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## Papuan churches: Special Autonomy has failed

**The Law on Special Autonomy for West Papua, introduced in 2001, has been a total failure, say the leaders of all the main Protestant churches and the Catholic Church in Papua. In a comprehensive report issued on 3 May, 2007, they accuse the Indonesian government of showing no serious intent to implement special autonomy, which they hoped would help resolve the territory's problems.**

In their report which delivers its findings in strong and unequivocal language, the churches say that special autonomy, known as OTSUS, was doomed to fail from the start, thanks to two key documents produced by the authorities in Jakarta. A top-secret document from the Ministry of the Interior issued on 2 June 2000 instructed government officials to take firm action to thwart Papuan aspirations for independence by means of an 'Operation for Conditioning the Territory' and creating a communications network to 're-direct political trends in Irian Jaya (Papua) aimed at Separation from the Republic of Indonesia'. This was to involve military operations in all parts of the territory; a number of military intelligence agencies and army and police commands would be responsible for implementation.

The second document was a report by the Secretary-General of Indonesia's National Defence Council dated 27/28 May 2003 bearing the title: Strategy for Resolving the Conflict Regarding Separatism in the Province of Papua by Means of the Security Approach.

### Indonesian democracy in Papua

According to the churches, while Indonesia claims to be a democracy, the kind of democracy experienced by the Papuan people is a fake, based on violence, terror and intimidation with a military face fronted by the Indonesian police force and its special brigade, the widely-feared *Brimob*.

We had hoped, say the church leaders, that OTSUS would revitalise Papua and promote reconstruction based on universal values. Since the OTSUS law was enacted however, life for the Papuans has remained grim indeed. There are tight restrictions on freedom of movement. All activities require a police permit. Papuans lack freedom, justice and peace. The most recent example of the restrictions was on 29 March 2007 when the police in Jayapura refused to grant permission for a peaceful demonstration in the provincial capital.

The practice of stigmatising Papuans as 'separatists' is still alive and well. When the churches give voice to the sufferings and injustice of their congregations, they are branded as separatists. A senior government official alleged on 6 February 2006 that the churches in Papua support a Free Papua. Such allegations throttle any efforts within the community to resolve the conflicts in Papua by creating a Land of Peace.

Accusations against an alleged OPM leader in Mulia in the Central Highlands in December 2006 and the violence which ensued became the justification for increasing the military and *Brimob* presence. This led to a thousand

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people fleeing their villages, while 5,000 others still suffer neglect and hunger.

In early 2007, military units throughout the territory conducted indoctrination classes in all secondary schools on the theme of 'Education to Defend the State'. The school children were urged to defend the integrity of the Indonesian Republic. Such indoctrination resulted in polarising people and making it easier to incite horizontal conflict.

The churches' report devotes a special section to the military operations that have been conducted since OTSUS began. [See separate article.]

### OTSUS finances questioned

Although a special regulation on sharing the funding allocated to OTSUS has been drafted, the details are unclear. One provision allotted funds to the churches but this was rescinded by the governor of Papua. He decided instead to allocate Rp.100 million (approx. £5,500) for each *kampung* (village) in the province, a decision that is condemned by the churches. They say they are much better placed to handle these funds because they have a well-established administrative structure and enjoy close links with people who are members of the churches. Despite the fact that the churches have special agencies which deal with education, health and economic affairs, the government has ignored this.

The governor has admitted that around 90 per cent of OTSUS funds have been used by the bureaucracy and not for the people, although he did not reveal how the money had been spent [Cenderawasih Pos, 30 May 2007]

In recent weeks, he has been touring the province and visiting all the *kampungs* to dispense the money. It is

## 90 per cent of OTSUS funds have been used by the bureaucracy

unclear how the expenditure of the money will be monitored and what measures will be put in place to avoid corrupt practices.

### Indonesian law and justice in Papua

The churches highlight the many instances of Papuans being hunted down, imprisoned, tortured and raped, and the fate they suffer when cases come before the courts. They argue that the law can never be expected to side with Papuans who are always seen as the guilty party because they are acting against the government.

They draw attention to investigations conducted by Indonesia's National Human Rights Commission, *Komnas HAM* about incidents in Wamena and Wasior and note that the findings never went beyond the Attorney General's Office, which is responsible for filing prosecutions. Hence, nothing has been done to bring the identified suspects to court.

A glaring example of injustice is provided by the case of two senior police officers named by *Komnas HAM* for their involvement in the Abepura 2000 incident. Twenty-three other persons named in the findings submitted to the attorney-general were not charged. After proceedings that were delayed for several years, the two suspects were acquitted of all the charges.

Far from protecting the rights of Papuan people, many Papuans have been sent to prison, some of them in places far from their homeland. This is reminiscent of the way the



Pro-referendum demo, Manokwari, 1 May 2007 - Free West Papua Campaign

Dutch colonialists treated dissidents who were exiled to Digoel in Papua.

The best known victims are Filep Karma and Yusak Pakage who are now serving sentences of fifteen and ten years imprisonment respectively for peacefully raising the Morning Star flag, and Selfius Bobii, who was convicted with others for his alleged role in the 16 March 2006 Abepura incident.

### The military, police and business

Members of the Indonesian army are deeply involved in business ventures in Papua such as illegal logging, illegal fishing, exploiting the exotic, aromatic *gaharu* trees as well as panning for gold. They are also engaged in the sale of alcohol and the spread of HIV/AIDS by bringing to Papua women afflicted with the disease. Both the army and the police are able to evade justice when they indulge in such

activities. They also profit from providing protection for foreign mining and logging companies. The military have been paid huge sums of money to provide protection for the gold and copper mine operated by Freeport. Abigail Abrash, a US human rights activist, estimated that as many as 160 Papuans were killed by the military from 1975 – 1997 in connection with protecting Freeport. [See report in *The New York Times* in December 2005.]

The Churches are deeply concerned about the environmental impact of operations by Freeport and BP in Bintuni Bay and their effects on local people. They question the over-exploitation of Papua's resources by foreign investors.

Much of the exploitation of Papua's timber resources is in the hands of a Malaysian company, the Mr Wong Group, which has been responsible for vast environmental damage and the destruction of flora, fauna, and sources of livelihood such as *sago*, *dammara*, and fish.

The Papuan people have for long opposed the operations of Freeport. This came to a head in the Abepura incident on 16 March last year in which five security personnel were killed. The churches argue that human rights violations were committed by security forces and judicial personnel in the aftermath of the incident, yet only local people were rounded up and convicted. No fewer than 24 people were given sentences ranging from five to fifteen years imprisonment despite allegations of ill-



**Anti-OTSUS demo, Jayapura, 27 April 2007 - Free West Papua Campaign**

treatment, serious abuses of their fair trial rights and a lack of evidence against them.

### **Racial discrimination**

The churches' report cites the case of 16 March 2006 when Papuan students were the target of extreme brutality by *Brimob* and army intelligence agents. Yet newcomers from Indonesia, referred to in the report as migrants, can run their businesses with army and police protection. The Rev. Lipiyus Biniluk, a minister of the Evangelical Church (GIDI) is quoted as having accused *Brimob* members of extreme racialism. 'Are you here to serve the State or to murder Papuans? Why do you only arrest and torture Papuans while doing nothing to the migrants, and stand aside laughing while Papuans are being maltreated?'

The migrants enjoy many privileges. They are given land, houses and places of worship and well-lit, asphalted roads are constructed. There are military or police posts at every location or one kilometre apart to make them feel safe, while Papuans are driven away and even murdered as alleged members of the OPM.

### **Natural resources and Papuan poverty**

The Papuan people are living on a land that abounds in wealth, but they live in poverty because of a system that punishes and oppresses them. OTSUS has done nothing to safeguard the right to these resources or the right to life of the Papuans. The contracts entered into by the Indonesian government with Indonesian or foreign companies have never involved the Papuans.

The report then turns its attention to the civil administration where Indonesians occupy the dominant positions. While the governor and district heads are Papuans, most of the departments are headed by migrants. Most of the departmental heads in the district of Jayapura, for example, are migrants. Of the eleven departments listed, eight are headed by migrants.

The economy is also almost entirely run by migrants. Virtually all the key jobs in the banks, hotels, shops and companies are held by migrants. A UNDP report issued in March 2007 on the Millennium Development Goals came to the conclusion that Papua was the most backward of all the 33 provinces of Indonesia. Why is it, the report asks, that Papuans are confined to the kerbsides, squatting on banana leaves outside luxury shops and posh hotels? Virtually everyone working in the supermarkets and shopping malls are migrants. What has happened to the

## **TAPOL's change of name and objectives**

**TAPOL is changing its name. From now on, we will be 'TAPOL: Promoting human rights, peace and democracy in Indonesia.'**

For many years we have been 'TAPOL, the Indonesia Human Rights Campaign'. We have decided to change our name, and also our objectives, to reflect the democratic changes (however incomplete) in Indonesia today. Our objectives are now:

'...to support democracy in Indonesia and Timor-Leste, to promote all categories of human rights of their peoples, and to work for peaceful solutions to situations of conflict'.

The new situation in Indonesia is more complex and requires an increasingly sophisticated approach to human rights and related concerns. Improvements have been made for example with the holding of multi-party elections and the achievement of peace in Aceh, but much more remains to be achieved. Nowadays, while we continue with our core work of human rights advocacy, we also engage more with Indonesian civil society, politicians, policy-makers and opinion formers with a view to influencing policy on matters relating to human rights, democracy and conflict resolution. We are becoming more involved in peace-building initiatives and the promotion of social, economic and cultural rights.

We are no longer simply an adversarial human rights campaign and we intend by these changes to our name and objectives to highlight our work promoting peace, democracy and human rights in general.

Papuans whose lands were seized to make way for these hotels and shops?

### **Health, education and culture**

The final sections of the report deal with these crucial aspects of life for the Papuans since the enactment of OTSUS. The UNDP report mentioned above reveals that educational facilities for the Papuans are blighted by the lack of teachers, books and equipment. Many of those who are supposed to be working as teachers also hold administrative posts in government offices, while others simply abandon their posts.

Although the churches created many schools during the decades since they first arrived in Papua, these have been replaced by schools set up in accordance with a presidential instruction, which fail to conform with the needs of Papuan children

Health facilities should be measured in accordance with what happens to mothers and children, the report argues. The mortality rate for Papuan women in childbirth was 1,025/100,000, as compared with 307/100,000 for Indonesian women. This mortality rate for Papuan women is said to be the highest in the Asian continent.

Infant and child mortality in Papua is the highest in Indonesia, namely 50.5 per one thousand births as compared with a national average of 43.5 per one thousand births.

When Papuans fall ill, they have to take their prescriptions and purchase the medicines in pharmacies which are owned by Indonesian doctors. The report wonders what has happened to the funds allocated under OTSUS for the supply of medicines. It bemoans the fact that so many of the clinics that were set up by the Protestant and Catholic churches have been destroyed. These clinics were overwhelmed by the decision of the government to create *Puskesmas* (government clinics), where there are hardly any doctors, nurses or medicines.



**Anti-OTSUS demo, Jayapura, 27 April 2007 - Free West Papua Campaign**

## Depopulation

The uncontrolled presence of migrants has altered the composition of the population. Reports by both UNICEF and the UNDP have concluded that the high mortality rate among mothers and children has resulted in depopulation

## The high mortality rate among mothers and children has resulted in depopulation of the Papuans

of the Papuans. This is particularly serious in the districts of Sorong, Merauke, Timika, Jayapura, Keerom, Nabire, Biak, Manokwari, Serui and Puncak Jaya. The report claims that the ratio between Papuans and migrants has now fallen to 30 per cent Papuan and 70 percent migrants. (Most other estimates suggest the ratio is around 50-65 per cent. Papuans and 35-50 per cent. migrants). It argues that a census is very urgent in order to provide the basis for the introduction of measures to safeguard the future of the Papuan people.

## Survival threatened

The concluding section warns of the danger of the destruction of the Papuan people either through a deliberate policy or just letting things happen during the 44 years since 1 May 1963 when Indonesia first took control of Papua. On 27 January 2006, Juan Mendez, the special advisor of the UN secretary general for the prevention of genocide, described Papua as a region of grave concern where the native inhabitants face the danger of extinction. The Indonesian authorities have refused entry to human rights monitors while there has been proof of violence ever since 1963, he said.

The Churches describe a process of systematic ethnic genocide in Papua. They refer to the report in December 2003 by Yale University and investigations undertaken by the Center for Peace and Conflict Studies of the University

of Sydney made public in August 2005, which raise the question of whether genocide is taking place in Papua. The legal case is difficult to make, but the findings of the two institutions do highlight the fact that the survival of the Papuan people is endangered. The Churches go on to argue that OTSUS has been the vehicle for implementing the aims of the two

documents mentioned at the beginning of the report.

'We, the churches of Papua, convey our concerns to the international community and call for preventive measures to protect the Papuan people and safeguard their lives and their future as creatures of God in their homeland, the Land of Papua.'

## Recommendations

The report concludes with a number of recommendations:

- a. Peaceful dialogue similar to that held in Aceh.
- b. All foreign aid for special autonomy should be frozen until the Indonesian government agrees to enter into dialogue with the Papuan people.
- c. The international community should press Indonesia to allow access to human rights monitors and foreign journalists and to human rights NGOs
- d. The US government, the European Union, Australia and other free countries should stop supporting arbitrary actions taken in the name of the integrity of NKRI.
- e. The churches in Papua call upon the Indonesian government to publicly acknowledge Papua as a Land of Peace. This should be accompanied by concrete measures such as the withdrawal of all non-organic troops, a halt to the construction of military bases, a halt to the sending of more battalions, and an end to military business, whether legal or illegal.

Four human rights NGOs, *Imparsial*, Kontras, Pokja Papua (Papua Working Group) and the Legal Aid Institute of Indonesia, YLBHI, later issued a statement condemning these acts of terror. They called on the Indonesian government to implement their responsibilities as set out in UN Declaration on Human Rights Defenders of 9 December 1998 and take action to protect the defenders. They called for firm action against all those who had taken threatening actions against human rights defenders. Their statement also protested against intimidatory acts by six members of the Indonesian army who threatened lawyers defending clients in a court case in Medan, North Sumatra.

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Commission, received obscene messages accusing him of flying the Morning Star flag. On 14 June he received more messages warning him that his life was in danger. A number of men arrived in three vehicles which were parked on both sides of his office. When a Komnas HAM vehicle drove away later in the day, it was followed by one of the parked cars. Albert subsequently received a message on his cell-phone from a person wanting to meet him at a nearby hotel. He is quite sure that the men terrorising him were intelligence agents who had been following the UN envoy.

# Military presence in Papua under OTSUS

**According to a report by Reverend Socratez Sofyan Yoman, President of the Fellowship of West Papuan Baptist Churches, the international community has been fed false information about the security situation in Papua. Yoman is a signatory of the report by Papuan churches summarised elsewhere in this issue. The Papuan human rights organisation, ELSHAM has warned of the establishment of a new military base in Biak.**

The following is a summary of Rev Yoman's report.

Indonesian soldiers who have previously served in East Timor and Aceh are now stationed in Papua, and military bases are being established everywhere. He describes the heavy military presence as being out of all proportion to the size of the native population. Bases have been built along the land border with Papua New Guinea and along the coast. Soldiers can be seen in almost all parts of the province, walking around, in trucks or most frequently standing in front of shopping malls.

Rev. Yoman suggests that special autonomy funds have been misappropriated by the military. He refers in particular to military operations in Puncak Jaya last year

## Intelligence officers roam the streets in all manner of disguises

being financed by special autonomy funds. He also says he has evidence that an amount of Rp 2.5 billion (approx £139,000) has been diverted to the military, and that the Provincial Assembly, the DPRP, has found similar evidence regarding an amount of Rp 3 billion (approx £165,000). Given that the Governor has admitted around 90 percent of special autonomy funds have been used by the bureaucracy without explaining how the money was spent [see separate article], these claims merit further investigation.

At the time of the 16 March 2006 Abepura incident, Indonesian intelligence agents killed a 22-year old man, Denny Hisage, by stabbing him in the ribs and throwing him into a vegetable pond. His relatives were too afraid to go to the hospital to retrieve the body for burial, so Rev. Yoman collected it and made arrangements for the burial in the Abepura General Cemetery.

Intelligence officers roam the streets in all manner of disguises, as shop assistants, street traders, hotel and restaurant waiters, cab drivers, bus drivers, civil servants and scrap metal dealers. They also disguise themselves as ticketing officers at the airports.

Army battalions were deployed in Wamena, Timika and Merauke in 2004, and an air force base was established in Biak in 2006. There are military posts in even the most remote locations, while the Indonesian air force, AURI, has collaborated with Russia to use Biak as the location for testing ballistic weapons. Besides having the effect of intimidating the local population, the land used has been confiscated without fair compensation.

On 17 April 2007, the regional military command purchased two hectares of land in the village of Kwel, Eligobel district, for use as a military base. All along the border with PNG, there are military posts guarded by soldiers from the Siliwangi division of West Java. There are as many as 25 military personnel manning each of these posts, according to church observers.

On 4 May this year, two intelligence officers visited two Papuan men and questioned them about their activities in defence of the traditional land rights of the Ugimba people. The tribesmen denied that their activities had anything to do with the struggle for independence.

The following week, on 11 May, a brigadier-general visited Rev. Yoman after he had rejected an invitation to visit the officer for a meeting and lunch. The officer would not give his full name, saying only that his name was Albert and he wanted to invite the clergyman to address the Strategic Reserve Board of BIN, the state intelligence agency. When two intelligence agents visited a bookshop later that day, they asked the shop assistant about Rev Yoman and about Papua, whereupon the assistant suggested that they could buy some books about Papua.

A day later, Infantry Colonel Burhanuddin Siagian, the Jayapura sub-regional military commander, was quoted in the local press as saying that he would destroy anyone who betrays the nation. He warned people not to demonstrate and not to dig up past history. [See separate article]

## New military base in Biak

The Biak branch of the leading human rights NGO in Papua, ELSHAM, the Institute for Human Rights Studies and Advocacy, also issued a report earlier this year regarding the creation of a new military base on the island of Biak. It describes Biak as having a very strategic location, near the Philippines and the Pacific Ocean. It is a frequent a port of call for foreign warships.

Some time ago, the US army indicated that it was considering purchasing a group of islands called Pulau Mapia in the Biak archipelago for use as a military base from which to monitor activities by terrorists. But the Indonesian government, according to ELSHAM, thwarted this move to prevent a foreign country from being able to monitor human rights violations.

ELSHAM argues that, in response, the Indonesian authorities immediately sent warships and police patrol boats to control an area from which Papuans might try to flee abroad in search of asylum. The aim of all these manoeuvres, according to ELSHAM, is to prevent Papuans from trying to escape from Indonesia.

People in many places are being given courses by the local military. The standard topic is, 'Defence of the State'. Women, religious leaders, school children and students are all obliged to take these courses. The intention is to recruit volunteers willing to work with the armed forces whose task it is to persuade everyone to safeguard the integrity of NKRI [Unitary State of the Republic of Indonesia]. These volunteers are paid a salary and supplied with equipment

such as cell-phones. These activities by the military have succeeded in making people suspicious of each other and have even incited horizontal conflicts.

ELSHAM points out that Papuans declared their rejection of OTSUS in 2006 because it has not improved their standard of living. While Papuans have repeatedly conveyed their views to the Indonesian government, the government behaves as if it is unaware of the views of the Papuans. Many officials even say that only a handful of Papuans want independence. Papuan opposition to OTSUS

### The military pay particular attention to the activities of local NGOs

has compelled the military to send more troops to Papua where they disguise themselves as street vendors, shoeshine boys, and work in photocopy shops and hotels. This pervasive presence spreads fear among the people. The military pay particular attention to the activities of local NGOs.

On the economic front, there were hopes that OTSUS would promote the business prospects of Papuans, and that the division of the province into several provinces would create new opportunities. But Papuans have become mere spectators while the migrants get all the attention. The report includes a table comparing activities of the Papuans and the migrants before and after OTSUS. The table shows that the migrants continue to run the economy and the markets. There are spies everywhere so Papuans live in constant fear.

#### Radar and satellite launching pad in Biak

In 2006, the local administration was informed of the government's intention to set up a radar installation and satellite launching pad in Biak in collaboration with Russia. Despite the many promises that this would improve living conditions in Biak, the local customary council came to the conclusion that the impact would be far from positive.

On the jobs front, Papuans will not be able to compete with migrants who will get the skilled jobs, with Papuans being employed as messenger boys, office cleaners or

serving coffee. Food for the Russian workers will not be supplied locally but brought in from abroad so the local economy will not benefit. Already, some Papuans who were employed on security duties have been replaced by migrants.

There is also concern about the effect on the local population and environment of emissions and pollution from the radar and satellite-launching operations. Nothing has been done yet to study the likely consequences of these activities.

The air force has already built living quarters for its personnel though local land-owners have heard nothing about compensation for their land. A notice-board at the site now proclaims: 'This land belongs to the Air Force.'

A refuelling site for AURI aircraft has been installed to keep their aircraft from having to fly to Makassar to refuel.

Land has also been taken over for an ocean harbour. This is seen as being a base for military operations throughout the whole of eastern Indonesia. Air force personnel are also preventing local inhabitants from walking across land that is now being used by the airmen.

#### A cry for help

In their concluding remarks, ELSHAM say that Papuan freedom of movement in the area has been severely restricted, affecting access to their gardens. Wherever they go they are confronted by armed personnel.

Overall, ELSHAM's report describes the growing fear among Papuans as the military presence is increased while they feel powerless to do anything about it. The report concludes with an appeal to human rights groups and the international community to pay special attention to the current situation in Papua and especially in Biak. In particular, they would like the UN to send a mission to investigate recent developments in Papua.

'We fear that a bloody conflict will erupt between the local people and the military, as their patience runs out.'

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#### Moratorium on logging

An important decision taken by the governor in June was the declaration of an indefinite moratorium on logging. This means that both legal and illegal logging will be prohibited. While post-tsunami reconstruction in Aceh will require a lot of timber, Irwandi has said that if necessary, Aceh will import wood or confiscate logs that are already available.

This moratorium will be implemented alongside greater efforts to replant forests by local communities who can reap the harvest themselves. Governor Irwandi used the occasion of this announcement to plant a tree symbolically in the Taman Ratu Safiatuddin and the Mata le hills in Aceh Besar. The moratorium was greeted with great enthusiasm by the environment movement all over Indonesia.

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*daerah rawan* (region of disturbance) because it projects a negative image of Aceh for future investors. At the end of May, TNI Commander-in-Chief Marshall Djoko Suyanto and Police Chief General Sutanto jointly declared that, following the signing of the MoU agreement on 15 August 2005, the *rawan* status of the region had been lifted and that henceforth, Aceh is no different from all the other provinces in Indonesia.

It will be also a tall order to boost the agricultural sector. Three decades of conflict destroyed many activities in the countryside. Serious efforts are being made by a new working group called Aceh Plantation Development Authority (APDA) to set up a scheme to help the many widows and orphans in Aceh. Some 140,000 hectares of land will be made available, in particular for palm oil plantations. This initiative was taken in accordance with a decree issued by the governor, Irwandi.

# Indicted officer threatens Papuans

**A senior Indonesian army officer indicted on crimes against humanity charges in Timor-Leste has threatened to 'destroy' Papuans who 'betray' Indonesia. A coalition of over 30 international human rights organisations has called for the immediate withdrawal and suspension of the commander of the Jayapura sub-regional military command (Korem 172), Burhanuddin Siagian, and for judicial action to be taken against him.**

In an open letter to President Susilo Bambang Yudhoyono on 28 June [1], the organisations - including TAPOL, Human Rights Watch and a number of Papua and Indonesia-based groups - expressed grave concern that the lives of Papuan human rights defenders and political activists may be endangered by the continued presence of Col. Siagian as commander of *Korem 172*.

They accused Indonesia of lacking commitment to justice and accountability by not complying with its obligations under international law and Indonesian domestic law to prosecute Col. Siagian for his alleged crimes. It had failed to extradite him to Timor-Leste for trial and instead had promoted him and appointed him to command a large military unit within a highly sensitive area, they pointed out.

In a statement issued by the organisations on the same day [2], Paula Makabory, spokesperson for the Institute for Human Rights Study and Advocacy, ELSHAM, in West Papua said: 'It is shocking that a government supposedly committed to military reform and fighting impunity would appoint an indicted officer to a sensitive senior post in Papua'.

'Papuans will continue to have their rights trampled on until the civilian authorities exert control over military behaviour and ensure accountability for past abuses,' she added.

The organisations urged the Indonesian government to review all evidence against Col. Siagian and other high-level Timor suspects to determine whether proceedings should be commenced and to extradite to Timor-Leste those indicted by Dili's Special Panel for Serious Crimes.

According to a report in the *Cenderawasih Pos* on 12 May 2007, Col. Siagian promised that: "If I meet anyone who has enjoyed the facilities that belong to the state, but who still betrays the nation, I honestly will destroy him". The statement was reportedly made in response to demands by students and youths for a review of the discredited 1969 Act of Free Choice and a new referendum on self-determination.

A month later, Col. Siagian vowed to crush any struggle or activity which 'tends towards separatism' and declared he was not afraid of human rights [*Cenderawasih Pos*, 7 July 2007].

These threats to Papuan activists echoed similar statements allegedly made by Col. Siagian when based in Maliana as commander of the Bobonaro district military command in Timor-Leste (then East Timor). Those

statements appear to have led directly to the deaths of a number of Timorese civilians.

## Crimes against humanity charges

According to indictments issued by the Serious Crimes Panel on 3 February 2003 ('the Cailaco indictment') and 10 July 2003 ('the Maliana indictment') [3], Col. Siagian made public speeches threatening to kill supporters of East Timor's independence and was responsible for the deaths of seven men in April 1999 [4].

He is charged with individual responsibility and command responsibility for the crimes against humanity of torture, murder, persecution, and deportation or forcible transfer of a civilian population.

Col. Siagian is also thought to have been responsible for the creation of the Bobonaro militia system that became one of the most repressive in the whole of East Timor. He is named as a suspect in the report of Indonesia's own Commission of Investigation into Human Rights Violations in East Timor (*Komisi Penyelidik Pelanggaran HAM di Timor Timur*, KPP-HAM), which investigated human rights abuses in Timor-Leste during the period from 1 January to 25 October 1999.

## Cycle of impunity stalls reform

In their letter, the organisations expressed dismay that 'Indonesia's failure to hold Col. Siagian and others to account encourages military personnel to believe they will continue to escape justice for serious crimes and seriously undermines Indonesia's progress towards becoming a country that fully respects human rights and the rule of law.'

'This failure of accountability, and the continued active service in positions of command responsibility of senior officers accused of serious crimes, are indicative of a structural problem of impunity within the Indonesian army (TNI) and a lack of political will to address the problem that have not been addressed since the TNI withdrew from East Timor,' they said. 'Meaningful military reform will not be possible until serious efforts are made to end this cycle of impunity.'

The organisations also argued that, irrespective of his record in East Timor, Col. Siagian is entirely unsuited to the sensitive position of Commander of *Korem 172*. The Indonesian government's commitment to the peaceful resolution of the Papua conflict is clearly undermined by belligerent statements by local military commanders, they suggested.

They pointed out that those who campaign peacefully for Papuan self-determination are not 'betraying' Indonesia as alleged by Col. Siagian; they are simply asserting their right to express their political views. They expressed the hope that President Yudhoyono would support the Papuans right to do that.

## Indonesia's reponse

Indonesia's response to the calls for action to be taken against Col. Siagian simply underlined the fact that it lacks the political will to tackle impunity. Speaking on *The Wire*,

a daily current affairs program broadcast on over 150 community radio stations around Australia, on 2 July, Dino Kusnadi, spokesperson for the Indonesian Embassy in Canberra, denied any knowledge of the indictments against Col. Siagian. He questioned the legitimacy of the charges, saying that there had been a lack of co-operation with the Indonesian authorities and that the Dili court had no jurisdiction over Indonesia.

Paula Makabory, also interviewed by *The Wire* said: 'If the Indonesia government under SBY wishes to do military reform, the first step is to bring those indicted in East Timor cases for crimes against humanity before the court and secondly to give a space to the West Papuans or civil society groups to express themselves freely.' [5]

### A disturbing pattern

Col. Siagian is not the only person accused of serious crimes in East Timor who has continued in an active position of command responsibility. In April this year, Major General Noer Muis, former military commander of East Timor, controversially co-directed a joint military training exercise with the United States [6]. In 2003, Timbul Silaen was appointed Papua's police chief despite being indicted on charges arising from his occupation of the same position in East Timor in 1999 [7]. A number of senior suspects, including Major-General Adam Damiri former military commander of the East Timor region, were involved in military operations in Aceh [8] [9].

Indonesia's ad hoc human rights court tried 18 defendants (not including Col. Siagian) on charges relating to crimes against humanity in East Timor, but the proceedings were widely regarded as a sham. Twelve defendants were acquitted and five had their convictions overturned on appeal. The only conviction still standing is that of East Timorese militia leader, Eurico Guterres. The UN-established serious crimes process in East Timor indicted 392 suspects, but Indonesia refused to co-operate and more than 70 per cent of those indicted, including all the non-East Timorese nationals, remain free in Indonesia.

### Notes:

1. The text of the letter is available at <http://tapol.gn.apc.org/news/files/let070628.htm>
2. See <http://tapol.gn.apc.org/press/files/pr070628.htm>
3. Available at <http://jsmp.minihub.org/indictmentspdf/Cailacoindnannexeng07feb03> and [http://jsmp.minihub.org/indictmentspdf/Maliana\\_Burhanuddin22\\_7\\_03.pdf](http://jsmp.minihub.org/indictmentspdf/Maliana_Burhanuddin22_7_03.pdf)
4. Joao Evangelita Lima Vidal, Carlito Mau Leto, Domingos Resi Mau, Paulino Soares Antonio Soares, Jose Pau Lelo, Antonio Soares, and Manuel Maulelo Araujo.
5. Downloads of *The Wire* interviews are available at <http://www.thewire.org.au/daydetail.aspx?SearchDay=2007-07-02>
6. See <http://www.etan.org/news/2007/04muis.htm>
7. See <http://tapol.gn.apc.org/press/files/pr050620.htm>
8. See Human Rights Watch briefing paper, Aceh Under Martial Law: Can These Men Be Trusted to Prosecute This War, October 2003 at <http://hrw.org/backgrounder/asia/indonesia1003.htm>
9. Further information about the roles of these suspects and Col. Siagian can be found in the Masters of Terror database at <http://www.villagechief.com/mot/index.htm>

## US Congressman banned from Papua

**The Indonesian government has banned US Congressman Eni Faleomavaega from travelling to West Papua. He was planning to attend a meeting of the Dewan Adat Papua (Papua Customary Council) in Jayapura on 5 July.**

Thaha Al Hamid, Secretary-General of the Papuan Presidium Council, said the ban 'just shows that Papua is a closed territory under special protection for political reasons. This shows that Jakarta knows that there are problems there and they do not want to resolve them' [unsourced report, 4 July 2007]

In a statement issued on 3 July, TAPOL described the move as a setback for democracy in West Papua.

'Greater openness and freedom of movement are essential for the achievement of peace, democracy and improved respect for human rights in West Papua,' it said.

'Unfettered access to West Papua for international parliamentarians, diplomats, journalists and human rights organisations will lead to a better understanding of the situation in the territory and greater accuracy in reporting. That must be to the benefit of the Indonesian government. Restrictions on access are counter-productive and lead to the suspicion that the government has something to hide from the outside world,' it argued.

Faleomavaega is the Representative to the US Congress of the Pacific-Island territory of American Samoa. He is a prominent supporter of self-determination for West Papua. The Indonesian Foreign Ministry director general for European and American affairs, Eddhi Hariyadi, said he would not be allowed to go to Papua because his visit would be 'exploited by certain groups to create riots' [*The Jakarta Post*, 3 July 2007].

'The reason given for the ban is entirely spurious and a sign of Indonesia's uncertain commitment to fundamental freedoms," said TAPOL. It pointed out that peace was achieved in Aceh thanks in large part to the opening up of the province to the international community following the tsunami tragedy in December 2004

The ban comes just a month after a visit to West Papua by the Special Representative of the UN Secretary-General on Human Rights Defenders, Hina Jilani, led to a number of constructive recommendations on how to improve the human rights situation in the territory [see separate article].

# Tanggung: enduring problems

**As BP's Tangguh liquefied natural gas project approaches its operational phase in late 2008, a clearer picture is emerging of the longer-term problems likely to affect local people and the environment around Bintuni Bay. These were highlighted at a stakeholders' meeting in London hosted by BP and the Tangguh Independent Advisory Panel (TIAP) on 17 April 2007.**

Responding to TIAP's fifth report, stakeholders, including TAPOL and other NGOs, expressed concern about the increased military presence in the area, the perceived unfair treatment of villagers on the north shore of Bintuni Bay and a number of environmental and social problems.

## Militarisation

Several participants drew attention to the reported deployment of *Kopassus* troops, intelligence agents and other non-uniformed personnel in the area. They referred to a November 2006 statement by the Manokwari-based NGO, LP3BH, that raised these concerns. The statement pointed out that the administrative changes in Bintuni Bay consequent upon the arrival of the Tangguh project - including the creation of a new *Kabupaten* (regency/district) of Bintuni - will result in the establishment of a new *Kodim* (district military command). Construction of a naval installation is also underway in Bintuni Bay.

TIAP, itself set up by BP, acknowledged concern about the military presence and undertook to continue monitoring the situation, but preferred to play down the potential problems. It said the Minister of Defence and TNI (military) leaders had denied any increase in personnel and the Panel itself had seen no evidence of additional troops.

The Panel's chairman, former US Senator George Mitchell, said Tangguh's Integrated Community Based Security (ICBS) programme, which is supposed to avoid the use of Indonesian security forces and includes a formal agreement with the police, had been ridiculed at the outset, but BP had persevered and it was successful.

Unfortunately, Senator Mitchell largely missed the point in his defence of the ICBS. While commendable, ICBS is essentially about the micro-management of human rights and security issues around the project site; it does not address the bigger picture of increased militarisation that is an inevitable consequence of a major resource extraction operation such as Tangguh. The concern here is about the intimidatory and destabilising effect of an increased military presence and the potential for provocative actions by military personnel sparking conflict in the area.

The point is partly illustrated by BP's response to a TIAP recommendation that all additional forces deployed to Bintuni Bay should receive the same human rights training that is currently provided to security forces directly serving the project. Such training is far from the answer to the wider concerns, but BP has sought to water down even this modest recommendation, proposing that training should be restricted to additional forces 'who could potentially be

involved in Tangguh's security'. Amnesty International's representative at the meeting challenged the basis for the distinction and urged BP to take on TIAP's recommendation in full.

BP's approach to the problem seems to be symptomatic of its reluctance to address the wider human rights and political context of West Papua in relation to Tangguh.

## Social and environmental concerns

Although significant benefits have accrued to villagers resettled to make way for the production facilities on the south shore of Bintuni Bay, tension has been caused among non-resettled villagers who feel they have been unfairly treated. This applies in particular to villagers on the north shore who claim customary rights over some of the gas. TIAP expressed concern that it has been visiting the area for five years, but BP has not yet made sufficient progress in

## Tension has been caused among non-resettled villagers who feel they have been unfairly treated

addressing this issue, which could become another source of conflict.

Environmentally, the major concerns are the impact of a massive increase in shipping and other activities in and around Bintuni Bay, and carbon dioxide (CO<sub>2</sub>) emissions. Around 12.5 per cent of the Tangguh gas reservoir consists of CO<sub>2</sub>, which will be released into the atmosphere unless it can be 'captured', for example by re-injecting it into the ground. BP says it is in discussions with the Indonesian government on the appropriate CO<sub>2</sub> disposal mechanism, but no agreement has yet been reached.

One of the main social challenges concerns the demobilisation of Papuan construction workers once the project becomes operational. Currently around 9,000 people are employed by the project of whom around 2,500 are Papuans. Most of them will be made redundant at the end of the construction phase as the production facility will be maintained by around 500 people only. TIAP highlights the need for careful handling of the demobilisation process and urges BP to offer training to the Papuans to equip them for skilled or semi-skilled jobs so that their future employment prospects - with BP or otherwise - are improved.

## Transparency

It is clear that unless full disclosure is made of all revenue generated by the project, the Papuans will have no way of knowing whether they are receiving their full entitlement to a percentage of the Tangguh income under special autonomy. A representative of the global anti-corruption NGO, Transparency International, objected to a TIAP recommendation that details of all 'non-confidential' revenue only be made public. He insisted that all forms of revenue should be disclosed. The importance of the Indonesian government signing up to the Extractive Industries Transparency Initiative (EITI) was also stressed.

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# Customary Council conference provokes backlash

**Dewan Adat Papua, the Papuan Customary Council, held its second conference in Jayapura from 4 till 7 July, attended by around five hundred participants coming from all parts of the territory. Following the meeting, eleven prominent Papuans were arrested and subjected to interrogation by the police. Although they were released the following day, the police have indicated that charges of rebellion may be laid.**

The *Dewan Adat Papua* (DAP) was established in 2002 and has emerged as one of the two main mass organisations in West Papua, along with the *Presidium Dewan Papua*, (Papuan Presidium Council) which came into being two years earlier, following a Grand Congress held in Jayapura in May-June 2000 which was attended by thousands of people.

Altogether 257 tribes were represented at the conference.

## 'Another East Timor'

As the conference was drawing to a close, several present and former Indonesian intelligence chiefs warned that Indonesia was in danger of facing 'another East Timor'. Speaking on the day the *Dewan Adat* meeting ended, retired Lt.General Hendropriyono, former head of BIN, Indonesia's intelligence agency, declared that 'the separatist movement in Indonesia is spreading' and West Papua 'could go the same way as East Timor'. He said: 'They have major sponsors and huge amounts of money' and alleged that these funds were coming from money that had been allocated to finance OTSUS, Papua's Special Autonomy status. He claimed that 'separatist movements' had begun to emerge in Indonesia since the 1980s. 'If the government is unable to handle these conflicts, there is the likelihood that Borneo will break away within the coming five years.' [*Kabarpapua.com*, 11 July 2007]

The governor of Indonesia's *Lembaga Ketahanan Nasional* (National Defence Institute) criticised the Indonesian government for underestimating the escalation of separatism in Papua and Aceh. Governor Muladi, a former chief justice, said: 'The situation in Papua is now very dangerous indeed because of their effective international networking.' He warned that pressure was coming from NGOs in Australia, the Netherlands and the USA and that areas surrounding Papua and Aceh 'such as Sabang, Medan and Kupang (which is in West Timor) should be reinforced militarily'. A squadron of combat aircraft in Biak would be a deterrent, both at home and abroad. he is quoted as saying. [Report from NOE, 11 July 2007]

The *Dewan Adat* conference was held at the Sports Stadium (GOR) in Jayapura. An opening event held on 3 July was marked by a performance by dancers from seven districts who were wearing costumes bearing the Papuan

Morning Star flag. As the performance came to an end, the dancers unfurled the flag amid great enthusiasm from the audience, who rose to their feet shouting: 'Merdeka, Merdeka, Merdeka!'

Addressing the huge gathering, Tom Beanal who was then still the chairman of the *Dewan Adat* described the forthcoming event as a 'festival of democracy'. He went on: 'This is an occasion for people from all parts of Papua to come together, exchange information and give voice to their opinions.' He called on the government to open up 'the tap of democracy'. He said: 'This is a good time for the government to sit down with the people...: Democracy should strengthen communication, interaction and constructive co-operation among all components of society in economic, social, cultural and political affairs to bring prosperity and dignity to our lives.' [*Cenderawasih Pos*, 4 July 2007]

The general secretary of the *Dewan Adat*, Leo Imbiri, said that the dance that was being performed 'reflects the reality of Papuan lives'. He compared Papuans to children who are looking for their parents who have been murdered. He said that the dance should not be seen as a political manifestation but an expression of the culture of the Papuan people.

Leo said that during the past five years, the *Dewan Adat* had shown that it was participating effectively in the

## As the performance came to an end, the dancers unfurled the flag amid great enthusiasm

development process and had submitted many recommendations to the provincial government. Although there had been some responses, he said these responses were 'forced'. Ever since the establishment of the *Dewan Adat* five years ago, there had been no formal meetings with the authorities.' He said the conference would try to find ways of repairing the damaged lives of the people and building a new system and then call upon the government to work together to build Papua by means of a Memorandum of Understanding. (This was clearly intended as a reference to the MoU concluded with the people of Aceh in 2005.)

Forkorus Yaboisebut, who was subsequently elected as the new chairman of the *Dewan Adat*, spoke of the human rights violations that had occurred in Papua since 1961. The basic problems were, he said, first, the denial of political rights for the Papuan people, second, development that had violated the basic rights and the living environment of the people, and third, as a result of all this, the violation of the Papuan people's human rights and the rule of law.

He described the use of the word 'separatism' as a violation of language and a legacy from the former colonial administration. [*Cenderawasih Pos*, 4 July 2007]

## Eleven Papuans summoned

On 7 July, as the *Dewan Adat* conference drew to an end, eleven Papuans, all of whom were members of the

organisation's new executive board, were summoned by the police. They were:

Tom Beanal, former chairman of the *Dewan Adat Papua* and present chair of the Papuan Presidium Council (PDP), Willy Mandowen,

Thaha Al Hamid, general secretary of the PDP

Leo Imbiri, general secretary of *Dewan Adat Papua*,

Forkorus Yaboisebut, newly elected chair of the *Dewan Adat Papua*,

Astrik Rumbonde, first treasurer of the *Dewan Adat Papua*,  
Yacob Kasimat

Welem Rumaseb

Benny Yarisetow

Alfrida Faidiban

Asmirah Alhamid, activities treasurer of *Dewan Adat Papua*.

News of the police action sparked many protests. Eight of those summoned were interrogated soon after the conclusion of the meeting and the other three were interrogated on the following day. One report suggested that some of those summoned might face charges of rebellion.

## Endemic abuses in Central Highlands

**Routine abuses, such as extrajudicial executions, torture and rape are being committed with impunity in the remote Central Highlands area of West Papua by the Indonesian security forces, most notably the police and its special forces unit, *Brimob*, according to a new report by Human Rights Watch, published on 5 July.**

The report, 'Out of Sight: Endemic Abuse and Impunity in Papua's Central Highlands' argues that the abuse is deepening mistrust of the national government in Jakarta and inflaming separatists tensions.

One man told Human Rights Watch what happened when 12 *Brimob* officers arrested him and some friends for a peaceful independence flag raising:

'My teeth fell out. Blood flowed out. I was hit. I was kicked twice and then in the stomach twice again. I was kicked in the nose, the mouth and the teeth. More kicks were ordered and this was repeated. I could not count the number of times. I saw all my friends given the same treatment. Blood was flowing from them and they were forbidden from going to the toilet. They ordered us to swallow our blood. My nose was bleeding. They ordered us

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### Opposition

A pertinent reminder that there is significant opposition to the Tangguh project was provided by a Free West Papua Campaign demonstration outside the meeting. In a letter to TIAP members, Benny Wenda West Papuan independence leader in the UK and Chair of DeMMaK, the Koteka Tribal Assembly, compared the gas extraction to a robber selling off the contents of his home.

Senator Mitchell argued in his reply that as the construction phase nears completion, support for the

### Charges of rebellion possible

The chief of police of Papua, Paulus Waterpauw, later told journalists that many people were being questioned in connection with the unfurling of the flag. 'There are indications that a crime was committed and 14 other persons are being questioned as possible witnesses.' Asked what the charges would be, the chief of police said 'things are leaning towards rebellion (*makar*)'. Another police officer said that attention was focussed on the unfurling of the Morning Star flag at the beginning of the conference. Police officers had also been sent to Manokwari to question members of the Sampari dance group who came from there and who were involved in the flag-flying incident. [*Cenderawasih Pos*, 1 and 12 July 2007]

One of the results of this historic conference was to make a clear separation between the *Dewan Adat Papua* which brings together all the different tribes of Papua and the Papuan Presidium Council which is a political organisation.

From one source who attended the conference, the decisions adopted were: support for self-determination for the Papuan people and protection of the indigenous and land rights of the Papuan people.

to swallow the blood again. I do not know the name of the officer in command. They all punched us, taking turns.'

The problem is exacerbated by the government's policy of keeping the region closed to outside observers. There is limited understanding of the situation in the territory since there is little independent reporting on conditions there. Reliable information on the Central Highlands, where support for independence is strong, is even harder to come by.

'By keeping the region closed to outside scrutiny, officials in Jakarta are receiving biased and partial accounts of what is taking place,' said Human Rights Watch. 'Reliable information is essential if officials are genuinely interested in identifying problems and finding lasting solutions.'

'Conditions in Papua's Central Highlands are an important test of how Indonesia's security forces perform when political tensions are high and regions are closed to outside observers. The police are failing that test badly,' it says.

The organisation calls for West Papua to be opened to independent observers in order to increase the amount and quality of information about conditions there and to allow independent and transparent investigations to take place.

Editorial comment on the report, which is available at <http://hrw.org/reports/2007/papua0707/>, was provided by TAPOL.

project grows stronger. He also asserted that support increases as one gets closer geographically to the Tangguh site because of the benefits accruing to local people.

A report of the TIAP meeting is available on request from TAPOL. TIAP's fifth report and BP's response are available at on the BP website.

Since the meeting, TAPOL has been able to visit the Bintuni Bay area. A report will be published shortly.

A further detailed assessment of the project and its impact was published by Down to Earth in its May 2007 newsletter – see <http://dte.gn.apc.org/73tan.htm>

# Visit of UN rights expert

**The Special Representative of the UN Secretary-General on Human Rights Defenders, Hina Jilani, conducted an official mission to Indonesia from 5 to 12 June 2007. She visited Jakarta, Jayapura in West Papua and Banda Aceh. This was the first time a senior UN official had been permitted to travel to West Papua since 1969 when a small UN mission was present at the so-called Act of Free Choice.**

During her visit to West Papua on 8 June, Ms Jilani held two non-governmental meetings, one with religious leaders and one with the human rights NGO community. According to the Justice and Peace Director of the Catholic Diocese of Jayapura (SKP), Budi Hernawan, the UN representative spent 45 minutes with the religious leaders and an hour with the NGOs. He said that the time for the meetings was limited because most of her time had been spent in meetings with the authorities.

Several peaceful demonstrations were held to welcome Ms Jilani's arrival. One held at Sentani airport was disrupted by the security forces when an intelligence agent forcibly seized a banner bearing the words: 'Stop Genocide in Papua'. A female student in the crowd was injured during the incident.

On the same day, hundreds of people held a peaceful rally in Manokwari, calling for a referendum for Papua.

## Churchmen intimidated

In advance of the visit, the Evangelical Church in Papua, the GKI, issued a statement drawing attention to violations perpetrated against human rights defenders and church workers in the recent past. One incident occurred on 1 September 2006, when the chairman of the working committee of the GKI Synod, Rev. C. Berotabui, staged a protest by sitting down and blocking the entrance of the Abepura prison. He took this action to prevent the police from taking away 16 students being held there for involvement in the 'Abepura 16 March 2006' incident. The night before, there were heated arguments between the students and the police whom the students accused of instigating the 16 March incident during which five members of the security forces were killed. Fearing that the security of the students would be at risk if they were moved away, Rev. Berotabui took action in an attempt to press the police to promise they would not be harmed. Following this incident, his house was subjected to night-time surveillance by unknown persons. On one occasion, these people chased a neighbour whom they apparently mistook for Rev. Berotabui as he was of a similar build, but the man was able to conceal himself and escape capture.

Several priests who were giving protection to the students were subjected to intimidation, bricks were thrown at their homes, and they received threatening phone calls.

Another incident involved Rev. Hofni Simbiak who, for the past ten years, has headed the GKI church in Manokwari. He has frequently received threats from the

local security forces for exposing human rights violations in his parish. Rev. Simbiak regularly accompanies members of his congregation who have been subjected to abuses. He held talks with the local army officers about these abuses during the Manokwari case in 1998-2000 and the Wasior case in 2001-2002. In 2003, local thugs barricaded his office, accusing him of voicing opposition to the carve up of Papua. One of the thugs threatened to cut his throat if he continued to voice such opinions.

In its statement, the GKI said that such acts of violence, which were far too many to be included in this report, were evidence that some groups are determined to disrupt attempts to expose abuses and are strongly opposed to efforts by the churches to press for justice.

## UN envoy's many concerns

Ms Jilani noted in her report on her overall visit to Indonesia that several positive steps had been taken to strengthen the legal and institutional framework for the promotion of human rights, such as Constitutional changes in 2002 that guaranteed human rights and fundamental freedoms, the adoption of the Human Rights Act of 1999 and the Witness Protection Act of 2006.

She said that the establishment of Ad hoc Human Rights Courts, the National Human Rights Commission (Komnas HAM), the National Commission on Violence Against Women (Komnas Perempuan) and the adoption of the National Plan of Action were important developments. However, she had observed serious constraints on the functioning of many of these organisations and mechanisms affecting their ability to fulfil their mandates effectively.

'There is a resistance to changing attitudes and institutional culture which has made it difficult for these institutions to make a full commitment to eliminate impunity for human rights violations,' she said.

## There is even less commitment to removing impunity for past abuses

And, mindful that there had been no progress on several cases she had communicated to the government in the past six years, she said: 'there is even less commitment to removing impunity for past abuses'.

Furthermore, she wrote, although 'many of these measures that relate to human rights in general may create awareness on the role of human rights defenders and facilitate their work...they do not address the serious issue of their protection'.

'No concrete initiatives have yet been taken to enact laws, to create institutions and to institute procedures that deal directly with the protection of human rights defenders or with accountability for any harm or arbitrary action against them,' she observed.

## Munir murder: A test case

Ms Jilani highlighted the lack of progress in dealing with the killing of Munir in September 2004. She described the case as 'a test of the government's will to protect defenders in the country' and feared that 'any lapses in the conclusion of

this case would make all human rights defenders throughout the country insecure'.

While acknowledging that there were signs the government was moving to bring the perpetrators to justice, she was 'deeply concerned at apprehensions expressed by defenders that the course of justice may be influenced to protect the perpetrators of this crime'.

### **The worrisome situation in Papua**

The envoy said she had heard many testimonies indicating the continuing activities of the police, the military and other security and intelligence agencies that are aimed at harassment and intimidation of defenders or to restrict their access to victims and to sites of human rights violation.

## **Defenders are labelled as separatists in order to undermine their credibility**

These problems, she said, were more pronounced in West Papua where she had heard 'credible reports of ... arbitrary detention, torture, harassment through surveillance, interference with the freedom of movement and in defenders' efforts to monitor and investigate human rights violations.'

She was particularly disturbed by allegations that when defenders expose abuse of authority or other forms of human rights violations committed by the security apparatus, they are labelled as separatists in order to undermine their credibility.'

She said that concerns persist despite the assurances given to her by the military commander and the chief of police in Papua that there was no institutional policy to target defenders.

By contrast, Ms Jilani said she was 'greatly encouraged by the improvement in the situation of human rights defenders in Aceh'. However, she was informed of cases where 'human rights defenders and their activities were subjected to surveillance by intelligence agencies and to

unauthorized interference by the police'. Concerns were also raised with her regarding the situation of women human rights defenders.

### **Recommendations**

Ms Jilani strongly recommended the setting up of mechanisms to investigate complaints of violations against human rights defenders. She urged the removal of 'restrictive regulations that impede the right of defenders to freedom of assembly and of association,' and further recommended 'that procedures be instituted to prevent the prosecution of human rights defenders aimed at their harassment for conducting activities that are legitimately a part of their function for the defence of human rights'.

The report of the mission will be presented to the UN Human Rights Council, along with recommendations for the consideration of the government.

### **Incidents against Papuans who testified**

Following her departure, several people who had met the UN envoy to submit testimonies complained of harassment. Three people along with their chauffeur, who left the airport in West Papua after seeing the UN envoy off, were targeted as they drove away. Frederika Korain, Rev. Perinus Koyoga and Bartholomus were returning to Jayapura in a SKP vehicle when another vehicle, a blue Kijang, crashed into their car. Their car slid off the road before regaining equilibrium. They recognised the car as having also been at the airport. They managed to halt the car, two men got out and said that they were from the Trikora regional military command. One of them was FX Subangun, head of the intelligence command of Trikora. After a brief encounter, the two men fled the scene. By saying who they were, they were making no secret of their intimidatory intentions.

A few days later, on 11 June, Albert Rumbekwan of the Papua branch of Komnas HAM, the National Human Rights

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# **Union leader jailed on Labour Day**

## **Marches and demonstrations across Indonesia to mark International Labour Day on 1 May resulted in the detention and ill-treatment of a union leader from Tangerang, an industrial city near Jakarta.**

Sarta bin Sarim, a packing worker and chair of the local union at a furniture plant named PT Tambun Kusuma joined a peaceful demonstration by a coalition of local unions. He was later arrested at home for allegedly organising the demonstration and taken to the local police station. According to reports, when he refused to sign an interrogation report, which he stated was false, police turned away while other detainees beat and kicked him until he vomited blood. Under this duress, Sarta finally signed the report.

Sarta was kept in prison and charged under an old Dutch colonial law with committing 'unpleasant acts' and

'inciting disruption'. He was repeatedly beaten by other inmates demanding money. The police refused appeals by the national FKUI-KSBSI union (Federation of Construction, Informal and General Workers Unions) for his release. They also refused to provide the union's lawyer with the police investigation report, a requirement under Indonesian law.

The treatment of Sarta amounts to a breach of Indonesia's obligations under international human rights and labour conventions and Indonesian domestic law to uphold the rights to freedom of association and assembly.

A demonstration was held in Jakarta on 24 May to protest against Sarta's treatment and the 'death' of Labour Day celebrations in Indonesia.

Sarta was still in custody at the time this Bulletin went to press. A further hearing of his case was due to take place on 12 July.

# General elections in a politically divided Timor-Leste

**On 30 June general elections were held in Timor-Leste, the first ever to be held under Timorese law and organised by the Timorese themselves. No party was able to achieve a majority, so a coalition government is the only option. As predicted, two contestants, Fretilin and the CNRT, emerged as the largest parties, with each gaining around a quarter of the votes.**

More than 500,000 people voted in the election. There were altogether 1,228 polling booths in the 13 districts. About four hundred international observers monitored the voting and security was in the hands of about 1,700 UN police and 1,000 Australian peacekeepers. By 5 July, more than 95 per cent of the votes had been counted and the results were more or less as had been predicted by political analysts.

Support for Fretilin had fallen sharply although it won more votes than any other party, with 29 percent of the votes. In 2002, the party won 57 percent, and became the governing party. The CNRT, a new political group led by Xanana Gusmao, came second with 24.1 percent. Other parties which did reasonably well were the ASDT/PSD with 15.8 percent and PD with 11.3 percent. Two new parties also won enough votes to get seats in parliament, Undertim and PUN with 3.2 and 4.5 percent respectively. An alliance of two small parties KOTA/PPT achieved 3.2 percent.

The results mean that there are two alternatives, either a minority Fretilin government with possible support from Undertim and KOTA/PPT or, what is more likely, a coalition between CNRT, the ASDT/PSD and PD with Xanana Gusmao as the prime minister. This coalition would enjoy a narrow majority in parliament, with 37 out of the 65 seats.

## Unstable conditions

Social and political conditions in Timor-Leste have been unstable since May 2006 when 37 people were killed in clashes and more than 150,000 people were made homeless. At least 100,000 people are still living in temporary accommodation.

Meanwhile, the political situation underwent many changes. The former prime minister, Mari Alkatiri was forced to resign, and José Ramos-Horta who was then foreign minister took over as prime minister until the presidential elections in April 2007. Horta was then elected as president, taking over from Xanana Gusmao who had been president since 2002.

The 2006 crisis in Timor erupted on several fronts and escalated quickly. It started with a revolt within the F-FDTL (Timorese Defence Force) which was badly handled by the Alkatiri government. None of the grave problems, massive unemployment, widespread poverty, deep political rifts at the top and the ongoing revolt in the army had been well



**José Ramos-Horta campaign rally**

**Photo: Elinde**

handled up to the time of the latest election. It will not be easy to deal with these serious social and political problems.

## Orderly elections

However, these problems did not affect the presidential election in April or the parliamentary elections in June, apart from some clashes when two CNRT activists were killed on election day.

The first round of the April presidential election resulted in the Fretilin candidate getting the largest number of votes but without gaining an absolute majority. In the second round, the other parties rallied round José Ramos-Horta who had come second in the first round. With 70 percent of the votes, Ramos-Horta was duly elected as Timor's second president. His high profile as a Nobel Peace Laureate and the country's foremost campaigner for independence for many years had assured him victory. His opponent, Lu Olo, was not well known. In any case, Horta seemed to be well suited for a ceremonial position; during

## In the second round, the other parties rallied round

### José Ramos-Horta

his term as interim prime minister after Alkatiri's resignation, he was unable to resolve the many problems dogging the country, largely because most of the other cabinet ministers were Fretilin members.

At least 100,000 Fretilin votes had switched to supporting Horta, drawn probably by his conciliatory stance and aware that he was certainly the best known Timorese internationally. As a former Fretilin stalwart, he avoided taking a strong anti-Fretilin position in public and remained on speaking terms with Fretilin leaders like Alkatiri.

By May 2006, it became clear that the ruling party Fretilin was encountering serious internal problems. Its leaders are often portrayed as socialists. Some cabinet



**Collecting ballot boxes**

**Photo- Elinde**

ministers including the former prime minister, Mari Alkatiri, were often cynically referred to as the 'Maputo Gang' because they had spent their years in exile in Maputo, the capital of Mozambique.

A more mainstream wing composed of the younger generation which became known as Fretilin Mudansa, contested the Alkatiri leadership but won little support at the party's 2006 congress. During the presidential elections, Fretilin Mudansa campaigned for the independent candidate, José Ramos-Horta. His 70 percent majority can best be described as a display of anti-Fretilin sentiments rather than great enthusiasm for the man himself.

### **Power struggle**

The stakes were far greater however at the time of the parliamentary elections in June because real political power was at stake.

The political elite in Timor-Leste is divided into two camps; one is led by Mari Alkatiri, the head of Fretilin, and the other is led by Xanana Gusmao and his political vehicle the CNRT. Following its defeat in the presidential elections, Fretilin was forced to recognise its own vulnerability and saw the need for an organisational shake-up.

From the start, it was clear that the parliamentary election would not resolve this deep divide. During the campaign, Xanana blamed Fretilin for all the difficulties of the previous four years while Fretilin sought to claim that the CNRT lacked a party programme because it had been set up only six months previously by Xanana Gusmao to provide him with an electoral vehicle.

The 12 other parties have much narrower political constituencies and depend on ideological differences or regional popularity. The 14 political parties which contested the election represent a rainbow of differing political views, from radical socialist to conservative monarchist and only a few of the parties gained enough votes to win seats in parliament.

Fretilin, which bore the brunt of the resistance during the Indonesian occupation, is still the only political force that has strong roots in Timorese society, the only party with a nationwide network of grassroots activists especially

in the eastern part of Timor Leste. In the districts of Baucau, Viqueque and Lautem, Fretilin successfully won most of the votes, while in Dili it won 15 percent. As a result, Fretilin will take 21 seats in parliament.

CNRT, the National Congress for Reconciliation in Timor-Leste, was a newcomer with barely any organisational structure (the party is distinct from the CNRT – National Council for Timorese Resistance - alliance that existed before independence – see below). It was expecting to rely on the charisma of Xanana Gusmao, but did not perform well, topping the poll only in the capital Dili, with 35 percent of the votes. It also did relatively well in Liquisa, Bobonaro and in the enclave, Oecusse. This will give it a total of 18 seats in parliament.

The ASDT and PSD campaigned separately in the election but decided to join ranks after the results were announced. The ASDT is one of the oldest political organisations in East Timor and was the forerunner of Fretilin. Its chairperson is Xavier do Amaral, who chaired Fretilin at the time of the Indonesian invasion in December 1975. He was captured by Indonesian forces and lived in Jakarta for many years. The PSD came into being after independence and its chair is Mario Carrascalao, who served two terms as governor of East Timor during the occupation. Both leaders have a background of cooperation with Indonesia. Their coalition will occupy eleven seats.

The PD, the Democratic Party, came into being soon after the referendum in 1999. Most of its leaders are former student activists many of whom studied in Indonesia and served time in prison in the 1990s under Suharto. They will occupy eight seats in parliament.

The PUN, a new party supported by sections of the Catholic Church will get three seats while KOTA/PPT, a coalition of two old parties with a strong regional basis, will get two seats between them.

## **Gusmao grew increasingly frustrated because he had been unable as to influence policies**

A new party called Undertim was established by former members of the guerrilla movement. With a strong base in the eastern part of the country, it will get two seats.

### **Timor's big men**

Under Timor's political system, the presidency is a symbolic post while power rests with the prime minister as the head of government. From 2002 till 2006, the Fretilin government under Alkatiri pursued an austere financial policy but nevertheless failed to boost the economy. Alkatiri has been acclaimed as a tough negotiator with Australia over his country's share in earnings from the Timor Gap oil but his cabinet had several fatal flaws. Home affairs minister, Rogerio Lobato was convicted of involvement in supplying arms to militia units during the 2006 riots.

Xanana Gusmao grew increasingly frustrated because he had been unable as president to influence government



Fretilin supporter

Photo- Elinde

policies. Despite his historic role as leader of the resistance, his political role was marginal. He therefore decided to contest the parliamentary elections hoping to become the country's prime minister, which is now very likely.

Commentators often argue that there are only four important political leaders in Timor-Leste: Mari Alkatiri, the secretary-general of Fretilin, which is still the main political force in Timor-Leste; Francisco "Lu Olo" Guterres, chair of parliament and concurrently chair of Fretilin who lost against José Ramos-Horta for the presidency; José Ramos-Horta, Nobel Laureate and the newly elected president and Xanana Gusmao, former president and arguably the best known man in Timor-Leste as leader of the resistance against the Indonesian occupation.

#### Historical retrospect

Looking back, all these men were key members of Fretilin. Alkatiri and Horta were members of the central committee in 1975. Both left the country and became spokespersons of Timor independence in exile until 1999 when they returned home. Lu Olo and Xanana were Fretilin leaders inside the country and in the early eighties Xanana took over the leadership of Fretilin, concurrently becoming the commander of Falintil, the armed wing of the resistance. While Xanana emerged as the guerrilla leader, Lu Olo became best known as an underground political leader in urban areas.

In the mid-eighties, while still fighting in the mountains, Xanana introduced major strategic changes. A new alliance was born that became known in the late eighties as the CNRT. This alliance embraced not only Fretilin and other political forces like UDT and Apodeti but also made a strategic alliance with the Timorese Catholic Church and the younger generation, the ones who had grown up during the Indonesian occupation.

This new alliance quickly bore fruit. Internationally, the East Timor issue became very high profile while the Timorese youth mounted spectacular actions which enable them to hit international headlines. Xanana was arrested in 1992 and served six years in prison but internationally, he became the personification of the Timorese resistance. With

the establishment of the CNRT, Xanana left Fretilin to become the godfather of the Timorese. José Ramos Horta, a founding member of Fretilin, also left the party.

In the tumultuous years that followed, in particular 1998 and 1999, the pace of events in East Timor was breathtaking. President Suharto was forced to step down in May 1998, paving the way for a historic leap in Timor. In January 1999, his successor, President Habibie, agreed to a referendum for the Timorese and in August 1999, the people of Timor voted overwhelmingly for independence.

Thereafter, Timor became a pet project for the UN, which has been involved in Timor under four different mandates. The world body is likely to remain in Timor for several years yet, perhaps the clearest sign of the fragility of the institutions in Timor, which have not performed well.

As political institutions have re-emerged in Timor, a range of parties emerged, some old and some new. The CNRT, the national coalition under Xanana Gusmao, was abandoned and

Timor-Leste has become a 'normal' country with a multiparty system.

Hard as it may be to imagine Fretilin outside government, the outcome of the elections means that it is

### Hard as it may be to imagine Fretilin is likely to be an opposition party

likely to be an opposition party. In the coming months, developments will show whether the new government is able to tackle the burning issues confronting the country and in particular, how the oil revenues will be used and whether they can bring prosperity to the people, so many of whom are now living in abject poverty.

## Death of a Nation - Film Screening

John Pilger's 1994 film on the invasion and occupation of East Timor, *Death of a Nation - The Timor Conspiracy*, is showing as part of the British Film Institute's(BFI) Documentary Impact season.

*Death of a Nation* exposed what was for many an invisible atrocity.

Screenings will be at BFI Southbank in London, and are scheduled for -

**Wednesday 22 August 20:30**

**Saturday 25 August 18:15.**

For more details visit the BFI website - [www.bfi.org.uk](http://www.bfi.org.uk) - or telephone the box office +44 (0)20 7928 3232

# Balibo inquest draws to a close

**The inquest into the death of Brian Peters, one of five newsmen killed on 16 October 1975 in Balibo, East Timor, has heard testimonies from Australian witnesses about the role of Indonesian officials in conspiring to kill the men.**

The inquest being held by deputy coroner Dorelle Pinch in Sydney was made possible because Brian Peters was resident in New South Wales. Delayed for more than thirty years, the inquest was finally convened thanks to the persistence of Maureen Tolfree, the sister of Peters, and her lawyer, Rodney Lewis.

The five newsmen who were killed were Brian Peters and Malcolm Rennie, both from Britain, two Australians, Greg Shackleton and Tony Stewart, and a New Zealander, Garry Cunningham.

On 17 May, two Australians testified at the inquest. James Dunn, the former Australian consul in Dili, capital of Portuguese Timor as it then was, said that, upon his arrival in Dili on 8 October 1975, a Fretilin spokesman informed him that the Indonesians had occupied Balibo, a town close to the border with West Timor, whereupon he wrote a note to the foreign minister in Canberra stating that the Indonesians knew of the presence of five foreign journalists and had decided to kill them so that Indonesian lies about their intentions in East Timor would not be exposed.

Alan Renouf, former head of the department of foreign affairs confirmed Dunn's testimony that 'the Indonesian army had good reason to kill the journalists'. He told the inquest he had waited 32 years to say that he regarded the killings as 'revolting, quite unnecessary, cold-blooded and really merciless'. He also accused the Australian prime minister at the time, Gough Whitlam, of giving Indonesia

**'At least three of the journalists were shot by Indonesian troops acting on an order by Yunus.'**

carte blanche to invade East Timor. [Press Release, *Reporters Without Borders*, 23 May 2007]

Three days earlier, the inquest heard information about the death in Dili on 7 December of Roger East, a Darwin-based journalist who was on assignment from Australian Associated Press to investigate the deaths of the newsmen in Balibo. An Australian department of foreign affairs report was quoted as saying that East's death was directly linked to the deaths in Balibo.

A lawyer appointed to assist the deputy coroner, Mark Tedeschi, said in his final submission to the inquest that evidence showed that Yunus Yosfiah, then a captain in the Indonesian army and later a government minister, was an integral part of the plan to kill the journalists. 'At least three of the journalists were shot by Indonesian troops acting on an order by Yunus.' He added: 'It is highly unlikely that a mere captain would have made the extraordinary decision to kill the men without the sanction of his superior officers'.

Yunus has contemptuously rebuffed a request to appear before the inquest. The Indonesian government also refuses to collaborate with the inquest because it considers the case closed, claiming that the men were caught in crossfire.

## Jakarta governor dodges inquest

While the inquest was in progress, the governor of Jakarta, a former general in the Indonesian army, happened to be visiting Sydney on a mission to restore twinning connections with New South Wales. Deputy coroner Pinch aware that she could not serve a subpoena, decided to use a 'small window of opportunity' by inviting the former general to give evidence. A summons was delivered to his hotel room by officials. The deputy coroner's office denied reports that the police had made a forced entry into the former general's room. Enraged by the suggestion that he should appear at the inquest, Sutiyoso immediately cancelled the remainder of his programme and returned home on the following day.

Although Sutiyoso's name had not previously been mentioned in connection with the Balibo killings, an Indonesian war correspondent, Hendro Subroto, wrote in a book that then Captain Sutiyoso was a member of 'team susi', the special forces unit that attacked Balibo on 16 October, 1975. [*Sydney Morning Herald*, 30 May 2007]

The incident led to a diplomatic row between Canberra and Jakarta.

## War crimes charges

However, this incident was overshadowed by a recommendation from Mark Tedeschi that two Indonesians involved in the Balibo attack should be prosecuted for war crimes under the Geneva Convention. Although the two names were mentioned only in a confidential submission, journalists attending the inquest had no difficulty naming them as Mohammed Yunus Yosfiah who is known to have led the attack on the newsmen in Balibo, and Christoforus da Silva, a non-commissioned officer of the special forces who later became a district official during the Indonesian

occupation of East Timor. According to the lawyer, da Silva had trapped the fifth newsman who had fled to an outhouse where the other four were killed. 'When the journalist came out, da Silva stabbed him in the back with a military knife,' he said. After a plea in court by John Milkins, the son of dead cameraman, Gary Cunningham, for the two to be brought to justice, the coroner said: 'Providing there is sufficient evidence, you can be in no doubt I will be naming people I believe caused the deaths of the journalists.'

Mr Tedeschi rejected the findings of two earlier official Australian inquiries that the men had been killed in crossfire during a battle for Balibo between Indonesian-led forces and the Fretilin independence movement. On the contrary, he said, they had been killed deliberately by soldiers as they tried to surrender. [AFP, 31 May 2007]

'The Indonesian leaders engaged in a masterful power play worthy of an international chess grandmaster, using Australian leaders and department officers as their pawns,' he said. [*Sydney Morning Herald*, 31 May 2007]

## Relatives greatly encouraged

Speaking to the press after the recommendation that two men be prosecuted for war crimes, John Milkins said: 'It has been an incredibly encouraging day.' He said that his family's stance had been vindicated. 'I am very heartened

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# The struggle for peace and democracy in Aceh

**The signing of the Peace Accord, the Memorandum of Understanding between the Government of Indonesia and GAM, the Free Aceh Movement, on 15 August 2005 was a milestone in the thirty-year conflict. The main aspects of the peace process have gone well and violence has receded. The well-being of the people has improved and security conditions are relatively stable. But peace and democracy need to be monitored and promoted.**



**Election office in Banda Aceh**

Two issues could prove to be stumbling blocks threatening the peace process: economic developments and the reintegration into society of the ex-combatants. They both need time and sensitivity from the local government as well as from the central government in Jakarta.

Analysts often compare the peace process in Aceh with Northern Ireland, but there are some striking differences. Whereas in Northern Ireland, the peace process took twelve years and numerous meetings between the two sides, no more than five sessions were needed in Helsinki to reach agreement in Aceh and the whole process was completed in seven months. In the case of Northern Ireland, much time was spent agreeing on the

## Arguably the region with greatest democratic space in Indonesia

establishment of the institutions, and the economy, paving the way for a devolved government. However, the process in Aceh went the other way round. During the first phase, the framework was agreed after which attention was paid to the democratic initiatives and the creation of the necessary institutions. Earlier attempts to resolve the conflict by simply granting special autonomy had not been successful.

Aceh has become a laboratory of democracy. Developments since August 2005 have made it arguably the region with greatest democratic space in Indonesia and it now occupies a special position within the unitary state of Indonesia.

The Helsinki MoU was a great leap forward. After major amendments had been introduced by the national parliament, the MoU was adopted as the Law for the Governance of Aceh. Despite the many shortcomings, the new law, known as UUPA, is unprecedented in Indonesian history. However, the very swiftness of the process meant that the adoption of the MoU created its own problems.

The Helsinki peace process began at a time when heavy military operations were still underway. Most Acehese activists, including members of GAM as well as those who were not members, had to flee either to other parts of Indonesia or overseas. The changes occurred so rapidly

that there was hardly any time to develop new democratic organisations and institutions. On top of this, the tsunami disaster in December 2004 killed many leading activists in the movement and destroyed much of the infrastructure. The Acehese suddenly had to devote their activities to physical reconstruction as well as to re-building the political framework.

Although the newly-elected government of Aceh as well as civil society have been slow to introduce reforms, many political reforms have nevertheless taken place, some of which would be unthinkable in other parts of Indonesia.

The MoU was indeed a breakthrough. GAM abandoned their demand for independence and combatants handed in their weapons in a series of sessions. Jakarta responded very positively and vast sums of money were made available for rebuilding and for the reintegration process. In particular, the government went ahead with the immediate release of 2,000 GAM prisoners, some of whom were serving long sentences in prisons all over Java and Sumatra.

### **Pilkada, a stunning victory**

The local elections, *Pilkada* (regional elections), which were held on 11 December last year, resulted in a resounding victory for independent candidates, that is to say, candidates not standing for national parties but who were either associated with GAM or were in support of independence. The two men elected as governor and vice-governor, Irwandi Yusuf and Muhammad Nazar, had both spent years in prison. Irwandi had escaped from prison during the tsunami while Nazar who was being held in Malang, East Java, was one of the 2,000 lucky ones to be released after the MoU accord. Many of the locally elected persons, district chiefs and mayors, have similar backgrounds. The man who was elected mayor of Sabang,

the biggest port in Aceh, was a former political exile in the US while others who were elected were from the ranks of GAM combatants.

The results of the *pilkada* in Aceh will have significant consequences for Indonesian politics. The national parties which contested the elections – all of them based in Jakarta - were soundly defeated and are still licking their wounds. The locally-based parties took the lead everywhere. As things stand at present, this cannot be repeated elsewhere in country where only Jakarta-based parties are allowed to

## The national parties were soundly defeated and are still licking their wounds

contest elections. But the Aceh electoral experience has opened the way for civil society activists to demand that the law on regional elections be amended to allow local parties to take part.

### Local parties, a new challenge

The first party to emerge was *Partai Rakyat Aceh* (Aceh People's Party) which was set up by a group of young Acehnese, many of whom have left wing inclinations. The first congress of the PRA was very successful; it was attended by hundreds of participants from all parts of the territory and vibrant discussions took place about the future role and political programme of the party.

The next party to emerge was the *Gabthat* party (*Gabthat* is the Acehnese word for strong and bold). The party came into being on the initiative of several Muslim scholars and local GAM activists in Aceh Besar, one the districts in Aceh.

The third party to emerge was a women's party, PARAPP (*Partai Aliansi Rakyat Aceh Peduli Perempuan*, People's Alliance Party for Women's Affairs). It was founded on 20 May and will focus on the struggle for woman's rights in Aceh that until now have been largely ignored.

### The GAM party

According to the MoU, it was agreed by all parties that GAM would eventually be transformed into a political movement. AMM, the monitoring body set up after the MoU, strongly urged the GAM leadership to go ahead on this as quickly as possible, but by the time the mission had completed its work on 15 December, the party had not yet been set up.

At a meeting of the GAM *majelis* (parliament) held before the local elections, it was clear that no agreement had been reached within GAM. After a series of discussions and disagreements, Irwandi and Nazar won overwhelming support to stand for the positions of governor and vice-governor. But they did not have the support of the old GAM leadership, including those who had been in exile in Sweden.

The rift that occurred after the elections was also reflected in many institutions where GAM was represented, including the reconstruction body BRR, the reintegration body BRA, and KPA - *Komite Peralihan Aceh*, Transitional Committee of Aceh - the new name of the former guerrilla army of GAM, which was formerly known as the TNA (*Tentara Nasional Aceh*, National Army of Aceh).

In the early part of this year, it looked as if three parties would emerge, each supported by different fractions within GAM, the first consisting of the old guard, generally linked

to the Pidie region, a stronghold of GAM, the second more closely linked to the rank-and-file which supported Irwandi for governor, and supporters of SIRA, the organisation of vice-governor Nazar which was able to mobilise many people. However, it would be wrong to say that the divisions between the three groups is rigid; individual loyalties often flow freely between the three groups.

On 7 July, the new initiative finally materialised and Muzakkir Manaf, former TNA commander-in-chief and now a chairperson of KPA, announced the establishment of the GAM party. The secretary-general is Tengku Nazaruddin, who is very popular with the GAM rank-and-file. A rally will soon be held in the main stadium of Banda Aceh at

which the new party will be presented to the public. The composition and structure of the party appears to have been well thought out. Besides the *Majelis Pusat* (Central Council) there is also a *Majelis Tuha Peut* (Advisory Council) and management boards at village level called *Majelis Tuha Delapan Sagoe*, each consisting of eight people.

It is too early to say whether the different views can all be accommodated within the GAM party. One GAM stalwart, Tengku Usman Lampoh Awe, has insisted that there will only be one local GAM party and moves to set up another party would be seen as an act of betrayal.

There was much discussion about the name of the party and the final decision was to use the word GAM. However, this is no longer intended as an abbreviation of 'Free Aceh Movement' but simply using what has become a well-known word among the Acehnese. But there have already been some rumblings in Jakarta expressing discomfort about using such a politically-loaded name and it is too early to say whether the authorities in Jakarta and the leadership of the military and police will agree to this name being used.

### The Irwandi government

The Irwandi government has now been in power for more than a 100 days and several NGOs have been assessing its performance. Previous local governments in Aceh have been riddled with corruption. The new Irwandi-Nazar team will certainly face the same problem, having to work with a weak and corrupt bureaucracy. A great deal of money has been allocated to Aceh, especially because there was a huge international response to calls for assistance for a programme of reconstruction after the tsunami. The new government will need to work hard to prevent corruption and transparency and accountability will be buzz words for the Irwandi government for a long time to come.

In June it was reported that 62 alleged corruption cases inside BRR have been reported to KPK, the central body that was set up in Jakarta to eradicate corruption. The BRR which is the principle agency responsible for reconstruction in Aceh is run from Jakarta. Kuntoro, who is the head of BRR, has also complained about malfeasance by contractors in the rebuilding of houses. An estimated 7 percent of the contractors have been accused of unacceptable levels of re-building or of abandoning their projects altogether.

There has been a strong focus on boosting the economy and Governor Irwandi Yusuf complained quite rightly in the first weeks of his administration that the central government in Jakarta should repeal Aceh's status as

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# Maluku dancers spring a surprise

**A brief presidential visit to Ambon on 29 June turned into a major embarrassment for the President when a group of dancers staging a performance in his presence suddenly unfurled the RMS flag. The incident thrust the issue of Maluku back into the limelight, in the presence of members of the diplomat corps and the world's media.**

RMS stands for *Republik Maluku Selatan* (South Maluku Republic). The movement was established on 25 April 1950 but crushed by a major military operation. The movement continued with an armed struggle on the island of Seram but its leader, Soumokil, was captured. Many years later, in 1966, he was executed.

Since the early 1950s, the RMS has continued as a political movement, with a strong component in the Netherlands where a large Malukan community has been living since 1950. For many years since the fall of Suharto in May 1998, 25 April has been marked as the anniversary of the proclamation of the RMS. It has been an occasion to fly the Malukan flag as a peaceful reminder of support for the RMS.

The peaceful incident took the President's entourage completely by surprise and led to recriminations among the security forces for this highly-public re-emergence of one of Indonesia's simmering regional conflicts. Thirty-one people were detained amid clamours, coming from among others Vice-President Jusuf Kalla, for them to face charges of treason. According to reports at the time, 28 of those arrested were 'protestors' while three others were caught in the round-up. Subsequent reports say that the number of people under arrest has increased to 38.

The purpose of the President's visit to Ambon, the capital of Maluku, was to mark National Family Day. While the governor of Maluku, Karel Albert Ralahalu was delivering a speech, a number of people rushed onto the field where the ceremony was being held. They began to perform a traditional dance, the '*cakalele*', which continued, according to press reports, for about fifteen minutes. Press reports describe the performance as 'unscheduled' but it was apparently allowed to continue for some time as there was confusion about who the dancers were. Then one of dancers pulled a large RMS flag out of a drum and was about to hold it aloft when it was grabbed by security personnel.

According to press reports four days after the event, the 38 people were being held by Special Detachment 88 of the Indonesian police. According to a statement by FKM, the *Front Kedaulatan Maluku* (Maluku Sovereignty Front), those still under arrest by detachment 88 were 'constantly severely abused. During night time, the prisoners are kept awake with cold water. The prisoners are constantly interrogated and beaten without any regard for their basic human rights.'

On 5 July, it was reported that the police had mounted a hunt for a man named Simon Saiya who is alleged to have been the organiser of the dancers' protest. (His name is in

fact included on the list of protesters now under arrest.) The spokesman for the Maluku police force, Commander Djoko Susilo who is in charge of the crackdown, admitted that at the meeting when the protest was planned, 'the activists were urged to use peaceful action, not violence, in the struggle for independence'. [*The Jakarta Post*, 5 July 2007]

Immediately following the incident, President Susilo Bambang Yudhoyono rejected 'any attempt to contest the unitary republic'. Vice President Jusuf Kalla, who was also with the presidential party, went on record to insist that the RMS did not pose a serious threat to the country's unity. [*The Jakarta Post*, 30 June 2007]

## A troubled history

Maluku which is composed of hundreds of islands is located between West Papua to the east and Sulawesi to the west. It was one of the richest prizes in the early years of the Dutch colonisation of Indonesia. Not long after the Dutch landed in Ambon at the end of the 16th century, the Dutch East Indies Company established a monopoly over the trade in spices – nutmeg, mace and cloves – for which Maluku was famed at the time. One historian has written:

'The history of the Moluccas is one of forced labour, of forced supplies, of abominable punitive expeditions (hongis) against those area which did not respect the Company's monopoly, of the felling of clove trees and the deportation of vast areas.' [See *The South Moluccans* by Ben Van Kaam, p.9]

Under Dutch rule, there were many divisions between the Muslim and Christian communities. Many Christians were recruited into the Dutch colonial army, KNIL. After the Dutch withdrew from Indonesia in early 1951, many Malukans, particularly those who were members of the Dutch army, left Indonesia for The Netherlands and now form a community of many thousands. From time to time, these Malukans have organised protest actions, the most notable being a series of train hijackings in the 1980s organised by frustrated representatives of the succeeding generation.

During the Suharto era when the security forces maintained a tight grip throughout the country by means of authoritarian repression, little was heard of any actions in Maluku, but after his downfall, some extremely violent clashes occurred, resulting in heavy loss of life, with tens of thousands of people fleeing their homes.

The Maluku archipelago has a population of a little more than two million people, composed of Muslims and Christians in roughly equal numbers. As with many other parts of Indonesia, it has also been the destination for many people from other parts of the country, in search of better prospects.

In January 1999, fighting broke out between the two communities in Central Maluku. The clashes were triggered by what appears to have been a trivial dispute that quickly erupted into fighting during which dozens of people were killed. The government of the time, led by Abdurrahman Wahid, popularly known as Gus Dur, was powerless to stop

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# Land conflict ends in bloodshed

**Disputes over land ownership and use have flared in many parts of Indonesia, bringing residents into physical conflict with local security forces. In one case, in East Java, members of the marines opened fire on villagers. Four people were shot dead and a fifth was fatally wounded. It appears that military are trying to flex their muscles on an issue that goes to the heart of millions of peoples' livelihoods, their right to land.**

The killings occurred in the village of Alas Tlogo, Pasuruan district, East Java when a group of marines opened fired on villagers who refused to leave the land which they have been tilling for many years. Among those killed were a pregnant woman and her three-year old son. Eight others were wounded. The marines claimed that they were trying to relocate the villagers since 2006 in order to use the area for combat training.

The officer in charge of the attack, Marine Corps Commander, Major General Safzen Noerdin, has since been removed although the navy chief of staff denied that this was in any way related to the shooting. Thirteen members of the marines have been arrested and may soon face trial.

Major-General Noerdin has been moved to a new post at armed forces headquarters. The military have set up an inquiry team but non-military observers are cynical about the outcome of an inquiry conducted by the military. As so often happens, low-ranking soldiers could face punishment while the officer responsible is simply moved to another post.

This conflict is one of an estimated 2,810 land disputes across Indonesia, according to the National Land Agency (BPN). The head of the agency, Joyo Winoto, said that this figure does not take into account many thousands of smaller conflicts.

It was claimed that the marines opened fire because the villagers were 'unruly' and were throwing rocks and stones at them but this has been firmly denied by witnesses. In any case, there can be no justification for firearms to be used against unarmed villagers and moreover, since 2002, any riotous situation is a matter for the police, not the military.

The National Human Rights Commission has also launched an inquiry. Its chief, Garuda Nusantara said there were wide concerns over the military's use of violence to resolve conflicts with civilians across Indonesia.

Vice-President Jusuf Kalla has weighed in on the side of the marines, arguing that the military training centre could not be moved to any other location because one of the navy's bases is in East Java. His intervention was rejected by Alas Tlogo village head Imam Subnadi, who challenged the vice-president to visit the area and see for himself that more than 1,000 families call the area their home. [*The Jakarta Post*, 4 July 2007]

## Disputes take years to resolve

According to Raden Herlambang Perdana Wiratraman, an academic who has undertaken research into military-civilian land disputes, each side claimed to have strong proof of their ownership rights; the disputed land involved residents in eleven villages. When the military attempted to relocate the villagers, some resisted. They included Alas Tlogo residents who decided to take their case to court. It is now under consideration by the East Java High Court.

Wiratraman said in an interview with *The Jakarta Post*, that according to witnesses, when the shooting occurred, the villagers were not involved in any protest. They were just milling around when some heavy machinery owned by PT Rajawali Nusantara, a company under contract with the navy, arrived on the scene and was just starting to dig up a plot owned by the residents. Wiratraman told the press that he had good reason to believe that the shooting had been planned but could not say who had given the order.

He said that a local BPN official had testified in court that the land in dispute was legally owned by the residents, but he was subsequently removed to another city for no apparent reason.

## There were systematic efforts by the military to seize people's land using harsh approaches

Wiratraman said that back in 2002, when he was on the staff of the Legal Aid Institute (LBH) in Surabaya, he conducted research into 25 land disputes with the military, together with human rights lawyer, Munir, including the Alas Tlogo case. He said that their study had indicated that there were systematic efforts by the military to seize people's land using harsh approaches. He said the best way forward in this case was for the government to expropriate the disputed land, hand it over to those entitled to it, and to transparently investigate the shooting. [*The Jakarta Post*, 2 July 2007]

According to an earlier press report, the Indonesian navy purchased the land in 1960, at a time when dealings with the military usually involved intimidation and repression.

Two other land disputes have involved violent clashes. One was in Ambon, Maluku, where an air force unit clashed with residents. Earlier this year, on 22 January, residents in Rumpin, Bogor, West Java, were involved in a brawl with members of the air force, during which one resident was shot dead and two others were wounded.

## Legacy of the Suharto era

Residents living near a military housing complex in Paris Gunung Selatan, Depok, West Java are demanding settlement for land which they say was taken from them in the 1980s by the army. Another case dating back to the 1980s involves land in Jonggol, near Bekasi, when the army's special forces took over a plot of land to build houses for their families. Then there are farmers who have tried to reclaim their land in Tapos, West Java, that was taken from them by Suharto. They acted soon after he was forced to stand down in May 1998.

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# US Congress unimpressed by military reform

**The US House of Representatives has made an important statement about the sluggish progress of military reform in Indonesia by proposing new conditions on the release of funds for military assistance.**

State Department reports on steps taken by the Indonesian government on accountability for serious crimes, the divestment of military (TNI) business interests, increased TNI transparency, and the removal of restrictions on access to West Papua will be required before funds can be made available in full for Foreign Military Financing (FMF) and International Military Education and Training (IMET).

The conditions are included in the Foreign Operations Appropriations Bill (H.R. 2764), passed by the House in June, for the financial year ending 30 September 2008. They were initiated by Democratic Representative Nita Lowey (NY) who heads the House Appropriations Subcommittee on Foreign Operations. The Bill must now be considered by the Senate before it becomes law.

The Committee on Appropriations recommended a total FMF programme for Indonesia of \$8 million, barely just over half the Bush administration's requested amount of \$15.7 million. The reporting requirements apply to \$2 million of the \$8 million FMF funds and to all the funds allocated to IMET.

A separate provision requires the Secretary of State to submit a report on the use of US-supplied equipment by the Indonesian security forces and any connection to human rights violations since 2000. Connections between US-trained security personnel and human rights violations and any strategy linking US military assistance to progress on human rights must also be noted in the report.

**'the Bush administration appears to have no real strategy to promote basic reform of the TNI'**

These moves highlight ongoing tensions between the Bush administration and Congress on the question of Indonesian military reform. In November 2005, a Congressional vote to make FMF conditional on improvements in the TNI's record was controversially vetoed by a national security waiver that enabled the administration to restore full military ties [see TAPOL Bulletin No 181, p. 21].

At the time, the State Department pledged to 'carefully calibrate' any assistance to the TNI, but according to the US-based East Timor and Indonesia Action Network (ETAN), 'Instead, the administration's actions have demonstrated a policy of nearly unrestrained engagement' [ETAN press release 22 June 2007].

ETAN, which coordinated the Congressional lobbying, welcomed the new initiative:

'The House appropriations bill highlights many of the most needed reforms. In contrast, the Bush administration appears to have no real strategy to promote basic reform of

the Indonesian military (TNI). Jakarta's failure to pursue effective reform underscores the need for the U.S. to use the only real leverage it has to press for change - strong and binding restrictions on military assistance.'

## Reporting requirements

According to the Bill, the release of the \$2 million FMF funds will be delayed until the State Department reports on steps taken by the Government of Indonesia on the prosecution and punishment of armed forces personnel 'credibly alleged to have committed gross violations of human rights'; on cooperation by the armed forces with 'civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights in East Timor and elsewhere; and on reforms to increase the transparency and accountability of military operations and financial management'.

IMET funding is delayed until the Secretary of State reports on steps taken by Indonesia 'to deny promotion to and to remove from service military officers indicted for serious crimes'; Indonesian government responses to Timor-Leste's Commission for Reception, Truth and Reconciliation; implementation of the 2004 Indonesian law requiring the Indonesian military to divest itself of businesses; and the removal of restrictions on travel to West Papua.

## A long way to go

Despite some progress, military reform still has a long way to go. The TNI's attachment to the belief that it is the only institution capable of protecting the unitary state of Indonesia remains a substantial obstacle. This is allied to a strong distrust of civilian politicians and a willingness to use excessive force, in the expectation of impunity, to maintain the country's territorial integrity.

The TNI's traditional reliance on business activities for around 50 per cent of its income is another major stumbling block. It is an impediment to civilian control and oversight and a source of tension and conflict with local communities. The antiquated territorial command structure of the army - which provides it with a presence down to the village level - facilitates legal and illegal business activities, especially since increased regional autonomy has provided more money and political power to the districts. The TNI has so far refused to abandon the territorial structure as it has become a lucrative money-making machine. In conflict areas, such as West Papua, the structure continues to afford the military an influential role in political and social affairs.

## Engagement a disincentive to reform

The Bush administration argues that the TNI is a key strategic ally in the global 'war against terror'. However, it is not clear what US military assistance will achieve given the TNI's own reputation for using the tactics of terror to

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### Negligent Neighbour: New Zealand's Complicity in the Invasion and Occupation of Timor-Leste

by Maire Leadbeater, 234 pages, Craig Potton Publishing.



The only complaint one might have with this excellent book concerns its title, which describes New Zealand as a negligent neighbour of East Timor (now known as Timor-Leste) during the invasion and brutal occupation by Indonesia.

Judging by Maire Leadbeater's highly readable account of her country's role, it is clear that New Zealand's level of culpability was far higher than negligence. Its complicity in supporting Indonesia's East Timor policy for geo-political purposes was in fact on a par with the collusion of the key western powers, Australia and the United States.

Maire Leadbeater is a seasoned campaigner (she now runs the Auckland-based Indonesia Human Rights Committee and is a prominent advocate for West Papua). Her personal recollections and experiences in the East Timor solidarity movement add considerable strength and authenticity to her chronicle, which also draws on declassified official documents, historical research and interviews with key players.

Underpinning the narrative is the moving story of East Timor's heroic resistance against oppression together with an informative overview of the history of the East Timor tragedy and the Machiavellian machinations of the international community.

The book can make depressing reading for those who believe that principle should take precedence over pragmatism on foreign policy issues such as East Timor. Leadbeater notes how she was shocked to find that 'almost every new batch of documents revealed new examples of the high-level subterfuge officials relied on as they plotted to help Indonesia deflect international criticism'.

However, there is some encouragement for activists in the discovery from official papers that 'solidarity campaigning had made more of an impact on Government officials and politicians than any of us had been aware of at the time. It is clear that Government officials were constantly gauging the strength of the solidarity movement and its impact on the public'.

The book raises the important question as to what would have happened if New Zealand had taken a different position and opposed the Indonesian invasion and occupation. Would that have had an effect on the other

global players and forced Indonesia to change its plans, Leadbeater asks. What counts, she suggests is 'not just the size of the country, but qualities such as a reputation for straight dealing and an ethical foreign policy. Deserved or not, New Zealand had a good name' in that respect and was a strong supporter of self-determination for Pacific Islands states. But it 'shamelessly put this "good name" to the service of Indonesia' despite the fact that it never gained anything from being conciliatory to Jakarta.

Leadbeater makes the point that New Zealand had withstood high-level pressure, including economic threats from the United States and Britain, over its anti-nuclear stand (an honourable exception to the pragmatic approach to foreign policy) so its lack of courage over East Timor was all the more regrettable.

New Zealand's complicity in Indonesia's annexation of East Timor is symbolised by its support for the Australian-led cover-up over the killings of the 'Balibo Five' newsmen in October 1975. This is now being exposed by the New South Wales inquest into the death of one of the men, Briton Brian Peters [see separate article]. The incident is regarded as a key moment in the invasion of East Timor since the lack of protest over the deaths by Australia, New Zealand and the UK is thought to have emboldened Indonesia to proceed with its plans.

Cameraman Gary Cunningham was a New Zealand citizen, but Leadbeater notes that the New Zealand government, anxious to avoid harming its relations with Indonesia, shamefully concluded there was no need for it to become involved in the dispute over how the men died. The fact that Cunningham was resident in Australia and employed by an Australian news organisation was used as a convenient justification for it to turn a blind eye.

Leadbeater presents the book as her way of addressing a 'personal responsibility to expose what went wrong in the past in the interests of putting things right in the present'. She has gone a considerable way to achieving the first part of the objective, but the second part is dependent on those in power, who may not yet have learnt the lessons of the past.

In common with other western countries, New Zealand has offered no apology for 24 years of complicity with Indonesian military brutality in East Timor, it has maintained close ties with the military forces responsible for widespread violations of human rights, and done little to ensure the perpetrators of crimes against humanity are brought to justice. These failures of national, institutional and individual accountability have clearly contributed to the recent breakdown of law and order in independent Timor-

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According to *The Jakarta Post* [6 June 2007], the list of such clashes is much too long to detail and is growing by the year.

Another case widely reported in the media concerns a plot of land in Meruya Selatan, West Jakarta where thousands of people are challenging a Supreme Court ruling depriving them of their property in favour of a private developer, PT Portanigra. The plaintiffs do not have much confidence in a legal system, which they regard as being very corrupt, with verdicts up for sale to the highest bidder.

The Supreme Court ruled that the company was entitled to 78 hectares of land, including 43.9 hectares

where more than 21,000 residents have been living for the past three decades.

The land in dispute is adjacent to two TV stations and several radio stations and has gained plenty of media attention without anyone resorting to physical violence. [Jakarta Post 6 June, and Straits Times 25 June 2007.]

During the more than three decades of the Suharto era, the political situation made it far too dangerous for people to defend their land rights. They could have been accused as members of the Communist Party which had promoted the issue of land reform until it was banned in 1966. But as many Indonesians are now discovering, little has changed since the start of the reform era which followed the fall of Suharto in 1998.

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the fighting. It was reported at the time that Laskar Jihad units which had been trained in Java were sent to Maluku to stir up trouble.

Sporadic clashes continued to occur up to 2001, with a mounting death toll. By early 2002, the death toll from clashes had risen to 5,000 while tens of thousands of people had fled their homes, becoming internally displaced people (IDPs). By early 2001, it was estimated that approximately half a million people had fled their homes because of the continuing violence. Since that time, most of these IDPs have been living in poorly equipped camps.

In 2000, units of the Indonesian army, the TNI, were dispatched to Maluku in an attempt to restore order. However, the clashes have continued intermittently and have resulted in the gutting of churches, mosques and schools, and the destruction of many thousands of homes.

In February 2002, a peace accord known as the Malino Accord was concluded but it was criticised by political parties and many human rights activists for being a top-down agreement which failed to involve grass roots organisations.

The more than two dozen people now under arrest and facing charges of rebellion or treason for staging a peaceful protest are likely to receive heavy sentences. A similar action in Papua two years ago resulted in two men being given ten and fifteen year sentences, simply for unfurling a flag.

It is not difficult to conclude that attempts to shrug off support in Maluku for independence will be of little avail and the government would be well advised to avoid resorting to harsh repression towards a movement that continues to enjoy support in the territory more than fifty years after the RMS was first proclaimed in April 1950.

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achieve its ends. ETAN suggests that reform efforts have all but stopped since the US began to re-engage with the TNI. 'Historically, the [TNI]'s worst abuses took place when the US was most engaged', it points out.

#### **Breaking news:**

The Foreign Operations Appropriations Bill has now been passed by the Senate Appropriations Committee. It approves the full administration request of \$15.7 million (House - \$8million) for FMF and provides for the withholding of all but \$6 million until the State Department issues a report identical to that required by the House. Under both versions, an amount of \$6 million is free of the reporting requirement.

The Senate Committee also offers an additional \$2 million when the Secretary of State reports that the Indonesian government has provided plans for effectively addressing concerns relating to strengthening the rule of law, military reform including budget transparency, and resolving the situation in Papua.

The Bill must now be passed by the full Senate and undergo a reconciliation process between the House and the Senate.

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but we always regarded them as non-combatants and we never understood why there was a sense that they could be just heartlessly killed with impunity.'

Shirley Shackleton, whose husband Greg was one of the five newsmen, and who has campaigned for years about the killing of the Balibo Five, said: 'It is a wonderful relief to hear it actually said publicly.'

Following these sessions, the inquest was adjourned and was expected to re-convene in around a month's time.

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Leste by sending the message that violence pays and that perpetrators can expect to enjoy impunity.

There is, suggests Leadbeater, an opportunity for New Zealand to atone in part for its past errors by making a difference on West Papua, but it must be 'prepared to put principle before the bilateral relationship with Indonesia' and 'abandon its acquiescent Indonesia-first foreign policy' if the East Timor policy debacle is not to be repeated.

Paul Barber, TAPOL

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