphics from Sukarno, an official at the Department since pre-1965 days. After obtaining an M.A. at George Washington University in Washington DC, Dr Sinaga joined the personal staff of General Panggabean, the Minister of Defence and commander of the armed forces. He remained with General Panggabean as his personal assistant when he became Minister-Coordinator for Political and Security Affairs and occupied the same post with the present incumbent, General Surono.

The third appointee is Drs Soetjipto, 53, who takes over as Director-General for Information. He received intelligence training in 1962 and served as an intelligence officer at the Army General Staff. During this time, he helped set up the State Intelligence Command, a body which no longer exists but which was probably the forerunner of Bakin, the Intelligence Coordination Agency. He has since been closely involved with state intelligence, having worked for many years in a variety of capacities for Bakin. First he was its liaison officer with parliament and later its head of psychological warfare, propaganda and information under the third deputy head of Bakin. He was on the personal staff of (retired) Lieutenant-General Yoga Sugama, head of Bakin, and later moved to the Information Department with the late General Ali Murtopo when he became Information Minister in 1973.

John McDougall comments that the "long operational intelligence backgrounds of the replacements are striking

and seem to anticipate significantly tighter - and rougher - control of the press in future than now" [Indonesia News Service, No. 11, July 8, 1987, page 3-4].

Swearing in the three new officials, Information Minister Harmoko said the Department would "take firm measures whenever the situation demands" [*Kompas*, 24 June]. Five days later, *Prioritas* was banned.



# Muslim casualty in Aceh

One person has died from wounds he received when he marched on Meuloboh, Aceh along with a group of devout Muslims on 15 May. As they approached the town the group was halted and fired on by troops.

The dead man, Sabirin A. Rahmin (28 years), is described as the leader of the group of five persons, all of them youthful, who were carrying banners with warnings of the moral degeneration threatening Muslims in Aceh. He died of his wounds two weeks later at Meuloboh general hospital. The others who were with him were all arrested [Tempo, 30 May 1987].

On the day this group marched on Meuloboh, another larger group marched on Sigli, also in Aceh, and were halted at the outskirts of the town by troops who fired on them.

## Political trials to be held

It has also been announced that thirty-four people, described as 'white-robed people' are to be tried in Sigli in the near future. 'White-robed people' is the term now used for the two groups of devout Muslims who marched on Sigli and Meuloboh in mid-May. Few details about the charges have been given, except that four of the men are to be accused of complicity in the murder

### \* Showing of film about Sukarno halted \*

A short documentary film about a visit made by the late Indonesian president, Sukarno to Irian Jaya (when it was still known as West Irian) could not be shown because an officer of the local military command ordered the showing not to take place. The film was to have been shown by W. Wandowo, editor of a local weekly magazine, at his home in Jogjakarta, Central Java during his birthday celebrations. The party was attended by some two hundred people, most of them youngsters. Wandowo describes himself as an admirer of Indonesia's

some time ago of a Belgian expatriate in Jakarta [Merdeka, 27 June 1987]. These cases are being handled by the local military command, which means that the accused are likely to be charged under the anti-subversive law.

The marches took place during Ramadhan, the fasting month, and were intended to express dissatisfaction with the fact that foodstalls were open during the fast and many people were not fasting.

## Banned Muslim sects

The people involved are said to be followers of the Bantaqiyah Islamic sect which was declared illegal by the attorney-general's office in Aceh three years ago. The sect was deemed to have strayed from the tenets of mainstream Islam in Indonesia and to have been a blend of Islam and mysticism. According to Ali Hasymi, chairman of the Acehnese Board of Ulamas, which supported the ban, the sect had attracted many youngsters in secondary schools [Tempo, 23 May 1987]. The leading figure in the Bantaqiyah movement is Tengku Banta, 35 years, who spreads his teachings from a remote part of Aceh, and is now being sought by the authorities [Tempo, 30 May].

Altogether six Islamic sects have been banned in Aceh since 1980.

first president. He has made a habit of showing films about Sukarno on his birthday since 1985 without interference by the military. When Wandowo questioned the army officer about the ban, insisting that he had obtained permission for the gathering, he was told that he needed a police permit to show such a film.

Reporting the incident, Jakarta Post [2 July 1987] suggested that the authorities have become more sensitive about the former president's popularity since the recent general election, when the smallest party, the PDI, made significant gains after a campaign in which Sukarno's photographs were prominently displayed.

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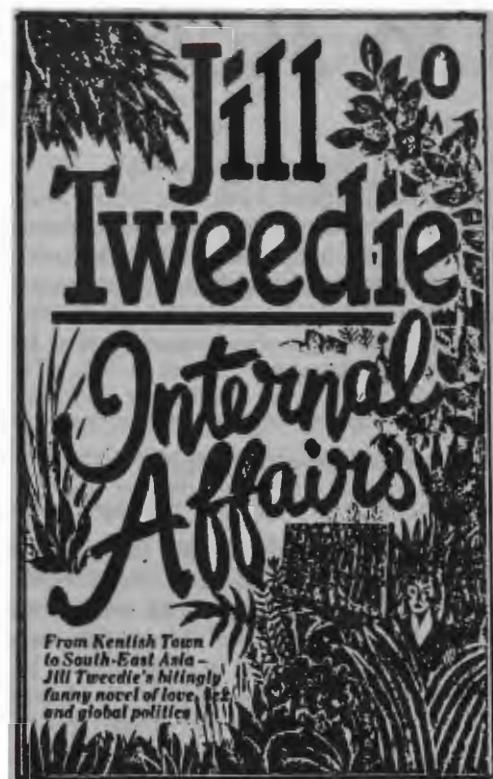
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Jill Tweedie, *Internal Affairs*, Penguin Books, London, 1987, 302 pages. Price £2.95.

On a visit to a clinic, Charlotte is horrified to see a woman who had just had an IUD inserted being told to leave the clinic immediately. Minutes later, she sees her crouching, doubled up with pain, on the verandah, unattended by medical staff who are busy dealing with the next victim. The following day she sees the same women carrying a heavy load of bricks, unaware of the danger of undertaking such arduous labour so soon after the insertion. A day later, the woman is dead though no-one at the local KNNA bothers to find out why.

Everywhere the slogan is "two children are enough". The propaganda starts in the primary schools where children are taught that they will get a smaller share of food if their parents commit the sin of having more than two children. Any attempt she makes to hear the views of women is frustrated by the fact that she must rely on her guide and interpreter, Hariyono, a robust defender of birth control as 'the will of God', to tell her what they say in reply to her questions. How is she to know what an old woman says when she asks how many grandchildren she would really like?

The father-figure of the programme is the President, whose photograph beams benignly on all who attend the birth-control clinics. The greatest reward a woman can expect is to have 'father-President' - Bapak-Presiden as they say in Indonesia - present her with a medal for commitment to the programme.

The author's choice of fiction to convey her distaste for the programme helps to create the atmosphere of the campaign in a way that straight reporting could not do. All her characters are well-drawn personalities. There is the American woman working for Global Family Funding who chaperons Charlotte on visits to ministers, generals' wives and the KNNA chairman, insisting that such formalities must be honoured so as to safeguard her agency's continued presence in the country. There is the Australian photo-journalist who accompanies her on her field-trip, matching her genuine distress at everything they encounter with the cynicism typical of most western journalists. There is the young Muslim student of English who sidles up to her when she is sitting alone, to tell her that devout Muslims oppose birth control and deeply resent western support. And there is her KNNA guide who turns out to be a former communist political prisoner, trying to conceal his identity by his over-zealous defence of the programme, and who is found out and dismissed just as her mission comes to an end.

She attends endless cultural performances where singers and comics dwell on the need for "small, happy, healthy families", extolling the virtues of women who become acceptors. The night before she leaves for home, her American chaperon takes her to the KNNA annual do which is attended by officials and their wives, along with field-workers duly attired in pear-inscribed shirts. After prizes are distributed to juvenile winners of a competition for the best essay on family planning, a comic skit is performed. Two women appear. One is slender, neatly-dressed and charming, the exemplary acceptor. She pokes fun at the other, a transvestite, grotesquely fat and ugly, followed around by six unruly brats. The non-acceptor is a slut who gives birth to cretins and is the butt of obscene jokes, much to the delight of the audience of KNNA officials. When Charlotte explodes in disgust, she is hounded out of the hall to cries of "communist" and "enemy within".

It is difficult to find critical literature about Indonesia's family planning programme, widely acclaimed

"Become a IUD acceptor or else..." is the message that characterises the birth-control programme which Charlotte Macanally, the woman from London, is asked to investigate. Sent on her mission to South East Asia by the London office of the World Campaign for Small, Healthy and Wealthy Families, she finds plenty of evidence to show that it is only by intense pressure constantly exerted on women to become IUD (inter-uterine device) acceptors that the country she visits has become the jewel in the crown of the World Campaign's programme.

In one region, an official tells her that only villages where all fertile women have become IUD acceptors can expect to be rewarded with a sewage system or given a television set by the government. A factory she visits, where thousands of women sit working in a huge, hangar-like shed, requires all its (female) employees to practice birth control.

Elsewhere, a village has been given equipment to mechanise the manufacture of tofu (bean curd), a gift, she is told, to the women for achieving a one hundred per cent IUD acceptance rate. But the machinery lightens the work of the men who process the soya bean into tofu, not the women who cut and wrap the tofu into snacks. As Charlotte bitterly remarks, the men get the machinery, the women get the IUDs.

The heroine of *Internal Affairs* spends three weeks in 'Sulanasia', the South East Asian island which is the subject of her investigation. No prizes for guessing that Sulanasia is Indonesia. The local colour, the lie of the land, the authoritarian style of government, even the false names chosen by Jill Tweedie to hide the true identity of the cities and the personae, give the game away.

The author who made a brief visit to Indonesia several years ago is to be congratulated for her sensitive perception of life in Indonesia and her blunt portrayal of Indonesia's arrogant bureaucracy at work. The birth control programme known as KNNA - in real life, BKBN - shocks the London visitor by the way it encourages intense public interest in women's (but not men's) reproductive organs (KNNA officials wear uniform batik shirts with a pear-shaped design depicting the womb) and its shameless display of women as they have their IUDs inserted.

by western advocates of state-sponsored birth control programmes as an example to the rest of the Third World. Indeed, only last month, Suharto was chosen as the star turn in a film currently being made by the UN family planning unit. Jill Tweedie's book fills the gap in a highly original way. It exposes the methods used by a military government to browbeat women into accepting total control of their reproductive rights by a male-

dominated programme, geared to national targets. It is an occasionally witty but generally depressing account of what lies behind the much vaunted KB (family planning) programme which, together with transmigration, is Jakarta's answer to the scourge of poverty in the Javanese countryside.

Carmel Budiardjo

## CENSORSHIP

# Far Eastern Economic Review loses yet another correspondent

The Hongkong-based Far Eastern Economic Review has lost yet another of its correspondents in Jakarta. He is Shim Jae Hoon who has been working in Indonesia for less than a year. He was told that his visa would not be renewed and he would be required to leave in two weeks. This is the third Review correspondent forced to leave Indonesia in the past fifteen months. Lincoln Kaye and Paul Handley were told to quit last year.

FEER editor, Derek Davies has complained about the problems his publication faces in Jakarta and says that news reporting in Indonesia is like "fighting with a jelly fish". According to Davies, Shim tried hard not to upset the powers that be by "picking his way through the socio-political-religious minefield", noting the mines

for his readers but avoiding the setting-off of any explosion".

The journal was advised that the best way to preserve a resident correspondent in Jakarta was by relying on visiting reporters to write up stories on sensitive issues like the corruption surrounding members of the Old Man's [i.e. Suharto's] family. Some officials had told the Review: "We're not so worried about journalists coming here on visits as we are about resident journalists" and also that "there was nothing against Shim in the files and no objection to a visa extension".

As it turns out, these assurances came to nothing, leading the Review editor to conclude that Shim has been punished for articles written by other journalists [Far Eastern Economic Review, 16 July 1987]. \*

# Radio Australia struggles to re-open an office in Jakarta

Radio Australia, the overseas Australian broadcasting service which has for years broadcast regular programmes in Indonesian, is now trying hard to re-open its Jakarta office. The office was closed down in June 1980 and station chief Warwick Beutler was ordered to leave in a clamp-down on Australian journalists. The primary reason for Beutler's expulsion was his reporting on East Timor.

The chief ABC executive, David Hill who went to Jakarta recently to lobby government ministers, has had a hard time picking his way through the complex web of officialdom, meeting top officials whose backing he believes he must have. His efforts reflect the fact that major policy decisions these days need a great deal of delicacy and tact lest powerful factions are rubbed up the wrong way.

The first person he met was General Benny Murdani, armed forces commander-in-chief, whom he considers to be "the key official in finding a solution". After the meeting, noises emanating from those quarters were quite positive. He even received assurances that the general "would do what he could" to enable the office to re-open [Kompas, 20 June 1987].

The Information Ministry was more cagey, saying only that no formal application had yet been received, and giving the impression that much would depend on the journalist chosen to head the office. As if to make things sound very simple, Information Minister Harmoko said: "As long as they (foreign journalists) follow the procedure, I don't think there will be a problem." [Jakarta Post, 23 June 1987].

For his part, the Foreign Minister, Dr. Mochtar Kusumaatmadja, sounded quite positive on the matter. Once should be "more open" towards it, so as to ensure it did not turn to anti-Indonesian sources for information [Kompas, 27 June].

Three weeks on, no decision has yet been announced, reinforcing the impression that when it's a matter of such a sensitive nature, there is only one person whose

Radio Australia was back, he said, Indonesian officials opinion really matters, the President himself. But he is still smarting from the drubbing he received in a notorious article published in the Sydney Morning Herald, in April last year. Radio Australia could still find the going tough.... \*

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behaviour of legal advisers inside and outside the courts of law. The chairmen of district courts and provincial high courts and the Justice Minister may now supervise activities of lawyers both in the performance of their professional duties and as ordinary citizens, both because of their general attitudes (*sikap hidup*) as well as their political attitudes (*sikap politik*)."

"In other words," Haryono Tjitosoebono Ikadin's general chairman told the press, "there is no residual freedom left to a legal adviser. Besides, their immunity as legal advisers which was previously acknowledged in accordance with accepted jurisprudence has now been flouted."

The association also stresses that the 1985 and 1986 laws stipulate that consultation with the lawyers' association is the pre-condition for any disciplinary measures against lawyers. The law officers have now sidestepped this by saying merely that the views of the association may be heard.

The Indonesian Foundation of Legal Aid Institutes (YLBHI) has called on the two law officers to explain to the public in the clearest possible terms the background and real intent of their joint decision. It argues that the decree infringes the Criminal Procedures Code (KUHAP) which limits disciplinary measures to judges who may reprimand lawyers for misconduct during court proceedings [Kompas, 13 July 1987].

When Justice Minister Ismail Saleh told a parliamentary commission meeting on 15 July that he had no intention of withdrawing the joint decision, whatever Ikadin's views. Kompas [16 July] reports that the public gallery was full of lawyers. Commission meetings are not usually a public attraction. Though the lawyers later denied this was intended as a protest, many were wearing tee-shirts emblazoned with a large question-mark above the words 'SKB MA-Menkeh' (Joint Decision of Supreme Court-Justice Minister).

Meanwhile Mohammad Assegaf, a founding member of the Legal Aid Institute, has warned that lawyers will now be too scared to protect their clients against unlawful acts by judges. The loose wording of the decision could mean a lawyer facing disciplinary action even for making critical remarks about a judge in the course of a defence statement [Tempo, 11 July 1987].

### Lawyers' organisations ordered to disband

The open clash with Ikadin comes just as the judiciary is proceeding with plans to use Ikadin as the sole organisation of lawyers, prepared to do the government's bidding. The Justice Minister recently ordered all lawyers' organisations except Ikadin to disband.

Ikadin was set up as a forcible merger of lawyers' organisation in 1985. At the time, it was given the leeway to elect its own leadership, presumably on the assumption that once set up under well-respected lawyers, it would succumb to executive pressure or ultimately have its leaders manipulated out of office.

The chairman of Ikadin is Haryono Tjitosoebono, who is also chairman of Peradin (Persatuan Advokat Indonesia) which has so far failed to disband itself.

Ismail Saleh clearly expects Ikadin to collaborate with the judiciary in controlling the legal profession in accordance with his new powers. When instructing all organisations except Ikadin to disband, he said that with Ikadin alone acting for the legal profession, "it will be easier for both the government and Ikadin to guide and control the lawyers" [Jakarta Post, 7 July 1987]. ★



### Buyung Nasution to sue the Justice Minister

The joint decision of the two law officers comes in the wake of the Justice Minister's one-year disbarment of the leading human rights lawyer, Buyung Nasution [see TAPOL Bulletin, No 81, June 1987]. Although Ismail Saleh denied that the new powers had anything to do with his action against Buyung Nasution, this only served to draw attention to what lies behind this extraordinary move which gives him the powers he did not possess when he penalised Buyung.

Meanwhile Buyung has declared that he will take legal proceedings against the minister on the grounds that his disbarment is in violation of the law. "I shall do so in the Indonesia lawcourts and if necessary on the international forum," he said in a statement issued on 19 May in Utrecht.

A few weeks later another lawyer, Mulya Lubis, was victimised for speaking out in defence of Nasution.

In his statement, Nasution accused the Justice Minister of wilfully trampling on the basic principles of law and justice in order to achieve political aims, regardless of the fact that this will lower Indonesia's international standing. The minister's decision was an act designed to intimidate all lawyers and legal advisers, undermining the independence of the legal profession, particularly in the defence of cases involving the abuse of human rights, said Buyung.

### International protest

Nasution's disbarment has led to numerous protests by international institutions and organisations, among them the International Commission of Jurists in Geneva which described the disbarment as "unduly harsh", the International Bar Association in London, the Law Society of the UK, the Netherlands Bar Council, the Bar Association of Sri Lanka, and the Regional Council of Human Rights in Asia. The UK General Council of the Bar said in a letter to the Indonesian government that the imposition of "administrative sanctions of any kind against Mr Nasution is wholly improper and without justification".

The Congressional Friends of Human Rights Monitoring, representing 133 members of the House of Representatives and 29 US senators, has written urging the Indonesian government to reconsider its decision and allow Buyung Nasution to resume his professional activities. ★

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